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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTER-SESSIONAL INTERGOVERNMENTAL MEETING ON A DEVELOPMENT AGENDA FOR WIPO

Second Session
Geneva, June 20 to 22, 2005

REPORT

adopted by the meeting

1. The WIPO General Assembly, in its Thirty-First (15th Extraordinary) Session held at Geneva, from September 27 to October 5, 2004, decided to convene inter-sessional intergovernmental meetings to examine the proposals by Argentina and Brazil for the Establishment of a Development Agenda for WIPO (document WO/GA/31/11), as well as additional proposals by other Member States. The first session of the Inter-Sessional Intergovernmental Meeting (IIM) on a Development Agenda for WIPO was held from April 11 to 13, 2005. The second session of the IIM on a Development Agenda for WIPO was held from June 20 to 22, 2005.

2. The following States were represented: Algeria, Argentina, Australia, Austria, Bangladesh, Bahrain, Belgium, Benin, Bolivia, Brazil, Bulgaria, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of Congo, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, France, Germany, Ghana, Greece, Holy See, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Jamaica, Japan, Jordan, Kenya, Latvia, Libyan Arab Jamahiriya, Lithuania, Madagascar, Malaysia, Malta, Mexico, Morocco, Myanmar, Nepal, Netherlands, Nigeria, Norway, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Republic of Moldova, Romania, Russia, Senegal, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand,

Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Venezuela and Zambia (83).

3. The following intergovernmental organizations (IGOs) took part as observers: African Intellectual Property Organization (OAPI), African Union (AU), African, Caribbean and Pacific Group of States (ACP Group), Council of the European Union, European Patent Office (EPO), International Labor Office (ILO), South Centre, United Nations Conference on Trade and Development (UNCTAD), United Nations Economic Commission for Latin America and the Caribbean (ECLAC) and the World Trade Organization (WTO) (10).

4. Representatives of the following international non-governmental organizations (NGOs) took part as observers: Association of European Performers' Organizations (AEPO-ARTIS), Central and Eastern European Copyright Alliance (CEECA), Centre for International Industrial Property Studies (CEIPI), Royal Society for the Encouragement of Arts, Manufactures & Commerce (RSA), Civil Society Coalition (CSC), CropLife International, eIFL.net, European Digital Rights (EDRI), Free Software Foundation Europe (FSF), Friends World Committee for Consultation (FWCC), Independent Film & Television Alliance (IFTA), Ingénieurs du Monde, Institute for Policy Innovation (IPI), International Centre for Trade and Sustainable Development (ICTSD), International Chamber of Commerce (ICC), International Confederation of Societies of Authors and Composers (CISAC), International Federation of Actors (FIA), International Federation of Film Producers Associations (FIAPF), International Federation of Industrial Property Attorneys (FICPI), International Federation of Library Associations and Institutions (IFLA), International Federation of Pharmaceutical Manufacturers Associations (IFPMA), International Federation of Reproduction Rights Organizations (IFRRO), International Federation of the Phonographic Industry (IFPI), International Literary and Artistic Association (ALAI), International Policy Network (IPN), International Publishers Association (IPA), IP Justice, The World Conservation Union (IUCN), Third World Network (TWN) and World Blind Union (WBU) (30).

5. Representatives of the following national non-governmental organization (NGOs) took part as observers: Electronic Frontier Foundation (EFF) (1).

6. During the second session of the IIM from June 20 to 22, 2005, it was decided that representatives of the following non-accredited NGOs would attend the IIM meetings as *ad hoc* observers: The Business Software Alliance (BSA) and Hipatia Cultural Association, Italy (2).

7. The list of participants is attached to this report as Annex II.

8. Discussions were based on the following documents and information papers:

- "Revised Draft Report of the First Session of the Inter Sessional Intergovernmental Meeting on a Development Agenda for WIPO" (IIM/1/6 Prov.2);
- "Proposal by the Kingdom of Bahrain on the Importance of Intellectual Property in Social and Economic Development and National Development Programs" (IIM/2/2);
- "Proposal by the United Kingdom" (IIM/2/3);
- "Communication from Lebanon to Co-sponsor the proposal by the Kingdom of Bahrain on the Importance of Intellectual Property in Social and Economic Development and National Development Programs" (IIM/2/4);

- “Communication from the Hashemite Kingdom of Jordan to Co-sponsor the Proposal by the Kingdom of Bahrain on the Importance of Intellectual Property in Social and Economic Development and National Development Programs” (IIM/2/5);
- “Communication from the State of Qatar Supporting the Proposal by the Kingdom of Bahrain on the Importance of Intellectual Property in Social and Economic Development and National Development Programs” (IIM/2/6);
- “Communication from Yemen to Co-sponsor the Proposal by the Kingdom of Bahrain on the Importance of Intellectual Property in Social and Economic Development and National Development Programs” (IIM/2/7);
- “Communication from the United Arab Emirates to Co-sponsor the Proposal by the Kingdom of Bahrain on the importance of Intellectual Property in Social and Economic Development and National Development Programs” (IIM/2/8).

Agenda Item 1: Opening of the Meeting

9. Ambassador Rigoberto Gauto Vielman, Permanent Representative of Paraguay and Ambassador Dimitar Tzantchev, Permanent Representative of Bulgaria, continued as Chair and Vice-Chair for the Second Session of the IIM.

10. The Chair welcomed the participants to the second session of the Inter-sessional Intergovernmental meeting on Development Agenda for WIPO and thanked the Deputy Director General, Mr. Geoffrey Yu, as well as other members of the Secretariat for their efforts in organizing the Meeting. The Chair said that he looked forward to a constructive dialogue in the Meeting and underlined the fact that the goals and objectives of the Meeting were important not only for the Member States, but also for the Organization. The Chair said that due to the complexity of those objectives, it could not be expected to find solutions to all the issues in one day but they had to organize their work systematically so that they could move forward in the three days and have positive results that would help their countries achieve development and prosperity. The Chair stated that since the First Session, two new NGOs had applied for accreditation to attend the meeting as *ad hoc* observers, and if agreed to by the participants, he would ask the Secretariat to give more information about those organizations.

11. The Secretariat stated that the two NGOs who had applied for accreditation on an *ad hoc* basis after the First Session of the IIM were the Business Software Alliance, United States of America and the Hipatia Cultural Association, Turin, Italy.

12. As there were no comments, the Chair declared that the two NGOs had been admitted to the Meeting on the same terms as the 17 NGOs admitted in the First session of the IIM.

Agenda Item 2: Adoption of the Agenda

13. The Chair proposed the draft agenda (document IIM/2/1Prov.) and as there were no comments it was adopted.

Agenda Item 3: Adoption of the Report of the First Session of the IIM (document IIM/1/6 Prov.2)

14. The Chair sought the comments of the participants on the Report of the First Session and proposed that they follow the same procedure for the adoption of the report of the current session, as it was a three-day meeting. He proposed that they adopt a Summary by the Chair on June 22, 2005, and afterwards, a complete report during their July meeting. The Chair stated that a draft report would be circulated by July 4, 2005, which would be available on the WIPO website, and any comments made on that report could be provided to the Secretariat by July 11, 2005, and that the revised draft report would then be available for consideration at the beginning of the next Session. The Chair indicated that the report from their previous meeting had been circulated earlier and the comments made by delegations had been incorporated in the Revised Draft now available before them. The Chair said that if there were any further comments they could be made.

15. The Delegation of Argentina stated that it had a number of comments in regard to the Spanish version of the report. In paragraph 34 and the following paragraph, there were grammatical errors that could be mentioned directly to the secretariat, on page 10, line 32, there were comas to be added, and at number 46, there was a sentence to be taken away. The Delegation asked that, on page 11 under paragraph 12, “related to anti-competitive licensing procedures because they adversely affect transfer of technology and dissemination of information and restrict trade” be added, and under paragraph 13, “in order to improve understanding of the interaction between trade and competition law” be added. With regards to paragraph 94 on page 61, the Delegation asked “expressing thanks for the efforts made” be taken away, and be replaced with a different sentence. The Delegation said that the paragraphs 35 and 36 should be restructured conceptually, as that did not reflect what had been stated by the Delegation. The statement should have said “furthermore, the Delegation did not share the views expressed in the document on elements which are considered to be those which hamper the transfer of technology”. Finally on page 62, the Delegation asked “this mandate takes into account” and also “taking into account the proposal made in regard to technical cooperation” be both taken out.

16. The Chair requested the Delegation of Argentina to submit all these changes in writing to the Secretariat. As there were no further comments, the Revised Draft Report was adopted.

Agenda Item 4: Consideration of proposals from Member States

17. The Chair indicated that they had two new proposals submitted by Member States, one of them from Bahrain (IIM/2/2) and the other by the United Kingdom (IIM/2/3). The Chair thanked the two delegations for their efforts and their interest in cooperating with them in their work and asked them to present their documents.

18. The Delegation of the Kingdom of Bahrain thanked WIPO for all the genuine efforts it had made and was still making in order to achieve the noble goals, especially those that were compatible with the needs of the Kingdom. The Delegation indicated that the proposal which had been adopted as an official paper of that meeting had been distributed in written form and had been adopted by the following Governments: Jordan, Lebanon, United Arab Emirates, Qatar, Yemen, Oman, Saudi Arabia, Kuwait, Syria, Libyan Arab Jamahiriya. The Delegation

underlined the fact that they were ready to listen to all interventions and receive them in written form and transmit them to their capital to obtain the feed back from the capital. The Delegation said that the proposed paper had spoken about the importance of intellectual property for societies and countries and it had also looked into social, economic and developmental dimensions of the IP, which was one of the main reasons of their gathering there that day. The Delegation added that the paper had also emphasized the role of IP in collaboration with the Member States, which had lead to the growth of the economies of developing countries and least developed countries (LDCs). Therefore, the presented paper had not only emphasized on the necessity to increase the resources and to concentrate on the economic and social dimension of IP, but also to help developing and least developed countries to adopt a strategic approach to achieve a maximum amount of benefits, whether economic or financial, by using the IP system in the best possible way. The Delegation emphasized that the document contained a number of important proposals and elaborated on them. The first proposal was to carry out some studies on IP, in collaboration with Member States, on the social and economic impact of the IP system, especially with regard to the cultural industries of the national economies. As a second proposal, the Delegation requested the Secretariat to provide information and statistical data about the technical assistance that had been given to developing countries and least developed countries in the past years, as it would enable the countries to propose practical suggestions for amendments, if necessary, in such programs. The third proposal was that as developing countries and least developed countries needed the stability to market their products or find markets to promote their inventions, WIPO should coordinate with Member States to facilitate the achievement of this objective. The fourth proposal was that developed countries, that were providing training programs in the field of IP, should disseminate information through their website and the Internet so those representatives in other countries could contact them to participate in such programs. The fifth proposal was to encourage developed countries to increase coordination in the field of research and scientific institutions with the developing and least developed countries, to enable those countries to benefit from the results of research and development activities, particularly those financed by Governments of developed countries. Sixthly, the Delegation said that it was important to calculate the financial costs of the overall proposals that were being made as a part of the Development Agenda and it was only after receiving them that the matter could be considered in depth.

19. The Delegation of the United Kingdom reaffirmed its commitment to playing an active role in those discussions which they sincerely hoped and believed could result in a positive outcome. The Delegation indicated that its proposal elaborated on their previous observations and provided some suggested text in actionable and operative language for further consideration at that Meeting. Before exploring their paper in a little more detail, the Delegation briefly reviewed the discussion so far. The Delegation said that first, it seemed to them that everyone recognized the need to integrate development considerations in to all aspects of WIPO's work. According to the Delegation, where opinion seemed to differ was in respect of what, if any, changes needed to be made to ensure that that happens; a number of proposals were put forward encompassing, sometimes overlapping and at other times, competing suggestions. The Delegation added that it had already had useful discussions on some of those suggestions in the First Session and would have the opportunity in the Third Session of the IIM next month to explore the issues further. The Delegation indicated that its latest paper sought to further facilitate their discussions. The Delegation mentioned that at the heart of their proposal was recognition of two things. The first was that, given the wide-

ranging nature of the issue, they were unlikely to reach consensus in the next two meetings, even with the best intentions of all parties. In the Delegation's view, the issues were simply too complex to resolve, without more in-depth consideration. The Delegation said that, secondly, and more importantly, it believed that the issue of integrating development objectives into WIPO's work was not something that could be resolved in one step, rather, it was something that required constant on-going consideration. According to the Delegation, one of the key things that they needed to decide was how to take that issue forward, and what was the most appropriate vehicle to do that. The Delegation added that it had, like others, including some from developing countries, argued against the need for revision of the WIPO Convention. It had also proposed that rather than creating new bodies, they strengthen and re-invigorate the existing bodies, namely the PCIPD. The Delegation indicated that the benefits of that practical approach was that it exploited the committee that was already permanent in character, one in which all member states could participate fully and as recently clarified, had the widest possible mandate. The Delegation said, furthermore, that it seemed more sensible to make better use of limited available resources, by strengthening an existing body rather than go to the potentially more expensive option of creating new bodies. The Delegation added that, it felt that utilizing a re-invigorated PCIPD would enable more focused and planned discussions leading to more positive outcomes. The Delegation stressed that it had made that proposal in a positive spirit with the aim of facilitating future discussions, and that they did not seek to prejudice the scope, frequency, modalities or outcomes of those discussions. The Delegation also expressed its wish to be as flexible as possible, on the questions of practicality and substance, and therefore had suggested that the committee itself decide both the practicalities of its future work and also the substance of its work program. The Delegation said that it was open on those questions, as it appeared that more time was needed for calm and clear deliberations. The Delegation, as an example, said that on practicalities, it might be that more frequent meetings were required to achieve the desired results. According to the Delegation, alternatively, it might be that the current rate of meetings was sufficient because ways could be found of advancing discussions in between the main meetings of the committee. The Delegation said that such questions needed to be considered in the context of available finances and the priorities towards which those resources should be directed. According to the Delegation, those issues should be considered at the next meeting of the PCIPD itself, which it believed should be held as soon as it was practicable. The Delegation noted that the Director General could convene meetings of the committee at any time and so called on him to make arrangements to hold the next meeting at the next earliest convenience. Beyond this, the Delegation mentioned that it was open to consider the suggestions of other Member States as to the modalities to follow in the future, and that it would also consider that question itself in the meantime. Similarly, on the question of substance, the Delegation said that it remained open minded about the topics, which should be covered. The Delegation said that its paper set up possibilities, in order to illustrate the sort of work it believed that the committee was capable of doing, and that those examples were intended to demonstrate the importance they saw for the committee. The Delegation felt that the suggestions it made could form the basis for a constructive work-plan, but also stressed that those were merely examples, and that others might have different suggestions. The Delegation added that there were a number of other issues that had not been specifically addressed in its paper but which had already been raised. One of those was the name of the committee. The Delegation indicated that if it were felt that the current name of the committee was not suitable or somehow misleading, it would have no objection for it to be changed. According to the Delegation, the important features of the committee were that all

Member States of WIPO could participate fully, its mandate was very broad and that the committee could be convened at any time. The Delegation said that it accepted that there might be some technical and legal issues about how the committee would report in the future, but it felt that all the fundamental requirements of a body, which could contribute efficiently and effectively to all WIPO's development related issues, were already in place. The Delegation added that a related point was the question of the relative hierarchy of the PCIPD. It added that its proposal did involve modifying the relative powers of WIPO's committees, as it understood that all committees of WIPO operated on equal footing and so saw no reason to change this. Its proposal did not make the PCIPD superior to any other committee but it hoped that it had made itself clear that it was not and should not be anyway inferior to any other committee. Finally, the Delegation made it clear that the adoption of its proposals would not necessarily exclude other proposals, to be used as a suitable vehicle, for taking these suggestions forward. The Delegation indicated that it would, of course, be happy to answer questions that other delegations might have.

20. The Delegation of Brazil said that it would like to present a document that was being circulated by the "Group of Friends of Development". The Delegation recalled that the first session of the IIM, held in Geneva from 11 to 13 April, afforded Member States an opportunity to comment on the proposals on the establishment of a Development Agenda for WIPO, not only the one presented by 14 developing countries at the last General Assembly, but also, and in particular, the larger document that was presented by the Friend of Development in the first IIM. The Delegation acknowledged that the document was a fairly lengthy one and it had been circulated shortly before the first IIM. Therefore, it was obviously difficult for some delegations to make more specific comments on such a lengthy document, having had a short period of time to consider it adequately and to send it over to their respective capitals for examination. One of the decisions that were taken in the first IIM had thus been that a more in-depth consideration of those documents was needed. The Delegation understood that the in-depth discussion should be the main focus of the 2nd IIM. The Delegation added that, in the light of that decision of the 1st IIM, what it proposed for consideration in the 2nd IIM was a checklist of proposals by Member States related to the establishment of a WIPO development agenda. The Delegation produced the checklist of issues based on the proposals contained in the documents tabled by the Group of Friends of Development as well as those submitted by other countries. The Delegation indicated that the proposed checklist followed the organization of the comprehensive document presented by the Friends of Development in the last IIM, and that it contained four sets of issue. The Delegation said that the first issue was related to norm-setting in WIPO, the second set was related to the review of WIPO's mandate and governance, the third set of issues related to technical assistance and capacity building and the fourth to technology development, access to knowledge, technology transfer and related competition policies. The Delegation concluded by saying that it proposed to structure the debate on an item by item basis, so that the IIM would avoid dispersion of comments and dealing with several different issues at the same time.

21. The Delegation of the Czech Republic, speaking on behalf of the Regional Group of Central European and Baltic States, reiterated the Group's commitment to the Development Agenda, which they had already expressed at the previous meeting of the IIM. The Delegation added that their Group confirmed its willingness to further cooperate with other groups and members, in order to discuss important elements and aspects of the Development

Agenda. The Delegation said that development had always been among WIPO priorities and thus, integral part of the IP system as such. According to the Delegation, WIPO was gradually expanding the scope of its development-related activities as regards the promotion of intellectual creativity, provision of technical and training assistance, capacity building etc. In the Delegation's view, countries from Central and Eastern Europe were good examples of how WIPO mechanisms for technical cooperation could significantly influence the rapid development and adaptation of the IP national system to the needs of society for economic growth. The Delegation said that it was convinced that WIPO had the potential to deepen its development related activities, and that one of the prerequisites was a systematic approach, based on a permanent and sustainable solution. The Delegation added that its understanding was that the outcome of the discussions on the Development Agenda should be of interest not only for developing countries, but for all Member States. The Delegation, therefore, said that it supported a constructive and realistic proposal, which took stock of all countries' concerns and was able to provide an effective framework of their discussion. In that respect, the Delegation said it welcomed all documents, which had been tabled. The Delegation added that it paid particular attention to the United Kingdom revised proposal, which suggested the Development Agenda to be further discussed within an expanded mandate of the PCIPD. The Delegation said that they believed that it would enable them to keep the momentum with the Development Agenda and to find the appropriate answer to all development aspects, which could occur. The Delegation said that it thought that WIPO's present bodies had the capacity to further deal with development issues with all the necessary commitment, and that the future input and recommendations of the "new" PCIPD would further strengthen that capacity and bring WIPO closer to the needs of development.

22. On behalf of Group B, the Delegation of Italy said that they were confident that under the Chairman's guidance, they would be able to have a constructive discussion in the coming days on those important and challenging issues. The Delegation of Italy mentioned that, during the first IIM, Group B had welcomed the possibilities of discussing further the relationship between development and intellectual property in WIPO. The Delegation said that it was pleased that in that forthcoming Meeting, they would be able to consider that issue more closely and that they took that opportunity to thank the members who had submitted new proposals, which would certainly enrich the debate, together with those already submitted in the first session. The Delegation, to retain the focus of the debate, added that it thought it was important to remember that IP could be and had served as a tool for achieving economic, social and cultural development of individuals and societies all across the globe. The Delegation indicated that, as it was outlined in several proposals and more recently in the proposal of Bahrain, WIPO had devoted a substantial amount of its resources, both human and financial, to ensure the common objective of allowing IP to be a tool for development; in the past three biennia (2000-2005) Member States had decided to allocate considerable funding to technical cooperation and capacity building activities. In addition, a significant amount was provided in the proposed program and budget for 2006-2007, recommended by the PBC to the following General Assembly. The Delegation pointed out that Group B thought that it was important that WIPO continued to devote substantial funding for those activities also in the future. After having interventions made during the first session of IIM by Member States (by developed and developing countries alike) and also by NGOs, according to the Delegation, it seemed that besides the allocation of funding, they should examine and assess if the current activities fully met the objectives of WIPO and the needs of the recipients. The Delegation said that as a first step, Group B believed that it was

appropriate to undertake an adequate evaluation of WIPO activities in that field: in particular, they wished to see whether the activities carried out by WIPO addressed the needs expressed by recipient countries, and to see how WIPO's activities could be better coordinated with the programs of other international organizations and donors. According to the Delegation, WIPO should also continue to take into account, where appropriate, the flexibilities that existed in international agreements such as TRIPS. The Delegation stated that Group B would like to launch a discussion in that session in order to see if agreement could be reached to adopt a recommendation to the attention of the appropriate bodies of WIPO assemblies to perform an adequate evaluation of WIPO's activities in the development field and to ask that a report should be prepared to enable Member States to make comments and proposals in order to improve the activities of the IB. The Delegation said that it was clear to Group B that the issues of development were wide ranging in WIPO and went much further than Technical Cooperation and Capacity Building (TCCB). It was also clear that TCCB was an important part of WIPO's work on development. The Delegation stated that it was for those reasons that Group B felt that it was important to look at all development related IP issues, as a whole. The Delegation of Italy added that Group B believed that a suitably strengthened and reinvigorated PCIPD was the appropriate body for WIPO members to exercise their responsibility in guiding and mainstreaming the development objectives in WIPO, and to deepen their future debate on IP and development. The Delegation stated that it looked forward to open a discussion of how the PCIPD could actively support WIPO work on IP and development, and that in that context, it welcomed and supported the proposal of the United Kingdom (doc. IIM/2/3). The Delegation concluded by underlining the fact that Group B viewed that adequately protected intellectual property rights were needed to convert ideas into economic assets and thereby generate economic growth and development. According to the Delegation, WIPO had a crucial role to play in assisting countries to develop and use intellectual property to their advantage.

23. The Delegation of India said that it planned a more substantive intervention later but had taken the floor to support the proposal of Brazil to have a better structuring of the debate. Based on the experience of the last session, the Delegation could safely conclude that a lot of delegations had a lot of views, however, these views were not necessarily expressed in a way that makes action easy. It would be useful for them to structure the debate in the manner suggested by Brazil, because very often, technical assistance for example was confused with the issues connected with norm-setting. There was also the question of the forum, which was mentioned by the Delegation of the United Kingdom, should it be discussed in one committee in the long term or should it be discussed in the relevant committees, relevant to each particular issue. The Delegation thought that the idea of having a structured debate would be useful, it would certainly focus the minds of the delegations at the meeting so that they were not constantly flitting from one aspect of the question to another, often times confused as to what exactly was suggested. The Delegation thought that it would be a good idea to have a discussion at that session along the lines suggested by Brazil and, indeed, it thought there should be a fifth category, which was a debate on the appropriate committee or committees that could take place to address those various issues. Obviously, the question of technical assistance and capacity building would naturally be located in the framework of the PCIPD but it did not necessarily follow that the others would or should be in that category. The Delegation knew that the issue of norm-setting for example if it concerned copyright should be in the copyright committee, similarly, if it was a patent issue it should be a patent committee. So it thought that if one more category was added, the debate could be better

structured. The Delegation had no opposition as to which order these four categories or five categories should be taken up. Perhaps, technical assistance, since that had been mentioned, could be taken up first while the others could be taken up in any order that was preferred by the Chair, but all the four or five categories should be adequately addressed before the meeting embarked on the question of the Chairman's summary, which like in the previous session, would be an agreed summary of the Chair.

24. The Delegation of Switzerland said that it fully supported the statement made by Italy on behalf of Group B and liked to add to that statement. It explained that during the first IIM, the Delegation had the opportunity to have a first exchange of views, which was extremely interesting on the various positions presented. The second meeting would enable the delegations to look more closely at those proposals, as well as two new proposals, one from Bahrain and one from the United Kingdom. That would enable them to move forward to fulfil the mandate given by the General Assembly to the IIM. The Delegation liked to take that opportunity to thank the Delegations of Bahrain and United Kingdom for their contribution, which they found extremely interesting. The Delegation explained that it would like to turn to concrete aspects of the proposal, specifically referring to some ideas which had been picked up in various different contributions and statements, where the Delegation saw a convergence. The Delegation explained that the proposal of Mexico said that intellectual property was a tool for development, rather than an obstacle for development. Though most of the countries had recognized that, they looked at other questions, which were essential to them, for example, food, health and education. Those were their priorities. Therefore, they sometimes did not know well what intellectual property was all about, or civil society misunderstood it, and that created an obstacle to development. As Mexico stated, the Member States should promote intellectual property, in order to make it better-known and to use its advantages for economic, social and cultural development. It said that there was a need for a constructive dialogue between all stakeholders, as proposed by Mexico. The perception of IP should also be improved in the eyes of creators and inventors, to enable them to see the social, economic and cultural advantages of having an effective protection, as was also mentioned in the proposal of Bahrain. The activities proposed by Bahrain and Mexico deserved to be discussed in depth and could be a part of the new guidelines of the Development Agenda for WIPO. In this context, the Swiss Delegation requested additional information with regard to the following issues: how could the assessment of national IP systems, as proposed by Mexico, be carried out; what were the budgetary implications of that assessment; what were the budgetary and financial implications of broadening the technical assistance and advisory services, proposed by Bahrain; what were the overall financial implications for WIPO and what impact would it have on other technical cooperation activities? The Delegation observed that in the light of these questions, the analysis proposed by Bahrain with regard to technical cooperation for LDCs and developing countries, seemed to be extremely useful. The Delegation stated that the opportunity to take stock of technical cooperation in WIPO and identifying coordination procedures thereafter, had also been described in the United States of America and the United Kingdom proposals. Assessment of this information would enable them to better target activities in the future and tailor them to the needs of countries and avoid overlap between recipient and donor countries. The Delegation suggested that the concerns raised by Brazil and other co-sponsors of document IIM/1/4, in the first session of the meeting with regard to provision of technical cooperation for IP, should also be addressed. Those concerns, could be examined, drawing up a partnership program by creating a database which would be available on the web and the partnership office, as proposed by the United States of

America. This would prove to be a useful tool to ensure the best possible coordination in the future. The Delegation stated that they should consider the future work of this committee, after July 2005. Given the explanations provided, with regard to some proposals, specially the second proposal by the United Kingdom, it would seem that the PCIPD could play a useful role in creating a new dynamic in orienting and providing guidance to WIPO technical assistance activities and could be instructed to carry out the assessments mentioned. The Delegation had already had the opportunity to say that this would be a pragmatic solution, one that should be looked at more closely. As for some of the other issues that had been dealt with in other proposals, such as, WIPO's role in development, the Delegation agreed with Bahrain and United Kingdom, and believed that the WIPO mandate did indeed integrate development objectives in WIPO activities effectively. Therefore, it believed that the WIPO mandate should not be changed. As for the concerns of transfer of technology, the Delegation expressed its appreciation to the United Kingdom proposal and agreed with United Kingdom that there was no need to create a new body within WIPO, as issues dealing with IP technology transfer, if necessary, could be dealt with in the different existing committees and programs, in which a strengthened PCIPD could play an important role. The Delegation ended by reserving the right to further address these issues at a later stage in the debate, and stated its willingness to continue to work constructively and actively in the work underway.

25. The Delegation of Pakistan attached great importance to the Second Inter-sessional Inter-governmental Meeting which, pursuant to the mandate given by the last WIPO Assembly, was to consider the establishment of a Development Agenda for WIPO. It noted that in addition to the three previous proposals by Mexico, the United States of America, Brazil and Argentina, two more proposals by Bahrain and the United Kingdom had been circulated for consideration. The Delegation welcomed the new proposals and believed that they indicated the Member States' strong interest in having a robust Development Agenda for WIPO, despite possible varying approaches. The Delegation explained that, in the first session of the IIM it had been pointed out that the core issue to be addressed in the deliberations was not the question of WIPO's mandate, or the nature of its technical assistance, or the governance of this organization. Rather, the core issue was to ensure the provision of the necessary policy space in the intellectual property system, to accommodate the specific developmental needs of the Member States, at varying levels of development. It emphasized that issue was at the heart of the development agenda and must not be forgotten, as more proposals were submitted. The Delegation said that the last IIM session had witnessed an unnecessarily protracted procedural discussion, which prevented deliberations on substantive issues. Therefore, the Delegation strongly urged that, in subsequent sessions of the IIM, the discussions should proceed with a clear structure that would allow specific proposals to be addressed in a focused manner. It said that it was looking forward to have a single "rolling" text, which would contain a compilation of specific proposals that had so far been put on the table, and on which substantive discussions could commence. That, however, had not happened and there was a risk of yet another prolonged and tedious debate on procedures and yet another series of general statements that would not move the process forward in substantive terms. It requested the Chair to chart out a structure for the deliberations, by grouping elements of the various proposals into three broad clusters. The Delegation explained that the first cluster may include different versions of the proposals on development impact assessments of normative activities being undertaken by WIPO. These could include the socio-economic implications of norms in various areas, such as patent harmonization, databases, etc. that had been proposed and their likely impact on countries at

different levels of development. It had suggested this at the last WIPO Assembly, and was pleased to note that the idea has been mentioned in some of the subsequent proposals. The Delegation was also encouraged by the positive response to this suggestion in the statements of a number of Member States and NGOs during the last IIM. It would, therefore, be useful to focus the deliberations in this session of the IIM, on reaching an agreement on commissioning such “development impact assessments”, which could generate the necessary information and analysis that could be utilized in forging consensus on the desirability and the nature of norms that could collectively be agreed upon. The second cluster of proposals, it said, could include the specific suggestions that had been made regarding enhanced flexibilities and greater “balance” within the IP system to facilitate, rather than hinder, the attainment of developmental objectives, by the IP regime. This cluster would include proposals that had been made regarding the IP system in relation to issues such as pricing and availability of essential educational and health products, access to technology, anti-competitive practices, prevention of misappropriation of traditional knowledge and biological resources, as well as other related proposals. The third cluster could include suggestions regarding the technical cooperation activities of WIPO. The Delegation believed that the IIM would not need to devote too much time to this cluster, for the reason that in recent years, the WIPO secretariat had been actively engaged in incorporating the economic dimension of IP in its technical assistance programs. The organization’s activities had clearly moved beyond a narrow legal focus and now addressed broader economic and developmental dimensions of IP. This trend needed to be strengthened. A number of interesting proposals had been made in this regard which could easily be incorporated into WIPO’s technical cooperation programs. The important point was that the Development Agenda could not be reduced to a discussion on this cluster of issues. The Delegation welcomed the Brazil proposal for a structured debate, which, it believed, was the desire of many delegations at the meeting. In addition to obtaining a quick agreement on a clear structure for organizing the discussions, it was proposed that the Chair invite the Member States to have a substantive discussion during the IIM session on issues pertaining to development impact assessments. It appeared to the Delegation that, in principle, there was no objection to this idea. A more detailed discussion might lead to an agreement to direct the secretariat to come up with modalities for undertaking such development impact assessments. This would represent a first concrete step in the operationalization of the Development Agenda – an objective that all member states had stated they shared.

26. The Delegation of Chile felt that the proposal from Brazil was an excellent foundation for the work and considered it a useful idea to structure the discussions. The Delegation added that the Delegation of India had submitted a proposal on the fifth point that would make it possible to not prejudge the results.

27. The Delegation of the United Kingdom stated that it had not had much of a chance to look at the document which Brazil had submitted that day but wished to comment briefly that the proposal of the United Kingdom did not specifically relate only to technical cooperation and capacity building, but was aimed at all development related issues that WIPO dealt with or should deal with. The Delegation stated that with that in mind, the United Kingdom did not feel that it was useful or in fact factual to include its proposal in a category limited to technical assistance and capacity building as it was much more over arching than that and therefore the Delegation felt that, given that they had heard a number of proposals on how to structure the debate, it had submitted a proposal to enable the forum to have a framework

within which to discuss the structure of debates, without prejudicing any potential structures or topics within that structure. The Delegation wished to leave it at that point and to consider the matter further before making any proposals, but wanted to be sure that everyone understood that its proposal was much wider than technical cooperation.

28. The Delegation of Thailand, speaking on behalf of the Association of Southeast Asian Nations or ASEAN, wished to thank members who had tabled proposals for discussion. The Delegation also welcomed the opportunity provided by the Second IIM to further discussions on the WIPO Development Agenda, and recalled that at the April IIM, ASEAN countries underscored that development had always been an important aspect of WIPO's work as an international organization and that ASEAN-WIPO cooperation had been underpinned by a strong developmental focus. The Delegation nonetheless believed that the Development Agenda offered WIPO the opportunity to further enhance and strengthen its role in promoting development and contribute to the realization of the millennium development goals. The Delegation stated that over the years, ASEAN-WIPO cooperation had grown both in scope and depth. The already substantive and multifaceted ASEAN-WIPO cooperation had extended into various areas of IP involving a multitude of stakeholders. The Delegation added that WIPO was currently assisting ASEAN countries on a range of IP and development-related issues, which included a two-day IP awareness seminar in Indonesia held in conjunction with the World IP Day, on April 26, which was organized by the Indonesian Ministry of Law and WIPO. The seminar was on IPR systems and the role of the Academia; Indonesia's technological development; studies on IP in product branding in Thailand; the impact of IP on cultural industries in Malaysia and the economic impact of copyright based industries in the Philippines. Cooperation also included assistance to Cambodia and Myanmar in establishing national IP infrastructure. WIPO and Singapore had also organized an ASEAN Pacific IP Symposium earlier that month on intellectual property for development. Over 80 participants representing regional IP offices and various stakeholders exchanged views on effective IP strategies for national development. Those were just a few examples to highlight the cooperation between ASEAN and WIPO. The Delegation stated that ASEAN countries looked forward to the next session of the ASEAN-WIPO Annual Dialogue in Geneva to further intensify cooperation and to bring ASEAN-WIPO cooperation to a new level.

29. The Delegation of Bahrain wished to once again thank all the delegations that had adopted the Bahrain proposal and also those who had supported their proposal and stated that it supported the proposal made by the Ambassador of Pakistan, which the Delegation felt constituted a practical solution to guarantee effective discussions in the meeting and that it was also compatible with what had been agreed upon in the last round of discussions. Referring to the statement made by the Delegation of Italy, concerning the paragraph on finance and technical assistance, it wished to thank it for the clarification it had given and to reaffirm that the Kingdom's proposal had also dealt with other points concerning the topic of technical assistance and finance and hoped that they would be taken into account in the discussions at the meeting.

30. The Delegation of Morocco, speaking on behalf of the African Group, reassured the forum that no effort would be spared to ensure the success of that meeting. The Delegation wished to express its gratitude to the WIPO Secretariat, for constant efforts made in order to promote culture and intellectual property in developing countries. The African Group wished

to reaffirm the vital importance it attached to the ongoing discussions at WIPO on the dimensions of development, a subject extremely dear to developing countries, and notably to African States. The ambitious initiative of the New Economic Partnership for African Development (NEPAD) was a perfect illustration of initiatives on development. The NEPAD initiative was a shared vision, a strategic choice for African states' integrated socio-economic development framework, aimed at bridging the gap and that it constituted another framework of interaction between African states, industrialized countries and multilateral organizations as a way to attain their goals for development. The Delegation wished to recall the strong political signal sent by the Group of 77 and China, including Heads of States and Governments of the African Group during the Second South Summit, which took place in Doha, Qatar, on June 16, 2005 which stated that "We call on WIPO as a UN Agency, to include in all its future plans and activities, including legal advice, a development dimension that includes promoting development and access to knowledge for all, pro-development norm -setting, establishing development-friendly principles and guidelines for the provisions of technical assistance and the transfer and dissemination of technology". In examining the proposals before the meeting, the African Group wished to first of all thank the authors of those proposals as they provided the forum with solid basis on which to carry out an in-depth debate on substantial issues, and the Delegation was pleased to see that several non-governmental organizations were participating in the debate which was enriching for the discussions. The African Group took note, with interest, of the additional proposal made by Brazil on behalf of the "Group of Friends of Development", with regard to the establishment of a WIPO plan of action for development, an elaboration of issues raised in document WO/GA/31/11. The Delegation felt that the proposal, apart from its global approach, and its broad-based crosscutting nature, seemed to respond to a number of concerns of developing countries, among which were African states. The Delegation felt that the proposal provided guidelines and specific principles with regard to many issues, such as management and mandate of WIPO, norm-setting, technical assistance and technology transfer, while highlighting the importance for Member States to be involved in the activities and work priorities of the various bodies already set up within WIPO. The Delegation acknowledged that that was an ambitious proposal, which went beyond the limited framework of technical assistance and partnership program, which had been proposed by the United States of America as a way of addressing the different aspects of development related to intellectual property. For that reason, the African Group wished to renew its support in principle to the Brazilian proposal, which it felt could nevertheless be improved in order to take into account a number of concerns which were specific to the African Group, such as for example, the obligation to tackle issues such as indigenous knowledge and access to genetic resources and folklore and wished to summarize the African Group concerns, which deserve special attention, as follows: the expectations of the African Group should not be limited to mere technical assistance programs and a partnership program, the African Group rather wished that these should go beyond and should include other aspects such as those related to norm-setting; technical assistance should pay special attention to the ample and full utilization of the flexibilities which are built into international agreements and it should try to strike a balance between the costs and advantages when setting standards for enhancing the IP systems; the establishment, provision and assessment of technical assistance programs must be needs-driven in order to respond to the needs and objectives of beneficiary or recipient countries and to the Millennium Development Goals; establishment of viable and effective national intellectual property systems equipped with modern and computerized infrastructure; improved access to information technology in the framework of WIPO's Digital Agenda; take

into account the level of development across all aspects, notably technical, economical and social; adoption of specific measures to enhance the transfer of technology favoring LDC's and developing countries to foster and promote development for which the Group appreciated the Agreement between the UN and WIPO where WIPO was recognized as the organization responsible for taking appropriate measures to facilitate the transfer of technology to developing countries relating to intellectual property to accelerate economic, social and cultural development of those countries; taking into account issues of a general interest such as health, bio-diversity, access to information and knowledge and at the same time striking a balance between IP stakeholders' interests and those of all interested parties in general; the necessity to see to it that IP policies and systems are in line with the achievement of the Millennium Development Goals. The African Group stated that it had taken note of the latest proposals submitted by Bahrain and the United Kingdom and asked for additional time to examine the contents of the respective proposals. In conclusion, the African Group felt that the multitude of proposals made was a sign that the international community attached greater importance to the development dimension within WIPO and so the Delegation hoped that it could count on WIPO for a comprehensive approach in dealing with the debate in order to benefit from the richness and the complementarity of all the different proposals which had been brought to the attention of the meeting. It reiterated its wishes for successful negotiations and expressed the desire to have all the proposals made available at the meeting, compiled so that the similarities and the differences would be put together in order to better structure the debates. The Delegation acknowledged that they should agree on a consensus to a deadline for the submission of new proposals.

