

WIPO Assemblies
64th Series of Meetings, 6 July to 14 July 2023

- General Statement of the German Delegation to be included in the Report -

Thank you Madam Chair,

1. On behalf of the German government, we would like to thank you for your leadership in this Assembly meeting. We affirm our support for your work and share your commitment to the important activities of WIPO.
2. At this stage, we would like to thank Mr. DG Daren Tang for his leadership reflected in the Medium-Term Strategic Plan for 2022-2026. We fully agree with the underlying vision of a world in which innovation and creativity from anywhere is supported by IP for the good of everyone. We wish to assure Mr. DG Daren Tang again of our continued support in addressing WIPO's mission to develop a balanced and effective global IP ecosystem in order to promote innovation and creativity for a better and more sustainable future. We also thank the International Bureau as a whole for the professional preparation of this session.
3. We remain committed to the importance of a strong IP ecosystem; IP continues to be an important instrument for crisis recovery and for meeting the global challenges of our time, including global health, climate change, and sustainable development. WIPO has a very critical mission: to promote a positive culture of IP, provide expert input in international negotiations, and to assist countries, companies and individuals in using IP productively and effectively for the common good. It is our collective responsibility as Member States to ensure that WIPO can continue to deliver on its crucial mandate.
4. We note that this General Assembly has to discuss many controversial issues including very important items regarding the program and budget for the next biennium. We remind all delegations that reaching consensus on the basis of constructive discussions, mutual respect and understanding is the only way to make progress in multilateral settings. In this regard, we call upon all member states to keep in mind the mission of WIPO as a focal point in the field of intellectual property. In this regard already there is a lot of important work to do.
5. We have two diplomatic conferences ahead in 2024, regarding the Design Law Treaty and an international legal Instrument relating to IP, genetic resources and associated traditional knowledge. It will be important to ensure that the preparatory discussions proceed efficiently and effectively in building the necessary consensus for a successful conclusion of these diplomatic conferences. We look forward to engaging constructively in these preparations.

Regarding the Diplomatic Conference on IP, genetic resources and traditional knowledge as well as the sessions of the IGC, the participation of representatives of Indigenous Peoples and Local Communities is of particular importance. We are happy to announce that Germany will again contribute an amount of 15.000 EUR to the voluntary fund to

support effective participation from representatives of Indigenous Peoples and local communities. We encourage all member states to make voluntary contributions to the fund.

6. We also look forward to the Secretariat's report on the Assistance and Support for Ukraine's Innovation and Creativity Sector and Intellectual Property System. As stated in the report, the Russian Federation's continuing unprovoked and unjustified war of aggression against Ukraine has significantly impacted the innovation and creativity ecosystem in Ukraine. We urge WIPO, as the technical international organisation competent in intellectual property, to continue and expand its technical cooperation with and support to Ukraine.
7. The German Government considers intellectual property rights to be an integral part of the legal, economic and cultural framework within which enterprises and society as a whole function. Intellectual property rights remain a complex issue that is passionately debated around the world. WIPO as the central institution for developing the global IP policy and managing the worldwide IP infrastructure must contribute actively to this debate and demonstrate the positive function of intellectual property as an instrument for meeting the global challenges of our time, including global health, economic recovery, climate change, and sustainable development. We encourage WIPO to contribute actively, within its mandate, to the implementation of the Agenda 2030 for sustainable development, to identify areas for its own possible input in this process, and to do this in close cooperation with other Geneva-based institutions.
8. As the deliberations within the Standing Committee on Copyright and Related Rights (SCCR) demonstrate, the international harmonization of legal concepts in this field is a complex task which requires time and dedication on all sides. In view of the sensitive nature of the discussions in the SCCR, which under some agenda items have in the past traditionally been held in informal settings, we look forward to resuming the substantial work. It is important in our view that the traditional consensus on the allocation of time between agenda items within this Committee continues to be respected.
9. Germany remains committed to improving the protection of broadcasting organizations by reaching a consensus on an international treaty. In order for the treaty to be sustainable and successful in the long term, its scope of application should reflect the technical developments that have taken place in the meantime. Germany believes that the Second Revised Draft Text for the WIPO Broadcasting Organizations Treaty (document SCCR/43/3) provides a good basis for future work. Germany will continue to actively support the efforts of the SCCR in order to advance text-based work on an international treaty for the protection of broadcasting organizations.
10. Germany is interested in sharing national experiences regarding exceptions and limitations for certain organizations and purposes, as well as for people with disabilities other than print disabilities. Although Germany believes that there is no need for a legally binding international instrument in this area, we would like to learn more about other Member States' legal concepts and look forward to continued exchange on the basis of the Draft Work Program on exceptions and limitations proposed by African Group and adopted by the Committee during SCCR 43.

We are also interested in continuing the exchange of views on further issues such as the resale right and challenges for copyright in the digital environment.

11. Ever since the beginning of international IP cooperation and the founding of WIPO as an international agency for IP, patent law has been of core importance. Users of the patent system around the world are calling for the further development, harmonization and improvement of the patent system – a call that must be heeded by WIPO and its responsible standing body, the Standing Committee on the Law of Patents (SCP). Germany recognizes the SCP's ongoing work on important issues in this area.

One aspect which we would like to highlight specifically is Artificial Intelligence. The creative potential of this technology raises numerous opportunities and challenges in the field of intellectual property. In this regard we welcome the decision of the Standing Committee on the Law of Patents to address the issue of AI inventorship. We call on WIPO to provide an effective forum for structured substantive discussions on the numerous technical and legal questions regarding the interface between AI and intellectual property more generally, building on its work on IP and Frontier Technologies.

