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Assemblies of the Member States of WIPO

Fifty-Eighth Series of Meetings
Geneva, September 24 to October 2, 2018

GENERAL REPORT

adopted by the Assemblies

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INTRODUCTION

1. This General Report records the deliberations and decisions of the following 21 Assemblies and other bodies of the Member States of WIPO (the “Assemblies”):

- (1) WIPO General Assembly, fiftieth (27th Extraordinary) session
- (2) WIPO Conference, thirty-ninth (16th Extraordinary) session
- (3) WIPO Coordination Committee, seventy-fifth (49th ordinary) session
- (4) Paris Union Assembly, fifty-third (30th Extraordinary) session
- (5) Paris Union Executive Committee, fifty-eighth (54th ordinary) session
- (6) Berne Union Assembly, forty-seventh (24th Extraordinary) session
- (7) Berne Union Executive Committee, sixty-fourth (49th ordinary) session
- (8) Madrid Union Assembly, fifty-second (30th Extraordinary) session
- (9) Hague Union Assembly, thirty-eighth (17th Extraordinary) session
- (10) Nice Union Assembly, thirty-eighth (15th Extraordinary) session
- (11) Lisbon Union Assembly, thirty-fifth (13th Extraordinary) session
- (12) Locarno Union Assembly, thirty-eighth (16th Extraordinary) session
- (13) IPC [International Patent Classification] Union Assembly, thirty-ninth (18th Extraordinary) session
- (14) PCT [Patent Cooperation Treaty] Union Assembly, fiftieth (29th Extraordinary) session
- (15) Budapest Union Assembly, thirty-fifth (16th Extraordinary) session
- (16) Vienna Union Assembly, thirty-first (14th Extraordinary) session
- (17) WCT [WIPO Copyright Treaty] Assembly, eighteenth (10th Extraordinary) session
- (18) WPPT [WIPO Performances and Phonograms Treaty] Assembly, eighteenth (10th Extraordinary) session
- (19) PLT [Patent Law Treaty] Assembly, seventeenth (10th Extraordinary) session
- (20) Singapore Treaty [Singapore Treaty on the Law of Trademarks] Assembly, eleventh (6th Extraordinary) session.
- (21) Marrakesh Treaty [Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled] Assembly, third (3rd ordinary) session.

meeting in Geneva from September 24 to October 2, 2018, where the deliberations took place, and decisions were made in joint meetings of two or more of the said Assemblies and other bodies convened (hereinafter referred to as “the joint meeting(s)” and “the Assemblies of the Member States,” respectively).

2. In addition to this General Report, separate Reports have been drawn up on the sessions of the WIPO General Assembly (WO/GA/50/15), WIPO Coordination Committee (WO/CC/75/3), Paris Union Executive Committee (P/EC/58/1), Berne Union Executive Committee (B/EC/64/1), Madrid Union Assembly (MM/A/52/3), Hague Union Assembly (H/A/38/2), Lisbon Union Assembly (LI/A/35/3), PCT Union Assembly (PCT/A/50/5) and Marrakesh Treaty Assembly (MVT/A/3/2).

3. The list of the members and observers of the Assemblies, as of September 24, 2018, is set forth in document A/58/INF/1 Rev.

4. The meetings dealing with the following items of the Agenda (document A/58/1) were presided over by the following Chairs:

Items 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 25, 29, and 30	Ambassador Duong Chi Dung (Mr.) (Viet Nam), Chair of the WIPO General Assembly
Items 7, 8, 27 and 28	Ambassador Esmaeil Baghaei Hamaneh (Mr.) (Iran (Islamic Republic of)), Chair of the WIPO Coordination Committee
Item 9	Manuel Guerra Zamarro (Mr.) (Mexico), Chair of the WIPO Conference and, in his absence, Ambassador Duong Chi Dung (Mr.) (Viet Nam), Chair of the WIPO General Assembly acted on an <i>ad hoc</i> basis
Item 21	Sandris Laganovskis (Mr.) (Latvia), Chair of the PCT Union Assembly
Item 22	Nikoloz Gogilidze (Mr.) (Georgia), Chair of the Madrid Union Assembly
Item 23	Jung Dae Soon (Mr.) (Republic of Korea), Vice-Chair of the Hague Union Assembly
Item 24	João Pina de Morais (Mr.) (Portugal), Chair of the Lisbon Union Assembly
Item 26	Mohamed El Selmi (Mr.) (Tunisia), Chair of the Marrakesh Treaty Assembly

5. An index of interventions by delegations of States and Representatives of intergovernmental and non-governmental organizations is reproduced as Annex II to the present report. The agenda, as adopted, and the list of participants appear in documents A/58/1 and A/58/INF/3, respectively.

ITEM 1 OF THE CONSOLIDATED AGENDA

OPENING OF THE SESSIONS

6. The Fifty-Eighth Series of Meetings of the WIPO Assemblies was convened by the Director General of WIPO, Mr. Francis Gurry (hereinafter referred to as “the Director General”).

7. Before the formal opening of the sessions by the Chair of the WIPO General Assembly, Ambassador Duong Chi Dung (Viet Nam), the Director General took the floor to regret the sudden and unexpected demise of His Excellency Mr. Trần Đại Quang, President of Viet Nam on September 21, 2018. The Director General had the privilege and honor to meet the Late President in March 2017. On that occasion, the Late President underlined the importance of ensuring the best possible conditions for the intellectual property (IP) system in order to contribute, within the policies of Viet Nam, to the socio-economic development of the country. The Director General, on behalf of the WIPO General Assembly, invited Ambassador Duong Chi Dung to convey condolences to the family of the Late President, as well as to the Government and the people of Viet Nam. The Director General invited delegates

to stand and observe a minute of silence in honor of the Late President. A minute of silence was observed.

8. The Chair, on behalf of the Government and people of Viet Nam, expressed his deepest gratitude and appreciation to the august gathering for paying respect to the memory of the Late President of Viet Nam, His Excellency Mr. Trần Đại Quang, who passed away on September 21, 2018. He said that the passing away of the President was a great loss to the Nation, the people and for friends around the world. In that difficult time, it was much appreciated the sympathy, thoughtfulness, solidarity and support expressed. The Chair said that he would convey the sentiments of this august assembly to the family, as well as to the Government and the people of Viet Nam.

9. The Chair then formally opened the sessions in a joint meeting of all the 21 Assemblies and other bodies concerned. He thanked Member States for his election in 2018 for the 2018/2019 period. It was a great honor and privilege, and he thanked Member States for the trust placed in him and his Vice-Chairs, Ambassador Tudor Ulianovschi and Ambassador Coly Seck. They would do their utmost to facilitate the proceedings. He made a call in favor of the spirit of multilateralism, constructive dialogue, and active contribution from all delegations in order to contribute to the positive outcome of the Assemblies.

ITEM 2 OF THE CONSOLIDATED AGENDA

ADOPTION OF THE AGENDA

10. Discussions were based on document A/58/1 Prov.2.

11. The Assemblies of WIPO, each as far as it is concerned, adopted the agenda as proposed in document A/58/1 Prov.2 (referred to in this document and in the documents listed in paragraph 2 above as “the Consolidated Agenda”).

ITEM 3 OF THE CONSOLIDATED AGENDA

ELECTION OF OFFICERS

12. Discussions were based on document A/58/INF/1 Rev.

13. The Legal Counsel recalled that at this year’s Assemblies, Member States had to elect a Chair and two Vice-Chairs for each of the WIPO Coordination Committee, the Paris Union Executive Committee and the Berne Union Executive Committee, who would all serve a one-year term. He further noted that, with respect to the officers of the WIPO Coordination Committee, the Chair and the second Vice-Chair would be elected from among the delegates of the ordinary members of the Executive Committee of the Paris Union and the first Vice-Chair would be elected from among the delegates of the ordinary members of the Executive Committee of the Berne Union, according to Rule 3(2)(a) of the Special Rules of Procedure of the WIPO Coordination Committee. The Legal Counsel informed delegations that there had not yet been any nominations for the officer positions to be elected.

14. The Chair pointed out that more nominations were required for the vacant positions and proposed to reopen the agenda item at a later stage to conclude the election of the officers for the vacant positions, and encouraged delegations to submit nominations to the Legal Counsel.

15. Reverting to this agenda item, the Legal Counsel announced that, following informal consultations among Group Coordinators, the officers indicated below were proposed for election.

16. The following officers were elected:

WIPO Coordination Committee

Chair: Ambassador Esmail Baghaei Hamaneh (Mr.) (Iran (Islamic Republic of))

Vice-Chair: Agnieszka Hardej-Januszek (Mrs.) (Poland)

Paris Union Executive Committee

Chair: Nikoloz Gogilidze (Mr.) (Georgia)

Berne Union Executive Committee

Chair: Henning Envall (Mr.) (Sweden)

17. The list of all the officers of the Assemblies and other bodies appear in document A/58/INF/2.

ITEM 4 OF THE CONSOLIDATED AGENDA

REPORT OF THE DIRECTOR GENERAL TO THE ASSEMBLIES OF WIPO

18. The Address of the Director General is recorded as follows:

“Your Excellency Ambassador Duong Chi Dung, Chair, WIPO General Assembly,
Honorable Ministers,
Your Excellencies the Permanent Representatives and Ambassadors,
Distinguished Delegates,

“It is a great pleasure for me to join the Chair of the WIPO General Assembly in extending a warm welcome to all delegations to the 2018 Assemblies. It is very gratifying to see such a large participation, a sign of the very active engagement in, and support for, the Organization on the part of so many [Member States](#).

“I thank Ambassador Duong for his leadership, commitment and wise guidance throughout the past year as Chair of the General Assembly. Equally, I should like to express our appreciation to the other Ambassadors and representatives of Member States who have devoted their time and energy to serve as Chairs of the other governing bodies, committees and working groups of the Organization. The smooth functioning of the Organization, and the advancement of its work, rely on the generosity and commitment of those who perform these very important functions.

“[Intellectual property](#) (IP) continues to grow in economic and social importance around the world. This increased prominence is being driven by rapid, profound and pervasive technological change, which is shaping the future of the economy and placing increasing value on knowledge in its economic and commercial expression as intangible assets.

“We see this change in the position of IP unfolding in many ways – in demand for IP rights, in attention to IP as a part of innovation and industrial strategy by both governments and enterprises, in trade discussions and in news and analysis within the media and the general public.

“Using demand, one of the indicators of change, as an example, we can see that the extent of change is very considerable. In 2016, the last complete year for which we have statistics from Member States, 3.1 million patent applications, 7 million trademark applications and 963,000 design applications were filed in IP Offices around the world. These are prodigious numbers and represent increases over the last 20 years of 189%, 253% and 388%, respectively. There are numerous explanations for these huge increases, the most prominent being the domination of the economy by technology, the global nature of economic activity and the emergence of new actors through geopolitical change, which has resulted in innovation being more multipolar in nature. It is certainly worth dwelling on the last of these explanations and pausing to note that Asia is now the dominant source of all IP applications filed worldwide, accounting, on average across the various IP rights, for over 60% of them.

“The intensification of IP activity around the world has translated positively into the life of the Organization. This beneficial influence can be seen in a multiplicity of ways.

“The increased worldwide demand for IP is reflected in positive growth rates in both the membership and use of WIPO’s Global IP Systems, the [Patent Cooperation Treaty](#) (PCT), the [Madrid System](#) for marks and the [Hague System](#) for designs, as well as in the use of the services of the [WIPO Arbitration and Mediation Center](#). The PCT received 243,500 international applications in 2017, a growth of 4.5% over the preceding year, while the Madrid System received 56,200 international applications, a growth of 5% over 2016 and the Hague System received applications for 19,429 designs, a growth rate 3.8% over the year before. In 2017, the Arbitration and Mediation Center received 3,074 Internet domain name disputes and 52 international mediations and arbitrations concerning more general international IP disputes, both record numbers. The results so far in the current year of 2018 indicate similar trends to those of 2017 for all these systems.