31. The Delegation of China thanked the Delegation of Bahrain and the United Kingdom for submitting the new documents to enrich the discussions of the session and stated that they gave the opportunity to Member States to understand technical assistance from different angles. The Delegation believed that with the increased attention given to the development agenda by all parties, the forum was faced with more interesting proposals, which the Delegation welcomed and encouraged. However, the Delegation stressed that although two IIM sessions had been convened within two months, with another session foreseen in one month's time, a frequency quite rare in WIPO meetings, the fact that each meeting only lasted three days, meant that there were still a great deal of issues to discuss. The Delegation emphasized that if Member States only repeated their respective positions, it would be difficult to effectively solve the issue of development, on the basis of document WO/GA/31/11. The Delegation noted that given the different degrees of divergence on the various issues, the urgency to solve those various issues also varied. For that reason, the Delegation suggested that the forum should concentrate its energy on substantial issues, which had a strong impact on other related issues including those in other fora of WIPO. The Delegation hoped that the meeting would carefully consider the proposals put forward by Brazil, and supported by India and Pakistan, namely on how to organize the meeting and how to structure the debate, specially how to structure the various proposals of several countries on the same theme, and reaffirmed that they could count on its Delegation. The Delegation asserted that it would continue to participate in the debate in a responsible and constructive manner, so as to contribute for the meeting to obtain full results.

32. The Delegation of Benin, speaking on behalf of LDCs, thanked the Director General of WIPO for his initiatives in favor of LDCs. The Delegation informed the meeting that the number of countries in that category had reached 50, out of which 34 were in Africa and that

amongst the 50 LDCs, 44 were members of WIPO. The Delegation supported the declaration made on behalf of the African Group by Morocco, and expressed the wish to support any proposal, which was, constructive and promoted sustained development in LDCs. The Delegation informed the forum that through its LDC program, WIPO provided a global forum in which LDCs could cooperate and develop in association with other bodies so as to share and improve their intellectual property systems. The Delegation stated that WIPO's program for LDCs served as a focal point in the United Nations system for LDCs oriented programs, such as for follow up on the Third Conference of the United Nations on LDCs. As a global forum, in fact, WIPO had assisted LDCs to establish a dialogue between IP professionals and key-players, such as ministries and other governmental bodies, or with the civil society in developed and in developing countries to foster their development. The intellectual property ministerial conference, which took place in October 2004, was one example of cooperation activities. The Delegation said that a conference dealing with intellectual property, as a means for national development in LDCs, had also been organized in Seoul, in cooperation with the Republic of Korea. The objective had been to find policies and technical issues in IP areas, which would enable them to measure the impact of IP on their knowledge. The choice of the Republic of Korea to host the conference was so that Korea could share with LDCs its unique experience, based on intellectual property, which had known spectacular development over the last years. The Republic of Korea was, in fact, at the same level of development in the 1960s as most LDCs today. The Delegation stated that it was thanks to innovation in electronics, telecommunications and IT that multinationals such as Samsung and Hyundai had enabled Korea to develop so rapidly. The Ministerial Conference had called on Least-Developed Countries to follow the example of Korea in setting up an IP system, which would help them in development. The Delegation said that in November 2004, WIPO organized a conference in Stockholm which was based on economic growth and development, related to intellectual property during which senior officials were able to familiarize themselves with legislation and with the implementation of intellectual property laws in multinational and international contexts. The Delegation pointed out that with regard to interaction between WIPO and the UN System, five areas had been identified in which action programs for LDCs could be implemented between 2001 and 2010: information technologies, traditional knowledge, expressions of folklore, SMEs and setting-up of collective management societies. The Delegation informed the Chair that it wished to express gratitude to the Governments of the Republic of Korea and Sweden for the specific assistance, which they had provided to LDCs and added that it would like to invite other governments from developed countries or from emerging economies to follow the examples of the Republic of Korea and Sweden, in order to help LDCs in their own efforts in setting up intellectual property systems and using intellectual property to develop their own economies and to create wealth.

33. The Chair then gave the floor to the Secretariat to make a statement.

34. The Secretariat said that after having examined the different proposals presented by the Member States and the issues raised through interventions by participants in the First Session of the IIM, it wished to offer brief information on some of the issues which, it was hoped, would help clarify certain points and facilitate further discussions in the present session of the IIM. The Secretariat made it clear, however, that the information was not intended to be a commentary on the deliberations nor was it designed to determine the choices of Member States on those issues. It said that WIPO believed that it had a crucial role to play in assisting

countries to use the IP system to their advantage, and to leverage it to contribute to achieving the UN Millennium Development Goals; that the policy framework embodied in WIPO's Vision and Strategic Direction, presented by the Director General in 2003 to the Assemblies of Member States of WIPO, stated, *inter alia*, that "as the specialized agency of the United Nations responsible for IP, WIPO's activities include leadership initiatives in that field with a view to increasing cooperation with other UN bodies and heightening awareness among them as well as among the general public and policy-makers, of the role of IP, within the framework of the UN Millennium Development Goals". The Secretariat said that the policy framework also recognized that every country should be encouraged to develop an IP culture appropriate to its needs, including a focused national IP strategy, the most suitable national IP system and to foster a nation-wide perception of IP. Furthermore, it was highlighted that the IP system should meet national policy objectives and maintain a balance between the interests of holders of intellectual property rights and those of the public at large. The Secretariat also said that the legal advice it provided to Member States in the last few years had been on a bilateral and confidential basis and that WIPO's role had not been to increase intellectual property protection at any cost, but to develop ways and means of facilitating efficient protection which was not necessarily the same as increasing and expanding protection to areas where protection was not socially useful or necessary. The Secretariat stressed that Member States were entirely free to accept or reject the advice it provided, in whole or in part. Over the years, legislative assistance had moved from an objective exercise of assisting developing countries, which were Member States of WIPO and WTO with TRIPS implementation, to helping Member States use the current international standards for promoting national goals of economic and social development. The Secretariat had given advice on flexibilities permitted by the Paris and Berne Conventions and the TRIPS Agreement and such advice was still being provided to WTO Member States, which had implemented TRIPS obligations several years ago, but which were now involved in the process of fine-tuning and updating their intellectual property laws. It said that a number of WIPO Member States engaged in bilateral or regional trade-related negotiations had sought its advice on issues not contained in existing multilateral agreements. Legislative assistance also addressed specific issues raised by WIPO Member States. A few examples of such assistance included using policy options for public interest exceptions from copyright protection; advice on the protection of test data; legal solutions for addressing backlogs of foreign patent applications and ways of addressing the requirement to disclose the origin of genetic resources in patent applications. The Secretariat said that norm-setting activities at WIPO followed the fundamental rules of public international law, where all Member States maintained their full autonomy and no country was obliged to sign or ratify any treaty or other norm which it did not consider to be in its national interest. The Secretariat said it had, and would continue, when requested, to provide information, analyze alternatives or undertake an analysis of cost and benefits of proposed or new norms, depending on how precisely a result of the norm-making exercise in question could be described in advance. The interests of relevant stakeholders, the general public and special interest groups were taken into consideration in the norm-setting process, and WIPO's policy and approach regarding admission of non-governmental observer organizations was intended to ensure that all relevant voices and arguments were heard in the WIPO bodies dealing with norm-setting. The Secretariat explained that the technical cooperation program of WIPO had four main clusters: human resources development; institution building; creation of business opportunities; employment and revenue generation; and policy development. The activities were focused on supporting developing and least developed countries in their initiatives to maximize the use and effectiveness of IP as a tool for social,

economic and cultural development. Developing countries, which had started to strategically use IP were increasingly seeking the assistance of WIPO in deriving value from their adoption of IP systems. The Secretariat stated that in view of the diverse needs of countries, WIPO consulted with them closely and tailored its assistance to meet their specific needs. The Secretariat worked on the basis that there was no “one-size-fits-all” model for IP infrastructure and systems within developing countries, therefore, it assisted Member States in identifying and customizing the elements needed in their national strategies and policies. While implementing development projects and activities in developing countries, WIPO partnered, whenever possible, with other bilateral, multilateral and international organizations involved with intellectual property and economic development issues, thereby optimizing use of resources and maximizing benefits of the synergies so created. The Secretariat said that it was recognized that in the globalized knowledge economy, different intergovernmental organizations had specific roles to play in the international debate on the use of intellectual property as a tool for development.

35. The Secretariat added that technical cooperation programs were characterized by sustainability, specificity and cost effectiveness. Activities were identified in consultation with Member States, cooperating institutions and the intended beneficiaries, and to the extent possible experts, consultants and speakers from developing countries were called upon. It added that WIPO conducted human resources development activities and organized meetings, seminars and workshops in Member States, purely at the request of the government or institution concerned, and extensively consulted with them at all stages of the design, development and implementation of the plan. The Secretariat explained that participants were encouraged to share their experiences, and at the end of an event, evaluate the program. The evaluation exercise was useful in designing future activities. The Secretariat stated that WIPO recognized the importance of technology and knowledge transfer and exchange, and that its main focus was to ensure that they made the IP system work for developing countries, as a tool for a two-way trade in useful technologies and local development. It added that WIPO assisted developing countries in building the necessary skills for full participation in technology transfer, including licensing competence, patent drafting, branding and marketing, valuation and other practical skills. In order to strengthen technology transfer and exchange, WIPO paid attention to supporting intellectual property asset development and management in research institutions; creation of networks of research centers to facilitate technology transfer and exchange and development of intellectual property licensing capacity. An important step in that direction had been the publication of guides and organization of workshops on technology transfer and copyright licensing. The Secretariat said that with respect to the participation of non-governmental organizations in the activities of WIPO, it should be clarified that no stakeholder group was excluded from admission as an observer. The decision to admit new observers, whether IGOs and/or NGOs, lay within the competence of the Assemblies of Member States, and the role of the Secretariat was limited to transmitting the list of NGOs requesting permanent observer status, along with the necessary information, to the Assemblies for decision. The procedure was transparent, simple and subject to the approval of Member States. The Secretariat said that, in the near future, it would provide detailed information on technical cooperation activities implemented in the past few years and the modalities adopted in designing and implementing them. The Secretariat would also undertake consultations, as required, to further strengthen and improve the quality of such programs. There was now a strong emphasis in WIPO’s activities, on the development dimension of intellectual property, mainly with a view to ensuring that

developing countries and LDCs benefited from modern scientific and technological advances in the field of health, environment, communication and nutrition.

36. The Secretariat stated, furthermore, that attempts were being made to define and focus the economic agenda of WIPO towards targeted results and also to take up analytical and research work in support of effective balanced and appropriate IP policies and strategies in developing countries. WIPO's policy would be increasingly to involve NGOs, representing various interests, in its programs and activities in order to benefit from their knowledge and experience. The Secretariat said that it intended to organize an interactive forum with NGOs later in the year to take the process forward. The Secretariat concluded by stating that WIPO was a member-driven organization, whose Member States and other stakeholders, gave direction and approved programs and activities to be implemented. Cooperation with, and assistance to, Member States were only initiated and implemented at the request of the State concerned. The Secretariat said that the nature and scope of the assistance it provided, was also defined and determined by the requesting State. The Secretariat had, and would continue to implement its mandate and perform its duties and obligations in an objective, impartial and professional manner.

37. The Delegation of Colombia expressed its gratitude to the United Kingdom and Bahrain for the interesting discussions that had been generated as a result of their proposals. Nevertheless, they were not able to make a statement on those proposals right away since they had received them that same day and needed more time to study them. The different proposals that had been put forward by the members would give them a broad framework with great scope for positive work in the future. The Delegation believed that it should be defined how the delegations would work together until they reached an agreement, based on recommendations that could incorporate all the different approaches and focuses. In that way, the Delegation would be able to identify its interests, define the parameters, scope and themes that should be discussed, and later reach an agreement on possible areas for discussion and recommendations in each of the thematic groups. The Delegation expressed its belief that it would be necessary to cover the subjects of development, technical assistance and capacity building, and then deal with the other subjects separately, so that the delegations could integrate them later. The Delegation said that it was important to reiterate that within the framework of those discussions the different aspects of intellectual property should be dealt with separately, i.e. on the one hand industrial property should be examined and, on the other, copyright, taking into account the impact of each of the types of intellectual property on development. The Delegation also expressed its belief that the proposal to create different categories of proposals should not only be limited to the second meeting of the IIM, but should also be a driving force for future meetings.

38. The Delegation of South Africa said that South Africa, as a member of the "Group of Friends of Development" associated itself fully with the call by Brazil on behalf of the Group for more focused and structured discussions in the meeting. The Delegation also associated itself fully with the statement made by Morocco speaking on behalf of the African Group. The Delegation appreciated the proposals made by other members during the First Session of the IIM and also noted the proposals made by Bahrain and by the United Kingdom in this session, with actionable and operational language as requested by the Chair during the First IIM. The Delegation considered those as positive signs of Members' readiness to engage in that important process. However, it invited members to look carefully at all the elements

presented by the “Group of Friends of Development”, considering that its proposal was cross-cutting in nature and not solely limited to technical assistance and cooperation. The proposal for a “Development Agenda for WIPO” seeks to ensure that development was a central dimension in all of WIPO’s work programs and activities. The “Group of Friends of Development” document that was submitted to the First IIM, elaborated on key principles and guidelines that should direct WIPO’s work towards development-oriented results. The Delegation wished to reiterate that the document addressed itself to the development mandate and governance structure of WIPO, its norm-setting activities, technical assistance and cooperation, broad issues of transfer of technology and competition policies. In this connection, while the Delegation appreciated the good work done by the Permanent Committee on Cooperation for Development Related to Intellectual Property in providing technical assistance for developing and least developed countries, it did not support the view that comprehensive work should be dealt with in the Permanent Committee on Cooperation for Development Related to Intellectual Property, which narrowly focused on technical assistance and cooperation. The issues that related to the development dimension of IP were crosscutting in nature, therefore the Development Agenda had to be pursued in all areas of WIPO, including the work of all standing committees and other subsidiary bodies. The proposal for the Development Agenda, due to its broad nature, could not be limited to or contained within the work of any single subsidiary body within WIPO. All WIPO bodies were expected to contribute to the realization of the development dimension. In that regard, it was very important to reiterate that while the Permanent Committee on Cooperation for Development Related to Intellectual Property may be tasked by the General Assembly with some activities, it cannot be the forum for addressing the entire proposals contained in the document submitted by the “Group of Friends of Development” in the First IIM, which was clearly mapped-out in Brazil’s proposal for a more focused and structured discussions. Instead, the Delegation suggested that an *ad hoc* Working Group could be established to look at the “Implementation Mechanisms” of a Development Dimension for WIPO. The Delegation said that it would like to underscore that the “Development Dimension” being called for was not only limited to Technical Assistance and Cooperation, as some members continue to emphasize, but also included broader issues of technology transfer and competition policies. Therefore it did not support any position that emphasized technical assistance as the “Development Agenda for WIPO”. South Africa strongly believed that development must be part of WIPO’s overall work, permeating all of its activities, including norm-setting processes. It was also of the view that WIPO, as one of the principal institutions for establishing standards and norms to promote innovation and transfer of technology, had a significant role to play in ensuring that intellectual property rules did not run counter to development objectives of the developing and least developing countries. It concluded by saying that no Member State had objected to the establishment of a Development Agenda for WIPO, therefore it would like to encourage Members States to focus on the Principles on how the Development Dimension could be implement in all WIPO work programs. These principles were clearly laid out in the elaboration document, submitted, in the First IIM. It was hoped that the Meeting would provide positive momentum for the preparation of report for the consideration of the next General Assembly.

39. On behalf of the European Community and its Members States, the Delegation of Luxembourg restated the EU’s commitment to give more emphasis to development concerns in WIPO’s activities, within the existing mandate and bodies of the organization. For a more comprehensive EU position, it referred to the statement made at the First IIM in April. The

United Kingdom's proposal mirrored the EU's genuine concern regarding WIPO's Development Dimension. It had the advantage of giving a clear way forward as it contained operational and actionable language, which was requested in the agreed Chair's summary of the First Session of this IMM. The United Kingdom proposal rightly pointed out a reinvigorated PCIPD, building on its already large mandate and acquired expertise, was the most suitable body to move forward by adequately and comprehensively addressing the concerns of developing countries, and in particular the least developed countries. The Delegation said that the decision by the General Assembly should allow the PCIPD to live up to our common high expectations and to take the development issues to a higher level of concretization. With regard to the forum in which to conduct future work, the EU believed that there should be a single and standing body, dealing with development issues within WIPO, with a broad mandate and which met as frequently as was necessary. The EU considered that the PCIPD fully fulfilled those requirements. The EU listened with interest to the different proposals on how to structure the future debate of the IIM. Based on the various contributions, including those made in the First IIM, the EU was confident that the decision for adoption by the General Assembly in September 2005, building, *inter alia*, on the suggestions made by the United Kingdom, was within our grasp.

40. The Delegation of the Republic of Korea said that it was grateful to the International Bureau for organizing the forum and thanked the Members who had submitted proposals on how to advance the development agenda of WIPO. The Delegation believed that those proposals provided a good basis for constructive discussions and a fruitful outcome of the IIM. As mentioned by the "Group of Friends of Development" in their proposal, at the dawn of the new Millennium, development undoubtedly remained one of the most daunting challenges facing the international community. The Delegation was convinced that intellectual property would increasingly become important in the development strategies of all countries. In that regard, constructive discussions with all stakeholders seemed to be essential. As mentioned by the distinguished delegate of Benin, the Republic of Korea had both the experience of being a recipient and a donor of WIPO technical cooperation activities. In its experience of development, the technical cooperation activities with WIPO had been central to upgrading the IP system in the Republic of Korea. The Delegation was confident that other nations could likewise benefit from WIPO's expertise. Given that background, they had made arrangements for establishing the Korean Funds-in-Trust, as a means of assisting developing countries in the field of IP. In that context, the Delegation welcomed the proposal by Mexico to avoid duplication of technical cooperation activities within WIPO. The rational use of resources should be a priority so as to avoid a negative impact on the budget of the parties involved. It was also important to build a database to bring together donors and recipients of IP development assistance, as suggested by the United States of America. The database could provide key information related to the development activities of the Member States. The Delegation also welcomed the proposal by Bahrain and the co-sponsors, as it believed that that proposal could serve as a solid foundation for arriving at a practical and tangible result. In conclusion, the Delegation said that it would like to stress the importance of implementing the development agenda in a balanced manner, guided by the different circumstances in each Member State, in an effort to gain maximum advantage from the international rules governing intellectual property, through the development programs of WIPO. The Delegation said that it would like to thank the Delegation of Benin for extending its appreciation of the Republic of Korea's efforts in that area.

41. The Delegation of Iran associated itself with the suggestion made by the Delegation of Brazil on behalf of the “Group of Friends of Development” on the future debate. With the decision of the General Assembly, the IIM was mandated to substantively examine the development proposal and to ensure that WIPO activities and IP discussions were driven towards development oriented results. The basic point of the development agenda suggested by “Group of Friends of Development” was that development should be at the core of any negotiation in IP system. All proposals received from Member States had confirmed the necessity of development within WIPO with different approaches. The ongoing and future complex and diverse subjects under discussion in different committees of WIPO and their probable subsequent heavy commitments, had obliged developing countries to evaluate the cost and benefits and examination of the implication of the adoption of increased IPR protection in the framework of norm-setting activities in WIPO. The Delegation thanked Bahrain and the United Kingdom for presenting their proposals, but regretted its inability to comment, as those documents were received on the eve of the Second Session. There were some positive principles like member driven, transparency, necessity of monitoring and impact assessment and external auditing along with technical assistance reflected in the United States of America and the United Kingdom proposals. The Delegation said that it had noted that that morning the Delegation of the United Kingdom had said its proposal went beyond technical assistance and capacity building. The diversity and nature of the proposals under discussion required a clear thematic picture for discussions.

42. The Delegation of Egypt wished to associate itself with the statement made by the Delegation of Morocco on behalf of the African Group. It thereafter indicated that a few days earlier, on June 16, 2005, a very significant signal of concern was voiced by the leaders and Heads of States of the Group of 77 on the current trends of the international intellectual property system and the need for the development dimension to be fully integrated into the system. It further indicated that the need was clearly reflected in the Plan of Action adopted at the end of the meeting in Doha, in which the leaders of the largest grouping for developing countries, which consists of more than 130 Member States representing the majority of the international community, explicitly called on WIPO as a UN Agency to include the development dimension in all of its plans and activities. The Delegation stated that the leaders further committed themselves to enhancing the development dimension of the international intellectual property rights system, taking into account the different levels of development of developing countries, with a view to ensuring access to affordable basic products including medicines, educational tools and software; the transfer of knowledge; the promotion of research and stimulation of innovation and creativity. The Delegation strongly believed that such a strong message emanating from the Second South Summit was a clear reflection of the sincere concerns and strong determination that in the reform of the United Nations, WIPO was not and should not be an exception. The Delegation further believed that that message demonstrated the necessity to establish a comprehensive and effective Development Agenda for WIPO, and that the demand was increasingly visible on the international agenda and would undoubtedly continue to be so. It confirmed that it had been keen to participate in the discussions on the Development Agenda in the first session of the IIM, and it viewed the outcome as a positive step towards deepening the understanding among delegations of the need to effectively integrate development in the Organization.

43. Having said that, and in order for delegations to reach the coming session of the WIPO General Assemblies with concrete deliverables, which adequately addressed the concerns and

ambitions, it was imperative that the session be focused and productive. Therefore, the Delegation believed that the Work Program suggested by the “Group of Friends of Development” was valid in organizing a structured and focused debate on the proposals submitted by Member States. The Delegation wished to thank those members who had submitted new documents to the meeting, namely Bahrain and the United Kingdom. It had had an opportunity to examine the submission from its sister Arab country, Bahrain, co-sponsored by a number of Arab States and wished to make some preliminary remarks, but reserved the right to make specific comments at a later stage. The Delegation was of the view that the proposal which related to technical assistance and capacity-building, was worth consideration. It also appreciated the effort made by Bahrain to share its satisfaction with WIPO and the Secretariat for the role the Organization has played in developing its national IP regime. The Delegation could not agree more with the part of the document, which emphasized that development could not be the sole responsibility of WIPO, a fact which it believed all Member States would agree with and was glad to see it reaffirmed in the document. It wished to highlight one part of the document, which stated that WIPO had always taken into account and integrated the development dimension. In the Delegation’s view, it appeared that the message coming out of the South Summit, in which His Majesty the King of Bahrain himself participated, contradicted that statement and reflected otherwise. If the highlighted section of the document was true, the Delegation did not believe that His Majesty the King of Bahrain, His Highness the Prince of Qatar, His Excellency the President of Lebanon and other leaders of the co-sponsors, and the leaders of the Group of 77 at large, would have been keen to insert in the Summit Plan of Action an explicit, clear and strong call on WIPO. Additionally, the Delegation found some literature used in the document intriguing; for example, there was a reference to the “Group of Friends of Development” in a context that was not quite understood. However, in the spirit of Arab solidarity, it would refrain from making specific remarks or seeking elaboration and again thanked the Delegation of Bahrain for its contributions. The Delegation reiterated that those proposals on technical assistance and capacity-building merited careful consideration and was glad to see that there were a number of Arab countries tabling or co-sponsoring proposals for that important process, and it strongly encouraged them to continue their active participation.

44. The Delegation of the United States of America welcomed the opportunity to continue the discussion of the important role of intellectual property in fostering economic, social and cultural development, with specific focus on the activities of WIPO related to development. The United States of America supported the statement of Group B presented earlier by the Delegation of Italy. As stated at the first session of the IIM, development was not just one of the most important challenges facing the international community, it was one of the most daunting. The United States of America believed that intellectual property protection played a critical and positive role in development. It also believed that WIPO had and should continue to promote intellectual property protection as a tool for economic, social and cultural development. However, intellectual property was only one part of the solution and other infrastructure would need to be put in place for development. It believed that WIPO should continue to focus on promoting intellectual property protection as a specialized agency within the United Nations system. The Delegation did not believe that the United Nations system needed another general development agency, as it already had several bodies devoted exclusively to and with specific competence in development. The Delegation strongly believed that WIPO’s current legal framework and the administrative structures and development activities that existed within that framework provided ample room to address the

development-related aspects of intellectual property. The Delegation, therefore, did not support setting up new bodies for pursuing development-related work. As noted in the Group B statement, a suitably strengthened and reinvigorated Permanent Committee on Cooperation for Development (PCIPD) could do the job and the United States of America supported the United Kingdom proposal and the Group B statement for revitalizing the PCIPD. The Delegation thanked the sponsors of the proposals that would be discussed during that week and noted with approval the new proposals submitted by Bahrain and its many supporters, as well as the expanded proposal submitted by the United Kingdom, which would enrich the discussions. Commenting on Brazil's recent proposal to structure the discussions over the following days, it expressed its appreciation for any effort to make work more efficient and indicated that it was studying the ambitious check-list. Nonetheless, as a preliminary matter, it was concerned that many of the complex cross-cutting proposals submitted by Member States could not be neatly pigeon-holed within that framework. Indeed, many of the proposals took into account the dynamic and complicated aspects of the development-related aspects of intellectual property rights and then referred to the concerns raised by the Delegation of the United Kingdom about the characterization of its proposal. Similarly, the Delegation expressed concerns regarding the limiting one-dimensional characterization of its proposal, stating that its proposal was not just about technical assistance in a traditional sense, but rather about the strategic use of the intellectual property system, including both rights and flexibilities to meet the specific development concerns and priorities of Member States as articulated by those Member States. Although the Delegation remained open to ways to structure the discussions and thereby advance the work, it had reservations about the specific approaches suggested by Brazil and Pakistan. Finally, the Delegation was convinced that intellectual property was an indispensable tool in development and that WIPO was the appropriate forum for discussing the practical experiences of countries in using the intellectual property system as a tool for development and that the Delegation actively planned to participate in such focused and facts-based discussions.

45. The Delegation of Japan associated itself with the statement made by Italy on behalf of Group B. It stated that it was aware that in helping developing countries, cooperation related to intellectual property was very important. In order to discuss WIPO's cooperation for development, it was important for Japan to understand what cooperation programs were now going on and to assess such programs. Based on that assessment, future cooperation programs could be identified. In this context, the Delegation stated that it welcomed Bahrain's idea outlined in paragraph 6, part 1 of document IIM/2/2 and also welcomed the technical cooperation and capacity building activities mentioned in the United Kingdom's proposal outlined in document IIM/2/3. Moreover, it believed that in order to understand cooperation programs comprehensively, the United States of America proposal of building a database must also be considered. In addition, concerning the assessment of cooperation programs, the Delegation considered it important to take into account developing countries' opinion or opinions from recipients of the cooperation programs, as it was very important for implementing programs in accordance with the needs of developing countries and in making WIPO a more member-driven Organization. Bahrain and the United Kingdom mentioned in their proposals that it was important to avoid duplication of work and the delegation also thought so given WIPO's current financial situation. Moreover, the Delegation was of the opinion that awareness of intellectual property systems was an indispensable base in enhancing the effectiveness of WIPO's activities related to development. In that regard, it supported the idea in Mexico's proposal, which focused on dissemination of the intellectual

property systems and enlightenment about the systems. It also supported the idea to enhance both the efficiency and transparency of WIPO's activities on development issues. The Delegation also endorsed United Kingdom's proposal on invigorating the PCIPD, especially in the light of WIPO's current financial situation and thought that making use of an existing body appeared more reasonable than establishing a new body. Finally, it expressed its appreciation for the efforts of delegations calling for a structured debate, including the suggestion made by Brazil. The Delegation indicated that it had listened carefully to various interventions and it appeared that the categorization of proposals in the proposed checklist did not necessarily reflect the contents in a way the sponsors had intended. It thought that a structured discussion might be useful and presenting a checklist or a list categorizing the proposal might be a good way to move forward. However, the Delegation was of the view that such a check-list should be elaborated by Member States before the intensive discussions began.

46. The Delegation of Jordan stated that it endorsed Bahrain's proposal that emanated from its conviction that intellectual property was important in development and a major factor in creativity, which was the driving force behind development. The proposal suggested that efforts be concentrated and directed towards dissemination of knowledge and awareness regarding intellectual property, and that an intellectual property culture be consolidated. The Delegation, therefore, believed that technical assistance in that respect was critical, and an investment, which would bring great benefits in developing countries alike.

47. The Delegation of the Russian Federation thanked the Delegations of the United Kingdom and Bahrain for their new useful proposals, which it hoped would lead to constructive discussions on the issue of intellectual property and development within WIPO. It noted that as a specialized agency of the UN system dealing with intellectual property, WIPO made it possible for Member States to develop economically. Within the framework of WIPO's Convention, Member States successfully worked to promote international intellectual property protection systems, as well as development to stimulate innovation, technology transfer and the protection of literature and art work. It further noted that WIPO had also worked actively in development programs and in permanently improving and leading in new directions. The Delegation indicated that the issue of development was clearly a very important issue that required constant attention from the Organization. It added that the most rational approach to that issue would be not in creating new bodies, but rather focusing efforts on rejuvenating already existing structures. In that context, it was of the opinion that the proposal on improving the work of the Permanent Committee on Cooperation for Development was extremely interesting. It also thought it useful to look into the possibility of establishing a program of Internet partnership, which would make it possible to coordinate cooperation for development. The Delegation concluded by assuring that it intended to work constructively in discussing the issues and that it shared many general views already expressed and was ready to add to the discussion, as it moved forward.

48. The Delegation of Bahrain thanked all the delegations that had welcomed its country's proposal and in particular the Delegation of Egypt for its support and for its references to the various issues contained in the Bahrain proposal. It requested that the Delegation of Egypt present to its Delegation the written text of the statement made by the Bahraini delegate at the Doha Conference because it did not have the text of His Majesty's statement, but it was sure

that that statement contained nothing that would run counter to the Bahrain proposal that was before them as it believed that the text was likely to enrich the discussions.

49. The Delegation of India stated that the first session of the IIM in April 2005 provided delegations with the opportunity to consider the different proposals on the establishment of a Development Agenda for WIPO. It wished to reiterate that intellectual property protection should not be viewed as an end in itself but as a means for preserving the interests of the society by the promotion of education, public health, nutrition, etc. and particularly, by the promotion of science and technology through transfer or diffusion of technology. As mentioned by several speakers, it was important for WIPO to integrate the development dimension into its work program, as was recognized by the leaders of more than 130 developing countries in the recently concluded Second South Summit at Doha. In the political declaration, the Heads of State and government of the countries of the South called on WIPO as a UN agency to work expeditiously towards integrating the development dimension in the intellectual property regime that was development-oriented and that facilitated the transfer of technology and knowledge to developing countries. The Delegation noted that several proposals on the way forward had been made in the morning session. It stated that it had been agreed upon that the debate would be more structured and focused on selected clusters of issues, as a structured approach would enable delegations to examine programs of WIPO in a manner that allowed the development dimension to be integrated in all its areas of work. While doing so, delegations would have been able to focus on norm-setting in WIPO, its governing structure, technical assistance, capacity-building programs and technology development, access to knowledge, technology transfer and related competition policies. The Delegation stated earlier that issues should be addressed in the relevant bodies of WIPO and on modalities and deliverables expeditiously agreed on by Member States. It indicated that in meeting the objectives, the following proposals merited attention: the Standing Committee on Patents could consider, for example identifying a more constructive role for WIPO to address the growing concerns on patents, patent quality, and how to address the appropriate implementation of paragraph 4 of the WTO Doha Declaration on TRIPS and public health, review implementation of Article 40 of TRIPS regarding control of anti-competitive prices. Another important issue that could be addressed in the SCP was the misappropriation of genetic resources and associated traditional knowledge including the issues of disclosure in the patent applications, the question of in-prior informed consent and access and benefit sharing. The Standing Committee on Copyrights and Related Rights could discuss the implementation of TRIPS flexibilities that could protect the visually impaired, libraries, educators and others, essential limitations and exceptions, control of anti-competitive practices, access to essential knowledge goods, etc. The Delegation supported the idea of a WIPO Evaluation and Research Office (WERO) to be established which would operate independently of the WIPO Secretariat. The objectives could be to analyze the impact of intellectual property protection on development in different economies and social perspectives, and help WIPO in developing policies in negotiations of intellectual property norm-setting and other areas like technical cooperation. The Delegation said that WERO could report to the General Assembly with officers to be appointed by the General Assembly, and its head and other staff subsequently would not be eligible for employment in WIPO. The development impact assessment could involve undertaking independent studies by the proposed WERO to gauge the possible impact of intellectual property protection on different economies and could take into account indirect and cumulative effects of intellectual property protection on developing countries, including LDCs. Such assessments could be guided by

proposed rules or standards or other international instruments to ensure compatibility and support of the objectives, rights and flexibilities established by the international community in other fora. The approach could be towards incorporating provisions, recognizing the difference between developed and developing countries, in all norm-setting initiatives. Such provisions would aim at recognizing the objectives and principles of intellectual property protection, provide longer compliance periods, promote transfer of technology, safeguard the national implementation of intellectual property rules, suppress anti-competitive practices and generally ensure that intellectual property rules are a coherent part of broader development strategies. The Delegation expounded that the standards of intellectual property protection could differ for developing and developed countries and that wider participation of the different stakeholders could provide a comprehensive view and thus lead to development of informed negotiations in the larger interest of all the countries. It said that it supported the proposal for establishing a Standing Committee on Intellectual Property in Technology Transfer and also the preparation of a dedicated work program for that purpose. It also supported the proposal to consider the elaboration of a treaty on access to knowledge and technology. The Delegation thereafter asserted that it was confident that a one-dimensional approach, which considered legal protection to intellectual property rights as the sole stimulant for creativity and wealth creation, would give way to a truly development-oriented IPR system, which would adequately address the concerns of the developed, developing, newly emerging economies, as well as the LDCs.

50. The Delegation of Argentina stated that it had listened to all the delegations that had spoken in the debate with great interest. It noted that all delegations, without exception, explained their great interest and their deep commitment to continued discussion on the Development Agenda. In that regard, the Delegation believed that work should not end that day without remembering what had been agreed in other meetings, which was an in-depth scrutiny of the subjects presented. In that regard, it wished to convey its agreement with the structure presented by Brazil on behalf of the “Group of Friends of Development”. A number of delegations expressed some objections with the Brazilian structure, but the Delegation did not see that a problem existed with a list that included four themes with key issues that had been identified for debate and where the proposals presented had been grouped together. Certain delegations expressed their disagreement with the inclusion of their proposals under the theme of “technical cooperation”; the Delegation of Argentina considered that if those proposals were included under that item, it was because they were limited to technical cooperation. The Delegation suggested that those delegations should re-examine their positions in order to submit proposals on other themes such as technology transfer. The Delegation wished to begin the debate and study the list that had been proposed and to begin discussions on the various proposals point by point.

51. The Delegation of Canada voiced its support for the comments given on behalf of Group B and wished to join other speakers in thanking Bahrain and the United Kingdom for their useful proposals. As indicated at the previous meeting, it believed that intellectual property had an important role to play in society. It believed that in both developing countries and developed countries alike, effective intellectual property frameworks could serve to promote creativity and disseminate information resulting in economic, social and cultural benefits for communities. It noted that while the discussion referred to a Development Agenda for WIPO, it was important to remember that the interest of developing countries was not always uniform and might vary depending on each country’s individual circumstances.

