

## **Assemblies of the Member States of WIPO**

**Fifty-Sixth Series of Meetings**  
**Geneva, October 3 to 11, 2016**

GENERAL REPORT

*adopted by the Assemblies*

## 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, forty-eighth (26<sup>th</sup> Extraordinary) session
- (2) WIPO Conference, thirty-seventh (15<sup>th</sup> Extraordinary) session
- (3) WIPO Coordination Committee, seventy-third (47<sup>th</sup> ordinary) session
- (4) Paris Union Assembly, fifty-first (29<sup>th</sup> Extraordinary) session
- (5) Paris Union Executive Committee, fifty-sixth (52<sup>nd</sup> ordinary) session
- (6) Berne Union Assembly, forty-fifth (23<sup>rd</sup> Extraordinary) session
- (7) Berne Union Executive Committee, sixty-second (47<sup>th</sup> ordinary) session
- (8) Madrid Union Assembly, fiftieth (29<sup>th</sup> Extraordinary) session
- (9) Hague Union Assembly, thirty-sixth (16<sup>th</sup> Extraordinary) session
- (10) Nice Union Assembly, thirty-sixth (14<sup>th</sup> Extraordinary) session
- (11) Lisbon Union Assembly, thirty-third (12<sup>th</sup> Extraordinary) session
- (12) Locarno Union Assembly, thirty-sixth (15<sup>th</sup> Extraordinary) session
- (13) IPC [International Patent Classification] Union Assembly, thirty-seventh (17<sup>th</sup> Extraordinary) session
- (14) PCT [Patent Cooperation Treaty] Union Assembly, forty-eighth (28<sup>th</sup> Extraordinary) session
- (15) Budapest Union Assembly, thirty-third (15<sup>th</sup> Extraordinary) session
- (16) Vienna Union Assembly, twenty-ninth (13<sup>th</sup> Extraordinary) session
- (17) WCT [WIPO Copyright Treaty] Assembly, sixteenth (9<sup>th</sup> Extraordinary) session
- (18) WPPT [WIPO Performances and Phonograms Treaty] Assembly, sixteenth (9<sup>th</sup> Extraordinary) session
- (19) PLT [Patent Law Treaty] Assembly, fifteenth (9<sup>th</sup> Extraordinary) session
- (20) Singapore Treaty [Singapore Treaty on the Law of Trademarks] Assembly, ninth (5<sup>th</sup> 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, first (1<sup>st</sup> ordinary) session.

meeting in Geneva from October 3 to 11, 2016, 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 General Assembly (WO/GA/48/17), WIPO Coordination Committee (WO/CC/73/7), Paris Union Executive Committee (P/EC/56/1), Berne Union Executive Committee (B/EC/62/1), Madrid Union Assembly (MM/A/50/5), Hague Union Assembly (H/A/36/2), Lisbon Union Assembly (LI/A/33/3), PCT Union Assembly (PCT/A/48/5) and the Marrakesh Treaty Assembly (MVT/A/1/3).

3. The list of the members and observers of the Assemblies, as of October 3, 2016, is set forth in document A/56/INF/1 Rev.2.

4. The meetings dealing with the following items of the Agenda (document A/56/1) were presided over by the following Chairs:

Items 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 23, 29, 30 and 31	Ambassador Jānis Kārklīšs (Latvia), Vice-Chair of the General Assembly, as Acting Chair of the General Assembly
Items 7, 25, 26, 27 and 28	Ambassador Luis Enrique Chávez Basagoitia (Peru), Chair of the WIPO Coordination Committee
Item 19	Mr. Sandris Laganovskis (Latvia), Vice-Chair of the PCT Union Assembly, as Acting Chair of the PCT Union Assembly
Item 20	Mr. Miguel Ángel Margáin (Mexico), Chair of the Madrid Union Assembly
Item 21	Ms. Sarnai Ganbayar (Mongolia), Chair of the Hague Union Assembly
Item 22	Mr. João Pina de Morais (Portugal), as Acting Chair of the Lisbon Union Assembly
Item 24	Minister Marcelo Calero Faria García (Brazil), Chair of the Marrakesh Treaty Assembly

5. An index of interventions by delegations of States and Representatives of intergovernmental and non-governmental organizations mentioned in this report will be reproduced as Annex III to the final version of the present report. The agenda, as adopted, and the list of participants appear in documents A/56/1 and A/56/INF/3, respectively.

## ITEM 1 OF THE CONSOLIDATED AGENDA

### OPENING OF THE SESSIONS

6. The fifty-sixth 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. The sessions were opened in a joint meeting of all the 21 Assemblies and other bodies concerned by Ambassador Jānis Kārklīšs (Latvia), Vice-Chair of the General Assembly, who conducted the sessions as Acting Chair in accordance with Rule 10 of the WIPO General Rules of Procedure, and following consultations with Group Coordinators. The Acting Chair explained that Ambassador Gabriel Duque, demitted from his function as Chair of the General Assembly, effective August 8, 2016, due to his departure from Geneva to take up a new assignment. The Acting Chair paid tribute to Ambassador Duque for his excellent leadership and skillful management of the previous Assemblies that had resulted in a number of important decisions. The Acting Chair (hereinafter referred to as Chair) wished Ambassador Duque success in his new functions.

## ITEM 2 OF THE CONSOLIDATED AGENDA

## ELECTION OF OFFICERS

8. Discussions were based on document A/56/INF/1 Rev.2.
9. Introducing the agenda item, the Legal Counsel informed that there had been informal consultations among Group Coordinators and he was pleased to announce that, following those consultations, agreement was reached on the election of the following officers: the Chair and second Vice-Chair of the Coordination Committee, and the Chair and Vice-Chair of the Marrakesh Treaty Assembly. He also announced that given the assumption of the role of Acting Chair of the WIPO General Assembly by Ambassador Jānis Kārklīš (Latvia), in his capacity as first Vice-Chair, there was agreement during the informal consultations that Member States appoint, as an exceptional measure, an additional Vice-Chair of the General Assembly. The Legal Counsel also recalled that nominations were still pending in respect of the positions of the first Vice-Chair of the Coordination Committee, a Chair and two Vice-Chairs each, for the Paris Union Executive Committee and the Berne Union Executive Committee, as well as a second Vice-Chair for the Marrakesh Treaty Assembly.
10. The Chair subsequently announced that, in view of the absence of both the Chair and the Vice-Chair of the Lisbon Union Assembly, there was also need to elect an Acting Chair in that respect. The Legal Counsel indicated that this was pursuant to Rule 10(2) of the General Rules of Procedure.
11. Reverting to Agenda Item 2, the Legal Counsel announced that following informal consultations among the Group Coordinators, the officers indicated below were proposed for election, which was so agreed.

## General Assembly

Acting Vice-Chair: Juan Raúl Heredia Acosta (Mexico)

## Coordination Committee

Chair: Luis Enrique Chávez Basagoitia (Peru)

Vice-Chair: Pamela Wille (Ms.) (Germany)

Vice-Chair: Christopher Onyanga Aparr (Uganda)

## Paris Union Executive Committee

Chair: Magui Angèle Koubitobo Batisseck Nnoko (Ms.) (Cameroon)

Vice-Chair: R.M. Michael Tene (Indonesia)

Vice-Chair: Emil Hasanov (Azerbaijan)

## Berne Union Executive Committee

Chair: Fayssal Allek (Algeria)

Vice-Chair: Sumit Seth (India)

Vice-Chair: Manuel Guerra Zamarro (Mexico)

## Lisbon Union Assembly

Acting Chair: João Pina De Morais (Portugal)

## Marrakesh Treaty Assembly

Chair: Marcelo Calero Faria García (Brazil)

Vice-Chair: Sumit Seth (India)

Vice-Chair: Mark Schaan (Canada)

12. The list of officers for the Assemblies and other bodies appear in document A/56/INF/4.

## ITEM 3 OF THE CONSOLIDATED AGENDA

### ADOPTION OF THE AGENDA

13. Discussions were based on document A/56/1 Prov.6.

14. Each of the Assemblies and other bodies concerned adopted its agenda as proposed in document A/56/1 Prov.6 (referred to in this document and in the documents listed in paragraph 2 above as “the Consolidated Agenda”).

## ITEM 4 OF THE CONSOLIDATED AGENDA

### REPORT OF THE DIRECTOR GENERAL TO THE WIPO ASSEMBLIES

15. The Director General’s Speech is recorded as follows:

“Your Excellency Ambassador Jānis Kārklīņš, 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 2016 Assemblies. I thank the Member States for their support for the Organization, which is so apparent in the large participation in this meeting and in the extensive range of associated cultural and professional events that various Member States have generously agreed to sponsor throughout the week.

“I congratulate Ambassador Kārklīņš on his election as Chair of the Assemblies and I look forward to working with him in the coming week and year. I should like to express my thanks to the outgoing Chair, Ambassador Gabriel Duque of Colombia, for his exemplary and committed leadership as Chair over the past year and extend to him my best wishes for his new posting.

“Very good progress has been made across the Organization over the course of the past 12 months. The financial results of the Organization are outstanding. We ended the 2014-2015 biennium with an overall surplus of CHF 70.3 million. The net assets of the Organization grew, and stood at CHF 279.1 million at the end of 2015. We are tracking well in the current, 2016-2017 biennium. While it is still too early in both the year and the biennium to give estimates of likely results, we are confident that the results of the first year of the biennium, 2016, will be positive and will yield an overall surplus.

“While the financial condition of the Organization is very sound, there is little room for complacency. The outlook for the world economy remains risk-prone and uncertain. The Organization’s budget is in Swiss francs, with the consequence that negative interest rates remain a challenge for treasury management, and exchange rates are a constant risk factor that needs to be managed. In addition, the immediate horizon sees the likelihood of increasing expenditure in the information technology (IT) systems on which our revenue-generating Global IP Systems are based, as well as in safety and security, including cyber security.

“The Global IP Systems – the Patent Cooperation Treaty (PCT), the Madrid System for marks and the Hague System for designs – all performed well. The geographical coverage of the systems continued to expand, although there are still regions that are significantly under-represented in the Madrid and Hague Systems. Like the geographical coverage, the user base of the systems continued to deepen and to evolve in line with

recent trends in economic capacity and performance worldwide. In the PCT, for example, 43.5% of all international patent applications filed in 2015 originated in Asia, compared to 27.6% in North America and 27% in Europe. The system undergoing the most rapid development is the Hague System for designs. After decades of indifferent performance, applications under the Hague System grew by 40.6% in 2015, as a result of the recent accessions of several major economies. We expect an increase of a similar magnitude in 2016.

“A major cause for celebration was the entry into force last week, on September 30, of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled. I thank the 20 Contracting Parties whose accessions brought the treaty into effect, and, in particular, India, which led the way with the deposit of the first instrument of ratification; Latin America, which constituted the region with the largest number of countries represented in the initial 20 Contracting Parties; and Australia and Canada, the first developed countries to accede to the treaty.

“We have also made significant progress with the Accessible Books Consortium (ABC), a partnership of all relevant stakeholders that supports practically the aims of the Marrakesh Treaty through the exchange of books in accessible formats, capacity building and the promotion of accessible publishing. ABC has so far facilitated the loans of accessible books to 100,000 visually impaired people through its 19 participating libraries in 16 countries. It currently contains 319,000 titles in more than 76 languages. Participating libraries saved USD 11 million in production costs (for a book read aloud by a person) by being able to download 5,500 electronic books into their collections.

“A great many other positive results have been achieved by the Organization in the past year in many fields. The global databases and IT platforms and systems managed by the Organization have expanded in functionality and in use across the world. The Global Innovation Index, which is jointly produced by WIPO, and our other economic and statistical reports have received significant worldwide recognition. Our technical assistance and capacity building programs across the Organization have experienced growing demand. These and results in other areas are described in detail in my written report and I shall not enter into the details of them this morning. I should like only to repeat the tribute I have paid in my written report to the talented and dedicated staff of the Organization who have made so many of these achievements possible.

“Looking to the future, some of the most important challenges lie, as always, in the advancement of the normative program. On the agenda of these Assemblies is the proposed Design Law Treaty (DLT). Two issues remained unresolved at the time of the last Assemblies and prevented the convening of a diplomatic conference to conclude the treaty this year. The Standing Committee on the Law of Trademarks, Designs and Geographical Indications earlier this year came very close to reaching an agreed position on the two issues. There was widespread agreement on a common approach, with only isolated resistance. I very much hope that the Member States will be able to bridge the remaining difference in this meeting and decide to convene the diplomatic conference in 2017.

“Such a result would build confidence for the important work that needs to be accomplished in other areas of the normative program. Allow me to mention two such areas. The first is intellectual property and traditional knowledge, traditional cultural expressions and genetic resources. At last year’s Assemblies, the Member States established an ambitious work program for the Intergovernmental Committee (IGC) that is managing this area. Steady progress has been made in the year to date by the IGC, but it is clear that a very concentrated effort at a political level will be required in the coming year in order to report positive results to the 2017 Assemblies. I would urge the Member

States to make this effort, and to do so in a spirit of compromise, so that this long-standing item can be brought to a successful conclusion.

“The other long-standing item in the normative program is broadcasting. Like traditional knowledge, it does not arise for decision in these Assemblies. While some further progress has been made in the past year in the technical understanding of the issues and in defining a way forward, the time has come, after 20 years, for Member States to decide in a definitive manner what they wish to do with this item. I hope that the coming year will see such resolution demonstrated on the part of the Member States.

