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PROVISIONAL COMMITTEE ON PROPOSALS RELATED TO A WIPO DEVELOPMENT AGENDA (PCDA)

Fourth Session
Geneva, June 11 to 15, 2007

REVISED DRAFT REPORT

prepared by the Secretariat

1. The WIPO General Assembly, in its session held in September-October 2006, reviewed the positive discussions held during the two sessions of the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA), emphasized the need to continue discussions on the proposals submitted and placed in the six clusters during the IIM/PCDA process, and decided, *inter alia*, to renew the mandate of the PCDA for one year. It was also decided that the PCDA would hold two five-day sessions in a manner that allows for structured in-depth discussions on all 111 proposals made during the sessions of the IIM and PCDA in 2005 and 2006, taking into account the decision of the 2005 General Assembly on the deadline for submission of new proposals. The third session of the PCDA was held from February 19 to 23, 2007 and the fourth Session from June 11 to 15, 2007.

2. The following States were represented: Afghanistan, Algeria, Argentina, Australia, Austria, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Cambodia, Canada, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gambia, Germany, Germany, Guinea, Holy See, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Mauritius, Mexico, Mongolia, Morocco, Netherlands, Nigeria, Norway, Oman, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Serbia, Singapore, Slovenia, South Africa, Spain, Sudan, Sweden,

Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States of America, Uruguay, Venezuela, Viet Nam, Zambia and Zimbabwe (94).

3. The following intergovernmental organizations (IGOs) took part as observers: African Regional Intellectual Property Organization (ARIPO), African Union (AU), Eurasian Patent Organization (EAPO), European Commission (EC), European Patent Office (EPO), Organisation Internationale de la Francophonie (OIF), South Centre, United Nations Conference on Trade and Development (UNCTAD) and World Trade Organization (WTO) (9).

4. Representatives of the following international non-governmental organizations (NGOs) took part as observers: Asian Patent Attorneys Association (APAA), Business Software Alliance (BSA), Centre for International Environment Law (CIEL), Centre for International Governance, Centre for International Industrial Property Studies (CEIPI), Electronic Frontier Foundation (EFF), Electronic Information for Libraries (eIFL), Friends World Committee for Consultation (FWCC), *Fundação Getulio Vargas (FGV)*, Institute for Policy Innovation (IPI), Institute of International Trade Law and Development (IDCID), International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), International Center for Trade and Sustainable Development (ICTSD), International Chamber of Commerce (ICC), International Confederation of Societies of Authors and Composers (CISAC), International Federation of Film Producers Associations (FIAPF), International Federation of Library Associations and Institutions (IFLA), International Federation of Pharmaceutical Manufacturers Associations (IFPMA), International Federation of the Phonographic Industry (IFPI), International Literary and Artistic Association (ALAI), International Publishers Association (IPA), International Trademark Association (INTA), International Video Federation (IVF), Knowledge Ecology International (KEI), Latin American Association of Pharmaceutical Industries (ALIFAR), Library Copyright Alliance (LCA), *Médecins sans frontières (MSF)*, The European Law Students' Association (ELSA), The Federalist Society, Third World Network (TWN) and Yale Information Society Project (ISP) (31).

5. Following discussions by the PCDA, it was decided that representatives of the Centre for International Governance, School of Law, University of Leeds, United Kingdom; Institute for Trade, Standards and Sustainable Development, United States of America; and Global Economic Governance Programme, University of Oxford, United Kingdom would attend the meetings of the PCDA as *ad hoc* observers.

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

Agenda Item 1: Opening of the Meeting

7. Ambassador C. Trevor Clarke, Permanent Representative of Barbados and Ambassador Muktar Djumaliev, Permanent Representative of Kyrgyzstan, continued as Chair and Vice-Chair for the fourth session of PCDA.

8. The Chair welcomed the participants to the fourth session of the PCDA. He said that their first task was to find how far the meeting could make progress on Annex B and on Ambassador Manalo's paper, and the second one was to discuss and agree on the report to be

submitted to the WIPO General Assembly in September. He urged the participants to avoid lengthy discussions in the plenary sessions and added that if they faced any difficulties in the plenary, they could give the Chair an opportunity to try to resolve these difficulties by way of consultations within smaller groups, then reporting back to the plenary on the results achieved. The different groups were advised to complete the meetings everyday by starting early, so that the plenary could start on time. The Chair admitted that it would be no easy task to start the plenary sessions on time each day. The Chair then sought permission to extend accreditation on an *ad hoc* basis to certain non-governmental organizations (NGOs), as had been the practice in the past. He requested the Secretariat to indicate the names of the three NGOs seeking accreditation.

9. The Secretariat stated that since the third session of the PCDA, three NGOS had applied for accreditation to attend the meetings of the PCDA, namely the Center for International Governance, School of Law, University of Leeds, United Kingdom; Institute of Trade, Standards and Sustainable Development, United States of America and Global Economic Governance Program, University of Oxford, United Kingdom.

10. The Chair then asked whether the three NGOs could be admitted to the meeting on the same basis as the others admitted in the earlier sessions. As there were no comments, the Chair declared that the three NGOs were admitted.

11. The Chair then explained the plan he would like to follow for the week. The PCDA would meet in plenary that morning but, in the afternoon, the Chair would meet with the Regional Coordinators. He recalled that in order to facilitate the process in February, they had proceeded to bring the Regional Coordinators, plus two or three delegations, to try to intensify the negotiations and to report back to the plenary and to the Regional Groups on a regular basis. The same arrangement could be made for this session too, he added. The Groups were encouraged to bring any delegation that had a proposal on the table and that the delegation could then also participate in the discussions, leading to a conclusion on that proposal. If any delegation had strong objections or any difficulties with a particular proposal, the Regional Coordinator plus two could bring in a third and that it could go up to five, but not more as that would create problems in accommodating them. But the plenary would be informed about the progress periodically. The intention of the exercise was to manage the time as best as they could, while keeping their eyes on the objective, which was to reach an agreement on as many proposals as possible, if not all, and that even though it may not be possible to reach an agreement, at least to have intensive discussions on all the issues.

Agenda Item 2: Adoption of the Agenda

12. The Chair proposed the draft agenda (document PCDA/4/1 Prov.), and as there were no comments, it was adopted.

Agenda Item 3: Adoption of the Report of the Third Session of the PCDA (see document PCDA/3/3 Prov.2)

13. The Chair said that the draft report of the third session was made available to members earlier on and that some comments had been received and incorporated in the revised draft that

was placed before them. The Chair asked the members if they had any additional comments on the revised draft report.

14. The Delegation of Morocco wished for a few changes to be made before it could be adopted, in particular regarding paragraph 22.

15. The Delegation of China proposed to put forward some changes in the Chinese version of the report.

16. The Delegation of Germany indicated a change in paragraph 21 of the report. The Delegation pointed out that it was not the European Commission but the European Community (EC) and its 27 Member States.

17. The Chair then asked all these delegations to submit their comments in writing to the Secretariat, and as there were no further comments, the report of the third session was adopted.

Agenda Item 4: Consideration of Proposals Submitted by Member States

18. The Chair briefly reported on the informal consultations he had had with the regional groups in the past few months and the clusters that he had assigned them to examine the proposals. He said that he would call on the Regional Coordinators to make their introductory statements, as normally done, and also request them to include a brief report on the work done during the intersessional period. He urged all interventions to be brief except those made by the Regional Coordinators or any member responsible for submitting any of the proposals in Annex B. Although each Member State's right to speak would be respected, it was expected that each Member State would support the interests of the PCDA in making its best efforts to use its time as effectively as possible and with a goal to reach a satisfactory conclusion by the end of the week. It was suggested that other delegations that had made proposals, and whose statements would be lengthy, should make a brief oral statement and then submit the whole statement to the Secretariat for inclusion in the record of the meeting. It was emphasized that the Chair was not seeking to exclude any of their contributions from the official record but, due to time restraints, it was better to give the synopsis only and the rest would then be included in the record. The Chair would meet with the Regional Coordinators, plus two, that afternoon and attempt to reach an agreement on as many clusters as possible. The process of negotiation would then go on, followed by feedback to the plenary and to the Regional Groups. The Chair assured the members that he would not do anything to exclude the involvement of the majority and that the Regional Coordinators definitely carried a responsibility for the expectations of their respective regions, and that those expectations would be honored by the Regional Coordinators. It was important that all members felt part of the process that would lead to a result, which the Chair wished all members to accept.

19. The Delegation of Algeria, speaking on behalf of the African Group, congratulated the Chair for the outstanding work he had carried out throughout the intersessional period, with the view to ensuring the success of the meeting. The African Group was convinced that the Chair's personal dedication and professionalism would contribute to the success of their deliberations. The Delegation also expressed its gratitude to the Director General of WIPO for his unwavering support to the development process within the Organization, and to the Secretariat for its

backstopping and support to the PCDA. It also reiterated its will to contribute in a positive and constructive way to the negotiation process. The African Group reaffirmed the importance it attached to the Development Agenda, as well as its desire to see its initiative materialize. It welcomed the very positive outcome achieved during the third session of the PCDA. The Development Agenda process had reached the crucial stage marked by the adoption of a set of proposals, and it believed that the success was the fruit of the spirit of cooperation and responsibility, that had prevailed throughout the deliberations of the preceding session. It was with a similar spirit that the African Group wished to take up that particular session for which it advocated the adoption of the same method of work, namely essentially results-oriented negotiations. As a specialized institution of the United Nations (UN), WIPO would have to comply with its mission that had been extended, pursuant to the Agreement with the UN, namely “empowering it to take appropriate action to promote creative intellectual activity and facilitate the transfer of technology to developing countries in order to accelerate economic, social and cultural development”. That was the reason why it was necessary to incorporate the development dimension and the latent spirit of its mission to be reflected adequately in all its activities. The development agenda plan would allow promoting a well-balanced international IP system, that would be adapted to the needs of developing countries, promoting research, the transfer of technology along with incentives to innovate, while truly acting as a catalyst in the growth process in the countries concerned. Intellectual Property Rights (IPRs) should not be construed as an autonomous, tight and heterogeneous domain whose sole objective would be to promote a mercantile economy. It should rather be seen as an official policy instrument towards the broadest possible socio-economic objectives and technological developments. It should be borne in mind that every creation for innovation first drew its substance from a common reservoir of know-how. The Delegation said that a tightening of IP laws could be damaging to the interests of developing countries. In fact, the continuous expansion of the scope of IPRs on the one hand, and the unilateral stretching of the protection on the other hand, had had the most adverse effects on the developing countries. That had imposed a heavy burden of economic and social costs, thereby hampering the very development of those countries. IP-related legal instruments, which were adopted during the globalization era, had worsened the already difficult situation of developing and least developed countries (LDCs). The Delegation referred, in particular, to the Agreement on Trade-Related aspects of Intellectual Property Rights (TRIPS) that required the World Trade Organization (WTO) member countries to align their patent-related national legislation to those of the developed countries. Those revisions eventually reduced the opportunities of using the flexibilities and exceptions for safeguarding public interest such as that related to health. The African Group wished for developing countries to take advantage of the same flexibility, which the majority of developed countries enjoyed, when they were in the same development stage. That was the reason why any IP regime should include provisions that respected the national political space of each country. That policy space was indeed indispensable, since it was about subscribing to the national obligations knowing fully well that the countries concerned would not have at their disposal the necessary technical or legal instruments for allowing them to fight anti-competitive trade-related practices. Concerning proposals in Annex B, the African Group believed that the 71 proposals could be reduced to a much smaller number. The reformulation of the various proposals should allow to reach a balance, while taking into consideration the interest of the various partners. However, that exercise should not lose sight of the main goal of this process, which was the operationalizing of the developmental dimension of WIPO’s activities with the view to allowing developing countries to turn IP into a relevant element of their respective economic and social development

