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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

PROGRAM AND BUDGET COMMITTEE

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MEMBER STATES' REPLIES TO THE QUESTIONNAIRE ON THE DRAFT PROGRAM AND BUDGET FOR THE 2008/09 BIENNIUM

Document prepared by the Secretariat

1. In follow up to the decision of the 2006 Assemblies of the Member States of WIPO to implement a new mechanism to further involve Member States in the preparation and follow up of the program and budget of the Organization (see documents A/42/14 Prov., paragraph 185(ii) and A/42/9, paragraph 8(ii)), a Questionnaire on the Draft Program and Budget for the 2008/09 Biennium was transmitted, by Circular Note 2698, to the Permanent Missions of all WIPO Member States and made available to Member States on the website of the Organization on October 4, 2006. The deadline for receipt of Member States' responses to be reflected in the Director General's outline was November 3, 2006.
2. Completed questionnaires were received by that deadline from the following countries (in alphabetical order): Argentina, Belarus, Bolivia, Brazil, China, Czech Republic, France, Hungary, Jamaica, Japan, Kyrgyzstan, Latvia, Madagascar, Netherlands, Norway, Romania, Russian Federation, Switzerland and the United States of America (19). Copies of these replies are annexed to this document in the language in which they were received.
3. After the deadline, and as of the date of the present document, replies were received from the following countries (in alphabetical order): Bahrain, Bulgaria, Colombia, Denmark, Greece, Mali, Slovakia, Ukraine and the United Kingdom (9). Copies of these replies may be found on the Organization's website at http://www.wipo.int/meetings/en/details.jsp?meeting_id=11866.

4. Replies received before the deadline have guided the Secretariat in the preparation of the Director General's outline document on the next program and budget proposal. (See document WO/PBC/IM/3/06/3.) Replies received after the deadline have been taken into account wherever possible.

[Annexes follow]

ANEXO I

RESPUESTA DE LA ARGENTINA

PREGUNTA 1: METAS ESTRATÉGICAS

El presupuesto por programas del bienio 2006-2007 fue preparado sobre la base de las cinco metas estratégicas que figuran a continuación:

- | | |
|--------------------------------|--|
| Meta estratégica N.º 1: | Promover una cultura de la P.I. |
| Meta estratégica N.º 2: | Integrar la P.I. en las políticas y los programas nacionales de desarrollo |
| Meta estratégica N.º 3: | Desarrollo progresivo del Derecho internacional de la P.I. |
| Meta estratégica N.º 4: | Prestación de servicios de calidad en los sistemas de protección mundial de la P.I. |
| Meta estratégica N.º 5: | Mayor eficacia en la gestión y los procesos administrativos de apoyo de la OMPI. |

¿Considera su Gobierno que el presupuesto por programas para el bienio 2008-2009 debe seguir basándose en estas mismas metas estratégicas? En caso contrario, sírvanse explicar por qué.

El Programa de la organización debería tener como objetivo básico la OMPI implementación y monitoreo del mandato que deriva del carácter de la OMPI como agencia especializada del sistema de las Naciones Unidas. En consecuencia, la meta primaria debería ser promover la actividad creativa intelectual y facilitar la transferencia de tecnología y conocimientos a fin de contribuir a acelerar el desarrollo económico, social y cultural de todos sus Estados miembros.

Las metas u objetivos estratégicos que articulen los programas para el próximo bienio que derivar de ese objetivo básico, deberían ser los siguientes:

Meta estratégica Nro. 1: Promover sistemas equilibrados de propiedad intelectual y explorar otros tipos de sistemas no necesariamente basados en la protección por propiedad intelectual.

Meta estratégica Nro. 2:

Integrar las políticas y los programas nacionales de desarrollo de todos los Miembros a la propiedad intelectual.

Meta estratégica Nro. 3:

Desarrolla sistemas nacionales de protección basados en los diferentes niveles de desarrollo económico y tecnológico y los distintos objetivos de políticas nacionales de los Miembros de la OMPI.

Meta estratégica Nro. 4:

Administración eficiente de los sistemas de registros internacionales administrados por la OMPI.

Meta estratégica Nro. 5:

Aumentar de la eficacia en la gestión y administración.

PREGUNTA 2: PROGRAMAS

El presupuesto por programas de 2006-2007 comprende 31 programas, organizados en torno a las cinco metas estratégicas a que se hace referencia *supra*, según se explica en el Anexo II (Marco estratégico) de este cuestionario. ¿Considera su Gobierno que el presupuesto por programas para 2008-2009 debe seguir basándose en estos mismos programas? ¿Se debería añadir algún programa? En ese caso, sírvanse explicar cuáles y por qué. En su opinión, ¿qué objetivo debe perseguir el programa sugerido? ¿Cuáles deberían ser, en su caso, los resultados previstos (resultados mensurables)? ¿Se deberían fusionar algunos de los programas o grupos de programas? En ese caso, ¿de qué forma?

Los programas y actividades deberían responder al mandato de la OMPI como agencia especializada del sistema de las Naciones Unidas y a las metas estratégicas que en función de ese mandato deriven, según lo señalado en respuesta a la pregunta Nro. 1.

El principio básico que debería regir la programación de actividades y los recursos que se asignarán a las mismas debe ser el de la transparencia. En función de ello es necesario imprimir mayor claridad al programa y presupuesto, concretizar en acciones concretas muchas actividades que en programas pasados se formularon de manera meramente declarativas. En su elaboración, los aspectos programáticos deberán responder a los intereses de todos los miembros mientras que será necesario incluir mayor y mejor información sobre los aspectos presupuestarios.

Preliminarmente puede indicarse que en lo que respecta a la cooperación técnica se debería abandonar la práctica de anteriores presupuestos de distribuir o atomizar los recursos destinados a la cooperación técnica con los países en desarrollo y PMAs en varios programas, lo cual hace imposible constatar la cifra real finalmente destinada a la misma. Lo mismo puede decirse en relación a otras actividades, como por ejemplo "viajes y compras", ítem que se reproduce en muchos programas no obstante existe un programa específico a tales efectos.

Por otra parte, el programa y, consecuentemente, la asignación de recursos presupuestarios, debían basarse únicamente en actividades y acciones sobre las cuales los Miembros adoptaron decisiones en los respectivos órganos con competencia. El Comité del Programa y del Presupuesto debería limitarse a adoptar las decisiones que son exclusivamente de su competencia evitando fijar actividades que van mucho más allá de sus competencias específicas.

