

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

### **Fifty-Fifth Series of Meetings Geneva, October 5 to 14, 2015**

#### LIST OF DECISIONS

*Document prepared by the Secretariat*

#### ITEM 1 OF THE CONSOLIDATED AGENDA

##### OPENING OF THE SESSIONS

The fifty-fifth series of meetings of the Assemblies and other bodies of the Member States of WIPO were convened by the Director General of WIPO, Mr. Francis Gurry, and were opened in a joint meeting by Ambassador Päivi Kairamo (Ms.) (Finland), the outgoing Chair of the General Assembly.

#### ITEM 2 OF THE CONSOLIDATED AGENDA

##### ELECTION OF OFFICERS

Each of the Assemblies and other bodies concerned elected their respective officers, namely Ambassador Gabriel Duque (Colombia) as Chair of the General Assembly, Ambassador Francois Xavier Ngarambé (Rwanda) as Chair of the Coordination Committee, and each of the officers that appear in document A/55/INF/4 (*note: all referenced documents are available on [http://www.wipo.int/about-wipo/en/assemblies/2015/a\\_55/agenda.html](http://www.wipo.int/about-wipo/en/assemblies/2015/a_55/agenda.html)*).

#### ITEM 3 OF THE CONSOLIDATED AGENDA

##### ADOPTION OF THE AGENDA

Each of the Assemblies and other bodies concerned adopted its agenda as proposed in document A/55/1 Prov.5, on the understanding that, as recommended by the PBC, the

“fee-funded” Unions (that is, Agenda Items 19 to 22) convene before the discussion on the proposed Program and Budget 2016/17 (that is, Agenda Item 11).

#### ITEM 4 OF THE CONSOLIDATED AGENDA

##### DIRECTOR GENERAL'S REPORT

No decision was adopted under this agenda item.

#### ITEM 5 OF THE CONSOLIDATED AGENDA

##### GENERAL STATEMENTS

No decision was adopted under this agenda item.

#### ITEM 6 OF THE CONSOLIDATED AGENDA

##### ADMISSION OF OBSERVERS

The 55<sup>th</sup> Assemblies decided to grant observer status to the following (document A/55/2):

- Intergovernmental organization: European Public Law Organization (EPLO)
- International non-governmental organizations: Archives and Records Association (ARA); Confederacy of Patent Information User Groups (CEPIUG); European Association for Bioindustries (EUROPABIO); (International Intellectual Property Commercialization Council Limited (IIPCC); and MALOCA *Internationale*.
- National non-governmental organizations: Association of Spanish Attorneys before International Industrial and Intellectual Property Organization (AGESORPI); The Finnish Copyright Society; and The Nest Foundation
- Regional Intergovernmental Organization: European Public Law Organization (EPLO)

#### ITEM 7 OF THE CONSOLIDATED AGENDA

##### COMPOSITION OF THE PROGRAM AND BUDGET COMMITTEE

The following States were unanimously elected by the General Assembly as members of the Program and Budget Committee for the period October 2015 to October 2017: Argentina, Armenia, Azerbaijan, Bangladesh, Belarus, Brazil, Cameroon, Canada, Chile, China, Colombia (2015/16), Congo, Czech Republic, Ecuador, Egypt, El Salvador, Estonia (2016/17), Ethiopia, France, Germany, Greece, Guatemala, Hungary, India, Iran (Islamic Republic of), Italy, Japan, Latvia (2015/16), Malaysia, Mexico, Morocco, Nigeria, Pakistan, Panama, Poland, Republic of Korea, Romania, Russian Federation, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland (*ex officio*), Tajikistan, Trinidad and Tobago (2016/17), Turkey, Uganda, United Kingdom, United States of America, Viet Nam, Zimbabwe (53)

## ITEM 8 OF THE CONSOLIDATED AGENDA

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

The Paris Union Assembly unanimously elected the following States as *ordinary* members of the *Paris Union Executive Committee*: Angola, Argentina, Azerbaijan, Bahamas, Bangladesh, Burkina Faso, Cameroon, China, Colombia, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Finland, Ghana, Guatemala, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Kazakhstan, Latvia, Mongolia, Morocco, Nepal, New Zealand, Pakistan, Peru, Poland, Republic of Korea, Romania, Singapore, Sri Lanka, Sweden, Uganda, United States of America, Viet Nam (41);

The Berne Union Assembly unanimously elected the following States as *ordinary* members of the *Berne Union Executive Committee*: Algeria, Australia, Austria, Barbados, Belgium, Brazil, Brunei Darussalam, Canada, Congo, Costa Rica, Côte d'Ivoire, Dominican Republic, El Salvador, Estonia, France, Gabon, Germany, India, Kyrgyzstan, Luxembourg, Malaysia, Mexico, Namibia, Netherlands, Nigeria, Norway, Panama, Paraguay, Portugal, Russian Federation, Rwanda, Senegal, South Africa, Spain, Tunisia, Turkey, United Kingdom, United Republic of Tanzania, Zimbabwe (39);

The WIPO Conference unanimously designated the following States as *ad hoc* members of the *WIPO Coordination Committee*: Ethiopia, Myanmar (2);

The WIPO Conference and the Assemblies of the Paris and Berne Unions noted that Switzerland would continue to be an *ex officio* ordinary member of the *Paris Union Executive Committee* and of the *Berne Union Executive Committee*.