“Looking further into the future, I believe that the principal challenge that the Organization faces is complexity. The nature of intellectual property itself and its role in an economy in which value resides increasingly in intellectual assets, and in which technology and innovation are developing at accelerating speeds, is now inherently more complex. This development is raising fundamental questions about the fitness of old categories to new phenomena, which we see reported on an almost daily basis in many areas ranging from the creative industries to the life sciences.

“This subject-matter complexity is developing in a world of great asymmetries in knowledge capacity. A number of the Member States of this Organization have pre-industrial economies and may be pre-occupied with such questions as the transition from subsistence to commercial agriculture. They may quite legitimately strive to see the ways in which intellectual property can be relevant to their challenges. Other Member States have economies that are post-industrial, where intellectual property is central to their competitive model and to their competitive advantage. In between, there are economies with mixed models, with areas of excellence in innovation, science and technology, but otherwise a commodities profile or intermediate manufacturing capacity.

“There is a second type of complexity that has developed, partly, or even largely, as a result of the first, subject-matter complexity. It is institutional complexity. Because intellectual property is central to the economic strategy of many economies, and because it concerns subject-matter that is moving at lightning speed, these economies have naturally sought to advance their interests and to address questions wherever the opportunity presents itself. In consequence, we have seen the emergence of very active agendas in IP at the national, bilateral, plurilateral, regional and multilateral levels. In an age of globalization, all these agendas affect each other. For example, a national law will affect all those trading into that market.

“Many questions arise out of this complexity. The central one for the future of this Organization is the role of the multilateral in this new landscape of multi-speed and multi-layered complexity. It is a design question really. What is the value added by the multilateral and what can or should be done at the multilateral level, as opposed to other levels? Will multilateral organizations like ours become paralyzed by complexity or will they find ways to contribute to the management of complexity that provide benefits for the full range of diverse membership that a multilateral organization encompasses?

“Let me return now to the complexity of the agenda of the current Assemblies and wish you all success in resolving it. I hope that your decisions will set an orientation that advances the Organization to a new level in the coming year.”

16. The Director General's Report is reproduced as Annex I to the present report.

## ITEM 5 OF THE CONSOLIDATED AGENDA

## GENERAL STATEMENTS

17. The Delegations and Representatives of the following 114 States, 6 intergovernmental organizations, and 10 non-governmental organizations made statements under this agenda item: Albania, Algeria, Angola, Antigua and Barbuda, Armenia, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, Equatorial Guinea, El Salvador, Ethiopia, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea Bissau, Holy See, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Jordan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Madagascar, Malawi, Malaysia, Mexico, Mongolia, Montenegro, Morocco, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Spain, South Africa, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States of America, Viet Nam, Yemen, Zambia, Zimbabwe, African Intellectual Property Organization (OAPI), African Regional Intellectual Property Organization (ARIPO), Eurasian Patent Organization (EAPO), Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC), League of Arab States (LAS), South Centre (SC), Electronic Information for Libraries (eIFL.net), Ibero-Latin-American Federation of Performers (FILAI), Health and Environment Program (HEP), International Confederation of Music Publishers (ICMP), International Federation of Library Associations and Institutions (IFLA), International Intellectual Property Commercialization Council Limited (IIPCC), Innovation Insights, Knowledge Ecology International (KEI), Médecins sans Frontières (MSF) and Third World Network (TWN).
18. The Statements on this agenda item are included in Annex II of the present Report.

## ITEM 6 OF THE CONSOLIDATED AGENDA

## ADMISSION OF OBSERVERS

19. Discussions were based on document A/56/2.
20. The Legal Counsel recalled that the Assemblies were being invited to consider applications by three international and two national non-governmental organizations.
21. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, decided to grant observer status to the following:
- (a) International Non-Governmental Organizations: (i) African Library and Information Associations and Institutions (AfLIA); (ii) Centre international d'investissement (CII Suisse); and (iii) Medicines for Africa.
  - (b) National Non-Governmental Organizations: (i) Japan Intellectual Property Association (JIPA); and (ii) Karisma Foundation.



ITEM 7 OF THE CONSOLIDATED AGENDA

DRAFT AGENDAS FOR 2017 ORDINARY SESSIONS

22. See the report of the session of the WIPO Coordination Committee (document WO/CC/73/7).

ITEM 8 OF THE CONSOLIDATED AGENDA

NEW ELECTORAL CYCLE OF THE WIPO GENERAL ASSEMBLY OFFICERS

23. See the report of the session of the WIPO General Assembly (document WO/GA/48/17).

ITEM 9 OF THE CONSOLIDATED AGENDA

AUDIT AND OVERSIGHT MATTERS

(i) WIPO Independent Advisory Oversight Committee (IAOC)

24. See the report of the session of the WIPO General Assembly (document WO/GA/48/17).

(ii) Report by the External Auditor

25. Discussions were based on documents A/56/4 and A/56/12.

26. On behalf of the External Auditor, Mr. Nand Kishore, Deputy Comptroller and Auditor General of India, delivered his report as follows:

“Honorable Chair, distinguished Delegates, Excellences. At the outset, I would like to convey greetings and compliments from Mr. Shashi Kant Sharma, Comptroller and Auditor General of India. It is my pleasure to present to you, on his behalf, the results of the External Audit of the World Intellectual Property Organization. I thank this august Assembly for giving me the opportunity to present the report. The audit of WIPO was assigned to the Comptroller and the Auditor General India for the financial years 2012 to 2017, as approved at the Fortieth (20<sup>th</sup> Ordinary) session of the WIPO General Assembly, held 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 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; Auditing Standards of the International Organization of Supreme Audit Institutions; and Regulation 8.10 of the Financial Regulations of WIPO.

“We have carried out a detailed risk analysis before taking up the audit for the year ended 2015. A risk-based execution strategy was formulated to add value to the performance of WIPO while providing independent assurance to the WIPO Management. The results of the risk analysis formed the basis for our strategic and annual audit plans.

“Our audit report contains 30 recommendations. The recommendations were finalized after the response of Management to our audit findings was obtained. I'm happy to report that WIPO has accepted most of our recommendations. The follow-up of the open

recommendations is an ongoing process, and the implementation of recommendations is being monitored periodically.

“In addition to expressing a position on the financial statements of WIPO, our audit coverage includes the areas of economy, efficiency and effectiveness of financial procedures, the accounting system, internal financial controls and the general administration and management of WIPO. The areas covered by us in this cycle of audit were: Arbitration and Mediation Center, and Travel and Fellowships.

“Audit of the financial statements for the financial period 2015 revealed no weaknesses or errors which we considered material to the accuracy and validity of the financial statements as a whole. Accordingly we have placed an unqualified opinion for the financial period ended December 31, 2015”.

“I shall now briefly dwell on the significant findings of our audits conducted during the year and the recommendations flowing from them. We analyzed the data pertaining to PCT applications published during 2015 and observed that although the total number of PCT applications published almost matched the corresponding data given in the Annual Financial Report of WIPO for 2015, the international filings fees based on the number of applications published did not match. We also observed that the payment regularization of 4.7 million Swiss francs received by WIPO was included for the year 2015, although the payment related to the financial year as far back as 2004. In our opinion, had there been a mechanism to reconcile the value arising out of the PCT international filing fees in the reporting year with the figure based on the PCT applications published in that year, it would have enabled a correct depiction of the PCT fees in the financial statements. We have, therefore, recommended that WIPO may advise a detailed mechanism to ensure that the revenue arising from the PCT international filing fees in any reporting year be reconciled with the figure based on the PCT applications published in that year.

“We observed that there was no formal mechanism to ascertain whether there were any changes in the fair value of property, plant, and equipment, which required annual evaluation to ensure that the carrying amount did not differ materially from the fair value. We have recommended that WIPO may formalize suitable indicators and criteria that would guide it on the necessity of performing the revaluation of property, plant and equipment each year.

“We noted that fully depreciated assets with gross carrying amount of 10.31 million Swiss francs were in use. This implied that these assets possess economic value to the Organization, and that the useful lives of some assets might have been significantly underestimated. We recommended that WIPO may reassess the useful lives of assets to reflect their fair value and to achieve a reasonable estimate of the useful life of assets.

“A review of the result framework, for Arbitration and Mediation Center (AMC), for the biennia 2012/2013 to 2016/2017 showed that despite the achievement of targets under some categories being exceeded consistently by considerable margins, the targets for subsequent years were not suitably revised. We have recommended that AMC may continue to strengthen its mechanism for fixing realistic targets for performance indicators.

“The AMC has not been able to fully achieve all the three outcome indicators as *per* the MTSP relating to the increased use and enhanced demand for its global products contributing to the financial sustainability of the Organization. We have recommended that the AMC may adopt a more proactive approach to make WIPO's Alternative Dispute Resolution services the first choice for users, through attractive and cost-effective efforts. The AMC included new names on the list of neutrals, on the basis of applications from the candidates, invitations from the AMC to them, or after meeting them in various

trainings, workshops and conferences. We are of the view that the current system of empanelment does not allow the AMC to include names of neutrals from a wider field. We have recommended that the AMC may consider framing a more transparent and more publicized process setting out the inclusion of neutrals. While appreciating that, in reality, some delays may be inevitable which are not foreseen in the Rule, we are of the view that time is an important element in Domain Name Disputes resolutions because the ADR are preferred. We think that the AMC will reduce the time taken for providing domain name dispute resolution services to its clients by strengthening its monitoring mechanism.

“We observed a few instances of non-compliance with the Staff Regulations and Rules, office instructions and guidelines related to travel, home leave travel, education grant travel, travel on appointments and repatriation. We have recommended that WIPO may continue to adopt effective measures to comply with the rules and instructions in these cases of travel.

“We noted that the contract with the travel agent provided for only two kinds of bookings, viz., offline and online. As the contract did not provide for “agent-assisted” bookings, the travel agent was paid the higher of the two contracted rates. We have recommended that WIPO may take suitable steps to address the technical problem of booking online tickets and in the interim negotiate a minimum transaction fee for “agent-assisted” bookings with suitable contracts.

“In conclusion, on behalf of the Comptroller and the Auditor General of India, and all of my colleagues who conducted 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 WIPO during our audit.

“I thank you for providing us the opportunity to present our report for you. Thank you.”

27. The Delegation of Mexico expressed its gratitude for the presentation of the detailed report by the External Auditor, made on behalf of the Comptroller and Auditor General of India. The Delegation was particularly pleased with the Auditor’s statement that the 2015 Financial Statements of WIPO faithfully and accurately reflected the financial situation of the Organization and that the transactions made, generally speaking, were in line with the WIPO Financial Regulations. The Delegation congratulated the Secretariat on the work done, and on the global results achieved by WIPO in 2015, which had led to a surplus of over 33 million Swiss francs. Despite that, however, from the point of view of expenditure, the Delegation was concerned about staff costs, as they appeared to be the major part of expenditure and the Delegation thought it necessary to monitor those costs very carefully. It needed to be ensured that the human resources of the Organization were managed as effectively and efficiently as possible. Liabilities, particularly on the After-Service Health Insurance (ASHI), had increased by 10 million Swiss francs as compared with the previous year. In 2015, the total liability was 171 million Swiss francs. Bearing in mind the need to keep that figure within check because it had increased consistently over the last seven years, the Delegation urged the Organization, once again, to closely and carefully monitor the trend and to continue cooperating closely with the ASHI Working Group set up by the United Nations (UN) to deal with that issue. The Delegation believed that interagency coordination was very important in that matter, and hoped that Member States would receive a report on it at the Program and Budget Committee (PBC) in July 2017. The Delegation had noted the 30 recommendations made by the External Auditor on the programs of the Organization and on some aspects of governance. In that context, the Delegation urged the Secretariat to ensure that, at the 26<sup>th</sup> session of the PBC, Member States could receive a report on the progress made in the implementation of those recommendations, especially on the following: (i) the indicators and criteria needed to carry out an annual review of the property, plant and equipment. There was no established mechanism to evaluate whether any volatile changes in their fair value had taken place or not; (ii) reassess the useful

life of assets, to be able to see whether they faithfully and accurately reflect reality; (iii) a more transparent policy to deal with the process and the criteria for including neutral experts and mediators in the WIPO AMC's list of neutrals. The Delegation wished to see that list updated and published on a regular basis. Lastly, the Delegation wished to ensure that WIPO strictly complied with office instructions and rules on the matter of holidays, duty travel, home leave, repatriation, etc. In conclusion, the Delegation expressed its support for the decision recommended by the PBC on that agenda item.