En cuanto a los programas en sí, se considera que el contenido de algunos de los 31 programas tal como constan en el presupuesto 2006-2007 deben reformularse, algunos

pueden fusionarse a fin de una mayor transparencia; los enunciados de algunos de esos programas también deberían reformularse. Si bien aún persisten para nuestra delegación problemas de fondo respecto a aspectos de sustancia de los programas incluidos en el programa y presupuesto del bienio 2006-2007 -sobre los cuales no hubo oportunidad que los Miembros vertieran sus opiniones- dejando por el momento de lado esos aspectos sobre los que se volverá oportunamente, pueden formularse preliminarmente los siguientes comentarios a los efectos de un primer borrador o estructura de programa y presupuesto:

Programa 1: Sensibilización pública y comunicación. *Debería re-considerarse el elevado nivel de gastos previstos para este programa y precisar más sus principales aspectos. Este programa podría unirse con el Programa 2 en un programa que podría llevar por título “Relaciones externas y comunicación”.*

Programa 2: Coordinación externa: *la permanencia de este programa debería estar supeditado a una mayor información de parte de la Secretaría acerca de las actividades que desarrollan las Oficinas de coordinación de la OMPI fuera de Ginebra, todo otro tipo de información sobre las mismas, así como de la consideración de una metodología que permita el monitoreo de parte de los Estados miembros sobre las actividades que desarrollan, su efectividad, etc.*

Programa 3: Utilización estratégica de la PI para el desarrollo . *Debido a que se considera que la PI en todos los supuestos debe ser utilizada para el desarrollo económico y tecnológico de todos los Miembros de la OMPI, no se considera adecuado al título de este programa que en realidad se refiere a la creación y gestión de activos de la PI. Se estima que el programa podría denominarse “Uso y gestión de la PI”.*

Programa 5: La PI y la política pública. *Como en el caso del programa 3, se estima que en todos los supuestos debe evitarse el impacto negativo de la PI en las políticas públicas de los Miembros. Este programa no tiene razón de existencia por sí solo en forma aislada.*

Programa 6: Países africanos, árabes, de América Latina y el Caribe, de Asia y el Pacífico y PMA. *Este programa, pareciera haberse referido a la cooperación y asistencia técnica a los países en desarrollo y PMAs. El programa debería específicamente referirse a “Cooperación técnica y creación de capacidad” y ser desglosado por área geográfica (tal como se prevé solo para los países con economías de transición en el programa 7). Como se indicara previamente, todos los recursos presupuestarios previstos para actividades de cooperación técnica y creación de capacidad deberían estar englobados bajo este programa o programas, divididos por áreas geográficas. Todos los gastos que claramente no sean de forma directa destinados a la cooperación deben ser eliminados de estos programas e incluidos en los programas previstos específicamente en lo relativo por ejemplo a gastos de personal, viajes y “becas”, locales, mantenimiento, gastos de operaciones, servicios contractuales, equipos y suministros, comunicaciones, etc.*

Programa 7: Ciertos países de Europa y Asia. *Este programa debería ser denominado “Cooperación técnica y creación de capacidad hacia los países con economía de transición”. Caben los mismos comentarios que al programa 6 sobre las líneas presupuestarias previstas en el programa.*

Programa 8: Modernización de las instituciones de PI. Este programa trata de asistencia técnica por lo que podría fusionarse en un único programa o varios programas sobre la cooperación y asistencia técnica por áreas geográficas.

Programa 10: Observancia de los derechos de propiedad intelectual. Este programa puede desglosarse en dos e incorporar respectivamente, los gastos previstos para la cooperación técnica en un programa previsto a ese efecto y en los restantes aspectos en los gastos previstos para la celebración de reuniones en el bienio, por lo que este programa podría llevar por título “Comité asesor en materia de observancia”.

Programa 11: Academia mundial de la OMPI. Sería importante a los fines de evaluar los recursos asignados a este programa que se brindara mayor información acerca de las actividades de la Academia, los países beneficiarios, etc.

Programa 12: Derecho de Patentes. Este programa debería estar previsto para las actividades previstas por el propio Comité Permanente del Derecho de Patentes, según su agenda, tal como aprobada por los Miembros. En consecuencia se sugiere cambiar el título por “Comité Permanente sobre el Derecho de Patentes”. Los mismos comentarios caben para el **Programa 13: Derecho de marcas, diseños industriales e indicaciones geográficas** (se sugiere cambiar el título por “Comité Permanente de derecho de...”), **Programa 14: Normativa de derecho de autor y derechos conexos.** Caben los mismos comentarios (cambiar el título por “Comité Permanente sobre el derecho de autor y derechos conexos”) y **Programa 15: Conocimientos tradicionales, expresiones culturales tradicionales y recursos genéticos.**

Programa 22: Dirección y gestión ejecutiva. El alcance de este programa debe ser clarificado con el fin de evaluar la permanencia del programa y el monto asignado

Respecto al **Programa 29: Gestión de locales** y **Programa 30: Viajes y compras**, se estima que bajo los mismos deberían incluirse todos los gastos correspondientes a esos.

No se formulan comentarios por el momento sobre el: **Programa 4: Utilización del derecho de autor en el entorno digital; Programa 9: Gestión colectiva del derecho de autor y los derechos conexos; Programa 16: Administración del sistema PCT; Programa 17: Reforma del PCT; Programa 18: Sistemas de registro de Madrid, La Haya y Lisboa; Programa 19: Información sobre patentes, clasificación y normas de PI; Programa 20: Clasificación internacional en el ámbito de las marcas y los diseños industriales; Programa 21: Servicios de arbitraje y mediación y políticas y procedimientos sobre nombres de dominio; Programa 23: Control presupuestario y movilización de recursos; Programa 24: Supervisión interna; Programa 25: Gestión de recursos humanos; Programa 26: Operaciones financieras; Programa 27: Tecnologías de la Información; Programa 28: Servicios de conferencias, lingüístico, imprenta y archivos y Programa 31: construcción del nuevo edificio.**

¿Qué opinión le merecen a su Gobierno los respectivos niveles de recursos de los programas de la Organización? A juicio de su Gobierno, ¿se debería realizar algún ajuste (al alza o a la baja)?

Se han formulado previamente algunos comentarios preliminares sobre algunos de los programas y el nivel de recursos asignados, con la reserva de volver sobre esta cuestión oportunamente.

PREGUNTA 3: PRIORIDADES PROGRAMÁTICAS

Sírvanse indicar cuáles son las esferas programáticas de la labor de la Organización a las que su Gobierno concede mayor importancia (prioridades).

PREGUNTA 4: OBJETIVOS CON RESPECTO AL AUMENTO DE LA EFICACIA

El presupuesto por programas de 2006-2007 contiene varios objetivos en lo que respecta al aumento de la eficacia, así como puntos de referencia relacionados con esos objetivos, todos ellos reproducidos en el Anexo III. ¿Desea su Gobierno plantear alguna sugerencia sobre cómo seguir mejorando o ampliando estos objetivos y puntos de referencia con miras a aplicarlos a otras esferas de la labor de la Organización?

PREGUNTA 5: PRESUPUESTO BASADO EN LA OBTENCIÓN DE RESULTADOS

En el presupuesto por programas de 2006-2007 se especifican para cada programa diversos objetivos, resultados previstos (resultados mensurables) e indicadores de rendimiento. Estos parámetros se concibieron para facilitar la evaluación del rendimiento y de las repercusiones de los distintos programas. A su juicio, ¿para qué programas sería necesario perfeccionar los parámetros establecidos? ¿Qué ejemplos de objetivos, resultados previstos (resultados mensurables) e indicadores de rendimiento pueden ofrecer para dichos programas? ¿Les parece útil que se cuantifiquen los indicadores de rendimiento (es decir, que se especifiquen logros concretos)?

PREGUNTA 6: NIVEL DE GASTOS

El presupuesto por programas de 2006-2007 representa un incremento del 1,5% con respecto al presupuesto revisado de 2004-2005. En opinión de su Gobierno, ¿qué evolución debe seguir el nivel de gastos de la Organización en el bienio 2008-2009?