As a consequence, the WIPO Coordination Committee for the period October 2015 to October 2017 was composed of the following States: Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belgium, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Canada, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia (*ad hoc*), Finland, France, Gabon, Germany, Ghana, Guatemala, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Luxembourg, Malaysia, Mexico, Mongolia, Morocco, Myanmar (*ad hoc*), Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, Singapore, South Africa, Spain, Sri Lanka, Sweden, Switzerland (*ex officio*), Tunisia, Turkey, Uganda, United Kingdom, United Republic of Tanzania, United States of America, Viet Nam, Zimbabwe (83).

## ITEM 9 OF THE CONSOLIDATED AGENDA

## APPROVAL OF AGREEMENTS

The Coordination Committee approved the Memorandum of Understanding (MoU) between WIPO and CERLALC and the MoU between WIPO and ESCAP (document WO/CC/71/1, Annexes I and II)

## ITEM 10 OF THE CONSOLIDATED AGENDA

### REPORTS ON AUDIT AND OVERSIGHT

#### Report by the WIPO Independent Advisory Oversight Committee (IAOC);

The WIPO General Assembly took note of the “Report by the WIPO Independent Advisory Oversight Committee (IAOC)” (document WO/GA/47/2).

#### Report by the External Auditor

The Assemblies of the Member States of WIPO and of the Unions, each as far as it is concerned, took note of the “Report by the External Auditor” (document A/55/9)

#### Report by the Director of the Internal Oversight Division

The WIPO General Assembly took note of the “Annual Report by the Director of the Internal Oversight Division (IOD)” (document WO/GA/47/4).

## ITEM 11 OF THE CONSOLIDATED AGENDA

### REPORT ON THE PROGRAM AND BUDGET COMMITTEE

The Chair noted that Agenda Item 11 covered all issues discussed by the Program and Budget Committee (PBC) at its 23<sup>rd</sup> and 24<sup>th</sup> sessions, except “Reports on Audit and Oversight” that had been discussed under Agenda Item 10. As mentioned in document A/55/4 “Decisions Taken by the Program and Budget Committee”, the Committee could not conclude on the following issues: (a) the final progress report on the New Construction Project and New Conference Hall Project; (b) the proposed Program and Budget for the 2016/17 biennium, including Lisbon-related issues. The Chair added that under point (b), the PBC could not conclude the issue of new external offices. Additionally, the PBC had taken note that no consensus had been reached on the following issues raised by some delegations: (a) the proposal that “the earmarking of funds for any diplomatic conferences in 2016/17 be conditional on such conferences being open to the full participation of all WIPO Member States”; (b) “the need for a revision of the methodology on the allocation of income and expenditure by Unions, including the allocation of miscellaneous income of the Organization”.

The Chair proceeded with reading a proposed decision paragraph appearing in document A/55/4 entitled “Decisions Taken by the Program and Budget Committee” pertaining to all issues covered under Agenda Item 11, except the pending issues outlined above.

I. In relation to the issues referred on the previous paragraph, 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” taken by the Program and Budget Committee (document A/55/4), and of the updated “Status of the Payment of Contributions as at September 1, 2015” (document A/55/8); and

(ii) approved the recommendations made by the PBC as contained in document A/55/4. (see second paragraph of this agenda item).

II. In relation to the Progress Report on the New Construction Project and the New Conference Hall Project (document A/55/11), the Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned:

- (a) took note of the contents of the Progress Report on the New Construction Project and New Conference Hall Project (document A/55/11), including the fact that discussions were ongoing with the remaining three companies and three firms of specialists on their final accounts;
- (b) took note that the Secretariat:
- (i) made the utmost efforts to minimize, to the extent possible, the potential additional funding requirement for the completion and closure of all accounts related to the New Conference Hall Project;
  - (ii) had closed almost all (102 out of 108) accounts related to the New Conference Hall Project before the 2015 Assemblies, and that it would undertake every possible effort to close the remaining six accounts as soon as possible after the Assemblies; and
- (c) exceptionally approved that potential additional expenses related to the completion and closure of the New Conference Hall Project, in excess of the 75.2 million Swiss francs approved budget for that Project, to a maximum of 3.5 million Swiss francs, be absorbed from the overall budgetary envelope contained in the approved 2014/15 Program and Budget.

