

ASSEMBLIES OF THE MEMBER STATES OF WIPO
Fifty-Fourth Series of Meetings
September 22 to 30, 2014
Written General Statement (Agenda Item 5) – AUSTRIA

Madam Chair,

The Delegation of Austria first of all likes to associate itself with the statement made on behalf of Group B and the statement delivered by Italy on behalf of the European Union and its Member States.

Emphasizing the ability and actual role of IP to stimulate creativity and innovation and thus contributing to economic, cultural and social development of all countries we note with appreciation the record of WIPO's activities and positive achievements outlined in the **Program Performance Report for 2012/13**, highlighted by the conclusion of the Beijing Treaty on Audiovisual Performances and the Marrakesh VIP Treaty. We wholeheartedly continue to support WIPO's efforts to provide the international forum for in-depth dialogue in regard to all matters related to Intellectual Property and are looking forward to jointly achieving further progress in developing the respective international legal framework. We continue to believe that WIPO's normative work should be further based on evidence-based social and economic demands and needs, and after thorough assessment of the specific and overall impact establish legal clarity and security.

In this regard we would like to congratulate WIPO and all the staff involved on the finalization of the New Conference Hall Project and deposit the expectation that this new environment for meetings will also help to foster consensus-building and decision-making in the future.

We also note with satisfaction the progress and positive developments in regard to the effective functioning of the **international IP registration and filing systems** operated by the International Bureau, especially the PCT and the Madrid System, which are the main generators of WIPO's income. We would like to encourage the Organization and its staff to continue and even expand efforts and activities to further strengthen these systems during the current biennium - thus maintaining a viable and efficient Organization and securing a balanced and effective international IP system for the benefit of all stakeholders.

We take note of the information about work in the **Committee on Development and Intellectual Property (CDIP)** which in its twelfth and thirteenth session continued discussing the implementation of the recommendations of the Development Agenda. The respective Reports and Documents considered by the committee and also the Program Performance Report for 2012/13 and the various reports of relevant WIPO bodies in their entirety demonstrate numerous positive developments and achievements of this important initiative to even further enhance the Development Dimension in WIPO. Taking into consideration the importance but also the complexity of the subject matter we stand ready to support the proposed decision to allow the CDIP to continue the discussions based on the General Assemblies decision in 2013 and report back to the GA in 2015. We take positive note of the reports mentioned in Para 3 of Doc. WO/GA/46/4 and support to forward them to the CDIP.

In regard to the report of the last session of the **Standing Committee on Copyright and Related Rights (SCCR)** we note that no consensus in regard to future work of the Committee could be achieved. Reiterating our special interest to finalize the remaining work in regard to the Protection of Broadcasting Organizations we also like to deposit once more our commitment to discuss opportunities to implement limitations and exceptions into national legal framework based on the flexibilities offered by existing international treaties.

We take positive note of the results of the deliberations in the **Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)** and like to highlight once more the importance we attach to the topic of harmonization and simplification of design registration and formalities, which, taking into consideration the status of work and progress achieved so far, deserves to be lifted to a diplomatic conference as soon as possible. We therefore would like to urge the General Assembly to take a positive decision to convene a Diplomatic Conference for the Adoption of a Design Law Treaty in 2015 at this session.

In regard to the report on the work of the **Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)** we take positive note of the progress achieved during the 3 sessions of the Committee in 2014 considering and elaborating texts for an international instrument or instruments to ensure effective protection of GRs, TK and TCEs. While a lot has been achieved so far on these complex issues we feel that still work remains to be done and therefore note with regret that no recommendation in regard to future work could find consensus. We remain committed to work with all delegations and the IB to come to conclusions and decisions establishing a reasonable future work program of the Committee. In regard to the instrument(s) to be developed we would like to reiterate our position that Member States should have flexibility to choose the form or forms of protection from among different options to satisfy the diversity of possible demands - therefore there should be flexible and non-binding separate instruments.

Convinced that a viable and harmonized patent system will be beneficial for all stakeholders, i.e. Member States and users, we note the report about the twentieth session of the **Standing Committee on the Law of Patents (SCP)** and welcome the decision to continue discussions based on the work program established in the nineteenth session. Especially the topics "Quality of Patents, including Opposition Systems" and "Client-Patent Attorney Privilege" and respective findings and conclusions to these topics in our view have the potential to further improve the patent system as a whole and in a short term.

Representing an ISA and IPEA under the PCT Austria has taken active part in the deliberations in the **PCT Working Group**. We therefore give our full support to the proposed amendments to the PCT Regulations as contained in Document PCT/A/46/3 and to the recommendations concerning future work of the PCT Working Group in Document PCT/A/46/1. We also support to adopt the proposed Understanding on "Procedures for Appointment of International Authorities" as contained in Document PCT/A/46/4 and the recommendation of the WG concerning entry into force of this Understanding.

Sharing the view that a manifold and continuously developing family of PCT-Authorities is beneficial to the system and its users we look forward to positively considering the request to appoint the Intellectual Property Office of Singapore as ISA and IPEA in the Committee for Technical Cooperation and in the PCT-Assembly.

Concerning the **Madrid System** we note with appreciation the Progress Reports on the Information Technology Modernization Program and the results achieved so far under Phase II of the Program and look forward to the expected going-life early in 2015 - thus offering users and offices of contracting parties improved and up-to-date services in regard to registration and administration of international marks. Having taken active part in the eleventh session of the Working Group of the Madrid system we fully support the recommendations for amendments to the Common Regulations which should enter into force on January 1, 2015.

Finally we like to assure the membership and the management of WIPO of Austria's on-going support to the pursuit of WIPO's global goals. We look forward to working with the Director General and his new team of DDGs and ADGs - whom we wish all the best for their demanding tasks – in the years ahead.

[Thank you.]