strategies. In that connection, the African Group considered that technical assistance should be utilized for improving national and regional institutions capacities, in particular, through both a development of interests structure and of national capacity-building, in order to develop a scientific and technical infrastructure in developing countries. The same should also be extended to cover other aspects, such as promoting the implementation of development-oriented flexibilities set out in the various international instruments, including the provisions of the TRIPS Agreement. That concern was justified by the fact that no IP protection system, however reliable it may be, could ever be sufficient to meet the development needs of disadvantaged countries. It was, therefore, important to take a number of flanking measures for the efficiency of the protection system calling for the mainstreaming of those aspects that were linked to the establishment of a national strategy, namely the political, the cultural, the investment framework, the weight of consumption, the judiciary and the education systems, etc. The developing countries, and in particular the African countries, did not seem to have sufficient infrastructure or adequate organizational institutions at their disposal in order to mainstream the IP dimension into the development strategy. Technical assistance should meet the priorities of developing countries and LDCs. It should ensure that implementing the obligations sketched at the global level, in terms of IP protection, could not unduly affect the already meager national resources. Moreover, the issue of IP protection norm-setting should allow elaborating and negotiating rules and standards which would be dictated by the development objectives. And, in that respect, the African Group considered that those standards should be governed by guidelines counter-balancing public access to knowledge and know-how and the preservation of the IP-holders rights. That stance would allow harmonizing WIPO standards, with the various existing international instruments for development such as the Millennium Declaration of the World's Summit for the Information Society and the TRIPS Agreement, with the view to promoting the achievement of development objectives. That needed to be fundamental, it added, and all African heads of states had subscribed to that objective. Access to learning and knowledge and the transfer of technologies were key elements towards the improvement of the situation of under-privileged countries and would profit the socio-economic and political development of those countries. However, a high cost of IPRs perpetuated the current imbalance in terms of access to learning information along with a control. WIPO was called upon to play an active role in order to allow developing and LDCs to gain access to technology and the necessary know-how towards their development. Access to learning and knowledge was also deemed fundamental to education research, innovation, and creativity and maybe enhanced to the extension of public domain to the new digital environment, free from the rigors of market laws and ideological sway. Free access for researchers both to publications and scientific data as well as genetic decoding, experimental data, and the transparency of medical experimentation data should also be defended. And that was the reason why the African Group believed that IPRs should be considered as one of the means allowing countries and societies to promote the achievements of economic and social rights. Access to medical care, for instance, should be the main goal when determining what sort of IP regime should be applied to healthcare products. One should also ensure that said regime did not constitute a hindrance to the provision of healthcare services for the poor population of developing countries. The African Group also advocated a wider participation of NGOs as part of a publication consultation system. Concerning norm-setting activities in WIPO, such participation would allow getting out of specialized circles - which were often monopolized by experts - and be turned into a forum where an open debate could offer everyone a better understanding of the various IP-related dimensions. The civil society had already demonstrated its worthiness in a number of areas that had long been

the preserve of official circles. It had managed to do away with the confidential nature of international debates along with the so-called technical intricacies bringing them down to the level of lay persons, which was the case of any judicial instrument. IPRs were, but the translation of a certain vision of the coexistence, along with the rules that were necessary for the sound operation of a given society. It was not about turning the ordinary citizen into an IP specialist. Rather, it was an endeavor to share the understanding of this political project, which was being built behind the legal system. Pursuant to the General Assembly's decision, the current session was called upon to give a ruling not only upon the 71 proposals but also upon the appropriate mechanism for the implementation of the adopted recommendations, as well as the framework within which the pending proposals would be examined. Finally, the African Group considered the implementation phase over the adoption of the recommendations as important, if not more important than the negotiation process. Hence, the importance of establishing an inter-governmental mechanism for the implementation of the recommendations of the Developmental Agenda, which would ensure the required degree of efficiency and transparency. To achieve that end, the African Group invited WIPO Member States to adopt the resolution of the Development Agenda, which would mark the successful conclusion of that stage of the process. The resolution could include the adopted proposals, the framework to continue the examination of the pending proposals, the implementation mechanisms, along with the provisions under the relevant financial and human resources which were essential to bring this endeavor to a successful conclusion.

20. The Delegation of Bangladesh, speaking on behalf of the Asian Group, paid a special tribute to Ambassador Clarke for his leadership, wisdom and vision, and for moving the PCDA process forward in an exemplary manner. If the WIPO Development Agenda was at present an objective shared by all WIPO members, much was owed to the innovative ways he had addressed this challenging task, it added. The Asian Group also acknowledged the contribution of Ambassador Manalo who, as Chairman of the General Assembly, had given the PCDA the momentum it needed at a time when many doubts clouded its horizon. His initial working paper had helped put things in perspective and had remained the basis of work. The Asian Group was very appreciative of the Secretariat for its support and input and for its readiness to provide clarifications and explanations. The Delegation wondered where Members stood as they began the fourth session of the PCDA. It stressed that India's pioneering initiative in hosting an informal meeting in New Delhi, had proved not only to be a trend-setter and catalyst in showing the way forward, but had also facilitated agreement on Annex A at the successful February session. The Chair's innovative approach during PCDA 3 was matched by the flexibility and the preparedness to engage by delegations. Members had reached consensus on all the ideas contained in the proposals considered at the said session. That success had encouraged the Members to continue the consultations, during an intense and useful intersessional period. The informal meeting held in Singapore had provided a scope for frank exchange of views and better understanding of the positions ahead of the fourth session. The Delegation believed that the Singapore discussions would prove to be helpful in fostering agreement during the session, much in the same manner as the New Delhi meeting had done for the third session. As Coordinator of the Asian Group, it was a matter of great satisfaction that when the PCDA needed a hand, it had been two fellow Asian countries, namely India and Singapore, which had extended it so generously. It nevertheless stressed that, despite the progress made so far, much work remained to be done. It added that it was important for the Asian Group to reach an agreement on a Development Agenda, that would facilitate a better incorporation of development issues into the

work of WIPO. It also reiterated its readiness to engage with other partners in a spirit of flexibility and accommodation, and hoped that such an agreement would be reached during the fourth session of the PCDA. During the intersessional period, the Chair had tasked the Asian Group to work with other delegations and come up with streamlined proposals on Cluster C. The Asian Group had taken note of the fact that the proponents themselves had dropped or removed several proposals. In streamlining some proposals, the Asian Group had tried to capture the main ideas contained in Cluster C, with a language acceptable to all. The Group's proposals had been conveyed to the Chair, the Regional Group Coordinators and to the Secretariat. The Asian Group hoped that all groups would engage constructively to reach consensus on this cluster, as well as other clusters, but it stressed that reaching such an agreement on the Development Agenda was only the first step, the key being its effective implementation. The Asian Group, therefore, fully supported the idea of establishing an appropriate body within WIPO, which would be member-driven, inclusive and transparent, with the mandate to discuss follow-up, implementation, monitoring and evaluation of the agreement. The importance of adequate financial and human resources for the implementation phase could not be overemphasized, it added. In concluding, it reiterated that all members of the Asian Group were supportive of the Development Agenda and had been contributing to it. The Republic of Korea for example had distributed a non-paper of its activities recently. The Asian Group looked forward to fruitful engagement during this week.

21. The Delegation of Barbados, speaking on behalf of the Group of Latin America and Caribbean Countries (GRULAC), declared that it was pleased with the significant progress the PCDA had made during its third session, in which agreement had been reached on all the proposals contained in Annex A. GRULAC, therefore, wished to take this opportunity to applaud the constructive spirit of all delegations and to express its sincere thanks to Ambassador Clarke and to Ambassador Manalo for their invaluable contribution. In addition, it reaffirmed its commitment to the Geneva-based process. The 2006 WIPO General Assembly had decided that the first session in 2007 would consider the proposals in Annex A and that the second session in 2007 would consider the proposals in Annex B. The focus of members' work in this session was, therefore, on Annex B given that not only the decision of the 2006 General Assembly did not authorize a reopening of Annex A, but also since the vast majority of the delegations were of the view that Annex A should not be reopened. For GRULAC, a significant outcome of the Development Agenda in the WIPO Assembly of 2007 was important and, therefore, during the fourth session of the PCDA, GRULAC would continue to work constructively. It was willing to find an agreed language in order to build consensus on all the issues covered by Annex B. It recognized the importance of the active support of the Director General of WIPO and of the International Bureau, in close coordination with members, in order to bring the development agenda from a phase of discussions to one of implementing the agreed recommendations. In that regard, GRULAC recognized the need to deal adequately with the institutional framework, including the mandate and the architectural mechanism for implementation and oversight of agreed recommendations. GRULAC looked forward to a positive outcome of that session of the PCDA and was open to discussing the early implementation of self-executing recommendations. As regards Ambassador Clarke's allocation of Cluster A of Annex B of Ambassador Manalo's document to GRULAC, GRULAC had had internal consultations. Those consultations included an examination of the work done by the "Group of Friends of Development", a group which was comprised largely, yet not entirely, of GRULAC members in which the 16 proposals in Cluster A were streamlined and narrowed down to four, it recalled. GRULAC agreed to use these four

proposals as a starting point for the negotiations which would take place that week. The four proposals were first to develop and improve national institutional capacity - through further developments of infrastructure and other facilities with a view to making national IP institutions more efficient - and ensuring a fair balance between IP protection and safe-guarding the public interest, with technical assistance extended to sub-regional and regional organizations dealing with IP. Second, to strengthen national capacity for protection of local creations, innovations and inventions and to support development of national scientific and technological infrastructure. Third, to mainstream development dimension into all of WIPO substantive and technical assistance activities and debates. Fourth and last, to ensure that WIPO's legislative assistance was demand-driven and tailored to each country's level of development. Comparing GRULAC's document to that of Ambassador Manalo's, the following was to be noted: the ideas contained in proposals 1 and 2 in Ambassador Manalo's document reflected those contained in proposals 1 and 2 of the GRULAC's document; the ideas contained in proposal 11 of Ambassador Manalo's document reflected those contained in proposal 3 of the GRULAC's document; and, finally, the ideas contained in proposal 15 Ambassador Manalo's document reflected those contained in proposal 4 of the GRULAC's document. Where ideas that were present in the Cluster A of Ambassador Manalo's document were not reflected in the GRULAC's document, that was due to one of four possible reasons: that there was an agreement to the idea in February; that the proponents no longer wished to pursue the idea as the substance of the proposal was already being implemented; that the proposal had been dropped; or that the idea was reflected in other Clusters of Annex B.

22. The Delegation of China supported the statement made by the Delegation of Bangladesh on behalf of the Asian Group. At the same time, it wished to thank the Asian countries, in particular the Governments of India and Singapore, for their contribution and efforts to advance consultations on the Development Agenda proposals. It had noted, in the different meetings held, the sincerity and spirit of cooperation of Member States. Members had put forward many insightful views on the relationship between development and IP, enabling the Development Agenda discussions to progressively gain in depth. Needless to say, development was one of the major issues developing countries faced and was also a major topic of widespread concern to the international community. It was a practical issue which the different agencies of the United Nations (UN) should tackle and resolve. Only through promotion of development, respect for creation and stimulation of the creativity of society as a whole could the harmonious development of the world be achieved. As an important tool for the promotion of development, the IP system, through encouraging and protecting invention, creativity and technological innovation, successfully unleashing the creativity of the people, provided an inexhaustible force for countries' and societies' development. The IP system's role in promoting societies' development and in the progress of human societies' was irrefutable. At the same time, full consideration should be given to the levels of development of different Member States in a balanced way, which gave consideration to the interests of all parties. Development goals, comprehensive realization ensured and the appropriate policy space provided for the developed countries' developing needs. Those were matters that WIPO and Member States should earnestly consider. The Delegation felt that in the process of reform and development of international IP rules, different situations in countries and their levels of development should not be lost sight of. The intensity of IP protection should be suited to the Member States' level of productivity and development needs. Protection of the interests of the right-holders should be balanced with protection of the public interest. Encouragement and protection of technological innovation

should be in line with promotion of the transfer of technology. As a developing country, China attached great importance to development issues. In recent years, China had made very useful and focused attempts in the IP area, promoting socio-economic development. WIPO, as a specialized UN agency entrusted with IP matters, had the responsibility to provide an effective platform for Member States to discuss development models suited to the different and actual national situations, and yet pragmatic efforts should ensure that developing countries could truly benefit from the IP system so that it could make its due contribution to the realization of a harmonious country. The Delegation was pleased to see the efforts of all members at the third session of the committee and their spirit of sincerity, frankness, cooperation and inclusiveness in the discussions. It hoped that all parties would show the same spirit of inclusiveness and cooperation in the present session and, based on the principle of seeking common ground on major issues while reserving differences on minor issues, would soon reach common ground and obtain a common understanding acceptable to all on the Development Agenda. The Delegation reiterated its commitment to actively participate in the discussions.

23. Speaking on behalf of Group B, the Delegation of Italy declared that the last few months had been productive for the PCDA process. Since the February session, Group B had addressed the 71 proposals in Annex B to reflect the needs of the Group, while attempting to consider the opinion of all WIPO Member States. The Group had considered the proposals of Annex B at length, and had engaged in an intensive inter-sessional process, including a rewarding meeting in Singapore. While for many of the proposals, Group B had been able to find fruitful points of convergence with other Regional Groups, it recognized that there were still several proposals where further discussions were needed in order to find common grounds. As had been requested, Group B had concentrated its work on Cluster E of Annex B and it had already provided a draft to every Regional Group. It had consolidated the five proposals included in Ambassador Manalo's document into three proposals, while maintaining what it believed was the underlining spirit of those proposals. Group B felt that these revisions represented a suitable solution for the final draft. Group B had received the respective drafts and documents relating to the different Clusters by the other Regional Groups. Further to the work that Group B had already undertaken, it reiterated its commitment to do its utmost to achieve a positive result and looked forward to exchanging views on the proposal with all members. It was important that the debate be balanced and inclusive, it added. Since the mandate of the PCDA was limited in time, it was also important to present concrete recommendation to the upcoming General Assembly, including those related to the next steps in the current process.

