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Program and Budget Committee

**Thirty-Sixth Session
Geneva, June 22 to 23, 2023**

DRAFT REPORT

prepared by the Secretariat¹

¹ Delegations represented at the session are invited to submit their comments, if any, to controller.mail@wipo.int by September 25, 2023.

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1. The 36th session of the WIPO Program and Budget Committee (PBC) was held at the Headquarters of WIPO from June 19 to 23, 2023.
2. From October 2022 to October 2023, the Committee is composed of the following Member States: Algeria, Argentina, Armenia (2021-2022), Azerbaijan (2021-2022), Bangladesh (2021-2022), Belarus (2022-2023), Brazil, Canada, Chile, China, Colombia, Czech Republic, Egypt, El Salvador, Estonia, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia (2022-2023), Iran (Islamic Republic of) (2021-2022), Indonesia (2022-2023), Iraq (2022-2023), Italy, Jamaica, Japan, Kazakhstan (2021-2022), Kenya, Kyrgyzstan (2022-2023), Malaysia (2021-2022), Mexico, Mongolia (2022-2023), Morocco, Namibia, Nigeria, Oman (2022-2023), Pakistan (2021-2022), Panama, Poland, Qatar (2021-2022), Republic of Korea (2021-2022), Romania, Russian Federation, Saudi Arabia, Serbia, Singapore (2022-2023), Slovakia, South Africa, Spain, Sweden, Switzerland (*ex officio*), Syrian Arab Republic (2022-2023), Tajikistan, Tunisia, Türkiye, Turkmenistan (2022-2023), Uganda, United Arab Emirates (2022-2023), United Kingdom, United States of America, Uzbekistan (2021-2022), Viet Nam (2021-2022) (53).
3. Members of the Committee represented at this session were: Algeria, Argentina, Belarus, Brazil, Canada, Chile, China, Colombia, Czech Republic, El Salvador, Estonia, France, Germany, Ghana, Guatemala, Hungary, India, Indonesia, Iraq, Italy, Japan, Jamaica, Kyrgyzstan, Mexico, Morocco, Namibia, Nigeria, Panama, Poland, Romania, Russian Federation, Saudi Arabia, Serbia, Singapore, Slovakia, South Africa, Spain, Sweden, Switzerland (*ex officio*), Tunisia, Türkiye, Uganda, United Kingdom, United States of America (44).
4. In addition, the following States, members of WIPO but not members of the Committee, were represented as observers: Albania, Australia, Bahamas, Belgium, Cambodia, Cameroon, Côte d'Ivoire, Democratic People's Republic of Korea, Ecuador, Eswatini, Georgia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kuwait, Lithuania, Niger, Pakistan, Paraguay, Peru, Portugal, Republic of Korea, Republic of Moldova, Samoa, Slovenia, Sudan, Thailand, Togo, Ukraine, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of) (32).

ITEM 1 OPENING OF THE SESSION

5. Chair: Good morning, dear colleagues distinguished Delegates, dear friends. It is a pleasure for me to see all of you here today- both those of you who are here in this room, and those of you who are connected remotely. I should like to begin by welcoming you to this 36th session of the Program and Budget Committee (PBC). As you are aware, this is the second formal PBC Session this year. Consequently, this is a continuation of the work that we have been doing already. We have a difficult agenda before us, and we must work on this agenda and make adequate and effective progress in order to reach conclusions and decisions as is incumbent upon to this Committee. I look forward to a week of productive work with you during the various meetings we have this week. Allow me, as is customary, to welcome the Director General Daren Tang so he can make his opening remarks.
6. Director General: Excellencies, distinguished Delegates, dear friends, good morning to those of you here in this hall, and of course, to those of you joining us online, good evening, good afternoon, wherever you are calling us from whichever part of the world. Welcome to the 36th Session of the Program and Budget Committee (PBC). At the outset, I would like to thank the Chair and Vice Chairs for their leadership and guidance to the Secretariat during PBC 35, and in preparation for this session. I would also like to convey our deep appreciation to Regional Coordinators and Member States for your valuable input and engagement throughout the PBC process, as well as your steadfast commitment to strengthening the work of WIPO and through this, helping the innovators and creators that we serve through our work in this hall. Dear colleagues, dear friends, it is now two years since WIPO Members endorsed the Medium

Term Strategic Plan (MTSP) 2022-2026 and began WIPO's journey of transformation. In the MTSP, we set out our vision that IP must shift from a technical, legal matter into a powerful catalyst that enables innovators and creators from anywhere in the world to make their ideas a reality. Our conviction has been that we must engage not just with IP experts and specialists, but also those innovating and creating at the grassroots level, and that we must make IP relatable, understandable and impactful for all, so that the world can understand how IP is a catalyst for jobs, investments, growth, opportunity and development for all countries. This vision is our collective vision as the WIPO community, and we are pleased that from the very beginning this work has been enriched and strengthened by your guidance, feedback, directions and endorsement. Alongside the MTSP, Member States also approved a more strategic approach to budgetary planning and management. We are the only UN agency that provides four different views of our budget: (1) a results view to fully maintain the focus on impacts, (2) a sector view to strengthen accountability for implementation, (3) a Union view to reflect our treaties for constitutional transparency, and (4) a cost category view to maintain classical financial breakdown of the budget. We also have a leading practice of providing Member States with a running Q&A that provides further detail on relevant topics on an equal basis to all delegations. We do this because sound financial management, transparency and accountability are essential to realizing our work, maintaining trust with our Members, and within this atmosphere, to continue the work of bringing the benefits of IP to all. Over the past two years, we have worked hard and delivered concrete results for innovators and creators around the world. We have reinforced WIPO's traditional areas of strength, our Global IP services, by refining our services to add value to our users, engaging with them to get feedback on where we can improve, and continuing to invest in our infrastructure and technology to serve our users better. PCT, Madrid and Hague filings each hit record highs over the biennium, with a threefold increase in the caseload before the WIPO Arbitration and Mediation Center. Our committees and working groups have found new ways of bringing together the IP community to discuss international standards and norms, using the challenges of the pandemic to find new and effective ways of engaging, through hybrid and other creative formats. We have reinforced our reputation as a global forum, if not the global forum, for discussing cutting-edge IP issues. Over 3,000 people registered to attend our most recent conversation in March on IP and Frontier Technologies, themed around the Metaverse. We welcomed delegates from over 100 countries to our first High Level Conversation on Intangible Asset Finance in November last year. We have also strengthened platforms such as WIPO GREEN, WIPO ALERT and our Accessible Books Consortium, as well as created new platforms, such as the soon to be launched WIPO for Creators. Progress also continues in implementing the breakthrough decision of last year's Assemblies towards two diplomatic conferences next year on the protection of designs and IP, genetic resources and associated traditional knowledge. At the same time, we have reimaged and intensified our work of bringing IP to the grassroots. Over 90 impact-driven projects have been launched in the past two years, with a particular emphasis on providing women, youth, SMEs and indigenous communities with strong and concrete support to leverage IP for economic and social development. We have introduced flagship programs for women entrepreneurs and innovators in countries such as Jordan, Egypt, Namibia, Pakistan and Bangladesh. Support doesn't mean a two day seminar or three day workshop, but an eight to eleven month mentorship program to help participants incorporate IP into their life or business journey, leveraging on the power of IP in a practical way to bring their vision to the market, creating jobs for their community, and ultimately supporting the development of the local and national economy. The WIPO Academy, the world's largest provider of IP training and skills, now offers over 300 courses which reached more than 270,000 people over the past two years – nearly three-quarters of whom are from Asia, Latin America and Africa. Our course offerings are increasingly focused on practical IP skills, and that is why out of the 270,000 trained, 40,000 were SMEs. More than 40 Member States from all WIPO regions have accessed our COVID-19 response package, which we are now proposing to evolve into a package to help countries recover post-pandemic. Earlier this year, we launched, at LDC5 in Doha, a LDC graduation package that will help our LDC members tap on a holistic suite of support to harness

technology, innovation and creativity as part of their graduation journey. We have also created tools like the WIPO diagnostics tool for SMEs, which was accessed more than 12,000 times in its first year of use, generating 2,000 bespoke reports for SME owners. We are implementing IPGAP, our first IP Gender Action Plan, to help level the playing field across IP, innovation and science to ensure that we address the gender gap in these areas as well as support the work of bringing more girls and women into STEM. All these are just a snapshot of the work we are doing each day to help the innovators and creators of each WIPO Member State, with your encouragement, support and guidance. With this spread and depth of work, I am pleased to reiterate what my colleague Assistant Director General, Administration, Finance and Management Sector outlined to this Committee last month, that over 75 percent of our key performance indicators are on track, and we appreciate the trust that you continue to place in us to discharge our duties efficiently and effectively. Needless to say, this Committee is where the heavy lifting occurs to support the resourcing and programming of our work. Not only is this work critical to maintaining WIPO's strong financial performance, but your deliberations guide us towards generating impact where our support is needed the most. That is why we are grateful for your inputs and engagement with the proposed Program of Work and Budget for 2024-25. The draft before you has been updated to reflect the latest forecasts of the Chief Economist, alongside other decisions adopted at PBC 35. During that meeting, it was encouraging to see strong interest in WIPO's work to promote inclusiveness in the field of intellectual property, as well as our role in advancing the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. As many of you are aware, just last month, I had the honor and opportunity of launching WIPO's first conference on IP and the SDGs, co-organized with the government of Portugal. I have often said that IP is no longer just a technical vertical, but has become a horizontal enabler, cutting across different areas of work and of relevance to an increasing number of stakeholders and issues. To address our common global challenges, we now need to use IP to unleash the innovative and creative energies of all peoples for the SDGs. Our work in this area is therefore not just focused on SDG 9, but across all 17 SDGs as we believe that IP, innovation and creativity can support our common goal of building a fairer, better and more sustainable world. That's why delivering for the 2030 Agenda is embedded across the work of every WIPO sector, and that's why we have published a new report identifying how IP offices are supporting the SDGs. WIPO has just completed our first full year as a member of the UN SDG Group and we are confident that our continued work in this area will open the door to new and exciting collaborations with other UN agencies and stakeholders. I am also pleased to share – as I did in Lisbon – that the theme for next year's world IP Day will be on IP and SDGs. So let us work together to make IP a force for good for all of humanity. Dear colleagues and friends, dear Delegates, underpinning all this work is the Organizational health of WIPO. This week's agenda includes a number of audit and oversight reports critical to the governance, efficiency and smooth functioning of the Organization and I would like to thank the External Auditor, Director of the Internal Oversight Division, and the WIPO Independent Advisory Oversight Committee for their contributions. Robust internal controls are critical to sustaining trust and confidence in WIPO, with the tone set at the top. That is why I am personally invested in ensuring that WIPO is recognized for adhering to the highest standards of governance and compliance, including through my chairpersonship of WIPO's Risk Management Group. As with other areas, this is a work in progress but we welcome the fact that the auditors have recognized the robustness and maturity of WIPO's approach to risk management and ensuring that we have effective guardrails in place to deliver for you and your innovators and creators. Finally, you will also return to various items discussed at PBC 35 and the 2022 Assemblies this week. This includes issues such as the draft Terms of Reference for the 2021 Evaluation of WIPO External Offices, with the Secretariat ready to support Member States in these discussions as requested. In closing, these past two years have been exciting and rewarding. We have worked hard to translate the MTSP into concrete programs, initiatives and impact on the ground to build a more inclusive IP ecosystem and to make IP part of the solution for our common global challenges. Let us now consolidate and build on this work, so that IP can be a powerful tool and enabler for innovators and creators everywhere. Thank you for your

commitment to the work of this Committee and to WIPO. Let me wish you productive discussions in the days ahead.

7. Chair: Thank you very much, Director-General, for such a thorough and positive presentation. As also for opening the session, the 36th session of the Program and Budget Committee (PBC). I will now give the floor to the Secretariat to make an administrative announcement.

8. Secretariat: There are just a couple of points I would like to remind the delegations. As the meeting proceeds, if you have proposals, questions and comments, these should be sent to controller.mail@wipo.int. That will help us streamline collection, review and response to it. I also wish to ask those who are attending in the room that requests for the floor will be, as usual, through the pressing of the button in front of you. The microphone will turn green when you indicate that you are requesting the floor. When you start speaking, it will turn red. We kindly ask that, as much as possible, you remain in the seats designated for your country because the IT system has been configured based on this predesigned seating plan. Regarding interpretation and audio quality, please be aware that the job of our interpreters is increasingly difficult in the hybrid environment so try to speak slowly and clearly, and this applies to all members here in the podium, I am afraid to say, as well as all colleagues who will take the floor during the meeting. Thank you so much for your cooperation in that regard. For those who are connecting remotely, and I see several have connected, it is strongly recommended that remote participants enable their web camera when taking the floor, and use a headset with an integrated microphone and limit the background noise when speaking. This will help you be more audible and clear in the room. Delegates are also requested to send their statements in advance to interpretation@wipo.int, if possible. Again, this will ease the work of our interpreters. For technical questions or issues, please send an email to e-meetings@wipo.int, or reply to the joining instructions email you have received.

ITEM 2 ADOPTION OF THE AGENDA

9. Discussions were based on document WO/PBC/36/1 PROV.2.

10. Chair: We will now proceed with Agenda item 2: "Adoption of the agenda". There is a provisional document available which is WO/PBC/36/1 PROV.2, and we shall address this document shortly. I would like to remind delegations that this is a hybrid meeting, consequently, we have delegates in this room as well as delegates connecting remotely. In order to facilitate the review and discussions of the various items this week, I would like to remind you that as was done at the last PBC session that the agenda has been structured in accordance with the following high-level grouping: 1) Audit and Oversight; 2) Performance and Financial Review; 3) Planning and Budgeting; 4) Items following decisions of PBC 34 and 2022 Assemblies of WIPO Member States; and 5) Election of Officers. I open the floor now on document WO/PBC/36/1 PROV.2, for any comments Agenda item 2.

11. Delegation of Venezuela: I am making this statement on behalf of the Latin American and Caribbean Group, GRULAC. Director General, Chair, our Group wishes to express its gratitude to the Secretariat for preparing the documents for analysis and we also wish to reassure you of our active and constructive participation in addressing the various agenda items of this meeting. We welcome the fact that the Director General is here with us today and we thank him for his report. We take note of his commitment to the Organization, Member States and to Intellectual Property as a tool for growth, development and innovation. For our Group, this proposed budget will enable a positive exchange between the Secretariat and the Member States. We attach the greatest importance to issues pertaining to gender and we refer to this in a joint declaration. We thank the Secretariat for preparing the documents that we are currently analyzing and we wish to highlight the usefulness of the Human Resources briefing as well as attempts to improve negotiations on issues under consideration this week. We have worked in

consultation with our colleagues and we continue to pay attention to the need to develop new perspectives, which take into account the concerns of our members. As we have expressed on previous occasions, GRULAC attaches particular importance to all issues, especially, the Program for Work and Budget for 2024-2025 biennium. Additionally, we look forward to the upcoming Assemblies of the Member States of WIPO. We take note of significant aspects of the correct functioning of the Organization including holding unusual events, such as the two Diplomatic Conferences for which our region has been working intensively on in the spirit of constructive dialogue to ensure an outcome, which is ambitious, balanced and effective. In the specific case of the Diplomatic Conference on Genetic Resources and Traditional and Related Knowledge it is of importance to the Group to promote the participation of indigenous groups and local communities with careful attention being paid to financial and human resources. We take this opportunity to reiterate our gratitude to Australia for its contribution to the Voluntary Fund at the last IGC meeting. We make an appeal to other countries to follow that example. Concerning the work method, GRULAC is in favor of an open-ended format, which is inclusive thus allowing all Member States to listen to the reasoning behind the various proposals under consideration. Chair, GRULAC places its trust in you and we are ready to contribute to a balanced result, which is beneficial to all.

12. Chair: Thank you very much distinguished delegate of Venezuela for your statement. In principle, we did not have an item on general introductions and I was going to open the floor for specific comments if any on the agenda later on. Nevertheless, I will give the floor now to the next delegation for general statements.

13. Delegation of Switzerland: Chair, Group B is confident that we will be able to count on your leadership in this 36th PBC session to guide our discussions. We would like to thank the Secretariat for its hard work in organizing this session and for preparing the documents. We note with regret that important documents such as the Annual Report on Human Resources, and the Independent Advisory Oversight Committee Report were published only a few days in advance of PBC 36. This does not allow sufficient time for a thorough review and analysis by Member States. One of the reasons for this problem is the decision to move the WIPO Assemblies to July, which puts both the Secretariat and Member States in a very difficult situation. As we stated at PBC 35, the previous arrangement of having the Assemblies in the fall used to work well for all delegations. Changing a successful system only seems justified to achieve further improvements in efficiency and quality of our preparations and as we can see now, the contrary seems to be the case. Group B would also like to express its continued gratitude to the External Auditor, the Independent Advisory Oversight Committee, and the Internal Oversight Division for their reports to this Committee. They all play an essential role in the audit and oversight mechanism of WIPO. To save time for the discussions ahead of us this week, we will deliver substantive comments under the relevant agenda items. Our Group is convinced that your guidance and our collective efforts throughout this session will lead us to good discussions and positive outcomes. You can count on the full support of Group B in this endeavor.

14. Delegation of Poland: Honorable Chair, honorable Director General, let me begin by joining previous speakers in thanking you for the opening of this session. Poland is honored to deliver this opening statement on behalf of the Central European and Baltic States Group. We would like to thank you, Chair, and the Vice-Chairs for your dedication, commitment, and engagement in the work of the PBC. We commend you for your effective work during PBC 35, and we wish you success in chairing this 36th session of the PBC. We also extend our warm thanks to the Secretariat for their dedicated work especially for the preparation of the PBC documents and communications with WIPO members. Similarly, we would like to thank the IAOC, the IOD, and the External Auditor for their reports. All topics and matters envisaged by the Committee agenda for PBC 36 are very important for the CEBS Group members. We look forward to discussing matters related to WIPO's management as well as human resources

policies and strategies. Allow me to reiterate the CEBS Group position expressed during previous PBC sessions, we attach great importance and see the need for further improvement of the geographical diversity and gender parity of WIPO staff. In this context, the lack of progress regarding the improvement and the equitable geographical representation in WIPO in the latest update of the Annual Report on Human Resources is a subject of concern for the CEBS Group. This requires reflection upon some of the approaches with a view of ensuring that there are better outcomes. We look forward to a constructive continuation of the debate with respect to the Draft Terms of Reference for the Evaluation of the External Offices, this session should bring us closer to developing a solution acceptable to all WIPO members. Developing a specific and detailed terms of reference is vital in ensuring high-quality monitoring and evaluation of the operations of External Offices, and the effectiveness of resources allocated to them. We hope for a constructive dialogue on the outstanding issues related to the Proposed Program of Work and Budget for 2024/2025 biennium. At the same time, we reiterate the need to ensure timely access to documents as they are subject of the PBC's work, therefore they require an in-depth analysis and they should be published ahead of the PBC session. The late publication of the IAOC Report as well as the Annual Report on Human Resources, both documents of vital importance for the PBC's work has made the process for the respective national institutions challenging. Chair, considering an intensive week ahead of us, let me reassure you once again of the constructive engagement and support of the CEBS Group in the work of this Committee.

15. Delegation of Ghana: Ghana is honored to make this statement on behalf of the African Group. The African Group congratulates the Chair and Vice-Chairs on their work so far, especially during the last PBC held only a few weeks ago, and thanks the Secretariat for the revised documents for discussion at this session. The Group thanks the Secretariat for its diligent efforts in incorporating the comments and suggestions, put forward by Member States during PBC 35. Particularly, in the Proposed Program of Work and Budget for the next biennium, and the Update of the Mechanisms to Further Involve Member States in the Preparation and Follow-up of the Program of Work and Budget. We believe that incorporating diverse perspectives ensures a more inclusive and comprehensive approach to the decision-making process. The African Group reaffirms the importance it attaches to WIPO's contribution to the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, as well as the strengthening of the implementation of the Development Agenda. We welcome the Annual Report on Human Resources and we look forward to taking note of the progress made in implementing the decision of the Coordination Committee in 2022, particularly, on the issue of equitable geographical representation in the WIPO workforce. The Group recognizes the importance of evaluating WIPO's External Offices to improve effectiveness and performance and we hope that the Committee will make progress in defining the terms of reference for such an evaluation, based on objective, transparent and a fair criteria, and taking into account the distinct characteristics and types of operation of each External Office. Finally, we urge all Member States to engage constructively in deliberations to reach mutually acceptable outcomes.

16. Delegation of Indonesia: Indonesia is delivering this statement on behalf of the Asia and Pacific Group. The APG is delighted to see you again chairing this 36th PBC session and assures you and the Vice-Chairs of the Group's full support throughout the week's deliberations. The Group also extends its appreciation to the Director General for his remarks, and the Secretariat for the preparations and active engagement leading up to this meeting. The APG looks forward to a productive session and tangible outcomes for this Committee ahead of the General Assemblies. Indeed, the 36th session of this Committee has important agenda items to consider and the Group is hopeful that deliberations will continue to be characterized by a spirit of cooperation and flexibility by all Regional Groups and Member States. Chair, the APG reiterates the important role this Committee plays in carrying out the Organization's mission of leading the development of a balanced and effective Intellectual Property system that enables

innovation and creativity for the benefit of all. The Group congratulates WIPO for its continued solid financial performance, despite a volatile global environment and we also commend efforts to increase budgetary allocation of development oriented and technical assistance programs. We are of the view that the continued focus on carrying out development in impact driven programs can further contribute to the achievement of the related SDGs. Chair, in the interest of time, the Group and its Member States will make their substantive observations under the relevant agenda items. We thank the IAOC, the External Auditor and the Internal Oversight Division for their various reports and we look forward to discussions on these reports. Likewise, we also look forward to the Annual Financial Report and Financial Statements for 2022, as well as the Annual Report on Human Resources. We look forward to constructive discussions on the Proposed Program of Work and Budget for 2024/2025, including pending items from previous sessions. The Group once again reiterates its commitment to contribute positively to deliberations and the work of this Committee.

17. Delegation of Tajikistan: Tajikistan has the honor of delivering this statement on behalf of the on behalf of the CACEEC. I wish to begin by thanking the Secretariat for their tireless work for the preparation and dissemination of the PBC documents prior to the meeting. Chair, the CACEEC Group expresses its readiness to engage in the work of this Committee in a constructive manner, and firmly believes that under your skillful leadership and with the assistance of your Vice-Chairs we will have smooth discussions for the successful conclusion of the Committee's work. We note the WIPO Proposed Program of Work and Budget for 2024/2025, and we also express our gratitude to the External Auditor, IAOC and IOD for their reports. Among other issues before us today our Group wishes to reiterate that the issue of geographical balance within the WIPO workforce is of the highest importance to us, especially, for Member States from the CACEEC Group who are underrepresented. In this regard, we thank the Secretariat for preparing a comprehensive Annual Report on Human Resources, and for organizing an information session. We acknowledge the progress made by WIPO towards geographical diversity; however, we still look forward to solutions, which can further improve the geographical representation from our Group, especially those that have no representation. Finally, the CACEEC Group acknowledges that we have a substantive agenda before us today, therefore we remain engaged and we will contribute to the successful completion of the work of this session. Our Group wishes everyone productive discussions with a pragmatic and constructive approach, throughout the PBC sessions.

18. Delegation of China: Firstly, on behalf of the Chinese Delegation, I would like to thank you and the Secretariat for the tremendous preparatory work for the smooth convening of this PBC session, and we wish the session great success under the leadership of you and the Vice-Chairs. Chair, China attaches great importance to all the agenda items to be discussed this week on audit and oversight. China thanks the IAOC, IOD and External Auditor for their great work over the past year, and for the submission of their annual reports. China always believes that strengthening internal and external oversight and accountability is an important means to guarantee good WIPO's governance and its work improvement. Regarding the Proposed Program of work and budget for 2024/2025, China has actively participated in the budget-related discussion in our PBC session last month. We would like to thank all parties for their suggestions and comments on these important topics and we appreciate the Secretariat for the update on the budget and the relevant Q&A document, based on the discussion of the last session. The Program of work and Budget is an important foundation for WIPO's governance and operations, and it deserves the Secretariat's and the Member States' thorough discussion and analysis, before making any decision. China stands ready to continue discussions with all parties on budget-related issues in a constructive manner in order to promote bridging gaps and reaching consensus.

19. Delegation of Spain: Thank you Director General for your remarks. Many thanks also to the Secretariat and those who have worked internally and externally on preparations for this

session. We endorse the statement made by Group B about the publication of the documents but we wish to focus also on the delay in publishing the translations. We think that this is an important issue given the importance of multilingualism in the Organization.

20. Delegation of the Russian Federation: The Russian Federation aligns itself with the statement delivered by the Delegation of Tajikistan, speaking on behalf of the CACEEC Group. We are happy to welcome the Director General Mr. Tang, the Assistant Director General, Administration, Finance and Management Sector, colleagues from the Secretariat and also participants to this 36th session of the Program and Budget Committee. We are grateful that the Director General managed to find the time, despite his heavy agenda to attend the opening of this session, which is one of the most important WIPO bodies. We also wish to welcome and thank the External Auditor, colleagues from the IAOC and the IOD. We thank them for having prepared the relevant reports for this session. Furthermore, we wish to extend greetings to the Chair and Vice-Chairs. It is our hope that your wise and impartial guidance will allow us to succeed in making progress on the discussions of the proposals for the Program of work and Budget 2024/2025 and indeed also on other issues that are no less important on our agenda, we hope will be discussed in a productive manner, these include issues relating to the convening of the diplomatic conferences. We note that since the last session we still have a significant number of outstanding issues including relating to the proposed Program of work and Budget. It is, therefore, our hope that we will have a constructive and multifaceted approach involving all parties and the Secretariat on this issue. We think it is important to focus on issues relating to promoting equitable geographical representation, the multilingualism policy, gender equality and digital transformation. The Russian Federation stands ready to participate in productive and fruitful work on all agenda items and we will make a substantive contribution to the work of this Committee. We emphasize that in planning for the work of the Organization and adoption of decisions it is necessary to bear in mind the long-term prospects and the strategic interests of all parties. That being so, we think that it is particularly important that adopted decisions are not intentionally politicized Chair, we will also have a statement to make on the agenda itself.

21. Delegation of United States of America: Good morning, colleagues. The United States supports the statement made by the distinguished delegate of Switzerland on behalf of Group B. Chair, the United States is pleased to see you chairing again the PBC and also welcomes back your Vice-Chairs. We are confident that through your leadership our discussions will be productive during this meeting. We also thank the Director General for his remarks this morning. The US delegation welcomes the draft Program of Work and Budget and appreciates the effort of the International Bureau that went into preparing the document, however as I will explain the US continues to have concerns with the draft, as it stands. Chair, as always, our intent is to provide constructive comments to help improve fairness, balance and accountability in the draft Program of Work and Budget. Firstly, the proposal of some Member States to conduct an evaluation on data security matters for WIPO cloud projects was satisfactorily resolved and agreed to during PBC 34 because this is an attempt to reopen issues without cause or justification, the United States is unable to support this proposal. Secondly, Russia's External Office remains open and is well funded in the draft Program of Work and Budget document despite its limited activities, which is a direct result of Russia's unjustified invasion of Ukraine. Russia's IP-related action since the war, including the passage of legislation and issuance of decrees that undermine the protection and enforcement of Intellectual Property rights for foreign rights holders are indeed contrary to WIPO's mandate to provide protection and enforcement of IP throughout the world. For these significant reasons, the United States maintains that funding for the External Office in Russia should be substantially decreased. Thirdly, the 30 per cent proposed increased funding for the Lisbon system, which includes a proposed 46 per cent increase for its promotion through the subsidization of PCT users largely of US origin is problematic for the United States. Relatedly, the United States has concerns with the suggested addition concerning a performance indicator on the number and percentage of

Geneva Act of the Lisbon Agreement and Member States that are satisfied with technical assistance and support received. This has necessitated an edit for this delegation, which we will discuss further during the discussion of Agenda Item 10. Fourthly, the proposal to include the budget of the Regional and National Development Sector's (RNDS) Development Agenda Coordination Division as an annex to the draft Program of Work and Budget will not provide a complete picture of WIPO's development related programmatic work. It is the program level of the Organization where funding and implementation of this kind of activity occurs and as such other divisions fund these activities. Thus, the United States does not support including an inaccurate and incomplete perspective of development-related expenditure in the draft budget, including in an annex. Lastly, the United States strongly supports the active participation of indigenous groups in the IGC and in the Diplomatic Conference to negotiate a legal instrument on Intellectual Property, Genetic Resources and Traditional Knowledge associated with GRs. Notwithstanding the important need to have the relevant parties at the table, we have concerns regarding proposals that would allow WIPO's core budget to pay for that activity. Funds contributed to the Voluntary Fund were to be set apart from the regular budget and Member States are welcome to contribute freely to the fund, but at no time did one need to support the other. Another concern is having the regular budget pay for the participation of Observers. The United States suggests that the Secretariat provide an estimate on the amount of funding that should be made by voluntary contributors to the WIPO Voluntary Fund for the 2024/2025 mandate of the IGC and the 2024 Diplomatic Conference. That estimate will help to encourage Member States to contribute the necessary amount to the Fund and/or directly fund indigenous peoples from their own countries as participants. We also suggest that the Secretariat conduct outreach during this year's General Assembly and thereafter to Member States to obtain additional donors. Chair, the United States appreciates the opportunity to provide its views and we look forward to our discussions this week. In conclusion, the United States has serious concerns with the Proposed Program of Work and Budget for 2024/2025. We look forward to addressing our concerns to enhance fairness, balance and accountability in the draft Program of Work and Budget.

22. Chair: I should like to remind you since we are just beginning this week's work, that I do need brevity on this agenda item. I also wish to remind you that it would greatly help the interpretation services if you were to provide us with your written statements in accordance with the request made by the Secretariat which has also appeared in the information you have received.

23. Delegation of Iran (Islamic Republic of): My delegation wishes to express its gratitude to you and the Secretariat for the preparation of the session as well as the hard work undertaken, for the preparation this session, in particular drafting the Program of Work and Budget, and with all other significant reports that will be presented by the External Auditor, the IOAC and Human Resources. Let me assure you of our full support and cooperation in the course of the Committee's deliberations, we also appreciate the preparation of the session with the Secretariat as well as the hard work that has been undertaken and my delegation aligns itself with the statement delivered by Indonesia on behalf of the APG Group. Chair, we strongly believe that WIPO and Member States should recognize the need for balance in the development of international IP systems and greater attention to addressing historical imbalances in the establishment of international rules to include issues of key importance to developing countries. We believe that the Program of Work and Budget should adequately distinguish development activities to identify activities that address the need for balance in IPR regimes given the context of each country and possible situations that may occur in various policy-making areas, such as: agriculture, health, education and access to technology. Mr Chair, my delegation believes that transparency and openness within WIPO, in particular in the budgeting process is of the utmost importance. We would like to see WIPO's budget and creativity for the economic, social and cultural development of all countries through a balanced and effective Intellectual Property system. To achieve this objective, clear roadmaps of

initiatives that effectively address the challenges are necessary. We are of the firm belief that the Development Agenda should be regarded as a process that needs to be constantly mainstreamed in all WIPO's activities and Committees. In this regard, all WIPO bodies should take due account of each recommendation in their activities, in particular in their policy-making decisions. Accordingly, taking account of these recommendations in substantive programs in the course of the next biennium is the key priority for both the Organization and the Member States. Mr Chair, enhanced South-South cooperation needs to be projected in WIPO's Program of Work and Budget, including through the establishment of dedicated coordination mechanisms. This, together with proper budgetary allocation is essential for both developing and the least developed countries. My delegation underlines the significance of the technical assistance in the Program of Work and Budget for the next biennium and the sources allocated to the activities of WIPO Academy. My delegation also recognizes the prominence of the Small and Medium-sized Enterprises (SMEs) for innovation in WIPO's activities to which due consideration must be given in the Program of Work and Budget. We encourage enhanced and successful activities for the WIPO Academy and for SMEs to be promoted during the next biennium. Chair, while recalling that norm-setting activities should be inclusive and Member State-driven, we would like to highlight the importance of the improvement of all issues on the normative work agenda that would be based on multilateralism, a multilateral spirit and the political will to achieve outcomes benefiting all Member States. We would also like to emphasize the importance of mainstreaming geographical representation in all WIPO activities, specifically the staff composition. We believe that geographical representation is a fair mechanism to ensure more transparency and efficiency to the work of the Organization. In this regard, we take note of the Annual Report on Human Resources and we will provide our specific comments in due course. My delegation would also like to underline the significance of technical assistance and we recognize the prominence to be given to women led entrepreneurs in the next biennium. In the interest of time, my delegation will provide its comments regarding each agenda item in due time. Let me once again assure you of our commitment in engaging constructively in negotiations during the course of this Committee's deliberations.

24. Delegation of Pakistan: We will provide our complete statement to the Secretariat. At this stage, I have the following points to make; Pakistan aligns itself with the statement delivered by the distinguished delegation of Indonesia on behalf of the Asia Pacific Group. My delegation thanks the Director General for his statement made just now. As one of the specialized agencies of the United Nations, WIPO has a shared responsibility in supporting the UN's broader agenda for sustainable development and contributing to the implementation of Sustainable Development Goals. The COVID-19 pandemic and the subsequent economic crises have had a significant impact on the global development agenda and slowed down and in some cases reversed the progress towards achieving SDGs. While these crises negatively impacted all SDGs, this has been more pronounced on some of them, such as health, education and climate. My delegation acknowledges that WIPO's contribution to the implementation of SDGs has broadened over the last few years as is evident by a number of demand driven projects and programs, launched by WIPO in numerous developing countries, including under WIPO COVID-19 response package. We are of the view that this positive trajectory should continue with integrating SDGs into strategic planning and decision-making process. My delegation welcomes the announcement made by the Director General regarding the theme of next year's IP Day on IP and SDGs. We hope that the Program of Work and Budget document of this Organization will continue to evolve to systematically assessing how WIPO can contribute to each SDG and identifying concrete actions to support their implementation, as well as with more comprehensive information on development expenditure. Pakistan attaches great importance to the evaluation of the entire network of WIPO External Offices. We reiterate our call for an objective, transparent, external and independent evaluation of the entire network, with a view to decide the future of the network in accordance with the 2015 guidelines of the Assemblies. Lastly, my delegation would like to reiterate the need to

universalize the Committee's membership to all Member States of WIPO. We look forward to a decision on this matter during the upcoming Assemblies in July this year.

25. Delegation of France: Chair, France wishes to thank the Secretariat and all of the WIPO services who are involved in updating the Program of Work and Budget. The delegation of France supports the statement made by Switzerland on behalf of Group B. We regret, nonetheless that documents were published very late and frequently in English only. This does not allow Member States to consider and to analyze in-depth the documents and this also goes against the wish to involve Member States in the decision-making processes.

26. Chair: You have had the opportunity to make your general comments and there are no other requests for the floor, let us move on to the decision paragraph to take a decision on the agenda. The decision paragraph is now displayed by the Secretariat in English on the screen: "The Program and Budget Committee (PBC) adopted the agenda (document WO/PBC/36/1 PROV.2)." I see that the Delegation of the Russian Federation is requesting the floor.

27. Delegation of the Russian Federation: Thank you, Chair, colleagues, good morning. We would like to draw attention to an unacceptable blemish within the governance of WIPO. At the last session of the PBC we considered an agenda item that was titled "Assessment Report on the issue of sustainability in procurement (in the context of Regulation 3.8 of the Financial Regulations and Rules (FRR))." As you will recall, the PBC merely took note of a Secretariat document, although our delegation was extremely surprised by such a relatively modest decision. We wish to recall that a year ago when amendments were presented for the Financial Regulations and Rules (FRR), the Russian Federation and a number of other countries spoke against the inclusion of the criterion of sustainability within the WIPO Financial Regulations and Rules. In justification of that, we put forward weighty and substantive arguments that were repeated at the 35th PBC session. A year ago, in order not to block the entire package of amendments to the FRR, the Secretariat proposed to us a compromise decision. We agreed that we would agree with those amendments for which there was a general agreement. But on the question of "sustainable procurement", the Secretariat would prepare a report. It was understood that after discussions and exchange of views amongst Member States, there should then be the adoption of a self-standing decision on the appropriateness or not of including sustainability in procurement. In other words, we were talking about discussion and taking a decision, and not just reading a report and taking note of it. The Secretariat interpreted our gesture of goodwill in this so-called compromise, as an instruction or an allowance for them to act, and as a result on 1 January 2023, we saw the entry into force of amended FRRs, and these include the contradictory term "sustainable procurement." Now, we understand why at the last session, we did not get any answer to a question that we asked repeatedly about further discussion and action on the topic of "sustainability" within the Financial Regulations. From the point of view of the Secretariat, that question was superfluous and document had already entered into force. The last time the Secretariat preferred simply to omit this fact, and as we know, a lie by omission is still a lie. We think that such a state of affairs and a way of considering Financial Regulations is absolutely unacceptable. In light of the above, our proposal Chair, is this, we propose that we discuss again the Agenda Item that is titled: "Assessment Report on the issue of sustainability in procurement (in the context of Regulation 3.8 of the Financial Regulations and Rules (FRR))." At the last session, we discussed this; however, all we did was take note of the report. We think that that is not a correct way to proceed when it comes to the consideration of this particular agenda item. Therefore, we are proposing that it be re-discussed and that we reflect in the draft decision comments and opinions expressed by Member States. You can actually take them from the previous session, or they can say them again. In this manner, we will be correcting or adding to the draft decision. I hope this clarifies our proposal.

28. Chair: As you can see there was a proposal from one delegation to include a new item on our agenda the agenda which is already very complicated. I therefore now open the floor for any delegations wishing to take the floor on that subject.

29. Delegation of China: The Chinese delegation supports the distinguished Delegation of the Russian Federation in terms of the issue of procurement in sustainability.

30. Delegation of the United States of America: Thank you, Chair, for giving me the floor. Perhaps we can have a short coffee break to reflect on this proposal?

31. Chair: Obviously this is one of the few tools available to a Chairman I was already thinking about it myself so in fact let us have a ten minute coffee break and then come back to continue to deal with item 2 on our Agenda, let us come back then in 10 minutes.

32. Chair: Let us resume the session of the Committee. What is being submitted for consultation are some procedural issues given this we are going to give the floor now to the legal services of WIPO for them to make a statement, and if I am not mistaken, they will do this in a remote format, so I am going to give the floor to the legal services for their comments.

33. Secretariat: Good afternoon distinguished delegates, if I may, I just want to ensure that I understand the question raised by the distinguished Delegation of the Russian Federation, and that is whether they can add an agenda item to the current Draft Agenda of the Program and Budget Committee, is that correct?

34. Chair: Yes, that is the question.

35. Secretariat: I would first note that the WIPO Financial Regulations and Rules reflect in the relevant regulation the concept of "sustainability". However, if Member States wish to discuss that issue as was discussed during the last PBC session, it is indeed the case, the session may decide to add a new item to the Agenda, provided they are of an urgent character. This is according to Rule 5 of the WIPO General Rules of Procedure. The rule continues "...The discussion of any such items shall be deferred for forty-eight hours if any delegation so requests." While in the first instance "...the assembly may add the agenda item, by a majority of two-thirds of the votes cast..." "it may also be discussed after 48 hours if any delegation so requests". I hope this clarifies the question, Chair.

36. Chair: I thank WIPO Legal Counsel for those comments. I think that clarifies the current situation. I take this opportunity to open the floor for statements. Do you agree with the proposal of the Russian Federation, which is to include an additional item to the agenda of our Committee? Do you agree according to the Rules of Procedure as explained by the Legal Counsel?

37. Delegation of the United States of America: Thank you, Mr Chair. While the rule is clear, what is unclear to us is the urgent character of this item. Can the Secretariat explain why we actually need to discuss this again? In our view, this item was closed and the decision was adopted. Perhaps, we can go through the chronology of events and the decision taken by this Committee can be displayed on the screen to refresh our collective memory.

38. Chair: We will need an explanation of the urgent nature of the proposal we need to ask the delegation submitting this request to add an agenda on the item. So as I understand that the Russian Federation, yes, indeed should explain the urgent nature of this proposal so that the decision on the agenda is then in compliance with the rules of procedure.

39. Delegation of the Russian Federation: Thank you, Chair. I will start with the larger point about urgency, as it stands at present the Financial Regulations and Rules are already being applied and they contain this term “sustainability”, it is one of the elements or one of the criteria within the process of procurement. For that reason, the situation is that the Member States agreement was not expressed on this topic. In fact, it all seems rather contradictory. Procurement happens every day and it is happening in accordance with the rules that are being applied. However, there is no agreement on those rules, so we think that it is necessary to take urgent measures to introduce clarity and for the amendment of the rules. I hope that that explanation is understandable.

40. Delegation of Canada: Thank you, Mr Chair. Similarly, to perhaps other delegations, we failed to see the urgent character of this issue in our reading of the situation, the addition of the word “sustainability” in the Financial Regulations and Rules was the subject of a proper approval by the Assemblies in 2022. It goes back as follows: the document WO/PBC/34/12 in the annex in page 38, in the English version, the word “sustainability” is clearly there as a proposed amendment. In document PBC/34/16, there is language in there that says that it is: “...(i) recommended to the WIPO General Assembly to approve the proposed amendments to the Financial Regulations as contained in the Annex to the present document WO/PBC/34/12...”. There are no revisions listed in the paragraph that pertain to the issue of “sustainability.” By reference to document PBC/34/12 effected the recommendation to the Assemblies to add the word “sustainability”, these recommendations were then presented to the Assemblies in A/63/7 which contained by reference, and the attachment, the list of decisions in document PBC/34/16 which states “...and invited the Assemblies, each as far as they are concerned to approve these. The decision by the Assemblies as in document A/63/10, paragraph 168 states that: “The Assemblies of WIPO, each as far as it is concerned, approved the recommendations made by the Program and Budget Committee as contained in ...” A/63/7 which referred to PBC/34/16, which referred to PBC/34/12. Therefore, in our view, this is very much a proper decision by the Assemblies to add the word “sustainability”.

41. Delegation of Switzerland: I am actually intervening on behalf of the Swiss Delegation. The purpose of my intervention was to ask the Secretariat to kindly clarify the order of things in which these decisions have been adopted. Thank you very much to the Delegation of Canada for having outlined it now, this is very useful. So, in my understanding there is a decision by the General Assembly to amend the Financial Regulations and Rules to insert the term “sustainability.” This is very useful for us to know and understand.

42. Chair: I think you will see that there are delegations who are opposed to the proposal to include a new item on the Agenda. Some delegations have asked for detailed information from the Secretariat on this matter therefore I give the floor to the Secretariat now.

43. Secretariat: Good afternoon, distinguished delegates, I will provide the requested chronology and I believe the Secretariat is going display the relevant documents. The Program and Budget Committee in document WO/PBC/34/12 recommended to the WIPO General Assembly to approve the proposed amendments to the Financial Regulations as contained in the annex to the present document WO/PBC/34/12. You will see in the paragraph listed underneath that that there were a number of revisions; however, none of them concerned Regulation 3.8, which is now the subject of the debate. Then the General Assembly approved the recommendation of the Program and Budget Committee last year and indicated in document A/63/10. Therefore, the term “sustainability” was approved to be in Regulation 3.8 but there was one proviso to that which is that the term “sustainability” would be discussed, that was done at the last session, PBC 35, where a comprehensive assessment report on this issue was presented.

44. Chair: I thank the Secretariat for that information which is in line with the request by some Member States. At this point of the discussion, from my understanding there is no support for the inclusion of this item on the Agenda for discussion because some members have opposed the proposal put forward by the Russian Federation. Therefore, I call on you once again to consider the paragraph that will enable us to continue with our meeting, it is currently displayed on the screen: "The Program and Budget Committee (PBC) adopted the agenda (document WO/PBC/36/1 Prov.2)." I open the floor now to delegations.

45. Delegation of Russian Federation: As I understand it, we put forward a proposal to add an item and this proposal was supported by the distinguished Delegation of China. Some delegations expressed doubts, some others asked for a clarification about the way in which this matter had been considered in the past, but nobody expressed their opposition. Nobody said that they were against the inclusion of this item on the Agenda. If there are any such delegations against the proposal perhaps they should state this. From my understanding as per the rules of procedure, we should then vote if there are delegations that are in favour and others against the proposal. Have I understood correctly?

46. Chair: I would like to dissuade you from your interpretation of the discussion as such because I have actually heard and understood from several delegations that it is inappropriate to have a discussion on this matter, which implicitly means an opposition to the inclusion on the agenda of your item. You mentioned that another delegation supports your proposal but some other delegations do not support your proposal. I would like to remind you that there are rules of procedure that govern any discussion that takes place in this Committee. I also recall that any delegation who would like to make a statement may do so to express themselves regarding the proposal submitted by the distinguished delegation of the Russian Federation on the inclusion of this item of the agenda. The floor is open.

47. Delegation of Mexico: We would like to thank Canada for providing us with this information. I do believe it is quite clear that a decision was taken on this matter, WIPO is in line with the recommendations of other bodies and the CEBS Group. I do not know why there would be any problem, why should there be a need to continue discussions? We are not in favour of reopening the discussion.

48. Delegation of Poland: I am taking the floor in my national capacity. I would like to align myself with the statement by Canada and Mexico on this issue.

49. Delegation of the Russian Federation: I thank you and the delegations for having expressed your views. Frankly speaking, we are not entirely in agreement with the interpretation and the manner in which this matter is being considered. It is true the General Assembly took a decision on making amendments to the FRRs; however, that decision was taken without a discussion of the report on sustainability. If you look at what happened at the 34th session of the PBC, it says we are supposed to consider the report. We considered the report after the rules entered into force and were applied, and in our view, this is unacceptable. For this reason, we suggest that we reconsider this matter, hence, our introduction of the item for a decision to be taken since this was the original idea and not what the Secretariat has done. Therefore, this is an urgent matter. We could spend time discussing this issue back and forth, regarding who is for or against the inclusion of the item, but know there is the two-thirds rule. If we have the support for the consideration of the including of this item in the agenda we can proceed, if not, we can withdraw our proposal and start to do things differently.

50. Delegation of United States of America: This is a quite dangerous precedent of reopening General Assembly decisions claiming it is an urgent matter. Before we proceed further, I kindly request that we have a break and discuss this issue thoroughly since in either situation, whether we allow this to go forward or not, we are creating a dangerous precedent.

51. Delegation of the Russian Federation: We are already in fact, beginning to somewhat overuse breaks. I understand that delegations may have to discuss this urgent matter. Since our scheduled break for lunch is in half an hour's time, I propose that we take the lunch break now and we begin again half an hour earlier than was planned, in other words at 2.30 pm.

52. Delegation of Venezuela (Bolivarian Republic of): I would just like to inform you that GRULAC has a meeting at 2 pm in the Red room.

53. Chair: As you can see, there are coordination meetings that do not prevent us from beginning the session, as suggested by the distinguished Delegate of the Russian Federation, but this will be difficult because it would require us to change other meeting times.

54. Delegation of Switzerland: On behalf of Switzerland, I would like to support the request from the United States for a break. We are talking about some very sensitive issues here that I would like to coordinate with Group B. Of course, we all need to bear in mind that there is a PBC information session for Group Coordinators and all Member States on "WIPO's disability inclusion strategy and environmental responsibility policy" at 2 o'clock, so we are in your hands, Chair, in terms of organization. I believe that we need a break to consult within the Group.

55. Chair: I would like us now to take a 10 minute break so that you can consult with your Groups and when we resume the session, I would like us to reach a conclusion on this agenda item before the lunch break.

56. Chair: This time I have not been as generous with the break time but I did so in order for us to make progress in the constructive spirit because at the moment the discussions have stalled and we can not at the moment make any purpose so I turn back to the floor it is open I know.

57. Delegation of Switzerland: I have had the possibility to consult with Group B, so in order to be constructive we suggest proceeding along the lines of Rule 5 of the General Rules of Procedure indicates "Any State member of a body may request the inclusion of a supplementary item on the draft agenda. Such requests shall reach the Director General not later than one month before the date fixed for the opening of the session..." Therefore, Group B would be ready to discuss the Director General's Report on sustainability, again. It has already been discussed and we would be ready to discuss it again in this session, not at this session, but as per Rule 5 General Rules of Procedure, it can be done at and PBC 37. Let me also be very clear we would not like to discuss an amendment of the FRR because the amendments have already been adopted by the General Assembly. We are open to discussing the Director General's Report on Regulation 3.8 on "sustainability."

58. Chair: There has been a specific proposal to include in the draft decision the continuation of the discussion at the next Committee session in 2024. Would any delegation have an objection to this inclusion in the draft decision point?

59. Delegation of the Federation of Russia: We are grateful to the representative of Switzerland for the proposal, however we have just one point for clarification, when it proposed that we discuss this at the 37th PBC session - what would be the purpose of that? That is what we want to clarify, what would be the purpose of doing that? We discussed it at the session and we took note at the 35th session, are we going to discuss it again and take note of it again? Our original proposal was to ensure that this report was supposed to have some kind of impact on the FRRs, now the two are being separated. We are simply discussing the report, fine, but the Rules are going to continue to operate as they are and this is not acceptable for us.

60. Chair: There is a request by the distinguished delegate of Russia for clarifications on Group B's proposal. Is Group B in a position to clarify this matter so that we clearly understand the specifics of your proposal, please? I give the floor to the Delegate of Switzerland on behalf of Group B.

61. Delegation of Switzerland: What we are suggesting is to discuss again the report by the Director General on "sustainability." We are not suggesting discussing again the Financial Regulations and Rules. The basis for this is that when you look at document WO/PBC/34/16, there is a recommendation by the PBC to the General Assembly, to decide that, "sustainability within Regulation 3.8 be discussed after the Director General presents a comprehensive assessment report on this issue at the 35th PBC session." This wording makes it clear that "sustainability" is already included in the regulation and once that is done, the PBC recommends to discuss a comprehensive assessment report on sustainability. Therefore, we do not think that the two matters are linked to each other. "Sustainability" is adopted within the regulation and after that there can be room for discussions on the sustainability principle from the Director General's Report.

62. Delegation of the Russian Federation: Many thanks indeed to the distinguished representative of Switzerland for the detailed clarification. From that we understand we are talking about completely different things. When we proposed the discussion on "sustainability" at the 34th session you have kindly given us the reference to that, when we did that, it was our fundamental understanding that this concept would be discussed and then it would be added to the FRRs. Not just discussed for the sake of it, it would be discussed and then on the basis of that we would move forward to craft a common understanding of how this should feed into the FRRs. That is what we understood, now, what is happening now? Now, concerning the concept of "sustainability", we have an interpretation of it from the Secretariat and possibly an erroneous interpretation from the General Assembly and that has already gone into the FRRs. Now, the 34th, the 38th, no matter how many times you discuss this, you can go on discussing this until the 56th session, if you like, you can discuss it to your heart's content but it's not going to change the FRRs for reasons that we have already indicated in detail at the 35th session. Perhaps it is worthwhile adding to the proposal by the representative of Switzerland who referred to the idea of deferring this discussion. Maybe we should do that, but we should not say that we are going to defer to a separate discussion on "sustainability", which was already discussed at 35th PBC session, because it is clear that further discussions are pointless unless it results in the adoption of a specific decision or some kind of action. Therefore, we suggest a slight reformulation of the proposal by the representative of Switzerland; at the 38th session we do not consider the report, we rather include in the 37th PBC session an agenda item on "sustainability in procurement and its impact on the Financial Regulations and Rules". This is our proposed amendment to the Swiss proposal.

63. Delegation of Switzerland: Thank you to the Russian Delegation for this proposal. I think it would be good to see this in written form, however, let me state again that for Group B delegations, it is essential that we do not reopen decisions made at the General Assembly. This would be very dangerous precedent and we would not be in a position to support this. As long as the language proposed by the Russian Delegation can be interpreted as not opening again decisions from the General Assembly, we could look at that, but I really wanted to put this on record that Group B members are not ready to reopen decisions taken in the past by the General Assembly.

64. Delegation of Poland: I am speaking on behalf of the CEBS Group and I want to support the comments made by the distinguished Delegate of Switzerland. We also agree with Group B's position that we should not reopen discussions on decisions that have already been taken.

65. Delegation of the Russian Federation: In fact, we did not ask for the General Assembly decision to be reviewed or revised. We asked that we go back to where we were a year ago and ensure that we proceed in accordance with established practice. Firstly, we discuss what we have agreed to discuss and then we take the decision. The decision on the FRRs was taken at the last General Assembly. Naturally, we cannot now revise it but I am sure that all delegations know that a document like the FRRs is a document that with time, in a year, two years, three years' time, the Secretariat and Member States will at some point revise it. We all understand this, but what we are talking about right now is something separate, it would be a separate agenda item for the 37th session of the Committee and this item would discuss "procurement." Procurement as a whole, and then on the basis of that discussion we would take corresponding action, some kind of corresponding measures. Then we would see how we could integrate all of that within the FRRs. We are not in any way trying to override decisions that have been made or hide anything. We are just trying to say that what happened last time was as described, rules were adopted when in fact the said document had not yet been discussed. A document was supposed to be discussed prior to its adoption, so let us now proceed appropriately now. Let us take a first step. We have the following proposal for the Secretariat - for the 37th session, the Secretariat should prepare a document on "procurement." Then in an appropriate fashion we will take a decision in accordance with the customary language and along the lines of what is being put forward here by Switzerland.

66. Chair: To conclude the discussion, and given that it looks like we are reaching convergence I suggest that we take a break, and in line with the established timeframe. I will re-draft a proposal for the inclusion in the draft decision for adoption. This we will be the displayed on the screen or distributed. I now conclude this section of our session, we will break for lunch and resume with Agenda item 2 this afternoon. I will see you back here punctually at 3 pm.

67. Chair: Good afternoon, we are going to continue our Committee meeting now that everyone is back with Agenda item 2: Adoption of the agenda, for this week. After the intense debate this morning, we have reached a proposal for the decision paragraph that contains a line that I think will be acceptable to everyone after this morning's discussion. This proposed decision will be displayed on the screen. I open the floor now for comments if any. Since there are no requests for the floor the decision is adopted.

68. The Program and Budget Committee (PBC):

- adopted the agenda (document WO/PBC/36/1 PROV.2).
- decided to discuss sustainability within the context of procurement and consider any potential impact of such discussion on the FRRs and take appropriate action, if necessary, at the 37th session of the PBC.

ITEM 3 REPORT BY THE INDEPENDENT ADVISORY OVERSIGHT COMMITTEE (IAOC)

69. Discussions were based on document WO/PBC/36/2.

70. Chair: In accordance with their Terms of Reference, the IAOC submits written reports on its activities to the PBC. I would like to warmly welcome the Vice-Chair of the IAOC, Mr. Bert Keuppens, and the Chair of the IAOC, Mr. Igors Ludboržs, connected remotely. I request the IAOC Vice-Chair, Mr. Keuppens, to join me on the podium.

71. IAOC Vice-Chair: Thank you very much, Chair, and thank you also to the Delegates for their positive comments in their interventions, for their expression of appreciation for the work done by the IAOC. Distinguished Delegates, Excellencies, those who are present in this room and online, good afternoon. My name is Bert Keuppens and I am the current elected Vice-Chair of the Independent Advisory Oversight Committee. The Chair, Mr. Igors Ludboržs, could not attend the Session. Allow me to give you a very brief summary of the important activities undertaken during the reporting period by the Committee, as contained in our Annual Report, document WO/PBC/36/2. It is a pleasure to report that the Committee is now functioning with seven members duly elected and representing each Group. The Committee is fully constituted and functions effectively according to its Terms of Reference, including briefings to Member States at the conclusion of each of its quarterly sessions. With regard to Internal Oversight, the Committee reviewed the 2023 Annual Oversight Workplan of the Internal Oversight Division (IOD), and the implementation of the 2022 and 2023 Workplans. This included reviewing five reports pertaining to two Audits, one combined Audit and Evaluation, one Validation, and one Advisory. The Committee was also updated on the status of ongoing investigation cases. With regard to External Audit, the Committee discussed with the representatives of the External Auditor, the National Audit Office, the planning for and interim results of the Audit of the 2022 WIPO Financial Statements. While not covered in our current Annual Report, I would like to add that in our most recent session concluded only two weeks ago, the Committee welcomed the unqualified opinion without modification on the 2022 Financial Statements, and noted the comments and recommendations made in the Long-Form Report. More about that in the next session with the External Auditor present today. With regard to Financial Reporting, the Committee took note of the changes in the Financial Statements of the year 2022, compared to 2021. The Committee also had extensive discussions with the Secretariat on investments and on the ASHI – After Service Health Insurance liability. With regard to Risk Management and Internal Controls, the Committee noted the progress in Risk Management and welcomed its further development. The Committee also reviewed the controls pertaining to Security and Information Assurance, as well as Procurement. With regard to the Ethics Office, the Committee reviewed the Ethics Office Annual Report for 2022 and the implementation of its workplan for 2022 and 2023. The Committee also followed up on the development of new or revised policies in the field of Ethics. With regard to the Office of the Ombudsperson, the Committee reviewed the outgoing Ombudsperson's Activity Report for 2021 and some updates for 2022, and has since received updates from the Interim Ombudsperson. With regard to the Implementation of Oversight Recommendations, the Committee followed up on the implementation status of recommendations from IOD, the External Auditor, the Joint Inspection Unit (JIU), as well as from the IAOC, and welcomed the renewed emphasis and commitment to the implementation of those recommendations. The Committee spent a considerable amount of time with the Secretariat to follow-up on these recommendations and is pleased with the progress thereon. The Committee also reviewed WIPO's monthly Investment Reports for compliance with the guidelines. I would like to add that, as noted in our Annual Report, the Committee's proposed amendments to its Terms of Reference, which will be presented separately to the PBC during this Session, are contained in document WO/PBC/36/10. And to close, on behalf of the Committee, I would like to express my appreciation to the Director General and the Secretariat, and in particular to Mr. Frederick Anthony Samuels, who assisted us with all administrative matters, as well as the External Auditor, for the information provided to the Committee, and the excellent cooperation received from all.

72. Chair: Thank you, Vice-Chair of the IAOC. I would like to open the floor now for delegations who wish to speak on this item of the agenda.

73. Delegation of Switzerland: Let us begin by congratulating Mr. Ludboržs on his election as Chair, and Mr. Keuppens, former IAOC Chair, on his election as Vice-Chair at the 67th session of the Independent Advisory Oversight Committee. Group B would like to thank the IAOC for its report, and Mr. Keuppens for its presentation today. Once again, we would like to express our gratitude to the IAOC for its crucial role in the advisory and oversight mechanism of WIPO. We

value the IAOC's interaction with Member States, especially through the regularly-held Information Meetings held after each IAOC session. Group B also appreciates and encourages interaction between the IAOC, the External Auditor, the Secretariat and the Director General, on the issues discussed and reviewed as they help to improve the follow-up process on recommendations and to strengthen cooperation. Our Group has two main observations on the IAOC Report: firstly, with regard to the need to implement long-outstanding oversight recommendations, we appreciate the advice that the IAOC has provided to the Secretariat, which has enabled good progress to be made on this issue; secondly, our Group is pleased to hear that the IAOC continues to play an active role in overseeing the Ethics and Ombudsperson's functions at WIPO. As the IAOC report points out, there is currently no Ombudsperson at WIPO. This is of concern to our Group. Therefore, we urge the Secretariat to remedy this and we would like to know the status of the recruitment process. We thank again the IAOC for its efforts, and look forward to continuing regular interaction in Geneva between the IAOC and Member States.

74. Delegation of Ghana: The African Group would like to first of all congratulate the IAOC Chair and Vice-Chair for their elections. The African Group commends the IAOC for its diligent efforts to independently assess WIPO's activities, policies and management practices. The IAOC's role in promoting transparency, accountability and good governance within WIPO is essential in ensuring the effective and efficient functioning of this esteemed Organization. The Group supports the IAOC's call for increased transparency in Financial Reporting, Procurement Processes and Human Resource Management. By adhering to best practices and fostering a culture of openness, WIPO will enhance its credibility and maintain the trust of its Member States and stakeholders. Furthermore, we recognize the IAOC's efforts to evaluate WIPO's performance in implementing the recommendations from previous reports. We therefore urge WIPO's Management to consider these recommendations seriously, and take appropriate measures to address any identified shortcomings promptly. A proactive approach to implementing the IAOC's recommendations will contribute to the continuous improvement of WIPO's operations and ensure the Organization's effectiveness in fulfilling its mandate. Mindful of the financial performance and statement of financial positions explaining the significant changes in the year 2022 compared to the year 2021, the African Group notes the recommendation by the IAOC for more in-depth discussions regarding investments of WIPO, as well as a review of the governance framework for managing WIPO's investment portfolios. Finally, the African Group would appreciate some information on the IAOC's engagement with the Secretariat regarding the issue of equitable geographical representation, in light of the requests made by Member States during the exchange with the members of the IAOC. We encourage the inclusion of this pertinent issue of geographical balance by the IAOC in its future Work Program and Reports.