28. The Delegation of India thanked the External Auditor of WIPO, the Comptroller and the Auditor General of India, for the report contained in the document A/56/4 on the financial statements of WIPO for the year ending December 31, 2015. The report was comprehensive and had been submitted in a timely manner, providing ample opportunity for Member States to deliberate on it. The Delegation said that it had gone through the observations and carefully studied the 30 recommendations made by the External Auditor as well as the responses of the Secretariat. The Delegation thanked the External Auditor for making useful recommendations and welcomed the steps taken by the WIPO Secretariat in implementing them, specifically, those on the AMC and the ones related to staff travel instructions and rules. The Delegation continued by saying that WIPO may devise a detailed mechanism to ensure that the revenue from the PCT international filing fees, in any given year, reconciled with the figures based on the PCT applications published in that year. The Delegation expected WIPO to formalize suitable indicators and criteria that would guide it on the necessity to perform the evaluation of property and equipment each year. The monitoring of the implementation of the recommendations made by the External Auditor was an important part of the accountability process. Most of the recommendations made in the External Auditor's report were at various stages of implementation. The Delegation complimented WIPO Management for the responses provided to the said recommendations and the measures taken in various areas. The Delegation urged the Secretariat to take actions to implement the pending recommendations. The External Auditor of WIPO had also undertaken the External Audit of the World Health Organization (WHO), the International Maritime Organization (IMO), the International Atomic Energy Agency (IAEA), the International Organization for Migration (IOM), to name a few. Its work had received worldwide praise. The highest degree of professional standards, competence, credibility and trustworthiness of the Supreme Audit Institute of India had been well recognized in their engagement with the various UN bodies. Before concluding, the Delegation wished to place on record its appreciation to the External Auditor for the diligent work and the timely presentation of the report.

29. The Delegation of Nigeria, speaking on behalf of the African Group, thanked the External Auditor and his team for the timely and comprehensive report on the key financial benchmarks for sustainability and the effective management of the Organization. The Delegation welcomed the clean audit report and urged the Secretariat to continue its efforts to meet the recommendations contained in the report and provide updates thereafter to the Member States.

30. The Delegation of Canada wished to commend and support the External Auditor, the IAOC and the IOD for their crucial work. The Delegation believed that the audit architecture comprised of an External Auditor, the IAOC and the IOD, fulfilled an essential role in promoting controls and helping Member States in their review of the Secretariat's activities. The Delegation reviewed the audit reports with great interest and called on the Secretariat to implement the recommendations therein. The Delegation welcomed the assurances that the Secretariat was working to do so and acknowledged the Secretariat's efforts.

31. The Chair thanked all delegations which had spoken on the subject and added that the External Auditor and the Secretariat had taken careful note of all proposals and would, certainly, follow up on them. There were no further requests for the floor. The Chair read out the proposed decision paragraph, which was adopted.

32. The WIPO General Assembly and other Assemblies of the Member States of WIPO took note of the "Report by the External Auditor" (document A/56/4).

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

33. See the report of the session of the WIPO General Assembly (document WO/GA/48/17).

#### ITEM 10 OF THE CONSOLIDATED AGENDA

##### REPORT ON THE PROGRAM AND BUDGET COMMITTEE

34. Discussions were based on documents A/56/5, A/56/6, A/56/7, A/56/8, A/56/9, A/56/10, A/56/10 Add., A/56/11, A/56/12, A/56/14 and A/56/15.

35. The Chair noted that there were 11 documents, and their corresponding decisions, under Agenda Item 10. The Chair recalled that there had been agreement on the majority of items before the PBC, except two issues where Member States could not find agreement. Therefore, the Chair proposed to structure the present discussion as followed: first, address the consensual items on which Member States had no difficulty agreeing; afterwards, discuss, one by one, the issues of: (a) Review of Allocation Methodology for the Income and Budget by Union; and (b) Opening of New WIPO External Offices (EOs). The Chair believed that the proposed approach was a rational way of addressing Agenda Item 10, which would allow Member States to proceed swiftly. The Chair then invited the Secretariat to report on the results of the PBC, except on the two pending issues referred to above.

36. The Secretariat recalled that the PBC had held its 25<sup>th</sup> session from August 29 to September 2, 2016. The agenda of the PBC had been heavy, but with the exception of two items, the PBC had been able to conclude on all items on its agenda. Excluding those items to be addressed under Agenda Item 9, namely, the audit and oversight matters, the PBC had taken note of and/or recommended for approval by the WIPO's Assemblies the following: the Report of the Selection Panel for the Appointment of the New Members of the IAOC; the Progress Report on the Implementation of the Joint Inspection Unit's (JIU) Recommendations; the Program Performance Report for 2014/15, together with the IOD validation report on the same; the Financial Management Report for the 2014/15 Biennium; the Review of the Medium Term Strategic Plan 2010 2015 and the Medium-Term Strategic Plan 2016 2021; Proposals on After-Service Health Insurance (ASHI) Liability; Further Update on the Proposal Concerning Hedging Strategy for PCT Income; Governance Issues; final and progress reports on the Construction Projects and the Implementation of a Comprehensive Integrated Enterprise Resource Planning (ERP) System in WIPO, respectively; and the Annual Financial Report and Financial Statements 2015 and the Status of the Payment of Contributions as at June 30, 2016. With regard to the latter, the Secretariat provided an update on the status of the payment of contributions paid since September 1, 2016: Argentina, 58,599 Swiss francs; Burkina Faso, 1,424 Swiss francs; Chile, 331 Swiss francs; Eritrea, 1,424 Swiss francs; Lao People's Democratic Republic, 1,424 Swiss francs; Niger, 25 Swiss francs; Panama, 742 Swiss francs; Samoa, 375 Swiss francs; Tonga, 2,849 Swiss francs; and Trinidad and Tobago, 5,697 Swiss francs.

37. The Chair opened the floor for comments by delegations on the so-called consent agenda items, i.e., every issue but Union budget allocation methodology and EOs.

38. The Delegation of Nigeria, speaking on behalf of the African Group, said that following discussions within the Group on the consensual items and those that required further discussions, the African Group was of the view that decisions on all items should be adopted at the same time.
39. The Chair asked the African Group to explain the rationale behind its proposal. The Chair thought that if there had been an agreement on the recommendations during the PBC, nothing should prevent Member States from endorsing those recommendations unless there was a disagreement on any of the consensual agenda items.
40. The Delegation of Nigeria responded that the African Group believed that if those agenda items enjoyed consensus it should not be difficult to gavel them at the appropriate time, that is, when all of the items under Agenda Item 10 would have been discussed.
41. The Chair asked whether the implication was that if Member States would not find agreement on one or the other, they would not have agreement on the consensual agenda items, as that was what he had understood from the Delegation's statement.
42. The Delegation of Nigeria clarified that it was not what it meant. The African Group only wished for the opportunity to discuss all items under Agenda Item 10 and have the opportunity to gavel them at the same time. The Delegation recalled that a similar procedure had been employed during the previous year's Assemblies. At the time, the African Group had also made a request that all agenda items under "Report of the PBC" be adopted together.
43. The Delegation of the United States of America supported the Chair's proposed method of work. It recalled that, the previous year, delegations had been working until the early hours of the morning. At present, delegations were much more lively and could best address any questions and comments there might be. Therefore, the Delegation would prefer to work in the daytime rather than very late on Tuesday night or Wednesday morning of the following week. The Delegation proceeded with a short intervention regarding the Medium-Term Strategic Plan (MTSP) for 2016-2021 and its Addendum. As the Delegation had previously noted, the United States of America objected to those parts of the draft MTSP for 2016-2021 that suggested that WIPO intended to administer the Geneva Act of the Lisbon Agreement without a decision by the Organization as a whole. Those comments had been annexed to the MTSP as document A/56/10 Add. The Delegation had noted, in its opening statement, its objection to the language that implied that WIPO would automatically administer the Geneva Act without having the approval of the full WIPO membership as required by the WIPO Convention. The Delegation objected to any language making such an implication, whether in the MTSP, the WIPO website, the Director General's report or any other document.
44. The Chair thanked the Delegation of the United States of America for the statement and the flexibility it had shown on the subject during the PBC session.
45. The Delegation of Pakistan supported the request made by the African Group to gavel decisions on all PBC items together.
46. The Chair noted the request and added that, nevertheless, there was nothing to prevent delegations from discussing the items under the consensual agenda.
47. The Delegation of China commented on the Program Performance Report (PPR) for 2014/15. The Delegation thanked the Secretariat for the PPR 2014/15 which it found detailed in data and rich in content. The Delegation welcomed that 72 per cent of the performance indicators were assessed as fully achieved and appreciated and welcomed the introduction of risk reporting in each program. The Delegation also expressed its appreciation for the excellent work done by the Director General and his team. It wished to make some observations on the reporting in the following two areas: first, the Delegation paid great attention to the slow progress under the Strategic Goal 1 (Balanced Evolution of the

International Normative Framework for IP). The Delegation called for the promotion of an early entry into force of the Beijing Treaty and hoped that the long-term discussion on other treaties would show results soon. The Delegation added that it would participate in the coordination of discussion on the DLT and looked forward to positive progress. Second, with regard to the mirror sites of the PATENTSCOPE database in Tokyo, Japan, the Delegation thanked the Secretariat for the explanation provided in the PBC. However, given that the Organization represented an important data source for global IP information, the selection of mirror sites was a major issue concerning the Organization's data security. The Delegation hoped that the Secretariat would disclose the following information under the principle of openness and transparency: (1) the current status of the use of PATENTSCOPE by users, including the origin of users and the volume of use in different countries or regions; (2) the information on bidding and tendering while setting up the mirror sites; and (3) during the selection of the sites, a comprehensive evaluation report on the potential risks of data loss caused by earthquakes, floods, typhoons and other reasons.

48. The Chair said that the Secretariat had noted the questions and would be able to answer them at the end of the discussion.

49. The Delegation of Iran (Islamic Republic of) commented on the proposed methodology to proceed with Agenda Item 10 and shared the position of the Delegations of Nigeria and Pakistan. It was the Delegation's preference to deal with all details of the present item together.

50. The Delegation of South Africa supported the statement made by the Delegation of Nigeria regarding the methodology, i.e., that all items pertaining to the PBC be gaveled at one go.

51. The Chair remarked that, under the circumstances, he would not proceed with the gaveling of items but rather with the debate on all items of consent. He invited delegations to take the floor if they wished to comment on the substance of the items agreed during the PBC. Afterwards, he would proceed with the discussion of the outstanding issues: the Allocation Methodology for the Income and Budget by Union and the EOs.

52. The Delegation of Brazil noted the sound financial situation of WIPO as reflected in the PBC documents. The Organization showed a healthy surplus of 33 million Swiss francs out of the total revenue of 381.9 million Swiss francs in 2015 and underlined the efforts made in order to reach that positive result. The Delegation had made comments on the MTSP 2016 2021, understanding that it was not a document to be approved by Member States. Nevertheless, it was the Delegation's view that Member States' views should be taken into account in an open and transparent process. The Delegation added that it would follow the MTSP's implementation in order to analyze it and provide further comments in the future. Regarding the PPR, the Delegation noted that the individual program assessment reports did not provide any information on the budget for development expenditure and added future versions of the PPR should include such information. Furthermore, development expenditure should be broken down, under each item, in order to provide more detail on personnel and non-personnel costs. Lastly, the Delegation said that it would still be interested in knowing how the expression "development oriented" appearing in the PPR translated into practice.

53. The Delegation of France welcomed the intensive and productive work done in the last PBC. Concerning the MTSP, the Delegation believed that it was necessary to further stress the promotion of the Lisbon Union for the protection of geographic indications, including the Geneva Act. The Delegation understood that the Delegation of the United States of America had again said that the Geneva Act should not be administered by WIPO, i.e. that the administrative management of the Lisbon Union should not be provided by WIPO as if it was a specific Union and, therefore, that it should not be included in the context of the MTSP. The Delegation pointed out that Article 4.2 of the 1967 WIPO Convention specifically provided that the Organization should take on the administrative tasks of the unions established in relation to the

Paris Union. On the one hand, the Paris Convention in Article 1 provided for the protection of Geographical Indications and Appellations of Origin and, on the other, it was clear from Article 1 of the Lisbon Agreement that the Union had been established in the framework of the Paris Union. Since the Lisbon Union was, therefore, clearly a special Union, WIPO should provide for its administrative management. A diplomatic conference had been hosted by WIPO in May 2015 in accordance with the WIPO Convention and, in accordance with the decision of the Member States of the Lisbon Union, this Conference had given rise to the Geneva Act of the Lisbon Agreement. One of the goals reached by that revision was identical to that reached by the revision of the Madrid Union. If this had not created problems for one union, it should not for any of the others either. The Delegation added that the observers had participated fully in the drawing up of the revised Agreement, even if international law did not, in principle, give them the right to vote in that context. The Geneva Act specified its membership of the Lisbon Union under Article 21. Article 22.1 specified that the contracting members of the Act were part of the Lisbon Assembly. If there remained any doubt about that, it was clear that the Geneva Act had been adopted explicitly as a revision of the Lisbon Agreement by the Member States of the Lisbon Union. Therefore, the Act fell clearly under Article 30 of the Vienna Convention. It was, therefore, clear that there had been no change in status of the Lisbon Union as a result of the revision, in the same way that the Madrid Protocol had not given rise to the creation of a new Madrid Union. The Delegation reiterated that the Lisbon Union was a specific Union administered by WIPO and remained a special Union administered by WIPO. The Delegation considered that the comments made by the Delegation of the United States of America, which looked to exclude the Lisbon Union from being administered by WIPO and from the strategic plan, were hence unfounded.