24. Speaking on behalf of the Group of the Central European and the Baltic States, the Delegation of Poland recalled that, back in February, members had faced a challenge similar to the one they were facing again. It strongly believed that the same spirit of consensus, as well as the feeling of the importance of the matter, would enable members to meet again at the end of the week in that very room to congratulate the Chair and one another on the successful carrying out of their work on the Development Agenda for WIPO. The spirit of consensus as well as the constructive flexibility necessary for reaching a final agreement had been clearly visible two weeks earlier at the meeting held in Singapore. Although informal, the meeting had been very important in that it had convinced many, if not all that, of the possible agreement on Annex B. In that context, the Delegation wished to congratulate the Government of Singapore for its initiative in organizing an event of such importance. It also wished to congratulate the Government of Brazil for organizing a week earlier, a very useful seminar in Rio that brought an important input

into its understanding of development-related issues. The Group of Central Europe and Baltic States attached great importance to a successful outcome of the PCDA process in WIPO. As it saw the negotiations progress in the right direction, it was equally important to start looking into the future implementation phase of what members would agree upon. At least some of the proposals were ripe for an early implementation, even in the current year, while others would need a more thorough insight before anything was decided. The form of such an insight would have to be agreed upon and in that context the Group was looking towards the PCDA Chairman, to the Vice-Chair and the Secretariat for suggestions. At that stage, it was too early to present the Group's position on any particular proposals. The Group was ready to follow the method of work suggested by Ambassador Clarke. It was also ready to take an active part in the process and to be the focal point for Cluster D on assessment evaluation and impact studying. A proposal regarding the Cluster and taking into account the positions of all Regional Groups, as well as other groups of countries, had already been distributed. It attempted to place the ideas incorporated in the original 10 proposals under five new ones.

25. The Delegation of the Russian Federation, on behalf of the Group of Countries of Central Asia, Eastern Europe and the Caucasian Countries, thanked the Chairman of the Provisional Committee as well as the Vice-Chair for all the efforts deployed to achieve a constructive result in the course of the proceeding session and intersessional period. The Group also thanked the Secretariat and the organizers of the Singapore meeting. Those meetings enabled members to clarify their views and this would lead to obtaining closer positions, which it believed to be a very positive practice. The Delegation supported the proposed method of work for the present session. The Regional Group had also prepared Cluster F and had submitted it for discussion. When preparing and drafting said Cluster F, the Group had taken into account the participants' concerns. It wished to achieve concrete results in the course of its work and had tried to concentrate its attention on proposals which it hoped would be implemented in practice and which could be included and incorporated into WIPO without any detriment to the work carried out by other bodies. It also reiterated its willingness to cooperate constructively in the forthcoming discussions so as to achieve acceptable and mutually agreed results.

26. The Delegation of Argentina congratulated Ambassador Clarke for the excellent work he had done as a Chair of the third session of the PCDA and on the way he had conducted the inter-sessional process. The Delegation was convinced that his guidance was essential for the success in agreeing to a number of proposals and trusted that Ambassador Clarke and the Vice-Chair would continue to wisely lead members through the meeting. The basis of the current work was that the proposals that were agreed in February would not be reopened. The Delegation strongly believed that members should keep this positive momentum and continue working constructively to fulfil the mandate of the General Assembly. The Delegation would do its best to achieve an outcome that would conclude the proposals in its Clusters. It stressed that with a view to reaching agreement on a number of substantial proposals, the "Group of Friends of Development" had developed a non-paper, that reduced the 71 proposals of Annex B to 25. It expected that such a paper would facilitate the negotiating process. The PCDA would report back to the next General Assembly with a draft decision to be adopted at that time. The Group expected that decision to be a substantive and productive one. It should contain a mandate to implement, without delay, the agreed proposals that did not need further evaluation by members. Systemic aspects and the mechanism to deal with the implementation of the Development Agenda in the future should also be taken care of. It stressed that, once more there was a major

challenge facing members and it expected concrete and applicable results that would allow the Development Agenda to be mainstreamed in all WIPO activities and committees in a cross-cutting way.

27. The Delegation of Germany, took the floor on behalf of the European Community (EC) and its 27 Member States, and said that it wished to express its willingness to contribute to the work of the PCDA in a constructive manner and with the same positive spirit that members had experienced earlier that year, during the last meeting of the committee in February. It sincerely hoped that the Committee would again be able to achieve concrete results that could be forwarded for approval to the General Assembly.

28. The Delegation of Singapore thanked those who had made references to the meeting held in Singapore and hoped that the constructive spirit which had taken place there, would continue in the present meeting.

29. The Delegation of the Republic of Korea expressed its sincere appreciation to Ambassador Clarke and to the WIPO Secretariat for their deep understanding and efficient management of the complex PCDA Agenda. It also thanked Ambassador Manalo for his hard work in preparing the document which had helped to serve as a basis for discussions. The Delegation stressed that the Republic of Korea was dedicated to cooperating on the activities of the Development Agenda at WIPO, particularly by supporting developing countries and LDCs. It believed that the PCDA discussions would be successful if due consideration was given to transparency and efficiency when implementing and dealing with the PCDA issues. The Delegation emphasized that, as a country which had rapidly progressed from an under-developed stage, the Republic of Korea had gained vast experience from the implementation of numerous economic plans and IP policies. It added that the Korean Intellectual Property Office (KIPO) and the Korean Government were eager to lend a friendly hand to the world and to share their experiences and assets with other countries. The Delegation further stated that a research project was currently under preparation, aimed at highlighting the impact of IP policies on the economic development of the Republic of Korea. The Delegation also mentioned that the management of the Korea Funds-in-Trust (FIT) by WIPO, which focused on supporting developing countries and LDCs, was demand-driven and open to requests from third parties on its use. The Delegation concluded by confirming its belief that the success of the PCDA discussions depended largely upon transparency and efficiency in the implementation and management of the Agreement and that the Republic of Korea was willing to share its experience and expert opinion in its implementation stage. It reiterated that it stood ready to utilize the Korea-FIT for implementing the results of arguments arising out of the PCDA discussions. It also invited members to consult a document which was submitted for circulation, a non-paper which highlighted the major elements and the rationale for the Republic of Korea's position.

30. The Delegation of Sudan extended its thanks to the Director General and to the WIPO Secretariat and paid tribute to the work done, directed towards the general interests of all countries. The Delegation stated that Africa was a large continent of virgin lands which had natural renewable wealth, provisions, and certain specializations, but that Africa still needed to benefit from development and from the strategy set up by the African Union, which was geared towards information technology (IT) and communication, as well as research. The Delegation reiterated that by benefiting from the aforementioned aspects, Africa would "come out from the

darkness to the light and would change its sick heart to a positive heart, one which represented prosperity and happiness to all the people of the continent and in so doing it would spread to the rest of the world". The Delegation supported the statement made by the Delegation of Algeria on behalf of the African Group, and hoped that the meeting would reach noticeable positive results, in particular for the strengthening of IP which could be the basis for strategies and policies in African countries, and contribute to the achievement of their goals.

31. The Delegation of Colombia fully supported the objective of integration of the Development Agenda into the IP system as well as in the activities of WIPO, with a view to increasing the credibility of IP systems and promoting innovation, creativity, and development. The Delegation added that the PCDA was presently considering proposals submitted by different Member States which reflected the concerns of all members of the Committee. The Delegation emphasized that the task before them should focus on the pragmatic approach proposed by Ambassador Clarke to whom it was very thankful for the work achieved at the last session. Thanks to his dynamism, a consensus had been reached on 24 proposals and had broken them up into the different clusters which they had before them. The final session of the PCDA would be decisive in meeting the challenges that had been put before them by the General Assembly in 2006, and the Delegation hoped that they would get to the end of the process with a consensus list that could be submitted to the next General Assembly. It recalled that the mandate of the General Assembly was to reduce the number of proposals to avoid repetition and duplication of effort. It emphasized that having reduced the number of proposals in Annex A, the same had to be done in Annex B of Ambassador Manalo's paper, but that the task did not stop there. It reiterated that those proposals of Annex B needed to be reduced and compared with those of Annex A. In Column 1 of Ambassador Manalo's paper, there were proposals from Annex A which had been duplicated in Annex B and that was the reason why there was a need to re-evaluate the proposals that had come out from the February session. The Delegation referred to the example on proposals on the public domain which, as Ambassador Manalo's paper mentioned, had been repeated in Annex B number 23 and 32, and proposal 2 of Cluster B of the list coming out of the February 2007 meeting. The Delegation also referred to the final sentence of paragraph 6 of the Chair's summary of the PCDA, which included those three proposals, and which would be in a final list of agreed proposals to be recommended for decision by the General Assembly in its 2007 meeting, after the June meeting of the PCDA. The Delegation concluded by stating that in the current session of the PCDA, there was a need to come up with definitive proposals and the hope was that there would be a consensus among all of the countries.

32. The Delegation of the United States of America expressed its confidence in the Chair and Vice-Chair to successfully guide the discussions that week. It strongly believed that WIPO's existing legal framework provided ample room to address development-related IP issues and that such issues had been and should continue to be integral to WIPO's mission. In the Delegation's view, the past two and a half years of debate had been very useful in showing that there were and had been for many years a development focus in WIPO. It also stated that they had learnt that WIPO's vast IP-related development assistance was in fact demand-driven and that such assistance was not limited to technical assistance, but encompassed the strategic use of IP for innovation and development. The Delegation underscored the fact that IP protection was only one part of the equation, and that other infrastructure and policies had to be in place for countries to develop. The Delegation supported efforts to improve WIPO's work in promoting IP as a development tool, especially with respect to the crucial role it played as a condition for economic

development based on technological progress and innovation. It added that robust IP protection also stimulated investment and technology transfer, and enriched and expanded the public domain with new creative works and innovations. The Delegation believed that efforts to weaken the international IP framework or to fundamentally change WIPO's mission to promote the protection of IP would not be consistent with the economic development goals of its Member States. WIPO had made, and should continue to make, its most important contribution to development by deepening and expanding its IP expertise, and not by straying beyond its mandate or duplicating the work of other international organizations. The Delegation was pleased that after two and a half years of discussions on proposals for a Development Agenda, concrete and practical results had been achieved. The results of the February PCDA could provide them with the momentum needed to find proposals in Annex B which could be supported by all WIPO Member States and brought to the General Assembly in September 2007. The Delegation concluded by stating that it would continually and constructively engage in the discussion and seek to achieve positive but realistic results.

33. The Representative of the Third World Network (TWN) supported the proposals of the Development Agenda on norm-setting, on the basis of facts and evidence with adequate impact assessment. It stressed that norm-setting activities should also provide mechanisms for special and differential treatment for developing and LDCs, to prevent abuse of monopoly rights and sufficient flexibilities that allowed a developing country member to pursue its own development and public policies. TWN believed that the use of tools such as development impact assessments were not new and that several developed countries, including regional economic organizations, had regularly engaged in impact assessments prior to adopting new instruments to inform policy-makers. TWN added that those guidelines and principles should not only apply to future norms but also to existing treaties. It underscored the need to review existing IP norms administered by WIPO, conduct development impact assessment of the existing norms, and ensure that they incorporated those development-friendly principles. It believed the need to be particularly urgent, in view of the fact that free-trade agreements and economic partnership agreements - especially between developed and developing countries - required the adoption of many of the WIPO treaties. In addition, as access to knowledge and technology were vital tools of development, TWN supported the need to go beyond rhetorical statements and initiate discussions on specific measures, so as to ensure access to knowledge and technology, and then to elaborate on a mechanism to facilitate such access to knowledge and technology. It added that further independent monitoring and evaluation of WIPO activities was also crucial to increasing WIPO's effectiveness to implement pro-development activities. TWN was supportive of the proposals that established, through a member-driven process, an independent evaluation and research office. It was also supportive of proposals that reinforced WIPO's nature as a member-driven Organization, including the need to amend WIPO's convention so as to bring it in line with WIPO's mandate as a UN specialized agency. It also supported the proposal that any discussion in the Advisory Committee on Enforcement (ACE) should exclude norm-setting activities and should also give due consideration to provisions in the TRIPS Agreement, such as provisions giving freedom to Member States to decide on enforcement matters, according to their own legal system. TWN believed that provisions that did not create any obligation to put in place a judicial system for the enforcement of IPRs, should be distinct for the enforcement of the law in general. It added that the ACE should also consider the preamble of the TRIPS Agreement - which recognized that IPRs are prior rights and thus action on enforcement has to be the obligation of the IPR holder - as well as Articles 7 and 8 of the Agreement - on the balance of

public and private interests. More importantly, the ACE should examine current enforcement measures, such as border measures in developed countries, which were used to unreasonably restrain trade, particularly from developing countries. Panel discussions of ACE should also reflect the views of all stakeholders, in particular, consumer groups which were most affected by enforcement measures, and that such was not presently the case although WIPO was a UN Organization. Adherence to the principal of transparency was central in any IGO such as WIPO, it added, and that it only seemed appropriate that full information about the meetings which the WIPO Secretariat organized, participated in or supported, was made publicly available sufficient time in advance. TWN believed that such information should, at a minimum, include the agenda of the meeting, the objectives, list of sponsors, participants and resource persons invited, papers prepared, and outcome, if any. TWN concluded by stating that even after the current session of the PCDA, much work still needed to be done, and that it therefore supported the renewal of the mandate of the PCDA, so as look at the implementation of those proposals that were to be approved by the General Assembly, and continue to discuss proposals that had not yet been considered.

