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WIPO General Assembly

Fifty-Fourth (25th Ordinary) Session
Geneva, October 4 to 8, 2021

DRAFT REPORT

prepared by the Secretariat

1. The WIPO General Assembly was concerned with the following items of the Consolidated Agenda (document A/62/1): 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 25, 26, 32 and 33.
2. The reports on the said items, with the exception of items 9, 10(i), 10(iii), 13, 14, 15, 16, 17, 18, 19, 20, 25, and 26 are contained in the draft General Report (document A/62/13 Prov.).
3. The reports on items 9, 10(i), 10(iii), 13, 14, 15, 16, 17, 18, 19, 20, 25 and 26 are contained in the present document.
4. Ambassador Omar Zniber (Mr.) (Morocco), Chair of the WIPO General Assembly, presided over the meeting.

ITEM 9 OF THE CONSOLIDATED AGENDA

COMPOSITION OF THE PROGRAM AND BUDGET COMMITTEE

5. Discussions were based on document WO/GA/54/1.

6. Introducing the agenda item, the Legal Counsel drew the attention of delegations to document WO/GA/54/1 and stated that as explained in the working document, the composition of the Program and Budget Committee (PBC) consisted of 53 members. The membership of the PBC was established once every two years during an ordinary session of the WIPO General Assembly. The PBC consisted of members elected by the WIPO General Assembly, following informal consultations among WIPO Member States. The mandate of the current members of the PBC would expire at the close of the present session of the Assemblies in October 2021 and new members must therefore be elected to serve for two years. He said that the Secretariat had been informed that, so far, no consensus had been reached among delegations with regard to the composition of the PBC.

7. The Delegation of Georgia, speaking on behalf of the Central European and Baltic States (CEBS) Group, believed that the current setup of the PBC worked well and it did not see a need to change the existing allocation of seats in the PBC. All Member States had always participated in the PBC sessions, which allowed them to state their position at the PBC. Thereafter, the final decisions regarding the PBC were adopted by the WIPO General Assembly where again all Member States could express their position. However, if there was a common understanding on changing the composition of the PBC and if there was consensus, the Group stood ready to demonstrate additional flexibility.

8. The Delegation of Bangladesh, speaking on behalf of the Asia and the Pacific Group (APG), stated its Group's view that decisions of the PBC, which was a key WIPO governing body, were directly relevant to all members. All members who wished to be involved in the PBC should therefore be able to contribute in full, as neither WIPO rules nor existing guidelines provided a basis for the current limitation on either the number of seats in the PBC or the allocation of seats to each regional group. The Delegation observed that this important issue had been discussed for many years but success had eluded Member States. However, the Delegation noted that the present year was different: There was progress under the Chair of the WIPO General Assembly's able leadership and under the facilitation of Ambassador Sabri Bachtobji (Mr.) (Tunisia), so a few options were now on the table and there was flexibility from various regional groups. The Delegation therefore wished to request that regional groups and Member States decide on the best option that would be mutually agreeable to all. Finally, the APG looked forward to constructive discussions with the other groups on the issue, so that WIPO could benefit from an inclusive PBC that took into account the geographic representation of the WIPO membership.

9. The Delegation of South Africa, speaking on behalf of the African Group, believed the time was right for the expansion of the PBC to the full membership of WIPO. Universal expansion of the PBC made perfect sense as the decisions of the Committee were of interest to all WIPO Member States. The absence of any treaty or other legal provision governing the precise composition of the PBC also made it easier for regional concerns on the matter to be taken into account, and the Group hoped that would be the case during the current Assemblies. The African Group noted, however, that previous discussions on the matter had not yielded any positive outcome and it believed that part of the reason for that was the linking of PBC composition with the composition of the Coordination Committee. It was understandable that the two issues were discussed together in the past. However, Member States should not allow lack of progress on one to affect the other. The Group believed there was sufficient flexibility shown by all groups to allow them to reach a common understanding on the PBC expansion and it urged Member States not to miss the opportunity. The African Group was convinced that

the expansion of the PBC would not have any negative impact on the work of the PBC or of WIPO generally, but would instead serve to assure all members of the Organization that they were all part of the decision-making processes, not as observers but as full members of WIPO. The Group hoped the WIPO General Assembly would be able to agree to the universalization of the PBC membership. If, however, this was not possible at this time, then the proposals of the Facilitator, whom the Delegation thanked, would be the best alternative way forward. In that regard, either one of the first or second proposals, being the ones in line with the principles of equitable geographic representation and proportionality, would be fair to all groups.

10. The Delegation of the United Kingdom, speaking on behalf of Group B, expressed the view that the PBC was a well-functioning body and the thirty-second and thirty-third sessions of the PBC had been prime examples of that. For the most part, PBC sessions in the current year had been able to deliver clean recommendations to the WIPO General Assembly and to the Assemblies of the Member States of WIPO, including on the Program of Work and Budget and on a number of other key governance issues. The Delegation said that a number of Group B members were not members of the PBC and they did not see their rights or involvement as less valuable in any way. The Group did not believe that Member States should try to fix something that worked well and certainly should not attach an unfounded urgency to the matter to create false expectations. Group B appreciated the views and positions of other regional groups, and noted it would be useful to hear from those observers who wished to have full membership if and how they believed their current participation did not suffice to meet their desire to contribute to the Committee's work. Should some regional groups require a limited number of additional PBC members from within their members, Group B was then willing to match the same numbers from its Group and from other Groups to expand the PBC accordingly.

11. The Delegation of Belarus, speaking on behalf the Group of Central Asian, Caucasus and Eastern European Countries (CACEEC), agreed with colleagues that had highlighted that the PBC worked effectively and provided recommendations for the benefit of the operations of the Organization. Nevertheless, as they had discussed the issue of expanding the PBC, its Group would show flexibility in formulating its position. The Delegation was of the view that CACEEC should also be represented within the PBC appropriately, but reiterated the Group's previous position that universal membership in the PBC was something that was ahead of its time. However, CACEEC would consider this when Member States would agree that this kind of position was consensual.

12. The Delegation of India aligned itself with the statement delivered by the Delegation of Bangladesh on behalf of the APG. The Delegation was of the view that the PBC should be open to the full participation of all interested WIPO members as the discussions and decisions made by the PBC were of direct relevance to all Member States. The Delegation believed that the current membership was imbalanced, leading to skewed representation from regional groups in the PBC. Therefore, to correct that, all members who wished to be involved should be allowed to contribute in full, as neither the WIPO rules of procedure nor existing guidelines provided a legal basis for preventing the full participation of all Member States by unnecessarily limiting seats in the PBC. The Delegation stood ready to engage constructively in the discussions on the matter so that the PBC would become truly representative of the overall membership of WIPO.

13. The Delegation of Spain thanked the Chair and said that its Delegation had always supported constructive dialogue relating to the governance of WIPO because it believed it was important to take into account the matters falling under the PBC. It played a fundamental role in the Organization, as was said by the Coordinator of Group B and to whose statement the Delegation associated itself. The Delegation believed that the PBC had shown great effectiveness in the results of shared work and dialogue among its regional groups and members. The Delegation was of the view that all members of the Organization could participate through the regional groups or as observers if they so request. Therefore, the

Delegation believed that any change in the composition of the PBC must be based on a broad agreement among regional groups that would combined effectiveness, efficiency, accountability of representativeness and representation.

14. The Delegation of the Russian Federation thanked the Chair and wished to align itself with the statement made by the Delegation of Belarus on behalf of CACEEC. From the Delegation's point of view, it did not see any obstacles to the participation of all interested delegations in the discussions of the PBC. All delegations, independently of their membership in the Committee, should make proposals and comments on the documents put forth to the PBC. The Delegation said it was ready to take part in any constructive considerations on the issue.

15. The Delegation of China noted that the Delegation had actively consulted with various parties on the matter of the composition of the PBC. It recalled that the PBC was an important body of WIPO that managed programs, budget and supervision that concerned the interest of all Member States and stakeholders. The Delegation further explained that a reasonable increase in the number of PBC seats was necessary and would help to improve Member States' representation in the decision-making body, especially for developing countries. The Delegation hoped that all parties would demonstrate flexibility and openness and reach agreement on the composition of PBC as soon as possible.

16. The Delegation of Pakistan said that it aligned itself with the statement delivered by the Delegation of Bangladesh on behalf of the APG. As stated by many delegations, the PBC was an important body of WIPO with critical functions including program, budget and finance. Therefore, it was imperative to have an inclusive PBC. The current limitation on PBC composition was arbitrary as the WIPO rules of procedure did not restrict its size and composition. Keeping in view the underlying flexibility regarding the issue of expansion, the Delegation believed the issue was ripe. Therefore, the Delegation looked forward to a decision on the expansion of PBC to all interested members during the current meeting of the WIPO General Assembly.

17. The Delegation of Bangladesh, speaking in its national capacity, aligned itself with the statement delivered on behalf of the APG. It was undeniable that the PBC was vitally important and relevant in conducting affairs of members' interest in WIPO. That included Bangladesh, which continued to benefit from ongoing programs supporting budgetary allocation and appropriate technology, IP skill developments, country-specific, project-based technical assistance and activities on policy-making, training and institutional infrastructure. From that perspective, limiting the membership to a certain number of countries would not be appropriate in terms of protecting the interests of everyone. With the current composition of 53 members, less than 28 per cent of the members of WIPO were represented, so not even a third of the total membership was represented in this important Committee. It was not just the APG or other groups that were underrepresented, but the total membership of WIPO that was significantly underrepresented in the PBC. The Delegation's concern was whether this serious imbalance would cause any spill over effect on the whole Organization, matters ranging from special issues to regular everyday work. Therefore, it would be most fair if the membership of the PBC was open to all Member States as there were no rules governing the composition of the PBC or formal procedures. To open the membership to everyone would not be complex, as all that was required was goodwill and constructive engagement of the Member States. Alternatively, the PBC should, at least, be expanded taking into consideration the large number of accessions of members to WIPO since the Committee's last expansion in 2007. With the expansion, the composition of the PBC would also need to proportionately reflect the relative size of the regional groups in WIPO. The Delegation observed that there were some positive proposals put forward by the Facilitator, Ambassador Bachtobji. The Delegation said that, in that regard, if Member States could demonstrate flexibility in the matter a solution might be found.

18. The Delegation of Saudi Arabia thanked the Chair and stated that its Delegation aligned itself with the statement made by the Delegation of Bangladesh on behalf of the APG in order to increase the membership of Member States in the PBC. The Delegation urged other delegations to show greater flexibility in dealing with the issue in order to ensure greater equity and balance in the deliberations of the Organization.

19. The Chair observed that, in his view, there was need for further consultations on the matter, despite the fact that the meeting had already discussed it very intensively for a while. He proposed to delegations to come back to the issue when all Member States would again be ready to discuss it, to see if they could reach a consensus and take a decision. The Chair thanked all the delegations that had exhaustively debated the issue and adjourned the deliberations on the agenda item.

20. Reverting to Agenda Item 9, on the composition of the Program and Budget Committee, the Chair recalled that the item was opened on the second day of the meeting, and that it had been agreed to engage in consultations in which delegations had been involved since. He wished to express his thanks to Group Coordinators and delegations involved for their cooperation.

21. Following informal consultations among Member States, the following States were unanimously elected by the General Assembly as members of the Program and Budget Committee for the period October 2021 to October 2023:

Algeria, Argentina, Armenia (2021-2022), Azerbaijan (2021-2022), Bangladesh (2021-2022), Belarus (2022-2023), Brazil, Canada, Chile, China, Colombia, Czech Republic, Egypt, El Salvador, Estonia, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia (2022-2023), Iraq (2022-2023), Iran (Islamic Republic of) (2021-2022), Italy, Jamaica, Japan, Kazakhstan (2021-2022), Kenya, Kyrgyzstan (2022-2023), Malaysia (2021-2022), Mexico, Mongolia (2022-2023), Morocco, Namibia, Nigeria, Oman (2022-2023), Pakistan (2021-2022), Panama, Poland, Qatar (2021-2022), Republic of Korea (2021-2022), Romania, Russian Federation, Saudi Arabia, Serbia, Singapore (2022-2023), Slovakia, South Africa, Spain, Sweden, Switzerland (*ex officio*), Syrian Arab Republic (2022-2023), Tajikistan (2022-2023), Tunisia, Turkey, Turkmenistan (2022-2023), Uganda, United Arab Emirates (2022-2023), United Kingdom, United States of America, Uzbekistan (2021-2022), Viet Nam (2021-2022) (53).

22. The WIPO General Assembly decided to consider the composition of the Program and Budget Committee; in this context, the Chair of the WIPO General Assembly will undertake consultations on an inclusive, transparent, and effective PBC, taking into account, among other considerations, geographical representation, with a view to making a decision at the WIPO General Assembly at its session in 2023.

23. The Delegation of Bangladesh, speaking on behalf of the APG, announced that the APG wished to state that the issue of PBC expansion was not consulted and discussed in a sufficient manner. The delegations could not invest equal time, as they had done regarding the composition of the Coordination Committee, despite the fact that there were some positive proposals from the facilitators. The APG regretted that Member States had not been able to find a solution. However, it hoped that members would continue their discussions with the aim of universal membership in the PBC or, at least, to expand it in a way that would ensure equitable membership.

24. The Delegation of the United Arab Emirates thanked the Chair and said that it wished to echo the statement made by Delegation of Bangladesh on behalf of the APG.

ITEM 10 OF THE CONSOLIDATED AGENDA

REPORTS ON AUDIT AND OVERSIGHT

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

25. Discussions were based on documents WO/GA/54/2 and A/62/7.

26. The Chair of the WIPO IAOC, made the following statement:

“Thank you very much, Chair.

“Excellencies, Honored Ministers, distinguished Delegates, I would like to introduce myself. My name is Tatiana Vasileva and I am the current elected Chair of the Independent Advisory Oversight Committee (or “the Committee”). I am accompanied virtually by the current Vice-Chair, Mr. Bert Keuppens. I would like to take this opportunity to thank Mr. Mukesh Arya, who chaired three of the five quarterly sessions we had during the reporting period from April 24, 2020, to July 9, 2021.

“During the period, the Committee held virtual meetings and also internal consultations by email and other platforms, to be able to provide expert advice to WIPO, as needed. I shall now share with you a brief summary of the important activities of the Committee, as contained in our annual report, document WO/GA/54/2.

“With regard to Internal Oversight, during the reporting period, the Committee reviewed and provided comments on the draft annual report of the Director, Internal Oversight Division (IOD).

“Regarding the draft report for 2019, the Committee noted that IOD had modified its annual reporting period to align with that of the Financial Statements and Statement on Internal Control, following the recommendation from the External Auditor.

“The Committee reviewed the implementation of the approved 2020 Workplan of the IOD and was satisfied with the progress made, taking into account limitations imposed by the COVID-19 pandemic. The Committee also reviewed the draft Internal Oversight Annual Workplan for 2021, which was developed in line with good practices. The Committee suggested that IOD be more proactive in discussions with other departments and encourage it to come up with possible suggestions to the Director General about potential areas for improvement, keeping in view his strategic plans for the Organization.

“The Committee reviewed seven internal audit reports and six evaluation reports and provided its input and advices. The Committee was constantly apprised of the status of investigation cases and caseload trends, complaints received, and complaints substantiated, by category of misconduct. In cases involving a potential conflict of interest on the part of IOD, the Committee reviewed each case in detail and provided advice as needed.

“The Committee reviewed the proposed changes to the WIPO Internal Oversight Charter, the draft Internal Audit Policy, the updated Internal Audit Manual and the revised Internal Oversight Division Publication Policy. The Committee noted the results of the External Quality Assessments of internal audit and investigation functions conducted in 2020. All the recommendations from the two reports were discussed in detail, and the Committee provided advice and offered suggestions for implementation.

“With regard to External Audit, the Committee discussed with the representatives of the External Auditor the results of the audits of WIPO Financial Statements for the years 2019 and 2020. The Committee was pleased to note the unqualified opinions. The Committee noted the External Auditor’s conclusion that WIPO’s Financial Statements remained of a high quality and were supported by sound systems of internal controls and reporting.

“With regard to Financial Reporting, the Committee confirmed that the COVID-19 pandemic did not have a negative impact on the financial status of WIPO in 2020. The Committee obtained a reconfirmation from Management that no changes had been made in the investment policy, nor had there been any impact on WIPO’s Financial Management. The Committee was briefed on accounting policy updates, describing the change in property capitalization thresholds and the accounting considerations relating to WIPO’s new products.

“With regard to Risk Management and Internal Controls, the Committee reviewed the Annual Risk Management Reports for the years 2019 and 2020. The Committee appreciated the proactive steps taken by Management in relation to embedding the best practices of Risk Management into WIPO’s activities. The Committee suggested reviewing a mapping of risks aligned with the strategic goals, programs, expected results, performance indicators and programs. The Committee was informed of a Management decision to include the Director, IOD, henceforward as an observer in the Risk Management Group meetings. The Committee noted the further strengthening of Internal Controls with the use of data analytics. The Committee appreciated the results of the COVID-19 organizational review. Furthermore, the Committee felt assured that WIPO’s systems and processes relating to Security and Information Assurance, Human Resources Management, as well as Procurement, were well in place. The Committee also appreciated the effectiveness of the Business Continuity Management, as implemented during the COVID-19 pandemic.

“With regard to the Ethics Office, during the reporting period, the Committee reviewed the Annual Reports of the Ethics Office for the years 2019 and 2020, as well as the final Ethics Office Workplan for 2020 and implementation thereof. The Committee discussed the accomplishments so far of the interim Chief Ethics Officer, who was on board on April 1, 2021, engaged upon the retirement of the former Chief Ethics Officer on March 31, 2021. His contract ran until the end of September 2021.

“With regard to the Office of the Ombudsperson, the Committee discussed with the Ombudsperson the Activity Report for 2019 and was pleased to see that the trend for preventative applications was rising, as compared to requests for resolution of open and consolidated conflicts. The Committee advised that a peer review of the Ombudsperson function in WIPO might also prove helpful.

“Lastly, the Committee discussed Other Matters such as the impact of COVID-19 and response of WIPO, projections/forecasting of WIPO’s financial results, WIPO’s investment reports and implementation of Joint Inspection Unit Recommendations.

“On behalf of the Committee, I would like to express my appreciation to the Director General, the Assistant Director General for the Administration, Finance and Management Sector, the Director, IOD, the Controller, the former and interim Chief Ethics Officers, the Ombudsperson, the Sector Leads, the External Auditor, and the IAOC Secretary for their availability, clarity and openness in their regular interactions with the Committee, and for the information provided.

“Thank you very much.”

27. The Delegation of South Africa, speaking on behalf of the African Group, thanked the IAOC for the report contained in document WO/GA/54/2, and the accompanying presentation. The Group believed the Committee's work formed an integral part of the audit and oversight mission. Since its establishment, the Committee had made a number of important observations and provided advice to various internal units at WIPO, and had reported to the PBC and the WIPO General Assembly, accordingly. The interaction between the Committee and Member States, through the PBC and the WIPO General Assembly was a key part of the accountability and transparency measures in place. During the interaction, Member States were given the opportunity to make their own observations on the Committee's report, and to raise any issues of concern. As to the contents of the report, which had been discussed during the 33rd session of the PBC, the Group noted that the Committee expressed satisfaction with the reports it had received from WIPO stakeholders, including reports on Risk Management and Internal Controls, as well as on WIPO's COVID-19 organizational risk review. The Group noted the Committee's concerns regarding the estimations for post-retirement employee benefits, which were mainly comprised of the After Service Health Insurance (ASHI) liabilities, and that had resulted in an increase in the availability of 139.1 million Swiss francs. The Group noted that the concern regarding the ASHI liabilities was one shared with other audit and oversight bodies, and also noted the engagements that took place in the 33rd session of the PBC on the terms of reference for the Selection Procedure for the members of the Committee. The Group was pleased that the amendments to the terms of reference that had been agreed by the PBC reinforced the principle of balanced geographic representation in the membership of the Committee, and again thanked the Committee for its report as it looked forward to the WIPO General Assembly adopting a decision that reflected the discussions on the matter.

28. The Delegation of Iran (Islamic Republic of) thanked the Committee for presenting its report, stating that it attached great importance to the advisory role of the Committee in safeguarding the effectiveness and efficiency of the oversight function, in respect to the Organization's Financial Reporting, Risk Management, Internal Control, External Audit and Internal Oversight. Even so, the Delegation noted that in the first sentence of paragraph 43 of the Committee's report, a reference had been made to terms and concepts that did not enjoy universal consensus. The Committee's mandate had been created by the Member States, so that it could perform its task within the ambit of its agreed terms of reference. As a subsidiary body of the WIPO General Assembly and of the PBC, the Committee should fulfill its responsibilities within its terms of reference and, in that vein, the Delegation expressed its objection to the suggestion by the Committee on certain concepts and elements, which lacked consensus, with paragraph 43 of the report. The Delegation underscored that the Committee's suggestion should not have any effect on the Human Resources Policy of the Organization. Nevertheless, the Delegation invited the Committee to revise its report in order to accommodate the concerns of Member States.

29. The Delegation of Bangladesh, speaking in its national capacity, expressed its appreciation of the Committee's efforts and thanked the Chair for the presentation. The Delegation noted that the Committee had continued its hard work in a difficult time, when the regular activities of WIPO, as well as in other organizations were seriously affected by the pandemic. Notwithstanding, it had taken note with serious concern of one of the recommendations in the first line of paragraph 43 in the Committee's report. The issue that was suggested for consideration in the formulation of human resources policies was controversial, was not universally supported, and represented a particular set of values and lifestyles not accepted by the majority of societies, as it directly infringed on the social culture and religious sensitivities of a number of Member States. The Committee's mandate should remain apolitical and, based on its terms of reference, it should not bring any issues that had political sensitivity and controversial notions, otherwise that would raise questions about its neutrality. Accordingly, the Delegation urged that the List of Decisions of the WIPO General Assembly reflect the concerns and reservations expressed by various Member States, and for an assurance that the Secretariat would not take into account the Committee's suggestion.