The Delegation noted further that some of the concerns expressed by specific developing countries were shared by developed countries and their stakeholders, for example, access to knowledge. In some cases, proposals made by developing countries went far beyond what existed currently in the international setting, and it was for that reason that it believed that WIPO should reflect the needs of all of its members and needed to approach that challenge in a coherent and integrated manner. Canada believed that some structure would be useful to help in focusing the discussion, as raised by Brazil on behalf of the “Group of Friends of Development” and others. The Delegation also noted in that context the African Group’s idea for a compilation from the Secretariat. Over the past months, Canada had also been thinking on how best to structure the meeting’s future work. Some delegations might recall that Canada first discussed the idea in the PCIPD meeting in April, referred to in document PCIPD/4/3 Prov. 3, paragraph 49. The Delegation thought it might be useful if it could outline some of its ideas before an informal meeting was held and suggested three broad themes to group the individual proposals presented by the various delegations. The first theme could relate to innovation, creativity and economic growth, and without going into great details, it could include issues such as empirical work on impact of IPRs including innovation, creativity, growth, markets, competition, health, education, dissemination and absorption of technology transfer, practical use of IPRs to foster economic, social and cultural development. The second broad theme could be IP policy development and capacity-building and among the issues that were discussed that could be grouped under that theme, such as international norm-setting, domestic implementation of IPRs, model laws, national IP strategies, balance in the IPR system, flexibility in the IPR system and technical cooperation and capacity-building. The third broad theme proposed was the role of WIPO, the Organization, its bodies and the Secretariat, the question of how WIPO facilitated members’ work and objectives, including coherence, the relationship to other UN and international agencies, and the support for internationally agreed goals, WIPO governance, structure, mandate, the member-driven focus and finally transparency. The Delegation saw that structure as open and one that would allow additional proposals to be brought in, but it was flexible on the structure that would ultimately be adopted. However, in determining how best to proceed, it suggested that a structure was needed that first helped focus work on a constructive debate, second did not prejudge any outcome, and third did not favor or disfavor any proposals currently on the table or that might come forward in the future. It hoped that it was helpful and looked forward to working with delegations at the informal meeting.

52. The Delegation of Brazil wished to briefly take the floor to enlighten some of the other participants in relation to the intent of its proposal. It very much shared what the Delegation of Canada had just suggested and proposed. It thought that the items that had been outlined were very pertinent and it believed that the structure proposed by Brazil was actually the interface of those themes with WIPO’s effective agenda and work. It stated that discussions in the IIM were not taking place in a vacuum - they were dealing with an Organization, WIPO. Discussions should therefore continue to be dealt with in the WIPO framework. It believed that Brazil’s proposal was not very far from what the Canadian Delegation had proposed, but it was more operational, as it referred to the specific issues that were dealt within WIPO. The Delegation had not intended to include or to identify all the issues that had been proposed by all delegations, and within specific limits there was liberty for them to indicate where best they felt their proposal should be discussed and they were of course free to include additional topics, but IIM had to have a structured discussion that covered the items placed included in the checklist. The list was open to include additional items if delegations

felt that it was necessary. The Delegation believed that the Development Agenda was not a new item to be included but a refocusing of what should have always been WIPO's main focus. Development was not just a goal of developing countries, development was a goal for every country, and the greater involvement of IP in that context was what should be pursued. It believed further that there was a lack of development attention within the history of WIPO and that was what the Friends of Development intended to change with their proposal.

53. The Delegation of Mexico welcomed the new proposals put forward by Bahrain and the United Kingdom, which showed that they were interested in the matters at hand. However, there had not been sufficient time to consider them in-depth. In its view, the two proposals contained globally positive elements such as the five proposals put forward before that session. The Mexican Delegation supported the idea mentioned by some Member States of trying to set up a thematic program to focus the work, for example, the Brazilian Delegation suggestion on behalf of the "Group of Friends for Development". Mexico was currently analyzing the document and in principle agreed with the list of thematic proposals. As said previously, it did not entirely agree on some points contained in the list. Nevertheless, it thought that it could add other matters as suggested by the Brazilian Delegation. The Delegation noted that despite some important differences among the documents presented, all of the documents contained positive elements and sometimes very similar ones. Its proposal presented synergies as compared to the proposals from Bahrain, the United Kingdom and the "Group of Friends of Development". Based on the documents presented by various delegations and the Secretariat, the Delegation believed that the Secretariat could propose a thematic classification that, with Member States' agreement, could be a starting point for future work.

54. The Delegation of Egypt expressed appreciation and gratitude for the positive comments made by the Delegation of Bahrain on their Delegation's statement, reaffirming that comments made by the Egyptian Delegation was the final Plan of Action coming out of the Second South Summit in Doha, Qatar, which took place from June 14 to 16, 2005, where the Group of 77 adopted the Plan of Action and committed themselves to it. The Delegation quoted a part of the Plan of Action: "we call on WIPO as a United Nations Agency to include in all its future plans and activities including legal advice, a development dimension that includes promoting development and access to knowledge for all through development norm-setting, establishing development friendly principles and guidelines for provisions of technical assistance and transfer and dissemination of technology". The Delegation thanked the WIPO Secretariat for being helpful and added that the Plan of Action was now available on the Internet and that Member States had full access in reading it.

55. The Delegation of Australia expressed their appreciation for all the proposals put forward on the topic of a Development Agenda for WIPO. The Delegation strongly supported the Group B statement and added that Australia was open to the idea of structuring the complex and far reaching discussions in order to facilitate a better debate on the substantive issues. The Delegation stated that if a structure was to be adopted, it must be one that was balanced in approach and took into account equally all proposals regarding the Development Agenda for WIPO currently before this meeting. The Delegation had considered carefully the suggestions put forward in the course of the day and thanked the distinguished Delegates of Brazil, Pakistan, India and Canada for their suggestions and comments. The Delegation considered that the approach put forward by Canada for a debate around the themes of

innovation, creativity and economic growth; IP policy development; capacity building and the role of WIPO, so far appeared to be the one which had most fully encompassed all the proposals currently put forward before the meeting. The Delegation supported further consideration of this suggestion for structuring the debate and wished for a fruitful discussion on the substantive issues before the Meeting.

56. The Delegation of Bahrain expressed its gratitude to the Delegation of Egypt for the positive approach in its intervention. It added that the proposal made by Bahrain was adopted by 11 countries, which reaffirmed its belief in the role played by the Organization. The Delegation of Bahrain saw no contradiction between the proposal and the points referred to by Egypt, and preferred further discussion on the subject.

57. The Representative of the Civil Society Coalition (CSC) believed that the proposed work program tabled by Brazil on behalf of the “Group of Friends of Development” and supported by India and Pakistan, offered a clear way to structure the substantive debate for the second IIM. In its view, the four themes proposed by the “Group of Friends of Development” which included norm-setting, review of WIPO’s mandate and governance, technical assistance, capacity building, technology development, access to knowledge, technical transfer of technology, and related competition policies and to provide a constructive template in which to engender the integration of the development dimension into the core of WIPO’s activities. The CSC expressed its particular attention to the recommendations put forth by the 130 Heads of States and governments of the Group 77 countries and China, during the Second South Summit in Doha, Qatar, which called on “WIPO to include in all its future plans and activities including legal advice, a development dimension that includes promoting development and access to knowledge for all”. The Representative noted that there was considerable interest in the proposal to elaborate possible elements of an access to knowledge treaty.

58. The Representative of the European Digital Rights (EDRI) supported the proposal tabled by the “Group of Friends of Development” and added that it believed that the proposal for a structured discussion would offer the best opportunity for the Meeting to cover the different aspects of the current proposal. The Representative stressed that future discussion should not be limited to technical assistance alone, but welcomed the United Kingdom’s proposal to strengthen the permanent committee on cooperation for development related to intellectual property as a positive step. However, it was of the opinion that the proposal still lacked substantial content and, therefore, it should only be considered together with some elements of the “Group of Friends of Development” proposal. Finally, the Representative acknowledged its support for the creation of an independent WIPO Evaluation and Resource Office, stating that it believed all information should be based on the best scientific knowledge available and, therefore, the Organization would help to facilitate this goal.

59. The Representative of the International Federation of Film Producers (FIAPF) stated that FIAPF represented an economic and creative reality of audio-visual productions throughout the world. Most of the FIAPF members were small and medium-sized enterprises in developing countries and, therefore, their main focus was to find the best way to help their members develop the legal and norm-oriented principles which would help them grow. The Representative pointed out that wherever representatives of the Federation went throughout the world, the way to create success in this area, which was a competitive area marked by

economic factors, included three building blocks. Firstly, a critical mass of knowledge was needed, technical skills and artistic competence, which was, qualified people who were able to work on technological and creative matters in the audio-visual field. The Federation stated that everyone was in an increasingly complex world where economic and creative cooperation existed, that the audio-visual field was a very expensive one, therefore, it was necessary to cooperate with each other economically. The Representative added that in order to be able to carry out this cooperation, Mr. Amid Hamsy, who was one of the major producers in Egypt, had shared his experiences on how he had learnt to cooperate in the Arab-speaking world and had taken over ambitious and creative projects that had attracted both the Egyptian public and Egyptians abroad. The third building block of this construction, the corner stone, was the legal framework including copyright, which insured the solidity of the rest of the construction. The Representative emphasized that without copyright there would be no investment and no cultural diversity. Due to the second building block, which was the network that was increasingly necessary throughout the world to enable creative works to be produced, the Representative expressed the importance of having a minimum amount of common norms established and pointed out that if the framework of legislation varied from one country to another it would become very difficult to weave the fabric of cooperation. The Federation endorsed the debate and welcomed the comments made by the United Kingdom and Bahrain concerning their proposals, which would help them, work for the recognition of copyright globally, and for greater social and economic development. The Representative added that by stressing cooperation programs, these proposals would prove attractive for countries and groups such as FIAPF as it would foster creative work and help disseminate knowledge to industries that were just starting up. The Representative reiterated its Federation's willingness to cooperate actively with WIPO and individual Members bringing practical solutions to practical and concrete problems. The Representative once again drew attention to the proposals made jointly in April by the Federation with other organizations, which were on the table outside the room.

60. The Representative of the Trans-Atlantic Dialogue and Consumers International (TADC) stated their support for the proposal tabled by the "Group of Friends of Development" which would consider fundamental changes in WIPO as an institution and added that most groups were signatories to the Geneva Declaration on the future of WIPO which called upon Member Countries to consider the very changes included in the "Group of Friends of Development" proposal. The Representative drew attention to the recent South Summit Declaration from Doha, indicated in paragraph 25 which noted that restrictive business practices and monopoly rights exercised by global corporations often impeded innovation, the flow of information and technology and that a major component of good governance at the international level should be good corporate governance and social responsibility, addressing such issues as anti-competitive practices of larger market players including trans national corporations, a fair balance between holders of intellectual property rights and public policies and societal goals, the need for access to knowledge, transfer of technology and foreign direct investment. The Representative noted that there was considerable frustration over the conflict within the Standing Committee on Patents and the Standing Committee on Copyright and Related Rights over efforts to promote new treaties to expand intellectual property protections, including in some cases, areas where nations have yet to act, as in the proposed extension of a new intellectual property rights for web casting. Regarding patents, the Representative noted that the United States of America and Europe were both debating fundamental questions on the future of the patents system and that the

Business Software Alliance in the United States of America was advocating radical changes in the US law including the near elimination of a chunk of relief for software patents, which combined with other provisions, had been described as an effective compulsory licensing of more software patents in the United States of America. It felt that it was not the moment to harmonize the patent system, instead that much work was needed within the Standing Committee on Patents and the Standing Committee on Copyright and Related Rights which dealt with the problems of making the existing intellectual property systems work better, including addressing the problems of abuses of rights that harm consumer interests. The Representative pointed out that sustainable development could not be based on practices which were harmful to consumers, unlike the proposals of the “Group of Friends of Development” which were constructive and provided a way forward for the committees to engage in activities that would actually build public confidence and trust and that a balanced system was appropriate before introducing new intellectual property treaties such as those proposed in the committees.

61. The Representative of the International Federation of Phonograph Industry (IFPI) stated that it represented more than 1400 producers of all sizes in countries at all levels of development. The Representative welcomed the new constructive proposals made by Bahrain and by the United Kingdom, and in particular, with regard to the Bahrain proposal, was encouraged by the recognition of the key role of copyright for all nations in contributing to cultural, social and economic development. It shared the view that the Development Agenda should be integrated into the full range of WIPO’s work, as it had been integrated in the past, and could be more intensively focused in the future. The Representative wished to focus on the fact that the proposal moved beyond theoretical and general principles, to put on the table actual projects that would enhance WIPO’s work in the area and could benefit developing countries and the international IP community as a whole. The Representative stated further that United Kingdom’s second proposal had set out some ideas for an initial work program in the area and believed that it was extremely important to focus on ways to achieve real progress on this front. Experience had shown that it was difficult to get a consensus on abstract concepts on how best to address the multitude of issues that had been put on the table during the forum, and believed that good could be done by starting practical work as soon as possible. The Representative noted that several items in the Bahrain proposal were aimed at ensuring a strong fundamental knowledge-base from which further discussion could issue to proceed more fruitfully, and observed that the second United Kingdom proposal had suggestions that had been made on the economic, social and cultural impact of IP in the Member States, especially the contribution of cultural industries to national economies. The Representative stated further that there were also proposals that suggested that other WIPO activities could be expanded to advice SMEs, enhance the awareness of IP through education, and assist Member States in developing national strategies to maximize the efficient functioning of the IP system. The Representative pointed out that there were also proposals that suggested assistance from developed countries, including the help that creators commercialized their creation in developed markets, exchanged information about training programs, as well as created a fund that would focus on improving licensing mechanisms. IFPI noted that all the proposals taken together went well beyond technical assistance, as had been understood in narrow historical terms. The Representative pointed out that the ultimate question should be, how could WIPO and the Member States take action to make a difference in a real world, increasing the ability of developing countries to realize the fruits of a well-constructed IP system? It observed that norm-setting activities should have development

objectives taken into account, as it traditionally had in the copyright field. The record industry stood ready to assist in any of the projects that would be proposed. IFPI could offer information, experience and cooperation and suggested that it might be useful to explore some more informal mechanism of information sharing and communication, including sessions sponsored by WIPO, where countries could consult with actual creators and producers to discuss how they went about building and growing a business, based on creativity, and the various ways in which IP was used in doing so. The Representative suggested that one start in the effort could be the program sponsored the following day by the International Chamber of Commerce, which would present creators and innovators.

62. The Representative of the Electronic Frontier Foundation (EFF) welcomed the thoughtful proposals put forward that day on how best to proceed with the important work. In particular, it endorsed the plan distributed by the Global Frontier Development, recognized other proposals, flexible discussion categories and believed that it was an ideal framework for the fruitful consideration of each nation's contribution. It also welcomed the United Kingdom's proposal to re-invigorate the PCIPD, though it believed that the discussion on a forum was premature, till there was a consensus on fundamental questions, like norm-setting in WIPO and whether WIPO's current activities fulfill its UN mandate. The Representative added that its proposal addressed the issue most squarely and looked forward to embarking on that in the future.

63. The Representative of Intellectual Property Justice supported Brazil and the "Group of Friends of Development" proposal, and said that it would like to focus on a few key points. First, WIPO had a UN mandate to promote economic, social and cultural development among its Members, most of which were developing countries. While it did not blindly assert that all IP protection necessarily hindered development, it called for an independent, fact-based, case by case review of the balance of cost and benefits of IP rights for development in various countries. Second, in order to promote the type of customized review, it supported the creation of the WIPO evaluation and research office as an independent body, reporting to the General Assembly, which would allow stronger and more coherent oversight by all WIPO Members and enhance WIPO's credibility by matching the practices of other international organizations, such as the World Bank and the International Monetary Fund. It would be of little value to delegate the evaluation of broader facts on national development to a committee with a narrow mandate, covering only technical assistance for IP enforcement. Third, it supported the amendment of the WIPO Convention to conform to the UN millennium development goals, to strengthen member-driven governance, to clarify the development dimension as essential to WIPO and distinct from mere technical assistance and to include public interest groups formally in the WIPO processes, steps which would strengthen WIPO's mandate and credibility as a UN Specialized Agency. Finally, it supported WIPO reform that embraced the following principles and stated that WIPO should weigh both costs and benefits of IP roles. In addition to "Group of Friends of Development", many developed countries recognized the social cost of granting monopoly rights and the need to balance them with social benefits. The Representative went on to say that a "one-size-fits-all" approach would not foster development in all countries, especially an approach that maximized IP protection at the expense of public interest and that it would make little sense to impose policies that favor IP exporting nations and overwhelmingly IP importer countries. The Representative pointed out that ironically, in the past, developed countries refused to recognize other nations' IP rights when it was in the best interest of their own national development, so IP laws were

needed to protect flexibilities and limitations to rights. Developed countries had several precedents limiting the scope of IP protection. Internationally, TRIPS provide for some flexibility in the implementation of IP laws according to domestic needs, to protect health, and to promote public interests vital to national development. It pointed out that WIPO needed more transparency and member-driven public interest participation. For WIPO to serve its members' needs effectively, all interests must understand and participate in making WIPO decisions, which have profound effects on everyone. The Representative said that importantly, IP was not a goal in itself. It should foster the public goals of innovation, creativity and technical development for when it failed to do so, its social costs outweigh its benefits. It fully supported a treaty for access to knowledge, and concluded that it called for a substantial good faith discussions of WIPO's development dimension, proceeding from the "Group of Friends of Development" proposal, which would result in a formal amendment to the WIPO Convention.

64. The Representative of the International Chamber of Commerce (ICC) stated that it represented small and large businesses from all sectors worldwide, including many in developing countries and least developed countries. Businesses throughout the world created employment and wealth, and provided consumers with a means to access goods and services they might need. Many of the businesses depended on intellectual property rights for survival and competitiveness, but were at the same time third parties affected by IPRs owned by other businesses and individuals. ICC pointed out that there was no black and white dichotomy between IP holders and non-IP holders, and in keeping with its global mandate and membership, it supported the continuation, improvement and expansion of WIPO's assistance programs to enhance the ability of developing countries to fully benefit from the intellectual property system as one element of a larger policy framework to promote development. It also welcomed the constructive proposals which had been tabled and held the view that IP protection was a necessary pre-condition for development and technology transfer, and that it needed to be supported by other policy mergers for its full potential to be realized. The Representative pointed out examples of such additional components as taxes, investment regulations, production incentives, trade policies, competition rules and educational policies, and thought that it should be borne in mind that nurturing innovation and creativity would take time. It was convinced that countries would reap the benefits of IP protection if a conducive environment was provided. Given the central role of intellectual property protection in this context, it supported WIPO programs directed at cooperation with developing and least developed countries that increased the awareness of IP system and provided guidance on how to derive more benefits from it. ICC pointed out, however, that without the deep commitment of each government to establish in its own country an appropriate infrastructure to process and make use of IP rights, nothing practical would result from the discussions related to the current proposal for the "Group of Friends of Development" agenda in WIPO. ICC also believed that WIPO's current mandate and activities already allowed for discussion and implementation of issues related to IP and development within existing WIPO bodies.

65. The Representative of the International Federation of Reproduction Rights Organizations (IFRRO) said that it believed that legislation, enforcement and management was necessary for well-functioning copyright systems, as proper management gave access to materials protected by copyright in the critical field of education, among others. The Representative explained that access meant two things: an easy way to get permission in a

cost-effective manner, while at the same time securing remuneration to authors and publishers in developing countries and that it wanted to enhance local writing and publishing. IFRRO welcomed the proposals of Bahrain and that of the United Kingdom as they recognized the crucial role of IP in all countries and that of WIPO in its role as a specialized organization, and these proposals were framed to enhance concrete work that we have seen was needed in many countries. IFRRO offered its expertise in finding concrete solutions to access to information and knowledge and suitable licensing options.

66. The Representative of International Federation of Library Associations and Institutions (IFLA) and Electronic Information for Libraries (eFIL.net) stated that it was understood that the invitation to comment was on the discussions in process that had taken place that day, and added that it was reserving more detailed comments on the substantive proposals for the appropriate time later in the meeting. IFLA believed that the proposal for the work program by the “Group of Friends of Development”, supported by India, Pakistan and others, was fair and transparent, enabling all views to be taken into account. The Representative believed that it represented a practical framework for all the substantive proposals put before the Committee, to be discussed and compared in detail, and felt that this was a common sense approach and waited to move the discussions forward in a structured way, and that it looked forward to a fruitful dialogue.

67. The Representative of the International Federation of Pharmaceutical Manufacturers Association (IFPMA) pointed out that the current discussions about the mandate of WIPO was an important one. All IPRs were important and it needed to focus on how industrial property and copyright could be used more effectively to promote innovation and the development of useful products and techniques for the benefit of society as a whole. The Representative pointed out one aspect of the discussion that had been quite neglected, the aspect of self development, in which innovations from developing countries used incentives and protection provided by modern IP systems in other developing countries. For example, Indian generic drug manufacturers had 84 patents pending in Brazil. But it was not only major companies and researchers in developing countries who benefited from IPRs. Private individuals benefited as well. One famous individual doing so was the King of Thailand, who had built an innovative way of seeding clouds to produce rain. His formula was now being patented abroad, including the United States of America and the European Union. IPRs protected local innovators in developing countries and allowed them to innovate and to further develop their inventions and create benefits. The Representative stated that at the last IIM meetings, representatives of cultural artists from Africa, Asia and Latin America spoke about how important IPRs were in their work. Film makers from India, musicians from Africa and cultural performers from Latin America, all told the delegations about how their work and ideas were stolen from them due to lack of effective enforcement of industrial copyrights. IFPMA pointed out that the discussion about WIPO’s mandate was really about which side WIPO should be on – on the side of innovators which were from all countries, especially developing countries, or the side of those who used to evade IPRs and who took the fruits of innovation and copied them for their own profits without contributing themselves to the cultural, scientific and technological progress of the world. IFPMA was of the view that WIPO’s mandate continued to be supporting countries with specific, targeted activities and that these countries were pushed to improve their IPR system through innovation in their countries, for the benefit of the people around the world. The Representative stated that the

industry would work with WIPO to strengthen the organization and to help its members use IPRs effectively to promote development through innovation.

68. The Representative of the Business Software Alliance (BSA) welcomed the various constructive proposals that had been tabled for the meeting. The Representative pointed out in particular, the focus in the proposal from Bahrain on concrete, constructive proposals, on how to bring the value of IP to bear on the development issue, and said that in that respect, BSA associated themselves with the comments of IFPI. BSA also noted in the Bahrain proposal a statement concerning the avoidance of confusion between the role of the International Bureau of WIPO in facilitating negotiations on international treaties and the role of Member States in making sovereign decisions on the direction of those treaties and whether to adhere to them. One of the concerns that BSA had in some proposals that had been tabled was that by erecting layers of review processes, the norm-setting process could be entirely circumvented. Finally, the Representative said that it would like to echo the caution heard that day about characterizing the proposals of Member States in trying to pigeon-hole them. As a concrete example, the Representative pointed out the characterization of the various proposals put forward by BSA in the legislative process in the United States of America, which could not be associated with BSA. BSA viewed its proposals in the United States of America as representing a balance and essentially, a return to basic principles for granting relief, within the common law system in the United States of America.

69. The Representative of the Third World Network (TWN) stated that the current trend in the global IP system was to strive for the highest standards. The underlying assumption was the more rights the better, as the trend, which was taking place in many forums. TRIPS harmonized minimum IP standards for all WTO Member States. Least developed and developing countries were still grappling with this implementation. The Representative stated that a World Bank report estimated that the increased obligations on developing countries to implement TRIPS cost developing countries 60 billion US dollars a year. In addition, there were costs for administering and enforcing IP laws and policy. It said that IP standards beyond TRIPS were also being imposed on developing and least developed countries through bilateral treaty agreement and economic partnership agreement. Through these agreements, developing countries were made to adopt many of the WIPO treaties before they were ready to assume such IP obligations. The Representative stated that WIPO was also taking on an IP agenda that was maximalist, which was clearly evident in WIPO's book entitled *Intellectual Property: A Power Tool for Economic Growth* and in WIPO's vision on the website which stated that WIPO's objective for the new century is the promotion of effective protection and use of IP throughout the world. Developing and least developed countries were concerned with the development, a concern reflected very clearly and strongly by the largest third world coalition in the United Nations at the recent second Summit in Doha. The Doha Plan of Action called on WIPO as a UN Agency, to include in all its future plans any activities with development dimension. The statement provided concrete evidence that government and states from developing countries from all regions believed that WIPO had not incorporated nor sufficiently addressed the development dimension in its work as yet. The Representative further stated that dissatisfaction with the global IP system was evident also from strong movements in developed countries that were repeatedly calling for reform of the IP system in their countries and the concern that the dysfunctional IP system in the developed countries were being imported into the developing countries through WIPO and its norm-setting activities. The Representative felt that the proposal submitted by the "Group of Friends of

Development” to incorporate the development agenda presented an exceptional opportunity for WIPO to integrate the development dimension. The Representative also expressed support for the latest proposal by Brazil in structuring the discussion on the development agenda. It had to be decided whether WIPO was to be part of the solution in reforming the global IP system or be a problem in the global IP system.

70. The Representative of the International Federation of Actors (IFA) stated that it fully supported the statements made by IFPI and FIAP. IFA would once again stress the importance of the harmonized system internationally regarding copyright and patents. The cultural industry represented great value for all countries and could not exist without proper IP rights. The Representative pointed out that intellectual property rights, at least in terms of performers that it represented, were not obstacles to economic and cultural development throughout the world. It believed that the problem was exactly the opposite. The rights were often non-existent, too weak, or were not respected in practice to be able to fulfill the goals to establish minimum standards, without which performers could not create or contribute to the cultural heritage of their countries. IFA found it difficult to explain to its members why they did not have minimum intellectual property rights in many countries. Even now, they continued to work in extremely difficult conditions. It was difficult to explain why the international community was discussing the way it was and how it was in fact moving towards weakening IP rights. In an article in *Le Monde* recently, it explained how only 2% of video cassettes in Africa today were legally marketed. This was a disaster for the cultural industry in these countries that required small and medium-sized enterprises to close one after another. IFA added that it encouraged WIPO and its Member States to work constructively in establishing harmonized standards in IP rights, narrowing the gaps and ensuring that these rights were truly upright in practice.

71. The Representative of the International Policy Network (IPN) stated that innovative products and products in creative works had improved the lives of billions of people across the planet and had led to economic, social and cultural development and enabled people to escape from poverty and disease. The key drivers of both innovation and creation were the institutions of the market, property rights, contracts and the rule of law. Markets enabled special innovation and encouraged competition, which in turn, provided incentives to develop new products, as entrepreneurs sought new ways to satisfy consumers. The Representative said that copyrights, patents, trademarks and other forms of clearly defined intellectual property rights provided incentives to invest in the development of products that were difficult to develop but easy to copy. IPN pointed out that IP rights had incentivized the development of a wide range of technologies, from aircraft to medicines, and added that without IP rights, many of the technologies now regarded as essential would never have been developed. Through its role as administrator of international agreements and as technical adviser, WIPO had helped nations, both rich and poor to implement IPR arrangements. As a result, the Organization had helped promote creative intellectual activity and facilitated transfer of technology, thereby encouraging economic, social and cultural development in its mandate under the agreement establishing it as a UN Agency in 1974. IPN pointed out that, in this context, it was important to know that WIPO was already pursuing a development agenda. However, many Member States were expressing some frustrations in the inability to fully benefit from the IP regime. It was for this reason that WIPO should enhance its technical assistance programs in order to facilitate Member States to foster better IP regimes for the benefit of their own citizens. The Representative concluded with what the

distinguished Delegation of Jordan had already mentioned, that technical assistance from WIPO to build more robust IP regimes should be seen as an investment that would promote and sustain social, economic and cultural development.

72. The Representative of the Institute for Policy Innovation (IPI) stated its views on the proposal from the “Group of Friends for Development” were outlined in its intervention during the first IIM meetings in April. The Representative stated that it wished to refer interested parties to the intervention contained in the revised draft report, which was available that day. Sufficed it to say that IPI view the “Group of Friends of Development” proposal to be, at best, a distraction from WIPO’s critical mandate, and perhaps at worst, as an opportunity to undermine the entire rationale of IP protection by radical anti-IP groups. If that was not clear before that day, it should certainly be clear after several recent interventions. WIPO demonstrated a commitment to development and a great foresight in setting up the PCIPD. It seemed obvious that the PCIPD was the logical locus for matters that lay directly within the core competency of that Committee, such as development. IPI found the proposal from Bahrain to be a constructive and balanced proposal, and found that both proposals from Bahrain and United Kingdom represented substantive means by which talk can be replaced with constructive action. It would hope to see WIPO’s renewed and enhanced attention to the issue of development to proceed along the lines of the Bahrain and United Kingdom proposals as well as along the lines of the proposals from Mexico and the United States of America during the previous IIM April meetings. The Representative also pointed out the need to take the opportunity to correct a misrepresentation that had been made during the previous intervention. The United States of America was not considering radical overhaul of the United States of America patent system, as had been alleged. What the United States of America was considering was several incremental improvements to United States Patent Law that would make an already strong system of IP protection, even stronger and more internationally consistent. But this by no means represented a re-examination of the rationale of IP protection in the United States of America, as had been implied. It was its hope that deliberations at WIPO, which were already sometimes contentious, could be characterized by integrity and would remain free of misrepresentation.

73. The Representative of Free Software Foundation of Europe (FSFE) commended the “Group of Friends of Development” on their clear and constructive proposal on how to improve the effectiveness of WIPO in terms of becoming a true world intellectual wealth organization, as well as all other countries on their proposal which, it had noted, all involved information communication technologies (ICT). The Representative stated that like proprietors of software, free software was giving copyright. It does so by mitigating some of the restrictions to best fit the social and economic need of all players. Actors in the free software field range from large companies, such as Sun and IBM, to cities like Munich and Vienna, and to NGOs such as FSFE. Although free software was the model employed with great success by a large number of developed and developing states, most of the current WIPO activities were focusing on proprietary software only. For the upcoming discussions, FSFE would therefore call upon WIPO to specifically include free software in all its programs and activities, educating its Member States on the economic benefits of the free software model.

74. The Delegation of India sought some clarification regarding the general debate, of which it was under the impression had already taken place and that it was now in the position

to move to the most structured discussion that several delegations so strongly supported. The Delegation pointed out that if there were informal discussions, even if they were structured, there would be no record of those discussions and that would be rather unfortunate because there was a need to have on record what delegations might have to say in the different segments. So it was merely seeking clarification that there would be a record of those discussions and that those discussions, even if they are termed informal, would be structured.

75. The Delegation of Argentina shared the concern expressed by India regarding transparency, as it had already made clear during other meetings. This was a very important issue owing to the fact that records could exist in the case of formal meetings. The meeting should determine what was going to be discussed, how to structure the debate, and not spend two days discussing how a discussion should be held without achieving anything. The Delegation would be very happy if there were a solution for the following day in order to reach a consensus on how to structure the debate. The Delegation said it would be happy if the Chair were to bring the different proposals together and to structure the debate. Much of what had been said had been constructive and so a substantive discussion would be advisable; the Delegation also believed that it should begin the following day's meeting on a formal basis. The Delegation would be very grateful if the Chair were to present a proposal that would be accepted by all. The best way to proceed would be to have a serious debate that would address the concerns that had been expressed and that would address each of the different proposals that had been raised.

76. The Delegation of the African Union (AU) paid tribute to the Director General, Dr. Kamil Idris, and his collaborators who were members of the Secretariat, for the important role they played in promoting the culture of intellectual property. The Delegation stated that that role and all activities that placed intellectual property in the center of their concerns were greatly appreciated by the African Group, since Africa was lagging behind in the area of intellectual property in general. It said that a great deal had been said in terms of developing intellectual property by the delegates of Morocco, Benin, by the African Group and by the Least-Developed Countries (LDCs), and that the views expressed were in line with their own in the African Union, that had a great priority to the NEPAD. The Delegation stated that NEPAD, had drawn up a new framework of cooperation and development, and that Africa should become self-reliant, while remaining open to inputs from outside. NEPAD also recognized that intellectual property was one of the major factors of development and should be at the center of all the development processes. It was in this framework that the African Union followed the current debate on developments in WIPO. It considered that there had been encouraging signs of cooperation concerning development and stated that WIPO had made major commitments and had shown its engagement in terms of development, and that the time had come for WIPO to become even more involved in development projects, namely the transfer of technology regarding intellectual property, bearing in mind the Millennium Development Goals. The African Union hoped that these important discussions would materialize and the Delegation wanted to convey its congratulations to all the sponsors and was aware that everyone would be doing their utmost to ensure that intellectual property achieved its many goals.

77. The Representative of the Union for the Public Domain (UPD) welcomed the proposal of the "Group of Friends of Development" and the initiative by India and Pakistan to bring structure to the debate. The Representative felt that this would accelerate the finding of

results, and free resources that could subsequently be used to investigate possibilities for WIPO to foster worldwide intellectual wealth. The Delegation appreciated the statement of the Doha Plan of Action that the 130 countries made at the Second South Summit in Doha, State of Qatar, and stated that it believed that WIPO's role could not be limited to technical assistance alone, but rather, that the development dimension should be incorporated into WIPO's work in a coherent and permanent way. It stated that an independent evaluation and research office created by WIPO would be the best way to assure that all countries benefited to the largest possible extent from the system of patents, copyrights and trademarks. It appreciated the idea of a treaty on Access to Knowledge and added that it should include a balance of the interests of rights holders and the public at large, and an adequate consideration of the needs of developing countries. The treaty should also pay respect to the importance of a strong public domain for fostering creativity within every part of society. It supported a sensible international system of patents, copyright and trademarks. Patents, copyright and trademarks should work as tools for the greater social good, in developing countries, as well as in developed countries. They were indeed powerful tools, but they were only tools, and could never be ends in themselves. The Representative stated that the objective of WIPO's work could only be to foster the growth and the creation of a critical mass of knowledge in all countries, especially developing countries. A public domain that was strong and protected against monopolization was a prerequisite. Helping to build a strong base of knowledge from which creativity could depart, WIPO could truly become an institution fostering and promoting intellectual wealth.

78. The Representative of the World Blind Union (WBU) stated that the WBU represented organizations in over 100 countries, in a world where there were an estimated 180 million blind and partially sighted persons. Much of this loss of sight was preventable, through better hygiene, better nutrition and more affordable medicine. It was therefore, very much in the interest, not only of individuals, that medication be affordable but also in the interest of the countries themselves, that their economic development be improved by the reduction of this disability which could be achieved partly through the availability of affordable medicine. Therefore, the World Blind Union stated that the application of medical patents was of great concern to them. The Representative said that what was of even more concern to them, was that none of the papers from the distinguished Government delegations had made reference to the needs of the disabled, and that if WIPO's development agenda was to be truly inclusive, and address the needs of the world, it must also address the needs of people with disabilities including those with visual impairment. The Representative stated that some may ask what had this got to do with intellectual property? However, blind people can also potentially contribute to the economic development of a country, if they had access to education and employment. One of the barriers to education, knowledge, and employment was the inappropriate use of copyright legislation. Copyright regimes, without fair exceptions to people with a print related disability, hinder the economic and intellectual development of those citizens in their countries, who are blind or partially sighted. The Representative stated that it was therefore, very important that WIPO encourage the introduction of exceptions into copyright regimes, that they be strengthened and actively promoted. It commended the work that WIPO had done in drafting the model law, which offered a country seeking advice, and strongly propagated as part of the development agenda. The Representative stated that the lack of facilities for international exchange between jurisdictions of material formatted for the blind and partially sighted, was a real hindrance to the development of both the individuals and of the countries in which those individuals live. The poor design and inappropriate use of

technological protection measures could hinder the development of blind and partially sighted individuals and the countries in which they live, by denying access to material, to which they had a legal right to access but which technologically were prevented from accessing. The Representative commended WIPO for having instigated a study on this topic and hoped that the results would be followed up energetically. The Representative stated that the World Blind Union had heard requests from various quarters for minimum exceptions in the area of copyright, and they believed this should be actively pursued and would like to see strong encouragement for the introduction of appropriate exceptions. It stated that many delegations had suggested studies and research of various sorts, as part of the development agenda. This was commendable, as long as there was a commitment to the outcome of those studies. Research, for example, into the economic impact of having barriers to access knowledge, research into the true legal position regarding the transfer of jurisdictions of modified material. The Delegation believed there was scope for practical work as part of the development agenda to strengthen rights, and to support the needs of the blind and partially sighted, including the disabled across the world, and they hoped that the development agenda, once finally formulated, would fully take into account their needs, and would make practical steps towards resolving them.

79. The Representative of the European Patent Office (EPO) stated that in trying to further develop the IP system, we should use the many talented persons, in many countries, who uses all aspects of the intellectual property rights system, for promoting development in their countries. It questioned why these cases could not be imitated, not only in the patenting aspect, but also the enabling aspect, which is very important for developing countries. For example, how to use the system for very concrete technology transfer for licensing which is combined with technology transfer, for the benefit of small and medium-sized enterprises. It was not the expertise of the European Patent Office (EPO), but of the Member States themselves, and they supported such partnerships, north and south. The Representative questioned why this was not done in a more systematic and more wide-scale manner, in parallel to trying to develop new schemes and use existing possibilities. The Representative stated that if they looked at the main proposals structuring the debate, regarding the development strategies, there was a lot of middle discussions, but if one attempted to structure the discussion, then they would favor the proposal of Canada and Brazil, as there was more common ground. Leaving the meeting room the day before, the Representative questioned as to why the opportunity was not taken to expand this ground and stated that they should use all the tools available for creating a consensus. The Representative did not think that formal speeches in a formal framework was the only tool for creating a consensus and expressed its appreciation towards the proposal of the International Bureau, to organize these discussions and did not understand the reluctance towards this proposal.