34. The Representative of the International Federation of Pharmaceutical Manufacturing Associations (IFPMA) stated that it was indeed important for WIPO to examine the relationship between industrial property rights and development, and WIPO's role in that relationship. Similar to what many delegations had said, it believed that WIPO's technical assistance had been helpful and useful for developing countries in using the IP system effectively, so as to meet their development and policy goals. It also believed that it was important to note that IPRs and development were not opposites and should not be treated as such but, rather, IPRs lead to stronger and more sustainable development. It encouraged the delegations to focus on how WIPO could, through concrete measures, help countries improve the use of IP systems, promote innovation for developing countries, as well as within developing countries. It stressed that it would be wrong to cast discussion as a so-called North-South debate, as mentioned previously in the debate. In reality, IPRs benefited innovators in developing countries themselves, and as the Delegation of the Republic of Korea had noted, Korea's strong growth was based on the effective and strong use of the IP system. It stated that Argentinean innovators created improved agricultural products and protective innovations with IPRs; Brazil was justly proud of the expertise in aircraft design and production and their airplanes were protected by patents; Chinese innovators were eagerly using the national patent system as well as the PCT system to protect innovations, including over 1,000 patents per year on products based on traditional Chinese medicine -which showed how traditional medicine, traditional knowledge and global resources could be used within the patent system for public health-; and of course the recent amendment to India's patent law which reintroduced product patents into India, and which would provide the basis for the protection of Indian innovations in pharmaceutical and biotech fields and would lead India to its place at the forefront of global research and development (R&D). The Representative, therefore, believed that patents and other IPRs protected those innovations which came from developing countries, and allowed for royalties and other benefits to flow into developing countries. Member States should emphasize how the patent system could be used more effectively, instead of focusing on exemptions or exceptions to the patent system, as had been suggested by some. Not only was such weakening to the patent system antithetical to developing countries' innovators and countries' development goals, but such weakening was not necessary, it added. The Representative saw the need for clarification on where were IPRs actually applied and stated that in the public health field, 95 per cent of essential drugs, as defined

by the World Health Organization (WHO), were all patented and that among all those central drugs which were still patented, primarily anti retrovirals were being offered by the patent holder to LDCs and to low-income developing countries, at small cost or even free. These programs were expanding to some bidding countries as well, and statistics collected by *Médecins sans frontières* and analyzed by an independent research institute in the United States of America had showed that anti retrovirals were being supplied by the multinational innovators at comparable or distinctly lower prices offered by the copiers. It added that this had been confirmed by an independent study carried out by a renowned Professor from Boston University, based on procurement data of the global fund, UNICEF, and of others. The study showed that in rare cases where all term suppliers were needed, the WTO membership agreed in 2003 and approved again in 2005 had provided a workable, practical and non-burdensome mechanism to allow for compulsive licenses for exported countries with no or insufficient domestic capacity in the pharmaceutical sector. It also showed that Canada and other countries had underlined that decision into their national legislation so as to make that option a workable reality for such exceptional cases. The Representative finally urged WIPO's Member States to view IPRs as an integral and constructive part of the Development Agenda, adding that it believed that WIPO's technical assistance, through its Members, would continue to emphasize the improved use of IPRs and innovation, including in developing markets and merging markets for the benefit of mankind.

35. The Representative of the International Federation of Library Associations and Institutions (IFLA) congratulated the Chair for his outstanding chairmanship which had achieved great progress during that year in solidifying proposals for WIPO's Development Agenda. It stated that Member States were aware that there had been many calls in the last few years from the most august academic and learned institutions and highly respected individuals, including noble prize winners, particularly for the protection of copyright to be re-balanced so that it could work more efficiently in the digital age. It emphasized that IFLA members delivered both analogue and digital information to people in all walks of life to support education, research, society, government, industry and commerce throughout the world. IFLA was certain that the most essential tool for the successful implementation and delivery of the Development Agenda was the formulation, in due course, of a treaty on access to learning and knowledge which updated and re-balanced the then 11-year old and somewhat aging WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) and that this would benefit the acquisition of learning, and the free flow of information resulting in greater innovation and economic prosperity for all. IFLA had already seen those calls for the re-balancing of copyright, which were reiterated in the two independent studies on the European Copyright Framework and the European Information Society Directive, which had been completed in the past six months for the EC by the University of Amsterdam's Institute of Information Law. It added that the United Kingdom Finance Ministry's own independently commissioned study on IP, which had taken a starting point from the Adelphi Charter, called for a balanced approach to IP and reached similar conclusions in a number of areas, and that all of its recommendations were adopted by the United Kingdom Government. IFLA understood that much progress and understanding had been reached at the informal meeting in Singapore the week before. However, it recognized that Member States might find it difficult at this stage to commit to something as solid as an agreement to proceed with an access to knowledge treaty since they did not yet know what might be proposed in such a treaty. The concept, officially, was just one line which comprised of proposal 35 in Annex B. It nevertheless hoped that Member States would recognize that the two

WIPO Internet Treaties of 1996 really did need to be revisited and updated, and that the re-balancing that had been called for by so many was essential to delivering the Development Agenda since access to learning and knowledge was a vital tool for economic, social and intellectual development. In that spirit, IFLA suggested that Member States might wish to consider simply agreeing, as part of the process, that they would consider any proposals for an access to knowledge treaty and other mechanisms to facilitate such goals that might, in future, be put forward by one or more Member State.

36. The Representative of the Electronic Frontier Foundation (EFF) reiterated its mandate and dedication to the protection of civil liberties, freedom of expression, and public interest in the digital environment. It commended the intersessional work done by the Regional Groups and the spirit with which Member States were synthesizing the proposals in Annex B to create a comprehensive set of proposals that could guide WIPO's future work, and ensure that it helped achieve the common goal of sustainable development in all WIPO Member States. EFF hoped that a similar spirit of common enterprise would continue in order to get to the next step, towards operationalizing those proposals. It wished to support various sets of proposals in Annex B. First, proposals calling for independent development impact development assessments to be undertaken by an independent body, such as the proposed WERO, to facilitate the Member States' understanding of the likely impact of WIPO's non-setting activities within their domestic economies, and to measure the effectiveness of WIPO's technical assistance program to meet the needs of its Member States (proposals B54, 59, 60, 61, 62 and 63). EFF was aware that WIPO's technical assistance program utilized a model copyright law that at the time had a number of deficiencies, such as not limiting legal protection for copyright owner's technological protection measures to the scope of national copyright law. Those were the key recommendation of the recent major copyright law review of the EC Law undertaken by the University of Amsterdam. EFF added that it was its understanding that the aforementioned was part of the model law currently under review and which would hopefully address that matter. It believed, however, that that type of deficiency would be more readily identified and remedied in a timely manner to an on-going and transparent process of assessment of WIPO's technical assistance program. WIPO Member States were currently being asked to adopt new obligations for legal protection for technological measures for broadcasters and cable casters in the proposed broadcasting treaty that would be the subject for discussions at the following week's Standing Committee on Copyright and Related Rights (SCCR), it added. That was an issue that had proved to be controversial and it believed that all parties would benefit from an independent assessment of the economic and social costs of implementing such new additional protection. Secondly, they supported proposals 23 and 29 in Cluster B which called for models for protection and identification of public domain works and for WIPO's norm-setting activities to safeguard national sovereignty in the area of exceptions and limitations that were appropriate for a country's level of development. It believed that a robust public domain was both the source of creativity for future literary and artistic endeavor, and an essential foundation for education, scientific knowledge and innovation. EFF added that as discussions at the third session of the PCDA had made clear, WIPO could play a vital role in protecting the public domain against encroachment of overbroad IP norms and legal protection for right-holders' technological measures, and in facilitating access to and use of orphaned copyrighted works. Thirdly, it supported proposals B3, 24 and 33 which called for WIPO's consideration of the potential benefits of developing a treaty for access to knowledge to rebalance IP norms and an investigation of alternative mechanisms which had proven to be successful in generating knowledge and furthering innovation, such as the on-line encyclopaedia

Wikipedia built upon creative common licenses, and open collaborative development models such as those used for the Human Genome project. Fourthly, it also supported the establishment of an appropriately resourced permanent committee mechanism, within WIPO, so as to allow discussions on those important matters to continue and to be operationalized. Finally, it reiterated the importance of the current discussions and stated that the WIPO Development Agenda had captured the attention of civil society, academia and industry across the world. In addition, the progress of the discussions were being closely monitored by many who were not able to be present in Geneva that week. There was potential for WIPO to play a key role in enabling the creation of balanced IP laws that provided incentives for creators and facilitated the economic and social development of all humankind. It added that success of those talks would also be seen as a crucial test of WIPO's ability to strengthen its capacity to meet the needs of all of its Member States.

37. The Representative of Knowledge Ecology International (KEI) stated that the PCDA Fourth session would address a number of proposals to change WIPO. It believed that among the most important were calling upon WIPO to do more empirical analysis of the actual and potential impact of different IP policies, practices and norm-setting activities on development, as well as on innovation and global social welfare. KEI felt that there was a need for that at WIPO and that it was something that any serious UN Agency should embrace. It added that the EC, the OECD, as well several developing nations were doing so, and that the Government of the United States of America had begun to do so. KEI recognized that WIPO's present contributions in that area were not zero but rather inadequate, and that the Development Agenda discussions were the first real opportunity to have a serious conversation about what needed to be improved in order for WIPO to gain more credibility and respect among experts and stakeholders. One of the thorny issues for such analysis concerned the relationship between WIPO as an institution and its Member States. KEI stated that it was well-known that economic studies, while useful, could also be subject to all sorts of manipulations, and so the question to be asked was how could WIPO organize itself so that members would be comfortable with the process and the process would be perceived to be both and fair and useful. KEI suggested that WIPO should develop a serious capacity to respond to requests of Member States for analysis. It added that the most political and sensitive issue of analysis was in the way questions were asked, while the framing of the questions was also important. Once the questions were framed, WIPO should be able to provide timely responses, which were not necessarily always exhaustive research reports, but which should at least provide information gleaned from existing academic research and through the collection of data. The answers to those questions would need to be pre-reviewed so that they could be held to high standards. In summary, Member States should be able to frame the questions as they wished and WIPO could be a resource for data that helped answer those questions. The entire process should be transparent with both the questions and the answers available to the public. On a different topic, KEI believed that the PCDA had before it many suggestions for norm-setting activities dealing with the needs of consumers. For example, there were proposals to have WIPO consider a treaty on access to knowledge. KEI believed that, as a UN Agency, it was very important that WIPO made progress on those suggestions since access to knowledge was important for both development and innovation. It was of the opinion that, although WIPO had not yet had a real discussion about what a treaty might look like, there had been several multi-stakeholder meetings to discuss such a treaty, including one that was recently held at the Library of Alexandria in Egypt. KEI suggested that WIPO should have regional meetings to discuss the possibility of a treaty on access to knowledge and that the proposal of the

Treaty should be discussed at the Standing Committee on Patents (SCP), the SCCR, or through a special committee. It added that the month before, the 60th World Health Assembly (WHA) - the highest governing body of the WHO - had taken a bold step to change the way the Organization and its Member States dealt with innovation and access. The WHO had adopted a language that requested the WHO to encourage the development of proposals to help needs-driven R&D, including those which addressed the linkage between the paying for the cost of R&D and the prices of medicines, vaccines, diagnostic tools and other healthcare products. The trend evidenced at the WHO and by its constituent Member States on new paradigms for reconciling innovation and access was also reflected in some of the provisions of Annex B. These provisions called upon WIPO to consider discussions on complementary systems to IP, including, as mentioned above, a treaty on access to knowledge as well as a treaty on medical R&D and systems of free and open licenses, creative commons and the promotion of models based upon open collaborative projects to develop public goods.

38. The plenary was then adjourned for informal consultations.

39. Resuming the plenary session, the Chair said that a couple of Regional Coordinators had approached him with the problem they were having with the number of delegations in their groups that wanted to participate in the informal consultations. Recognizing their concerns and also the capacity constraints of the meeting room, the Chair suggested that the Regional Groups, lead by the following delegations be represented by the following number of delegates: three seats for the Delegation of Barbados; five for the Delegation of Algeria; four for the Delegation of Bangladesh; two for the Delegation of China; three for the Delegation of Poland; two for the Delegation of the Russian Federation; five for Group B and three for the “Friends of Development” . In addition to these 27 seats, there were eight to 10 more seats on the sides, so each group could bring one more persons to sit on the side. He explained that the number of seats for the “Friends of Development” seemed small but since they were already represented in the African Group and in GRULAC, he had tried to make a balance. The Chairman expected only one person per Delegation around the table, except in the situation where there would be a head of delegation who would obviously want to have an adviser on his or her side. He pledged for the understanding and cooperation of delegations, pointing out that he did not believe that more people would bring more efficiency to the process. He then invited the participants to report on the progress of consultations, relating to their respective clusters of responsibility.