Debería conocerse el nivel de ingresos tendría la Organización en el próximo bienio así como las actividades que se prevén a fin de poder expedirse con fundamento sobre esta cuestión. A priori, podría indicarse que la Organización ya posee un elevado nivel de gastos por lo que cabría poner el acento en la distribución eficiente y adecuada de los mismos.

PREGUNTA 7: POLÍTICA PRESUPUESTARIA

En el presupuesto por programas de 2006-2007, el nivel de gastos se corresponde con el nivel de ingresos previsto, sin déficit ni superávit. Los Estados miembros vieron con buenos ojos este equilibrio presupuestario, que muchas delegaciones desearían que se asumiera como política de la Organización a mediano plazo. En opinión de su Gobierno, ¿debería el presupuesto por programas para 2008-2009 seguir basándose en el pleno equilibrio presupuestario?

El Presupuesto para 2008-2009 debería seguir basándose en el pleno equilibrio presupuestario.

PREGUNTA 8: NIVEL DE LOS FONDOS DE RESERVA Y DE OPERACIONES

En el año 2000, las Asambleas de los Estados miembros determinaron que el nivel fijado para los fondos de reserva y de operaciones de la Organización debería representar, en promedio, un 18% del gasto bienal (párrafo 151 del documento A/35/15). En su informe de 2006, el Interventor de Cuentas recomendó revisar ese objetivo e incrementar el nivel correspondiente a un 25% del gasto bienal (párrafo 57 del Informe del Interventor de Cuentas a las Asambleas de los Estados miembros de la OMPI sobre el bienio 2004-2005, Recomendación N.º 5). ¿Considera su Gobierno que los Estados miembros deberían revisar el nivel destinado a los fondos de reserva? ¿Se debería basar el presupuesto por programas para 2008-2009 en el nivel establecido por los Estados miembros en el año 2000, o debería la Secretaría basar sus propuestas para el bienio 2008-2009 en el enfoque recomendado por el Interventor de Cuentas? En caso de que la Organización arrojase superávit en el bienio 2008-2009, ¿cree su Gobierno que ese superávit debería permanecer en las reservas? ¿Debería utilizarse, por el contrario, para un fin concreto? En ese caso, ¿cuál?

Se estima adecuado el actual nivel fijado por los Estados miembros para los fondos de reserva y operaciones en un 18%, promedio, del gasto bienal.

En el caso de producirse un superávit en el bienio 2008-2009, debería ser el Comité del Programa y del Presupuesto a la luz de los datos concretos el que debería determinar si el eventual monto debería permanecer en las reservas o utilizarse y a cuáles efectos.

PREGUNTA 9: FUTURA OBLIGACIÓN ACTUARIAL PARA LAS PRESTACIONES POR SEPARACIÓN DEL SERVICIO (JUBILACIÓN) Y LAS PRESTACIONES MÉDICAS TRAS LA SEPARACIÓN DEL SERVICIO

La Organización tiene la obligación contractual de pagar a los funcionarios determinadas prestaciones cuando éstos se jubilan, así como la obligación contractual de proporcionar prestaciones médicas a los funcionarios jubilados. Ambas obligaciones tienen implicaciones financieras a largo plazo y, por lo tanto, constituyen una responsabilidad financiera para la Organización. Con la adopción por el sistema de las Naciones Unidas, a más tardar en 2010, de las Normas Internacionales de Contabilidad del Sector Público (IPSAS), los organismos especializados de las Naciones Unidas, entre

ellos la OMPI, estarán obligados a incluir en su contabilidad ese tipo de responsabilidades. Como se indica en el informe de gestión financiera de 2004-2005, se hizo una provisión por valor del 6% del gasto bienal de personal (puestos) para empezar a sufragar esas responsabilidades. ¿Considera apropiado su Gobierno que en el presupuesto por programas para 2008-2009 se destine una cuantía similar para sufragar dichas responsabilidades?

En principio la respuesta sería afirmativa pero sería necesario contar con mayor información acerca de la necesidad de contar con una cuantía similar.

PREGUNTA 10: INFORMACIÓN

¿Desearía su Gobierno que aparezca en el proyecto de presupuesto por programas para 2008-2009 cualquier otra información?

Se respondió preliminarmente a esta pregunta en las consideraciones formuladas respecto a algunos de los programas en la respuesta a la pregunta Nro. 2.

PREGUNTA 11: OTRAS CUESTIONES

¿Qué otra cuestión quisiera su Gobierno que se aborde en el contexto de la preparación del próximo proyecto de presupuesto por programas de la Organización?

Financiación de funcionarios nacionales para asistir a reuniones.

[Sigue el Anexo II]

ANNEX II

REPLY FROM BELARUS

QUESTION 1: STRATEGIC GOALS

The Program and Budget for the 2006/07 Biennium is elaborated on the basis of five strategic goals. These are:

- Strategic Goal One: To Promote an IP Culture
- Strategic Goal Two: To Integrate IP in National Development Policies and Programs
- Strategic Goal Three: Progressive Development of International IP Law
- Strategic Goal Four: Delivery of Quality Services in Global IP Protection Systems
- Strategic Goal Five: Greater Efficiency of Management and Administrative Support Processes within WIPO

Does your Government consider that the program and budget for the 2008/09 biennium should continue to be based on the same strategic goals? If not, please elaborate.

Yes, we consider that the Program and Budget for the 2008/09 Biennium should continue to be based on the same strategic goals as the Program and Budget for the 2006/07 Biennium.

QUESTION 2: PROGRAMS

The 2006/07 Program and Budget consists of 31 programs organized under the five strategic goals referred to above. This is illustrated in Annex II (Strategic Framework). Does your Government consider that the 2008/09 Program and Budget should continue to be based on the same programs? Should any program(s) be added? If so, please explain which ones and why. In your opinion, what would be the objective of any suggested new program and what would be the expected results (measurable outcomes)? Should certain programs or groups of programs be consolidated? If so, how?

Yes, we consider that the 2008/09 Program and Budget should continue to be based on the same programs as in the 2006/07 Biennium. In our opinion, the possible amendments of the programs can be discussed after we have complete information on the 2006/07 program implementation.

Does your Government have any views on the respective level(s) of resources of the program(s) of the Organization? In your Government's view, should any upward or downward adjustment(s) be made?

In our view, an upward adjustment could be made with regard to programs 5, 8, 9, 10, 12 and 13 for them to have a biennium allocation at least one per cent of the total budget. We would especially welcome an upward adjustment for program 11 as our Government attaches great importance to strengthening national IP human resources capacity and enhancing

access to IP knowledge, and we would like the WIPO Worldwide Academy to really become an international educational institution of excellence for IP training, teaching and research.

QUESTION 3: PROGRAMMATIC PRIORITIES

Kindly indicate which are the programmatic areas of the Organization's work to which your Government attaches the greatest importance (priorities).

We attach the greatest importance to the following programmatic areas of the Organization's work: 11, 7, 3, 5, 8, 10, 12, 13, 14, 16 and 18.

QUESTION 4: EFFICIENCY-GAIN TARGETS

The 2006/07 Program and Budget contains a number of efficiency-gain targets and related benchmarks. These are reproduced in Annex III. Does your Government have suggestions for ways in which these targets and benchmarks can be further improved or extended to apply to other areas of the Organization's work?