We welcome the sharing session that was held during the thirty-fourth session, on patentability of inventions using AI and by AI. And we are looking forward to an information sharing session on the use of AI for patent examination procedures, as well as updates by technical experts on the state of play regarding AI generated inventions, including AI technology capabilities and applications, at the thirty-fifth session. AI Technology raises numerous legal questions regarding patent protection of AI-related inventions, which are of fundamental importance for all Member States. In addition, AI-Technology provides numerous opportunities and challenges to the administration of the patent system. We therefore believe that the sharing of experiences and information on these topics in the SCP is highly beneficial for all Member States.

We are eager to continue work on issues of patent quality, including opposition systems, and the confidentiality of communications between clients and their patent advisors. Further work in this area is beneficial to all countries, irrespective of their level of development, since it would enhance the credibility, reliability and stability of the international IP system.

The German delegation has also been closely involved in the area of patents and health, and will continue to engage on these issues moving forward. We take into account the efforts and activities undertaken in this context by other WIPO committees and international organizations. We will follow with interest the sharing session among Member States on practices involving licensing of medical technologies for the diagnosis, prevention and treatment of COVID-19, including examples of compulsory and voluntary licensing to be held at the thirty-fifth session.

12. The latest figures on the development of application numbers under the Patent Cooperation Treaty (PCT) show that the success of the PCT system has been ongoing also in the aftermath of the COVID-19 pandemic. Germany is pleased to note that, according to the PCT Yearly Review 2023 published by WIPO, about 278,100 PCT applications were filed in 2022, which represents at least a marginal growth of 0.3% compared to the previous year.

As a patent-intensive country, both at the national and international level, Germany is pleased that the PCT system works well. In 2022 the German Patent and Trade Mark Office processed 7,005 international applications in the national phase, out of which 6,318 were filed by applicants from outside Germany.

We appreciate the numerous improvements in the PCT system achieved by changes to the technical and legal framework over the past years and we hope to see the constructive atmosphere that prevails in the PCT working group continued in the next sessions.

For these reasons, Germany, as always, stands committed to all necessary further developments in the PCT system to guide the system into a successful future. We encourage all WIPO Member States to take full advantage of the PCT system.

13. Regarding the DLT we look forward to engaging constructively in the diplomatic conference in 2024. We hope that long time controversial issues can be solved through constructive commitment of all member states and successful outcomes will be reached.
14. With regard to the Geneva Act of the Lisbon system, the accession of the European Union in 2019 was a milestone. Since then, the European Commission has sent a total of 228 EU geographical indications in three packages. We welcome the fact that the European legislative process for EU-wide protection for non-agricultural products has made rapid progress and will soon be completed. In this way, the European Union will be in a position to offer protection for members of the Geneva Act for these geographical indications and thus further increase the attractiveness of this international protection system.
15. Germany notes the broad consensus amongst Member States to continue work in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). Germany welcomes that the Committee agreed on a recommendation to renew the IGC's mandate for 2024-2025. The mandate reflects the fact that a diplomatic conference on IP, Genetic Resources and associated Traditional Knowledge will be convened in 2024 and allows us to continue the discussions with a focus on Traditional Knowledge and Traditional Cultural Expressions. Germany recognises the importance of the work carried out by this Committee. There is still a long way to go in order to achieve the aim of reaching consensus on an instrument that takes account of the interests of holders of traditional knowledge and traditional cultural expressions, and, at the same time, does not harm the functioning of the international IP system. We are willing to continue our constructive participation in this process.
16. Germany remains fully committed to further progress in the field of development, particularly in light of the United Nations 2030 Agenda for Sustainable Development. We support the continued implementation of the 45 recommendations of the Development Agenda in a balanced and consensus-driven manner and are pleased about the positive developments regarding the implementation of Development Agenda Projects. We note that the International Conference on IP and Development on the very relevant topic "IP and Innovation for Sustainable Agriculture" was well attended and highlighted the importance of IP in this context. We are certain that the spirit and readiness to engage in constructive and forward-looking efforts shown at the last sessions will continue in order to

rise to the challenges we face together in this important committee. Germany looks forward to participating in the upcoming discussions of the committee.

17. The German Patent and Trade Mark Office (DPMA) has continued its successful cooperation with WIPO.

After the withdrawal of the restrictions and limitations associated with the Covid-19 pandemic, the DPMA resumed the personal exchange in the working groups.

Experts of the DPMA participated in the working meetings of the

- PCT Working Group
- Standing Committee on the Law of Patents
- Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications
- Working Group on the Legal Development of the Madrid System
- Working Group on the Legal Development of the Hague System
- WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)

In cooperation with WIPO, the DPMA held a multi-day workshop on Examination of Supplementary Protection Certificates for Examiners of GDIP Albania in October 2022.

In close cooperation with WIPO, the German Federal Ministry of Justice, the German Federal Court of Justice and the German Federal Patent Court, the DPMA organised the WIPO Master Class on Intellectual Property Adjudication in Munich at the end of May 2023. Over the class of several days, more than 30 international and national judges exchanged views on current topics in patent law.

Distinguished Chair! Germany looks forward to contributing to a constructive and fruitful dialogue; you can count on our active support. We fully support the statements made by Group B and the European Union, especially with regard to condemning the Russian Federation`s unprovoked and unjustified war of aggression against Ukraine.