40. The Delegation of Barbados, in its capacity as Coordinator for negotiations on Cluster A and speaking on behalf of GRULAC, stated that its group had had internal consultations and had agreed to use the four proposals contained in a non-paper of the “Friends of Development” group as a starting point for the negotiations. Those proposals on technical assistance and capacity-building had consequently been circulated to the different Regional Group Coordinators and, after much discussion, amendments were made to the language in the document in order to accommodate the various concerns of Member States. With regard to the first proposal contained in the document on Cluster A, it had been thought, for example, that it was more appropriate to say that WIPO should “assist Member States to develop and improve national IP institutional capacity” than to say that WIPO should “develop and improve national institutional capacity”. It had also been thought that instead of asking WIPO to “ensure” a fair balance between IP protection and safeguarding of the public interest, it would be more appropriate to ask WIPO to “promote” a fair balance between IP protection and the public interest. In relation to the second

proposal, it was believed more appropriate to say, for example, that WIPO should “assist Member States” to strengthen national capacity rather than WIPO should “strengthen national capacity. In reference to the third proposal, the Delegation pointed out that it had been thought that as WIPO was to some extent mainstreaming development considerations into some of its substantive and technical assistance activities and debates, it would be more appropriate to say that WIPO should further mainstream such considerations into its technical assistance activities and debates. Regarding the fourth proposal, it was recognized that technical assistance included legislative assistance yet, in order to give comfort to some Regional Groups, a language similar to the agreed recommendation 1 of Annex A had been introduced. Recommendation 1 therefore stated that technical assistance should be transparent, but in light of the fact that legislative assistance is often confidential, the word transparent was not included. The Delegation referred to the document circulated by the Secretariat earlier on that day on the results of the negotiations the day before, and drew attention to the existence of a fifth proposal in brackets. In spite of the fact that at the top of the document there was the word “GRULAC”, which needed to be removed, it should be understood that the document reflected the inputs of the various Member States. Turning back to the fifth proposal, the Delegation pointed out that this was not a new proposal but proposal 17 of Cluster B of Ambassador Manalo’s document, which dealt with norm-settings, flexibility, public policy and the public domain. The African Group had proposed that it be addressed under the heading of “technical assistance”, as it was advised that developing countries and LDCs would be requesting WIPO for this kind of assistance. The Delegation stressed that the proposal needed to be further discussed in full and that was the reason why the square brackets had been inserted. It further highlighted that delegations had requested and were granted further time to examine said proposal under the heading of “technical assistance and capacity-building”. The Delegation stressed that in the negotiations the day before language had been found that accommodated the various concerns of Regional Groups on the four proposals in the document put forward by GRULAC and that the fifth proposal was still to be negotiated.

41. The Representative of the Business Software Alliance (BSA) explained that BSA was the “voice of the world’s software industry and its hardware partners before governments and in the international market place. Its members included multinationals, as well as small and medium-sized information technology (IT) companies developing and commercializing proprietary open-source and increasingly mixed software solutions. It stressed that it appreciated the importance of the development objectives of many WIPO Member States. It pointed out that it was in its experience to work with governments around the world and, as documented in the research of the World Bank and in line with empirical evidence — such as the Republic of Korea - effective IP protection and technology neutral policies encouraged innovation, investment, technology transfer, competitiveness and development. It respectfully called on the PCDA to reach an agreement on a pragmatic set of proposals which could be implemented effectively to reinforce WIPO’s mission to protect IP, with a particular focus on development-oriented activities and fully adhering to the principles of neutrality.

42. The Representative of the Library Copyright Alliance (LCA) said that it represented five major library associations in the United States of America. It believed that libraries, like the copyright system itself, were an engine of progress which improved the efficiency of the distribution mechanism for access to information. It explained that because libraries provided a mechanism for the sharing of information, they made it possible to deliver more information to more people than would otherwise be possible. It further stressed that because libraries

aggregated resources for the purchase of information, they also created more opportunities for the sales of more content than would be the case if sales were dependent on individuals. Because of that symbiotic relationship between content-owners and libraries, it was in the best interests of citizens of every country and of the copyright industries alike for there to be reasonable accommodations to meet the needs of libraries and their users. It underlined that it was in particular because libraries supported a robust and growing public domain, as well as the preservation of the cultural heritage of each of their countries and the sharing of information in ways that did not prejudice the rights of copyright owners. The Representative stressed that although those concerns gave LCA an interest in much of the Development Agenda, it had a special interest in issues 32, 35, 25, 53, 69 and 71 of Annex B. The week before, Mr. Bill Gates had addressed the graduating class at Harvard University and, according to the Wall Street Journal, he said that humanity's greatest advances were not in its discoveries but in how those discoveries were applied to reduce inequity. It reminded that whether through democracy, strong public education, quality healthcare or broad economic opportunity, reducing inequity was the highest human achievement. LCA believed that Mr. Gates' statement captured much of the spirit of libraries were all about, and expressed hope that WIPO would work to find appropriate ways to support libraries and to eliminate the inequities that existed in the availability of information and in access to knowledge.

43. The Delegation of Tunisia, thanking the Delegation of Barbados for its introductory statement, wished to obtain some additional clarification of what was agreed upon the day before with regard to the four items of the "Friends of Development" paper. The Delegation wondered whether the items had been chosen as proposals and then a fifth proposal had been added. It questioned if the other proposals from the African Group and other groups had been excluded from that.

44. The Chair declared that the previous question had given him the opportunity to reinforce what he believed the Delegation of Barbados had stated and to comment on that a little bit more. He wished to clarify that GRULAC had presented the four points, which to his opinion essentially reflected the revised paper by the "Friends of Development". To his understanding, there had been some modifications, but GRULAC in their internal group deliberation had chosen four proposals as a starting point for the negotiation. Since GRULAC was given the responsibility to start the work on Cluster A, delegations had started with the GRULAC input to the negotiating process and had reached a positive result. Numbers 1, 2, 3, 4 were therefore the output of the process, which was more important than the input, as the output was the result of the negotiations of all groups. The Chair further explained that the fifth proposal was made by the African Group the day before late in the afternoon, and that there was a brief discussion on it, and therefore it was left in square brackets for further discussions. The Chair then invited the Regional Coordinators to resume the informal consultations.

45. Resuming the plenary session, the Chair invited the Delegation of Barbados, responsible for Cluster A, to give the delegations a brief report on the first four proposals that were agreed upon. He went on to say that a fifth proposal had been raised the day before and that discussions on it were being finalized. He added that the Delegation of Algeria would also report on the status of Cluster B.

46. The Delegation of Barbados reported that after much discussions, they had been able to reach an agreement on language for an outstanding proposal, which was as follows: “within the framework of the agreement between WIPO and the WTO, WIPO shall make available advice to developing countries and LDCs on the implementation and operations of the rights and obligations and the understanding and use of flexibilities contained in the TRIPS Agreement”. The Delegation concluded by saying that the negotiations on Cluster A had been completed.

47. The Delegation of Algeria indicated that since it was reporting for the first time on Cluster B – norm-setting, flexibilities, public policy and public domain -, it wished to make a brief comment on the introduction that had been prepared to present the Cluster. The Delegation pointed out that the draft presented by the African Group had been done in light of the consultations they had had with the different groups, but also in light of the documents that had been produced and of the informal discussions that had taken place at the Singapore Meeting. On that basis, the African Group had produced a document in which the 22 proposals had been reduced to seven, thereby avoiding duplications and presenting some reformulation. The Delegation observed that when discussions on those seven proposals had started earlier on that day, delegations had come up to a common understanding that the elements presented in the first proposal were already incorporated in Annex I and as a consequence it was agreed to drop such proposal. The Delegation indicated that the “Group of Friends of Development” had made a suggestion to examine one of the proposals that initially appeared on Cluster B on the use of flexibilities under the TRIPS Agreements and in respect of which some language on technical assistance had already been agreed to. In particular they had agreed on the fact that the language contained in that proposal was not a norm-setting language. The Delegation further noted that some language had already been proposed by several other delegations. It declared that considerable progress had been made on that proposal and that they could come to a conclusion on such proposal later on that day. On proposal 2 concerning the acceleration of negotiations on the IGC, it stated that the African Group had already clarified what the rationale behind such proposal was, and how they had shifted from the initial proposal to try to have an international agreement or an international instrument in the framework of the IGC. Lastly, the Delegation was pleased to announce that an agreement had been reached to urge the IGC to accelerate the process on the protection of genetic resources and technical and traditional knowledge and folklore without prejudice to any outcome, including the possible development of an international instrument. As regards the third proposal which consisted in initiating a discussion in WIPO on a possible mechanism, it observed that that was an issue which revealed the differences that existed between the different groups. The Delegation added that they were still negotiating that specific paragraph on the basis of the different proposals that were on the table, and it believed that they were not far from an agreement as long as it was agreed that they needed to initiate a discussion to facilitate access to knowledge and technology transfer. The only remaining point of disagreement was that the “Group of Friends of Development” was asking to have a proper mechanism put in place. As a consequence, the Delegation indicated that there would be further discussions on the nature of such mechanism, but it believed that they were not far from reaching an agreement on that issue as well. In conclusion, the Delegation indicated that they were still discussing the third proposal and that they would continue discussing the other proposals under that Cluster.

48. The Chair noted the progress made as concerned the three proposals in Cluster B. He declared that at the end of February he believed that they would need an entire year to discuss

Cluster B, but as the delegations had heard the day before, the “Group of Friends of Development”, who was responsible for the majority of the proposals in Annex B, had made a substantial adjustment to its proposals and so had the African Group. The Chair then invited the Regional Coordinators to resume the informal consultations.

49. Resuming the plenary session, the Chair was pleased to report that some progress had been made, even though not as much as he would have wished for. He nonetheless added that the progress made was of good quality, and that seemed to compensate for the lack of quantity. He indicated that from then onwards he would push for quantity in addition to quality. The Chair noted that good flexibility had been shown on all sides and the delays in reaching conclusions on proposals tended in his view, to be more the result of either the negotiating team not having the freedom to make a final decision or because the negotiating team felt unable to agree on something until they further consulted. The Chair indicated that his frustration arose from the fact that he was not accustomed to such *modus operandi*. The Chair then invited the Delegation of Algeria, representing the African Group, to report on the progress made on Cluster B.

50. The Delegation of Algeria indicated that the report it was about to present would not deal with the issues that had already been covered in the briefing the Delegation had given the day before, but would report on the progress made on the proposals in Cluster B since. It indicated that Proposal No.1 dealt with flexibilities in international IP agreements, which was also the key element in the paragraph. Such proposal had been discussed at length and a very balanced agreement had been reached so as to limit the issue to the norm-setting activities of WIPO, which had to take into account the flexibilities instead of having norms on flexibilities. The Delegation stated that it linked that to the special needs and interests of developing countries. It indicated that the bracket used in that proposal had been requested by the Delegation of Bangladesh on behalf of the Asian Group. It was the understanding of the Delegation of Algeria that that was an issue of principle and not an issue of substance, and that it therefore expected that the Asian Group would consider it positively in order to have the brackets removed. On the second proposal, related to the key issue of IGC, the Delegation recalled that the initial proposal on that issue was to establish an international instrument on the IGC, and that after lengthy discussions an agreement had been reached on the fact that something had to be done on that issue and that the process on the protection of genetic resources and traditional knowledge had to be urged without any prejudice to the outcome of that process. The Delegation pointed out that they had tried to strike a balance between the interests of Group B and those of the developing countries with the insertion of the following wording: “including the possible development of an international instrument or instruments”. With regard to Proposal No.3, the key issue was the access to knowledge and transfer of technology. Two types or groups of elements to determine had been discussed: first, whether they would have a proposal to open a discussion on access to knowledge and transfer of technology, or whether they would have a proposal on establishing a mechanism; and secondly, whether they would talk about a new mechanism or new initiatives, or whether they would talk about those that WIPO had already proposed. The Delegation observed that all those elements were contained in Proposal No.3 with the possibility of having a new initiative, the main element of which was to strengthen the existing mechanism within WIPO to facilitate access to knowledge and transfer of technology. The Delegation indicated that access to knowledge was still between brackets, as had been requested by the Delegation of Italy on behalf of Group B. In the Delegation’s view, Group B had to agree since the proposed language which had been used in the previous proposal was made by Group B on that issue. It