“The services provided by the Organization under the various Global IP Systems generate 92% of the revenue of the Organization. The strong performance of these systems, together with focused and prudent management of expenditure, provides the basis for the financial stability of the Organization. We concluded the 2016-2017 biennium with an overall surplus of CHF 55.9 million. In reaching this result, the achievements in financial management included containing the rise in personnel expenditure, repaying all outstanding loans on the campus and buildings of the Organization, and vesting core and strategic cash in accordance with the revised Policy on Investments approved by the Member States.

“The treaties administered by the Organization continue to attract steady increases in membership. The [Marrakesh Treaty](#) for facilitating access to published works for visually impaired and print-disabled persons is the fastest moving of the [WIPO treaties](#), not only in the past year, but most probably in the history of the Organization. Accessions stand at 41 after five years. The European Union is expected to accede next week. This will bring the number of countries embracing the Treaty to nearly 70. Many more States are preparing to accede to the Treaty and we may now look with some confidence to a time when the Treaty will be universal, which will be a great achievement for the Organization.

“There are many other areas where the growing importance of IP is reflected in enthusiastic participation by Member States in the services and programs of the Organization. There is extensive cooperation between Member States in the IT systems and platforms that the Organization facilitates. The Offices of over 80 countries are using IPAS, the IT system for office administration and management developed by the Organization. Our global databases, which rely on Member-State cooperation, grow in coverage and offer a sophisticated range of tools for users. Our [TISC network](#), or network of Technology and Innovation Support Centers, has grown to 642 TISCs in 76 countries.

All these, and other platforms for cooperation, provide an opportunity for closer data-driven cooperation and provide opportunities for enhanced efficiency, quality and transparency in the IP system worldwide.

“The development dimension is present in all parts of the Organization’s work. The IT platforms that I have just mentioned are primarily directed at, and are extensively used by, developing, least developed and transition countries. Demand for capacity building increases each year as IP infiltrates a broader range of economic and social activity. The [WIPO Academy](#) is experiencing record levels of participation in the extensive range of online and physical courses that it offers.

“The programs of the Organization support the Sustainable Development Goals (SDGs) in a multiplicity of ways. The Member States are engaged in mapping more precisely the various interactions with the SGDs in the [Committee on Development and Intellectual Property](#) (CDIP). We have also embraced the spirit of the SDGs in creating new partnerships “bringing together Governments, the private sector, civil society, the United Nations system and other actors and mobilizing all available resources”^[1] through a number of successful public-private partnerships, such as [WIPO Re:Search](#) and the [Accessible Books Consortium](#) (ABC), two very active, successful and growing examples. A new public-private partnership, PAT-Informed, will be announced this week. It is a partnership under which 20 of the largest pharmaceutical companies in the world are providing data linking patents and medicines around the world in order to facilitate the work of procurement. One non-governmental organization involved in procuring medicines, which tested the new database, estimated that the database increased the efficiency of procurement by 30%.

“I am very pleased to report that the two new initiatives that were announced during the last Assemblies have borne much fruit. The first was the establishment within the Secretariat, in the Global Infrastructure Sector, of an Advanced Technologies Applications Center (ATAC). The Center has pioneered two world-class [artificial intelligence](#) applications. One of those applications is neural machine translation. It is extensively used in relation to our global databases and in the translation work of the Organization. It has been licensed, free-of-charge, to 14 international organizations to assist in improving the efficiency, cost and quality of translation work. The second new AI application is a world-first image search and recognition system to assist in the processing of trademark and design applications and in the search by users for pre-existing graphic elements of their intended brands or designs.

“Both of these AI applications respond to the need for machine assistance in dealing with the volume of applications being produced by growing demand for IP. Indeed, the volume of IP applications globally is naturally driving the evolution of artificial intelligence. We are working on further AI applications and believe that this is a very promising area for advancing international cooperation in the administration of IP through the sharing of knowledge and systems that will also have an important capacity-building dimension.

“The second new initiative is the establishment of a dedicated division within the Legal Counsel’s Office on the judicial administration of IP to coordinate the Organization’s programs in relation to the judiciary and to advance them in new ways. An advisory group of judges has been established. A very successful [master class on IP adjudication](#) was held in Beijing in cooperation with the Supreme People’s Court of China in August this

¹ Para 39, United Nations General Assembly resolution adopting the SGDs on September 25, 2015.

year. The inaugural [WIPO IP Judges Forum](#) will be held at WIPO in Geneva in November. We continue to receive a very enthusiastic response from Member States to this initiative.

“The area where the Organization faces the most challenges in moving forward is rule making, regrettably a common phenomenon in all international organizations at the present time. The lack of capacity to progress in the normative area is complex and has many causes. But it comes at an inconvenient time because technological change is bringing about profound economic and social change. Many questions are arising in relation to those changes and their impact. One of those sets of questions concerns intellectual property rights and their fitness for purpose in the data-based intangible or knowledge economy. There are some who feel that there may be lacunae in the IP system in its application to data and artificial intelligence. I believe that it would be a good thing for a conversation around these complex issues to develop within the Organization. I am not suggesting that the world is in any way near formulating any new rules. It is less about providing answers and more about attempting to pose the right questions. We could all benefit from sharing knowledge, views and perspectives on these issues so as to advance our common understanding.

“Turning to the draft agenda of the current session of the Assemblies, there are a number of institutional questions that remain unresolved concerning the composition of the Coordination Committee and of the Program and Budget Committee and relating to external offices. There are also certain substantive questions, particularly those relating to the possible convening of a diplomatic conference on the proposed design law treaty and the design of a path forward to a possible diplomatic conference on broadcasting. It would be a wonderful achievement and a positive signal for multilateralism if the Member States were able to end the Assemblies having resolved at least one, if not several, of these outstanding questions.

“Before concluding, I would like to pay tribute to the wonderful staff of this Organization. There are many, many highly professional, skilled, dedicated and talented officers in the Organization who endeavor to ensure that the Organization delivers results and serves the interests of its Member States. The positive results over the course of the past 12 months owe much to them. The development of our human capital, the retention of talent and the flourishing of geographical and gender diversity are basic objectives of the management. In this respect, I should like also to re-affirm our fundamental commitment to the elimination of all forms of sexual exploitation and abuse and to the initiatives of the Secretary General and many others to put an end to such exploitation and abuse. Our support for a respectful workplace and working environment is unqualified.

“I wish all delegations a very fruitful meeting of the Assemblies, with the hope of positive results for the Organization.”

19. The [Report](#) of the Director General is available on the WIPO website.

ITEM 5 OF THE CONSOLIDATED AGENDA

GENERAL STATEMENTS

20. The Delegations and Representatives of the following 121 States, 6 intergovernmental organizations, and 8 non-governmental organizations made statements under this agenda item: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia,

Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Lithuania, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Nepal, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, South Africa, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, Zambia, Zimbabwe, African Regional Intellectual Property Organization (ARIPO), Eurasian Patent Organization (EAPO), Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC Patent Office), League of Arab States (LAS), Organization of Islamic Cooperation (OIC), South Centre (CS), American Intellectual Property Law Association (AIPLA), Inter-American Association of Industrial Property (ASIPI), China Council for the Promotion of International Trade (CCPIT), Health and Environment Program (HEP), International Federation of Library Associations and Institutions (IFLA), International Intellectual Property Commercialization Council (IIPCC), Knowledge Ecology International (KEI) and Third World Network (TWN).

21. The Statements on this agenda item are included in Annex I.

ITEM 6 OF THE CONSOLIDATED AGENDA

ADMISSION OF OBSERVERS

22. Discussions were based on documents A/58/3 Rev. and A/58/8.

23. The Legal Counsel referred to document A/58/3 Rev. and recalled that the Assemblies were invited to consider applications by two international and six national non-governmental organizations (NGOs) for observer status in the meetings of WIPO Member States, as listed in paragraph 4 of the document. The NGOs concerned were the following: (i) Confederation of Rightholders' Societies of Europe and Asia (CRSEA); (ii) 4iP Council EU AISBL (4iP Council); (iii) *Association des spécialistes de la propriété intellectuelle de Côte d'Ivoire* (A.S.P.I.C.I.); (iv) *Centre de recherche et de promotion du droit* (CRPD); (v) Egyptian Council for Innovation, Creativity and Protection of Information (ECCIPP); (vi) Korea Institute of Patent Information (KIPI); (vii) National Academy of Inventors, Inc. (NAI); and (viii) National Inventors Hall of Fame, Inc. (NIHF). The Legal Counsel recalled that in respect of the six national NGOs, and in conformity with the principles applicable to national NGOs adopted by Member States, the Secretariat had consulted with the Member States from which the NGOs originated prior to the submission of the NGOs' request to the Assemblies, and that the necessary agreement had been received in respect of all of the six applications concerned.

24. The Assemblies of WIPO, each in so far as it is concerned, decided to grant observer status to the following:

(a) International non-governmental organizations: (i) Confederation of Rightholders' Societies of Europe and Asia (CRSEA); and (ii) 4iP Council EU AISBL (4iP Council);

(b) National non-governmental organizations: (i) *Association des spécialistes de la propriété intellectuelle de Côte d'Ivoire* (A.S.P.I.C.I.); (ii) *Centre de recherche et*

de promotion du droit (CRPD); (iii) Egyptian Council for Innovation, Creativity and Protection of Information (ECCIPP); (iv) Korea Institute of Patent Information (KIPI); (v) National Academy of Inventors, Inc. (NAI); and (vi) National Inventors Hall of Fame, Inc. (NIHF).

25. The Legal Counsel referred to document A/58/8. He stated that the document provided an analysis of the increase in the number of NGOs admitted as observers at WIPO over the last two decades, as well as the respective participation rates of observers in meetings of the Assemblies and WIPO Committees. The Secretariat proposed to undertake an update of the list of NGO observers by conducting a survey among NGO observers that did not participate in the Assemblies or WIPO Committees during the last five years, to confirm their continued interest in the work of WIPO and their wish to retain their status as observers. He continued that depending upon the responses received, the Secretariat would then proceed to update the list as detailed in the document before the Assemblies. The Secretariat would thereafter report back to the Assemblies about the outcome of the updates of the list of NGO observers.

26. The Assemblies of WIPO, each in so far as it is concerned, took note of document A/58/8 entitled "Update of the List of the Non-Governmental Organizations Admitted as Observers at WIPO".

ITEM 7 OF THE CONSOLIDATED AGENDA

APPROVAL OF AGREEMENTS

27. See the report of the session of the WIPO Coordination Committee (document WO/CC/75/3).

ITEM 8 OF THE CONSOLIDATED AGENDA

DRAFT AGENDAS FOR 2019 ORDINARY SESSIONS

28. See the report of the session of the WIPO Coordination Committee (document WO/CC/75/3).

ITEM 9 OF THE CONSOLIDATED AGENDA

COMPOSITION OF THE WIPO COORDINATION COMMITTEE, AND OF THE EXECUTIVE COMMITTEES OF THE PARIS AND BERNE UNIONS

29. Discussions were based on documents A/58/7 and A/58/9 Rev.

30. The Chair of the WIPO Conference recalled that the Chair of the WIPO General Assembly had been conducting informal consultations on the issue and invited him to introduce the item.