30. The Delegation of the United Kingdom, speaking on behalf of Group B, thanked the Committee for its report and for the presentation, and expressed its gratitude to the Committee for its role in the oversight mechanisms of the Organization, to maintain the effectiveness, efficiency, and relevance of management and activities of WIPO. The Group appreciated the interactions between the Committee and Member States, which had been rendered more difficult during the pandemic and, most importantly, recognized and respected the Committee's independence and the important work it carried out. Given the ongoing pandemic situation, the Group was pleased that the Committee continued receiving briefings on the impact of COVID-19, as well as its regular briefings including with the Director General, as he had taken office, all of which provided an insightful and comprehensive overview of WIPO's functions and activities. The Group was pleased that a self-assessment exercise indicated that the Committee was functioning effectively during the unprecedented circumstances, and that the COVID-19 organizational risk review indicated that all identified risks had been largely well managed and that there was no major cause for concern. Similarly, the Security and Information Assurance Assessment indicated that WIPO's systems and processes were well protected. Regarding specific matters discussed and reviewed, the concrete engagement with the Internal Oversight Division (IOD) was welcomed, and the Group voiced its support of the engagement between the Committee and the IOD in the future, particularly on the latter's evaluation approach. Additionally, the Group continued to welcome the interaction of the Committee with the External Auditor, which it felt improved on the follow-up process concerning recommendations and enhanced cooperation. Notably, with regard to External Audit, the Group was pleased with the conclusion that WIPO's Financial Statements remained of a high quality and supportive of sound systems of internal control reporting. The Group was also pleased that the Committee continued actively overseeing the Human Resources Management Department (HRMD), the Ethics Office and Ombudsperson, and thanked the Secretariat for facilitating the Committee's virtual sessions and briefings to the Member States during the pandemic. In closing, the Group again thanked the Committee for the critical oversight and impartial advisory role it played at WIPO, in line with the Committee's terms of reference as well as the recommendations of the Joint Inspection Unit (JIU), and the activities of all United Nations (UN) system audit and oversight committees. The Group firmly supported the Committee's ability to carry out its work in a fully independent manner, free of influence and always according to its own view of the best interests of the Organization. Therefore, the Group did not feel that the content of the report required a consensus. In this regard, it took note of the report and looked forward to the continued key and active role that the Committee played in WIPO's oversight structure.

31. The Delegation of Pakistan thanked the Committee for the support, and acknowledged its contribution and continued work, particularly during the pandemic. During the last session of the PBC, the Delegation had joined a number of others who had shared reservations with regard to the first sentence of paragraph 43 of the Committee's report. The Committee was established to assist Member States in the role of oversight and for better exercise of their governance responsibilities, with respect to Financial Reporting, Risk Management and Internal Controls, External Audit and Internal Oversight. Albeit respecting its independence, the Delegation found the first sentence of paragraph 43 of the report not to be consistent with the Committee's mandate, as contained in its terms of reference. Moreover, the Delegation felt that, by not taking a decision on the issue, the PBC had not set a very good precedent. Additionally, the Delegation found it regrettable that the PBC could not take a decision by duly reflecting the lack of consensus on the mentioned sentence. To that extent, the Delegation echoed the request made by the Delegation of Iran (Islamic Republic of) to delete the first sentence of paragraph 43 of the report, adding that it remained flexible to finding a suitable language on the decision.

32. The Delegation of Israel welcomed the report of the Committee and aligned itself with the statement made by the Delegation of the United Kingdom on behalf of Group B. As in any Organization, where external review was a critical tool for organizational growth and

improvement, the Delegation stated that the report presented a well-thought process, and provided the advice of external experts. Specifically addressing the recommendation in paragraph 43, which stated that the concerns of lesbian, gay, bisexual, transgender, queer and intersex persons (LGBTQI) be considered in the formulation of WIPO human resources policies, the Delegation stated that LGBTQI persons often faced discrimination and were at risk of exploitation in the workplace. Policies on sexual exploitation and abuse and on sexual harassment should address their specific needs, and offer support and take action, when needed. Therefore, the Delegation strongly supported taking note of the report as submitted, and affirmed its support of the Committee's ability to carry out the work in a fully independent manner, in order to continue being an active player in the oversight structure of the Organization.

33. The Delegation of the United States of America aligned itself with the statement made by the Delegation of the United Kingdom on behalf of Group B, thanking the Committee for the informative report and its work throughout the year, especially in the face of the challenges of COVID-19. The Delegation recognized the Committee's valuable efforts to strengthen the Organization's management and oversight practices, and appreciated the Secretariat's support of the Committee's important mission and the careful attention given over the years to implement its expert recommendations. The Delegation believed it was necessary to recall the importance of all Member States recognizing and respecting the unique, independent advisory role of the Committee. As an independent body which had been entrusted to advise the Organization and the Member States on management, oversight and accountability issues, which included human resources and ethics policies that concerned prevention and response to consideration in all forms, the Committee's terms of reference clearly indicated that it was to submit an annual report to the PBC and to the WIPO General Assembly, summarizing its independent assessments and conclusions. The terms of reference further clarified that the Committee was to make recommendations on matters, as it considered appropriate within its mandate. Moreover, the JIU had looked at audit and oversight committees across the UN system, including at WIPO, and had stated that independence, impartiality, and objectivity were pre-requisites for the effective functioning and operation of any audit and oversight committee, and were safeguards in ensuring that all activities associated with the discharge of duties and responsibilities, as set out in the Committee's terms of reference or charter, were independent and free from any undue pressure and influence. Therefore, it was essential to the external oversight process that the Committee had full confidence that its objective recommendations would not be met with any form of criticism or opposition from Member States, that could limit its ability to freely provide guidance on matters it considered to be in the best interest of the Organization. In that respect, the Delegation again expressed its profound disappointment that the PBC was unable to recommend that the WIPO General Assembly take note of the report, due to opposition to one substantive recommendation that was entirely proper for the Committee to provide, in its independent judgement, in the report. It was for those reasons that the Delegation further believed that the WIPO General Assembly should thus note the report, and sincerely hoped that in the future, the activities of the PBC and the WIPO General Assembly would not in any way unduly influence the activities or recommendations of the Committee. Further to a recommendation that had been made by some Member States, the Delegation clearly expressed that it opposed any attempt to amend the Committee's report, including any recommendation contained therein, as such attempts to alter the language blatantly violated the independence guaranteed in the Committee's terms of reference. It could also misrepresent the Committee's expert guidance and risked damaging expectations that it could freely and fully perform its advisory role. Ultimately, it was WIPO and the people, its most valuable resource, that suffered when Member States were unwilling to allow for the free flow of information, ideas, and guidance on the crucial areas in which the Committee advised the WIPO General Assembly. For those reasons, they could not agree to any action of the WIPO General Assembly that would in any way have the effect of altering the text the Committee's independently prepared report. The Delegation expressed its thanks to the Committee for

faithfully performing its work, and encouraged all Member States to recommit to respecting the fundamental independence of the important advisory body.

34. The Delegation of Germany thanked the Committee for the report and particularly welcomed the suggestion made in paragraph 43, which referenced the LGBTQI community and WIPO's Human Resources Policy. The Delegation affirmed its commitments to the principle of the universality of human rights and non-discrimination, and highly supported the objective of ensuring diversity and inclusion in international organizations, in order to assure equal treatment of all human beings, irrespective of gender and sexual orientation.

35. The Delegation of Spain shared the comments expressed by the Delegation of the United Kingdom on behalf of Group B, as well as the remarks made by other delegations belonging to the Group. Thanking the Committee for its excellent work and for the presentation, the Delegation stated that the Committee provided an independent and external view, which was very necessary to complement other types of reports, all of which were equally important, on the functioning and performance in various aspects of the Organization. The Delegation recalled that the Committee reflected a proper mix and balance of skills, expertise and experience, and its mission was to provide expert advice from a neutral point of view. The Delegation believed that the document testified to the smooth functioning of the measures recommended in the activity carried out by the Committee, and encouraged it to continue performing the role of effectively improving the management of the office – in particular in the Ethics Office, the management of human resources, and the management of risks and internal controls. It was the Delegation's view that questioning the scope of its oversight activity, the Committee's mandate, and the way in which it performed its role undermined its independence, which was not desirable for the smooth functioning of control and oversight of the Organization. In that respect, the Delegation requested that the report should be considered in its entirety and submitted to the WIPO General Assembly, so that the Member States could take note of it in accordance with the decision paragraph, and indeed along with the other oversight reports under item 10 of the WIPO General Assembly.

36. The Delegation of France aligned itself with the statement made by the Delegation of the United Kingdom on behalf of Group B and thanked the Committee for its report. Stating that the Committee's independence should not be called into question, as such a request would undermine its capacity to carry out its oversight function in all independence, which would be damaging to the Organization, the Delegation expressed its opposition to all forms of discrimination, and hoped that, in its Human Resources Policy, WIPO would show zero-tolerance of all kinds of discrimination, including those regarding sexual orientation and gender identity.

37. The Delegation of the Russian Federation expressed its gratitude to the Committee for the report it had submitted, and thanked the Committee for its active work. It noted that the report bore witness to the fact that, despite the restrictions linked to the pandemic, the Committee had worked productively over the past year. The Delegation appreciated the fact that the Committee gave a positive assessment of the internal oversight plan, also with reference to financial accountability, procurement and the investment strategy. It was important to note that the Committee enjoyed a frank dialogue with IOD, the External Auditor, the Ombudsperson and the Ethics Office. The Delegation was convinced that the synergy of efforts would foster those of Member States to improve quality, particularly in terms of oversight and accountability within the Organization. It was interesting to look at the risk analysis when examining the Organization's work during the pandemic, and to continue monitoring the evolving situation and risk control. The Delegation supported the proposal on renewing the declaration on acceptable risk in light of COVID-19, taking account the Medium-Term Strategic Plan (MTSP) 2022-2026, and eagerly awaited discussions on the topic at the 34th session of the PBC. The Delegation shared its gratitude to the Committee for the way in which it followed its mandate, which was most important for the Organization, including giving advisory and expert conclusions to

Member States on issues relating to financial accountability, internal oversight, audit and investigations. Emphasizing the importance of independence in the activities undertaken by the external advisory expert body, which was simply undeniable and supposed to give support to Member States as they sought to implement oversight functions, the Delegation nonetheless underscored the fact that it did not support the idea of singling out particular categories of WIPO staff when developing a human resources policy. The Delegation was firmly convinced that all WIPO staff should enjoy equal rights and should have equal conditions of service. The fact was clearly stated in the fundamental text of the Organization, including in the Staff Regulations and Rules. The Delegation thus asked the Committee and the Secretariat to keep that fact in mind in their future work. In closing, the Delegation again voiced its gratitude to the Committee and to the Secretariat for the support provided to the former, and thanked them both for the important job of work done. It hoped that, in the future, Member States would be able to agree on taking a decision regarding the report.

38. The Delegation of Canada expressed its support of the statement made by the Delegation of the United Kingdom on behalf of Group B. Stating its appreciation for the role and work of the Committee, the Delegation also expressed appreciation for its independence, and hoped that the WIPO General Assembly would be able to achieve a decision respecting that very independence. The Delegation also recognized the challenges, particularly in the workplace, faced by the LGBTQI community.

39. The Delegation of Saudi Arabia declared that WIPO should consider the skills and ability of a person having a specialist role, as well as agreed justice and ethics considerations within WIPO with full respect to the human rights. However, it deemed that the recommendation in paragraph 43 should be drafted in a manner agreed to by Member States. The Delegation stressed the need to avoid any forms of discrimination, without singling out only one group of people based on their orientation, adding that it found the reference was in fact a negative discrimination against the category. In closing, the Delegation thanked the Committee, and stressed the importance for it to continue its operation in all independence.

40. The Delegation of Mexico added its thanks and support to the Committee for its work, declaring it believed Member States had a duty to protect the Committee's independence and to respect the content of its reports. Regarding procedure, the Delegation stated that it would set a very worrying precedent if Member States tried to affect the contents of the report.

41. The Delegation of Switzerland also thanked the Committee for its report and declared its support of the position expressed by the Delegation of the United Kingdom on behalf of Group B, including that of the Delegations of Canada, France, Germany, Israel, Mexico, Spain, as well as of the United States of America and others. The Delegation underscored the independence of the Committee and congratulated it for the document.

42. Summarizing the comments made in connection with the item, the Chair reminded Member States of the informal consultations previously held (on Friday, October 1, 2021) with the Regional Coordinators, and that he had listened carefully to the positions of all regional groups. As an agreement could not be reached, none would be proposed for the item.

43. Requesting the floor, the Delegation of Iran (Islamic Republic of) recalled that many Member States had expressed serious concerns regarding the first sentence of paragraph 43, and therefore it wished to have recorded the fact that no consensus on the first sentence of the paragraph in the Committee's report had been reached.

44. The Chair remarked that he considered the conclusion he had made was sufficient in expressing all the views which had been presented on the subject. While appreciating that all the views should be duly taken into account, the Chair stressed that he felt his summation objectively reflected the debate and in particular, the intensive consultations he had conducted

on the matter. A consensus had been reached on the way he would present the results on behalf of all Member States.

45. The Delegation of the United Kingdom observed that Member States had engaged on the issue during the PBC. Thanking colleagues and the Chair of the PBC, Ambassador Bachtobji, for their engagement, the Delegation noted that it was interesting that the discussion had taken up most of the PBC session which, for the first time in many years, had been able to give a clean recommendation on the Program of Work and Budget. Nevertheless, Member States had agreed to disagree. Following the PBC, under the Chair's competent leadership, Member States had yet again engaged on the subject, the latest engagement of which had taken place prior to the current session of the WIPO General Assembly, and again that had not yielded a solution agreeable to all. Albeit the fact that no decision under the agenda item was deemed sub-standard, unless those calling for further engagement could present novel ideas to the discussion, the Delegation suggested pursuing the course proposed by the Chair. Given the agenda yet ahead of the WIPO General Assembly, Member States would be well advised to acknowledge efforts made, close the item and progress to the next one.

46. Before the sub item was closed, the Chair invited the Chair of the IAOC to offer any remarks or comments on the statements made by the various delegations.

47. The Chair of the IAOC stated that the Committee was an independent advisory body that, according to its terms of reference, was serving the Member States. The Chair of the IAOC thanked the Chair of the WIPO General Assembly and all delegations that had commented and expressed opinions, and respected the independence of the Committee, which would take into account all the considerations in its future work and actions.

48. The Chair thanked the Chair of the IAOC for her contribution to the debate and the presentation of the report.

49. The Delegation of Iran (Islamic Republic of) stated that they would like to put on the record that no decision was taken on the Report of the IAOC contained in document WO/GA/54/2 due to lack of consensus on the first sentence of paragraph 43 of the Report which contained some language that did not enjoy consensus.

50. The Delegation of the United Kingdom, speaking in its national capacity, stated that they would like to put on record that, as stated by Group B, the IAOC acts independently and, as such, its reports, including the Report of the IAOC contained in document WO/GA/54/2, did not require consensus.

51. The Chair concluded the sub-item.

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

52. Discussions were based on documents WO/GA/54/3 and A/62/7.

53. The Director, IOD, stated that in line with the Internal Oversight Charter, IOD was pleased to present an overview of oversight activities undertaken by IOD, during the reporting period January 1, 2020, through December 31, 2020. The Director, IOD, mentioned that the Annual Report was included in document WO/GA/54/3. The Director, IOD, welcomed the new Director General, Mr. Daren Tang who took office on October 1, 2020. He specified that early interactions with the Director General and Sector Leads pointed towards changes and enhancements in communication, collaboration, accountability and strategies to guide future oversight work and priorities. On the implementation of oversight plans, the IOD oversight plan for 2020 was prepared considering a number of factors including risk ratings, relevance, oversight cycle and feedback received from WIPO Management, Member States and available resources. In line with IOC paragraph 28(a), prior to its finalization, the draft oversight work plan

was also submitted to the IAOC for its review and advice. In 2020, the COVID-19 pandemic had disrupted our way of life and work, and IOD had modified its work plan to better adjust to the pandemic, and its consequences on work interactions. At the reporting date, IOD had fully implemented the 2020 oversight plan and the implementation of the 2021 work plan was on track. During the reporting period, IOD audits, evaluations, and investigations covered the following key operational areas: Staff Benefits and Entitlements, Assurance Mapping, IOD Annual Plan Development Cycle, Validation of the WIPO Performance Report for the 2018-2019 biennium, Division for Africa, Building respect for IP, The Lisbon System, and Division for Asia and the Pacific Framework for Technical Cooperation. The Director, IOD, added that two management implication reports were also issued from the investigations which were undertaken. The following engagements were started in 2020, and would be reported during the course of 2021: Evaluation of the Division for Arab Countries, Evaluation of IP Development Matchmaking Database (WIPO Match), Evaluation of the use and impact of IOD Evaluation Section Recommendations, and Review of WIPO Crisis Management during the Pandemic. On investigations, during the reporting period, 21 new cases were registered (which constituted a nine per cent decrease over 2019) and 21 cases were closed. As of December 31, 2020, 11 cases were pending, including one at the preliminary evaluation stage, six at the full investigation stage, and four cases were on hold pending action by another entity. Of the pending cases, six were opened in 2020, four in 2019, and one in 2016. As of December 31, 2020, the average length of time it took to complete an investigation was five and a half months, which was well within the target of six months. During the reporting period, the investigative activities conducted allowed IOD to draw some lessons and, in particular, two management implication reports were issued providing recommendations on information provided by WIPO to the United Nations Global Marketplace and the prevention of invoice fraud by external entities against WIPO clients. In regards to open oversight recommendations, IOD continued to manage and report on oversight recommendations using the TeamCentral system. On the date of the 2021 report, there were 103 open recommendations, including 28 of high priority and 75 of medium priority. IOD recommendations constituted 80 per cent of all open oversight recommendations. Forty-eight IOD recommendations and 18 external audit recommendations were closed during the period. Nine of these were part of the previous External Auditor's recommendations, being monitored by IOD. On consultative and advisory services, in addition to its planned oversight work, IOD continued to provide professional advice as requested on policy documents, evaluations, business processes, or the regulatory framework. On relations with other oversight bodies, IOD had regularly attended the sessions of the IAOC, reporting on the implementation of the internal oversight plan, discussing oversight results and other aspects concerning the work and the functioning of the division and seeking IAOC's advice. In the period covered by that report, the 56th to 59th sessions of the IAOC took place. IOD maintained good working relations with External Auditors by having regular meetings on audit, internal control and risk management issues. The External Auditor and IOD shared strategies, annual plans and individual reports with a view to ensure efficient oversight coverage while avoiding potential duplication and oversight fatigue. The Secretariat engaged actively with the External Auditors during their 2020 audits and provided necessary inputs wherever required. The Secretariat regularly met with the Ombudsperson and with the Chief Ethics Officer to ensure good coordination and complementary support. On outreach activities, as part of its ongoing effort to better explain and advocate for the internal oversight function, IOD continued to reach out to colleagues within WIPO through presentations given to new staff in the induction training, the IOD newsletter, the IOD dashboard and presentations to directors and senior managers as and when required. On satisfaction surveys, IOD continued to seek feedback from colleagues on the quality of its oversight work through client satisfaction surveys after each assignment. The analysis of consolidated survey results indicated an average satisfaction rate of 85 per cent for post-assignment surveys and 78 per cent for after one-year surveys. On networking, during the reporting period, IOD continued its active and useful collaboration and networking with other UN organizations, and entities. In particular, IOD actively participated in several virtual meetings of the UN representatives of the Internal Audit

services and UN representatives of investigation services, held between February and November 2020. IOD also conducted an online training for the UN System investigators on cognitive aspects of interviewing, jointly organized by IOD and OIOS. IOD also attended virtually the United Nations Evaluation Group (UNEG) annual general meeting 2020, and exchange practice seminar, held virtually between June 22 and 23, 2020. On operational independence, IOD confirmed that during the reporting period no instance or activity occurred, that could be considered as jeopardizing the operational independence of IOD. On oversight resources, to discharge its mandate, IOD was provided with a biennial budget of 5.283 million Swiss francs, which represents 0.69 per cent of WIPO budget for 2020/2021 biennium. Overall, the level of human and financial resources had been adequate for IOD to cover the high priority areas, as identified in its work plans, effectively. Exchange of oversight plans and continuous coordination of oversight activities with the External Auditor, as well as the effective use of information technology (IT) tools had helped to achieve more efficiency and effective coverage of risk areas. On training, for continued professional development, IOD staff attended various training programs to acquire new knowledge, technical skills and other competencies. On average, each IOD staff attended 10 days of training, which included fraud prevention and detection, investigative research techniques, data analytics, digital innovation, information security and cybersecurity, ethics, COBIT, anticorruption and compliance, decision-making, negotiation, and behavioral science. Having concluded its remarks, the Director, IOD, thanked the delegations for their kind attention and was happy to answer any questions or receive any comments.

54. The Delegation of Georgia, speaking on behalf of the CEBS Group, thanked the External Auditor, IAOC and IOD for their work and comprehensive reports. The CEBS Group believed that the close interaction between these actors significantly improved the process of the implementation of the issued recommendations. Moreover, the CEBS Group was pleased about the positive assessment of IAOC regarding the Organization's crisis management to COVID-19 response, and the relevant mitigation measures. The CEBS Group reviewed the External Auditor's report and noted that the financial statements received the highest assessment, and also noted with pleasure that WIPO was considered to have sound system of internal controls and effective governance. The CEBS Group highly valued the work of IOD and believed that it contributed towards a continuous improvement of the effectiveness and transparency of the Organization. The CEBS Group welcomed the results of the audit, evaluation and investigative activities carried out by IOD. Finally, the CEBS Group commended the Organization's healthy reserves, stable financial situation, and high level of preparedness to address unprecedented challenges like the COVID 19 pandemic.

55. The Delegation of the United Kingdom, speaking on behalf of Group B, appreciated the continuous efforts of IOD in cooperation with the IAOC and the External Auditor to achieve its crucial role of ensuring effective internal controls and efficient use of resources, by WIPO. The Group thanked IOD for its annual report and thanked the Director, IOD for his presentation. The report gave a comprehensive overview of the Organization's functions and it was considered as a valuable source of information as well as a point of reference throughout the year. The Group welcomed the work undertaken that year by IOD and took note of the key findings and high priority oversight recommendations.