54. The Delegation of Greece, speaking on behalf of Group B, thanked the Chair for chairing the 25<sup>th</sup> session of the PBC and extended its thanks to the Secretariat for the hard work done over the past year, including the preparation of the present Assemblies. The Delegation thanked the Secretariat for the preparation of the related documents, among others, the Annual Financial Report and Financial Statements 2015, the Annual Report on Human Resources, and the Progress Report on the Implementation of the JIU Recommendations. Group B also expressed its gratitude to the External Auditor, the IAOC and the IOD as well as the Selection Panel for the appointment of the new members of the IAOC, all of which played an essential role in the audit mechanism on the Organization. Group B thanked them for their continuous work and their reports to Member States. The timely submission of documents in the current year, which was important to Group B, was also highly appreciated. Group B welcomed the MTSP for 2016-2021 as prepared by the Secretariat. The MTSP, while not a legally binding document, provided ideas for high-level strategic guidance for the preparation of the three consecutive Program and Budgets covered by the MTSP. In this regard, Group B acknowledged the strategies set out in the MTSP which corresponded to the nine Strategic Goals of the Organization. Regarding the financial situation of the Organization, Group B wished to reiterate that, although WIPO's financial situation was sound, the international context under which it was required to operate called for prudence.

55. The Delegation of the United States of America supported the intervention of the Delegation of Greece made on behalf of Group B and also wished to respond to the statement by the Delegation of France. The Delegation said that it could not accept that the Geneva Act was administered by WIPO as the same "special union" of the original Lisbon Agreement. The Geneva Act invited entities, which were neither members of the Paris Union nor of WIPO, to join as members, without seeking approval of the broader Paris Union or WIPO membership. By inviting non-Paris and non-WIPO entities to join the Geneva Act, the Lisbon Union exceeded its authority as a "special union" of the Paris Convention, and could not assume the automatic approval by the Paris Union or the automatic administration of the Geneva Act of the Lisbon Agreement by WIPO. The Lisbon Union had believed itself to be free of oversight by the Paris Union and the rest of the Organization, which had resulted in a diplomatic conference paid for with the Madrid and PCT user fees where five/sixth (5/6) of the WIPO members had been excluded from equal participation. Unlike the Hague and Madrid special unions, which had



been approved by the entire WIPO membership and its unions, the Geneva Act had not been approved except by a limited membership of the Lisbon Union. The Director General had stated at the 2015 WIPO Assemblies that the International Bureau had not been in a position to decide whether the administration of the Geneva Act was automatic or had to go through the separate approval process outlined in the WIPO Convention. The Delegation said it intended to continue to raise that issue to emphasize that the Geneva Act did not represent the consensus of the Organization and should not be administered by the Organization until such time as a decision to that effect was taken. A proposal from the Director General regarding the administration of the Geneva Act was not before the present Assemblies, and there had been no ratifications of the Geneva Act to date.

56. The Delegation of Switzerland expressed its appreciation to the Secretariat for producing the PBC documents. The Delegation was particularly grateful to the Director General for the MTSP and to the delegations which had been very constructive in the course of the discussion of the MTSP document in the PBC session. Turning to the points raised by the Delegations of France and the United States of America, the Delegation wished to underline that the Geneva Act revised the Lisbon Agreement, a treaty which had been administered by WIPO for decades. Given that it was not a new treaty, the Geneva Act was unambiguously a treaty administered by WIPO. In the course of the revision of an international treaty, continued the Delegation, the right of vote was reserved to the States who were party to that treaty. That had been the case for the revision of the Lisbon Agreement. The Delegation wished to underscore that the diplomatic conference, which had led to the adoption of the Geneva Act, had been open and inclusive, making it thus possible for observers, such as Switzerland, to take an active part in the negotiations. The Delegation expressed its satisfaction with the fact that some of its proposals, as well as those by other observers, had been taken into account and had, therefore, been able to contribute to the success of the diplomatic conference.

57. The Delegation of Italy fully supported the interventions by the Delegations of France and Switzerland and shared their position on the current budgetary system, under which whenever the unions' resources exceeded the expenditure for their own direct activities, the funds were used to cover indirect and administrative expenditures of other unions, the so called "capacity to pay principle". In the spirit of cooperation and solidarity among the unions, with a view to developing a balanced and effective international IP system, the Delegation welcomed the current debate for greater transparency, more efficiency and financial self-sustainability of the fee-funded unions and was ready to contribute to the constructive measures designed to achieve those goals. The Delegation was of the view that such a debate should not mingle with the discussion on other issues on the agenda and result in decisions which might erode the benefits displayed by the current methodology over the last decades and negatively impact the overall functioning of WIPO as a UN specialized agency.

58. The Delegation of Iran (Islamic Republic of) thanked the Secretariat for the preparation of the documents and stated that it shared the position of the Delegations of France, Switzerland and Italy concerning the MTSP and wished to focus its intervention on two issues discussed in the last PBC, namely, the EOs and the allocation methodology for the income and budget by Union. Concerning the establishment of the new EOs, the Delegation believed that the decision must be taken in accordance with the Guiding Principles and the General Assembly's decision. Such a decision should be taken without any discrimination, and on the basis of equitable geographical distribution, in a transparent manner. In this regard, the Delegation reiterated the importance of paragraphs 13 and 14 of the Guiding Principles: "due consideration should be given to developmental aspects" of such an office (paragraph 14), and that a decision on the establishment of EOs should be taken based on a "sustainable, equitable and efficient geographical network for the location of the prospective EO" (paragraph 13). It was to be noted that there was no such office in Asia and the Middle East region. The Delegation fully respected the decision and the consensus reached by other Regional Groups but, at the same time, it believed that all proposals on the table should be treated equally, and with a holistic approach. Concerning the matter related to the Review of Allocation Methodology for the

Income and Budget by Union, the Delegation supported transparency, clarity and openness within WIPO, in particular on the budgeting process. The members of the Lisbon Union had shown the maximum flexibility and had attempted to work in a constructive manner concerning the financial issues in the Organization. The Delegation was of the view that consideration of the new proposal for the allocation methodology required, as a prerequisite, that WIPO be restructured and its financial regulations, including the allocation methodology of the projected budget be amended. At the present stage, the Delegation did not support any new proposals as they seemed to be contrary to some legal instruments, such as the Paris Convention for the Protection of Industrial Property and the Convention Establishing WIPO, as well as WIPO's Financial Regulations and Rules, including the contribution system. Any new proposal might jeopardize the funding of WIPO Treaties and Unions, including future treaties.

59. The Delegation of Portugal, referring to the MTSP for 2016-2021, supported what had been stated by the Delegations of France, Switzerland, Italy and Iran (Islamic Republic of). The Delegation emphasized that the Lisbon System was global thanks to the various legal provisions brought in to make it even more flexible, and which would enable access to the protection of geographical indications by a larger number of WIPO Member States. That did not necessarily require the accession of all WIPO Member States. The Lisbon System was a system for all those who, in their own internal legal situations, had a legal concept protected by that agreement. Any country could accede to the Geneva Act, it was not a new treaty but a revision of a treaty that had already existed. That was why the voting was limited to only the members of the Lisbon Union. That, however, had not prevented other Member States from participating in the meeting, which had contributed to the success of the conference. That was why the Delegation was of the opinion that there should be a reference to the Geneva Act being administered by WIPO.

60. The Delegation of Slovakia, regarding the MTSP for 2016-2021, supported the statements made by the Delegations of France, Italy, Switzerland and Portugal. At the same time, the Delegation wished to emphasize that starting the discussion on the administration of the Geneva Act would be stepping back to the beginning of the diplomatic conference in 2015, and the Delegation did not consider it a constructive approach to the negotiations.

61. The Delegation of Mexico endorsed the statements made by the Delegations of France, Italy, Switzerland, Portugal, Iran (Islamic Republic of) and Slovakia and wished to retain the reference in the MTSP to the administration of the Geneva Act. The Delegation believed it would be consistent with the work which had been done. The Geneva Act was an amendment to the Lisbon Agreement and it did not seem appropriate or constructive to have suggestions that the Geneva Act should be removed from the work of the Organization.

62. The Delegation of Hungary supported the statements made by the Delegations of France, Italy, Switzerland, Iran (Islamic Republic of), Portugal, Slovakia and Mexico. The Delegation fully supported the legal arguments that were put forward by those Delegations concerning the Lisbon Union and the financial sustainability of the Lisbon Union and the Geneva Act of the Lisbon Agreement.

63. The Chair remarked that the debate on the so called consent agenda was concluded. However, the membership could not proceed with a decision because it was not acceptable to a number of delegations. The Chair said he would revert to the decision at a later stage and proposed to take up one of the two outstanding issues of the PBC agenda, i.e., the Review of Allocation Methodology for the Income and Budget by Union.

64. The Delegation of the United States of America appreciated the work undertaken by the WIPO International Bureau on the issue of budget allocation methodology and the consideration by the PBC of various methodologies and scenarios. The Delegation had continued informal consultations with interested delegations on a decision that it hoped could be adopted on that outstanding PBC item. The decision attempted to capture the shared understanding of WIPO

Member States without endorsing or rejecting specific methodologies and scenarios. The Delegation requested the Chair to keep the item open to allow for further consultations, so that a decision could be adopted without the need for extensive discussion during the plenary.

65. The Chair concurred with the proposal by the Delegation of the United States of America. There were no further requests for the floor on the issue of the allocation methodology for the income and budget by Union. The Chair commented that delegations needed to engage in further informal discussions to seek agreement on the issue and encouraged the most interested delegations to do so. He asked the delegations engaged in the consultations to informally brief him from time to time on the progress, so that he could decide whether any formal facilitation would be needed. The Chair added that he would appreciate a progress report by Thursday morning.

66. Before inviting all delegations to intervene on the topic of the new WIPO External Offices, the Chair wished to make a few brief introductory comments, since he had had the privilege to facilitate conversation on this topic during the 25<sup>th</sup> session of the PBC, and had made the proposal which did not gather support and was withdrawn as a consequence. The Chair recalled that negotiations at the last General Assembly had been successful in reaching agreement on the Guiding Principles for the opening of EOs, the number of EOs to be opened by WIPO in the current and in the coming biennium, as well as on the review to be conducted after the opening of the new EO. The Chair continued that, following the successful conclusion of these negotiations, Member States had tried to find agreement on the location of the up to three offices authorized to be opened during this biennium. This question was on the Agenda of the PBC. In preparation for this discussion by the PBC, the Secretariat had issued a call for proposals from Member States. The Chair recalled that, during this round of consultations, 18 countries had made proposals to host new EOs. During the discussion at the PBC, and in a number of informal consultations, we learned that the African Group had undertaken elaborate internal consultative processes, as a result of which, the Group proposed Algeria and Nigeria as hosts for two WIPO External Offices during this biennium. The Group of States of Latin America and the Caribbean (GRULAC), nominated Colombia as its proposed host for a new WIPO External Office in this biennium. The Chair continued that, during that session, the PBC heard nine presentations from interested countries, and other delegations had the possibility to ask questions, with Group B making most use of this opportunity and asking four questions of all potential host countries. The Chair noted that some countries chose to answer or incorporate answers to those questions in their presentations, while some countries chose not to do so. The Chair further noted that, during the session of the PBC, Member States did not reach agreement on the selection of EOs for the current biennium, although there were elements of discussion on the table and on the screen. The Chair reported that one session of informal consultations had also been held during the intersessional period, meaning between the meetings of the PBC and the General Assembly, which did not yield any considerable progress. The Chair continued that Member States had, however, identified at least one element that was, in the Chair's view, consensual (because it was not contested by any delegation or regional group), and that was the priority to be given to Africa. Having given this introduction for the benefit of those delegates who did not follow the work of the PBC and the informal consultations, the Chair then invited delegations who wished to speak on EOs to do so.

67. The Delegation of the Republic of Moldova, in its national capacity, reiterated its support for the proposal for the opening of a sub-regional office in Bucharest, Romania.

68. The Delegation of Chile, speaking on behalf of GRULAC, recalled that it had expressed the Group's position on this topic in its initial statement. At this point, GRULAC reported that it was holding informal discussions, with other groups and with other members, in an attempt to reach a consensus agreement in the best interest of the Organization. At that moment, the Group did not have any proposals to make to the General Assembly and, therefore, urged that this point remain open in order to give the Group some room for maneuver to continue with the discussions already underway.

69. The Delegation of Nigeria, speaking on behalf of the African Group, wished, first, to underscore that WIPO's External Offices formed an integral part of the delivery of WIPO's Strategic Goals and programs, and that WIPO External Offices have been established, in the course of the last 10 years, in response to global realities. In view of this, the Group believed that the absence of Africa in the EO network was a conspicuous, unjust and unjustifiable omission, and believed that the establishment of WIPO External Offices in Africa would be a strategic investment for the Organization and its Member States. The Group hoped that the General Assembly would make a decision to establish the two WIPO External Offices in Nigeria and Algeria. The Group did not enter into the details of the process that the African Group had undergone in order to put forward Algeria and Nigeria as countries to host EOs in Africa, since the Chair had given a summary. The Group urged Member States to commit to the obligation that had been made, in writing, when the Guiding Principles were adopted during the previous General Assembly, and which prioritized Africa.