III. In relation to the issue of new External Offices (EOs), the WIPO General Assembly decided:

1. To adopt the Guiding Principles annexed to this decision;
2. 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 3 EOs per biennium for the biennia, 2016-17, 2018-19, subject to approval by WIPO GA.
3. This decision is without prejudice to any decision by the PBC and the GA on opening new EOs pursuant to the guiding principles after an evaluation during 2021.
4. For the period mentioned in paragraph 2, priority should be given to Africa. For this purpose, Member States are encouraged to submit their hosting proposals to be considered under the guiding principles.

## ANNEX

### **GUIDING PRINCIPLES REGARDING WIPO EXTERNAL OFFICES**

1. The following principles shall guide the role of the WIPO Secretariat and the decision making by Member States on the establishment of a sustainable, adequately sized network of WIPO External Offices (EOs), that adds clear value, efficiency and effectiveness to program delivery in accordance with the results framework of the Program and Budget, in a coordinated and complementary way with WIPO HQ and in a way that may otherwise not be achieved through operations at WIPO HQ.

## **A. Transparency of procedures and decision making by Member States for the establishment of new External Offices**

2. Any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing. The President of the General Assembly shall inform the Member States of the receipt of the notification without delay. This paragraph does not apply to those Member States which have already presented the written notifications, in their national capacity or on behalf of a group of countries or Regional Group.

3. The Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should submit a proposal through the Director General for consideration by the Program and Budget Committee (PBC). In the preparation of this proposal the Member State may request the assistance of the Secretariat. The Secretariat shall submit to the PBC the notification and the proposal received from the Member State.

*3bis.* The Secretariat shall provide to the PBC a separate, factual and technical report on proposed new EO and its consistency with these guiding principles. The document should also contain information relevant to the consideration of paragraphs *10bis* and 17. The PBC will consider the proposal and the document in order to make any recommendation to the General Assembly.

4. The General Assembly will consider the report, including recommendations, of the PBC in order to take a final decision on the establishment of the new EO.

5. If the General Assembly approves the establishment of an EO, the Coordination Committee (CoCo) will consider the approval of a proposed agreement between the Director General on behalf of WIPO and the host country, consistent with Article 12 of the WIPO Convention.

## **B. Rationale for External Offices**

6. The proposal referred to in paragraph 3 should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization's program delivery, with particular regard to the considerations set out in Sections D and E.

7. Recognizing that the mandate of each EO as decided by WIPO Member States might differ, the basic scope of activities in an EO may include:

- (i) Collaboration with the national IP office to support and advance the Organization's program delivery;
- (ii) Enhancement of innovation and creativity, including by promoting effective use of IP services;
- (iii) Raising awareness, understanding and respect for IP;
- (iv) The delivery of customer services to users of global IP services, including treaties and conventions administered by WIPO;
- (v) Assistance for using IP as a tool for promoting development and transfer of technology;

(vi) The provision of policy and technical support to national IP offices to increase the use of IP;

(vii) If approved by the PBC, WIPO may explore the possibility for an EO's delivery of other activities which are beneficial to WIPO Member States.

8. WIPO EOs will not conduct any activities related to processing<sup>1</sup> of international applications filed under the PCT, Madrid, and Hague systems, or any related financial transactions.

9. EOs can supplement the activities of, but not assume the duties which are primarily the responsibility of national IP authorities.

### **C. Regional Activity**

10. The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed.

10*bis*. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ.

### **D. Financial and Budgetary Sustainability**

11. Recognising the different levels of development among Member States, and the need to safeguard resources for regional bureaus without prejudice to Member States which opt to deal directly with WIPO HQ, the report under paragraph 3*bis* shall set out, based on facts, the technical feasibility of the proposed EO with respect to:

- (i) the budget implications of the establishment of the EO, including the financial and budgetary sustainability and its recurring costs;
- (ii) possible efficiency savings from the proposed activity of the EO.

The report under paragraph 3*bis* shall be without prejudice to the final political decision which Member States may take regarding any offer to host a WIPO EO.

11*bis*. Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation.

12. The ability to maintain the financial and budgetary sustainability of the WIPO External Offices network will depend on whether it contributes to the delivery of program results, the cost-effectiveness of its operation and the prevailing financial situation of the Organization, and the Secretariat should keep Member States adequately apprised of this consideration.

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<sup>1</sup> For example: receipt, transmittal, review, search and examination, handling, publication, assignment on transfer of rights on licenses, renewal, and/or storage.

## **E. Geographic / Locational Aspects**

13. Due consideration should be given to the principle of a sustainable, equitable, and efficient geographical network for the location of prospective EOs. Every EO should have a clearly defined geographical area of operation.
14. Due consideration should be given to developmental aspects, regions without an EO, or locations where the users of WIPO Premier Global IP Services are located.
15. The existence of an EO in a region, or even in a neighboring country, shall not by itself constitute a ground for denying a request put forward by a Member State in that same region to be considered and decided by the General Assembly.
16. The establishment of a new EO shall not prejudice the scope of an existing EO to conduct approved WIPO program activities in its host country or with a group of countries or Regional Group, as agreed by the Member States involved.
17. The establishment of an EO in one particular Member State shall not prejudice the rights and the conduct of relations by other Member States in the same geographical region with WIPO HQ.