56. The Delegation of the United States of America appreciated the work of IOD during 2020, especially given the challenges posed by the COVID-19 pandemic, and thanked IOD for that comprehensive report. The Delegation welcomed the information provided on the Data Analytics project, and its focus on enabling continuing audit capacities. The Delegation noted the generally positive results of both the satisfaction survey and the self-assessments conducted by the Internal Audit and Investigation functions. The Delegation would appreciate knowing if those exercises yielded any particular recommendations for improving IOD's work, aside from those provided by the Division's external assessments. Turning to recommendations, the Delegation thanked the Secretariat for its attention to addressing high

priority from IOD and other recommendations for prior years. The Delegation nevertheless encouraged the Secretariat to implement remaining open IOD audit recommendations as soon as possible, especially high priority recommendations from 2018 and 2019, which could expose the Organization to significant risk the longer they remained open. The Delegation also encouraged the Secretariat to increase its attention to implementing the 14 pending medium priority recommendations, made between 2013 and 2017. Finally, The Delegation noted that the Program on HRMD makes up 42 per cent of the 28 high-priority recommendations. The Delegation also welcomed receiving more details on the progress of implementation of these recommendations, including any progress made since the closing of the reporting period.

57. The Delegation of the Russian Federation was grateful to the Director, IOD, for the report prepared and presented. The Delegation commended the very important role played by IOD in enhancing transparency, accountability, and professional training of the staff of the Organization including by introducing innovative practices. The Delegation supported the work done by IOD in drawing up an inventory of all the different recommendations from the Internal Auditor, in a time of restructuring, as there had been significant differences that had been made to the structure of the Program of Work and Budget. The Delegation believed that WIPO should continue with these recommendations to improve and enhance the system of internal oversight. Of course, in accordance with the system that was in place. Once again, the Delegation wished to draw attention to the importance of the parameters for risk appetite. In accordance with the COVID-19 pandemic, WIPO needed to work on an updated and renewed plan, particularly for the work done by IOD. The Delegation commended the work done by that Division in terms of its cooperation with the External Auditor and confirmed the approach that had been taken by WIPO with the internal control system. In the context of further upgrading of the accountability system, the Delegation supported the recommendations from the External Auditor, and believed that the Internal Auditor should prepare every year a written audit statement or conclusion on the risk management system and the governance system, as well as the internal oversight system. Given the unique status of IOD as an independent and internal oversight body, the Delegation was convinced that, within the framework of its mandate, the Internal Auditor could effectively undertake an independent analysis and audit of any department within the Organization.

58. The Delegation of Spain supported the statement made by the spokesperson of Group B and thanked the Director, IOD, for the report and presentation which were very detailed with regards to document WO/GA/54/3, the Annual Report of the Internal Oversight Division. The Delegation believed that that report clearly reflected the efforts made by the Organization to maintain normality and business continuity in the light of the COVID-19 pandemic. The Delegation was grateful for the information and welcomed the incorporation of the gender perspective and the fact that audits and investigations continued to give positive results and reflected some points for improvement. The Delegation encouraged the Secretariat to continue with the work of implementing recommendations and also to deal with them from a preventive perspective. While acknowledging that audit and oversight were difficult because of the need to do things remotely, the Delegation stressed that the reports under that agenda item, showed that all of these obstacles had been overcome thanks to the great efforts and work of those involved in the various oversight groups. The Secretariat deserved special thanks for the efforts of these past few months. The Delegation believed that recommendations to the Organization in the different reports considered that morning were necessary and important to continue to improve management and ensure it remained excellent. The Delegation encouraged the Secretariat to implement those recommendations and quoted the External Auditor that good governance was vital for the success of projects.

59. The Delegation of India complimented the Director, IOD, for preparing a comprehensive report. The Delegation appreciated the measures taken by IOD to modify its work plan to better adjust to the pandemic and welcomed IOD's cooperation with other oversight bodies. The Delegation noted with appreciation IOD's continued cross-sectional engagement with the

auditors together with investigation and/or evaluation professionals to provide a more complete and in-depth review of WIPO Programs. The Delegation stressed that the report of the Director, IOD, made some valuable recommendations and was confident that the Organization would work towards their implementation and closure.

60. In addressing the questions from the various delegations, the Director, IOD, first thanked all delegations for their kind words in appreciating the work done by IOD, which was encouraging. The Director IOD assured that IOD would continue to work in an independent and objective manner in providing assurance on governance, risks and internal controls. On the query raised by the Delegation of the United States of America about the satisfaction surveys, the Director, IOD, confirmed that IOD received suggestions from the Divisions and Programs following audits, evaluations and investigations and that it would include them in the planning of engagements. On the issue raised for the pending recommendations, especially the high pendency with HRMD, every year IOD worked with the Programs and Divisions to review the pending recommendations and to see how these could be progressed for implementation. That exercise was due then and soon after the Assemblies. IOD would be sitting with the various Divisions, especially with HRMD, to find ways and means to move forward on these pending recommendations. The Director, IOD, offered HRMD and the Secretariat the opportunity to complement the information provided if they wished. On the comment made by the Delegation of the Russian Federation on the risk appetite statement, which was also noted from the External Auditors Report, IOD had undertaken an Audit of the Enterprise Risk Management and would soon have a view on this aspect and work together with the Office of the Controller to consider this issue. In addition, the Director, IOD, highlighted that a roadmap existed to provide assurance on the statement of internal controls and hoped that it would be reached in the next couple of years.

61. The WIPO General Assembly took note of the “Annual Report by the Director of the Internal Oversight Division (IOD)” (document WO/GA/54/3).

ITEM 13 OF THE CONSOLIDATED AGENDA

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

62. Discussions were based on document WO/GA/54/4.

63. The Secretariat highlighted the information contained in document WO/GA/54/4, the Report on the Standing Committee on Copyright and Related Rights (SCCR or Committee). The Secretariat stated that on an exceptional basis, that year's report covered the previous three sessions of the SCCR, which took place in October 2019, November 2020, and June and July 2021. Because of the hybrid format of the previous two meetings, it was not possible for members of the Committee to take decisions or even to enter into substantive discussions. On the question of broadcasting, the most recent substantive exchanges of views on the proposed treaty on the protection of broadcasting organizations went back to the thirty-ninth session of the SCCR, which took place in October 2019. Following that session, the Chair had proposed a new text. Concerning the issue of limitations and exceptions, during SCCR/39 and SCCR/40, the Secretariat presented conclusions and then a report on all of the activities undertaken based on the action plans approved in 2018, and in particular, on the three regional seminars organized in Nairobi, Santo Domingo and Singapore, as well as the international conference held in Geneva in October 2019. The Secretariat indicated that four topics were currently under discussion in the agenda item for other matters. Regarding copyright in the digital environment, several studies that had been presented to the Committee were published online. On the issue of resale rights, the group of experts commissioned by the Committee regularly informed Member States as to the status of the work on the subject. On the subject of the rights of

theater directors, the final version of the scoping study had been presented during the July 2021 session. Concerning the subject of the public lending right, the decision to initiate a scoping study was left pending because of the hybrid format the Committee had been using for its work in 2020 and 2021. During the July 2021 session of the SCCR, the Committee had requested that the Secretariat organize, during the upcoming session, a half-day information session on the impact that the COVID-19 pandemic had had on the cultural, creative, and educational ecosystem, including copyright, related rights, and limitations and exceptions.

64. The Delegation of Bangladesh, speaking on behalf of the APG, thanked the Secretariat for the introduction and preparation of document WO/GA/54/4. The Group expressed its regret that the pandemic situation had not allowed discussions at length on substantial issues like the textual discussion on broadcasting matters and was hopeful that those issues could be addressed in a diplomatic conference in due course. Regarding the future work of the SCCR, APG called upon Member States to continue their work and underlined its willingness to engage constructively in the discussion during that session of the WIPO General Assembly and during future work of the Committee in order to advance on the issues that were under discussion in the SCCR.

65. The Delegation of the United Kingdom, speaking on behalf of Group B, thanked the Secretariat for the preparation and presentation of the report on the SCCR. The future work on a broadcasting treaty had to take into account technological developments and the needs of broadcasting organizations. The Delegation was pleased that regular sessions were planned for the following year and underlined its commitment to engage constructively on the outstanding issues.

66. The Delegation of Paraguay, speaking on behalf of the Group of Latin America and Caribbean Countries (GRULAC), highlighted the importance of the discussions in the Committee as the topics discussed made the impact of the pandemic on the sector even more evident. GRULAC welcomed the organization of an information meeting on the impact of COVID-19 on the cultural and creative ecosystem including copyright, related rights, and limitations and exceptions. The Delegation reiterated its commitment to advancing with the agenda of the Committee.

67. The Delegation of South Africa, speaking on behalf of the African Group, underscored its interest in advancing the work of the SCCR towards ensuring a balanced copyright system, which rewarded creativity and guaranteed access to knowledge and information, for the benefit of society. The Group expressed its regret that the two previous sessions of the SCCR did not allow the Committee to engage in discussions of the broadcasting treaty, nor to make any meaningful progress in the area of limitations and exceptions. As regards future work in the SCCR, the Group was hoping to progress on the finalization of the broadcasting treaty, the determination of an appropriate international legal instrument or instruments on limitations and exceptions, in accordance with the 2012 WIPO General Assembly mandate, and having the artist resale right as a standing item on the agenda. The Delegation appreciated the information made available to the Committee since the previous WIPO General Assembly, including the reports on the regional seminars and conference on limitations and exceptions, the studies on the analysis of copyright related to the digital environment, and the reports and presentations from studies related to the rights of theater directors. The Group looked forward to learning more about the challenges experienced and the impact of COVID-19 on the cultural, creative and educational ecosystem, including copyright, related rights, and limitations and exceptions, during the information meeting at the forty-second session of the SCCR.

68. The Delegation of Georgia, speaking on behalf of the CEBS Group, believed that there was a need for a future-proof treaty that would bridge the needs of rapidly evolving technologies and the digital environment. The Group was optimistic about advancing the work towards an effective legal instrument and looked forward to a treaty that would equally protect

transmissions of broadcasting organizations to computer networks, and reflect contemporary technological realities. The Group reiterated that the resale right should be a standing agenda item of the SCCR and looked forward to the discussions on that important topic in the future. The CEBS Group welcomed the information meeting on the impact of COVID-19 and pointed out that the discussions about the effects of the pandemic needed to have a holistic and balanced approach.

69. The Delegation of France attached great importance to the discussions underway on the treaty for the protection of broadcasting organizations, because it was a question of finding a balance that would enable both access and the protection of the rights of all those involved in creation. The Delegation stated that broadcasting organizations were suffering for many years and indicated that the pandemic had made it clear how useful it had been to protect cultural and creative ecosystems and to adapt the legal framework for that purpose. The Delegation reiterated its willingness to enter into a constructive discussion to conclude debates, above all responding to the challenges involved in new technologies.

70. The Delegation of the Russian Federation welcomed the efforts being made to continue the work of the Committee. Regarding the treaty on the protection of broadcasting organizations, the Delegation believed the treaty should be formulated in accordance with the basic guidelines on the scope and object of protection, and the rights to be granted, and should be in the format proposed by the Friends of the Chair. The Delegation underlined the importance of continuing a dialogue on limitations and exceptions, considering that the pandemic situation had highlighted the impact of the gaps that existed in the international instruments. The Delegation thanked the Secretariat for carrying out a study related to the protection of the rights of theater directors. It was hopeful that the findings would be helpful to demonstrate the different approaches among the Member States and would improve the level of protection. The Delegation referenced the information meeting and hoped to continue fruitful work with the Committee.

71. The Delegation of China welcomed the continued work of the SCCR on the protection of broadcasting organizations, limitations and exceptions, and other related matters. It hoped that a consensus on the substantive issues of the treaty on the protection of broadcasting organizations could be reached to lay the foundation for the convening of a diplomatic conference. The Delegation proposed in-depth investigation and research to facilitate the advancement of the topic and the discussions on limitations and exceptions.

72. The Delegation of Indonesia aligned itself with the statement made by the Delegation of Bangladesh on behalf of the APG. The Delegation reiterated its commitment to the issue of the protection of broadcasting organizations and the negotiations around a broadcasting treaty, as well as agenda items on copyright exceptions and limitations. On the issue of a broadcasting treaty, the Delegation wished to highlight that should any informal work on the broadcasting treaty be continued, the modalities of such informal work must uphold the principles of transparency and inclusivity. The Delegation stated its intention to be part of any future informal work related to the broadcasting treaty. On the issue of limitations and exceptions, the Delegation stressed the importance of continuing the work in accordance with the 2012 WIPO General Assembly mandate for the SCCR to continue its work towards a legal instrument on limitations and exceptions for libraries and archives, educational and research institutions, and persons with other disabilities. The Delegation was hopeful that the SCCR would be able to agree on another limitations and exceptions work plan built upon the previous work plan, which had identified priority themes for work at the international level, including preservation and online uses.

73. The Delegation of Japan stated that the protection of broadcasting organizations was an important and high-priority agenda item in the SCCR. It recognized that the consensus on the fundamental issues, including specific scope, the object of protection, and rights to be granted

had not been reached at that stage and offered to contribute to the progress in order to come to a consensus when the substantial discussion resumed. For limitations and exceptions, the Delegation underscored the importance of an appropriate balance between the interests of right holders and those of the general public. It indicated that the three-step test had worked well as an international standard. Member States had established suitable exceptions and limitations based on the test taking into account the respective social and cultural backgrounds in every country. The Delegation was hopeful that the discussion on that issue would focus on the sharing of national experiences and practices and stressed its willingness to contribute to SCCR discussions in a constructive manner.

74. The Delegation of Malawi aligned itself with the statement made by the Delegation of South Africa on behalf of the African Group. It noted that no decisions had been made on the substantive issues including the proposed broadcasting treaty, limitations and exceptions, and other related matters, as well as on the request by the Delegations of Malawi, Panama and Sierra Leone, for WIPO to carry out a scoping study on the benefits of the public lending right system to authors. The Delegation looked forward to continued discussions on the broadcasting treaty and other matters on the agenda of the SCCR and was hopeful that future SCCR meetings would be held in a manner that would facilitate discussions leading to making decisions on those issues.

75. The Delegation of the United States of America confirmed its continued support with regard to the updating of the protection of broadcasting organizations in the digital age. The Delegation underlined the complexity of the issues, both legally and technologically, and encouraged the delegations to take the time needed to deliberate on those complex questions. Regarding the work of the Friends of the Chair, the Delegation appreciated the efforts of the acting SCCR Chair and of the Vice-Chair. The Delegation did not consider virtual meetings an appropriate format for negotiating the text of a treaty and looked forward to resuming text-based negotiations when it would be safe to do so. Regarding copyright exceptions and limitations, the Delegation referred to the current international framework for copyright exceptions and limitations, which provided the flexibility, consistent with well-established international standards, for countries to adopt exceptions and limitations to advance their own national, social, cultural and economic policies. The Delegation did not support the engagement of WIPO in norm setting that would impose minimum requirements in that area. It underlined the importance of an informed discussion on exceptions and limitations within the SCCR, and proposed future discussion of the idea of holding a number of regional consultations to deepen the understanding of Member States on the operation of copyright, related rights and exceptions and limitations during the pandemic.

76. The Delegation of the European Union, speaking on behalf of the European Union and its member states, stated that the treaty on the protection of broadcasting organizations remained a high priority and recalled the 2012 WIPO General Assembly mandate for the SCCR to continue its work towards convening a diplomatic conference subject to certain conditions. The Delegation considered that the Committee's work had to result in a meaningful treaty that reflected the technological developments of the twenty-first century. The Delegation remained committed to advancing work on that agenda item and looked forward to having in-depth discussions as soon as the situation allowed for it. The Delegation remained committed to pursuing constructive discussions on limitations and exceptions and believed that cultural heritage institutions played a crucial role in the dissemination of knowledge, information and culture along with the preservation of history. The Delegation attached importance to the support of the educational and research institutions and for people with disabilities both in the analog and digital world. As consistently expressed in the past, the Delegation stated that it could not support work towards legally binding instruments at the international level or any preparations in that regard. The Delegation believed that there was a need to take into account the solutions already made available to WIPO Member States within the existing international copyright framework. Full consideration had to be given to focusing on capacity building and

improving legislation of WIPO Members at the national and regional levels, with guidance and support from WIPO. The Delegation stood ready to continue to engage constructively under that agenda item. In terms of other agenda items, if the SCCR agenda could be expanded to cover additional items in the future, the Delegation reiterated support for including topic of resale right on the permanent agenda of the SCCR.

77. The Delegation of India stated that with respect to the draft treaty on the protection of broadcasting organizations, it supported the finalization of a treaty that protected the interests of broadcasting organizations on one hand, and that legitimately safeguarded the interests of the consumers on the other. The Delegation believed that the right to access available knowledge was a fundamental right. Those rights had to transcend all barriers in order to pave way for more inclusive societies. Limitations and exceptions for libraries and archives, for educational research institutions, and for persons with other disabilities played a critical role in ensuring the more holistic and inclusive development of society. The Delegation looked forward to working with Member States in that regard and on a text that was balanced and sustainable.

78. The Representative of the Latin American School for Intellectual Property (ELAPI) reasserted its belief that copyright was a human right, one of the basic human rights dealing with creativity and intellectual activities. To deny that is to deny a fundamental right of people. With regard to broadcasting rights, there was a need to join efforts and work on a treaty there. The Committee had been very emphatic in saying that it was not necessary to progress on issues pertaining to the protection of copyright, often using the COVID-19 pandemic as an excuse. The Representative asserted that such an approach denied basic human rights that have been a part of human history. With regard to the information meeting on the impact of the pandemic, it needed to concentrate on the creators as they were the ones who had been most affected by the COVID-19 pandemic and the Committee was supposed to work on behalf of the creators themselves.

79. The Representative of Knowledge Ecology International (KEI) stated that given the confusion over the objectives of the treaty, and proposals to provide effective perpetual rights to broadcasters for content that they did not create, own or license, KEI opposed any further work on a broadcasting treaty. The Representative proposed that the SCCR publish a report on the ownership, concentration of ownership, and nationality of ownership, of the new streaming services that were rapidly replacing traditional broadcasting in many markets. The SCCR work on broadcasting was deeply uninformed on the exploding role of new Internet streaming technologies that featured encryption, requiring payments from users. The most important platforms were controlled by very large multinational technology companies, such as Google's Youtube TV platform, Netflix, Spotify, and Amazon Prime, rather than locally owned broadcast entities. The Representative questioned why one would want to give those companies intellectual property rights (IPRs) in someone else's creative works? Because that would be the predictable outcome of any new IPR for broadcasting that included transmissions delivered at the time and place chosen by the user. On limitations and exceptions, norm-setting for archives and preservation was an achievable objective in the near future. That was an area where harmonization was less challenging, global and social issues were important, and conflicts with rights holders were not significant. The Representative noted that the SCCR report to the WIPO General Assembly omitted any reference to the Friends of the Chair process in relation to the broadcasting treaty and urged the Secretariat to provide transparency on that process. As regards education and other exceptions, the Representative requested that the SCCR review the exceptions in the 1976 Tunis Model Law for copyright, as well as the modalities that were used for the development of the model law. KEI supported work at the SCCR on an artist's resale right for physical works of art, but that treaty should not extend to copies of works.

80. The Representative of Electronic Information for Libraries (EIFL) stated that the COVID-19 pandemic had shown the need for clear copyright rules that supported online education, research and digital access to library collections for people everywhere. To address those issues, the SCCR had to accelerate its work on limitations and exceptions in three priority areas: online learning, text and data mining, and digital preservation. Due to the pandemic, global human development was on course to decline for the first time in 30 years. The Representative welcomed WIPO to play a more active role in fostering the Sustainable Development Goals (SDGs) and its membership of the United Nations Sustainable Development Group (UNSDG). In particular, work on limitations and exceptions would help implement key SDGs on education, innovation, and protecting the world's cultural heritage. The Representative looked forward to the resumption in 2022 of ordinary sessions of SCCR to work together on those issues.

81. The Representative of the Copyright Research and Information Center (CRIC) stated that the SCCR unfortunately had not been able to overcome the COVID-19 pandemic. That circumstance had not allowed meetings in the usual style since the previous year. As such, it had been almost impossible to make progress in discussions. All over the world, society needed broadcasting more than ever before, because it provided crucially important information. As a result of the pandemic, broadcasting over the Internet was increasing rapidly. As such, there was a need to establish a broadcasting treaty to fight against piracy as soon as possible. The Representative stressed that an international treaty was a minimum standard based on strict harmonization and strongly hoped that WIPO would have a special session on the broadcasting treaty as soon as face-to-face meetings could be held.

82. The Secretariat expressed thanks for all the encouraging statements that had been delivered regarding all the good work being done despite all the difficulties encountered while working in the COVID-19 context. The Secretariat acknowledged the hope of delegations to return to normal methods of work, in-person discussions, and decision making in the following SCCR meeting, and agreed with those feelings. The Secretariat referenced the momentum built up around the draft treaty on the protection of broadcasting organizations before the hiatus from the Committee's normal working methods. From the statements, it was apparent that momentum was still there. With respect to the Chair's text that was developed during SCCR/39, the Friends of the Chair had continued to work informally on that text, meeting autonomously without the involvement of the Secretariat. During the two previous hybrid Committee meetings, the Chair and the Vice-Chair gave the Committee general information about the work of the Friends of the Chair group and assured the Committee that any proposed elements of textual solutions would be shared with the whole Committee as informal proposals. The intention was to work in total transparency, as demonstrated among other things by the broader membership and larger geographical representation of the Friends. On the topic of exceptions and limitations, the Secretariat noted that a huge amount of information was available. Following the international seminars and conference, a comprehensive and accurate report had been published. All that information could help in the advancement of the work at the national level, in small discussion groups, and in the preparation for the discussions in the upcoming "normal" sessions of the SCCR. Concerning the information session on the impact of COVID-19, the Secretariat had already started preparations. To make the discussions as fruitful as possible, it would contact the Members of the Committee to describe their own experiences of the impact of the crisis.

83. The WIPO General Assembly:

- (i) took note of the "Report on the Standing Committee on Copyright and Related Rights" (document WO/GA/54/4); and
- (ii) directed the SCCR to continue its work regarding all issues reported on in document WO/GA/54/4.