70. The Delegation of Latvia, speaking on behalf of the Group of Central European and Baltic States (CEBS) Group, thanked Member States for putting forward their proposals to host EOs, and the Secretariat for its reports. The CEBS Group recalled that this discussion had been started, for the first time, during the previous session of the PBC. The CEBS Group believed that there were a number of considerations to take into account while thinking about the decision. The CEBS Group acknowledged the decisions taken by the General Assembly of 2015 regarding this matter, and reiterated the principle that there should be an equitable geographical distribution in the EO network. For this reason, the Group believed that priority should be given to the regions without EOs. The Group noted that these Guiding Principles were negotiated for three years, and that the requirements they outlined had to be respected. The Member States could not pretend that they did not exist. Therefore, the CEBS Group was of the view that compliance with the Guiding Principles was a criteria to consider in the discussions. Finally, the CEBS Group believed that the establishment of EOs should correspond with the needs of the Organization, in terms of providing technical assistance, capacity building and training activities. The Group reminded Member States that Romania had tabled a proposal for the establishment of a sub regional office, supported by five Member States at the time of submission of the proposal. The CEBS Group reiterated that it was committed to engaging in a constructive manner in order to find the most suitable solution for the benefit of the Organization and all Member States.

71. The Delegation of India, speaking on behalf of the Asia and Pacific Group, believed that priority for the establishment of WIPO External Offices should be given to Africa. At the same time, the Group noted that, on the basis of the Guiding Principles, its region also deserved to host more EOs. The Group expected that Member States would give objective consideration to the proposals submitted by the Delegations of Iran (Islamic Republic of), India, and the Republic of Korea.

72. The Delegation of Greece, speaking on behalf of Group B, was confident that this General Assembly would find the most appropriate way forward to implement this important decision. In this regard, the Group believed that EOs should be established in accordance with the Guiding Principles and the 2015 General Assembly decision point, which emphasized that the offices should contribute to WIPO's Strategic Goals, and add value to this Organization. The Group was of the shared view that the sustainable, equitable and efficient network of WIPO External Offices is to fulfil the Organization's mandate as set out in Article 3 of the WIPO Convention.

The contribution of the EOs to advancing WIPO's objectives and improving delivery of services should strengthen the Organization.

73. The Delegation of China reiterated that, as the global IP sector develops, WIPO should adapt to the geographical evolution and growing demand for IP global services. The Delegation noted that EOs have helped, and will continue to play an active and an important role in helping headquarters to adapt to new service demands, to facilitate and improve WIPO's global services, and to promote the realization of WIPO's global strategic objectives. The Delegation recalled that, at the previous year's General Assembly, after arduous negotiations and hard work, Member States had successfully agreed on the issue of EOs. In addition, during the previous month's PBC session, different parties carried out consultations on the issue of the location of the EOs. The Delegation called on all relevant parties and the Secretariat to actively implement the Assemblies' decision, and to make progress on concrete issues in accordance with the Guiding Principles. The Delegation supported the decision of the Assemblies to give priority to Africa in terms of location of the EOs but, considering that it was a complex issue and that there was a time limit for the Secretariat if it were to carry out the work for the 2016/2017 biennium, the Delegation suggested that the Assemblies make decisions on the less controversial issues first.

74. The Chair thanked the Delegation of China for its proposal and stated that, in his view, there was only one uncontested fact at that point, being that no Member State contested that priority be given to Africa. The Chair suggested that this may be a starting block for the Assemblies' conversation.

75. The Delegation of Romania recalled that the Government of Romania had expressed its readiness to host a WIPO External Office since 2010, on various occasions. The Delegation considered that the proposal that it had made fully respected the Guiding Principles. In the drafting process, the Delegation had taken into account the information provided by the Secretariat, as well as the current Program and Budget recommendation in relation to existing EOs. The Delegation reported that, in its case, experts from at least five Ministries had contributed to the drafting of its proposal. The Delegation thought that the rationale for an EO was to create the best possible match between the economic growth, and the innovation and creativity potential in its sub-region, which were encouraging, and the IP results which still had not reached the expected level. The EO in Bucharest would act as a service center for the sub-region, in a similar manner as the five existing EOs. The Delegation was confident that an EO in its sub-region would bring added value to the Organization, and to the countries in the CEBS region. The Delegation further noted that the establishment of this EO would not impose any additional financial burden on Member States other than the approved budget allocation; there would be no rental cost, and there would be local support from national IP authorities, including by working to raise extra funding through different activities with the private sector, non-government entities, and other stakeholders. The Delegation recalled that, as it indicated in the previous PBC session, Romania also now had a concrete proposal for the proposed EO headquarters, which would be accommodated in the National Library building, benefiting from a generous space of about 240 square meters, with state of the-art facilities. The Library is situated within the administrative quadrant of the government and parliament, it is close to the business district, the Chamber of Commerce of Romania, the Court of International Arbitration, and banking institutions. The Delegation again stressed that the Guiding Principles would be respected and that all criteria would be taken into account, and hoped that the decision would contribute to the establishment of a sustainable, equitable and efficient EO network. The Delegation believed that failing to reach a decision on this topic was not an option.

76. The Chair fully agreed on the last point.

77. The Delegation of Pakistan supported the establishment of two offices in Africa for this biennium, on the principal of inclusivity and parity. In the Delegation's view, all other proposals may be considered on parity in light of the Guiding Principles, especially with regard to the

developmental aspects, the requirement for clear value addition in a way not achieved at WIPO headquarters, and paragraphs 10*bis* and 17.

78. The Delegation of South Africa supported the statement made by the Delegation of Nigeria on behalf of the African Group, and reiterated its call for the establishment of two EOs in Africa, as identified by the Group. The Delegation urged constructive dialogue to ensure that EOs were fully representative of all Member States, to honor the good faith, exercise and subsequent decision taken during the 2015 General Assembly that priority be afforded to Africa. The Delegation stated that the inclusion of Africa would not only create a more balanced network of EOs, but would allow WIPO to be fully represented across the world. With specific reference to Africa, the Delegation drew the attention of Member States to the fact that Africa was the second largest continent in the world, with a population of over 1 billion people, and the fastest growing economic region in the world. The Delegation noted that African IP laws were continuing to be updated to take into account developmental imperatives, and that there had been a number of significant improvements in the technological sector, such as the Square Kilometre Array Telescope project. The Delegation stated that it was clear that Africa was growing, and the expedited establishment of WIPO External Offices would no doubt benefit the Organization as it undertakes service delivery to customers in the growing base of African clients. Further, the provision of policy and technical assistance would increase the use and understanding of IP on the continent. The establishment of these EOs would also be in line with the Development Agenda, as African countries harness the use of IP as a tool for development. The Delegation stated that the facts were abundant and the rationale was clear. Now, the Assemblies would need the political will and the good faith to honor the promise made to Africa to ensure that it would be a fully integrated member of the WIPO family.

79. The Delegation of the Russian Federation reiterated its position that it supported the opening of two EOs in Africa. The Delegation hoped that this would allow for a balanced IP system. The Delegation was also ready to further discuss the establishment of other EOs.

80. The Delegation of Algeria supported the statement made by the Delegation of Nigeria on behalf of the African Group, and also supported the statements urging that the Guiding Principles be respected. The Delegation recalled that the proposals made its Delegation and the Delegation of Nigeria had been presented in line with the Guiding Principles. The Delegation stated that this question had already been examined both before and during the previous PBC session. The Delegation believed that it was now a question of implementing the General Assembly decision adopted the previous year, and of complying with the commitment already accepted that priority be given to Africa.

81. The Delegation of the Republic of Korea firmly believed that WIPO External Offices can play an important role in narrowing the IP divide among Member States and that, for this reason, a new EO in Korea is necessary. In the view of the Delegation, this was due to the fact that a WIPO External Office in Korea could provide enhanced and consolidated services to users of the PCT, Madrid, and the Hague Systems and, more importantly, could disseminate the Republic of Korea's unique experience of transforming from an LDC to an IP powerhouse within half a century. In this regard, the Delegation asked Member States to discuss the locations of new EOs having regard to the Guiding Principles, and especially paragraph 14 which requires that due consideration be given to developmental aspects, regions without an EO, or locations where the users of WIPO Premier Global IP Services are located.

82. The Delegation of Georgia aligned itself with the proposal made by the CEBS Group, in particular that priority should be given to the regions without any EOs. In this regard, the Delegation supported the proposal of Romania to have an EO.

83. The Chair hoped that the Delegation of Georgia also supported priority being given to Africa, since there was no EO there, either.

84. The Delegation of Saudi Arabia supported the statement made by the Delegation of Pakistan. In line with the decision taken in 2015 by the General Assembly with regard to EOs, the Delegation supported priority being given in this biennium to the African continent and, therefore, supported the proposals made by the Delegations of Algeria and Nigeria.
85. The Delegation of Cameroon supported the statement made by the Delegation of Nigeria on behalf of the African Group. The Delegation believed that establishing two EOs in Africa would serve the principle of inclusiveness which is one of the bases of the Organization. The Delegation reiterated its support for the establishment of the two proposed offices in Nigeria and Algeria.
86. The Delegation of Côte d'Ivoire also supported the declaration made by the Delegation of Nigeria on behalf of the African Group. The Delegation regretted that the word 'priority' contained in the 2015 Assemblies decision had been completely emptied of its meaning by the current questioning of the principle of according two EOs to Africa. The Delegation asked Member States to remedy this injustice since, so far, there had been no WIPO External Offices in Africa.
87. The Delegation of Nigeria, speaking in its national capacity, aligned itself with the statement of the African Group. As one of the Delegations put forward by the African Group, the Delegation hoped that the General Assembly could fulfill the commitment to Africa with the establishment of two EOs in Africa in Nigeria and Algeria.
88. The Delegation of Colombia did not wish to repeat the presentation it had made during the previous PBC session on the merits of establishing a WIPO External Office in Colombia. The Delegation was fully in agreement with the decisions taken at prior Assemblies. The Delegation believed that Member States had a common need to open EOs that could extend and disseminate the objectives of the Organization throughout the world. What was essential for the Assemblies now was to find a way, using creativity, to reach a decision at these Assemblies. The Delegation understood that every region, of course, would have its justification for having its own EO. The Delegation wished to ask all Member States to assist in achieving some kind of agreement at these Assemblies.
89. The Delegation of India welcomed the process for the opening of new EOs, and noted that it was one of the proponents of establishing an EO in India in its national capacity. The Delegation thanked the Chair for facilitating the discussion and for providing guidance in following a process for the finalization of locations based on the Guiding Principles. The Delegation supported the approach of taking into account the different countries and geographical regions, as well as other factors such as balancing need and demand on account of population, size of economy, and growth of IP filings. The Delegation supported the establishment of two EOs in Africa on a priority basis. At the same time, the Delegation looked forward to a decision of the General Assembly to host a new EO in India in its national capacity. An EO hosted in India would strengthen the global IP system and bring benefits to the central and southern Asian regions, where there is no EO. The Delegation assured Member States that the opening of an EO in India would not harm any national interests. The Delegation sought the support of Member States and asked them to give serious consideration to its proposal.
90. The Delegation of Sudan joined the declaration made by the Delegation of Nigeria on behalf of the African Group. The Delegation recalled that, on the basis of the Guiding Principles and the General Assembly decision to give priority to Africa, the African Group had proposed to host two EOs in Nigeria and Algeria. Africa is not represented in the network of EOs of WIPO. The Delegation looked forward to the Assemblies making this decision in this regard.

91. The Delegation of Thailand stated that it shared the view of the Chair that the General Assembly had given a clear mandate that priority should be given to Africa. However, the Delegation believed that this was a complex issue which should be considered in a holistic manner, taking into account the sustainability and efficiency of the Organization as a whole. Member States should also take into account the Guiding Principles regarding EOs, which directed members to give due consideration to developmental aspects, regions without EOs, and locations where the users of WIPO premium IP services were located. The Delegation believed that all of these elements would guide the decision to be taken by Members toward a positive outcome acceptable to all.

92. The Delegation of Chad requested that the African representatives, Algeria and Nigeria, be accepted by the Assemblies for two EOs.

93. The Delegation of the Lao People's Democratic Republic supported the statements made by the Delegations of India and the Republic of Korea for establishing WIPO External Offices.

94. The Delegation of Turkey supported the statement made by the Delegation of Greece on behalf of Group B. The Delegation acknowledged that there were various applications for hosting EOs. The Delegation recalled the decision of the previous General Assembly to prioritize the establishment of EOs in Africa, and to open, at most, three EOs per biennium. Taking into consideration the Guiding Principles, the Delegation hoped that a result could be achieved in these Assemblies. The Delegation further noted that it had followed the discussions very closely and took note of the interventions. In this regard, it was a great pleasure for the Delegation to highlight the application for hosting an EO in Turkey, whose merits were well described in the proposal contained in the related WIPO documents.

95. The Delegation of Ethiopia aligned itself with the statement made by the Delegation of Nigeria, both in its national capacity, and on behalf of the African Group.

96. The Chair remarked that the Assemblies had a very good idea of where the conversation was at. The Chair believed that the Assemblies was in a situation where, as it was custom to say in his country, one could bite any of 10 fingers and every finger would hurt. The problem was that there was a limited number of EOs which could be opened, on one hand, and great enthusiasm by countries to host EOs in their respective countries, on the other. The Assemblies needed to find a way to reconcile these two self-excluding situations. The Chair brought to the attention of the Assemblies the fact that, once the decision on the opening of EOs (which is requested by the decision of the previous General Assembly) is made, further time would be needed to open the EOs. The Chair recalled that, in one of the informal consultations, the Secretariat had informed Member States that this process may take between three to six months to finalize all the necessary legal details of the host country, including the host country agreement. The Chair pointed out that, therefore, if the Assemblies did not reach agreement on this question at this session, and it were to be postponed to the Assemblies of 2017, there would be a serious risk that the Secretariat would not have sufficient time to do all the necessary legal and Organizational work to implement the decision. The Chair stated that this would mean that the Assemblies would have failed to honor its decision of 2015. The Chair thought that it was not in the Assemblies' interest to create the bad precedent of not honoring its own decisions. Therefore, the Chair asked all delegations to exercise maximum flexibility and to build on those points where there was consensus, and to see whether, going from there, the Assemblies could reach an overall agreement that some kind of comforting measures would be taken for those countries who did not make the top of the list.