80. The Chair stated that the work would have to be organized so that they could go through all the proposals systematically and move forward in finding the consensus they needed to look for, by reaching agreement on different issues and proposals. The Chair added that various delegations and groups had given proposals, which had been circulated the day before. Other delegations had suggested ideas about the structure and the organization of the work. The Chair had looked into these proposals, and divided them in different clusters. Some examples were given in each cluster and it was up to them to complete the list. The Chair wanted to begin a debate with this structure and to make recommendations to the upcoming General Assembly on how to move forward.

81. The Delegation of Bahrain complimented the Chair on his enriching contribution which would enable them to take advantage of the time remaining during the session but stated that it would like to request more time for consultations with the other countries, and said that it thought an agreement could be reached before the next meeting.

82. The Delegation of Canada thanked the Chair for his useful and imaginative proposal and stated that it saw some elements similar to Canada's ideas but also saw elements and other proposals and ideas that had been put forward the day before. Under those broad clusters, they saw examples as suggestions only, with no formal status, and without prejudice to any delegation to bring forward new proposals or modify any existing proposals. It would be up to each Delegation to determine whether they wish to discuss and where they wish to discuss this specific proposal.

83. The Delegation of Brazil thanked the Chair for his proposals and efforts. However, it stated that the new proposal was in fact a step further away from the concrete proposals that they had already presented in the documents that were on the table. It stated that the clustering proposed in the new document created a distortion, in the way that a lot of the issues were raised in the documents. Many aspects that had been included under capacity building for example, really refer to norm-setting and other issues. There was a separation under different headings between the evaluation and the research office and the impact studies that WERO would carry out. The Delegation of Brazil thought there had been a butchering of sorts of the proposals that were presented in the documents, particularly in the document by the Friends of Development, which was the broadest one. It stated that in its checklist proposal, the Friends of Development had made an effort to keep each particular concrete action within its context. It understood, however, that it might be difficult to please everybody, and therefore, it would make an alternative suggestion: that the IIM continue discussions on the basis of a list, without categorization of issues, of the specific proposals that were contained in the documents that were presented at the IIM. The Delegation said that it would hand to the Chair a new list without categorization, so that he could circulate it as an alternative for organizing and structuring the discussions of the IIM. The Delegation stated that in the former IIM session had agreed that there was a need for an in-depth examination of the proposals and therefore more time was required to examine them. The present Session in fact provided additional time to examine the proposals, but that time was instead being spent on general statements and on empty discussions, that strive to create distance between what was being debated and what were the actual proposals presented. The Delegation stated that it did not see what the difficulty was to agree to a listing of the concrete proposals that were contained in the documents, as they were presented, and to adopt that listing which obviously could be modified to include whatever aspects of a country's proposal they felt was not represented in this listing.

84. The Delegation of Mexico thanked the Chair for presenting the document and stated that it did help them move forward in the discussions. It sided with Bahrain and requested more time to consult on how they would insert Mexico's proposals into this document.

85. The Delegation of India thanked the Chair for his attempt to bring some structure to the discussions and stated that it thought that there was already an obvious structure based on the various proposals that had been submitted by different countries or groups, and that the

natural way would have been to pick out those proposals and see if they were amendable to clusterization. It stated that instead, what had been attempted was to list issues in which WIPO as an organization had been associated, rather than issues, which had specifically come up in the context of the discussion on the development agenda. As Brazil had noted, the mandate of the current IIM was given by the General Assembly, which was to consider specific proposals, if they had not been in receipt of specific proposals, this could have been an approach, but we had several proposals contained in larger proposals. A lot of the items and not proposals under the first cluster did not really belong there, so they could do one of two things. They could spend the rest of the session deciding which item should be in which cluster, or they could first prepare the list of proposals. The Delegation stated that if Brazil had one as indicated, they could certainly look at it, and proceed with the discussion of specific proposals in a fair and equitable rate, perhaps even by picking numbers at random so that they knew which item should be taken up, at a particular point in the sequence. The Delegation stated that it strongly supported the idea of discussing the various proposals that were received from different delegations or groups of delegations. The Delegation strongly urged, while appreciating the work done by the Chair in preparing the list of items, that they did not waste time arguing about what item should go into what cluster. They needed to address proposals and perhaps pick them up at random so that no country's proposal was disadvantaged.

86. The Delegation of Luxembourg reminded the assembly that the day before, they were very much in favor of structuring the debate and expressed their appreciation to the Chair for his efforts and the checklist that was provided to them. It supported the Canadian proposals but was also open to the Brazilian suggestion of listing without categorization, which seemed to go in the same direction as the intervention of the day before from the African Group.

87. The Delegation of Chile referred to a statement they made the day before, and stated that they were comfortable with the list as proposed by Brazil, describing it as an 'open list'.

88. The Delegation of France thanked the Chair for the efforts he had made in providing them with the proposal before them. It felt that this was a step forward and that in the debate underway, there were many different questions before them, and that many delegations were waiting to get into this substantive debate. Nevertheless, it stated that if they did not receive guidance and direction, they would not know which subject should be introduced, first, second etc. The Delegation stated that if some sort of structure was not given to the debate, time would be wasted and pointed out that it shared the view of the Chair in using this type of approach setting out the main areas and main issues, which needed to be addressed, and within those different areas, looking specifically at what should be addressed. The Delegation that without that structure in place, it was afraid that it would not be able to move forward with its work.

89. The Delegation of Colombia thanked the Chair for his efforts in presenting the proposal and stated that it was useful for the work to be organized by clusters. Nevertheless, these well identified clusters could have specific proposals listed underneath them, rather than open issues, such as the Millennium Development Goals. The Delegation stated that there should first be main areas, and then a listing of the specific proposals that came from delegations from specific countries, that would be more useful to them, and they could then be open to a more detailed complete list. The Delegation stated that the day before, Brazil had made a

statement, which seemed to be a good basis, to begin with. It was an open basis, flexible, in which they could include each and every one of the desires expressed by the delegations, and said to the Chair that it was a list it could go along with.

90. The Delegation of Argentina said that while listening to the debate, it felt some clarification was needed, because it thought there was some confusion. Firstly, it should be clarified what the general subject of discussion was, and it stated that the general issue had already been decided the previous September. The Delegation stated that the Development Agenda presented the previous September in a document by the “Group of Friends of Development” had been approved by the General Assembly and that the IIM meetings should deal with concrete proposals. The Delegation stated that, specifically that the IIM meetings should focus on those proposals together with other proposals submitted by Members. It believed that Members were not present to negotiate the content of the Development Agenda. Consequently, the content of what the debate should be was already decided upon through the proposals, which had been made. The Delegation added that many proposals had been presented at the previous IIM and that delegations had had enough time to analyze them. The Delegation confirmed what had been said the previous day, that the aim of the meeting was not the negotiation of a new discussion list, but rather the analysis of the points contained in the list itself. The Delegation exhorted the Chair to take the lead on the debate, moving away from procedural discussions and concentrating the debate on substantive aspects.

91. The Delegation of Morocco, speaking on behalf of the African Group, expressed interest in the proposal made by the Chair, pointing out that it would help to move forward on the discussion. The Delegation mentioned also the importance of considering new proposals, such as the Brazilian and the possibility to have an open list on which it would have additional discussion points.

92. The Delegation of Pakistan expressed its concerns about the considerable time spent on discussing the proposals presented by different delegations. The Delegation put the accent on the fact that some delegations did not share the clustering system proposed by the Chair. The Delegation proposed to analyze all the matters one by one, giving the freedom to delegations to argue on each topic.

93. The Chair expressed that the clustering system proposed by the Chair was adopted only to facilitate the discussion, without prejudice to additional proposals. Delegations interested in presenting a different scheme of discussion were free to present whatever system they considered the best for articulating the debate. The Chair shared the opinion of those delegations that had expressed their concerns on the considerable time spent on the decision of the procedural discussion method and exhorted delegations to move further to the substantive aspects of the meeting.

94. The Delegation of the United Kingdom expressed its flexibility to approach the debate in the manner finally decided. The Delegation argued that one possible suggestion could be to discuss the role and the mandate of WIPO as first point, instead as third, since this point was apparently the less controversial.

95. The Delegation of Iran expressed its concerns about the dilution of the debate caused by the overlapping of all the proposals. The Delegation however supported the proposal presented by the Brazilian Delegation.

96. The Delegation of Kenya expressed its interest in the proposal made by the Brazilian Delegation

97. The Delegation of Bahrain expressed once more its support and interest in the proposal presented by the Chair.

98. The Delegation of Brazil requested the Chair the authorization to distribute its proposal to all delegations. The Delegation pointed out that the structure of the proposal was a listing of action-oriented activities. The Delegation expressed that the order followed in the proposal did not seek to establish any priority in the debate and any interested delegation could suggest a different order. The Delegation stressed that all aspects included in the list were core elements of debates articulated during the previous IIM.

99. The Delegation of the United States of America explained that, similar to the Delegation of the United Kingdom, it was also flexible on the approach taken, whether it would be a cluster approach or a list approach. It stated it would be happy to work with a list and thanked the Delegation of Brazil for providing it. The Delegation pointed out that the list still suffered from some of the problems of categorization that were discussed previously, but it could provide a simple solution that could help to move forward in a very expeditious manner. The main issue was the way its proposal was characterized in the document and requested that the Delegation would be able to characterize its own proposals in the way it saw fit. The Delegation added that it would be happy to provide language to the Chair that would characterize its proposals in a particular way, so that reference to its proposal was replaced with new text that would be more fitting. In addition, the Delegation pointed out that it was apparent that the list did not include some of the ideas from other authors or components of different proposals, and it was likely that they would be interested in doing a similar type of exercise, which would help move the process forward.

100. The Delegation of Morocco, speaking on behalf of the African Group, thanked the Delegation of Brazil for the new proposal. The Delegation stated that it had identified some of its concerns that were not reflected in the list but it reserved the right to come up with other specific issues, once it had had the time to have a clear cut and well-defined study and consideration of the proposal in question. The Delegation suggested that another point 16 should be added to the list addressing the proposal to promote creativity and innovation. Another point 17 would be the proposal to address the issue of misappropriation of biological and genetic resources as it is reflected in the first cluster and proposal number 18 would address health and nutrition in the context of the flexibilities in WIPO Treaties and also in other international agreements. The Delegation stated that it wished its concerns to be reflected in the list and that it would possibly add other points in the afternoon.

101. The Delegation of India requested clarification from the coordinator of the African Group, as it did not recall any proposal having been submitted by the African Group and therefore the list could not contain an African proposal, given that an African proposal had not been submitted. The Delegation, therefore, stated that if work was being carried out

on the basis of the proposals that had been submitted, it expected the African Group to submit its proposal, which could then be included on the list. The Delegation went on to comment on the suggestion of the Chair to treat less controversial issues first. Whether an issue was considered controversial or not would depend on the observer and what might have not seemed to be controversial might indeed be controversial as it might subsume other issues. The Delegation suggested that it would be fair to proceed in a chronological way, considering first those proposals that were submitted first.

102. The Delegation of Bahrain thanked the Delegation of Brazil for the proposal and, despite not finding all the items included in its proposals reflected in the list, endorsed it in principle, as it could serve as a basis for general discussion. The Delegation reserved itself the right to return to some of the points at a later point in time and submit further proposals in writing.

103. The Delegation of Morocco thanked the Delegation of India for requesting clarification and stated that the proposals that were previously made were the core and the essence of the statement made on behalf of the African Group the preceding day. The Delegation explained that it believed that the list was only to reflect the concerns of different countries and different groups. The Delegation further stated that it felt totally at ease with the first proposal and that the clusters totally reflected its own proposal.

104. The Delegation of Algeria supported the statement made by the Delegation of Morocco speaking on behalf of the African Group. The Delegation pointed out that it believed that the doors were not closed on the list in question and that it had been agreed that delegations would look at the chapters or clusters as well as the specific proposals. The Delegation recalled that a few days earlier the Group of 77 had appealed to WIPO to have a plan of action for development. The Delegation indicated that the African Group had seen its concerns reflected in that document and that it was important that in one way or another, the concerns of the African Group were included in the development agenda.

105. The Delegation of India wished to reassure the Delegation of Morocco that the spirit in which the earlier intervention had been made was to understand the statement of the African Group and possibly indicate a way forward for the African Group's proposal to be included. The Delegation pointed out that one of the important features of the list prepared by the Delegation of Brazil was that it was based on the proposals that had been submitted in order to make consideration of an issue easier. Therefore, the Delegation suggested that if the statement of the African Group was the essence of the African proposal then it would be best for that proposal to be submitted in actionable terms. The earlier intervention was made in a very positive way in order to understand whether there was indeed an African proposal so that it can be considered along with the other proposals. The Delegation indicated that the list was an open list and should probably remain open for a fair length of time, possibly until the end of the IIM process, including the third Session. It was not the intention of the Delegation to shut out any Delegation or group of Delegation from making a proposal but rather to ensure that the proposal was submitted as a proposal with actionable content.

106. The Delegation of Brazil stated its desire to elaborate further on the idea behind the proposal. The Delegation confirmed that the proposal was an open document and member countries were welcome to provide language that reflected their proposals in the list in

question. Some proposals made by other countries had been included in order to indicate that it was an inclusive list. It was not the intention of the Delegation to take the place of other member countries in drafting language regarding their own proposals. With respect to the position of the coordinator for the African Group, the Delegation recalled that the document put forth by the “Group of Friends of Development” included member countries from the African Group and that some of the proposals contained therein were convergent with the concerns expressed by the African Group. The Delegation went on to state that a careful reading of the document IIM/1/4 might be a means also for the African Group to find some elements that would be interesting for them. The Delegation added that the list of proposals would be open to additional submissions that the African Group may wish to make but highlighted the importance of working on the basis of formal documents and concrete proposals due to the difficulties in conducting the process on the basis of general statements. The Delegation stated that the idea was to work on the basis of formal documents that were presented by members, identifying concrete proposals in those documents. If the African Group thought it to be important an item called “other proposals” could be added to the list to make it explicit that it was an open list.

107. The Delegation of Nigeria stated that it no longer needed to make a statement in the light of clarifications made by certain delegations.

108. The Chair thanked the delegations for the efforts made to continue to move forward. The Chair explained that, as stated by Brazil, the list was open and the Chair would be working on it, fine-tuning it, improving the language so that delegations could present new proposals in the future, adding to it and using it as a flexible tool that could be reshaped. The Chair would take the responsibility for choosing the initial order in which the themes would be discussed, so as to obviate a long discussion on which theme should be discussed first or later. The Chair explained that he would try to set up a mechanism that would help to accelerate the debate and added that he would try to ensure that an initial discussion was held on all subjects so that delegations would not think that a topic would not be discussed if it was not on top of the list. Subjects that required more time would be given more and an agreement would be reached on this. The Chair stated that there was a proposal submitted by the United States of America to redraft Item 10 of the document and welcomed other proposals for revising or amending the document during the discussions, so that proposals could be added to the document which would complete the existing working document. The Chair expressed that he intended to put forward some controversial topics to be discussed and gradually improved. He added that he would not follow but would ultimately analyze all topics in order to draw some conclusions and reach some common denominators so that for the next session in July, they could agree on an appropriate report to be sent to the General Assembly to draw its attention to the recommendations which were most appropriate, particularly the various meetings and conferences at which these topics would continue to be considered. He requested that during the discussion on the various topics they make a decision as to whether it would be worthwhile to consider them further or not and hoped that the various delegations would inform him accordingly. He added that in the case of controversial topics, they would hold unofficial consultations to reach consensus to achieve the best possible results and opened the floor for discussion on Item 10 of the working document, reproduced as follows:

List of proposals for consideration at the IIM.

1. Proposal to Amend the WIPO Convention to include explicit language on the Development Dimension (Group of Friends of Development, docs. – WO/GA/31/11 and IIM/1/4).
2. Proposal to Establish a WIPO Standing Committee on Intellectual Property and Technology Transfer (Group of Friends of Development doc. – WO/GA/31/11).
3. Proposal to Consider the Elaboration of a Treaty on Access to Knowledge and Technology (Group of Friends of Development doc. – WO/GA/31/11).
4. Proposal to Formulate and Adopt Principles and Guidelines for the Development and Implementation of Technical Assistance (Group of Friends of Development doc. – WO/GA/31/11 and IIM/1/4).
5. Proposal to Establish an Independent WIPO Evaluation and Research Office (WERO) (Group of Friends of Development doc. – IIM/1/4).
6. Proposal for the Consideration of Measures to Ensure wider Participation of Civil Society and Public Interest Groups in WIPO (Group of Friends of Development doc. – WO/GA/31/11 and IIM/1/4).
7. Proposal to Formulate and Adopt Principles and Guidelines for Norm-setting Activities in WIPO (Group of Friends of Development doc. – IIM/1/4).
8. Proposal to Undertake Independent, Evidence-based “Development Impact Assessments” (DIAs) with respect to Norm-setting activities (proposed and existing treaties) (Group of Friends of Development doc. – IIM/1/4).
9. Proposal to establish a system of Holding Public Hearings prior to the Initiation of any Norm-setting Initiatives (Group of Friends of Development doc. – IIM/1/4).
10. Proposals to Improve Information Sharing on Technical Assistance including the Establishment of databases, a dedicated webpage and a WIPO Partnership Office (the United States doc. – IIM/1/2; Group of Friends of Development doc. – IIM/1/4; the United Kingdom (UK) doc. – IIM/1/5; Mexico doc. IIM/1/3; and Bahrain and Lebanon doc. IIM/2/2).
- 10bis. Proposal to strengthen the strategic use of the intellectual property system including its flexibilities, for development, including the creation of a WIPO Partnership Program. This would entail, *inter alia*, the creation of:
 - a WIPO Partnership Database; and
 - a WIPO Partnership office
11. Proposal to Commence Exploratory Work on Defining and Separating the WIPO Secretariat’s Technical Assistance and Capacity Building functions from Norm-setting related Functions (Group of Friends of Development doc. – IIM/1/4).
12. Proposal to Formulate and Adopt a Code of Ethics for Technical Assistance Staff and Consultants (Group of Friends of Development doc. – IIM/1/4).
13. Proposal for Developing Indicators and Benchmarks for the Evaluation of WIPO Technical Assistance (Group of Friends of Development doc. – IIM/1/4).
14. Proposal to Reinvigorate the PCIPD (the UK doc. – IIM/1/5 and IIM/2/3).
15. Proposals to Increase WIPO Technical Assistance including Financial Allocation and Creation of a Voluntary Fund based on the current WIPO Secretariat’s philosophy, design and content development (Mexico doc. – IIM/1/3 and Bahrain doc. – IIM/2/2).

109. The Delegation of Argentina said that it was not questioning the procedure proposed by the Chair, but thought that it would be important to know the criterion by means of which the Chair determined that some subjects were more controversial than others. In order to maintain a coherent debate, it requested that certain subjects proposed by the “Group of Friends of Development” could be dealt with jointly or in an interconnected manner. The Delegation added that it was prepared to be flexible, but that with respect to the proposal in Item 10 from the United States of America it should indicate that in fact that proposal, considered less controversial by the Chair, was one of the most controversial for it. The Delegation said that although it was not going to question that theme 10 be dealt with in the first instance, it requested that theme 4 be dealt with in due course, on the adoption of principles and guidelines for the development and implementation of technical assistance. It expressed concern that moving from one item to another without any links between them and in the absence of any links in the discussions, would make it difficult for delegations to make statements and contribute to the discussions.

110. The Chair clarified that he was entirely prepared to allow delegations to express their views on various topics and that the order in which topics were discussed was not important as all themes would be discussed by the delegations and invited delegations to exchange views on the proposal made by the Delegation of Argentina on Item 4.

111. The Delegation of India stated that it did not have any problems although it would have liked a better idea of the basis on which items were defined or categorized as being controversial or less controversial, and thought that it would be useful for everyone to have a quick indication from delegations on where they stood on the order in which the various issues should be discussed, whether from 1 to 16 or 15, if they proceeded from the beginning. It thought that a quick run through very early in the process to determine if there were any delegations that had difficulties on the discussion of the items listed would be very useful and also to know if there were any fundamental difficulties regarding a particular item.

112. The Delegation of the United States of America requested that before doing anything more detailed, it thought there should be some clarification now in light of the comments that had been made and expressed their willingness to introduce Item 10 which delegations had agreed to be the first proposal to be discussed, stating that it would do so in light of other comments made. The Delegation was also confused as to how the Chair wanted them to proceed and requested confirmation from the Chair adding that it would also like clarification on what had just been proposed by the Delegation of India as it was not clear what was being proposed. The Delegation found it odd and unfamiliar to try to have an initial survey.

113. The Chair requested the Delegation of the United States of America to introduce the proposal and then delegates would deal with procedural issues, as they came up so as not to lose time. He proposed disregarding the term ‘controversial’ which would be termed, the choice of the Chair, regarding those various topics and promised to re-word it more logically with the consent of the delegations.

114. The Delegation of the United States of America stated that its proposal would be presented in the light of the wording they had submitted and distributed. It noted that its proposal was premised on the recognition of the contribution that intellectual property and WIPO made to development and that it was aimed at strengthening this contribution. It added

that the proposal was not just about technical assistance but indeed was also about the strategic use of the IP system, including its flexibilities for development and pointed out that the WIPO partnership program would build upon WIPO's significant successes in addressing intellectual property development needs. The Delegation also stated that the partnership program would bring together all stakeholders to match specific needs with available resources, whether from WIPO, other UN agencies, development banks, NGOs, the private sector, academia, charitable organizations, intellectual property offices, etc. The US proposal would help developing and least developed countries to partner with those institutions to achieve synergies and address specific circumstances and needs, to strike appropriate balance in national legislation and to strengthen institutions such as intellectual property offices in venture groups, collecting societies and so on. It pointed out that partnerships with NGOs, IGOs, IPOs, the private sector, academia, industry and other institutions through the partnership program would bring about synergies which were not seen before without imposing a large burden on the WIPO International Bureau and adding that the partnership program would include two main features, a WIPO partnership database and a WIPO partnership office. The WIPO partnership database would have a partner section listing available partner institutions with contact information, a country and region section where specific needs could be notified and a success section with descriptions and or evaluations of successful partner matches. The WIPO partnership office would have WIPO staff that aggressively sought partners, funds and matches and that the myriad of possible matches was almost infinite. The Delegation gave examples that a development culture ministry could partner with museum experts, charitable organizations and a regional development bank, a developing country copyright collecting society could partner with NGOs having expertise in a developed country collecting society, a developing country IP office could partner with a developed country IP office and with development funding for automation projects, patent information, dissemination and so on. The Delegation believed that this proposed partnership program would help to better address several needs, namely, the need for better coordination of IP related development assistance, the need to learn the actual needs of developing countries and their specific circumstances, the need to make WIPO and other IP related development assistance more relevant to developing and least developed countries and also the need to make all stakeholders aware of the actual needs and available resources. The Delegation was of the opinion that their proposal would build on WIPO's successes in establishing the WIPONET project that connected all WIPO Member States IP offices to the Internet which would permit partnerships to further address IP office information, technology needs and patent information dissemination thereby increasing access to knowledge and technology transfer. It observed that developing and least developed countries had the choice of getting advice on IP strategy whether this was WIPO, UNCTAD, NGOs, IP offices or elsewhere as the WIPO partnership program proposal was meant to facilitate choice, competition and synergy through partnering to create IP systems to meet the specific needs, circumstances and objectives of countries. The Delegation added that further details were outlined in the proposal itself which they had submitted at the previous session of the IIM. It requested other delegations to consider this proposal in the spirit in which it was made which was one of cooperation, to advance their discussions relating to intellectual property and development.

115. The Delegation of Mexico thought that the proposal put forward by the Delegation of Argentina was an excellent foundation as there were many points that were inter-linked, but felt that Item 4 seemed rather general. The Delegation was of the opinion that it was an item

of policy adopting principles and guidelines, development and implementation of technical assistance and thought that it was a bit broader topic than Item 10, which was on improving information sharing on technical assistance. The Delegation thought that since they had already started discussing Item 10, Item 4 should be discussed as well because it was linked. It added also that as it had *10bis* from the United States of America, the Delegation wished to comment on this with regard to what had been said by the Delegation of the United States of America as it was important to take into account the costs of implementing a database, a Website and a WIPO partnership office as well as all associated costs. The Delegation questioned whether WIPO wanted to make resources available, or if it would be UNCTAD, the World Bank, the US offices which would offer the financing and how much would the Member States have to contribute financially. It added that an economic issue came with all those topics and wanted to know where these resources would be found before continuing.

116. The Delegation of Canada stated that it would be commenting on *10bis*, which the US had just presented and added that it might comment later on other technical cooperation issues under 10, but that there was still a question of reorganizing the presentation. It pointed out that with respect to technical cooperation initiatives, it was important that they be as efficient as possible to ensure assistance was directed to best address the needs of developing countries, therefore, the Delegation found merit in the US proposal for a WIPO partnership program and was interested in pursuing that further. The Delegation believed that this proposal would contribute to improving transparency and coordination between donors and potential recipients and setting a standard for the group and that it would leave its comments on the US proposal as an initial reaction.

117. The Delegation of Argentina reiterated that it thought the topic of technical assistance should be complemented by other elements that it believed were absent from the proposal. It added that technical assistance should be based mainly on needs and requests from Member States, and that it would be managed and evaluated in a transparent and neutral manner. The Delegation explained why in the proposal of the “Group of Friends for Development” it had highlighted, not only transparency and training, but also the idea of managing and evaluating technical assistance because that guaranteed effectiveness and monitored the use of resources in the best possible manner.

118. The Delegation of Pakistan stated that it welcomed the substantive discussion, the need of which it had constantly been advocating. The Delegation believed the U.S. formulation was being discussed, which had just been circulated and with regard to the U.S. proposal contained in document IIM/1/2, circulated prior to the previous meeting, it would like to share some of its thoughts on this particular proposal. Firstly, the Delegation would like to say that it agreed that technical assistance was an important element of WIPO’s work and, as indicated during the two statements in the IIM, that this was already at bay in terms of the good work that the Secretariat was doing. The Delegation believed that the U.S. proposal would definitely improve and strengthen the on-going technical assistance activities of WIPO, which have seen marked improvement in the last two to three years. However, there was another aspect of this proposal, and the Delegation would like to build on with something which had just been mentioned by the previous speaker, the Argentinean delegation. The Delegation stated that though merit was found in the U.S. proposal, that technical assistance needed to be matched to the demand originating from developing countries and there was a need to have a partnership database and WIPO partnership office. But the Delegation felt that since the

discussion on Development Agenda in WIPO, there was now an element, which was conspicuous, by absence, in the way technical assistance was presently being undertaken in the Organization. Discussion on issues like the one mentioned in item 4 and other proposals that were under item 10, would lead towards a change in orientation; the mind set needed to be changed in terms of the larger discussion on the development agenda which would also have its effect on, ultimately, post technical assistance. The Delegation pointed out, the way it felt, about how the U.S. proposal was presently drafted; there was a difference of perception from what it believed technical assistance should be. The proposal was about having intellectual property in development, whereas what was discussed was having development in intellectual property system. That was what was needed to be looked at and it believed it would evolve in terms of effect on technical assistance programs being conducted by WIPO, as a result of discussion on the development agenda, item 4 and other items. While the Delegation were convinced of the merit of the proposal it believed, it was only a small part, a part, even an important part, but still a small part of the larger development agenda. It was through a discussion on all the other elements of the various proposals that were on the table that it would move towards establishing and delineating the words of the development agenda for WIPO. While the proposal had merit in its own right, there was a sort of IP-plus aspect of development, which it believed would evolve during discussion on other items, including item 10 and 4 and would ultimately form an important part of the Organization's work.

119. The Delegation of the United Kingdom started by thanking the Delegation of the United States of America for the elaboration and clarification of its proposal. As it understood the proposal, one of the key aspects was the demand-driven part, which a number of delegations had already picked up. The Delegation saw the U.S. proposal as an important contribution towards their efforts to provide effective technical assistance. The Delegation offered its wholehearted support to the U.S. proposal in its paper, IIM/1/5, at the same time also emphasizing the need, like other delegates, for the proper evaluation of technical assistance programs. The Delegation stated that in its proposal, it had highlighted the work that PCIPD had already done in this area, and would very much want to see the body as a means of taking forward the U.S. proposal, as well as other aspects of technical assistance agenda. The Delegation stated that as other delegations had already referred to paragraph 4 on the list of proposals put forward, it very much looked forward to discussion on that and offered its support for a number of proposals put forward under that paragraph. The Delegation did not see the issue of technical assistance purely in the light of the U.S. proposal, but it also saw other aspects to it, as put forward in its proposal.

120. The Delegation of Brazil stated that it would like to emphasize a couple of the points that had been made by some of the delegations who had spoken on this particular issue – the proposal of the United States of America and other related proposals. It mentioned the fact that it was clear that “Friends of Development”, in preparing document IIM/1/4, did identify mechanisms for appropriate information sharing as a useful tool in the field of technical cooperation, in helping to improve the deliverance of technical cooperation to countries that could benefit from it. The element on information sharing, however, had never intended as a stand alone proposal. It was meant to be part and parcel of a much broader framework of mechanisms to ensure adequate provision of pro-development technical assistance. The Delegation said that that point had been made by the Delegation of Argentina and it would like to emphasize that fact that it agreed that information sharing was important, and should

be accompanied by a number of other measures, which would include the principles and guidelines for provision of pro-development technical assistance that had been also proposed in document IIM/1/4, and which it looked forward to discussing as the meeting proceeded. The Delegation pointed out that at the last meeting of the IIM, it had made some remarks on the proposal by the United States of America. The Delegation was appreciative of the effort made by the United States of America in drafting this proposal. The Delegation, in fact, shared some of the concerns that had motivated the United States of America in preparing their document. On the other hand, it did have some concerns with respect to certain aspects of the US proposal, which was that ultimately it seemed that the solution to the improvement of technical cooperation that the United States of America was proposing would, in fact, be based on an idea that the provision of technical cooperation should be privatized for the improvement of its quality and cost effectiveness. It was not entirely clear to the Delegation that the US approach would be entirely appropriate. The Delegation thought that, in fact, the privatization of technical assistance as proposed by the US would give a great deal of influence to the private sectors and the rightholders in determining the overall orientation of that technical assistance, which might certainly be in the interest of rightholders in the private sector. The Delegation was not entirely sure, however, that the approach suggested by the US would take care of the concerns that had been expressed by the developing countries, particularly in respect of the quality of the technical assistance provided by WIPO. It was not clear at all that the system, as proposed by the United States of America, would ensure a more development-oriented, neutral and demand-driven kind of technical assistance. The Delegation, nevertheless, appreciated the effort of the United States of America in preparing the proposal and looked forward to further discussions on it.

121. The Delegation of Sweden welcomed and supported the United States of America proposal and said it would like to align itself with the comments made by the Delegation of the United Kingdom, that the coordination and efficiency of development cooperation should be an important part of the efforts on IP and development. The Delegation would like to emphasize that the key principle regarding technical assistance and cooperation should be demand-driven.

122. The Delegation of Australia welcomed the strategy to address development issues made by the proposal of the United States of America to create partnership programs with the help of the Internet. The proposal provided an opportunity to unify technical assistance, at the same time creating enough opportunities to bring together other agencies that would be interested in the program of development. It also provided some opportunities for Member States to develop partnerships with specific regions and countries. The Delegation pointed out that to be effective, technical assistance programs, such as those carried out by Australia in the Asia and Pacific Region, must support and build on programs undertaken by WIPO and the recipient countries. The Delegation said the proposal by the United States of America was a transparent mechanism to tie together the development efforts by various Organizations and to act as a further incentive for Member States and various Organizations to take on a greater role in the important area of technical assistance.

123. The Delegation of Japan stated that in addition to its comment the previous day, it emphasized the merits that the United States of America proposal provided, and pointed out that a database would facilitate taking stock of existing technical cooperation program comprehensively and develop them according to the needs of the recipient. The Delegation

said that the proposal by the United States of America concerning building a database was useful.

124. The Delegation of the United States of America thanked the Chairman and mentioned that much as the Chair would like to move on to a new topic, the Delegation would briefly thank other delegations for the comments that they had made. It felt that there had been a lot of positive feedback on its proposal and the Delegation greatly appreciated it. In response to a couple of comments, the Delegation offered just a few clarifications on the comment made that the system appeared to perhaps privatize the technical assistance and it was unclear whether that would be development driven. The Delegation explained and clarified that if you looked just at the donor agencies, certainly certain private sector interests would be representative. It would be opened to any and all donor agencies, and it thought that would be a fairly broad picture. In addition, the Delegation said that the real crux of the matter was that that program would allow countries, in particular, developing countries themselves, to decide according to their own needs – what type of programs would eventually be implemented, and in that light, it seemed to the Delegation that its intent was that this was indeed very much a demand-driven exercise and would also be a very development-oriented, with each country assessing its own needs and being able to profit from that. In addition, the Delegation pointed further that it noted that in the way it had envisaged this program, due to the structure of the proposal, it believed that much of this could be accomplished using extra-budgetary measures and any additional resources could be done within existing resources of WIPO.

125. The Delegation of the Russian Federation said that it would also like to react to the Chair's request for general comments on theme 10, which was being studied at that point in time. It said that the proposal of the United States to create a partnership over the Internet and the program seemed to it to enable a coordination of activities to assist development. It was therefore its view that a more detailed study of the proposal itself would be of interest to everyone and would be useful. The Delegation said that it would certainly be prepared to participate in a discussion on the subject at a later stage.

126. The Delegation of Brazil thanked the Chair for once again giving it the opportunity to introduce the proposal put forward by the "Group of Friends of Development" on the formulation and adoption of a set of principles and guidelines for WIPO's provision of technical assistance. The Delegation said that the proposal which was put forward by the "Friends of Development" at the WIPO General Assembly of 2004, noted that WIPO played a key role in the provision of intellectual-property-related technical assistance and capacity building and that apart from WIPO's own mandate, by virtue of the 1995 agreement between WIPO and the World Trade Organization (WTO), WIPO, in fact, also played an important role in the implementation of the TRIPS Agreement in developing countries. The Delegation went on to say that in the context of the TRIPS Agreement, the legal technical assistance activities should mean implementing its provisions including the pro-development ones such as Articles 7, 8, 13, 30, 31 and 40 as well as subsequent pro-development decisions such as the Doha Declaration on the TRIPS Agreement and Public Health in any manner that was responsive to the development needs and aspirations of individual countries. The Delegation acknowledged the fact that WIPO had made some important strides in providing developing countries with technical assistance. However, it also thought that more could and should be done to ensure that the assistance was useful to development objectives. In its view, it was clear that for WIPO's technical assistance to be of value to developing countries and

least-developed countries, it should be planned and delivered on the basis of a set of transparent principles and guidelines, on the basis of which an objective assessment of its impact and effectiveness could be made. The Delegation said it thought that the principles and guidelines, if agreed to and adopted by the Member States of WIPO, could provide a much needed roadmap for the expansion and improvement of the quality of WIPO's technical assistance. The Delegation said that the point that it wished to make was that it very much acknowledged the relevance and usefulness of the technical assistance that had been delivered by WIPO in the past, but that it was its crucial concern that there should be a continuing effort to improve the quality of assistance given. This was an issue that had been debated at length in a number of different fora, among different stakeholders and in the literature that had addressed the issue in the past. The Delegation went on to recall the report of the Commission on intellectual property rights that had been set up by the Government of the United Kingdom a few years ago and which had addressed the issue and set forth a number of interesting recommendations. The Delegation said that it had listened carefully to the debate that had taken place so far during the IIM on the issue of technical assistance and it seemed that there was clearly agreement that, in general, the principles and guidelines that had been identified in the document of the Friends of Development were correct and provided a basis upon which technical assistance should be provided. The Delegation stated that the principles were all set forth in document IIM/1/4 and could be found on pages 21 and 22. The Delegation recalled that there were a total of eight principles and guidelines set forth which had been highlighted in the discussions in the first IIM and that they were not an exhaustive list of principles and guidelines. It was a first approach to the issue put forth in the proposal made by the "Friends of Development", but the important point was for the discussion to lead to the establishment of a number of principles and guidelines that would help to ensure that the countries derived maximum benefits from the technical assistance provided by WIPO. The Delegation said that it looked forward with great interest to listening to the views of the delegations on the principles and guidelines. The Delegation said it had made an effort to set forth principles that would address a number of different concerns that had been raised by WIPO Members and in the literature on the issue, in general, particularly in respect of the shortcomings of the kind of technical assistance that had been offered in the past and that it hoped that other Member States would help the Group of Friends of Development in thinking the matter through and proposing, if need be, improvements to the principles and guidelines set forth.

127. The Delegation of the United Kingdom said it agreed that it could be useful to have such guidelines for technical assistance. However, when looking over the details of the proposal in document IIM/1/4, it did have a few concerns about some of the proposed guidelines, therefore, it felt that any guideline would need to be discussed in more detail and, in fact, that the PCIPD would provide the ideal forum for a debate. The Delegation said it looked forward to discussing the details at the PCIPD in the near future and that it would also give it the opportunity to learn from other bodies about how they provided technical assistance, in order to ensure that WIPO could make use of best practices on this matter.

