

Assemblies of the Member States of WIPO
Fifty-Fifth Series of Meetings
Geneva, Switzerland
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Opening Statement of the United States of America

Thank you, Mr. Chairman.

The United States congratulates you on your election as chair of the General Assembly, and also congratulates your two vice chairs. We are confident that you will ably guide our discussions throughout this meeting.

The United States fully endorses the statement delivered earlier by Japan on behalf of Group B.

We also welcome the recent appointment of the new Chief Ethics Officer at WIPO. We look forward to engaging constructively with her office in this important area.

Mr. Chairman, we approach the meetings of the WIPO's numerous Assemblies this year with a constructive spirit aimed at achieving consensus solutions that will advance the Organization's objectives, including cooperation among its Unions.

Program and Budget for 2016/17

Mr. Chairman, during the meetings of the WIPO Program and Budget Committee in July and September this year, the United States made clear our support for the Organization's proposed Program and Budget for 2016-17, but we withheld our approval largely because the Lisbon Union declined to fund itself as required by its treaty. We are hopeful that the Lisbon Union will address the issue this week so that the budget can be adopted by consensus.

The Lisbon deficit that is projected for the biennium is quite small, and in fact we have identified funds already available at WIPO that could adequately cover this deficit, including the excess Madrid Union surplus that can be disbursed to all Madrid members, some of whom belong to the Lisbon Union.

Although the Lisbon Union deficit is small, we remain concerned about a larger issue that is at the very foundation of this organization – the necessary cooperation among the various Unions administered by WIPO. When one Union takes actions inconsistent with this necessary cooperation, much less with its own treaty obligations, we must object in the name of good governance, accountability and transparency for the sake of the Organization as a whole.

We are concerned about the diversion of WIPO's resources by a small group representing less than one-sixth of the total membership. As you are aware, we would have much preferred to continue the inclusive dialogue that began in the earliest days of the Paris Union to seek true consensus on the protection of geographic source identifiers in WIPO.

Geographical Indications

We appreciate that while WIPO members do not see eye to eye on all issues, we generally strive to find ways to work towards consensus solutions, even on difficult issues. That is the tradition of WIPO and one of its strengths. We as WIPO member states should be proud of that tradition. The appropriate protection for geographic source identifiers is one such difficult issue where true and broad consensus does not yet exist. We regret that the Lisbon Union chose to circumvent the slow but unifying process of consensus-building.

Our stakeholders believe that both the Lisbon Agreement and the Geneva Act will negatively impact them as the protection for GIs in these agreements is trade distorting. And we are facing serious questions about why and how U.S. fees and contributions are required to subsidize the Lisbon system when it is so harmful to U.S. trade.

We cannot support a framework under which the Lisbon System can carry a deficit and have that deficit covered by other Unions. To this end, we are hopeful that we can reach agreement on several key points:

- Ensuring the Lisbon System becomes self-sustaining, and no longer has its deficit covered by other Unions.
- Finding a new WIPO approach to GI protection that is balanced, accommodating varying approaches and allowing the participation of all WIPO Members.
- Ensuring that the entire WIPO membership has a say in deciding whether or how the Secretariat will administer the Geneva Act.

As we have discussed our position with other WIPO members and observers, we have heard concern that the administration of other newly-concluded WIPO agreements could be blocked. We are confident that other newly-concluded WIPO agreements, however, would enjoy broad support because they would be negotiated and adopted through open diplomatic conferences that include the full participation of WIPO members.

And let me be clear: we support PCT revenue being used to support the overall activities of the organization because these activities have continually been supported by the full WIPO membership.

We are objecting only to PCT revenue being used to support the Lisbon system, which by its own treaty is required to be self-funding, and which recently was expanded without the broad consultations for which WIPO has long been respected. In contrast, the Madrid and Hague systems represent consensus global solutions.

Our proposals would not entail any need to raise the unitary contribution because WIPO's "global protection services" which are truly global, namely the PCT, Madrid and Hague systems, continue to grow in popularity and generate the bulk of the funding for WIPO's non-registration activities.

IGC

Mr. Chairman, the United States has also submitted a proposal relating to the IGC which we hope will facilitate progress. Text-based negotiations, launched in 1990, have driven the members farther apart rather than closer together, and have produced unworkable texts. We propose the establishment of an experts working group to find common ground on objectives and principles, in order to produce a tangible result supported by all members. Until and unless that can happen, the United States believes that consideration of a diplomatic conference is premature.

SCCR

In the WIPO Standing Committee on Copyrights and Related Rights (“SCCR”), the United States was pleased with the progress of the Committee’s work in 2014-2015.

With respect to the draft treaty on the protection of broadcasting organizations, we believe there is growing support within the SCCR for an approach that would establish a single right to authorize the real-time retransmission of the broadcast signal to the public over all platforms, including over the Internet. During the next biennium, the United States will actively work to resolve the outstanding, unresolved issues for protection of broadcasting organizations with the goal of developing a sufficiently mature and acceptable text to be able to recommend convening a Diplomatic Conference. The United States was also an active participant in the Committee’s work on copyright exceptions and limitations for archives and libraries; educational and research institutions; and persons with disabilities other than visual impairment. In particular, the United States appreciated the constructive engagement of other delegations with two U.S. proposals that set forth “principles and objectives” to assist national policy makers when enacting or updating national copyright exceptions for libraries and archives and educational activities. The United States looks forward to elaborating and advancing such a “principles-based” approach to improving national copyright exceptions and limitations during the next biennium.

Closing

Mr. Chairman, the United States delegation looks forward to constructively engaging with all WIPO members to find consensus solutions to the issues facing the Organization now and in the future.

Thank you.