97. The Delegation of Ghana, after consideration of document WO/PBC/25/12, wished to thank the Member States for their proposals. The Delegation supported the establishment of two WIPO External Offices in Algeria and Nigeria. Informed by the Guiding Principles for the forming of the EOs, the Delegation reiterated its support for the statements made by the African Group and by other delegations that priority must be given to Africa.



98. The Delegation of Iraq supported the statement of the Delegation of India on behalf of the Asia and Pacific Group with regard to supporting the opening of EOs in Africa (Nigeria and Algeria), and supported giving the priority in the following biennium to the Asia Pacific region.

99. The Delegation of Serbia wished to associate itself with the statement of the CEBS Group, and supported Romania's candidacy to be a host country of a new WIPO External Office. The Delegation urged the Assemblies to take into account the fact that Romania had submitted its proposal to host a sub-regional EO six years ago. A new WIPO External Office will surely enrich WIPO's role in this region, and would benefit all stakeholders in this part of Europe.

100. The Delegation of Mongolia supported the statement made by the Delegation of Thailand, and reiterated its support for the proposals submitted by the Delegations of the Republic of Korea and of India, on the basis of the Guiding Principles and especially taking into account the main criteria of those Principles. At the same time, the Delegation agreed that priority should also be given also to opening the EOs in Africa.

101. The Chair noted that there were no further requests for the floor, and was very tempted to propose to endorse the proposal of the African Group to open two offices in Africa right now, because he had not heard any delegation stating that it would not support that proposal. The Chair understood, however, that that approach would be too simple, and that there was certainly a need for further conversations and consultations on the topic, to see what kind of measures could be taken in order to bring all Member States onto the same page during this General Assembly. The Chair was aware that there were consultations taking place among delegations at bilateral and plurilateral levels and, therefore, encouraged delegations to continue these consultations. The Chair offered his services to delegations if that may yield some sort of advancement, but stated that he would wait until that time. The Chair reiterated his encouragement to delegations to continue consultations in all possible directions, and to see whether informals could be held on the topic, in an open-ended format.

102. The Delegation of Chile wished to very briefly make two points. First, in relation to the Chair's remark regarding the immediate approval of the two proposed offices in Africa (which the Chair, in fact, also acknowledged was not possible), the Delegation stated that this option did not satisfy its Group, because it considered that this issue needed to be resolved as a whole, together with all of the other options that were on the table. Second, the Delegation explained that, although it had made a statement on behalf of GRULAC at the beginning of this item, it had not wished to reiterate points that had already been stated sufficiently during the previous session of the PBC and at the beginning of these Assemblies with regard to the importance of opening of an EO in the GRULAC region. That was why the statement that it had made on behalf of the Group had emphasized its commitment to the process of informal conversations that are being held, and reiterated that it was attempting to contribute to better understanding between regional groups and countries. The Delegation was committed to that effort and would continue that work, and would seek the Chair's support in due course to see if understanding could be reached among all Member States, which obviously would be in the best interest of the Organization.

103. The Chair remarked that, since no one is prevented from dreaming, his dream had been to reach a fast agreement on this item. The Chair added, however, that he would keep dreaming and he hoped that others would join him. The Chair also encouraged the Ambassador of Chile personally, and all other Regional Coordinators, to continue the informal process that certainly brings Member States closer to a solution. The Chair continued that, while Member States were talking to each other, there would still be hope for a solution—a good compromise decision which would either suit everyone, or would be equally unacceptable to all. The Chair hoped that the Assemblies would reach that point by Tuesday at 6:00 p.m., although it had not reached it yet. That would be the Assemblies' objective.

104. The Chair resumed the discussion by recalling that Agenda Item 10 was the report of the PBC, and contained three elements. The first element related to the list of decisions which were taken by the PBC by consensus, and was contained in document PBC/25/21. Another element related to the review of allocation methodology of income and budget by union, and the draft decision had been agreed during numerous bilateral and plurilateral meetings, as well as in two rounds of informal consultations, during the General Assembly. The third element related to the opening of new WIPO External Offices, and had been the subject of lengthy negotiations over approximately 16 hours. On this particular point, the Chair recognized that it had been very difficult to find a compromise solution, and that the agreement was the result of an enormous effort made by everyone. The Chair then turned to the General Assembly, in order to see whether the Assembly was in a position to adopt the decisions under Agenda Item 10, as outlined in the document. Seeing no opposition, the Chair declared that it was so decided.

105. The Chair wished to make a statement in relation to the decision on the opening of EOs, which would be a part of the record of the meeting, and would constitute a part of the compromise agreement which had been reached after rounds of negotiations. The Chair began by reminding the Assembly of its point of departure, which had been the decision taken by the General Assembly in 2015 which the Chair quoted as follows: “To adopt the Guiding Principles annexed to the decision; Recognizing the Organization’s limited capacity to open new EOs, and desirous to take a phased and prudent approach when establishing new EOs, to open not more than three EOs for the 2016/17 and 2018/19 biennia, subject to approval by the WIPO General Assembly.” The Chair continued that the decision was without prejudice to any decisions which may be made by the PBC and the General Assembly on opening new EOs in accordance with the Guiding Principles after the evaluation which would be carried out in 2021. For the period mentioned in paragraph two, priority should be given to Africa in establishing new EOs. To this end, the Chair encouraged Member States to submit their hosting proposals, to be considered under the Guiding Principles. The Chair recalled that delegations discussed the opening of EOs extensively during the General Assembly, and that a spirit of searching for a solution, and flexibility, dominated these discussions. Many hours were devoted to this issue, and all possible options were considered. The Chair further observed that delegations had strived to honor the principle of priority for Africa, and they had arrived at a consensual agreement. The Chair explained that it was understood by delegations that, in further consultations on the opening of EOs for the current and future biennia in accordance with the 2015 decision of the General Assembly, special consideration should be given to GRULAC (in particular, to Colombia), to the Asia Pacific region, and to the CEBS region. In addition, further consultations would be conducted in the spirit of cooperation and would be based on the Guiding Principles. The Chair noted that the Guiding Principles refer to different considerations, such as, but not limited to, geographic aspects, financial and budgetary sustainability, developmental aspects, the absence of EOs in any given region, and locations where the users of WIPO premium global IP services are concentrated. The Chair added that it was also understood that everyone (and, in particular, the African Group), would contribute in a positive way to the process of adopting a decision on the four remaining EOs—that is, one in the current biennium and three in the next biennium. The Chair also wished to use the opportunity, before closing Agenda Item 10, to express his gratitude to all delegations for their engagement and flexibility. The Chair thought that the Committee had made a very responsible decision, which would benefit the Organization in the short and long run, and thought that the spirit that reigned over the consultations would stay with Member States for the rest of the General Assembly, and in the future, as well.

106. The Delegation of Chile, speaking on behalf of GRULAC, thanked the Chair, first and foremost, for the way in which he had chaired the Assemblies and this entire process, which was necessary in dealing with a lot of fundamental questions for the Organization. GRULAC recalled that it had maintained an open attitude of collaboration, and was happy to see the substantive agreements that had been reached during these Assemblies. With regard to EOs, the Group had taken an active part in the development of the agreement that the Chair had just put before the Assemblies. The Group stated that, ever since the beginning, it had

demonstrated flexibility, an attitude in favor of cooperation, and a very positive way of working. In conjunction with the work of other regional groups and other members, step by step, the Group had endeavored to build a consensus which would make it possible to meet the needs of the Organization as regards development and growth, and expansion of the activities of the Organization—a fundamental theme of which, of course, was IP in the digital world, which was a very important development tool for all countries, and especially for those with a lower level of development or with medium income, which was the case of most GRULAC countries. In this regard, the Group wished to focus its remarks on three of the contributions that it had made (though there were others), that showed its capacity to reach consensus, thanks to which a joint proposal had been reached, and which underscored the need to focus and give priority to agreements. The Group recalled that it had started out with six applicant countries, whose candidacies were put before the PBC and the Assemblies. GRULAC was able to reconcile these proposals and narrow them down to the candidacy of Colombia for the opening of one EO. The Group was happy to hear, in the statement that had been made by the Chair, that the Chair recognized the situation and enunciated that special consideration would be given to Colombia's candidacy when the time came to make a decision with regard to the offices that remain to be established in future. At the same time, GRULAC noted that it had also engaged with and taken the initiative and the lead on consultations over the previous two weeks, and had worked hard, with other regional groups and other Members, to understand the needs of the Organization, as well as the legitimate aspirations of the Members who had submitted their proposals. Finally, the Group stated that its attitude throughout the Assemblies had been one of working in an earnest fashion on all of the various themes that were part and parcel of the Assemblies and, at the same time, working hard to arrive at consensus in order to open the path for very important decisions. The Group emphasized that the question of EOs was (and continued to be) an especially important one for GRULAC, and that it was the Group's wish that, in the next period when there would be an appeal for new offices, it would be possible to reflect the aspirations of GRULAC with regard to having regional offices that reflect its diversity. The Group pointed to its Members' institutional capacity and wherewithal, and the contribution that GRULAC has always provided to the development of the Organization. The Group reiterated its thanks for the Chair's statement, which remembered its attitude of cooperation and flexibility to open the way for consensus. The Group noted that it had, ever since the decision was made during the previous General Assembly, honored the principle of priority for Africa, and that it had supported and endorsed this in an ongoing fashion, without any hesitation whatsoever. In the same spirit, it was the Group's hope that the other regional groups, and the membership of the house, would adopt the same vision when the time would come to make further decisions regarding the opening of new EOs, and that the aspirations of the Group (which were still alive and which the Group had been called upon to postpone for a brief period), could be accommodated in the spirit of consensus.

107. The Delegation of Nigeria, speaking on behalf of the African Group, thanked the Chair for his leadership, energy and commitment to achieving results. The Group believed that the Assemblies had been able to reach incredible results, which would be historic for the Organization, and would also enable the Organization to be more inclusive of its diverse membership. The Group also thanked all Member States who had facilitated the consensus, and believed that the willingness to allow the Committee to bring the negotiations on EOs to a close was a large part of the Assemblies' ability to reach consensus. The Group, particularly, thanked the GRULAC Member States for their flexibility and their constructive support to Africa, both in the last negotiations to adopt the Guiding Principles in 2015, and at the important time during the negotiations that day. In the same way, the Group also thanked the members of the Asia and Pacific Group for their constructiveness. The Group believed that these two regional groups and CEBS, in particular, were critical for reaching an agreement for the establishment of the two WIPO EOs in Africa. Of course, the Group also wished to thank the other regional groups, such as Group B, for their support. The Group believed, and wished to assure Member States, that the decision to establish EOs in Nigeria and Algeria was a strategic investment in the region, which would help to facilitate the use of IP for growth and development in Africa and, in turn, facilitate the delivery of WIPO's Strategic Goals and programs in the region. The Group

looked forward to working with Member States, and with the WIPO Secretariat, to establish the offices, and to ensure that they serve meaningful purposes for the region.

108. The Delegation of the United States of America wished to make a brief intervention regarding allocation methodology, noting that it would limit its statement and submit the full intervention for the record. The Delegation also noted that it had submitted a paper, 'Review of Allocation Methodology for the Income and Budget Biennium', to the Secretariat earlier, and it would like that to be reflected as an information document in order to complete its record. The Delegation thanked the Chair for his excellent efforts, as Chair of the PBC and as Chair of the General Assembly, on all of the PBC issues before it, including the allocation methodology. The Delegation was pleased that the WIPO Assemblies were able to take a small step forward in affirming the importance of transparency in the presentation of proposed Program and Budget documents, so that informed decisions could be taken by the relevant WIPO Assemblies. The Delegation stated that this would improve the ability of WIPO's Unions to take decisions on budget matters. The Delegation also thanked the Secretariat for providing a great deal of valuable information to Member States, and for patiently answering their numerous questions. Such information was critical for WIPO's constituent Unions to take decisions relating to their respective budgets on income and expenditures.

109. The Delegation of Italy thanked the Chair for the work carried out and for the proposal on Agenda Item 10. The Delegation agreed with this proposal, provided that the following aspect was taken into due consideration: As regards PBC Agenda Item 16 and the reference to the efficient management in the presentation of the PBC documents, the Delegation stressed that the interpretation of that expression should be clarified, so that it was clear to the membership that it was used to refer only to the need for more efficient drafting of the PBC documents, without any implication on the allocation of costs and revenues and financial sustainability issues. The Delegation believed that a better understanding of the information contained in the budget document could be fostered by a rationalization of financial documents, and by avoiding duplication or overlap of the financial information included in several documents.