128. The Delegation of Canada said that at the previous meeting, a number of participants commended WIPO for its existing technical cooperation initiatives with developing countries and that it was also recognized in the paper presented by Bahrain which stated that WIPO's work for developing countries in setting-up national programs for social economic development had produced tangible results. However, many developing countries had also

expressed the need to revisit the classic type of technical cooperation provided by developed countries in international organizations as a means of better addressing the new needs of developing countries. The Delegation said that it recognized that efforts in areas such as assistance in formulation of policies and analysis of complex issues, preparation for international negotiations and strengthening national innovation systems would be beneficial for developing countries and could produce long-term results. For instance, the Delegation referred again to Bahrain's presentation, which proposed that Member States should be encouraged to assist it in setting-up national strategies on intellectual property. To that effect, the Delegation of Canada favored a demand-driven approach, which would ensure a better understanding of the needs in terms of policy-development, and capacity building as such an approach would respect developing countries and LDCs particularly. The Delegation reminded the meeting that the Delegation of Brazil had informed it that the United Kingdom IPR Commission had looked at the matter and said, in its report, that too often IP-related technical assistance appeared to be planned and delivered in isolation from other development programs and that it was imperative that assistance be delivered as efficiently as possible. The Delegation of Canada went on to say that, as mentioned by the Delegation of the United Kingdom, it was important to integrate IPR policies with the formulation and implementation of poverty-reduction strategy papers and that in the absence of such integration, IP-related projects could be considered a low priority by donor agencies with corresponding applications for funding. The Delegation declared that, in this context, it was committed to ensuring that resources of WIPO were used rationally and it believed that developing principles and guidelines should help in this crucial action. The Delegation said that considering the number of proposals submitted, it thought the matter deserved more detailed discussion and that the present session could forward it to the PCIPD as the Delegation considered that it fell within the PCIPD's mandate and it therefore supported the United Kingdom Delegation's suggestion that the group should elaborate the principles and guidelines. The Delegation of Canada wished to end by highlighting a few points of particular concern, which were that it considered that technical assistance should be member-driven, demand-driven and transparent.

129. The Delegation of India said it was somewhat surprised by the response of the two previous speakers who thought that the proposal regarding the development dimension of technical assistance should be rightly transmitted to the PCIPD. It had hesitated to take the floor on the proposal of the Delegation of the United States of America even though it felt that the proposal was called technical cooperation and belonged within the context of PCIPD. However, the Delegation thought that the proposal probably merited consideration in the present framework, maybe by looking at the development dimension of things, because one could argue that in addition to technical cooperation, there was something else. On the other hand, the "Group of Friends of Development" proposal presented by the Delegation of Brazil looked at one particular aspect, namely the fact that there had traditionally been neglect when it came to addressing the development dimension in the framework of technical assistance, so that, clearly, did not belong to the PCIPD which essentially addressed technical assistance to enable developing countries and LDCs to better protect intellectual property. The Delegation expressed its concern about the development dimension, which was why PCIPD was very different from the sort of things being discussed at the IIM. The Delegation went on to say that the meeting was trying to see if technical assistance should be given merely for the sake of providing protection for intellectual property or whether at the time that a request was received, even if it was demand-driven, possible development aspects should be taken into

consideration and, therefore, it was surprised that the last two delegations found the “Group of Friends of Development” proposal would be better addressed in the framework of a technical cooperation committee while they had no similar observations with regard to the proposal put forward by the United States of America, which, in the view of the Delegation, was straight down the street of technical cooperation finding partners, perhaps in the private sector, to provide that kind of technical advice. The Delegation said that, if a developing country, for example, was casting around for a way of strengthening its publishing industry, maybe the partner would be the association of publishers or some such body, which would no doubt take a very pro-protection point of view and while that of, and in itself was quite alright, maybe what should be looked at in that framework was to ensure that the knowledge aspects of such protection were not overlooked. The Delegation thought, that kind of partnership could be best addressed in a sort of trilateral framework in which there would not only be one partner which would probably be from industry, but another partner which would ensure that the appropriate caveats were also looked into so that in the process of providing protection for a particular industry or a particular intellectual property, more good was done and less harm because it was imperative to recognize that private sector partners would have a slight conflict of interest in the sort of advice that they provided: therefore, as the idea of the Delegation of the United States of America was developed further, the meeting could, perhaps, think of balancing or neutralizing the conflict of interest by having a civil society partner as part of a trilateral arrangement, but be that as it may, the Delegation expressed surprise that the delegations of Canada and the United Kingdom had not immediately supported the inconsistency of addressing the proposal of the Delegation of the United States of America in the framework of the present body rather than recommend that it be transmitted to the PCIPD, whereas their very alert antenna had immediately picked up the relevance or irrelevance of the proposal put forward by the “Group of Friends for Development” insofar as discussion of that matter in the framework of the development dimension was concerned.

130. The Delegation of the United Kingdom began by welcoming the fact that the meeting was at last having a substantive discussion with a real exchange of views which it thought was really helpful. It said that it wished to clarify its view of what it thought the PCIPD was and could be because it was central to its proposal. The Delegation said that the PCIPD was a legally set-up body, and that it was already in existence. All members of WIPO were members of the committee. The PCIPD was set-up with an extremely broad mandate with no restrictions, a fact that was confirmed by the Secretariat in paragraph 92 of document PCIPD/4/3. The Delegation of the United Kingdom went on to say that its proposal was that the committee, suitably re-energized and reinvigorated, would be the ideal forum to take forward many of the issues in the present debate. Furthermore, it stated that, in its previous intervention, it had indicated that the proposal of the Delegation of the United States of America could also be taken forward in the PCIPD, and that it had offered its support for the principles and guidelines which, it indicated, was an issue that could also be taken forward in the PCIPD. The Delegation pointed out that it therefore came as a bit of a surprise that another Delegation was surprised by its position. The Delegation wished to confirm that it thought the PCIPD had a clear, mandated role to play certainly in terms of technical assistance but also on much broader issues relating to intellectual property and development.

131. The Delegation of Argentina said that it believed that, at the current point in the debate, the themes should be placed in third proper context. It stated that the proposal for a development agenda for WIPO did not have compartments that were independent of each

other and that it was, in fact, part of a whole which could be looked at like a waterfall, and that the document that had been presented in April 2005, began by looking at the basic aspects, the mandate, governance, and then expanded in an horizontal way to different bodies and activities undertaken by WIPO. Referring to technical assistance as such, the Delegation thought it was important to place it in the right context and asked, conceptually speaking, what it was based on in the proposal. The Delegation went on to say that the “Group of Friends of Development” were not merely presenting a proposal for setting up a procedural mechanism, but that there was a whole conceptual context around it. It wished to remind recall that the proposal the “Group of Friends of Development” had submitted in April 2005, was structured on principles and guidelines, but also on mechanisms to ensure that those principles and guidelines would not remain theoretical. That was the reason for which the proposal under point no. 4 was linked to, and had an obvious relationship with, items 11 to 13 of the document. It was in those items that it had actually laid out what some of the mechanisms were. The objective of the proposal put forward was, in fact, with the hope that the principles and guidelines would be implemented and not simply left as some sort of declaration. The Delegation said that, with regard to the proposal to send the themes to the PCIPD, it had been stated that the Committee had a broad mandate and that there were no restrictions on what the Permanent Committee could do. The Delegation said that the IIM also had a mandate to deal specifically with the issues, draw up recommendations and submit them to the General Assembly for a decision to be taken. The Delegation added that, with reference to the mechanisms mentioned in the proposal of the “Group of Friends of Development” proposal in April, it was proposed that the principles and guidelines should be adopted by the WIPO General Assembly in September 2005; its proposal did, therefore, contain a specific action. The Delegation wished to remind the Meeting of what the principles were as laid out in that proposal, as some of the delegations might not have it to hand, and as it was a long document. Technical assistance should focus on the development objectives, while its design and evaluation should be based on the level of development of each Member and had to be adapted to each recipient country; sufficient flexibility should be built into international agreements to allow build national policies for development to be devised and compliance with other international instruments to be achieved. The Delegation said that technical assistance should have a broad focus, and deal with various issues, including anti-competitive practices, and abusive practices related to intellectual property rights, which could restrict trade, or limit the transfer of technology. Technical cooperation should be neutral, impartial, non-discriminatory and be designed to suit the needs of each recipient country and respond to the needs and specific problems that the countries faced. It should be carried out and designed by independent consultants and avoid any type of conflict of interest. The Delegation said that it believed that technical assistance activities should be under constant evaluation, by an independent entity, so that their effectiveness could be ensured.. The Delegation asked which delegation in the room could oppose the proposed principles and guidelines or consider that they were not relevant for application in an international organization. The Delegation said the principles seemed to be very simple, and were set out in a simple way. The Delegation of Argentina wished to reiterate that the proposal did not only deal with principles and guidelines, but also with the mechanisms needed to enable those principles to be implemented. It repeated that the adoption of the principles and guidelines by the next General Assembly was proposed. Those principles should constitute the basis of any future activities undertaken for technical assistance and cooperation by WIPO. The Delegation recalled that among the mechanisms proposed was the setting-up of a database and a web page containing specific to information with regard to

technical assistance, to allow more transparency and the evaluation and assessment of the achievement of the objectives. It added that the proposal presented other mechanisms as the separation of the norm-setting activities and technical assistance in the Secretariat and the establishment of a code of ethics to ensure neutrality and professionalism in the consultants and in the staff involved in technical assistance activities. Additionally, work had to be initiated to identify indicators, benchmarks and parameters, which would enable better deployment of technical assistance. That is why it believed that those points could be taken in context, although they had been divided into different clusters. The “Group of Friends of Development”, in their effort for flexibility, had accepted that list which broadly outlined the proposals.

132. The Delegation of Iran said that the morning had been spent holding discussions in a full positive spirit of cooperation in order to create the framework for a direct discussion, yet the Meeting was hearing some observations from certain delegations that were a step backwards. The Delegation stated that technical assistance was not limited to donors and stakeholders and that it was neither its role nor the aim of the IIM to concentrate on collecting voluntary funds. It said it obviously had a positive approach, and that a positive solution had been put forward. The Delegation found it surprising that a complementary technical solution could be discussed in IIM when the proposal of the “Group of Friends of Development” should be transmitted to PCIPD. While it was agreed that we would examine the proposals substantially, the Delegation of the United Kingdom had urged to transfer these materials to PCIPD. It added that there was a need to have some guidelines and principles.

133. The Delegation of Australia wished to comment on the idea that the PCIPD was somehow not the appropriate forum for discussion of the principles and guidelines for implementation of technical assistance. It agreed with the Delegation of the United Kingdom that the PCIPD was indeed the appropriate forum to progress discussion and to work through the issues, and that if the concern was that the PCIPD had not traditionally incorporated the development dimension, this could surely be seen as a perfect opportunity to start to mainstream the development agenda into the work of the PCIPD. The Delegation also agreed that the proposal of the Delegation of the United States of America could be dealt with in the PCIPD.

134. The Delegation of Algeria agreed with the positions of the Delegations of Iran, India and Argentina. It stated that the General Assembly had given the Inter-sessional Meeting a mandate to draw up a plan of action for development and that its proposal should be complete and coherent. If the Meeting were to begin dividing things and cutting up the plan of action into pieces, it would later be faced with having to put the pieces back together. It maintained that if the Meeting tried to divide up its mandate, to send it to other bodies and other committees, it would not be responding to the General Assembly’s request when it asked the Inter-sessional Intergovernmental Meeting to draw up a plan of action, which was what was expected of it. The Delegation declared that technical assistance was part of the draft plan of action for development and should be based on principles, and said that if the Meeting began dividing it up, it would have to reassemble it. The Delegation recommended that the Meeting discuss everything and make all its proposals at the present session, and asked all the participants to try to cooperate.

135. The Delegation of the United States of America said that when looking at the proposals with respect to item no. 4 that was being considered, with a view to formulating and adopting principles and guidelines for development and implementation, it indeed did have some concerns about the proposals that had been raised and it thought that at least part of its concerns were driven by different understandings or potential misunderstanding in the way that some of the points had been presented. For example, the Delegation said, it looked at a number of premises in document IIM/1/4, paragraph 59, that resorted to some of the basis for these proposals or what was driving them and it thought that it did not share many of the points of view and that it gave rise to doubts about how the draft guidelines themselves were conceived. One brief example was the first bullet point in paragraph 59, which read: “intellectual property may often be seen as an objective in itself”. Since concerns were being expressed, the Delegation believed that it was a legitimate concern of certain Member States, yet it had never heard of a Member State having actually said that it viewed intellectual property as an objective in itself, and it thought that was just part of some of the fundamental disagreements or fundamental differences of view that would be dealt with in the Meeting. In that light, it seemed to the Delegation that some of the suggested guidelines may also raise a number of questions depending on how different Member States looked at different items. It added that, in subparagraph (b), mention was made of special attention to fully use built-in flexibilities and international agreements which, in its view, might seem to indicate a one-size-fits-all approach or maybe a more appropriate way would be to consider use of flexibilities, depending on national needs. On the other hand, in subparagraph (e), mention was made of tailoring technical assistance to meet a country’s level of development and be fully responsive to specific needs and problems, which was certainly one of the main intentions riding behind the United States of America proposal with its partnership agreement, but the Delegation was not sure of what was directed at in this case. The Delegation said that in light of the nature of the issues, it thought that there was a lot more to be discussed on many of the proposals before it could consider the adoption of such a proposal and that there were many issues, also certainly things that could be agreed on at a general level such as the need for transparency, and similar things, but that it did feel that there were a number of different interpretations and it had a lot of concerns when it studied some of the proposals. In that light, the Delegation felt it had to consider and evaluate the matter and it believed that, in the same light as that expressed by the Delegation of the United Kingdom, for example, this would be appropriately discussed in the PCIPD. It shared such an approach and felt the types of proposals would need much more detailed discussion and, in its view, which was similar to that expressed by the Delegation of the United Kingdom, the PCIPD which did have a broader mandate to consider the issues, would be an appropriate body to further continue discussion of the issues. However, the Delegation wished to distinguish that proposal from the aspect of the mandate in the General Assembly, because it believed that what it was doing at the present meeting was fulfilling that mandate and that it was mandated to examine the proposals. It said that it was working in a spirit of cooperation to give its fullest understanding and its fullest examination, so that it could continue working as constructively as possible to resolve the issues. On the other hand, it believed that the IIM would be able to fulfill its mandate to examine the proposals and report to the General Assembly, even though, there may still be a significant amount of work to be done with respect to a number of proposals. The Delegation thought in that light, as the Delegation of the United Kingdom had very usefully suggested that the PCIPD would be a good forum to resolve the issues.

136. The Delegation of Pakistan said that in its remarks on the statement made by the Delegation of the United States of America, it appreciated the immediate concerns contained in the particular statement, but it also pointed out that there was a development oriented element missing from the present manner in which technical assistance programs were configured and being delivered. Therefore, in its view, while there was a great deal of improvement over the last few years in implementing development assistance by the Secretariat, there was a development orientation gap. The Delegation said that, in its view, the proposal by the “Group of Friends of Development” contained in document IIM/1/4 was aimed at filling the void and to that extent, needed to be incorporated in the design and delivery of technical assistance programs in WIPO. The various elements of the proposal, as they had been outlined, included some of the concerns that it had already raised in its statements with regard to the core issue of policy space and flexibilities and the need to take into account each country’s specific circumstances and the variety of needs of countries at different levels of development and, as such, were suited for incorporation in technical assistance activities being undertaken by the Organization. The Delegation went on to say that the second issue which had been raised in the discussion to which it was listening carefully, was that of the whole issue being passed on to another body. The Delegation said that, basically, it disagreed for two reasons: firstly, because the manner in which the PCIPD was presently designed. Its present orientation of technical assistance activities, was an IP orientation, from which the whole element of development orientation was missing and, secondly, that the issue of having a development agenda for WIPO in all its entirety had been handed over to the IIM, and a fragmentation of this mandate, or doling out issues or passing the buck, as we call it in bureaucracies, was not the way to deal with it. Furthermore, the Delegation believed that what it had been proposing since the previous General Assembly would be useful in tackling the difference of opinion on the issue of technical assistance: The differences in perceptions that were evident from the earliest statement, that of having development impact assessments of all the norm-setting technical assistance activities in WIPO. That would provide the Meeting with the necessary information and analysis on what was the extent to which certain actions, as proposed in the different proposals, could be taken further in WIPO and what exactly were the gaps or lack of gaps without prejudging the outcome of those impact assessments, which would need to be addressed or not addressed. So in that sense, the Delegation wished to state that the proposal by the “Group of Friends of Development” addressed an important point with regard to the technical assistance program, its design and delivery in WIPO and not just that the guidelines and principles needed to be adopted.

137. The Delegation of Trinidad and Tobago wished to suggest that a way of proceeding in the area of principles, if not at that meeting then perhaps at the next meeting, would be to go through each one of the proposals that had been suggested and where there was a misunderstanding about the way some of the descriptions had been phrased, the forum could discuss those in substance and eventually they would probably arrive at a list with a consensus which fulfilled the mandate that the IIM had been given to provide the General Assemblies, with some of the things that they thought should be in the mandate. The Delegation believed that all the participants agreed that principles and guidelines for the provision of technical assistance was one such item and thought that it would be useful to clarify where those misunderstandings were. The Delegation asked the Chair to decide whether or not the forum would stay on that topic and perhaps go through item by item with regard to the proposed guidelines, or take the matter up at the next meeting of the IIM.

138. The Delegation of Mexico shared the views of the Delegation of Trinidad and Tobago and was, in fact, going to say exactly the same thing as what had been said by the Delegation of Trinidad and Tobago. The Delegation stated that since they were in a forum that protected copyright, it decided to submit everything in writing. It added that the problem that they were faced with was on how the discussion was taking place. It acknowledged that each topic they had before them was very complicated and thought that it was necessary to reach a consensus, one way or another, on each of those themes. The Delegation said that, ultimately the following day, they would have a report that would say they had a general discussion on it but were unable to progress on any of those points. The Delegation's second comment was that it seemed that it would be useful, when listening to proposals, not to lose sight of the fact there was a link between intellectual property and technological policies, because ultimately that was aimed at the users of intellectual property. The Delegation further said that technical assistance and technological policy went hand in hand and that was found in items 3, 2 and 4, where reference was made to technical assistance and transfer of technology. The Delegation said that it raised the issue for the need to keep it in mind and to take into account that technological policy was very important.

139. The Delegation of Nigeria wished to commend the Secretariat for the usual hard work and efficiency in providing relevant documents. As technical assistance was being discussed, the Delegation believed that it was important, while discussing the matter, to define exactly or in relative terms, what constituted technical assistance. The Delegation questioned whether the provision of one or two computers for instance, by a country to another country was considered rightly as technical assistance and whether a visit by an expert from a developed country to a developing one would be considered as technical assistance. Also, within the context of WIPO and the broad discussion of intellectual property and development, should technical assistance be made to advance further the mechanisms for the enforcement of protection of IPRs in individual countries or should it aim at providing the capacity and space necessary for individual countries to develop their region's potentials through acquisition of appropriate resources and ideas from developed countries or counterparts. It was in that connection that the Delegation wished to comment on the proposal of the United States of America which was submitted during the last IIM meeting and to indicate that it welcomed the proposal and that it merited the closer attention of all of them so that they could see where its benefits were and also how they could be translated into practical terms. However, the Delegation called upon the authors of the proposal, to appreciate the fact that their proposal was predicated primarily upon the premise, as the Delegation believed that basic information and communication technology facilities existed on an equal footing in most countries. The fact was that was not the case. Different countries had different levels of development in ICT infrastructure and therefore those with already well established and developed infrastructure would benefit more from the United States of America initiative than those that were relatively backward in information and communication technology application. The Delegation hoped therefore that the United States of America would consider the initiative put in place by African countries to bridge what was known as the digital divide by setting up a digital solidarity fund for the United States of America to practically and substantially support this initiative so that the United States of America proposal which was before the forum for an Internet-based partnership program, could succeed in as many developing countries as possible.

140. The Delegation of Brazil wished to thank delegations, which had commented on the proposal that was tabled by the “Friends of Development” on principles and guidelines for the provision of technical assistance. The Delegation had taken note of the remarks and found them useful, including the comments made by those delegations that agreed in principle with the idea of having such principles and guidelines, and who believed that perhaps further work was necessary. The Delegation expressed satisfaction with the fact that the IIM had managed to move away from a procedural debate and had actually got down to discussing the substance of the proposals that Member States had been tabling in the IIM process. The Delegation, however, was concerned with remarks that had been made by some Delegations that afternoon, i.e. about the IIM not being the appropriate forum to address some of those proposals and that in fact, the proposals on, for example principles and guidelines on technical assistance put forward by the “Friends of Development”, should be addressed in the PCIPD. The Delegation acknowledged that the point, in fact, had been made by several delegations that had spoken already. The Delegation wished to emphasize very much the need for delegations to really refrain from making those kinds of remarks at that present time. The Delegation stressed that the IIM had a very clear mandate from the General Assembly to examine the proposals that it had before it. Delegations should therefore be looking at the substance of the proposals and seeking to agree as much as possible with the view to preparing adequate draft decisions and recommendations for the General Assembly. The “Friends of Development” had, as was recalled by Argentina earlier that day, actually proposed that the upcoming General Assembly adopt a set of principles and guidelines and the Delegation felt that the IIM was the right forum to address and discuss those principles and guidelines, in line with the mandate given to it by the General Assembly. The Delegation took note of other very constructive suggestions that were put forward by the Delegation of Trinidad and Tobago and wished to encourage all members to consider that there were countries’ delegations present at the meeting who felt that more work on the principles and guidelines was necessary. The Delegation stated that it looked forward to continuing to work and discussing those issues in the IIM process, but that given the fact that there were also a number of other proposals that needed to be considered in the current meeting the Delegation suggested that the forum be as optimistic as possible in the process. The Delegation realized that a proposal had been put forward by some delegations, in particular by the United Kingdom, that the PCIPD should be charged with discussing those various issues related to the establishment of a development agenda. The Delegation stressed that, in fact, the “Friends of Development” had already responded to that proposal in their own document in IIM/1/4 stating that they did not agree with the proposed approach. The fact of the matter, however, was that that the UK proposal was not under consideration at that moment. The IIM was in fact discussing the proposed guidelines and principles for the provisional technical assistance and that was what should be considered, the substance of that proposal, and nothing else. The Delegation felt that the IIM was going to run into a lot of difficulties in the course of continued discussions on the various proposals put forth if delegations insisted that those issues should be referred to other fora. The Delegation stressed the fact that the IIM did have a mandate from the General Assembly to address all proposals and wished to suggest that the delegations should perhaps concentrate on discussing the substance and avoid any forum-shopping.

141. The Delegation of Colombia wished to briefly touch on the issue of substance regarding the orientation of proposals. The Delegation said that they had been given the guidelines for discussion and that they should have a general discussion particularly on whether it was the

permanent committee or not which was the competent forum. The Delegation wished to make a general comment on the issue. The Delegation felt that it was important to distinguish between a process of decision making regarding the list of proposals, which were useful proposals, and, on the other hand implementing the decisions that would follow. It felt that the process of decision making for each of the proposals should take place within a competent body and that the General Assembly should consider each of the drafts, each of the proposals and decisions and determine which proposal should be implemented. With regard to those numerous proposals, the Delegation felt that the Permanent Committee, as a competent body, could be given a mandate to deal with the implementation of the decisions regarding cooperation and technical assistance matters, that were made. As for the substance on the guidelines and principles, the Delegation wished to draw the attention of the forum, to paragraph 61 to 69 of the document at hand. The Delegation agreed with most of the elements in that text and felt that the idea of guiding principles was very clear and that they should go to the very highest level of the organization. The Delegation wished to comment on the principle of technical assistance for development, which, it felt, was too vague. It was difficult to apply technical assistance in intellectual property to all the millennium development goals. For example, it seemed that it would be difficult to implement technical assistance in intellectual property that would influence the reduction of chloro-fluoro-carbon (CFCs) so as to reduce environmental damage. The Delegation felt that technical assistance for development should be reinforced even though it was true that they needed to define the impact of those goals technically and legally. The Delegation felt that it would be important, first and foremost, to determine the goals that could have that type of impact and with regard to continuous evaluation, the Delegation felt that the General Assembly should make the decision to set up the mechanisms for permanent monitoring, to be given to the PCIPD. The Delegation did not agree with the proposal to set a time limit for the examination of the proposals that had been submitted and reiterated that they were all very useful. The Delegation proposed to consider the possibility of submitting a decision to the following assembly, on the creation of a discussion forum to draft proposals, bills and draft decisions, it felt that it would be better to send to the assembly an idea or a proposal that would enable them in the future to make a decision and to reach a specific agreement on those various proposals.

142. The Delegation of Argentina referred to some comments made by the Delegation of the United States of America regarding concerns about some of the principles and guidelines. The Delegation felt that it did not quite understand those comments and concerns about the basis on which those principles were developed, particularly in paragraph 59, . Philosophical concepts could differ, but it was important to bear in mind that those principles were drafted in general terms. The Delegation did not see why they should be condemned just simply because they were drafted and based on a specific philosophy. The Delegation felt that those principles and guidelines could contribute to greater transparency and greater effectiveness that ultimately was a concern which the Delegation of the United States of America had also mentioned, notably with regard to adapting technical cooperation to the needs of the Members. The Delegation did not understand why that principle could not be accepted and said that from the United States of America proposal, it saw in one paragraph, with regard to the issue of a WIPO partnership program, that the United States of America specifically stated that technical assistance should be based on the needs and goals of each country. In another paragraph, the United States of America said that WIPO was deploying efforts to adapt technical assistance programs to the needs of least developed countries and developing

countries. The Delegation asserted that the United States of America itself had stated that that issue needed to be taken into account and therefore did not understand where the problem lay with regard to those guidelines which ultimately were along the same lines as what the United States of America had said in its proposal.

143. The Delegation of India acknowledged that, having heard some of the speakers, there were difficulties at several levels. The first being when the Delegation of the United States of America referred to, as an example, paragraph 66 of document IIM/1/4, as posing a particular problem. The Delegation reviewed that paragraph and found that there was little in that paragraph that could give offence to any person, any Delegation, because to paraphrase it, that paragraph had said that you could not have a one-size-fits-all intellectual property laws. That was the first and that the assistance that should be given to developing countries should correspond to the needs of the various stakeholders. The Delegation felt that the second level of difficulties they were faced with was the one which seemed to suggest that what was proposed was actually an idea and that it should be taken to another committee or the PCIPD. The implication was that the IIM was some sort of a general committee in the same way as a general committee which meets at the time the UN General Assembly meets to farm out different agenda items to different committees and where it was a fairly mechanical and routine job which a procedural committee undertook at the beginning of a session. The Delegation felt that if that approach was followed, it was merely about identifying the relevant committees right there and pass on the specific items from one committee to the other. The Delegation said that it was surprised by that approach, it thought the more appropriate model was the reform process that was going on in the UN where very roughly speaking there were four sets of issues. If that approach was followed, as some of the western colleagues were advocating, then what would happen to that the reform process would be its immediate disbandment within the General committee in the sense that there were roughly four issues that had been tabled and that each one of those issues had a corresponding committee in the General Assembly and that they should therefore disband the meeting and pass on those agenda items to the corresponding committees of the General Assembly. The Delegation hoped that the forum was actually engaged in a substantive reform process and added that they were however looking at one particular aspect of WIPO that needed reform, namely the lack of the development dimension in the work of the Organization. The Delegation thought that the Organization needed to have a fresh look at the issue and see how it could best fill this huge lacunae that had emerged over the 37 years that it has been in existence or 30 years as a UN agency. The Delegation felt that the best way to do that would be to have a separate body such as the one that was set up by the General Assembly. The IIM was to look at all the issues that had a bearing on development and decide how best the Organization could take its work and reform itself so that the work will be done in a much better way. The Delegation considered the IIM as a mini reform process similar to the reform process that was very much a lively issue in New York. The Delegation did not think that reform process was well-served by those delegations who stated that the issue should be passed on to one committee or the other without even having the benefit of a full and comprehensive discussion to identify what was a possible solution that could advance the development agenda of the Organization.

144. The Delegation of the United States of America wished to explain what might have been a misunderstanding with its previous comments. The Delegation asserted that it had previously talked about the concerns that they had with the proposal made and that they still had those concerns. They gave examples of the premises of the paragraph 59, for example, as

well as paragraphs 61, 62, 63, all of which were not shared by the delegation and raised a number of concerns. The Delegation pointed out that actually the language in paragraph 66 was referring to something that did appear to coincide with their proposal. Thus, it wondered whether the apparent misunderstanding of other delegations regarding this paragraph, was due to a translation problem or whether they had been unclear, for which they apologized. The Delegation stated that, when talking about that specific phrase which, appeared to include the notion of being fully responsive to the specific needs and problems of countries and individual societies, the intention of their proposal on partnership was to address exactly those kinds of issues and believed that they were in an area of potential common ground. Furthermore, the Delegation stated that that was an area that did appear to be consistent with what the United States of America was proposing and indeed it was a number of other examples that gave it much more discomfort.

145. The Delegation of Mexico said that on reading paragraph 66, it had a couple of interesting comments. The Delegation stated that it referred to assistance, which responded to the needs of different sectors. In the years the Delegation had been participating in the Organization, it had realized that generally cooperation provided by WIPO had always been asked for by the different interested sectors of developing countries. Furthermore, the Delegation believed that assistance had not been limited, at least in the case of Mexico, only to intellectual property offices or copyright offices, rather it had always involved rightholders. As the Delegation had already stated, it wished to reiterate that the users, in fact, were the most important ones of the system. However, when reading paragraph 66, the Delegation felt that there was something that perhaps had been misunderstood. For that reason, the Delegation wished to respectfully ask the “Group of Friends of Development” to explain as it wished to understand what the “Group of Friends of Development” meant when it said that it should be guaranteed that legislation and regulation referring to intellectual property, adapt to the level of development of each country. The Delegation stated that it wondered what would happen with the TRIPS Agreement in WIPO for example, where they had a level of protection in legislation and wondered whether that paragraph was trying to say that through technical assistance, countries should be able to amend legislation in order to adapt it to the level of development of a given country. The Delegation felt that in that case, at that point of discussion, it saw something rather complicated taking place when looking at patent for drugs, countries who have protection and have had protection for only 5 years, some for 20, some for 30 years.

146. The Delegation of Argentina said that it was satisfied that the forum had already gone into the substantive debate on the issue but that nevertheless, the forum was not moving forward as fast as it would like to have seen. The Delegation said that some delegations had stated that they would need to know what the degree of acceptance was on the different issues that had been put forward. The Delegation added that, in fact, what it was trying to do was to deal with all of them, to consider each and everyone of those issues as quickly as possible. The Delegation wished to suggest to those delegations that had put forward proposals or initiatives in the list, to explain their points of view and the focus of the proposals so that the other delegates could go away without any misunderstanding.. The Delegation added that everyone should have the opportunity to make clear which proposals were acceptable or with which they had difficulties. At that point in the debate, the Delegation believed that all the delegations were acting in good faith It should be possible to listen to all the proposals and the Delegation hoped that they could keep working to achieve the best results possible in moving

towards the General Assemblies. The Delegation felt that there was a need to be sincere and realistic and to understand that they were looking to find agreements and conclusions and that their commitment was to try to prepare for the General Assemblies, in the most appropriate way, the results of the IIM meeting. The Delegation stressed the need to submit recommendations to the General Assemblies. In that meeting therefore, the Delegation stated that agreements could be achieved, at least on some points, for adoption by the forthcoming General Assembly.

147. The Delegation of Colombia asked to be told in simple terms what the procedures were going to be from that point to the end of the meeting the following day. The Delegation wished to know what they would be doing and whether they would be required to work in a specific manner.. It also wished to know which of the proposals were going to be tabled the following day, so that they could do their work that night in order to be prepared for the following day by having more details on the issue.

148. The Chair wished to turn to theme 13 and said that he wished to look at it that afternoon, so that they could in fact create clusters or packages of themes. However, he did not know clearly how he wanted to move forward from there and that he would try to draw up a number of synopses so that they could deal with clusters or packages of issues.

149. The Delegation of Bahrain said that it was trying to coordinate its proposals with that from the United Kingdom and Benin. It said that it had asked for more time before submitting it so that it could consult with other countries and hear the proposal from Brazil in order to make the process successful.

150. The Chair proposed discussion on item 13 followed by items 11 and 15, which were linked, thereby allowing the delegations to comment on them together.

151. The Delegation of Argentina proposed to refer also to item 13, which was part of a larger cluster with items 12 and 11, since the three parts belonged to the same section; it also proposed, if the Chair agreed, to deal with item 15 which was presented by other countries.. It underlined the usefulness of setting up a database and a special web page to provide information about the assistance provided by WIPO and other sponsors and international donors, as well as the importance of increasing transparency and facilitating supervision of cooperation activities. It added that other mechanisms proposed by the “Group of Friends of Development” were linked to number 11 on the list, and it was that which referred to the task of defining and separating the WIPO Secretariat’s technical-assistance and capacity-building activities. Exploratory work should be done to analyze options concerning how the technical-assistance and capacity-building functions could be separated from norm-setting related functions. The proposal of the “Group of Friends of Development” identified two possibilities: the first proposed that the General Assembly should join the Economic Development Sector and with WIPO’s Academy with a semi-independent group to explore technical assistance and capacity building; the other was to have an entity which was completely independent and not part of the Secretariat, but financed by WIPO according to the model of the legal assistance group for WTO. The Delegation added that the other proposed mechanism (item 12 of the list) related to the establishment of a code of ethics and independence of consultants to ensure the highest level of neutrality. The code could help to

provide protection from undue influences; consultants working in technical assistance programs should be made known to the public through the web page.

152. The Delegation of Switzerland said that setting up indicators and criteria to evaluate technical assistance was something that was included in the work that should be carried out under 10 and 4 because the discussion that they had on this was not completed as they had seen in paragraph 74, as mentioned by Argentina. It added that there were proposals relating to indicators and benchmarks, that were included in items 10 and 4. It added that that issue and other questions might be directly linked to matters to be discussed within the PCIPD, according to the proposals made by the United Kingdom.

153. The Delegation of Canada stated that it agreed in principle with the proposal submitted by the “Group of Friends of Development” and that it had most of its comments and questions pertaining to item 13. It asked who would carry out the work related to developing these indicators and bench marks for technical assistance since the Delegation of Argentina had not indicated which body or who would do this work, or whether it would be the Secretariat.

154. The Delegation of the United States of America said that it had some concerns with the proposals made with respect to item 13, as well as with the proposals made with items 11 and 12, that they might also be touching on, essentially paragraphs 71 to 77 of document IIM/1/4 as explained by the Delegation of Argentina. Beginning with paragraph 77, the Delegation stated that it had some questions about how that would apply and it seemed premature to take any further action on the proposal, as written. As mentioned by the Delegation of Canada, it had questions related to who would carry out the work and how this relationship or potential relationship with UNCTAD, World Bank or any other international organization would be addressed. The Delegation said it was not sure of the roles that such organizations would play in dealing with WIPO technical assistance, although it supported, in general, coordination among UN Agencies in that regard. The Delegation said that it was not clear how to develop indicators and benchmarks, nor sure in which direction the indicators and benchmarks would be going and whether they could support those types of ideas. All those things, it declared, needed much more clarification. The Delegation was of the view that there were a number of proposals about establishing independent panels, independent entities and an evaluation and research office, about which it had great concerns. Therefore, it certainly could not support any of those proposals at that time. It recognized that it was a little bit concerned about having, what might or might not be independent panels, the type of membership involved. Further, it did not see anything about Member State involvement on those panels. The Delegation referred to the code of ethics as an interesting idea, but again underlined that more clarification was needed, in particular where that was headed, but the idea was to have something that would be consistent with some of the reviews going on in WIPO more generally. It was aware of the actions, for example, taken by the JIU, other IP agencies looking at different things and underlined its concerns. The Delegation asked for more clarification and, like the Delegation of Switzerland, recognized the time constraints of the IIM. Therefore, it might be suitable for further work in a body like the PCIPD, which had a mandate to consider those types of matters.

155. The Delegation of India said that the items that were explained by the Delegation of Argentina did indeed reflect certain concerns of many delegations and, in a sense, were proposals that would greatly improve the working of the technical assistance of WIPO

because so far technical assistance had been very largely geared towards the protection of intellectual property, without concern for other implications. It referred to paragraph 59 and found it difficult to identify any particular phrase or clause or sentence that could truly be objected to by any delegation, for example that IP might often be seen as an objective in itself, after the proselytizing that had been undertaken over years and decades there was a belief that IP was often in itself good and that the culture of IP like motherhood could not be faulted. It said that, that in itself was an incorrect premise and in its the first bullet point said nothing more than that, that IP was often seen as an objective in itself but IP was a tool to obtain larger social objectives and therefore it was important for technical assistance provided by WIPO to be much more sensitive, to the overall social benefits and not just the benefits that might accrue to the holders of IP. It added that the various proposals, including perhaps a satisfactory conclusion within the body related to the adoption of principles and guidelines by the WIPO General Assembly later in the year, would indeed be very useful so that the technical assistance function of WIPO could be placed on a more solid footing and the technical assistance provided would ensure that the overall interest of society was taken into account.