31. The Chair of the General Assembly recalled the decision taken at the previous year's Assemblies according to which the Chair of the WIPO General Assembly would undertake consultations with Member States with a view to making a recommendation to the bodies concerned at their session during the 2018 Assemblies on the allocation of the vacant seats at the 2019 Assemblies. He had been actively consulting since the last Assemblies, in accordance with the mandate, and had held several informal consultations with a view to seeking a way forward. He expressed appreciation for the commitment of all delegates involved as they had all worked faithfully and in a constructive manner. He, however, regretted that

consensus had not been achieved in the lead up to the present Assemblies. In conclusion, he recalled that last year, there were four seats left vacant in the WIPO Coordination Committee. He noted, however, that due to an increase in the membership of the Berne Union Assembly, the total composition of the WPO Coordination Committee would now amount to 88 members, that is, one more compared to last year, resulting in five unallocated vacant seats. He observed that it was possible that this number might still change before the 2019 Assemblies should there be additional accessions to either the Paris or the Berne Convention.

32. The Delegation of Indonesia, speaking on behalf of the Asia and the Pacific Group, recalled that the number of allocated seats in the WIPO Coordination Committee had remained at 83 since 2011, and to better facilitate the deliberations on the vacant seats, the Group had submitted a proposal in document A/58/9 Rev. citing Article 8(1)(a) of the WIPO Convention. The document listed the legal basis for the composition of the Coordination Committee drawn from the Executive Committees of the Paris and the Berne Unions, and States members that were not members of these unions, as well as Switzerland as *ex officio* member. Article 23 of the Berne Convention stated that, in electing the members of the Executive Committee, the Assembly shall have due regard to an equitable geographic distribution. Based on that, the Delegation noted that, since 2011, all four subsequent accessions to the Paris Union were from the Asia and the Pacific Group and that eight out of 12 accessions to the Berne Union were also from the Asia and the Pacific Group. The Group stood ready to engage constructively with a view to finding a solution to the allocation of the vacant seats of the WIPO Coordination Committee to better reflect the WIPO membership and the size of the groups, as well as accessions to the Paris and Berne Unions since 2011 from the respective WIPO groups. This allocation was not only timely but necessary in light of Articles 14(4) of the Paris Convention and Article 23 of the Berne Convention, on equitable geographical distribution.

33. The Chair recalled, once more, that the issue had been the subject of long discussions at last year's Assemblies as well as during the informal consultations that had been conducted since then. He observed that it was obvious that Member States could not yet conclude the item at this stage and added that the Regional Coordinators had also asked to have more time for their informal consultations and would revert to him in due course. Given the situation, the Chair proposed that delegations should make their statements when returning to the item later on. He reassured delegations that there would be ample time to make their statements once the item reopened.

34. Reverting to the agenda item, the Chair of the General Assembly announced that, in the absence of the Chair of the WIPO Conference, and with the delegations' permission, he would preside over the agenda item. He recalled that the agenda item had been opened and discussed the previous week, during which he provided the background on the item and on which it had been agreed to engage in further informal consultations. He stated that delegations had been actively consulting on this matter since then. In that respect, he wished to acknowledge the cooperation of Regional Coordinators and the delegations involved.

35. The Delegation of El Salvador, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), requested the Chair to once again suspend the agenda item, if possible, because its Group was still holding internal consultations.

36. Reverting to the agenda item, the Chair recalled that the item had been opened the previous week and again the previous day. He said that delegations had been actively consulting on the matter throughout the Assemblies.

37. The Delegation of Indonesia, speaking on behalf of the Asia and the Pacific Group, recalled that its earlier statement on the agenda item was on the number of allocated seats on the WIPO Coordination Committee, which had remained at 83 since 2011 due to the lack of consensus among regional groups. To help facilitate the consultation, the Group had submitted

a proposal contained in document A/58/9 Rev. Based on the aforementioned proposal and taking into account all regional groups' positions and interests with regard to the agenda item, it had also put forward a compromise solution that the Group hoped to be acceptable for all. The Group wished to thank all regional groups and Member States for their engagement and also expressed its thanks to all regional groups for the constructive spirit shown during the consultations. It noted that the Group had exhausted all flexibilities to be able to consider the compromise solution, and that at this point it preferred to maintain *status quo* on the matter and to continue discussions with regard to its proposal after the WIPO General Assembly.

38. The Delegation of Morocco, speaking on behalf of the African Group, expressed its appreciation to the Legal Counsel for the information provided to the Group following its request last June, and which had enabled the Group to have more information regarding the distribution of seats within the WIPO Coordination Committee. The Group also took note of the proposal put forward by the Asia and the Pacific Group, and thanked the Group for its proposal, which the African Group endorsed and supported. The geographic distribution was an important criterion recognized by the provision of the Paris and the Berne Conventions that had to be taken into account in the process of the election of the members of the executive committees. The distribution of seats within the WIPO Coordination Committee should reflect faithfully and proportionally the composition of WIPO and the respective size of the regional groups of the Organization, in such a way that it took into account the balancing of geographical distribution. It was unfortunate that the agreement on the best ways of distributing the five additional seats had not been found during the consultation opportunities or in the Assemblies. The Group was still optimistic that consensus would be reached on this topic in the near future. It reiterated its thanks to the Chair of the WIPO General Assembly for the procedures and consultations undertaken with the regional group so as to submit a recommendation on the distribution of the five remaining seats. The Group would continue to contribute constructively to the consultations that would be carried out in this respect so as to arrive at a consensus.

39. The Delegation of Lithuania, speaking on behalf of the Central European and Baltic States (CEBS) Group, thanked the Chair for the numerous consultations he had undertaken regarding the composition of the WIPO Coordination Committee ahead of the WIPO General Assembly as well as during the WIPO General Assembly. The Delegation thanked the Asia and the Pacific Group for its proposal and expressed its appreciation for the Group's open and frank discussions with other Groups on the matter, as well as for the additional information provided by the Secretariat. The CEBS Group also expressed its personal thanks to Regional Coordinators for their efforts to find compromise solutions. New accessions to the Berne and Paris Conventions resulted in an increase in membership of the Paris and Berne Executive Committees, which also created five unallocated seats available on the WIPO Coordination Committee. It was not an easy issue as there was no previous practice in attributing such new seats. Although the calculation of the number of seats was based on Article 8 of the WIPO Convention, the Convention did not contain any provision on how the seats should be allocated to the regional groups. However, when considering geographical representation, delegations had to take into account not only membership in the Paris and the Berne Conventions, but also membership in other WIPO treaties. WIPO provided specific services and generated most of its income through its registration systems, therefore the main users of the system had stronger interest in and commitment to ensuring a good functioning of the Organization, than those Members that had ratified and implemented only a very few of the WIPO treaties. WIPO administered different unions and treaties and WIPO members were not parties to the same number of unions and treaties, namely, a WIPO Member could actually be party to just one single treaty or to more than 20 treaties. Taking into consideration WIPO specificities and the function of the WIPO Coordination Committee, which is to deal with all the administrative matters of the Organization and its Unions, geographical representation could not be the only criterion. The weight of each Member State in the Organization, in terms of using the system and of the number of treaties ratified, must also be taken into consideration in the attribution of new seats. Thus, in the same vein as members of other regional groups, 18 members of the

CEBS Group, who had ratified together more than 360 WIPO instruments, looked forward to having a seat allocated to its Group in the WIPO Coordination Committee. Against this backdrop, the CEBS Group believed that every multimember regional group should benefit from an additional seat, which would make the allocation process fair. Having said that, it was looking forward to continuing discussions on the composition of the WIPO Coordination Committee in the future.

40. The Delegation of China noted the composition of the WIPO Coordination Committee and the increasing number of its Member States. It stated that the WIPO Coordination Committee was one of the most important decision making bodies of WIPO and should reflect the representation of the Member States as much as possible, particularly the developing countries. The Delegation hoped that the Member States would reach an agreement on the allocation of the newly added seats according to the principle of flexibility and openness.

41. The Delegation of Switzerland, speaking on behalf of Group B, expressed its thanks to the Chair with respect to the consultations that he had undertaken since the last WIPO General Assembly regarding the composition of the WIPO Coordination Committee. The Group also thanked the other regional groups for the open, frank and constructive discussions that had been held throughout the week. Five new seats were available in the WIPO Coordination Committee and some members of its Group which currently had no seat in the WIPO Coordination Committee would be very keen on becoming an active member of this important Committee. Group B was conscious that other regional groups were also interested in nominating members for one or more of these new seats at the WIPO Coordination Committee. The question was complex as there was no precedent in attributing new seats in the WIPO Coordination Committee. Although based on Article 8 of the WIPO Convention, neither the Convention nor any other WIPO text indicated how and if the seats should be allocated to the regional groups. Taking into consideration WIPO's specificities and the function of the WIPO Coordination Committee, which is to deal with all the administrative financial and other matters of common interest, other criteria should also be taken into consideration in the attribution of new seats, such as for example, the use of registration systems and number of treaties ratified.

42. The Delegation of Iran (Islamic Republic of) aligned itself with the statement delivered by the Delegation of Indonesia on behalf of the Asia and the Pacific Group. The WIPO Coordination Committee played a highly influential role in the functioning of the Organization, and its decisions were absolutely fundamental for the work of WIPO. As was highlighted in the proposal made by the Asia and the Pacific Group, in electing the members of the WIPO Coordination Committee, due regard should be given to equitable geographical distribution. The table in the Annex of the proposal by the Asia and the Pacific Group under document A/58/9 Rev. demonstrated that the current composition of the WIPO Coordination Committee was clearly unbalanced and not fairly proportioned and representative of the relative size of the regional groups in WIPO. A balanced and fair allocation of seats and equitable geographical representation in the WIPO Coordination Committee was highly important. Therefore, the main objective of the allocation of five new seats should be a reduction of the current imbalance and a better reflection of the WIPO membership. Due consideration should also be given to the fact that the increase in the number of seats in the WIPO Coordination Committee was due to 12 accessions from the Asia and the Pacific Group, three from Africa and one from the Central Asian Caucasus and Eastern European Countries (CACEEC). Based on the report it received from its Regional Coordinator, there was a series of consultations among Regional Coordinators accompanied by a compromise solution. The compromise solution demonstrated a huge flexibility on the part of the Asia and the Pacific Group from its initial position but, unfortunately, it was not agreed upon. The Delegation said that it was of the view that this kind of solution deserved to be considered by all, as a very elegant basis for future discussion.

43. The Delegation of South Africa aligned itself with the statement of the Delegation of Morocco on behalf of the African Group, and thanked the Secretariat for the report, as well as the Asia and the Pacific Group for the proposal on the allocation of the five vacant seats on the WIPO Coordination Committee, and echoed the principle of proportional relativity. Article 14 of the Paris Convention and Article 23 of the Berne Convention provided that, in electing the members of the Executive Committee of the two Unions, the Assembly should have due regard to equitable geographical distribution and to the need for countries party to special agreements established in relation with the union to be among the countries constituting the Executive Committee. The principle of equitable geographical distribution should be deployed in the allocation of seats in the WIPO Coordination Committee. The Delegation said that it trusted it would receive the necessary attention that it deserved and reiterated that it would remain committed in solving this issue.

44. The Delegation of India aligned itself with the statement made by the Delegation of Indonesia on behalf of the Asia and the Pacific Group. The WIPO Coordination Committee was one of the principal coordinating bodies of WIPO, that there had been a number of consultations in the last few days to resolve the imbalance and current composition, and it was well understood that vacancies in the WIPO Coordination Committee had opened up due to accessions to the Paris and Berne Conventions. A compromise formula was also put forward by the Asia and the Pacific Group but had yet to achieve consensus and, as pointed out the previous day by the Asia and the Pacific Group Coordinator, they had exhausted all possible flexibilities on the agenda item as of now. It was therefore prudent that the *status quo* be maintained and that delegations continue discussions after the WIPO General Assembly.