went on to say that the “Friends of Development” and the African Group had made it very clear that the issue itself concerned the access to knowledge, and that, therefore, they did wish to delete “access to knowledge” because in doing so, they would dilute the sense of that proposal. The Delegation added that it was for that very reason that the Delegation of Brazil, on behalf of the “Friends of Development” had given a very positive signal by adding the sentence “possible new initiatives” which was not in the proposal made by Group B. The Delegation expected to come to an agreement on the proposal that same day. Concerning issue No.4 on public domain, they had agreed to balance the proposal on how to support a robust public domain and the way to do it. On issue No.5 on the informal or informal consultations and the contribution of NGOs to norm-setting activities before or prior to any engagement or any start of a new process, they had come to an agreement, first on the benefit of the input and the contribution of the NGOs in such a process, and second on the benefit of having an informal consultation on norm-setting prior to any formal work. To ensure the success of any informal consultation, the Delegation gave some elements on how to ensure a balanced consultation, for example, it was suggested that the consultation be open to all Member States’ experts just to hear different views on any norm-setting activity, as well to promote or ensure the participation of experts from developing and less developed countries. On Proposal No. 6, the Delegation indicated that the proposal from Group B to split it into two parts had been accepted by the different groups. The Delegation added that they had had a discussion on how norm-setting activities would be supportive to international development goals. It pointed out that they had left “internationally agreed” between brackets in the proposal as they would choose either the “internationally agreed development goals, including those contained in the Millennium Declaration” or they would remain with the first proposal made by Group B to be supportive of all development goals within the UN system, including those contained in the Millennium Declaration. The Delegation recalled that the proposal was made by Group B but that it had been amended by all the groups and improved in both language and content. As to the second part of Proposal No.6, the Delegation pointed out that there was a list of elements on which they could not agree, and that they were still discussing other items. The Delegation felt that they could come to an agreement soon. The Delegation declared that an agreement would soon be reached on Proposal No. 7, as they had written it more positively than originally by mentioning “pro-competitive IP licensing practices” instead of “non-competitive IP licensing practices”. It pointed out that the phrase in brackets had been added by the Delegation of Chile to explain what were the practices and the licensing options that were needed. The Delegation indicated that Group B did not oppose such an addition but that it had asked to consult the different groups before it could come back to the groups on that issue. The Delegation of Algeria believed they had completed the examination of all the items which had been circulated by the African Group on that issue, and that proposals 8, 9, 10 and 11, which had been newly introduced by Group B and by the “Friends of Development” would be considered later on that day.

51. The Chair then invited the Regional Coordinators to resume the informal consultations.

52. Resuming the plenary session, the Chair expressed his pleasure at the progress made in the consultations and requested the Delegation of Bangladesh to report on the progress made on Cluster C.

53. The Delegation of Bangladesh reported that progress had been made on discussions regarding Cluster C. It recalled that the Asian Group had initially put forth a paper that had five

proposals, but that the fifth was dropped since it was already covered in an agreed text in another cluster. Out of the four remaining proposals, number 1, 3 and 4 had clean texts, and these were already available. The only outstanding proposal was therefore number 2, for which the Group had tried several languages to come to an agreement. The Delegation firmly believed that with a little bit more effort, this would be possible, the challenge being to put on paper the idea that had seemed acceptable around the table the day before. The idea was that WIPO should have a specific capacity to assist Member States by facilitating more partnerships between the public and private sector in areas of funding and project implementation. That was the basic idea that needed to be captured in language. The Delegation hoped that they would reach an agreement when consultations resumed.

54. The Delegation of Poland was pleased to announce that negotiations had led to positive results and to an agreed text for Cluster D. Those who had seen the initial draft prepared by the Delegation would find that the agreed text was considerably different and that was the result of an outstanding goodwill, flexibility and result-oriented approach. The delegations had not hesitated to drop their proposals or parts of their proposals, where they found it was necessary for furthering the negotiations. Thus the final outcome was as follows: the first proposal in the agreed text of Cluster D was the proposal that had been initially moved from Cluster B. The first and second proposals that were in Cluster D, were dropped. The third proposal that was in the advanced draft was retained as the second proposal and agreed upon after small modifications. The fourth proposal that had initially been in the draft was split into two, out of which the first part was now proposal number 3 and the second part was dropped, thanks to the flexibility of the author of the proposal. The fifth and last proposal was dropped, with the final text containing three proposals, and it had been agreed upon.

55. The Russian Federation reported that discussions on Cluster F were still in progress and were expected to be over later that day.

56. The Delegation of Italy reported that the draft on Cluster E had three paragraphs. The first one, which was to reinvigorate PCIPD, had been shifted to Cluster F, because of the linkage with the issues dealing in Cluster F on the process. The first paragraph had three options and the second paragraph still had some in square brackets, and those concerned the place to hold formal and informal meetings in future.

57. The Chair then brought the attention of the members to one outstanding proposal in Cluster C, two in Cluster E and two in Cluster F, that would lead the discussions on the future. He invited the Regional Coordinators to resume the informal consultations to discuss those issues.

58. Resuming the plenary session, the Chair thanked everyone for their patience and said that he was pleased to announce that they had reached an agreement on all the proposals in Annex B, copies of which had been circulated. He invited the members to comment on the drafts. As there were no comments, he said that they could be adopted.

Agenda Item No. 5: Adoption of the draft Report of the Fourth Session of the PCDA

59. The Chair said that the draft report would be communicated to the Member States by July 16, 2007, and that it would also be made available electronically on the WIPO website. The Chair pointed out that any comments on the draft report should be communicated in writing to the Secretariat by July 31, 2007, at the latest, and that any revisions resulting therefrom would then be made available and considered for adoption at the Resumed Session of the PCDA on September 4, 2007.

Agenda Item No. 6: Adoption of the draft PCDA Report to the General Assembly

60. The Chair said that the recommendations to the 2007 General Assembly had already been circulated, and that they represented the results of their long debate. The Chair indicated that many members had felt that they had worked long and hard over the past few years as a committee to reach the present stage, and that they all wanted to be sure that the language in the draft recommendation to the General Assembly captured the spirit, the sense and the expectations that led them through the process during those years. The Chair said that paragraph 2 of the recommendations referred to a paragraph "X", and that "X" would become a number that would refer to the relevant paragraph in the report of the fourth session of the PCDA. He added that the content of that paragraph reflected the views expressed by member states during discussions, and requested the Secretariat to read the text of that paragraph.

61. The Secretariat said that the paragraph that would be inserted in the report of the fourth session of the PCDA, under Agenda Item 6, would read as follows: "In the light of the interests of the Member States to accelerate the process of implementation of the agreed proposals, the PCDA requested the Chair to hold informal consultations with the Group Coordinators, the Secretariat and other interested Members, between June and September 2007, to identify a set of proposals by consensus which could be implemented immediately by WIPO after their approval by the 2007 General Assembly".

62. The Chair stated that the annex to the recommendations would include the combined agreed proposals from Ambassador Manalo's paper in Annexes A and B. He recalled that they had reached a conclusion in February 2007 on Annex A and a conclusion earlier on that day on Annex B, and that the report would put together in one single annex the agreed proposals, so the word "Annex" referred to the total of proposals which had been agreed upon. The Chair also said that another paper had been circulated, which was the narrative part of the draft PCDA report to the General Assembly. The recommendations of the PCDA would be appended to that report. He clarified that the penultimate line of the narrative part of the draft PCDA report to the General Assembly reading "no agreement was reached on proposals in Annex II" would be removed, as they had reached agreement on all the proposals. As there were no comments, the draft recommendations were adopted (reproduced in paragraph 76).

Agenda Item no. 7: Closing of the session

63. The Chair thanked all the delegations that had joined them in support of what had become a very important process, in particular those of Brazil and Argentina who had initiated the process, the Secretariat, the interpreters, and Group B who had demonstrated the same kind of flexibility

that the “Friends of Development” had, adding that the key to the success achieved had been that very flexibility. The Chair declared that he was sure they all had enjoyed the experience and he thanked them for the confidence they had put in him, giving him an opportunity to play a role in an event that had turned out to be one of great satisfaction and importance. The Chair noted that IP had become more and more complex, and though development was not complex, it was a continuing challenge which continued to expand because of the link between globalization and technology, which was protected by IP. The Chair thanked all the Regional Coordinators for their contribution and acknowledged the difficult task they had of trying to balance differences within their groups.

64. The Delegation of Algeria, speaking on behalf of the African Group, welcomed the positive results reached and hoped that efforts would continue in order to implement the recommendations. It expressed its appreciation and thanks to the Chair for his great efforts, patience and the great expertise in which he had directed their works and which had allowed them to reach the positive results. The Delegation also thanked all delegations for the cooperation and flexibility expressed throughout the week, as well as their helpful and constructive participation. It also expressed its appreciation to the Secretariat for its support, and to the interpreters for their efforts and for remaining with them at a late hour. The Delegation stated that the results achieved would allow WIPO to be an effective actor in implementing development. It pointed out that the matters discussed were of great importance to them and asked all their partners to continue working with the same understanding and intensity, with which they had studied all the recommendations. The Delegation concluded by expressing its thanks and appreciation to all its colleagues in the African Group for their support.

65. The Delegation of Barbados thanked the Chair and indicated that it was a significant day in the history of WIPO as it marked the conclusion of a process that had started approximately three years earlier. The Delegation mentioned that the success achieved in February 2007 and at the Fourth Session of the PCDA could not have been achieved without the Chair’s outstanding leadership, and on behalf of GRULAC, congratulated him for the indispensable role he played and would continue to play in the process.

66. The Delegation of Bangladesh, on behalf of the Asian Group, expressed its satisfaction with the outcome of the current session and with the PCDA process as a whole. The Delegation was delighted to note that there was not only a set of agreed recommendations for mainstreaming development issues into WIPO activities, but also a guideline for steering the future implementation, monitoring and assessment of the agreed recommendations for action by the General Assembly. It added a special thanks to the Chair for his wisdom, contribution and patience, but most importantly for his leadership in steering the often difficult negotiations to a successful conclusion. The Asian Group thanked all negotiating partners for their flexibility and their constructive engagement, as well as the WIPO Secretariat, which had been supporting the process, as well as the interpreters. The Delegation expressed a deep appreciation to the Director General for his commitment and support to the process. It also acknowledged the contribution of the Governments of India and Singapore for organizing the very significant informal meetings on the Development Agenda that had contributed in moving the work of the PCDA towards a successful conclusion. As Coordinator of the Asian Group, the Delegation indicated that it had been a pleasure to work with the other countries in the group and acknowledged that they had helped the Delegation fulfill its responsibilities. It looked forward to the next General Assembly,

where it hoped that the recommendations proposed by the PCDA would be adopted and the Committee proposed for their effective implementation approved.

67. The Delegation of the Russian Federation also thanked the Chair for his skilful guidance, and added that that had helped them in achieving the positive results they had in front of them. The Delegation also thanked the WIPO Secretariat and all those who had provided assistance in the course of their work.

68. The Delegation of Italy, on behalf of Group B, expressed its gratitude to the Chair for his efforts in leading them to very positive results. It indicated that no stone had been left unturned, and that after the good results of the February 2007 session, when they had started to deal with the 71 proposals contained in the Manalo document, every Regional Group believed that their task in June 2007 would be difficult, but that despite the difficulties, they had been able to conclude their work in a positive manner and to prepare a good text for recommendation to the General Assembly. The Delegation hoped that the positive attitude that had been shown to move things forward during the fourth session of the PCDA would spread to all other areas of work in WIPO. The Delegation also thanked the members of Group B for the great help given during the negotiations.

69. The Delegation of Poland concurred with the statement that a huge success had been reached and, on behalf of the Group of the Central European and Baltic States, congratulated the Chair for the skillful leadership that had enabled them to reach this milestone. The Delegation thanked its fellow Coordinators, and the Secretariat for its impartial guidance and its readiness to help and assist with everything needed for the process. Finally, the Delegation also thanked the WIPO staff and the interpreters.

70. The Delegation of China expressed its appreciation to the Chair for his contribution at the meeting, the efforts he had made, and declared that because of his rich experience and leadership skills, the meeting had been able to achieve a resounding success. The Delegation thanked the WIPO Secretariat for the efforts made for the smooth conduct of the discussions at the meeting, and for its success. It also thanked all Member States and Regional Groups for their cooperation during the meeting, and especially for the patience and flexibility they had shown during the negotiations. It also wished to thank, in particular, the different Regional Coordinators for their work and efforts, and the Governments of India and Singapore for the contributions they had made for the smooth advancement of the discussions on the development issue. The Delegation was very pleased to see that through the efforts of all parties, based on a principle of agreeing on major issues with small difference remaining, they had reached a consensus. It finally reiterated its readiness to continue to observe and support the consensus reached by all parties, and to cooperate and promote the smooth conduct of the future work of the Development Agenda in a constructive and cooperative spirit.

71. The Delegation of Sudan thanked the Chair for his patience and efforts and mentioned that the African Group Coordinator had fully reflected the work of the group. It was very pleased with the extremely positive outcome and hoped that the new momentum would also flow into the future work.