## **F. External Offices' Accountability / Reporting**

18. All EOs are an integral part of WIPO's results-based management and regulatory framework. Once the EO is established and operational, its performance and activities will be monitored and evaluated based on the performance indicators and targets, and reported to the PBC which will, in turn, transmit its recommendations to the General Assembly, as appropriate.
19. WIPO will directly procure the required IT equipment for all WIPO EOs through its normal processes.

## **G. Implementation and Review**

20. These guiding principles shall apply universally to existing and prospective EOs.
21. To allow for evolving circumstances in WIPO's operating environment, these guiding principles shall be reviewed and approved upon a decision of the General Assembly.
22. The size and performance of the entire EO network shall be evaluated every five years by the PBC, which may request the support of WIPO External Auditors or independent external evaluators, with due regard to the different mandates and functions performed by the EOs. The terms of reference of such evaluation shall be decided by the PBC.

### **IV. In relation to other issues,**

1. The Assemblies of the Member States of WIPO and of the Unions, each as far as it is concerned:
  - (i) Agreed to approve the Revised Proposed Program and Budget (A/55/5/Rev.), as amended during the General Assemblies (Program 6);
  - (ii) Noted the decision of the Lisbon Union Assembly to adopt measures by the 2016 Assemblies to eliminate the Lisbon Union's projected biennial deficit, as described in the 2016/17 biennium WIPO program and budget (1.523 million CHF); and



(iii) Decided to approve a loan from the reserves of the Contribution-financed Unions to the Lisbon Union in order to fund the operations of the Lisbon System for 2016/17, in case such measures are not sufficient to cover its projected biennial deficit. Such loan shall be provided on the basis that no interest shall be payable and that it would be repaid when the Lisbon Union reserves would allow it to do so.

2. The General Assembly:

(i) Recognized that the allocation methodology for the income and budget by Union is a cross cutting topic;

(ii) Noted that some delegations are of the opinion that further discussion among the Member States would be needed;

(iii) Requested the Secretariat to conduct a study on potential alternatives for an allocation methodology for the income and budget by Union for consideration at PBC 25.

3. The General Assembly takes note of the fact that all diplomatic conferences contemplated in the 2016-17 biennium, that may be held under the auspices of WIPO during the 2016/17 biennium and funded by the resources of the organization will be open to the full participation of all WIPO Member States.

#### ITEM 12 OF THE CONSOLIDATED AGENDA

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

The WIPO General Assembly decided to:

(i) take note of the information contained in document WIPO/GA/47/5; and

(ii) direct the Standing Committee on Copyright and Related Rights (SCCR) to continue its work regarding the issues reported on in document WIPO/GA/47/5.

#### ITEM 13 OF THE CONSOLIDATED AGENDA

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

The WIPO General Assembly took note of the "Report on the Standing Committee on the Law of Patents" (document WO/GA/47/6).

#### ITEM 14 OF THE CONSOLIDATED AGENDA

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

The WIPO General Assembly took note of the "Report on the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications" (document WO/GA/47/7).

The General Assembly directed the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) to examine the different systems for protection of geographical indications, within its current mandate and covering all aspects.

#### ITEM 15 OF THE CONSOLIDATED AGENDA

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

The WIPO General Assembly agreed :

That the text of the basic proposal for the Design Law Treaty should be finalized by the SCT at its thirty-fourth and thirty-fifth sessions;

- (i) To convene a diplomatic conference for the adoption of a Design Law Treaty at the end of the first half of 2017, only if the discussions on technical assistance and disclosure have been completed during the thirty-fourth and thirty-fifth sessions of the SCT;
- (ii) That the text of the basic proposal for the Design Law Treaty should be finalized by the SCT at its thirty-fourth and thirty-fifth sessions;
- (iii) That, if a diplomatic conference is convened at the end of the first half of 2017, the date and venue of the diplomatic conference would be decided in a preparatory committee, to be held back to back with the thirty-fifth session of the SCT.

#### ITEM 16 OF THE CONSOLIDATED AGENDA

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

The WIPO General Assembly:

- (a) took note of the "Report on the Committee on Development and Intellectual Property (CDIP) and Review of the Implementation of the Development Agenda Recommendations" (document WO/GA/47/9);
- (b) with respect to document WO/GA/47/11 entitled "Decision on the Committee on Development and Intellectual Property (CDIP) Related Matters", allowed the CDIP to continue, during its sixteenth and seventeenth sessions, the discussion on the decision on CDIP related matters adopted at the Forty-Third Session of the WIPO General Assembly (document CDIP/12/5) and to report back and make recommendations on the two matters to the WIPO General Assembly in 2016.