75. Delegation of Poland: The CEBS Group congratulates the Chair and Vice-Chair for their elections. We thank the IAOC for their Annual Report for the period of May 21, 2022 to March 24, 2023, as contained in document WO/PBC/36/2. We are also grateful for the briefings presenting the report, which were held on June 2, 2023. We take note of all the information presented in the report reflecting IAOC activities in the given period. While we acknowledge the high level of professionalism and high-quality work of all the IAOC members, we recognize the need to continue efforts aimed at improving gender parity of the Committee. In this context, the activities aimed at the revision of the Terms of Reference and the Selection Procedure of IAOC are important for the CEBS Group. The CEBS Group recognizes the role of an IAOC contributing to improving WIPO's operations, promoting transparency of WIPO's activities, as well as enhancing the dialogue between relevant stakeholders, engaging WIPO's management and operations. The progress in several matters in comparison to former reports offers reasons for satisfaction. This is especially important in the context of the improved compliance of the 2022 Oversight Annual Plan with the WIPO Medium-Term Strategic Plan 2022-2026. The reported progress on the Risk Management process is important in light of ensuring effective WIPO operations. We also take note that the internal control documentation was in a well-

advanced stage and duly monitored by the Secretariat, as reported by the IAOC. Likewise, the IAOC's report conclusion that the Security and Information Assurance function was considered to be effective, fit-for-purpose, and of a high maturity level, as well as aligned with the prevailing standards, is of great importance for the CEBS Group. With regard to the report and investigation, let me underline the CEBS Group's position of the necessity to address the pending 2022 and 2023 cases, the number of which seems to increase in 2022 and 2023. We take note of the IAOC's activities related to the Financing Report. In the context of the deteriorated WIPO investment conditions, IAOC's engagement in effectively addressing this matter, also through the advice and investment governance, is needed more than before. Let me conclude by extending our thanks to the members of the IAOC for their efforts and dedicated work, with an aim to ensure effective WIPO management and operations.

76. Delegation of China: The Delegation of China thanks the IAOC for providing its Annual Report, and the Vice-Chair of the IAOC for his introduction. We appreciate the hard work by the Committee and its achievements therein over the past year. The Delegation of China noticed that members of this Committee provide a gratuitous advice and recommendations to help WIPO achieve its good governance. We would like to express our gratitude to the four members who left office last year and the seven members who are currently in office. The Chinese Delegation participated in this Committee's briefing sessions of the Member States over the year, and are very pleased to see that the IAOC, the Director General, the Internal Oversight Division and External Auditors conducted close interaction, providing many independent expert recommendations, and completed various internal and external review tasks of WIPO in a relatively smooth manner. The Chinese Delegation noted that the IAOC will further communicate with the Secretariat on investment issues, including the recommendations on data security risk, which we all appreciate. China always believes that the IAOC has a unique and important role in ensuring the effectiveness and independence of WIPO's various oversight functions, as well as evaluating the finance function. China looks forward to continuing its cooperation with the IAOC, in order to help achieve sound managed development through the implementation of various recommendations and improvement of relevant governance mechanisms.

77. Delegation of the Russian Federation: We would like to thank the Committee for preparing this comprehensive report and also for the high level of collaboration with Member States over the course of the year. We consider holding of regular briefings for Member States with the IAOC to be a best-practice within the UN system, and we hope that this will be maintained in the future. We would like to use this opportunity to ask a few questions, and provide some comments. First and foremost, we would be interested in hearing the view of the IAOC regarding the recent Report of the External Auditor and its new recommendations. We would like to get the view of the IAOC on the possibility of creating a separate entity for After Service Health Insurance. In your view, which of these scenarios proposed by the Secretariat is the most preferential or preferable? Would it be the foundation approach or the multi-employer plan approach? We think it would be a good idea to also consider the possibility of establishing a regular channel of communication between the IAOC and the Joint Inspection Unit. Such a step would enable stronger collaboration and understanding between different Oversight Bodies, and it would make the Organization itself more open for the JIU. Such practice exists in some of the UN system organizations. Finally, we hope that the Secretariat will, in a timely manner and fully, take into account the comments and proposals of the IAOC.

78. Delegation of Spain: We would like to say that we are in line with what was expressed by the Delegation of Switzerland on behalf of Group B. We are grateful for the work carried out by the IAOC. We believe that the existence and the work of this independent Committee is extremely valuable. It assists us in the PBC in the work to oversee the functioning of this complex body. About the matters, I wanted to ask specifically if it would be possible to briefly present the main suggestions about the governance framework for the management of the

portfolio of investments of WIPO. We think that because of the current volatility, it would be a good idea to do this.

79. Delegation of Mexico: We are grateful for the report of the IAOC, which is always extremely useful for Member States. My Delegation agrees with the Committee about how important it is to have a consolidated presentation where we would have all of the recommendations from the various internal and external supervisory bodies pooled together, so that we can better examine where each of the recommendations stand and what has been implemented. We are happy to see that the Ethics Office has done some good work and that this has led to greater work. However, we are concerned that it might not have the necessary funds to carry out its functions in a satisfactory manner. Finally, we would like to know where we stand in the process to recruit the post of Ombudsperson, which has been vacant since February 2022.

80. Delegation of the United States of America: The Delegation of the United States of America aligns itself with the statement made by Group B. The United States thanks the IAOC for this informative report and for its work throughout the year. We recognize the IAOC's valuable efforts to strengthen oversight of the Organization, and we appreciate the WIPO Secretariat's support of the Committee's important mission. We welcome the many positive reviews of the performance and achievements of WIPO Management, including but not limited to, the work of IOD, the Ethics Office, the Risk Management Group and the Finance Division. We also appreciate the Committee's extensive engagement on WIPO's internal oversight. In particular, the review of current investigations and caseload trends is much appreciated. We note the Committee's reference to what appears to be multiple case referrals to the IAOC for guidance due to potential conflicts of interest on the part of IOD. We believe this is excellent practice but are interested to know if the Committee understands there to be any systemic issues causing the repeated concerns about IOD conflicts. Can the IAOC share any further information on this situation, as well as the actual number of cases that required such referral? We do note with concern the backlog of investigations, including four investigation cases registered in 2021 that remain pending. Can the IAOC share further information on how the current case backlog was taken into account when determining whether to perform an investigation for another UN Organization? Lastly, we appreciate the IAOC's comments on staff resources in the Ethics Office, noting that increased ethical awareness of staff has resulted in an increased level of engagement regarding WIPO's Standards of Conduct. We join the Committee in welcoming the addition of a consultant to assist in developing ethics policies, and thereby contributing to a continued open dialogue on the same.

81. Delegation of Canada: The Delegation of Canada aligns itself with Group B's statement, thanks WIPO's Independent Advisory Oversight Committee for its report, and reiterates its appreciation for the IAOC's contribution to the governance of the Organization. Canada supports the IAOC's call for the implementation of long-outstanding recommendations and notes the Secretariat's renewed commitment to address them by year end. Canada notes that the IAOC Report portrays the Ethics Office as an important and well-appreciated, if under-resourced body within WIPO. Canada therefore requests that the Secretariat ensures that the Office receives sufficient staff and resources to fulfil its functions in the upcoming biennium.

82. Chair: I would like to thank the distinguished delegate of Canada for his statement. Given that we have no more requests for the floor, I am going to give the floor to Mr. Keuppens, so that he can speak at this time and reply to some of the points that you have made.

83. IAOC Vice-Chair: Thank you to the Delegations and those who have spoken for the support of the IAOC, and also for the appreciation expressed of the Information Meetings which we held with Delegations after each session. These Information Meetings are equally important for us as for the Delegations, and we also find it is best-practice and we always look forward to these sessions. I will take the comments and questions in the order they were raised and not

specifically in order of importance. There were a number of comments made, starting with the Delegation of Switzerland, on the long-outstanding recommendations. I must say this point was raised also by the Delegations of Ghana and China, and maybe by a number of other delegations. Their concern about outstanding recommendations, which is shared by the IAOC, and consequently, we have done what I would say is an in-depth effort in meeting each session with members of the Secretariat who were responsible for the implementation of these recommendations. Consequently, we have seen excellent progress, so we are very optimistic that these recommendations are not shelved and collecting dust somewhere, but action is effectively being taken, and we are pleased with the general progress in this respect. As far as the comments on the Ombudsperson, I cannot speak for the Secretariat on the status of the hiring, but I must say that maybe the IAOC was the reason of the current delay, because we recommended that a peer review be done of the Ombuds-function. We thought it was useful to look at the Ombuds-function and have a peer review done in the future, perhaps make this function more effective. And maybe that is the cause why the current Ombudsperson is under a contractual arrangement for three months, I believe. We find this a positive item that the time is being taken to conduct such a review. As far as the Delegation of Ghana's point on geographical representation, it is not the first time this point is raised. We have taken note and we bring it to the attention of the Secretariat. Of course, this is outside our Terms of Reference, and I do not think it is up to the IAOC to take any action in this respect other than bringing it to the attention of the Secretariat that this point was raised with us and, if necessary, report progress in our Information Meetings. The Delegation of Poland also mentioned the gender parity on our Committee. Of course, we do not decide who is on our Committee and what the gender is on our Committee. Indeed, we regret that, for the time being, it is an all-male Committee. But that is outside our control since it is the Groups who decide who will be represented on this Committee. One of these items that will come forward today is to ensure that gender balance is taken into account during the IAOC selection process, that Member States take into account gender balance, and there is a proposal on the table that you will discuss today. I will come to the 23 investigation cases which were raised by the Delegations of Poland and the United States of America. I fully endorse the Delegation of China's concern about the data security risk which, during the Risk Management exercise, is rated very high and received considerable attention from the Secretariat, and deservedly so, because it is an item that is of concern in many other UN organizations, and we welcome the attention being given on data security risk. As far as the questions from the Delegation of the Russian Federation are concerned, the first question, if I understood it correctly, was the report of the External Auditor. Following my intervention, you will have the pleasure of meeting our External Auditor who is present here. We have had excellent cooperation with the External Auditor, we have gone through their reports – their short-form and long-form reports – and we fully endorse what is in the reports. We welcome the corporation and fully endorse what is contained in these reports. As far as our view is on the funding of the ASHI liability, I would at this stage not want to express any preference between the two models being proposed. I can only say that I find it better practice to segregate these assets that are set aside for funding these liabilities in a separate entity. I welcome the idea of separating and protecting these assets, and I welcome the fact that you will discuss this. I have no view on either one of these two with their pros and cons. Also, the Delegation of the Russian Federation mentioned the JIU relations. It is indeed true that in some UN organizations, there is contact with the JIU on a regular basis and it is not excluded. It is probably because of a lack of time, but we actively follow up on the recommendations of the JIU on a recommendation-by-recommendation basis. In this context, I think that we fulfil our mandate in accordance with the Terms of Reference, but whether we want to have more intense operations with the JIU by inviting them to our meetings, that is for consideration of the Committee. There were also questions raised as far as Ethics resources is concerned. It is a point we have raised repeatedly. I should say that the Ethics function, as is currently executed, merits our praise for the progress that is being made. It is also a function that is almost being built up from scratch because there was not much there other than the Financial Compliance Model, so we very much encourage what is being done. Of course, a lot

of it is to be done and therefore this has a reflection on resources. When we talk to HR and to the Ethics Officer, we have agreed that it is probably a matter of prioritization at this stage, and she would probably endorse that she has sufficient resources to handle the current workload, taking into account the prioritization of her workload. Overall, I believe excellent progress is being made on this, in this respect. On the question of the Delegation of the United States of America on the IOD, the question of investigations, how many cases were there, it is in our Terms of Reference that any case remotely being connected with staff of the IOD has to be handled by our Committee. I am speaking from memory, but I believe there were three cases where we were involved: two cases were dismissed because they were not substantiated, and one case is currently being reviewed by an External Investigator, because if it involves obviously an investigation concerning IOD, it is not IOD who can do the investigation. We have a roster of investigators working for us. Fortunately, we do not need to use them very often, but we have a roster which is separate from investigators they might use. To answer the question whether there is a systemic issue, I would say there is no systemic issue. If there are any cases, it needs to be investigated. One case is currently not being investigated, a preliminary evaluation is being done whether investigation is necessary. We are very cautious in this respect, even the slightest allegation would be taken up seriously to determine whether an investigation is warranted. There was also a question on whether IOD investigation should conduct investigations for other UN agencies. There was one to my knowledge that was done, and this was involving the ITU, and we commented upon this in view of the shortage of staff in the IOD Office, perhaps they should consider not spending resources on other entities, even though it may be reciprocal, and while this would be requested by other entities. I believe I have answered all questions. If there are any follow-up questions or questions that I have not answered satisfactorily, I will be more than willing to come back to these issues.

84. Chair: As there were no further requests for the floor, the Chair proceeded to read out the decision paragraph, which was adopted.

85. The Program and Budget Committee recommended to the WIPO General Assembly to take note the "Report by the WIPO Independent Advisory Oversight Committee (IAOC)" (document WO/PBC/36/2).

ITEM 4 PROPOSED REVISIONS OF THE TERMS OF REFERENCE AND SELECTION PROCEDURE OF THE WIPO INDEPENDENT ADVISORY OVERSIGHT COMMITTEE (IAOC)

86. Discussions were based on document WO/PBC/36/10.

87. Chair: In accordance with their Terms of Reference, the IAOC periodically reviews its Terms of Reference and submits written proposals of amendments to the PBC. I am going to give the floor to the Vice-Chair of the Committee to explain the content of this document and then I shall open the floor, and Delegations who wish to speak specifically about this document now, you know there is a usual procedure – we have the Regional Coordinators and then we have Delegations following them. So, Vice-Chair of the Committee, I would like to give you the floor, when you are ready, please go ahead.

88. Vice-Chair of the IAOC: Document WO/PBC/36/10 contains the Proposed Amendments to the Terms of Reference of the IAOC, which were transmitted on April 20, 2023, by the Committee to the Group Coordinators and to the Secretariat. Based on the comment received, the document was finalized, and is now being presented at this session of the PBC. The document itself contains no controversial changes, but rather reflects mostly the recommendations made by the Joint Inspection Unit on the functioning of Oversight Committees within the UN system. It should be noted that these changes do not include a provision for the payment of an honorarium to members of the Oversight Committee, which was contained in an

earlier version prepared and circulated last year by the former Committee to the Group Coordinators. That proposal did not carry the approval of Member States when it was circulated for comments and/or input and, as a consequence, those draft provisions were deleted. Allow me to state that the document before you carries the approval of all the current members of the newly established Oversight Committee, five of whom took up their functions on February 1st of this year.

89. Delegation of Switzerland: Group B would like to thank the IAOC for preparing, and Mr. Keuppens for presenting, document WO/PBC/36/10. Group B supports the amendments to the Terms of Reference of the IAOC consisting, in particular, in the incorporation of important elements concerning security, anti-fraud activities, the availability of IAOC members, as well as self-assessment and external evaluation. We therefore stand ready to approve the proposed changes to the Terms of Reference, necessary to accommodate the revisions as contained in Annexes I and II of document WO/PBC/36/10.

90. Delegation of Ghana: The African Group recognises the vital role played by the IAOC in providing independent oversight and advisory services to the WIPO. We commend the efforts of the IAOC in promoting accountability, transparency and good governance within WIPO, thereby enhancing the credibility and effectiveness of the Organization. The Group firmly believes that the periodic review and revision of the Terms of Reference of the IAOC is essential to ensure that it continues to fulfil its mandate in an ever-evolving landscape. We welcome the proposed revisions for consideration during this Program and Budget Committee session. The African Group would like to highlight the importance of taking into account gender balance in the composition of the IAOC without prejudice to the required skills and expertise of the members of this important body.

91. Delegation of the Russian Federation: We would like to thank the Secretariat and the Independent Advisory Oversight Committee for preparing amendments to the Terms of Reference and the Selection Procedure for members of the IAOC. We believe that the most important factors when appointing members to the Committee must be the skills, qualifications, and experience of the candidate, and also to take into account fair geographic representation when with the understanding that fair geographic representation is already provided for in existing procedures when forming the composition of the Committee. Moreover, we welcome the fact that the proposed amendments take into account the relevant recommendations from the Joint Inspection Unit, which are designed to enhance the role of the IAOC.

92. Delegation of China: Regarding the document WO/PBC/36/3, China would like to thank WIPO for organising meetings among coordinators on the newly proposed revision of the Terms of References and Selection Procedure of IAOC, and soliciting comments in a written format. China has actively participated in the above-mentioned discussions. We would also like to thank the other Regional Groups for their participation. China is of the view that the proposed revisions of Annexes III and IV of the FRR contained in this document have integrated all parties' positions on this matter and that it is a relatively balanced document to which we hold no objection. With regard to document WO/PBC/36/10, China would like to thank the IAOC for discussing and formulating the revision. Our thanks also go to the Secretariat for preparing this revised document based on the decisions of the March-session of IAOC. Regarding the roles and responsibilities of the IAOC, China would like to welcome the addition of relevant documents, relevant comments related to addressing cybersecurity risks. China would like to reiterate that the protection of applicants and users' data security and commercial interests is to guarantee the trust and confidence in WIPO's Global IP Service System. It is also to ensure the long-term development of WIPO. Therefore, I think this Organization should take multiple approaches including IAOC, IOD, External Auditor and external evaluation, in order to strengthen oversight and review of data security risks entailed in IT projects and infrastructure, such as the Cloud Project. I thank you, Chair.

93. Delegation of Mexico: About the proposal for the review of the mandates of the IAOC, the Delegation of Mexico is grateful for the consultation process on proposals of review and the selection of its members. At the time we made comments, and the idea was that the changes should include a strong commitment on equity, gender equity. We would have appreciated it if these comments, the purpose of which was to ensure gender equality, had been reflected in the document that was presented to the Committee today. And we hope that, in the future, this aspect will be picked up in a more rigorous way.

94. Chair: As there were no further requests for the floor, the Chair proceeded to read out the decision paragraph relative to document WO/PBC/36/10, which was adopted.

95. The Program and Budget Committee (PBC) recommended to the WIPO General Assembly to approve the “Proposed Amendments to the Terms of Reference of the WIPO Independent Advisory Oversight Committee” contained in Annex I of document WO/PBC/36/10.

96. Chair: We now turn to document WO/PBC/36/3. I pass the floor to the Ms. Arendina Koppe, Head, Administrative Law Section in the Office of the Legal Counsel.

97. Discussions were based on document WO/PBC/36/3.

98. Chair: Let us now move to the next document, and that is document WO/PBC/36/3. You may recall that, following a proposal by the Secretariat in 2021 to revise the Selection Procedure for the members of the IAOC, the PBC recommended to the WIPO General Assembly that it should approve the proposed revision of the Selection Procedure, which resulted in the addition of Annex IV to the WIPO FRRs in October 2021. After working with this document during the last round of recruitment for members of the IAOC, the Secretariat now proposes two minor amendments thereto, about gender balance – specifically, there is a small proposal, a request for a change about the Terms of Reference of this Committee, as is mentioned in Annex III of the Financial Regulations and Rules of WIPO. I am going to invite the Secretariat now to introduce this document, document WO/PBC/36/3. I am going give the floor to Ms. Arendina Koppe, Head, Administrative Law Section in the Office of the Legal Counsel.

99. Secretariat: Honourable Chair and distinguished delegates, I wish to recall that the most recent round of recruitment for five new members of the IAOC place in 2021/2022 and was conducted pursuant to Annex IV of the Financial Regulations and Rules which sets out the Selection Procedure. At the PBC session in June of last year, the Selection Panel presented a report recommending to the PBC five new candidates for members – for membership of the IAOC, all of whom were male. The PBC approved the Selection Panel’s recommendations leading to an all-male IAOC as of February 1, 2023, since the two remaining members of the IAOC were also male. A number of Member States expressed their concerns over the lack of gender balance on the IAOC, as derived from the Selection Process and Procedures. The Secretariat took note of these concerns and between November 2022 and March 2023, it worked closely with Member States to address the issue of gender balance both on the Selection Panel and on the IAOC, since the composition of these two bodies is a matter for decision by Member States. The present document is a result of this close and fruitful collaboration and contains a proposal to the PBC for amendments to the Selection Procedure for the members of the IAOC, as well as an amendment to one paragraph of the Terms of Reference of the IAOC, Annex III of the Financial Regulations and Rules, reflecting the outcome of the consultations with Member States that were held since November 2022. To facilitate review of these changes, the Annex to document WO/PBC/36/3 contains a table that shows the proposed amendments in track changes format, as well as a brief description of the rationales therefore. In brief, as far as the changes to Annex IV of the Financial Regulations and Rules are concerned, it was recognized that the chances of achieving gender balance on the IAOC

would be greater if the Selection Panel itself reflected gender balance, since it is the body responsible for administrating the comparative recruitment process. Paragraph 2 of Annex IV, concerning the establishment and composition of the Selection Panel, currently does not contain any reference to gender balance. It is therefore proposed to add language to that provision to take into account the need to ensure gender balance when Member States establish the Selection Panel. Furthermore, if in a particular recruitment round the Selection Panel's recommendations of candidates would not result in gender balance on the IAOC, the Selection Procedure as currently drafted does not require the Panel to provide reasons in its report to the PBC. It is therefore proposed to add such an obligation to paragraph 27 of the Annex to strengthen the commitment to gender balance by promoting accountability and transparency. The proposed amendments to the Selection Procedure are expected to have a positive impact on achieving gender balance on the IAOC. As far as Annex III of the Financial Regulations and Rules are concerned, paragraph 7 thereof currently requires gender balance to be taken into consideration in the overall composition of the IAOC. To strengthen the commitment to gender balance on the IAOC, it is proposed to change the language of paragraph 7, by requiring that gender balance should be ensured to the maximum extent possible. At the start of April 2023, the Secretariat also shared the text of the proposed changes with the IAOC, following the conclusion of consultations with Member States. This concludes my presentation.

100. Chair: Thank you very much, Ms. Koppe, for that very detailed explanation of the amendments which have been proposed for this text in accordance with what is contained in document WO/PBC/36/3. I would like to open the floor now for delegations who are interested in taking the floor about the changes as expressed. Now I see we have a first request for the floor and that is the distinguished delegate of Switzerland, please go ahead.

101. Delegation of Switzerland: Group B would like to thank the Secretariat for preparing and presenting document WO/PBC/36/3. We would also like to thank the Secretariat for its constructive consultations on this issue over recent months. As our Group attaches great importance to the topic of gender equality, we strongly support the proposed amendments to Annexes III and IV of the WIPO Financial Regulations and Rules contained in the Annex of document WO/PBC/36/3. We hope that these changes will bring parity to the membership of the IAOC and look forward to their implementation.

102. Delegation of Poland: The CEBS Group would like to thank the Secretariat for the Proposed Revision of the Terms of Reference and Selection Procedure of the WIPO Independent Advisory Oversight Committee as contained in the document WO/PBC/36/3. Based on the provision of Annex IV to the WIPO Financial Regulations and Rules, paragraph 7, the Selection Procedure should be guided by expertise as well as geographical distribution, rotation and gender balance. The current composition of the Selection Panel for the IAOC, represented by six men and one woman, as well as the recent recommendation of the Selection Panel of five new members of IAOC, all of them men, necessitates enhancement of efforts aimed at improving gender parity on the Selection Panel and on the IAOC. We therefore thank the Secretariat for the initiative to undertake relevant consultations with WIPO members with an aim to better reflect the need of gender balance in the revised Terms of Reference. At the same time, we welcome the proposed changes reflecting an incremental, not mandatory approach to work toward stronger female participation, both in the Selection Panel, as well as IAOC itself. In this context, the CEBS Group is ready to support the changes proposed to the Selection Procedure for the members of the IAOC, with reference to Annex IV of the Financial Regulations and Rules, as well as Terms of Reference related to the IAOC's compositions, as indicated in Annex III of Financial Regulations and Rules. At the same time, we encourage the WIPO Secretariat to ensure active support offered to WIPO members with an aim to improve gender parity of the Selection Panel and IAOC. In this context, we particularly welcome the concept of carrying out more targeted outreach activities as well as recruitment campaigns, with an aim to increase the number of applications from sufficiently qualified women for upcoming

vacant positions on the IAOC. The CEBS members are looking forward to cooperating with the WIPO Secretariat on this issue of paramount importance.

103. Delegation of Singapore: We welcome the efforts made by the Secretariat and Member States through the various consultations, to incorporate the appropriate revisions and amendments to the Terms of Reference of the WIPO IAOC. With regards to document WO/PBC/36/3, we support the new language proposed to strengthen the gender balance for both the Selection Panel of the IAOC and within the IAOC itself. The considered revisions acknowledge that while not always operationally possible, it remains an expressed commitment to gender balance and a reflection of the shared responsibility between Member States and the Organization.

104. Delegation of Pakistan: We are in agreement with the proposed changes. We just want to put on record our position, especially with regard to the Selection Panel. If I understand correctly, the members of the Selection Panel, they are nominated by Member States from within the Missions. At least this is a practice in our Regional Group that we nominate the Ambassador or the Deputy Permanent Representative as part of the Selection Panel from the country that is heading the Regional Group as a Regional Coordinator. So, from the practical point of view it may not always be possible to fulfil this requirement or obligation. But otherwise, I mean in principle, we are in agreement with this proposal.

105. Chair: Your statement will be recorded in the report, if there are no other statements on this, we can adopt the decision paragraph for item 4 covering both the part discussed and agreed earlier. So we have thus adopted the following decision:

106. The Program and Budget Committee (PBC) recommended to the WIPO General Assembly:

(i) to approve the proposed amendments to the Selection Procedure for the members of the WIPO Independent Advisory Oversight Committee (IAOC) (Annex IV of the Financial Regulations and Rules), contained in the Annex of document WO/PBC/36/3; and

(ii) to approve the proposed amendments to the Terms of Reference of the WIPO Independent Advisory Oversight Committee (IAOC) (Annex III of the Financial Regulations and Rules), provided in the Annex of document WO/PBC/36/3.

ITEM 5 REPORT BY THE EXTERNAL AUDITOR

107. Discussions were based on document WO/PBC/36/4.

108. Chair: Let us continue now with Agenda item 5: "Report by the External Auditor", it is contained in document WO/PBC/36/4. In accordance with Regulation 6.12 of WIPO's Financial Regulations and Rules, "The reports of the External Auditor on the annual financial statements, together with reports from other audits, shall be transmitted to the General Assembly, to other Assemblies of WIPO Member States and of the Unions through the Program and Budget Committee, together with the audited annual financial statements, in accordance with any directions given by the General Assembly, other Assemblies of WIPO Member States and of the Unions." I would like to welcome the External Auditors Mr. Damian Brewitt and Mr. Simon Irwin. I give the floor to Mr. Damian Brewitt, the External Auditor to explain his report to us.

109. External Auditor: Chair, distinguished delegates, on behalf of the Comptroller and Auditor General of the United Kingdom, I am pleased to have this opportunity to present the findings from our audit in person. Our engagement with you is important and your observations inform our work. Presenting to you is an important part of the governance process, to ensure we are available to you as we highlight the main issues arising from our work, providing you with our independent and objective insight. In my presentation I will cover the four main areas of our work: i) audit of the financial statements and financial management; ii) our review of governance and internal control matters; iii) estates management; and iv) sustainability reporting. Turning first to the results of our audit of the financial statements – I am pleased to confirm that the External Auditor’s opinion was again unqualified, and that the audit revealed no errors or weaknesses, which we considered material to the accuracy, completeness, and validity of the Financial Statements as a whole. Our audit also confirms that the transactions have occurred in line with the Financial Regulations set by Member States. WIPO’s financial statements and accompanying financial commentary remain of high quality, supported by sound systems of internal control and reporting. Our audit results were positive and identified no significant errors or control weaknesses. We report the detail of our work to the IAOC, with whom we have had a good productive engagement. On financial management – WIPO continues to enjoy a sound financial position, this is primarily due to WIPO’s cash generating business model, noting the continued dependence on the PCT and Madrid Unions in funding other operations which are in deficit. WIPO holds substantial investments in its property and investments through its retained reserves, which are more than sufficient to meet total liabilities. Considering the continued overall surplus position, we consider it appropriate for Member States to consider the fees charged and whether the sustained levels of surplus, arising from these fees, remains aligned with Member States intentions. We continue to highlight the scale of the employee benefits liabilities, predominantly those relating to the staff members’ after-service health insurance. During 2022, the overall liability for staff benefits decreased by some 111 million Swiss francs to 505 million Swiss francs. This reduction was primarily due to increases in the discount rate for future liabilities, due to movements in the financial markets. The movement in these rates is not something which management can influence. Assuming current assumptions remain consistent, WIPO forecasts that the liability for the after-service health insurance will increase by 79 million Swiss francs by 2026. In response to our previous recommendations on the growth of these liabilities, WIPO commissioned an “Asset and Liability Management (ALM) Study” and submitted a Funding Plan to the 34th session of this Committee. The projections indicated that WIPO could maintain an eight per cent charge in the Program and Budget, which would achieve a funding ratio of approximately eight per cent over a 20-year time horizon. Costs and assumptions have changed since this latest study was performed, but in our view opportunities to control costs will always serve as the best mitigation to future risk. Moving now to the first topic area of our performance reporting which speaks to the issues of governance and internal control – which help provide Member States with confidence and assurance over the management of resources. Our audit has continued to conclude that WIPO has sound systems of internal control and no significant weaknesses have come to our attention during the audit process. The Organization continues to be proactive in its approach to internal control, and the Statement on Internal Control provides a good overview of the three lines of defence that the Director General relies upon to demonstrate the effectiveness of the internal control environment. We have noted further improvements following our report last year, as management better focus compliance and assurance effort on those controls, which were of greatest significance to the Organization. Since the start of our mandate, we have advocated the control and efficiency improvements that can be gained by the effective use of data analytics. The concept has been recognized by WIPO which has been progressing its plan to deliver analytic functionality and to incorporate this within its compliance processes. Progress continues to be slow, due to the need to resolve the way in which data is accumulated and used, and we will review this again next year. Many of WIPO’s business processes have evolved over time from the historical “automation” of a rules based manual process, with many of those checks and controls not addressing identified specific transactional risks. WIPO has

started an exercise to review certain business processes. Its review of the home leave travel process identified there was disproportionate effort for relatively low risk and low value transactions. WIPO identified options for either, enhancing the existing process, or changing the basis for the entitlement to simplify the process. We support this type of analysis; it can drive cost efficiencies and ensure greater effort is focused on the higher risk areas where business processes may validly require more interventions. We considered the existing policies related to the Ethics function. Overall, we found that the policies contained the key elements expected in this area. We did identify that there were no references to the risks which arise from the very specific nature of WIPO's operations, namely ethical issues arising from potential or perceived intellectual property conflicts. Given WIPO's priorities to safeguard intellectual property we found this surprising. We have recommended that WIPO should give more explicit ethical guidance and review the adequacy and extent of current disclosures of staff members engaged in activities where they are exposed to sensitive information. We also consider that the existing financial disclosures do not fully extend to spouses and close family members, which is a requirement in many other system entities. A key source of independent and objective assurance to support the Director General is the work of the Internal Oversight Division. In line with good practice, the position of Director of IOD is term limited and the former Director left in January 2023. The new Director has not yet taken up post, but as highlighted last year, we consider it important that the Director General considers the future focus of IOD's activities, to ensure they align to operational risks and key controls, effectively supporting the development of the second line of defence, positioning it to deliver on the commitment to provide an annual audit opinion. We considered how WIPO is using and maintaining the considerable resources which dedicated to its property estate. This comprises six separate buildings and the associated land totalling a carrying value in the financial statements of 344 million Swiss francs. Given this scale of investment it is important that WIPO demonstrates it is using these efficiently and effectively in the delivery of its operations. For any organization to demonstrate its effective use of property resources it is important to have a clearly articulated estates strategy, linked to the overall objectives. This should be supported by a regularly updated operational plan. While WIPO has detailed multi-year plans to maintain and improve the condition of its buildings, these plans have not been developed within a framework of a clearly articulated estates strategy. It is therefore difficult to assess the efficiency and effectiveness of the use of these resources in the delivery of objectives. The development of a strategy would provide the opportunity to reflect more fundamentally on the need and most efficient use of WIPO buildings. This is even more important following the changes in business, working practices and occupancy levels following the pandemic. Developing a strategy could also encompass wider thinking, such as alternative delivery models, outsourcing or delivery from lower cost locations or the regional office network. The strategy could also encompass the commitment to sustainability across the estate. Under the Capital Master Plan, it is foreseen that there will be significant investment in the existing buildings in the short term. This includes major refurbishment of the Arpad Bogsch (AB) building. In our view, WIPO should develop a comprehensive estates strategy before committing substantial further investment in its existing infrastructure. Moving to our comments on Sustainability reporting – Across the UN there is focus on how the wider system demonstrates it is responding to the sustainability agenda and setting an example for others. WIPO has a positive story to tell in how it highlights aspects of its Environmental, Social and Governance initiatives in its financial report, published sustainability performance details on its website and in other documentation, including its performance in the UN's "Greening the Blue" initiative and in developing new data capture systems. WIPO is often a system leader and we believe there is scope to further commit to and report sustainability metrics within its financial statements in advance of the implementation of a common reporting framework under IPSAS. In our view, this can be part of a wider review reporting which could consider the alignment of the use of resources with performance and delivery metrics with an overall annual report. To conclude, I can confirm that progress was made in closing seven recommendations from previous years, with five recommendations remaining in progress, but there are no matters that I would like to bring to Member States' attention. Finally, I wish to

express my thanks to the Director General and the staff of WIPO for their support and co-operation in facilitating our audit. Thank you for your kind attention and I would be happy to take any questions or to provide further background to our audit.

110. Chair: I would like to recall for all Member States that any question about investments would be best responded during the item 7(b) on Update on investments because in that item we will have the investment advisor, however, feel free to do so but for the very detailed information on that matter you will be receiving it tomorrow, having made that clarification, I would like to ask if any Delegations wish to take the floor on this item of the agenda.

111. Delegation of Switzerland: Group B would like to thank the External Auditor from the UK National Audit Office for his detailed report on the 2022 WIPO financial statements contained in document WO/PBC/36/4. Our Group attaches great importance to this report, which we have analyzed carefully. Our thanks also goes to the Secretariat for its responses to the six recommendations by the External Auditor. Regarding financial management, we note with satisfaction that the External Auditor has assessed the strong financial health of WIPO, as the surplus of 7.7 million Swiss francs shows, despite the continued global uncertainty. We note an increase in expenditure of 3.6 per cent, predominantly because of the increases in travel costs. Group B also notes the significant decrease in the employee benefits liabilities which amounts to 110.9 million Swiss francs compared to 2021 and that the most significant factors that have impacted the valuation of the liability are the actuarial assumptions. With particular regard to the After-Service Health Insurance (ASHI) liabilities we appreciate the details provided by the External Auditor regarding his assessment of the estimates used by the Secretariat and its suggestion for WIPO to establish a consistent policy for setting these assumptions for future years as in the External Auditor's view the approach used by WIPO is "simplistic and could lead to more volatile results than other approaches." We would like to have more information regarding the implementation of this suggestion. Regarding governance and internal control, we welcome the fact that WIPO has followed the External Auditor's 2021 recommendations, putting greater focus on review of the operating effectiveness of the key control, which address the most significant risks to the control environment. Concerning WIPO's Ethics Office our Group would welcome information about the envisaged implementation following the External Auditor's recommendation number 3. Regarding WIPO's estate management, we note that WIPO will put in place on the basis of recommendation numbers 4 and 5 an overall master property strategy for the needs at headquarters and External Offices as well as an overarching estates strategy. We look forward to the analysis results on open utilization at WIPO headquarters. To conclude, Group B is pleased to note that six of the twelve open recommendations for 2021 and those from earlier years that remained open are now closed. As five recommendations are still open or in progress, we strongly encourage WIPO to pursue quickly the implementation these recommendations.

112. Delegation of Poland: On behalf of the Central European and Baltic States Group, I would like to thank the External Auditor for the Report on the 2022 WIPO Financial Statements and the presentation of the audit results. We note with satisfaction the positive assessment of the 2022 financial statements and its compliance with the International Public Sector Accounting Standards. We also take note that revenue and expenses have been applied in accordance with WIPO's General Assembly while financial transactions conform to the Organization's financial regulations. The CEBS Group expresses satisfaction with the fact that WIPO delivered further strong financial performance results in 2022, reporting a surplus of 7.7 million Swiss francs, despite the decreased surplus in comparison to 2021, caused by unrealized losses in the investment portfolio. We welcome the fact that the year-on-year operating surplus of 95.7 million Swiss francs remains stable. We also take note of the increased net assets as well as revenues. We hope that as indicated by External Auditor that slowed future growth is only temporary and this will be counterbalanced by the increase of applications, healthy reserve positions and adequate investments. Sound financial conditions of WIPO are necessary to effectively respond to the continued global economic uncertainty. We also appreciate an

increasingly mature approach towards risk management as well as the identification of opportunities for improvement to its internal control environment. We welcome the External Auditor's confirmation of WIPO's sound ethical conduct for WIPO's operations and an effective control environment. Once again, we thank the External Auditor for his excellent work.

113. Delegation of China: We would like to thank the External Auditor for preparing this report. The Chinese delegation also appreciates the great work done by the UK National Audit Office, through external accounting for good governance and effective supervision of WIPO in the past six years. China has also taken note of the Secretariat's response to these audit recommendations. Now, we would like to make a specific comment on one of the issues, on page 16 of the External Auditor Report, in paragraph 1.6, the External Auditor recommends that losses in the investment portfolio should no longer be reported, instead, they should be listed in the financial report. We would like clarification from the External Auditor on regarding such a change practice by management. If this is done, this Organization's surplus or deficits, would still consider the investment losses or gains in the future.

114. Delegation of the Russian Federation: I would like to thank the External Auditor for preparing this detailed report. We would like to ask a few questions for clarification. As you are well aware in 2022 the WIPO Secretariat reported certain investment losses. In your opinion, is it necessary for the Secretariat to introduce some amendments to its investment policy? Or is this result a natural reflection of the current financial market environment? We have also noted the potential risk highlighted by the auditor of deficiency payments, in line with the conditions for participating in the UN Joint Staff Pension Fund. We would be grateful for some additional clarification. What deficit exactly are we talking about here? And what repercussions might this have for the Secretariat and Member States? We would also like to ask a question of verification regarding recommendation number 6, which relates to sustainability reporting. In this recommendation, the Auditor proposes developing parameters for evaluating sustainability. At the same time, in paragraph 3.14 of the report, it very rightly notes that there is no internationally recognised public sector reporting framework for sustainability. We only have some guidelines that have been prepared by different entities, one of which is referred to in the report. If I am not mistaken, this is the taskforce on climate-related financial disclosures. This is one of them and I think there are others, the global reporting initiative, which is more comprehensive but this is not the question. How does your recommendation number 6 correlate to WIPO's Regulations and Rules? Do we need to introduce amendments for this document's implementation, and are you aware of the use of such form of reporting by other UN System organisations? The External Auditor has also noted that over the reporting period, there have been no identified cases of fraud, but the internal auditor in its recent report which we will discuss a bit later today, points out that in 2022 there were some complaints that were received from staff members of the Secretariat linked to fraud or violations in procurement procedures. Has this issue been discussed between these two oversight bodies? Finally, we would like to get the view of the External Auditor on the study on the creation of a separate entity for after-service health insurance. In your opinion, which of the scenarios proposed by the secretariat is the best? Would it be the foundation approach or the multi-employer plan approach?

115. Delegation of the United States of America: The United States supports Group B's statement. The US delegation congratulates the Secretariat for the issuance of an unqualified opinion for 2022. We strongly support the recommendation that an estate plan be developed which covers the six Geneva buildings and the seven External Offices. We support the hiring of an External Expert to evaluate WIPO's properties and we look forward to receiving their report. We request that the report include more detailed information than is available in the audited financial statements where the properties are co-mingled. It would be helpful for Member States to see the buildings listed individually with extensive details regarding the age of the building, whether or not it is owned or leased, ownership of the land or rental through *droit de superficie* whether or not loans are hold on the properties et cetera. The audit recommendation that

WIPO should consider if the fees for the Unions are set at appropriate rates and whether or not sustained levels of surplus remain aligned with Member State's intention is very significant. As the non-profitable Unions were described at the previous PBC meeting as being in transition and being strengthened with a view towards attaining longer-term success, that support should have a time limit.

116. Chair: I am going to give the floor to the External Auditor for responses to your questions.

117. External Auditor: Firstly, thank you very much for all of the kind comments about the work of audit. I will turn first to the question from Group B from the Delegation of Switzerland. In terms of clarifying our report comment in paragraph 1.22, we have highlighted a particular assumption there. I would stress that we were content with the assumption that was made and that our issue is going move forward to ensure that there is a clear and consistent policy about how those assumptions are applied. I do not think there is anything that should worry Member States. However, from an audit perspective we want to see a clear and established policy that is then used across a number of years to provide clarity and assurance that assumptions have not been moved around for any particular purpose. I think Management is aligned with our recommendation there. In terms of the question from the Delegation of China, as our table shows within our report, figure 2 of our report, we believe it is an improvement to actually exclude the income expected on the investment return because it is variable. It is not within the control of management, very much driven by the market movement and it is a budget issue rather than a financial statement issue. From our perspective, the approach seems reasonable. Moving to the questions from the Delegation of Russia, markets will move across years as economic circumstances change. We have seen across our mandate some pretty significant movements between surpluses and deficits. It emphasizes something I have heard in the conversations today about the importance of drawing on experts to help inform the reasonableness of the investment policies and strategies that WIPO deploys. Any investments of this nature should be seen as long-term. At the moment, a lot of investments are held to fund the future liabilities in terms of the staff benefit costs. So, one would expect those significant movements in time, but, you are absolutely right in stressing the importance of governance of the investment strategy and how experts are deployed. In respect of the UN pension fund, I think what we are doing in our report is stressing the fact that there will always be a risk, that there may be deficiency payments to fund any deficits within the UN pension scheme. At the moment, the pension funds accounts are suggesting that there is no deficit but that could change in time. It is one of those things to always keep under review, that it is a significant liability that could affect WIPO as well as other international Organizations within the UN system over the time. In terms of sustainability, what I draw attention to is the comments we are making here are very much aligned with the output from the UN Panel of External Auditors. Each year, the External Auditors of the UN System come together. We make recommendations to the Chief Executives Board and, one of the things we have stressed this year, is the importance on the UN being more transparent in its reporting of sustainability. Nevertheless, we very much recognize that there are different models that can be used and, we are aware that the International Public Sector Accounting Standards board is looking at establishing standards in this area. We think at this moment with the good work that WIPO does there is an opportunity to highlight more of that within the financial statements to provide that transparency of the good work you are doing. That could draw upon comparisons on how over time you are improving it across a number of sustainability metrics. In our view, it wouldn't require any changes to Financial Rules and Regulations. This is a disclosure that is within the authority of the Secretary-General to add that to the financial statement. In respect of cases of fraud, as we concluded our audit, we asked for representations on cases of fraud and for them to be brought to our attention. And that's very much focused on the basis of materiality and importance to the financial statements. At that point in time, we were given no information about any material fraud cases that would impact upon the financial statements. In terms of giving a view on whether WIPO should have a separate entity to look after the after-service health benefits, I think it is important that we do not give a definitive view on that because I think what we need to

do is stand back objectively and independently from any decision that the Organization makes to give our best advice and best observations. But I think noting in the paper the decision to take more time to understand the merits and demerits of the two options, is important to take that time to make sure that everyone is sighted and understanding of the different merits of each case. That is something we will very much stay tuned on in our final year of our mandate and we will come back and report further as those discussions progress and as the option is further considered. I hope that I picked up on all the questions there and I'm happy to respond if I've omitted any.

118. Secretariat: Thank you very much to delegations for their questions and for the responses from the External Auditor. I just wanted to add a little bit to the information that was given in response to the observation that our policy with regard to the ASHI calculation is “simplistic”, and I think the rest of the wording “could lead to more volatile results”. I think it is important to note that the calculations of the After Service Health Insurance and our long-term employee benefit liabilities is dependent on a series of assumptions, and those assumptions can change from year-to-year. An independent external Actuary, Aon that works with us develops the calculations. Each year WIPO's Management reviews those assumptions in detail. That review is documented and then shared with the External Auditor early in the annual audit process. From discussions with the expert, Aon, we have determined that it is entirely reasonable to perform a full study of medical claims costs every three to five years. This study is primarily used to determine a medical ageing curve and as long as WIPO has a process for regular adjustments to the aggregate medical claims, which is exactly what we did in 2022, then completing the full medical claims study is not necessary every year. With this approach, changes in the ageing curve typically have a less significant impact on the overall IPSAS liability as long as the aggregate claims assumption remains aligned with the actual medical claims for the overall plan. I know that sounds rather complicated but the fact is that we are using the same approach as that of New York based UN organizations that also work with Aon in the US. Having said that, we do have the point and it will be useful to establish a written policy with regard to our assumptions, we will do this for the 2023 financial statements. Regarding the question from the delegation of China – have understood that the question was – whether we budget for investment gains and losses. We do not but, all of the gains and losses are fully reflected in the financial statements and there is no plans to change that.

119. Delegation of Iran (Islamic Republic of): With your indulgence, Chair, and given the generous invitation by the distinguished External Auditor to raise further insights and comments from Member States, I would like to elaborate on my country's observations on the Report by the External Auditor. My delegation would like to extend its appreciation for the preparation and submission of this report to this Committee. We would like to recall the importance of the work of the External Auditor in ensuring the transparency, effectiveness and efficiency of the Organization. We reiterate that the main aim of the audit is to provide independent assurance to Member States and to add value to WIPO's financial management and governance, and finally, to support objectives through the external audit process. With respect to the issue of governance and internal control already elaborated on by the distinguished External Auditor and as contained in document WO/PBC/36/4 on pages 20 to 27, we are of the view that these mechanisms are essential tools which provide the Director General and Member States with assurances to enable them to discharge their oversight responsibility and safeguard resources. We continue to note the strengths of WIPO's internal controls and further positive development that has taken place in 2022 and 2023. As part of the continued commitment to ensuring the relevance of the control environment and management has embraced the underlying principles to focus the compliance and assurance effort to those controls, which were of the greatest importance and significance to the Organization. We suggest that the External Auditor continues to study further the shortcomings and possible areas of improvement on current compliance assurance efforts of the Organization and that they provide specific recommendations in this regard. We note with satisfaction WIPO's participation in the “Greening the Blue” initiative and we appreciate the report of this initiative in 2022. We are

pleased to see that WIPO has further reinforced its commitment in this regard through the new High-level policy on environmental responsibility, and we agree with the External Auditor that this will provide the scope for more timely and concise reporting of sustainability metrics. We recommend that WIPO develops further the relevant data systems in close consultation with Member States to ensure transparency and accountability perspectives, especially, through reporting in an environmental management system. Once again, we would like to thank the distinguished External Auditor for his report.

120. Chair: In some of the statements from the delegations there was a question related to the Ethics Office of the Organization. I will now give the floor to the Chief Ethics Officer who is with us for her to respond to those questions.

121. Secretariat: Good afternoon, distinguished delegates and thank you for the question, I believe, from the Delegation of Switzerland on the response from the Ethics Office or how the Ethics Office plans to address the recommendation from the External Auditors. I want to start by saying that within our legal framework it is true that ethics-related policies do not currently deal with the question of specific risks arising from the specific nature of WIPO's business. However, there are some rules and regulations that do address more widely the issue of staff members engaging in outside activities related to Intellectual Property. We also address the issue of conflicts related to such questions and the financial disclosure and declaration of interests programs, which involves a certain category of staff members within the Organization. Having said this, we agree with the External Auditors and we will consider carefully their recommendation and look at where there is potential for enhancing the scope and coverage of these issues within the legal framework of WIPO and taking into consideration best practices.

122. Delegation of China: With regards to the External Auditor's response to our question, firstly, we appreciate his response concerning the reason for the change of practice regarding reporting investment portfolio losses. I have also raised another question, which I will repeat here. Perhaps I can expand a little bit more on my question to allow everyone to understand it - the External Auditor has suggested that investment transactions should be excluded from budget reporting in the future. If this is the case, in the future does this mean that the Organization's surplus or deficit of the Organization will be considered as well the operating results and the investment gains and losses?

123. External Auditor: My apologies if I missed a response to that question earlier. I think this is an interesting area that we touched on in our report, and it will be good for us discuss this further with the Secretariat next year. We are content that the IPSAS reporting requirements have been met in respect of the Statement 5, which reconciles the budget position to the financial statements. However, I think it is an interesting point as to whether that statement should include investments. I think that we should maybe pause, have further discussions and come back to you with a further discussion on that in terms of what we have concluded as the best presentation. The issue is the extent to which Management is unable to control investments and how they impact surpluses and this is very much where the world of budget and the world of financial statements collide. I think we just want to ensure that the information you get as Member States best meets your needs, so we will take note of that point and have further discussions.

124. Chair: Thank you very much to the External Auditor for his answer and I believe we can now conclude this section. The decision paragraph is displayed on the screens in English. I open the floor for statements. Since there are no requests for the floor to conclude our discussion of agenda item 5 we are going to adopt the decision paragraph:

125. The Program and Budget Committee (PBC) recommended to the Assemblies of WIPO, each as far as it is concerned, to take

note of the Report by the External Auditor” (document WO/PBC/36/4).”

ITEM 6 ANNUAL REPORT BY THE DIRECTOR OF THE INTERNAL OVERSIGHT DIVISION (IOD)

126. Chair: We will now proceed to consider Agenda Item 6, Annual Report by the Director of the Internal Oversight Division (IOD). In accordance with the WIPO Internal Oversight Charter, the Director of IOD shall submit on an annual basis a summary report to the WIPO General Assemblies through the Program and Budget Committee. This report should give an overview of the internal oversight activities conducted during the reporting period January 1 2022, to December 31, 2022.

127. Secretariat: Excellencies, Distinguished Delegates, Director General, dear colleagues, Ladies and Gentlemen, in line with the Internal Oversight Charter (IOC), I am pleased to present an overview of oversight activities undertaken by the Internal Oversight Division (IOD) during the reporting period, January 1, 2022, through December 31, 2022. The Annual Report is included in document WO/PBC/36/5. I would like to start with implementation of oversight plans. The year 2022 marked the start of the operationalization of the Medium-Strategic Plan for 2022/26, and as part of its contribution to the foundation pillar and in line with the oversight strategy, IOD conducted engagements and made recommendations to support the achievement of the Organization's areas of strategic focus. IOD oversight plan for 2022 was prepared considering a number of factors including risk ratings, relevance, oversight cycle and feedback received from WIPO management, Member States and available resources. Prior to its finalization, the draft oversight workplan was also submitted to the Independent Advisory Oversight Committee (IAOC) for its review and advice. IOD continued to work with the Director General and Sector Leads to take account of their feedback in oversight, work and priorities. At the reporting date, IOD has implemented the 2022 oversight plan and the implementation of the 2023 workplan is on track. During the reporting period, IOD's Audit Evaluation and Investigations covered the following key operational areas: management of assets, supplies and materials, Enterprise Risk Management (ERM), Hague Platform Project, Individual Contractor Services (ICS) and temporary employment agencies, WIPO Japan Office, ASHI claims data, validation of the 2020 to 2021 WIPO Performance Report (WPR), WIPO Standing Committees and a meta synthesis of the regional division's evaluations. In addition to this, there were some engagements that were started in 2022 and have been reported during the first semester of 2023. These are the combined audit and evaluation of the Legal Counsel, the combined audit and evaluation of the PCT operations customer relations and the audit of the development of the Global Innovation Index. Finally, also the evaluation of Women Entrepreneurs phase 1. IOD also mainstreams gender issues in all of its audits to the extent relevant. Now, on investigations, during the period reported, 32 new cases were registered, which constitutes a 28 per cent increase from 2021; 21 cases were closed in this period, and, as of December 31, 2022; 24 cases were pending including six at the preliminary evaluation stage, 10 at the full investigation stage, and eight on hold, pending action by another entity. Of the pending cases, 19 were open in 2022, four in 2021 and one in 2020. In 2022, there was only one investigation case in which a particular allegation was substantiated pertaining to workplace harassment. As of December 31st 2022, the average length of time it takes to complete an investigation is 171 calendar days, which is within the target of six months. I would like to now cover the status of implementation for oversight recommendations. IOD continued to follow up on the recommendations using the TeamMate+ system. This tool enables interactive dialogue with management for an effective follow-up of implementation of open recommendations. As of December 31, 2022, there are 94 open recommendations including 30 high and 64 medium priorities. IOD recommendations constitute 86 per cent of all oversight recommendations, 52 IOD recommendations and three recommendations from the report were added to the recommendation management system during 2022, while 13 external recommendations and 73

IOD recommendations were closed during the same period. Now, moving to the consultancy and advisory services. In addition to our plan oversight work, IOD continues to provide professional advice as requested, on policy documents, evaluation, business processes or the regulatory frameworks. Among them we find the advisory divisions lack an aspect to develop monitoring and evaluation of light of the platform and to advise on the process of searching, analysing and selecting best options to implement these objectives. IOD provided guidance during the development of the final platform solution and testing and during the iteration process of collecting and analysing data. Moreover, the Evaluation Section advised on the design phase of the external evaluation of WIPO research and also contributed to the benchmarking of National IP Strategies document, finally on the self-evaluation elements for the lacking divisions. In addition to this IOD also conducted a consultancy to increase the use of our recommendations in Intellectual Property and development programs. The Internal Oversight Strategy, 2022/23 identified the slow implementation of recommendations as a key risk that could potentially result in limiting the expected transformational impact of these recommendations. This engagement used behavioural science to identify barriers, reduce friction and other contextual elements to enable managers to implement timely recommendations in the report. IOD reviewed methodology for the evaluation of the WIPO Performance Report, initially developed in 2008 and which needed to be revised to better align with among others the evolution of the framework and the strategic landscape, while integrating lessons learned over the years. The issuant revised methodology increases the validation coverage, enhances the validation criteria and introduces new components to support increased cross-sector collaboration. IOD also issued a pilot memorandum on the analysis of selected procurement through transactions through the use of data analytics for continuous auditing. IOD does not make formal recommendations on the work continued to be audited, however findings are discussed with relevant internal stakeholders and remediation are verified during a subsequent continuous auditing exercise. In regards to relations with other Oversight Bodies IOD regularly attended sessions of the Independent Advisory Oversight Committee (IAOC) reported on the implementation of the internal oversight plan, discussing oversight results and the status of recommendations and seeking their advice. IOD supported the work of the External Auditor through the validation of After-Service Health Insurance (ASHI) claims and by providing other inputs and information as required. IOD also meet regularly with the Ombudsperson and with the Chief Ethics Officer to ensure good coordination and complimentary support. Concerning other oversight work IOD has completed a data analytics project that has enhanced its capacity to conduct continuous auditing exercise. A pilot test has been conducted on procurement transactions. IOD will continue to test the various scripts developed through this project with a view to identifying the most effective set of tests that will be regularly run to support and enhance its assurance process. As part of its ongoing efforts to better explain and advocate for the internal auditing function, IOD continues to reach out to colleagues within WIPO through presentations, given to new staff, in the induction training, the IOD newsletter, IOD dashboard, online training and presentation to management and Sector Leads as and when required. On satisfaction service, IOD continued to seek feedback from colleagues on the quality of its oversight work, through client satisfaction surveys after each assignment. The analysis of consolidated survey results indicated an average satisfaction rate of 85 per cent for post assignment surveys and 77 per cent for after one year of service. In regards to networking in the reporting period IOD continued its active and useful collaboration and networking with other UN sister organizations and entities, in particular IOD actively participated in the United Nations Evaluation Group and a general meeting in January 2022, leading the UNECE Committee and actively participating in the portion of execution of the UNECE annual workplan. The United Nations Representatives of Internal Audit Service (UNRIAS) webinars and attended the 14th UNRIAS and 51st UNRIAS meeting in September 2022. IOD also attended the 22nd conference of international investigators in June 2022 in Luxembourg. IOD was requested to conduct an investigation by another UN agency as it has done in the past. Concerning operational independence of IOD I would like to transmit that during this reporting period no instance activity occurred that could be considered as

jeopardising the operation independence of IOD. There was no actual interference in the work of IOD. The scope of oversight activities have been decided by IOD based on risk assessment, comments and feedback received from WIPO management. IAOC and Members States all of them as appropriate. Oversight resources, to discharge its mandate the IOD 2022 budget amounted to 2.7 million Swiss francs, which represents 0.69 per cent of the budget for the same period. Overall, the level of human and financial resources has been adequate for IOD to cover the priority areas as identified in the 2022 oversight plan. The use of non-personal resources, coordination of oversight activities as well as an effective use of IT tools played an important role in supporting the implementation of the plan. Concerning training, the continued professional development of IOD staff is essential to its capacity to deliver and effectively support the organization. In accordance with the WIPO training policy IOD have an annual training plan for staff members to attend various training activities to acquire new knowledge, technical skills and other competencies that will contribute to their operational effectiveness and efficiency in undertaking oversight assignments. On average, each IOD staff member attended 10 days of training in 2022. Having concluded my remarks, I would like to thank you for your kind attention and I am happy to answer any questions or receive any comments that you might have, thank you.

128. Delegation of Switzerland: As internal controls and WIPO's efficient and prudent use of resources are key to the organization, Group B appreciates the continued efforts of the Internal Oversight Division in cooperation with the IAOC and the External Auditor. In this regard, we would like to thank IOD for its 2022 report contained in the document WO/PBC/36/5 and its work undertaken in an independent manner. This report gives Member States the comprehensive overviews of WIPO's functions and we consider it a valuable source of information as well as a point of reference throughout the year. Group B pays great attention to the results of the IOD reported engagements in 2022 such as the audit of Individual Contractor Services and temporary employment agencies. The validation of After-Service Health Insurance (ASHI) claims data and the evaluation of WIPO Standing Committees. We look forward to the timely implementation of IOD recommendations; in particular, we would welcome information from the Secretariat on how it will implement the recommendations arising from the evaluation of the WIPO Standing Committees. Group B takes note of the increasing investigative activities of 2022 and encourages the Secretariat to swiftly implement the 94 open recommendations of which 30 are high priority and 64 are of medium priority.

129. Delegation of Poland: CEBS Group would like to thank the Director of the Internal Oversight Division for his annual report contained in the document WO/PB/36/5. The Group highly values the work of the Division. We believe it significantly contributes to the continuous improvement of effectiveness and transparency of the organization. As mentioned in our statement before we appreciate close collaboration between IAOC and IOD. We also appreciate the work of IOD in the process of making recommendations within the operational organization of the goals and this is in the WIPO Strategic Plan 2022-2026. We take note of the first time validations of the After-Service Health Insurance as well as the first time audit of the WIPO Japan Office, both concluded by IOD. Additionally, we acknowledge the efforts undertaken by IOD to strengthen compliance and control policies in WIPO. The CEBS group values crosscutting and systemic issues as well as recommendations made by IOD, which were the result of the IOD, conducted meta-synthesis of evaluations of regional divisions. We welcome the results of six audits, four evaluations and eight full investigative activities carried out. At the same time, we take note of 52 recommendations made by IOD and the closure of 73 accommodations in the reporting year. Likewise, we welcome the fact that the number of pending recommendations made between 2013 and 2016 has reduced from six to one during the reporting period. The consolidated IOD analysis of survey results, which indicates a satisfaction rate of 85 per cent for post engagement feedback and 77 per cent for surveys sent at least one year after completion of assignments, offers reasons for satisfaction. While expressing our thanks for the work of the WIPO Secretariat we look forward to the continuation of its work that has improved results and management performance of the Organization.