ITEM 14 OF THE CONSOLIDATED AGENDA

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

84. Discussions were based on document WO/GA/54/5.

85. The Secretariat introduced document WO/GA/54/5, which contained a report on the work of the SCP. The Secretariat noted that the document described the progress of discussions at the thirty-second session of the SCP held from December 7 to 10, 2020, in a hybrid format. The Secretariat stated that during that session, the Committee had continued to address the following five topics: (i) exceptions and limitations to patent rights; (ii) quality of patents, including opposition systems; (iii) patents and health; (iv) confidentiality of communications between clients and their patent advisors; and (v) transfer of technology. The Secretariat particularly noted the fact that the Member States had proactively participated in the Committee's work by sharing information, making presentations, submitting proposals, and being engaged in discussions with a constructive spirit which had led to the adoption of a full set of SCP future work activities relating to all of the above five topics. The Secretariat further invited the WIPO General Assembly to take note of the information contained in the document.

86. The Delegation of South Africa, speaking on behalf of the African Group, thanked the Secretariat for the preparation and presentation of document WO/GA/54/5. The Group further thanked the Chairs of the SCP for guiding the work of the Committee during the thirty-first and thirty-second sessions of the Committee. The Group noted that the report on the SCP only covered the thirty-second session, even though the thirty-first session had been held after the 2019 Assemblies and its outcomes had not been reported to the Assemblies. The Group reaffirmed its commitment to the work of the SCP, which had become so important following the advent of the COVID-19 pandemic. The Group stated that, despite having no normative work on its agenda, the SCP was an important forum for the exchange of ideas and information, as well as to facilitate coordination and guidance concerning the progressive international development of patent law. The Group continued that the discussions in all SCP agenda items were relevant and important in the context of the ongoing pandemic. The Group further noted the references by many delegations in their general statements to the intersection of IP, in particular patents and public health. The Group stated that the discussions in the previous sessions on the agenda item "patents and health" had revealed challenges that existed in ensuring access to public health, particularly to affordable medicines, even with the existence of flexibilities in the IP system designed to address that challenge. While acknowledging that the patent system was designed to promote innovation and accord sufficient rights to patent owners, the Group noted that it was also true that without ensuring the necessary balance and flexibilities, the innovation followed by the patent system might not be accessible to the society. The Group emphasized that in many cases, in the time of the pandemic and before, essential public health goods had not reached those who needed them the most because of patent barriers. The Group stated that the SCP was an important platform to continue discussions on patents and health, including the review of existing research on patents and public health, as well as the update on the initiatives on publicly accessible databases of patent status information concerning medicines and vaccines. The Group concluded by stating that the discussions on limitations and exceptions to patent rights and technology transfer were equally important, and that it looked forward to the continuation of discussions on patent law provisions and practices that contributed to effective transfer of technology.

87. The Delegation of Slovenia, speaking on behalf of the European Union and its member states, thanked the Secretariat and the members of the SCP for the continuous effort and progress made since the previous WIPO General Assembly. The Delegation highlighted that there had been constructive discussions on five topics on the agenda of the SCP, namely: (i) exceptions and limitations to patent rights; (ii) quality of patents, including opposition systems; (iii) patents and health; (iv) confidentiality of communications between patent

advisors and their clients; and (v) transfer of technology. The Delegation stated that quality of patents, including opposition systems, was of particular importance to the European Union. In that regard, the Delegation highlighted that high-quality patents could guarantee the proper balance between the interests of inventors, industry and other stakeholders, on the one hand, and of the society, on the other hand. Further, the Delegation stated that it looked forward to continuing to contribute to advancing the work of the SCP, in particular with regard to the topic of artificial intelligence (AI). The Delegation noted that the topic of quality of patents consisted of, *inter alia*, future discussions on the study of approaches to the quality of patent granting processes, the revised proposal by the Delegations of Brazil and Spain regarding the sufficiency of disclosure (document SCP/31/8 Rev.), and on sharing experiences and information on the use of AI for examination of patent applications as proposed by the Delegations of France and Spain (document SCP/30/9). The Delegation further stated that apart from contributing to the technical discussion on quality of patents, it continued to believe and wished to encourage the SCP to serve as a venue for discussions about the existing differences of patent law systems, as well as substantive patent law in the future. Further, the Delegation underlined that the European Union and its member states attached great importance to the topic of confidentiality of communications between clients and their patent advisors. In that regard, the Delegation looked forward to continuing discussion on recent developments and experiences as well as on any suggestions and proposals presented by the Member States on that topic in the upcoming sessions of the SCP. The Delegation stated that the sharing session on patent law provisions and practices that had contributed to effective transfer of technology was insightful and useful. In that regard, the Delegation looked forward to discussing that important topic in the upcoming sessions of the SCP as well. The Delegation stated that the COVID-19 crisis had shown that the interplay between patents and public health required continued and even increased attention. Therefore, in its view, it was important that the SCP, building on the relevant work carried out over the past years, kept addressing the issues in a thorough manner in line with its mandate and still under a balanced approach, fostering both innovation through effective IP incentives and adequate access to health related technologies. Further, the Delegation emphasized that while the European Union and its member states considered all topics on the agenda of the SCP important, it wished to reiterate its special interest in enhancing international cooperation and improving the technical knowledge on the patentability requirements. The Delegation expressed the view that ensuring a more efficient, effective and higher-quality patent system in all Member States was the right way forward in removing trade obstacles and could prominently contribute to economic prosperity. The Delegation expressed its commitment to continued efforts to advance the work of the SCP in accordance with its agreed work plan. The Delegation stated that it looked forward to interesting discussions and information sharing and hoped to achieve tangible results in future in the SCP.

88. The Delegation of Bangladesh, speaking on behalf of the APG, thanked the Chair and Vice-Chairs of the SCP and the Secretariat for the excellent work done and for the preparation of the report contained in document WO/GA/54/5. The Delegation noted that the SCP, according to its agreed mandate, was to confine its work to fact-finding and that it should not lead to harmonization at that stage. The Delegation reiterated its support for the work of the SCP on addressing the topics of exceptions and limitations to patent rights, quality of patents, including opposition systems, patents and health, the confidentiality of communications between clients and their patent advisors and transfer of technology. The Delegation looked forward to result-orientated future work of the SCP.

89. The Delegation of India expressed its appreciation with regard to the ongoing work in the SCP. The Delegation stated that the work of the SCP had assumed even more significance in today's world, due to the ongoing pandemic. In that regard, the Delegation stated that the patent system should be balanced, rather than overtly tilted towards one side or the other. The Delegation stated that a balanced patent system ensured sustainability and had potential of achieving its intended goals. The Delegation highlighted that the exceptions and limitations in the patent system were crucial and helped attain the balance. The Delegation suggested that

the peculiar challenges faced by different jurisdictions be addressed effectively with the help of the exceptions and limitations to the rights. Further, the Delegation proposed that, as part of future work, a study regarding exceptions and limitations that were relevant to the ongoing pandemic be conducted, since that would allow the Member States to learn from the experiences of others. The Delegation further stated that the issue of patents and health was even more important today. The Delegation informed the WIPO General Assembly that the United Nations High-Level Panel on Access to Medicines had highlighted most importantly the issue of flexibilities and their role in promoting access to affordable medicine. The Delegation continued that there was a need to preserve the flexibilities in the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement) in order to address the public health concerns being faced in various jurisdictions. The Delegation stated that the opposition system contributed immensely towards improving the quality of patents and that it promoted public participation in the patent system. The Delegation further noted that the current times demanded presence of a freely accessible and easily searchable patent databases pertaining to medicines and vaccines. The Delegation also stated that there was an urgent need to learn from the experiences of Member States with regard to the transfer of technology. The Delegation stressed the fact that transfer of technology continued to be a challenge, while it was the objective of the patent system. In that regard, the Delegation expressed its willingness to work together with other Member States.

90. The Delegation of the Russian Federation thanked the Committee and the Member States for the exchange of information on various issues between the Member States. The issues of particular interest for the Delegation were the quality of patents and patents and health. With reference to COVID-19 pandemic, the Delegation stated that the Federal Service for Intellectual Property (ROSPATENT) had been fast-tracking applications relating to viruses and related diseases. The Delegation noted that since the beginning of the pandemic, more than 870 relevant applications for patents for inventions and utility models had been filed in the Russian Federation. The Delegation further stated that the ROSPATENT had issued a patent for the world's first vaccine against COVID-19. The Delegation continued that a rapid access to patent information and exchange of search results would allow the medical community to coordinate their actions and consolidate their efforts to fight the viral infection. The Delegation urged Member States to consider possible formats to adopt similar measures for international applications under the Patent Cooperation Treaty (PCT) and accelerate the exchange of patent information relating to virus control. The Delegation was convinced that the collective efforts would help to make significant progress in overcoming the COVID-19 pandemic. Further, the Delegation stated that they had been consistently working on improvement of the quality of patents by introducing the state-of-the-art technology into the office's work and improving regulations. The Delegation informed the Member States that, with respect to applications for patents for inventions and utility models, a law came into force in the Russian Federation, which allowed applicants to submit three-dimensional models in electronic form. The Delegation noted that thanks to that opportunity, they would be able to significantly improve the quality of examination and reduce its time. In addition, the Delegation stated that accredited universities and scientific organizations would be able to conduct a preliminary prior art search and evaluation of the patentability of inventions in highly specialized fields. Further, the Delegation stated that it attached great importance to the information-exchange sessions on the patentability of inventions based on AI within the Committee. In that regard, the Delegation noted that its country paid great attention to the digital transformation of the economy and society, in which AI technologies occupied a key place. The Delegation expressed its belief that harmonization of the offices' approaches would facilitate the formation of an environment that would be appropriate for the safe development and introduction of AI technology, taking into account the balance of interests of individuals, society, the State, AI system developing companies, and consumers of their goods and services. In conclusion, the Delegation stated that it was following the development of Member States' legislation with great interest and that it looked forward to further productive discussion and exchange of experiences on various issues.

91. The Delegation of the United States of America thanked the Secretariat of the SCP for its hard work over the previous year, including the preparations for the WIPO General Assembly. The Delegation supported a further study of the issues identified in document WO/GA/54/5 in a balanced manner as a way to reach consensus on a work program that would take into account the range of interest represented by the Member States. The Delegation also welcomed the spirit of cooperation in the SCP that had allowed all Member States to agree on future work programs, and it looked forward to continuing discussions with the spirit of cooperation.

92. The Secretariat thanked the delegations for their various interventions relating to the report on the SCP. The Secretariat expressed its willingness to assist the activities of the Committee in a number of areas on its agenda, such as exceptions and limitations to patent rights, quality of patents, including opposition systems, patents and health, confidentiality of communications between clients and their patent advisors, and transfer of technology. With respect to the COVID-19 pandemic, referring to the direction established by the Director General, the Secretariat looked forward to working with all Member States.

93. The WIPO General Assembly took note of the “Report on the Standing Committee on the Law of Patents (SCP)” (document WO/GA/54/5).

ITEM 15 OF THE CONSOLIDATED AGENDA

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

94. Discussions were based on document WO/GA/54/7.

95. The Secretariat indicated that during the period under consideration the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), held two sessions in hybrid mode, which were both chaired by Mr. Alfredo Rendón Algara remotely from Mexico City. With respect to trademarks, the Secretariat reported that the Committee had concluded a comprehensive fact-finding exercise on nation brands, based on the replies from 57 Member States to an electronic Questionnaire on Nation-brand Protection in Member States. In addition, the SCT had invited members to present proposals for topics for an Information Session on Nation-brand Protection, to be possibly held in conjunction with the forty-sixth session of the Committee. Concerning industrial designs, the SCT had considered an Updated Proposal by the Delegations of Canada, Israel, Japan, United Kingdom and the United States of America for a Joint Recommendation Concerning Industrial Design Protection for Designs for Graphical User Interfaces (GUI), and had concluded that it would continue the discussion at the next session. In addition, the SCT had requested the Secretariat to create the prototype of a database including a number of replies to the Questionnaire on the Temporary Protection Provided to Industrial Designs at Certain International Exhibitions under Article 11 of the Paris Convention, and to present the prototype at the next session of the SCT. With respect to geographical indications, the SCT had agreed to hold an Information Session on Geographical Indications, in conjunction with the forty-fifth session, and had agreed on the program for the session with two topics. Moreover, the SCT had invited members to present proposals for topics for an Information Session on Geographical Indications, to be held in conjunction with the forty-sixth session of the SCT. The Secretariat also indicated that two half-day information sessions had taken place in conjunction with SCT/43, one on geographical indications and another one on the temporary protection of industrial designs shown at international exhibitions. The Secretariat concluded by mentioning the holding of the 2021 World Intellectual Property Organization (WIPO) Worldwide Symposium on Geographical Indications, in full virtual mode from September 6 to 8, 2021. The Secretariat pointed out that, on the occasion of the Symposium, a WIPO Virtual Exhibition on Geographical Indications had

been launched and would be accessible for the next five months. The exhibition featured contributions from more than 40 Member States in all six official languages of WIPO.

96. The Delegation of Brazil drew attention to the proposal under discussion at the SCT on the use of country names and geographical names of national significance as domain names, at the first and second levels in the Domain Name System (DNS). The Delegation indicated that the proposal's aim was to extend the application of the Uniform Domain Name Dispute Resolution Policy (UDRP), currently limited to conflicts relating to trademarks, to conflicts involving geographical names, including the use of country names and geographical names of national significance as domain names. Pointing out that domain names were of an exclusive nature, contrary to trademarks, the Delegation expressed the view that, due to the many public policy implications, the Committee had to make progress on the question of the legitimate criteria for the delegation of domain names. Such delegation had to be based on open, transparent and multilateral discussions, not on a unilateral decision. Recalling that the Internet Corporation for Assigned Names and Numbers (ICANN) had confirmed the granting of a first level domain ".amazon" to the company of the same name, the Delegation expressed its disagreement with that decision, which had been taken in spite of the explicit objections from the Amazon States and the Amazon Cooperation Treaty Organization (ACTO). The Delegation also said that the decision had not taken into account the advice of ICANN's Governmental Advisory Committee (GAC), which had recalled the importance of a solution agreed upon by the Amazon countries and the company. Pointing out that this case revealed a structural imbalance in terms of Internet governance, the Delegation called upon the SCT to provide an appropriate response to the expressed concerns through work on the proposal referred to in the beginning of its intervention. The Delegation also invited ACTO members to co-sponsor the proposal because of the major public-interest implications that it had. To conclude, the Delegation invited SCT members to engage constructively and share their viewpoints as to how the Committee could make progress on that matter.

97. The Delegation of Georgia, speaking on behalf of the Central European and Baltic States (CEBS Group), thanked the Chair of the Committee, Mr. Alfredo Carlos Rendón Algara, for his able guidance during the sessions, as well as the Secretariat for the report. The Delegation said that the Group attached great importance to the discussions on geographical indications and the protection of country names and geographical names of national significance in the DNS. Similarly, the Delegation considered that the deliberations on the protection of GUI, icon, typeface and type font designs, as well as those on the temporary protection provided to industrial designs at certain international exhibitions, were of paramount significance for WIPO Member States. The Delegation noted that the concerns about country names and geographical names of national significance used as top-level and second-level domain names were well known. In this regard, the Group expressed its full support for their protection against delegation as top-level domain names in the DNS, as well as for the endeavor to grant a right protection mechanism at the second level to ensure adequate and sufficient protection.

98. The Delegation of Bangladesh, speaking on behalf of the APG, thanked the Secretariat for introducing document WO/GA/54/7, as well as the Chair and Vice-Chairs of the SCT and the Secretariat for the work done thus far. Welcoming the progress made on the agenda of the Committee in relation to trademarks, industrial designs and geographical indications, including discussions on GUI, icon and typeface/type font designs and the protection of country names, the Group took note of the report submitted under the agenda item.

99. The Delegation of South Africa, speaking on behalf of the African Group, thanked the Secretariat for the preparation of document WO/GA/54/7 and Mr. Alfredo Carlos Rendón Algara of Mexico for chairing the last two sessions of the SCT. The Group expressed the hope that certain items on the agenda of the SCT for some time, such as the protection of country names and geographical names of national significance, would be finalized soon to enable the Committee to focus on other important matters, including new proposals introduced by Member

States. The Group thanked all Member States for their contribution to the work of the SCT and for submitting proposals aimed at contributing to the progressive development of international law on trademarks, industrial designs and geographical indications. However, the Group considered that new proposals should not lead to norm setting, until the benefits and impact of those proposals, particularly on developing countries, had been fully explored. To conclude, the African Group expressed the view that the Information Sessions on Geographical Indications held, as well as those planned, provided the Committee with key insights and assistance in determining future work on that topic.

100. The Delegation of Spain expressed its appreciation to the delegations, the Chair of the Committee and the Secretariat for their work, which was fundamental, and in which Spain had been participating actively and constructively. Concerning the Revised Proposal by the Delegation of Jamaica on a Joint Recommendation Concerning Provisions for the Protection of Country Names, the Delegation highlighted the comments provided by a number of delegations. Convinced that future debates on the protection of nation brands would trigger interest, the Delegation expressed the hope that the Committee would make progress on that question. The Delegation considered that the Proposal by the Delegations of Georgia, Iceland, Indonesia, Jamaica, Liechtenstein, Malaysia, Mexico, Monaco, Peru, Senegal, Switzerland and the United Arab Emirates on the Protection of Country Names and Geographical Names of National Significance reflected the willingness to bring positions closer and reach consensus. In that context, and maintaining the spirit of making progress in the debate, the Delegation said that it would welcome a discussion of the proposal in conjunction with other proposals on the same subject. Expressing the view that the information sessions relating to geographical indications would help tackle fruitful debates in the next sessions, the Delegation looked forward with interest to those sessions. Lastly, the Delegation expressed appreciation for the support to its proposal concerning the creation of a database compiling the replies to the Questionnaire on the Temporary Protection of Industrial Designs at Certain International Exhibitions under Article 11 of the Paris Convention. The Delegation recalled that the obligation to grant temporary protection took different forms according to domestic legislation, such as the recognition of a right of priority under Article 4 of the Paris Convention, consideration of innocuous disclosures for the purpose of assessing novelty, or the establishment of a grace period. For those reasons, the Delegation considered that it was important, not only to provide for temporary protection, but also to facilitate transparent and direct access to the relevant information, so that users would be able to disclose their designs and protect their rights in each territory. Observing that the relevant objective was to continue exploring ways to support the dynamism of the industrial design sector and designers, the Delegation said that it shared and welcomed the understanding that the database that would be developed would be of a merely informative nature. However, the Delegation believed that, for the database to become an effective tool, delegations had to commit to updating it, at least to a certain level, in case of legislative changes. The Delegation looked forward with interest to the holding of the next session of the Committee, at which the prototype of a database, as well as the estimate of the required resources for its development, would be presented.

101. The Delegation of the European Union, speaking on behalf of the European Union and its member states, welcomed the continuing progress made by the SCT during its last two sessions. The Delegation noted with appreciation that, despite the COVID-19 pandemic, the SCT had been able to hold two hybrid sessions during which progress had been achieved on most key topics and delegations had maintained a constructive spirit. In the area of trademarks, on the topic of country names, the Delegation welcomed the new proposal by the Delegation of Georgia and other Member States concerning the protection of country names and geographical names of national significance, as reflected in document SCT/43/6. Noting that two other proposals would continue to be discussed at the next SCT session, the Delegation said that it would welcome an attempt to merge concepts underlying previously submitted and long-debated proposals on the table. Adding that it would also appreciate efforts in simplifying discussions by reducing the number of competing revised proposals, the Delegation

commended the spirit of seeking consensus reflected in the joint proposal contained in document SCT/43/6 and looked forward to continuing the discussions on that proposal. On nation brands, the Delegation said that it continued to have the favorable impression that nation brands identified in the responses could benefit from protection as trademarks, as well as by means of Article 6~~ter~~ of the Paris Convention for the Protection of Industrial Property. In the Delegation's viewpoint, significant problems relating to the protection of such identified national brands were not immediately apparent from the responses. Looking forward to the preparation by the Secretariat of the main findings and trends identified in the returns to the questionnaire, the Delegation expressed its interest in discussing any proposal for topics for an Information Session on Nation-brand Protection in Member States, to be possibly held in conjunction with SCT/46. In the area of designs, the Delegation commended the completion of work regarding the Questionnaire on GUI, Icon and Typeface/Type Font Designs. Considering that the revised analysis of returns, prepared by the Secretariat in document SCT/43/2 Rev., provided a valuable summary of the conclusions, the Delegation expressed its support for using that document as a reference for further work on selected pertinent issues for GUI designs. Reiterating the view that currently existing divergences should be addressed and that further work thereon could pave the way to a more harmonized approach, the Delegation welcomed, as a practical solution, the Revised Proposal for a Joint Recommendation by the Delegations of Israel, Japan and the United States of America, as reflected in document SCT/43/10 Rev. Recalling that it had made detailed technical comments on the original proposal, the Delegation considered that the revised text was an improved version of that proposal, and looked forward to working with the proponents and other delegations to finalize the recommendation, in order to foster a more harmonized approach. The Delegation said that it also welcomed the proposal from the Delegation of Spain regarding further steps based on the compilation of the returns to the Questionnaire on the Temporary Protection Provided to Industrial Designs at Certain International Exhibitions under Article 11 of the Paris Convention for the Protection of Industrial Property, as contained in document SCT/44/5. Considering that it would be beneficial for users to have a compilation of the replies to the questionnaire in an easily accessible and searchable format, the Delegation endorsed the new proposal by the Delegation of Spain, with the caveat that the database should serve merely for information purposes as a repository of information. Finally, in the area of geographical indications, the Delegation thanked the Secretariat and SCT members for the work in preparing and delivering the Information Session on Geographical Indications. In the Delegation's opinion, the process of advancing the international debate on geographical indications had been a valuable and constructive exercise. Looking forward to the continuation of the exercise at the next SCT session, the Delegation indicated that it had proposed a topic concerning the ways to prevent bad faith of domain names consisting of, or containing, geographical indications. The Delegation reiterated its concern that the treatment of geographical indications on the Internet was an area where there were significant lacunae and unjustified divergences from the treatment of other forms of IPRs, in particular in the management of generic top-level domains and further levels of the DNS. Pointing out that those issues had been raised in 2013 in document SCT/31/8 Rev., the Delegation observed that, since then, its concerns had been confirmed by arbitration cases and discussions within WIPO. At the same time, the Delegation looked forward to discussing the topic on the examination of geographical indications in *sui generis* systems and trademark systems, including words in combination with graphic elements and geographical indications consisting solely of a graphic element; the weight given to descriptive elements; conflicts; and scope of protection. Moreover, the Delegation believed that information sessions should address the relevance of geographical indications for developing countries' economies, as geographical indications were a unique form of IP, which protected local cultural, social and economic values. In addition, geographical indication could potentially be used to protect the names of products relating to genetic resources and the traditional knowledge of indigenous and local communities. The Delegation said that it would be pleased to facilitate such an information session, if proposed by an interested member. Expressing its appreciation for the positive

tendencies, the Delegation concluded by saying that the European Union and its member states remained actively engaged in continuing work in all three key areas of the SCT.