45. The Delegation of Angola thanked the Asia and the Pacific Group for the proposal presented in document A/58/9.Rev., regarding the allocation of seats on the WIPO Coordination Committee, according to which it could be seen that the principle of equitable geographical distribution, pursuant to Article 14(4) of the Paris Convention and Article 23(4) of the Berne Convention, was the only one that should be taken into consideration for the allocation of seats on the WIPO Coordination Committee. However, the current distribution of seats on the Committee was disproportionate, with one single region accounting for over 70 per cent of its members, while others such as Africa, in particular, accounted for only 35 per cent of members. Bearing in mind the principle of equitable geographical distribution, as previously mentioned, and with a view to narrowing the existing gap in regional representation on the Committee, the Delegation echoed the call of the African Group on the matter, and believed that it should be given due consideration.

46. The Delegation of the Republic of Korea aligned itself with the statement made by the Delegation of Indonesia on behalf of the Asia and the Pacific Group. After the constructive discussion with the Regional Coordinators, they had been able to move forward with a compromise solution that could improve the geographical representation and inclusiveness of the Member States in all regional groups on the WIPO Coordination Committee but, regrettably, consensus had not been reached. The Delegation hoped that this compromise solution would be a basis for further discussion in the next WIPO General Assembly considering that the Group had exerted full flexibilities on a compromise solution during this WIPO General Assembly.

47. The Delegation of Singapore aligned itself with the statement made by the Delegation of Indonesia on behalf of the Asia and the Pacific Group as well for the proposal in document A/58/9 Rev. It noted that the composition of the WIPO Coordination Committee had a basis in law as governed by Articles 8(1)(a) and 9(1)(a) of the WIPO Convention and Article 14(4) of the Paris Convention and Article 23(4) of the Berne Convention. The composition of the WIPO Coordination Committee was formed by the Executive Committees of the Paris and Berne Unions. In particular, Article 14(4) of the Paris Convention and Article 23(4) stated that the Assembly should have due regard to equitable geographical distribution and to the need for countries party to the special agreements established in relation of the union to be

among the countries constituting the Executive Committees. The number of allocated seats on the WIPO Coordination Committee had stayed at 83 since 2011. No agreement had been reached at each election since on how best to allocate the additional seats on the WIPO Coordination Committee and had resulted that the Committee remaining, exceptionally, at 83 seats. The 2017 WIPO General Assembly also agreed that consultations on the composition of the WIPO Coordination Committee would continue with a view to making a recommendation to the bodies concerned at the sessions of the WIPO Assemblies in 2018 on the allocation of the vacant seats at the WIPO Assemblies in 2019. The current allocation of the WIPO Coordination Committee was not fairly proportioned and representative of the relative size of regional groups in WIPO. It further noted that the increase in the number of seats in the WIPO Coordination Committee since 2011 had come mostly from the Asia and the Pacific Group with four accessions to the Paris Convention and eight to the Berne Convention. In that regard the Asia and the Pacific Group had proposed a compromise solution taking into account other regional groups' concerns and had shown the utmost flexibility in trying to move the proposal forward in the present session. The Delegation stood ready to contribute constructively and actively and looked forward to engaging members to finding a prompt solution in the near future.

48. The Delegation of Pakistan aligned itself with the statement made by the Delegation of Indonesia on behalf of the Asia and the Pacific Group. Vitality of any multilateral organization hinged on a balanced geographical representation in all aspects of its work and therefore urged that all regions should be equally represented in WIPO Committees. The number of allocated seats on the WIPO Coordination Committee had remained at 83 since 2011. Article 14(4) of the Paris Convention and Article 23(4) of the Berne Convention stated explicitly that in electing members of the Executive Committee, the Assembly shall have due regard to equitable geographical distribution. Considering these provisions and the number of accessions to the Paris and Berne Conventions since 2011 from the Asia and the Pacific Group members, and taking into account equitable geographical distribution to address the current imbalance, its Delegation supported the Asia and the Pacific Group's recent proposal on compromise solutions. The Delegation looked forward to the continuation of productive discussions and an amicable solution to it.

49. The Delegation of Gabon aligned itself with the statement made by the Delegation of Morocco on behalf of the African Group. It thanked the Asia and the Pacific Group for its revised proposal on the composition of the WIPO Coordination Committee of WIPO, the Executive Committees of the Paris and Berne Unions, and also supported the proposal made by the Asia and the Pacific Group contained in document A/58/9 Rev. Geographical distribution within the WIPO Coordination Committee must reflect the principles clearly defined in the Paris and Berne Conventions. In Article 5 of the WIPO Convention, as had been demonstrated, the only written principle that should guide the discussions was that of equitable geographical distribution. The objective that should guide Member States was that of correcting an imbalance and not increasing it.

50. The Delegation of El Salvador, speaking on behalf of GRULAC, thanked the Chair for his efforts on a topic that had been pending for a long time as, unfortunately, it had not been acceptable to all the members. It hoped that Member States would be able to deal with this matter before the next Assembly and highlighted the importance it would give the topic by reaching a favorable distribution for all the regional groups without excluding anyone, a priori, based on criteria on which discussion had not taken place.

51. The Delegation of Egypt was of the view that equitable geographical distribution was a cornerstone for the work of WIPO and other multilateral bodies. Such a composition was not a bureaucratic requirement but was essential for the representativeness of the WIPO Coordination Committee. Therefore, it supported the Asia and the Pacific Group's proposal to expand the WIPO Coordination Committee in order to reach fair and equitable geographical representation, thus ensuring full and equitable representation of each geographical group.

52. The Chair thanked all delegations for their statements. The statements were duly recorded and would appear in the reports of the meeting together with any written statements received. He thanked the regional group coordinators and delegations involved for their cooperation in the consultations that had taken place during these Assemblies, noting that it had not been possible to fully resolve the issue. There had been useful exchanges and delegations had improved their understanding of each other's positions. There was an emerging consensus to maintain the *status quo* at this stage and continue with consultations right after the Assemblies with a view to reaching a conclusion on the matter at the next meeting. He intended to continue facilitating those consultations and hoped he could count on the delegations' active engagement to achieve a resolution at the next Assemblies.

53. In order to facilitate the closing of the agenda item, the Chair proposed a similar decision paragraph as the one agreed on last year.

54. The Assemblies of WIPO, each in so far as it is concerned, decided that the Chair of the WIPO General Assembly will undertake consultations with Member States on the allocation of the vacant seats at the WIPO Assemblies in 2019, for the election of the composition of the WIPO Coordination Committee, and of the Executive Committees of the Paris and Berne Unions, at the same WIPO Assemblies.

ITEM 10 OF THE CONSOLIDATED AGENDA

COMPOSITION OF THE PROGRAM AND BUDGET COMMITTEE

55. See the report of the session of the WIPO General Assembly (document WO/GA/50/15).

ITEM 11 OF THE CONSOLIDATED AGENDA

REPORTS ON AUDIT AND OVERSIGHT

(i) Report by the Independent Advisory Oversight Committee (IAOC)

56. See the report of the session of the WIPO General Assembly (document WO/GA/50/15).

(ii) Report by the External Auditor

57. Discussions were based on documents A/58/5 and A/58/6.

58. On behalf of the External Auditor, Mr. Venkatesh Mohan, Deputy Comptroller and Auditor General delivered his report as follows:

“At the outset I would like to convey greetings and compliments from Mr. Rajiv Mehrishi, the Comptroller and Auditor General of India. It is my privilege to present to you today, on his behalf, the results of the external audit of the World Intellectual Property Organization (WIPO) for the financial period ended December 2017.

“The audit of WIPO was assigned to the Comptroller and Auditor General of India for financial years 2012 to 2017 in terms of the approval of WIPO General Assembly's 40th Session held in Geneva in October 2011. The scope of the audit is in accordance with Regulation 8.10 of the Financial Regulations and the Terms of Reference set out in the Annex II to these regulations.

“The audit was conducted in accordance with the International Standards of Auditing issued by the International Federation of Accountants and adopted by the Panel of

External Auditors of the United Nations, its Specialized Agencies and the International Atomic Energy Agency; and in accordance with the Auditing Standards of the International Organization of Supreme Audit Institutions; and Regulation 8.10 of the Financial Regulations of the WIPO.

“Our Audit Report contains 16 recommendations. The recommendations were finalized after obtaining the response of Management on our audit findings. I am happy to report that WIPO has accepted most of our recommendations. Follow-up of open recommendations is an ongoing process and the implementation of the recommendations is being monitored periodically.

“In addition to expressing an opinion on the financial statements of WIPO, our audit coverage included areas on economy, efficiency and effectiveness of financial procedures, the accounting system, internal financial controls and general administration and management of WIPO. The areas covered by us in this cycle of audit were the Performance audit of the Madrid System, and the compliance audit of the Premises and Maintenance.

“The audit of the financial statements for the financial period 2017 revealed no weaknesses or errors which we considered material to the accuracy, completeness and validity of the financial statements as a whole. Accordingly, we have given an unqualified audit opinion on the WIPO’s financial statements for the financial period ended 31 December 2017.

“I shall now briefly dwell on the significant findings of our audits conducted during the year and our recommendations flowing from them.

“Some of our important recommendations arising out of the audit of Financial Statements are as follows: WIPO signed on January 31, 2018, an act of sale for the Madrid Union Building, acquired by WIPO in 1974. The property was held at fair value of 6.2 million Swiss francs, based on a valuation by an independent expert in October 2015. The said property was sold to Rolex Pension Fund, which already owned four of the five blocks of the “Building” and had offered to purchase the remaining block owned by WIPO for CHF 7 million. The sale of Madrid Union Building was effected without competitive bidding, which is a requirement as per the Financial Regulations and Rules. We believe that the circumstances under which the transaction for sale of the Madrid Union building was entered into without following the competitive bidding process should be fully disclosed and explained to the General Assembly. We have recommended that the sale of the Madrid Union Building be placed before the General Assembly.

“We observed that three projects financed from the Special Project Reserves were no longer in operation. Their unspent balances were required to be returned to the Reserves from where they were appropriated. We have recommended that WIPO expedite the closures of the Geneva Lake Water, AB Buildings Replacement and Safety and Fire Protection projects, assess their status and expenditure and transfer the remaining balances to the Reserves. It is also recommended that WIPO lay down clear guidelines for project closure, with timelines, for project closure to be effectively monitored.

“Our important Recommendations arising out of audit of the Madrid System are as follows: we conducted a performance audit of the Madrid System to assess whether the systems and processes were adequate to meet the objective of providing services to its customers for registering and managing trademarks worldwide.

“We observed that the Madrid System has Contracting Parties predominantly from Europe (47 members) followed by Asia Pacific (22), Africa (21), Middle East (5), Caribbean (3) and one each from Latin America and North America. We observed that in April 2016, the Working Group on Legal Development had emphasized the importance of including countries in Latin America and the Gulf Cooperation Council as a strategic focus. We also observed that the International Bureau of WIPO (IB) had not identified key regions for geographical expansion and had also not developed tailored strategies for accession. We have recommended that the Management should formulate a targeted strategy for accession of countries based on regional focus.

“The Common Regulations do not provide any time frame for completing examination of applications for different transactions. We noted that the processing of applications took a long time leading to backlog of pending transactions. We also noted that the Program & Budget document 2018/19 has laid down a time limit for processing transactions. We recommend that the Management adhere to the time limit defined in the Program & Budget document of 2018/19 for examination and processing of regular applications and further strengthen its efforts to reduce backlogs.

“We observed that 36-41% applications in the last four years had errors and the share of irregular applications processed in more than four months had gone up from 62% in 2014 to over 70% in 2017. We have recommended that the Management analyze the reasons for the errors in the applications and take mitigation measures. In addition, management should translate the classification guidelines in other languages.