130. Delegation of China: Our Delegation thanks the team of the IOD for the preparation of this report and we also thank the introduction of the Secretariat. China attaches great importance to WIPO's internal oversight work, as efficient and transparent internal oversight is conducive to the achievement of the Organization's strategic objectives, and the enhancement of its management. China participated in the IOD's briefing last year and hopes that the Organization will continue to organize similar events in the future to give Member States an opportunity to learn about the IOD's work program and provide advice. China welcomes the good cooperation between the IOD, the IAOC, and the External Auditor over the last year and appreciates the professional standards and principles adopted by the IOD in formulating its oversight plans in its day-to-day audit evaluation and investigation work. China knows that the IOD has issued a large number of audits and oversight reports over the last year including the audit of Individual Contractual Services and temporary employment agencies and the comprehensive evaluation and audit of the Legal Counsel, which are useful in improving the work of WIPO. We hope that the Organization will actively implement the relevant recommendations therein.

131. Delegation of Russian Federation: We would like to thank the Secretariat for preparing this detailed and high quality report and for its consistently high level of collaboration with Member States. We hope that the format of regular briefings for Member States will be maintained. We would like to use this opportunity to ask a few questions of clarifications and to provide a number of comments. First, we would like to request the Division to develop a single open mechanism for tracking the status of implementation of the recommendations of all oversight function entities. That is to say the Internal and External Auditors, the Independent Advisory Oversight Committee and the Joint Inspection Unit. Such consolidated information could be circulated freely on the WIPO website. Such a step would significantly facilitate Member States' understanding on the degree of success in practically implementing the comments and recommendations of oversight entities. I would like to use this opportunity to propose to Member States that this will be included in the draft decision of the Committee under this item. We would like to ask the Internal Auditor for more details on the application of behavioural science techniques. What does this look like in practice? How does this differ from traditional methods of working with staff? Is this approach being discussed among representatives from internal auditing services in other UN organizations or is this method exclusive to WIPO? Have you received feedback from staff on this innovative approach? We would be interested in hearing from you in future about the success of these methods of behavioural science techniques. We have looked at the view of the Auditor on increasing use of non-staff in WIPO's work. For our part, we think that this is a worrying trend and we would appeal to the Secretariat to make full use of the expertise and potential of its own staff members. In addition, we would appeal to the IOD to respond continually and with due attention to cases of fraud and attention and to develop a single policy or strategy to combat cases of fraud if such a policy or strategy does not already exist. Having such a document is recommended by the UN Assistant Chief Executives Board.

132. Delegation of Ghana: Ghana is honoured to make the statement on behalf of the African Group. I thank the Secretariat for providing us with this comprehensive report in document WO/PBC/36/5. In reviewing the annual report, the African Group emphasises the importance of maintaining a robust and independent oversight function within WIPO. We urge the organization to continue supporting the organization's mandate and providing necessary resources to strengthen its capacities. The Group notes with satisfaction the IOD's efforts in conducting audits, evaluations and investigations across various areas of WIPO's operations. These activities have contributed to identifying areas for improvement and enhancing risk management practices and strengthening internal controls. We encourage WIPO to proactively address the findings and recommendations presented in this report, ensuring that corrective actions are taken promptly to mitigate risks and improve performance. We trust that the recommendations and observations provided in the annual report will be duly considered and acted upon to further strengthen WIPO's operations.

133. Delegation of Singapore: We thank the Director of the IOD and his team for the report submitted and the efforts to support WIPO in his areas of strategic focus in the operationalisation of the MTSP, which represents the collective aspirations to use IP positively as a tool to develop societies and economies. As presented and endorsed in the 2021 General Assemblies, the heart of the MTSP is making IP relevant and relatable to everyone everywhere. In that context, we are heartened to note the positive direction WIPO is taking towards a project based approach that would, I quote, “increase the likelihood of generating practical outcomes that positively impact and provide enduring value for individuals, businesses and the IP ecosystem as a whole”. The IOD reports in addition to other regular reports in consultation sessions held by several other committees and subsequently discussed in the PBC continue to reflect the organization’s commitment to enhance and harness good governance, efficiency and effectiveness to achieve the vision and mission of this Organization.

134. Delegation of the United States of America: The United States of America supports Group B’s statement. We thank the IOD for its work in 2022 and for preparing this compressive report. We also extend our thanks to the Heads of Sections who will rotate as Officer-in-charge while the recruitment process for the incoming Director is completed. We appreciate the breadth of the Division’s audit and evaluation work and in particular, the key findings related to the audit of Individual Contractor Services and temporary employment agencies. We concur with the need to develop a policy framework that clarifies and consolidates guidelines for non-staff workers. We note with concern that the reports cited a lack of impetus by some managers to comply with performance management requirements for Individual Contractors. We believe that the efficiencies gained by these contract modalities are only sustainable if they are in line with WIPO’s internal controls. As the Organization moves towards a more agile workforce, we must ensure that managers meet requirements for oversight of contractors to ensure compliance with internal practices, policies and procedures. We thank the Secretariat for its attention to addressing high priority IOD audit recommendations from prior years. In particular, we appreciate the progress on closing recommendations issued prior to 2016. We nevertheless note that 30 high priority recommendations remained open at the recording date, 43 per cent of which are in the Administration, Finance and Management Sector. We strongly encourage the Secretariat to implement the remaining open IOD audit recommendations as soon as possible to avoid exposing the Organization to significant risk. We also appreciate the information on the outcome of investigative activities and the substantiated allegation in 2022. We note that eight cases are on hold due to the unavailability of an investigation participant or pending action by another organization. Can IOD share how many of these have cases have pending interviews with WIPO staff and what efforts have been made to obtain those interviews? Finally, we note the positive results of the satisfaction survey and commend the IOD’s efforts to solicit meaningful feedback from colleagues.

135. Delegation of Iran (Islamic Republic of): I would like to thank the Director of the IOD and his team for presenting this report, which gives an overview of the internal oversight activities, conducted during the reporting period. My Delegation attaches great importance and significance to the continuation of the work of the IOD in the most independent manner and recognized its contribution to enhance transparency and efficient internal oversight within the Organization. We also welcome the continued cooperation between IOD, IAOC and the External Auditor. My Delegation welcomes the findings of the report that regional divisions contributed to organizational results significantly in terms of awareness raising, capacity building, development, technical assistance and knowledge sharing through the South-South exchange. We encourage that WIPO’s capacity development activities continue to accelerate the process of realisation of organizations’ strategic objectives based on development needs of each Member State. My Delegation would like to emphasize the importance of IOD’s cooperation with the internal oversight or similar services of other organizations of the United Nations system and of multilateral financial institutions. We encourage IOD to continue its useful and active collaboration and networking with other UN system organizations and entities. In particular, active participation in the annual meeting of UN representatives of internal audit

services. To conclude, we note with satisfaction that no instance or activity occurred that could be perceived as either an interference in the work of the Division or jeopardizing the operational independence of IOD, as has been described in the Division's report.

136. Secretariat: Thank you very much distinguished Delegates for your comments and contributions, which we very much noted for our continuing improvement. I would like perhaps to come to specific questions from the different Member States. Perhaps on the first recommendation on WIPO Standing Committees, the update or what has happened so far is that all recommendations are on track to being implemented, one has been closed so far, and others are partially closed or partially underway to be closed hopefully by the end of the year. In regards the cooperation and the second line of defence, the IAOC, the Controller, also the External Auditor, we are cooperating very closely to start tackling and you can see now that we have been able to start closing open recommendations of high importance. I think that is something that is going to even improve in the future because we are continuing to focus our efforts and even increasing them. As I mentioned, by using behavioural science principles. In terms of behavioural science, I will give you an example of how we are using these principles and what is the form that they take when we send reminders for closing the recommendations or when we send memos, we can use different types of language, right? There are different types of text that call for actions. For example, applying the social norm principle is letting the managers know how other peers are behaving in closing recommendations while we are reminding them that they have to close recommendations. This is something that increases the rate of closing recommendations. We will share with you more detail in the report for next year when we know more about how behavioural science has impacted in the closing of recommendations. With regards to the other topics there are some questions I would like to ask the Chair. If I can he can give the floor to my colleagues in IOD that are holders of knowledge because I have only been officer in charge for 19 days, so I think for the details I could not provide on the information requested I would like to ask permission from the Chair so they could answer the questions, if possible.

137. Secretariat: I am the Head of Investigation Section and I would like to provide some answers on the questions that have been raised concerning investigating activities. With regards to the questions raised by the distinguished Delegation of Russian Federation, regarding cases of fraud and corruption, I would like to clarify that a policy does exist, the WIPO Policy on Preventing and Detecting Fraud and other Prohibited Acts (Office Instruction OI/10/2019). We do report in a detailed manner on cases of alleged fraud on a quarterly basis to both the Risk Management Group and the IAOC (to whom we report in detail on fraud and other cases of alleged misconduct). To answer the questions from the distinguished Delegation of the United States of America regarding the cases on hold, as of December 31, 2022, we did have eight cases on hold for a number of reasons. There were, if I remember correctly, but we will provide you the exact data, there were at least three cases where staff were unavailable because of medical reasons, in such a case we normally consult with the Medical Service as to whether there are alternate ways to obtain cooperation from the staff members such as questions in writing in lieu of an interview, for example. We had at least two cases where a staff member requested additional time to respond to draft investigative findings which is a compulsory step – in our investigative process, we should send draft investigation findings to investigation subjects for them to provide a response before we finalise a report. And sometimes the subject of the investigation would request some additional time to provide their response, and in such cases we assess the reasonableness of the request. Providing a response often involves going through some amount of data and documents and it does require time. Cases can also be on hold for technical reasons, for example, when we request the International Computing Centre (UNICC) to provide digital data. It may take some time for them to retrieve the data depending on their own workload, so cases sometimes have to be put on hold for this reason. Lastly, we sometimes outsource cases as mentioned earlier and notably for reasons of perceived conflict of interest, which we would want to avoid, we would outsource

these cases at the advice of the IAOC and in these cases, we do not really control the timeline. There was at least one case in this situation.

138. Chair: In connection with the Standing Committee, a question was raised as well, so here I will give the floor to the Secretary of the Standing Committee on the Law of Trademarks and Industrial Designs and Geographical Indications.

139. Secretariat: Delegates, Ladies and Gentlemen. I am the Secretary of the WIPO Standing Committee on the Law of Trademarks and Industrial Designs and Geographical Indications (SCT) and the SCT was one out of four Committees that was evaluated by our colleagues from the Internal Oversight Division. The comprehensive evaluation report was issued with a number of recommendations concerning the work of the four Committees, namely the Standing Committee and Law of Patents, the Standing Committee on Copyright and Related Rights, Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications and the Committee on WIPO Standards. Most of the recommendations as pointed out by my IOD colleague have already been implemented or are in the process of being implemented. The particular challenge in the implementation process is that the four Committees Secretaries had to work together to find a way of implementing it jointly. Secondly, communicating implementation and compliance action takes place *via* a not necessarily straightforward software used by our colleagues. A large part of the recommendations concerned actually institutional and procedural matters rather than substantive matters or matters concerning the work of the Committees themselves. I can cite a couple of examples where recommendations are already implemented or will be implemented shortly. One of them was a recommendation concerning the rules of procedures. The Standing Committees all use the WIPO General Rules of Procedures but each Committee has a number of special rules, which are not necessarily the same for each Committee. It was a recommendation to bring together all of the various rules of procedure in a place easily accessible for all Delegations, and that has been done. They are now on the WIPO webpage. There is a page with the general rules of procedure, which are published, and directly underneath, you can find all the special rules of procedure for the various Committees. Another recommendation concerned a particular communication to Delegations reiterating the purpose and the objective of the work of the Committees. Again, what was in the mind of the Evaluators here was that new Delegations coming to meetings are not necessarily familiar with the work of the Committee and should be briefly reminded in the invitation of what the Committees are all about. This recommendation is already implemented as we have added additional language to the individual invitation circulars sent out to all of the Committees drawing attention to the nature and purpose of the Committees. There was a recommendation on briefing session for Delegations prior to Committees and for the Chairs of Committees. These are things that are already happening largely with Committees, but the goal here is to harmonize the approach across the Committees, in particular for the benefit of new Delegations. There was also request concerning briefings for new Delegations, in other words Delegates that attend a meeting for the first time. Again, we try to find a horizontal solution bearing in mind the type of information that should be made available to Delegations attending WIPO meetings is the same no matter which Committee they attend. Therefore, we are working with colleagues from Conference Services to make this information available again by means of publication on our website. These are a couple of examples for the ongoing work on the implementation of the recommendations. We would be happy to provide an exhaustive list of individual actions responding to the recommendations in case that is desired.

140. Chair: Thank you very much for that statement. Given that the time has come to stop our meeting because we have gone over time already and the interpreters have to finish their workday, we will leave item 6 open. In addition, there is a proposal from the Russian Federation to include a new response to the decision paragraph. I would let to call upon the Delegation of the Russian Federation to be kind enough to send its suggestion in writing so that we can continue with the debate and ask the Delegation to discuss with other Delegations to find a

consensus in a constructive spirit to reach an agreement on this point. I would suggest that now we look at the decision paragraph on agenda item 6 of our agenda, which you will see on the screen now, I recall that this is a pending item: "The Program and Budget Committee (PBC), recommended to the WIPO General Assembly to take note of the Annual Report by the Director of the Internal Oversight Division (IOD)(document WO/PBC/36/5), and requested IOD to develop a consolidated platform for tracking oversight recommendations available to all Member States". This is the draft decision point that I propose to you and open the floor if the delegations would like to make comments on it.

141. Delegation of Switzerland: Group B would request some more clarity on the second paragraph, which refers to the establishment of a consolidated platform. I believe it was the Delegation of the Russian Federation who suggested this, thank you very much the Delegation of the Russian Federation for this suggestion. We would like to understand better what the purpose behind this proposal is. For example, what is meant by "tracking", what exactly does that mean? In our understanding, this information is already available. We are wondering about the purpose of putting it on this platform. We would also be grateful to the Secretariat if you could clarify to what extent such information is available and what the technical feasibility is to put this together. We have a number of outstanding questions on this proposal.

142. Delegation of the United States of America: The United States of America believes it is necessary to recall here the importance of all WIPO Member States, recognizing and respecting the independent oversight role of the IOD. The IOD is entrusted to advise the Organization and its Member States on a broad range of management oversight and accountability issues through effective and independent oversight. As the internal oversight charter clearly states, the IOD is to submit an annual report to the PBC and to the General Assembly summarizing its independent assessments and conclusions. The United States of America does not, in principle, oppose the suggestion for IOD to improve the transparency and tracking of implementation status of oversight recommendations. However, the United States of America does not support editing or adding to the decision language concerning a report that we are invited to note. In particular, when the report is issued by an internal independent body. We propose that consistent with Member States interventions on this and other documents, that Member States interventions and requests are incorporated into the meeting record, and, as appropriate, the subsequent iterations of the report without an explicit point in the decision language.

143. Delegation of the Russian Federation: I will once again try to explain our proposal. As the distinguished representative of Switzerland just said, there are periodic reports of these oversight bodies, and they publish the status of their recommendations. However, from our experience and in other international organizations, there is an interactive platform of sorts for this. This is a kind of webpage or a website, depending on the organization, which very clearly and in an interactive format publishes all of the recommendations for all oversight bodies. With regard to WIPO, we are talking about recommendations from the External, Internal Auditors, and the Independent Advisory Oversight Committee. At the moment, all of these recommendations are published in the relevant report for each of these bodies. They are not altogether in one place. Our proposal would be to make an instrument or a mechanism that would enable Member States in one place and in a very clear form to see the entire picture. In terms of how and which recommendations are being implemented and also the status of the implementation, and we believe that this would be useful for all Member States, for the Secretariat as well, because in one place you can immediately see all of the recommendations. With regard to the proposal to add this request as a specific agenda item, I do not really see any complications or difficulties with that. We are taking note of the report of the IOD and, as many have said, it was very interesting, useful, and comprehensive. We could also reflect the request for this additional instrument. If the Secretariat believes that this is not exactly the right place to place this request, then perhaps we are talking right now about the IOD, which coordinates the

implementation of recommendations. I think it would be logical to include this request here specifically.

144. Chair: I thank the distinguished Delegate from the Russian Federation for your statement. As I understand it, the appropriate permission has been provided in the explanation that there is no consensus to add this second bullet point in the decision point. We will need to leave this pending, this item on the agenda, so that you take into consideration the various proposals that have come from the various Member States and that you come up with a consensus solution. As you will recall, we have discussed the issue of internal oversight at some length and looked at the report, and there is a proposal in the decision paragraph. Since we have not reached agreement on that decision, I will make a new proposal as Chairman. I think we should go back to the decision paragraph as it was originally drafted. The language proposed by the distinguished Delegation of the Russian Federation that was to track the implementation of recommendations by all oversight entities and make the status of their implementation available to Member States through a consolidated platform. What I would propose is to include this under implementation strategy of the Internal Oversight Division. In the document we are discussing under addendum 10, that is a decision paragraph on agenda item 6 which is unchanged and include the proposal to track the implementation of recommendations in the Program of Work and Budget for 2024/25. We will return to the decision paragraph of agenda item 6. I propose this paragraph for approval so that we can conclude this agenda item.

145. Delegation of the Russian Delegation: Firstly, we wish to express our gratitude to the Chair. We thank him for his creative thinking. Conceptually we have no objection to such an approach, with the provision that the budget, that is to say this part of the PBC, will be approved. We are willing to withdraw our comment on the language for agenda item 6. In other words, we understand that the Chair wants to conclude the issue of item 6 as quickly as possible. We are suggesting that we await the response from Member States to the new language proposed on the Proposed Program of Work and Budget for 2024/25. If there is no objection, then we will be ready as part of our search to achieve consensus to withdraw our proposal on item 6. Despite that, we would like to note a further point. The Russian Federation is interested in making PBC more proactive and constructive and we think that it should not just involve taking note of Secretarial documents. Otherwise, we are simply not using the full potential and capacity of this body. Let me repeat, in order to achieve consensus, we are ready to proceed in this way if there is no objection to the text that has just been submitted for insertion in the Proposed Program of Work and Budget for 2024/25 document.

146. Chair: I thank the Russian Federation Delegation for its statement. The idea is that the withdrawal of this section of the decision paragraph under agenda item 6 should be also, at the same time, with the inclusion of the paragraph on page 67 of the Proposed Program of Work and Budget for 2024/25 document. If there are any other comments, the list of speakers is still open, the floor is still open for your comments.

147. Delegation of the United States of America: We did not quite understand the linkage between the decision on the Internal Oversight Division report and some other items since the pages in the document posted on the website seem to be different pages from the pages that are being announced here.

148. Chair: I remove that decision and put up the inclusion in the Proposed Program of Work and Budget for 2024/25 document. As you can see, this is the implementation strategy with regard to internal justice, governance and oversight, which is on page 67 of the initial proposal of the document in its English version. Under the sector on Internal Justice governance and Oversight. The idea would be to include this proposal as you can see including recognitions by other oversight entities for the implementation of Member States through a consolidated platform. This would be new strategy of implementation and the Internal Justice Governance and Oversight section. This section is page 67 of the English version of the Proposed Program

or Work and Budget for 2024/25 document. I hope that was clear. If you have any questions, please do not hesitate to ask them. I see there are no requests for the floor. If there is no opposition then we can consider this important decision that will conclude this discussion. At the same time adding the paragraph that we put on the screen earlier on page 67 of the Proposed Program of Work and Budget for 2024/2025 document. I do not see a request for the floor, I therefore propose to the Committee to adopt the following decision.

149. The Program and Budget Committee (PBC) recommended to the WIPO General Assembly to take note of the "Annual Report by the Director of the Internal Oversight Division (IOD) (document WO/PBC/36/5)."

ITEM 7 ANNUAL FINANCIAL STATEMENTS 2022; STATUS OF THE PAYMENT OF CONTRIBUTIONS AS AT APRIL 30, 2023

(A) ANNUAL FINANCIAL REPORT AND FINANCIAL STATEMENTS 2022

150. Discussions were based on document WO/PBC/36/6.

151. PBC Vice-Chair: Good morning everyone, colleagues, we could open the second day of our deliberations at the PBC. I have been updated by the Chair, on the excellent progress that was made yesterday. We ended the day with Agenda Item 6, and I understand that the Russian Federation has made a proposal yesterday, regarding the decision paragraph for Agenda Item 6. As requested by the Chair yesterday, I encourage, now, the delegation of Russia to engage with other Member States on their proposal in order to reach agreement on the wording of the draft proposal regarding Agenda Item 6. The Secretariat has shared this text with all the Member States through their group coordinators, so I assume that all the Member States have received this text to be consulted further, with a view to achieve agreement on this text. Now, we could begin with Agenda Item 7. Please note that WIPO's investment advisor will present the Agenda Item 7 (b), on investments, during our afternoon session. Turning to item 7(a), Annual Financial Report and Financial Statements 2022, in accordance with regulation 6.12, of the financial regulations and rules, the PBC is required to examine the financial statements and to forward them to the General Assembly with comments and recommendations. Accordingly, the document WO/PBC/36/6 provides the financial statements of the Organization for the year ended December 31, 2022. Now, I would like to give the floor to the Director of the Finance Division, for her update and information.

152. Secretariat: Thank you, Chair, and good morning to everybody. The annual financial statements for 2022 have been prepared in accordance with international public sector accounting standards, or IPSAS, as we know them, and have received an unqualified audit report. This document also includes WIPO's Statement on Internal Control. The financial report provides a discussion and analysis of the results for the year as well as details of the financial position of the Organization at the end of December 2022. The Organization's results for 2022 showed a surplus of 7.7 million Swiss francs, with total revenue of 498.5 million Swiss francs, total expenses of 402.8 million Swiss francs, and investment losses of 88 million Swiss francs. This can be compared to a surplus of 108.9 million Swiss Francs in 2021 when we had total revenue of 475.1 million Swiss francs, total expenses of 388.9 million Swiss francs and investment gains of 22.7 million Swiss francs. Removing the impact of the investment losses and gains recorded in 2022 and 2021 respectively reveals that the Organization actually increased its operating surplus by 11 per cent over 2022. Total revenue was up 4.9 per cent compared to 2021, total expenditure increased 3.6 per cent compared to 2021. As of December 31, 2022, the Organization had net assets of 560 million Swiss Francs with total assets of 1621.1 million Swiss francs and total liabilities of 1061.1 million Swiss francs. During 2022, the Organization's net assets increased by 151.5 million Swiss francs. This was mainly due to significant actuarial gains related to WIPO's liability for ASHI which totaled 143.8 million Swiss

francs and were recognized through net assets, along with the service for the year of 7.7 million Swiss francs. Thank you, Chair.

153. Delegation of Switzerland: Thank you, Mr. Vice-Chair. Group B would like to thank the Secretariat for preparing and introducing the detailed document, WO/PBC/36/6 on WIPO's financial situation as of end 2022, a document which has been prepared in compliance with the international public sector accounting standards. As stated at PBC 35, we welcome the positive financial results for 2022 which, despite the COVID-19 pandemic and turbulent markets, are good. We note that the Organization has a healthy balance of total assets and total liabilities and shows a surplus of 7.7 million Swiss francs in 2022. However, we would like to continue to encourage WIPO to exercise great financial caution and prudence in the coming years, particularly in light of the fragile and volatile global economy. We would be interested to obtain more information regarding the impact of the situation in the financial markets on WIPO's long-term employee benefit liabilities, in particular, ASHI. We have noted that the net decrease in the ASHI liability was, in 2022, of 105.1 million Swiss francs compared to the previous year. Since the most significant factors that have impacted the valuation of the liability are the actuarial assumptions, we would like to know if the same parameters will be used in 2023 and what might be the estimated impact? Although COVID-19 is no longer qualified as a global health emergency, the worldwide economic fragility remains as it is also underlined in the annual financial report. Therefore, Group B requests the Secretariat to exercise great financial prudence in the coming years. I thank you, Mr. Vice-Chair.

154. Delegation of Poland: Thank you very much, Chair. Good morning, everyone. The CEBS group would like to thank the Secretariat for preparing and introducing the annual financial report and financial statements for the year 2022 as outlined in the document WO/PBC/36/6. With satisfaction, we learn that despite the reported broad base slowing down of economic activity, WIPO's fee revenue from applications continues to grow in 2022. The record level of PCT application filings as well as the two-digit growth of the protection of industrial designs by the Hague System offer particular reasons for satisfaction. All this data shows that the business engaged in generating innovation and creativity continues to grow and successfully responded to the risks caused by the COVID-19 pandemic as well as other geopolitical and geo-economic vulnerabilities. We express our concerns over the report of net investment losses of 88 million Swiss francs in 2022. We hope the situation is only temporary and we will see a prompt recovery in the value of WIPO investments. We are aware of the extreme economic uncertainty during 2022. The post-pandemic struggle amplified by the Russian war of aggression against Ukraine has entailed challenging investment conditions which unfortunately affect all of us. In this context, let me reiterate CEBS position of the necessity of all WIPO members to work towards peace and stability, which is the prerequisite for healthy global financial conditions, economic growth, and prosperity. Let me conclude by expressing CEBS appreciation for responsible management of the Organization's financial resources. I thank you, Chair.

155. Delegation of China: Thank you, Vice-Chair. Good morning, all colleagues. We would like to thank the Secretariat for the financial report of 2022. This report was prepared in accordance with the international public sector accounting standards which fully reflect the open, transparent, professional and meticulous management style of WIPO's Finance Division. China is pleased to see the income of WIPO's three major international IP services over the past year, namely PCT, Hague and Madrid, which is mainly attributed to the increasing confidence and demand of global users. China notes that, despite the considerable investment losses in the year 2022, WIPO still achieved a surplus of 7.7 million Swiss francs. We hope that WIPO will follow strictly its financial planning and optimize the use of surpluses by investing more resources in the overall improvement of the global IP service systems and important areas such as IP for development. Thank you, Vice-Chair.

156. Delegation of Mexico: Thank you very much, Vice-Chairperson. We'd like to thank the Secretariat for presenting the financial report and financial statements of 2022 and we take note

of the good financial situation of the Organization. However, we do have some comments to make because my delegation would like to better understand the reasons for the losses registered of 88 million Swiss francs because of investments, which represents almost all of the profits through investments in the last few years. We believe that the information provided is not sufficiently comprehensive to properly understand these losses, so we would like the Secretariat to provide us with additional information on the specific investments that have an impact on these losses. We would also like to know more about what were the lessons learned and the action that is being taken to address more vigilance with investments in these volatile markets. On this note, we agree with the IAOC with regard to our opportunities to improve governance when it comes to investments that will enable us to have better oversight and impact on our assets. Thank you.

157. Delegation of Türkiye: Thank you very much, Chair, for giving me the floor. Since we are taking the floor for the first time, we would like to greet you once again in this session of PBC and thank Director General Tang for his opening remarks and the Secretariat for their tireless efforts. Of course, we thank all the oversight bodies for their reviews, evaluations and recommendations that provide invaluable assistance in improving the Organization's ability to reach its strategic objectives and expected results, and strengthen the Organization's operations and functioning. Moreover, the Delegation of Türkiye would like to thank the distinguished Delegate of Switzerland for the statement made on behalf of Group B. According to the report, besides the 4.9% increase in its revenues, which is driven mostly by the PCT system fees, its expenditures have increased by 3.6% predominantly due to increases in travel costs, which could be explained with the post-pandemic situation and which remain lower than the pre-pandemic levels. However, for one of the key findings of the External Auditor in the report WO/PBC/36/4, certain key financial ratios such as the current ratio, which indicates the Organization's ability to pay off its short-term liabilities, is considered worthy of concern. Nevertheless, the risk that low ratio indicates is thought to be offset through the pipeline of future work evidenced by the high amounts of advanced receipts which is acquired, to a large extent, from the PCT System. As being one of the top 10 receiving offices with respect to PCT applications, Türkiye considers the 5.3% increase of the PCT System fees and its 76.4% of share in the total revenues as an indicator of its continued expansion in the upcoming years. However, considering together with the risks defined in the proposed Program of work and Budget as the uncertainties that may affect the achievement of the expected results and key performance indicators, which include a decline in confidence in IP frameworks and the uncertainties in the global economy, having an impact on revenue generating activities carries the potential to threaten the Organization's financial sustainability. We would like to emphasize, once again, the importance of the key financial ratios and their careful assessment. Chair, we would like to conclude by encouraging WIPO to continue taking actions to maintain its financial health and we would like to express our gratitude for the overall sound financial situation of the Organization. Thank you, Chair.

158. Delegation of the Russian Federation: Thank you, Chairman. The Russian Federation would like to thank the Secretariat for preparing and presenting the annual financial report and the financial statements for 2022. For our part, we note the positive financial indicators for the Organization, and we hope that we will have a more pragmatic approach with regard to investments. We note the positive indicators of the registration systems, which play a key role in the development of a balanced and effective global IP ecosystem. We note, with regret, that the productive work of our Organization and its Steering Committees and Governing Bodies are being politicized by certain delegations and we appeal to all Member States to respect the mandate of our Organization, in particular the PBC. This approach has a negative impact on the practical work and creates false barriers and also damages the authority and effectiveness of WIPO and, as a result, hinders the real solution of global issues. For our part, we are always open to dialogue and cooperation, both with the Secretariat of WIPO and with Member States. Thank you.

159. Delegation of Singapore: Thank you, Vice-Chair. WIPO's financial performance continues to reflect the Organization's sound governance and financial management. We consider that the 88 million Swiss franc losses in investment value needs to be taken within the context of the 2022 market downturn, as well as adopting a medium to long-term view of investments. We note that WIPO had already affected such a risk scenario in its previous risk assessment report and a mitigation plan for such an occurrence had also been put in place. Thus, where the 2022 investment losses had a negative impact on net assets, there was still an overall increase in net assets due to actuary gains on WIPO's long-term employee benefits. The global economic outlook remains uncertain, amid turmoil within the financial sector and high inflation, among other factors. It is important that WIPO exercise prudence in its spending while continuing to invest for the long-term for the benefit of the Organization. Equally worth mentioning are WIPO's actions on environmental responsibility, including preserving the campus biodiversity, addressing energy efficiency for lighting and cooling, waste management, and water consumption management. The wicked interaction of a water crisis, climate crisis, and loss of biodiversity adds to the complexity of the climate crisis. However, complexity should not deter us from moving swiftly and contributing constructively, which is so often raised here. Every individual action matters. Thank you.

160. Vice-Chair: Are there any other requests for the floor? I see none, and since some questions have been asked, now I would like to ask the Secretariat to address these questions.

161. Secretariat: Thank you very much to the delegations for the questions. There were several questions raised about investments and, if I may, I would like to defer those to the session when we will look at investments separately. We will have our external investment advisor with us and during that presentation, we should be able to address most, if not all, of the questions that have already been raised. So, if I may, could we please just wait for that session and, obviously, if your questions are still unanswered, we will answer them at that time? If I come to the question raised by Switzerland with regard to the long-term employee liabilities, I think it's very important to realize that the calculation of after service health insurance is essentially a big estimation. It's work that's done, as I said yesterday, by an independent external expert and, it is an estimate of what this liability is at the current time. So, all the same parameters go into the calculation every year, we use the same elements, factors such as the discount rate, mortality rate, staff turnover rates, the cost of medical expenses. Those parameters do not change from year-to-year. What does change are the assumptions that go with those parameters, so as we have seen this year, the discount rate changed. So, we still use the discount rate, obviously, but it did change because, as we have seen, interest rates have risen in many countries, and that has had an impact on markets, on double A rated bonds, which is what we use as our reference point when determining the discount rate. Certain parameters tend to change more significantly, and perhaps more often than certain other parameters. If we look at the parameter of staff turnover, for example, that tends to be rather stable here at WIPO, and wouldn't change significantly from one year to the next. Similarly, with mortality tables, we use the mortality tables of the UN Joint Staff Pension Fund, and again, those tables do not change significantly from one year to the next, and we use that parameter every year. The assumption wouldn't change significantly. For other parameters, as I say, such as the discount rate, depending on what's happening in the markets, the change can be more significant. So, it is important to realize that the calculation is made every year, by an independent expert, as I say, using the same parameters but the assumptions surrounding those parameters change in accordance with things like the market, the market for medical expenses, the cost of medical treatments, and so on. It's impossible for us not to change these assumptions, and they are a key element in this calculation. A question was raised about the current ratio which was cited in the External Auditor's report. Well, there are two elements that drive the ratio and the fact that it seems low for WIPO. One is the fact that we have a lot of cash, shown as long-term cash, because it's actually housed in the investments. The investments are obviously long-term, as we know, as we have strategic cash investments that are there to cover the ASHI liability, and they do not get counted as current assets, but we still

have those assets, and we could liquidate them if we really wanted to. That's one of the drivers as to why the ratio seems quite low. A second driver is the fact that we have, in accordance with IPSAS, to record all of our receipts on a revenue earned basis, so we receive monies in for patent applications particularly, but we can't recognize the cash that we've received in as revenue immediately, we have to wait for the publication date of each application. So, basically a large amount of the cash we receive is treated as deferred revenue. Again, that is driving the calculation of liabilities, but we know that that money is ultimately going to be earned by the Organization and we are sitting on the cash. Although our current ratio does seem lower than is advisable, there is not really any need for concern. As I say, the cash is sitting there in long-term cash as investments, and we have additional liabilities, which we know will ultimately result in revenues and liquid cash, so we do not have any real concerns about the current ratio. I think I may have covered all the questions, but please, if I have missed something, please let me know. Thank you.

162. Vice-Chair: Thank you, Madam Director. Would any delegation like to take the floor and to refer to the explanations and information given by Madam Director? Seems that there are no requests for the floor. Can we then proceed to action and allow me to read the relevant paragraph of the decision to be taken by the PBC regarding this particular topic? You have this already on the screen. So, the paragraph would read as follows.

163. The Program and Budget Committee (PBC) recommended to the Assemblies of WIPO, each as far as it is concerned, to approve the "Annual Financial Report and Financial Statements 2022" (document WO/PBC/36/6).

(B) UPDATE ON INVESTMENTS

164. Discussions were based on document WO/PBC/36/Update on Investments

(B) STATUS OF THE PAYMENT OF CONTRIBUTIONS AS AT APRIL 30, 2023

165. Discussions were based on document WO/PBC/36/7.

166. Vice-Chair: I now invite the Secretariat to introduce document WO/PBC/36/7, Status of the Payment of Contributions as at April 30, 2023.

167. Secretariat: This document provides details of the Status of the Payment of Contributions as of April 30, 2023, including information concerning the arrears in annual contributions, and in payments towards the working capital funds. There have been contributions paid since the issuance of the document, and as of today's date, these are as follows: Côte d'Ivoire 373 Swiss francs; Gabon 105 Swiss francs; Belize 10,774 Swiss francs; Guyana 2,849 Swiss francs; Costa Rica 5,363 Swiss francs; Panama 5,434 Swiss francs; Belgium 430,346 Swiss francs; Andorra 11,395 Swiss francs; Canada 455,790 Swiss francs; Japan 1,139,475 Swiss francs; Haiti 1,424 Swiss francs; Bhutan 1,424 Swiss francs; Togo 1,410 Swiss francs; Jamaica 2,849 Swiss francs; Nauru 2,547 Swiss francs; Spain 455,790 Swiss francs; China 455,790 Swiss francs; Bahrain, 5,697 Swiss francs; Côte d'Ivoire 151 Swiss francs; Gabon 21 Swiss francs; Niger 42 Swiss francs; Belize 3,471 Swiss francs; Chile 11,395 Swiss francs; Greece 102,554 Swiss francs; Kiribati 1,424 Swiss francs; Singapore 11,395 Swiss francs; Nicaragua 2,849 Swiss francs; Bosnia and Herzegovina 2,849 Swiss francs. This amounts to a total of additional contributions of 3,124,986 Swiss francs.

168. Vice-Chair: I do not see a request for the floor, I therefore propose to the Committee to adopt the following decision.

169. The Program and Budget Committee (PBC) took note of the “Status of the Payment of Contributions as at April 30, 2023” (document WO/PBC/36/7).

ITEM 8 ANNUAL REPORT ON HUMAN RESOURCES

170. Discussions were based on document WO/PBC/36/INF/1.

171. Chair: Good morning, distinguished delegates. First of all, thank you very much for the work that was done yesterday at the morning and the afternoon session. I wish publicly to express my thanks to the work done by the Acting Vice-Chair of the Committee, our dear colleague, the Ambassador of Poland because we know that yesterday he did constructive work and reached agreements to move our agenda forward for this week. I should like to take this opportunity to apologize for my absence but I had some professional obligations and had to go back to Brussels. However, for the rest of the week, it will be a pleasure to continue to lead the debate of this Committee. The Acting Vice-Chair of the Committee told me about the work that was done yesterday, and it is my idea to continue with the work along the same lines. Work was undertaken on agenda item 7 and 9. At the end of the day, the Proposed Program of Work and Budget for 2024/25 was completed by working intensively on all of the items under this budget, which were not possible to agree upon before then. Today I shall continue with the same method as used yesterday. Furthermore, allow me to remind you that it is my plan today to reopen item 7 of the agenda to see if we can reach a decision and if we can close that agenda item which is currently still open. And of course, we shall continue to work intensively on the program and budget, but in accordance with our timetable, today we are meant to begin with item 8 of our agenda, which is the Annual Human Resources Report. Then we will continue with item 11, which is the study of a separate entity for ASHI - After Service Health Insurance. Having dealt with those two matters, we shall go back to item 10 on our agenda, so we shall now move on to Agenda item 8: “Annual Report on Human Resources”, as contained in document WO/PBC/36/INF/1. The document “Annual Report on Human Resources” is being submitted to the PBC for information purposes in accordance with the decision taken by the PBC at its September 2012 session, when it “requested that the Human Resources annual report to the Coordination Committee be also presented in the future to the Autumn Session of the PBC for its consideration.” No decision is required by the PBC. I pass the floor now to the Director, Human Resources Management Department.

172. Secretariat: Chair, distinguished delegates, it is my pleasure to present to you the Annual Report on Human Resources (document WO/PBC/36/INF/1). The challenges that we face today are more significant and complex than ever with a number of global crises following the pandemic and an increased number of uncertainties. This context is very likely to become, if not already, the new norm. WIPO is no different from other organizations in facing these challenges related to digitalization, automation, demographic shifts, workforce diversity and inclusion, and on the need to adapt our culture. The key focus of the HR strategy is to evolve the Organization so that it can deliver on its mandate in a constantly changing environment. During the past year, we have continued to address the key objectives set out in the HR Strategy, keeping in mind that all the elements are connected, from hiring to talent management, development and performance to ensuring the best employee experience. It is therefore important that we take an integrated approach in designing, developing and implementing the different initiatives. With the rapid advances in technology, HR increasingly has access to data that provides key insights into the workforce and the different work streams. The Annual Report on Human Resources, the HR Workforce brochure and the statistical data on geographical distribution and gender balance capture and reflect these insights that inform our work and help us to support managers. I will now address the key objectives of the HR Strategy. Objective 1. A new organizational culture: HR has a key role to play in evolving the work culture of WIPO to meet the new challenges in a post-pandemic world. A diverse

workforce is at the heart of this effort. The focus over the last year has been on initiating dialogue, notably through a “voice of employee” tool and our first employee engagement survey in May 2022. The data gathered as a result of these initiatives triggered a series of actions on key areas for development, at the team and organizational levels, as well as commitments on the part of managers to advance these actions, in September 2022. Two examples of the opportunities seized to increase collaboration within and between work programs, and to ensure a more cohesive approach to work are the RNDS project team and the Young Experts program.

Objective 2. Organizational Agility and mobility: WIPO needs to build agility to react quickly when faced with new challenges and opportunities. This means growing and attracting the skills that will help us shift resources where they are needed and assembling diverse teams from across the Organization. We have increased the opportunities for internal mobility by opening temporary and project positions to internal colleagues while protecting their contractual status. We are also reviewing HR policies to encourage adroitness in performance and delivery and to lower internal organization barriers to mobility.

Objective 3. A performance-driven Organization: To encourage change we need a performance management system that reflects the new vision. A key undertaking is the design, development and roll out of this new system. In 2022, we developed a Performance Philosophy, introduced ‘calibration’ at all levels for more consistency, and adjusted our Rewards and Recognition Program.

Objective 4. Developing our skills: Organizational agility requires learning and development to focus on solutions to fill emerging skills gaps, reinforce key competencies, and create a culture of learning where employees are actively looking out for opportunities to develop and improve. The Learning & Development Task force developed a Strategic Learning and Development framework to be informed by sector-level workforce planning. This will ensure that training offered by the WIPO Academy meets both employee and organizational needs. Navigating change is not easy, so it is critical to train managers who can then support their teams in their learning journey.

Objective 5. Engagement and wellbeing: Introducing new and improved policies and building an HR function that enables rather than regulates, identifies and addresses issues, and generally seeks to improve the employee experience, we will ensure that employees continue to enjoy working at WIPO, not only due to the Organization’s mission but also because they feel well treated. We recognize that a flexible approach to working is business-critical, contributing to the work-life balance of our employees as well as to WIPO being an employer of choice. We provide a broad range of support services on wellbeing and mental health. Our “Guide to a Respectful and Harmonious Workplace” provides guidance and reinforces the principle that everyone has a right to work in a safe and respectful work environment. We tackle issues holistically, with many initiatives embedded in other processes such as the induction program, the performance evaluation process and the exit questionnaire. On sexual harassment, we have engaged in a multi-pronged endeavor to address the matter proactively, involving many internal stakeholders, namely the Ombudsperson, Ethics Office, IOD, the Academy, the Gender and Diversity Specialist, the Staff Counsellor and the Talent Business Partners.

Objective 6. A one-stop service model for HR: HR transformation is more urgent than ever with this changing environment, as well as with cost-pressures, hybrid work models and evolving employee expectations. At the same time, we need to ensure that we support the transformation of the Organization and new ways of working by adjusting our systems and policies to encourage change.

Objective 7. A diverse and inclusive workforce: When an organization embraces diversity and inclusion, it prepares itself for change. On Geographical diversity, outreach efforts have helped to increase applications from a broader set of countries. The increased focus on the region has led to Africa Region taking the lead position on number of applicants for the first time. We have made progress on posts subject to Geographical Distribution with Asia and the Pacific, Latin America and the Caribbean, Eastern Europe and Central Asia and Africa increasing their representation over the last two years. Good progress was made on Gender representation at D2 level but challenges remain at P5 and D1 level, noting that WIPO is above most other UN technical agencies on gender representation at these levels. Following the decision of the WIPO Coordination Committee at its last meeting in July 2022, WIPO has come up with an action plan on geographical representation as an Annex to the HR report. Based on

the data available about upcoming vacancies, there is a significant window of opportunity to change the diversity of staff over the coming 15 years with 43% of positions subject to Geographical Distribution becoming vacant. This needs to happen now if we want to make a difference, this cannot happen without your support and engagement.

173. Delegation of Venezuela (Bolivarian Republic of): GRULAC is grateful for the Annual Report on Human Resources for 2022 which will be considered by the Coordination Committee in its session next July. My Group has taken note of the information contained in the report and without undermining the ideas expressed in the Coordination Committee; we would like to make a few comments of our own. First of all, we suggest adopting the practice of submitting this type of report, simultaneously with the budget. In this regard, we wish to urge the Secretariat to comply with the recommendations for timely publications and recommendations even when they are of an informative nature. It is extremely important for Member States to be able to look at the contents and to provide adequate feedback concerning the entire text on this important subject of human resources, for instance. Secondly, GRULAC wishes to share comments on gender equality and unrepresented countries. Concerning the question of gender equity. We are grateful to the Secretariat for the progress made at the global level to move forward for gender parity. We are aware that on occasion changes are not immediate and that the actions we take now will be reflected in results in the next few years. However, we do consider that there are triggers which can help achieve these objectives in less time. For this purpose, we consider it very important to carry out an analysis of the barriers faced by women in WIPO in order to accede to higher posts and directors posts where there is not gender parity. These suggestions, along with measures, including publishing the vacancy post that corresponds to specific needs and challenges to the creation of policies that help address disparities and, also, the development of policies to do away with gender inequality are welcome measures. GRULAC recognizes the fact that WIPO is part of the action plan for the entire system on gender equality and the empowerment of women – UN SWAP. In this respect based on the information contained in the UN Women page, we note that WIPO has not complied with three of these indicators related to the SDGs and gender and with an indicator for the allocation of financial resources. This is also the case. It would be important for the next reports to contain information concerning the lack of action on these indicators. Regarding the presentation on strengthening programs for the promotion of personnel in terms of the conditions of access for women to WIPO and the Academy, we suggest that this presentation should be held taking into account what in the world of searching for human talent is known as soft skills. You can count upon our Group to work with the Secretariat. As to providing Intellectual Property access to all people, it is important for WIPO to be enriched by the vision that developing countries can contribute and having a greater diversity amongst its staff. This will help to potentiate results of WIPO's efforts to foster cooperation with Member States as the focal points, through collaborative initiatives. Mr. Chair, the data provided both in the report and in the separate WIPO workforce compendium is very valuable to Member States, since it allows us to know where we are, and where we want to go, in terms of geographical distribution and gender equality, issues that we consider to be complementary and in which we work with all Member States and especially with our colleagues from the African Group. We are concerned that around 50 per cent of our countries are not represented at WIPO. We particularly appreciate the table containing a breakdown of applications by geographic region. For the Latin American and Caribbean region, seven out of a total of 1,117 applicants were selected. It would be important for WIPO to carry out a review of the recruitment process, which would improve the preparation of candidates and detect stages in which they might be opportunity to reduce recruitment time. We consider that time and recruitment is a determining multifaceted factor for candidates when submitting an application. We believe that these changes could contribute to improving geographical distribution in the Organization. We want to work with the Secretariat and the countries of the African Group to detect the reasons why our regions are the ones with the largest number of candidates who are not selected. We also want to investigate how to achieve the representation of countries that today do not have it.

174. Delegation of Switzerland: On behalf of Group B, I would like to thank the Secretariat and especially the Director, Human Resources Management Department for presenting the Annual Report on Human Resources. Our Group deeply regrets that this important report was only released on 13th of June, that is four working days prior to the beginning of PBC 36. In addition, we note that the English version was the only or is the only one available as of 15th of June, which is not optimal for transparency and accessibility. This Group is therefore not in a position to comment to the same extent as if the report had been published within a reasonable timeframe prior to this Committee. The fact that this report was not circulated on time is further proof that the decision to move the WIPO Assemblies to July seriously affects the preparatory work of both the Secretariat and the Member States and thus has a negative impact on the Organization's capacity to deliver quality work. This is not at all desirable if we wish to promote the smooth running of WIPO. We recall that the previous arrangement of having the Assemblies in the Fall worked well. Changing a successful system only seems justified to achieve further improvements in efficiency and quality of our preparations. Regarding the content of the report, Group B takes a specific interest in pillar three on organizational agility and mobility. We understand that WIPO needs to adapt quickly when faced with new challenges or opportunities, and that the new fixed term appointments of limited duration are intended to serve this purpose. We wonder, what are the implications of the new emphasis on mobility, and those staff who prefer deepening their expertise in their current assignments. Could the Secretariat kindly clarify to what extent advancements in line with Staff Regulations and Rules are still given equal weight under such a scenario? Also, could you please elaborate what is meant by the term 'organizational business needs', which is used as an additional criterion for awarding continuing appointments in addition to length and service and performance.

175. Delegation of Ghana: The African Group thanks the Secretariat for compiling the Annual Report on Human Resources including information on Human Resources related policies, initiatives and activities of the Organization. As the world is constantly changing, WIPO should have a competent dynamic and committed workforce capable of achieving the strategic goals to respond effectively to the expectations of Member States and others. The African Group commends the steps taken by WIPO last year, including the introduction of an organizational performance management philosophy with a view to setting the vision for a new performance management system. As well as launching the first phase of the One Stop Shop service model for the HR Management Department which took effect in February 2022. The Group recalls the decision taken by the Coordination Committee inviting the Secretariat to include in its Annual Report on Human Resources detailed information on the concrete measures taken to improve geographical balance. The Group notes the achievements made during this period covered by this report, particularly in the aspect of gender parity. We also wish to commend WIPO for initiating the Action Plan Strategy, cognizant of the need to accelerate the enhancement of geographical diversity in the WIPO workforce. The Group is of the view that much effort is needed to address the issue of geographical distribution in all sectors of WIPO and at all levels, including at higher and top levels. We reiterate our call for more representation and opportunities for the career advancement of Africans in WIPO, particularly in the Organization's senior positions. Statistics presented by the Human Resources Department clearly show that about 50% of African Member States have no representatives in the WIPO workforce. While noting the outreach effort taken by the Secretariat, the Group is concerned with the lack of clarity on the process for the selection of applicants, particular at the final stage of recruitment. We are so encourage the Secretariat to promote automated screening in the recruitment process in line with the practice of the United Nations office. It is also essential to make available materials and tips to help the candidates to overcome common pitfalls in their applications. Lastly, the Group hopes that the positive trends seen in geographic diversity will be more visible in the future to enable WIPO to better reflect the various features of the people it serves.

176. Delegation of Poland: We thank the Secretariat for preparing the Annual Report on Human Resources as contained in document to WO/PBC/36/INF/1. The information presented in the report provides evidence for a thorough and insightful analysis of human resources management and policy within WIPO. Taking into account the weight of the information as well as various data presented, it is important that the report is published early enough ahead of the PBC discussions. The late publication of this year's report combined with the current intensive WIPO agenda makes it very difficult for Member States to study results as well as contribute in important discussions on this very matter. The CEBS Group takes note of all the information presented in the report, especially reflecting efforts and ensuring more equitable geographical as well as improved gender parity in WIPO. The fact that data presented in the report confirmed continuous limited progress in changing the unenviable situation with relation to geographic diversity is of profound concern for the CEBS Group countries. Geographical diversity of WIPO is about its future. It translates directly into the Organization's improved understanding of regional specifics of IP, greater openness and diversity of thoughts and approaches and even improved communication with Member States, by expanded networks of languages. Hence, it should be perceived as a prerequisite of WIPO's performance, ability to develop multipronged policies and deliver high quality results, activities to support IP stakeholders. The persistently low level of the CEBS Group countries representation in WIPO employment combined with the lack of the CEBS Group representation in senior positions is an alarming signal. It is especially concerning in the context of the observed dynamic development of innovative and creative industries across the countries of the region. In this context, identifying the existing challenges and problems, taking stock of the current approach and some of the HR policies is a must. We see the need for more intensive efforts related to increased cooperation with respective institutions from regions that continue to be under-represented with an end to further promote WIPO employment opportunities. In the case of the CEBS Group, understanding the extremely low percentage of candidates selected at the final stage of the recruitment procedure requires special attention. Identifying the reason behind the situation is key to changing it for the better in the future. While we see value added in the Focal Point initiative supporting capacity building among IP stakeholders and raising awareness amongst hiring management and in-depth analysis is necessary with an aim to diagnose challenges related to the difficulties of progress being made through these policies in improving geographical diversity at WIPO. The CEBS Group is also looking forward to more insightful discussions during the upcoming Coordination Committee with relation to some of the HR policies, in particular with regards to the positions being opened in the WIPO internal procedure with a view to ensure better understanding and transparency of the recruitment processes.

177. Delegation of China: China thanks the Secretariat for the preparation and publication of this Annual Report on Human Resources. We also thank the Director for her presentation. We also thank the Secretariat for updating the document's statistics on the official website for the second half of 2022 as well as for organizing two Briefings in this regard. China appreciates the positive results achieved by WIPO in 2022 in human resources management and the continued efforts to improve geographic representation and gender equality in the workforce, in particular with regards to geographic representation. China believes that the global demand for the Organization's international IP services continues to grow rapidly, and there is a growing willingness to cooperate with the Organization from all regions and countries. Therefore, this Organization should improve its HR strategy and recruit talent not only locally but also globally.

178. Delegation of the Russian Federation: We are grateful to the Secretariat for having prepared this report and we are convinced that the predominant factors in the selection of candidates should be a high level of competence and also ensuring equitable distribution as indicated in Article 9 of the Convention on the establishment of WIPO. In that regard, we welcome the preparation of the geographical diversity action plan and we count on the fact that this is a first step, a beginning and it will be fully implemented as a result of this in future reports on HR, the Secretariat will regularly report on the course of implementation of the plan. As far as we understand it, the IOD has planned to apply achievements in the field of behavioural

science in order to advance gender parity within WIPO. Might it be possible to use such original approaches to ensure equitable geographical distribution? We would like to hear the opinion of the Secretariat on that. Furthermore, we ask the Secretariat to provide more details regarding methods implemented to prevent cases of underperformance. For our part, we are convinced that career paths of staff members should be directly linked to the quality of their work and we call on the Secretariat to include in the report information on the status of the recruitment timeline targets. And also, proposals as to how to improve this indicator which today as we understand it on average is exceeded by two weeks. We would in addition be grateful to the Secretariat for inclusion within the report by WIPO information on the use of non-staff personnel, including consultants. Furthermore, we suggest that the Secretariat consider the possibility of creating a specific internet portal with statistics on HR resources within WIPO, this could be updated at least quarterly. This could include data that is now presented in the WIPO workforce document. Additionally, this interface could actually be interactive, and it could indicate statistics on representation by country and not only region. This kind of instrument exists within a number of bodies within the UN system and Member States make active use of such systems, a step in that direction would promote the enhancement of transparency and accountability for the Secretariat. And another point, we call upon the Secretariat to abide strictly by decisions and recommendations from the ICSC as endorsed by corresponding resolutions on the UN General Assembly. Inter alia, this relates to the parameters for the use of the term diversity within the context of work with staff, the corresponding definition as agreed upon by the UN General Assembly in Resolution 73273 can be found within the ICSC Report for 2018.

179. Delegation of Singapore: We thank the Human Resources Management Department for the comprehensive report provided. Overall, we are pleased to note with good progress WIPO made on gender parity across both the total workforce as well as the core workforce, and the positive participation rate and results from the Employee Engagement survey, which does not happen by chance. We note with concern that there continues to be little engagement from the Focal Points to actively promote WIPO career opportunities, Focal Points initiated at the request of Member States would have been the ideal platform to move towards the diversity that we are all seeking. The HR function in any organization plays multiple roles: it has to consider the current and future needs of the Organization, its people and its stakeholders; it is operational and on the other hand aspirational, thus managing both internal and external expectations is in itself a core complexity. Therefore, we commend HRMD for their equally impressive range of initiatives to address the complexity and transform the Organizations culture, agility, mobility, engagement, diversity and inclusion and encourage HRMD to continue in its efforts.

180. Delegation of Poland: I thank the Secretariat for the preparation of the Annual Report on Human Resources. Poland fully endorses the statement delivered earlier by the Coordinator of the CEBS Group. My Delegation notes with appreciation the wide-range of initiatives, programs and tools that are aimed at changing the organizational culture of WIPO. We are heartened to note that WIPO is committed to talent sourcing, development and training and enhancing engagement to become the people-centric Organization. We also take note of WIPO's efforts aimed at ensuring more equitable geographical representation and gender parity among its staff. Poland considers the issue of geographical balance of high importance, in our view closing gender and geographical gaps will allow WIPO to be a more inclusive, diverse and multilingual Organization that promotes a vibrant and team-based culture. The culture that attracts and nurtures talents from different parts of the globe. In this regard, we are strongly concerned that the presented report shows continuous but still limited progress in changing the unfavourable situation with relation to geographical diversity, taking into account under-represented countries from our region. In this vein, Poland is looking forward to more intensive efforts to be made by WIPO that should be duly reflected in the relevant improved selection procedures and HR policies. My Delegation believes that WIPO should also put more emphasis on promoting current employees based on their performance and experience, in order to enable them taking up new positions within the Organization, including senior positions. In this context, we note with satisfaction that Human Resources Management Departments efforts to maximize

the use of the Focal Point Initiative in attracting a diverse applicant pool for vacancies, especially candidates from underrepresented Member States and underrepresented regions. We express our appreciation to WIPO for numerous initiatives, including targeted recruitment campaigns on social media, participation in Career First and other outreach activities. We also note that we are also grateful for tracking the progression of candidates through the selection process, by gender and geographical region. While we take positive note of the fact that the share of women applicants from the European and Central Europe and Central Asia region was almost 60%, we express our regret about the low percentage of candidates from this region who have successfully reached the selection phase. Therefore, we strongly encourage WIPO to take into account the importance of developing solutions and materials to address the challenges of the different stages of the recruitment process, and to accommodate region specifics in the geographical diversity action plan.

181. Delegation of Mexico: My Delegation supports the statement made by the GRULAC Coordinator and thanks the Secretariat for submitting the Report as also for the two informal sessions held for the presentation of this report and the inclusion strategy. We would be grateful if the Secretariat could publish the document on time in all of the official languages. We hope that our comments henceforth can be taken into account in drafting future reports. We are grateful to the Secretariat for the work that it has done to make progress towards the objective of gender equity and geographical diversity, although, a lot still remains to be done. In this context, we think that if we had hard data in terms of country representation per post and per gender we would have a clearer picture and a better analysis of the situation. My Delegation considers that to achieve these objectives, it is of primordial importance that Member States cooperate with WIPO on various initiatives. We reiterate Mexico's commitment to achieve the objectives of diversity. In the geographical diversification program, the table with the breakdown of vacancy applications per geographical region should be clearer and it should give a more realistic overview, each stage of the selection process should have numbers instead of percentages. For example, it seems to us that instead of indicating a percentage i.e. 36.4%, which appears in the table on page 11 of the Report as the percentage of persons selected for the Latin American and Caribbean region, the number of candidates selected from over 1000 applicants should be indicated. I think that would give us a snapshot of the status of selection per region. Perhaps, it would also be useful if the Secretariat could include in the table the number of internal and external candidates that have submitted applications and were selected. This table also provides valuable information for the analysis of the recruitment process at each stage. For this reason, we reiterate GRULAC's request for a review of the recruitment process. My Delegation is grateful to WIPO for its commitment to a respectful and harmonious workplace. It is very important to us that that commitment is reflected in the budget through indicators. In particular, the zero-tolerance policy towards harassment of any kind, particularly sexual harassment, as far as Mexico is concerned this is of the same importance as a strategy of including persons with disabilities and gender equity which have indicators in the budget for their part. Lastly, we recommend that the Secretariat continue to report through informal consultations with interested Member States on the progress and actions it is carrying out to continue to promote inclusion and diversity in Intellectual Property.

182. Delegation of Paraguay: I thank the Secretariat for the report presented on Human Resources. In this regard, the Delegation of Paraguay is fully aligned with and supports what was expressed by the GRULAC Coordinator in the group statement. As a representative of a country that does not have a single Paraguayan working in this Organization, we would like to receive information on post vacancies ahead of time. With less time it is not possible to raise awareness and prepare to apply for a WIPO position in less than a month. We would also like a review of the recruitment process especially in the later stages of it. That only seven people from 1,117 applicants from a GRULAC country have been selected should set off alarm bells that this organization should take into account as a signal to correct the situation. You can count on a Delegation of Paraguay to work on this.

183. Delegation of Nigeria: Chairperson, Nigeria aligns itself with the statement developed by Ghana on behalf of the African Group. I would like to extend our appreciation and courtesies to the Secretariat particularly the Director, Human Resources Management Department for the compilation of the Annual Report on Human Resources including the information on progress made towards establishing goals as well as an overview of the Human Resources related policies, initiatives and activities of the Organization. We further wish to appreciate the Secretariat on the achievements made during the period covered by this report, particularly in the aspect of gender parity. We commend WIPO's efforts to initiate the new Action Plan Strategy conscious of the dire need to accelerate the enhancement of geographic diversity in WIPO's workforce. WIPO's Human Resources constitutes the bedrock of the structure and a key element of Organization for the effective function of the body. The Nigerian Delegation, therefore, attaches great importance to the effective administration of Human Resources, considering its relations to organizational efficiency and service-orientation. It is in this connection that my Delegation takes copious notes of gaps in the geographic representation of itself in WIPO. Chairperson, my Delegation would like to seize this opportunity to make the following observations, and pose some few questions on the Report under consideration. In the claim in paragraph 45 of the Report, particularly the assertion that the proportion of staff from Africa and a few Regional Groups has increased over the last few years while percentage of staff members from Western Europe continue to decrease, seem to contrast with the data on post subject geographical distribution, made available to Member States from the first half of 2021 to date. I speak specifically on the figures for the African Group. Notwithstanding the ambiguity and breakdown of percentages, allocated for each region the figures still remained the same. For instance in the first half of 2021, the number of Africans in WIPO's within this category of workforce was 58, while in the second half it still stood at 58. In the first half of 2022, the figure remains 58, while in the second half it increased barely to 64. These figures are alarming and compared to figures from the over-represented countries. With reference to paragraph 49 of the Report, my Delegation is of the view that undue attention is focused on the number of applications received from each region rather than the number of candidates selected, and its reflection of the equitable representation of each region in this noble Organization. In fact, we find the statement by the Secretariat that Africa takes the lead on the number of applicants for employment very ironic. When the said applicants somehow never made it to the selection stage. Instead of projecting the numbers of applicants as a way of validating the outreach initiative, my Delegation believes that attention should rather be on the fair reflection of the equitable geographical balance from the overall candidates selected from the recruitment exercise. On paragraph 55, where it was mentioned that the Secretariat participated in the virtual career for targeting African nationals, where 200 candidates were engaged in one-on-one career guidance, my Delegation would like to inquire on the outcome of such a thoughtful intervention. This is considering that tangible progress must be made in improving the acute lack of geographic balance in the WIPO workforce. In conclusion, my Delegation believes that towards equitable geographical distribution should be anchored in strategic workforce planning, mindful of the need to attract talent from all represented and under-represented Member States, by monitoring each country's profile to ascertain their greatest challenges.