156. The Delegation of Sweden, with regard to point 13, welcomed the proposal of Argentina and other countries and extended its thanks for the presentation made. As mentioned by other delegations, it also saw a need to clarify and elaborate how the solution should be done, but generally speaking, was positive to the proposal.

157. The Delegation of the United Kingdom stated that it was also very positive about the proposals, but believed that there was always room for improvement. It would certainly be interested in exploring some of the proposals in more detail. It thought that it was important, whatever was done, that they did not end up totally undermining or unduly constraining WIPO's efforts to continue to provide appropriate technical assistance and capacity-building. It very much welcomed inputs from other bodies who had experience in the area of development and that they probably had much to learn from such bodies as recognized in paragraph 77 of the paper put forward by Brazil and others. It thought that inputs from other bodies was equally important in respect to a topic briefly touched on the previous day, in terms of principles and guidelines, and further, there was scope for learning from bodies, such as UNCTAD, IMF and the World Bank.

158. The Delegation of Argentina attempted to respond to the basic question that had been asked about which body was to carry out the matters under discussion. The Delegation said that it wished to speak about the reactions that it had received to the proposals and that it also shared the concerns of delegations, which the member-driven nature of the Organization. It was a concern that the Delegation shared and was one of the basic aspects of the "Group of Friends of Development" proposal. It was grateful that there were members who were willing to explore what benchmarks and indicators could be studied. In its proposal, such matters were interlinked with others and they should be seen comprehensively, as was clear from paragraph 48. There was a proposal that referred to how the supervisory functions of the Member States could be strengthened, as well as the quality and efficiency of the activities in terms of time and cost. The Delegation also proposed the creation of a WIPO office for assessment and evaluation (WERO) that would depend on the General Assembly. It thought that such an office could be a transparent and independent body that would be at the service of the Member States. The Delegation stated that obviously membership was still an open issue.

What the “Group of Friends of Development” proposed was that the office would be as independent and neutral as possible, so that it could carry out independent work. In paragraph 30 of the proposal, there were a number of suggestions for tasks that the office could carry out and it was suggested that the office could assess the programs and activities of WIPO, in relation to the impact on development, innovation and creativity as well as access to technology. The Delegation hoped that the proposal would be analyzed in greater detail for the forthcoming General Assembly.

159. The Delegation of Chile thanked the “Group of Friends of Development” for their proposal, in particular, concerning the need to have consensus on principles for technical assistance in the development activities that WIPO carried out. It also felt that it would be valuable to continue studying the adoption of indicators and benchmarks that would help evaluate such cooperation.

160. The Delegation of France supported the idea of setting up an evaluation system that would help improve technical assistance activities. The Delegation thought that the issue merited further in-depth discussions, in order to determine the specific ways the proposed system could be made more concrete. It hoped that discussions would lead to a substantial result.

161. The Chairman proposed that the “Group of Friends of Development” could present proposals on items 7, 8 and 9.

162. The Delegation of Canada said that before moving to item 13, it had been proposed to discuss items 11 and 15. It had no problem with discussing items 7, 8 and 9 but wanted to know what the plans were.

163. The Chairman apologized and said he was going to propose starting with item 13, but given that the Delegation of Argentina and another Delegation had already started to discuss other items linked to other topics, particularly 11 and 12, he was a bit lost, but that Canada was correct. He then indicated that he would like to continue the discussions, given that some delegations wanted to refer to items 11 and 12, which were presented by the Delegation of Argentina, when it began its statement.

164. The Delegation of Argentina stated that in order to avoid confusion, when it was given the floor on item 13, it also mentioned 11 and 12, because they were an integral part of the mechanism.

165. The Chair thanked the Delegation of Argentina, indicating that it was right and acknowledged that was what caused him to be confused. He noted that some delegations had already made statements on the code of ethics and others had already talked about setting up bodies for technical assistance, staff development, and benchmarks for technical assistance. He stated he would be very happy to re-open the discussion and see if any delegations had anything to add on the point that was clearly linked to 11, 12 and 13. He noted that they also had 15 to consider, but first and foremost wanted to know specifically what Bahrain had proposed. They had some issues to resolve before they discussed 15, and he wanted to take some time to make sure that everything was clear. The discussions had, therefore, started on 11, 12 and 13, mainly 11 and 12, which had not been discussed sufficiently. It seemed that

in the first reading, they had already finished their discussions. He noted that it was the first time that they were getting familiar with the topics, however the different concepts should help reach agreement on several points. Thereafter, he requested Brazil to present items 7, 8 and 9.

166. The Delegation of Brazil appreciated the opportunity to introduce, once again, that part of document IIM/1/4 on the promotion of pro-development norm-setting in WIPO. As had been pointed out by other members of its Group, the issue in question was, in fact, one component of a broader pro-development framework that the Friends of Development would like to put in place in WIPO. The Delegation also pointed out that the issue of pro-development norm-setting was a crucial component of that framework and explained that there was a lot of concern in respect of the fact that rapidly growing international intellectual property standards had been placing unprecedented limits on the ability of developing countries to tailor their IP regimes to meet their economic, social and cultural needs. The Delegation further added that there was also a concern that those new norms, or higher standards of IP protection, had been imposing a significant implementation burden, in particular upon developing countries and LDCs. The Delegation expressed its concern that such standards had been designed and expanded with very little consideration for the actual costs and benefits to developing countries. Norm-setting at the international level, in particular in WIPO, seemed to the Delegation to have been dominated in the past and still did by a paradigm that would have regarded intellectual property rights as the only and unequivocally beneficial instrument to promote creative intellectual activity. The Delegation went on to say that the increased scope and levels of intellectual property protection had often tended to be seen as ends in themselves in negotiations in WIPO, which was truly a matter of concern. WIPO, as one of the principal international institutions responsible for negotiating standards and norms to promote creative and intellectual activity, and to facilitate the transfer of technology to developing countries and LDCs, had, according to the Delegation, a significant role to play in ensuring that the intellectual property rules in fact enhanced development objectives. The Delegation pointed out that WIPO bore a special responsibility in overcoming limitations that were to be found in international norm-setting, including in the WIPO bodies such as the Standing Committee on Patent Law and the Standing Committee on Copyright and Related Rights. The Delegation further stated that until then norm-setting in WIPO had focused primarily on encouraging international agreements, solely designed to promote the protection of intellectual property. That was evidenced, for example, by the attempt to launch the so-called “patent agenda”, which did not respond to the development objectives or priorities of developing countries. The “patent agenda” was not concerned with the access by developing countries and LDCs to the cultural, social and economic benefits of innovation and creativity. In the preceding General Assembly, the discussion held on the proposal to establish a development agenda for WIPO did seem to indicate that there was a broad agreement among WIPO Member States that there was a need to mainstream the development dimension in WIPO activities, including norm-setting. The challenge, as had been pointed out by several Members, was now to determine how that norm-setting and other activities within WIPO, could effectively incorporate development objectives and concerns. The document of the Group of Friends of Development tried to set out some mechanisms which it believed could ensure the effective introduction of the development dimension into WIPO norm-setting activities. The first of those proposals or measures was the proposal referred to by item 7 of that list, which was the formulation and adoption of principles and guidelines for norm-setting in WIPO. Those principles and guidelines were set out in

document IIM/1/4, on pages 15, 16 and 17. The Delegation pointed out that the fundamental objective was to ensure that WIPO had a proper framework that would have ensured that the development dimension was always considered in norm-setting activities. The Delegation further observed that some members might have enquired about what had been keeping members from actually introducing the development dimension in current WIPO bodies, such as the SCP. The Delegation pointed out that there had been nothing impeding members of WIPO from addressing the development concerns that had been raised by developing countries in discussions, but in actual fact, it had been difficult to get such development issues properly addressed. As an example of such issues, the Delegation mentioned those that were referred to by the coordinator of the African Group the previous day when he had pointed out the crucial concerns that the African Group had with respect to WIPO's work in the area of norm-setting. The Delegation wished to reaffirm that the very purpose of the proposed mechanisms that were set forth and proposed in the document of the Friends of Development was precisely to ensure that WIPO norm-setting took into account and effectively addressed all of those concerns including the concerns that had been raised by the African Group, which Brazil and the other Members of the "Friends of Development" fully shared. The Delegation reiterated that those principles and guidelines were listed in the document IIM/1/4. The first of such principles and guidelines would be to ensure that WIPO norm-setting took place on the basis of a member driven and transparent work plan and strategic vision, as well as individual initiatives that would come exclusively from Member States for the consideration of the membership in those norm-setting bodies. The Delegation went on to add that the other principle that was proposed was that of the need to ensure that when those activities took place, they should be pursued in the light of a comprehensive assessment and justification in terms of sustainable development. Another principle that had been proposed in the document was that in all norm-setting activities, there should have been a recognition of different levels of technological, economic and social development of WIPO Member States. The Delegation added that another important principle that had also been highlighted was that of the recognition of the rights of different stakeholder groups and the general public, as users of the intellectual property system. The Delegation explained its concern that by and large norm-setting in WIPO had been primarily dominated by right-holder interest groups and had largely been followed primarily by representatives of the private sector and business groups. The Delegation pointed out that while it was fine and perfectly acceptable that such groups should follow norm-setting discussions in WIPO, it also thought that it was important to ensure that those norms were not elaborated solely on the basis of the concerns and interest of those groups, but also took into account a broader constituency and range of stakeholders, since in fact, many segments of society and not only business groups and rightholders were affected by new intellectual property norms. Finally, the other principle that was set forth in the document was that all norm-setting that took place in the Organization was to be compatible with, and supportive of, the objective and provisions of other international instruments such as the UN Millennium Development Goals and the Convention on Biological Diversity. In addition to the adoption of those principles and guidelines, document IIM/1/4 had also set out some mechanisms that were thought to help to ensure actual implementation of the pro-development principles and guidelines. The Delegation explained that the first of those mechanisms was the one referred to under item 8) of the list which was the undertaking of independent evidenced-based Development Impact Assessments, to consider the possible implications of each norm-setting initiative for sustainable development indicators such as innovation, access by the public to knowledge and products, job creation, protection of biodiversity, health and education, in particular in developing and least-developed countries. The

Delegation pointed out that an important point about that proposal was that the development impact assessments would have to be pursued and undertaken by independent bodies. In that regard, the Delegation of Argentina had also referred to the proposal of the Friends of Development for the establishment of an independent WIPO evaluation and research office, and it thought that it would be possible to task that independent office, referred to as WERO, with the undertaking of the development impact assessments in addition to a number of other activities and responsibilities which had been set out in the document. Finally, the other mechanism proposed by the Delegation in the document that could enable a more balanced and inclusive approach to norm-setting in WIPO, would be the holding of public hearings, prior to the initiation of any discussion on norm-setting that would count on the broad participation of different stakeholders, including intergovernmental organizations, academia, consumer groups and other civil society organizations. The Delegation believed that all of those mechanisms and proposals formed an integral whole which, if put in place, would enable WIPO to better take account of the development agenda in its norm-setting activities. The Delegation added that it looked forward to the comments and suggestions of the other Members of the Organization and would be interested in listening to them and to what they would have to say, with respect to the principles and guidelines which had been set forth. It thought that the principles reflected a number of points that had been made in the course of debates on the relationship between IP and development, including in the course of the previous General Assembly. The Delegation also looked forward to comments on the other proposed mechanisms as well.

167. The Delegation of India expressed its view that WIPO, in its exercise of norm-setting in the field of IP protection, should be guided by the principle of development. The Delegation stated that WIPO should pursue a more balanced and comprehensive approach to norm-setting, emphasizing that rules and standards were guided fully by development objectives and concerns of developing countries and LDCs. The Delegation added that the standards of IP protection would need to differ between developing and developed countries and safeguard provisions would need to be incorporated in all norm-setting exercises. The Delegation pointed out that the counterpart of development impact assessments in the domestic context in developing and developed countries was a standard feature of law-making. There should have, therefore, been no objection to extending the principle to the multilateral context as a pre-requisite for norm-setting. The Delegation stated further that public hearings were also a fairly standard procedure underpinning law-making in many countries and, therefore, a call for public hearings before embarking on any norm-setting exercise in the framework of WIPO should have become a norm. The Delegation stated the importance of bearing in mind that intellectual property impacted on the life of everyone and the term “the users of the IP system” would have to encompass not only the right-holders, but third parties and the public at large. The interest of all those stake holders should be taken into account in the context of any norm-setting exercise in WIPO. Finally, the Delegation highlighted that intellectual property rights must be respectful of the other more fundamental interests and concerns of society. Such concerns were well-captured in the Millennium Development Goals, which should have provided over-arching guidance in any norm-setting exercise. The Delegation explained the importance of also respecting the concerns embodied in other seminal instruments, that were of direct relevance to IP, such as the Convention on Biological Diversity. The Delegation added that under no circumstances could human rights, which were inalienable and universal, be subordinate to intellectual property protection.

168. The Delegation of Pakistan thanked the Delegation of Brazil for introducing the proposal contained in the document IIM/1/4 with regard to the three items pertaining to norm-setting. With regard to norm-setting, the Delegation pointed out that in the previous few years, developing countries had had to comply with fairly onerous IP standards, called “minimum standards”. That had been accompanied by the setting up of elaborate institutional mechanisms to administer and enforce those standards. The Delegation highlighted the costs that had been incurred in the process while the longer term benefits might have materialized, but when this would have happened and on what scale, remained unclear. The Delegation added that while developing countries were still absorbing the costs of rapidly adjusting to those high standards of IP, additional global norms were being proposed, such as the ones on the protection of databases and harmonization of patent laws. In addition, the Delegation explained that developing countries were being asked to subscribe to higher standards of IP protection, through bilateral trade agreements. The social and economic costs of these proposed norms were perceived to be problematic by the Delegation and their perceived benefits were still largely prospective and unclear. In this context, according to the Delegation, the pursuit of an ambitious norm-setting agenda, without adequate debate and analysis of the economic effects of the proposed norms, might have grave consequences for developing countries. The Delegation explained that a maximalist approach to intellectual property was leading to a bestowal of property over ideas and facts, rather than inventions and creations. In previous years, there had been moves to privatize databases, to grant patents to mere discoveries, as in the case of the human genome, to broaden the scope of patents, to lengthen the duration of protection and to gloss over the requirements of full disclosure making it really difficult for inventions to be studied by others. The Delegation pointed out that that basically created an environment in which follow-on research and development was becoming increasingly problematic; not only scientific research but also the ability of firms to enter into markets with new products and to compete with established firms was becoming more and more difficult. Developments and practices like patent pools, skewed licensing conditionalities and impediments to reverse engineering were highlighted by the Delegation as some of the intellectual property-related mechanisms, which posed really undesirable barriers to market entry and stifled competition. According to the Delegation, such developments were not only affecting the ability of developing countries to innovate and compete; there was a growing body of evidence and economic analysis which showed that innovation and competition was also being impeded in developed countries due to operation of stronger measures. The Delegation, therefore, pointed out that the negative impact and imbalances in the IP system formed, and should have formed, a shared concern of developing and developed countries. The search for solutions to restore the balance resultantly must have formed a joint endeavor of the entire membership of the organization rather than the concern of the developing countries alone. The Delegation explained that there was a need, during the discussion on the development agenda, to evolve specific suggestions or measures that would have enhanced flexibilities and introduced greater balance within the IP system, so as to ensure attainment of shared development objectives in terms of MDGs, rather than hindering the achievement of such developments by the IP system in its current form. The Delegation reminded delegations that in previous interventions, starting from the previous assembly, it had highlighted that issues, such as pricing and availability of essential educational and health products, access to technology, anti-competitive practices, prevention of misappropriation of traditional knowledge and biological resources, as well as other related proposals would have to be addressed during the process. Concerning development impact assessments, it re-called that the Delegation had made that suggestion in the previous WIPO Assembly and it was glad

that it had been picked up in a number of proposals, including in IIM/1/4, and was becoming a rallying point in discussions. The Delegation emphasized that the social and economic implications of norms in various areas, that had been proposed, and were under discussion in WIPO, needed to be analyzed with a view to identifying their likely impact on countries at different levels of development. Such impact assessments would entail that while embarking on norm-setting initiatives, some fundamental questions would have to be addressed, such as whether the initiative in any way, constrained the ability of developing countries to innovate, acquire know-how, or access goods at affordable prices, such as educational and health products. The Delegation clarified that if there were possible downsides, it would have been important to understand whether such downsides were countered by adequate exceptions and flexibilities, and whether there were clauses for on-going monitoring and review of the economic impact of the new instrument. According to the Delegation, such development impact statements should and would have ensured balanced norm-setting and quickly facilitated efforts to evolve consensus on norms, that might be urgently required to meet the new challenges. The Delegation added that the impact assessments would generate the necessary information and analysis, that could then be utilized for forging consensus within the organization on the desirability and nature of norms, that could be collectively agreed upon. Concerning item 9 on the list, the Delegation stated that it was in consonance with what it had been stressing in terms of transparency, inclusiveness and the real need and desirability to ensure that such principles were adhered to in the whole range of activities, procedures and work conducted by the organization.

169. The Delegation of the United States of America thanked the “Group of the Friends of Development” for the three proposals 7, 8 and 9 on the list. However, the Delegation stated that it could not support any of the three proposals. In order to illustrate some of its concerns with respect to the three proposals, it explained that each of the proposals seemed to be premised on two misconceptions: (1) that WIPO had disregarded development concerns and (2) that strong intellectual property protection was detrimental to global development goals. The Delegation stressed its disagreement with those premises. The Delegation explained that the United States of America fully supported the goal of social, cultural and economic development and believed that WIPO had played and must continue to play an important role in fostering developments through the promotion of intellectual property around the world. It also expressed its belief that development must not become a pretext for weakening the international intellectual property system thus undermining the very developments that it purported to advance. The Delegation asserted that WIPO had made and should continue to make its most important contribution to development precisely by deepening and expanding rather than diluting its intellectual property expertise. The Delegation went on to add that some of those concerns had been confirmed or emphasized by some of the statements that had been made by previous speakers. The Delegation explained that there was a perception that norm-setting in WIPO had viewed intellectual property, or higher levels of intellectual property, as an end in themselves and, while understanding the perception and concern of a number of delegations, it illustrated the difference in views in the Committee. The Delegation stressed that that was not its view and was not aware of any delegation that actually had indicated that it had viewed norm-setting in such a fashion. In addition, the Delegation pointed out that in paragraph 50 of document IIM/1/4 referring to the Standing Committee on Patents, an assertion was made that only the position of patent holders was brought to the attention of Member States, which was not the view of the Delegation of the United States of America. The Delegation reminded other delegations of

the statement it had made at the last meeting of the SCP, which expressed a contradictory view, that the views being brought to the attention of the committee, represented the interests of a much broader group of stakeholders. With respect to a suggestion that a pro-development approach to norm-setting in WIPO requires moving away from such a narrow perception, the Delegation disagreed with the premise on which that was based and, in that light, was not sure whether it could support that view. The Delegation stated that in light of the different views and the different underlying perceptions, it had great concerns about some of the suggestions that were being made. On the more concrete proposals, the Delegation also had more specific concerns. Without going into too much detail due to time constraints, the Delegation mentioned that with respect to development impact assessments, conducted by an office that would be called WERO, it had concerns whether that was really the most appropriate approach, and also whether that was a member-driven approach. It was not clear about who would staff that office, how the assessments would be conducted, whether that would truly be a member-driven approach in the organization and also whether that would be the most effective way of bridging differences among members. The Delegation could, therefore, not support such an approach. As to another suggestion made with respect to incorporating certain, what may be pre-ordained, provisions in norm-setting, the Delegation could not support mandating that all treaties under negotiation would have to include those types of provisions. It was the view of the Delegation, that only those provisions should be adopted, that were agreed to in the course of negotiations, rather than adopting some type of pre-ordained provision. The Delegation highlighted that WIPO Member States were free to table any provisions that they supported in the course of negotiations, and in the event that any norm-setting actually led to a WIPO treaty, such treaties were not mandatory but optional. With respect to the holding of public hearings, the delegation expressed its skepticism on that proposal. The Delegation clarified that it supported inputs from interests of various stakeholders, such as non-governmental organizations, IGOs and so on. However, the current WIPO system did allow for inputs from such organizations, for example, through oral interventions made at meetings. In addition, a number of WIPO meetings had electronic forums where input could be obtained on an ongoing basis from some of those groups. The Delegation, therefore, stressed that that input was valuable and should continue. However, to the extent that that proposal would suggest doing something different, as again seemed to be the case from reading some of the background documents, the Delegation would have had concerns to such an approach.

170. The Representative of the EPO stated that it only wished to take a position on the issues relating to providing technical assistance because that was where it was heavily involved and it would like to give a very short overview. The Representative noted that he had been working in that field for approximately about 20 years and had noticed that, ten years after TRIPS and its introduction worldwide, there was no clear evidence that developing countries and least-developed countries had achieved a level of institutional capacity, which would have enabled them to fully benefit from the IPR regimes that they had introduced. The Representative said that the work had focused on making the administration work, because that was the basis of a patent office, which had to work before technical assistance could focus on others. The Representative pointed out that it had very rarely seen a strategic framework established by a country, or a by the donors, on how to provide technical assistance. It had generally been done randomly, trying to extinguish small fires but there had not been a big plan. As far as the EPO was concerned, it was only in the past few years that it had started taking into account the stakeholders, other than the patent offices, since IP offices

were not always the ideal bodies to develop and implement wider strategies, of how to use IP for development. The Representative pointed out that there was no clear-cut solution and that every country had to find its mix and it would have been pleased to cooperate also in that regard. The Representative also highlighted the work that had been done by the Commission on Intellectual Property Rights, established by the United Kingdom, which had forwarded some very pertinent proposals and pointed out that it would be important to try and get them implemented, which was something that depended on governments. The Representative explained that in the WTO there were two big pillars, one was free trade, the other was intellectual property. Whenever a country developed an assistance program in the free trade pillar, it would coordinate it with the other pillar. The Representative explained that in the OECD there were integrated frameworks, where such policies were discussed so that there were no conflicting policies within the same country, which was something that did not always happen in the field of IPRs. According to the Representative, such issues were clearly identified in the report of the IPR Commission. What was missing at that time was a forum to discuss such issues and the suggestion of the Representative was to look again into those pertinent recommendations, and see which ones could be swiftly put in action.

171. The Representative of International Federation of Reproduction Rights Organizations (IFRRO) pointed out that its activities were very much involved in assisting countries interested in the creation of collective management or reprography institutions and clarified that this support was included in its cooperation for development activities, which were always offered on a country's request. The Representative showed that, to foster this project, a cooperation agreement with WIPO was created and that during the first five months of the present year, the Governments of Mozambique, Cameroon, Vietnam and Peru requested assistance jointly from WIPO and IFRRO. This cooperation was concretized through an assistance based on national seminars, fact-finding missions and practical assistance.

172. The Representative of the International Confederation of Societies of Authors and Composers (CISAC), speaking on behalf of CISAC and BIEM, expressed its concerns for the criticism shown so far on the WIPO cooperation for development program. The Representative mentioned that after having concluded a cooperation agreement with WIPO, they had developed an enormous number of activities (seminars, conferences, technical meetings) addressed to inform individuals in developing countries about the benefits of copyright for the civil society. The Representative focused on the crucial role played by WIPO both in CISAC as well as its members' activities. The Representative suggested to delegates to be extremely careful in considering major changes, especially in those sectors where WIPO activities proved to be successful.

173. The Representative of the International Federation of Library Associations and Institutions (IFLA), speaking with the support of *Electronic Information for Libraries (eIFL)*, recalled that during the first IIM, they had drawn attention of delegations to the importance of libraries and their crucial role in the economic and social development of all countries, especially developing countries and those in transition. The Representative pointed out that developed countries benefited from a highly developed library system, providing analog and digital information services, and that these had led to an improvement in their populations' general education and knowledge, particularly over the last 150 years. The Representative confirmed their interest in copyright; in this regard, she considered it crucial that WIPO ensures that the maintenance of reasonable exceptions and limitations to copyright enjoyed in

many developed countries is also established in the copyright regimes of developing countries. The Representative confirmed the role of copyright rules in protecting creative works from piracy and unfair exploitation, however their role cannot be limited to protection but should also be extended to the users' right to access information. In this regard, the Representative stated that policy makers had to take in consideration librarians' opinions in the creation of legal framework. The Representative confirmed the support to the proposal made by the Brazilian Delegation on behalf of the "Group of Friends of Development". Moreover, she added that this proposal would help WIPO to be more transparent in dealing with both rightholders and users. The Representative highlighted the following numbered proposals from the Listing of Specific Action-oriented Proposals by Member States as of June 2005 tabled by Brazil at IIM/2, which she thought would particularly benefit libraries: (1) to amend the WIPO Convention to include explicit language on the development dimension; (2) to consider the elaboration of a treaty on access to knowledge and technology; (3) to formulate and adopt principles and guidelines for the development and implementation of technical assistance; (4) to establish an independent WIPO evaluation and a search office; (5) to consider measures to ensure wider participation of civil society and public interest groups in WIPO, including their participation in the policy advisory commission and the industry advisory commission; (6) to formulate and adopt principles and guidelines for norm-setting activities in WIPO; (7) to undertake independent evidence-based development impact assessments with respect to norm-setting activities; (8) to establish a system of holding public hearings prior to the initiation of any norm-setting initiatives; (9) to improve information sharing on technical assistance including the establishment of databases, a dedicated Web page and a WIPO partnership office; (10) to formulate and adopt a code of ethics for technical assistance staff and consultants; and (11) to develop indicators and benchmarks for the evaluation of WIPO technical assistance.

174. The Representative of the Third World Network (TWN) expressed its support to those delegations who believed that the development agenda initiative was an all-encompassing project and that it should permeate through different activities of WIPO and its subsidiary bodies. The Representative proposed also that this initiative be under the direct control of the General Assembly or by a mechanism established by the General Assembly, such as the IIM. The Delegation stated that points 7 and 8 (norm-setting) had to be the case for the establishment of a special treatment for developing countries and LDCs, what in the WTO context was called "special and differential treatment". The Delegation mentioned that most of the existing patents in developing countries, from 90 to 99%, were owned by foreigners, whereas in developed countries patents coming from developing countries were only few. This situation would have an impact on development in many developing countries. In this regard, the Representative proposed that in looking at the point 7 on guidelines for norm-setting as well as in point 8 on impact assessment, some aspects had to be taken into account: (1) guidelines for norm-setting as well as principles for impact assessments should look at the interest of the consumer particularly in relation to health, education, access to knowledge and so on. On this aspect, the Representative supported the Proposal no 3 concerning the creation of a treaty on access to knowledge and technology; (2) norm-setting and the impact assessment should consider the effect that inappropriate standards of intellectual property may have or would have on local industries in the developing countries: how it affected research and innovation; what would be the impact on their present activity and economic viability and how it would affect their future development; (3) what would be the impact of the proposed norms on a developing country's local industrialization efforts,

technological development, research development and innovation, considering that the most of the patents in the developing countries would be foreign-owned and therefore would hinder local innovation research industrialization; (4) what would be the effect of intellectual property since they were mainly foreign-owned on the inflow and outflow of financial resources in the country in relation to the foreign exchange situation in the country, its current account situation and the balance of payments and the debt situation of the countries concerned, considering that a very senior researcher associated to the World Bank has estimated that the obligations in TRIPS would lead, whether implemented, to a net outflow of at least 60 billion dollars per year from the developing countries; (5) what would be the effect of intellectual property in developing concerning in the bio-piracy, knowledge misappropriation and genetic resources context, what would be the effect on local industry, on local communities, on the consumer; (6) one of the important issues that came up was the criteria for the granting of patents and in patent examination and the granting of patents good or bad decisions can be taken. What was the criteria for the granting of good patents or copyright, good patents that appropriately reward the patent holder in substance to this it was made a right decision in granting a patent, but also in quantum the duration of the patent, that the patent holder does not use monopoly power to hinder competition or to affect consumer interest, the price that the patent holder puts on his product is not excessive in order to engender monopoly profits. On the other hand, what are bad patents? For example, bad patents are patents granted not for inventions but for something else, there are frivolous patents, they may be an excessive term to the patent, the patent holder may have monopoly prices and finally there may be a bad patent and the patent holder misappropriates traditional knowledge of general resources. Would WIPO elaborate a mechanism not only for the application of these criteria but also for screening good and bad patents, so that they could write out the bad patents while rewarding the good patents.

175. The Representative of the International Chamber of Commerce (ICC) confirmed the importance of the IPR system for world economic development, especially for LDCs. The Representative mentioned that even after developing countries had ratified the TRIPS agreement, modernized their IP legislation and IP Office, they still had to work on an effective IP awareness process that could benefit national stakeholders. The interest of the Representative was that the session could conclude successfully its mandate, allowing action to take place as soon as possible and allowing developing countries and LDCs to make proper use of intellectual property for their development.

176. The Representative of Electronic Frontier Foundation (EFF) supported the proposal made by of the “Group of Friends of Development” and in particular the proposals for an independent evidence-based development impact assessment for new WIPO norm-setting activities; and the adoption of guidelines for provision of impartial and balance technical assistance. Its interest was to highlight how broad legal protection for technological protection measures illustrated the need for independent evidence-based impact assessments for all WIPO norm-setting activity. Actually, technological protection measure regimes were legally enforced in developed countries for several years. To date, they were not effective in keeping corporated works from being circulated online without permission. However, they caused a substantial collateral harm to the public interest, to scientific research, to freedom of expression, to competition and to technological innovation. Moreover, it pointed out that broad technological protection measure laws caused even greater danger for developing countries that did not establish legal institutions, regulatory processes or competition policy

rules to reign in their over reaching effects. In developing countries, they were likely to: (1) override national corporate exceptions and limitations; (2) impair access to knowledge, increase the cost of accessing information and administer the public domain, thereby expanding the logic gap between developed and developing countries and (3) stifle technological innovation and restrict legitimate competition. The Representative affirmed that member countries were asked to implement new technological protection measure laws in several contexts: (1) signatory to the WIPO Copyright Treaty and Performances and Phonograms Treaty; (2) to protect broadcasters, cablecasters and possibly even webcasters transmissions in the proposed Broadcasting Treaty and the Standing Committee on Copyright and Related Rights; (3) as part of bilateral and regional treaty negotiations. The Representative believed that before Member countries were asked to adopt these new obligations, all parties needed greater understanding of the economic and public interest cost of doing so. The impact assessment should consider the likely future impact for technology transfer and member countries national laws of new areas of WIPO norm-setting such as adoption of technology measures on broadcasters and webcasters transmissions in the proposed Broadcasting Treaty. The Representative supported the "Group of Friends of Development" proposal for the adoption of guidelines, for the provision of impartial balanced and individualized technical assistance to Member States. The Representative also recommended that in providing technical assistance to developing countries, WIPO should take account of existing public interest flexibilities in international instruments and preserve policies base for countries existing national copyright laws, exceptions and limitations. Since broad legal protection for technological measures may well override existing national copyright law exceptions, WIPO should take special care to advise countries on means to preserve their existing exceptions, when providing technical assistance on implementation obligations.

177. The Representative of the International Federation of Actors (IFA) thanked the Chair and said that it was speaking for more than 100 trade unions and associations of performers around the world. Their members represented hundreds of thousands of actors that they saw and watched on television, dancers that they saw on stage, singers that they heard on the radio and many other professional artists in both developing and developed countries. Performers needed a strong copyright protection to continue to contribute to cultural diversity to the well being of society at large, to generate revenue for the sector and for their country. Indeed, few could deny that entertainment was one of the most successful industries, a powerful vector of new ideas, a passionate tool for democracy, and social political stability. The Representative said that it could not subscribe to the assertion that WIPO had traditionally pursued an inward looking, self centered, and blind IP policy much to detriment of the developing and least developed countries. On the contrary, the reality in their view clearly showed that, at least as far as neighboring rights were concerned, WIPO's norm-setting which was, by the way, negotiated and supported by an overwhelming number of countries including developing and least developed countries, had been an incredible drive for creativity revenue and development. Earlier on in that meeting, the Representative said that they mentioned the appalling level of piracy, copyright infringement and disregard for intellectual property, which was literary bringing to its knees what could otherwise be a very successful entertainment industry in among others many African, Asian and Eastern European countries. It thought that this was not in the interest of the public, not to mention the performers and creators. It rather believed that these countries should ensure, with the help of the international community, WIPO, and the private sector that creators could fully benefit from

what they regarded as a carefully crafted intellectual property system. In its view, before development impact assessments of existing and future legislation was even considered, Member States and WIPO should carefully assess the cultural, social, economic cost and the impact on employment opportunities of such a wide spread and limited implementation of neighboring rights standards in many regions of the world. WIPO's norm-setting in the field of neighboring rights had always been driven by the need to foster development, seeking to achieve a reasonable balance between the legitimate interests of creators and those of the public at large. Undermining its ability to continue to do so would bring a terrible prejudice to performers, creators and industries that rely on that talent to flourish. The Representative pointed out that intellectual property was a wide legal field, encompassing trademarks, patents as well as copyright and also neighboring rights. While it supported new initiatives to enhance the efficiency of WIPO's technical assistance to developing and least developed countries, it urged Member States not to put all eggs in one basket, when it came to IP norm-setting.

178. The Representative of the International Federation of Pharmaceutical Manufacturers Association (IFPMA) said that it would have very much liked to urge the Member States to not block WIPO's work. What it was talking about was that many of the proposals put on the Agenda by the "Group of Friends of Development" often seem to increase bureaucracy, hold back important technical work which WIPO has been doing in providing benefits. The Representative allowed itself to say that, the new Indian patent law, which had brought back product patents was just one example of how emerging markets were improving and enhancing industrial property rights protection, so as to improve their country's development. The Representative, in pointing out that there was much talk in the previous session about the impact assessment, wished to suggest that impact assessment could only have value if it looked on both sides of the situation. It wished to suggest that they should also look in terms of norm-setting to also evaluate how those improved norms could actually benefit the emerging markets in developing countries and LDCs. For example, a stronger patent office or a facilitated or harmonized patent system, could actually improve chances for innovators within countries as well as bring technology into their countries. The Representative wished to strongly ask everyone that whatever they were discussing, should not hamper WIPO's work through unnecessary bureaucracy. The Representative kindly requested to not hold back the expertise that WIPO had by making it go through various hoops and puzzles and to hinder what WIPO's work should be.

179. The Representative of the European Digital Rights (EDRI), said that it would like to stress the importance of creation of an independent WIPO evolution and research office, as described in Item 5, based on the proposal by the "Group of Friends of Development". It strongly believed that all this should be based on the best scientific knowledge available. A totally independent unit which used best practices of science could produce results which can be trusted by all stake holders. A strong specialized research unit would help foster research and also encourage suitably qualified people to choose the field currently regarded as obscure and difficult to approach. The Representative pointed out that an independent research office would be very helpful for certain other proposed actions which EDRI warmly supported.

180. The Representative of the Consumers International and Transatlantic Consumer Dialogue (TACD) believed that the listing of a specific action oriented proposal tabled by Brazil had provided a constructive template to structure the substantive discussions of the

second IIM. The Representative pointed that the mandate for the Development Agenda agreed by the WIPO General Assembly had been quite clear. WIPO must integrate the development dimension into the core of its activities. In particular they welcomed action point 3 of the Brazilian proposal to consider the elaboration of a treaty on access to knowledge and technology. It believed that the objectives of such a treaty would be to protect, enhance and expand access to knowledge and facilitate the transfer of technology to developing countries. It recognized that knowledge resources were important in supporting innovation, development and social progress and envisioned that such a treaty would enhance participation in cultural, civic and educational affairs, ensure the sharing of the benefits of scientific advancement and control of anti-competitive practices. In its view, the incorporation of the development dimension in such committees as the SCCR, SCP were integral to WIPO's reform processes. With respect to WIPO's work on patents, the Representative asked WIPO to consider the following three items in its future work program: First in the area of patents on medicines, WIPO should collaborate with WHO to address the following: how Member States were implementing paragraphs 4 and 7 of the Doha declaration on the TRIPS agreement and Public Health; how are WIPO Member States implementing article 40 of the TRIPS Agreement which dealt with the control of anti-competitive practices in contractual licenses and what measures were necessary to address problems facing the global community, with respect to patents and open standards.