It is suggested to apply the efficiency-gain targets and related benchmarks contained in the Program and Budget for 2006/07 to the Madrid and Hague operations.

QUESTION 5: RESULTS-BASED BUDGET

The 2006/07 Program and Budget contains a number of objectives, expected results (measurable outcomes) and performance indicators, on a program by program basis. These results frameworks were elaborated to facilitate the assessment of the performance and impact of a given program. Please indicate for which programs you consider a further refinement of the results framework to be necessary. Could you provide examples of objectives, expected results (measurable outcomes) and performance indicators for such programs? Do you consider the quantification of the performance indicators (i.e. targets) to be useful?

We consider that the quantification of the performance indicators is useful. The expected performance indicators must be measurable and give the historical comparability, on the outcomes of which it would be possible to decide on refinements of the results framework.

We think that such performance indicators as, for example, in Program 7 "Explicit recognition of WIPO's support and input in ..." or in Program 11 "Increase in numbers of relevant institutions participating in..." should be avoided.

QUESTION 6: LEVEL OF EXPENDITURE

The 2006/07 Program and Budget represents a 1.5 per cent increase over the revised budget for the 2004/05 biennium. What are the views of your Government on what the evolution of the level of expenditure of the Organization in the 2008/09 biennium should be?

The level of expenditure of the Organization in the 2008/09 Biennium should represent not less than a 1.5 per cent increase over the budget for the 2006/07 Biennium.

QUESTION 7: BUDGETARY POLICY

In the 2006/07 Program and Budget the level of expenditure matches the expected level of income, with no deficit and no surplus. This budgetary balance was welcomed by Member States. Numerous delegations also expressed the wish that budgetary balance should become a policy in the medium term. In the view of your Government, should the 2008/09 Program and Budget continue to be based on full budgetary balance?

In our view, the 2008/09 Program and Budget should continue to be based on full budgetary balance.

QUESTION 8: LEVEL OF RESERVE AND WORKING CAPITAL FUNDS

In the year 2000, Assemblies of the Member States determined that the target level of reserve and working capital funds of the Organization should correspond, on average, to 18 per cent of biennial expenditure (document A/35/15, paragraph 151). In its 2006 report, the External Auditor recommended that this target be reviewed and increased to 25 per cent of biennial expenditure (Report of the Auditor to the Assembly of the Member States of WIPO on the 2004-2005 Biennium, paragraph 57, Recommendation 5). Does your Government consider that the target level of reserve funds should be reassessed by Member States? Should the 2008/09 Program and Budget be based on the target level established by Member States in the year 2000 or should the Secretariat base its proposals for the 2008/09 biennium on the approach recommended by the External Auditor? And, should the Organization generate any surplus in the 2008/09 biennium, would your Government consider that this surplus should remain in the reserves? Or should it be utilized for a specific purpose? If so, which?

We consider that the Secretariat should base its proposals for the 2008/09 Biennium on the approach recommended by the External Auditor, i.e. the target level of reserve and working capital funds of the Organization should be increased to 25 per cent of biennial expenditure. Should the Organization generate any surplus in the 2008/09 Biennium, this surplus should remain in the reserves.

QUESTION 9: FUTURE ACTUARIAL LIABILITY FOR SEPARATION FROM SERVICE (RETIREMENTS) AND POSTSERVICE MEDICAL BENEFITS

The Organization has contractual obligations to provide staff members with certain benefits at the time of their retirement. The Organization also has a contractual obligation to provide

retired staff members with post-service medical benefits. These contractual obligations have long-term financial implications and therefore represent a financial liability for the Organization. With the adoption, by the United Nations system of organizations, by 2010 at the latest, of the International Public Sector Accounting Standards (IPSAS), UN organizations, including WIPO, shall be required to record them in the accounts. As shown in the Financial Management Report for 2004/05, a provision corresponding to six per cent of biennial staff (post) expenditure was made to start covering such liability. Would your Government consider it appropriate that a similar amount be earmarked under the 2008/09 Program and Budget to cover such liability?

Yes, we consider that in the 2008/09 Program and Budget the Organization should provide six percent of biennial staff (post) expenditure to cover its financial obligations relating to post service medical benefits for its retired staff members.

QUESTION 10: INFORMATION

Is there any other information that your Government would like to see in the draft Program and Budget for 2008/09 document?

No.

QUESTION 11: OTHER ISSUES

Is there any other issue your Government would like to address in the context of the preparation of the next draft Program and Budget of the Organization?

No.

[Annex III follows]

ANEXO III

RESPUESTA DE BOLIVIA

PREGUNTA 1: METAS ESTRATÉGICAS

El presupuesto por programas del bienio 2006-2007 fue preparado sobre la base de las cinco metas estratégicas que figuran a continuación:

Meta estratégica N.º 1:	Promover una cultura de la P.I.
Meta estratégica N.º 2:	Integrar la P.I. en las políticas y los programas nacionales de desarrollo
Meta estratégica N.º 3:	Desarrollo progresivo del Derecho internacional de la P.I.
Meta estratégica N.º 4:	Prestación de servicios de calidad en los sistemas de protección mundial de la P.I.
Meta estratégica N.º 5:	Mayor eficacia en la gestión y los procesos administrativos de apoyo de la OMPI.

¿Considera su Gobierno que el presupuesto por programas para el bienio 2008-2009 debe seguir basándose en estas mismas metas estratégicas? En caso contrario, sírvanse explicar por qué.

El Gobierno de Bolivia considera que se deberían efectuar algunos cambios en el presupuesto por programas y consecuentemente en las metas. Los cambios propuestos deberían ser considerados y basarse en el siguiente objetivo general:

Como miembro del sistema de las Naciones Unidas, la Organización Mundial de la Propiedad Intelectual (OMPI) debe guiarse plenamente por los objetivos de desarrollo que se ha fijado la Comunidad Internacional, en particular, en el marco de los Objetivos de Desarrollo del Milenio. Las preocupaciones existentes en relación con el desarrollo deberían ocupar un lugar esencial en las actividades de la OMPI. De ahí que su papel, en cuanto agencia especializada de la ONU, no debe limitarse a promover la protección de la propiedad intelectual sino también al logro de los compromisos y resoluciones en materia de desarrollo contraídos por todo el sistema de las Naciones Unidas.

Por tanto, la meta primaria debería ser promover la actividad creativa intelectual y garantizar el acceso y derecho al conocimiento, a la vez que facilitar la transferencia de tecnología y conocimientos a fin de contribuir a acelerar un auténtico desarrollo económico, social y cultural de todos sus Estados miembros.

En este marco las metas estratégicas, deberían ser las siguientes:

Meta estratégica Nro. 1:

Promover sistemas equilibrados de propiedad intelectual y explorar otros mecanismos para generar creatividad no necesariamente basados en la protección por propiedad intelectual.

Meta estratégica Nro. 2:

Buscar que las políticas nacionales de desarrollo guíen y sean integradas al sistema multilateral de Propiedad Intelectual.

Meta estratégica Nro. 3:

Incentivar la existencia de sistemas nacionales de estímulo a la innovación basados en los diferentes grados de desarrollo económico y tecnológico con el suficiente margen para el establecimiento de políticas públicas acorde al nivel de desarrollo de los Miembros de la OMPI.