184. Delegation of Iran (Islamic Republic of): We are grateful to the Director of the Human Resources Management Department (HRMD) and her team for the preparation and presentation of the Annual Human Resources Report which includes information and progress made towards staffing goals as well as an overview of HR-related policies, and initiatives and activities of the Organization. We would like to emphasize the importance of mainstream geographical representation in all WIPO activities, especially staff composition. We believe geographical representation and group distribution are two critical elements in the human resources practices of all UN agencies including WIPO. These practices ensure that decision making processes and policy development are inclusive and reflect the diverse needs and perspectives of the global community. Without ensuring diversity in staff, policy development and implementation can result in an ineffective solutions that fail to address the needs of the

stakeholders. According to the UN Human Resources report titled “Geographical Diversity Strategy”, the term “geographical diversity” encompasses two meanings: 1) equitable geographical distribution and; 2) greater regional group diversity. These two issues are not mutually exclusive. By prioritizing geographical diversity and group representation, WIPO can foster innovation and creativity and better serve its global constituency. Therefore it is crucial to emphasize these practices to ensure equitable and inclusive decision-making in the Organization’s human resources practices. Unlike gender equality, we believe that geographical representation is currently not included as a performance indicator. We suggest that geographical representation and Regional Group diversity be included as a performance indicator, along with other indicators. Mr. Chair to ensure that the composition WIPO’s staff reflects the population it serves, my Delegation would like to suggest that the Director General establishes a taskforce for fostering greater geographical diversity by complimenting efforts for equitable geographical distribution of Member States with those of regional group diversity. WIPO’s staff composition continues to be disproportionately composed of individuals from high income countries in its staff composition, and we express our dissatisfaction by the fact that the expected increase in the number of members of developing countries from all world regions especially the Middle East region continues to be insufficient. In our region, the Middle East for example, this Group has been disadvantaged in terms of the percentage of staff composition at WIPO. The number of WIPO’s staff from this region continues to be more than six times less than other Regional Groups. Even amongst the APG Group, one cannot have representation of some countries at a better developmental level than others. Another human resources and workforce issue is related to the balance between the level of innovation and creativity of the young population and that country’s representation. My Delegation would like to suggest that the HRMD continue programs that foster dynamism, creativity and the innovative contributions of younger staff members. We also recommend that the Organization recruit young professionals to reverse the current negative trend. My Delegation would like to suggest that HRMD should continue programs that foster and address this issue. We believe in this spirit that the Organization has to look into ways of promoting the rejuvenation of the Organization, including through programs to support more Interns and Fellows from developing countries. We urge the Secretariat to publish more detailed and publicly available information on the Organization’s diversity criteria such as gender, age and geographic representation. We firmly believe that tremendous work must be done to ensure that the Organization is more equitable, efficient and accountable. There is an urgent need to focus on geographical distribution, rejuvenation of the workforce and gender parity, and all of this should be reviewed together to ensure that a holistic approach is taken to address issues such as diversity and equality. The importance of multilingualism is also another issue that is of the utmost importance to my Delegation. In order to improve efficiency and accountability of HR-related policies we would also like to encourage the HRMD to engage and collaborate more closely with the office of the United Nations Department of Management Strategy, Policy and Compliance and other human resources divisions of other international organizations and UN agencies. We would like to ask the Secretariat whether there were any collaboration plans or programs between the Secretariat and other UN HR-related mechanisms in order to ensure that HR related strategies of WIPO are aligned with strategies set forth by the whole UN system.

185. Delegation of the United States of America: The United States supports the statement by Group B and thanks the Secretariat and especially the HRMD for its efforts. We note WIPO’s continued pursuit of initiatives aimed at improving geographical representation and gender parity. We appreciate the detailed information provided on outreach to attract a diverse pool of candidates to progress through the recruitment process with due focus on their merit and qualifications. We welcome information in the following year’s report on ways the WIPO disability and inclusion strategy likewise informs outreach. The United States also thanks the Organization for its continuous efforts to implement the WIPO policy on gender equality and the UN system-wide Action Plan on Gender Equality and the Empowerment of Women. We note WIPO’s comparative achievements within the UN system and we concurrently encourage the Secretariat to continue in that position with renewed efforts to seek gender parity in Professional

and Director categories. We commend the work on employee engagement and in particular efforts to solicit feedback. Considering that the second engagement survey sought views on areas for improvement, it would be helpful to clarify whether the survey was anonymous and thus enabled greater candor. Finally, the United States thanks the Secretariat for the ways that it has demonstrated its commitment to creating a safe and respectful workplace, by implementing policies and processes that demonstrate zero tolerance for harassment and zero tolerance for inaction. We strongly encourage that WIPO ensure compliance with the requisite training models on these policies.

186. Delegation of Saudi Arabia: My Delegation of the Kingdom of Saudi Arabia would like to thank the Secretariat for the Report. We would like to convey our appreciation to the Human Resources Management Department and WIPO's efforts in this regard. We would also like to reaffirm the importance of the fair geographical distribution of human resources and gender parity in the Action Plan in this regard. We look forward to its positive results in the immediate, medium and long-term plans.

187. Delegation of Türkiye: The Delegation of Türkiye would like to thank the HR Management Department Director Barbier for her presentation of the report and thanks Switzerland for the statement made on behalf of Group B. We appreciate that the Secretariat has restructured their approach to documenting and assessing, in line with the 2021 External Auditor's recommendations particularly in the area of human resources. Mr. Chair, we believe that geographical representation and gender equality should be of high importance in WIPO's human resources policy. Geographical distribution plays a pivotal role in creativity and establishing inclusive policies and programs as well as increasing the motivation and participation of Member States to ensure confidence in IP frameworks. We also recognize that gender equality is essential for higher productivity and crucial for the equitable distribution of staff as well as attaining a more representative structure. Thus, they both constitute key notions in attaining a dynamic corporate culture to work effectively and collaboratively. Therefore, we believe that equal importance should be given to them during the recruitment process. And we welcome the genuine initiatives in this regard. The action plans on both issues are good concrete starting points towards maintaining these objectives. We have taken good note of the first version of the action plan to further enhance geographical diversity in WIPO. We look forward to the progress made on the implementation of the action plan and the improvements that are to be reflected systematically in the annual report on HR. We also appreciate the ongoing activities in the Focal Point Initiative, as one of the countries in the most underrepresented regions according to the report, we always support initiatives to ensure a diverse pool of candidates as highlighted by a key determinant in improving geographical balance by the HRMD. Therefore, we would like to support the Secretariat on its further development. HR policies encouraging mobility are also considered to be in favor of these concerns as well as the innovative work of the Organization, which sits at the heart of its core business by its very nature, bringing together different perspectives from different cultures that can enrichment further foster its structure. We are also looking forward to progress made on WIPO's IP and Gender Action Plan of 2022. Mr. Chair, we would like to conclude by emphasizing once again the importance of the two issues and appreciating the endeavors towards the redesign of WIPO's performance management system that is foreseen to be launched in 2024, in shaping a global IP benefit system that benefits all.

188. Delegation of Sweden: Sweden aligns itself with the statement by Group B, made by Switzerland. We have listened with interest to the important work that WIPO has embarked upon. We share the view of the importance of geographical distribution and gender balance in WIPO. Ensuring that WIPO continues with developed its expertise is key and thus staff is essential in this manner. Thus, we support the merit-based hiring and the ongoing HR work that it also ensures that WIPO continues to be an attractive workplace also for the specialists needed. On gender balance, Sweden welcomes the ongoing work and wishes to see a continued focus on P5 and D posts. Finally, concerning geographical distribution, it is

interesting to note that the overall geographical distribution in WIPO seems to be relatively balanced for most regions concerning the posts subject to geographical distribution. This is important and shows that WIPO's extensive work to ensure balance along with existing agreements is proving to move in the right direction. Still, making better use of the geographical Focal Points could be an important step for further strengthening WIPO's work in this area.

189. Delegation of Brazil: First of all, this Delegation aligns itself with the statement provided by the Venezuelan Delegation on behalf of GRULAC. Secondly, we would like to note in sufficient time to analyze the document, as it deserves due to the document's delayed publication and circulation to Member States. Chair, I would like to draw your attention to the issue of geographic distribution within the workforce of the WIPO. While there have been some positive developments in recent years, it is important to address the need for a broader representation of geographical regions within the Organization's personnel. By doing so, we can foster a more inclusive and equitable working environment, which aligns with the principles of fairness and diversity that WIPO upholds. Although there has been a slight decline of Western European percentage of staff members, it is noteworthy to highlight that the proportion of staff members from Africa, Asia and the Pacific, Latin America, the Caribbean, Eastern and Central Europe and Central Asia, as well as the Middle East, continues to lag behind. This trend raises concerns around the geographical imbalance within the Organization, which may hinder the representation of diverse perspectives and impede the comprehensive understanding of global Intellectual Property issues. While WIPO has taken commendable steps to check the progression of candidates by gender, focusing on increasing candidate applications alone may not suffice. We urge WIPO to adopt targeted measures to enhance the success rate of candidates from underrepresented regions in the competitive recruitment process in line with article 9.7 of the WIPO convention and WIPO's Staff Regulations 4.1 and 4.2. By identifying and addressing the specific challenges faced by applicants from these regions, WIPO can promote a more level playing field and ensure equal opportunities for all qualified individuals, regardless of their geographic origins. Moreover, it is encouraging to observe that applicants from the African region has increased and now surpasses the number of applicants from Western Europe, traditionally the highest group. This shift indicates a positive response to increased outreach efforts in Africa. However, it is important to recognize that there is still work to be done to ensure balanced representation from all regions, including Latin America and the Caribbean. The insights provided by the recruitment process data indicate disparities among regions at different stages, particularly during the assessment phases. To address this, we recommend that the Human Resources Management Department design tailored approaches for each region considering the specific challenges faced during the recruitment process, by implementing region specific measures WIPO can actively promote diversity and inclusion, ultimately enhancing the quality and effectiveness of its work. Lastly, we commend WIPO for the significant number of internal selections resulting in promotions with a notable 77% of those being female staff members. This demonstrates the potential for internal growth and advancement within the Organization. However, it is essential to ensure that geographical diversity is equally prioritized, allowing opportunities for advancement to be accessible to all qualified individuals. In conclusion, we call upon WIPO to reinforce its commitment to geographical diversity by actively seeking to broaden the representation of underrepresented regions within its workforce.

190. Delegation of Colombia: Since this is the first time that I am taking the floor I would like to first welcome you and wish you every success. You can count on us during this week. Firstly, I would like to associate myself with the statement made by Venezuela on behalf of GRULAC. I should also like to support the statement made by Brazil. In this connection, in order to make the best possible use of our time I would just like to say that Colombia is a country, which is building a nation where all participate. Therefore, we believe that WIPO should be an Organization as well in which we all participate.

191. Chair: I thank you, distinguished Delegation of Colombia, for your statement. We shall now have a 10 minutes break so that the Secretariat can prepare responses to your questions. Distinguished delegates, we shall continue with our work on the Annual Human Resources Report. I pass the floor now the Director, Human Resources Management Department for response to your questions.

192. Secretariat: Thank you very much. I apologize in advance as I might miss a few questions. Since there are quite a large number of queries, we grouped them by themes. Please also note that my team and I are available for bilateral discussions during the week of the Coordination Committee and the Assemblies and therefore, do not hesitate to contact us if you have specific questions. I will begin with the point raised by numerous Delegations regarding the delayed publication of the report - the point is taken. Please note that we are currently in a transition phase, but we do realize the importance of providing the report in a timely manner, and we will proceed as proposed. Secondly, regarding the point related to outreach and selection process in WIPO, we have internal recruitment timeline targets in place including the time of vacancy publication. However, we occasionally extend deadlines in order to reach a broader talent pool. At the same time, the point is taken that it is important to advance quickly. Rest assured that we are working on this and our plan is to review the recruitment approach to see what can be done to accelerate the process. It is a challenging balance but we will definitely review the recruitment policy. Another point concerned the Member States' wish for the vacancy announcements to be distributed ahead of time. We do understand this need, however it is not always straightforward to action as the vacancies need to be assessed and, if necessary modified accordingly before publishing. As mentioned in the annex on geographical distribution, the information provided is only indicative and it is not necessarily a reflection of what will eventually be advertised. Since every vacancy must be reviewed in the context of the needs, there are some redistribution of posts and adjustments we need to make. As such, this exercise it is not an exact science. However, I do share the point that the workforce planning element is critical, as was mentioned briefly believe by the Brazil Delegation. Therefore, we are looking to improve the planning element by working very closely with the managers, looking at succession planning and at the longer-term horizon. Nevertheless, I believe we could be more successful by building some skill focused talent pools. We would then look at what skills would be required in the longer term in order to give us some understanding in terms of guiding our search and building a talent pool ahead of the publication, rather than doing the search on a vacancy basis. I also would like to thank the Delegation of the Russian Federation who mentioned the work being done in collaboration with the evaluation team in IOD and what we can do to incorporate behavioral science. We already put in place a pilot on gender. A lot of the work relates to the concept of nudging. For example, in future we will be able to guide a candidate throughout the application process by giving them tips along the way, rather than telling them where to look for guidance on how to make their application more successful. We are also looking at this from an internal perspective on what happens in the selection panel and how to ensure that the board members are reminded along the way about the importance of geographical and gender representation. Therefore, the point is taken and I do expect future development on this. Concerning the Focal Point Initiative, I thank notably the Delegation of Poland for the importance they place on maximizing the use of this initiative, similarly supported by the comments made by the Delegation of Nigeria. I do acknowledge that noticing an increasing number of applications, which are not transforming into a successful outcome may be discouraging. However, as a first step we are pleased to observe the increased number the applications. The question is how to make sure that they match the vacancy and how best support the applicant. In that regard, we are even more critically dependent on for example, the Focal Point Initiative where we work with a specific country to build capacity and to support applicants, ain addition to the information that can be found by the candidates on our recruitment website. However, I do believe that there is more to be done on this matter and with reference to the point made by the distinguished delegate of Brazil, we can do more to tailor the approach to the specific country. I recognize that there are specifics to a job application in all countries. We need to avoid that our efforts are not counter-

productive as our aim is to bring the right applicants for WIPO. It is therefore critically important to ensure that we communicate information and disseminate messages through the correct channels where they can be easily retrieved. Regarding the Focal Point Initiative, we are working more closely with Member States to provide the Focal Points with the latest information and necessary support to increase their impact. Furthermore, we aim to provide Focal Points with the required training to support interested candidates, and to ensure that vacancies are distributed widely. Those efforts will continue. I have grouped other comments related to data. I refer for example to the table on the selection process, and whether to include absolute numbers versus percentages, as I believe that we all are more comfortable one way or another. They go hand-in-hand and we can always calculate the absolute numbers from the percentages, but if there is a preference for absolute numbers, we will be pleased to adjust accordingly. We opted for percentages on the basis that they are easier to present, but again we will present absolute numbers if preferred. Regarding the comment from the Delegation of the Russian Federation about having live information on our website, we confirm that our intent is to proceed this direction. We are currently working on this and adjusting our reporting tools. The HR brochure, officially called the WIPO Workforce document is currently published twice a year and available on our public website. In the long-term, it is our intention to make this information immediately available online and I agree that this would be a positive development, as per your suggestion. Concerning the group of questions related to the ICSC and more broadly to our collaboration with the UN, we confirm that not only are we fully aligned with the ICSC decision, but we also are proactively engaged in discussions at ICSC meetings. With reference to a UN resolution made by I think the Russian Federation on the importance of tracking key workforce diversity metrics such as geographical representation and gender equality, the data we provide to you is aligned with this resolution. More broadly, regarding collaboration with the UN, please be assured that we are actively engaged with other UN agencies. We participate in the HR network and are engaged in specialized agencies discussions. In these talks, we bring WIPO specificities to the table and share best practices. We also have Working Groups on specific themes, for example the working group on recruitment, and the working group on compensation. In the latter, the ICSC led compensation review is being discussed and proactively supported. We assure you that we are fully engaged in all of these initiatives. Furthermore, at the last ICSC meeting, we recognized the importance of sharing best practices amongst various agencies and the need for a common umbrella approach instead of reinventing the wheel. We also recognized that UN mandates differ among the agencies and that it is simply not possible to have only one HR strategy for the entire community since it has to directly support the strategic plan of the organization, which is the MTSP for WIPO. I will now move to the next group of questions referring to "diversity and inclusion." Thank you for all your interventions that reinforce gender equality and geographical representation, and I strongly believe that we can make both happen. I note the reference from the Delegation of Brazil on the importance of a tailored approach when it comes to geographical representation. This is indeed what we are trying to aim at through the action plan, which is to recognize the critical problems specific to a certain region instead of having an overall or generalized perspective. We see an opportunity in determining some key performance indicators in the action plan, which would allow us to track and monitor measures being taken and whether they are yielding results. As a response to other comments on that topic, we would like to point out that the tailored measures will always serve as a tool to attract and to support candidates. As mentioned by a number of Delegations, we still have a merit-based recruitment process. Therefore, we ensure that candidates make the best presentation of their skills thus allowing them to go through the selection process and by being equipped with the right tools for a successful outcome. With regards to the gender topic, I refer to the point on the UN-SWAP indicators, made by the distinguished Delegation of Venezuela on behalf of GRULAC. From my perspective, it is a major development that an indicator progress on the UN-SWAP has been added in this Program and Budget. This is a new improvement, which I believe shows the commitment to progress on this matter. Regarding the reference to three indicators that were not met, our goal is not to have progress on all of them at this stage, and in

particular not on those that are still red. We move forward at the appropriate pace and we will approach it step by step. At times, we need a lot of groundwork to track and report in order to meet a specific indicator. However, I am pleased to say that there is a real focus from WIPO's Senior Management Team. We have recently had very fruitful discussions, specifically on the UN-SWAP within the Senior team. Regarding staff engagement, I would like to thank all the Delegations that have noted this new development at WIPO. We are committed to improve our listening skills and receive feedback effectively. An engagement survey, which gives employees the opportunity to voice their concerns is not an absolute tool. We believe that there are various ways to initiate discussions and exchanges. We are initiating discussions on giving and receiving feedback, within the context of work on performance framework development. These are important elements to ensure that staff members are comfortable to give and receive feedback in a safe environment and that the engagement survey can be used as the basis for discussion. Specifically, we look first at the results and then organize discussions at all levels i.e. from the team, division, department to the sector level. I recall a question referring to the importance of confidentiality, and I am pleased to confirm that we use an external provider to run the survey, so that detailed personal data is not shared with us. The system is designed in such a way that comments are available only if there are at least ten of them from a specific team. Otherwise, information is collected at a higher level. Moreover, unless we have at least five participants from a given team, we will not be provided with any specific comments or information. Those measures were put in place in order to protect participants' privacy and confidentiality and trigger a discussion. It is, therefore crucial that we follow through with the dialogue. Another matter mentioned by I believe the distinguished Delegation of Mexico concerns sexual harassment. We confirm that the training on the harmonious work environment I made reference to, has a specific module on sexual harassment. This is a mandatory training and we do track participation. Furthermore, there are also two modules that are tracked: one for all WIPO staff and an additional module for managers. We confirm that this is an important issue and is not being overlooked. Thank you also for all the positive points and comments in support of internal mobility with a view to support the professional development of internal staff, which is a very important point for WIPO. We see that we have a number of colleagues who remained at the same jobs for many years, and do not see the possibility for career progression. We will look at various initiatives as part of the mobility framework that we will be developing over the course of the upcoming year. I hope I have covered most of your questions, and I apologize if I have missed any. I am also available for direct interactions.

193. Chair: Thank you very much Secretariat for the detailed presentation you just gave us. And also for the replies you gave to the various Delegations. It is not my objective to open another debate after the one we have had already. But if somebody does want to make a follow-up question, in connection with the statement made, then they may have the floor. Switzerland please as Group Coordinator you have the floor.

194. Delegation of Switzerland: Thank you very much for Director, Human Resources Management Department for having elaborated on our questions. I am not entirely sure if you got the chance to respond to the question that I asked on behalf of Group B; what are the implications of the new emphasis on mobility on those staff who prefer deepening their expertise on their current assignments. Could you kindly clarify to what extent advancements in line with staff regulations and rules are still given equal weight under such a scenario? Also, could you also please elaborate what is meant by the term "Organizational business needs" which are used as an additional criterion for awarding continual appointments in addition to length and surface and performance?

195. Secretariat: My apologies for the oversight regarding the question on mobility. We ensure you that we are trying to avoid mandatory mobility where staff are forced to move. In some cases employees may be satisfied with their current role and even if they want to deepen their expertise, that is not the target. At the same time, we also need to take into account the evolving needs of the Organization. At times, it is important to bring people out of their comfort

zone in order for them to develop their skills and to enable them to demonstrate their agility. However, this does not necessarily need to be done through a post mobility exercise. Therefore, we are looking at other types of initiatives and a broader spectrum of possibilities, like for example launching a talent marketplace. Such an initiative would allow colleagues to contribute to some taskforces or some specific pieces of work without necessarily moving to a different job. I trust this response is reassuring for you. In terms of career growth, we are aware of the importance of support required for internal colleagues, and with this in mind, we present a new proposal on some limited internal recruitments for professional posts within WIPO, which is currently not the practice. On that aspect, I would like to clarify that when we report on all of the vacancies, some of them have been filled by successful internal candidates. In such cases, the geographical representation is not being impacted since candidates are already taken into account, being internal. The posts vacated by internal candidates will then be open for publication. Looking at the 121 vacancies published last year, a part of these were won by internal candidates. Therefore, while it may appear that there is a delay in the process in advancing geographical representation, this is not the case since those candidates were already captured as part of the geographical representation. Last but not least, I refer to the point regarding the business case, which is part of the policy on continued appointments. Please be aware that this is not a new development and when considering the possibility of granting a continued appointment, we look at the eligibility criteria, as well as the procurement policy as the business case. For example, we are currently in organizational structure transition within HRMD with a view to see how we evolve our delivery model to best serve our customers. In that context, when I have staff in HR who become eligible for continuing contracts, we would not currently grant them. Instead, we put them on hold until such time as we have more visibility about the long-term needs of the Department. Therefore, it is a constant review process, where no one is being omitted and where we review and look at the business case on a yearly basis. As a consequence, such business case may trigger a delay of the allocation of the continuing contract. I hope this clarifies your question.

196. Delegation of Iran (Islamic Republic of): Just as a follow-up question, my Delegation would like to first thank the Director, Human Resources Management Department for her clarification and presentation with respect to issues and raised in this meeting room. We have some concerns regarding the issue of the Organization's promotion of a more youthful staff population, and the increase of young IP professionals in accordance with needs and requirements especially for new generations in developing countries and we would like to know how the Organization is addressing this issue. Especially, given the context of some countries that have a large variety of young innovators, women led entrepreneurs and women inventors that are working on the issue of IP in their country. They need to be included in the work of this Organization. Please explain further.

197. Secretariat: Thank you to the delegate from Iran for reminding me of this point that is actually very close to my heart. Indeed, we do want to focus on the future, which is the younger generation. As you are aware we piloted the Young Expert Program which turned out to be very successful. It has now been mainstreamed in the Program and Budget as a centrally funded program for the next Program and Budget. Initially we thought that we would have cohorts every two years, however we have just welcomed earlier this year our second group. We will carry out this program every year, and we intend to continue and it is very awarding to have these colleagues come on board. Not only do we have the Young Experts Program, but we also have a thriving Fellowship program with about 90 Fellows as well as the Internship program. Regarding a point that was made, in fact we do provide specific support to selected interns from developing countries. We take care of their travel thus ensuring that no one is prevented from submitting an application due to financial limitations associated with the travel to Geneva. This type of support is ongoing and more broadly it is similar to all the factors that we have discussed on gender and geographical representation. Support cannot only be from a single HR angle, it has to be mainstreamed within our work. In that context, we also work with the Global Challenges and Partnerships Sector and the Youth Focal Point to look at how we

can nurture initiatives and continuously incorporate various perspectives in welcoming and growing young talents.

ITEM 9 UPDATE OF THE MECHANISM TO FURTHER INVOLVE MEMBER STATES IN THE PREPARATION AND FOLLOW-UP OF THE PROGRAM OF WORK AND BUDGET

198. Discussions were based on document WO/PBC/36/11.

199. Vice Chair: We proceed to agenda item 9, Update on the Mechanism to Further Involve Member States in the Preparation and Follow-up to the Program of Work and Budget, document number WO/PBC/36/11. You may recall that at the 35th PBC session in May, the PBC was presented with the Update of the Mechanism to Further Involve Member States in the Preparation and Follow-up of the Program of Work and Budget in document WO/PBC/35/3. At that session, the PBC decided to continue the discussion at this present session. The Secretariat has since prepared a new document taking into account document WO/PBC/35/4 as amended during the 35th PBC session and additional proposals received from Member States. I would like to give the floor to the Secretariat to introduce the document.

200. Secretariat: I have very little to add to what you said, but I would like to highlight, that based on the information and proposals we received during PBC 35, as well as after that, we have made changes to the document. We heard during that session that some delegations desired to transparently share responses from Member States to the questionnaire on the Program of Work and Budget, and this is reflected for your reference in section 3B paragraph 12, which is the paragraph that has been revised to reflect that request. The Secretariat's aim to publish the proposed Program of Work and Budget eight weeks prior to the opening of the respective PBC sessions have been reflected in section 3C paragraph 13 and in the annex. Furthermore, the annex has been updated in respect of the timeline taking away dates and references to calendar months. We believe that the updates address all of the known requests from Member States that we receive and we look forward to your guidance on this document.

201. Delegation of Ghana: The African Group would like to thank the Secretariat for preparing the Update of the Mechanism to Further Involve Member States in the Preparation and Follow-up of the Program of Work and Budget, as presented in document WO/PBC/36/11. The Group commends WIPO for recognizing the importance of engaging Member States in preparing the Program of Work and Budget to ensure their voices are heard and considered. This consultative process is crucial for achieving a balanced, efficient and responsive Program of Work and Budget that reflects the priorities and expectations of the Member States. We acknowledge the valuable discussion that took place at the 35th PBC session on how to strengthen the involvement of the Member States in the preparation and follow up of WIPO's Program of Work and Budget based on the principles of transparency, inclusivity, and accountability. The African Group reaffirms the importance of ensuring a robust and inclusive mechanism that facilitates the ownership of the Program of Work and Budget by the Member States. In this regard, we believe that Regional Groups' and Member States' replies to the questionnaire should be analyzed comprehensively and guide the Secretariat in the preparation of the Proposed Program of Work and Budget. Those replies should also be published on the PBC website in the original language for transparency. Furthermore, the African Group believes that the Secretariat should endeavor to ensure that the Program of Work and Budget's is published well before the PBC meetings. The African Group looks forward to further discussion on this issue to reach a mutually satisfactory outcome.

202. Delegation of Switzerland: Group B would like to thank the Secretariat for preparing and presenting document WO/PBC/36/11, Update of the Mechanism to Further Involve Member States in the Preparation and Follow-up of the Program of Work and Budget. We would have appreciated if the proposed amendments had been presented in the form of tracked changes which would have facilitated our review. Our Group is pleased that the updated mechanism

includes Group B's comments delivered at PBC 35, namely the effort to publish all PBC related documents at least eight weeks before each PBC session and the publication of the Proposed Program of Work and Budget before the presentation to Member States on how to read and understand the Program of Work and Budget. In this context, Group B would like to propose an additional sentence at the end of paragraph 13 of document WO/PBC/36/11 - paragraph which is entitled 'Presentation to Member States on the Program of Work and Budget.' This proposed additional sentence reads as follows: "In addition, after the publication of PBC documents, the Secretariat will address all Member States' written questions within one week of receiving such questions in a Q&A document to be published on the PBC website." Our Group reiterates that the schedule under the new arrangement remains very congested and has made it difficult for Member States to properly prepare for PBCs 35 and 36, as well as the Assemblies, which take place less than two weeks after PBC 36. Group B would like to reiterate that, in our understanding, nothing in the updated mechanism prevents the possibility of moving the Assemblies to a different month, as may happen in the future.

203. Delegation of Poland: The CEBS Group takes note of the discussions and matters raised by WIPO Member States related to the proposed provisions concerning the Update of the Mechanism to Further Involve Member States in the Preparation and Follow-up of the Program of Work and Budget. We also reiterate our position expressed during PBC 35 related to this document. We shared the view that the process of distribution and communication regarding the questionnaires prepared by WIPO Member States could be improved. The input provided by the Member States in the questionnaire defines their interest, vision and expectations and needs with regards to WIPO operations and thus is essential in the process of preparing the Program of Work and Budget. Based on the principles of inclusiveness, transparency and objectivity, while exchange of information contained in questionnaires is important for CEBS members, we share the position of WIPO Member States who have proposed a voluntary mechanism of publishing the questionnaires. Stemming from the principles that the questionnaire is a bilateral WIPO Member State communication, we would join the voices and concerns already expressed that their publishing would require prior consent from the authorities of the countries to which it relates. We once again reiterate the necessity of timely publishing of the Proposed Program of Work and Budget, which is essential to ensuring substantive and in-depth discussions on the document within the framework of the PBC. In this context, we join the voices from WIPO Member States and reiterate the need to publish the document no later than eight weeks ahead of the respective Committee session. While we appreciate the efforts and work of the Secretariat to engage with WIPO Member States in the process of preparation for discussions dedicated to the Program of Work and Budget, we see the need to hold an information session once the document has been made accessible to WIPO Member States, and this is in compliance with Group B's proposal for the amendments just made by the distinguished Delegate of Switzerland.

204. Delegation of Japan: The Delegation of Japan would like to express its gratitude to the Chairs and Vice-Chairs of the PBC, Assistant Director General, Administration, Finance and Management Sector, as well as the Secretariat for their dedication and effort in organizing this meeting. This Delegation aligns itself with the statement made by the distinguished Delegation of Switzerland on behalf of Group B. While it is commendable that Member States' input is received at each stage of the drafting process, as is the case with the mechanism described in document WO/PBC/36/11, it is also necessary to ensure that Member States have sufficient time to consider the Proposed Program of Work and Budget. In this regard, it is also commendable that document WO/PBC/36/11 is based on the points raised by Member States at the 35th session of PBC, including the requirement to publish the Proposed Program of Work and Budget eight weeks prior to the first meeting of the PBC in the budget formulation year. Consideration of the content of the Program of Work and Budget is particularly important during the period between the first and the second meetings of the Program and Budget Committee and the subsequent General Assembly. It would therefore be desirable to schedule the

preparation of the Proposed Program of Work and Budget to provide sufficient time between these meetings.

205. Delegation of the Russian Federation: The Russian Federation would like to thank the Secretariat for addressing the comments and proposals from Member States regarding the Update of the Mechanism to Further Involve Member States in the Preparation and Follow-up of the Program of Work and Budget, document WO/PBC/36/11. We think it is particularly important to involve Member States in this process, and this needs to take place on the principles of transparency and inclusivity. We believe that constant collaboration with Member States that is unhindered, including in a multilateral and bilateral format on important issues, will contribute to achieving consensus. However, we hope that the concerns raised by Member States regarding the timetables for meetings, the number of documents, and also their structure, will be fully taken into account when preparing the timetables and preparation of future meetings.

206. Vice Chair: Are there any other requests for the floor? I see none. The proposal made by the distinguished Delegation of Switzerland will be shown on the screen. I would ask the Member States for the reactions to this proposal. It is in a track changes mode, so you will see this reflected in a different color in the text. I see no requests for the floor. Can we then assume that the proposal, as submitted by the Swiss representative, is acceptable to all the Member States? It seems so. Can we proceed with the decision on this item?

207. Delegation of Nigeria: My Delegation has no objection with the suggested proposal. I wanted to check if the one-week duration for the Secretariat to revert to all the Member States questions is workable for the Secretariat?

208. Secretariat: As the proposal states that the Secretariat 'will address', not 'shall address', I am taking some comfort from that, but indeed, it will be our very best endeavor to respond within one week. If it is information that has never been produced by the Secretariat, then perhaps we would beg for some additional time, but indeed, we could typically address most or all questions within a week of receiving them.

209. Delegation of Ghana: The African Group would like to receive the clean version of this document with this addition by email.

210. Vice Chair: Yes, sure. Can we then take that the draft decision that is on the screen is acceptable to all the Member States?

211. Delegation of Ghana: The African Group needs a little more time to go through the final document before we can accept this decision.

212. Vice-Chair: In that case, we could suspend the decision on this draft decision until the final position being pronounced by the Delegation of Ghana. If I may ask the distinguished Delegation of Ghana, when can we expect your final reaction to this draft decision?

213. Delegation of Ghana: Hopefully by the end of the day.

214. Vice Chair: In that case, this Agenda Item is suspended, pending the final position being pronounced by the Delegation of Ghana.

215. Vice Chair: Good afternoon, distinguished delegates. I think we can resume deliberations and start our afternoon session. Before going to agenda item 7(b), Update on Investments, I would propose that we revisit Agenda Item 9 Update of the Mechanism to Further Involve Member States in the Preparation and Follow-up of the Program of Work and Budget. There is good news to be communicated and I would now turn to the distinguished Delegation of Switzerland to share with us the good news.

216. Delegation of Switzerland: As you will recall, Group B had made a suggestion for some additional language on document WO/PBC/36/11 and I believe the African Group wanted to reflect on that. Perhaps the African Group could let us know if they can be flexible on the new language but I will have to leave it up to the African Group to let us know.

217. Delegation of Ghana: There is some flexibility from the African Group so we can adopt this.

218. Vice-Chair: Thank you very much for the flexibility on both sides. As there are no further requests for the floor, and no objections, then it is decided that this decision is accepted.

219. "The Program and Budget Committee (PBC) recommended to the Assemblies of WIPO, each as far as it is concerned, to approve the updated mechanism as described in paragraphs 10 to 16 and set out in the Annex of the "Update of the Mechanism to Further Involve Member States in the Preparation and Follow-up of the Program of Work and Budget" (document WO/PBC/36/11) with the following addition to paragraph 13: "In addition, after the publication of PBC documents, the Secretariat will address all Member States' written questions within a week of receiving such questions in a Q&A document to be published on the PBC website."

ITEM 10 PROPOSED PROGRAM OF WORK AND BUDGET FOR 2024/25

220. Discussions were based on document WO/PBC/36/8.

221. Vice-Chair: The Secretariat has provided us with the revised document based on the discussions we had in the 35th PBC Session in May, and on the decision we approved on that occasion. It is extremely important that we focus our effort on making progress on the outstanding issues identified during our last session. I would like to thank you all for the excellent progress made on this topic during the May session. In the interest of efficiency and reaching conclusions, I will outline my approach to the debate on this item after the Secretariat has made its introduction. I count on your continued constructive engagement so that we can make a clear recommendation on the Program of Work and Budget to the Assemblies in July. I would ask the ADG, Administration, Finance and Management Sector, to take the floor.

222. Assistant Director General, Administration, Finance and Management Sector: Following the first comprehensive review by the Member States of the Proposed Program of Work and Budget for 2024/25 during the 35th PBC session, and pursuant to the decisions of the Committee, the revised Proposed Program of Work and Budget for 2024/25 is submitted to the present session of the PBC for its consideration. In accordance with the decision the Secretariat has revised the document as follows (please note that the page numbers that I will refer to are those in document WO/PBC/36/8 - English version):

i. Update of the demand and income estimates for 2024/25 to reflect the Chief Economist's April 2023 forecasts. The updates are reflected in:

- a. The Director General's foreword
- b. Table 1 and Chart 1
- c. Table 2 and Chart 2
- d. Table 3

- e. Updated text on pages 4-7
- f. Annexes: IV, V, VI and VIII
- g. Baselines and targets for estimated filings for the Madrid and the Hague Systems (in BDS and RNDs)
- ii. Addition of a new bullet related to TK, TCEs and GRs under Strategic Pillar (SP) 4 (page 13);
- iii. Addition of a new bullet related to SMEs under Strategic Pillar (SP) 4 (page 14);
- iv. Modification of the fifth implementation strategy under the Patent Cooperation Treaty related to PCT staff and technical patent examination (page 22);
- v. Modification of ER 4.1 to include a reference to balanced IP system and related footnote (throughout the whole document). The related footnote has been included the first time that ER 4.1 appears in the document, namely in the Strategy House on page 8;
- vi. Modification of the 1st and 4th bullet in the implementation strategy related to Copyright Law (pages 31 and 32);
- vii. Modification of the implementation strategy related to Development Agenda Coordination (page 37);
- viii. Modification of the implementation strategy related to the 2030 Agenda for Sustainable Development and SDGs (page 50);
- ix. Modification of the implementation strategy under IP for Business related to tools, programs and materials and the addition of a new bullet related to SMEs (page 56);
- x. Addition of KPI related to GII datasets under ER 4.2 (page 59);
- xi. Modification of the implementation strategy under Digital Transformation related to data security (page 62);
- xii. Modification of the 6th bullet under the People and Culture related implementation strategies (page 66).

The Proposed Program of Work and Budget for 2024/25 is submitted to Member States for their consideration.

223. Vice-Chair: Thank you very much for this information. Having now heard the Secretariat's presentation, I would now like to proceed as follows: 1) Confirm that you are satisfied with all of the changes that were agreed per paragraph (iv) of the PBC 35 decision, and which have been incorporated in the revised document; and 2) Consider the outstanding issues under paragraph (vi) of the PBC 35 decision with a view to reach consensus on each of the items. I would ask the Secretariat to facilitate our work by projecting the supporting document on the screen as we proceed. We will start with the outstanding issue raised by the Delegation of Colombia: (i) removal of SDGs, except for SDG 9, in the Strategy House.

224. Delegation of Switzerland: Thanks to the Delegations that have provided their proposals. Group B however cannot accept the proposal to delete all SDGs except SDG 9 from the Strategy House. Such a limitation would seem at odds with WIPO's membership in the UN Sustainable Development Group. The e SDGs are interrelated and any limitation to one specific SDG seems artificial. WIPO contributes to more than just SDG 9. For example, WIPO GREEN contributes to SDG 13 (Climate Action), the work of the IGC contributes to SDG 15 (Life on land), and the UNSDG group contributes to SDG 17 (Partnerships for the Goals).

225. Delegation of the Russian Federation: The Russian Federation would like to thank the Secretariat for preparing the revised Proposed Program of Work and Budget for 2024/25 which is taking into account the agreed amendments. Regarding the proposal to reduce the sustainable development goals presented in the document in line with the strategic goals of the Organization we would like to reiterate the statement of the Director General at yesterday's PBC session which called for Member States not to place emphasis on one specific SDG, but to cover them as a whole. We believe that the link to the SDGs that have been proposed in Proposed Program of Work and Budget should be in line with the measures and work of the Organization. Therefore the SDGs that we see only present a link between the strategic goals and the SDGs. We are not asked only to focus on these; it is just a reference in the document. In this regard we think it would be a good idea to maintain them in the document.

226. Delegation of Brazil: I would like to thank the Secretariat for the revised version of the SDG table. I think we are in a position to acknowledge the importance of the SDGs and the work of WIPO to view intellectual property, as the Director General put it yesterday in his opening statement, as an enabler of innovative and creative powers for all people. However, we have an issue with the image that WIPO is trying to convey with this table. The importance of addressing all SDGs, as was put in the original version of this document, is a better option than having just one SDG being addressed in the Strategic Pillars. The issue remains of how intense is the work of WIPO towards each SDG. This Delegation was clear in the previous PBC session that further granularity of information is needed in order to gauge the real contribution of the Organization's work in the Program of Work and Budget to each of the SDGs addressed. Having just the SDG cited or envisioned under each Strategic Pillar is not enough to know how intense WIPO is in the pursuit of collaborating to the consecution of that specific SDG. We are trying to find a compromise between a general view of WIPO being very collaborative and working towards the SDGs (but not being able to gauge how intense the work is), and the view of not having the SDGs as labels in the document at all (or just having a limited vision of only one SDG in the document). I think we will be able to come up with a better solution to this in terms of the SDG image. I could not agree more with the representative of Group B that it is needed, and all Member States acknowledge the importance of WIPO's work towards SDGs. I do see the problem of just having an image that WIPO is working towards those goals without knowing exactly the amount of energy and resources that the Organization is putting towards the consecution of that SDG. Maybe one compromise solution would be to add a general logo of the SDGs in the document, not specifying each SDG addressed under each Pillar. We have a general vision of that, but we need to be more specific which is why this delegation has asked for a more structured approach to the SDGs in this Organization.

227. Delegation of Pakistan: As a collective international community, we are already at midway point *vis-à-vis* the deadline of the 2030 SDG Agenda, and the crises triggered primarily by the COVID-19 pandemic in 2020 not only slowed down the implementation of the SDGs but in some cases reversed the gains made in a number of SDGs. We highlighted in our general statement that WIPO has a shared responsibility as one of the UN specialized agencies to the broader UN Development Agenda, including the 2030 SDG Agenda and the sustainable development goals. We agree with the Delegation of Brazil that in the future, the way many of the developing countries see it, the Program of Work and Budget could show more granularity and more details with regard to the SDGs. Probably a concrete action plan against each SDG as to how IP and innovation can contribute to the implementation. It is in this context that we support maintaining the reference to all SDGs at this stage, with a recommendation to go into more detail in the future.

228. Delegation of Colombia: Colombia has carried out consultations with some delegations on some drafting changes with regards to the proposal. We will hopefully have some good news for you soon about responses from other delegations and our consultations with capital. We will get back to you very soon.

229. Delegation of Switzerland: When I see the discussion ongoing here I think we have a pretty clear question, the question is: do we support the proposal made by Colombia or not? I think it would be good to just focus on that question for the sake of time.

230. Vice-Chair: From my perspective I have not detected much support for this proposal but we have heard the intervention from the distinguished Delegation of Colombia, we could assume that some modifications to the position of Colombia might happen. Did I get that correctly?

231. Delegation of Colombia: We are asking for some more time please, so we can make the modifications to our proposal. We need to consult with capital and other delegations, could the vice-chair please consider our request for more time?

232. Vice-Chair: Thank you very much. When can we expect your decision on this particular issue?

233. Delegation of Colombia: During the course of today, this afternoon if that is no problem for you.

234. Vice-Chair: Thank you very much for this explanation and for giving us some timelines as to when we can expect this issue to be addressed. I think that we should suspend this particular outstanding issue and move onto the next one: (ii) addition of a new bullet related to green technology and the Strategic Pillar (SP) 3.

235. Delegation of Switzerland: I am intervening in my national capacity, not as the Group B Coordinator. The language relates to the proposal Switzerland made in response to a proposal from Nigeria. In the meantime, since PBC 35, we have extensively consulted with the WIPO Secretariat to get their feedback on what is realistic for the Secretariat to do and what is not realistic to do. I have some latest language version that I am happy to share with plenary which comes from a proposal directly from the WIPO Secretariat on what they feel they can do. I will now refer to this language slowly and perhaps the Secretariat could make changes. What we would suggest is to say, "expand the WIPO GREEN database to help determine the patent status of clean technologies." After consulting with the WIPO Secretariat, it seems like the Secretariat is not in a position to determine the legal nature of inventions, to what extent these are patented or not. What the WIPO Secretariat can do, however, is to help determine the patent status. The WIPO Secretariat can share sources and links to information resources that can help us determine the patent status. As I understand, the Secretariat alone cannot legally determine the patent status of an invention. For that reason, we are suggesting this new language.

236. Vice-Chair: Thank you very much for this proposal and explanation. Can I ask you kindly to read the proposal once again, in a slow speed, in order to allow us to reflect this on the screen?

237. Delegation of Switzerland: Yes, apologies, Vice Chair. I was a bit too quick. I would suggest the following wording, "Expand the WIPO GREEN database to help determine the patent status of green technologies."

238. Vice-Chair: Would any delegation like to take the floor and comment on the Delegation of Switzerland's proposal.

239. Delegation of Nigeria: Thanks to the Secretariat for working on the initial proposal and the Delegate of Switzerland for the suggestion. It is a bit confusing to understand from where this proposal is emanating from as it seems the Delegate of Switzerland is speaking on behalf of the Secretariat. My Delegation would have appreciated if we had been engaged and received some clarification about the proposal we made in the last PBC session. Since we were not

consulted directly and the Secretariat is reaching out through another Member State, it seems a bit confusing on how to intervene on this matter. Besides, the proposal is very different from what we had put forward in the last PBC session. We proposed that the Secretariat should create a patent information database on green technologies in the public domain. I did not suppose that this matter would still be at this stage at this time, because we had received support from numerous Member States at the last PBC session, and even from Switzerland, on some wordings in the proposal. I was expecting some sort of consensus or progress on this particular proposal, but it seems, as it stands, that might not be such. So I need time to consult with the capital, and also with the Delegate that supported this proposal, then probably I would come back to you with a certain response, but for now, I do not even know how to approach this matter, because I'm so confused.

240. Delegation of Switzerland: Thanks very much to the distinguished Delegate of Nigeria for your observations. Of course, I am not speaking on behalf of the Secretariat. We have consulted with the Secretariat to understand what is feasible for the Secretariat, as we did not want to suggest anything that is beyond the realistic capacities of the Secretariat to do. This is something that we consulted with the Secretariat only yesterday, so I have not been able yet, to reach out to the distinguished colleague of Nigeria. I would be happy to engage in a discussion today. When you go through the wording I have just suggested, you will see it is not that different from what Switzerland proposed at the last PBC session. I also bear in mind that Nigeria put a lot of emphasis on mentioning the public domain. I believe the public domain is indirectly mentioned in our proposal because the public domain is involved when you try to establish or determine the patent status of green technologies. The result would be that certain green technologies are either in the public domain or are patented. Both types of technologies would be involved in this type of exercise. It seems to be very difficult for the Secretariat to establish by itself the legal status, meaning the patent status or the status of an invention being in the public domain. For that reason, we did not see it necessary to also expressly refer to the public domain in this language, but as I said, the public domain is included in suggestion. When you try to determine the patent status, that obviously involves the public domain as well. Thank you very much, I am happy to engage in further bilateral discussions.

241. Vice-Chair: Is there any other delegation wishing to take the floor on this particular issue? I see no requests for the floor. In that case, may I invite and encourage the distinguished representative of Switzerland and Nigeria to engage in consultations in order to find a solution. With this, I think we have no other way out than to suspend this issue until the agreement or the positive outcome of the consultation appearing on the horizon, and to move onto the next outstanding issue: (iii) Addition of a new KPI under ER 3.3 related to technology transfers.

242. Delegation of Ghana: The African Group would like to support Nigeria's proposal on this matter.

243. Delegation of the United States of America: We would like to request that the Secretariat explained to us how this might be implemented, before this delegation is in a position to consider agreeing to it.

244. Assistant Director General, Global Challenges and Partnerships Sector: In response to the question raised by the distinguished Delegation of the United States of America, I think she is referring her question towards the Delegation of Nigeria rather than to the Secretariat as this is a proposal from the distinguished Delegation of Nigeria. In terms of how the Secretariat would facilitate it, what this new text says, is 'number of technology transfers or access licenses that are supported by WIPO's global green initiatives', that is clear and that can be done – 'for which the IP components has been facilitated by WIPO'. I think it is saying look to the WIPO GREEN database and determine the number of access licenses that have been included. It is that simple. I think it looks a bit more complicated in writing that it actually is. But there is no reason why we could not do what this text asks the Secretariat to do.

245. Delegation of the United States of America: We would like to ask for clarification as to how this is different from the first line under ER 3.3, number of matches between green technology seekers and providers *via* the WIPO GREEN platform and through acceleration projects. I would ask the Secretariat or the proponent to answer this question.

246. Delegation of Nigeria: The second proposal goes hand-in-hand with the initial one. If we expect if WIPO can create a patent information database on green technologies to help determine the patents of green technologies in the public domain, the easiest way to evaluate this project is by coming up with the number of technology transfers or access licences supported by WIPO's global green initiatives. As it is reflected on the screen, it would be easy to have a KPI in this regard, to measure the success of the initial proposal put forward by Nigeria.

247. Assistant Director General, Global Challenges and Partnerships Sector: In reference to the first proposal, 'number of matches between green technology seekers and providers': when we talk about a match in the WIPO GREEN system, it is when the Secretariat puts together a technology seeker and a technology provider, they are able to form a match. So the first rubric does not necessarily correspond to the newly introduced one which talks about the number of technology transfers, that is not necessarily the number of matches.

248. Delegation of the United States of America: It appears that this paragraph is contingent on the acceptance of the previous proposal by the Delegation of Nigeria with a counterproposal from Switzerland. We probably should address that first and then come back to this after we know, after we agreed to something or not.

249. Vice-Chair: The first proposal of Nigeria and the second proposal of Nigeria are somehow interrelated and we have also the proposal of Switzerland regarding the first proposal of Nigeria. In that case can I propose the following, that we suspend the discussion on the second proposal of Nigeria pending the outcome of the consultations regarding the first proposal of Nigeria, and that we come back to this issue in the afternoon session. We are going to move on and refer to the proposal of Colombia: (iv) modification of the 3rd bullet priority under SP4 (IPGAP).

250. Delegation of Colombia: I would like to express my satisfaction with the idea of presenting these outstanding issues as clusters. Our proposal is very closely linked to the proposal of the African Group, like a cluster, so we think that we will all benefit from this way of addressing the questions, this cluster approach, particularly with regard to our proposal. I would like to first say that Strategic Pillar (SP) 4 is a top priority for this delegation because it talks about support for governments, enterprises, communities, and individuals when using intellectual property. To this extent, when we begin our analysis of the percentage of resources that are allocated to each of these areas, we are very surprised when it comes to the South-South cooperation, 3 per cent is being allocated. We are concerned by this and we draw the attention of the Member States to this matter. It is not a proposal, we do not have any study that addresses the specific increase. We are encouraged by the fact that the discussion takes place here and the Secretariat might be able to think about why South-South cooperation is so important for the developing countries. My country thanks the countries of the North for their support. When you have countries like India and have the possibility of sitting down with South Africa, Brazil, Chile, and sharing with them challenges that we face, we find overlaps and convergences with regard to similar challenges that we face. For this very reason, we believe this type of cooperation must be fostered and enhanced more. You can certainly count on us for your productive work throughout the course of this week.

251. Delegation of Switzerland: Regarding the proposed adjustment of budgetary allocations for Development Agenda and South-South coordination and IPGAP, Group B would appreciate further explanation from the proponents on the criteria applied for the adjustments which, for the time being, appear rather arbitrary.

252. Delegation of Colombia: I would like to thank the Delegation of Switzerland and Group B for their constructive comments. We think the use of adjectives like arbitrary are not the best to begin dialogue. However, I would like to say that there are two elements. First, the issue of South-South cooperation and second, the issue of resources for the IP and Gender Action Plan, when it comes to women's issues or gender-related matters. My country does not think it is an arbitrary proposal we are putting forward when it comes to gender issues. We are drawing attention to the importance of gender issues and we highly value what the Organization does in terms of gender issues. At the same time, we suggest that there be additional programs and thus we are going to need additional resources. As we said earlier with regards to our proposal, this is a call for attention, not an economic analysis with a certain sum attached to it. If this were the case, it would be important to have an economic analysis carried out by the Secretariat for the allocation of the appropriate resources amongst the 10 priorities listed under Strategic Pillar (SP) 4.

253. Delegation of Switzerland: Thank you to Colombia for this additional explanation. The rationale behind my question was that we are not quite clear about the reallocation of resources. When you look at the resources for the Development Agenda, we see 5,905 thousand Swiss francs instead of 4,405 thousand Swiss francs, and on the IP Gender Action Plan, we see 1,463 thousand Swiss francs rather than 963 thousand Swiss francs. We are trying to understand why exactly those figures and not other figures, it is not quite clear to us.

254. Delegation of Colombia: I thank the Delegate from Switzerland for his questions. In light of the interest of Colombia, South-South cooperation and the IP and Gender Action Plan are two items that are of critical importance for us, as I said in my very first statement, the amounts are not coming from an econometric analysis, but we do think that it is important. One of the priorities emphasized here is an emphasis on knowledge of intellectual property through courses on IP, and intellectual property associations that work with educational establishments. From the perspective of my country the impact that might be had by the South-South cooperation is much higher than you might have through the intellectual property courses. Today we have outstanding institutions in Colombia who are more than able to teach the basic concepts of intellectual property, and we are very happy to continue cooperating with them and the academies for many years, as we have been. We think that the additional resources allocated for South-South cooperation could be very valuable for my country.

255. Delegation of Switzerland: Thanks a lot to Colombia for this additional explanation. I have no further questions but of course Group B members wishing to intervene in their national capacity are encouraged to do so.

256. Vice-Chair: I see no request for the floor. Since we do not have an agreement on how to proceed with the proposal made by Colombia, can we suspend this issue, take it as pending, and move on to the next outstanding issue?

257. Delegation of the United States of America: We would like to recall that there is outstanding language. During PBC 35 Informals the USA made a proposal to clarify the language 'and work with other UN agencies'. I believe that is still open and we would like to request delegations consideration on that text.

258. Vice-Chair: I was supposed to say there is still some outstanding within outstanding and we need to ask the Delegations to react to the language proposed by the United States of America, within this agenda item.

259. Delegation of Colombia: We thank the USA for their intervention. We think it was an appropriate remark. I wish that I could speak English, however, I am Spanish speaking.

260. Vice-Chair: There are two textual proposals in the bullet point. I would like to ask the Delegations to express their views on both textual proposals in bullet point 3, on page 13. For the time being, we set aside the number, let's look at the text and the two textual proposals.

261. Delegation of Colombia: Colombia could support language in the action plan and work with other UN agencies.

262. Delegation of the Russian Federation: I would like to ask for some clarification on what exact UN agencies do you have in mind?

263. Delegation of Colombia: When we made the proposal, we were thinking about the work which will be done with ITU, and the synergies with that Organization, working on issues like girls in technology. If we can provide a complement to the work being done in WIPO, it would be value-added and would strengthen the IP and Gender Action Plan. We also feel there are other UN agencies who work with the profiles of people who have to be involved in the system. That is why we are trying to link the work of this Organization with other agencies, and to prioritize the gender issues with what is being done in general within the UN family.

264. Delegation of the Russian Federation: Unfortunately, I did not fully understand the clarification provided by Colombia, because of the translation, could we have a specific list of the UN agencies, please? At this point, we just want to understand which UN agencies hypothetically would be a part of this, we are not asking for this to be reflected in the document at this stage.

265. Vice-Chair: Could the Delegation of Colombia provide the list of these agencies?

266. Delegation of Colombia: I imagine that during the coffee break, I suppose we will be having one, I will be happy to speak with the Delegate of the Russian Federation for further clarity, but yes we can certainly provide such a list.

267. Vice-Chair: It seems to me that with regard to the text of bullet point three, we have an agreement on the text. There were two proposals, but now it seems that we agree that two delegations concerned agree on the language, but with this outstanding request for the clarification, as given by the fourth delegation concerned. So pending the clarification being provided by one delegation concerned to the fourth delegation concerned, we might be in a position to agree on the textual part of this bullet point three. Can we then move onto the next outstanding issue? With this caveat that pending the clarification, we agree on the text of bullet point three while the number still remains outstanding? We move onto the next outstanding issue: (v) Adjustment of budgetary allocations for DA and South-South coordination and IPGAP.

268. Delegation of the United States of America: I think this delegation understands that some of the budget was proposed to be re-prioritised by the Delegation of Colombia. We are interested in whether either the Delegation of Colombia or the Secretariat might be able to share whether there are any substantive discussions of how this may impact the envisioned work of the Secretariat in these particular areas. We would be interested in hearing information on that front.

269. Secretariat: Thank you for the question. No we have not, since the last Informal session, had any conversation on how this would impact. Just as a reminder, in terms of how to approach these numbers – these numbers are the result of a very comprehensive top-down and bottom-up process. The top-down is the strategic framework comprising the results and indicators (KPIs) are worked on by all of our colleagues. Then the planning for the next biennial period is carried out by Sectors across the house. That work culminates in the final allocation, based on the work that needs to be done, in order to move the needle on the KPIs in respect of the expected results. That is the process behind the development of the numbers, and we have had no conversation on the impact of these changes.

270. Delegation of Colombia: I fully understand the concerns that can be raised by a small country with Afro-descendant Indigenous peoples who come to an Organization such as this, in order to include one group and not another, and I fully understand the concerns that this raises. I have participated in all sorts of budgetary exercises, but this is the first time that I have worked with a budget where the resources allocated according to projects. In other organizations the budget is based on an area. It doesn't say what I am going to spend here or there or the other, nor what is going to be operational and what is going to be used in some other way. This is a very interesting structure since this budget is designed on the basis of its strategic objectives. So it would be like company which puts in its first budgetary line that it should be a good company, in the second one that it should achieve its objectives, and thirdly that it should get more clients. Those are the objectives, and this is why I find it difficult. When we come to the Strategic Pillars, it is something that is easier to understand, for a country like Colombia, to ask why a greater percentage is allocated to a particular matter in supporting the sustainable development through IP, and why others only get 3 per cent of the budget? That is really the question we are putting forward and we will be very grateful if somebody could clarify that. We will be happy to meet with the Secretariat or interested Member States that would assist us in understanding this very complex process in the area of development. We will be very grateful if you would support us in this.

271. Vice-Chair: Thank you very much for this additional explanation from the distinguished Delegation of Colombia. I am looking at the list of outstanding issues it seems there the three proposals submitted by Colombia are somehow interrelated. In order to address them properly, we need to move to the next proposal of Colombia: (vi) modification of the KPI related to the IPGAP. We will try to somehow address all of these proposals in their entirety, bearing in mind that we are very close to the agreement on the textual proposal of Colombia regarding bullet point three.

272. Delegation of Colombia: I wanted to make something clearer for all colleagues in the room. Under Strategic Pillar (SP) 4 on pages 13 and 14, there are 10 priorities, 10 items. The proposal on page 14 is simply the result of the adjustment that was done on page 13. I do not want to monopolize the floor but we are all talking about the same thing, the amendment in the figures are following the same logical paths.

273. Vice-Chair: Thank you very much to the distinguished delegate of Colombia for this additional explanation. It seems to me that we are talking about the adjustments that is a consequence of the previous proposal on page 13, and we need to tackle this in its entirety. I would like to ask for the reactions of other Member States to this Colombian proposal regarding the numbers.

274. Delegation of Mexico: I do not know if what I am about to say will make things easier, but if Colombia's intention is to increase the budget for South-South cooperation, I think the Secretariat would have to make the adjustments, and determine what the least possible impact would be in order to increase the budget for South-South cooperation in 2024/25. I wonder if these adjustments could be done by the Secretariat as they would know where to find more resources for South-South cooperation. These would be considered as substantive changes rather than something which is done without any real thought behind it.

275. Secretariat: If there are changes agreed between the priorities, then there would no doubt be implications to the plan. We would have to work, for example on this page you see the proposed changes impact the Copyright and Creative Industries Sector where there is a decrease, in order to revise the plan accordingly. So, there is an impact. However, if there is a consensus, then we are able to implement according to the decision of the Member States.

276. Vice-Chair: Thank you very much for the clarification. Indeed, it seems to me that if Member States agree on the priorities, the necessary adjustments to the numbers will be done

by the Secretariat as a result of the implementation of the decision taken by the Member States. First, we need to agree on the priorities, then the adjustment in terms of numbers would be done in implementation of this agreement reached among the Member States.