181. The Representative of the Civil Society Coalition (CSC) supported the proposals put forward by the "Group of Friends of Development" and disagreed with the United Kingdom proposal supported by many developed countries to shift the whole Development Agenda initiative to a subsidiary body called PCIPD. They thought that it would be a mistake, as by doing so they marginalize the initiative into a mere item to be discussed in a subsidiary body that did not carry weight or implementation authority. The Representative said that such a move would also indicate to the world that members endorsed the establishment of a Development Agenda as a ploy to temporarily appease the concerns of the developing countries with the ulterior motive that nothing ever substantial should ever be achieved. They, therefore, suggested that the Development Agenda initiative be given the highest priority in WIPO under the direct supervision of the General Assembly or a mechanism set up by the General Assembly. That would enable the Development Agenda initiative to take up cross cutting issues and to have an influence over all WIPO activities and bodies. The Representative noted that, although many developed countries paid lip service that the Development Agenda was more than technical assistance, in fact from the proposals and the responses to the proposals by "Group of Friends of Development" these countries seemed to be avoiding or opposing proposals to increase transparency in WIPO, independent evaluation and research in WIPO, to make WIPO more member driven and to ensure that all its activities would be pro development. The CSC, urged developed countries to be more sensitive to the public needs and development consensus that has been raised in that forum. On the list of proposals, it wished to support the proposal to amend the WIPO convention, Item I, to include explicit language on development. WIPO's interpretation of this mission was that it was an organization that was a firm advocate of stronger IP protection in developing countries. An analysis of WIPO's various policy documents would suggest that more and more IP seems to be the goal, while little attention was paid to the possible adverse consequences of such protection. The Representative believed that if members were serious in reorienting the direction of WIPO to make it more development friendly, the amendment of the WIPO convention to include explicit language on development should be the first step WIPO

members should take. It believed that WIPO's technical assistance activities and the content of its programs must be balanced and development oriented. This might be difficult to achieve, considering that 90% of WIPO's funding comes not from Member States, but from the business sector whose interest lies in promoting protection of IP. Thus, it was of utmost importance that for the quality of technical assistance to truly benefit developing countries, it had to be independent and transparent. To achieve that, they thought that proposals in Items 4, 12 and 13 to formulate principles, guidelines, code of ethics for technical assistance and to develop indicators and bench marks for evaluation of technical assistance were essential. The Representative also noted that various WIPO committee initiatives had given priority to those of interest to the business sector, which aimed to promote protection of IP. The WIPO patent agenda was one such example. They thought that development agenda presented members states an exceptional opportunity to push initiatives that addressed the concern of developing countries as well as the public interest at large. The access to knowledge and technology treaty, Item 3, and WIPO standing committee on IP and technology transfer, Item 2, were initiatives that should be endorsed and given priority. The Representative also supported Items 6 and 9, which were about participation of public interest groups in the policy advisory commission and industry advisory commission and in the holding of public hearings prior to the initiation of norm-setting activities. Strong IP protection could affect society negatively, for example, patents and pharmaceutical products could lead to high prices of medicines that restricted access to medicines.

182. The Representative of the Electronic Information for Libraries (eIFL) said that it represented nearly 4000 leading academic and research libraries, serving millions of users in 50 developing countries. Its interest was in copyright and related rights. As a member of the International Federation of Library Associations, the Representative said that eIFL fully supported IFLA's intervention at that meeting. Their members were working every day to provide students in developing countries with access to learning materials and quality electronic resources. Access to information and knowledge, the Representative said was critical to the education and training needs of poor countries. The reality of most LDCs was that students were denied access to basic learning materials. Extreme poverty, in Uganda for instance, meant that students at Uganda's Makerere University simply could not afford to buy the text books and reference materials necessary for their studies. Yet graduates from Makerere University were critical not only to Uganda's social, economic, political and cultural development but also to creating critical masses of uses of copyright products and services. So students at Makerere and in most LDCs, relied entirely on the universal library to provide learning and research material for their courses: this is why it was essential to have well resourced libraries with the ability to provide reasonable access and use of resources purchased by libraries. The Representative believed that one of the key proposals was the elaboration of a treaty on access to knowledge and technology. Such a treaty would be an essential component in the policy interventions to alleviate situations in countries such as Uganda. The Representative stated that such a treaty would provide guaranteed minimum levels of exceptions and limitations to copyright, which would allow reasonable portions of copyright materials to be reproduced for education, research and private study. It would also provide checks and balances to preserve a healthy tension between protecting rights holders and the need to use information. The Representative quoted from the WIPO copyright treaty preamble by saying: "...the need to maintain a balance between rights of authors and the larger public interest, particularly education, research and access to information as reflected in the Berne Convention." However, the balance has become distorted at the expense of

consumers of information. It therefore, asked WIPO to address these important issues through a treaty on access of information and knowledge.

183. The Representative of the Center for International Environmental Law (CIEL) said that as stated in its intervention to the first Inter-sessional Inter-governmental Meeting, it supported a comprehensive consideration of sustainable development concerns in all WIPO activities, including norm-setting. In particular, CIEL believed that the development impact assessment of each norm-setting initiative and the holding of public hearings prior to any norm-setting discussion, would be an important contribution to ensuring that intellectual property was an instrument of sustainable development. Both impact assessments and public hearings were widely used to guarantee policies, projects and legislation support broader public policy objectives. Impact assessments were pioneered in the environmental field but they were increasingly considered critical to developing adequate laws and policies more generally. In the United Kingdom for instance, within the better regulation executive established in May 2005, regulatory impact assessments were a key tool in delivering better regulations. Regulatory Impact assessments analyzed the likely impact of a policy change and the range of opportunities for implementing it, including in the context of intellectual property. Impact assessments were also utilized at the European level. For instance, the European Commission requested the sustainability impact assessment of ongoing trade negotiations. These assessments evaluated, inter alia, the impact on the Millennium Development Goals. The EC had also mandated an impact assessment relating to intellectual property, namely the evaluation of the effects of a database directive. WIPO as a UN agency should equally ensure the impact of norm-setting initiative on different indicators of sustainable development was adequately analyzed and taken into account. Public participation was a fundamental element of impact assessments. In the United States of America, moreover, public participation was a key element of the national environmental policy act, including its provisions on environmental impact assessments. Public participation was equally warranted in the broader sustainable development context, and specifically in the analysis of international intellectual property norm-setting initiatives, which as had been mentioned repeatedly that day, impacted a wide range of issues and stakeholder.

184. The Representative of the Institute for Policy Innovation (IPI) said that it also represented civil society. Organizations, which so far, announced themselves as representing all of civil society, in truth represented only a portion of civil society. They represented only that portion of civil society which they represented. There was no single civil society perspective on intellectual property, there were civil society organizations that believed that IP was harmful and there were civil society organizations like the IPI which believed that IP was a powerful tool for economic development. It was important that Member States not be misled to believe that all of civil society shared a single perspective on IP protection. IPI hastened to add that by far the majority opinion among the economists and the legal profession, was that the IP protection was a critical element in the economic growth equation. It was a minority opinion that IP somehow did more harm than good. After observing the proceedings in both April, May and June, IPI was struck by the opportunity costs associated with that discussion. They all understood that actions taken usually had costs, but did they also understand that actions not taken also had costs? These were called opportunity costs. IPI's fear was in regards to the opportunity costs associated with that discussion. IPI stated that they were debating about something that was already part of WIPO's mission and about something that WIPO was already doing, assisting development through intellectual property

protection. Some delegations talked about things that did not even exist like treaty on access to knowledge. WIPO had critical work to do, including norm-setting and assisting countries to gain full advantage of the IP system. It was critical that WIPO found the means to deal with the issues associated with the Development Agenda in such a way that did not side track the entire body of WIPO from its core mission. The most constructive suggestions that were heard so far regarding a concrete means of continuing this discussion without subjecting all of WIPO to an endless series of distractions, were the proposals which suggested invigorating the PCIPD and moving the discussions to that appropriate committee. That would allow the discussions to continue in a body appropriate to it, while not distracting WIPO from its critical mission.

185. The Delegation of Japan thanked the Chair and stated that it would like to make a brief comment on Item 8, on the development impact assessment, which was mentioned in paragraph 53 in the document of IIM/1/4. First of all, in the Delegation's view, norm-setting was different from a direct investment of financial resources that immediately lead to job creation, property alleviation and so on. Development was a wide ranging issue, but norm-setting was just one of the elements that had influence on development. Therefore, the Delegation thought it would be difficult to evaluate norm-setting numerically, with respect to its impact on development, that is, in terms of benefit versus costs. In addition, concerning the assessment of norm-setting, the Delegation emphasized that the procedure of discussion about norm-setting, such as SPLT should never be delayed because of the assessment. The Delegation felt that SPLT was an urgent matter, not only for patent offices in the world that were burdened with increased work loads emanating from growing applications, but also for wider stakeholders.

186. The Delegation of Argentina thanked the Chair and said that it wished to consider the organization of the work done. The Chair was reminded of what he had said about concluding the debate by looking at themes 1, 5 and 6. That expressed the delegations' wishes to have the possibility to cover the greatest number of themes possible on the list and have comments with regard to all the proposals, or at least to have an opportunity to make comments in a general way on the proposals, as had been done in the previous meeting. Therefore, the Delegation requested to know the Chair's plan on how the time left would be managed to cover as many topics as possible.

187. The Chair expressed his wish to cover all themes the same day, but in view of the little time left, he suggested that the remaining delegations could speak, after which he would take up the Chair's summary. The Chair hoped that it would be accepted as soon as possible or with minor amendments, to enable discussions on the themes, which remained to be discussed. He said that the remaining issues could be discussed at the next session of the IIM.

188. The Delegation of South Africa observed that there may be mixed feelings at the meeting in terms of support for the Development Agenda. As they were engaged in this reform process, the Delegation stated that it was unavoidable that to some, it was bringing fear and to others, hope. It said that the South African experience of reform reflected the same kind of fears and hopes. Therefore, it wanted to address the fears that often expressed that reform might stall progress. That was not necessarily the case in South Africa, which had recently undergone a process of radical reform. In that case, reforms had created more opportunities for the developed sections of their population, and had in fact advanced the least

developed part of society. The Delegation said that norm-setting should recognize different levels of development, between developed and least developed countries. Whether in the proposed or in existing treaties, there should be provisions for longer transition periods for developing and least developed countries. There should be provisions to safe guard the implementation of national intellectual property rules, according to the level of development, and also to suppress anti-competitive practices. It added that when anti-competitive practices in the intellectual property rights system had been suppressed, through awarding less protection licenses to justify the cost and the reasonable profits, it would create a level playing field for competition, whereby developing countries would be given an opportunity to improve the existing protected technology and compete on the global stage. The Delegation agreed with the views expressed earlier that ratification of treaties were optional and not mandatory in WIPO. However, in bilateral agreements, where power was asymmetric, smaller countries were obliged, if not forced, to ratify those treaties in order to get, perhaps, moderate access that they so desperately needed. The Delegation in its statement, had said, that a working group should be established to look at the implementation mechanisms for a Development Agenda. If the General Assembly could approve the establishment of that working group, it could assist in arriving at the common understanding for such a Development Agenda for WIPO. The Delegation felt that WIPO did not have the same understanding. The work of the working group could further refine and clarify some of the issues dealing with it. The view that there should be an independent evaluation and research office to deal with, for example, development impact assessment and norm-setting, seemed to be opposed, however some delegations proposed that there should be an independent audit committee for WIPO, and that was puzzling for the Delegation of South Africa. The Delegation explained that it was not in the interest of developing and least developed countries to transfer the work on the Development Agenda to the PCIPD, as it would divert the attention of that committee to other issues, and as a result, the assistance required by the patent offices would suffer.

189. The Delegation of the United Kingdom accepted points 7 to 9, which stated that norm-setting should be member driven. It agreed with certain other delegations on the question whether there was a specific need for guidelines and principles and acknowledged that all Member States were free to put forward proposals, including proposals relating to, for example, special treatment. It added that the Delegation was receptive to ideas to ensure that the appropriate cross section of interests, were able to participate in norm-setting activities. The Delegation then stressed on the importance of remembering that individual member states also had a responsibility to consult within their own communities. In terms of the compatibility of the activities of this body with other organizations, there was a responsibility on those, negotiating treaties, to ensure such compatibility, but it also worked the other way, in the sense that, people negotiating elsewhere, should be mindful of IP treaties. In terms of impact assessment, the Delegation said that it had listened to the comments that had been made, but was unclear as to the national impact assessments systems, such as those in the United Kingdom, which had been referred to most recently by an NGO. It was not sure whether such particular systems could actually be transferred to a wider international and more political context? It also mentioned that in respect of their internal order process, it was interesting that one of the requirements was that the cost of doing nothing must always be presented. In terms of carrying out impact assessment, obviously a number of practical questions were raised and some of these had been heard already. As to the question of who

would do the impact assessments, the Delegation was conscious of the proposal in paragraph 5, which was to be discussed in due course.

190. The Delegation of Iran stated that its position had already been submitted clearly in the document IIM/1/4, and that it wanted to reiterate its concerns on norm-setting in WIPO. It stated that it wanted to raise two points. First, norm-setting was closely inter-linked with technical assistance. Norm-setting in WIPO is a major part of the IP dimension and it should be considered. The Delegation had doubts whether all the technical assistance being talked about was paving the way for just implementing the heavy commitments, or did it work to the development of their country. There was a great gap between the developed and developing countries on one side and also between the holders and users on the other side. The Delegation mentioned that during the first and second sessions of the IIM, the “Group of Friends of Development” welcomed any suggestion, from initiating an idea to making a norm and a treaty, to the need for a course in a University at a doctoral level. The Delegation mentioned that during the first and second IIMs, the “Group of Friends of Development” welcomed any suggestions made by other States. Moreover, it is a long process from the initiation of an idea to the establishment of a norm or a treaty. Member States are thus encouraged to express the views at any stage and their flexibility is expected.

191. The Delegation of China joined other delegations in appreciating the enlightening explanation by the “Group of Friends of Development” on proposal 7,8 and 9 and endorsed them in principle. It added that it sought serious consideration on the development dimension in WIPO’s norm-setting activities. The Delegation said that norm-setting was one of the most important mandates of the Organization and since the inclusion of intellectual property into the world trade system had been around for many years, even a developing country was compliant with the TRIPS, when there existed a higher-protective-standard new WIPO treaty, in real life, the country’s failure of accession would be branded as not enthusiastically promoting IP protection or as openly encouraging infringements. In other words, though a developing country was TRIPS-compliant, it could be pressured to accept the so-called reasonable or extensively-accepted IP protection standard which was more strict in essence during multilateral or bilateral trade talks. In that connection, it was evident that the norm-setting activities in WIPO had a tremendous impact on developing countries and after TRIPS’ prevalent implementation in developing countries, decisions made in WIPO would have quicker and more direct implications on the developing countries. The Delegation recalled its views at the first IIM session, where it had said that WIPO, as a UN agency specialized in intellectual property, could and should make substantial contributions to the UN Millennium Development Goals review process, by assessing the intrinsic relationship between intellectual property and development, which was obviously beyond the mandate and speciality of other fora. In addition, the Delegation added that it supported more norm-setting activities in WIPO, including those harmonization activities for the purpose of encouraging innovation. The Delegation however did have concerns that, if the principles of norm-setting were not reviewed, the activities may deviate from its original wish in promoting innovative activities and development through IP protection. The delegation believed WIPO had room to improve in applying the concept of users in norm-setting activities and added that if it was not mistaken, during some sessions of the PCT reform and SCP, some provisions were passed on the ground of being user-friendly. As expressed by the Chinese Delegation in a SCP session in 2003, policy makers should not confine the concept of user to IP applicants, holders or their representatives. In conclusion, the Delegation wished that the other delegations would

seriously consider the proposals concerning norm-setting in IIM/1/4 and seek a consensus that took into account interests of all parties.

192. The Delegation of Canada said that it had comments on three items. It noted that the modification of international IP standards and development of new international legal instruments, required a thorough evaluation of the possible effects, and emphasized that the process made it incumbent on each member to look at the costs and benefits, within their own systems. It looked at the principles and guidelines that had been set out and continued to examine them. However, the Delegation reiterated that it remained to be convinced that there was a need for guidelines, as set by the "Group of Friends of Development". It stated that, with regard to impact assessments, the Delegation of Canada had used it at the national level and agreed with the questions that had been raised by the Delegation of the United Kingdom about its application in the international arena. In conclusion, it noted that it was incumbent on each Member to develop its own system and to consult with its own stakeholders. Canada had a very extensive system of consultation, but it was not attempting to dictate to other members how they should go about consulting their stakeholders. It would however be interested in answering questions raised by other delegations.

193. The Chair sought the views of the Members on the draft summary by the Chair that had been distributed.

194. The Delegation of Argentina stated that in view of the time frame for the meeting, it would be worthwhile continuing the discussion on the proposals that were placed on the table. It noted that Members had not had substantive discussions over the past three days on all the proposals and so would prefer to have more time to discuss all those proposals rather than to discuss the summary which was a factual account of the Meeting. It noted that the basic focus of the meeting was to continue the discussion and not to negotiate something that was not necessarily worth negotiating.

195. The Delegation of India agreed with the comments made by the Delegation of Argentina. It reiterated that there was no more need for a summary at this point and it would suggest that the meeting proceed along the lines indicated by the Delegation of Argentina.

196. The Delegation of Chile stated that it would like to support what the Delegations of Argentina and India had said.

197. The Delegation of the United States of America said that it was not clear as to what the proposal was. It enquired whether the proposal by Argentina, and supported by India and Chile, was to be accepted, would the Meeting do away with the summary by the Chair. In other words, then, there would not be a summary by the Chair for this Meeting at all. The Delegation asked if that meant that the meeting would continue discussing proposals until 6 p.m., at which time the discussion would end, and there would be no summary by the Chair. It also asked if this would mean that the Meeting would not go along with the report, as mentioned by the Chair on the first day. The Delegation requested for clarity so that it could consider its approach.

198. The Chair explained that, item 7 would serve as the summary by the Chair. He thought it would complicate matters now not to have a summary by the Chair. He noted that it would

be preferable to have the summary, that was factual and without much controversy and therefore, the last half-hour of the afternoon could be taken to adopt the report.

199. The Delegation of Italy supported the explanation given by the Chair. It indicated its willingness to dedicate the last part of the meeting to the summary of the Chair.

200. The Delegation of Morocco supported the Delegation of Argentina's proposal and noted that the summary was just an enumeration of facts and that the meeting should continue with the discussion

201. The Chair proposed discussion on item 14, proposed by the United Kingdom.

202. The Delegation of the United Kingdom noted that it had already had an opportunity to present its proposal, both at the last IIM and also in the context of discussions that had already taken place in the meeting. The Delegation believed that it was clearly set out in documents IIM/1/5 and IIM/2/3. It reiterated a couple of key points and then briefly addressed some of the comments made on its proposal by other delegations. The delegate stated that he had worked for the United Kingdom Government for nearly 15 years, and during that time, there was a noticeable change in the approach of the United Kingdom government to development issues. It was quite a change in the mind set. The Delegation said that change was brought about due to the reinvigoration and re-energization of an existing United Kingdom government department. That department changed its name to Department for International Development, reinvigorated itself, it instigated research and undertook new thinking on how the United Kingdom government should better integrate development into its working. Indeed, such was the change in the mind set, that in the Department of Trade and Industry, whose main brief included the promotion of United Kingdom industry, was able to actively support the establishment of the United Kingdom Commission of Intellectual Property Rights. It said that the proposal that it had put forward, envisaged a similar change and approach for WIPO, with the revitalized and the reinvigorated PCIPD playing a role similar to that of the Department for International Development. It noted that some had argued that the United Kingdom proposal was essentially a means of passing the buck. The Delegation disagreed with that and added that it was more akin to passing the baton in a relay race. It noted that what was important was not who was carrying the baton, but rather that the baton continued to be carried and carried forward. It believed that the United Kingdom proposal was a practical, achievable way of ensuring that the baton, that was the development agenda, was carried forward. The Delegation said that it was conscious that the meeting had heard a lot from the United Kingdom during the last three days, and so it was important to hear the views of others, especially those developing and least developing countries, who had thus far, not being particularly active in the debate. The Delegation encouraged all Member States to give the United Kingdom proposal due consideration and added that it would welcome ideas from others on how it could be built upon and improved. As a final point, the Delegation referred to document WO/GA/31/11, a proposal by Argentina and Brazil for the establishment of a Development Agenda for WIPO, which was submitted to the 31st session of the General Assembly of WIPO. It noted that the proposal in paragraph 8, specifically talked about a Working Group on the Development Agenda, that could be established to further discussion the implementation of a development agenda and work programs of the organization. In its view, that particular meeting constituted such a working group, and it

believed that the proposal was an extension of that and it would allow the meeting to carry the discussions further.

203. The Delegation of Argentina said that bringing all the subjects on the agenda to the PCIPD did not seem to be a good idea since the PCIPD focused on technical assistance. Raising a query, the Delegation said that the United Kingdom had pointed out in one of the paragraphs of the proposal that the PCIPD should submit reports to the Conference. The Delegation added that when the constitutional reforms on the structure of WIPO had been carried out some years previously, one of the agreements reached was to eliminate the Conference in the structure of WIPO. The Delegation wondered why the United Kingdom did not simply propose the PCIPD report to the Assemblies instead of to a body that will disappear in the near future.

204. The Delegation of Canada noted that it believed that the United Kingdom's suggestion to reinvigorate the PCIPD was very interesting. It believed that the mandate of the committee was sufficiently broad to include work on all aspects of development, specifically that it was not limited to technical assistance as some members may have suggested. That being said, it noted, the Delegation of Canada would support a review of the mandate of the committee, if Members believed it was necessary. It found it particularly interesting that the United Kingdom thought the committee could play an active role in all of WIPO's work, by contributing and steering discussions in all other WIPO bodies. Additionally, it noted, other WIPO bodies should be encouraged to refer issues to the committee for opinion, where it would help in formulating deliberations.

205. The Delegation of Romania noted that it would like to recollect in this instance the statement that was made on behalf of the Group of Central European and Baltic States, where it was clearly stated that the Delegation supported the United Kingdom's revised proposal that suggested the development agenda to be further discussed within an expanded mandate of the PCIPD. Even if the PCIPD had limited experience, it was a structure of WIPO. Secondly, it had a membership, which included States and NGOs, and so consequently, there was quite a reasonable statutory representation. Thirdly, it was budgeted. It noted that it was true that the PCIPD already had a mandate which included certain aspects. It was the Delegation's opinion that revising that mandate would be far less costly and more efficient than setting up a new body, a parallel body, which would imply further financial cost. The Delegation indicated that it was fully aware of the importance of the topic of development and most precisely of the topic of the relationship between development and IP. It had benefited by this concept and was not going to repeat how it had benefited. More arguments could be found for who ever was interested, by simply taking a look on the Internet. However, it said that the Delegation was a strong believer in the fact that WIPO was not an agency which was dedicated solely to development. It had an altogether different mandate, where development was an important part. However, the Delegation would not see the need to turn the organization into an exclusively developed country oriented organization. Consequently, it seemed to the Delegation, when reading carefully the whole set of the propositions of the "Group of Friends of Development", that many aspects in those propositions went beyond the scope of that very topic. To the Delegation, it appeared that the meeting was talking about a plan to reform the whole organization, which was perhaps desirable and may even be needed, but that it would note, was an altogether different topic.

206. The Delegation of Algeria thanked the United Kingdom for having presented its proposal to strengthen and reinvigorate the PCIPD. The Delegation believed that the United Kingdom proposal was trying to fulfill an objective. Past experience showed that in the disarmament conference, there were delegations who had a notion of the linkage between all the elements of the conference and others who would rather categorize and fragment the issues. It noted that, it had witnessed that for the last eight years. Currently, it was seeing the same thing. If the plan of action was accepted for the PCIPD to be reinvigorated into a reformed committee, it seemed to him that there was no need for the general assembly to call for an intergovernmental inter-sessional meeting in order to undertake the task. It thought that there was a substantive problem in that approach and would call on the other delegations to think of a way to achieve the goals. Going back to the example of the disarmament conference, it asked whether they wanted to fragment this agenda and break it up into different pieces, and further asked whether it would enable them to attain their goals?

207. The Delegation of Brazil said that it would like to make some comments on the United Kingdom proposal. It noted that it had already done so in the first session of the IIM and it had then spoken on the thrust of the United Kingdom proposal of referring the whole concept of the development agenda to the PCIPD. It noted that it had also mentioned in the first IIM how the UK document made a good effort in diagnosing the relationship between IP and development, but that it did a poor in proposing solutions to the problem. In the UK document, the problem was adequately diagnosed but the solution proposed was not commensurate with the dimensions of the challenge one faces when one deals with the relationship between IP and development issues. The result of the effort to discuss the Development Agenda should be to bring development into the forefront of considerations in an Organization that had not taken the issue seriously. Efforts in this regard could not simply be confined to simply updating a body that dealt with technical assistance. One had to bear in mind the bigger picture. The Delegation noted the statements made by some delegations and observers, who were aggressively pro-IP and had spoken today, suggesting that there was an attempt to block some sort of discussion in this Organization, through the concept of the development agenda. The Delegation thought such suggestions were totally out of line with what was actually happening. The proposal for a Development Agenda constituted a very constructive effort to broaden the scope and view of the Organization to make it more UN-like, which it actually was on paper. In its view, it was for Members to decide what the Organization should or should not do, and that it thought developing country Members should have a say in that and not only those countries that had the largest number of right-holders as users of the international IP system. The Delegation noted that the development agenda was not an anti-IP agenda, it was simply an agenda to broaden the scope of the negotiations on IP, to factor in issues of development and to take into account what the impact would be of norm-setting in the organization on the developing countries. The Delegation noted that some countries had affirmed that IP should not be subject to development concerns, which was a comment made that morning. The Delegation had been scared by such statements because, if IP should not be subject to development concern, it was not clear what it should be subjected to. It asked whether there were other kinds of concerns they were dealing with. The Delegation further commented that another developed country mentioned that the SPLT was an urgent matter and the development agenda should not delay consideration of that issue. Clearly the ones who spoke on behalf of right-holders, be they non-governmental or governmental delegations, clearly wanted to separate, to create a separation between anything that was a substantive norm setting activity in the Organization and anything that had to do

with development. It noted that the strategy was to separate one thing from the other to avoid any possible linkage between two issues and the core of the proposal in the development agenda was precisely the opposite - and it was to bring together, to convert, to merge the two worlds that had been very far apart up until then. The Delegation thought that development considerations should be factored and mainstreamed into every norm-setting activity in that UN Agency. It noted that the way to do that was not to confine issues of development to a technical assistance body, be it rejuvenated or not. That was not really the solution. The Delegation remarked that if that was done, WIPO would end up not only burying whatever perspectives it may have had to deal with development in substantive norm-setting, but would also affect the interests of developing countries in discussions on technical assistance in the PCIPD. In that body, discussions on technical assistance would be overtaken by a debate on development issues that would be inconsequential to all the other activities of the Organization, because the PCIPD did not have a higher hierarchy in regard to other bodies. The Delegation further noted that another Member had suggested that development issues be referred to the PCIPD, whenever they came up in WIPO. As a result, it seemed to the Delegation that there was some intention of creating some sort of a garbage can for development issues in the Organization, which would be the rejuvenated PCIPD. It remarked that it appeared that that approach was clearly the strategy of some delegations and did not think that countries should deal in that matter with serious development issues, especially, issues that would affect the population of their countries that had not attained the level of development of certain other countries present there. It thought that they already had an on-going process to deal with the development agenda, which was not costly, and did not require an additional body. That body was the IIM, and it had an adequate hierarchy. The Delegation thought that they should keep this body where it was, in the same fashion as it was and that all delegations should be constructively engaged in a debate of the different aspects of proposals tabled. It noted that they should be open to considerations from other countries but that they would also like for their proposal to be taken within which it was presented.

208. The Delegation of Italy noted that it had found several important elements in the United Kingdom proposal, both in substance and in procedure. As for the procedure, it expressed its view that the said proposal contained in Annex B of the United Kingdom proposal was a useful and practical way forward. It noted that as the B group expressed at the beginning of that IIM, and as EU had also restated, the idea to reinvigorate the PCIPD was good but it was also a good idea to expand considerably its mandate.

209. The Delegation of Switzerland stated that it had already in other statements been able to state the reasons why it would support the idea to continue the discussion on IP and development in the PCIPD, therefore, it would not repeat the same statement in detail. The Delegation would simply state that it supported what it had already said. Referring to the statement of the Delegation of Romania, it believed that continuing the approach to discussing development in the PCIPD was a pragmatic solution that would enable it to benefit from the experience of members belonging to that committee in a body which already existed within WIPO. The mandate of PCIPD, as had already been explained, was broad enough to cover subjects beyond just technical cooperation and assistance. The Delegation went on to say that if necessary, as the Delegation of the United Kingdom had already suggested, it could add more specific mandates that would enable the meeting to reinvigorate the committee and set a development agenda, as well as increase its resources.

210. The Delegation of Australia stated that the United Kingdom proposal represented a useful and efficient opportunity to use the existing vehicle of the PCIPD as a mechanism to further WIPO's development strategies and to strengthen its strategic focus and the evaluation of its programs and activities.

211. The Delegation of the Russian Federation stated that it would be in favor of reinvigorating the PCIPD and in that context, it believed that those questions could be dealt with within existing bodies of WIPO, including the PCIPD. The Delegation went on to say that it would like to look more closely at that proposal.

212. The Delegation of Iran thanked the Delegation of the United Kingdom for presenting the proposal and added that the General Assembly at its last session had clearly decided that all proposals be examined. The IIM had the competence to examine the document presented at that time, by the "Group of Friends of Development". There was a close inter-link between development and technical assistance and some parts had been indicated in the United Kingdom proposal and the day before yesterday, the Delegation of the United Kingdom indicated that its proposal went beyond technical assistance. So it was not clear as to which part of should go there and which part should be in the IIM. The Delegation thought that the proposal to reinvigorate the PCIPD was premature

213. The Delegation of the United States of America thanked the United Kingdom for its proposal. The Delegation thought that it was a good proposal and helped constructive deliberations on related matters. The Delegation said it seemed to be a bit of a contradiction that while, on the one hand, some members of the "Group of Friends of Development", felt the need to reform WIPO, on the other, were strongly resisting a practical proposal for meaningful reform and reinvigoration of an existing body, the PCIPD, which it believed could substantially contribute to the discussions of WIPO's development work. The Delegation added that it would like to comment on the perception of one delegation that discussions in the SPLT were separating norm-setting from development. On the contrary, it was the view of the Delegation that norm-setting activities, such as the SPLT, were indeed important to development and therefore, WIPO did indeed include the development agenda in all of its work, and Member States were free to pursue objectives in all WIPO bodies. The Delegation said that another comment was made that characterized the United Kingdom proposal as, perhaps a 'garbage can', for some of those issues, consigning the issues to a technical assistance only body, was not the way it interpreted the proposal of the United Kingdom and perhaps that is why it had a positive view on it. The Delegation mentioned that a reading of that document indicated that the proposal of the United Kingdom was not simply about technical assistance but was a broader and much more helpful initiative, and so it did not appear to them that that the comments made, which appeared to be dismissive language, regarding the United Kingdom proposal would have been an appropriate characterization of that approach. The Delegation said that they did look favorably upon the United Kingdom proposal, and thought it could be very helpful and, particularly, the annexes at the back of the document. While it did accept the point that there might be a procedural issue, as raised by the Delegation of Argentina, and that it could look into, the general thrust of the document and the annexes, in particular, seemed to be very practical proposals to assist them in their work.

214. The Delegation of India thanked the United Kingdom Delegation for the proposal they had submitted. The Delegation stated that the presentation of the United Kingdom Delegation did certainly merit applause because they were among the few delegations, that had acknowledged that there were different issues that could be addressed, which was more than some of the other delegations, which had taken a doctrinaire position on the question of development. The Delegation said that they appreciated the United Kingdom Delegation for acknowledging that there were several issues that could be addressed in the framework of their current discussions. It pointed out, however, that it did not agree with the suggestion that all those issues should be addressed in one particular committee, the PCIPD, a committee which had met rather infrequently in the past and had confined itself solely to so-called technical cooperation assistance. The Delegation said that they were surprised that one particular committee should be favored, especially one that was known to be singularly lacking in any teeth. The Delegation added that they were even more surprised because every Delegation that had spoken in that session and indeed in every other body of WIPO, had strongly asserted that all of WIPO's work was indeed development related. The Delegation said that in other words, they could conclude from those assertions that the SCP, SCCR, the Trademarks Committee, SCIT, were all engaged in development work, as was the PCIPD. The Delegation stated that one must therefore ask why choose one of the many committees that were engaged in development work for addressing the multi-various development issues. It said that as the proposal of the "Group of Friends of Development" suggested, there were many issues which were cross-cutting and there was absolutely no area of work in WIPO, which was excluded from scrutiny, from the perspective of the development dimension. It added that, therefore, one must mention why was one committee of five of six, all of which claimed to be engaged in development work singled out. It could be equally acceptable then if they chose the SCP and expanded its mandate to include all development work and asked that the entire set of issues that had been identified there be given to the SCP, the SCCR, or the Trademarks Committee. The Delegation said that that clearly would be unacceptable to nearly every delegation for the simple reason that it did not concern only that committee, and that therefore, willingly they got back to the position that eventually, after the IIM process was concluded, the work would have to be addressed in all the relevant committees, so that they could be appropriately operationalized. It said that the PCIPD, apart from discussing technical cooperation, was singularly unsuitable to address questions, for example, relating to norm-setting and that they had the recommendation of the United Kingdom, contained in Annex B, which said that the PCIPD could report its findings to the other WIPO bodies, as appropriate, assuming that there was agreement in the PCIPD that norm-setting should be development friendly in its approach, that itself would be an enormously difficult consensus to reach but having reached that consensus hypothetically, they would then be reporting it to the SCP, if it was a patent matter, to the SCCR if it was a copyright matter, leaving it to those august bodies to consider taking it up, or not to consider it all. The Delegation added that, that was where it was important for the relevant committees to incorporate that work in its substantive program of work, and not be left to the PCIPD, to engage in what could probably be the endless and pointless discussion of a subject, that was probably not very well equipped to address, and even after that process, passing it on the relevant bodies with a request that those be considered, which those relevant august bodies may not. It explained that in short, since all the bodies that were set up in the framework of WIPO were engaged, as they were told, in development related work, there was no reason to choose one of those bodies which specialized in technical cooperation to the exclusion of the others. They should at that point in time, advance this process by discussing more thoroughly, the issues at that session and the

one after, and that at the end they should come up with recommendations, hopefully consensus recommendations, to the assembly, having identified what issues should be taken up by which bodies, so that those recommendations were forwarded with appropriate instructions from the assembly to those bodies to incorporate appropriately in their respective programs of work.

215. The Delegation of Japan stated that IP and development issues were wide-ranging and complicated and could not be solved in a short period of time, and that WIPO had to address those issues in a transparent manner. The Delegation added that when they discussed development issues, taking into account the present limited resources, it was wiser for them to make use of existing bodies rather than create a new one, and that moreover, PCIPD was competent to deal with IP and development issues. It added that, therefore, it supported the United Kingdom proposal to reinvigorate the PCIPD and to discuss development issues in PCIPD.

216. The Delegation of France thanked the United Kingdom for its proposal, which it found very useful, particularly the annexes, and added that it would provide them with a good way finding a practical solution. The Delegation said they should examine the issues in greater depth and thought that dealing with these issues in the PCIPD, was a good idea. It said that they should avoid fragmentation, which would be harmful and not enable them to deal development issues properly.

217. The Delegation of Colombia thanked the Chair and stated that similarly to what it had said the previous day, it would like to thank the United Kingdom for its proposal, and thought that it was very useful and would contribute positively to their discussions. The Delegation added that however, it believed that the content and the scope of the issues they were studying went beyond the mandate and ability of the PCIPD. The Delegation stated that it believed that PCIPD could carry out an important function, implementing many of the decisions that were adopted by the General Assembly concerning development, for example, cooperation, technical assistance, and subjects related to what the PCIPD was dealing with that day. The Delegation said that, that committee could use those decisions, and that however, there were other decisions that the General Assembly might adopt that went beyond the PCIPD mission, and new committees could be created that would have a different mandate than that of the PCIPD. The Delegation stated that it believed that the work that was being done on the broad development agenda should be done in a forum with an inter-governmental mechanism, or a working group on development issues, that would thoroughly study each one of the 25 operative items. The Delegation added that they should prepare draft recommendations, so that the Assembly at their following meeting, or the following year, depending on how far they had gone, could decide in a clear way, which decisions and recommendations should be implemented, and then send them to the different committees whose mandates would be to carry out those recommendations.

218. The Delegation of the United Kingdom said that it was only taking the floor again to answer a specific question that had been put to them by the Delegation of Argentina. The Delegation stated that one thing mentioned when it was introducing its proposal on the first day of the meeting, was that it accepted that there might be some technical legal issues regarding how the committee might report in the future, and that they intended to answer all those technical questions. The Delegation added that on the point of why it suggested that the

PCIPD reports to the WIPO Conference, in order to attempt a pragmatic and legally correct proposal, was that it had studied the various features of the PCIPD, and as everyone knew it had already noted that there were no limits to its mandate. The Delegation said that it also noted that it was a body which stemmed directly from the WIPO Conference and its understanding was that the General Assemblies was a meeting of all Member States, who were party to at least one WIPO treaty, and that as such, that body dealt with treaty questions. The Delegation explained that the other main meeting of Member States was the WIPO Conference, which incorporated countries who were members of a WIPO treaty and those Member States who were members of WIPO but were not party to any treaty. The Delegation said therefore, the Conference was the body that dealt with cross-cutting issues and general WIPO institutional issues and that it supposed that it was for that reason that the PCIPD was in fact established under the auspices of the WIPO Conference, since development issues were cross-cutting in nature. The Delegation added that, therefore, it thought that it was eminently suitable for that sort of a committee to look at the important crosscutting developmental issues it had proposed. The Delegation said that on the point relating to the recently adopted streamlining of regulations in 2003, it understood that it was agreed that the WIPO Conference would cease and at that stage, the Assemblies would do the work, which was previously done by the Conference. The Delegation explained that there were two matters, firstly, it was the case that these regulations would only come into force following ratification by a number of Member States, and that was not likely to occur in the near future, and secondly, it did want to consider, in detail, ways in which the PCIPD could interact with other bodies of WIPO, including the General Assembly. It added that, that was what it meant by looking at technical legal issues regarding reporting and interacting with the other committees.