110. The Delegation of India, speaking in its national capacity in relation to EOs, congratulated the African Group, and the delegations of Algeria and Nigeria specifically, for becoming the hosts of the next two WIPO External Offices. The Delegation shared the happiness of these delegations, and believed that Members should all compliment themselves on having completed the first phase of the journey from decision to action, which had started in the previous General Assembly. The Delegation recalled that India was one of the proponents for hosting an EO in its national capacity, and was of the view that, based on the Chair's statement, at least two EOs should be hosted in the Asia Pacific region, and one, for obvious reasons, may be hosted in India. The Delegation sought the African Group's engagement in facilitating the process of decision-making for the next four EOs, being one in the current biennium and three in the next biennium. Above all, the Delegation personally thanked the Chair for facilitating the non-stop marathon sessions, which had lasted 16 or 17 hours, during which the Chair had shown a great degree of tireless effort, energy, flexibility and tenaciousness. The Delegation congratulated all regional groups for showing flexibility and understanding of each of the positions presented, which gave the Delegation hope and reaffirmed its belief in the multilateral process.

111. The Delegation of Turkey congratulated the African Group, and especially the Delegations of Algeria and Nigeria, for this decision. The Delegation was content that this decision had been reached, and hoped to achieve further decisions for the coming biennium. Regarding the statement read by the Chair, the Delegation wished, for the record, to draw attention to the merit of the proposal made by Turkey, including its capacity to promote IP in the region, and also as a means to achieving an equitable geographical distribution. In this regard, the Delegation sought the engagement of all Members in the coming negotiations.

112. The Delegation of Pakistan recalled that it had participated constructively in the debate on EOs from the beginning. The Delegation noted that the ensuing debate after the adoption of the

Guiding Principles, and the difficulty in reaching consensus, had validated the Delegation's concerns about this exercise. The Delegation had consistently supported the establishment of two EOs in Africa, in line with the principle of inclusivity and equity, and had also maintained that all other applicants should be gauged equally on merit, without prejudice to future applicants in anyway. The Delegation welcomed the General Assembly decision for the establishment of two EOs in Africa, in line with the Guiding Principles, in this biennium. The Delegation continued that, despite its reservations about safeguards which it felt could prejudice future applicants and any package deal for EOs for the next biennium, it agreed to the decision regarding the establishment of the remaining EOs in the spirit of flexibility to allow consensus, which it hoped to see reciprocated in the future. The Delegation further expected to see a transparent, inclusive, merit-based process which would add clear value to the work of the Organization in a manner not achieved at headquarters, and without prejudicing the rights of any Member States.

113. The Delegation of Saudi Arabia, speaking on behalf of the United Arab Emirates, Qatar, Kuwait, Oman and Bahrein, welcomed the proposed text presented by the Chair while highlighting the challenges posed by the limited time frame provided for countries wishing to host an EO in 2018/19. The Delegation reiterated that it had demonstrated constructiveness and great flexibility during the negotiations, cognizant of the necessity to open EOs in Africa in 2016/17. In that spirit, the Delegation wished to take the opportunity to congratulate, on behalf of the Cooperation Council for the Arab States of the Gulf (GCC), the two African countries nominated to host such EOs, namely Algeria and Nigeria. In conclusion, the Delegation thanked the Chair for his tireless efforts in reaching an agreement and all Member States for their openness and flexibility with regard to the legitimate expectations of other countries.

114. The Delegation of the Republic of Korea conveyed its great appreciation to the Chair for his wonderful leadership and tireless efforts to reach an agreement, and congratulated every regional group, as well as the delegations of Algeria and Nigeria, on the decision to establish WIPO EOs in those countries in the 2016/2017 biennium. The Delegation recalled that, during the informal sessions, Member States showed great flexibility in reaching a consensus on the Chair's proposal. Based on this flexibility, the Delegation strongly believed that Member States would continue to discuss the establishment of the four remaining WIPO External Offices in the other regions. In addition, the Delegation was of the view that at least two EOs should be set up in the Asia Pacific region, considering the contribution that the region has made to the Organization, as well as to WIPO global service activities, and the region's great potential for future growth. The Delegation stressed that the Republic of Korea was one of the strongest candidates, based on the elements contained in the Guiding Principles, including financial sustainability and the location of WIPO global service users.

115. The Delegation of Nigeria, speaking in its national capacity, thanked the Chair, WIPO and Member States for the decision to establish WIPO External Offices in Nigeria and Algeria. The Delegation stated that it would ensure that the EO in Nigeria would add value to mitigating the IP gaps in Africa and fulfilling WIPO's objectives.

116. The Delegation of Algeria thanked all Member States for having reached such a decision, and assured the Assembly that it took on this responsibility and committed to sparing no effort to ensure that the WIPO External Office to be opened in Algeria would serve the interests of the Organization as best as it could, and with all of the dedication required. The Delegation also congratulated the Delegation of Nigeria which, like the Delegation Algeria, had received the Assemblies' confidence to open one of the EOs belonging to Africa, adding that this was a well-deserved decision, given both the potential of the continent, and its needs. The Delegation further assured that it would work positively in the consultation process to determine the venues for the four remaining offices to be opened in the following biennium, and hoped to rapidly reach an agreement to satisfy all interested Member States. Finally, the Delegation expressed its

thanks to the Chair for his efforts and his tenacity, that had led to this historic agreement for Africa, as well as to the African countries for their trust.

117. The Delegation of Switzerland pointed first to three issues that went beyond the presentation of the WIPO Program and Budget and to which the decision on the methodology for allocating income and expenditure by Union alluded to. First of all, decisions on the Program and Budget were taken by “the Assemblies of the Member States of WIPO and the Unions administered by WIPO, each as far as it is concerned” and hence by all the unions, in a single and common decision. Reference to a “relevant union” in no way derogated from that principle. Secondly, the Delegation stated that effective management was a goal that exceeded the presentation of the Program and Budget. Member States thereby wished to ensure that the necessary resources were made available to the Organization so that it could execute its programs and achieve its set results, while making the best possible use of its resources. Thirdly, the methodology for allocating income and expenditure to the various Unions was simply another way of presenting the Program and Budget. It sought to provide information on the various sources of funding and expenditure of the Organization as a whole. However, its objective had never been to question the collaboration among the Unions nor the unitary logic of the Organization. Such unitary logic was crucial to the viability and the future of WIPO as a whole, including budgetary aspects. More specifically, with regard to the agenda item on the methodology for allocating income and expenditure to the various Unions, the Delegation had given careful consideration to document A/56/14. The Delegation believed that the presentation based on the current allocation methodology provided very detailed information in the Program and Budget documents. Related to the latter, the Delegation wished to recall that the separation of the former Program 6 into three programs had further improved the presentation of those documents, thus ensuring the highest level of transparency for decision-making on the WIPO Program and Budget. One principle that the Delegation ardently cherished in the current format was the “capacity-to-pay”. That principle applied to indirect expenditure, i.e., expenditure whose link to any concrete activity was less obvious than for direct expenditures. It would be pragmatic to maintain that principle. Additional expenditure should not be attributed to sectors which, by their very nature, did not follow a logic of generating profits. Abandoning the “capacity-to-pay principle” would be tantamount to questioning any activity that did not generate profit by assigning negative figures to them on paper. Yet, it was common knowledge that most of the Organization’s activities fell within that category, and there was nothing wrong with that. Experience had proven that the current solution was useful and transparent. The Delegation added that, sometimes, perfect was the enemy of the good. It advocated to keep the good. Lastly, the Delegation stated that the current methodology remained applicable to the preparation of the Program and Budget, so long as it was not changed. Using the current methodology to reflect operational changes did not mean changing the methodology. Rather, it meant using and applying it. Member States had not decided to change the current methodology. Consequently, it remained applicable.

118. The Delegation of Japan, addressing the issue of allocation methodology, reiterated the importance of financial sustainability, and supported the statement made by the Delegation of the United States of America, in that WIPO registration systems should be financially self-sufficient under normal circumstances.

119. The Delegation of Brazil recalled that, during this meeting, the Assembly had had the pleasure of holding the first meeting of the parties to the Marrakech Treaty, chaired by His Excellency, Minister Marcelo Calero. The Delegation continued that this instrument was proof of the capacity of WIPO Members to identify common global concerns, and to provide efficient solutions. The Delegation was hopeful that the Marrakech Treaty for blind and visually impaired persons across the world would inspire further work by WIPO Members toward other successful achievements. The Delegation supported the proposal for an improved fee schedule being considered by the PCT Working Group that year, and noted that different regions had expressed their support for the proposal. The Delegation was looking forward to continued discussion during the Working Group, aimed at the time speedy approval of an improved PCT

fee schedule. The Delegation further noted that it had participated in informal discussions that week, and was glad to observe a high level of consensus on different topics such as on EOs, methodology for budget allocation, and revision of the oversight charter, and commended Members for that. The Delegation could not fail to note, however, the absence of progress on decisions related to the SCCR. The Delegation praised the efforts of the Delegation of Argentina for holding consultations on this issue, and urged other Members to engage in future discussions towards agreeing on the timeframe of SSCR activities.

120. The Delegation of Iran (Islamic Republic of) congratulated the Delegations of Nigeria and Algeria for being chosen to host WIPO External Offices. With regard to the opening of future EOs, the Delegation expected that all Member States would remain constructive, and that due consideration would be given to the proposals from the Asia Pacific region and, in particular, Iran's (Islamic Republic of) proposal to host an EO.

121. The Delegation of Sudan congratulated the Delegations of Algeria and Nigeria, and wished all Member States success regarding the upcoming 2018/2019 biennium.

122. The Delegation of Cameroon welcomed the decision taken by the General Assembly to open two EOs in Africa, and congratulated the delegations of Algeria and Nigeria for the great work that they had done to achieve these results. The Delegation thought that all Members could bear witness to the tenacity of these delegations in the negotiations that lasted more than 14 hours, in order to achieve these results.

123. The Delegation of Colombia joined the congratulations addressed to the Chair, and fully supported the statement made by the Delegation of Chile on behalf of GRULAC. The Delegation congratulated Africa, and the Delegations of Nigeria and Algeria particularly, for having been awarded the EOs. The Delegation recalled the statement by the Delegation of Chile, explaining that GRULAC had honored its commitment to give priority to Africa. In addition, the Delegation stressed that GRULAC had put work into a process to achieve a consensus candidate, from the original pool of six very well-founded candidatures from GRULAC. The Delegation expressed thanks for the support that it had received from GRULAC, and for the coordination carried out by the Ambassador of Chile and the Ambassador of El Salvador, as well as for the special mention of Colombia made by the Chair in his statement, to the effect that the Chair had highlighted the role played by the Delegation in the process, and the potential that Colombia had as a country that could host an EO. The Delegation reiterated that, of course, it continued to express its interest in hosting an EO. Finally, the Delegation stated that it would be monitoring the process for the nomination of the last EO for the current biennium, and hoped that, under the Chair's leadership, the process would be successfully completed.

124. The Delegation of Côte d'Ivoire warmly welcomed the decision endorsing the opening of EOs in Nigeria and Algeria for the 2016/17 biennium, which was historic.

125. In the absence of further requests for the floor, the Chair considered Agenda Item 10 closed.

126. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned:

- (i) took note of the "List of Decisions" (document WO/PBC/25/21);
- (ii) with respect to all issues under this Agenda Item, except for PBC Agenda Item 16 "Review of Allocation Methodology for the Income and Budget by Union" and PBC Agenda Item 13 "Opening of New WIPO External Offices", approved the recommendations made by the PBC as contained in document WO/PBC/25/21;

(iii) with respect to PBC Agenda Item 16 “Review of Allocation Methodology for the Income and Budget by Union”, having discussed document A/56/14, took note of the work of the PBC and stressed the importance of efficient management and transparency in the presentation of proposed WIPO Program and Budget documents so that informed decisions may be taken by the relevant WIPO Assemblies; and

(iv) with respect to PBC Agenda Item 13 “Opening of new WIPO External Offices”, having examined document A/56/15, and in accordance with the decision of the 2015 General Assembly (document A/55/13), the General Assembly decided:

1. to open WIPO External Offices in Algeria and Nigeria; and
2. to continue consultations on the opening of one External Office in the current biennium and three External Offices in the 2018-2019 biennium based on a relevant call for proposals made by the Secretariat with a view to making a decision on the above during the 2017 General Assembly based on the Guiding Principles.