277. Delegation of Colombia: We feel that the proposal from Mexico suggesting not be those who identify the line where we increase resources for South-South Corporation, but rather that it be an exercise undertaken by the Secretariat, is a very valuable contribution. The Secretariat's explanation is also valuable because if we agree on the priority of South-South cooperation and the adjustments on the IP and Gender Action Plan, then an exercise would be undertaken within the Secretariat in order to implement the decision and adjust the numbers in the Proposed Program of Work and Budget.

278. Vice-Chair: It seems that there is no agreement on these proposals, because it is the prerogative of the Member States to decide about the priorities - where the priorities in certain areas are to be increased or the spending increased, and where, in other areas, the priorities should be decreased with all the consequences of the allocation of the necessary resources. But I see that there is no consensus. That is why I propose we suspend these proposals because we hope that the first one, the textual one, is very close to being agreed. But the second and the third very far from being agreed. In the interest of time, let us proceed and move onto the next proposal on the list of outstanding issues and return to these proposals later on in the course of today's deliberation or even later. The next proposal is from the Delegation of Nigeria: (vii) modification of the priority related to gender equality and equitable geographical representation.

279. Delegation of Switzerland: I am a bit confused what we are discussing now? I thought, before coming to the Nigeria proposal, that we had still the proposal regarding on page 14 the addition of the words 'and its different versions'. Am I correct? Just seeking your advice.

280. Vice-Chair: Thank you very much for helping us tackle and address all the proposals made by Colombia and indeed, the proposal we are discussing is: (vi) modification of the KPI related to the IPGAP.

281. Delegation of Colombia: I think Nigeria was a bit nervous about having to defend this proposal. The amendment 'and its different versions' is what we wanted to add from Colombia. What we were seeking to do is that the IP and Gender Action Plan, which is terribly important for us, be a program which can be qualified as work in progress, not just a single image, but rather a video, something which is moving. The four wonderful women who are in the first podium row today are already in achievement and are proof that within this Organization, there is not a single view. We represent the population of the world and consequently, we think that everything done within an Organization such as this is important because we can have a huge impact on women's role. We are therefore open to help from our colleagues which could be 'updated reports' or something along those lines. But it is clear that this plan is not something static, this is a rudder, and this IP and Gender Action Plan will be continuously changing and evolving.

282. Delegation of Nigeria: I just wanted to confirm which proposal were are addressing because when I saw the wording on the screen, I did not recall we made the proposal. I was a bit confused, so thank you for the clarification. However, my Delegation would like to make some more interventions in reaction to the statement by the Delegation of Switzerland on an earlier proposal. I don't know if time permits, if not, we can still deliver our intervention at a later time. If I have the chance, I would love to, probably after we're done with this and all the proposals.

283. Vice-Chair: I think the best way forward would be to give you the opportunity to intervene at the later stage.

284. Delegation of the United States of America: Thank you to the distinguished Delegate from Colombia for the explanation of what was envisioned with this wording. We suggest making further clarification to this wording to say, instead of “and its different versions”, we propose “and any future revisions” as a possible alternative that might make the intention a bit more clear.

285. Delegation of Colombia: I would like to thank the United States of America. I think the language they suggest is absolutely perfect.

286. Delegation of Singapore: I wanted to take the floor before the United States of America made their proposal and Colombia agreed with it. I think it is a good way forward. Having understood our Colombian colleagues, I wanted to clarify that in the WIPO IP and Gender Action Plan it does indicate that there is a timeline on how the initiatives would take place, and that it continues in parallel with MTSP 2022-2026. I think the proposal by the Delegation of the United States of America is a very good way forward.

287. Vice-Chair: Having heard the interventions from Colombia and Singapore, can we take that the proposed paragraph starting with the words “progress on the implementation of the WIPO IP Gender Action Plan” with the addition “and any future revisions”, as proposed by the Delegation of the United States of America is agreed? Yes. The language proposed by the Delegation of the United States of America replaces the proposal of the Delegation of Colombia. We have this outstanding issue reaching the status of resolved. We can move onto the next issue on our list, that is the proposal of Nigeria: (vii) modification of the priority related to gender equality and equitable geographical representation.

288. Delegation of Nigeria: Our proposal seems to be incontrovertible, it is clear cut as it is reflected on screen. There were a lot of Member States who support this language and we would like to listen to any further comments on the proposal.

289. Delegation of Switzerland: Thank you very much to the Delegation of Nigeria for introducing this proposal. In this regard, Group B prefers if the important priorities of gender equality and equitable geographical representation be presented under two separate bullets.

290. Delegation of Colombia: The question of intersectionality is very important. We hope that one day, within the international Organizations, there will be more women, but more women representing geographical representation. Here we would like to include the two themes in a single bullet. We think it is very important that there be women from all countries of the world represented, and of course there should be men from all geographical areas, but there can be no countries that are not represented, and a very valuable effort is being made. We would like to maintain both issues, but of course it is Nigeria's proposal. We simply wanted to give our view.

291. Delegation of Ghana: The African Group supports Nigeria's proposal, whether they agree to split it or not.

292. Delegation of Switzerland: In response to the distinguished Delegate from Colombia, we are not seeking to delete any of these points, we are just asking for the formal editorial point of separating and presenting them in two different bullets, which should not diminish the importance of either of those points.

293. Delegation of the Russian Federation: Given that it was difficult to reach consensus during the PBC 35 Informal consultations on the change of priorities as related to human resources on gender equality and equitable geographical representation, and given the comments from Member States, we think that both issues are particularly important. In this regard we do not see any particular problem in referring to them in separate bullet points because this would enable us to focus on specific actions to implement these priorities. However, we should not forget the importance of both issues. Regarding the unagreed

terminology that have not been adopted by a number of Member States, we think it would be a good idea to avoid using such terms that have broad interpretations.

294. Vice-Chair: I am trying to find a solution to this particular outstanding issue, and looking back at the decision that has been already agreed by this Committee, we have the term “inclusiveness”. If we put into the text after the words 'promote inclusiveness' including gender equality and equitable geographical representation, would this be acceptable to all Member States?

295. Delegation of the Russian Federation: The word ‘inclusiveness’ is more appropriate. However, we would prefer maintaining ‘to promote gender equality and equitable geographical representation’ without adding any other words. This approach would enable us to really focus on these specific priorities, and not to use terms that are subject to broad interpretation.

296. Delegation of Iran (Islamic Republic of): I do not want to prolong the discussions, I just wanted to support the observation that has just been made by the distinguished Delegation of the Russian Federation. We are of the view that we should avoid referring to terminology that is not agreed upon by the United Nations system. We are in favor of referring to promoting diversity including gender equality and geographical representation.

297. Vice-Chair: I detect some diverging views on the text, but at the same time I think the divergent views are not impossible to be solved and to be breached. May I propose that the proponent of this particular proposal, the distinguished Delegate of Nigeria, engage into consultations seeking a solution to the text that would be agreeable to all delegations that have taken the floor and expressed their views?

298. Delegation of Nigeria: While you were speaking, I had been trying to engage informally. I will advise and get back to you shortly.

299. Vice-Chair: Thank you very much to the distinguished Delegation of Nigeria for a positive response to my humble request. I think that with this we could move onto the next outstanding issue on our list: (viii) modification of the risk response for the risk related to cybersecurity which is a proposal submitted by China.

300. Delegation of China: My Delegation is ready and willing to provide some of our basic points. Based on reasons that my Delegation has repeated time and time again over the years, we are of the opinion that the cloud projects based on hybrid cloud mode is vulnerable to risk from hacking, information disclosure, and illegal access by data service providers. Therefore, they are uncondusive to the maintenance of trust and confidence of a global clientele in the service system by WIPO. We have noted that the concern from clients are real and profound, which merits our sufficient attention. For the sake of long-term development of WIPO, it is incumbent on the Organization to do its very best to reduce, if not eliminate, the concerns from clients, including the even more comprehensive internal oversight and audit of projects that also include the independent external evaluation spearheaded by Member States. We are ready and willing to have open and candid exchanges with all those interested in the same subject during the current week.

301. Delegation of Switzerland: Group B is satisfied with the explanation provided by the WIPO Secretariat regarding the internal and external audits of the data storage systems as well as compliance with all applicable cyber security standards. We are unaware of any credible evidence of data leakage from the cloud storage used by WIPO or any other problems with current arrangements, particularly since this Committee agreed to the PCT RSP hybrid project in 2022. Thus, we find the proposal to conduct the data security evaluation unnecessary and duplicative of the existing oversight processes. We are not in a position to accept this.

302. Delegation of the Russian Federation: The Russian Federation shares the position voiced by the distinguished Delegate of China. However, we do not really understand the concern of other delegations because the practice of conducting cross-sectoral audits and evaluations is done in WIPO, for example, the Internal Oversight Division, the External Auditor, and the IAOC. In this regard, we do not see how this work would be duplicated. We think the issue of cybersecurity is particularly important, including in the context of the PCT system which contains a lot of sensitive confidential data. Therefore, we believe that it is necessary to pay particular attention to the issue of cyber security.

303. Vice-Chair: Since there is no agreement on the insertion of the proposal made by China, I propose that we think of this proposal as suspended because there is no agreement and adjourn this meeting. We will reconvene this afternoon with Agenda Item 7(b) Update on Investments. Thereafter we will continue with Agenda Item 10, Proposed Program of Work and Budget for 2024/25.

304. Vice-Chair: Let us continue with Agenda Item 10, Proposed Program of Work and Budget 2024/25. With your indulgence, we will proceed with this list of outstanding issues. We will continue with: (ix) Addition of new text on gender equality under the implementation strategy related to IPGAP.

305. Delegation of the United States of America: As was discussed in the Informals at the last PBC session, WIPO does not have a leading role. I think it was agreed by everybody that another agency, UN Women has a leading role. We should probably replace 'leading UN specialized agency' as an 'an important' perhaps, or just delete 'leading'. Further down delete 'leading' again. Yes, and in place of 'its updated version', we would like to say 'any future revisions'. We would like to specify that we are talking about the IP and Gender Action Plan.

306. Delegation of Colombia: We think that the proposal from the United States of America is excellent and we can live with those changes and we thank you for your assistance.

307. Vice-Chair: Thank you very much, Colombia, for this positive reaction. I would like to ask the Member States to look very attentively at the text, as it is.

308. Delegation of Algeria: When we say serving 'serving as a United Nations specialized agency on the matter', does it only mean that WIPO will have a mandate on the matter?

309. Vice-Chair: I assume that the best placed entity to answer this question would be Colombia.

310. Delegation of Colombia: It is our understanding that we are talking about IP and gender. Perhaps I did not quite catch the question.

311. Delegation of Algeria: I think for the sake of clarity it is better to include "on IP and gender" because 'on the matter' is very confusing.

312. Vice-Chair: We will try to include this as you see on the screen. Does that mean that all Member States agree as far as the acceptance of this new language is concerned, as you see on the screen now? Can we then take it that this language is acceptable to all the member states?

313. Delegation of Iran (Islamic Republic of): We do not have any strong view about the whole paragraph but still would like to suggest to change the last sentence, 'any future revisions should receive the attention and support across the Organization' because in our view there is no obligation or compulsory duty to give attention to something. I think it is better perhaps to have "should receive attention and support as much as possible".

314. Delegation of Nigeria: We have no objection to the proposal. We seek some clarification to better understand the merit, with no prejudice to our distinguished female colleagues in the room. I understand that WIPO already has an existing policy on gender, and there is a Gender Focal Point in WIPO, which has been mainstreamed. I am not questioning the proposal but I want to be sure that the proposal has a genuine reason to be in this paragraph and if there is any indication that probably proves that, we are willing to accept the proposal.

315. Vice-Chair: I would request the distinguished Delegation of Colombia to help to understand and clarify the issues regarding this particular text to be added in this paragraph.

316. Delegation of Colombia: Thank you to the colleague from the Delegation of Nigeria for the question. The reason we wish to have this language, especially 'a more equitable world', is that we consider that although this Organization has made a lot of headway and progress in the gender area, and it is good to recall how important it is because women constitute 50 per cent of the population and have a different perspective on things. In this sense, by incorporating this language, as we have in enterprises in the public sector of my country, we believe that it might further change views in this Organization and help build a more equitable world. An indigenous girl helped her three brothers to survive in the jungle recently. Sometimes it is very difficult to explain this. We would like female leadership to be present. That is why I am very grateful to my colleague for putting forward that question.

317. Vice-Chair: Thank you for that clarification. Is this clarification satisfactory to the distinguished Delegation of Nigeria?

318. Delegation of Nigeria: Thank you, your Excellency, Vice-Chair, it is. We have no further questions.

319. Delegation of Algeria: We would like to suggest an amendment that reads as follows, "WIPO, as a United Nations specialized agency, is called upon to play a role on IP and gender". We are comfortable with the rest of the text.

320. Delegation of Colombia: Unfortunately, we would not be able to go along with the deletion of the term 'for a more equitable world.'

321. Delegation of Algeria: We are not against adding 'for a more equitable world', but we can put it somewhere without putting that language that refers to WIPO is an agency on IP and gender, because it is an agency on IP in general, gender is one part of all other work. We can add 'with a view to reach a more equitable world' or something like this. We have a concern with putting 'WIPO as a specialized agency on the IP and gender', which is not very accurate. It can work on IP and gender but it is not the agency that has the exclusivity on this.

322. Vice-Chair: Do you have a specific proposal for this term to be put into the text? I see that it is already in the text, so we will adapt to putting that into the different parts of the text. Is this acceptable now to you?

323. Delegation of Algeria: Yes, we are comfortable with adding 'with a view to build a more equitable world.'

324. Vice-Chair: Is the new insertion of this term acceptable to the distinguished Delegation of Colombia. For the third or fourth time I will be asking you whether this text is acceptable to all the Member States. It seems to be the case. We take it that this text is accepted. We move on to the next item on the list of outstanding issues: (x) reallocation of resources between ER 1.1 and ER 2.2. It is again a proposal submitted by Colombia. Allow me to seek any reactions or comments from the Member States to this proposal submitted by the distinguished Delegation of Colombia.

325. Delegation of Colombia: After the end of the meeting, I had an opportunity to discuss this matter with the Secretariat and the implications of it, and at this time, I am looking at a footnote with my capital, which could address Colombia's concern. Once I get a response from my capital, I shall inform the Secretariat immediately, stressing that this is a proposal that is not the result of an econometric analysis. We were interested in highlighting a concern, and in this sense, I am grateful to colleagues if they could be patient and I hope that the footnote will be able to resolve any problems.

326. Vice-Chair: I assume that pending the result of this process that is ongoing, we could, for the time being, give this particular outstanding issue the status of pending. We move on to the next outstanding issue: (xi) addition of additional paragraph under Development Agenda Coordination. The proposal is by the Delegation of Colombia. I ask the Delegation of Colombia to say a few words about their proposal.

327. Delegation of Colombia: I have discussed this matter with colleagues over lunch. They have expressed discomfort with tackling the subject to the extent that they consider that the Committee already has a proposal by the African Group to review these elements in the Development Agenda. To include this concern in the Program of Work and Budget might generate some overlap and duplication which is not desirable at all. I would like to thank colleagues for the consultations we had at lunch and withdraw the amendment.

328. Vice-Chair: Thank you very much for a very constructive approach, I really appreciate that. We move on to the next outstanding issue: (xii) reflection of additional risk in RNDS.

329. Delegation of Poland: This is the CEBS Group proposal to supplement the list of risks within the Regional and National Development Sector with the medium risk appetite defined for the Strategic Pillar (SP) 4, which relates to the geoeconomic and geopolitical financial health conditions. The WIPO operations within this specific Sector are exposed to various external vulnerabilities measured and defined by the proposed risks. The evaluation and measurement of activities in the Sector must therefore take account of these Sector specific risks so as to seek assessment whether certain activities are affected or even possible. This is the reason why the CEBS request was to make specific reference to this particular risk within the RND Sector.

330. Delegation of the Russian Federation: The Delegation of the Russian Federation cannot agree with the proposal to include a new risk within the Regional and National Development Sector within the framework of Strategic Pillar (SP) 4. An assessment of the proposed risk goes beyond the mandate of the Organization and its Governing Bodies. Further, the proposal already contains information to the effect that the Organization has indeed already created a sustainable infrastructure of working processes and a risk culture that makes it possible to adapt rapidly. In that connection, we do not see any need to single out a specific risk because this work has already been done. We would like to recall that within the conditions of the Covid-19 pandemic, WIPO did substantial, detailed work together with Member States and was able to adapt the global IP system to the serious challenges and risks posed, including full cessation of operations in some cases. There were also measures to minimize such risks. That being said, we think that this proposal is irrelevant and superfluous.

331. Delegation of Poland: I am speaking in my national capacity. I wanted to respond and review some of the comments that were made by other delegations. We find it very difficult to understand how these risks would not be related to the Regional and National Development Sector. I do agree that WIPO has delivered substantive work and contribution during the pandemic, but it is not correct that the pandemic has not affected WIPO operations as such. I think that is why reflecting on this risk is a very important matter in this Sector.

332. Vice-Chair: Thank you very much for this additional clarification and explanation. I do not see, for the time being, that this proposal enjoys the consensus. Since there is at least one delegation that is not comfortable with this proposal, I propose to take this outstanding issue as pending. Later on in our deliberations we will see whether we will be able to find a solution to this particular outstanding issue on the list of outstanding issues. We move on to the next item on the list of outstanding issues which is the proposal submitted by GRULAC: (xiii) additional bullets related to the financing matters regarding Member States and Indigenous Peoples' and Local Communities' representatives in IGCs and the Diplomatic Conference.

333. Delegation of Venezuela (Bolivarian Republic of): We would like to commend you on the way in which you have been managing our work. On behalf of GRULAC, we have submitted an alternative text replacing the original proposal from GRULAC, which has been put together taking into account the alternative proposal from Singapore, representing the APG Group, and the observations from Group Coordinators that have been communicated to GRULAC up until now. We understand that some Member States are very sensitive about this. Unfortunately, the fund does not have the necessary availabilities in spite of the contribution from Australia. Until we get more funds to be able to have proper participation of Indigenous Peoples, GRULAC, because we have a significant number of these communities among our populations, is obliged to speak on their behalf. We are convinced that their participation will be absolutely necessary for the proper development of this topic. We make an appeal to continue consultations with a more creative and constructive spirit, because we believe we are not too far from being able to come up with language that would accommodate everyone. We would like to know what the preliminary reactions would be from other Groups about this proposal.

334. Delegation of Switzerland: Regarding the exceptional funding of representatives of Indigenous Peoples and Local Communities at the IGC during the biennium, including the Diplomatic Conference to conclude an international legal instrument on IP and GR, Group B is currently waiting for more information from the Secretariat on this subject to clarify the legal compatibility, as well as implications of this proposal on the organization's financial and auditing rules. We also welcome the Australian contribution to the voluntary fund during the last IGC meeting. I would like to also thank the Delegation of Venezuela (Bolivarian Republic of) for outlining the revised proposal. I have a question for clarification. The revised proposal suggests that the funding should be subject to the approval of Member States in the Preparatory Committee. If you could kindly outline how exactly this should work? Would we then not make a decision here at the PBC, but leave this up to the Preparatory Committee?

335. Delegation of Poland: The CEBS Group recognizes the role and importance of the participation of the members of the Indigenous Peoples and Local Communities in the work of IGC. We therefore take note of the proposals of allocations through the Proposed Program of Work and Budget, and relevant resources needed to ensure the Indigenous Peoples' participation in the IGC work. We also recognize the need to address the challenge related to the limited resources within the framework of the Voluntary Fund, and in this respect welcomed the last declarations on the new contributions to in the Voluntary Fund. The Voluntary Fund has so far been a mechanism to finance the Indigenous People participation in the IGC work. Given all the proposals, we still seek more clarity on the current proposed provisions, especially concerning precise information about the process of the selections of participants from the Indigenous Peoples and Local Communities as well as the legal procedures and eligibility criteria for participations. In addition, we understand that if there is an agreement that would be financing on an exceptional basis. With regards to the recent proposal from GRULAC, this is still the subject of consultations within the CEBS Group, so I cannot give you the CEBS position on this very matter this at this stage.

336. Delegation of Venezuela (Bolivarian Republic of): I would like to respond to the question from the Delegation of Switzerland. Before we drafted this new version, we looked into this, did the research, and our understanding, and perhaps the Secretariat can confirm that our

understanding is correct, is that there is an earmarked amount for the Diplomatic Conference, and it is an overall, all-encompassing global amount. The decision about how this global amount is going to be used is not up to us to decide. It is up to the Preparatory Committee. It is for this reason that we have included this phrase here because we were anticipating some of the concerns that Group B would have about this. If my understanding is incorrect, I would ask the Secretariat to correct me. This is why we have put it in these terms, so that it is clear that we understand the dynamics that are possible, and how we can make this proposal into reality. We are prepared of course for any other questions anyone might have, and we understand and appreciate very much that the other Groups are considering our proposal, and we that they need a little bit of time to consult, as we did only present it quite late yesterday.

337. Delegation of Ghana: The African Group acknowledges that the participation of Indigenous Peoples and Local Communities is essential in the IGC. However, the Group is still having discussions on GRULAC's proposal.

338. Vice-Chair: I have been told by our colleagues from the Secretariat that our Legal Counsel is on her way to address the question raised by the distinguished Delegation of Switzerland. So please just give her some time in order to appear here in person and answer the questions. As soon as the Legal Counsel presents herself in the room, we will jump back to this issue, but in the meantime, we can move on to the next outstanding issue: (xiv) modification of the implementation strategy related to IP and Competition Policy. This proposal comes from Colombia.

339. Delegation of Colombia: On this topic, we would like to suggest to delete the word 'adversely'. We have been discussing this matter with a few Member States and we think that there might still be difficulty there. I would like to reiterate that we have stated that the IP and Competition Policy has been given some space in this Organization. It is considered that it is important, in parallel to the developments in Intellectual Property. What we are promoting here is an analysis, that I understand has already been carried out in some fashion, to understand new business structures and how they are affecting the people for whom Intellectual Property was created. If we read again the treaty on the establishment of WIPO and the treaties that have been put forward by this Organization, our understanding was that the people who put these forward were defending precisely singers, actors and creators. It is to this extent that we believe it is important today to have the possibility of tackling, from the point of view of competition, new phenomena in the world. Specifically, platforms, and how these new phenomena have to be examined from the perspective of competition. It is not my idea, it is an idea from the Organization for Economic Cooperation and Development (OECD). Last week in Paris, the OECD took up a number of different documents, one was very interesting, and it was about competition and algorithms. Another document that was mentioned in Paris last week at the OECD was about the implications of mergers in digital markets. We believe that this is an extremely current topic.

340. Vice-Chair: Thank you very much to the distinguished Delegation of Colombia for this additional explanation and also the proposal to somehow self-correct the original proposal. I see that the Legal Counsel is already with us.

341. Delegation of Switzerland: Thank you very much to the distinguished Delegate from Colombia for having outlined the proposal and for showing flexibility. This being said, Group B would still like to suggest some alternative language to this paragraph as follows, we would look paragraph (iii) and we would like to say, "and conducting analysis and research on topical issues", and then after 'issues' we would like to add the words 'related to', strike out the word 'on', and then after the word 'the' put 'interplay between'. "Interplay between IP and competition policy". So, this remains as is and then ',' and add the new words, 'including the possible impact on performers and creators.' Under this proposal, we would not need a paragraph 4, (iv), because we believe that the thought is already captured in paragraph (iii).

342. Delegation of Colombia: I am going to consult with my capital. I have to leave the room for a moment.

343. Vice-Chair: I will now pass the floor to the Legal Counsel to address some issues raised by the distinguished Delegation of Switzerland.

344. Secretariat: If I understand correctly, the question related to whether or not funding of Indigenous representatives through the WIPO Regular Budget would be permitted, or rather would be prohibited. I can confirm that there is no prohibition under the WIPO Financial Regulations or Rules that would bar the funding of Indigenous representatives' participation as observers. In such an eventuality, the Voluntary Fund, as such, would not be the mechanism through which they are funded, but rather it could offer guidance in terms of the conditions upon which representatives are selected. As a purely legal matter, there is no bar on this body or the General Assembly approving the financing of those observer participation. That will then be a subject of consideration and decision by the Preparatory Committee in September in terms of the observers that are invited to attend the Diplomatic Conference. However, as it relates to funding such participation out of the Regular Budget, there is no prohibition on that funding.

345. Delegation of the United States of America: As we stated in our opening statement, we strongly support the active participation of Indigenous groups in the IGC and in the Diplomatic Conferences to negotiate a legal instrument on IP, GRs and TK associated with GRs. Notwithstanding the important need to have the relevant parties at the table, we have concerns regarding proposals that would allow for WIPO's core budget to pay for that activity. We note, as a matter of principle, funds contributed to the Voluntary Fund were to be set apart from the regular budget, and Member States are welcome to contribute freely to that fund. At no time did one need to support the other. Further, another principle of concern is the concept having the regular budget pay for the participation of observers, which is problematic for the precedent that it would create. In addition, we suggest that the Secretariat provide an estimate on the amount of funding that should be made by voluntary contributors to the WIPO Voluntary Fund for the 2024-25 mandate of the IGC as well as the 2024 Diplomatic Conferences. That estimate would help encourage Member State contribute the necessary amounts to the fund and/or directly fund Indigenous People from their own countries as participants. We continue to suggest that the Secretariat conduct outreach during this year's General Assembly and thereafter to Member States to obtain additional donors.

346. Delegation of Switzerland: Thank you very much to the Legal Counsel for this feedback. Just to confirm, is my understanding correct that the vehicle in this case would not be the Voluntary Fund?

347. Secretariat: That was said in response to the question "Would it be permissible as a legal matter under the WIPO Regular Budget?" And the answer to that is 'yes'. As a legal matter, if Member States so decide to allocate funding for this purpose, it is permissible under the Regular Budget and, if that were to be the case, that funding would then not be channelled through the Voluntary Fund as such. That is a separate fund, recourse to which would be conducted independently of funding under the Regular Budget.

348. Delegation of Germany: My Delegation believes that the participation of Indigenous groups in the IGC is very important, and we strongly support participation of Indigenous groups. However, we have the same concerns regarding the funding of participation from observers from the regular or core budget and would support the suggestions made by the distinguished Delegate of the United States of America.

349. Vice-Chair: Thank you very much for this intervention. I see that the distinguished representative of Colombia is back. Perhaps we have some good news, so allow me to give the floor to the distinguished Delegation of Colombia.

350. Delegation of Colombia: My capital has said that it is prepared to accept the new wording. We appreciate the constructive way in which it has been presented by Group B.

351. Vice-Chair: We have the following situation here: Two delegations have voiced their concerns regarding this proposal, but at the same time, some of the concerns and the proposal made by Group B have been accepted by the proponent by Colombia. With this new language proposed by Switzerland, do the delegations that have already voiced their concerns still have their concerns vis-a-vis the new language with the insertion incorporated into the text of the proposal? Before I give the floor to the concerned delegations, I would ask the Delegation of Switzerland whether your proposal is duly reflected on the screen. Just to make sure that we see before us the very text with the amendment correctly inserted into the text.

352. Delegation of Switzerland: Yes, I do believe this has been correctly reflected. Thank you.

353. Vice-Chair: I will ask other delegations that have voiced their concerns whether the new text, with the proposal submitted by the Delegation of Switzerland and that is accepted by the Colombian Delegation, still raises concerns on your side.

354. Delegation of Venezuela (Bolivarian Republic of): I asked for the floor when you were starting the analysis by the Legal Counsel, but it is best if I do not speak at this time so that we can close this item first.

355. Delegation of Algeria: We would prefer to maintain the (iii) intact as the new addition waters down the essence of this proposal. It is very important to have analysis on IP and Competition, so maybe we suggest to create a new roman numeral to take on board the issue of the impact on performance? We do not feel that it is useful to water down the proposal by a new addition.

356. Delegation of Germany: Could you please clarify on what topic we are now speaking? My intervention was a reaction of the explanation by the Legal Counsel and an explanation given by a speaker before me on the issue of the Voluntary Fund, but it seems that we are a bit puzzled now, so please, could you clarify what we are trying to agree at this moment?

357. Vice-Chair: I think we have been trying to agree the language that is now in yellow on the screen, but the situation is as follows: the original proposal by the Delegation of Colombia with the proposed insertion by the Delegation of Switzerland, that has been accepted by Colombia. Then we have the intervention from the Delegation of Algeria that is not very happy with this insertion proposed by the Delegation Switzerland. We have the Delegations of Germany and the United States of America who still have some concerns with this proposal. No? Oh, that is good! That is good that the picture is much better than it seemed to me to be.

358. Delegation of Switzerland: With your permission, we are still discussing the text on the screen. In response to the distinguished Delegate of Algeria, I do not have the impression that the concern is really with the substance, but rather with including this in the third paragraph. Therefore, we could perhaps come up with a fourth paragraph which reflects exactly the language that we have suggested, and which Colombia is fine with. We could have paragraph (iv) "such analysis includes the possible impact on performers and creators."

359. Vice-Chair: Thank you very much for this drafting a proposal that indeed might make the things easier for us. I am looking at the distinguished Delegation of Algeria and asking for your reaction. Is it OK with you? Yes, I see nodding. This proposal is acceptable to the Delegation of Algeria. I would humbly ask the other delegations to react to this proposal just submitted by the distinguished Delegation of Switzerland.

360. Delegation of Germany: Thank you for your clarification. Our Delegation has no concerns regarding the point on IP and Competition Policy. Apologies for the confusion.

361. Delegation of Algeria: We suggest to maintain the paragraph (iii) as it was, it will be intact in its original formulation. With regard to paragraph (iv), we suggest to the following formulation: “conducting analysis and research on the possible impact on performers and creators.”

362. Delegation of Switzerland: Thank you to the distinguished Delegate from Algeria. To Switzerland, this looks fine, but now of course I am speaking on behalf of Switzerland and not Group B. So interested Group B delegations are of course encouraged to comment in case they wish to do so.

363. Delegation of the United Kingdom: Thank you to my distinguished colleagues for the helpful contributions on this. I think that the UK had suggested some of the wording that Group B put forward. I can confirm we are content with the wording as is suggested on the screen at the moment.

364. Delegation of Singapore: I think it is not the substantive matter but more language. I think “conducting analysis and research on topical issues on the IP and competition policy” just does not sound right. I think that ‘the’ needs to be dropped, or there is an original text that read “the IP and competition Policy interplay.”

365. Vice-Chair: You suggest to insert the word ‘interplay’ after the word ‘policy’?

366. Delegation of Uganda: I was just wondering if we add the ‘interplay’ word on paragraph (iii) then we shall have to add it also on para (iv). Because the possible impact on performers and creators is conducting analysis and research because of the interplay between IP and competition policy.

367. Vice-Chair: You would like to also insert the word ‘interplay’ in paragraph (iv)?

368. Delegation of Uganda: What I was saying is “conducting analysis on research on topical issues on the IP and competition Policy interplay”, so paragraph (iv) should also include it because we are saying “conducting analysis and research on the possible impact”, so the ‘interplay’ word would also appear in the fourth paragraph.

369. Delegation of Singapore: Before our distinguished Delegate from Uganda took the floor, I was suggesting that since we agreed earlier on already, we should drop the word ‘the’ and drop the word ‘interplay’, and it would just be “research on topical issues on IP and competition policy” and then stick to the original. Because now with the inclusion of the word again, “the possible impact of the interplay” it may just create a bit more confusion among all of us. Drop ‘the’, and drop ‘interplay’, and drop ‘interplay’ as well, if that is agreeable with everyone.

370. Delegation of Switzerland: Speaking in my national capacity, I would very much welcome what Singapore has just said. I was actually going to suggest the same thing.

371. Vice-Chair: There are more of us who would like to look at this very favorably. Can we then take that the whole text, as shown on the screen, is acceptable to all Member States? It seems to be the case as I see a general nodding. Therefore, this text is accepted, and it is so decided. It was a very good drafting exercise with a positive outcome. The outcome is what really counts. With this, we can move on to the next outstanding issue on the list. I have been reminded by the Secretariat that we still have an outstanding issue regarding the proposal of GRULAC: (xiii) Additional bullets related to the financing matters regarding Member States and Indigenous Peoples’ and Local Communities’ representatives in IGCs and the Diplomatic Conference. After the information given by the Legal Counsel, I think we should return to this issue. I would ask delegations for their comments and reactions after having heard the information provided by the Legal Counsel.

372. Delegation of Venezuela (Bolivarian Republic of): When I asked for the floor earlier it was precisely to thank the Legal Counsel for the clarifications she provided. We understood it that way as well and is precisely why in our new proposal we have somewhere in this paragraph it says, "on an exceptional basis". On the Voluntary Fund we proposed, "if it were to be insufficient". So obviously, the ideal scenario would be if we had four, five, six, seven, eight statements from countries who would be pledging money for the Voluntary Fund and that we would have enough money flowing into it. We think that the proposal from the Secretariat is prudent because it says we have to know exactly how much money is needed for funding for representatives from the Local Communities and Indigenous Peoples at the Diplomatic Conference. Precisely, the drafting here captures, we believe, the concerns that up until now have been presented in the room. We appreciate very much the interests expressed by those who have taken the floor on this subject. I feel that there is a common denominator that actually brings us all together in these statements. We all recognize and acknowledge the transcendental protagonist role that Indigenous People and Local Communities are going to represent. Nobody has anything against this at all, and so I think that there is enough momentum to find the right language for this common agreement that we have in the room. We thank the Vice-Chair for the way in which you have been conducting our debate.

373. Delegation of Switzerland: On behalf of Group B, we would kindly request more time. We are still consulting internally on this matter. We would be grateful if this could be continued tomorrow.

374. Vice-Chair: It seems I do not have any other requests for the floor. With this request from Switzerland on behalf of Group B, I think we should indeed give some more time and allow the Delegations concerned to consult among themselves and mark this outstanding issue as pending. But with some, I would say, good prospects for a positive outcome, perhaps tomorrow. Since we have agreed on the proposal of Colombia, we go directly to the proposal submitted by Pakistan: (xv) addition of KPI related to TISCs under ER 4.4.

375. Delegation of Pakistan: We have explained the rationale of this proposal at the previous PBC session. Although we have not heard any objection, we were advised to work with the Secretariat to amend the language. We suggest to keep it open for now to give us time to consult with the Secretariat and maybe by tomorrow we can open it again. We do not see any big issues with this proposal, but of course we are willing to work with the language.

376. Secretariat: From a Secretariat perspective we would be grateful if we could use the following wording: "No. of national TISC networks with level of maturity upgraded". Therefore this will make it consistent with the indicators above in which are already measuring maturity, but we are not measuring the maturity of individual TISCs but of the national TISC networks. We make that proposal from the Secretariat.

377. Delegation of Pakistan: Thanks to the Secretariat. We are in agreement with the proposal just made, and we can go along with it.

378. Delegation of Iran (Islamic Republic of): Since we have been proposing this language along with our distinguished Delegation of Pakistan, we need more time to consult with our respective colleagues from capital. Therefore, with your indulgence, we need time to come back to you tomorrow.

379. Vice-Chair: Since the distinguished delegate of Iran (Islamic Republic of) has asked for some more time to be given in order to consult the issue, I propose that we leave this as pending and move on to the next item on the list of outstanding issues.

380. Delegation of Iran (Islamic Republic of): I wanted to clarify that this proposal has been supported by my Delegation before. We want to make sure about the second proposal for redrafting from the Secretariat. We will come back to you tomorrow.

381. Vice-Chair: Thank you very much. We can now move on to the next item on the list of outstanding issues: (xvi) Modification of ER 5.1. This is the proposal of Colombia.

382. Delegation of Colombia: I wanted to ask about the proposal about the Sustainable Development Goals. We seem to have skipped over it. Are we going to look at it, have a look at it at the end?

383. Vice-Chair: We decided to mark this outstanding issue as pending, because you asked for more time.

384. Delegation of Colombia: There was a request from the Delegation of Brazil, and the African Group, which came before the Delegation of Pakistan's proposal, at least that is the way it looks like in my document.

385. Vice-Chair: The issue of SDGs is kept as pending. Is it acceptable? Thank you very much. We can move on again to another proposal from the Delegation of Colombia: (xvi) modification of ER 5.1.

386. Delegation of Colombia: We just wanted to clarify that we would like to change the wording for better understanding as a result of consultations we have had. Instead of saying "A Secretariat that is empowered through a dynamic gender balance corporate culture and is provided with the right resources and training to work effectively, collaboratively and innovatively under an equitable environment that promotes gender balance while actively dismantling patriarchal structure", we think that the wording could be clearer if we were to insert a fundamental idea here which is "to achieve". In the first part of the proposal there is 'gender balance' already. In the second part instead of saying, 'under an equitable environment that promotes gender balance,' we can take out 'gender balance', because our understanding is that we have already this in the first part. We could say, "under an equitable environment that promotes progress aimed at dismantling patriarchal structure."

387. Delegation of Switzerland: Group B is unfortunately not in a position to accept the proposed amendment to Expected Result 5.1. While gender balance of course remains an important goal for Group B, the Expected Results are agreed language from the Medium-Term Strategic Plan (MTSP) 2022-2026. Amending agreed language would set an undesirable precedent, and that of course applies to the proposed language by Colombia.

388. Delegation of the Russian Federation: We propose to delete the words 'dismantling patriarchal structure.' In fact, these kind of stereotypical formulations should be avoided. We want to be very progressive in what we say, rather than have the stereotypes.

389. Delegation of Colombia: I am grateful to the Russian Federation for that contribution but, unfortunately, the change in the wording actually changes the scope of my proposal. However, thank you very much for that constructive contribution.

390. Delegation of Switzerland: Thanks to the distinguished Delegate from the Russian Federation. However, Group B, as a matter of principle, is not in a position to accept any amendments to agreed language as we are looking at agreed language from the MTSP. We cannot accept any amendments. That also refers to any other proposals that would suggest any amendments to this agreed language.

391. Delegation of Saudi Arabia: We support the proposal made by the Russian Delegation with regards to deletion of the reference to the patriarchy.

392. Delegation of the United States of America: Our Delegation supports the intervention of the distinguished Delegate from Switzerland on behalf of Group B. While gender balance is very important to us, we cannot support changing the language of the Expected Results that come directly from the MTSP. I think the time and place for changing the Expected Results would be when the new MTSP is presented, perhaps in 2026. As a reminder to delegates, we have agreed on exceptional basis to change the Expected Result 4.1 at the last PBC meeting. To this effect, we have a footnote that says, "This change to the Expected Result defined in the MTSP 2022-2026 is made on an exceptional basis." We would respectfully ask the delegates to adhere to this exceptional basis promised, and delete the entire added text to this particular expected result or any other expected result other than the one that was agreed upon.

393. Delegation of Poland: I have been asked by the CEBS Group to join the concerns of other delegations about revising of the language that has already been included and agreed in other WIPO documents, especially those of strategic importance such as Medium-Term Strategic Plan. That this should not be part of the ongoing discussions relating to the Proposed Program and Budget for 2024/25. Therefore, we would not be ready to accept any revision of the language already agreed.

394. Delegation of Ghana: The African Group prefers the original statement brought forth by the Secretariat.

395. Vice-Chair: I do not see a good prospect for agreeing on this language. My proposal is simple. To mark this item on the list of outstanding issues as pending because I do not see any possibility for a quick consent on the horizon, at least today. Can then we proceed this way, that we mark this item as pending and move on to the next proposal on the list? This proposal by Columbia remains on the list as pending and we move onto the next proposal: (xvii) modification of the targets for the KPI related to gender balance.

396. Delegation of China: I will be very brief recalling our discussions at the previous PBC session. For reasons that have been stressed during the previous session, we would like to insist on our position. The specific target between P4 and D2 should be changed to read "Moderate improvement over the last biennium". We are grateful to the Delegations that supported our proposal. We believe that the draft is balanced, considering that the geographical diversity indicator is pending, and setting a moderate improvement on the target for female staff is actually taking into account the gender equality principle.

397. Delegation of Switzerland: Group B reiterates that the percentages of women at P4 to D2 levels must be maintained in the document.

398. Delegation of Sweden: We would like to support the statement from the Delegation of Switzerland on behalf of Group B. Sweden notes with regret that the progress on gender balance for managers and experts seems to be difficult to achieve for the Organization, especially at the higher levels. Sweden considers this work of great importance and wants the Organization to prioritize measures to achieve targets set. We cannot accept that the original proposed targets are deleted without being replaced by equivalent targets at relevant levels.

399. Delegation of China: What I wanted to say probably did not come across correctly in the interpretation. In fact, in my previous statement, I did not actually suggest an amendment to the text itself. We just talked about improvement over the last biennium without the word 'moderate'.

400. Delegation of the Russian Federation: We endorse what has been stated by the distinguished Delegate of China and we would also like to reiterate what we said in the course of the PBC 35 Informal sessions. There was indeed a question put to the Director, Human Resources Management Department by Member States. The question was, "To what extent is this actually doable as related to these figures that are indicated here? The answer that we got

was that these indicators were rather ambitious. That being said, we think it is better to stick to a more general wording and something that would be achievable.

401. Delegation of Canada: Canada opposes the proposed modification of targets for the KPI related to gender balance. We join our voice to the statements made to by Group B and Sweden. We believe that specific percentage targets are essential to ensure meaningful sustained progress towards achieving and maintaining gender balance in the listed position levels.

402. Delegation of Switzerland: Thank you very much to the distinguished Delegate from the Russian Federation on your recollection of what was said during the PBC 35 Informals. I was also there, and it is true that the representative of the WIPO Secretariat said that these levels are ambitious, but at the same time, she said they are doable. They are ambitious but doable. This is what she said. For that reason, we believe that when it is doable, why shouldn't we be ambitious on such an important objective?

403. Delegation of Brazil: I just have one further question on the possibility of the ambitious gender balance as stated by Group B and other delegations. What would be the geographical representation within that ambitious target? This is very important to geographically underrepresented countries at this Organization. I think our reflection should go further and deeper on geographical representation if we are serious and ambitious about those targets there. My question to the Secretariat is, "Is that doable, taking into account the necessary geographical representation on those numbers?"

404. Delegation of Algeria: We believe the issue of geographical balance should be reflected in a percentage on the same level as gender balance. When we talk about gender balance, we use percentages. However, when we talk about geographical balance, we refer to agreements among Member States. I think we need to deal with this issue on the same footing, and we support the proposal to delete reference to percentages until there is clear agreement among Member States on this issue.

405. Delegation of Iran (Islamic Republic of): My Delegation is in full agreement with the distinguished Delegation of Algeria about this issue at hand, and we support the proposal.

406. Delegation of Pakistan: My Delegation will not be in a position to support a differential treatment of these two important issues on geographical distribution and gender balance.

407. Delegation of Nigeria: My Delegation would like to support the proposal by China to delete the percentages for gender balance. As long as we do not have a way to measure the equitable geographical representation of WIPO, then we do not have to have this one projected until we have something to measure for geographical balance.

408. Delegation of Ghana: The Group reiterates its position regarding the issue of geographical balance and the percentages on gender balance. We believe that these two should not be treated differently.

409. Delegation of Uganda: Uganda would also like to support the observation made by Ghana on behalf of the African Group, Algeria, Brazil, and Nigeria.

410. Delegation of Mexico: As my delegation sees it, is important for us to have percentages when it comes to this issue of gender balance. These percentages should then be maintained in the text. I have a question for the Secretariat. Is it possible for us to get percentages with reference to the Action Plan on Geographical Diversity that is included in the HR Report? If it is possible, then we could solve the problem that way.

411. Vice-Chair: Since some questions have been asked about the HR issues and we are privileged by the presence of the Director, Human Resources Management Department to respond to the Delegations' questions.

412. Secretariat: Thank you to the various delegations for your contributions. With respect to the last point on geographical representation, the Secretariat does have a framework to measure geographical representation, which is based on the Principles agreed by Member States in 1975 on ranges by geographical region. This apportionment is available by geographical region, not on a country basis due to the limited number of positions subject to geographical representation, which are little bit less than 600 at the moment. There is also a key performance indicator on geographical representation. Regarding the comment from a Delegation on my position about gender, I just wanted to restate that the long-term objective is to have gender equality, 50-50 at all grades. The Secretariat already has 50-50 representation overall at the level of the Organization, but not at the senior levels. The numbers are ambitious, but we will continue towards our longer-term target to reach the 50%. With respect to a point from the Delegate of Brazil about country representation, under the principles of the 1975 Agreement, we do not have the notion of an underrepresented country, rather we have countries that are not represented, and we have quite a few of these.

413. Delegation of Algeria: Did the Secretariat conduct an analysis on how promoting gender balance can have implications on geographical balance, especially in high and senior level positions? Is there any analysis or scenario on the interplay between gender balance and geographical balance? Is there any strategic analysis of the situation?

414. Secretariat: In response to the question from the Delegation of Algeria on recruitment, this was part of a side discussion during the previous PBC. There are two criteria that are used within merit-based recruitment. At the last step of the recruitment process, the Appointment Board recommends candidates it feels could do the job to the Director General for his selection. At this stage, the Director General can use the criterion of geographical representation and/or the criterion of gender. These criteria are equal. Although we do not have an analysis of how there is an interplay between the two criteria, it is not that common that there is a situation where the Director General would have to choose from one male candidate from an unrepresented Member State and a female candidate from a better represented region. This is pretty rare. The criteria should not be looked at as cancelling each other out, they are both equally important.

415. Delegation of Nigeria: I just want to note that the 1975 Accord could not be the substantial yardstick to measure the percentages of geographical distribution. I think that is as a result of having initiatives from the Human Resources Management Department to address the acute lack of equitable geographical distribution of WIPO. We have had series of meetings and we have discussed and welcomed different initiatives because there is a need to improve the level of equitable geographical representation in the WIPO workforce. In this regard, I think we are of the view that the 1975 Accord is outdated and does not subsist as a premise to measure geographical representation and to apportion percentages. That is the reason why there have been initiatives upon initiatives to address this matter. I am just not very much in agreement with using the 1975 Accord as the basis to measure this matter.

416. Delegation of Uganda: To build on what my colleague from the Delegation of Nigeria has said, because Uganda has been advocating for a review of the 1975 Accord. It seems to be very unfair in terms of geographical representation. I do not know if Member States could spearhead the review of this 1975 Accord or the Secretariat. I would like to know why we could not have this Accord reviewed.

417. Delegation of Pakistan: My apologies for taking the floor again. Based on the explanations and clarifications provided by the Secretariat regarding the recruitment process,

we fully agree that the geographical distribution and in fact gender balance are not in competition with each other. I think geographical balance is actually required to ensure gender balance. The geographical regions cannot ensure gender balance if they are not represented equitably. I think this differential treatment is not constructive. It actually puts one against the other. If gender balance is given priority over geographical distribution, then that is not gender balance. In that case, gender balance would basically be a balance within one geographical region and not the other. It would be a skewed balance. It is no balance. We support the call that these, either percentages are therefore both of these factors, or the percentages are removed altogether.

418. Delegation of Brazil: To build on the other Delegations' point on having in mind that those two criteria do not run into each other, they are complimentary. We need to ensure that any long-term objective concerning balance in representation in this Organization should not aggravate the regional representation on those posts. It causes me great surprise to hear that the Organization is committed to go forward with plans based on gender balance, without having in mind that geographical representation has to be taken in tandem with those objectives.

419. Delegation of India: We also feel that geographical representation is equally as important as gender balance. As the Director, Human Resources Management Department clearly said, they have a set target of reaching 50 per cent gender balance. There should be a similar metric for geographical representation. As some delegations mentioned, the 1975 Accord needs to be reviewed.

420. Delegation of the United States of America: I have a quick question for the Director, Human Resources Management Department. Is geographical diversity taken into account when WIPO is trying to achieve gender balance in certain positions such as P4 to D2?

421. Delegation of the Russian Federation: We are a bit surprised by the Secretariat's comments with reference to the fact that the Secretariat attaches equal attention to geographical representation and gender balance. Correct me if I am wrong, but as far as I know, within the Convention on the establishment of WIPO, we are talking only about geographical representation. That is all that is referred to there. We think that in fact, that anything else would be a subsidiary matter to be considered when selecting candidates. Geographical representation therefore would be the priority, and then you would go on and then have gender. Gender would be only the third factor to be taken into consideration. First, obviously, would be skill and competence, second, geographical representation, and thirdly, gender.

422. Secretariat: With regards to the question from the Delegation of the United States of America, I confirm that when the Secretariat looks at representation at grade P4 and above, it not only considers gender, but also definitely takes into account the geographical representation aspect. Obviously the specific environment for every post must be looked at as well. When we look at a Division or specific area of WIPO, it is also important to look at the mix of gender balance within specific organizational units. It goes a little bit beyond the notion of geographical representation against gender, both aspects are looked at very carefully, bearing in mind that the primary criterion for recruitment is merit/competence.

423. Delegation of Nigeria: I am very aware that this is not a Human Resource presentation, and that we have spent so much time to dwell on the matter. Apologies for diving deep, but this issue is very dear to my Delegation's heart, and I must be honest and sincere. I think the first way to address this matter is to check from the data in the WIPO workforce. How many regions were represented from the P4, P5 to D1 positions? Because if we talk about coming up with how to measure gender balance if some regions are not well represented, which I know is part of the concept of underrepresented countries, then how do you factor in members from this

region to be represented equitably when you come up with these percentages? I think the foundation of this measurement seems very faulty. That is because there are issues bordering on the lack of equitable geographical representation. Until that is addressed, then any other matter emanating from these would not be just or fair.

424. Vice-Chair: Since I do not see any other requests for the floor, and also looking at the clock that advances quite quickly, I think we will not find a solution to this proposal today. I propose is to mark this outstanding issue as pending, I would even say 'very pending'. Before we conclude this meeting today, I would propose to briefly return to outstanding issue: (iv) modification of the third bullet priority under Strategic Pillar (SP) 4. There was this issue of pending issue of clarification from the Delegation of the Russian Federation on 'which UN agencies?'. If we have the clarification on that, then we would have an agreed text. I would like to ask the Delegations concerned whether the issue of the UN agencies has been clarified. Pending the verification of this term 'UN agency', we could then agree on the whole text.

425. Delegation of Colombia: We began consultations on this at lunch. We can promise you that we will conclude them tomorrow morning. We were just waiting for a list that I am going to turn over to the Russian Federation.

426. Vice-Chair: Thank you very much for this information. I was hoping to, at least to have an agreed text on this particular subject but, apparently, we need to all demonstrate strategic patience. So, demonstrating this strategic patience, I thank you very much for the whole day of deliberations. If not extremely fruitful, then at least constructive. I would like to conclude this meeting, and we continue with the Agenda Item as foreseen in the provisional timetable, for tomorrow, the day after tomorrow, and finally for Friday as the last day of this session of the PBC. Thank you very much for your constructive engagement, for all the very useful information, clarifications, questions, answers.

427. Chair: We shall resume discussions on Item 10 that we have been working on yesterday with a review of the various proposals and annexes. As you know, we are talking about all the annexes that need to be reviewed. Annex XII and Annex XIII. As I understand it, we need to continue like we did yesterday, the Groups who have proposed various amendments, they are in charge of commenting on where the proposal should go and defend it. With regard to the Annexes, I now open the floor to the delegations who should like to make a statement.

428. Delegation of Switzerland: From Group B's perspective, I understand that there seems to be some agreement between the Groups on these items. I cannot speak for the other Groups, but my understanding is that we could agree on what to do with these annexes. Perhaps the other Groups could also speak up and the delegations involved in this discussion could take the floor.

429. Chair: I thank the distinguished Delegate from Switzerland for his statement on behalf of Group B. I now turn to the distinguished Delegate from Ghana.

430. Delegation of Ghana: As Switzerland on behalf of Group B mentioned earlier, there has been an agreement on these Annexes. The agreement is that they would be captured in the Q&A document instead of in the Proposed Program of Work and Budget for 2024/25.

431. Chair: There seems to be an agreement between the various Groups to incorporate it into the Q&A document and not in the Proposed Program of Work and Budget document. We can conclude that we eliminate Annexes XII and XIII from the Proposed Program of Work and Budget for 2024/25. I recognize the distinguished Delegate of the United States of America.

432. Delegation of the United States of America: We acknowledge the decision of the PBC with respect to the document WO/PBC/36/11, Update of the Mechanism to Further Involve Member States in the Preparation and Follow-up of the Program of Work and Budget, to provide

requested information to Member States in the form of the Q & A document within a week of request. In view of this decision, and in the spirit of compromise, our Delegation intends to withdraw our request for the budget breakdown of the External Offices to be provided as an Annex to the Proposed Program of Work and Budget for 2024/25. However, as we mentioned at the previous session of the PBC and in our opening statement during this session, we have concerns that the budget proposed for the WIPO Russia External Office is significantly larger than what was utilized in 2022. The WIPO External Office Network is an integral part of the Organization, and as such, operates under the same mandate, goals, priorities and principles. Since its unjustified invasion of Ukraine in February 24, 2022, Russia has passed legislation and issued decrees which undermines the protection and enforcement of intellectual property rights for foreign rights holders. These actions do not align with WIPO's mandate and prevent Russia, a host country of one of the WIPO External Offices, from contributing to the achievement of WIPO's mission, vision and objectives. In view of the inability of this particular External Office to fulfil its role and continue to the expected results, we request that the WIPO Russia Office budget be substantially decreased to be in line with its actual expected utilization. In particular, with respect to the non-personnel resources allocated for the 2024/25 biennium, we request that they be decreased by about 160,000 Swiss francs to approximately 40,000 Swiss francs. In addition, we request that the Secretariat find ways to further reduce the budget for personnel resources, considering the level of activity of that External Office.

433. Delegation of the Russian Federation: Unfortunately, the Russian Federation does not fully understand why we are discussing the budget of External Offices if we have agreed to remove this Annex from the Proposed Program of Work and Budget for 2024/25. In this regard, we believe that it is not a good idea to discuss this issue. However, to respond to the concerns of the Delegation, I would like to note that the budget of the External Office in the Russian Federation in no way is operating outside of the ordinary framework. It is in line with the budget of other External Offices, including, as we can see, the financing of the WIPO Coordination Office in New York. Compared to the previous biennium, the Proposed Program of Work and Budget for 2024/25 is also in line with that. With regard to the use of flexible tools, at a national level, as is noted in the document on the External Offices, External Offices are not responsible for the national decisions of the Member States. At a national level, Member States have the right to take a decision which corresponds to their national interests and international law. It is provided for to have flexible instruments so that we can agree on intellectual property rights. In this regard, we think that using this mechanism is fully legitimate. However, I would like to note that one of the main criteria for evaluating the activity of External Offices is the KPI, which shows how often the website is used by users and the satisfaction that they have in the services that they are provided. Regarding the KPI for visits to the External Office, we are delighted to note that the WIPO Russia External Office is actually outperforming other indicators and at the moment we have already achieved indicators that have been established for the entire biennium, so we have that indicator. Regarding the satisfaction that users have in the services that are provided, the indicators are at 85 per cent. This indicator for the Office in the Russian Federation at this stage is 96 per cent, which attests to the more than satisfactory work that is carried out by this External Office. Moreover, the WIPO Russia External Office regularly provides consultative support for applicants who are experiencing difficulties regarding unilateral, illegitimate, and restrictive measures. In this regard, we think that the allocation in the Proposed Program of Work and Budget for 2024/25 is more than adequate given the specifics and the particularities in the External Office. It is not excessive, and it is in line with the budget for other External Offices. We should also note that reducing the non-personnel budget while the main expenses for the WIPO Russia Office is for staff, so if we reduce the budget then what we are proposing is not paying the salaries of staff members of the WIPO Russia Office. We do not understand what is being said by the Delegation and we cannot agree with the proposed amendments.

434. Delegation of Ukraine: It is a great honor to deliver the statement in my national capacity. The Delegation of Ukraine would like to thank the Secretariat for preparing the Proposed

Program of Work and Budget for 2024/25. The Russian full-scale military invasion of Ukraine continues to cause immersive damage and destruction to the Ukrainian nation as well as to our cultural, intellectual and creative potential. The detonation of the Kakhovka hydroelectric power plant by the Russian occupiers on June 6, 2023 was another heinous war crime of ecocide and a weapon of mass destruction. The international wrongful acts committed by the Russian Federation doubly effects the distribution of WIPO knowledge and projects as well as the utilization of the outcomes of the External Office's activities. Ukraine would like to reiterate our position delivered during PBC 35 that in response to the Russian war of aggression against Ukraine we call for the termination of funding for the projects in the Russian Federation, specifically financing the WIPO Russia External Office in Moscow. In this regard, we fully support the proposal made by the distinguished Delegation of the United States of America on the reduction of the budget allocated to the External Office in Moscow for the 2024/25 biennium. However, Ukraine would like to emphasize that this should be considered an interim and urgent measure. The only viable way to restore justice can be achieved solely by fully closing the External Office in Moscow. We believe that this practical solution will allow WIPO's resources to be better directed towards achieving the SDGs set forth for the functioning of the Global IP system.

435. Delegation of the Russian Federation: We would like to use our right of reply. Once again, the delegations have been forced to hear odious anti-Russian words or statements. Any crime committed by Kyiv is automatically registered in our country. This lack of control in terms of the weapons that are being received by the West, including from countries of the European Union and the USA, make it possible for Ukraine to commit these crimes. Such as the Kakhovka hydroelectric power plant incident which has led to large-scale humanitarian and environmental catastrophe. We will continue to speak on this topic and reject what has been said by the Delegation and provide proof of what has been carried out by the Kyiv regime. We call on the international community to condemn these acts that are being carried out by Ukraine, however, we understand that issues of war and peace have no bearing on the PBC agenda. It does not allow us to carry out constructive work and we hope that this issue and our stance will be supported by the Secretariat which needs to look at the observance of the working procedures within this Committee.

436. Delegation of the Unites States of America: I would like to clarify my earlier intervention. While we are OK with deleting the information from the annexes, this information was provided to us per our request and the request of other Member States in the Q&A document. I refer Member States to page 306. Right now is not the annex, not the format but the numbers. Our Delegation made a similar statement at the PBC 35, so we are coming back to this issue with additional information that was provided by the Secretariat. I would like to point to the utilization rate and budget by the Moscow External Office which is about 10 per cent based on 2022 numbers, if I calculated it correctly. We are not talking about activities or satisfaction of customers. We are talking about the rate of utilization of the budget which we would like to see reflected in the current budget that we are discussing right now. We would like to bring that rate to these numbers, to the percentage that was utilized during 2022. I do not believe we have numbers for 2023, but my estimate is, and perhaps I am wrong, the numbers basically will tell the story. I am talking about a slightly different format where we have a comparison between the 2022/23 biennium and Proposed Program of Work and Budget for 2024/25 and that is on page 3 of the Q&A document. To clarify, we are not talking about format, we are talking about the budget of this Organization.

437. Delegation of Poland: I am speaking in my national capacity, and I would like to start with making it clear that I am also referring in my statement to the table that was provided in the Q&A document ahead of PBC 35. Poland, through the CEBS Group statement, has on numerous occasions expressed concerns with regards to the effectiveness of operations of the WIPO Russia External Office. In the past PBC 35 meeting, we had requested detailed information about the WIPO Russia External Office activities which would be helpful to reflect and analyze

the Office's outcomes and performance. We have not received this information. What we know is that the 2022 expenditures decreased due to the limited potential and level of operation because of the economic and geopolitical circumstances caused by the Russian war of aggression against Ukraine. Therefore, we find it difficult to find objective arguments for the high-level budget which was proposed for the 2024/25 biennium. Based on this, Poland supports the proposal that has been presented to reduce the budget allocated to the WIPO Russia External Office so that it reflects the real level of operation in the given circumstances. This position is based on the fact that we do not find any objective reasons to hope for the improved level of activity with the continued Russian war of aggression against Ukraine.

438. Delegation of the Russian Federation: Regarding the work of the WIPO Office in the Russian Federation, we should note that the Office functions in full compliance with the purposes and principles of the Organization and the obligations in line with the guidelines regarding External Offices. However, we should note that the Russian Federation has an independent budget for organizing events. The financing of events through the WIPO Russian Office and the due financing from the Organization is being complicated by these restrictive unilateral measures. In this regard, we would also like to note that in the table in the Q&A document, the budget for the WIPO Russian Office compared to the previous biennium has been reduced by 12 per cent, which is higher than the reduction in budget for all other External Offices. However, we think that the table in the Q&A document is not fully fledged because it does not reflect the New York External Office. We ask the Secretariat to include in the Q&A document information on the WIPO New York Office.