#### ITEM 17 OF THE CONSOLIDATED AGENDA

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

Bearing in mind the Development Agenda recommendations and acknowledging the progress made, the WIPO General Assembly agrees that the mandate of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (Committee) be renewed, without prejudice to the work pursued in other fora, as follows:

- (a) The Committee will, during the next budgetary biennium 2016/2017, continue to expedite its work, with a focus on narrowing existing gaps, with open and full engagement, including text-based negotiations, with the objective of reaching an agreement on an international legal instrument(s), without prejudging the nature of outcome(s), relating to intellectual property which will ensure the balanced and effective protection of genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs).
- (b) The Committee's work in the 2016/2017 biennium will build on the existing work carried out by the Committee with a primary focus on reaching a common understanding on core issues, including definition of misappropriation, beneficiaries, subject matter, objectives, and what TK/TCEs subject matter is entitled to protection at an international level, including consideration of exceptions and limitations and the relationship with the public domain.
- (c) The Committee will follow, as set out in the table below, a clearly defined work program, based on sound working methods, for the 2016/2017 biennium. This work program will make provision for 6 sessions of the Committee in 2016/2017, including thematic, cross-cutting and stocktaking sessions. The Committee may decide to establish an expert panel(s) and hold further Ambassadorial/Senior Capital-Based Officials meetings during future Committee sessions.
- (d) The Committee will use all WIPO working documents, including WIPO/GRTKF/IC/28/4, WIPO/GRTKF/IC/28/5 and WIPO/GRTKF/IC/28/6, as well as any other contributions of member states, using an evidence-based approach, including studies and examples of national experiences, including domestic legislation and examples of protectable subject matter and subject matter that is not intended to be protected; and outputs of any expert panel(s) established by the Committee and IGC-related seminars and workshops conducted under Program 4. However, examples, studies, seminars or workshops are not to delay progress or establish any preconditions for the negotiations.
- (e) Taking note of the utility served by the 2015 WIPO seminars on IGC-related subjects, provision shall be made for the Secretariat, under Program 4, to organize inter-sessional seminars and workshops to build regional and cross-regional knowledge and consensus on issues related to IP and GRs, TK and TCEs with a focus on unresolved issues.
- (f) In 2016, the Committee is requested to provide, for information only, a factual report to the General Assembly on its work up to that time, and in 2017, submit to the General Assembly the results of its work on an international legal instrument(s) relating to intellectual property which will ensure the balanced and effective protection of GRs, TK and TCEs. The General Assembly in 2017 will take stock of progress made, and decide on whether to convene a diplomatic conference or continue negotiations. It will also consider the need for additional meetings, taking account of the budgetary process.
- (g) The Committee may also consider the conversion of the Committee into a Standing Committee and, if so agreed, make a recommendation in this regard to the General Assembly in 2016 or 2017.
- (h) The General Assembly requests the International Bureau to continue to assist the Committee by providing Member States with necessary expertise and funding, in the most efficient manner, of the participation of experts from developing countries and LDCs, taking into account the usual formula for the IGC.

Work Program – 6 Sessions

<b>Indicative Dates</b>	<b>Activity</b>
February/March 2016	(IGC 29) Undertake negotiations on GRs with a focus on addressing unresolved issues and considering options for a draft legal instrument Elaborate an indicative list of outstanding/pending issues to be tackled/solved at the next session on GRs Duration 5 days.
May/June 2016	(IGC 30) Undertake negotiations on GRs with a focus on addressing unresolved issues and considering options for a draft legal instrument Duration 5 days.
September 2016	(IGC 31) Undertake negotiations on TK with a focus on addressing unresolved issues and considering options for a draft legal instrument Elaborate an indicative list of outstanding/pending issues to be tackled/solved at the next session on TK Duration 5 days.
September 2016	WIPO General Assembly Factual report
November/December 2016	(IGC 32) Undertake negotiations on TK with a focus on addressing unresolved issues and considering options for a draft legal instrument Duration 5 days.
March/April 2017	(IGC 33) Undertake negotiations on TCEs with a focus on addressing unresolved issues and considering options for a draft legal instrument Elaborate an indicative list of outstanding/pending issues to be tackled/solved at the next session on TCEs Duration 5 days.
June/July 2017	(IGC 34) Undertake negotiations on TCEs with a focus on addressing unresolved issues and considering options for a draft legal instrument Stocktaking session and making a recommendation Duration 5 days.
September 2017	WIPO General Assembly will take stock of and consider the text(s), progress made, and decide on whether to convene a diplomatic conference or continue negotiations. It will also consider the need for additional meetings, taking account of the budgetary process.