“We observed that the Customer Service Board established in January 2016 had not formulated customer service strategy, customer service policies, standards and best practices, as required. We also noted that except for customer surveys carried out occasionally, feedback system to invite views and comments from international community was not available. We have, therefore, recommended that the Management establish a well-defined Customer Service Strategy, Standards and best practices supported by an effective e-based quality feedback system, to cater to the needs of customers efficiently. We have also recommended that the Management undertake regular Customer Surveys, as mentioned in Customer Service Charter, for feedback to improve their services.

“We noted that almost one and a half years was taken for the Madrid International Registry Information System (MIRIS) to go live after it was delivered for testing by the developer. We also observed that MIRIS had operational problems since its roll out in March 2016 and that WIPO plans to implement a new Madrid IT Platform in 2018/19. We are, therefore, recommending that the Management perform a detailed analysis of the performance of MIRIS, including any possible failures in accountability, for the lessons learned, and inform the General Assembly.

“Our important Recommendations arising out of Audit of Premises and Maintenance were as follows. We observed that one work of art was missing as per physical verification reports of external firms and that risk assessment framework and mitigation strategies for proper management of works of art was not available. We have recommended to WIPO to locate the missing work of art and to carry out risk assessment and review existing measures for security and protection of works of art.

“We observed that while WIPO had implemented some enhancements, a number of recommendations of the 2012 expert report for enhancing accessibility of handicapped persons to the (WIPO) campus have not been implemented. We recommend that the WIPO formulate an appropriate plan for implementation of the remaining

recommendations of the 2012 expert report for improved physical access to WIPO campus.

“In conclusion, on behalf of the Comptroller and Auditor General of India and all my colleagues who were deputed to conduct the audit of WIPO, I wish to place on record our appreciation for the cooperation and courtesy extended to us by the Director General, the Secretariat and the staff of the WIPO during our audit.

“I would also like to add that we have completed our six years tenure as the external auditor of WIPO. It has been a privilege for us to work as an external auditor and we have found this external audit engagement to be a professionally enriching experience. I congratulate the National Audit Office (NAO), UK for being selected as the next External Auditor of WIPO. I wish NAO and their teams success in their audit engagement.”

59. The Delegation of India thanked the External Auditor for the report, which was comprehensive and had been submitted in a timely manner, providing ample opportunity for Member States to examine and deliberate on it. The Delegation thanked the External Auditor for the meticulous work in making recommendations and welcomed the efforts of WIPO, which it complimented for having obtained an unqualified audit opinion for the financial year ending December 31, 2017. The Delegation commended WIPO for having accepted most of the recommendations made by the External Auditor and encouraged the Secretariat to work towards the implementation of all recommendations, particularly with respect to the Madrid System. The Comptroller and Auditor General of India, as External Auditor, had a rich experience of undertaking the audit of various international organizations for which it had received worldwide praise. It maintained the highest degree of professional standards, competence and trustworthiness in its work. The Delegation wished to congratulate the National Audit Office of the United Kingdom for its appointment as the next External Auditor of WIPO.

60. The Delegation of Switzerland, speaking in its national capacity, thanked the External Auditor for the WIPO External Audit report for 2017 and thanked the Secretariat for the responses provided. The Delegation noted, with satisfaction, that the External Auditor had given an unqualified audit opinion on WIPO's financial statements and it congratulated the Secretariat on this result. The Delegation also thanked the External Auditor for the performance audit of the Madrid System and wished, as a member of the Madrid Union, to make the following comments. Firstly, with regard to Recommendations 4 to 7 as well as Recommendation 10, Switzerland was pleased to see that the various actions undertaken by the International Bureau aimed at improving the quality of the services proposed, both those directly linked to the Madrid System and those related to the various tools that were used and made available to users. Secondly, Switzerland strongly supported Recommendation 8 which provided that the planning of human resources be done using a long-term strategy. In that context, the Delegation considered that it would be good to find an appropriate balance between fixed and temporary staffing resources. The Delegation noted that, on average, four examiner posts were vacant and that the turnover of the temporary staff was high. This contributed to increasing the costs of training, which were particularly high when associated with non-permanent personnel. The Delegation said that the qualifications and reliability of staff was key in guaranteeing the quality of work provided by the Madrid System. With regard to recommendation 9, the Delegation observed that the results of the Madrid Union had shown a positive trend since 2012. The results had improved significantly from a deficit of 2 million Swiss francs in 2012 to a surplus of 8 million Swiss francs in 2015/16. For the 2018/19 period, a surplus was expected. Switzerland therefore believed that there was no need for an increase in fees. In that respect, it was appropriate to bear in mind the effect that an increase in fees would have not only on the accession of new members to the Madrid System but also on the number of deposits made by current members. The Delegation believed that the fees should stay at a level that would not discourage new applications, especially by small enterprises or by

companies based in lower-income countries. With this in mind, Switzerland did not consider it appropriate to consider an increase in fees at this time. In conclusion, the Delegation wished to thank the External Auditor for the compliance audit of Premises and Maintenance in WIPO. The Delegation had taken note of the recommendations given in the report and the Secretariat's responses.

61. The Director General extended thanks, on behalf of the Organization, to the Comptroller and Auditor General of India for six years of extraordinary work. As delegations were fully aware, the role of the External Auditor was an important one in providing assurance to the whole Organization. WIPO was deeply grateful to the Comptroller and Auditor General of India, and his staff, for all of the fine cooperation experienced over the course of the previous six years. The Director General added that the Organization looked forward to continuing the work, which had already begun, with their successors, the National Audit Office of the United Kingdom.

62. The WIPO General Assembly and other Assemblies of the Member States of WIPO took note of the "Report by the External Auditor" (document A/58/5).

(iii) Report by the Director of the Internal Oversight Division (IOD)

63. See the report of the session of the WIPO General Assembly (document WO/GA/50/15).

ITEM 12 OF THE CONSOLIDATED AGENDA

REPORT ON THE PROGRAM AND BUDGET COMMITTEE

64. Discussions were based on document A/58/6.

65. The Chair noted that the item covered all Program and Budget Committee (PBC) matters except the reports on audit and oversight that had just been discussed under Agenda Item 11. One document was considered under the item, as stated in the List of Documents, namely document A/58/6, "List of Decisions Adopted by the Program and Budget Committee".

66. The Secretariat reported that, as 2018 was an off-budget year, only one session of the PBC had been held, namely the 28th Session, which had taken place earlier that month. The PBC agenda had covered a number of items, including Audit and Oversight matters; Performance and Financial Review; items following decisions of the 2017 Assemblies and, respectively, the 26th and 27th Sessions of the PBC; and Proposals. Some specific items discussed by Member States during the PBC had been addressed separately under Agenda Item 11. These included: (i) Report by the WIPO Independent Advisory Oversight Committee; (ii) Report by the External Auditor; and (iii) Report by the Director of the Internal Oversight Division. Member States had engaged very constructively with the Secretariat throughout the session and had taken note, or recommended for approval by the Assemblies, a number of items, as listed in document A/58/6. These items included: Proposed Amendments to the Terms of Reference of the WIPO Independent Advisory Oversight Committee and to the Internal Oversight Charter; Progress Report on the Implementation of the Joint Inspection Unit's (JIU) Recommendations; The WIPO Performance Report 2016/17 and the Internal Oversight Division (IOD) Validation Report of the WIPO Performance Report 2016/17; After-Service Health Insurance (ASHI) Liability; The Status of the Constitutional Reform Process; Methodology for Allocation of Income and Expenditure by Union; Supplementary Capital Master Plan Projects; the Annual Financial Report and Financial Statements 2017; and the Status of the Payment of Contributions and Working Capital Funds as at June 30, 2018. In this connection, document A/58/INF/5 provided an update in respect of the status of the payment of contributions and Working Capital Funds as at August 31, 2018. Furthermore, since

September 1, and September 24, 2018, the following contributions had been received: Eritrea 1,424 Swiss francs, Honduras 190 Swiss francs, Mali 21 Swiss francs, Niger 21 Swiss francs, Saudi Arabia 45,579 Swiss francs, Senegal 254 Swiss francs, Trinidad and Tobago 5,697 Swiss francs.

67. The Chair said that the statements from the PBC were duly recorded and introduced in their entirety in the report of the PBC. Delegations that had already had an opportunity to express their views on all of these matters at the PBC session held a few weeks previously did not necessarily need to make their statements again in the plenary session. Delegations could, however, refer to those interventions for the sake of efficiency. The Chair recalled that it was not necessary to take the floor to endorse or repeat statements made by the Regional Coordinators and thanked delegations for their understanding. The Chair opened the floor to delegations on the matters covered by the Secretariat's presentation, that was on PBC matters with the exception of the reports on audit and oversight, which were already covered under Agenda Item 11.

68. The Delegation of Switzerland, speaking on behalf of Group B, thanked Ambassador Andrew Staines for his work in having chaired the PBC session, as well as the Secretariat for its work in preparing the documents. The Group highly appreciated the timely submission of the PBC documentation. The Group welcomed the positive financial results for 2017, which showed a surplus of 18.6 million Swiss francs. Group B was pleased that WIPO had realized a positive financial performance for the sixth consecutive year. As already highlighted in their opening statement, continuing financial prudence was important to ensure that the Organization would continue its positive performance in the coming years. The Group also recognized the supplementary Capital Master Plan projects and the information provided on the needs identified concerning future projects. Continuous and forward-looking investments in a modern infrastructure that responded to the specific needs of the Organization were key to ensuring that WIPO would be able to continue to deliver high-quality services in the future while using its resources efficiently and realizing savings where possible. A long-term forward-looking approach was also required in the area of the ASHI liabilities incurred by the Organization. The Group welcomed the increased transparency in the presentation of the relevant figures and underlined the need to pay continued attention to these important liabilities, which progressively but decisively needed to be tackled, especially given WIPO's good financial results.

69. The Delegation of Lithuania, speaking on behalf of the CEBS Group, thanked the Chair of the PBC for his able chairmanship during the PBC as well as the Secretariat for its hard work in preparing the 28th Session of the PBC. The Group noted, with satisfaction, the financial result for 2017 with a recorded surplus of 18.6 million Swiss Francs, welcomed the sound performance of WIPO, and appreciated the fact that the Organization had shown a positive financial result for six consecutive years. The Group underlined the importance of continuing this positive trend in the future. With this in mind, the Group encouraged the Organization to make use of this sound financial situation to tackle the issue of ASHI liabilities. The Group also welcomed the Capital Master Plan projects related to migration to Cloud computing. The Group shared the view that these forward-looking projects would contribute to the better use of resources whilst ensuring efficiency in delivering high-quality services and helping to address cybersecurity challenges.

70. The Delegation of Indonesia, speaking on behalf of the Asia and the Pacific Group, thanked the Secretariat for its excellent work and for its presentation of document A/58/6. The Group also thanked the Chair and Vice-Chairs of the PBC for their effective and able leadership. The Asia and the Pacific Group had taken note of the Chair's remark regarding Agenda Item 11. Although the Group was part of the consensus on the decisions taken on Agenda Item 11, it had not yet delivered a statement with regard to reports on audit and oversight. In this regard, the Group wished to thank the External Auditor, the Internal Oversight Division (IOD) and the Independent Advisory Oversight Committee (IAOC) for their reports and

hoped that the External Auditor, the IAOC and IOD would continue to provide independent audit and oversight activities for the Organization. The Group noted the decisions as reflected in document A/58/6 and welcomed the financial and programmatic performance of the Organization for the 2016/17 biennium. The Group hoped that this General Assembly, as far as it was concerned, would consider the recommendations put forward by the PBC to the Assemblies positively, including the recommendation to approve the funding of supplementary Capital Master Plan projects.