439. Chair: I thank the distinguished Delegation of the Russian Federation. Before we continue with that discussion, I would like to make a comment. To date, I have been very flexible with you, with time and speaking time for delegations, but I think that I cannot continue to be flexible unless you comply with certain rules and stricter keeping of rules. I need to remind you that statements need to be three minutes by Group Coordinators and two minutes for delegations. For this reason, I would like to tell you that if you cannot comply with these rules, I am going to have to make it two minutes per delegation and Group Coordinators.

440. Delegation of Belarus: Listening to this discussion on the amount of financing for WIPO External Offices, I would like to call on delegations to take decisions on the financing that are not based on politicizing but on the performance of the work and the conditions under which these External Offices operate. We believe that the financing that is being proposed for the External Office is adequate and it actually responds to the real needs.

441. Delegation of the United Kingdom: The Delegation of the United Kingdom supports the statement by the Delegation of the United States of America to reduce the funding of the WIPO Russia External Office. We understand that the budget for 2022 was underutilized by that Office, and in light of the need to be financially prudent across the Organization, we suggest that a reduction would be appropriate.

442. Chair: I have finished the list of speakers. I would now like to open the floor again so that delegates can address any other matters in the draft decision that we adopted in PBC 35 with regard to the items in the Proposed Program of Work and Budget for 2024/25. If you would like to include any other matters for discussion, the floor is now open for that.

443. Delegation of Switzerland: Which item are we going back to now? Could you clarify please?

444. Chair: I will repeat what I said. Yesterday we began some work to examine each of the items that are still pending. Some of these had an agreement, and today we agreed to remove the Annexes, for example, and to finish this list. What I am suggesting that we do now, is if any

delegation or Group would like to introduce any other matters that they would like to address with regard to the Proposed Program of Work and Budget they can do so now, otherwise we will continue with our work on the other items that are still pending. I hope that was clearer.

445. Delegation of Switzerland: Our Delegation would like to make a proposal. I am going to make this statement in English. Our intervention will focus on the Lisbon System. Following the statement delivered at PBC 35 by a multilateral coalition of countries from Africa, America and Europe, of which Switzerland is a member, regarding the improvement of the Lisbon System, the coalition of countries would like to suggest the addition of some key performance indicators relating to the Lisbon System. Switzerland would like to describe our proposal in more detail which we ask to include on page 28 of document WO/PBC/36/8. Could you please project our proposal on the screen? That would be very helpful. We sent a proposal to the Secretariat, but we are going to resend it now, then you will have it.

446. Delegation of the United States of America: We thank the distinguished Delegation of Switzerland for their proposal as well as for our earlier informal exchange on their proposed KPIs. As we noted in our opening statement, the proposed addition of such KPIs has necessitated an edit on our side. The Delegation of the United States of America proposes that we add a performance indicator to page 28 of document WO/PBC/36/8 under Expected Result 3.1. We propose adding the following text, and we are in the process of sending that text to the Secretariat and I am happy to repeat it. It states, "Development of a balanced and fair approach in technical assistance, legislative advice, and programmatic work on GIs and common names: first bullet, No. of Member States that received such technical advice, legislative advice, and or programmatic work." Second bullet, "Level of satisfaction of recipients of technical advice and legislative advice and level of satisfaction of participants in WIPO programs." Relatedly, we observed that the updated Proposed Program of Work and Budget for 2024/25 continues to propose a substantial increase to the Lisbon Unions budget of 769,000 Swiss francs which is a 30 per cent increase over the Program of Work and Budget for 2022/23. This also includes a proposed increase of 391,000 Swiss francs for Lisbon Union promotional activities, which is a 46 per cent proposed increase compared to the 2022/23 figures. The proposed increased budget for the Lisbon Union continues to be very concerning to this Delegation given the Lisbon Union continues to run a deficit. Specifically, we note that the Lisbon Union projected deficit for 2022/23 and 2024/25 biennium are respectively 1,945,000 and 2,879,000 Swiss francs. The deficit would only be growing larger if this Committee were to approve this proposed increase. As this Delegation has stated at PBC 35, the proposed increase for funding for the promotion of the Lisbon System is also particularly concerning given that the Lisbon System continues to run a deficit and WIPO and its Member States have not charted a path forward that will allow all fee funded unions to reach financial stability. The United States of America will continue to urge all Member States to ensure that all fee funded unions abide by their treaty obligations and collect income sufficient to cover each union's expenses, including their fair share of the Organization's common expenses.

447. Delegation of Switzerland: We can now see our proposal on the screen. To appropriately reflect the work undertaken by the Lisbon Registry, we would like to add under filing rate, specific reference to other transactions. You can see that on the screen. We would define other transactions in a footnote. This footnote would read as follows, "Other transactions include statements of grant of protection, refusal declarations, modifications or corrections, cancellations, payment of fees and responses on accessions." Moreover, we would like to add a performance indicator and this performance indicator would be the number and percentage of countries being part of the Lisbon System, including the Geneva Act, that are satisfied with the technical support received for the implementation of the System. The target would be a figure of 85 per cent or more satisfied or very satisfied. Finally, as it is already the case for the PCT, Madrid and Hague Systems, we would like to include the Lisbon System under the performance indicator: level of satisfaction of WIPO Global IP systems, users of international bureau services and an indicator linked to Expected Result 3.2. Here the target would be a figure of 85 per cent

satisfied or very satisfied. After having consulted the Secretariat, we understand that some baselines and targets may be determined at a later stage prior to the end of this year. Switzerland's hope is that Member States will agree to the inclusion of this proposal in the Program of Work and Budget for 2024/25 as this proposal is very important for users of the Lisbon System, and will contribute to the effective and efficient management of the Lisbon Registry. We are at the disposal of Member States should they have any questions.

448. Chair: I thank the distinguished Delegate of Switzerland for her statement and comments. In order to help with clarity, we are also going to put on the screen the United States of America's proposal and that way you can see it clearly. I would ask you to just be patient, please, the Secretariat is just in the process of projecting it. You now have the proposal in the format of an email, of course, but you have what the United States of America read out earlier and now you have it in front of you in a visual format, I turn to the United States, where exactly would this go? Can you remind us of where you are suggesting to add it?

449. Delegation of the United States of America: I indicated that it would also be on page 28 under Expected Result 3.1.

450. Delegation of the Russian Federation: The Delegation of the Russian Federation has a flexible approach to the KPIs. As a member of the Lisbon System, we have repeatedly noted that the Lisbon System still is in a developmental stage. Adding additional obligations could have a negative impact on its attractiveness for new members, applicants, and users. In addition, it could have a negative impact on its development. In this regard, we would like to ask a question to the Secretariat, and, in particular, to the Director, Lisbon Registry and perhaps the Deputy Director General, Brands and Designs Sector. How feasible are these KPIs? Are they achievable? Will they have any negative impact on the future development of the system and its users?

451. Delegation of Italy: The Delegation of Italy aligns itself with the statement made by the Delegation of Switzerland on behalf of the trans-regional coalition and consequently supports the addition of the new performance indicators. The Italian Delegation would like to highlight that it attaches the greatest importance to the worldwide protection of geographical indications for agrifood and non-agrifood products. In this regard, we call upon WIPO, in line with its institutional mandate and in the interest of its membership, to continue to be engaged in an effective and efficient administration of its treaties for the international registration of GIs. In light of the above, we repeat that we fully support the proposal of the Lisbon trans-regional coalition to include new KPIs for the Lisbon System. The proposed approach is coherent with the KPIs used to monitor the performance of the other Global IP systems. The recent WIPO symposium on geographical indications has once more recognized that GIs are a global phenomenon of public interest since they recognize an internationally recognized intellectual property right. Moreover, they are a powerful tool for rural and territorial development, capturing many of the economic, social and environmental dimensions of the ongoing debate on sustainability. In this framework, we would like to point out that the GIs that are protected according to the Lisbon System are a legitimate form of intellectual property and, as such, should be valued and treated since they are part of the WIPO core business reflecting the interests of the wider WIPO constituency. On the contrary, generic names or common food names are not IP rights and therefore targeted activities in this field should not be supported or promoted by WIPO, since they would be inconsistent with WIPO's scope.

452. Delegation of Iran (Islamic Republic of): My Delegation has outlined on many occasions our position, in the most explicit way possible during the PBC 35 session, on this issue. We deem it necessary to mention here again that the financial sustainability of the Lisbon System cannot be compared with the other global registration systems, such as Madrid or the PCT system, mainly because appellations of origin and other geographical indications are based on geographical names. There is an obvious limit to the total number of protected geographical

names and corresponding applications. GIs in our view are considered as intangible IP. Therefore the issue of financial sustainability of the Lisbon System is of utmost importance for my Delegation. As regards the proposal made by the Delegation of Switzerland, we can be flexible with this proposal.

453. Delegation of France: The Delegation of France aligns itself with the Delegation of Switzerland to support the request for establishing indicators for the Lisbon System. In fact, introducing these indicators will enable us to have a view of the workload of the Lisbon System and the quality of the service that is provided to its users. The Lisbon System is currently in full expansion and accessions to the Geneva Act attest to the attractiveness of GIs across the world. In this context, it is particularly opportune to establish such indicators to enable the system to respond effectively and proportionately to these demands. The Lisbon System, as with other systems, is for the development of all countries in a spirit of universal and shared progress. To maintain the continuity of this protection system, the Delegation of France therefore supports the establishment of performance indicators which will enable a good follow-up and will strengthen its effectiveness.

454. Delegation of Ghana: The African Group supports the proposed KPI by Switzerland on behalf of the cross regional group of countries. We consider this proposal quite useful for the improvement of the Lisbon Registry.

455. Delegation of Italy: I wanted to add that with regards to the allocated budget for the Lisbon Union, also on the basis of the experience in the last years, our understanding is that the funds are not targeted at promotional activities, but rather on providing technical support and legislative advice to those Member States that specifically requested so to the Secretariat.

456. Chair: We take note of the intervention by the Delegate from Italy and on that note I suggest we take a 10 minute coffee break.

457. Chair: Good afternoon. Let us continue our meeting so that we can make some progress.

458. Delegation of France: We are very surprised by the proposal on generic names proposed by a Member State. The Lisbon System has a clearly defined objective which is the international protection of appellations of origin and geographical indications, and their registration in an international registry. The needs identified by members of the Geneva Act is in full alignment with its goal to be able to fluidly fulfil these registrations and to get corresponding notifications in a context of increasing attractiveness. Thus, it is essential to remain fully aligned with this goal and actions led by the Secretariat and focus on that alone. We would recall the need for the Secretariat to have sufficient resources to fully conduct the activities related to the Registry. Moreover, we highlight that in no case are generic names intellectual property rights. WIPO, therefore, should not deploy resources to put forward proposals which are opposed to the instruments that WIPO has put into place and promotes. We must also note that the generic nature differs depending on the independent assessment of national or regional jurisdictions. For example, in certain jurisdictions appellations are generic so that they can legitimize a sale on their territory of products that do not meet these terms of reference. While for others, the commercialization of this type of product benefiting from the prior rights will constitute usurpation. One thing is sure, it is not up to the WIPO Secretariat to fix the goal of undertaking this kind of work given that the degree of appreciation varies based on objective criteria that are specific to each jurisdiction, such as the perception of consumers but also depending on the characteristics of the concerned market. France therefore aligns itself with the opposition that has been formulated by Switzerland, Italy and the majority of members in favor of appellations of origins and GIs.

459. Chair: I thank the distinguished Delegate of France for her statement. They have been carefully noted by the Secretariat. Let us put on the screen how we will organize our work with

regard to item 10 of the agenda. This is the decision that was taken in the Program and Budget 35 which reflects the matters that are still pending. This will help us, undoubtedly, to lead the discussion because in addition to what you have all just said we can now include another series of issues, specifically let us look at these matters that have been pending since the last session of our Committee.

460. Delegation of Switzerland: We should like to come back to our proposal. I will be very succinct. We would like to heartfully thank all delegations that have taken the floor to support us. There are delegations who are in different regions of the world doing this and we appreciate your support. We would also like to support the Delegations of France and Italy with regard to what they said. We are not in a position to accept the US proposal that was submitted on page 28 of the Proposed Program of Work and Budget for 2024/25.

461. Delegation of Peru: We would like to echo and agree with what was said by a number of delegations on the proposal to include indicators and objectives to improve the Lisbon System. We think it is necessary to include these new KPIs, in order to properly reflect the proportion of work that is being carried out and to recognize the work. On the basis of an analysis, this would improve the decision making of a strategic nature with regard to the Lisbon system. Similarly, we agree with what was said by previous delegations with regard to the fact that we cannot support the proposal from the Delegation of the United States of America for the moment.

462. Delegation of the United States of America: We thank the delegations that have taken the opportunity to look at our proposal and to provide comments. I do note the comments made in particular by the distinguished Delegations of Italy and France with respect to comments on our proposal on common names. I did want to respond to that quickly to note that there is a relationship between GIs and common names that does exist. That relationship is also in the context of IP and generic uses. This is a reality and this is a fact. We do feel that WIPO should be providing balanced information on the issues relating to GIs and common names. This has been absent in this house for a very long time, and it has been to the detriment of the IP system and to many stakeholders throughout the world. From our perspective on this issue and as a result, considering there is opposition to our proposed KPI, the Delegation of the United States of America is not in a position to support Switzerland's KPI.

463. Deputy Director General, Brands and Designs Sector: I would like to clarify the question, should I answer the question of the KPI proposed by the US delegation or should I answer the question of the KPI proposed by Switzerland on behalf of a group of countries? Or just a general question, because there were several questions raised during the debate?

464. Chair: We are referring to the questions put forward by the Delegation of the Russian Federation who asked their question before the other interventions.

465. Deputy Director General, Brands and Designs Sector: On the question raised by the Russian Delegation on the feasibility and any impact of those KPIs being proposed for the future or even rather the current operation of the Lisbon Registry, of course I would like to ask my Director to give a more detailed answer. We were doing that. I would like to highlight that the KPIs proposed in the long run strategically speaking will be very good for the improvement of the Lisbon system. Nevertheless, we should not forget to implement the KPIs. We should also have enough and sufficient staff and the budget to support it. For the time being, the budget proposed for 2024/25, I am not saying that it is not more than enough but at least I think this Sector together with the Lisbon team, in particular thanks to the support of all the countries, can manage. But with the first development of the Lisbon system, more and more countries coming on board. We also foresee some increased burden on the implementation of the request so far had raised to the Lisbon Registry to compliment. We can do our best from the Secretariat point of view to make sure that we can provide a satisfactory service to the Member States as they are requesting. I would like to turn the Director, Lisbon Registry.

466. Secretariat: I would like to highlight what has already been indicated. We are receiving an increasing number of requests and interest by countries to join the Lisbon system and also countries that have joined need a lot of assistance to implement the system. In addition, this is an important part of our work. There are a lot of transactions to manage with an increasing number of countries joining. Within the resources available for the 2024/25 biennium, we will definitely do our best but if we have more administrative work to undertake in order indeed to manage this important KPI with a system which is not in development. Without having the infrastructures that other systems have to manage the KPIs they have to manage, we will need to reallocate resources and do substantive work to be also in charge of this assessment because all this is audited. It is not just simply you need to do it with methodology, substantiated and with a view to be evaluated and audited later on, so it is an additional workforce registry and do not forget that our human resources remain limited in the 2024/25 biennium.

467. Chair: Thank you to the Deputy Director General, Brands and Designs Sector and the Secretariat for their responses. I hope that was a satisfactory response. Going back to the work that I suggested earlier so that we can conclude on item 10, since yesterday and today I am sure you have had time to hold your discussions with other delegations in a national capacity across Groups. Paragraph (vi) of PBC 35 decision on the items that remain pending for the Proposed Program of Work and Budget are on the screen. We are going to come back to our discussion on them to see whether progress has been made on the pending items. The delegations who made these proposals should explain once again or add what they think is relevant. Some of the outstanding issues in paragraph (vi) has been agreed. Let us move to (i), removal of SDGs, except SDG 9, in the Strategy House.

468. Delegation of Colombia: I would like to express my deep thanks to the Delegation of Brazil for their proposal in PBC 35, which addressed the issue of Sustainable Development Goals. We have agreed upon text in pages 53 and 54. From our perspective, the proposal, which was adopted, explains the reason for which my country is in favour of emphasizing the role of Sustainable Development Goals. Colombia considers this as important as other Member States and therefore, we believe that the use of SDGs must be carried out in a very careful manner, once each Organization has succeeded in internalizing what the SDGs signify, and once the Organization has done this it needs to work to ensure they become a reality. It has been mentioned in the United Nations that there is a delay in implementing the SDG. Keeping them as was originally proposed in the Proposed Program of Work and Budget for 2024/25 is not possible unless there is a structural approach on how and to what extent and to what degree WIPO will contribute to achieving them. We would therefore like to ask the Secretariat, could you please clarify exactly what is the status of the Medium-Term Strategic Plan 2022-2026? In our understanding, it has not been adopted because it was presented to the Member States and we took note of it. In order to be pragmatic and in line with some conversations that are taking place with my colleagues, the deletion of all SDGs except SDG 9 is to avoid conceptions and misunderstandings. It is my understanding that this would avoid a whole discussion about which of the SDGs should be addressed in the future and how each of them is related to each of the pillars. In page 53 of the document, it allows us to properly identify how we are going to actually make progress. The proposal would be to eliminate all SDGs including SDG 9 and avoid further discussion.

469. Chair: Thank you to the distinguished Delegation of Colombia. Your initial proposal, which was to eliminate all of the SDGs in page 8, but now you are also proposing that we add the elimination of SDG 9 as well.

470. Delegation of Colombia: Yes. With a view to avoiding which of them is all relevant it is best to delete all of them.

471. Delegation of China: My apologies maybe because I am still a bit jetlagged today, I may have overlooked your conclusion on (ix). Actually, I still have a minor new issue on item (x) rather. As a matter of fact I have a minor new issue, but now that we have started a new area of discussion I will be flexible. With your permission, I will be able to raise my question, or I can do that after we conclude the current round of discussion.

472. Chair: I would suggest that we deal with the first part of (vi) and then we can add your consideration. Everyone here is jetlagged or we have had jetlag at least once in our lives, so we show full solidarity. We are very supportive of you and I have personally experienced jetlag so I know what it is like.

473. Delegation of Switzerland: In reaction to the distinguished Delegate from Colombia who has just outlined the proposal on the SDGs, as also outlined yesterday, for Group B it is essential that WIPO can make a contribution to all of the SDGs. WIPO has been a member of the United Nations Sustainable Development Group since 2022. The SDGs are interlinked so we feel that it is not a good idea to strike the SDGs out of the Program of Work and Budget for 2024/25. This would not be in line with WIPO's membership in UNSDG. I am afraid that we are not convinced by the new proposal submitted by Colombia. We still believe that WIPO can and should contribute to all of the SDGs. I recall that yesterday we gave a few examples of how WIPO GREEN contributes to SDG 13. This of course remains valid.

474. Delegation of Colombia: Thank you very much to the Group B Coordinator for his question. On page 57, under ER 2.4, the interaction with the United Nations and other organizations in support of the Sustainable Development Goals that Intellectual Property can make is very clear, thus IP does contribute. This is not to delete it but it is to avoid a long discussion as to which of the SDGs corresponds to which Pillar and how much should be allocated to each one of these items. To this extent, we believe that with the proposal from the Delegation of Brazil, and the African Group, we are ensuring that we have this taken into consideration. We hope that the next time Member States will be able to decide how each one of the Pillars of the Program of Work and Budget should contribute to the Sustainable Development Goals.

475. Chair: I thank the distinguished Delegate of Colombia for her comments. With this amendment, we move on to, (ii) addition of a new bullet related to green technologies under Strategic Pillar III and (iii) addition of a new KPI under ER 3.3 related to technology transfers.

476. Delegation of Nigeria: My Delegation wishes to note that our proposal if adopted would not be the first for WIPO in terms of database formulation. There is an existing initiative, the PATENTSCOPE database, which provides access to published international PCT applications. Using PATENTSCOPE you could search millions of patent documents and millions of patent applications. In this regard, we believe in the proposal of the creation of another database to determine green technologies' patent status in the public domain. It is not impossible as shown by the Delegate of Switzerland. For the record, WIPO is the world's most comprehensive source of data on the IP system as well as empirical studies, reports and factual information on IP. To further clarify the merits of our proposal, we believe the public domain comprises inventions falling into the public space due to lapse of patent protection or because they are excluded from patent protection as long as they are no longer protected under the PCT. We recall that in April 2021, WIPO published a guide on using inventions in the public domain with a focus on technology seekers who comes with new ideas to build on existing knowledge. The guide helps to identify inventions as well as help to explore knowledge in the public domain to improve an existing invention. The objective of this proposal is anchored on the overarching need for WIPO to promote the deficiency of green technologies to increase and accelerate their adoption and to encourage innovation. We believe this would help to prevent the patent owner's ability to assert their patent against any users of publicly available patented technology and would become available for royalty free use for any trusted party. If I may give further

clarification regarding PBC 35, we had advanced in our negotiation where we were almost at the stage of adoption before our distinguished Delegate from Switzerland raised an objection. We were expected to finalize it in this particular meeting before he came up with another proposal. We have stretched our flexibilities and I am hoping that the Delegation of Switzerland will come around with something workable for my Delegation to accept.

477. Delegation of Switzerland: I would like to clarify that this proposal was not made on behalf of Group B, but on behalf of Switzerland. I thank the distinguished Delegation of Nigeria for his intervention. I will be happy to discuss with you bilaterally on how we can reach an agreement. The rationale for the intervention was to clarify that we are a bit concerned about the Secretariat's capacities of doing a legal status analysis of patented inventions. If your concern is about the reference to the public domain or not, I think I can be very flexible on that. Let us engage in a bilateral talk and we will report back to the Chair.

478. Chair: Could you put together a joint proposal on (ii) and (iii) in our list of outstanding issues. I think that these two matters are on the same page of the document and it might be of interest that they are dealt with together because they have many connected nominators.

479. Delegation of China: As a matter of fact, my Delegation wishes to raise a new issue to the Secretariat. Over the past 10 years in developing countries, we actually talk about the volume of procurement purchases within those countries. We hope to get a response from the Secretariat in the Q&A document.

480. Chair: Please give us a couple of minutes to respond to the Delegation of China's question. I would now give the floor to the Director, Procurement and Travel Division.

481. Secretariat: At the outset, I would like to recall that the majority of WIPO expenditure is related to the maintenance of the headquarter premises and IT infrastructure or IT services. Consequently, the vast majority of our expenses are done locally. In addition, even when we are using foreign companies, the country of origin recorded is the billing address which, for legal or fiscal reasons, is often in Europe, even though the activities are performed elsewhere. In response to the question from the Delegation of China, since transparency is the DNA of UN procurement practices, WIPO, as all other UN agencies, provides annual data to UNOPS in the UN statistical report. You will find the full data attached in the Q&A that is going to be published. The data is available on the UN Global Marketplace website in the annual statistical report. It covers the period from 2013 to 2021. The 2022 report will be published soon. An extract of the website will be included in the Q&A. This website enables the retrieval of the procurement amount by country categories, like developing economies, LDCs and economies in transition; it can also enable the retrieval of data, if necessary, by country.

482. Delegation of China: Thank you to the Director, Procurement and Travel Division for the explanation. I wish to ask a question. Over the past 10 years from 2013 to 2021, you mentioned that we can retrieve the data from this platform but we would like to ask if it is possible to share such data with us tomorrow morning.

483. Chair: The Secretariat will prepare the information. Let us now continue with our list of outstanding issues, (iv) modification of the 3rd bullet priority under SP4 (IPGAP).

484. Delegation of Colombia: Today is the summer solstice, this is the day of crops and it is called Cápac Raymí. We change from one type of weather to another in our life cycles. There have been some problems in providing the information required by the Delegation of the Russian Federation but we would like to say that we will be submitting this list of Organizations as requested, and we will be able to agree and have a fruitful crop.

485. Chair: Let us continue with outstanding issue (v) adjustment of budgetary allocations for DA and South-South coordination and IPGAP.

486. Delegation of the United States of America: I would like to address the previous point on (iv) modification of the 3rd bullet priority under SP4 (IPGAP). I believe that agreement was reached and Colombia agreed with our proposed language to say 'lead the implementation of the IP and Gender Action Plan and work with other UN agencies.' The only matter that remains pending is the reallocation of resources proposed by Colombia, but the language has been settled.

487. Chair: Thank you very much to the distinguished Delegation of the United States of America for that comment. In fact, there was a proposal on which there was a consensus but for one reason or another a list has to be submitted. The list of United Nations agencies. We are hoping to give you this list as soon as possible, so I now give the floor to the distinguished Delegate of the Russian Federation.

488. Delegation of the Russian Federation: I would also like to note that in the course of our discussion yesterday, we agreed that initially we would look at the list of UN agencies and then agree on the formulation itself. We have had consultations with the Delegation of Colombia, and are awaiting the list. After receiving the list, we will be ready to come back to the formulation.

489. Chair: In that case let us move on to (v) adjustment of budgetary allocations for DA and South-South coordination and IPGAP. If no delegation takes the floor on a subject, does that mean that we have no comments or does it mean that there is no agreement? The way I understand it, this proposal is still pending. We shall now move on to proposal number (vii) modification of the priority related to gender equality and equitable geographical representation.

490. Delegation of Nigeria: Yesterday, the Vice-Chair requested that the Delegation of Nigeria engage with the concerned countries on this matter. We had robust engagement and I most appreciate the countries involved, including Switzerland, but we could not reach a consensus because after we were unable to converge on a particular language the Coordinator of Group B requested that they would like to engage with their Group to get a final position from the Group B members. We are still waiting to hear from them, so I am sure we will be able to get to a particular decision when we will come back to this point.

491. Delegation of Switzerland: I have consulted with Group B. The reference to diversity is very important to Group B. We have no flexibility of striking out diversity, actually this term is agreed WIPO language and is being used in various WIPO documents, for example there is a website related to intellectual property, gender and diversity. There are various office instructions that mention diversity. There is a Gender and Diversity specialist within this Organization, so we feel that this is absolutely agreed language and we do not see any reason why we should remove agreed WIPO language.

492. Delegation of Mexico: We agree with the statement from the Delegation of Switzerland on behalf of Group B. Including the word 'diversity' is fundamental given that this is an accepted term and is reflected in various WIPO documents and UN documents as well. In this connection, we should like to mention that in the Annual Report on Human Resources the word 'diversity' is used 19 times, and on other occasions we have a mention of geographical diversity and gender and also the internet page of WIPO has a subparagraph on intellectual property, gender and diversity. I wish to remind the room that the Program of Work and Budget for 2022/23 also includes elements relating to diversity. The PBC has endorsed the importance of promoting diversity and inclusion within the framework of intellectual property. Consequently, we consider that the use of this language is not only commonly accepted, but reflects realities that cannot be denied. Consequently this should not give rise to controversy and the word should be kept. Secondly, I wish to ask for your indulgence but in the follow-up to our statement made this morning concerning the Annual Report on Human Resources, the Mexican Delegation would like to propose a text for inclusion on page 15, which refers to Human Resources. I do not know if we can make the suggestion now or when we should do this.

493. Chair: Yes, you can make a suggestion but if you have a specific wording, please as other delegations have done, send it the Secretariat by email.

494. Delegation of Mexico: In connection with Human Resources and the discussions on it, mention was made of the need to have indicators, particularly for zero tolerance for any type of harassment, particularly sexual harassment. I should like to suggest for inclusion on page 15 under consideration more specifically in the fifth bullet under Human Resources priorities the paragraph of which begins with "implement human resources initiatives" *et cetera*, we should like to add a phrase which would read in English, "a zero tolerance policy on harassment, including sexual harassment." Furthermore, to add as a first step in the section on indicators, something that was reflected already in ER 5.1, "employees who have completed mandatory training on working together harmoniously." That would be the proposal and we shall send this by email so that this can be checked and taken on board perhaps.

495. Delegation of the Russian Federation: We would also like to reiterate what was said in the PBC 35 informals and what was stated by the PBC Vice-Chair yesterday, namely that in accordance with the decision taken at the 35th PBC session, Member States agreed on the term 'inclusiveness', not 'diversity'. In the course of the consultations, there was also a justified concern about the broad interpretation of terms that are proposed and a number of Member States in the course of the plenary noted that not all of the broadly interpreted terms were indeed shared by Member States. We had a proposal to delete all of the dubious or doubtful terms that were not agreed by Member States and to leave only the specific priorities on which it is proposed that we focus attention within the Human Resources Management Department. In other words, we will keep the references to gender balance and equitable geographical representation. That would avoid the use of any terminology that is not agreed.

496. Delegation of Nigeria: I would like to call the attention of the Delegation of Switzerland, yesterday in view of this stalemate on this particular subject matter, the Secretariat had suggested that we keep the word 'inclusivity.' In view of that, even though our colleagues in the Russian Federation had wanted to strike out either the word 'diversity' or 'inclusivity', they were able to come around and were flexible enough to accept that we keep the word 'inclusivity.' On the basis of that, I was able to appeal to our colleagues in the Delegation of Switzerland. I am hoping that he can come around on this particular matter so that we do not continue to drag and delay consensus on this particular matter. Hopefully there can be consensus.

497. Delegation of Iran (Islamic Republic of): In line with what has been said by the Delegations of the Russian Federation and Nigeria, we can support these statements. We would like to remind colleagues that in the last session of the PBC, after all the discussions we had and everyone can remember that, we have reached agreement on having 'inclusiveness' in the field of intellectual property. It is restricted and limited to that field only. In this vein, we would like to support the proposal from the Delegation of Nigeria and the Delegation of the Russian Federation and we would seek indulgence from all colleagues to accept this proposal.

498. Chair: What you see in the decision is that the inclusiveness in the field of intellectual property is underlined as being important, including gender equality and equitable geographical representation through WIPO's initiatives and within the Secretariat. In my opinion, there was not an agreement on the change in the text within the document. This is simply a reference, which is made concerning the document as a whole. The changes are seen in (iv) where you have the tracking of the changes and then (vi) which shows pending changes. This is my understanding as Chair of what was done at the 35th PBC session and what was agreed upon by all Member States. Apart from that, the discussion on all of the items are the ones that we have been having until now.

499. Delegation of Pakistan: We requested for the floor earlier on the issue of SDGs, but that is not the issue that I wish to speak on now. I would simply like to echo the suggestion that has

been made by the distinguished Delegate from the Russian Federation and supported by the Delegations of Nigeria and Iran (Islamic Republic of). On the SDGs, we understand the rationale that has been presented by the Delegation of Colombia regarding SDGs. In an ideal situation, we agree with the Delegation of Colombia that the document probably needs a little bit more detail with regard to the action plan on all SDGs. As far the suggestion to remove all other SDGs except SDG 9, I think it would be good to keep the reference to the SDGs and maybe this is a topic that could be taken up in the future as to how we can evolve further.

500. Delegation of Spain: The Spanish Delegation wishes to underscore that we think there is a mistake here in representing what took place at the previous PBC session. It was a recollection of the discussions but at no stage did we agree to delete the word 'diversity' from the document, which was the objective of the discussion we are having now. Spain cannot accept the deletion of the term 'diversity' since, as indicated by the Group B Coordinator, this is agreed language in WIPO and it has a lengthy tradition behind it. Above all, because the concept of diversity is not ambiguous. Instead, its meaning is clear about the existence of a variety of different profiles, persons and so on. Particularly when we are talking about human resources in this Organization. Consequently, we are opposed to the deletion of this word.

501. Delegation of the United States of America: The Delegation of the United States of America supports the statement by Group B and Spain and the Chair's understanding of the issue. The United States of America supports including references to both 'diversity' and 'inclusion', which would be consistent with the established values and practices of the Organization. WIPO benefits by fostering an inclusive, professional environment that enables all persons to bring their full talent, potential and participation to the workplace. Standard language in WIPO recruitment notices outlines this vision, which states "WIPO's core values, shaping the future, working as one, acting responsibly and delivering excellence reflect our aim to achieve an efficient professional Organization in the service of a global public which values diversity and treats all people with fairness and dignity and respect." The recruitment notices also identify respect for diversity, and valuing diversity as job-related competencies and Organizational competencies respectively. Similarly, WIPO's internal governance addresses inclusion via the WIPO Disability Inclusion Strategy and the WIPO guidelines on inclusive language among other practices. WIPO must ensure that the Program of Work and Budget reflects the promotion of these distinct issues, both the diversity of characteristics of staff and personnel, and the inclusion of all persons in the activities of the Organization. Diversity and inclusion are key to remaining a desirable workplace in the highly competitive job market particularly among international Organizations offering similar opportunities.

502. Chair: Thank you very much distinguished Delegation of the United States of America for that statement. To sum up the debate it is my understanding that we do not have agreement on this point either. Therefore, this is still pending. Let us now move on to (viii) modification of the risk response for the risk related to cybersecurity.

503. Delegation of China: We would like to emphasize that last year, China agreed to use the hybrid cloud mode. This was after repeated negotiations with the Secretariat and we made a compromise. We fully exhibited our flexibility. At the same time, we only agreed to this proposal in principle. However, the risk still remains. In this regard, we are not stopping any matters, we are just reflecting the voices and concerns of our customers. We would like to use all possible means to enhance the global IP system, as well as safety and supervision in this regard. We propose an external evaluation in order to identify the risks related to this topic. At this stage, the information provided to the Member States is still limited. Thus, we are unable to understand why we should make a judgement that there is no risk. A professional external evaluation, including internal audit, will be able to get our users relieved. Our final aim is only one, which is to maintain the trust of our users in the global arena for our systems to ensure the steady development of this Organization.

504. Delegation of Iran (Islamic Republic of): We would like to support the proposal made by the distinguished Delegation of China. We share the concern that has been raised and elaborated on by our colleague from the Delegation of China. We deem it necessary to have this sort of modification of the risk response related to the cybersecurity issue. This issue is of importance to my Delegation.

505. Delegation of Switzerland: On behalf of Group B, I expressed yesterday that these concerns are still valid. It is true that in 2022 we agreed to the hybrid cloud project. This agreement was for Group B already a compromise. We would have preferred to have the entire system in the cloud. Therefore, for us, it was a huge compromise to agree to this hybrid project. We see a move to even call into question what we consider a huge compromise for us. For that reason, we are not in a position to support this. From the point of practicality, what is suggested is to agree on an external evaluation and an expert nominated by Member States. I am now saying this in my capacity as Switzerland; I cannot imagine how this can be practically done. We have other examples where we try to agree on evaluations and these are very lengthy exercises. Practically speaking, I am not quite sure how feasible it is to do this in this coming year and then to present the results at PBC 37. I think this is unrealistic.

506. Delegation of Venezuela (Bolivarian Republic of): This statement is being made in my national capacity. We agree with the concerns expressed by the Delegation of China that were also supported by the Delegation of Iran (Islamic Republic of). We are grateful for the detailed explanation given so frankly and we think this is a highly technical issue. Furthermore, it is a subject which deals with new realities being faced by today's world, cybersecurity, and the interest of private party or particular parties and their patents. This issue should be viewed with caution. We agree with all other concerns expressed by the Delegation of China.

507. Delegation of the Russian Federation: We have repeatedly expressed concern relating to cybersecurity. The Russian Federation shares the concern that has been voiced by the Delegation of China that it is necessary to pay appropriate attention to issues of cybersecurity because in our specific sphere of IP, data security, security of confidential and sensitive information is paramount. It is extremely important and therefore we do need to pay appropriate attention to this issue, bearing in mind the concerns of Member States and their willingness to be involved in this process.

508. Chair: This matter is still pending. We now move to the next outstanding issue, (x) reallocation of resources between ER 1.1. and ER 2.2.

509. Delegation of Colombia: My capital is considering a draft, which was submitted yesterday in an attempt to cover our concerns. We are grateful to the Secretariat for cooperating on this matter and I do hope to have good news tomorrow.

510. Chair: We now move on to the next pending outstanding issue (xii) reflection of additional risk in RNDS.

511. Delegation of Poland: We understand that with the explanation we received from the Secretariat, we could somehow consider the non-inclusion of this very important issue and reach an agreement but with an understanding that the organizational risk also applies to RNDS but I would kindly ask the Secretariat for reinsurance whether or not my understanding is correct.

512. Secretariat: I would like to refer the Delegation to paragraph 15 on page 16 of the document and in that paragraph there is a statement that says that the following Organizational risks are pervasive across Sectors and are assessed, monitored and treated throughout the biennium, so this sentence implies that Organizational risks are applicable throughout the Organization.

513. Chair: I now give the floor to the Delegation of Poland to tell us whether that explanation is satisfactory to her so that we can make progress on this.

514. Delegation of Poland: We are close to agreement but I need to consult with colleagues from the CEBS Group. I hope that by the end of the PBC we will be ready to leave with this non-inclusion but this explanation on the record.

515. Delegation of the Russian Federation: As we stated earlier, the Russian Federation is in a situation where we have concern with this formulation. It is our basic premise that an assessment of risks goes beyond the mandate of the Organization, bearing in mind the fact that risks are already included in the document so there is no further need to further duplicate that anywhere else in the document. We suggest that we focus on real, genuine risks and problems, for example risks related to cybersecurity.

516. Delegation of Poland: Speaking in my national capacity, as I have not consulted this statement with the CEBS Group, I would like to kindly underline that as we are all discussing the risks throughout the Organization, everyone has their priorities and that would be one of our priorities as well.

517. Chair: We have taken note of all of the statements made and they will be set forth in the appropriate documents pertaining to this session. We thus conclude that in connection with (xii) there is still no agreement but I see that there is a willingness to continue to work on it. The next pending outstanding issue is (xiii) additional bullets related to the financing matters regarding Member States and indigenous peoples' and local communities' representatives in IGCs and the Diplomatic Conference.

518. Delegation of Venezuela (Bolivarian Republic of): We had a constructive debate on this matter yesterday. The WIPO Legal Counsel provided information in response to our Groups' questions. The common denominator in the room was that nobody was opposed to the importance of having indigenous people and local communities and representatives participate both in the work of the IGC and also in the work of the Diplomatic Conference. There is an understanding that there is a need to strengthen the Voluntary Fund and for this purpose, there is an understanding that our proposal is being made on an exceptional basis. Two Groups asked for more time to evaluate the proposal. We are currently awaiting the results of those consultations within those Groups. I think that there is readiness to come up with language, which will meet the interest of Member States.

519. Delegation of Switzerland: Group B is still consulting internally and we hope to get back to you soon.

520. Delegation of the United States of America: We are still discussing this issue but we want to remind the Secretariat that we asked them to provide an estimate of the amount of funding that could be made by voluntary contributors to the WIPO Voluntary Fund for 2024-2025 mandate of the IGC and the 2024 Diplomatic Conference.

521. Secretariat: Thank you for reminding us to respond to your question. For the participation in the IGC and based on the recommendation made by IGC 47, on page 6 of the Q&A document you will find the estimate for the financing of the participation in the next biennium based on the recommendation of IGC 47. The estimated amount would be 105,000 Swiss francs. As far as the Diplomatic Conference is concerned, I would need to get back to you. I will look it up and then I will get back to you.

522. Chair: The Secretariat will give the complete information once it has it available. Concerning issue (xv) addition of KPI related to TISCs under ER 4.4. The Secretariat and Vice-Chair have informed me that the Delegation of Iran (Islamic Republic of) asked for more time to see whether or not it could accept the suggestion.

523. Delegation of Iran (Islamic Republic of): We are pleased to inform the PBC that we are in a position to accept the revised suggested draft from the Secretariat on this issue and we would like to thank the distinguished Delegation of Pakistan for raising this issue as regards this proposal.

524. Delegation of Pakistan: We spoke yesterday about our appreciation to the Secretariat of the amendment proposed by the Secretariat, and we can also go along with the proposal.

525. Chair: I take it we have an agreement concerning (xv). We now move on to (xvi) modification of ER 5.1,

526. Delegation of Colombia: Yesterday, two concerns were raised in connection with Colombia's proposal. One from the Delegation of the United States of America concerning the change to the Expected Result. Another, from the Delegation of the Russian Federation about the expression 'patriarchal', which gave rise to some difficulties. To address both concerns we propose that ER 5.1 should be left as it is without any change. In that way we would be meeting the concern of the Delegation of the United States of America. As to the language, we would change this for an indicator, which would read, "Programs dealing with discrimination based on geographical or gender diversity." The KPI would be the number of these programs.

527. Chair: The proposal is first to withdraw the ER 5.1 related proposal and then introduce new wording on the KPI. As the Delegation of Mexico has done and other delegations as well, we would like to ask you to send the proposal as delegations need time to look at this proposal. We appreciate the constructive attitude in withdrawing the amendment and appreciate the withdrawal and also we will include the new suggestion. I believe that we do have an agreement on point number (xvi). We now move to point (xvii) modification of the targets for the KPI related to gender balance.

528. Delegation of China: I want to take this opportunity to express my gratitude to those delegations who support and understand our position. The Delegation of China very much supports gender parity. However, we also believe HR and geographical representation are also very important in recruitment.

529. Chair: Since there are no further requests for the floor, I conclude that we have managed to shorten our list of pending items somewhat, but I do encourage you to continue to have discussions throughout the week so that we can agree on as much as possible under item 10 of the agenda. I should also like to remind you that the Secretariat will be sending out new proposed modifications so that you can study them in your various coordination meetings. Given that it is almost 6 pm and you have coordination meetings and perhaps other activities, we can close today's meeting and I would like to thank you for your constructive spirit and your desire to have the best Program of Work and Budget possible for the next biennium. I wish furthermore to announce that just in case we need more time tomorrow for any type of session whether formal or informal, possibly tomorrow the afternoon session may go on until 7 pm or until necessary. I encourage you to continue with the negotiations so that tomorrow you can continue to look at the modifications under this agenda item. Allow me to say that we can continue with our agenda and what is still pending is item 6 of our agenda and also we have to continue with our work on item 10. Tomorrow afternoon will also be spent on item 12 of our agenda. I hope that I have answered your question. I think the answer is also useful for all the other delegations. Thank you very much, enjoy the rest of your day and the meeting is now adjourned.

530. Chair: We return to item 10 of the agenda, as was planned. I thank you for your understanding, generosity and patience with my attempts to find compromised solutions between the various Member States. In line with a list of items which are still pending among the proposals, which you will find under (xi) of the 35th PBC session decision on the Proposed

Program of Work and Budget for 2024/25. We continue our review with (i) removal of SDGs, except for SDG 9, in the Strategy House. Yesterday, Colombia withdrew the proposal because some delegations were opposed to this change. Once again and considering all of the comments that were made including a proposal, an idea, that was put forward by the distinguished Delegate of Brazil, I would now like to put on the screen the proposal that I am making to you regarding this amendment. As you can see, the idea would be to continue to refer to the Sustainable Development Goals but, instead of incorporating them in each of the Pillars, we would put on the left-hand side a the diagram with a global and generic reference to the Sustainable Development Goals. This is the proposal that I make to you on the basis of the discussions that were held during the course of this week.

531. Delegation of Venezuela (Bolivarian Republic of): On behalf of GRULAC, we thank you for your efforts and your proposal and we take careful note of this. We will be consulting within GRULAC on this proposal and for this reason we would ask you for some more time, perhaps the end of this afternoon, to come back with a response to the proposal you have put to us.

532. Delegation of Switzerland: Thank you very much for your efforts on this proposal. Thank you also to the distinguished Delegation from Brazil for its proposal. Substantively, I do not see any difference to the previous version where we have all of the SDGs mentioned under SDG icons in the Strategy House. This was a concern for Group B that WIPO continues working on all the SDGs. Through this solution you are putting up on the screen, this guarantees that WIPO will continue working on all SDGs as a member of the UNSDG, so Group B has no problem with this and we are flexible.

533. Chair: I thank Group B. GRULAC has asked for more time so this will continue to be a pending item and we thank you for taking into consideration the Chair's proposal. We move on to the pending items (ii) addition of a new bullet related to green technologies under Strategic Pillar (SP) 3 and (iii) addition of a new KPI under ER 3.3 related to technology transfers. There have been consultations between the Delegations of Switzerland and Nigeria. Has there been any progress on these two matters?

534. Delegation of Switzerland: The Delegation of Nigeria and ourselves are still in the process of consultations. We do see some progress on pending item (ii), but we still need some more time on the new KPI. I request you to have a bit of patience with us and we will get back to you.

535. Chair: Thank you for your constructive spirit and flexibility, yes, you have more time to continue with your consultations. We now move to (iv) modification of the 3rd bullet priority under SP4 (IPGAP). I would like to know whether there has been any progress on this proposal or should this item also remain a pending item? Delegations have the floor if they should so wish. I see that Colombia is not in the room, so we move on to (v) adjustment of budgetary allocations for DA and South-South coordination and IPGAP. This will also remain pending. We move on to (vi) modification of the KPI related to IPGAP. I recall that this is a proposal on which we have consensus. We move on to (vii) modification of the priority related to gender equality and equitable geographical representation. The proposal was put forward by Nigeria and, as I understand, they are consulting with other delegations. Has there been any progress on proposal (vii)?

536. Delegation of Nigeria: It seems we are yet to reach consensus on this particular matter. Negotiations and consultations are still ongoing. Maybe during the coffee break we will have some more consultation and get back to you later.

537. Delegation of Switzerland: I confirm what the distinguished Delegate from Nigeria was saying. Consultations are ongoing.

538. Delegation of Colombia: I was concluding a meeting with my colleague to consult with the Secretariat on an indicator for the most recent of my proposals. I apologize but we need more time.

539. Chair: I thank the distinguished Delegate of Colombia. We addressed various proposals (iv) modification of the 3rd bullet priority under SP 4 (IPGAP) and (v) adjustment of budgetary allocations for DA and South-South coordination and IPGAP under the PBC 35 List of Decisions paragraph (vi). Has there been any progress on these two matters? I recall, regarding the first, there is a consensus on the text but a list of United Nations agencies is pending.

540. Delegation of Colombia: With regards to the list of United Nations agencies, we suggest that it could be included in the Q&A document. I hope this solution will satisfy the Delegation of the Russian Federation and that it will induce them to support our proposal.

541. Chair: There was a problem with interpretation. Could you repeat your intervention.

542. Delegation of Colombia: The proposal from the Delegation of Colombia to address the concern expressed by the Delegation of the Russian Federation is to agree on the text as it is, at the moment, and include the list in the Q&A document. Once this has been done, we can then say which organizations we are referring to. This way we can build an alternative suggestion allowing us to further progress on this matter.

543. Chair: I thank the distinguished Delegate of Colombia for your clarity and your explanation, as we understand it, we would accept the appropriate compromised solution as it is and incorporate the response to the question by the Delegation of the Russian Federation in the Q&A document.

544. Delegation of the Russian Federation: We might need a little more time. After the coffee break we will be in a position to inform the Secretariat on our decision.

545. Delegation of Colombia: I was hoping to have the response from Bogotá when I woke up. In Colombia, in 10 minutes time it will be 4:00 am. They are early risers, but I would still ask for a bit more time so that I can receive their response and process it.

546. Chair: We take note of this and will therefore still consider this pending. We now move to item (viii) modification of the risk response for the risk related to cybersecurity.

547. Delegation of China: I would like to thank all those who have expressed their support for our proposal. However, it is a highly technical issue. We are willing and ready to discuss with the relevant delegations. I do not have any more to add at this point.

548. Delegation of Mexico: I wanted to refer to (vii) modification of the priority related to gender equality and equitable geographical representation. Yesterday we sent a proposal by the Delegation of Mexico to be included in this section and I wanted to ask you whether this could also be included and considered in our discussion.

549. Chair: Yes, of course, it will be included. We are currently analyzing amendments one by one in accordance with when they were presented. We are moving down the list and we will get to your proposal. We will indeed duly consider your proposal in due time. We continue with (ix) addition of new text on gender equality under the implementation strategy related to IPGAP. This proposal from the Delegation of Colombia was agreed. This brings us to proposal (x), reallocation of resources between ER 1.1 and 2.2.

550. Delegation of Colombia: I am awaiting an email that will contain the alternatives from Bogotá for both of these proposals from Colombia.

551. Chair: Thank you for that information from the distinguished Delegate of Colombia. We now move to (xii) reflection of additional risk in RNDS.

552. Delegation of Poland: As I explained yesterday, and with the explanation received from the Secretariat, and in the constructive spirit, we will agree not to have a reference of the particular risk under this specific Sector, but with an understanding that this risk, like all the other risks, that are listed on page 16 of the document are relevant across all sectors.

553. Chair: I thank the distinguished Delegate of Poland on behalf of the CEBS Group. As we understand it, the proposal will be withdrawn and we have an agreement on this. We move on to (xiii) additional bullets related to the financing matters regarding Member States and indigenous peoples' and local communities' representatives in IGCs and the Diplomatic Conference.

554. Delegation of Venezuela (Bolivian Republic of): We are awaiting a response from Group B and from the Delegation of the United States of America. Yesterday we asked for information from the Secretariat that could be very useful to continue working on this proposal.

555. Delegation of Switzerland: I will be brief. We are still consulting internally.

556. Secretariat: With regard to the cost of the participation of Indigenous People and Local Communities in the Diplomatic Conference, based on the text which is being proposed by GRULAC, it is difficult to come up with a total cost estimate because we do not have a reference to how many participants there will be. Our current estimate is 8,300 Swiss francs per participant for the Diplomatic Conference. If we do not know exactly how many participants will be financed, because this will be decided in the Preparatory Conference, I cannot give you the total estimate.

557. Delegation of the United States of America: Thank you to the Secretariat for this information. We understand that this is without knowing the number of participants, so that is difficult to determine but this information is useful. I would like to clarify, is this 8,300 Swiss francs per participant based on economy class travel?

558. Secretariat: Thank you for the follow-up question. The estimate is based on the application of the WIPO travel policy to the participation in the Diplomatic Conference.

559. Chair: I thank the Secretariat for answering this question. This issue is still pending. We continue with (xiv) modification of the implementation strategy related to IP and Competition Policy. As I understand, there was an agreement. So we move on to (xv) addition of KPI related to TISCs under ER 4.4. This is an amendment from the Delegation of Pakistan which is still pending consultation with Iran (Islamic Republic of), as I understand it. I apologize, I have a previous version of the document. Agreement was reached yesterday on this proposal.

560. Delegation of Pakistan: I just wanted to clarify we have agreed on this.

561. Chair: I had a document that was not updated. I will now use the correct document to continue. That brings us to (xvi) modification of ER 5.1 which was withdrawn yesterday. That brings us to proposal number (xvii) modification of the targets for the KPI related to gender balance. This was a proposal from the Delegation of China. I will now pass the floor to China if they would like to make an intervention.

562. Delegation of China: For now, I have nothing more to say, thank you.

563. Chair: I thank the distinguished Delegate of China for his statement and that brings us to the last two proposals, (xviii) addition of an Annex with the breakdown of budget and posts of the entire WIPO network, including external and coordination liaison offices; and (xix) addition of

an Annex with a breakdown of the budget for the Development Agenda Coordination Division. As you know agreement was reached yesterday. We are going to go through the appropriate amendments that were incorporated yesterday. Unfortunately, this is not yet reflected on the screen. But we will go through them one by one. Firstly, we are going to put on the screen the proposals that were incorporated into the document with the changes. These are additional proposals that were raised during the course of this Committee's discussions. I am counting on your understanding and patience while the Secretariat prepares them to project them on the screen. Here you have the first proposal which is to add a new indicator proposed by Switzerland with regards to the Lisbon System, the number and percentage of countries being part of the Lisbon System, Geneva Act that are satisfied with the technical support received for the implementation of the System. This is a proposal from Switzerland made on behalf of Lisbon-aligned countries and different countries of the Geneva Act. I turn to Switzerland if they should like to make any comments on the current state of their proposal.

564. Delegation of Switzerland: The proposal from this multilateral coalition of African and Latin American, Asian and European countries, including Switzerland, has been circulated electronically. That happened yesterday evening, Member States should have received it. There have been no new developments since then but of course, we remain at the disposal of Member States to discuss our proposal.

565. Chair: I thank the distinguished Delegate of Switzerland who made this proposal on behalf of a number of countries. This is still pending. The second proposal is similarly a new indicator, relevant to the Lisbon System. It is a proposal that would be incorporated on page 28 and which was put forward by the Delegation of the United States of America. This is to develop a balanced and fair approach in technical assistance, legislative advice and programmatic work on geographical indications and common names: number of Member States that receive such technical advice, legislative advice and programmatic work and the level of satisfaction of recipients of such technical assistance and legislative advice and the level of satisfaction of participants in all WIPO programs. In view of the situation on this topic, I would suggest an alternative proposal. I would suggest an alternative proposal from the Chair endeavoring to incorporate this indicator of performance with regard to the Lisbon System, to incorporate it in the following paragraph. In the implementation strategy relative to the Brands and Designs Sector on page 26 of the Proposed Program of Work and Budget for 2024/25. The following two lines would be added. The implementation strategies would include the development of balanced and fair approaches in technical assistance, legislative advice and programmatic work on GIs and also on common names. This is a proposal that I make as Chair with the technical assistance of the Secretariat.

566. Secretariat: At this point, there is no comment, other than that the proposal should be read in conjunction with the entire paragraph. It will then refer to all the various aspects of the implementation strategy, namely legislative advice, work on projects, and policy advice.

567. Chair: Thank you for your comments. Obviously, this line cannot be interpreted as abstract, you have to read it as part of the paragraph. I am just reading the amendments as they have been proposed by countries and then there are the amendments that I am presenting as the Chairperson in order to reach agreement.

568. Delegation of the Russian Federation: We have a quick question about the term common names. Does this mean needs relating to the appellations of origin or does it mean something else?

569. Chair: I thank the distinguished Delegate of the Russian Federation for his question and comment. As I understand it, you are asking about the substantive proposal on common names as formulated by the United States of America. I turn to the Delegation of the United States of America to comment.

570. Delegation of the United States of America: I do want to comment on the proposal made by the Chair first and I do want to say thank you for that. We are still looking at it, so we will need further time to consult and to read the totality of that addition, I do appreciate that, but we will need further time. With respect to our KPI that still remains, we are not in a position to withdraw that. Just to quickly answer the question just raised regarding the definition of common names, that is a discussion that is connected to the issue of geographical indications and is often associated with generic uses.

571. Chair: I thank the distinguished Delegate of the United States of America for her comments. As we said to other delegations, this requires more time, this proposal I am putting forward is very recent, so I perfectly understand that you need more time. We move on to the proposal put forward by the Delegation of Mexico, which is a proposal related to sexual harassment. It refers to the inclusion "to promote a zero-tolerance policy on harassment, including sexual harassment." This is an amendment to page 15 of the English version of the document.

572. Delegation of the Russian Federation: Thank you, Delegation of Mexico, for the inclusion of this language within the Proposed Program of Work and Budget for 2024/25. However, we would propose not to restrict ourselves to just this type of harassment or violation of rights. We suggest not just this type of harassment or misconduct. We think we need to extend the coverage of this language. After all, apart from harassment there can be other forms of serious misconduct, for instance, corruption and fraud. We would prefer to say, and I will say it in English, "promote a zero-tolerance policy on all types of misconduct."

573. Chair: I thank the distinguished Delegate from the Russian Federation for his statement. As you can see, we are putting your contribution in blue. I understand that delegations will need more time, so I believe we can consider the Delegation of Mexico's proposal, with the inclusion of an amendment by the Delegation of the Russian Federation to be still pending and you are free to comment on it if necessary. We move on to proposal number four which is the proposal put forward by Colombia to include an additional performance indicator under ER 5.1. The proposal from Mexico includes the addition of a performance indicator, which is the percentage of employees at WIPO who have completed a mandatory training course on working together harmoniously. I apologize, I did not introduce it properly because my document was not updated.

574. Delegation of Mexico: We thank the Delegation of the Russian Federation for the comments on the proposal put forward by my Delegation. On this note, we think that this could enrich the paragraph indeed and after 'all types of misconduct', I would add 'and harassment, including sexual harassment', at the end. There is a difference between misconduct, we believe, and harassment. A combination of both these things could indeed further enrich the text.

575. Delegation of Venezuela (Bolivarian Republic of): I support the proposal from the Delegation of Mexico on behalf of GRULAC with the amendment put forward by the Delegation of the Russian Federation.

576. Chair: On that note, we move on to the following proposal for your comments, which is a proposal put forward by Colombia to add a KPI, an additional KPI on page 69. This is a proposal that was submitted yesterday by Colombia but has not yet been submitted in writing to the Secretariat so I apologize. We do not have it exactly in its original format but it was the addition of a KPI related to the expected result and concerning programs focusing on discrimination based on geographical diversity or gender. With a baseline based on the number of programs.

577. Delegation of Colombia: The relevant person is here in the room, I would like to ask her to respond because we have been talking about this type of drafting. The programs and decisions taken by the Secretariat, is that how it works? In that case, or could we use part of this drafting? I thank the Secretariat in advance for having taken note of this yesterday. Could this be included in the gender section? Either of the two options. I leave it open depending on what the Secretariat actually considers better. Could we have their opinion?

578. Secretariat: This is a challenging situation in which we are trying to address something that is quite broad. Therefore, the discussion was whether it would make more sense to have a reference in the document to a broader statement about an equal playing field versus specific indicators. We have not had the time to look at the proposal as we have just had the interaction, but will be happy to give it due consideration and get back to you.

579. Delegation of Pakistan: In principle, we do not have any opposition to the proposal by the esteemed Delegation of Colombia. We would just like to understand the nature of this training since the term 'working together harmoniously' is in inverted commas, so is it the name of a specific training and is it mandatory for all employees.

580. Delegation of Algeria: We would like to thank the distinguished Delegation of Colombia for the proposal. We believe it is appropriate to include 'to prevent' because we feel that it is important that measures are taken to prevent. I suggest 'promote a zero-tolerance policy to prevent...' because we think this would also prevent this kind of misconduct or harassment.

581. Chair: I thank the distinguished Delegate of Algeria. We will include that in the Delegation of Mexico's proposal which included an amendment by the Delegation of the Russian Federation, which was supported by GRULAC. Concerning the term that you referred to, 'working together harmoniously' in inverted commas, I am going to go back to the Director, Human Resources Management Department to explain this matter to us on behalf of the Secretariat.

582. Secretariat: "Working together harmoniously" is indeed a mandatory training course, so it is not that it is not happening already. Therefore, the proposal would just be to track compliance more than anything else if we were to add something like this and would not be that impactful considering this is already a mandatory training. Regarding the sentence, 'provide a zero-tolerance policy', this is already implemented in our approach to all types of harassment, including sexual harassment, and other types of misconduct, which should be reported to IOD for investigation in accordance with IOD's investigative framework. From that perspective, it is the existing approach of the Organization to do so and if this is a way to reinforce that message, it makes sense to keep it.

583. Delegation of the Russian Federation: Thanks to the delegations who have recently taken the floor on this matter, and thanks to the Secretariat for the comments. In principle, we share the view of the Secretariat to the fact that there is no added value in including all of this in the Program of Work and Budget. However if our colleagues insist on reflecting this work item for the Secretariat then, nonetheless, we do suggest that we do a bit more work on the language because harassment is one type of misconduct. We may need to change the language a little. I am going to make my proposal in English, "promote a zero-tolerance policy to prevent and address all types of misconduct." If the distinguished Delegate of Mexico wants to retain the obligatory reference to sexual harassment, then we would suggest not saying 'and' but rather 'including.'

584. Chair: I will ask the Secretariat to keep the Delegation of Mexico's proposal on the screen and include the alternative from the Delegation of the Russian Federation so the delegates can consider both perspectives and decide. I think if we include changes into changes, the document becomes unreadable.

585. Delegation of Ghana: The African Group would like to know from the Human Resources Management Department, if there were any identified gaps in WIPO's zero-tolerance policy on misconduct and harassment.

586. Secretariat: I can confirm that, in the context of our regulatory framework, all types of harassment are considered misconduct. With respect to potential gaps, as referred to earlier, the gaps are more in how we can support existing policies in a more holistic fashion. For example, how can we support victims of harassment going to IOD to make an official complaint. Hence, in our perspective, the gap is more in terms of the support around the framework rather than the policies themselves.

587. Chair: I hope that information responds to the question from the Delegation of Ghana. If you have any further questions please do not hesitate. We move to the last proposal which is from the Delegation of the United States of America to reduce the non-personnel budget for the biennium 2024/25 for the WIPO Office in the Russian Federation by 160,000 Swiss francs.