102. The Delegation of Jamaica thanked the Secretariat for the preparation and presentation of document WO/GA/54/7 and Mr. Alfred Rendón Algara for having chaired the last two sessions of the SCT. As it continued to value the important work of the SCT, the Delegation expressed satisfaction as to the progress made by the Committee in its three areas of work, notwithstanding the challenges brought on by the COVID-19 pandemic. Recalling that, at the last SCT session, it had tabled a Revised Proposal for a Joint Recommendation Concerning Provisions on the Protection of Country Names, the Delegation expressed appreciation for the constructive engagement and announced that it would continue outreach on that proposal and other proposals on country names. The Delegation held the view that names of States constituted symbols of States, similar to State flags and other national emblems, which ought to be protected by the international IP system. The Delegation looked forward to the continued engagement among Member States on that issue and other issues under consideration within the SCT.

103. The Delegation of India expressed appreciation for the efforts of the Secretariat in preparing document WO/GA/54/7. The Delegation was of the opinion that a country name, if used as a trademark, created a link between the goods or services and the concerned member State from where they originated. Stressing the importance of preventing misuse of country names as trademarks, the Delegation considered that a country name should be allowed to be used as a trademark only after proper authorization. As regards domain names consisting of geographical indications, the Delegation indicated that any misuse had a potential of misleading customers and, thereby, could adversely affect the right holders. In that respect, the Delegation expressed appreciation for the efforts in preventing such misuse. The Delegation pointed out that India had a *sui generis* system for the protection of geographical indications, which prevented the misuse of geographical indications as a domain name and helped promote related traditional knowledge and traditional cultural expressions. The Delegation concluded by stating that it looked forward to working together with Member States in that regard.

104. The Delegation of the Russian Federation thanked the Committee and the Member States for their work on important issues on the protection of industrial designs, nation brands and geographical indications. Observing that the question of the temporary protection of industrial designs at trade exhibitions had been discussed within the SCT for a certain number of years, the Delegation held the view that the subject was of interest to the whole international community. In that respect, the Delegation expressed its interest in a study on the practices of States concerning the criteria to determine whether an exhibition was categorized as an “official or officially recognized international exhibition”. In the Delegation’s view, the Committee could draw up recommendations on harmonizing approaches, depending on the study’s findings. Turning to the trademark area, the Delegation looked forward to the document on the main findings and trends identified in the returns to the Questionnaire on Nation-Brand Protection in Member States, to be prepared by the Secretariat. Finally, as regards geographical indications, the Delegation believed that the next information session would contribute to a better understanding of the practices of offices as regards the examination of geographical indications including words in combination with graphic elements and of geographical indications consisting solely of a graphic element. The Delegation added that the presentations made at the information session would be useful to offices and applicants who could have questions on those types of applications. The Delegation concluded by wishing the Committee success in the future.

105. The Delegation of Trinidad and Tobago supported the statement made on behalf of GRULAC in commending the work of the SCT. Thanking WIPO for its assistance, the Delegation indicated that the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks had become operational in Trinidad and Tobago on

January 12, 2021. With respect to industrial designs, the Trinidad and Tobago Intellectual Property Office (TTIPO) thanked WIPO for its assistance in the preparation of the draft legislation to facilitate accession to the Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs. The Delegation supported GRULAC on discussing the convening of a diplomatic conference on the Design Law Treaty when circumstances permitted. In addition, the Delegation expressed its support for a balanced approach regarding the Revised Proposal by the Delegation of Jamaica for a Joint Recommendation Concerning Provisions on the Protection of Country Names in document SCT/43/9. The Delegation looked forward to continuing the work of the Committee as it sought to guide Member States along their developmental paths.

106. The WIPO General Assembly took note of the “Report on the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)” (document WO/GA/54/7).

ITEM 16 OF THE CONSOLIDATED AGENDA

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

107. Discussions were based on document WO/GA/54/8.

108. The Secretariat introduced the item, indicating that document WO/GA/54/8 presented an overview of the work of the WIPO General Assembly with respect to the convening of a diplomatic conference for the adoption of a Design Law Treaty (DLT). The Secretariat recalled that, at its session in 2020, the WIPO General Assembly did not consider the convening of a diplomatic conference on the DLT, due to the fact that the agenda of that session was shortened owing to the COVID-19 pandemic.

109. The Chair, underlining the efforts made to advance on that important issue, referred to the Director General’s statement highlighting the need of more infrastructure for the Organization in terms of norms, in order to be more efficient and more productive. The Chair said that, while he did not underestimate the different positions expressed by delegations, he believed that a DLT would add strong value to the work and give an impetus to creation. The Chair also thanked former Ambassador Socorro Flores Liera (Ms.) (Mexico), Ambassador Alicia Arango Olmos (Ms.) (Colombia) and Ambassador Muhammadou Kah (Mr.) (the Gambia) for their extraordinary work in the holding of the informal consultations with the different groups.

110. The Delegation of the United Kingdom, speaking on behalf of Group B, thanked Ambassadors Liera, Arango Olmos and Kah for their efforts on the DLT. The Delegation observed that various Member States had expressed interest to host the diplomatic conference for the adoption of the DLT. However, despite all the efforts and goodwill, the discussions remained unfortunately at a stalemate since 2015, when a new provision in an article had been proposed to a nearly finalized draft treaty text. Recalling the long history of the issue under discussion, the Delegation expressed its regret that consideration of the disclosure requirements, falling outside of the scope and focus of the formalities draft treaty, were preventing users from the benefit of clarified and simplified formalities for registering industrial designs. The Delegation also recalled that, at the 2014 WIPO General Assembly, Group B had stood ready to agree on sending documents SCT/31/2/Rev. and SCT/31/3 to a diplomatic conference in 2015. At the thirty-fifth session of the SCT, the Group had expressed agreement to join a consensus on sending the Chair’s proposal to a diplomatic conference as the framework for negotiation, subject to the deletion of Note 3.08. Group B had shown extreme flexibility again in 2019, when discussions revolved around the facilitator’s proposal, but no consensus had emerged. The Delegation said that, although the discussions had been close to

a compromise since 2015, with the 2019 facilitator's proposal having been the closest, Group B was of the view that pursuing those discussions would take delegations further apart rather than towards consensus. Group B hoped that the negotiation environment would be restored and that delegations would return focus to the discussions to reducing burdens on industrial design applicants, so as to arrive at a mutually satisfactory text at the WIPO General Assembly, upon which to convene a diplomatic conference.

111. The Delegation of Georgia, speaking on behalf of the CEBS Group, thanked Ambassadors Liera, Kah and Arango Olmos for their efforts on the draft DLT. Pointing out that the DLT text had already been ready many times, the Delegation recalled the Group's extreme flexibility, as well as the flexibility expressed by other regional groups in 2019, which could have brought the issue to a real outcome. The Group said that the history of the DLT could serve as an example of a text that seemed important for all delegations, would provide enhanced protection for designs, as well as simplify and harmonize the existing registration procedures. However, despite all efforts, attempts and invested resources, the treaty could not find a real solution. The Group, taking note of the latest activities regarding the DLT, held the view that additional clarifications would be necessary before considering further negotiations. The Delegation reiterated the great importance attached by the CEBS Group to the DLT, and expressed the Group's readiness to engage in using the time available before the next WIPO General Assembly, in order to find a solution acceptable to all.

112. The Delegation of Bangladesh, speaking on behalf of the APG, commended all Member States and regional groups for their positive contribution to the discussions on the draft DLT. The Group also thanked the Chair of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), as well as Ms. Wang Binying, Deputy Director General of WIPO and her team, for the work in facilitating the process. Referring to the 2019 WIPO General Assembly's decision, the Group regretted that the 2020 WIPO General Assembly had not considered the matter, as the agenda of that session had been shortened due to the COVID-19 pandemic. Nonetheless, the Delegation expressed the Group's appreciation for the initiatives undertaken by the Chair, as well as for the progress made by the facilitators, the Ambassadors of Colombia and the Gambia, to find an amicable solution of the pending issues, with the aim of convening the diplomatic conference. The Delegation announced the readiness of the Group to engage constructively towards a complete resolution of the outstanding issues. In that regard, the Group reiterated the view that developing countries should have ample policy space to shape their industrial design protection systems, in accordance with national interests, as emphasized in the TRIPS Agreement.

113. The Delegation of South Africa, speaking on behalf of the African Group, thanked the Chair for all his efforts and commitment in finding a solution on the matter of the draft DLT, including by appointing the facilitators, who had assisted Member States to resolve the remaining differences on the issue. In addition, the Group expressed its gratitude to the Facilitator, Ambassador Liera, as well as to the current Facilitators, Ambassador Kah and Ambassador Arango Olmos, for their efforts to move Member States forward on the issue. The Delegation said that the Group had engaged openly and constructively in all discussions aimed at resolving the differences on the issues of the technical assistance clause and of the disclosure of traditional knowledge (TK), traditional cultural expressions (TCEs) and genetic resources (GRs), proposed by the Group for inclusion in Article 3 of the DLT. Acknowledging the important contribution of designs to the global economy, as well as the potential value of the DLT to facilitate easier and faster registrations of designs, the Group believed that the outcome of the negotiations on the DLT should be balanced and reflect the needs, interests and concerns of all Member States. In the Group's viewpoint, the request to introduce a disclosure provision in the main text of the DLT would ensure certainty and provide better protection of TK and TCEs as part of the common efforts to achieve the SDGs, including the economic and cultural empowerment of indigenous and local communities. Although some groups had consistently declared having shown flexibility on those issues, the Group observed that such

flexibility had not been seen in practice, as the Group's proposal continued to be rejected for non-justifiable reasons. Expressing the wish that a diplomatic conference on the DLT would be convened as soon as possible, the Group noted with appreciation the expressions of interest from three WIPO Member States to host the diplomatic conference. However, in the Group's opinion, such a diplomatic conference should only be convened once Member States would have resolved the fundamental issues at hand. The Delegation concluded by expressing the Group's readiness to engage with all interested parties to reach a mutually acceptable solution on the DLT for the benefit of all.

114. The Delegation of China thanked the Chair and the two Friends of the Chair for their active efforts in promoting negotiations on the topic of the draft DLT, as well as Ms. Wang Binying, Deputy Director General, and her team for having moved forward the agenda item. The Delegation expressed its support for the development of the DLT and hoped that all parties would demonstrate greater efforts to fully consider and understand each other's requests and actively cooperate to reach an agreement as quickly as possible. As regards provisions in the draft DLT, which were yet to be agreed, the Delegation suggested the use of reservations that would offer more flexibility to gain a broader acceptance from Member States. Finally, on technical assistance and disclosure of the origin or source, the Delegation expressed the hope that the proposals from developing countries would be considered in order to achieve substantive progress at the earliest.

115. The Delegation of the United States of America recalled that it had consistently supported the work on the draft DLT to simplify the filing procedures and formalities for industrial design applicants pursuing protection in jurisdictions around the globe, similar to the Patent Law Treaty (PLT) for patents and the Singapore Treaty on the Law of Trademarks (STLT) for trademarks. For the Delegation, finding commonalities and best practices in those procedures and formalities would help design innovators, in particular small and medium-sized enterprises (SMEs) and individual designers, to navigate the sometimes complex filing procedures in order to protect their designs. The Delegation recalled that the discussions had frequently highlighted that the DLT aimed at reducing – rather than enhancing – burdens on applicants and at providing clarity and certainty – rather than introducing uncertainty. As such, Member States had collectively sought to limit acceptable requirements in the DLT to matters directly tied, and critical, to the determination by an intellectual property (IP) office or jurisdiction to grant or deny the industrial design right in an application. Unfortunately, in considering the DLT text, the Delegation observed that a point of disagreement on one provision had been reached and that Member States had not been able to bridge it. Aligning itself with the statement of Group B, the Delegation further noted that bridging the gap would not occur at the current session of the WIPO General Assembly, as time had run out and Member States had not agreed on a text, which would be able to do so. The Delegation recommended that the matter of bridging the remaining gap be taken up, with an enhanced focus, at the SCT. In the Delegation's viewpoint, continuing those discussions in earnest at the SCT, with an intent for the Committee to provide an agreed recommendation to the WIPO General Assembly, was the correct approach for maximizing chances of success. Observing that the process of working through standing committees or alike bodies to reach a recommendation had been previously used to convene most – if not all – of the diplomatic conferences at WIPO, the Delegation expressed support for continuing that successful work and methodology. In the Delegation's opinion, after several years of consideration of the issue by the WIPO General Assembly, reaching an agreement would be extremely difficult in the absence of a recommendation from the SCT. In conclusion, regretting that the WIPO General Assembly had not been able to move forward on the DLT at its current session, for the benefit of global designers, the Delegation believed that it was time to focus further energies on the topic, primarily back at the SCT.

116. The Delegation of the European Union, speaking on behalf of the European Union and its member states, said that the basic text of the DLT had been stable since 2014, and ripe for the

convening of a diplomatic conference for the adoption of the treaty. In view of the benefits of harmonizing and simplifying design registration procedures for users and members of WIPO across the spectrum of development, the Delegation considered that the continued delay in the adoption of the treaty was unfortunate. Regretting that a decision to convene a diplomatic conference had not been made at the 2019 WIPO General Assembly, the Delegation recalled that, despite efforts to constructively engage in discussions on the facilitators' text, no positive outcome could be achieved. The Delegation expressed appreciation for the commitment of the Facilitator, Ambassador Liera to reopen informal consultations in January 2021, to further discuss the 2019 compromise proposal, and commended her engagement with all Regional Coordinators and interested delegations to seek a possible way forward with a transparent and inclusive spirit. Echoing the summary on DLT consultations prepared in April 2021, the Delegation considered that, as long as the pending discussions on TK and TCEs were not concluded within the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC), including them in the DLT discussion would be fruitless and would delay the conclusion of a long overdue process. The European Union and its member states stood ready to discuss and explore constructive solutions on the two remaining open issues, namely the proposal for a disclosure requirement to be included in Article 3 of the treaty, and the specific nature of the instrument on technical assistance and capacity building in implementing the treaty. With regard to the first outstanding issue, the Delegation recalled its active engagement in efforts to agree on an appropriate wording for Article 3. Thanking the Chair of the WIPO General Assembly and Friends of the Chair for the informal consultations with Regional Coordinators, the Delegation expressed gratitude to Ambassador Kah and Ambassador Arango Olmos for circulating a white paper on the DLT and for their efforts. However, several questions arising from the proposal set out in the white paper needed clarification before considering further negotiations. In the Delegation's view, the questions raised by the white paper would call for substantive changes, which would not be possible during the current session, given its hybrid format. The European Union and its member states stood ready to further explore constructive proposals, once normative negotiations could be conducted again, hopefully at the next WIPO General Assembly.

117. The Delegation of Morocco, thanking the Secretariat for the working document, declared that it attached great importance to the development of industrial designs. The Delegation endorsed all initiatives aimed at harmonizing design application procedures and facilitating the protection of creations, while securing the rights of all stakeholders. The Delegation expressed support for the efforts made by Member States to reach a consensus, with a view to convening a diplomatic conference for the adoption of a DLT.

118. The Delegation of India, considering that the provisions on technical assistance and disclosure requirements were of a political nature, said that it was urgent to find a solution to resolve the impact on those critical issues. The Delegation called upon Member States to make a collective effort towards solutions, which would effectively address those issue and the related concerns of developing and least developed countries (LDCs), and reiterated its support for an early convening of a diplomatic conference for the DLT.

119. The Representative of ELAPI thanked the Secretariat for the document and acknowledged the importance of design law. Recalling that industrial designs were found in multiple fields, the Representative quoted Raymond Loewy, who said that "design is not just how it looks or feels, design really works". In conclusion, the Representative indicated that ELAPI engaged in promoting IP learning and diversification in all the scenarios of design law, in order to contribute to its strengthening.

120. The WIPO General Assembly decided that, at its next session, it will continue considering the convening of a diplomatic conference on the Design Law Treaty, to take place no sooner than 2023.

ITEM 17 OF THE CONSOLIDATED AGENDA

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

121. Discussions were based on document WO/GA/54/9.

122. The Secretariat introduced document WO/GA/54/9, entitled “Report of the Committee on Development and Intellectual Property (CDIP) and Review of the Implementation of the Development Agenda Recommendations”. The Secretariat noted that the sixty-first series of meetings held in 2020 had not been in a position to consider a report on the CDIP, due to the restrictions imposed by the COVID-19 pandemic. Hence, the report presented to the current WIPO General Assembly contained the summaries by the Chair of the CDIP sessions held since 2019. More specifically, document WO/GA/54/9 contained the summaries by the Chair of the twenty-fourth, twenty-fifth, and twenty-sixth sessions of the CDIP, and the annual report of the Director General on the Implementation of DA Recommendations for 2019, which was considered by the CDIP at its twenty-fifth session held in November 2020. The Secretariat recalled that, usually, the WIPO General Assembly considered, under this agenda item, a document containing Contributions of Relevant WIPO Bodies to the Implementation of the Respective DA Recommendation, and after its consideration forwarded it to the CDIP. This year, however, due to the truncated format and limited numbers of meetings by WIPO bodies, during the reporting period, there had been no contributions to the said report.

123. The Delegation of Georgia, speaking on behalf of the CEBS Group, took note of the report on the CDIP. The Committee was working on many useful and interesting projects and activities, covering different areas of IP. It expressed gratitude to all stakeholders for their efforts invested in the realization of those projects. The Group found the topic of “Women and IP” extremely relevant and supported the activities in that direction. The Group reiterated the importance that the discussions under agenda item “IP and Development” had for the work of the Committee.

124. The Delegation of Bangladesh, speaking on behalf of the APG, appreciated the continued efforts towards integrating the DA and its underlying principles into the work of the Organization. The Group believed that a fair and balanced IP system was an important tool for economic development. The Group welcomed the important steps initiated by Member States and the Secretariat to enhance the Organization’s development-oriented work. The CDIP, as an important Committee in WIPO, should continue to be guided by the principle of the mainstreaming of development in all WIPO activities and making development an integral part of the Organization’s work. The Group welcomed the various reports by the Secretariat, as well as the outcomes of the twenty-fourth, twenty-fifth and twenty-sixth sessions of the CDIP.

125. The Delegation of Paraguay, speaking on behalf of GRULAC, welcomed the positive results reflected in the report on the CDIP and the implementation of the DA. The Group congratulated the Chair of the CDIP, Ambassador Patricia Benedetti (Ms.) (El Salvador), for her excellent work, and the constructive engagement of Member States to move forward the work of the Committee. The Group encouraged the complete implementation of the 45 DA Recommendations, their mainstreaming in the work of the Organization, and their impact in pursuing the SDGs. The Group welcomed the work done by the CDIP. It considered DA Recommendations fundamental, in particularly in the challenging circumstances that were currently faced in combating the COVID-19 pandemic. In that regard, it was particularly important to make the most of WIPO’s involvement in development corporation.

126. The Delegation of South Africa, speaking on behalf of the African Group, attached great importance to the work of the CDIP, as the Committee that had the key responsibility of

ensuring the implementation of the DA Recommendations. It was also an important forum for discussions on WIPO's contribution to the SDGs. The Group was of the view that the three sessions of the CDIP, held since the 2019 Assemblies, had taken substantial steps towards the goal of ensuring that IP served the development goals of Member States, and thereby assisted in their social, economic and cultural development. This was a long-term goal, and the CDIP should continue making considerable efforts to ensure that Member States, particularly developing and LDCs, participated effectively in the IP system and benefited from it. Technical assistance and capacity building remained important factors in that regard. DA projects were one way of assisting Member States to benefit from the work of the CDIP. However, the genuine mainstreaming of the DA would have a more lasting impact and would contribute to the transformation of the IP system. The Group continued to call for the mainstreaming of the DA in WIPO's work. The Group recalled that before the COVID-19 pandemic forced having truncated agendas, the CDIP had been engaged in important discussions on Modalities and Implementation Strategies for the Adopted Recommendations of the Independent Review and Options as regards the Reporting and Reviewing Process (document CDIP/23/8). The Group looked forward to resuming those discussions and other items that had been deferred. It emphasized that the implementation and the mainstreaming of the DA should take place across WIPO in all Sectors, and that all WIPO Committees had a role to play in contributing to that, as per the decision of the WIPO General Assembly. The Group appreciated the rich exchange of information on the agenda item on "IP and Development" brought to its Member States. It encouraged WIPO to continue contributing to the implementation of the SDG's, including by partnering with other relevant UN entities.

127. The Delegation of China appreciated that despite the challenges brought by the COVID-19 pandemic, the CDIP still managed to achieve a series of outcomes during the past two years. The evolution of the pandemic was still unclear. The response to the pandemic, as well as economic recovery and growth, were the primary task of all countries. Innovation and IP should play a more active role in that regard. As in the past, China would support WIPO's development endeavors, and support the implementation of the DA as well as the UN SDGs. The Delegation looked forward to further pragmatic work made by WIPO in promoting development so that IP could benefit more developing countries.

128. The Delegation of Brazil reiterated the importance it attached to the work of the CDIP. The Delegation thanked the Secretariat for its work and commended the strong contribution by Member States, which had ensured that, since it had been created, the CDIP had been the source of many pioneering and innovative projects on how IP could contribute to socio-economic development of all countries. Many of those projects had been mainstreamed into the Organization's activities and it helped WIPO to reform the way in which it performed its mandate. Brazil was an active proponent of DA projects in the CDIP. For example, the project on Copyright and the Distribution of Content in the Digital Environment (document CDIP/22/15 Rev.), and the project on Tools for Successful DA Project Proposals (document CDIP/24/14 Rev.), which were currently in their implementation phase. The Delegation was determined to ensure that IP became closer to small producers as an instrument for local development. It highlighted the project on the Registration of the Collective Marks of Local Enterprises as a Cross-Cutting Economic Development Issue (document CDIP/24/9) proposed by Bolivia (Plurinational State of), from which it benefitted, as well as the project it had submitted to the last session of the CDIP on Empowering Small Businesses through IP: Developing Strategies for Supporting Geographical Indications or Collective Marks in the Post-registration Period (document CDIP/24/7). Both of these projects were useful in providing tools to small producers and helping them benefit from IP, and in the development of successful business strategies. They had clear benefits for the prosperity of communities. The Delegation expressed hope that they would soon be able to present positive results in those areas.