Meta estratégica Nro. 4:

Desarrollo equilibrado de la legislación internacional que garantice el derecho de acceso al conocimiento y promoción de la innovación, que refleje el interés de la mayoría de los miembros.

Meta estratégica Nro. 5:

(se sugiere fusionar los programas 4 y 5 propuestos por la OMPI de la siguiente manera)
Mayor eficacia en la gestión y administración de la OMPI para prestar servicios de mejor calidad

PREGUNTA 2: PROGRAMAS

El presupuesto por programas de 2006-2007 comprende 31 programas, organizados en torno a las cinco metas estratégicas a que se hace referencia *supra*, según se explica en el Anexo II (Marco estratégico) de este cuestionario. ¿Considera su Gobierno que el presupuesto por programas para 2008-2009 debe seguir basándose en estos mismos programas? ¿Se debería añadir algún programa? En ese caso, sírvanse explicar cuáles y por qué. En su opinión, ¿qué objetivo debe perseguir el programa sugerido? ¿Cuáles deberían ser, en su caso, los resultados previstos (resultados mensurables)? ¿Se deberían fusionar algunos de los programas o grupos de programas? En ese caso, ¿de qué forma?

Los programas deben deducir y proponer actividades operativas para el logro de las metas sugeridas. Cada programa además debe tener en cuenta los siguientes criterios:

- Transparencia
- Claridad en la ejecución del presupuesto
- Pasar de las formulaciones generales a acciones concretas
- Las actividades programadas deben responder el interés de todos los miembros
- Mejorar mecanismos de información detallada y precisa sobre la ejecución de los programas y su aplicación presupuestaria
- Agrupar la ejecución de las actividades de cooperación técnica dispersas en varios programas en un solo programa para verificar con mayor claridad el uso - aplicación de recursos por áreas geográficas (su división temática podría ser a través de la identificación de subprogramas)
- De manera similar debería mostrarse cuentas globales relativas a los viajes y a las adquisiciones además de su clasificación por programas

- Las actividades que reciban apoyo presupuestario deben ser adoptadas únicamente en función a las decisiones que asumieron los miembros en los correspondientes Organos Competentes
- Prever la fusión de algunos programas para lograr una mayor transparencia, evitando duplicidad e impulsando la coherencia de los mismos.

El Gobierno de Bolivia considera que se podrían fusionar los programas 1 y 2 propuestos por la OMPI de la siguiente Manera

Programa 1 Coordinación Externa y comunicación.- Se sugiere fusionar los programas “Sensibilización de la Opinión Pública” y “Coordinación Externa”. Esta fusión permitiría reducir gastos destinados en años anteriores en una cuantía excesiva bajo el ítem “sensibilización de la opinión pública”, así mismo se debería prever actividades de monitoreo a las actividades que desarrollan en las oficinas de la OMPI establecidas fuera de Ginebra, para velar que impulsen verdaderos objetivos orientados hacia el desarrollo.

Programa 3: Utilización estratégica de la PI para el desarrollo. Se sugiere modificar la denominación de este programa toda vez que a la fecha se viene discutiendo al interior de la Organización lo que debe ser la “Agenda para el Desarrollo para la OMPI” El titulo propuesto podría ser “Utilización y gestión de la propiedad intelectual” .

Programa 4: Utilización del derecho de autor en el entorno digital. Bolivia considera que este ítem debería ser modificado de la siguiente manera “**Promoción del desarrollo a través del Entorno Digital**” de manera tal que su objetivo no sólo responda a la protección de los derechos de autor sino esté orientado a aprovechar el potencial que representa para apoyar políticas de desarrollo a través del entorno digital. Es necesario tener en cuenta los modelos de acceso abierto para la promoción de la innovación y la creatividad, cuya aplicación será de mayor beneficio para los países en desarrollo. En ese sentido, la OMPI debería iniciar actividades para sondear las prometedoras perspectivas que ofrecen ciertos proyectos de colaboración abierta con vistas al desarrollo de bienes públicos

Programa 5: La PI y la política pública. . El Gobierno de Bolivia considera que es importante que se respeten las excepciones y limitaciones existentes en el marco de la legislación nacional de los Estados miembros. Si no se va tener actividades en ese sentido se sugiere suprimir este Programa.

Programa 6: Países africanos, árabes, de América Latina y el Caribe, de Asia y el Pacífico y PMA. Se sugiere fusionar este programa con el programa 7 y que este ítem englobe todos los recursos y gastos destinados a la cooperación técnica y creación de capacidad. Asimismo, se sugiere efectuar una identificación de áreas geográficas en “subprogramas” esto mecanismo podría representar un avance en claridad respecto a los recursos asignados globalmente a este objetivo y también de manera regional y por países.

Programa 7: Ciertos países de Europa y Asia. Ver comentarios del punto anterior

Programa 8: Modernización de las instituciones de PI. El gobierno de Bolivia se reserva el derecho de efectuar comentarios sobre este punto más adelante

Programa 10: Observancia de los derechos de propiedad intelectual. Los programas que tiene comités específicos debería llevar por denominación el nombre del mismo. En este caso debería llamarse “Comité Asesor en materia de Observancia”. De existir otras actividades, estas deberán ser claramente identificadas. Esto en el entendido que las actividades que se desarrollan son supervisadas y orientadas por dichos comités y sujetas a la decisión de los Miembros.

Programa 11: Academia mundial de la OMPI. Se requiere mayor información sobre beneficiarios (países personas, instituciones y otros)

Programa 12: Derecho de Patentes. Como se manifestó en el Programa 10, los Programas que tienen comités específicos deben llevar el nombre del respectivo comité, en este caso, se debería denominar “Comité Permanente sobre Derecho de Patentes” y si existen actividades complementarias estas se podrían registrar a nivel de subprogramas. Esta modificación permitiría al comité correspondiente el seguimiento y la definición de tareas, acordes a su mandato, así como la asignación de recursos.

Programa 13: Derecho de marcas, diseños industriales e indicaciones geográficas

Programa 14: Normativa de derecho de autor y derechos conexos. Aplicar los mismos criterios efectuados en los programas 10 y 12

Programa 15: Conocimientos tradicionales, expresiones culturales tradicionales y recursos genéticos. Se sugiere que los recursos obtenidos en la fusión de ciertos programas (Prog. 1 y 2 por ejemplo) sean destinados a promover este programa con vistas a la obtención de resultados concretos de este mecanismo. Asimismo se sugiere que la participación de los representantes de los pueblos indígenas sea coordinada con el Foro Permanente de Pueblos Indígenas de las Naciones Unidas, en Nueva York para ganar en transparencia respecto a la representatividad, dado que algunas misiones mostraron preocupación por el hecho que los delegados de los pueblos indígenas que participaban en el Comité eran personas que no vivían por un largo periodo en sus países de origen afectando su grado de representatividad.