588. Delegation of the Russian Federation: The Russian Federation cannot agree with the proposal from one Delegation on a reduction of the budget for the WIPO External Office in the Russian Federation because this proposal was not adequately justified. There was no submission of any accounts that would indeed justify and strengthen this proposal. There was no account taken of the real requirements of the Organization. It is an External Office in the field. We heard an odious, politically motivated statement. In the reports from the oversight and audit bodies, the budget for the WIPO External Office in the Russian Federation was not considered to be excessive. As a result, it is not acceptable to have the selective approach taken by certain delegations with reference to reducing the budget of External Offices. It is worth remembering that back in 2022, in a situation of a global, economic uncertainty, including unilateral restrictive measures that were being applied illegitimately, not one of the External Offices was able to operate fully in terms of spending all of its non-personnel budget. Once again, we are on the brink of creating a dangerous and hazardous precedent of reducing the budget based on politically motivated reasons of certain delegations. If you look at the figures, the non-personnel budget of the WIPO External Office in the Russian Federation is not in excess of the budget of other External Offices. When we talked about the non-personnel budget for the WIPO Coordination Office in New York, we see that similar indicators are being applied here for the WIPO External Office in the Russian Federation which are more than threefold. Despite the fact that we are talking about 280,000 Swiss francs for this year. In light of the above, we cannot support this proposal.

589. Delegation of Poland: I am speaking in my national capacity, and I once again want to reiterate that Poland supports this proposal. As I said yesterday, we had expressed some concerns about the operations of the WIPO External Office in the Russian Federation. We find it difficult to understand upon what criteria the proposed budget initially was presented but we see in the numbers that last year the Office was not able to utilize and deliver according to its budget.

590. Delegation of Belarus: As we said yesterday, looking at this proposal on the screen we cannot support it. We think that it is unjustified, and this is a proposal that has been brought about by purely political considerations.

591. Chair: I thank the distinguished Delegate from Belarus for her statement. I turn to the Group Coordinators, could you please come up here to the podium for a short discussion. I believe that given that there are many items that are still pending which require conversations with the Secretariat, within Groups and consultations between different Groups and delegations, I call for a break. We will come back after the lunchbreak. I ask you to use the time wisely to conduct your conversations and make progress, particularly on the pending items so that when

we come back after the lunchbreak, we can address those pending matters and reach consensus.

592. Chair: Let us take up the Committee's work again. I hope you have made the most of the lunch break to discuss these matters with your capitals and with your colleagues.

So we need to make progress. First, I should like to comment on the first pending proposal for the inclusion of the sustainable development goals as a column in the initial table with the different strategic pillars of WIPO. I recall that GRULAC had asked for more time.

593. Delegation of Venezuela (Bolivarian Republic of): I am very pleased to inform you that there is consensus in GRULAC to support your proposal.

594. Chair: Thank you very much, distinguished Delegate of Venezuela (Bolivarian Republic of) and GRULAC for your constructive approach and agreement with this proposal.

595. Delegation of Colombia: I express my thanks for this proposal and to say that we can agree with this approach.

596. Chair: Thank you to the distinguished Delegation of Colombia for your contribution. If there are no objections, I take it that you all agree. Let us now move onto pending issues (ii) addition of a new bullet related to green technologies under Strategic Pillar (SP) 3; and (iii) addition of a new KPI under ER 3.3 related to technology transfers. I now give the floor to the Delegations of Switzerland and Nigeria. I should like to know if you have any news.

597. Delegation of Switzerland: We are in advanced negotiations so please bear with us a little more, but I think we shall get there.

598. Chair: Thank you very much distinguished Delegate of Switzerland for your statement. We move on to pending issue (iv) modification of the 3rd bullet priority under SP4 (IPGAP). I recall that the distinguished Delegation of the Russian Federation was reviewing this proposal and I should like to know in this connection if you have made some progress in connection with the modification of the KPI. I would like to remind you that there was a proposal to include some of this information in the Q&A document.

599. Delegation of the Russian Federation: We have discussed this proposal with the Delegation of Colombia. We do not object to reflect this information. Nevertheless, we believe that reflecting that information in the Q&A document is not the right place because here we are talking about the Proposed Program of Work and Budget. In this regard, we proposed putting the list of organizations as a footnote if that is possible.

600. Chair: Thank you very much distinguished Delegate of the Russian Federation for your statement. Given that this is a technical and practical issue, the point is to know where we can put this list. As a counter proposal, we could suggest that this could appear as a footnote for the next biennium. Would that idea be acceptable? Well, we are putting it up so you can see it as it is. Instead of having it in the body of the document, we would locate it as a footnote in the document. If there is no opposition to this proposal, we could consider that it is concluded. Let us now move on to (v) adjustment of budgetary allocations for DA and South-South coordination and IPGAP. We are awaiting progress on this, so if anybody wishes to make a statement, they are free to do so.

601. Delegation of Colombia: We withdraw the part in the third bullet and the other parts. We would just require a footnote which I shall send by email when I have the exact wording.

602. Chair: It is my understanding that you are doing away with the part on the budget and instead you would put it in a footnote. I would be pleased if you could send your proposed

suggestion. We have now withdrawn this proposal. Let us move on to (xii) modification of the priority related to gender equality and equitable geographical representation.

603. Delegation of Switzerland: I have extensively consulted with Group B, which is very united in its position that we need the word 'diversity' in there. So please take that into account.

604. Venezuela (Bolivarian Republic of): GRULAC wishes to associate itself with those delegations that were in favour of including 'diversity' on page 15 of the document being reviewed. We consider that keeping this word in is of fundamental importance given that this term has been accepted already and has been reflected in a number of WIPO documents as well as being accepted in the UN. I think that in WIPO, diversity is a key issue inherent to its nature. We would like this to be reflected in the Annual Human Resources Report. We note that the Program of Work and Budget for 2022/23 includes a mention of diversity and we have agreed to promote diversity, including within the realm of intellectual property. Consequently, we consider that the use of this language is not just acceptable but also should not give rise to any controversy.

605. Delegation of Portugal: We would like to support the intervention of the Delegation of Switzerland on behalf of Group B and by Venezuela (Bolivarian Republic of) on behalf of GRULAC. The Delegation of Portugal strongly opposes the deletion of the word 'diversity'. We think that diversity and inclusion or inclusiveness are complementary words in nature and in meaning and in no way is there reason to delete the word 'diversity' which by the way is approved WIPO and PBC language.

606. Delegation of the United States of America: The Delegation of the United States of America associates itself with the statement made by the distinguished Delegation of Switzerland on behalf of Group B regarding our strong opposition to deleting the term 'diversity'.

607. Delegation of Nigeria: We have not been able to reach a common ground on this matter, and I think the word is a matter of preference. There are delegations that support 'inclusivity' while others support 'diversity'. As it stands, we are not able to reach a consensus and we are hoping that in the course of the afternoon, we would find something agreeable between the divides.

608. Delegation of the Russian Federation: We have repeatedly expressed our position on this issue and it remains unchanged. As a flexible approach, we could agree with the term 'inclusivity' but once again, this takes into account the concerns expressed by a number of Member States, including during this current PBC session. Therefore, we do not think that this term is agreed on, including in the PBC. It is necessary to continue our consultations with interested Member States.

609. Delegation of Sweden: We would like to support the statement from the Delegation of Switzerland on behalf of Group B. Sweden cannot accept deleting the original word 'diversity' from the text.

610. Delegation of Pakistan: We think that the term 'inclusiveness' is inclusive enough to take care of all of the concerns.

611. Delegation of Germany: We would like to support the statement made by the Delegation of Switzerland on behalf of Group B. Germany opposes the deletion of the word 'diversity'.

612. Delegation of Saudi Arabia: We prefer getting rid of the word 'diversity' and having the word 'inclusiveness'.

613. Delegation of Iran (Islamic Republic of): In line of what has been said by my colleagues from the Delegations of Nigeria and the Russian Federation, we support the term

'inclusiveness', which has been agreed upon in our last PBC meeting, and which was raised as a compromise to reach compromise in this regard. We would like to support the statements by those distinguished Delegations.

614. Delegation of France: The Delegation of France supports the position of Group B. We refuse to delete the word 'diversity'.

615. Delegation of Egypt: Egypt would like to join other delegations who express concern over the use of the word 'diversity'. As we are looking forward to reaching agreement on this, we rather prefer the use of 'inclusiveness', rather than 'diversity'.

616. Delegation of Spain: Spain would like to express its agreement with the statement made by the Delegation of Switzerland on behalf of Group B. Concerning the elimination of the word 'diversity', I would like to remind you that this is agreed language in WIPO and this was agreed with many delegations that now are expressing misgivings. I do hope those misgivings can be cleared up because expressions other than the word 'diversity', which has already been agreed in WIPO, is confusing. We have spoken about a possible deletion of that word and instead using the word 'inclusiveness'. That agreement was not reached, as I said yesterday. What we heard was a description of outstanding issues that are still pending. At no stage did people agree to delete the word 'diversity' from the PBC of WIPO. We have always been opposed to that deletion.

617. Delegation of Australia: We would also like to agree with Group B and our opposition to the deletion of the word 'diversity' for the reasons given by Group B and those outlined by Spain and others.

618. Chair: Given that there are no other requests for the floor, I take it this item is still open. As there is no agreement, we will move on to (viii) modification of the risk response for the risk related to cybersecurity.

619. Delegation of China: The Chinese Delegation had a lot of discussion with the Secretariat this morning. We still need time to review the points and comments made by the Secretariat. We were also communicating with the countries concerned and interested.

620. Delegation of Switzerland: Group B actually proposed some alternative language for this item of cybersecurity, and I have just sent an email to controller.mail@wipo.int with our suggested language. If you want to continue with other agenda items and then once you have received the text, we can perhaps get back to that.

621. Chair: I think it is good to take this opportunity to explain what the proposal is, which is on the screen, and we can continue the rest of the discussions later.

622. Delegation of Switzerland: We believe that we have already a number of external and internal audits that are ongoing to make sure that the cloud solution, employed by WIPO, is safe, and we would like to refer to these solutions. In our understanding, these ongoing and scheduled security updates make sure that the cloud is safe, and the details will be found in the text I just sent. Again, it is important to note a number of security checks have been scheduled by the Secretariat. We also heard about this from the Chief Security Officer at PBC 35 and we would like to reflect that in the text we are proposing.

623. Chair: The proposal from Group B is in connection with the previous suggestion by the Delegation of China. This will be provided in writing, so you can analyze it. Given that you need time to analyse it, we will move on to the next item on the list of pending issues (x) reallocation of resources between ER 1.1 and ER 2.2.

624. Delegation of Colombia: Unfortunately, I do not have any flexibility from my capital on this. I hope the high-level meeting that will take place this afternoon can shed light on this matter for some countries that have asked my Delegation about the scope of this proposal. Allow me to repeat what we said about this. What we are suggesting is to increase the budget for the so-called global objectives, including pandemics, transfer of technology, and genetic resources and traditional knowledge. This heading also applies to emerging issues. We understand that this is a concern for many Member States as well. If less than one per cent is allocated for these matters, this is very worrying when you consider that about 30 per cent of the budget is foreseen for an increase in explaining the potential of intellectual property. In this connection, I am awaiting news from my capital this afternoon.

625. Delegation of Switzerland: Thank you to the distinguished Delegate of Colombia for having outlined again these budgetary allocations. Group B has concerns with these budgetary allocations. We understand they have not been consulted and agreed with the Secretariat. We also understand that the Secretariat has taken quite a bit of effort to work out these budgetary allocations, not re-allocations, but allocations as we see them in the Proposed Program of Work and Budget for 2024/25. We understand it is not a simple task to just reallocate here and there. We believe this is some very intense work that lies behind by the Secretariat and that also has serious implications on those Divisions affected by this. We are very concerned about these reallocations and cannot accept them.

626. Chair: Given there are several other matters to be settled and that there have been requests to spend more time on multilateral and bilateral negotiations to make progress, we shall meet again at 5:00pm to discuss Item 12, Draft Terms of Reference of the 2021 Evaluation of WIPO External Offices.

627. Chair: We are now resuming our Program and Budget Committee session. I am very happy to inform you that we are making progress on most of the pending issues. Giving you some time for dialogue with your colleagues within your Groups, between your Groups and so on, seems to be working. Clearly, we have hit on the right formula to allow us to move forward and to reach agreements so that by the end of the day, we can have an acceptable decision and finally close Item 10, Proposed Program of Work and Budget for 2024/25. I am not going to apply exactly the same method as I used yesterday. What I am going to do today is just to touch upon a few of the pending items on our list. Those that are just about to be resolved, I believe. At least on the verge of resolution. I would therefore ask the Secretariat, once again, to put on the screen the list of pending items. We will start with pending items: (ii) addition of a bullet related to green technologies under Strategic Pillar (SP) 3; and (iii) addition of a new KPI under ER 3.3 related to technology transfers. I have been told that we are very close to an agreement on this, so I will now turn to the delegations concerned to hear what they have to tell us.

628. Delegation of Switzerland: I am glad to report that on (ii), we have reached an agreement on the new bullet on green technology. On (iii), we are still working but we should be close to an agreement. I am happy to give you the language for (ii) "expand the WIPO GREEN database to help determine the patent status of green technologies, including those also recently available in the public domain".

629. Delegation of Nigeria: I think the rain that fell yesterday brought some good luck and apparently, we can see the result already this morning. My Delegation can be flexible with the suggested text by the Delegation of Switzerland. We are still working on (iii) concerning the KPI, and I am sure that very soon we will reach a consensus.

630. Chair: I thank the distinguished Delegate of Nigeria for his comments. As you can see, there is an agreement on (ii) so unless any delegation would like to make a comment, - this does not seem to be the case, we can see that there was an agreement. I encourage you to

continue negotiating to reach an agreement under (iii). Thank you to those delegations for their flexibility. That brings us now to: (v) adjustment of budgetary allocations for DA and South-South coordination and IPGAP. An agreement has been reached and we are going to project the footnote for your consideration. I will then ask the Delegation of Colombia to make an intervention.

631. Colombia: The Delegation of Colombia had issued two proposals, one referring to the issue of gender as we were struck by the importance and the need to adjust the resources for this particular topic. After having heard the various statements from Group B and taking into consideration their concerns, we have decided that the issue of gender would not imply an adjustment in budgetary resources. We do not think there is a problem so we are not going to emphasize that. We do want to maintain the concern when it comes to South-South cooperation. When it comes to South-South cooperation and Triangular cooperation, our concern, seeing as the topic is very important for us, is that we would like to have a more in depth follow-up of progress related to this issue. Once the Secretariat had understood this concern, we began to draft the footnote 'Progress on the implementation of South-South and Triangular cooperation activities will be reported annually in the WPR.' We hope that Members States will be able to support the amendment that we are putting forward.

632. Chair: I thank the distinguished Delegate of Colombia. As you can see, for your consideration, you have the inclusion of a footnote: 'Progress on the implementation of South-South and Triangular cooperation activities will be reported annually in the WPR'. The Delegation of Colombia and the Secretariat have drafted this proposal. It does not ultimately amend any part of the budget, but rather it includes an obligation for the Secretariat to report on progress regarding the implementation of South-South and triangular cooperation on an annual basis.

633. Delegation of Switzerland: Thank you very much also to the distinguished Delegate of Colombia for your flexibility. I understand that this change no longer implies any budgetary changes. We do not see any longer the changing of figures. From that perspective, I believe that Group B can be flexible with this decision.

634. Chair: I thank the distinguished Delegate of Switzerland for your statement on behalf of Group B. As was explained by the Delegate of Colombia and as I said myself, this does not affect the budget. It is just an obligation that the Secretariat will have to report on progress on the implementation of this cooperation annually. We thank Group B for their flexibility. I assume we have an agreement on this proposal. We now move on to proposal: (x) reallocation of resources between ER 1.1 and 2.2.

635. Delegation of Colombia: This morning I was trying to hold a meeting to address the difficulties my capital has encountered on these matters. Unfortunately, everyone has been very busy and we could not hold the meeting with the Secretariat. There were some questions that my capital gave me yesterday for the people in charge of the Expected Results and emerging issues. I am sure that once we are able to hold this meeting and get this information, then we will continue our conversation and work with Bogota in a constructive manner.

636. Chair: I thank the distinguished Delegate of Colombia for her statement. As we understand it, this item continues to be pending. That brings us to the next item: (xiii) additional bullets related to the financing matters regarding Member States and Indigenous Peoples' and Local Communities' representatives in IGCs and the Diplomatic Conference. We were informed that GRULAC is consulting with other Groups, so GRULAC, could you tell us what is the current state of play in these negotiations?

637. Delegation of Venezuela (Bolivarian Republic of): We are awaiting responses from two distinguished Groups.

638. Chair: This remains pending so we are now going to move on to the other matters that you have brought up over the course of PBC 36. Firstly, I am going to address the issue brought up by the distinguished Delegate of Mexico relative to item 5 on page 15. A new text and a new KPI relating to sexual harassment. As you will recall, there was a counter proposal put forward by the Delegation of the Russian Federation, and other countries, and there is a final drafted version. Yesterday, we said that there were these two proposals, and if I am not mistaken it was the distinguished Delegate of Mexico. I would presume you consider that your proposal is included in the second, and I will give the floor now to the various delegations, either the Russian Federation or Mexico, if you would like to intervene.

639. Delegation of Mexico: On this combined proposal, the most recent version of which is on the screen, we have not received any comments. We assume no one has any problem and we can continue with that version.

640. Chair: Thank you very much to the Delegation of Mexico for that comment. What is being proposed is to include the following drafting. Firstly: Promote a zero tolerance policy to prevent and address all types of misconducts, including sexual harassment' and secondly a KPI: 'the percentage of WIPO employees who have completed the mandatory training on "working together harmoniously"'. I recall that this issue was explained yesterday. This particular section of the indicator that is in inverted commas. I assume we have agreement on number 3 of the pending issues amongst those that were brought up in PBC 36. We now move on to another pending item in the group of proposals, which is the proposal put forward by the Delegation of Colombia to add an indicator and additional content to ER 5.1. I know that they have been working very hard on this proposal and the result of this proposal is to add this sentence on page 66 (English version), which you can now see on the screen: "support equal opportunity by raising awareness on gender discrimination".

641. Delegation of Colombia: The origin of this proposal was an indicator that we have just adopted in order to address the concern from the Delegation of Mexico. In this indicator, we had two proposals. One talked about the patriarchal patterns, and the second spoke about some indicators. The patriarchal pattern has become an indicator through the course of this week because we have been trying to come up with language that would be acceptable to all. Colombia had requested to amend the Expected Result, addressing the systemic concerns that were expressed by Member States. We moved towards an indicator that we have just adopted. Finally, what we are concerned about, is that we need, within the Organization, to address the concerns on discrimination. We understand there is a plan of action. We know that major efforts are being deployed, and we are witness to the fact that progress is being made. However, we still believe that we need to be reminded of this topic, because we cannot wait years on end for these people to have their rights secured.

642. Chair: I thank the distinguished Delegate of Colombia for showing flexibility. As you can see, the process of amending any text is always a very fluid one. Amendments interact with other amendments, and sometimes it makes sense to treat them holistically and that is exactly what we are doing here. This proposal included on page 66 of the document in the English version has been worked together on with the Secretariat.

643. Delegation of Algeria: We support the Delegation of Colombia on this proposal. We suggest to replace 'on gender discrimination' with 'raising awareness on discrimination against women.'

644. Chair: I thank the distinguished Delegate of Algeria for your proposal. As I understand it, you are working on the basis of the Delegation of Colombia's proposal, so I turn to Colombia.

645. Delegation of Colombia: Thank you to the distinguished Delegate of Algeria. It is Friday, but the word 'gender' is in the previous bullet on page 66, and thank you to the Chair for

directing us to the right page. The second last bullet point before the one we are discussing, also talks about gender balance. We are just addressing the concern as long as there is no problem for Algeria. This is why we are reusing the language, so we would like to ask the Delegate of Algeria: what difficulty are you encountering using our original language? Bogota, my capital, is still asleep, so if I need to change this drafting, we are unfortunately going to need to wait to hear back from Bogota to hear what they think and I have to wait for a few hours until they wake up.

646. Delegation of Pakistan: My Delegation supports the proposal put forward by the distinguished Delegation of Algeria. I think it is a good proposal, since, if you look at the bullet, we are talking about the need for empowering women, so the focus basically is to end discrimination or mitigate discrimination against women, but it is good to have a focused statement here.

647. Chair: There is the proposal of keeping the original language, as drafted by the Delegation of Colombia. There is also a proposal put forward by Algeria on gender discrimination against women. I consider this still pending. On that note, we have got through the matters I wanted to get through. I am very content that we have reached agreement on three pending matters. I would suggest we continue with the same program that we have been following. I would now like to close the plenary. You have further time to continue with your consultations. I will be speaking with Group Coordinators at 12:30 in this same room. I would like to have a meeting with the Group Coordinators to decide whether we go back to the plenary session before the lunch break to conclude some of the amendments, or whether we continue after the lunch break.

648. Delegation of Nigeria: I thought it would be relevant to report back on one of the issues that caused a stalemate at the plenary yesterday, regarding the word 'diversity'. I do not know the exact number it is on the list of outstanding items, but I felt, if you permit me, I would love to make an intervention in this regard.

649. Chair: Yes, there is no agreement on this topic. Because there is not enough progress in the negotiations.

650. Delegation of Nigeria: My Delegation has been working with other like-minded delegations such as the Delegations of Pakistan, Egypt, Iran (Islamic Republic of), Algeria, Saudi Arabia, Russian Federation, Niger, Uganda, and indeed, these delegates showed concession, and as a result, we have come up with a joint proposal that best captures and reflects the wording of interests across the board. I would love to read out the proposal.

651. Chair: One moment please, to give the Secretariat time to note your comments. Yes, please, go ahead.

652. Delegation of Nigeria: The wording reads thus 'Promote inclusiveness and diversity in the WIPO workforce with respect to language, balance between men and women, as well as equitable geographical representation.'

653. Delegation of Ghana: The African Group supports this proposal.

654. Delegation of the Russian Federation: The Russian Federation supports the proposal put forward by the Delegation of Nigeria. It was put forward on behalf of a number of Member States and we thank the interested Member States for their active participation in the course of the Informals on this. And we thank them for the constructive approach.

655. Delegation of China: The Chinese Delegation supports the proposal by the Delegation of Nigeria on behalf of our group of Member States.

656. Delegation of Venezuela (Bolivarian Republic of): We are carrying out internal consultations. In principle, we cannot accept this because it is limiting, and we are going to continue our internal consultations on this.

657. Delegation of Switzerland: I need to consult with the Group and get back to you. Please give us some time.

658. Delegation of Portugal: As the Delegation of Switzerland has just said, consultations within Group B should follow, but in principle, Portugal is opposed to this wording as it is limiting the understanding of the word 'diversity', which is something that is not acceptable for us.

659. Delegation of the United States of America: The Delegation of the United States of America supports the statement made by the distinguished Delegate from Portugal and, likewise, we cannot accept this language based on its restrictions.

660. Delegation of Germany: For the same reasons as outlined by the Delegations of Portugal and the United States of America, the Delegation of Germany can also not agree to this proposal.

661. Delegation of Spain: The Delegation of Spain supports the statement made by the Delegates of Portugal, United States of America and Germany, with regard to this drafting language that has been introduced.

662. Delegation of Sweden: I would just like to lend Sweden's support to the comments made by the Delegations of Portugal, Spain, the United States of America and Germany.

663. Delegation of Canada: We support the statements made by the Delegations of Spain and Portugal.

664. Delegation of France: We echo the comments made by the Delegations of Portugal, United States of America, Germany, Spain, Sweden, and Canada.

665. Chair: We take note of the fact that the amendment put forward by the Delegation of Nigeria, also supported by other delegations, has not reached consensus so this is still pending.

666. Delegation of Luxembourg: I would just like to support what has been said by previous delegations and raise concern on the new language. I must say, we still do not understand, at this stage, why we should divert from previously agreed language. We believe previous versions very much capture the idea of what we were trying to define. I think there is still work to do, and we cannot live with this new proposal.

667. Chair: We can conclude there are still pending items that need further negotiations. I am going to give you time to continue your negotiations. I remind you that at 12:30pm I would like to see the Group Coordinators. I would ask you to work hard, and I will see you back here at 12:30pm. I adjourn this session, and in one hour and a half, I will meet back here with the Group Coordinators.

668. Chair: This brings an end to our discussion of this Agenda Item. Thank you very much for your flexibility, understanding and support. Let us now go back to Agenda Item 10 concerning the Proposed Program and Budget for 2024/25. You have had time to continue with your negotiations, to speak among yourselves, and to look at the program concerning next year. Following the previous method, I shall go back to the list of proposals in accordance with the decision paragraph of the 35th PBC session, and I shall now open the floor on these matters. Thank you very much, Secretariat, for placing the sub-items on the screen. I shall just focus on the ones that are still pending. The first item pending is: (iii) addition of a new KPI under ER 3.3

related to technology transfers. There have been negotiations between the Delegations of Nigeria and Switzerland.

669. Delegation of Switzerland: I am happy to report that Group B and Nigeria have reached an agreement on this KPI. Let me know the best way to proceed. I am happy to send this by email to the Secretariat, or should I announce it over the microphone?

670. Chair: Yes, if you do not mind announcing it aloud, that would be helpful.

671. Delegation of Switzerland: The KPI reads as follows: "Number of countries assisted to access patent information on green technologies available in the public domain with the support of the WIPO GREEN database."

672. Delegation of Nigeria: Like what our colleague from the Delegation of Switzerland mentioned, we are in agreement with the new suggested sentence, and we are glad that this Delegation could show concession to advance our work in this Committee. As we mentioned when this meeting began, we wish to reiterate that we will do what we can, our best, to ensure that everything that needs to be settled may be settled in the Committee.

673. Chair: I am pleased. I would like to see if any other Delegation wishes to comment on this draft proposal. I see that is not the case. This proposal is agreed, and I thank you for the flexibility shown. We are deleting the former one and including the new one. Before moving on to other matters, we have been informed that the Delegation of Switzerland, on behalf of an interregional group of States and the US, have withdrawn their two proposals concerning the Lisbon System. As you know, those proposals were submitted during this Committee meeting, and consequently, do not appear on our list. I thank you for your generosity. These will not be in the document so we do not need to debate them. This brings us on to the next question, which is number seven: (vii) modification of the priority related to gender equality and equitable geographical representation (page 15). Would you place the status of this proposal on the screen as it now stands? The discussion concerns this proposal, which was made this morning by Nigeria along with other delegations. You have the floor to comment on this proposal specifically.

674. Delegation of Switzerland: I believe that I sent a proposal on behalf of Group B to Group Coordinators and the Secretariat. I am not sure if I see it on the screen so I would perhaps give you the wording of this proposal over the microphone. Our proposal says as follows: "Promote inclusiveness and diversity in WIPO human resources initiatives and workforce, including gender equality and equitable geographical representation."

675. Chair: That's the Group B proposal from Switzerland. Can you please confirm that, Switzerland?

676. Delegation of Switzerland: Yes, I confirm that.

677. Delegation of Nigeria: As you know, the number of supporters we are getting for the earlier proposal is broadening. I would like to crave your indulgence to give me five minutes to consult with the concerned countries to be able to advance a common cause, and get back with a tangible response.

678. Chair: This proposal, including also the proposal of Group B, are pending, and we can continue to work on it. This brings us to pending issue: (viii) modification of the risk response for the risk related to cybersecurity. The Secretariat just circulated a proposal from China in connection with the decision paragraph.

679. Delegation of China: As you mentioned, we have submitted a new proposal. We would like the Secretariat to distribute it to all Group Coordinators for further consideration. After which, we can have more discussions.

680. Chair: I can confirm that, at least I, myself, and another 23 persons, have received it. But, perhaps you would like to comment on the proposal. This could help with the subsequent debate.

681. Delegation of China: Can I ask the Secretariat to put our new proposal on the screen? We can explain it a bit further.

682. Chair: The Secretariat is about to put it up. There it is now, and you may go ahead.

683. Delegation of China: Maybe I will speak in English. This is a new proposal from our Delegation after we consulted with a number of Member States interested in this matter. This is a replacement of our initial proposal in the budget, and this could be put in the PBC decision paragraph. It includes five points. The first one is “recognized the importance of data security of WIPO cloud related projects” - I think this is from PBC 34 decision paragraph. The second point is “requested WIPO to continue updating and optimizing its data security technologies in a timely fashion” - this is also from the PBC 34 decision paragraph - “to take into account the concerns from some Member States and users of WIPO Global IP Services in this regard and their calls for enhancing internal and external audit of WIPO cloud related projects and data security”. I think this reflects what has happened this year, and in PBC 35, and in PBC 36. The third point is “recognized that WIPO will conduct comprehensive audits and security testing carried out by highly skilled external service providers, procured through open international tenders in compliance with WIPO procurement rules”. The fourth point is “emphasized the importance of the ongoing review of cloud management related audit reports by the IAOC, in line with the IAOC’s revised ToR” which I think happened just in this PBC 36. The final point is “requested the Secretariat to strengthen the annual reporting on the cloud related projects in the WPR, including on the conclusion of audits and data security testing of WIPO cloud environments undertaken during the year”. I think this point is just to enhance the transparency of the whole process to let Member States and users better understand what is going on in these cloud-related projects, in relation to the data security issue. These are my preliminary remarks for this proposal, and I welcome any discussion from interested Member States to this proposal as laid out.

684. Chair: We therefore understand that these proposals are not for the Proposed Program of Work and Budget for 2024/25, but the proposal is to replace your previous proposal with this text in the decision paragraph concerning Agenda Item 10: Proposed Program of Work and Budget for 2024/25. Is my understanding correct, distinguished Delegate of China?

685. Delegation of China: 100 per cent correct.

686. Delegation of Saudi Arabia: Sorry, I could not quite follow before. There was a slight problem with the interpretation, but it has been resolved now.

687. Chair: What the distinguished Delegate of China is suggesting is to change his initial proposal with this one, which involves the elimination of the proposed amendment in the text of the Proposed Program of Work and Budget for 2024/25, and the introduction of what is on your screen into the decision paragraph concerning this Agenda Item. Of course, this is somewhat complicated, but I hope that the explanation from the distinguished Delegate of China, and the one I am giving you, will clarify this matter.

688. Delegation of Switzerland: Group B would kindly request some more time to review this as we have just received it.

689. Delegation of the Russian Federation: The Russian Federation supports the proposal put forward by the distinguished Delegate of China with reference to issues on cyber security, a particularly important issue bearing in mind the very rapid advance of technology in this area, and the practice of implementation within the work of our Organization. We are also grateful to the distinguished Delegate of China for the constructive informal consultations on this issue.

690. Delegation of the United States of America: While our Delegation, of course, needs time to discuss and analyze this, I have one preliminary question. The last bullet point on "...to strengthen the annual reporting..." how is that different from what is being reported now in the WPR? Because at a quick glance, there are about five or six pages of reporting on the cloud-related projects and cybersecurity. We were just wondering what does this entail?

691. Chair: The way I understand it, we can clarify what this means. It would be up to the Delegation proposing this to explain exactly what is meant by the annual report on cloud-related projects in the WPR. If the distinguished Delegation of China wishes to do so, it may, in order to shed light on this debate.

692. Delegation of China: I thank the Delegation of the United States of America for this question. In fact, this wording is based on a discussion with the Secretariat. With your permission, can we ask the Secretariat to clarify the meaning of this?

693. Chair: I shall now give the floor to the Controller who can clarify this.

694. Secretariat: On the question of the Delegation of the United States of America, this would mean that we would pay a bit more attention to the cloud-related content of the WPR, and include the high-level conclusions of the audits and security testing. While the five or six pages referred to are on all projects, I think this is more related to the cloud-related projects, so that is what we will pay attention to in preparing the annual WPR.

695. Chair: More time was requested to look into this. Let us look at the previous document and return to the list of pending items. We move to: (x) reallocation of resources between ER 1.1 and ER 2.2. This proposal from Colombia is still pending. It has still not been settled.

696. Delegation of Colombia: We are working constructively on this. We thank the Secretariat for the efforts made to answer the questions raised. It is my perception that we are making progress. We are still not there yet, but I think that we are very close to a solution.

697. Chair: I understand that this question will remain pending because more work is needed on it. This brings us to the next proposal: (xiii) additional bullets related to the financing matters regarding Member States and Indigenous Peoples' and Local Communities' representatives in IGCs and the Diplomatic Conference. This is a GRULAC proposal.

698. Delegation of Venezuela (Bolivarian Republic of): Unfortunately, we do not yet have a solution, but we are moving towards a solution in good faith and with great enthusiasm.

699. Chair: This means that (xiii) is still pending. We shall now move on to: (xvii) modification of the targets for the KPI related to gender balance. The Delegation of China has been working on this with the Secretariat, and we would like to know if progress has been made, and if so, what kind?

700. Delegation of China: Yes, a lot of consultation has been done for this proposal. We would like to take this opportunity to thank other Member States and the Secretariat who contributed their ideas and their inputs on this matter based on our constructive spirit. Chair, if you allow, please open the original text of the proposal. There were some minor revisions. Our original proposal is "Improvement over the last biennium", to replace the numbers. After consultation with a number of Member States and Groups interested in this matter, we would like to add the

three words after the word “biennium” which is “towards desired objective”. This has shown some flexibility and the constructive spirit from us, and we welcome any consultation or discussion from other Groups on this matter.

701. Chair: As you can see, a change has been made to the proposal. Three words have been added- “towards desired objective” which is written in the singular. You can see it on your screen.

702. Delegation of Switzerland: Thank you to the distinguished Delegate of China for this proposal. I have discussed with Group B. Chair, you know that we are looking here at a document which is supposed to be as concrete as possible in order to allow Member States to measure what has been achieved. In other words, targets should be formulated in a way that is measurable, and that allows for a real assessment of the situation. From that perspective, we have a concern with the very vague formulation of “towards desired objective” as it is not really clear what objective we are talking about. It seems to us that this kind of language does not provide for a target that is actually measurable. We would, for the time being, not be in a position to accept this. I am trying to work on an alternative solution, but I have not really had the time yet to discuss with my Group. Apologies for that, but I am on it. Please allow for some more time.

703. Chair: This means that this proposal is also still open. We have completed our list of questions that are still open in terms of PBC 35, and we should look at the next ones now. I would like to remind you that there is an agreement on one of them, and two of them have been withdrawn by the Delegations of Switzerland and the United States of America. Consequently, we should look at the proposal to add a key performance indicator (KPI) under Expected Result 5.1. This is the proposal from Colombia which is pending, and has been since we talked about different ways of including it. As you can see, there are two possibilities that were discussed this morning in this paragraph. We have, on the one hand, “support equal opportunities by raising awareness on gender discrimination” and “support equal opportunities by raising awareness on discrimination against women”.

704. Delegation of Colombia: In a constructive spirit and bearing in mind the proposal tabled by Group B, we could withdraw the suggestion that we made. Here, I wish to clarify what we are doing in withdrawing this. We agree to delete everything that we suggested to add this morning because, as we understand it, this is reflected in Group B's proposal submitted for consideration at this meeting. We will hence not be changing language which was in the budget submitted for the last session, and which was considered by us.

705. Chair: In withdrawing your proposal, we understand that you are eliminating all the suggestions, and the debate has now closed on this issue. We thank you for your flexibility. This brings us now to the last item on our Agenda, which is the proposed reduction on non-personnel budget by 160,000 Swiss francs in the WIPO Office in the Russian Federation. This was suggested by the United States of America, and you can see it in the document.

706. Delegation of the Russian Federation: The Russian Federation cannot agree with the change that is being proposed by one delegation with reference to a reduction for the non-personnel budget in the WIPO External Office in the Russian Federation. We think it is appropriate to approve the initial budget that was foreseen for the WIPO External Office in the Russian Federation. In preparing the Proposed Program of Work and Budget for 2024/25, the Secretariat referred to real expenses, needs and requirements, purposes and aims, tasks, the volume of work, and also, reporting requirements. The delegation that made the proposal voiced only an odious political statement in order to justify their proposal. Once again, it seems to us that we are being presented with the idea of creating a dangerous precedent by reducing the budget and taking a decision based on the political ambitions of specific countries. As we have already stated in the course of earlier statements, the WIPO External Office in the Russian

Federation is fully in-line with the requirements that have been set. It does fulfil, and even over fulfils, the performance indicators that it is required to abide by. From this year, the Russian Federation is a participant in all of the international registration systems that are administered by WIPO. In the light of our accession to the Lisbon System, the WIPO External Office in the Russian Federation has also expanded its range of functions. Given the size of our country, the work that is done is of important strategic significance for the Organization as a whole. All of that being so means that appropriate and adequate funding for the operation of the External Office is particularly important. It is important, not just for the Russian Federation, but also for all the External Offices. By creating this kind of negative political precedent, the Russian Federation will therefore state that it is against the adoption of this proposal, and that it is in favor of keeping the initial wording.

707. Delegation of the United States of America: We are not in a position to withdraw our proposal. We stand by our proposal. It is based on numbers that speak for themselves. I refer the distinguished Delegates to page 3 of the Q&A document where it clearly shows that the rate of utilization when it comes to non-personnel expenses was about 10 per cent during 2022, and I believe that rate is quite similar in 2023. That is what our proposal is based on, to reduce the current proposed budget to the rate of utilization based on the previous biennium.

708. Delegation of the United Kingdom: The Delegation of the United Kingdom supports the Delegation of the United States of America and their proposal in light of the need for financial prudence. To apply the WIPO budget effectively, we see it as prudent based on utilization from previous years.

709. Delegation of Poland: Just to repeat that Poland supports the Delegation of the United States of America's proposal and decision.

710. Delegation of Ukraine: Ukraine, once again, stands in alignment with the distinguished Delegations of the United States of America, Poland, and the United Kingdom, in advocating for a reduction in the non-personnel budget allocated to the WIPO External Office in the Russian Federation for the next biennium.

711. Delegation of China: As we have stated in the last PBC session, China would like all parties to apply real multilateralism, to focus on cooperation, and to avoid introduction of politicized statements, which impede our proceedings.

712. Chair: I believe we can conclude that there is no agreement, and that this matter will remain open. I thank all the delegations for their work. As you can see, although there are some disagreements, we have also managed to achieve some agreements. We are continuing to work along these lines. I now close the formal session of this meeting so that you can continue your conversations. I should like to ask all of the Group Coordinators to be ready to continue to make progress because it is already nearly 4:10 in the afternoon, and this is our last day of meetings. We close the formal session so you can continue with your negotiations.

713. Chair: Let us take up our work again. As you know, we still have a few questions pending in connection with Agenda Item 10. These issues are still open, so I continue to encourage all of you to negotiate on these matters. In the meantime, unfortunately, I will have to leave the meeting in half-an-hour for other professional matters. For the session to continue to operate and so that you may continue to work on the pending issues, I am going to suggest that the Acting Chair would be Javier SORIA QUINTANA, Advisor at the Spanish Embassy for the UN organizations in Geneva. He has worked often here, and in other capacities, following the work method that we have established. I shall now open this particular Item, and you will be able to go through each of the pending ones so that you can move to a decision, which will enable you to close that particular point. Then, if necessary, we will have a new recess so you can negotiate. In the meantime, Javier Soria will take on the task as Acting Chair so that you can

continue with your debate. However, I will follow this online once I am in Brussels, and Brussels is not very far from here. I do encourage you to continue with this meeting so that we can send the General Assemblies a recommendation concerning the Proposed Program of Work and Budget for 2024/25 which is as polished as possible. Let us now move on to the pending issues. Secretariat, can you put the list on the screen? I would like to look at paragraph 6 of the PBC 35 Decisions to look at the pending issues. The first of which is: (vii) modification of the priority related to gender equality and equitable geographical representation. There has been a lot of progress on this. I shall therefore ask the Secretariat to put the latest proposed version on the screen concerning this matter. As you can see, there are two proposals here, unless there has been further progress. The first one is "Promote inclusiveness and diversity in the WIPO workforce with respect to language, balance between men and women, as well as equitable geographical representation". That is the first option. The second is "Promote inclusiveness and diversity in WIPO human resources initiatives and workforce, including gender equality and equitable geographical representation". Those are the only two proposals that were tabled during recess. I now open the floor for any delegations wishing to ask for the floor. I am sorry to insist here, but an hour and a half ago you said there were negotiations underway on this proposal. I should like to find out what is the status of those negotiations so that we can see how to move forward. Please, when you can, tell us about these two proposals as they appear on the screen, or if there is a new proposal as a result of the negotiations amongst the various delegations.

714. Delegation of Switzerland: As you recall, Group B made the second proposal that we see on the screen. We would be interested in hearing feedback from other delegations to constructively engage on that. I am aware that there are still some Informals going on, but I still need to hear the feedback on this specific proposal.

715. Delegation of Venezuela (Bolivarian Republic of): Our preference is also for the second option.

716. Delegation of the Russian Federation: It is true that we discussed a text, the text that we see on the screen. We are not entirely in agreement with some of the rewording and reformulations. We would ask the Member States to look at the alternative text which I will now read out in English, "Promote diversity on equitable geographical representation and gender balance between men and women in WIPO workforce". I would emphasize that when we are talking about diversity on equitable geographic representation and gender balance, that is language taken from agreed wording within the International Civil Service Commission (ICSC). We suggest that we be inspired by what they have done and we put forward this text for discussion. We would be grateful to other delegations if they could express their view on the substance to what is now being proposed.

717. Delegation of Iran (Islamic Republic of): We have been in intensive discussions and negotiations with respective Member States and in a very constructive manner. We are pleased to say that we would like to appreciate all the delegations' indulgence and good spirit of cooperation. In this regard, we have proposed two or three times new language so at this stage actually, we are not in a position to accept the Swiss Delegation's proposal on behalf of Group B. We can go along with the proposal from the distinguished Delegation of the Russian Federation.

718. Chair: I take it that there is no agreement on this point. The round of negotiations is still open.

719. Delegation of Venezuela (Bolivarian Republic of): I am sorry to dwell on this because I know we are short of time, but precisely because we are short of time, I have to mention we are going around in circles. Our recommendation would be to go back to the agreed language of

the last PBC. Perhaps you could put it up there as one of the options for consideration. That is agreed language, and I do not really see how we can get out of this impasse.

720. Chair: Your proposal would be to go back to the initial text. That proposal can also be taken into account in our document.

721. Delegation of Switzerland: Group B would like to support what was just said by the distinguished Delegate of Venezuela (Bolivarian Republic of). We would also suggest going back to the original text, which enjoyed common support in the last Program of Work and Budget.

722. Chair: We take note of your proposal, which is added to that of the proposal of the Bolivarian Republic of Venezuela on behalf of GRULAC. Let us now move on to: (xiii) modification of the risk response for the risk related to cybersecurity. In this connection, there is a proposal from the distinguished Delegation of China to include text in the decision paragraph. Secretariat, could you please bring up the proposal from China. As you can see, the proposal made by the distinguished Delegation of China is to include these five points in the decision paragraph on this Agenda Item.

723. Delegation of Switzerland: Group B would like to make a few small suggestions to the text. If the Secretariat could kindly work with me on this. First of all, in paragraph 3, in the paragraph starting 'recognized that WIPO will conduct', we would like to add behind the word 'will' and before the word 'conduct', the words 'continue to'. The next suggestion is in the following paragraph, behind the word 'review' in the first line 'ongoing review', kindly add the words 'by the IAOC'. Kindly delete that same wording in the next line. These are our suggested changes. On this basis, we are able to agree with this text.

724. Delegation of China: China thanks Group B for the revisions. Last year, China, in principle, agreed that WIPO adopts the hybrid cloud mode. That was already, in fact, a great compromise. During the past few days, including today, China conducted full and beneficial communication and discussion with the concerned countries as well as the Secretariat. Considering the cloud project is ongoing, the Secretariat needs time to conduct an internal and external audit. We are willing to expand our further flexibility to accept this newly revised text. In this regard, many Member States showed support and understanding towards us. We think this is a generally responsible attitude to our users and to this Organization. We highly appreciate this.

725. Chair: As you can see, the distinguished Delegation of China has accepted the proposals concerning its text, as commented on by Group B. Unless any delegation is opposed to this solution, I take it that these changes are accepted. Given that no delegation is asking for the floor, we accept this change, which will be included in the corresponding decision paragraph. Thank you very much for your flexibility. Let us now move onto the next pending issue: (x) reallocation of resources between ER 1.1 and ER 2.2. This is a suggestion from Colombia. I would like to know, has there been any movement on this issue? I would like to ask the distinguished Delegate of Colombia to take the floor.

726. Delegation of Colombia: We are in consultations on this.

727. Chair: Let us now move on to: (xiii) additional bullets related to the financing matters regarding Member States and Indigenous Peoples' and Local Communities' representatives in IGCs and the Diplomatic Conference. This proposal was made by GRULAC, so I would like to ask if any progress has been made on this proposal.

728. Delegation of Venezuela (Bolivarian Republic of): I am pleased to inform you that we do have a new draft proposal, which is a joint proposal between GRULAC and the African Group.

We believe that we have covered all the concerns we have heard in the room. We would be interested in having a response from the other Groups.

729. Chair: As you can see, we have these three paragraphs, which would be included on the corresponding page, page 48 of the document, or on the corresponding version in English.

730. Delegation of Switzerland: Chair, colleagues, you know how much Group B values the participation of Indigenous Peoples in the IGC, and how important we see this for the Diplomatic Conference. Group B has been the Group that has always contributed in a regular fashion to the Voluntary Fund. In this case, unfortunately, Group B is not able, at this stage, to agree with what has been suggested. We have a number of concerns related to setting certain precedent, which have not been addressed in the circulated proposal. That is all I can say for the time being.

731. Delegation of Venezuela (Bolivarian Republic of): Yes, I do not want to spin this out and I know you have other things to do, but in connection with the Group B comment, in paragraph 1, it is just about the status quo. In the second paragraph we are focusing on the Diplomatic Conference, and we begin with the expression 'On an exceptional basis.' Apart from that, we are acknowledging that the list of participants is the responsibility of the Diplomatic Conference. We, ourselves, cannot take a decision on that. In addition, we are saying funding will be done through the Voluntary Fund, and, if there are insufficient resources, we would make use of something that has already been approved for a Diplomatic Conference. We are clarifying the fact that we are not the ones to decide on this, but if, despite all this, there is insufficient resources, because we do not want to set a precedent. We are ready to listen to what other drafts could be proposed. To date, we have been trying to see how we can dispel misgivings, which can be quite legitimate. This is why we are saying we share the same interests: we want to see the participation of Indigenous Peoples and Local Communities at a conference where they are the key stakeholders. The very success of this conference depends on their presence there. We have done as much as we could. We have spent five days talking about this. Now, we would appreciate some feedback that would be helpful, so that we can achieve the objective of coming up with a draft that others would find acceptable. We cannot really suggest anything that will satisfy others. If others have a problem with this, would they please identify how we can find a solution?

732. Chair: Given Group B's statement, I think we can say we cannot close this matter yet, so this will remain pending for future negotiations. We now move on to: (xvii) modification of the targets for the KPI related to gender balance. This was suggested by China and is still pending. Allow me to ask the distinguished Delegation of China what the status on this matter is.

733. Delegation of China: Regarding this issue, we have communicated with Group Coordinators and Member States. Maybe the concerned Group Coordinators have new proposed revisions. We would like to hear from them.

734. Delegation of Ghana: We would like to highlight the fact that what was brought forth just now, and projected on the screen was a compromise proposal presented by both Groups. We would kindly ask for flexibility from other Member States and Groups on this issue. As the GRULAC coordinator mentioned earlier on, we put all safeguards that we could think about on this, so we would kindly ask for some flexibility to allow us to move forward.

735. Delegation of Switzerland: On this text we currently have before us, I intervened before and said that for Group B, the current language is too vague because 'desired objective' is not something you can measure and that you can work towards. Group B would kindly like to suggest replacing the terms 'desired objective' by the word 'gender equality'. Therefore, it would be 'Improvement over the last year towards gender equality.' The rationale for 'gender equality' is that this is something that can be concretely measured. The term 'gender equality' is

actually agreed United Nations language. It is directly taken from Sustainable Development Goal (SDG) 5. We would appreciate if this could be considered as a Group B proposal.

736. Chair: Instead of 'Improvement over the last biennium towards desired objective', it is 'Improvement over the last biennium towards gender equality'. That is their proposal. That is what you have reflected on the screen.

737. Delegation of Algeria: We would like to express our flexibility to include the language proposed by the Delegation of Switzerland, and we thank them for this proposal. We can live with this language, 'towards gender equality'.

738. Delegation of Pakistan: Based on the late hour we are in, we are also flexible.

739. Delegation of Nigeria: In line with the suggestion by Group B, my Delegation is willing to be flexible with the suggested words.

740. Delegation of Egypt: We can accept the proposal.

741. Delegation of Brazil: Brazil, in an effort of flexibility, accepts the proposal.

742. Delegation of China: We would also like to thank Group B for its flexibility. With regards to the new proposal, we will be flexible too. I wish to once again thank those who have supported our proposal, both Groups and Delegations.

743. Chair: As I understand it, China accepts the other proposal that has been made, and many other delegations are showing flexibility. Thus, we can conclude with an agreement on the objective for this indicator. There are still a series of items to be addressed. As you know, we can continue our session using this methodology, but I will need to go. I would encourage you to continue working to achieve the greatest result possible to take to the General Assembly. We are going to finalize this formal part of the session, and then continue from 7:00 pm onwards. You have one more hour. We will break for one more hour to continue consultations on those matters that are still pending, and then there will be others that we will not reach an agreement on. Javier Soria, from Spain will take over as Acting Chair.

744. Delegation of Egypt: On the item related to gender, we would like to make a proposal on behalf of a number of countries.

745. Chair: Yes, please, go ahead and draft it please.

746. Delegation of Egypt: It would be "promote diversity in the WIPO workforce through equitable geographical representation and gender balance."

747. Chair: I ask for your understanding. The Secretariat had to take note very rapidly of your proposal. If we have understood you correctly, it is "promote diversity in the WIPO workforce through equitable geographic representation and gender balance."

748. Delegation of Pakistan: We all understand these are difficult issues, but since this morning we have been trying to find a compromise. In this regard, we are one of the countries who have put forward this proposal and the Delegation of Egypt has just done that on our behalf. We urge flexibility from other groups, again, noting the time on the clock right now. We call for flexibility from other Member States as well.

749. Delegation of Algeria: My Delegation aligns with the proposal by the Delegation of Egypt. This is not the ideal outcome we were desiring, but for the sake of flexibility we can accept this, and we call for flexibility from other Member States.

750. Delegation of Switzerland: We are currently looking at it from the Group B perspective, we would suggest replacing the word 'balance' at the end of the line with 'equality'. Again, this goes back to what I said at the previous point, that gender equality is agreed United Nations language and comes directly from SDG 5. We would really appreciate if that flexibility could be exercised.

751. Delegation of Iran (Islamic Republic of): Likewise, my Delegation would like to support the proposal put forward by the distinguished Delegation of Egypt, and thank them for this proposal. We think it is a good basis for a compromise.

752. Delegation of Ghana: The African Group supports the proposal made by the Delegation of Egypt on behalf of a group of countries.

753. Delegation of the Russian Federation: We support the version proposed by the Delegation of Egypt on behalf of a group of countries. Returning to the comments made by the distinguished Delegate of Switzerland regarding the terminology between balance and equality, I would like to clarify that yes, in SDG 5 there is the term "gender equality". However, in this specific case, we are talking about the staff, the workforce of the Organization. In our view, the term "balance" is more appropriate because "equality" is bringing us into a new dimension, which is broader than the equal representation between men and women in the workforce of the Organization. In our view, in this point and in the previous ones that we have discussed, it would be good to maintain the word "balance" rather than "equality". Once again, I would like to emphasize that we support the proposal from the Delegation of Egypt.

754. Delegation of China: My Delegation wishes to give support to the suggestion from the distinguished Delegate of Egypt.

755. Delegation of Venezuela (Bolivarian Republic of): We wish you success, Chair, in your work. I think the right thing would be to set the example as a Group, and we thank the Delegation of Egypt for the proposal. Although it is not ideal, it is indeed a proposal we recognize as of value, and it is for this same reason that with the compromised language, we are prepared to accept it.

756. Delegation of Belarus: We would like to support this proposal by the Delegation of Egypt.

757. Delegation of Pakistan: Trying to find a middle ground, we have a proposal, "Promote balance and diversity". This is in our national capacity.

758. Delegation of Switzerland: I am not quite sure. I am a bit surprised at the opposition to the word "equality". As I said, equality is the core in SDG 5. I believe since last year, WIPO is part of the UNSDG Group. Why shouldn't the SDG on gender equality apply to the WIPO workforce? I would really appeal to colleagues to show flexibility in that sense. This Organization is part of the UNSDG Group, and we have to show it. We have to live it also in the WIPO workforce.

759. Delegation of Uganda: Uganda would like to support the proposal that has been made by the Delegation of Egypt.

760. Delegation of Pakistan: We are not proposing to delete 'equality'. We are proposing only to add 'balance' in the beginning. That is only to satisfy, as at least one delegation has stated, the need to retain 'balance'. The idea was to try and retain the maximum that we can, so can you please reflect on our proposal? We are not proposing to delete 'gender equality' at the end.

761. Acting Chair: I believe that the Secretariat has properly reflected what you said, is that correct? Good, thank you very much.

762. Delegation of Venezuela (Bolivarian Republic of): We can support the proposal, the original proposal, from the group of countries, and there is a proposal from Group B that we can also support. We like it. Now, I have lost the thread a bit. What is happening to 'equality' in this sentence? Is it remaining?

763. Acting Chair: I believe 'equality' is properly reflected.

764. Delegation of Venezuela (Bolivarian Republic of): GRULAC can support it in the spirit of flexibility.

765. Delegation of Algeria: We believe the proposal put forward by the Delegation of Pakistan is a good compromise. We are not far from reaching consensus so we support the proposal by the Delegation of Pakistan as a compromise that reflects both the issue of balance and equality in this sentence.

766. Delegation of Sweden: This is a proposal in our national capacity. We would like to add "including" before "through" so "promote balance and diversity in the WIPO workforce, including through", in order to make sure it is including - but not limited to.

767. Delegation from Egypt: I think we would prefer removing 'including' and just stick to the previous proposal, 'through geographical representation and gender balance' and we would consider 'gender equality' so I think if you may allow us to just have a break, maybe for ten minutes, just to consider it. For now, please, we would like, on the screen, to remove 'including' and also put 'gender balance' before 'equality', as in the main proposal, until further discussion.

768. Acting Chair: At the moment, I heard the request from the Delegation of Egypt for a short break of 10 minutes. I turn to the Delegations of the Russian Federation, Portugal, and the United States of America. You are on my list of speakers, can we take a 10 minute break? I ask you so that delegations have an opportunity to address this matter. Thank you very much. Then I announce a 10 minute break for consultations. I would like you to be back here at 6:25 PM sharp.

769. Acting Chair: Well those were the longest 10 minutes of my life. I apologize for the delay. Before the break, there were some speakers. I hope you will all understand that I need to give the floor to people now who can inform us best about the two pending items. So, the delegations who are on the list, I mean the Delegations of the Russian Federation, Portugal and the United States of America: would you accept that I first give the floor to the distinguished Delegates of Singapore and Nigeria so that they can inform us about the state of play and negotiations on: (xii) modification of the priority related to gender equality and equitable geographical representation? I think this might be more practical, with your agreement. If this is agreed, I give the floor to the distinguished Delegate of Singapore.

770. Delegation of Singapore: Singapore and Nigeria would like to propose a text which we have discussed and consulted widely with the Groups, and upfront, we want to thank all of the Groups who have participated very constructively. The new text that we are proposing reads: "Promote gender equality, equitable geographical representation, and diversity in the WIPO workforce."

771. Delegation of Nigeria: As you recall, Nigeria made the initial proposal on the inclusion of "equitable geographical representation", and afterwards this has inspired a lot of proposals. I am happy that we could engage with other well-meaning delegations. I am glad that a lot of delegations have expressed spirit of flexibility. In that regard, the Delegations of Nigeria and Singapore are very much happy that we could come up with this textual suggestion. In this regard, the Nigerian Delegation would like to withdraw its initial proposal and stick with this proposal. We call on all delegations to kindly reconsider, knowing that there can never be a

perfect proposal. In the interest of advancing the common position, may they reconsider and have this passed.

772. Delegation of Pakistan: We all understand this is not an ideal outcome for any delegation. However, for the sake of flexibility, this proposal has our support.

773. Delegation of Switzerland: On behalf of Group B, I would like to thank the Delegations of Singapore and Nigeria for their constructive spirit and cooperation. On behalf of Group B, I can gladly accept the suggested language.

774. Delegation of Ghana: The African Group supports the new proposal.

775. Delegation of Venezuela (Bolivarian Republic of): We would like to thank the Delegation of Nigeria for the proposal. Similarly, we would like to support this proposal.

776. Delegation of China: The Chinese Delegation supports the new proposal by the Delegations of Singapore and Nigeria.

777. Delegation of the Russian Federation: The Russian Federation cannot support the proposal as we see it now displayed on the screen and with the current wording, for the reason that, to our understanding, diversity should include gender equality and equitable geographical representation, beyond all the concepts that are included in the provision on diversity. This is contained in the definition which the ICSC has agreed on. I will read this in English, "Staff composition throughout the Organizations of the United Nations common system should reflect a workforce that is diverse from a variety of perspectives, including equitable geographical distribution and gender balance, as well as cultural, generational, and multilingual perspectives, and the perspectives of persons with disabilities." To our understanding, that is what diversity is. However, as we see it drafted in the most recent proposal, there is a breakdown according to the views of different Member States. Unfortunately, this is something we cannot support. This is not what we can agree to. In our view, the previous proposal, which is just above the one that we are looking at now, if we get rid of the word 'including' from that, to a greater degree reflects what we should be striving towards.

778. Delegation of Poland: I pressed the button before the previous speaker had made an intervention, hoping that we could have an agreement. I wanted to thank the distinguished Delegates of Singapore and Nigeria for this proposal. Of course, we can work towards a more perfect and beautiful text. But having in mind that we need to reach an agreement would be very much desired. The CEBS Group would be ready to support this.

779. Delegate of Portugal: I was going to congratulate everyone for the constructive spirit and for achieving a very reasonable compromise before dinnertime, but it does not seem it is that way now. I asked for the floor before the break, and the regional aim was to support Sweden on their request to include the word 'including'. I would say that if that is not possible, then for everyone's convenience, and due to the late hour, maybe it should be considered to go back to previous language agreed at the PBC. As GRULAC has already suggested, and the Delegation of Switzerland on behalf of Group B said, it would maybe be a wise possibility. Taking into account this new proposal from the Delegations of Singapore and Nigeria was very reasonable. As there is no consensus, going back to previous agreed language might be the best outlook.

780. Delegation of the United States of America: The United States of America supports the proposal put forward by the Delegates from Singapore and Nigeria. With regards to the suggestion put forward more recently about the preceding proposed language, to be clear, the United States of America cannot accept that language without the addition of the word 'including', and therefore we join the Delegation of Portugal in support for returning to the previously agreed language that states to "promote gender equality and diversity."

781. Delegation of Algeria: My Delegation is flexible on both proposals, the one submitted by the Delegations of Singapore and Nigeria, but also we see merit in the previous proposal. Maybe we can work to reach consensus based on the two proposals. Maybe it would be wise to call for a break of maybe 5-10 minutes to try to come to a common position because this issue has taken a lot of time. We do not see that we need to take all this time because we understand that sometimes it is important to observe what we call 'constructive ambiguity', that everyone can read and understand according to its position. I do not think that this is the right place or the right time to go into philosophical discussions. It is better to focus on finding compromise, with some ambiguity, to try to reach consensus and to move forward with the recommendation to the General Assembly because this is a serious issue about the budget. We all need to show flexibility, to reach a good outcome for the next General Assembly.

782. Delegation of Egypt: I was planning to take the floor to say the Delegation of Egypt supports the proposal from the Delegations of Singapore and Nigeria. Now, I could echo my colleague from the Delegation of Algeria. Just need another break, if possible, to try to reach a compromise again.

783. Delegation of Sweden: I think we have spent a lot of time on this, and the Delegation of Sweden is ready, as already stated by Group B, to support the proposal from the Delegations of Nigeria and Singapore. This is a constructive way forward, I think. To be very clear, for us, we would need to see the word 'including'. If that is not an option, if we do not have options, we are very ready to go back to agreed language from last year. It is a very feasible option for us as well. I think the proposal made by the Delegations of Nigeria and Singapore is a compromise in the sense that none of us is really happy with it, but that is what it normally means to have a compromise. We would very much hope people can look favorably at this.