ITEM 18 OF THE CONSOLIDATED AGENDA

MATTERS CONCERNING THE COMMITTEE ON WIPO STANDARDS (CWS)

The WIPO General Assembly took note of the “Matters Concerning the Committee on WIPO Standards” (document WO/G A/47/13).

## ITEM 19 OF THE CONSOLIDATED AGENDA

### PCT SYSTEM

#### Report on the PCT Working Group

The Assembly:

- (i) took note of the Summary by the Chair of the eighth session of the Working Group contained in document PCT/WG/8/25; and
- (ii) approved the recommendation concerning the further work of the PCT Working Group set out in paragraph 5 of document PCT/A/47/1.

#### Quality-Related Work by International Authorities

The Assembly took note of the report "Quality-Related Work by International Authorities" contained in document PCT/A/47/2.

#### Review of the Supplementary International Search System

The Assembly took note of the Review of the Supplementary International Search System contained in document PCT/A/47/3.

The Assembly, having reviewed the supplementary international search system three years after the date of entry into force of the system and again in 2015, decided:

"(a) to invite the International Bureau to continue to closely monitor the system for a period of a further five years, and to continue to report to the Meeting of International Authorities and the Working Group on how the system is developing;

"(b) to invite the International Bureau, International Authorities and national Offices and user groups to continue their efforts to raise awareness of and promote the service to users of the PCT system;

"(c) to invite the International Authorities which offer supplementary international searches to consider reviewing the scope of their services provided under the system and consequently the levels of fees charged for the services provided, which should be reasonable; and to invite Authorities which currently do not offer the service to reconsider whether to offer the service in the near future;

"(d) to review the system again in 2020, taking into account further developments until then, notably in relation to developments in collaborative search and examination, and in relation to efforts to improve the quality of the 'main' international search."

#### Proposed Amendments to the PCT Regulations

The Assembly:

- (i) adopted the amendments to the Regulations under the PCT set out in Annexes I and II to document PCT/A/47/9 Prov;
- (ii) decided that the amendments of Rules 9, 26*bis*, 48, 82*quater*, 92 and 94 set out in Annex I to document PCT/A/47/9 Prov. shall enter into force on July 1, 2016, and shall apply to any international application whose international filing date is on or after July 1, 2016;

- (iii) decided that the amendments of Rule 82*quater* shall also apply to international applications whose international filing date is before July 1, 2016, where the event referred to in Rule 82*quater*.1(a), as amended, occurs on or after July 1, 2016;
- (iv) decided that the amendments of Rule 92.2(d) shall also apply to correspondence received by the International Bureau on or after July 1, 2016, in respect of international applications whose international filing date is before July 1, 2016, to the extent provided at the time of promulgation of any Administrative Instructions made under that Rule;
- (v) decided that the amendments of Rules 12*bis*, 23*bis*, 41, 86 and 95 set out in Annex II to this report shall enter into force on July 1, 2017, and shall apply to any international application whose international filing date is on or after July 1, 2017;
- (vi) decided that the amendments of Rules 86 and 95 shall also apply to any international application whose international filing date is before July 1, 2017, in respect of which the acts referred to in Article 22 or Article 39 are performed on or after July 1, 2017;
- (vii) adopted the following Understanding concerning the provisions regarding the excuse of a delay in meeting a time limit due to a general unavailability of electronic communication services in accordance with the amended Rule 82*quater*:

“In adopting the amendments to Rule 82*quater*.1, the Assembly noted that the receiving Office, the International Searching Authority, the Authority specified for supplementary search, the International Preliminary Examining Authority or the International Bureau should, in considering a request under Rule 82*quater*.1 to excuse a delay in meeting a time limit that has not been met due to a general unavailability of electronic communication services, interpret general unavailability of electronic communications to apply to outages that affect widespread geographical areas or many individuals, as distinct from localized problems associated with a particular building or single user.”

- (viii) adopted the following Understanding concerning the information which is to be provided in accordance with the amended Rules 86 and 95:

“In adopting the amendments to Rule 86.1(iv), the Assembly noted that the information concerning national phase entry will be made available to the public not only by way of inclusion in the Gazette on the PATENTSCOPE website but also as part of the bulk PCT bibliographic data offered to Offices and other subscribers to the PATENTSCOPE subscription data services.”

#### Proposed Modifications of the Directives of the Assembly Relating to the Establishment of Equivalent Amounts of Certain Fees

The Assembly:

- (i) took note of the contents of document PCT/A/47/5 Rev.;
- (ii) invited the Secretariat to further analyze the issues regarding the implementation of a hedging strategy for PCT fee income set out in document WO/PBC/24/INF.3;
- (iii) postponed any decision on the proposed modifications to the Directives of the Assembly Relating to the Establishment of Equivalent Amounts of Certain Fees, as agreed by the PCT Working Group, until such analysis had been undertaken; and
- (iv) invited the Secretariat to submit a progress report to the 2016 session of the PCT Working Group.