71. The Delegation of the United States of America appreciated the report and the engagement of the other delegations during the PBC meeting. The Delegation supported the statement by Group B, noted that the PBC meeting was concluded in record time and thanked the Chair of the PBC for his leadership throughout the meeting. The Delegation supported the adoption of the recommendations from the PBC, subject to their reservation with regard to the Geneva Act of the Lisbon Agreement, and looked forward to continuing to work with the Secretariat and other delegations on issues that remained under discussion. The Delegation reserved its position with regard to the Geneva Act of the Lisbon Agreement by noting that the decision to approve the recommendations of the PBC by all WIPO Unions did not confer the approval of the Geneva Act of the Lisbon Agreement by the Paris Union or other concerned unions to which the United States of America belonged. Nor did these decisions confer the approval of the United States of America of the administration of the Geneva Act of the Lisbon Agreement by WIPO which, the Delegation believed, required notification and approval, in accordance with the WIPO Convention. The Lisbon Union had adopted the Geneva Act of the Lisbon Agreement without the approval of the Paris Union or the WIPO General Assembly and neither body had approved the Geneva Act. It seemed clear to the Delegation that there was a need for approval since the Geneva Act invited, as its members, contracting parties that were neither members of the Paris Union nor WIPO and hence could not be considered as a Special Union of the Paris Union in the absence of such approval. On the issue of the budget allocation methodology, the Delegation reaffirmed its serious concern that all fee-funded unions should comply with their treaties by having revenues sufficient to cover their own expenses and contributing to the common expenses of the Organization. The Delegation believed that the strength of the PCT System masked weakness in WIPO's other unions whose fees were set artificially low and not properly assessed or adjusted over time. The Delegation did not support the fact that the PCT System continued to pay such a disproportionate share of WIPO's total costs without addressing the glaring imbalance on WIPO's fee-based unions in shouldering their own costs and at least some of the shared costs of the Organization. Finally, the Delegation's approval of the Supplementary Capital Master Plan projects was without prejudice to their position on future capital spending by WIPO.

72. The Delegation of Brazil also thanked the Secretariat for the preparation of the large amount of documents presented at the PBC. The Delegation noted, with satisfaction, that WIPO continued to maintain a healthy financial situation reflected in a surplus of 18.6 million Swiss francs and increase in net assets of 35 per cent in comparison with 2016. Those positive results were in line with those attained over the previous few years and were made possible by a sustainable demand for WIPO's fee-financed global protection systems, coupled with a prudent management of expenditures. The Delegation also wished to refer to the forecast for future PCT income which had continued a positive trend over the previous 10 years. The predicted increase in surplus of PCT income could be put into good use by providing fee reductions for specific stakeholders without in any way endangering the financial health of WIPO. Considering those aspects, the Delegation had proposed, in the PCT Working Group, that a fee reduction be granted for universities. This would be an effective way of increasing patent activity by universities which provided valuable R&D technology that benefitted society as a whole. It was fully in line with WIPO's mission to stimulate innovation and provide a strong incentive to the attainment of Expected Result III.6 which had a specific indicator regarding the number of PCT applications originating from universities. The Delegation again urged

delegations to approve the proposal of a PCT fee reduction for universities at the next session of the PCT Working Group.

73. The Delegation of Morocco, speaking on behalf of the African Group, thanked the Chair of the PBC for his very effective work and the Secretariat for its efforts in ensuring the smooth running of the previous session of the PBC. The Delegation remained convinced that the PBC was an extremely important Committee for developing countries and least developed countries (LDCs). The PBC had a crucial role to play and it allowed Member States to exercise an oversight function on WIPO's finances and programs. All of this was very important given the importance of IP as a driver for development. The Group thanked the IAOC, IOD and the External Auditor for the very meticulous work they had done in ensuring that WIPO remained fully in line with all recognized international standards. The Group welcomed WIPO's healthy financial situation and noted the surplus of 18.6 million Swiss francs for the year 2017, which represented a decrease of 50 per cent compared to surpluses of 2016 and of 43 per cent compared to the 2015 surplus. The Group welcomed the IAOC's proposed modification of the Internal Oversight Charter and the other modification proposed during the 28th PBC session and wished to endorse all of them. In addition, the Delegation applauded the initiatives taken by WIPO in seeking to guarantee fair and equitable geographical distribution and applauded the work done on awareness raising with respect to that issue. The Delegation believed that this matter was absolutely vital and wished to take all steps required in order to gradually increase the scope of representation. The Delegation underlined the need to focus on Member States that were underrepresented, especially those from the African region.

74. The Delegation of the Russian Federation noted WIPO's healthy financial situation, the effective work done within the PBC, and supported the outcome of that work and the recommendations produced by the Committee as reflected in the relevant document.

75. The Delegation of France thanked the Chair of the PBC for his effective leadership and the Secretariat for its excellent work in respect of the general implementation of the Program and Budget. Regarding the Geneva Act of the Lisbon Union, the Delegation said that some of the arguments that it had heard that day echoed those already made at previous Assemblies which questioned the status of the Lisbon Union. The Delegation understood that a delegation was once again requesting that the Lisbon Union should not be considered as a Special Union for which WIPO must perform administrative tasks; that was to say that it should not be considered in the context of the Program and Budget. France could not support this request any more than it had been able to do in October 2015, October 2016 or October 2017, quite simply because article 4 (2) of the WIPO Convention of 1967 explicitly provided that the Organization should perform the administrative tasks of unions established in relation with the Paris Union. Article 1 of the Paris Convention clearly provided for the protection of indications of source and appellations of origin; moreover, Article 1 of the Lisbon Agreement left no room for doubt that the Lisbon Union was indeed established within the framework of the Paris Union. Therefore, continued the Delegation, the Lisbon Union was quite unequivocally a Special Union for which WIPO must perform administrative tasks. As all would be fully aware, a diplomatic conference was held in May 2015, under the auspices of WIPO, pursuant to both the WIPO Convention of 1967 and the decision of the WIPO General Assembly. In accordance with the sovereign will of the Member States of the Union, that Conference yielded a revision of the Lisbon Agreement termed the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications. One of the objectives of this revision was identical to an objective in the revision of the Madrid Agreement, namely to permit the accession of international organizations, such as the European Union and the African Intellectual Property Organization, of which certain Member States of the Union were members, and with which they shared their jurisdiction in matters of intellectual property protection. That which caused no problems for one union should not cause problems for any other union. The Delegation added that the observers had participated fully in producing the draft revised agreement, although international law ostensibly did not give them the right to vote on it. The Delegation wished to

refer delegations that questioned this fact to the Minutes of the Working Group that had prepared the Act, and to the Minutes of the Diplomatic Conference itself. Article 21 of the Geneva Act expressly provided for its contracting parties' membership of the Lisbon Union, while Article 22 (1) stipulated that such parties should be members of the same Assembly as the States party to the Lisbon Agreement. To put to rest any lingering doubts, the Delegation said that it was thus beyond question that the Geneva Act was adopted explicitly as a revision of the Lisbon Agreement by the Member States of the Lisbon Union. As a result, the Act clearly fell under Article 30 of the Vienna Convention. To claim otherwise would be to misinterpret international law and the Vienna Convention on the Law of Treaties. From the perspective of international law, it was clear as day that no change in the status of the Lisbon Union could be inferred from this revision, just as the Madrid Protocol in no way created a new Madrid Union. The Lisbon Union was a Special Union administered by WIPO and remained a Special Union administered by WIPO. Regarding the methodology used in the budget, the Delegation pointed out that the discussion on the allocation methodology for the income and budget by union was not new. It was one which had consumed a great deal of the Member States' and Secretariat's time and energy since 2015, without any genuine consensus having been reached. The Delegation wished to briefly reiterate France's position on this matter. The Government of France believed that changing the allocation methodology for the income and budget by union was not justified. Indeed, WIPO's financial results were good, excellent even: 56 million Swiss francs of profit, even under IPSAS. The Delegation said that there was a French expression "never change a winning team" that was perfectly apposite in this situation. It asked why changing a methodology that enabled the Organization to achieve such results should even be considered, and said that the very notion was absurd, all the more so since, thanks to the Secretariat's efforts, it had already been evidenced that such a change would exacerbate budgetary issues within the Organization rather than resolve them. It added that nobody could reasonably claim that it was in WIPO's interest to instigate a reform that made a situation worse instead of better. Lastly, concerning the requirement for efficient management and transparency in the presentation of WIPO's Program and Budget on which there was, of course, consensus, the Delegation said that France considered that the current methodology fully met that requirement in the absence of any evidence to the contrary. The Delegation deemed that the proper internal allocation of WIPO's resources was central to the Organization's vitality. It was a symbol of union and solidarity and a crucial factor in the pursuit of WIPO's original objective as enshrined in Article 3 of the Convention Establishing the World Intellectual Property Organization to "promote the protection of intellectual property throughout the world" and "ensure administrative cooperation among the unions". In conclusion, the Delegation said that, as it had stated on the occasion of previous Assemblies, it would not allow the united functioning of the Organization, notably the charging of WIPO's indirect expenditure to the various unions according to their ability to pay, to be undermined. This budget methodology, which enabled the appropriate management of cooperative action for developing countries, was and should remain a cornerstone of the Organization.

76. The Delegation of Switzerland supported the decisions that had been made and thanked the PBC as well as the Secretariat for the work that had been done thus far. Regarding the decisions, the Delegation referred to the statements made in the PBC in respect of allocation methodology as well as the Lisbon Union and the Geneva Act.

77. The Chair proposed to consider the decision paragraph related to the matters covered by the agenda item.

78. The Assemblies of WIPO, each as far as it is concerned:

(i) took note of the "List of Decisions Adopted by the Program and Budget Committee" (document A/58/6); and

(ii) approved the recommendations made by the Program and Budget Committee as contained in the same document.

ITEM 13 OF THE CONSOLIDATED AGENDA

OPENING OF NEW WIPO EXTERNAL OFFICES

79. See the report of the session of the WIPO General Assembly (document WO/GA/50/15).

ITEM 14 OF THE CONSOLIDATED AGENDA

REPORT ON THE STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS (SCCR)

80. See the report of the session of the WIPO General Assembly (document WO/GA/50/15).

ITEM 15 OF THE CONSOLIDATED AGENDA

REPORT ON THE STANDING COMMITTEE ON THE LAW OF PATENTS (SCP)

81. See the report of the session of the WIPO General Assembly (document WO/GA/50/15).

ITEM 16 OF THE CONSOLIDATED AGENDA

REPORT ON THE STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS (SCT)

82. See the report of the session of the WIPO General Assembly (document WO/GA/50/15).

ITEM 17 OF THE CONSOLIDATED AGENDA

MATTERS CONCERNING THE CONVENING OF A DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A DESIGN LAW TREATY (DLT)

83. See the report of the session of the WIPO General Assembly (document WO/GA/50/15).

ITEM 18 OF THE CONSOLIDATED AGENDA

REPORT ON THE COMMITTEE ON DEVELOPMENT AND INTELLECTUAL
PROPERTY (CDIP) AND REVIEW OF THE IMPLEMENTATION OF THE DEVELOPMENT
AGENDA RECOMMENDATIONS

84. See the report of the session of the WIPO General Assembly (document WO/GA/50/15).

ITEM 19 OF THE CONSOLIDATED AGENDA

REPORT ON THE INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY
AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE (IGC)

85. See the report of the session of the WIPO General Assembly (document WO/GA/50/15).

ITEM 20 OF THE CONSOLIDATED AGENDA

REPORT ON THE ADVISORY COMMITTEE ON ENFORCEMENT (ACE)