129. The Delegation of Mexico appreciated the efforts and contributions of the Secretariat, the CDIP Chair and Member States to complete the work of the CDIP and take important decisions for the DA, despite the COVID-19 pandemic. The work of the CDIP was key to ensuring a better use of IP as an engine for development. The adoption of projects of interest to Member States in that area helped them achieve successful results. The Delegation encouraged the Secretariat to continue pushing forward the implementation of Agenda 2030 and its SDGs. The Delegation found of particular importance the consideration that the CDIP had given to the work on “Women and IP” and the recently adopted Follow-up Proposal by Mexico on “Women and IP” (document CDIP/26/10 Rev.). In the context of that work, important exchanges had taken place, and interesting studies had been developed. Those highlighted the challenges faced by women inventors and innovators and proposed ways on how to overcome those challenges and the gender divide in IP. The Delegation reiterated its appreciation to Member States for their support and for adopting the Follow-up Proposal by Mexico on “Women and IP”, through which they decided on a periodic consideration of that issue, starting from the spring session in 2023. With the adoption of that decision, the CDIP would continue to consider the important aspects related to the gender divide and improve the participation of women and the IP system. The Delegation reiterated Mexico’s commitment to the project on Increasing the Role of Women in Innovation and Entrepreneurship, Encouraging Women in Developing Countries to Use the Intellectual Property System (document CDIP/21/12 Rev.). It valued the mapping study that had been developed in the context of that project, and the national dialogue forum. In Mexico, a network of innovative women in industrial property had been launched, ensuring the availability of IP information to women in one single place, and helping them to develop their skills in the use of IP rights. The Delegation recognized WIPO’s support. It was convinced of the importance of reducing the gender divide and of promoting activities designed to help women innovators and creators to use IP more effectively.

130. The Delegation of the United States of America stated that the CDIP had made significant progress since it was created in 2008. The Delegation believed that WIPO had made great progress in implementing the DA Recommendations through numerous projects and discussions. Many Member States had benefited from CDIP projects and activities. The Delegation encouraged Member States to continue submitting proposals for DA related projects with concrete and practical benefits and a direct and sustainable domestic impact. The Delegation recommended that WIPO continue its efforts in promoting the positive role of IP for development by, for example, increasing access to patent information, supporting Technology and Innovation Support Centers (TISCs), National IP Academies, national IP offices, SMEs, and creative industries, and to building capacities in the areas of IP protection, management and commercialization in least developed, developing, and transitional countries. The Delegation looked forward to additional project proposals following the discussions that the Committee had had under the agenda item on “IP and Development”, such as for example on “IP and Creative Economy”.

131. The Delegation of Japan appreciated that WIPO had been steadily working towards implementing the DA Recommendations. It attached great importance to development-related initiatives, including technical assistance and capacity building. Through the Funds-in-Trust (FIT) Japan Industrial Property Global, Japan had been supplying various types of assistance to developing countries all over the world. For example, FIT Japan IP Global had been used to help digitize national IP data in several countries since 2017. In 2020, it helped digitize IP documents in Botswana, Eswatini, Madagascar, Malawi, Thailand, Uganda, Viet Nam, Zambia and the African Intellectual Property Organization (OAPI). The Delegation believed that high-quality digital data of national IP rights made the IP office administrations more functional, and made user experience much better. Regarding WIPO’s contribution to the SDGs, Japan could significantly contribute to the development of WIPO GREEN with the world’s largest number of WIPO GREEN users and partners. The Japan Patent Office (JPO) had expanded the WIPO GREEN network by working with WIPO and stakeholders around the world, supporting its activities by making voluntary contributions. For example, during the current year

JPO has begun supporting an Acceleration Project in Latin America. JPO was interested in producing concrete best practices, and presenting them to the world. That also brought more attention to WIPO GREEN, increased the number of participating companies, produced more best practices, and enabled WIPO to achieve the SDGs. Japan believed that was the ideal approach. The Delegation hoped that the support would further encourage the matching of green technologies to existing needs in Argentina, Brazil and Chile, which were targets of the Acceleration Project and which produced best practices. Furthermore, JPO held a joint symposium with WIPO in June 2020 on WIPO GREEN initiatives that facilitated the advancement of green technologies around the world. In the symposium's panel discussion, the panelists discussed the initiatives, current status, challenges, and future development of WIPO GREEN based on their concrete and practical experiences. Utilizing WIPO GREEN, JPO would continue striving to improve the environment within which to help solve social issues. Lastly, the Delegation believed that IP Advantage, which was a collection of over 200 successful cases related to IP and established based on the discussion in the CDIP, was an effective tool in the context of development. The Delegation hoped that activity contributed to making the IP ecosystem efficient and effective.

132. The Delegation of the Russian Federation supported WIPO's efforts to enhance its practical work and implementation of DA through projects in the areas of technical assistance and technology transfer. The DA as a whole, organically tied in with the work of other WIPO Bodies, and the implementation of different DA projects had positive impacts, and had been positively praised by independent experts. The Delegation encouraged effective discussions under the agenda item "IP and Development" which allowed for comprehensive discussions on topics of interest to Member States. The Delegation was looking forward to the discussion on "IP and Innovation: Trademarks and Design Strategies for Entrepreneurs" during the twenty-seventh session of the CDIP. The Delegation was also interested continuing the projects-based work in the CDIP, which faced some difficulties due to the COVID-19 pandemic.

133. The Delegation of Slovenia, speaking on behalf of the European Union and its member states, expressed its commitment and support to the important work carried out by the CDIP. The Committee had successfully followed its mandate by developing and updating a work program for the implementation of the 45 DA Recommendations, as well as advanced discussions on various IP and development-related issues, as agreed by the Committee or by the WIPO General Assembly, such as the SDGs. In reference to the summaries by the Chair of the twenty-fourth, twenty-fifth and twenty-sixth sessions of the CDIP, and to the Director General's report on the Implementation of the DA for the year 2019, which constituted the Committee's report to the Assembly, the Delegation noted with appreciation the further progress that had been achieved to mainstream DA Recommendations and the SDGs across WIPO strategic goals. In particular, it complemented the wide range of technical assistance and capacity building activities that had been provided. The Delegation believed those were demand driven, development oriented, and addressed specific needs of the beneficiaries. The Delegation emphasized their commitment to achieving the SDGs. It was convinced that WIPO had an important role in supporting its Member States in their efforts to reach the SDGs, especially focusing on those that were most relevant to WIPO's mandate and the aim of promoting the protection of IP. It highlighted and commended the webpage created in 2019 on SDGs, with the purpose of sharing information and best practices. The Delegation was pleased to note the decision by the Committee at its twenty-sixth session on "Women and IP". Promoting gender balance was a high priority of the European Union. The Delegation fully supported the objectives of the said decision. It strongly believed that encouraging innovation and creativity among women and fostering their talents in science, technology, and arts, together with increased IP education would benefit not only individuals, but all countries, and all levels of society. The Delegation looked forward to further discussions under the agenda item "IP and Development", notably on the topics of "The Role of Technology and Innovation Support Centers (TISCs) as a catalyst for Technology Transfer: Opportunities and Challenges", and "IP and Innovation: Trademarks and Design Strategies for Entrepreneurs" at the coming session of

the CDIP, and hoped for productive and applicable outcomes. In conclusion, the Delegation acknowledged the extensive and successful work performed by the CDIP. It remained committed to contributing to further progress the work of the Committee, bearing in mind WIPO's objective to promote a balanced IP throughout the world, including through cooperation among its Member States.

134. The Delegation of Indonesia aligned itself with the statement made by the Delegation of Bangladesh, on behalf of the APG. The Delegation stated that the coordination and implementation of the WIPO DA Recommendations remained an important issue for Indonesia. It believed that mainstreaming and coordinating development issues was not a series of events but more a continuous process. In that regard, the Delegation reiterated its commitment and called upon all Member States and stakeholders alike for their continued engagement within the CDIP, in line with its mandate set up in 2008 by the WIPO General Assembly, namely: (i) to develop a work program for the implementation of the 45 DA Recommendations; (ii) to monitor and assess its implementation, as well as coordinate with other relevant WIPO Bodies; and, (iii) to discuss IP and development related issues. In harnessing the momentum of the international year of creative economy for sustainable development, the twenty-sixth session of the CDIP had managed to adopt the project proposal put forward by Indonesia and the United Arab Emirates on Promoting the Use of Intellectual Property in Developing Countries in Creative Industries in the Digital Era (document CDIP/26/5). The Delegation conveyed, once again, its appreciation to WIPO and all Member States for the successful discussion on the topic of "IP and Creative Economy" under agenda item "IP and Development" during the twenty-sixth session of the CDIP. The Delegation hoped that the discussion on that important topic would continue in the CDIP and in WIPO in general. The creative sectors were not only important, but also a source of jobs and economic growth. Creative economy was also inclusive, ensuring participation of women, youth and micro-, small- and medium-sized enterprises (MSMEs). It was important to ensure that WIPO and its Member States remained committed to the development of the creative economy through IP, noting the heavy reliance of innovation and creativity within these sectors. The Delegation looked forward to the convening of the upcoming International Conference on IP and Development within the twenty-seventh session of the CDIP, and hoped that an agreement on a topic for the subsequent international conference could be reached as soon as possible.

135. The Delegation of India appreciated the comprehensiveness of the Secretariat's presentation and effective implementation of this very important item. The participation of women inventors and innovators in the field of IP was essential. Without the effective participation of women inventors and innovators there was a risk that the development of the IP system would remain skewed which in effect would affect its sustainability. The gaps and challenges stressed out in the Literature Review on Challenges for Women Inventors and Innovators in Using the Intellectual Property System and the Study on Policy Approaches to Close the Intellectual Property Gender Gap - Practices to Support Access to the Intellectual Property System for Female Innovators, Creators and Entrepreneurs, were very important. The report on Women and IP: Gender Mainstreaming, Capacity Building and Assistance to Member States (document CDIP/26/8) again highlighted the gaps and challenges faced in that regard. To address those gaps and challenges it was important to first find out, and then realize those gaps and challenges. The utility of the report and study were very important in that aspect. The Delegation expressed its appreciation for these documents. The Delegation supported the Follow-up Proposal by Mexico on "Women and IP" as it believed that much more was needed to be done to ensure that women became an effective stakeholder in the IP system. On that issue, the Indian Patent Office had been undertaking certain initiatives to foster the participation of women. More specifically, under one such initiative a facility in favor of women had been made available. It was that patent applications filed by female applicants were eligible to seek expediting examination. With regard to the project proposed by Indonesia and the United Arab Emirates on Promoting the Use of Intellectual Property in Developing Countries in Creative Industries in the Digital Era, the Delegation thanked Indonesia and the

United Arab Emirates for the proposal developed. Creative industries were very important stakeholders of the IP rights system. The digital era presented a real opportunity to promote those through the means of digital media. The Delegation further referred to the project proposal by Brazil on Empowering Small Businesses through IP: Developing Strategies for Supporting Geographical Indications or Collective Marks in the Post-Registry Period. geographical indications were very important for stakeholders at the grassroots as it was a means for their livelihood. Geographical indications could also serve as a unique tool for poverty eradication. The Delegation encouraged Brazil to take the proposal forward and thanked all Member States for their valuable comments that would help in taking this project forward.

136. The Delegation of Pakistan commended the report on the CDIP. The work of that Committee was important to support WIPO's mission for the development of a balanced and effective international IP system for the benefit of all. It was also important for the implementation and mainstreaming of the DA Recommendations. Pakistan was one of the beneficiary countries of a DA project entitled Increasing the Role of Women in Innovation and Entrepreneurship, Encouraging Women in Developing Countries to Use the Intellectual Property System. The Delegation thanked WIPO for collaborating with their national stakeholders to implement the project and its related activities, including the ongoing mentorship program. Pakistan had nominated women innovators to receive advice on their IP assets. The Delegation also thanked the project sponsors, Canada, Mexico and the United States of America, for the excellent project proposal. There was a need for more such proposals to fully utilize the potential of women innovators and entrepreneurs in developing countries. The Delegation planned to submit a project proposal in the upcoming sessions of the CDIP. The Delegation supported the Project Proposal by Brazil on Empowering Small Businesses through IP: Developing Strategies for Supporting Geographical Indications or Collective Marks in the Post-registration Period. It stood ready to contribute to the proposal and it reiterated its request to participate as a pilot country in that project. Finally, the Delegation mentioned that technology transfer was a necessary prerequisite to allow developing countries to develop necessary capacity to fulfil their obligations which in turn was essential for inclusive development. During the ongoing pandemic, one of the most critical topics for technical assistance for developing countries and LDCs was the exceptions and limitations to patent rights in the COVID-19 context. The Delegation urged the Committee to give due consideration to that aspect in its future work.

137. The Delegation of Nigeria aligned itself with the statement delivered by the Delegation of South Africa, on behalf of the African Group. The Delegation appreciated the report contained in document WO/GA/54/9. The Delegation recognized the valuable progress made over the years by the CDIP to ensure the implementation of the DA Recommendations. The recent increase in the number of start-ups and SMEs, as well as the enormous growth in creative industries had underscored again the need for IP in enhancing sustainable economic development for developing economies. In that regard, the Delegation welcomed WIPO's approach to focus on stakeholders while looking forward to the Committee's work and the support for women, youth, start-ups and SMEs to use IP as a tool for socio-economic development. This would create future opportunities and training for all. Finally, the Delegation reiterated its call for concrete mainstreaming of all the DA Recommendations, its progress, policies and activities. It equally commended the spirit of the DA in WIPO's workforce.

138. The Delegation of Algeria endorsed the statement made by the Delegation of South Africa, on behalf of the African Group. It highlighted the important achievements made by the WIPO Secretariat in the field of development since 2020, in particular with regard to the continuation of the mainstreaming of DA Recommendations in all areas of work of WIPO, despite the COVID-19 pandemic. The Delegation found the new strategic guidance of WIPO, as described in the MTSP 2022-2026 and in the Program of Work and Budget, to be a decisive turning point in the implementation of the DA. In that regard, the Delegation looked forward to the provisions that

had been taken by the Secretariat in order to translate the new strategic vision into activities for development. The Delegation looked forward to the formulation of technical assistance programs for Member States. As for the contribution of WIPO to the attainment of the SDGs, the Delegation appreciated WIPO's commitment to the work in the framework of the SDGs in order to achieve a balanced and effective IP system that encouraged creativity and promoted transfer of knowledge within countries and between countries. Finally, the Delegation expressed its gratitude to WIPO for its technical assistance work to the Arab region, where there was a high degree of potential especially amongst young people and women.

139. The Representative of ELAPI was grateful for the opportunity to address the WIPO General Assembly on this agenda item. Since it was created in 2019, ELAPI had focused on working to reform the gender gap among the members of its organization. To achieve that objective, ELAPI had worked every day to elaborate solid policies and internal regulations on gender and on ensuring their full compliance. Currently, it had achieved gender parity in the two governing bodies of ELAPI and had established a gender directorate working to ensure a healthy atmosphere among its members, free from discrimination of any kind. It was convinced that cooperation between nations was necessary in order to overcome the gender gap that continued to exist in the field of IP. There was a need to work together to try to overcome any barriers to enable more and more women to occupy decision-making roles in governing bodies of organizations. At the same time, the Representative believed that IP was a tool to achieve the SDGs. The COVID-19 pandemic could be used as an excuse to weaken the protection that IP provided to goods that were born from human creativity. ELAPI offered its academic cooperation to the WIPO General Assembly, to WIPO Committees, Member States, and in particular to countries from GRULAC, in order to achieve the said development objectives.

140. The Delegation of Bangladesh, speaking in its national capacity, aligned itself with the statement made by the APG. IP had now come to be recognized as having a determining impact on development. The relationship between IP and development was not only significant but also had emerged as a key focus, particularly for developing countries. In that context, the Delegation was at one with the objectives of the DA Recommendations. The Delegation firmly believed that successful implementation and mainstreaming of the DA into WIPO's regular activities would bring expected results for the development of Member States. In that context, it appreciated the efforts of the CDIP in spearheading the activities of WIPO in the line with the DA. The Delegation was one of the beneficiary countries in relation to the WIPO DA. It appreciated WIPO for its assistance in establishing two TISCs for the completion of project on Appropriate Technology and the ongoing project on IP and Product Branding for Business Development in Bangladesh. The Delegation looked forward to more cooperation with WIPO on the basis of needs in the context of Bangladesh's graduation from LDCs. As mentioned the Delegation's statement under Agenda Item 5, Bangladesh was expected to graduate from the LDCs category by 2026. Consequently, innovation as well as use of appropriate technology and development efforts had great significance for Bangladesh. It was clear that the need to establish and promote an innovation friendly IP environment with a skilled management would continue beyond the graduation phase. In that context, the Delegation urged WIPO to consider designing and planning the delivery of required programs for graduating LDCs, in order to help them address the challenges both before and in the wake of graduation. Last but not least, the multifaceted adverse impacts of the COVID-19 on economic growth and development were already evident across the world. To that end, there was a need to be careful, considerate and compassionate in the use of IP as an effective tool for recovery of economies. At the same time, efforts should continue so that IPRs did not create any barriers to universal, fair, and equitable production of access to, and distribution of, affordable essential health technologies and products to fight the COVID-19 pandemic. In that regard, WIPO should continue the trilateral cooperation with the World Health Organization (WHO) and the World Trade Organization (WTO) in the areas of IP-related health policy issues with its resources, expertise and experiences. As an important body of WIPO dedicated to IP and development, the

Delegation hoped that the CDIP would continue its efforts and promote further constructive ideas and discussions on needs and challenges of Member States.

141. The Delegation of Trinidad and Tobago was pleased to report on many initiatives that had provided significant advances in the work of the Trinidad and Tobago Intellectual Property Office (TTIPO) and many national institutions. With WIPO's assistance, it had successfully executed a National Seminar on How to Make a Living from Mobile Apps, and a virtual seminar regarding Alternative Dispute Resolution in Mobile Applications Disputes, on January 21, 2021. Additionally, the project on Enhancing the Use of IP in the Mobile Apps and Software Sector (document CDIP/22/8) had resulted in a pioneering work product entitled "Handbook on Key Contracts for Mobile Applications - A Developer's Perspective." The handbook examined mobile app contracts and taught "appreneurs" how to navigate through same. It would be extremely beneficial for the local e-commerce ecosystem. Despite the limitations of the global pandemic, the next scheduled event of the project would be the Virtual Mentorship Program concerning the formation of a mobile app association in Trinidad and Tobago and pitching and business matching on mobile development. The formation of a mobile app association was one of several recommendations originating from the Alternative Dispute Resolution virtual seminar. The event would highlight the experience of the United States of America's Mobile App Association to explore strategies for starting such an association, being private sector driven but supported through technical assistance from the TTIPO. The two-day Program was expected to benefit the software industry of Trinidad and Tobago by transforming ideas into profit-generating assets through the empowerment of app developers with tools for using IP for income generation in mobile applications. The Delegation looked forward to the successful completion of projects submitted to WIPO Match, access by the National Library and Information System Authority to books in accessible formats through WIPO's Accessible Books Consortium (ABC), the establishment of TISCs, and the highly anticipated launch of the National IP Training Centre in January 2022.

142. The Secretariat expressed its appreciation for the active participation and contribution of all delegations to the work of the CDIP. It thanked the Chair of the CDIP, Ambassador Benedetti for her commitment and efforts. The Secretariat took note of all observations and inputs expressed by Member States.

143. The WIPO General Assembly 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/54/9).

ITEM 18 OF THE CONSOLIDATED AGENDA

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

144. Discussions were based on document WO/GA/54/10.

145. The Secretariat stated that the 2019 WIPO General Assembly had renewed the mandate of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC) for the 2020/2021 biennium, and had agreed on a work program for the IGC. Due to the COVID-19 pandemic, the IGC had not been able to meet as planned. Since the WIPO General Assembly in 2019, the IGC had been able to meet only once (IGC 41). IGC 41 had agreed on two specific recommendations to this 2021 WIPO General Assembly: (1) the mandate of the IGC be renewed for the 2022/2023 biennium on the terms of the mandate and according to the work program as agreed by the IGC; and (2) the 2021 WIPO General Assembly recognize the importance of the participation of indigenous peoples and local communities in the work of the IGC, note that the WIPO Voluntary Fund for

Accredited Indigenous and Local Communities is depleted, encourage Member States to consider contributing to the Fund, and invite Member States to consider other alternate funding arrangements. Though the IGC had been unable to meet as planned, various activities had been carried out to facilitate the work of the IGC, such as a virtual Seminar on Intellectual Property and Genetic Resources, which had been organized in January 2021. The report prepared on the IGC for this WIPO General Assembly was document WO/GA/54/10. The WIPO General Assembly was invited to note the report, renew the mandate of the IGC for the 2022/2023 biennium as set out in paragraph 4 of document WO/GA/54/10, recognize the importance of the participation of indigenous peoples and local communities in the work of the Committee, note that the WIPO Voluntary Fund for Accredited Indigenous and Local Communities is depleted, encourage Member States to consider contributing to the Fund, and invite Member States to consider other alternate funding arrangements.

146. The Delegation of South Africa, speaking on behalf of the African Group, thanked the Chair and the Secretariat for document WO/GA/54/10, and also thanked the Chair of the IGC and the Vice-Chairs. The Delegation indicated its appreciation for the informal consultations with regional groups. The Delegation thanked the Traditional Knowledge Division for its support to Member States and its important work. It expressed its disappointment for the no undertaking of substantive work under the current mandate since IGC 40 due to the COVID-19 pandemic. Finalization of an international legal instrument or instruments, relating to the protection of GRs, TK, and TCEs was a key priority. Any delay in finalizing a legal instrument or instruments was detrimental to the interests of indigenous peoples and local communities, and the protection of their assets against misappropriation and exploitation. The importance of the IGC could not be overemphasized, given that the IGC gave hope to indigenous peoples and local communities, who could be an important part of the IP ecosystem. It firmly believed that efforts to make the IP system truly inclusive, as envisioned in WIPO's MTSP, would depend largely on the ability of the IP ecosystem to recognize and protect marginalized communities and their indigenous knowledge. The Group looked forward to the resumption of the negotiations on the texts before the IGC, including consideration of the Chair's Text. It was pleased that the IGC had managed to meet once for its Forty-First Session, and had agreed to recommend the renewal of the IGC's mandate for the 2022/2023 biennium to the 2021 WIPO General Assembly. It looked forward to the WIPO General Assembly endorsing the recommendations. It hoped that there would be no more disruptions to the work of the IGC during the 2022/2023 biennium. The Group encouraged Member States to return to the negotiating table with renewed vigor and political will to make real progress in the work of the IGC.