Appointment of the Visegrad Patent Institute as an International Searching and Preliminary Examining Authority under the PCT

The Assembly, having heard the Representative of the Visegrad Patent Institute and taking into account the advice of the PCT Committee for Technical Cooperation set out in paragraph 5 of document PCT/A/47/6:

- (i) approved the text of the draft Agreement between the Visegrad Patent Institute and the International Bureau as set out in the Annex to document PCT/A/47/6; and
- (ii) appointed the Visegrad Patent Institute as an International Searching Authority and an International Preliminary Examining Authority with effect from the entry into force of the Agreement until December 31, 2017.

Amendment of the Agreement Concerning the Functioning of the State Intellectual Property Service of Ukraine as an International Searching and Preliminary Examining Authority under the PCT

The Assembly:

- (i) took note of the contents of document PCT/A/47/7; and
- (ii) approved the amendments to the agreement between the State Intellectual Property Service of Ukraine and the International Bureau as set out in the Annex to document PCT/A/47/7.

Matters concerning the Lisbon Union: Proposal of the United States of America to the Patent Cooperation Treaty Assembly

The Assembly of the PCT Union considered document PCT/A/47/8 and did not reach consensus.

ITEM 20 OF THE CONSOLIDATED AGENDA

MADRID SYSTEM

Final Report on the Information Technology Modernization Program (Madrid International Registration System)

The Assembly took note of the “Final Report on the Information Technology Modernization Program (Madrid International Registration System)” (document MM/A/49/1).

Progress Report on the Madrid System Goods and Services Database

The Assembly:

- (i) took note of the “Progress Report on the Madrid System Goods and Services Database” (document MM/A/49/2), including its paragraph 27 related to the remaining project funds; and,
- (ii) requested the International Bureau to submit to the Assembly in 2016 a new Progress Report on the Madrid System Goods and Services Database, including the use of remaining project funds.

Proposed Amendments to the Common Regulations Under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement

The Assembly adopted the amendments to Rules 5 and 36 of the Common Regulations, with a date of entry into force of April 1, 2016, and to Rules 9 and 24 of the Common Regulations, with a date of entry into force of November 1, 2017, as set out in the Annexes to the “Proposed Amendments to the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement” (document MM/A/49/3).

Matters Concerning the Madrid and Lisbon Unions: Proposal of the United States of America to the Madrid Assembly

The Assembly of the Madrid Union considered document MM/A/49/4 and did not reach consensus.

ITEM 21 OF THE CONSOLIDATED AGENDA

HAGUE SYSTEM

Final Report on the Information Technology Modernization Program (Hague International Registration System):

The Assembly took note of the “Final Report on the Information Technology Modernization Program (Hague International Registration System)” (document H/A/35/1).

ITEM 22 OF THE CONSOLIDATED AGENDA

LISBON SYSTEM

Outcome of the Diplomatic Conference for the Adoption of a New Act of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

The Assembly:

- (i) took note of the content of the “Outcome of the Diplomatic Conference for the Adoption of a New Act of the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration” (document LI/A/32/1);
- (ii) approved the establishment of a Working Group for the Preparation of Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement; and
- (iii) designated Arabic, Chinese and Russian as languages in which official texts of the Lisbon Agreement and the Regulations thereunder had to be established.



Proposal to Update the Fee Schedule Under Rule 23 of the Regulations Under the Lisbon Agreement

The Assembly:

- (i) took note of the contents of document LI/A/32/2;
- (ii) decided to modify the amounts of the fees mentioned in Rule 23 of the Lisbon Regulations with effect from January 1, 2016, as follows: (i) an international registration fee of 1,000 Swiss francs; (ii) a fee of 500 Swiss francs for the modification of an international registration; (iii) a fee of 150 Swiss francs for providing an extract from the International Register; (iv) a fee of 100 Swiss francs for providing an attestation or any other information given in writing concerning the contents of the International Register;
- (iii) decided that it would continue to review fees on a regular basis.

Options for the Financial Sustainability of the Lisbon Union and the Proposal to Establish a Working Capital Fund for the Lisbon Union

The Lisbon Union Assembly, recognizing that the Lisbon Union has a deficit and that its receipts do not suffice to cover its expenses, decides that:

- (i) In accordance with Article 11 of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (the 'Lisbon Agreement') the Lisbon Union, as a fee-funded union, shall adopt measures by the 2016 Assemblies to eliminate its projected biennial deficit, as described in the 2016/17 biennium WIPO program and budget of the Lisbon Union (1.523 million CHF).
- (ii) the Lisbon Union shall receive a loan from the Contribution-financed Unions if such measures are not sufficient to cover its projected biennial deficit as described in paragraph (i) at the Lisbon Union Assembly in 2016. Such loan shall be provided on the basis that no interest shall be payable and that it would be repaid when the Lisbon Union reserves would allow it to do so.
- (iii) the Lisbon Union will take advantage of the meetings of the Working Group for the discussion relating to the Lisbon system in order to consider the financial sustainability of the Lisbon Union, including the options contained in document LI/A/32/3 or any other practical solution, and to present a proposal to the next session of the Assembly in 2016.