784. Delegation of Saudi Arabia: I would like to say that we are willing to reach a compromise. However, unfortunately we do not support the proposal before us. We believe it is necessary to go back to what we have agreed upon in the United Nations. We support the Delegation of Egypt.

785. Delegation of Thailand: My Delegation supports the proposal from the distinguished Delegates from Singapore and Nigeria as we see that the text covers all the key words and is flexible enough for all. But we also are open and flexible with the original language, depending on the needs of all Member States.

786. Acting Chair: I have finished my list of speakers. Unfortunately, there is no consensus at the moment. Unless any other delegation would like to take the floor, I would suggest we move onto one of the other pending matters: (x) reallocation of resources between ER 1.1 and ER 2.2.

787. Delegation of Colombia: I thank the Secretariat for having tolerated us all week without any coercive measures, and thank you to the interpreters for carrying out their important work. I am going to ask the following question based on my understanding that it will be included in the Q&A document that was prepared for this session. I move on to read out my question: Colombia understands that pandemics, technology transfer and genetic resources and traditional knowledge are part of the many global challenges and objectives. We understand that this ER also can be applied to other emerging topics, which are of concern to many Member States. Could you explain to us please, and this is a question to the Secretariat, why do we have, in CCIS, less than 1 per cent of the budget for these topics when you allocate, at the same time, approximately 30 per cent of the budget to explain the potential of intellectual property to improve the lives of everyone, everywhere?

788. Acting Chair: I thank the distinguished Delegate of Colombia. I should now like to give the floor to the Director, Program Performance and Budget Division to answer the question.

789. Secretariat: I would like to clarify that all Expected Results are organizational results to which several Sectors contribute. For example, projects addressing traditional knowledge related topics and global challenges are being implemented by the Global Challenges and Partnership Sector with associated resources under several Strategic Pillars, including Strategic Pillar 2, but not only Strategic Pillar 2. For example, under Strategic Pillar 4 there are projects, including Development Agenda projects, which address Indigenous Communities. These are cross-sectoral projects involving, for example, the Global Challenges and Partnership Sector. The budget related to Expected Result 2.2 in the CCIS only covers a small subset of activities addressing emerging issues and global challenges at the global level related to intellectual property, innovation, and creativity. The budget related to Expected Result 2.2 for the Global Challenges and Partnership Sector is reflected on page 54 in the English version of the Proposed Program of Work and Budget. Lastly, I would like to note that the total budget actually for expected result 2.2 is 21.3 million Swiss francs.

790. Delegation of Colombia: The experience of PBC 36 has created difficulties because of the presentation of the documents with very little time to prepare them. For this very reason, and in the future, we should like to particularly ask the Secretariat if they could explain the methodology that they have used in meetings to be organized in advance in which we also may be informed of the priorities. I hope that this exercise can take place three months before the presentation of the Program of Work and Budget in the future.

791. Acting Chair: I have spoken to the Secretariat, and I assure you that the Secretariat has taken careful note of your statement, and that it has been recorded in the minutes. I am glad we have addressed this matter.

792. Delegation of Colombia: On this basis, my Delegation would like to withdraw our submitted proposal.

793. Acting Chair: We take note of that withdrawal. On this note, there are another two pending items. Several delegations have asked for a short break to resolve these issues, which is something I believe is already happening. I suggest we have a short break. I do not dare say how long, as short as possible please for those delegations who need a few extra minutes to conclude their consultations.

794. Delegation of Singapore: The Delegations of Singapore and Nigeria would like to propose a new text, which we think enjoys support from a large group of countries. The text would read, "To promote balance and diversity in the WIPO workforce, in particular with respect to equitable geographical representation and gender parity".

795. Delegation of Nigeria: Just like the Delegation of Singapore mentioned, I would not like to repeat it, but we are glad this has come up at this stage. It is a bit of multilateralism for this particular textual suggestion for Member States. We are glad we are able to reach this particular stage so we hope that other Member States will be supportive of this language, and that we can advance and reach a consensus.

796. Delegation of Switzerland: I think the microphones are getting tired. I thank you very much. On behalf of Group B, I would like to express my gratitude to the distinguished Delegations of Singapore and Nigeria for these very constructive efforts, and Group B can support the language proposed.

797. Delegation of Ghana: The African Group supports this new proposal by the Delegations of Singapore and Nigeria.

798. Delegation of the Russian Federation: We also thank all delegations that took part in these negotiations which have been very lengthy concerning this wording. We noted these

negotiations, and at one stage, I remembered a joke about the Americans, the Russians and the Germans, did I tell you that joke? I do not think I did. We are ready to support this proposal.

799. Delegation of Venezuela (Bolivarian Republic of): On behalf of GRULAC, I would like to thank the Delegations of Singapore and Nigeria for their efforts towards consensus. GRULAC can also support this text.

800. Delegation of Poland: Thank you to the distinguished Delegations of Singapore and Nigeria and everyone who has contributed to this effort. The CEBS Group will support the robust text.

801. Delegation of China: The Chinese Delegation wishes to thank the Delegations of Singapore and Nigeria for their tremendous coordination work. We support the new text.

802. Delegation of Pakistan: I would unfortunately inform you that we cannot accept this proposal.

803. Acting Chair: Would it be possible, because perhaps it would be useful for the Committee, for you to tell us about the reasons for your opposition, if possible?

804. Delegation of Pakistan: Yes indeed. This is probably the sixth proposal that we have consulted with our capital. Our mission is continuously engaged. I am not a human rights expert. One of the delegates said earlier we do not want to engage in philosophical discussions, and we do not. We do not have the time for that. We have a problem with the term "gender parity". We do not understand this. We do not know what the basis is for this. We will need more time to assess where it came from. Maybe the delegations who proposed it can explain why we have switched from "balance" to "equality", then "equality" to "parity". What does it mean? Our main question is - what is the basis?

805. Delegation of Saudi Arabia: We would like to thank the Delegations of Nigeria and Singapore, and we would like to also express the support of the Kingdom of Saudi Arabia for this proposal by the Delegation of Singapore.

806. Delegation of Iran (Islamic Republic of): My apologies for taking the floor online because I had an urgent issue to sort out. Therefore, in the same line, likewise, we would like to thank the distinguished Delegations from Nigeria and Singapore for their very constructive manner and their constructive proposals. Unfortunately, we are not in a position to accept this new language. We share the concerns raised by the distinguished Delegation of Pakistan. We stand ready for any further constructive negotiations, if there are any.

807. Delegation of Algeria: Maybe we would suggest you replace "parity" by "equality", and this may accommodate the concerns of the Delegation of Pakistan. We feel that they are synonymous, but if 'equality' accommodates the needs of Pakistan, I think we can be flexible on this.

808. Delegation of Nigeria: I really appreciate the intervention by our colleague from the Delegation of Pakistan. I wanted to give some clarification. While I was checking the records on the UN website, I am aware that there is a gender parity strategy on the UN reforms, and there is a gender parity dashboard. This has been used a couple of times in different fora, and I can read some paragraphs if that will clarify the confusion and the ambiguity on this particular word. If that is the only thing we need to do to get to a stage where we can all be in agreement with this particular proposal. I do not know if I could go ahead, Chair. I was only requesting if I could read a short paragraph on gender parity. It says "The United Nations-wide Gender Parity Strategy sets targets for equal representation of women and men, with specific commitment in the following areas: leadership and accountability; senior management; recruitment and retention; creating an enabling environment; and field operations." I think this captures the

whole gamut of the proposal that has been put forward. I think this is within the framework of the Human Resource strategy. I think it is in-line with this particular proposition, I do not think it should be a source of confusion for any delegation, and I hope the Delegates from Pakistan and Iran (Islamic Republic of) would be able to consider and come on board with this particular proposal.

809. Delegation of the Russian Federation: We would like to make a comment on this issue of gender parity. Like our colleague from the Delegation of Nigeria, we would like to give you another example of an approved text within the United Nations, in particular the ICSC. In its 2018 report, which sets forth the criteria and the definition of the term diversity, it speaks of gender parity as one of the elements that is part and parcel of diversity. At its 77th session, the United Nations General Assembly also adopted that same interpretation of the word “diversity”, in which gender parity is included. Since WIPO is a member of the United Nations family of Organizations, and is in the common system of the United Nations, General Assembly resolutions on this type of question is mandatory for WIPO. Consequently, even for WIPO's activities, we can take up this definition of gender parity. We hope that these arguments will make it possible for us to convince our colleagues from the Delegations of Iran (Islamic Republic of) and Pakistan to support this latest proposal, the latest wording in the work program. However, if you still consider that this wording is controversial for our part, we are ready, in the spirit of consensus, to accept the expression “gender equality”, as was already suggested by the Delegation of Algeria.

810. Delegation of Pakistan: Thank you to the delegations for providing the explanations. We do not want to engage in a debate. We will need more time to assess the documents the respective delegations have mentioned because “parity” is not the only thing that is mentioned in those documents. There are other things in those documents as well. We thank them for the explanation. We thank the Delegation of Algeria for coming up with the proposal on “gender equality” instead of “gender parity”. We also thank the Delegation of the Russian Federation for the flexibility offered to my Delegation and the Delegation of Iran (Islamic Republic of). In a spirit of compromise, we can accept this proposal by replacing ‘parity’ with ‘equality.’

811. Acting Chair: Bearing in mind that latest point, I would like to pause in the lengthy list of speakers who have asked for the floor, and I would like to ask you whether you would agree to changing “parity” for “equality”. Would that be acceptable to all delegations, if that was really the objection? Because I think we are very close now to achieving consensus by changing the word “parity” for “equality”. We might have achieved consensus if everyone would agree to that. In the order in which the floor has been requested, if you could be brief and just respond to that point: “equality” instead of “parity”.

812. Delegation of Singapore: We are ready to support the replacement “gender equality”, for sure.

813. Delegation of Egypt: Chair, if you may allow, I need 10 minutes to go back to the capital because we still have two concerns on this language. I am still waiting for the instructions, so please we are requesting your patience for more 10 minutes. Hopefully we will reach an agreement.

814. Delegation of Switzerland: Group B can support the reference to “equality”.

815. Delegation of Iran (Islamic Republic of): In the spirit of cooperation and being as constructive as possible, we would like to support this proposal. We can be flexible.

816. Delegation of Iraq: We support this proposal and the use of the term ‘equality.’

817. Delegation of Nigeria: My Delegation supports the proposal by the Delegation of the Russian Federation to replace “parity” with “equality.”

818. Acting Chair: That concludes our list of speakers. Thank you very much. Could we just take two minutes? I hope the distinguished Delegate of Egypt can come back so please try not to leave the room, and I hope we will be able to solve this in two minutes time. Thank you all for that short break.

819. Delegation of Egypt: If Groups and distinguished Delegates could accept changing “gender parity” to “gender equality”, Egypt is fine with the proposed text. We can support it, and we say congratulations to everyone.

820. Acting Chair: I thank the distinguished Delegate from Egypt, and I congratulate us all. That closes this pending item. As you will have seen, the Chair, because of a cancelled flight, has come back into the room so your Acting Chair will go back to his seat in the Delegation of Spain.

821. Chair: Dear Delegates, I expected to see you all again online, but my flight was cancelled. I will go back to Brussels tomorrow, so I can spend the entire night with you, if necessary. I would like to thank Javier from the Spanish Delegation for having replaced me in this arduous task. I think we have reached agreement on a number of pending issues on the Agenda. There are two remaining points which are very far from agreement. I believe it would be very difficult to conclude them today. We will have a five minute break so the Secretariat can draft the proposed decision we will be submitting to you. Thank you all for your efforts and your flexibility. We will be back in five minutes, so do not go too far away. We can come back, and see the decision paragraph. Dear Delegates, as we move on, the Secretariat will be circulating the decision paragraph, together with the Annex, which includes all the amendments we have made. You will see on the screen the decision paragraph very shortly. I will then read it.

822. The Proposed Program of Work and Budget for 2024/25 biennium

823. Document WO/PBC/36/8.

824. The Program and Budget Committee, having completed its comprehensive review of the proposed Program of Work and Budget for the 2024/25 Biennium, recommended to the Assemblies of WIPO, each as far as is concerned, the approval of the proposed Program of Work and Budget for 2024/25, document WO/PBC/36/8 with the following agreed modifications as reflected in Annex I:

825. Removal of SDGs and addition of SDG logo in the strategy house (page 8);

826. Additional bullet related to green technology standard, Strategic Pillar (SP) 3 (page 13);

827. Addition of a new KPI under expected results 3.3 related to technology transfers (page 13);

828. Modification of the 3rd bullet priority point under SP4 (IPGAP) and related footnote (page 13);

829. Addition of a footnote to the 1st bullet under SP4 (page 13);

830. Modification of the KPI related to the IPGAP (page 14);

831. Modification of the priority related to gender equality and equitable geographical representation (page 15);

832. Addition of a new bullet under the foundation (page 15);

833. Addition of a new KPI under 5.1 (page 15);

834. Addition of new text on gender equality under the implementation strategy related to IPGAP (page 21);

835. Modification of the implementation strategy related to IP and Competition Policy (page 15);

836. Addition of KPI related to TISCs under ER 4.4 (page 60);

837. Addition of a new bullet under the implementation strategies related to internal justice, governance and oversight (page 67);

838. Modification of the targets for the KPIs related to gender balance (page 69);

839. The PBC referred to the Assemblies of the Member States of WIPO each as far as they are concerned, for their consideration and decision, the following:

840. Financing of Indigenous Peoples and Local Committees in the Diplomatic Conference on Genetic Resources and related TK;

841. Non-personnel budget for the WIPO Office in the Russian Federation in the biennium 24/25.

842. The PBC further:

843. recognized the importance of data security of WIPO cloud-related projects;

844. requested WIPO to continue updating and optimizing its data security technologies in a timely fashion, to take into account the concerns from some member states and users of WIPO global IP services in this regard and their calls for enhancing internal and external audit of WIPO cloud-related projects data security;

845. recognized that WIPO will continue to conduct comprehensive audits and security testing carried out by highly skilled external service providers, procured through open international tenders in compliance with WIPO procurement rules;

846. emphasized the importance of the ongoing review by the IAOC of cloud management related audit reports, in line with the IAOC's revised Terms of Reference (ToR);

847. requested the Secretariat to strengthen the annual reporting on cloud-related projects in the WIPO Performance Report (WPR), including on the conclusions of audits and data security testing of WIPO cloud environments undertaken during the year.

848. This is the decision paragraph, which is accompanied by the Annex in detail. You have seen all of the proposals. The way I understand it, the Secretariat has circulated the proposed document and the Annex. Can you confirm this? It has just been sent out. The floor is open. In case anybody wishes to make any comments on the paragraph, and of course you may like to look through it for a minute or two.

849. Delegation of Venezuela (Bolivarian Republic of): I would like to read out a text on behalf of GRULAC, but before doing so, I should like to see how our point is being reflected since it is not just a matter of funding the Indigenous Groups and Local Communities. We also have the question of financing developing countries and LDCs. I know that our proposal is in the Annex, but I wonder if you could perhaps make this clearer just for the purposes of transparency. I wonder if I could read out my statement now. Yes, in the meantime the Secretariat can continue to work on the document. Thank you for your work and the work of the Committee to achieve consensus. GRULAC wishes to acknowledge that despite the efforts made, it has not

been possible to achieve consensus on our proposal, the aim of which is simply to facilitate the participation of the Indigenous Peoples and Local Communities in the Diplomatic Conference on Genetic Resources. We have shown great openness and flexibility in the dialogue, and are ready to accept proposals for texts from all the delegations and groups that may have had concerns with this proposal. We have waited for responses throughout the entire week and approached all delegations and groups because this is an extremely important issue for our region, and for the legitimacy of the negotiating process. We are satisfied with our efforts. We thank all of those delegations which have been constructive, and in particular the African Group for supporting our proposal. We regret the little flexibility shown by some, who, even though they were contacted by our Group to seek for common language, did not show openness. For these reasons, GRULAC has taken the decision to leave the decision on this proposal for the 64th WIPO General Assembly, a body in which we can hopefully find a solution to this extreme concern about enabling Indigenous Peoples and Local Communities to participate in the Diplomatic Conference on Intellectual Property and Genetic Resources.

850. Chair: I thank the Delegation of Venezuela (Bolivarian Republic of) for the statement on behalf of GRULAC. In the meantime, the Secretariat has been working on its proposal and we will see it soon.

851. Delegation of Brazil: Esteemed Director-General, Chair, distinguished Delegates, I know it is late, but please bear with me while this Delegation conveys an important message in its national capacity. Of course, we are fully aligned with the declaration delivered by our beloved Delegate of Venezuela (Bolivarian Republic of) on behalf of GRULAC. First and foremost, I would like to express my heartfelt congratulations and appreciation to the delegations and groups who have demonstrated outstanding engagement, flexibility, and commitment in working with the GRULAC proposal. Your efforts in securing legitimacy to the Diplomatic Conference through the broader and justifiable participation of representatives of Indigenous People and Local Communities have not gone unnoticed. Indeed, the recognition and inclusion of Indigenous Peoples and Local Communities in such ground-breaking international negotiation are essential steps towards promoting legal certainty, securing inclusivity and respect for diverse perspectives, and ensuring that the outcomes of this negotiation truly reflect the needs and aspirations of all users, providers, and holders of genetic resources and associated traditional knowledge. Dedication to uphold the principles of justice and fairness is commendable, and it serves as an inspiration for future endeavors in promoting a sustainable and equitable global governance. Regrettably, we must acknowledge that few delegations have displayed a lack of negotiation appetite and political willingness concerning these principles. It is disheartening to witness such reluctance to embrace a more inclusive approach that would allow for meaningful participation and representation of Indigenous Peoples and Local Communities who possess invaluable knowledge and insights that must not be quarantined, contained, or disregarded anymore. However, let us remain steadfast in our commitment to advancing the principles of justice, inclusivity, and respect for the rights and the contributions of Indigenous Peoples and Local Communities. We must continue to advocate for their rightful place at the table, recognizing that their participation enriches the discussion, promotes sustainable development, and safeguards the cultural heritage and traditional knowledge that they have safeguarded for generations. In moving forward, we encourage all delegations to reflect upon the importance of legitimacy and inclusivity in international negotiations. Let us strive to build consensus, bridge differences, and foster an environment of mutual respect and understanding. By doing so, we can ensure that the outcomes of our negotiations are comprehensive, equitable, and sustainable. Once again, I extend my deepest gratitude to those who have championed the cause of inclusivity and legitimacy. Your dedication and efforts are invaluable in shaping a more just and inclusive global intellectual property framework, one that allows us to successfully serve innovators and creators across the globe, and one that truly could become a horizontal enabler. This Delegation remains confident that such a vision is transformational. Let us continue to work together, to work towards a future that truly respects and embraces the voices and contributions of all.

852. Chair: I think that we now have the alternative proposal. In accordance with the statement made by GRULAC and in connection with this particular part of the decision paragraph, I am ready to share it with you. As you can see, we have added to this part of the decision paragraph (in the second part) the following phrase “as well as developing countries and LDCs”. As you can see, it is an addition to the proposal as was explained by the GRULAC coordinator. I would like to know if the GRULAC coordinator agrees with this draft so we consider this as a response, for the time being definitive, in connection with the decision paragraph.

853. Delegation of Venezuela (Bolivarian Republic of): For the time being, I have only received approval from the Group. However, I do ask you to understand if, at the last minute, there is some contrary comment. But for the time being, this is good and with the messages I receive here, I have messages of thanks to you for your efforts, thank you. Generally, it is good, fine.

854. Chair: Our idea is to move forward with this decision paragraph. This is why we sent it out before, and this is why we are now showing the change to your proposal. Let us continue with our list.

855. Delegation of the Russian Federation: The Russian Federation, several times already, has underscored its categorical opposition to any decision based on political reasons, which creates a very dangerous precedent and undermines the authority of the Organization. If we look at the 2022 figures on non-personnel expenditure, the WIPO Coordination Office in New York made use of only 280,000 Swiss francs out of the 724,000 Swiss francs which are budgeted for 2022/23. However, for the period 2024/25, the budget of this WIPO Coordination Office in New York has been increased to 732,000 Swiss francs. Based on the logic of the Delegation that made a suggestion about the WIPO External Office in the Russian Federation, the budget for the WIPO Coordination Office in New York should be 560,000 Swiss francs. Considering what I have just said and what we have just learned, it is being suggested to us not only to set a very dangerous precedent of using politically motivated decisions in the Program of Work and Budget, which is one of the most important strategic documents of the Organization (it is a document which determines the activities of the Organization for the forthcoming biennium), it is also being suggested to us that we adopt a selective approach with double standards. In other words, the suggestion made is for the WIPO Coordination Office in New York, which has not made full use of its budget, to have an increased budget. Whereas, it is suggested, that the other External Office should reduce their budgets by using the same excuse. We consider that this selective approach is biased, and completely unacceptable. In this respect, we wish to keep the initial budget suggested for the WIPO External Office in the Russian Federation. If a delegation wishes to reduce the budget then he can suggest that the WIPO Coordination Office in New York should also have its budget reduced as they have not fully used their budget either. The information about the Program of Work and Budget for the External Offices, based on consensus amongst the Groups, has been deleted from the Proposed Program of Work and Budget document. It has been placed in the Q&A document, a document which has a purely informative purpose and status. Also, taking into account that the deadlines for submitting suggestions by delegations were violating the General Rules of Procedure of WIPO, we insist upon the deletion of this point in the decision paragraph.

856. Delegation of Australia: Australia would like to thank GRULAC and the African Group for their constructive proposal on the participation of Indigenous Peoples in the Diplomatic Conference for an International Legal Instrument on Genetic Resources and Associated Traditional Knowledge. Indigenous participation at the Conference and Special Session is key to a successful outcome. We think some WIPO budget should be allocated to this purpose and we also encourage others to contribute to the Voluntary Fund.

857. Delegation of the United States of America: At this time, the United States of America is not in a position to recommend that the General Assembly approve the Proposed Program of Work and Budget for 2024/25 on the following items. First, the request for significantly reducing

the proposed budget for the WIPO External Office in the Russian Federation was not addressed. Under the Proposed Program of Work and Budget for 2024/25, this Office will continue to operate, as if Russia was not perpetuating a brutal invasion of Ukraine. It is unacceptable to provide funding to this External Office beyond the expected utilization. We cannot pretend this is business as usual. Second, the 30 per cent proposed increase in the Lisbon Union budget is not acceptable to this Delegation. Our concerns with this increase, as well as the need for WIPO to take a fair and balanced approach in its work, were not satisfactorily addressed. We will submit a statement in writing on this matter for the record. For these reasons, we are unable to recommend the mentioned part of the Proposed Program of Work and Budget for 2024/25 for approval at the upcoming General Assembly.

858. Delegation of Uganda: I would also like to thank GRULAC for their proposal, which has since been supported by the African Group, on WIPO financing of Indigenous Peoples and Local Communities, but we would like to amend our decision paragraph to exclude developing countries from the decision since developing countries are already considered in the financing mechanism.

859. Delegation of Belarus: In order to save time, I shall be very concise. We agree with the arguments and the logic put forward by the Delegation of the Russian Federation. Based on the decision text on the screen, we cannot support it. We cannot support the inclusion of the decision to reduce the budget of the WIPO External Office in the Russian Federation, and we cannot recommend that it be submitted to the Assemblies.

860. Chair: I should like to share a thought with you which, I feel, may raise our spirits. What we are doing here with the budget we have proposed, is telling the Assemblies of WIPO, each in its own realm and following usual practices which the PBC has worked along, that certain questions have not been subject to agreement, and that they should be discussed at the Assemblies. We are doing this instead of adopting a decision paragraph which contains a part that has been approved, and other parts, where there are no consensus and which consequently need to be discussed more extensively at the Assembly. This means that we will send the whole text to be revised by the Assembly. I do not think this is beneficial for the Organization, nor would it be so for the Assembly. I am just sharing this thought with you as the outgoing Chair of this PBC.

861. Delegation of Canada: Similar to the Delegation of Australia, the Delegation of Canada believes it's appropriate that the Organization would allocate funds, on exceptional basis and with the appropriate caveats, to finance the participation of Indigenous Peoples and Local Communities to the Diplomatic Conference to conclude an International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources. We thank GRULAC and the African Group for their proposal.

862. Delegation of Switzerland: On behalf of Switzerland, I would like to state that in line with what we stated along this meeting, we would like to support what has been suggested for increasing the budget for the Lisbon System. We would like to put it on record that we are very much in support of this increase. We are a bit surprised that, at the latest hour now, we hear that this has been put into doubt, whereas this question has not been raised before when we had the opportunity to discuss the budget questions under Agenda Item 10.

863. Delegation of Portugal: I would just like to support, what the Delegation of Switzerland has just said regarding the budget of the Lisbon System, and we would like it to stay as it was previously thought to be agreed. We align completely with the position of the Delegation of Switzerland.

864. Delegation of Ghana: The African Group aligns itself with the statement made by Switzerland regarding the Lisbon System and the allocated funds to it.

865. Delegation of the Russian Federation: I apologize for taking the floor yet again. Thank you for the clarification you have just made as to the situation. Nevertheless, in the draft decision it is indicated that the PBC makes decision based on WO/PBC/36/8. This document is a Proposal for the Program of Work and Budget, and according to the agreement of the Member States, nowhere in this document do we find any information regarding External Offices. That information only appears in the Q&A document and is not one of the official documents. It is simply in an information document. Consequently, we believe that the PBC does not have a mandate to make a decision on that issue in as much as that issue is beyond the scope of the work of the PBC.

866. Delegation of France: France aligns itself with the statement from the Delegation of Switzerland regarding the Lisbon System.

867. Chair: We will take a 10-minute break.

868. Delegation of the United States of America: Concerning Agenda Item 10 on the Lisbon System, the 30 per cent increase in the Lisbon Union budget is not acceptable to this Delegation. In addition, the need for WIPO to undertake a fair and balanced approach in its programmatic work was not satisfactorily addressed. The Lisbon Union continues to run a chronic deficit, which will continue to grow under this proposal. This never-ending deficit is driven and perpetuated by the Lisbon Union members' failure to abide by their treaty obligations to address their expenditures. Chair, the language of the WIPO treaties and financial rules is clear and important, and should not be disregarded. We again stress that Member States should be held accountable for their treaty obligations. As a result of the Lisbon system's never-ending deficit, fees paid to WIPO's international patent registration system continue to be inappropriately diverted to fund the Lisbon System--fees that disproportionately come from U.S. right holders. In addition, we regret that this body was not able to reach agreement on GIs and common names KPIs. The United States insists that more needs to be done for WIPO to undertake a balanced and fair approach in its programmatic work, including technical assistance and legislative advice, on GIs and common names. More awareness must be provided to governments and other stakeholders on the inherent and intertwined relationship of GI protection and the uses of generic or common names. When this balance fails to occur, there are immense negative ramifications for businesses worldwide—including small businesses and entrepreneurs—that depend on the use of common names as well as the integrity of established trademarks to market and sell their products globally.

869. Chair: Thank you very much for your patience. We are doing everything in our power to reach an agreement that satisfies all parties, and that will enable us to continue. We have a proposal that we shall put on the screen. This is the decision paragraph which I will read out. As you can see, there have been a few changes in the wording. That is the proposal for the decision paragraph. As you see, a copy has been distributed, and a mention of the first paragraph of the document. The floor is open for delegations wishing to take the floor.

870. Delegation of Uganda: Sorry for taking the floor again. I would just like to clarify that what we meant in our submission earlier is that we would like to have separate paragraphs requesting financing of Indigenous Peoples and Local Communities and developing countries to the General Assembly. Just a clarification from our earlier submission, but I think it has been overtaken because the decision paragraph has been revised.

871. Delegation of Venezuela (Bolivarian Republic of): We would like to thank the Delegations of Australia and Canada for their support on the participation of Indigenous Peoples and Local Communities in the Diplomatic Conference. The days remaining before the Assemblies should be used in order to continue building bridges to achieve a consensus text on the pending issue. Proposed by GRULAC and the African Group to the General Assembly 2023: "(i) The Secretariat shall continue to assist the IGC by providing Member States with necessary

expertise and funding in the most efficient manner for the participation of experts from developing countries and LDCs, taking into account the usual formula for the IGC; (ii) On an exceptional basis and subject to the approval of the list of invitees in the Preparatory Committee on the Diplomatic Conference to conclude an International Legal Instrument relating to Intellectual Property, Genetic Resources, and Traditional Knowledge associated with Genetic Resources., WIPO will provide adequate funding to facilitate the participation in the Diplomatic Conference of at least two representatives of Indigenous Peoples and Local Communities from each sociocultural region used by the UN permanent forum on indigenous issues. The funding will be provided by WIPO's Voluntary Fund, and in case of insufficient resources, through the budget allocated to the Diplomatic Conference. The modalities of allocation for such funding will follow the rules of WIPO's Voluntary Fund; (iii) Additionally, WIPO will consider the funding for the participation of two representatives from each developing countries and LDCs in the above-mentioned Diplomatic Conference."

872. Chair: I thank the distinguished Delegation of Venezuela (Bolivarian Republic of) on behalf of GRULAC for their observations regarding the decision paragraph as read. Is there any other delegation wishing to take the floor? I see none. Consequently, I understand that no delegation opposes the decision paragraph as proposed. Consequently, we can conclude. Thanks to your flexibility, we now have a decision paragraph to close Agenda Item 10 and pursue our debate.

873. The Program and Budget Committee (PBC), having completed its comprehensive review of the proposed Program of Work and Budget for the 2024/25 Biennium agreed to the following modifications as reflected in Annex I:

- (i) Removal of SDGs and addition of SDG logo in the strategy house (page 8);
- (ii) Addition of a new bullet related to green technology under Strategic Pillar (SP) 3 (page 13);
- (iii) Addition of a new KPI under Expected Results (ER) 3.3 related to technology transfers (page 13);
- (iv) Modification of the 3rd bullet priority under SP4 (IPGAP) and related footnote (page 13);
- (v) Addition of a footnote to the 1st bullet under SP4 (page 13);
- (vi) Modification of the KPI related to the IPGAP (page 14);
- (vii) Modification of the priority related to gender equality and equitable geographical representation (page 15);
- (viii) Addition of a new bullet under the foundation (page 15);
- (ix) Addition of a new KPI under 5.1 (page 15);
- (x) Addition of new text on gender equality under the implementation strategy related to IPGAP (page 21);
- (xi) Modification of the implementation strategy related to IP and Competition Policy (page 50);

- (xii) Addition of KPI related to TISCs under ER 4.4 (page 60);
- (xiii) Addition of a new bullet under the implementation strategies related to internal justice, governance and oversight (page 67);
- (xiv) Modification of the targets for the KPIs related to gender balance (page 69);

The PBC requested the Secretariat to revise the Proposed Program of Work and Budget document WO/PBC/36/8 to reflect the modifications listed in paragraph 1. above, to be submitted to the 64th series of meetings of the WIPO Assemblies.

The PBC recognized that agreement was reached on most issues and decided to refer the few outstanding issues, as discussed during PBC 36 and reflected in the meeting records, to the 64th series of meetings of the WIPO Assemblies.

The PBC further:

- (i) recognized the importance of data security of WIPO cloud-related projects;
- (ii) requested WIPO to continue updating and optimizing its data security technologies in a timely fashion, to take into account the concerns from some member states and users of WIPO global IP services in this regard and their calls for enhancing internal and external audit of WIPO cloud-related projects data security;
- (iii) recognized that WIPO will continue to conduct comprehensive audits and security testing carried out by highly skilled external service providers, procured through open international tenders in compliance with WIPO procurement rules;
- (iv) emphasized the importance of the ongoing review by the IAOC of cloud management related audit reports, in line with the IAOC's revised Terms of Reference (ToR);
- (v) requested the Secretariat to strengthen the annual reporting on cloud-related projects in the WIPO Performance Report (WPR), including on the conclusions of audits and data security testing of WIPO cloud environments undertaken during the year.

ITEM 11 STUDY ON THE CREATION OF A SEPARATE ENTITY FOR AFTER-SERVICE HEALTH INSURANCE (ASHI)

874. Discussions were based on document WO/PBC/36/9.

875. Chair: We now move on to item 11, Study on the creation of a Separate Entity for After Service Health Insurance, document WO/PBC/36/9. As you will recall, at the 35th session of the Program and Budget Committee, the Secretariat provided a verbal update concerning this study and committed to submitting a document at this meeting. I shall now give the floor to the Director, Finance Division, to introduce the document.

876. Secretariat: At the 34th session of the PBC, the Secretariat presented document WO/PPC/34/14 which concerned a funding plan for After Service Health Insurance. The document also provided some information regarding the idea of creating a separate entity in accordance with IPSAS which would hold ASHI related investments. As a result of the discussions, the Secretariat was requested to undertake a more detailed study on how a separate entity could be established in order to formally designate earmarked ASHI investments as plan assets and to present its findings to the 35th session of the PBC. As explained at the 35th session, it had not been possible to carry out in time the research required to present a document at that session, so the document would be presented at the 36th session. This document is the result of research carried out amongst 24 UN organizations and several non-governmental international organizations and presents two alternative ways in which WIPO could create a separate entity. Before reviewing the principal features of the two options, it is important to consider the implications of establishing such a separate entity. Once such an entity has been created and assets have been transferred across to it by WIPO, in accordance with IPSAS 39, WIPO would be unable to access such assets. This is true even if WIPO faces severe financial difficulties. The assets are effectively ring-fenced and can only be used to meet ASHI liabilities and other long-term employee benefit liabilities if so wished. However, any over funding could be returned to WIPO. In addition, the financial statement presentation could be modified to present such liabilities net of the accumulated financing. This would mean that the strategic cash investment made to fund the long-term benefit liabilities would be removed from the statement of financial position and the liabilities would be reduced by an equivalent amount. Detailed information on the total liability and on the investments held as plan assets would be explained in the notes to the financial statements. The two options for the separate entity, which are detailed in the document, are a multi-employee plan and a foundation. I would now like to turn to a PowerPoint presentation which will indicate the principal features of both. Looking first at the establishment of the multi-employer plan, this requires WIPO and at least one other legally separate entity. As the document has shown, the obvious choice for WIPO would be UPOV, and we have spoken with the Secretariat of UPOV to see whether they would be interested in putting this proposal forward to their Council when it meets in autumn. The Secretariat is happy to do that but of course it is possible that the Council of UPOV would decline the proposal in which case we would have to find another entity. This is possible but it will obviously take some time. The foundation formed under Swiss law, on the other hand, does not have this as an issue. Only WIPO would be involved with the foundation. Concerning costs, if WIPO sets up a multi-employer plan there are really no extra costs involved in doing so. If WIPO sets up a foundation, the foundation will be charged an annual review fee of around 300 Swiss francs and there would also be a registration fee charged by the authority which would supervise the foundation. This would be an initial registration fee. With regards to the regulations that govern either entity, for the plan these would be initiated by the governing bodies of the two participating entities, WIPO and UPOV if UPOV agrees to come along with the plan. The governing bodies of both would have to jointly accept the regulations. For the foundation, again the regulations would be initiated by WIPO's governing body but these would have to be accepted by the Swiss supervisory authority, which is detailed in the document. With regards to amending regulations, any amendment could be initiated for the multi-employer plan by the plan's governing body following the approval process established in its regulations. For the foundation, any changes could be initiated by the foundation's governing body but would be subject to review by the Swiss supervisory authority. For the financial statements, those of the multi-employer plan would be prepared in accordance with IPSAS which will simplify their preparation. WIPO has people in the Finance Division who are familiar with IPSAS, and it would also simplify comparison. For the foundation, WIPO would have to follow the Swiss GAAP FER so would be following different accounting standards. This would require some specialized preparation and would obviously complicate comparison. I would add here that we are already following these accounting standards for the closed pension fund which is taken care of by WIPO's Finance Division. The Finance Division is able to produce the financial statements for the closed pension fund in accordance with accounting standards without any

difficulty. With regards to investments, the multi-employer plan could retain the same investment policy as that of WIPO. UPOV could choose to follow that same policy for its share of the investments or it could maintain its own current policy and WIPO's Advisory Committee on Investments (ACI) could also continue in its current role. For the investments placed in the foundation, the investments would be transferred into the name of the foundation. The foundation could establish an Advisory Committee on Investments with the same membership as that of WIPO's (ACI) if wished. The foundation Board of Directors could establish an investment policy which is modeled on that of WIPO, so in effect we could have an investment policy which is the same as that of WIPO if so wished. For the funding level, this would be established individually by each entity within the multi-employer plan and WIPO would ensure that each entity could be tracked in the accounting system, so that the funding given to the multi-employer plan by WIPO and the funding provided by UPOV could be clearly identified. When it comes to the foundation, the funding level would be established by WIPO in the constitution documents of the foundation. These would be subject to review by the supervisory authority. The supervisory authority can take action if the funding levels stipulated in those constitutional documents are not maintained, so in those documents WIPO would have to state the target with regard to funding levels and the source of that funding. For oversight, the external auditor approved by the Plan Governance for the multi-employer plan, could be the External Auditor of WIPO. This would have to be agreed by both entities, WIPO and UPOV. It is possible that if it were to be the External Auditor of WIPO there would not be any additional costs for the audit of the plan. For the foundation, WIPO would need to have an External Auditor approved by the Plan Governance, subject to review by the supervisory authority. There is every chance this would have to be a different set of external auditors as the external auditors would have to be familiar with the Swiss GAAP FER provisions and there would probably be an audit fee cost for that. Coming now to the governing body membership, for the multi-employer plan, this would be established in the regulations adopted by the two entity's governing bodies. For the foundation, this would be established by WIPO but would again be subject to the review of the supervisory authority. Finally with regard to tax exemption, both of the options would enjoy tax exemption but for slightly different reasons. For the multi-employer plan, both WIPO and UPOV are accorded privileges and immunities in Switzerland and this includes the exception from Swiss withholding tax on investment earnings. For the foundation, investment earnings are exempt from withholding under Swiss law. These are the main features of the two options. Although the document is entitled "Study on the Creation of a Separate Entity," research into the multi-employer plan option is more or less completed. However, for the foundation option WIPO would need to meet with the supervisory authority together with colleagues from the Office of the Legal Counsel to explore the different foundation options in Swiss law. It is a straightforward exercise in terms of choosing which type of foundation WIPO would wish to create.

877. Delegation of Switzerland: Group B would like to thank the Secretariat for preparing and introducing the Study on the Creation of a Separate Entity for After Service Health Insurance, document WO/PBC/36/9. As the sound management of the ASHI liability is a key concern for us, we take note of the preliminary information included in the study. We took a close look at both proposed approaches, namely the multi-employer plan and the foundation approach. We believe that more information is needed, for instance with reference to the implementation costs in order to have a clearer view of the pros and cons of each option. As suggested by the Secretariat we agree that the WIPO Finance Division together with the Office of Legal Counsel in conjunction with the External Auditor and external expertise should deliver in more detail the study on the two approaches. We look forward to continuing discussions on this important topic at PBC 37.

878. Delegation of the United States of America: We would like to thank the Secretariat for their research and presentation of this document. We see that there are benefits to each of the two types of entities that are being proposed, and that both essentially meet the requirements including IPSAS compliance and both have precedence within the UN system. The multi-

employer method would require participation by UPOV and WIPO, whereas the foundation approach would only cover WIPO and the Swiss oversight appears to be minimal. This would require the preparation of separate financial statements, but we are interested to know if this poses a significant additional cost to the Organization. We understand that the Office of the Legal Counsel is continuing to consult with the Finance Division as well as the External Auditor to determine the most appropriate method to set up an entity. Initially we have some preference for the foundation method because it is a single entity versus involving UPOV in the multi-entity unit. Member States have not previously expressed their views on including UPOV in the entity and we would need to discuss further and understand the financial implications of doing so. However, we see the benefits of the multi-employer plan to include annual reporting of demographics *et cetera*. We would be interested to know if this information is already being compiled or if additional staff would be required to meet this requirement. We think that continuing to study the option is a worthwhile investment but we have most of the information now and both of the methods seem to meet the requirements. We are wondering if a decision could not be made sooner, perhaps even this week. It seems the only thing outstanding is to consult with the Swiss authorities on the foundation option. We are wondering if it is necessary to continue to study this for an entire year more. The decision language suggests that a decision would be made in 2024. If more time is needed, we understand and we are very willing to wait, but we have a lot of good information, including that excellent PowerPoint presentation that just came out. Just putting a suggestion out there that maybe we have enough information. Both methods would work for what we intended to do at the PBC last year and which was approved at the Assemblies as well. We are just putting a suggestion out there that we could move up the deadline as opposed to one year from now to make it this week we make a decision on the two entities.

879. Delegation of Uganda: Uganda would like to deliver the statement on behalf of Ghana, on behalf of the African Group. The African Group thanks the Secretariat for preparing the document on the Study on the creation of a Separate Entity for After Service Health Insurance, document WO/PBC/36/9, aimed at exploring the feasibility and potential benefits of creating ASHI funding coverage as well as its effective management. We recognize the significance of providing comprehensive and sustainable health insurance coverage for employees, particularly after retirement. The well-being and security of staff members should be of utmost importance to the organization and proactive measures should be taken to ensure their continued health and welfare. A separate entity for After Service Health Insurance can potentially address the specific needs and concerns of retired WIPO employees in a more focused manner by establishing an ASHI specialized framework that caters to the unique requirements of staff members who have retired from service, including providing comprehensive healthcare services. Access to specialized treatments and appropriate coverage for their medical expenses should be created. Moreover, a separate entity would allow for better management of financial resources and risk assessment for ASHI. It could facilitate the pooling of funds and enable a more sustainable and efficient model for providing health coverage to retired WIPO employees by ensuring the availability of resources and expert administration. The overall quality and accessibility of health benefits for retired staff could be enhanced. Nevertheless, the African Group acknowledges that creating a separate entity for ASHI requires careful consideration and thorough assessment of potential challenges. Conducting a thorough study encompassing all relevant aspects, including financial implications, legal frameworks, administrative structures and the impact on current health insurance arrangements within WIPO is crucial. On this note, the African Group seizes this opportunity to emphasize the importance of engagement with all stakeholders including active and retired staff to ensure their voices and concerns are heard throughout this process.

880. Delegation of Italy: We welcome the proposal of establishing a separate entity that exists solely to pay or fund the ASHI liability and any other employee benefits to be financed through the entity. While solutions contained in the document are feasible for us, at the moment we believe more information is needed to take a decision. The information about the principal

features have been supplied by WIPO so we need more time to analyze them. We welcome the fact that in case of establishment of a plan asset for WIPO, the financial statement presentation will be modified to present the ASHI liabilities net of the accumulated liability authorized by the WIPO Assemblies with the benefit of transparency and accuracy. We also welcome the fact that in order for WIPO to be able to recognize the ASHI funding as an offset of the ASHI liabilities within its financial statements, the Organization would have to adhere with the International Public Sector Accounting Standards. IPSAS 39 introduces disclosure objectives for defined benefit plans, according to the characteristics, risks associated with them and the relationship with the entity's financial statements. This is again in our view in favor of transparency. Nevertheless, we would like to have in the future some detailed information about the composition of the investment portfolio and the chance to discuss this more broadly within the PBC.

881. Delegation of Mexico: We are grateful for the information provided by the Secretariat. We understand that this study was forthcoming from a recommendation of the External Auditor with the aim of having a more transparent and precise view of the assets and liabilities of WIPO in the financial statements. We feel that it would be good to have a template, and it would be good to have an associate. We would like to know if other partners have been identified apart from UPOV. We think it would be interesting to find out the view of the Legal Counsel, the External Auditor, external experts from the IAOC and also the Staff Association. We would be pleased if for the next report we could have an in-depth analysis of the costs and benefits of the various options submitted today. This information would help us to take an informed decision.

882. Secretariat: Thank you delegations for your comments and questions. In response to the question on the resources involved and the costs connected with the two options, both entity types would require WIPO to prepare a financial report and this would be done by WIPO's Finance Division. It would probably need to be done around the same time as the Division prepares the financial statements for WIPO, so that creates a possible small issue in terms of workload. This would be true for both entities. For the costs, it is possible that it would cost slightly more to prepare everything for the foundation and certainly to have the financial report audited because WIPO would probably have to engage another firm of External Auditors and there would be a fee for this. There were also questions raised about the information available on the investments. Detailed information would be available on the investments within the financial reports of the separate entity, so whichever entity was selected would prepare detailed disclosures on the investments held. Similarly, WIPO could still have detailed disclosures in its own financial statements with regard to its share of the investments held in the separate entity so no detail would be lost at all. There were several references to involvement of other stakeholders. References were made to the Staff Council, retirees, the External Auditor, and the IAOC. The idea of a separate entity for plan assets has not been submitted to these stakeholders. Over the last couple of days, the question was put to both the External Auditor and the IAOC and they did not express a preference. The Secretariat could certainly take time now to circulate the idea in the paper and presentation and engage in conversations with stakeholders. If the PBC were to take a quick decision during the current session it would automatically be excluding UPOV from the possibility of joining a multi-employer plan. The UPOV Council would meet in autumn 2023, so if the PBC wished to make a decision this week and start putting things in motion, it would have to choose the foundation.

883. Chair: We take note of the explanations and above all of the timeline required to select which is the best of the alternatives. As there are no follow-up question on this Item, I propose the following decision paragraph on item 11 of our agenda.

884. The Program and Budget Committee (PBC) took note and discussed the contents of the Study on the creation of a separate entity for After-Service Health Insurance (ASHI) (document

WO/PBC/36/9) and provided guidance to the Secretariat in order to take a decision at the 2024 PBC session.

ITEM 12 DRAFT TERMS OF REFERENCE OF THE 2021 EVALUATION OF WIPO EXTERNAL OFFICES

885. Discussions were based on documents WO/PBC/35/7 Annex I.

886. Chair: Good afternoon, dear delegates. Let us take up our discussions again. As I said before, we shall continue with the debate on the next Agenda Item once we have dealt with a few other matters. As I said, we would be dealing with Item 12, and this concerns the Draft Terms of Reference of the 2021 Evaluation of WIPO External Offices. You will find this document in your file, WO/PBC/35/7 Annex 1. As you will recall, the 35th PBC session, this Committee considered the draft terms of reference of the 2021 Evaluation of WIPO External Offices, and document WO/PBC/36/16 and the amendments made during the session that are reflected in document WO/PBC/35/7 Annex 1. The PBC decided to continue the discussion on this matter at this session of the Program and Budget Committee so we shall now open the discussion and we shall put up the information on the screen so that you can all see it. Let us analyze the proposal made at the previous session of the Committee. This was Agenda Item 11. You can see here that the Committee considered in detail the draft terms of reference and made a series of amendments and decided to consider the discussion on the document considering that the Annex to this decision would be a future reference document for information. We shall now move on to complying with the PBC mandate and we shall move forward to the text contained in 35/7 Annex 1. We will continue with the same method as before. We will review the document, grouping several paragraphs together as we go along. I shall ask for your observations on paragraphs 1 to 4 on your document which you can see on your screen. You all have access to this document, and you may request the floor. If you so wish. Well, no delegation apparently wants to take the floor on paragraphs 1 to 4. Switzerland, please go ahead.

887. Delegation of Switzerland: Thank you very much, Chair, and apologies you have outpaced me with your speed. On behalf of Group B I would just like to state that in order to save time for the discussions, Group B would like to refer to our statement delivered at PBC 35 on this issue. In addition, Group B reiterates its commitment to carefully consider the evaluation of the existing offices before opening new ones in the future. We are not able to examine the request for opening new External Offices before the reviews of the existing ones are completed.

888. Chair: Thank you very much distinguished Delegate of Group B for your statement. I would like to be very clear about this. It is not a matter of general comments. I would like comments on the reference text because the comments made at the previous PBC was to talk about the referenced text. So I am asking for comments on paragraphs 1 to 4 according to the numbering of this text. That is what I am asking for comments on. Poland has requested the floor. Go ahead please.

889. Delegation of Poland: Thank you very much, Chair. I was too fast before you made your comments so I will restrain from the general statement and just make reference that this general statement that we made on this issue on PBC 35.

890. Chair: Thank you very much distinguished Delegation of Poland. I see there are no comments in paragraphs 1 to 4. Let us now move on to paragraph 5. Paragraphs 5 to 8. Are there any comments on these paragraphs? If so, please make the relevant comments on this text. The texts of paragraphs 5 to 8. Delegation of Pakistan, go ahead, please.

891. Delegation of Pakistan: Thank you very much, Chair. Again, I will be very brief. There are several proposals from Member States in the said paragraphs five to eight, including our Delegation, and our positions have not changed.

892. Chair: Thank you very much, Pakistan. Secretariat. Could you please refer to the proposed modification by Pakistan between paragraphs 5 and 8? The Delegate of Pakistan, to what are you referring specifically?

893. Delegation of Pakistan: Thank you, Chair. I am just referring to the comments that have been included in the document. They are not one, they are many. I just wanted to take the opportunity to explain that our positions have not changed. We do not want to go into detail explaining each comment, I just wanted to state that we reiterate our position that has been reflected in the text.

894. Delegation of United States of America: For the record, the US previously also made comments on this text and our positions have not changed.

895. Delegation of the Russian Federation: Thank you, Chairman, our Delegation also put forward some proposals on the text and our position has also not changed..

896. Chair: In that case I take it there are no further comments on paragraphs 5-8. Let us continue with the document. Let us move on to paragraphs 9-12. Which you can now see on the screen. As of "C – Scope". Are there any comments on paragraphs 9-12? No, apparently that is not the case. So let us continue. Because my conclusion is there are no comments on paragraphs 9-12. We shall now move on to paragraphs 13-17. As of the words based on the above mentioned considerations, that is the beginning of the text for 13-16. Delegates may make comments they deem to be appropriate on those four paragraphs, that will be 13-17, thank you. Apparently, that is not the case, so let us continue, with paragraphs 17-20. "The evaluation team should possess et cetera". As of those words. Are there any comments? Comments on these paragraphs for the document? Apparently not. So let us continue with our consideration of the document, as of 21. 21-24. As of "H – Timetable". Are there any comments from Delegations concerning paragraphs 21-24? Apparently not. In that case, as you will recall, the decision was taken that annexes are not part of the text, but they are part of the document to be considered. When we reconsider this document. But if you have any comments on the background document, please feel free to do so.

897. Delegation of India: Thank you, Chair, I am making this statement in my national capacity. India wishes to reiterate its position of quickly moving forward on finalizing the terms of reference for evaluation of existing offices. This issue has already been lingering for more than four years now, since the decision was taken in the 51st session of the WIPO General Assembly in 2019, to defer opening new external offices, pending evaluation of the existing offices. While we fully support the evaluation of existing offices, you may kindly recall that a joint statement made on 22 May 2023, during the 34th PBC, on behalf of eight countries, Colombia, India, Iran, Oman, Republic of Korea, Romania, Saudi Arabia, the UAE, has already proposed that, if we are not able to reach an agreement on the terms of reference for evaluating the existing External Offices, the two issues of evaluation and decision to open new offices may be decoupled. It is quite disappointing for us to note that nothing concrete has emerged from the deliberations so far. Therefore, we again urge the Secretariat and all Member States to make efforts in a cooperative and constructive manner, for paving the way for the opening of new External Offices as early as possible, and if it is not possible to reach an agreement, to kindly decouple the two issues.

898. Delegation of the Islamic Republic of Iran: Iran would like to fully support the statement made by the distinguished Delegation of India. We have nothing more to add on this statement.

We fully agree with this, and we would like to see expediting the work of the Secretariat on this issue as soon as possible.

899. Delegation of Saudi Arabia: Thank you, Chairman. It is now our turn to support the statement made by the distinguished representative of India.

900. Delegation of Colombia: Thank you, Chairman. Along the same lines as other colleagues, I can support the statement made by India.

901. Chair: We take note of your statement and the preceding ones.

902. Delegation of Pakistan: Thank you very much, Chair. Without going into the details, we would just like to refer to a statement delivered during the previous session of this Committee in June. Additionally, I have two points to make. One, we echo the view expressed by Switzerland on behalf of group B, with regard to the opening of new offices. For us, the evaluation is first necessary to reach that point. Secondly, we would like to state that when the evaluation is conducted, special consideration should be given to the difficult circumstances caused by the COVID-19 pandemic, for the two latest External Offices in Africa, which were established just before the global health emergency.

903. Delegation of Türkiye: Thank you, Chair, for giving me the floor. Türkiye would like to thank the distinguished Delegation of Switzerland for the statement on behalf of Group B. To be brief, we would also like to refer to our statement in the last session. In this regard, we look forward to moving on with finalizing the TOR as soon as possible so the evaluation process of the existing External Offices can be initiated, which will enable Member States to proceed with the issue of opening new ones.

904. Chair: Apparently there are no other requests for the floor. As I said before, this Committee has to make a decision on Item 12 of our Agenda. I am going to suggest the following decision paragraph. As usual, I shall read it out in the common language that we use, although all of the languages are official, but for the purposes of clarity, English. Agenda Item 12. Draft Terms of Reference of the 2021 Evaluation of WIPO External Offices. Document WO/PBC/35/7 Annex.

905. That is the decision paragraph we are suggesting. If there are no objections, this will be our decision, and here we complete our discussion of Item 12 of the Agenda. There are no objections so I take it that Item 12 is completed.

906. The Program and Budget Committee (PBC) recommended to the WIPO General Assembly that the Draft Terms of Reference of the 2021 Evaluation of WIPO External Offices contained in the Annex to this decision be further discussed at the 37th session of the PBC.

ITEM 13 ELECTION OF CHAIR AND TWO VICE-CHAIRS OF THE PROGRAM AND BUDGET COMMITTEE (PBC)

907. Chair: Good afternoon, distinguished delegates. We have two other relevant agenda items, Agenda item 13: "Election of the Chair and two Vice-Chairs of the Program and Budget Committee (PBC)" for the next sessions, as well as Agenda item 14: "Closing of the Session." However, we also have several issues under Agenda item 10, to which we shall return to. For the time being, I shall begin with Agenda item 13 of our agenda, which is, as you know the election of the Chair and the two Vice-Chairs of the Program and Budget Committee for the 2024-2025 PBC sessions. At the 63rd Assemblies of WIPO in 2022, the Assemblies of WIPO decided to modify the electoral cycle of officers (Chair and two Vice-Chairs) stipulated in Rule 9(2) of the General Rules of Procedure, such that their terms of office begin following the final

meeting of the session during which they were elected. I shall now open the floor for the nominations for the Chair for the next 2024/2025 of the PBC. I see Poland has asked for the floor. Distinguished delegation of Poland, you have the floor.

908. Delegation of Poland: We present the nomination of His Excellency Ambassador Zbigniew Czech, Permanent Representative of the Republic of Poland to the United Nations Office in Geneva to the position of the Chair of the PBC. This nomination is on behalf of the CEBS Group and I hope that he can enjoy the support of the PBC members.

909. Delegation of Switzerland: Group B supports the nomination for Chair by the CEBS Group, Ambassador Zbigniew Czech from Poland for the 2024/25 PBC sessions. Group B, in turn nominates Mr. José Antonio Gil Celedonio from Spain for the position of Vice-Chair for the 2024/25 PBC sessions.

910. Delegation of Singapore: The APG would like to nominate His Excellency, Ambassador Khalil Hasmi of Pakistan for the position of Vice-Chair for the 2024/25 biennium. We hope to get the support of our Member States.

911. Delegation of Venezuela (Bolivarian Republic of): On behalf of the Latin American and Caribbean Countries Group, we would like to wish every success to the three candidates nominated.

912. Delegation of Poland: I do apologize for taking the floor again. I just wanted to reassure you that the CEBS Group supports both nominations to the position of Vice-Chair.

913. Delegation of Switzerland: On behalf of Group B, I would like to express my gratitude for the support that we have received for Group B's nominations for the Chair and the Vice-Chair of the 2024/25 PBC sessions. In addition, Group B supports the nomination for Vice-Chair of Ambassador Khalil Hashmi from Pakistan for the 2024/25 PBC sessions.

914. Delegation of Singapore: Chair, likewise, APG would like to also thank the Groups who have expressed support for Ambassador Khalil Hashmi as Vice-Chair.

915. Delegation of Ghana: The African Group supports the nominations made so far.

916. Delegation of Pakistan: We would just like to take this opportunity to thank all of the Regional Groups and Member States for the confidence and support for the nomination of my delegation on behalf of the APG.

917. Chair: Thank you very much distinguished delegation of Pakistan for that statement. I see that there are no further requests for the floor. This concludes our discussion of this Agenda Item. Thank you for your flexibility, understanding and support. I will read the decision paragraph on the screen for Agenda item 13:

918. The Program and Budget Committee (PBC) elected, for its sessions to be held in 2024 and 2025: Ambassador Zbigniew CZECH (Poland) as the Chair of the PBC, and Ambassador Khalil HASHMI (Pakistan) and Mr. José Antonio Gil CELEDONIO (Spain) as the Vice-Chairs of the Committee.

ITEM 14 CLOSING

919. Chair: I will now move forward to Agenda Item 14, Closing of the session. I will immediately give the floor to the Director General of the Organization, Mr. Daren Tang.

920. Director General: I have to put on record that WIPO is not responsible for your flight misadventure tonight, but we are glad to have you back in this Hall. Let me start of course start by thanking Member States at this late hour for your hard work and commitment at both PBC sessions, which has resulted in agreement in almost every area of the Proposed Program of Work and Budget for 2024/25. I also appreciate and thank Delegates for your care, attention, and engagement on the wide range of reports and issues before you this week. As we have just witnessed this evening, a spirit of compromise and consensus has led us to where we are now. The heavy lifting of the management of our proceedings of course sits on the shoulders of our Chair and Vice-Chairs. Let me also express our deepest gratitude to them for guiding discussions carefully and adroitly. My colleagues and I in the Secretariat appreciate your guidance and it has been a pleasure to work with you. At this juncture, it may also be appropriate for me to welcome and congratulate the incoming Chair, Ambassador Zbigniew Czech of Poland, and the incoming Vice-Chairs, Ambassador Khalil Hasmi of Pakistan as well as yourself, Chair, in the work maybe after tonight congratulations will have to be combined with commiserations, but thank in advance for your work. The unsung heroes in much of the work are the Group Coordinators, thank you very much. We are grateful for your commitment to engaging constructively and flexibly with the issues at hand, and your skills were on strong display throughout this week and especially tonight. Getting to this point also requires a lot of work from colleagues across the house, especially in the Administration, Finance, and Management Sector, but also across the whole WIPO and I want to acknowledge the hard work of every WIPO colleague involved in this PBC process. My sincere gratitude also extends to our interpretation team, events team, and the technical team who play such a critical role in the smooth functioning of this Committee. We all hugely appreciate your tireless efforts, often in the background. Excellencies, distinguished Delegates, ultimately it is trust that underpins the work of Committees like this, the trust that you place in the Secretariat to discharge our duties professionally, effectively and responsively, which we will always do fully compliant with the decisions taken by Governing Bodies, and within this environment to receive your guidance and directions through your considered and thoughtful interventions. Finally, let me conclude by reiterating what I said at the beginning of this meeting. The vision of building a more inclusive IP ecosystem and bringing the benefits of IP to all, is the collective vision of this WIPO community. Just as your engagement was fundamental to the development of the Medium-Term Strategic Plan 2022-2026, your continued engagement and support enables us to strengthen our work and the many ways in which we are generating tangible impact on the ground as well as addressing our common global challenges. Let us now move forward to the Assemblies with energy and enthusiasm, perhaps after this weekend, once we have recharged. Thank you very much for all of your support, commitment, passion, safe travels for those journeying overseas, and best wishes for a restful and well-deserved weekend.

921. Chair: Thank you, Director General, for your kind words. I would like to thank all Delegations for their flexibility and indeed the work of Group Coordinators. I would also like to thank the Vice-Chair, Ambassador Czech, who was able to replace me on Tuesday and of course I would also like to thank our colleagues from the Secretariat who worked very hard in order to respond to all your needs and indeed I also thank the interpreters who have stayed with us very late tonight. I wish you a pleasant weekend. I understand that tomorrow is the International Day of Women Diplomats and I would like to congratulate all our diplomatic colleagues who are working hard as always. The meeting is adjourned.

[Annex follows]

ANNEX: LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS

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