147. The Delegation of China welcomed the fact that the IGC had reached an agreement on the IGC's mandate for the 2022/2023 biennium and its future work program. It supported the WIPO General Assembly to approve the IGC's mandate and the work program. It believed that the endeavor and discussion by the IGC in the past years had been productive. It was imperative to continue the negotiations. The Delegation called on all Member States to work together to move the IGC negotiation towards tangible progress so as to agree on an international legally binding instrument at an earlier date.

148. The Delegation of Bangladesh, speaking on behalf of the APG, thanked the IGC Chair, the IGC Vice-Chairs, and the Secretariat for the excellent work done thus far and for the preparation of the report contained in document WO/GA/54/10. It thanked the IGC Chair for his able stewardship during a difficult time. It regretted that the pandemic situation had not allowed any substantial progress in the work of the IGC to be made. However, it noted the progress made in the Draft Articles on the Protection of Traditional Knowledge and the Draft Articles on the Protection of Traditional Cultural Expressions at IGCs 38, 39 and 40. It also noted the discussions that had taken place on the Chair's Text on a Draft International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources. It hoped that the positive and constructive spirit in the discussion on the

texts would be maintained. It welcomed the recommendation of IGC 41 to the 2021 WIPO General Assembly that the mandate of the IGC be renewed for the 2022/2023 biennium. It also welcomed the terms of the mandate and the work program for the 2022/2023 biennium, as contained in the recommendation with the objective of finalizing an agreement on an international legal instrument or instruments, without prejudging the nature of the outcome(s), relating to IP which would ensure the balanced and effective protection of GRs, TK and TCEs, which built on the existing work carried out by the IGC, including text-based negotiations with the primary focus on narrowing existing gaps and reaching a common understanding on core issues. It reiterated the importance of the participation of indigenous peoples and local communities in the work of the IGC. Thus, it supported the call to encourage Member States to consider contributing to the WIPO Voluntary Fund for Accredited Indigenous Peoples and Local Communities, and explore other alternate funding solutions.

149. The Delegation of the United Kingdom, speaking on behalf of Group B, regretted that the IGC could not carry out substantive work in the current mandate due to the extraordinary circumstances in the course of the biennium. Further work needed to be done to narrow existing gaps with a view to reaching a common understanding of core issues. Therefore, it welcomed the proposed way forward regarding the mandate for the next two years.

150. The Delegation of Paraguay, speaking on behalf of GRULAC, reaffirmed the importance of the work of the IGC for the countries of its region. The IGC was one of the most important Committees in WIPO, not only because of its structure, which included indigenous peoples and local communities, but also because of the key importance of its objectives, namely one or more international legally binding instruments on IP providing effective and balanced protection for GRs, TK and TCEs. It expressed its support for the renewal of the IGC's mandate for the 2022/2023 biennium and its work plan. It wished to see flexibility, commitment, and political will from all Member States to move forward with the work of the IGC.

151. The Delegation of Georgia, speaking on behalf of the CEBS Group, thanked the IGC Chair, the IGC Vice-Chairs and the Traditional Knowledge Division for their dedication and commitment to the IGC. It reiterated its long-standing position and the importance of the evidence-based approach. It believed that with joint efforts, the IGC would be able to advance the work and witness constructive discussions allowing the IGC to narrow the gaps. It also emphasized that the involvement of indigenous peoples and local communities was crucial in the process and encouraged efforts to ensure their participation. Finally, the Group reaffirmed once again its support for the renewal of the IGC's mandate for the 2022/2023 biennium on the same terms as for the current biennium.

152. The Delegation of Indonesia, speaking on behalf of the Like-Minded Countries (LMCs), thanked the IGC Chair, the Vice-Chairs, and the Secretariat for their tireless efforts and continuing to advance the work of the IGC, despite the challenges arising from the pandemic. While the pandemic had largely hindered essential progress, it took note of the positive advances made and commended the excellent work in the preparation of the report on the IGC. It hoped that the positive advancement would create momentum towards continued work and finalizing an international legally binding instrument or instruments that provided balanced and effective protection of GRs, TK and TCEs. Such an international legal instrument or instruments were vital to prevent misuse and misappropriation of GRs, TK and TCEs. Furthermore, it noted the importance of adequately addressing the issues of a disclosure requirement and benefit-sharing based on prior informed consent and mutually agreed terms. The LMCs welcomed the recommendations of IGC 41 to the WIPO General Assembly on the proposed renewal of the IGC's mandate for the 2022/2023 biennium. It reiterated the importance of the participation of indigenous peoples and local communities in the work of the IGC, including exploring possible new and innovative working methods that would further advance the work of the IGC. It assured that it remained committed to engaging constructively towards a mutually acceptable outcome for the benefit of all Member States.

153. The Delegation of Nigeria aligned with the statement made by the Delegation of South Africa, on behalf of the African Group. It thanked the IGC Chair and Vice-Chairs, and the Secretariat, for their resilience in the advancement of the IGC's work despite the disruptions caused by the COVID-19 pandemic. The Delegation noted and commended the brilliant work in the preparation of the IGC's report. It also welcomed the recommendation to the 2021 WIPO General Assembly that the mandate of the IGC be renewed for the 2022/2023 biennium with emphasis on the importance of the participation of indigenous peoples and local communities in the work of the IGC. The Delegation remained optimistic that progress was possible in the next biennium to close existing gaps, advance the IGC's work towards a diplomatic conference in the realization of the ultimate goal of effective protection of GRs, TK and TCEs. It was committed to working together with all delegations and stakeholders, including indigenous peoples and local communities, to ensure that the IGC will build upon its pre-pandemic accomplishments.

154. The Delegation of Brazil welcomed the recommendations made to the WIPO General Assembly by the IGC on the renewal of its mandate for the 2022/2023 biennium. The COVID-19 pandemic had made it impossible to guarantee face-to-face meetings with broad participation, which had prevented the IGC from fulfilling the negotiating mandate agreed by the 2019 WIPO General Assembly. It sincerely hoped that in 2022, the health situation would improve and make it possible to negotiate again and bring those negotiations to a successful conclusion. The Delegation extended its special thanks to the IGC Chair, Mr. Ian Goss, for his efforts to keep the agenda of the IGC moving in spite of the challenging circumstances, and for his efforts to offer compromise solutions for negotiations with the Chair's Text at IGC 40, which the Delegation was currently studying very carefully. It hoped that the IGC could meet again in 2022. It urged all delegations to show constructive engagement with a view to achieving tangible outcomes as quickly as possible.

155. The Delegation of Morocco supported the statement made by the Delegation of South Africa, on behalf of the African Group. It thanked the Secretariat for preparing and presenting the report on the activities of the IGC. It also welcomed the efforts made by the IGC Chair, who had attempted to speed up the work of the IGC and helped Member States reach consensus on the renewal of the mandate. The Delegation underscored the great importance attached to the work of the IGC and to the three key issues under discussion. It welcomed the recommendation to renew the negotiating mandate in order to agree on legally binding instruments to protect GRs, TK and TCEs.

156. The Delegation of the Russian Federation thanked the Secretariat for preparing the report on the work of the IGC. It also thanked the IGC Chair and the Secretariat for continuing the informal dialogue on the issues addressed by the IGC. It believed that it was useful to have thematic Seminars on GRs, TK and TCEs. It expected that the IGC would continue to discuss the Draft Articles, as it was vital to find a balanced decision on the core issues that had not been resolved, such as definitions, subject matter, beneficiaries, scope of protection, and exceptions and limitations. The Delegation was ready to work along those lines in those areas. It considered that it would be useful to continue to organize WIPO seminars on those topics, in particular, to exchange national experiences of different countries. It also considered that it would be useful to conduct a comprehensive research on the experience of patent offices. The Delegation reiterated the importance of having a flexible approach to achieve mutually acceptable results on the basis of consensus. It supported the proposal for the IGC to continue its work for the 2022/2023 biennium, and supported the renewal of the IGC's mandate based on the previously agreed wording.

157. The Delegation of the European Union, speaking on behalf of the European Union and its Member States, recognized the unique importance of the work carried out by the IGC. It acknowledged and commended the commitment of the IGC Chair, Mr. Ian Goss, and the Vice-Chairs, Ms. Lilyclaire Bellamy, Mr. Jukka Liedes and Mr. Yonah Seleti, to promote progress in the IGC through their excellent and hard work. It thanked the Secretariat for all their

useful support in preparing and administering IGC sessions. It appreciated that though it was difficult to continue negotiations according to the work program for the current biennium, the Secretariat was facilitating the agreement of Member States to carry out several online commenting processes and other preparatory activities which had commenced in 2020 and had continued in 2021. In the framework of such activities as proposed by the IGC Chair and in response to his note circulated in May 2020, the Delegation had submitted comments to the Chair's Text of a Draft International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources. It took positive note of other work in the IGC in addition to the above-mentioned activities, in particular, the organization of a virtual seminar on GRs in January 2021, as well as the briefings on the IGC, including on the background, key issues and the status of the negotiations, in June 2021. The Delegation reiterated its commitment to engage constructively in the work of the IGC, the continuation of which could only take place under the renewed mandate for the 2022/2023 biennium. The Delegation welcomed the convening of IGC 41, which had been rescheduled several times due to the COVID-19 pandemic. It also welcomed that IGC 41 had managed to reach consensus on a recommendation to the 2021 WIPO General Assembly on the terms of the IGC's mandate and work program for the 2022/2023 biennium. The Delegation fully endorsed the decisions and recommendations adopted at IGC 41, as contained in document WO/GA/54/10. It reiterated its support for the renewal of the IGC's mandate for the 2022/2023 biennium, based on the exact replication of the mandate for the 2020/2021 biennium with one technical update related to dates and the numbering of the sessions. The Delegation stood ready to continue substantive work in the IGC under its new mandate for the 2022/2023 biennium. It reiterated its commitment to engage constructively in negotiations.

158. The Delegation of Australia expressed its confidence that under the leadership of the Chair and the Vice-Chairs, the 2021 WIPO General Assembly would be efficient and effective. It thanked the Secretariat for providing excellent and timely documents to assist Member States' preparation for the meeting. Regarding the IGC, the Delegation supported the statement made by the Delegation of the United Kingdom, on behalf of Group B. It commended the commitment from the IGC to continue its critical work and supported its work plan on TK, TCEs and GRs. Those were important subjects to Australia and its Aboriginal and Torres Strait Islander peoples. It welcomed the positive and constructive spirit at IGC 41, when Member States had agreed unanimously to renew the mandate. A common understanding would allow Member States to bridge the remaining gaps. The Delegation had heard the call from the indigenous caucus, as well as its Aboriginal and Torres Strait Islander peoples, of the importance of their actions on the issues. It was reminded of the indispensable role that indigenous representatives played in the IGC negotiations. Funding for the participation of indigenous peoples was a critical issue. Without certain funding and consistent attendance, indigenous representatives were not able to build the necessary experience and expertise in the breadth of the IGC subject matter.

159. The Delegation of the United States of America supported the statement made by the United Kingdom, on behalf of Group B. The Delegation had been an active participant in the discussions related to the protection of TK, TCEs and GRs in the WIPO IGC since its establishment in 2000. The issues under discussion were extremely complex legally, including fundamental issues, such as beneficiaries, scope of protection, subject matter of protection, and sanctions and remedies of any *sui generis* regime for the protection of TK, TCEs and GRs. The discussions to date had also revealed significant differences in the perspectives of some indigenous communities and WIPO Member States on these difficult issues. As a result, understandably, the progress of the IGC on reaching an agreement had been slow. At the same time, WIPO Member States and stakeholders had made very valuable contributions to the discussions, often drawing on national experiences and legislation on the protection of TK, TCEs and GRs. Unfortunately, the IGC had not been able to complete its work program for the 2020/2021 biennium. Against that background, the Delegation believed that the discussions in the IGC should continue in the next biennium. Therefore, it supported the renewal of the IGC's mandate for the 2022/2023 biennium on the same terms as the 2020/2021 mandate with only

some technical amendments as necessary for factual accuracy, such as the dates of the meetings.

160. The Delegation of India believed that the extension of the IGC's mandate for the next biennium was crucial to taking forward the ongoing discussions. The diversity of flora and fauna coupled with the knowledge of how to utilize them continued to enhance the quality of life on earth. No one could ignore the significance of GRs and TK in fulfilling almost all of the SDGs, whether it was about poverty, alleviation, food security and nutrition, or health. Promoting fair and equitable sharing of the benefits arising from the utilization of GRs alongside appropriate access to such resources was itself a part of the SDGs. TCEs were of immense social and economic significance. GRs, TK and TCEs formed part of the collective heritage passed on from generation to generation by the conservers and knowledge owners, who had dedicated their lives to protecting them. The IGC had the inherent connection between GRs, TK, TCEs and the SDGs by adopting time-tested TK and techniques for conservation and sustainable use of resources. The world could work together more effectively to protect the environment, preserve biodiversity, as well as combat threats like climate change. When the world faced unexpected challenges, solutions from TK could be researched for. Much research was happening in GRs and associated TK for their use in managing the COVID-19 pandemic. One shining example was the clinical trials on Indian traditional medicinal herbs. The Delegation looked forward to the early conclusion of the instruments for the protection of GRs, TK and TCEs. It, however, noted that the progress of the discussions at the IGC had not been so encouraging, especially compared to the parallel forums of IP, such as patents or trademarks where new requirements were adopted on a continual basis to reform the systems. The Delegation wished to stress that the additional workload in amending national laws or the little additional time taken in processing IP applications should not influence the outcomes of the discussions at the IGC, which would potentially reform the lives of the masses and reduce inequalities. The Delegation took the opportunity to urge all Member States to enhance their commitment to engage in a more constructive manner for an early fulfilment of the noble cause for which the IGC stands.

161. The Delegation of Bangladesh, speaking in its national capacity, aligned itself with the statement made on behalf of the APG. The necessity for the protection of GRs, TK and TCEs and its significance were well known and recognized. They had proven potential for commercial use and for innovation-oriented development. The need for protecting GRs, TK and TCEs for the benefit of the host nations or communities was not a recent phenomenon. States had always had concern over the protection of those resources, which was reflected in many existing instruments, though not always directly or perhaps adequately. Due to the absence of a comprehensive international legal instrument on GRs, TK and TCEs, many challenges, confusions and gaps could not be addressed. Hence, the Delegation wished to reap the actual and potential benefits from those valuable resources. While it appreciated the tireless efforts of the IGC since 2001, until that moment to reach an agreement on the necessary international and legal instrument(s), the Delegation noted with regret that success had eluded it. It further regretted that the IGC's mandate for the 2020/2021 biennium could not be implemented due to the unprecedented circumstances of the pandemic. One must acknowledge that through continued formal and informal consultations over the years, Member States had been able to somewhat minimize the differences and build an environment of hope. All Member States deserved appreciation for that. It commended the IGC Chair for his important contribution during the last biennium. It hoped that Member States would continue to demonstrate political will and a compromising approach towards finalizing those draft texts. The Delegation extended its support for the recommendation of IGC 41 to the 2021 WIPO General Assembly that the mandate of the IGC be renewed for the 2022/2023 biennium. It also welcomed the terms of the mandate and the program for the 2022/2023 biennium, as contained in the recommendation.

162. The Delegation of Ghana associated itself with the statement made by the Delegation of South Africa, on behalf of the African Group. It thanked the Secretariat for the preparation of

the report. It acknowledged the importance of the IGC's work in giving hope to indigenous peoples and local communities for the efforts and works to create for the benefit of the society. It was pleased with the progress made earlier in 2021. It also welcomed the recommendation made to the WIPO General Assembly on the renewal of the IGC's mandate and work program for the 2022/2023 biennium. It hoped that the future work of the IGC would focus on and accelerate the finalization of a text or texts leading to a legally binding instrument or instruments.

163. The Delegation of Gabon aligned itself with the statement made by the Delegation of South Africa, on behalf of the African Group. It thanked the Secretariat for the report. It welcomed all the efforts made by the IGC Chair, who had spared no effort and tried to move the discussions forward. It also welcomed the spirit of consensus that had been shown throughout consultations which had enabled Member States to draw up a work program. The Delegation attached great importance to the work of the IGC, in particular for local communities. The development of an instrument or instruments designed to protect GRs, TK and TCEs would be extremely important and useful for those local communities. The Delegation supported the recommendation made by the IGC to renew its mandate for the 2022/23 biennium.

164. The Delegation of Canada wished to align itself with the statement made by the Delegation of the United Kingdom, on behalf of Group B. It recalled its support of the important innovative work of the Traditional Knowledge Division, and looked forward to resuming IGC meetings in a consensus manner in the near future.

165. The Representative of ELAPI stated that notwithstanding the proven existence of multiple rights based on GRs, TK and TCEs, the IGC provided no protection or supporting mechanisms to such resources, which were on the verge of extinction. In Latin America, the historical living cultural heritage was subjected to technological abuse and the destruction of ancestral environments that were used to protect those who created and generated TK. The last remaining custodians of such knowledge were currently getting old and dying without having access to mechanisms adapted to their realities or having funds or support to strengthen their rights. The Representative proposed to study resources and procedures that facilitated the approach of small producers and that accessed the universal scale provided by WIPO to protect their ancient treasures, expressed in the form of TK. Regarding GRs, WIPO should design the ideal and individualized support so that they were not affected by the expansion of agro-industrial patents, or the expansionist freedom of the livestock industry, the scarcity of water in preference to power generation, and forest fires ravaging the southern continent. The Representative further explained that Latin America turned out to be a bank of plants, animals, or microbial materials, medicinal plants, traditional crops, and animal races, under new criteria that should be updated in the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity. TCEs resulted in proven historical indications that were not configured as definitive because of territorial competencies and limited recognitions due to doctrinal differences. The ritualistic and ancestral symbolism, far from seeking their belonging, should result in patrimonial, sustainable, and permanent values for those who generated and transmitted them. Clear and oriented proposals should be worked on to strengthen the tools for nations, not only countries, to benefit from protection. The Representative hoped that his input would be useful.

166. The Delegation of Botswana aligned itself with the statement delivered by the Delegation of South Africa, on behalf of the African Group. It welcomed the recommendations to renew the mandate of the IGC to address and resolve cross-cutting issues, and to encourage the participation of indigenous peoples and local communities in the work of the IGC. The Delegation fully supported those recommendations. Though there had been slow progress on the matter over the years, it believed that the IGC should be given an opportunity to continue with its work. The Delegation expressed its commitment to the IGC during the 2022/2023 biennium.

167. The Representative of the Health and Environment Program (HEP) took note of the report on the IGC. The Representative supported the renewal of the mandate of the IGC for the 2022/2023 biennium, and urged Member States to contribute to the Voluntary Fund in order to ensure the participation of indigenous peoples and local communities, in particular the Cameroonian community. Cameroon was a microcosm of different populations, and those populations needed to have their GRs and TK protected. The renewal of the IGC's mandate would help to continue the negotiations, and the Representative fully endorsed the recommendations in the report.

168. The WIPO General Assembly:

- (i) took note of the information contained in document WO/GA/54/10;
- (ii) agreed to renew the mandate of the IGC for the biennium 2022/2023 as below:

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

(a) The Committee will, during the next budgetary biennium 2022/2023, continue to expedite its work, with the objective of finalizing 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 2022/2023 biennium will build on the existing work carried out by the Committee, including text-based negotiations, with a primary focus on narrowing existing gaps and reaching a common understanding on core issues¹.

(c) The Committee will follow, as set out in the table below, a work program based on open and inclusive working methods for the 2022/2023 biennium, including an evidence-based approach as set out in paragraph (d). This work program will make provision for 6 sessions of the Committee in 2022/2023, including thematic, cross-cutting, and stocktaking sessions. The Committee may establish *ad hoc* expert group(s) to address a specific legal, policy, or technical issue². The results of the work of such group(s) will be submitted to the Committee for consideration.

(d) The Committee will use all WIPO working documents, including WIPO/GRTKF/IC/40/6, WIPO/GRTKF/IC/40/18, WIPO/GRTKF/IC/40/19 and the Chair's Text on a *Draft International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources*, as well as any other contributions of Member States, such as conducting/updating studies covering, *inter alia*,

¹ Core issues include, as applicable, *inter alia*, definitions, beneficiaries, subject matter, objectives, scope of protection, and what TK/TCEs are entitled to protection at an international level, including consideration of exceptions and limitations and the relationship with the public domain.

² The expert group(s) will have a balanced regional representation and use an efficient working methodology. The expert group(s) will work during the weeks of the sessions of the IGC.

examples of national experiences, including domestic legislation, impact assessments, databases, and examples of protectable subject matter and subject matter that is not intended to be protected; and outputs of any expert group(s) established by the Committee and related activities conducted under Program 4. The Secretariat is requested to continue to update studies and other materials relating to tools and activities on databases and on existing disclosure regimes relating to GRs and associated TK, with a view to identifying any gaps and continuing to collect, compile and make available online information on national and regional *sui generis* regimes for the intellectual property protection of TK and TCEs. Studies or additional activities are not to delay progress or establish any preconditions for the negotiations.

(e) In 2022, the Committee is requested to provide to the General Assembly a factual report along with the most recent texts available of its work up to that time with recommendations, and in 2023, submit to the General Assembly the results of its work in accordance with the objective reflected in paragraph (a). The General Assembly in 2023 will take stock of progress made, and based on the maturity of the texts, including levels of agreement on objectives, scope, and nature of the instrument(s), decide on whether to convene a diplomatic conference and/or continue negotiations.