72. The Delegation of Morocco, honored to have submitted the African proposals on behalf of the African Group in 2005, wished to express its thanks and support to the African Group Coordinator, the Delegation of Algeria. It declared that the journey had been long but the leader had proven his hard skills and determination, and it thanked Ambassador Clarke for his approach and patience. The Delegation pointed out that the satisfactory results could not have been achieved without the spirit of flexibility and positive attitude of all delegations that had been fully and actively engaged in the negotiations. It noted, however, that the real success would be measured by the potential real positive development schemes that would result from the implementation period. In that context, it wished to express its sincere thanks and deep gratitude to the Director General for his commitment to pro-development initiatives and his entire support during the PCDA process. The Delegation thanked Mr. Saadallah, Mr. Rai, and their colleagues for their tireless efforts, their dynamism and their efficiency. The Delegation also thanked Ambassador Manalo as well as the Ambassador from Paraguay for their efforts. It expressed its gratitude to the Permanent Secretary of India and to Mr. Yu, and to their respective governments for the important consultations they had in their countries. Finally, the Delegation thanked, in his absence, Mr. Usman Sarki from the Delegation of Nigeria, for his contribution to the process.

73. The Delegation of India expressed its sincere appreciation and gratitude to the Chair for his patience and professional leadership, which had made it possible to achieve a positive outcome. The Delegation thanked the delegations that had made positive references, and conveyed their appreciation for the initiatives taken by India at the PCDA. The Delegation was also grateful for the efforts made by Mr. Saadallah, Mr. Rai, the International Bureau, and all those who had provided assistance in the course of the meeting.

74. The Delegation of Argentina declared that it was an important milestone, particularly for Brazil and Argentina. It recalled that they had initially presented a joint proposal in 2004, but that before that 2004 proposal, there had been background work carried out for quite some time, and therefore for the two mentioned delegations, the work had continued for quite a number of years. The Delegation congratulated and thanked all the members of its Group, namely Bolivia, Brazil, Cuba, the Dominican Republic, Ecuador, Egypt, Iran, Kenya, Peru, South Africa, Tanzania, Uruguay, and Sierra Leone, and praised their efforts throughout the previous years that had allowed them to come to an extremely positive outcome. The Delegation expressed its particular thanks to the Chair for the work carried out, and stressed that his contribution had been extremely important to bring them to the results achieved and that which had to be implemented in the next few years. The Delegation commended the work carried out by all the Group Coordinators, the Secretariat, and the colleagues from the institutions that had accompanied them till the last day of the Fourth Session, and thanked the interpreters who had kept vigil with them until so late.

75. The Chair said that he recognized that value of the contribution made by the NGOs and thanked them for their efforts. He also thanked the interpreters. He then suspended the fourth session and said that they would meet again on September 4, 2007.

76. The following recommendations were agreed to by the Meeting:

“The PCDA decided to make the following recommendations to the 2007 General Assembly:

1. To adopt the recommendations for action in the agreed proposals contained in Annex I.
2. To immediately implement the recommendations contained in the list submitted by the Chair of the PCDA, in accordance with paragraph X of the report of the fourth session of the PCDA.
3. A Committee on Development and IP be established immediately to:
 - (a) develop a work-program for implementation of the adopted recommendations;
 - (b) monitor, assess, discuss and report on the implementation of all recommendations adopted, and for that purpose it shall coordinate with relevant WIPO bodies;
 - (c) discuss IP and development related issues as agreed by the Committee, as well as those decided by the General Assembly.
4. The Committee will be composed of the Member States of WIPO and open to the participation of all accredited intergovernmental and non governmental organizations. It will consider and adopt rules of procedure based on the WIPO General Rules of Procedure at its first meeting, which will be convened in the first half of 2008. The number and duration of meetings of the Committee are to be decided by the General Assembly.
5. For the first meeting of the Committee, the present Chair of the PCDA is requested to prepare initial working documents, including a draft work program in consultation with Member States and the Secretariat. The draft work program should address, *inter alia*, the financial and human resources requirements for inclusion in WIPO's budgetary planning process.
6. The Committee will report and may make recommendations annually to the General Assembly.
7. The PCIPD shall cease to exist and the mandate of the PCDA will not be renewed.”

[Annexes follow]

ANNEX I

CLUSTER A: TECHNICAL ASSISTANCE AND CAPACITY BUILDING

1. WIPO technical assistance shall be, *inter alia*, development-oriented, demand-driven and transparent, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion. In this regard, design, delivery mechanisms and evaluation processes of technical assistance programs should be country specific.
2. Provide additional assistance to WIPO through donor funding, and establish Trust-Funds or other voluntary funds within WIPO specifically for LDCs, while continuing to accord high priority to finance activities in Africa through budgetary and extra-budgetary resources, to promote, *inter alia*, the legal, commercial, cultural, and economic exploitation of intellectual property in these countries.
3. Increase human and financial allocation for technical assistance programs in WIPO for promoting a, *inter alia*, development-oriented IP culture, with an emphasis on introducing intellectual property at different academic levels and on generating greater public awareness on IP.
4. Place particular emphasis on the needs of SMEs and institutions dealing with scientific research and cultural industries and assist Member States, at their request, in setting-up appropriate national strategies in the field of IP.
5. WIPO shall display general information on all technical assistance activities on its website, and shall provide, on request from Member States, details of specific activities, with the consent of the Member State(s) and other recipients concerned, for which the activity was implemented.
6. WIPO's technical assistance staff and consultants shall continue to be neutral and accountable, by paying particular attention to the existing Code of Ethics, and by avoiding potential conflicts of interest. WIPO shall draw up and make widely known to the Member States a roster of consultants for technical assistance available with WIPO.
7. Promote measures that will help countries deal with IP related anti-competitive practices, by providing technical cooperation to developing countries, especially LDCs, at their request, in order to better understand the interface between intellectual property rights and competition policies.
8. Request WIPO to develop agreements with research institutions and with private enterprises with a view to facilitating the national offices of developing countries, especially LDCs, as well as their regional and sub-regional IP organizations to access specialized databases for the purposes of patent searches.
9. Request WIPO to create, in coordination with Member States, a database to match specific IP-related development needs with available resources, thereby expanding the scope of its technical assistance programs, aimed at bridging the digital divide.

10. To assist Member States to develop and improve national IP institutional capacity through further development of infrastructure and other facilities with a view to making national IP institutions more efficient and promote fair balance between IP protection and the public interest. This technical assistance should also be extended to sub-regional and regional organizations dealing with IP.

11. To assist Member States to strengthen national capacity for protection of domestic creations, innovations and inventions and to support development of national scientific and technological infrastructure, where appropriate, in accordance with WIPO's mandate.

12. To further mainstream development considerations into WIPO's substantive and technical assistance activities and debates, in accordance with its mandate.

13. WIPO's legislative assistance shall be, *inter alia*, development-oriented and demand-driven, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion.

14. Within the framework of the agreement between WIPO and the WTO, WIPO shall make available advice to developing countries and LDCs, on the implementation and operation of the rights and obligations and the understanding and use of flexibilities contained in the TRIPS Agreement.

CLUSTER B: NORM-SETTING, FLEXIBILITIES, PUBLIC POLICY AND PUBLIC DOMAIN

15. Norm-setting activities shall:

- be inclusive and member driven;
- take into account different levels of development;
- take into consideration a balance between costs and benefits;
- be a participatory process, which takes into consideration the interests and priorities of all WIPO Member States and the viewpoints of other stakeholders, including accredited inter-governmental organizations and non-governmental organizations; and
- be in line with the principle of neutrality of the WIPO Secretariat.

16. Consider the preservation of the public domain within WIPO's normative processes and deepen the analysis of the implications and benefits of a rich and accessible public domain.

17. In its activities, including norm-setting, WIPO should take into account the flexibilities in international IP agreements, especially those which are of interest to developing countries and LDCs.

18. To urge the IGC to accelerate the process on the protection of genetic resources, traditional knowledge and folklore, without prejudice to any outcome, including the possible development of an international instrument or instruments.

19. To initiate discussions on how, within WIPO's mandate, to further facilitate access to knowledge and technology for developing countries and LDCs to foster creativity and innovation and to strengthen such existing activities within WIPO.

20. To promote norm-setting activities related to IP that support a robust public domain in WIPO's Member States, including the possibility of preparing guidelines which could assist interested Member States in identifying subject matters that have fallen into the public domain within their respective jurisdictions.

21. WIPO shall conduct informal, open and balanced consultations, as appropriate, prior to any new norm-setting activities, through a member-driven process, promoting the participation of experts from Member States, particularly developing countries and LDCs.

22. WIPO's norm-setting activities should be supportive of the development goals agreed within the UN system, including those contained in the Millennium Declaration.

The WIPO Secretariat, without prejudice to the outcome of Member States considerations, should address in its working documents for norm-setting activities, as appropriate and as directed by Member States, issues such as: a) safeguarding national implementation of intellectual property rules b) links between IP and competition c) IP-related transfer of technology d) potential flexibilities, exceptions and limitations for Member States and e) the possibility of additional special provisions for developing countries and LDCs.

23. To consider how to better promote pro-competitive IP licensing practices, particularly with a view to fostering creativity, innovation and the transfer and dissemination of technology to interested countries, in particular developing countries and LDCs.

CLUSTER C: TECHNOLOGY TRANSFER, INFORMATION AND COMMUNICATION TECHNOLOGIES (ICT) AND ACCESS TO KNOWLEDGE

24. To request WIPO, within its mandate, to expand the scope of its activities aimed at bridging the digital divide, in accordance with the outcomes of the World Summit on the Information Society (WSIS) also taking into account the significance of the Digital Solidarity Fund (DSF).

25. To explore IP-related policies and initiatives necessary to promote the transfer and dissemination of technology, to the benefit of developing countries and to take appropriate measures to enable developing countries to fully understand and benefit from different provisions, pertaining to flexibilities provided for in international agreements, as appropriate.

26. To encourage Member States, especially developed countries, to urge their research and scientific institutions to enhance cooperation and exchange with research and development institutions in developing countries, especially LDCs.

27. Facilitating IP-related aspects of ICT for growth and development: Provide for, in an appropriate WIPO body, discussions focused on the importance of IP-related aspects of ICT, and its role in economic and cultural development, with specific attention focused on assisting Member States to identify practical IP-related strategies to use ICT for economic, social and cultural development.

28. To explore supportive IP-related policies and measures Member States, especially developed countries, could adopt for promoting transfer and dissemination of technology to developing countries.

29. To include discussions on IP-related technology transfer issues within the mandate of an appropriate WIPO body.

30. WIPO should cooperate with other intergovernmental organizations to provide to developing countries, including LDCs, upon request, advice on how to gain access to and make use of IP-related information on technology, particularly in areas of special interest to the requesting parties.

31. To undertake initiatives agreed by Member States, which contribute to transfer of technology to developing countries, such as requesting WIPO to facilitate better access to publicly available patent information.

32. To have within WIPO opportunity for exchange of national and regional experiences and information on the links between IP rights and competition policies.

CLUSTER D: ASSESSMENT, EVALUATION AND IMPACT STUDIES

33. To request WIPO to develop an effective yearly review and evaluation mechanism for the assessment of all its development-oriented activities, including those related to technical assistance, establishing for that purpose specific indicators and benchmarks, where appropriate.

34. With a view to assisting Member States in creating substantial national programs, to request WIPO to conduct a study on constraints to intellectual property protection in the informal economy, including the tangible costs and benefits of IP protection in particular in relation to generation of employment.

35. To request WIPO to undertake, upon request of Member States, new studies to assess the economic, social and cultural impact of the use of intellectual property systems in these States.

36. To exchange experiences on open collaborative projects such as the Human Genome Project as well as on IP models.

37. Upon request and as directed by Member States, WIPO may conduct studies on the protection of intellectual property, to identify the possible links and impacts between IP and development.

38. To strengthen WIPO's capacity to perform objective assessments of the impact of the organization's activities on development.

CLUSTER E: INSTITUTIONAL MATTERS INCLUDING MANDATE AND GOVERNANCE

39. To request WIPO, within its core competence and mission, to assist developing countries, especially African countries, in cooperation with relevant international organizations, by conducting studies on brain drain and make recommendations accordingly.

40. To request WIPO to intensify its cooperation on IP related issues with UN agencies, according to Member States' orientation, in particular UNCTAD, UNEP, WHO, UNIDO, UNESCO and other relevant international organizations, especially WTO in order to strengthen the coordination for maximum efficiency in undertaking development programs.
41. To conduct a review of current WIPO technical assistance activities in the area of cooperation and development.
42. To enhance measures that ensure wide participation of civil society at large in WIPO activities in accordance with its criteria regarding NGO acceptance and accreditation, keeping the issue under review.
43. To consider how to improve WIPO's role in finding partners to fund and execute projects for IP-related assistance in a transparent and member-driven process and without prejudice to ongoing WIPO activities.
44. In accordance with WIPO's member-driven nature as a United Nations Specialized Agency, formal and informal meetings or consultations relating to norm-setting activities in WIPO, organized by the International Bureau, upon request of the Member States, should be held primarily in Geneva, in a manner open and transparent to all Members. Where such meetings are to take place outside of Geneva, Member States shall be informed through official channels, well in advance, and consulted on the draft agenda and program.