Bolivia no efectuará comentarios sobre los siguientes temas en esta oportunidad, con la posibilidad de hacer conocer su opinión más adelante.: **Programa 22: Dirección y gestión ejecutiva; Programa 29: Gestión de locales; Programa 30: Viajes y compras; Programa 4: Utilización del derecho de autor en el entorno digital; Programa 9: Gestión colectiva del derecho de autor y los derechos conexos; Programa 16: Administración del sistema PCT; Programa 17: Reforma del PCT; Programa 18: Sistemas de registro de Madrid, La Haya y Lisboa; Programa 19: Información sobre patentes, clasificación y normas de PI; Programa 20: Clasificación internacional en el ámbito de las marcas y los diseños industriales; Programa 21: Servicios de arbitraje y mediación y políticas y procedimientos sobre nombres de dominio; Programa 23: Control presupuestario y movilización de recursos; Programa 24: Supervisión interna; Programa 25: Gestión de recursos humanos; Programa 26: Operaciones financieras; Programa 27: Tecnologías de la Información; Programa 28: Servicios de conferencias, lingüístico, imprenta y archivos y Programa 31: construcción del nuevo edificio.**

¿Qué opinión le merecen a su Gobierno los respectivos niveles de recursos de los programas de la Organización? A juicio de su Gobierno, ¿se debería realizar algún ajuste (al alza o a la baja)?

El Gobierno de Bolivia considera que los ajustes deben responder al adecuado logro de las metas propuestas en este documento, dependiendo entre otros de los programas que se supriman, fusionen o modifiquen.

PREGUNTA 3: PRIORIDADES PROGRAMÁTICAS

Sírvanse indicar cuáles son las esferas programáticas de la labor de la Organización a las que su Gobierno concede mayor importancia (prioridades).

- La Agenda del desarrollo
- El logro de resultados concretos en el Comité de Conocimientos tradicionales, expresiones culturales tradicionales y recursos genéticos, respecto al sistema de protección multilateral de estos recursos;
- Re-equilibrio en el sistema mundial de Propiedad Intelectual, en favor de los países en desarrollo

PREGUNTA 4: OBJETIVOS CON RESPECTO AL AUMENTO DE LA EFICACIA

El presupuesto por programas de 2006-2007 contiene varios objetivos en lo que respecta al aumento de la eficacia, así como puntos de referencia relacionados con esos objetivos, todos ellos reproducidos en el Anexo III. ¿Desea su Gobierno plantear alguna sugerencia sobre cómo seguir mejorando o ampliando estos objetivos y puntos de referencia con miras a aplicarlos a otras esferas de la labor de la Organización?

PREGUNTA 5: PRESUPUESTO BASADO EN LA OBTENCIÓN DE RESULTADOS

En el presupuesto por programas de 2006-2007 se especifican para cada programa diversos objetivos, resultados previstos (resultados mensurables) e indicadores de rendimiento. Estos parámetros se concibieron para facilitar la evaluación del rendimiento y de las repercusiones de los distintos programas. A su juicio, ¿para qué programas sería necesario perfeccionar los parámetros establecidos? ¿Qué ejemplos de objetivos, resultados previstos (resultados mensurables) e indicadores de rendimiento pueden ofrecer para dichos programas? ¿Les parece útil que se cuantifiquen los indicadores de rendimiento (es decir, que se especifiquen logros concretos)?

Visto que Bolivia propone efectuar cambios a nivel de las metas estratégicas, también se deberían efectuar cambios a nivel de parámetros de seguimiento y evaluación de resultados.

PREGUNTA 6: NIVEL DE GASTOS

El presupuesto por programas de 2006-2007 representa un incremento del 1,5% con respecto al presupuesto revisado de 2004-2005. En opinión de su Gobierno, ¿qué evolución debe seguir el nivel de gastos de la Organización en el bienio 2008-2009?

El Gobierno de Bolivia considera que la evolución del gasto para el periodo 2008-2009 debe responder al logro de las metas estratégicas planteadas.

PREGUNTA 7: POLÍTICA PRESUPUESTARIA

En el presupuesto por programas de 2006-2007, el nivel de gastos se corresponde con el nivel de ingresos previsto, sin déficit ni superávit. Los Estados miembros vieron con buenos ojos este equilibrio presupuestario, que muchas delegaciones desearían que se asumiera como política de la Organización a mediano plazo. En opinión de su Gobierno, ¿debería el presupuesto por programas para 2008-2009 seguir basándose en el pleno equilibrio presupuestario?

Si

PREGUNTA 8: NIVEL DE LOS FONDOS DE RESERVA Y DE OPERACIONES

En el año 2000, las Asambleas de los Estados miembros determinaron que el nivel fijado para los fondos de reserva y de operaciones de la Organización debería representar, en promedio, un 18% del gasto bienal (párrafo 151 del documento A/35/15). En su informe de 2006, el Interventor de Cuentas recomendó revisar ese objetivo e incrementar el nivel correspondiente a un 25% del gasto bienal (párrafo 57 del Informe del Interventor de Cuentas a las Asambleas de los Estados miembros de la OMPI sobre el bienio 2004-2005, Recomendación N.º 5). ¿Considera su Gobierno que los Estados miembros deberían revisar el nivel destinado a los fondos de reserva? ¿Se debería basar el presupuesto por programas para 2008-2009 en el nivel establecido por los Estados miembros en el año 2000, o debería la Secretaría basar sus propuestas para el bienio 2008-2009 en el enfoque recomendado por el Interventor de Cuentas? En caso de que la Organización arrojará superávit en el bienio 2008-2009, ¿cree su Gobierno que ese superávit debería permanecer en las reservas? ¿Debería utilizarse, por el contrario, para un fin concreto? En ese caso, ¿cuál?

Los superávit no deberían destinarse a reservas pues esto implicaría tener capital inmovilizado, se debe priorizar la atención de ciertos programas, considerando por ejemplo los resultados del establecimiento de la “Agenda para el desarrollo de la OMPI” que como país en desarrollo esperamos se implemente a la brevedad posible.

PREGUNTA 9: FUTURA OBLIGACIÓN ACTUARIAL PARA LAS PRESTACIONES POR SEPARACIÓN DEL SERVICIO (JUBILACIÓN) Y LAS PRESTACIONES MÉDICAS TRAS LA SEPARACIÓN DEL SERVICIO

La Organización tiene la obligación contractual de pagar a los funcionarios determinadas prestaciones cuando éstos se jubilan, así como la obligación contractual de proporcionar prestaciones médicas a los funcionarios jubilados. Ambas obligaciones tienen implicaciones financieras a largo plazo y, por lo tanto, constituyen una responsabilidad financiera para la Organización. Con la adopción por el sistema de las Naciones Unidas, a más tardar en 2010, de las Normas Internacionales de Contabilidad del Sector Público (IPSAS), los organismos especializados de las Naciones Unidas, entre ellos la OMPI, estarán obligados a incluir en su contabilidad ese tipo de responsabilidades. Como se indica en el informe de gestión financiera de 2004-2005, se hizo una provisión por valor del 6% del gasto bienal de personal (puestos) para empezar a sufragar esas responsabilidades. ¿Considera apropiado su Gobierno que en el presupuesto por programas para 2008-2009 se destine una cuantía similar para sufragar dichas responsabilidades?

PREGUNTA 10: INFORMACIÓN

¿Desearía su Gobierno que aparezca en el proyecto de presupuesto por programas para 2008-2009 cualquier otra información?

A Bolivia le interesa que las propuestas y observaciones efectuadas por los miembros sean públicas. Asimismo que el Presupuesto por programas lleve un anexo con la relación de países, instituciones y personas que se beneficiaron con actividades de cooperación, así como las frecuencias y las cuantías.

PREGUNTA 11: OTRAS CUESTIONES

¿Qué otra cuestión quisiera su Gobierno que se aborde en el contexto de la preparación del próximo proyecto de presupuesto por programas de la Organización?