(f) The General Assembly requests the Secretariat 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

Indicative Dates	Activity
February/March 2022	(IGC 42) Undertake negotiations on GRs with a focus on addressing unresolved issues and considering options for a draft legal instrument Duration 5 days.
May/June 2022	(IGC 43) Undertake negotiations on GRs with a focus on addressing unresolved issues and considering options for a draft legal instrument. Duration 5 days, plus, if so decided, a one day meeting of an <i>ad hoc</i> expert group.
September 2022	(IGC 44) Undertake negotiations on TK and/or TCEs with a focus on addressing unresolved and cross-cutting issues and considering options for a draft legal instrument(s) Possible recommendations as mentioned in paragraph (e) Duration 5 days.
October 2022	WIPO General Assembly Factual report and consider recommendations
November/December 2022	(IGC 45) Undertake negotiations on TK and/or TCEs with a focus on addressing unresolved and cross-cutting issues and considering options for a draft legal instrument(s). Duration 5 days, plus, if so decided, a one day meeting of an <i>ad hoc</i> expert group.
March/April 2023	(IGC 46) Undertake negotiations on TK and/or TCEs with a focus on addressing unresolved and cross-cutting issues and considering options for a draft legal instrument(s) Duration 5 days, plus, if so decided, a one day meeting of an <i>ad hoc</i> expert group.
June/July 2023	(IGC 47) Undertake negotiations on TK and/or TCEs with a focus on addressing unresolved and cross-cutting issues and considering options for a draft legal instrument(s). Stocktaking on GRs/TK/TCEs and making a recommendation Duration 5 days.
October 2023	WIPO General Assembly will take stock of the progress made, consider the text(s) and make the necessary decision(s)."

and

(iii) recognized the importance of the participation of indigenous peoples and local communities in the work of the Committee, noted that the WIPO Voluntary Fund for Accredited Indigenous and Local Communities was depleted, encouraged Member States to consider contributing to the Fund, and invited Member States to consider other alternate funding arrangements.

ITEM 19 OF THE CONSOLIDATED AGENDA

REPORT ON THE COMMITTEE ON WIPO STANDARDS (CWS)

(i) Report on the Committee on WIPO Standards (CWS)

169. Discussions were based on document WO/GA/54/11.

170. The Secretariat reported that the last session of the Committee on WIPO Standards (CWS) met in a hybrid format from November 30 to December 4, 2020. The main achievements of the session were the adoption of four new Standards related to: Web application programming interfaces (APIs), multimedia marks, trademark legal status data, and the representation of industrial designs, as well as approval of revisions to three existing Standards and the publication of three survey results. The Secretariat noted the close collaboration with IP offices to provide webinars on WIPO Standard ST.26, which is a recommendation for providing nucleotide and amino sequence listings in XML format. The Committee continues to support the provision of technical advice and assistance for capacity building to IP offices in relation to WIPO Standards. The CWS also adopted its revised future work program, which would allow the Committee to respond to potential disruptions caused by new digital technologies.

171. The Delegation of Japan welcomed the positive report prepared by the Secretariat. The Delegation indicated their belief that the steady progress on technical and substantive issues was essential for every Committee of WIPO. The Delegation also stated that they were satisfied with the fact that all new WIPO Standards had been adopted and the revisions of the Standards had been approved by the CWS at the eighth session. The Delegation stated their appreciation for the activities undertaken by IP Offices who formed part of CWS Task Forces, which had contributed to improving the IP ecosystem. The Delegation congratulated WIPO on the great success of the first webinar on WIPO Blockchain Whitepaper for IP Ecosystems held in September 2021. The Delegation looked forward to the publication of the whitepaper and the second webinar on the topic.

172. The Delegation of Spain thanked all those involved for their efforts in organizing the sessions of the CWS, in spite of the circumstances caused by COVID-19. The Delegation highlighted that the progress made by the various CWS Task Forces was testimony to the commitment of the participants as well as to the importance of their work in facilitating interoperability in the field of industrial property and in moving forward with adopting new functionalities in national offices thanks to new technologies. The Delegation pointed out several tasks and Standards of particular interest to Spain including, WIPO Standard ST.37 on authority files of patent documents, and WIPO Standard ST.96, XML schemas for IP data, which had been useful in designing their internal databases for different modalities of IP. The Delegation indicated that, in particular, the dissemination of the WIPO Sequence software to facilitate preparation of amino acid and nucleotide sequence listings according to Standard ST.26 had been very useful and they thanked the International Bureau for their support in holding a series of webinars in Spanish given by officials for WIPO Standard ST.26. The Delegation acknowledged that there had also been a lot of progress in other CWS Task Forces and they were grateful for their work and would continue to observe their future progress.

173. The Delegation of the Russian Federation acknowledged the hard work of the CWS and its Task Forces to develop and update WIPO Standards and their applications to the digital sphere. The Delegation noted the productive nature of the work of these Task Forces *via* their Wiki forums and through regular video conferences. The Delegation thanked the Member States who formed part of the 3D Task Force and had put forward major contributions to developing the recommendations on 3D models and 3D images that resulted in a final draft for the new WIPO Standard on 3D, which would be presented at the next session of the CWS. The Delegation stated that one of the advantages of this new Standard going forward was the possibility to search and compare 3D visual representations of IP objects, which allowed Offices to bring a new level of quality to their examination procedures. The Delegation also thanked Member States and their co-chair of the CWS Blockchain Task Force in particular, the Delegation of Australia, for the productive work of the Task Force. The Delegation also thanked the International Bureau for organizing the webinar on Blockchain towards the launch of Blockchain Whitepaper for IP Ecosystems and for the preparation of the whitepaper, which would significantly facilitate the development of a future WIPO Standard on Blockchain for IP Ecosystems. Finally, the Delegation noted the recent webinars held on WIPO Standard ST.26 in the Russian language, organized in collaboration with the International Bureau.

174. The Delegation of Serbia extended its thanks to the Secretariat for the hard work done in the past year conducting the activities of the CWS. The Delegation also thanked WIPO for its support to Member States regarding the international system for filing patent applications, particularly where it concerned its electronic services, which allowed their Office to improve its cooperation both with domestic users of the ePCT system and with the International Bureau. This electronic system would be a role model for the development of their national portal for patent applications filings. The Delegation indicated that their national Office continued to monitor intensively WIPO's activities connected with the transition from WIPO Standard ST.25 to Standard ST.26, with respect to presentation of the nucleotide and amino acid sequences in patent applications using XML format. The Delegation indicated their active participation in the testing of the WIPO Sequence Suite software and their efforts to prepare for the implementation of WIPO Standard ST.26 at their national Office. The Delegation indicated their support for Standard ST.26 in the benefits to users of their patent system.

175. The Delegation of India commenced its statement by acknowledging the outstanding work of the CWS Secretariat despite the COVID-19 pandemic. The Delegation supported the standardization of IP related practices and standards in the field of IT as this created a common framework to facilitate IP data processing and exchange of IP information among IP offices, thereby, passing on the benefits of this cooperation to the IP right holders. The Delegation noted that IPRs had become increasingly important in the global economy in recent years, necessitating stronger collaborative efforts by the International Bureau with Member States. The Delegation indicated that WIPO Standard ST.90, the recommendations for processing and communicating IP data using web APIs, was currently under consideration at their national patent office. The Delegation stated that they had already integrated WIPO CASE and other tools into their IT systems at their national IP office. The Delegation thanked the CWS Secretariat and Member States who formed part of the relevant Task Force for the development of WIPO Standard ST.26. The Delegation mentioned that they were currently undertaking discussions at their national office regarding the implementation of this Standard. The Delegation emphasized the importance of support provided by WIPO in implementing WIPO Standards. The Delegation urged WIPO to engage more actively with the Member States with regard to training of relevant staff of IP offices.

176. The Delegation of the Republic of Korea stated that new emerging technologies, such as AI and Blockchain had had an impact on IP administration and policy. The transformation to digital tools, data, and new processes had been actively underway in the COVID-19 situation. The Delegation also pointed out that the development of new technologies would widen the IP gap between developed countries and developing countries, and therefore the Delegation

attached the importance to the provision of technical advice and assistance for capacity building to IP Offices. In this regard, the Webinar on WIPO Blockchain Whitepaper for IP Ecosystems held on September 28, 2021, was important and meaningful. The Delegation hoped that WIPO Blockchain whitepaper, which was financially supported by the Korea FIT, would shed light on the utilization of Blockchain for IP ecosystems and would be widely used as reference material by policy makers. Further, the Delegation hoped that the whitepaper would help developing countries to better understand frontier technologies and stated their continuing contribution towards bridging of the IP knowledge gap between developed and developing countries. The Delegation expressed its appreciation to the International Bureau for their hard work in preparing the valuable whitepaper.

177. The WIPO General Assembly took note of the "Report on the Committee on WIPO Standards" (document WO/GA/54/11).

(ii) Matters Concerning the Implementation Date of WIPO Standard ST.26

178. Discussions were based on document WO/GA/54/14.

179. The Secretariat noted that at the fifth session of the CWS, held in 2017, the Member States reached an agreement on the simultaneous implementation of WIPO Standard ST.26 at national, regional and international levels on January 1, 2022. However, due to the short time frame provided to implement the amended PCT recommendations for the implementation of ST.26, which was expected to be adopted at the PCT Union Assembly held in October 2021, some IPOs indicated to the International Bureau that they would have some difficulties completing necessary updates before January 2022. The Secretariat indicated that the CWS Sequence Listings Task Force had agreed on a proposal to postpone that date until July 1, 2022. In order to gain feedback on the proposal from offices, the International Bureau issued a Circular, inviting offices to comment on the recommendation for the postponement of the big-bang implementation date of ST.26 at all levels. The Secretariat noted that all responses received by the International Bureau support the recommendation of the postponement of the date at national, regional and international levels to July 1, 2022. Therefore, the Secretariat proposed that the date of the implementation of WIPO Standard ST.26 at national, regional and international levels be postponed until July 1, 2022.

180. The Delegation of the Russian Federation thanked the Secretariat and the Member States for organizing the consultations on the postponement of the big-bang implementation date and for their comprehensive support on this issue when it came to the necessary changes required to perform the transition. The Delegation indicated that it hoped that Member States would be able to adopt technical amendments for the newly proposed implementation date and thanked all of the Member States for their flexibility with respect to developing this proposal. The Delegation indicated its support for the postponement of the 'big-bang' date, at national, regional, and international levels, from January 1, 2022, to July 1, 2022.

181. The Delegation of the Republic of Korea commenced its statement on this document by congratulating the Committee on the WIPO Standards for the significant progress it had achieved over the past year and in particular, the necessary revisions to WIPO Standard ST.26, which would impact patent filings at the international, national and regional levels. The Delegation indicated their belief that the prompt implementation of WIPO Standard ST.26 was necessary in light of the potential improvements, particularly in the ease of sharing of sequence listing data among IP offices. However, the Delegation also fully acknowledged the various circumstances that inevitably delay the implementation by other national offices. Accordingly, the Delegation indicated its support for the six-month suspension of the implementation of ST.26. The Delegation concluded its statement by urging continued close collaboration amongst Member States to support a smooth transition to WIPO Standard ST.26.

182. The Delegation of India reiterated its appreciation of the efforts of the CWS Secretariat, as well as Member States, for the development of the WIPO Standards. The Delegation also reiterated that implementation of WIPO Standard ST.26 was under consideration at their national patent office.

183. The WIPO General Assembly took note of “WO/GA/54/14, Matters Concerning the Implementation Date of WIPO Standard ST.26” and approved the new big-bang implementation date of WIPO Standard ST.26, July 1, 2022, at national, regional and international levels.

ITEM 20 OF THE CONSOLIDATED AGENDA

REPORT ON THE ADVISORY COMMITTEE ON ENFORCEMENT (ACE)

184. Discussions were based on document WO/GA/54/12.

185. The Secretariat introduced the document, which reported on the Advisory Committee on Enforcement (ACE) Online Dialogue, which had taken place on September 21, 2021. The Secretariat explained that the ACE Online Dialogue had been the result of the postponement of the fifteenth session of the ACE due to the COVID-19 pandemic. While no in person ACE meetings had been possible, the need for sharing experiences and learning from one another had been greater than ever, as WIPO Member States had faced the challenges of adapting their IP enforcement strategies to the new reality caused by the global health crisis. The ACE Online Dialogue, acting as a supplement to regular ACE sessions, had addressed one specific topic, namely New Developments in Combating Counterfeiting and Piracy on the Internet. The Committee had heard seven thought-provoking presentations by geographically diverse experts from China, Germany, Hungary, Peru, the Philippines, the Russian Federation and South Africa, which had been followed by a question and answer session moderated by the Chair, Mr. Todd Reves (United States of America). The Secretariat also noted that all documents, including written contributions, presentations and the Provisional Summary by the Chair, were available on the ACE webpage³ and that the meeting could be viewed in its entirety *via* WIPO’s video on demand service⁴.

186. The Delegation of Saudi Arabia expressed its gratitude for the report and welcomed the ACE Online Dialogue, which had allowed for a discussion of New Developments in Combating Counterfeiting and Piracy on the Internet. The Delegation announced that Saudi Arabia was working on an international proposal to combat counterfeiting and piracy on the Internet, which would be presented at the next session of the Committee.

187. The Delegation of the Republic of Korea extended its gratitude to the speakers and participants who had contributed to the ACE Online Dialogue. As the ACE Online Dialogue had rightly addressed, the Internet could be used both as a “hotbed” for copyright infringement as well as an effective tool to prevent infringements. The Ministry of Culture, Sports and Tourism of the Republic of Korea effectively used online tools for education and awareness raising purposes, such as creating online educational videos and podcasts targeting university students, through the FIT provided by the Republic of Korea for building respect for copyright. The Republic of Korea planned to further develop and implement various projects for the protection of copyright through those FIT.

188. The Delegation of Spain congratulated Mr. Todd Reves on his appointment as the Chair of the ACE and expressed its willingness to collaborate with him on the important function of promoting the tasks of the Committee. The Delegation attached great importance to the work of

³ https://www.wipo.int/meetings/en/details.jsp?meeting_id=64708.

⁴ <https://c.connectedviews.com/05/SitePlayer/wipo?session=113374>.

the Committee and was grateful for the organization of an online meeting in 2021 after it had been impossible to organize the fifteenth session of the ACE in 2020. The Delegation welcomed the issues selected for discussion, which needed to be relevant to keep informing public policies to fight against infringements of IPRs in Member States. Considering that most IPRs infringements in recent years took place online, the Delegation suggested that the Committee and its stakeholders continue to address this topic, which, without a doubt, was of great concern for many Member States. Analyzing a greater number of elements would help formulate better strategies and actions to combat the phenomenon. Therefore, the Delegation welcomed the fact that there would be debates addressing copyright and IPR infringements on the Internet, cooperation with intermediaries and new technologies to combat infringements. Moreover, as had also been demonstrated in the ACE Online Dialogue, during the COVID-19 pandemic, not only had infringers' online offenses increased and become more efficient, but also a positive aspect had been seen in the increased ability of the various agents involved in the fight against these offenses to coordinate amongst each other by increasing their communication *via* technological means. The Delegation thus considered the following initiatives as being exemplary for addressing the problem: supporting the development of new technologies, such as AI or big data, as tools in the fight of the various agents; concluding public private agreements to avoid offenses in the digital market; creating efficient administrative systems to make the online sale of counterfeit products more difficult; and, increasing the knowledge and use of tools such as the Counterfeiting and Piracy Watch List of the European Commission, which details the most problematic illicit online markets outside the European Union. In closing, the Delegation aligned itself with what the European Commission had said in its intervention during the ACE Online Dialogue in highlighting how the new initiative being developed by the European Commission, the European Union Toolbox Against Counterfeiting, addressed the topic from a broad angle that included key aspects such as awareness raising and education. The Delegation also believed that value should be placed on the synergies between the work of the ACE and the work of the European Observatory on Infringements of Intellectual Property Rights of the European Union Intellectual Property Office.

189. The Delegation of Trinidad and Tobago thanked the ACE Secretariat for its tireless efforts and expressed its gratitude to the WIPO Building Respect for Intellectual Property (BRIP) Division for the continued support in enforcing IPRs and building respect for IP and its assistance in developing and publishing a manual on IP enforcement entitled Investigating and Prosecuting Intellectual Property Crime in Trinidad and Tobago, which was distributed to prosecutors, customs officials and other law enforcement bodies in Trinidad and Tobago. The Delegation reported that the manual had helped inform the work of the newly established Trinidad and Tobago Anti-Illicit Trade Task Force, which was composed of 11 members including the TTIPO. As part of the Task Force's mandate, the TTIPO would be involved in establishing an IP Enforcement Unit in the Trinidad and Tobago Police Service and a customs recordal system in the Trinidad and Tobago Customs and Excise Division.

190. The WIPO General Assembly took note of the "Report on the Advisory Committee on Enforcement (ACE)" (document WO/GA/54/12).

ITEM 25 OF THE CONSOLIDATED AGENDA

WIPO ARBITRATION AND MEDIATION CENTER, INCLUDING DOMAIN NAMES

191. Discussions were based on document WO/GA/54/13.

192. The Secretariat noted that the document provided an update on the Center's activities as an international resource for time- and cost-efficient alternatives to court litigation of IP disputes. The Secretariat affirmed that the Center administers cases and provides legal and organizational expertise in alternative dispute resolution (ADR), including for Member State IP

and copyright offices. The Secretariat noted that the document also provided an update on the domain name-related activities of WIPO. It covered the Center's administration of domain name disputes especially under the WIPO-initiated Uniform Domain Name Dispute Resolution Policy (UDRP). It furthermore covered policy developments, including the review by the Internet Corporation for Assigned Names and Numbers (ICANN) of the UDRP, and the status of the recommendations made by the Member States in the context of the Second WIPO Internet Domain Name Process.

193. The Delegation of the United Kingdom, speaking on behalf of Group B, attached great importance to WIPO's ADR services such as mediation and arbitration, as these contained legal costs and offered disputing parties an opportunity to settle their dispute more quickly. The Delegation was pleased to note the increase in the settlement rate of WIPO mediations to 78 per cent. The Delegation emphasized the particular value of mediation, notably in the current global health conditions, and welcomed further information in this area. The Delegation appreciated WIPO sharing its expertise with IP authorities, including in awareness raising and the development of model Research and Development (R&D) agreements incorporating ADR mechanisms.

194. The Delegation of Spain noted the importance of arbitration and mediation for resolving issues in the area of IP. The Delegation was pleased to observe the prominence of SMEs among the users of this WIPO service. The Delegation expressed support for the online methods employed by the Center in the conduct of cases notably during the pandemic. The Delegation welcomed the Center's collaboration with Member States, including the Ministry of Culture and Sports of Spain.

195. The Delegation of China noted the activities of the Center as reported, including the Center's collaboration with an increasing number of IP offices and courts. The Delegation stated that China attached importance to IP protection and as such had also been working to improve and promote methods such as mediation and arbitration. The Delegation mentioned that in 2020, a total of over 500 specialized bodies in China mediated over 24,000 IP cases, whereas a total of 42 arbitration organizations administered over 1,900 IP cases. The Delegation added that China was ready to enhance its cooperation with WIPO in the area of mediation and arbitration.

196. The Delegation of Morocco appreciated the work done by Ambassador Zniber, as Chair throughout his mandate, and congratulated the Director General on the occasion of the Assemblies. The Delegation noted that Morocco was in the process of integrating mediation in line with its vision for the country. The Delegation highlighted the cooperation between Morocco's IP Office and the Center, notably for the benefit of SMEs and in the planned collaboration on the administration of mediation cases in Morocco.

197. The Representative of ELAPI highlighted the need for arbitration and mediation capacity to address existing IP issues, including in the areas of patent contracts, collective management and copyright. The Representative welcomed effective domain name dispute resolution, in light of the growth of abusive registrations and other forms of fraud affecting ecommerce in the current pandemic conditions. Independently of criminal proceedings, the protection of interests of rights holders and consumers requires rapid and effective procedures to combat online fraud, notably through infringing domain names. The Representative expressed ELAPI's readiness to work with the Assemblies and GRULAC.

198. The Secretariat expressed gratitude for the positive comments on the Center's work and on the importance of assisting IP stakeholders in efficiently resolving disputes out of court. Noting the comments made by Group B, the Secretariat wished to highlight three projects. The first was the creation of WIPO ADR options to facilitate contract negotiation and dispute resolution in the Life Sciences sector. The second was the Center's follow-up on a survey it had

conducted on the use of mechanisms to resolve business disputes in the area of digital copyright and content. The third project was the Center's facilitation of access to its services for SMEs, keeping in mind their special position. The Secretariat highlighted the Center's focus on the role of mediation as a time and cost effective mechanism for resolving IP disputes. It noted that mediation was an important element of the agenda of the Center's webinars. It further noted that mediation played a key part in the Center's outreach with IP authorities, ever since the pioneering adoption of this mechanism by the Intellectual Property Office of Singapore (IPOS) in collaboration with WIPO. The Secretariat mentioned that the online dispute resolution facilities which the Center had enhanced over the past year also benefitted mediation. Finally, the Secretariat confirmed that WIPO's response to the pandemic included the provision of mediation submission agreements and contract clauses to help resolve Life Sciences disputes, and to facilitate contract negotiations in this area.

199. The WIPO General Assembly took note of the document "WIPO Arbitration and Mediation Center, Including Domain Names" (document WO/GA/54/13).

ITEM 26 OF THE CONSOLIDATED AGENDA

PATENT LAW TREATY (PLT)

200. Discussions were based on document WO/GA/54/6.

201. The Chair welcomed a new Contracting Party to the Patent Law Treaty (PLT) since the previous session of the WIPO General Assembly in October 2020, namely Turkmenistan. He noted that it brought the total number of PLT Contracting Parties to 43.

202. The Secretariat introduced document WO/GA/54/6, which contained activities of WIPO that had facilitated filing of communications in electronic form in developing and LDCs as well as countries in transition, reflecting item 4 of the Agreed Statements by the Diplomatic Conference for the Adoption of the PLT. It noted that, specifically, Annex I to that document described the relevant activities held during the period from June 2019 to May 2021, and Annex II contained a list of the PLT Contracting Parties, which was up to date. The Secretariat invited the WIPO General Assembly to take note of the information contained in the document.

203. The WIPO General Assembly took note of the information on "Technical Assistance and Cooperation regarding the Patent Law Treaty (PLT)" (document WO/GA/54/6).

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