CLUSTER F: OTHER ISSUES

45. To approach intellectual property enforcement in the context of broader societal interests and especially development-oriented concerns, with a view that "the protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations", in accordance with Article 7 of the TRIPS Agreement.

[Annex II follows]

ANNEX II

I. ÉTATS/STATES

(dans l'ordre alphabétique des noms français des États)/
(*in the alphabetical order of the names in French of the States*)

AFGHANISTAN

Nanguyalai TARZI, ambassadeur, représentant permanent, Mission permanente, Genève

Ahmad Khalil NASRI, premier secrétaire, Mission permanente, Genève

AFRIQUE DU SUD/SOUTH AFRICA

Glaudine MTSHALI (Mrs.), Ambassador, Permanent Representative, Permanent Mission, Geneva

Johan VAN WYK, Counsellor, Permanent Mission, Geneva

Patrick KRAPPIE, Deputy Director, Department of Foreign Affairs (DFA), Pretoria

Vicky BEUKES (Ms.), Department of Arts and Culture (DAC), Pretoria

Glenn Ujebe MASOKOANE, Director: Multi-disciplinary-Cultural Development,
Department of Arts and Culture (DAC), Pretoria

Lucy MAHLANGU (Ms.), Director, Multilaterals and Resourcing, International Relations,
Department of Arts and Culture (DAC), Pretoria

Portia MATLATA (Ms.), Department of Arts and Culture (DAC), Pretoria

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ALGÉRIE/ALGERIA

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ALLEMAGNE/GERMANY

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Christof SCHMIDT, Federal Ministry of Justice, Berlin

ARGENTINE/ARGENTINA

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Ernesto MARTINEZ GONDRA, Ministro, Representante Permanente Alterno, Misión Permanente, Ginebra

Inés Gabriela FASTAME (Srta.), Secretario de Embajada, Misión Permanente, Ginebra

AUSTRALIE/AUSTRALIA

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Joanne RUSH (Ms.), Assistant Director, International Policy, IP Australia, Woden ACT

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AUTRICHE/AUSTRIA

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BANGLADESH

Toufiq ALI, Ambassador, Permanent Representative, Permanent Mission, Geneva

Enayet MOWLA, Counsellor, Permanent Mission, Geneva

Nayem U. AHMED, Second Secretary, Permanent Mission, Geneva

BARBADE/BARBADOS

C. Trevor CLARKE, Ambassador, Permanent Representative, Permanent Mission, Geneva

Corlita BABB-SCHAEFER, Counsellor, Permanent Mission, Geneva

BELGIQUE/BELGIUM

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BÉNIN/BENIN

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BOLIVIE/BOLIVIA

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BOTSWANA

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COMORES/COMOROS

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MAROC/MOROCCO

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MAURICE/MAURITIUS

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NIGÉRIA/NIGERIA

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OMAN

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OUGANDA/UGANDA

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PAYS-BAS/NETHERLANDS

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PÉROU/PERU

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SAINT-SIÈGE/HOLY SEE

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SAINT-VINCENT-ET-LES-GRENADINES/SAINT VINCENT AND THE GRENADINES

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SERBIE/SERBIA

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SUISSE/SWITZERLAND

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THAÏLANDE/THAILAND

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TOGO

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N. MAKASA (Ms.), Senior Examiner, Patents, Patent and Companies Registration Office, Lusaka

ZIMBABWE

Richard CHIBUWE, Counsellor, Permanent Mission, Geneva

II. ORGANISATIONS INTERNATIONALES
INTERGOUVERNEMENTALES/
INTERNATIONAL INTERGOVERNMENTAL
ORGANIZATIONS

ORGANISATION DES NATIONS UNIES (ONU)/UNITED NATIONS (UN)

Conférence des nations unies sur le commerce et le développement (CNUCED)/United Nations Conference on Trade and Development (UNCTAD)

Christoph SPENNEMAN, Legal Expert, Division on Investment, Technology and Enterprise Development (DITE), Geneva

Lee NARAE (Miss), Intern, Division on Investment, Technology and Enterprise Development (DITE), Geneva

COMMISSION EUROPÉENNE (CE)/EUROPEAN COMMISSION (EC)

Sergio BALIBREA SANCHO, Counsellor, European Communities Delegation, Geneva

Claudia COLLA (Miss), Legal and Policy Affairs Officer, Industrial Property, Internal Market and Services Directorate-General, Geneva

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

Konstantinos KARACHALIOS, Responsible for International Organizations, International Relations, Munich

Shirin ELAHI (Ms.), Scenarios Project Leader, Munich

ORGANISATION EURASIENNE DES BREVETS (OEAB)/EURASIAN PATENT ORGANIZATION (EAPO)

Khabibullo FAYAZOV, Vice President, Moscow

ORGANISATION INTERNATIONALE DE LA FRANCOPHONIE (OIF)

Libère BARARUNYERETSE, ambassadeur, représentant permanent, Genève

Sandra COULIBALY-LEROY (Mme), représentant permanent adjoint, Genève

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

Jayashree WATAL (Mrs.), Counsellor, Intellectual Property Division, Geneva

Xiaoping WU (Mrs), Counsellor, Intellectual Property Division, Geneva

ORGANISATION RÉGIONALE AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE
(ARIPO)/AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION
(ARIPO)

M. A. MABROUK, Head, Legal and Training Department, Harare

SOUTH CENTRE

Ermias Tekeste BIADGLENG, Program Officer, Geneva

Viviana MUÑOZ TÉLLEZ (Miss), Program Officer, Geneva

UNION AFRICAINE (UA)/AFRICAN UNION (AU)

Khadija Rachida MASRI (Mrs.), Permanent Observer, Permanent Delegation, Geneva

Georges-Rémi NAMEKONG, Counsellor, Permanent Delegation, Geneva

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

Association asiatique d'experts juridiques en brevets (APAA)/Asian Patent Attorneys
Association (APAA)
Alonzo Q. ANCHETA (President, Manila)

Association internationale pour la promotion de l'enseignement et de la recherche en
propriété intellectuelle (ATRIP)/International Association for the Advancement of Teaching
and Research in Intellectual Property (ATRIP)
François CURCHOD (représentant permanent auprès de l'OMPI, Genolier)

Association latino-américaine des industries pharmaceutiques (ALIFAR)/Latin American
Association of Pharmaceutical Industries (ALIFAR)
Mirta LEVIS (Sra.) (Directora Ejecutiva, Buenos Aires)

Association littéraire et artistique internationale (ALAI)/International Literary and Artistic
Association (ALAI)
Victor NABHAN (président, Ferney-Voltaire)

Business Software Alliance (BSA)
Benoît MÜLLER (Director, Software Policy Europe, Washington, D.C.)

Centre d'études internationales de la propriété industrielle (CEIPI)/Centre for International
Industrial Property Studies (CEIPI)
François CURCHOD (représentant permanent auprès de l'OMPI, Genolier)

Centre for International Governance
Graham DUTFIELD (Co-Director, School of Law, University of Leeds)

Centre international pour le commerce et le développement durable (ICTSD)/International
Center for Trade and Sustainable Development (ICTSD)
Pedro ROFFE (Senior Fellow, Intellectual Property and Sustainable Development
Programme, Geneva); David VIVAS (Programme Manager, IPRs, Geneva); Sisule
MUSUNGU (Visiting Fellow); Margaret CHON (Ms.) (Visiting Fellow, Geneva); Graham
DUTFIELD (Visiting Fellow); Gina VEA (Ms.) (Programme Officer, IPRs and Technology,
Geneva); Fleur CLAESSENS (Miss) (Programme Officer, IPRs, Geneva); Nico TYABJI
(Research Assistant, IPRs, Geneva)

Centre pour le droit international de l'environnement (CIEL)/Centre for International
Environment Law (CIEL)
Dalindyabo SHABALALA (Director, Project on Intellectual Property and Sustainable
Development, Geneva); Esteban FALCONI (Fellow, Geneva); Jonathan HILL (Intern,
Geneva)

Chambre de commerce internationale (CCI)/International Chamber of Commerce (ICC)
Ivan HJERTMAN (European Patent Attorney, IP Interface AB, Stockholm); J. Douglas HAWKINS (Director, International Trade Relations, Wyeth Pharmaceuticals, Collegeville); Daphne YONG-D'HERVÉ (Ms.) (Senior Policy Manager, Intellectual Property and Competition, International Chamber of Commerce (ICC), Paris); Thaddeus BURNS (Senior Corporate IP Counsel-Europe, Brussels)

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

Martin WATSON (Representative, Global Economic Issues, Geneva)

Confédération internationale des sociétés d'auteurs et compositeurs (CISAC)/International Confederation of Societies of Authors and Composers (CISAC)

David UWEMEDIMO (Director, Legal, Political and Strategic Affairs, Paris); Willem A. WANROOIJ (Policy Advisor of Buma-Stemra, The Hague)

Electronic Frontier Foundation (EFF)

Gwen HINZE (International Affairs Director, San Francisco, California)

Electronic Information for Libraries (eIFL)

Teresa HACKETT (Ms.) (Project Manager eIFL-IP, Rome)

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

Eric NOEHRENBURG (Director, International Trade and Market Policy, Geneva); Madeleine ERIKSSON (Ms.) (Policy Analyst, Geneva); Douglas HAWKINS (Wyeth); Alain AUMONIER (Vice President, Relations with Intentional Institutions, Sanofi-Aventis, Paris); Christine LEFORESTIER (Miss) (Sanofi-Aventis, Paris)

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

Gadi ORON (Legal Adviser, Legal Policy and Regulatory Affairs, London)

Fédération internationale de la vidéo (IVF)/International Video Federation (IVF)

Laurence DJOLAKIAN (Ms.) (Legal Advisor, Brussels)

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

Barbara STRATTON (Ms.) (Senior Policy Adviser, Chartered Institute of Library and Information Professionals (CILIP), London)

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

Bertrand MOULLIER (Special Advisor, Paris)

Fundação Getulio Vargas (FGV)

Pedro PARANAGUÁ (Professor, Rio de Janeiro)

Institute for Policy Innovation (IPI)

Tom GIOVANETTI (President, Texas)

Institut du droit du commerce international et du développement (IDCID)/ Institute of International Trade Law and Development (IDCID)
Thiago LUCHESI (Legal Advisor, São Paulo)

International Trademark Association (INTA)
Bruno MACHADO (Geneva Representative)

Knowledge Ecology International (KEI)
James LOVE (Executive Director, Washington, D.C.); Thiru BALASUBRAMANIAM (Geneva Representative); Manon RESS (Director, Information Society Projects, Geneva); Michelle Childs (Ms.) (London Representative and Head of European Affairs, London); Madhavi SUNDER (Ms.) (Fellow, Geneva); Anupam CHANDER (Fellow, Geneva); Spring GOMBE (Fellow, Geneva)

Library Copyright Alliance (LCA)
Robert L. OAKLEY (Washington Affairs Representative, American Association of Law Libraries, Washington, D.C.)

Médecins sans frontières (MSF)
Michel LOTROWSKA (Policy Advocacy Advisor, Paris); Pascale BOULET (Ms.) (Legal Advisor, Paris)

The European Law Students' Association (ELSA)
Steffen HAGEN (Director, Department of Electronic Communication, Brussels); NG Kexian (Miss) (Brussels); Rudolf Christoph REIET (Brussels); Anika HOLTERHOF (Miss) (Brussels)

The Federalist Society
Mark SCHULTZ (Intellectual Property Practice Group, Washington, D.C.)

Third World Network (TWN)
Riaz Khalid TAYOB (Officer, Geneva); Sangeeta SHASHIKANT (Ms.) (Geneva)

Union internationale des éditeurs (UIE)/International Publishers Association (IPA)
Antje SORENSEN (Ms) (Legal Counsel, Geneva); Jens BAMMEL (Secretary General, Geneva)

Yale Information Society Project (ISP)
Eddan KATZ (Executive Director, New Haven); Eliot PENCE (Student, Geneva)

IV. BUREAU/OFFICERS

Président/Chair: C. Trevor CLARKE (Barbade/Barbados)
Vice-Président/Vice Chair: Muktar DJUMALIEV (Kirghizistan/Kyrgyzstan)

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

Sherif SAADALLAH, directeur exécutif, Bureau de l'utilisation stratégique de la propriété intellectuelle pour le développement/Executive Director, Office of Strategic Use of Intellectual Property for Development

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Paul REGIS, administrateur adjoint de programme, Division de la propriété intellectuelle et du développement économique, Bureau de l'utilisation stratégique de la propriété intellectuelle pour le développement/Assistant Program Officer, Intellectual Property and Economic Development Division, Office of Strategic Use of Intellectual Property for Development

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