86. See the report of the session of the WIPO General Assembly (document WO/GA/50/15).

ITEM 21 OF THE CONSOLIDATED AGENDA

PCT SYSTEM

87. See the report of the session of the PCT Union Assembly (document PCT/A/50/5).

ITEM 22 OF THE CONSOLIDATED AGENDA

MADRID SYSTEM

88. See the report of the session of the Madrid Union Assembly (document MM/A/52/3).

ITEM 23 OF THE CONSOLIDATED AGENDA

HAGUE SYSTEM

89. See the report of the session of the Hague Union Assembly (document H/A/38/2).

ITEM 24 OF THE CONSOLIDATED AGENDA

LISBON SYSTEM

90. See the report of the session of the Lisbon Union Assembly (document LI/A/35/3).

ITEM 25 OF THE CONSOLIDATED AGENDA

WIPO ARBITRATION AND MEDIATION CENTER, INCLUDING DOMAIN NAMES

91. See the report of the session of the WIPO General Assembly (document WO/GA/50/15).

ITEM 26 OF THE CONSOLIDATED AGENDA

MARRAKESH TREATY TO FACILITATE ACCESS TO PUBLISHED WORKS FOR PERSONS WHO ARE BLIND, VISUALLY IMPAIRED OR OTHERWISE PRINT DISABLED (MVT)

92. See the report of the session of the Marrakesh Treaty Assembly (document MVT/A/3/2).

ITEM 27 OF THE CONSOLIDATED AGENDA

REPORTS ON STAFF MATTERS

93. See the report of the session of the WIPO Coordination Committee (document WO/CC/75/3).

ITEM 28 OF THE CONSOLIDATED AGENDA

AMENDMENTS TO STAFF REGULATIONS AND RULES

94. See the report of the session of the WIPO Coordination Committee (document WO/CC/75/3).

ITEM 29 OF THE CONSOLIDATED AGENDA

ADOPTION OF THE SUMMARY REPORT

95. Discussions were based on documents A/58/10, A/58/10 Add 1, A/58/10 Add 2, A/58/10 Add 3 and A/58/10 Add 4.

96. The Chair explained that the Summary Report had been made available to delegations and would now be submitted for adoption. After the Assemblies, the Secretariat would add the statements made by all delegations under each agenda item, including those made that day, and would finalize the Extensive Reports. As usual practice, these would be adopted by correspondence, as follows: delegations would receive the draft Extensive Reports by October 23, 2018; comments should be submitted by November 23, 2018; after which the Extensive Reports would be deemed adopted by December 7, 2018.

97. The Assemblies of WIPO, each as far as it is concerned,

(i) adopted the Summary Report (document A/58/10); and

(ii) requested the Secretariat to finalize the Extensive Reports, post them on the WIPO website and communicate them to Member States by October 23, 2018. Comments should be submitted to the Secretariat by November 23, 2018, after which the final reports will be deemed adopted by December 7, 2018.

ITEM 30 OF THE CONSOLIDATED AGENDA

CLOSING OF THE SESSIONS

98. The Delegation of Lithuania, speaking on behalf of the CEBS Group, expressed its deepest sympathy to the people of Indonesia for the losses inflicted by the deadly natural disaster. The Group thanked the Chair for his tireless efforts, dedication and guidance during the seven days. It also commended the Director General, the Senior Management and the Secretariat for their concerted efforts and the highest efficiency demonstrated throughout the year, before and during the Fifty-Eighth Series of Meetings of the Assemblies. The Group expressed its thanks and appreciation to the staff of the conference service, as well as to the highly professional interpreters who had ensured excellent working conditions for all. The Group also commended the skillful guidance of Mr. Daren Tang in facilitating discussions as regards the draft treaty for protection of broadcasting organizations, and thanked all regional groups for demonstrating the flexibility that had allowed Member States to reach a positive decision on this issue. The Group remained committed to these negotiations and with a view to achieving a contemporary instrument that took into account rapid technological developments in the field. Its members were engaged in the talks on the Opening of New WIPO External Offices and appreciated the attempts of Ambassador Mustafa Elamin to find a way forward. The Group noted that a solution for allocating up to four remaining external offices had not yet been found and reiterated its support for the Guiding Principles as a whole that were adopted by the WIPO General Assembly in 2015, and which should guide further work on the issue. On the question of the design law treaty, the Delegation thanked the Facilitator, Ms. Maria Inés Rodríguez, for her efforts to find a compromise solution and reiterated its regret that some members of one group had not been prepared to engage on this basis. It believed that the text of the design law treaty had already been finalized and that, in order to solve two outstanding issues, efforts and a spirit of compromise by all Member States was needed. The Group affirmed its continued constructive engagement. The Group also noted that a decision on the allocation of five available seats at the WIPO Coordination Committee remained to be taken and reiterated its belief that every multimember regional group should benefit from one additional seat when six seats became available. In conclusion, the Delegation thanked all delegations for their dedication and the efforts demonstrated throughout these series of meetings and wished all capital-based delegates a safe journey home.

99. The Delegation of El Salvador, speaking on behalf of GRULAC, expressed solidarity with the Government and people of Indonesia following the natural disaster that had taken many lives. It thanked the Chair for his leadership and his hard work, and the Secretariat for the work of the preparations and during the Assemblies. As stated at the outset of the sessions, GRULAC considered the work of WIPO extremely important. Member States had reached a conclusion on the draft treaty for protection of broadcasting organizations and had made their positions more flexible. The same could not be said for the Design Law Treaty (DLT) where, once again, the debate had been postponed to the next Assemblies. GRULAC was glad to have reached an agreement on external offices. Clearly, it was not what had been hoped for, but GRULAC was ready to participate actively in consultations with the proponents and other Member States. GRULAC thanked Ambassador Mustafa Elamin, Facilitator of the external offices, and the Chair, for assisting Member States to get out of the deadlock. It also thanked the interpreters and the conference section for their support, the Secretariat and the Director General, for the management of this important organization.

100. The Delegation of Morocco, speaking on behalf of the African Group, thanked the Director General and the Chair for his efforts prior to and during the WIPO General Assembly, in particular, for dealing with some very important issues. The Group also thanked the Secretariat for the excellent preparation of the Conference, and the interpreters, as well as the Regional Coordinators and the facilitators, for all their undertakings to ensure the success of the Assemblies. The Group noted that delegates had worked on difficult and complex issues that

required a great deal of thought and reflection in order to make proposals, and that the multilateral discussions and debate had allowed Member States to mature their thinking and reach solutions. However, Member States should maintain constructive and responsible discussions in order to reach the best possible results in the interest of their countries and to the service of the world as a whole. The Group will continue, as it had done in the past, to do everything in its power to bring positions close, to enrich and maintain the debate in order to achieve the results to which it aspired together with all other groups. The Group hoped that, at the next Assemblies, Member States would be able to examine all the important issues that were unresolved. The Group noted the efforts undertaken by all Member States to seek a solution. It recalled that consensus was the guiding principle of the debates, a principle that had been maintained over the years. The Delegation wished the Chair and all delegations a safe journey home and good health, and hoped that Member States would continue their work to enable constructive and positive decisions in the future.

101. The Delegation of Indonesia, speaking first in its national capacity, expressed Indonesia's deep appreciation and gratitude for the kind words extended to Indonesia in respect of the recent catastrophic earthquake that had occurred in its country. In addition, the Delegation expressed its gratitude for the solidarity and offer of assistance from the international community. The Delegation, speaking on behalf of the Asia and the Pacific Group, thanked the Chair, the Vice-Chairs and the facilitators for the stewardship shown during these Assemblies. It extended its appreciation to the Director General, the Chief of Staff, the Assemblies Affairs and Documentation Division, and the Secretariat for their assistance and preparation in ensuring smooth proceedings, including the excellent facilities and services provided. The Group was pleased that these Assemblies took note and guided the CDIP, the Standing Committee on Copyright and Related Rights (SCCR), the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), the Standing Committee on the Law of Patents (SCP) and the Advisory Committee on Enforcement (ACE) to continue their work. The Group also welcomed the reaffirmation to the mandate of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC) to expedite its work. The Group thanked the Chair of the SCCR for drafting a compromise solution on how to move forward with regard to the treaty for protection of broadcasting organizations. The Group reaffirmed its commitment to continue to be a part of the solution on this matter. With regard to audit and oversight, the Group wished to thank, once again, the External Auditor, IOD and the IAOC for their excellent reports and their efforts to continue to provide independent and effective audit and oversight for the Organization. The Group also welcomed decisions on human resources matters, and took note of the Ethics Office report and looked forward to follow up on matters contained in the report. The Group expressed its satisfaction that the Organization had shown a healthy financial performance and an increase in the Organization's net assets for the year 2017, including the positive financial and programmatic performance in the 2016/17 biennium. The Group recalled its proposals on the Composition of the WIPO Coordination Committee and of the PBC, and expressed regret that the Assemblies had not yet come to an agreement on these matters. The Group stood ready and looked forward to meaningful discussions between these Assemblies and the next. With regard to the Composition of the PBC, the Group stood ready to continue to be flexible and constructive in order to arrive at a solution that would be amicable for all. With regard to the allocation of the vacant seats of the WIPO Coordination Committee, the Group stated that it had exerted all flexibilities in coming up with the compromise solution that had been presented in the course of these Assemblies. The Group regretted that agreement had not yet been reached on the compromise solution, and hoped that the extra time for considering the proposed solution would help Member States to reach consensus. The Group once again thanked Member States and regional groups for their engagement, efforts and constructive spirit shown in the discussions on the two matters. The Group noted the decision taken on external offices, and hoped that, Member States would be able to agree on an acceptable solution for all next year. In concluding, the Group thanked Regional Coordinators, Member States, observers, stakeholders for their contributions, as well as, the Secretariat, the Director General and his

Senior Management Team, and most importantly, the conference services, the interpreters, the documentation team and the bilateral meeting arrangement team for their excellent work. Finally, the Group wished safe travel for all delegates and a happy early weekend for all Geneva-based delegates.

102. The Delegation of Switzerland, speaking on behalf of Group B, thanked the Chair for his dedicated guidance throughout the Assemblies and the Secretariat for its contribution during the Assemblies. It thanked the conference service for its availability, efficiency and professionalism, as always. The Group said that, as multilateralism had a lot to do with communication across borders and cultures, it warmly thanked the interpreters who were building bridges between languages. The Group also thanked all the Regional Coordinators, Member States, and facilitators for their commitment during these Assemblies. The Group expressed regret that the Assemblies again was not able to reach consensus on convening a diplomatic conference on the DLT. With respect to external offices, Group B noted the decision taken. Keeping in mind the 2015 decision of the WIPO General Assembly decision, including the Guiding Principles, as well as the 2017 decision of the WIPO General Assembly, which had to be strictly respected, it hoped that a constructive and pragmatic solution would be reached at the next WIPO General Assembly. The Group ended on a personal note as this was the speaker's last day as Group Coordinator. He took the opportunity to thank personally the other Regional Coordinators for the excellent and friendly relationships during his year of coordination. He very much appreciated the open and fruitful exchanges. He also expressed immense thanks to his Group for their support throughout the year.

103. The Delegation of China thanked the Chair and Vice-Chairs for their leadership during the WIPO General Assembly. It also thanked the Regional Coordinators for their great efforts, the Secretariat for the meticulous arrangements, as well as the Director General and the Senior Management Team for their high degree of involvement in the past week. The Delegation expressed regret that, despite concerted and continuous efforts during this WIPO General Assembly, consensus had not been reached on many pending issues. With regard to the Composition of the WIPO Coordination Committee and of the PBC, the Asia and the Pacific Group had proposed a constructive solution and had exhausted their flexibility to achieve geographical balance. The Delegation looked forward to all parties continuing to work in the coming year based on their proposal and to conduct efficient discussions to make substantive progress. With regard to external offices, the Delegation said it would be pleased to see the creation of more external offices for Member States to expand the service provided by WIPO and respond to the demand of users across the world. The Delegation also look forward to all parties being engaged in the discussions in a constructive manner in the future, and to providing creative solutions so as to convene a diplomatic conference for the DLT at an early date.