219. The Delegation of Chile thanked the United Kingdom for its proposal, and said that it agreed with many of the ideas that had been proposed, for example, to carry out an assessment on norm-setting, and the need for an open code, but that it was not sure that the PCIPD was the right body, and would necessarily be able to carry out all the tasks. According to the Delegation, it should be carried out in the concerned bodies depending on the nature of each of the proposals. The Delegation added that some would go to the Assembly, some would be implemented by other committees and that many of those proposals were related to the work of the different committees of WIPO, and that that was why it would not be a good idea to fragment the different themes.

Agenda Item 5: Future Work; Agenda Item 6: Summary by the Chair;
Agenda Item 7: Adoption of the Draft Report

220. The Chair said that he would now like to take up discussions on the Summary by the Chair.

221. The Delegation of Italy said that the text was factual and balanced, and in principle, it could agree with it, apart from minor suggestions to be made by individual members of B Group. The Italian Delegation thanked the Chairman.

222. The Delegation of India asked whether it was the most efficient use of time to devote the one hour left to the discussion of the fairly straight forward summary, given the fact that they still had fifteen themes that were left out, whether it would not be better spending time

discussing at least one of the items that had not been addressed so far in the first half of that list.

223. The Chair said that Group B had already commented and agreed with the document, and he wanted to hear whether they could adopt that document, in which case, they could first adopt the document and then move on to consider other themes, in conformity with their agenda. The Chair added that till then, he had tried to be flexible and would continue to be so. He wanted to be careful and so had presented that paper, just in case it turned out to be controversial, as had happened in the previous session, in which case they would be there until very late at night, and many delegations would not be able to hear the interpretation in their language. The Chair added that, that was why he wanted to deal with the Summary by the Chair first, and if the document was accepted, they could continue the discussion.

224. The Delegation of Argentina said that , it did not think that the wording of paragraph six was appropriate. For example, the meeting had not able to discuss the proposals of Bahrain, which had only been presented. The Delegation added that therefore, its proposal for that paragraph was to have it reflect precisely what had actually taken place. The Delegation said that in the proposal by Bahrain, instead of saying “was discussed,” the phrase “two new proposals were introduced by Bahrain and the United Kingdom” should be used, followed by the names of the countries concerned and the document numbers.

225. The Delegation of Brazil stated that it thought that the document was a good basis, and wanted to suggest minor amendments. The Delegation proposed the introduction of an additional factual paragraph, between 6 and 7, that would reflect the fact that they continued examination of proposals contained in documents, other than the documents that were circulated during the General Assembly and during the IIM 1. It read the paragraph as proposed: “The IIM continued examination of proposals contained in documents WO/GA/31/11, IIM/1/4, IIM/1/2, IIM/1/3 and IIM/1/5.” The Delegation suggested, with regard to paragraph 7, also as a reflection of the decision that that IIM took, adding additional wording, after the word ‘proposals’ in the first line of paragraph 7 as follows: “the IIM decided to organize its discussions on the basis of a list of proposals, derived from written submissions from Member States.” The Delegation said ‘by Member States’ should be deleted from the last part of that sentence. The Delegation of Brazil also said that paragraph 10*bis* was reflected in the proposals contained in document IIM/1/2 from the United States of America, and that therefore, in its understanding, that should be indicated as 10*bis*, and the phrase ‘and the WIPO partnership office’ up to IIM/1/2, should also be deleted from 10 and added to 10*bis*. The Delegation stated that in fact, the proposal from the “Group of Friends of Development”, did not include a WIPO partnership office, therefore, it would not be correct to indicate that it did. The Delegation added that its proposal referred to improved information sharing on technical assistance, including the establishment of databases on a dedicated web page. The Delegation said that it would be up to other countries to indicate, whether they wished to be cited in that new paragraph 10. But it thought that with those changes, it would be clear that 10*bis* was the proposal contained in the United States of America document, and 10 was the one contained in its document.

226. The Delegation of Colombia stated that it had the same concern as Argentina concerning paragraph 6, in which the proposal from Bahrain was discussed. The Delegation said that it was flexible with the language that was proposed, and that it had thought of saying

'including' instead of saying 'discussed' because they did not really discuss it. The Delegation added that in paragraph 7, its request was the possibility of putting a deadline for proposing new proposals to be considered by the Chair. The Delegation said that if there was a deadline, it could have access with sufficient prior notice.

227. The Delegation of the United States of America stated that it had one technical change and one question for clarification, on a previous change that was suggested. The Delegation said that with respect to the relationship with 10 and 10bis, they could agree essentially with the statement made by Brazil, which was in regard to its proposal, which was to delete from Item 10, 'and the WIPO partnership office' and that "the US" as well as the document number would be placed in parenthesis after the text of 10bis. The Delegation also requested that 10bis be renumbered as 11, and the rest of the proposals be renumbered sequentially. The Delegation stated that the question that it had was to clarify what the textual proposal from Argentina was on paragraph 6.

228. The Delegation of Argentina said that it did not consider the word 'discussed' to be appropriate, so it would like to change 'discuss' to 'presented,' in order to make clear in the paragraph that two new proposals were introduced or presented for that IIM by Bahrain, the co-sponsors, and the United Kingdom.

229. The Delegation of the United States of America wanted to clarify, that they could delete the phrase 'the IIM discussed a proposal,' replace that with 'two new proposals were presented by,' and in the second to last line, delete 'a proposal.'

230. The Delegation of Mexico stated that its proposal should not be under Item 15 and it believed that it should put with 19, 20, and 21, if possible.

231. The Delegation of Argentina stated that it agreed with the other changes proposed earlier. The United States of America had said it wanted to re-number the paragraphs, while the Delegation said that 10 had not even been discussed, that 10*bis* would become 11, and that, 14 should be added because that was the last issue discussed.

232. The Chair said that he would request the Secretariat to incorporate these changes in the text and in the meantime, continue discussions.

233. The Delegation of Bolivia said it would like to mention that under 5, with the adoption of the agenda, Bolivia had suggested some changes to the report, and that it would like to provide an amended text to the Secretariat for those changes to be made.

234. The Delegation of China said that it would like to submit its written statement on 7,8 and 9 to the Secretariat.

235. The Chair then suggested that they discuss themes 1, 5 and 6.

236. The Delegation of Brazil explained that as they had gone through the proposals presented by the "Group of Friends of Development", the United States of America, the United Kingdom etc., it would suggest that in the spirit of inclusion they could perhaps spend the remainder of their time with one of the proposals put forth by the Delegation of Bahrain.

237. The Chair said firstly, the Delegation of Bahrain was not in the room and secondly, with the new list of themes that were presented, Bahrain had asked him that day whether it could submit a new formulation at the following meeting. Therefore, he was not sure that it could be discussed.

238. The Delegation of Argentina said that in the remaining time, it would be good to have a preliminary exchange of views on the proposals by Bahrain, rather than addressing themes 1, 5 and 6 which corresponded to the proposal by the “Group of Friends of Development”. That would give other delegations the opportunity for their proposals to be adequately addressed. The Delegation said that it had looked at the list put forward by Bahrain with respect to its proposals and that the list reflected the proposal distributed the previous week.

239. The Delegation of India said that since the Delegation of Bahrain was not there, one of the other co-sponsors could take advantage of the time available to make a presentation.

240. The Chair responded that he was not sure it would be wise, at that point in time, to look at the proposal from Bahrain for there certainly might be responses. It was Bahrain who had sent the document and they were the ones who presented it and led the discussion and out of courtesy and consideration to that Delegation, the proposal should not be discussed in their absence. Especially when they had actually stated that they preferred not to discuss it at that meeting, but would rather wait for the next session. The Chair continued to say that they could look at other issues for which they had the time. However, if any delegations insisted, they could have an exchange of views and the Chair would forward those comments to the Delegation of Bahrain.

241. The Delegation of Colombia thought that a preliminary discussion on the proposal could take place. However, it thought they should all reserve the right to present their positions on the paper at a later date, for in fact they had not received the reply from their capital yet, on the position to take in that regard.

242. The Delegation of Argentina said that it would like to make preliminary comments with regard to the proposal by Bahrain and also asked for clarification. The proposal by Bahrain had been sent the previous Friday through the regional coordinator from GRULAC, and the respective capitals had had to read and study the document during the weekend. The Delegation said that it would try to synthesize its comments and summarize them as much as possible. It mentioned that the comments it was about to make were based on the proposals listed in the annex to the summary of the chair as proposed by Bahrain. The Delegation added that the vast majority of the proposals by Bahrain were already incorporated in the proposed program and budget for 2006-2007. There were many areas which coincided with activities envisaged in the proposed budget. The Delegation requested clarification with regard to what Bahrain’s concerns were, given that the cooperation activities which it proposed were included in the draft budget and therefore, what was new in it. . The Program and Budget Committee had already recommended some of those activities for the next biennium. For example, in relation to Item 3 of the list of Bahrain, which referred to the proposal to extend WIPO advice and technical assistance to SMEs, and sectors dealing with scientific and cultural industries, it could be noted in document WO/PBC/8/3 that the Program and Budget Committee document that was considered on April 29 contained in Program 3,

that type of cooperation activities, for the next biennium. It had also been noted that there had been a 25.8 % per cent increase in resources for that program in relation to the current biennium. Therefore, the proposed activity had already been incorporated in the budget. Proposal no. 4, which referred to the request to WIPO to assist member States in setting up national strategies in the field of intellectual property, had also already been reflected in the budget under Program 5. With respect to that Program, there had also been a recommendation for an increase of 71 per cent in the resources over the next biennium. Proposal no. 5, regarding the conduct of studies to determine the economic and social impact, was also in Program no. 3 of the Program and Budget for 2006-2007. The Delegation showed an interest in taking a closer look at Proposal no. 7. It explained that the Delegation shared and believed the views of Bahrain, because it thought it was important to have information and statistics on the data referring to technical assistance, provided by WIPO for developing countries. It said that that was one of the main issues it had addressed during the Program and Budget Committed meeting. The Delegation, *inter alia*, had noted in that meeting that the budget for the next biennium, for example, mentioned that 73.9 million Swiss francs would be dedicated to technical cooperation. However, it was not clear as to how, what margin and/or what part of that sum of money was in fact going to be truly injected into technical assistance. Continuing its explanation by providing an example, the Delegation said that technical cooperation Program 6 was one that had many branches, and it was not known exactly what level of resources was going to each branch. However, it could be deduced that 37.4 million Swiss francs were allocated to technical cooperation in the different regions of Africa, Latin America and Asia. Nevertheless, of that amount, 22 million Swiss francs would be earmarked for personnel and human resources, and approximately one million Swiss francs for telephone bills, rent and electricity. In view of that information, the actual amount left would not be known, but could be estimated at 14 million Swiss francs for technical cooperation. Therefore, the Delegation had asked the Secretariat in the previous Program and Budget Committee meeting to explain exactly how much money was going to be injected into technical cooperation, after deducting all other expenses as mentioned above. The Delegation had also asked the Secretariat in the Program and Budget Committee meeting to illustrate how that technical cooperation was distributed over the different geographical regions, i.e. how much Africa, Latin America, the Caribbean and the LDCs would get. The Delegation said that, unfortunately, during that April meeting, it had not received a reply to those questions. The Delegation, therefore, again stressed the fact that it did not know exactly how much money was available for technical cooperation and where it was going. The Delegation did not know if Bahrain's proposal on information and statistics for technical assistance referred to those issues. It hoped that the delegations of other countries and the co-sponsors of the Bahrain proposal had the same concerns and that those concerns would be discussed at the forthcoming General Assembly's program and budget meeting.

243. The Delegation of the United States of America was not clear whether the matter discussed was a particular proposal or discussions on paragraph 16 or just general comments on a wide variety of proposals that members had raised. Therefore, it would defer from asking or answering until after the Delegation of Bahrain spoke, as it was their proposal that was implicated in that matter.

244. The Chair observed that several delegations were interested to refer to the proposal made by Bahrain and explained that due to the fact that delegation choose the issues they would like to discuss, some statements were heard such as the statement of Argentina. The

Chair said that that theme was going to be dealt with in more detail at the next IIM session but as the Delegation of Bahrain was now present in the room it may like to take the floor.

245. The Delegation of Bahrain apologized for its absence and explained that it was consulting with the co-sponsors of the proposal. The Delegation informed that Bahrain was going to sign on to three WIPO Conventions and hope to do so before the next General Assembly. The Delegation added that due to time constraints and the fact that not all co-sponsors were present at that time, it would request that its proposal, under paragraphs 16 to 24, as reflected in the summary by the chair, be discussed at the next IIM.

246. The Delegation of Brazil expressed its support for the statement made by the Delegation of Argentina. It thought that those questions were very relevant for further work and the appreciation of the proposal put forward by Bahrain. As mentioned before, the idea of introducing elements of the Bahrain Proposal was to have an inclusive debate during that IIM. The Delegation was very pleased to see that an additional group of countries had shown great interest in the issue of development and IP, giving them an extensive list of issues to be debated at the IIM. That was the reason why it wished to give Bahrain the opportunity to further elaborate on these topics in the 2nd IIM. The Delegation understood that there was a connection between the proposals of Bahrain and elements of the proposed program and budget for the 2006-2007 biennium, that had been considered in the Program and Budget Committee. It stated that among the deliberations, it would be interested in listening to the reply to the request for information put forward by Argentina, so as to have a very precise response from the Secretariat regarding those issues.

247. The Chair concluded that the proposal presented by Bahrain would be debated at the next IIM.

248. The Delegation of India stated that the Delegation of Argentina had raised specific connections between the various proposals. It believed there were ten of them that appeared in the program and budget committee document and added that it had no doubt the Delegation of Bahrain had gone through those documents very carefully, and requested a response from the Delegation of Bahrain or any of the co-sponsors to those specific questions. However, it asked the Delegation of Bahrain and/or the principal co-sponsors to provide it with a brief idea at that point, as to whether they believed the resources had been provided inadequately or excessively, or whether they would want a change in the focus of those programs, to enable them to examine those proposals from those angles to see if the request could be endorsed.

249. The Chair adjourned the meeting temporarily to give delegations time to view the latest version of the summary and on resumption, sought comments.

250. The Delegation of Mexico said that it would like to be excluded from Items 19, 20 and 21.

251. The Delegation of Brazil had the understanding that the issue at number 10 was not discussed and therefore requested that it be deleted from paragraph 8 and added that what had been actually been discussed was the WIPO partnership program, number 11.

252. The Chair then said that the Summary by the Chair had been adopted (reproduced in paragraph 256).

Agenda Item 8: Closing of the session

253. The Chair concluded the Second Session of the IIM, and said that they would meet again at the Third Session on July 20, 2005.

254. The Delegation of Italy, speaking on behalf of Group B thanked the Chair for the way the deliberations were conducted and thought that they made good progress in a very productive atmosphere. On a personal note, the delegate (Mr. Sem Fabrizi) added that that was his last IIM, as he would now be returning to his capital. He thanked all colleagues of WIPO, and he assured them that he had learned from each and every one of them during his tenure. He extended his special thanks to his fellow colleagues of Group B and wished best of luck to his Swiss colleague who would now represent the group, July onwards. He also thanked all the friends from the International Bureau, the interpreters and all staff of WIPO. He wished success to all for the next IIM and for the next General Assembly in September.

255. The Chair expressed his gratitude for the cooperation he had received from Mr. Sem Fabrizi and wished him all the best for the future, on behalf of all delegations present.

256. The following Summary by the Chair was agreed by the Meeting:

“1. The WIPO General Assembly, in its Thirty-First (15th Extraordinary) Session held in Geneva, from September 27 to October 5, 2004, decided to convene inter-sessional intergovernmental meetings to examine the proposals contained in document WO/GA/31/11 (Proposal by Argentina and Brazil for the Establishment of a Development Agenda for WIPO), as well as additional proposals of Member States. The First Session of the Inter-Sessional Intergovernmental Meeting (IIM) on a Development Agenda for WIPO was held from April 11 to 13, 2005. The Second Session of the Inter-Sessional Intergovernmental Meeting (IIM) on a Development Agenda for WIPO was held from June 20 to 22, 2005.

“2. Ambassador Rigoberto Gauto Vielman, Permanent Representative of Paraguay and Ambassador Dimiter Tzantchev, Permanent Representative of Bulgaria, continued as Chair and Vice-Chair for the Second Session of the IIM.

“3. Eighty-three Member States, ten Intergovernmental Organizations (IGOs) and 31 Non-Governmental Organizations (NGOs) participated in the session.

“4. The IIM decided to admit, on an *ad hoc* basis, two non-accredited NGOs, namely Business Software Alliance (BSA), USA, and Hipatia Cultural Association, Italy, without implications as to their status for future WIPO meetings. This was in addition to the 17 non-accredited NGOs admitted in the First Session.

“5. The IIM adopted the draft agenda, as proposed in document IIM/2/1 Prov.

“6. Two new proposals were presented by Bahrain (co-sponsored by Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen) (document IIM/2/2) relating to the Importance of Intellectual Property in Social and Economic Development and National Development Programs, and by the United Kingdom relating to Intellectual Property and Development (document IIM/2/3).

“7. The IIM continued examination of proposals contained in documents WO/GA/31/11, IIM/1/2, IIM/1/3, IIM/1/4 and IIM/1/5.

“8. The IIM decided to organize its discussions on the basis of a list of proposals derived from written submissions from Member States (attached as Annex I). A useful exchange of views took place on proposals 4, 7, 8, 9, 11, 12, 13, 14 and 15, as contained in that list. The IIM decided to continue consideration of those and any other possible new proposals at the next session of the IIM, which would be held from July 20 to 22, 2005. Member States may submit in writing to the Secretariat additional proposals on the establishment of a development agenda for consideration at the next session of the IIM. To facilitate discussions at that next session, the Chairman invited those Member States, which had made or would be making proposals, to submit them as specific action oriented proposals to the Secretariat, in writing.

“9. The IIM noted that the Draft Report of the Second Session would contain all the interventions made during the current session and also the Chairman’s summary. This Draft Report will be prepared by the Secretariat and communicated to the Permanent Missions of the Member States by July 4, 2005. The Draft Report would also be made available, in electronic form and on the WIPO website, to the Member States, IGOs and NGOs within the same deadline. Comments on the Draft Report should be communicated in writing to the Secretariat by July 11, 2005. The revised Draft Report would then be made available and considered for adoption at the beginning of the said next session of the IIM.”

ANNEX I

LIST OF PROPOSALS FOR CONSIDERATION AT THE
INTER-SESSIONAL INTERGOVERNMENTAL MEETING
ON A DEVELOPMENT AGENDA FOR WIPO

1. Proposal to Amend the WIPO Convention to include explicit language on the Development Dimension (Group of Friends of Development documents - WO/GA/31/11 and IIM/1/4).
2. Proposal to Establish a WIPO Standing Committee on Intellectual Property and Technology Transfer (Group of Friends of Development document - WO/GA/31/11).
3. Proposal to Consider the Elaboration of a Treaty on Access to Knowledge and Technology (Group of Friends of Development document - WO/GA/31/11).
4. Proposal to Formulate and Adopt Principles and Guidelines for the Development and Implementation of Technical Assistance (Group of Friends of Development documents - WO/GA/31/11 and IIM/1/4).
5. Proposal to Establish an Independent WIPO Evaluation and Research Office (WERO) (Group of Friends of Development document - IIM/1/4).
6. Proposal for the Consideration of Measures to Ensure wider Participation of Civil Society and Public Interest Groups in WIPO (Group of Friends of Development documents - WO/GA/31/11 and IIM/1/4).
7. Proposal to Formulate and Adopt Principles and Guidelines for Norm-setting Activities in WIPO (Group of Friends of Development document - IIM/1/4).
8. Proposal to Undertake Independent, Evidence-based “Development Impact Assessments” (DIAs) with respect to Norm-setting activities (proposed and existing treaties) (Group of Friends of Development document - IIM/1/4).
9. Proposal to establish a system of Holding Public Hearings prior to the Initiation of any Norm-setting Initiatives (Group of Friends of Development document - IIM/1/4).
10. Proposals to Improve Information Sharing on Technical Assistance including the Establishment of databases and a dedicated webpage (Group of Friends of Development document - IIM/1/4; United Kingdom (UK) document - IIM/1/5).
11. Proposal to strengthen the strategic use of the intellectual property system including its flexibilities, for development, including the creation of a WIPO Partnership Program. This would entail, *inter alia*, the creation of:
 - a WIPO Partnership Database; and
 - a WIPO Partnership office (USA document – IIM/1/2).

12. Proposal to Commence Exploratory Work on Defining and Separating the WIPO Secretariat's Technical Assistance and Capacity Building functions from Norm-setting related Functions (Group of Friends of Development document - IIM/1/4).
13. Proposal to Formulate and Adopt a Code of Ethics for Technical Assistance Staff and Consultants (Group of Friends of Development document - IIM/1/4).
14. Proposal for Developing Indicators and Benchmarks for the Evaluation of WIPO Technical Assistance (Group of Friends of Development document - IIM/1/4).
15. Proposal to Reinvigorate the PCIPD (UK documents - IIM/1/5 and IIM/2/3).
16. Proposal to expand WIPO's advice and technical assistance provided to SMEs and sectors dealing with scientific research and cultural industries (Bahrain, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen document - IIM/2/2).
17. Proposal to request WIPO to assist Member States in setting-up national strategies in the field of intellectual property (Bahrain, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen document - IIM/2/2).
18. Proposal to request WIPO to undertake studies to demonstrate the economic, social and cultural impact of the use of intellectual property systems in Member States (Bahrain, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen document - IIM/2/2).
19. Proposal to increase financial resources for technical assistance for promoting an IP culture with an emphasis on introducing intellectual property at different academic levels (Bahrain, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen document - IIM/2/2).
20. Proposal to request WIPO to prepare information and statistical data on technical assistance provided to developing countries and LDCs (Bahrain, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen document-IIM/2/2).
21. Proposal to request WIPO to establish a voluntary contribution fund to promote the legal, commercial and economic exploitation of intellectual property rights in developing countries and LDCs (Bahrain, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen document - IIM/2/2).

22. Proposal to request developed countries to encourage their research and scientific institutions to enhance cooperation and exchange with research and development institutions in developing countries and LDCs (Bahrain, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen document - IIM/2/2).
23. Proposal to refer matters relating to functioning and management of WIPO to the competent bodies in WIPO for consideration (Bahrain, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen document - IIM/2/2).
24. Proposal to adopt guidelines while considering the Development Agenda process. These guidelines may include financial implications for each proposal; avoid conflict between the role of WIPO and the international obligations of Members States; avoid confusion between the role of WIPO in facilitating negotiations on international treaties it administers and the sovereign decision of Member States on whether to adhere or not to a specific treaty (Bahrain, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen document - IIM/2/2).

[End of Annex I; Annex II follows]

ANNEXE II/ANNEXII

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

I. ÉTATS MEMBRES/MEMBER STATES
(dans l'ordre alphabétique des noms français des États)
(in the alphabetical order of the names in French of the States)

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André BASSE, premier secrétaire, Mission permanente, Genève

SLOVAQUIE/SLOVAKIA

Lucrècia KYSELICOVÁ (Mrs.), Director, Patent Department, Industrial Property Office of the Slovak Republic, Banská Bystrica

SRI LANKA

Samantha PATHIRANA, Second Secretary, Permanent Mission, Geneva

SUÈDE/SWEDEN

Carl JOSEFSSON, Deputy Director, Division for Intellectual Property and Transport Law, Ministry of Justice, Stockholm

Henry OLSSON, Special Government Adviser, Division for Intellectual Property and Transport Law, Ministry of Justice, Stockholm

SUISSE/SWITZERLAND

Alexandra GRAZIOLI (Ms.), Legal Advisor, International Trade Relations, Swiss Federal Institute of Intellectual Property, Berne

Felix ADDOR, Head, Legal and International Affairs, Deputy Director General, Swiss Federal Institute of Intellectual Property, Berne

THAÏLANDE/THAILAND

Supavadee CHOTIKAJAN, Second Secretary, Permanent Mission, Geneva

TRINITÉ-ET-TOBAGO/TRINIDAD AND TOBAGO

John Malcolm SPENCE, Caribbean Regional Negotiating Machinery, Port of Spain

TUNISIE/TUNISIA

Elyes LAKHAL, conseiller, Mission permanente, Genève

TURQUIE/TURKEY

Yaşar ÖZBEK, Legal Counsel, Permanent Mission, Geneva

UKRAINE

Serhii YAMPOLSKYI, Counsellor, Permanent Mission, Geneva

URUGUAY

Alejandra DE BELLIS (Miss), First Secretary, Permanent Mission, Geneva

VENEZUELA

Alessandro PINTO DAMIANI, Segundo Secretario, Misión Permanente, Ginebra

ZAMBIE/ZAMBIA

Mathias DAKA, Deputy Permanent Representative, Permanent Mission, Geneva

II. ORGANISATIONS INTERNATIONALES
INTERGOUVERNEMENTALES/
INTERNATIONAL INTERGOVERNMENTAL
ORGANIZATIONS

COMMISSION ÉCONOMIQUE DES NATIONS UNIES POUR L'AMÉRIQUE LATINE
ET LES ANTILLES/UNITED NATIONS ECONOMIC COMMISSION FOR LATIN
AMERICA AND THE CARIBBEAN (ECLAC)

Mario CIMOLI, Economic Affairs Officer, Production Productivity and Management
Division, Santiago

CONFÉRENCE DES NATIONS UNIES SUR LE COMMERCE ET LE
DÉVELOPPEMENT (CNUCED)/UNITED NATIONS CONFERENCE ON TRADE AND
DEVELOPMENT (UNCTAD)

James ZHAN, Chief of Section, Geneva

Christopher SPENNEMANN, Expert, Geneva

Elisabeth TUERK, Economic Affairs Officer, Trade Negotiations and Commercial
Diplomacy Branch, Division on International Trade in Goods and Services, and Commodities,
Geneva

CONSEIL DE L'UNION EUROPÉENNE/COUNCIL OF THE EUROPEAN UNION

Oliver Rowland Benjamin SLOCOCK, First Secretary, Permanent Delegation, Geneva

GROUPE DES ÉTATS D'AFRIQUE, DES CARAÏBES ET DU PACIFIQUE (GROUPE
DES ÉTATS ACP)/AFRICAN, CARIBBEAN AND PACIFIC GROUP OF STATES
(ACP GROUP)

Marwa J. KISIRI, Ambassador, Head of the Geneva Office, Permanent Delegation, Geneva

OFFICE EUROPÉEN DES BREVETS (OEB)/EUROPEAN PATENT OFFICE (EPO)

Konstantinos KARACHALIOS, Director, Policy, Planning and Coordination Issues, Principal
Directorate European and International Relations, Munich

ORGANISATION AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE
(OAPI)/AFRICAN INTELLECTUAL PROPERTY ORGANIZATION (OAPI)

Anthioumane N'DIAYE, directeur général, Yaoundé

ORGANISATION INTERNATIONALE DU TRAVAIL (OIT)/INTERNATIONAL
LABOUR OFFICE (ILO)

John David MYERS, Sectoral Activities Department, Geneva

ORGANISATION MONDIALE DU COMMERCE (OMC)/WORLD TRADE
ORGANIZATION (WTO)

Hannu WAGER, Counsellor, Intellectual Property Division, Geneva

Lauro LOCKS, Legal Affairs Officer, Intellectual Property Division, Geneva

SOUTH CENTRE

Sisule F. MUSUNGU, Team Leader, Intellectual Property, Investment and Technology
Transfer, Geneva

Ermias Tekeste BIADGLENG, Project Officer, Intellectual Property and Investment, Geneva

Annitta Deloris MONTOUTE, Intern, Geneva

Viviana MUÑOZ (Ms.), Intern, Geneva

Ouseph THARAKAN, Intern, Geneva

UNION AFRICAINE (UA)/AFRICAN UNION (AU)

MASRI Khadija Rachida, observateur permanent, Délégation permanente, Genève

Venant WEGE NZOMWITA, conseiller, Délégation permanente, Genève

III. ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES/
INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Association des organisations européennes d'artistes interprètes (AEPO-ARTIS)/Association
of European Performers' Organizations (AEPO-ARTIS)/
Marie GYBELS (Ms.) (Head of Office, Brussels)

Association littéraire et artistique internationale (ALAI)
Victor NABHAN, Président, Lausanne

Business Software Alliance (BSA)

Jesse M. FEDER (Director of International Trade and Intellectual Property, Washington, D.C.)

Central and Eastern European Copyright Alliance (CEECA)

Mihály FICSOR, Chairman, Budapest

Centre d'études internationales de la propriété industrielle (CEIPI)/Centre for International Industrial Property Studies (CEIPI)

François CURCHOD (représentant permanent auprès de l'OMPI, professeur associé à l'Université Robert Schuman de Strasbourg, Genolier)

Centre pour le droit international de l'environnement (CIEL)/Centre for International Environment Law (CIEL)

Maria Julia OLIVA (Ms.), Director, Project on Intellectual Property and Sustainable Development, Geneva ; Jessica BOLANOS (Intern, Bari, Italy); Davinia OVETT (Miss), (Delegate, Geneva); Misoana GHEBRE BERHAN (Programme Assistant, Geneva)

Chambre de commerce internationale (CCI)/International Chamber of Commerce (ICC)

Peter Dirk SIEMSEN (Senior Partner, Dannemann, Siemsen, Bigler & Ipanema Moreira, Rio de Janeiro); Ivan HJERTMAN (European Patent Attorney, IP Interface AB, Stockholm); Boris AZAIS (Director, European Government Affairs, Merck Sharp & Dohme Europe, Brussels); Peter BLOCH (Director of Operations, Light Years IP, Washington, D.C.); Susan CROWLEY (Senior Director-International); Danielle BURKE (Ms.) (Eli Lilly and Company, Geneva); Denise Naimara S. TAVARES (Ms.) (Companhia Vale do Rio Doce (CVRD), Department of Information Technology and Intellectual Property, Santa Luzia, Brazil); Mohamed RAMZY (Chief Executive, El Nasr Film Company, Vice President, Egyptian Chamber of Cinema Industry, Cairo); Laura A. TESORIERO (Mrs.), (President, EPSA Group, Buenos Aires); P.V. VENUGOPAL (Director, International Operations, Medicines for Malaria Venture, Geneva); Daphne YONG-D'HERVÉ (Ms.) (Senior Policy Manager, Intellectual Property and Competition, Paris); Thaddeus J. BURNS (Attorney, Akin Gump Strauss Hauer & Feld, Brussels)

Charter on Intellectual Property (IPC), Royal Society for the Encouragement of Arts, Manufactures and Commerce (RSA)

John HOWKINS (Director, London)

Civil Society Coalition (CSC)

James PACKARD LOVE (Director, Washington, D.C.); Thiru BALASUBRAMANIAM (Representative, Geneva);

Comité consultatif mondial des amis (CCMA)/Friends World Committee for Consultation (FWCC)

Martin WATSON (Representative, Geneva); James LANKFORD (Research Intern, Geneva); Carolyn DEERE (Ms.) (Research Intern, Geneva)

CropLife International

Javier FERNANDEZ (International Trade Consultant, Washington, D.C.)

Electronic Information for Libraries (eIFL)

Teresa HACKETT (Project Manager eIFL-IP); Dick KAWOOYA (eIFL-IP Copyright Expert, Uganda)

European Digital Rights (EDRI)

Ville OKSANEN (Co-Chairman, IP Working Rights, Helsinki)

Fédération internationale des associations de producteurs de films (FIAPF)/International Federation of Film Producers Associations (FIAPF)

Bertrand MOULLIER (Director General, Paris); Nemesio JUAREZ (President, Directores Argentinos Cinematográficos (D.A.C.), Buenos Aires)

Fédération internationale des conseils en propriété industrielle/International Federation of Industrial Property Attorneys (FICPI)

Peter Harold HUNTSMAN (Partner, Davies Collision Cave, Patent and Trade Mark Attorneys, Melbourne)

Fédération internationale des acteurs (FIA)/International Federation of Actors (FIA)

Dominick LUQUER (General Secretary, London)

Fédération internationale de l'industrie du médicament (FIIM)/International Federation of Pharmaceutical Manufacturers Associations (IFPMA)

Eric NOEHRENBURG (Director, International Trade and Market Policy, Geneva); Boris AZAIS (Merck and Company, Brussels); Alain AUMONIER (relations avec les institutions internationales, Sanofi aventis, Paris)

Fédération internationale de l'industrie phonographique (IFPI)/International Federation of the Phonographic Industry (IFPI)

Shira PERLMUTTER (Ms.) (Executive Vice-President, Global Legal Policy, Legal Policy and Regulatory Affairs Department, London)

Fédération internationale des associations de bibliothécaires et des bibliothèques (FIAB)/International Federation of Library Associations and Institutions (IFLA)

Barbara STRATTON (Member, IFLA Copyright and Other Legal Matters Committee (IFLA-CLM) and Senior Adviser, Copyright, Chartered Institute of Library and Information Professionals (CILIP), London)

Free Software Foundation Europe (FSF Europe)

Georg C.F. GREVE (President, Hamburg); Karsten GERLOFF (Assistant to the President, Lueneburg, Germany)

Independent Film & Television Alliance (IFTA)

Lawrence Safir (Vice President, European Affairs, London)

Ingénieurs du monde

François ULLMANN (président, Châtelaine)

Institute for Policy Innovation (IPI)

Tom GIOVANETTI (President, Texas)

International Centre for Trade and Sustainable Development (ICTSD)

Pedro ROFFE (Programme Director - IPRs, Geneva); Johanna VON BRAUN (Miss) (Programme Officer - Intellectual Property, Geneva); David VIVAS EUGUI (Programme Manager - IPRs and Services, Geneva)

International Federation of Reproduction Rights Organizations (IFRRO)

Tarja KOSKINEN-OLSSON (Mrs.) (Honorary President, Brussels)

International Policy Network (IPN)

Julian MORRIS (Executive Director, London); Alec VAN GELDER, (Research Fellow, London); Barun MITRA (Fellow, London); Margaret TSE (Miss) (Executive Vice President, Instituto Liberdade, Porto Alegre, Rio Grande de Sul, Brasil); Leon LOUW (Executive Director, Law Review Project, Johannesburg)

IP Justice

Robin D. GROSS (Executive Director, San Francisco, California)

Third World Network (TWN)

Martin K.P. KHOR (Director, Penang, Malaysia); Sangeeta SHASHIKANT (Miss) (Researcher, Geneva); Meena RAMAN (Legal Advisor, Penang, Malaysia)

Union mondiale des aveugles (WBU)/World Blind Union (WBU)

David MANN (Campaigns Officer, RNIB, London) ; Dan PESCOD (European and International Campaigns Manager, RNIB, London)

Union mondiale pour la nature (IUCN)/The World Conservation Union (IUCN)

Sonia PEÑA MORENO (Miss) (Policy Officer, Gland); Martha CHOUCHEA-ROJAS (Mrs.)(Head, Policy, Biodiversity and International Agreements, Gland)

Union internationale des éditeurs (UIE)/International Publishers Association (IPA)

Jens BAMMEL (Secretary General, Geneva)

IV. ORGANISATIONS NATIONALES NON GOUVERNEMENTALES/
NATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Electronic Frontier Foundation (EFF)

Ren BUCHOLZ (EFF Americas Affairs Coordinator, California); Katitza RODRIGUEZ PEREDA (Ms.) (EFF Fellow)

V. BUREAU/OFFICERS

Président/Chair: Rigoberto GAUTO VIELMAN (Paraguay)

Vice-Président/Vice Chair: Dimiter TZANTCHEV (Bulgarie/Bulgaria)

VI. SECRETARIAT DE L'ORGANISATION MONDIALE DE LA
PROPRIÉTÉ INTELLECTUELLE (OMPI)/
SECRETARIAT OF THE WORLD INTELLECTUAL
PROPERTY ORGANIZATION (WIPO)

Geoffrey Sau Kuk YU, vice-directeur général/Deputy Director General

Sherif SAADALLAH, directeur exécutif, Bureau de l'utilisation stratégique de la propriété intellectuelle pour le développement, et Bureau du développement économique pour les pays arabes/Executive Director, Office of Strategic Use of Intellectual Property for Development, and Economic Development Bureau for Arab Countries

Edward KWAKWA, conseiller juridique/Legal Counsel

LI Jiahao, directeur-conseiller par intérim, Bureau de l'utilisation stratégique de la propriété intellectuelle pour le développement/Acting Director-Advisor, Office of Strategic Use of Intellectual Property for Development

Pushendra RAI, directeur par intérim, Division de la propriété intellectuelle et du développement économique, Bureau de l'utilisation stratégique de la propriété intellectuelle pour le développement/Acting Director, Intellectual Property and Economic Development Division, Office of Strategic Use of Intellectual Property for Development

Bajoe WIBOWO, Administrateur de programme, Division de la propriété intellectuelle et du développement économique, Bureau de l'utilisation stratégique de la propriété intellectuelle pour le développement/Program Officer, Intellectual Property and Economic Development Division, Office of Strategic Use of Intellectual Property for Development

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