ITEM 23 OF THE CONSOLIDATED AGENDA

ADVICE OF THE COORDINATION COMMITTEE TO THE LISBON UNION ASSEMBLY  
REGARDING THE PROPOSAL TO ESTABLISH A WORKING CAPITAL FUND FOR THE  
LISBON UNION

The WIPO Coordination Committee took note of the statements made and asked its Chair to make available the outcome of the discussion to the Chair of the Lisbon Union Assembly.

## ITEM 24 OF THE CONSOLIDATED AGENDA

### WIPO ARBITRATION AND MEDIATION CENTER, INCLUDING DOMAIN NAMES

The WIPO General Assembly took note of the document “WIPO Arbitration and Mediation Center, including Domain Names” (document WO/GA/47/14).

## ITEM 25 OF THE CONSOLIDATED AGENDA

### PATENT LAW TREATY (PLT)

The WIPO General Assembly took note of the “Cooperation under the Agreed Statements by the Diplomatic Conference Regarding the Patent Law Treaty” (document WO/GA/47/15).

## ITEM 26 OF THE CONSOLIDATED AGENDA

### SINGAPORE TREATY ON THE LAW OF TRADEMARKS (STLT)

The Assembly took note of the contents of the “Assistance for the Implementation of the Singapore Treaty on the Law of Trademarks” (document STLT/A/8/1).

## ITEM 27 OF THE CONSOLIDATED AGENDA

### MATTERS CONCERNING THE ADMINISTRATION OF THE GENEVA ACT OF THE LISBON AGREEMENT

The General Assembly considered document WO/GA/47/3 and did not reach consensus.

## ITEM 28 OF THE CONSOLIDATED AGENDA

### REPORTS ON STAFF MATTERS

#### Report on Human Resources

The WIPO Coordination Committee:

- (i) noted the information provided in paragraph 92 of document WO/CC/71/2 Rev. and approved the acceptance of the awards by the Director General;
- (ii) noted the information provided in paragraphs 95 and 96 of document WO/CC/71/2 Rev.; and
- (iii) noted that consultations shall take place under the guidance of the Chair of the WIPO Coordination Committee, to review the 1975 Principles of Geographical Representation, with a view of presenting a proposal to the Coordination Committee during the 2016 Assemblies of Member States.

#### Report by the Ethics Office

The WIPO Coordination Committee took note of the “Annual Report by the Ethics Office” (document WO/CC/71/3 Rev.).

## ITEM 29 OF THE CONSOLIDATED AGENDA

### AMENDMENTS TO STAFF REGULATIONS AND RULES

The WIPO Coordination Committee:

(i) approved the amendments to the Staff Regulations, with the exception of Staff Regulation 3.25 (“Special Salary Increment”), as provided in detail in Annex I, as well as the special transitional measure mentioned in paragraph 9, noting that:

(a) the Secretariat will undertake a study on the issue of staff mobility, including a review of other kind of incentives to promote mobility of professional staff. This study will be presented at the 2016 session of the Coordination Committee, for its consideration and for a decision on whether or not to accept the special salary increment; and

(b) the Office of the Legal Counsel will present at the 2016 session of the Coordination Committee an analysis on the issue of staff members’ acquired rights to education grant, together with the relevant information on the financial impact, for its decision on whether to maintain or delete new Staff Regulation 3.14(f) on education grant.

(ii) took note of the amendments to the Staff Rules as provided in detail in Annex II; and

(iii) took note of the amendments to the Staff Rules as provided in detail in Annex III and invited the Director General to consider reducing the period of time during which candidates recommended by an appointment board, but not appointed, may be placed on a reserve list.

## ITEM 30 OF THE CONSOLIDATED AGENDA

### DESIGNATION OF THE CHAIR AND DEPUTY CHAIR OF THE WIPO APPEAL BOARD

The WIPO Coordination Committee:

(i) designated Mr. Norbert Wühler as Chair of the WIPO Appeal Board, for a term of five years from the date of such designation; and

(ii) designated Mr. Michael Bartolo as Deputy Chair of the WIPO Appeal Board, for a term of five years from the date of such designation.

## ITEM 31 OF THE CONSOLIDATED AGENDA

### ADOPTION OF THE REPORTS

The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, requested the Secretariat to finalize the draft reports, post them on the WIPO website and communicate them to Member States by November 2, 2015. Comments should be submitted to the Secretariat by January 4, 2016, after which the final reports would be deemed adopted by February 5, 2016.

ITEM 32 OF THE CONSOLIDATED AGENDA

CLOSING OF THE SESSIONS

The Fifty-Fifth 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.

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