104. The Delegation of Austria, speaking on behalf of the European Union and its member states expressed its solidarity and sympathy to the people of Indonesia suffering from the recent earthquake and tsunami. It thanked the Chair and Vice-Chairs of the WIPO General Assembly for their great efforts, as well as the Chairs, Vice-Chairs and facilitators of the Committees, the Director General, the Deputy Directors General and the Secretariat for their untiring dedication and professionalism in reconciling the various different positions during the Assemblies. It also thanked the Secretariat for the preparation of documents and meetings, as well as the interpreters for their hard work and outstanding performance. It noted with appreciation that the efforts of Mr. Daren Tang, Facilitator in the informals on the broadcasting treaty, had led to a positive decision of the WIPO General Assembly to direct the SCCR to make its best efforts to achieve consensus in the remaining outstanding issues in future meetings of the Committee. It reiterated its continued commitment and great interest in the discussions and remained hopeful that they would result in a meaningful and inclusive treaty, efficiently responding to both the current and possible future needs of broadcasting organizations. With regard to Agenda Item 17, it thanked the Facilitator, Ms. Maria Inés Rodríguez, for her efforts. Nevertheless, it noted, with regret, that again, this year, no positive decision to convene a diplomatic conference

on the adoption of a DLT could be achieved, and that the matter remained on the agenda for the 2019 WIPO General Assembly. Turning to the WIPO General Assembly decision concerning the future work of the IGC, it very much welcomed that the WIPO General Assembly positively considered the recommendations agreed by consensus in the Committee, which called upon the IGC to expedite its work in accordance with its mandate for the 2018/2019 biennium. The European Union and its member states would remain engaged in continuing discussions on all three topics addressed by the IGC mandate. In closing, the European Union and its member states wished to reiterate its continued high commitment to WIPO's goals and work, and expressed the hope that the cooperative spirit shown in all WIPO Committees would prevail, and would help Member States to find constructive solutions to topics which could not be positively finalized at this meeting.

105. The Delegation of France extended its deepest condolences to the people of Indonesia who were again prey to more suffering. The Delegation aligned itself with the statements made by the Delegation of Switzerland on behalf of Group B and the Delegation of Austria on behalf of the European Union and its member states. The Delegation said that, under the guidance of the Chair, significant progress had been made in discussions. However, owing to a lack of consensus, discussions were deadlocked on some points. This was the law of multilateralism to which Member States had to remain faithful at all costs. At a time when some had adopted the deconstruction of the multilateral system as a major political goal, Member States had to spread the conviction that today, in the world as it is, nothing was more essential than multilateralism in facing the many challenges before them. It embodied an approach to international relations that was based not on the law of the strongest or the richest, but on responsibility and solidarity. Therefore, on the strength of its principles, multilateralism made it possible to rule out what historian Marc Bloch described as "the tragic prospect of repeating long-past history". The Delegation therefore wished to reiterate its Government's support for strong, modern and effective multilateralism, of which WIPO was a good example. Whatever was reasonable and whatever was not, Member States still had to produce results. The Delegation said that it was referring in particular to the DLT and the opening of external offices. These results would come, but they could not reasonably be part of a future so distant that it would become unreal. In any event, the Delegation wished WIPO to perform its missions under good conditions and to fully maintain its integrity. It followed therefore that it was necessary to preserve the unity of the Organization and solidarity between the unions, in accordance with the provisions of WIPO's founding Convention of 1967. Finally, the Delegation thanked the Secretariat, the conference services and the interpreters who had created the most remarkable working conditions during the Assemblies. It extended special thanks to its Regional Coordinator, Mr. Reynald Veillard, who had done a fantastic job that year.

106. The Delegation of the United States of America expressed condolences and sympathy to the people of Indonesia following the earthquake and tsunami. It supported the statement made by the Delegation of Switzerland on behalf of Group B, and welcomed the important work accomplished during the Assemblies. While some progress had been achieved, it was mindful that significant work remained in many areas. The Delegation wished, as always, to note its appreciation for the reforms that WIPO had undertaken and completed in the past several years. Transparency and maintaining the United Nations (UN) Common System was important to the Delegation. It was therefore pleased that Member States had agreed to the Secretariat report on the implementation of WIPO's Rewards and Recognition Program at the 76th session of the WIPO Coordination Committee. It also appreciated the Secretariat's discussion in that session to clarify the Organization's proposed amendments to the WIPO Staff Regulations and Rules. The Delegation further commended the Secretariat's steps to implement mandatory training for all WIPO staff on prevention of sexual harassment, and to support a workplace free of harassment. The Delegation availed itself of the opportunity to thank Member States for their continued engagement in the area of reforms, and to stress their collective responsibility to remain vigilant in ensuring that the UN and its specialized agencies modelled the highest standards of ethics and good governance. The Delegation welcomed the decision on the

Broadcasters' Treaty that would give SCCR experts the time needed to work toward developing a mature text with a likelihood for success. The Delegation wished to touch upon some of the work that remained ahead, which it had alluded to previously. Regarding the Organization's budget, it continued to urge members of all fee-funded Unions to continue to find solutions to their financial sustainability and for the Unions to contribute toward the common expenses of the Organization. The Delegation was disappointed that the Lisbon Union had altered its Working Group's recommendation to remove its reassessment of a fee reduction. It was also disappointed that it had not made progress in correcting its financial situation. In the coming year, the Secretariat would present the 2020/21 proposed draft Program and Budget and the allocation methodology for the income and expenditure by Union. The Delegation hoped that the proposal would allocate the common expenses of the Organization among all of the Unions, and encouraged each fee-funded Union to generate sufficient revenue to cover their own costs as well as such common expenses. The Delegation regretted that for the third consecutive year, the WIPO General Assembly had been unable to agree to convene the diplomatic conference on the DLT. On the IGC, it continued to be the Delegation's view that all Member States should continue to engage in evidence-based discussions that were helpful in reaching a common understanding on core issues. The Delegation said that it would continue to engage constructively in all future IGC discussions. It said that it was unfortunate that despite continued efforts to find a way forward on the matter of WIPO External Offices, Member States had been unable to make progress this year. The Delegation also wished to take the opportunity to reinforce the value and importance of the long-standing tradition of transparent, consensus-based decision-making in WIPO, which had been the traditional work methodology of the body since its founding. The Delegation thanked the Chair for his leadership during the Assemblies. It also wished to extend its appreciation to WIPO's conference services, to the interpreters, and all WIPO staff who had contributed to the smooth functioning of these meetings. The Delegation wished to take the opportunity to warmly express its deep appreciation for the hard work, dedication and steadfast efforts of the Group B Coordinator over the last year and thanked him for his leadership and positive attitude. Lastly, the Delegation also thanked all delegations and the Secretariat for their flexibility and willingness to engage in the collective effort to move the work of the Organization forward.

107. The Director General joined all delegations who had expressed their deepest sympathy to the Delegation of Indonesia and the people of Indonesia for the dreadful tragedy that had struck the country, and stated that their thoughts were certainly with the people of Indonesia. The Director General thanked the Chair, for his wise guidance and conduct of the meetings, as well as for all of the work that he had put into the preparation of the meetings. He also thanked the Chair, in advance, for all the work that would be required of him in the coming 12 months. He also thanked all the other actors who had been involved in the successful conduct of the Assemblies, including the Group Coordinators, delegates who had performed roles as Chairs of various other governing bodies, the facilitators, and colleagues who had done an extraordinary job in the physical organization of a rather complex set of meetings. The Director General wished to single out, in particular, the Secretary to the Assemblies, Mr. Naresh Prasad, as well as the immediate colleagues associated with the Director General's Office, the conference services, the wonderful translators and interpreters and the many persons who had been involved in the conduct of the Assemblies. The Director General noted that, at that stage, when the Assemblies were closing rather late at night, and had been unable to reach positive decisions on several items, Member States should not forget that there had been many bright spots in the conduct of the Assemblies in the course of the week. First, there had been extraordinary engagement on the part of Member States. The Director General expressed the Organization's indebtedness to Member States in that regard. There had been many important accessions to treaties of the Organization in the course of the week, also portraying a very positive sign of engagement. He said that the Assemblies provided an excellent networking opportunity between all Member States and he believed that many Member States had taken advantage of that opportunity and advanced international cooperation in the field of IP, in particular in relation to technical assistance and development coordination. This had been

extremely positive. Overall, the Director General believed that the performance of the Organization had been well received by Member States over the last 12 months. Nevertheless, all the Coordinators had noticed and remarked that the Organization was at a stage whereby it was finding it difficult to make positive decisions on certain important items. These included, of course, the institutional issues of the constitution of two very important committees, the PBC and the WIPO Coordination Committee, as well as the completion of the decision taken several years ago on the establishment of new external offices. It also included the normative agenda, to which many delegations had drawn attention, and the fact that, once again, the Assemblies had been unable, despite 99 per cent completion, to go forward with the proposed DLT. However, there had been a positive decision that had advanced the Organization in respect of the discussions on a possible broadcasting treaty. The Director General invited all delegations to reflect upon that incapacity to enable decision making on very important issues that were essential for the progress and advancement of the Organization. The Director General noted that Member States had 12 months ahead to prepare those decisions for the 2019 Assemblies. Those 12 months should be used constructively under the guidance of the Chair to achieve positive decisions on even the difficult issues in a time where it was not easy for the international community to come together. The Director General believed that the Assemblies had been very positive in some respects but everyone recognized that there was still work to be done. He believed that the one element of consensus reached in the final days was that everyone had the same appreciation of the meeting and of the situation we found ourselves in. The Director General once again thanked the Chair for all of his work and he thanked delegations for their excellent engagement and support for the Organization.

108. The Chair thanked the Director General for his remarks. He joined the Director General and previous speakers in expressing its deepest condolences to the victims, to the people and the Government of Indonesia, for the great loss and tragedy caused by the recent tsunami and earthquake. It stood by the people of Indonesia during these difficult times. The Chair thanked the Regional Coordinators, facilitators, and delegations for their active engagement and the good cooperation that he had enjoyed throughout the Assemblies. He said that although discussions had been difficult at times, Member States had managed to maintain a congenial and convivial environment that had greatly facilitated the work. The Chair noted that the vast majority of items at the Assemblies had been successfully concluded, be it the administration and oversight of the Organization as a whole, or substantive IP matters such as patents, trademarks or designs. With regard to the limited outstanding issues, he had agreed to conduct consultations during the year with a view to reaching consensus at the next Assemblies. He also intended to facilitate and support those consultations and hoped that he could count on an active involvement of delegations. In that respect, he would soon contact Regional Coordinators. The Chair expressed his deepest appreciation to these august Assemblies for having paid respect to the memory of the late President of Viet Nam, His Excellency Mr. Trần Đại Quang, who passed away on Friday, September 21, 2018. He said that he had conveyed those sentiments to the family, as well as to the Government and people of Viet Nam. The Chair concluded by thanking the Director General and the Secretariat for the support that had been provided to him as Chair, as well as for the most efficient organizational arrangements deployed for the Assemblies. He also thanked the interpreters for their dedicated service during the course of the Assemblies. The Chair wished all delegates, and most of all capital-based delegates, a safe trip back home.

109. The Fifty-Eighth Series of Meetings of the Assemblies and other Bodies of the Member States of WIPO was closed.

[Annexes follow]