#### ITEM 11 OF THE CONSOLIDATED AGENDA

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

127. See the report of the session of the WIPO General Assembly (document WO/GA/48/17).

#### ITEM 12 OF THE CONSOLIDATED AGENDA

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

128. See the report of the session of the WIPO General Assembly (document WO/GA/48/17).

#### ITEM 13 OF THE CONSOLIDATED AGENDA

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

129. See the report of the session of the WIPO General Assembly (document WO/GA/48/17).

#### ITEM 14 OF THE CONSOLIDATED AGENDA

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

130. See the report of the session of the WIPO General Assembly (document WO/GA/48/17).



ITEM 15 OF THE CONSOLIDATED AGENDA

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

131. See the report of the session of the WIPO General Assembly (document WO/GA/48/17).

ITEM 16 OF THE CONSOLIDATED AGENDA

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

132. See the report of the session of the WIPO General Assembly (document WO/GA/48/17).

ITEM 17 OF THE CONSOLIDATED AGENDA

REPORT ON THE COMMITTEE ON WIPO STANDARDS (CWS)

133. See the report of the session of the WIPO General Assembly (document WO/GA/48/17).

ITEM 18 OF THE CONSOLIDATED AGENDA

REPORT ON THE ADVISORY COMMITTEE ON ENFORCEMENT (ACE)

134. See the report of the session of the WIPO General Assembly (document WO/GA/48/17).

ITEM 19 OF THE CONSOLIDATED AGENDA

PCT SYSTEM

135. See the report of the session of the PCT Union Assembly (document PCT/A/48/5).

ITEM 20 OF THE CONSOLIDATED AGENDA

MADRID SYSTEM

136. See the report of the session of the Madrid Union Assembly (document MM/A/50/5).

ITEM 21 OF THE CONSOLIDATED AGENDA

HAGUE SYSTEM

137. See the report of the session of the Hague Union Assembly (document H/A/36/2).

ITEM 22 OF THE CONSOLIDATED AGENDA

LISBON SYSTEM

138. See the report of the session of the Lisbon Union Assembly (document LI/A/33/3).

ITEM 23 OF THE CONSOLIDATED AGENDA

WIPO ARBITRATION AND MEDIATION CENTER, INCLUDING DOMAIN NAMES

139. See the report of the session of the WIPO General Assembly (document WO/GA/48/17).

ITEM 24 OF THE CONSOLIDATED AGENDA

MARRAKESH TREATY

140. See the report of the session of the Marrakesh Treaty Assembly (document MVT/A/1/3)

ITEM 25 OF THE CONSOLIDATED AGENDA

APPOINTMENT OF DIRECTOR, INTERNAL OVERSIGHT DIVISION

141. See the report of the session of the WIPO Coordination Committee (document WO/CC/73/7).

ITEM 26 OF THE CONSOLIDATED AGENDA

REPORTS ON STAFF MATTERS

142. See the report of the session of the WIPO Coordination Committee (document WO/CC/73/7).

ITEM 27 OF THE CONSOLIDATED AGENDA

AMENDMENTS TO STAFF REGULATIONS AND RULES

143. See the report of the session of the WIPO Coordination Committee (document WO/CC/73/7).

ITEM 28 OF THE CONSOLIDATED AGENDA

REVIEW OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES (OIOS) REPORT

144. See the report of the session of the WIPO Coordination Committee (document WO/CC/73/7).

ITEM 29 OF THE CONSOLIDATED AGENDA

REVIEW OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES (OIOS) REPORT

145. See the report of the session of the WIPO General Assembly (document WO/GA/48/17).

ITEM 30 OF THE CONSOLIDATED AGENDA

ADOPTION OF THE SUMMARY REPORT

146. Discussions were based on document A/56/16.

147. 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 31, 2016; comments should be submitted by November 30, 2016; after that, the Extensive Reports would be deemed adopted by December 16, 2016.

148. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned,

- (i) adopted the present Summary Report (document A/56/16); and
- (ii) requested the Secretariat to finalize the Extensive Reports, post them on the WIPO website and communicate them to Member States by October 31, 2016. Comments should be submitted to the Secretariat by November 30, 2016, after which the final reports will be deemed adopted by December 16, 2016.

ITEM 31 OF THE CONSOLIDATED AGENDA

CLOSING OF THE SESSIONS

149. The Delegation of Latvia, speaking on behalf of the CEBS, expressed its gratitude for the tireless efforts and dedication of the Chair in guiding the work of Member States over the seven days and thanked the Secretariat for the support provided. It commended all Regional Groups for the flexibility that they had demonstrated with regard to the opening of new WIPO EOs and was pleased to see that, after many long hours and a sleepless night, Member States had been able to reach an agreement. It believed that without the constructive engagement of all of the interested delegations the agreement would not have been possible, and that this was an example of how multilateral diplomacy was not only a challenging exercise but also a two way street. On the DLT, the Group wished to put on record the regret shared by its members. The DLT had been finalized a few years ago, and the Group sincerely believed that designers all around the world would benefit from a formality treaty. It regretted the lack of flexibility of one Regional Group on proposals that had been put forward to accommodate that Group's concerns. As it had outlined in its opening statement, the CEBS Group was against reverting the matter back to the SCT because, in its opinion, no further work on the treaty was necessary. It expressed its appreciation for the revisions to the Internal Oversight Charter, and the contribution to the improvement of governance in the Organization. It commended the ability of all Member States to draw from past experiences. Finally, the Group expressed its gratitude to all Regional Groups for engaging in a constructive manner on Latvia's proposal for a change to the WIPO General Assembly electoral cycle. It was pleased to see that an agreement had been

reached and hoped that the newly adopted practice would enhance the intergovernmental process.

150. The Delegation of India, speaking on behalf of the Asia and Pacific Group, expressed appreciation for the hard work and leadership skills demonstrated by the Chair in the General Assembly. It said that the last two days had been grueling and that it was happy to note that all had survived and that the spirit of multilateralism had also survived. The Group wished to congratulate the African Group for having been selected to host WIPO External Offices in Nigeria and Algeria. It hoped that the positive vibrations generated in the General Assembly would have a celebratory effect on the work of Member States in upcoming meetings. It also wished to thank the Director General and the hard working Assemblies' team, especially the interpreters for helping Member States to bridge gaps. The Group wished to assure Member States that it would continue to work constructively, as it had always done, to keep the atmosphere positive and productive. The Delegate speaking for the Group wished to add that, on a personal level, coordinating the Asian Group had been an enriching experience and that he wished to thank all members of that Group, as well as of the other Regional Coordinators, for helping him to survive his second consecutive General Assembly as a Regional Coordinator.

151. The Delegation of Greece, speaking on behalf of Group B, thanked the Chair for all his efforts and said that, taking into account the time, it would submit its statement in writing.

152. The Delegation of China thanked the Chair for his able leadership, the Regional Coordinators for their hard work, and the Secretariat for its work in preparing for the Assemblies and for the support that it had provided. It also thanked the Director General for his participation and support, and the interpreters for their work. The Delegation said that it was happy to note that progress had been made on the EOs item and that a decision had been taken by the General Assembly to establish EOs in Nigeria and Algeria. It welcomed this decision and hoped that the positive trend would continue for future work. At the same time, it regretted that no consensus had been made concerning the DLT. It said that most of the articles in the text were mature and that controversial views related only to individual provisions. It hoped that the various parties would show flexibility in order to create positive conditions for the convening of a diplomatic conference.

153. The Delegation of Nigeria, speaking on behalf of the African Group, wished to thank the Chair again for his leadership and to commend him for his flexibility, perseverance and able leadership in steering the work of the 2016 General Assembly. The Group believed that important decisions had been taken, including the review of the Internal Oversight Charter that would enhance the transparency and accountability of WIPO. On WIPO Committees and the DA, the Group wished to reiterate its earlier statement that Member States needed to work harder on a balanced, more inclusive, competitive and accessible international IP system for the benefit of the diverse membership of the Organization. It welcomed again the entry into force of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. In that vein, it hoped that it would be possible to reach agreements on all other normative work in WIPO, especially for the IGC negotiations, and the SCCR negotiations on access to information and knowledge and broadcasting authorizations. Regarding the DLT, which had been a significant focus of negotiations, it regretted the outcome and said that the Group stood ready to continue to engage constructively. It hoped for more flexibility for a solution to be reached. On geographical distribution in WIPO, the Group looked forward to starting, as early as possible, negotiations with the Chair of the Coordination Committee on the review of the 1975 principles and geographical distribution. Finally, on EOs, the Group wished to thank the Chair again for all his hard work, and to thank all Member States and the Regional Groups for the hard work and constructive engagement in the negotiations, in particular GRULAC, CEBS and the Asian Group for their support, which had led to the decision to establish two WIPO External Offices in Nigeria and Algeria. The Group was committed and ready to ensure that those offices would facilitate

the use of IP for growth and development in Africa, and would contribute to the delivery of WIPO's strategic goals and programs.

154. The Delegation of Tajikistan, speaking on behalf of the CACEEC Group, thanked the Chair for his able leadership and extraordinary coordination of the work of the 56<sup>th</sup> series of the Assemblies, and the Facilitators for assisting work during the informal discussions. It also thanked Member States for the flexibility shown and the interpreters for their tireless work throughout the Assemblies.

155. The Delegation of Chile, speaking on behalf of GRULAC, echoed its statement under Agenda Item 10, and thanked the Chair for his ability and willingness to listen to the Member States, and for his flexibility which had been necessary to adjust certain processes during the informal sessions. Member States had often turned to the Chair who had to find time to accommodate them. In this, he had been inclusive in his work, which was something that was very important for the Group. It also thanked the Secretariat and the Facilitators for their work and wished to underscore the important institutional matters that had been dealt with during the Assemblies, including the first session of the Marrakesh Assembly, the EOs and other matters. It said that the Group would remain very active and flexible for the various issues that would be emerging for the rest of this year and in the future, especially with regard to EOs.

156. The Director General wished to join all delegations in thanking the Chair. He said that it was customary to thank the Chair for his tireless efforts but he thought that the efforts had been really tiring in this case. It had really been extraordinary leadership. He thanked the Chair very much for that and for the very positive results that had emerged from the Assemblies. He thanked delegations for their great engagement during the course of the Assemblies and observed that the room was quite full even though it was 9 p.m. on the last evening. The Director General thanked delegations for that engagement, for their interest in the Organization and for their support for the Organization. He thought that some good directions had been given to the Secretariat as a consequence of the Assemblies. There had been some highlights and also some disappointments in that not all items had produced positive results. The entry into force of the Marrakesh Treaty had been a highlight and the decision on the EOs was a very good step for the Organization. The Director General joined other delegations in congratulating the African Group, in particular the Delegations of Algeria and Nigeria, on the establishment of EOs and looked forward to working with those two delegations in the implementation of this decision in the coming 12 months. He thanked his colleagues for the extraordinary support that they had given in the last 10 days to all Member States for the conduct of the Assemblies. In particular, he wished to mention Mr. Naresh Prasad, Secretary of the Assemblies, Assistant Director General and Chief of Staff, as well as Mr. Sergio Balibrea, Director of the Assemblies Affairs and Documentation Division, and Mr. Omar Katbi, Chief of Protocol and Event Management, who had been chiefly responsible for the organization of the Assemblies and the many side events. He said that a significant number of events had taken place, more than in any previous year, and that he wished to thank, in particular, the Delegations of South Africa, Slovakia, Brazil and Morocco for the cultural performances that they had organized. Finally, the Director General thanked the many support staff in the conference services, in particularly the translators and the interpreters.

157. The Chair thanked the Director General for his concluding remarks and expressed his appreciation for the efforts of all delegations. He said that he read in front of him "the Chair intervenes" but that there were no speaking notes, and that this was the first and only time in the Assemblies when the Secretariat had dropped the ball and not provided him with talking points. To speak more seriously, he said that he had caught the Director General being imprecise for once in that it was not 9 p.m. but 6 p.m. Indeed, it had been agreed that the meeting would stop at 6 p.m. and they were stopping therefore at 6 p.m. He thought that next year, 6 p.m. (which meant, in fact, 9 p.m. in this case) should really mean 6 p.m. Swiss time. On a serious note, the Chair said that it had been a very interesting journey that had been taken together, made together and in which they had succeeded on almost everything they had

planned to do. This would not have been possible without the spirit of cooperation existing among delegations and he thought that this spirit should be strengthened. WIPO was an organization of Member States. It was the duty of all to make sure that the Organization functioned properly and the responsibility of all to contribute in every way possible to a smooth ride and the good work of the Organization. If the Organization worked well, everyone benefited nationally, regionally and internationally. Everyone was in the same boat and had to make sure that they were all rowing in concert and, most importantly, in the same direction, and that there was no attempt to go in different directions. He was pleased that the entire governmental machine of the Organization had been strengthened. He said that, for him, this was a small step and just a beginning, and that he had ideas that he would try to apply during the preparation of the next General Assembly because by adopting the new electoral cycle, Member States had entrusted the interim team, that is, the Acting Chair and Vice-Chairs, to prepare and preside over the next General Assembly. He hoped that these innovations would at least improve preparations and result in a better organized conference and most importantly ownership over the Agenda and deliberations. He said it was now his turn to thank everyone. He wished to start by thanking the Director General, and the Assemblies team for organizing the Assemblies and a smooth ride from technical perspective. He wished to thank WIPO staff, the Legal Counsel, the interpreters and the support staff. He added that, with regard to the support staff, what had not been mentioned but which should be mentioned was all the technical and clerical support, and the catering. Everyone had enjoyed very much the food offered at receptions as well as during the long hours of negotiations. He said that Regional coordinators had been extremely helpful throughout the Assemblies, and thanked them for their efforts in working between the various regions, group members and delegations. Having said this, he said that his last wish, which was actually a request, was that every record referring to Chair in the summary report should mention "Acting" because that would be an accurate reflection of the status of the Acting Chair and Vice-Chairs.

158. The Delegation of Greece, speaking on behalf of Group B, said that the coordination of Group B by Greece would come to an end after the General Assembly. It said that it had been an honor and pleasure to work with the other Regional Coordinators, and that they had spent many hours and nights working together. It had been a great pleasure to work with the members of Group B too. It thanked the staff of the Organization for preparing and helping with the preparations for every session, and the interpreters.

159. The Chair stated that it was an honor and a pleasure for him to close the 56<sup>th</sup> series of the Assemblies of the WIPO Member States.

160. The Fifty-Sixth Series of Meetings of the Assemblies and other Bodies of the Member States of WIPO was closed by the Chair of the WIPO General Assembly.

[Annexes follow]