Mayor financiamiento para la participación de funcionarios de países en desarrollo y PMA's en las reuniones.

OBSERVACION GENERAL.- Bolivia se reserva el derecho de efectuar futuros comentarios a cualquier punto del texto, de considerar conveniente.

[Sigue el Anexo IV]

ANNEX IV

REPLY FROM BRAZIL

QUESTION 1: STRATEGIC GOALS

The Program and Budget for the 2006/07 Biennium is elaborated on the basis of five strategic goals. These are:

- Strategic Goal One: To Promote an IP Culture
- Strategic Goal Two: To Integrate IP in National Development Policies and Programs
- Strategic Goal Three: Progressive Development of International IP Law
- Strategic Goal Four: Delivery of Quality Services in Global IP Protection Systems
- Strategic Goal Five: Greater Efficiency of Management and Administrative Support Processes within WIPO

Does your Government consider that the program and budget for the 2008/09 biennium should continue to be based on the same strategic goals? If not, please elaborate.

The main objective of The Organization's program and budget for the 2008/2009 biennium should be implementation and monitoring of WIPO's mandate, as stated in the Agreement of 1974 Between WIPO and the United Nations, in particular its responsibility as a UN Specialized Agency for "[...]promoting creative intellectual activity and for facilitating the transfer of technology related to industrial property to the developing countries in order to accelerate economic, social and cultural development, subject to the competence and responsibilities of the United Nations and its organs, particularly the United Nations Conference on Trade and Development, the United Nations Development Program and the United Nations Industrial Development Organization, as well as of the United Nations Educational, Scientific and Cultural Organization and of other agencies within the United Nations system" (Article 1 of the 1974 Agreement).

The goals of WIPO, as set out in its Convention of 1967, adopted before it became a UN Specialized Agency, should be revised in practice and updated in light of the 1974 Agreement with the UN, in order to reflect fully WIPO's current role and mission as a member of the UN family of specialized agencies, which by definition are formally committed to all UN development related recommendations, policy guidelines, and objectives.

New models for promoting scientific research, technological innovation or creative intellectual activity based, *inter alia*, on collective ownership, collaborative research, open access and standards, or creative commons type licenses are being considered, developed and applied with positive and more balanced results in many different countries and under diverse conditions and circumstances. These initiatives open vast new fields for debate and action within the WIPO mandate of 1974, and are promising alternatives to addressing the challenges of innovation and creativity in the 21st century.

The strategic goals of WIPO must be cognizant of and reflect the new trends and concerns developing countries and other stakeholders – including non-rights holders – have been articulating with regard to improving – in legal and practical terms – the public interest flexibilities, limitations and exceptions, disclosure and transfer of technology provisions and competition policy clauses inherent to the international intellectual property legal framework. The objective is to improve public access to knowledge, information, science, research, education, culture, health, food, among other goods and services, material or immaterial, which are relevant to promoting creative intellectual activity in a context of development.

The WIPO Development Agenda, proposed by a group of developing Member States, must be adequately reflected in substance in the strategy for the 2008/2009 biennium, through sufficient provision of funds for financing debate, formulation and implementation of a program of work as agreed by Members. In particular, development issues should not be equated to technical assistance or cooperation, but understood and elaborated on as a horizontal concern, relevant to all programs and activities within the Organization, in particular the norm-setting ones.

The need to strike and maintain an adequate balance in the IP system between the public interest, in particular of developing countries, and those of private rights holders, must constitute a priority element of WIPO's strategic goals.

The strategic goals or objectives of the next biennium programs should be the following:

Strategic goal No. 1:

To promote balanced systems of intellectual property in regards to the relationship between the public interest and the private rights conferred, and to explore other models for innovation and promotion of creative intellectual activity and facilitating of transfer of technology, not necessary based on the protection of private rights of a monopolistic nature.

Strategic goal No2 :

To evolve the international IP legal framework so that it becomes more supportive of national development policies and programs by means of development-friendly approaches to fostering creative intellectual activities and facilitating transfer of technology.

Strategic goal No. 3:

To adapt the international IP legal framework and WIPO activities in general to the different national policy objectives of WIPO members, taking into account, in particular, their different levels of economic, social and technological development.

Strategic goal No. 4:

Efficient, transparent and cost-effective administration of international registration systems administered by WIPO.

Strategic goal No. 5:

Improve transparency, cost-effectiveness and accountability to Members of WIPO's internal management and administration.

QUESTION 2: PROGRAMS

The 2006/07 Program and Budget consists of 31 programs organized under the five strategic goals referred to above. This is illustrated in Annex II (Strategic Framework). Des your Government consider that the 2008/09 Program and Budget should continue to be based on the same programs? Should any program(s) be added? If so, please explain which ones and why. In your opinion, what would be the objective of any suggested new program and what would be the expected results (measurable outcomes)? Should certain programs or groups of programs be consolidated? If so, how?

Transparency should be the main guiding principle for the scheduling of activities and allocation of resources. Therefore, the program and budget should be as clear as possible with regards to what is being sought under each specific program and individual activity, what it will cost, how much human and financial resources will be allocated to it, what are the concrete actions foreseen, by whom they will be taken and where.

Regarding technical cooperation, the practice of breaking up resources and corresponding activities for assistance to developing countries and LDCs under several different programs across the whole of the program-and budget should be revised. Because of such practice it has become very difficult for Members to assess the exact overall amount and impact on the program and budget of resources, both human and financial, destined to such activities. For instance, the item travel and procurement can be seen in various programs notwithstanding the existence of a specific program for that purpose.

Programs and resource allocation should be explicitly and unequivocally linked to formal decisions by the WIPO membership adopted in the competent bodies of the Organization. The Program and budget committee should only take decisions regarding issues within its competence.

Clearly, there is need to reformulate thoroughly for the 2008-2009 program and budget the overall number, content, and titles of the 31 programs contained in the 2006-2007 program and budget in light of the parameters set out in answers given above. There is room for streamlining and merging of repetitious, overlapping or similar programs in order to gain clarity and a better sense of purpose.

Unfortunately, several problems regarding the substance of programs included in the ongoing 2006-2007 program and budget have not been adequately addressed due to a lack of opportunity, time wise and procedurally, for many members to give their full informed opinion and specific inputs on these matters in the period that led to the adoption of that document in the 2005 General Assembly. It is important to recall, in this respect, the intervention made on behalf of developing countries during the consideration of the 2006-2007 program and budget by the 41st Series of WIPO Assemblies:

The Delegation of Brazil, speaking on behalf of the Delegations of Argentina, Bolivia, Brazil, Cuba, Ecuador, the Islamic Republic of Iran, Peru, Sierra Leone, South Africa, Tanzania and Venezuela, noted that the body established in WIPO to address and recommend to the General Assembly the Program and Budget of the Organization was the Program and Budget Committee (PBC), and that notwithstanding its responsibility in the budgetary process, this Committee had held a three-day meeting only in April to

analyze and formulate recommendations to this General Assembly on the Program and Budget 2006-2007 (a proposal by the Secretariat). The countries on behalf of which the Delegation spoke had clearly identified the shortcomings of the Program and Budget Committee and noted that in practice superficial debate of the financial aspect of the budget had been held, insufficient time to analyze the document had been provided for, the distribution of the document itself had been done only a few days before the meeting and, in their view, information provided in support of the proposal had been insufficient. Additionally, although financial and programmatic aspects of the proposal were equally important, the programmatic aspects proposed by the Secretariat for a whole biennium had never been a matter of discussion, neither in the PBC nor in other bodies. In the view of the said countries, it was obvious that the current practice of calling for only a meeting of very short duration to discuss the budget did not allow Member States time for the elaboration of recommendations on a responsible and informed basis. Therefore, the said countries believed that the PBC should meet on a regular basis, and should hold as many meetings as necessary, to address all the issues of its competence in an appropriate way, and that dedicated budget analysis would facilitate the inherent control functions and responsibilities of Member States and substantially improve allocation of resources in the most transparent and efficient way. The Program and Budget Committee had recognized in its April session the need for a new mechanism to involve Member States in the drafting of the programmatic and budgetary aspects and in the discussions and follow-up of the Program and Budget. In this sense, the said countries proposed that the General Assembly should decide that the Program and Budget Committee should start, as it had already been agreed in the Committee, discussions for the implementation of such a mechanism, to be operative for the consideration of the Program and Budget for 2008-2009, and that the PBC should submit a proposal for its adoption by the next General Assembly in 2006. Finally, a decision had been taken, as contained in paragraph 174, subparagraph 3 of the report of the April session of the PBC, but this recommendation had not been reflected in any of the proposed decisions submitted to the Assembly. The following text to implement the Program and Budget Committee's recommendation, as referred to above, should therefore be considered and adopted by the present session of the General Assembly: "The General Assembly decides that adjustments to the Program and Budget for 2006-2007 shall be carried out in order to take into account any programmatic and budgetary implications resulting from on-going discussions on the WIPO Development Agenda and other issues." [Paragraph 161 of the General Report adopted by the 41st series of meetings of the Assemblies of WIPO, document A/41/17, October 5, 2005.]

This procedural shortcoming is precisely what the current process of consultation, by means of this questionnaire, is attempting to redress, as per decision adopted at the 41st Series of WIPO Assemblies, which:

[...(vi)] endorsed the recommendation contained in paragraph 174, subparagraph 5 of the report of the eighth session of the Program and Budget Committee (document WO/PBC/8/5 annexed to document A/41/5) whereby the Program and Budget Committee will include in the agenda of its next regular session an item on a new mechanism that would involve Member States in the discussion and follow up of the Program and Budget, beginning with the Program and Budget for 2008-2009, and

decided that such a mechanism should be presented to the General Assemblies 2006 session for approval.

In light of the above reservations, and notwithstanding disagreement with parts of the content itself of the ongoing 2006-2007 program and budget, and the way in which they are drafted and the views on IP that they reflect, the following preliminary comments can be made:

Program 1: Public outreach and communication: The high level of expenditures envisaged for this program should be reconsidered. Its objectives and the way to achieve them should be further debated among Members with a view to better defining the scope, the nature and purpose of this program in the 2008-2009 program and budget. Furthermore, this program could be merged with program 2.

Program 2: External coordination: The inclusion of this program in the 2008-2009 program and budget should be discussed in light of additional information by the Secretariat regarding activities developed by WIPO'S coordinating offices outside Geneva, and on the premise that a mechanism will be proposed and adopted for Member States to adequately monitor and assess such activities, their objectives and cost-effectiveness.

Program 3: Strategic use of IP for development: The "challenges", "expected results", "performance indicators" and "actions" presented under this program are premised on the controversial idea that the more IP awareness and protection the better for development. On the other hand, this program should address how the flexibilities existing in the IP system can be strategically used to steer countries' public policies towards development, in accordance with each Members' needs, priorities, institutional capacities and level of development. In this context, the program should focus on and disseminate experiences of countries – both developed and developing - that have implemented public policies based on the flexibilities provided by the IP system, with a view to strengthening the abilities of all Members, in particular developing ones, to making the most effective use possible of such flexibilities.

Program 5: IP and public policy: As has been noted above, many Members consider that IP can have a negative impact on public policies. This program, however, appears to establish an unqualified positive link between more IP protection on the one hand and better public policies, on the other -- some kind of automatic positive feed-back mechanism promoted through the IP system between the private and the public spheres, not necessarily to be verified empirically in the real world, especially not in developing countries. This program needs to be thoroughly revised, taking into account the complexities and sensitivities that many Members have been pointing out in their proposals on a WIPO Development Agenda with regard to the relationship between IP and public policy.

Program 6: Africa, Arab, Asia and the Pacific, Latin America and the Caribbean Countries, LDCs: This program refers, in substance and in practice, to technical assistance and cooperation for developing countries and LDCs. Therefore, it should fall under the heading of "Technical cooperation and capacity building".

Technical cooperation activities should promote more debate and exchange of views and experience on IP issues and development among all developing countries Members of WIPO. Therefore, not all resources should be allocated on a regional or on a country-by country basis. Proportional amounts of resources should be clearly distributed and organized on the

basis of activities involving: (a) all developing countries, (b) regional groups and (c) countries individually.

All expenditures allocated in the 2008-2009 program and budget for technical cooperation and capacity building activities should be regrouped under this single heading.

Expenditures not directly related to these issues should be eliminated from this program and included in another appropriate program elsewhere in the program and budget for 2008-2009.

Program 7: Certain countries in Europe and Asia: This program should be named “Technical cooperation and capacity building for countries with economies in transition”. Same comments as for program 6 regarding program lines.

Program 8: Business Modernization of IP institutions: This program refers to technical assistance (as it seems to be targeted for developing countries and economies in transition only) and should therefore be relocated under the heading of “Technical cooperation and capacity building”, possibly as a sub-item of that program.

Program 10: IPR enforcement: This program should be named: “Technical assistance for implementation of WIPO Agreements” and its content should be focused likewise on implementation of WIPO Agreements, including both the rights and obligations of signatory Members under them, avoiding reference to enforcement issues for which WIPO has no specific mandate to act upon as an Organization, other than promoting information exchange exercises within the deliberately narrow mandate of the Advisory Committee on Enforcement.

Program 11: The WIPO Worldwide Academy: In order to evaluate the resources assigned to this program, it would be important that more information be given to Member States regarding the activities of the Academy, beneficiary countries, etc.

Program 12: Law of Patents: This program should focus on activities scheduled by the Standing Committee on Law of Patents, according to its agenda, approved by members. We suggest to change the name of the program for “Standing Committee on Law of Patents”.

Same comments apply to:

- **program 13: Law of trademarks, Industrial Designs and Geographical Indications:** name suggested: Standing Committee on...
- **program 14: Law of copyright and related rights:** name suggested: Standing Committee on..., and
- **program 15: Traditional knowledge, Traditional Cultural Expressions and Genetic Resources. Name suggested:** Standing Committee on...

Program 22: Direction and Executive Management: The scope and objective of this program should be clarified in order to evaluate the need for its inclusion in the 2008-2009 program and budget, as well as possible financial requirements.

Program 29: Premises management and program 30: travel and procurement: all expenditures related to these issues should be included in these programs.

No comments for the moment to the following Programs: 4, 9, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28 y 31

Does your Government have any views on the respective level(s) of resources of the program(s) of the Organization? In your Government's view, should any upward or downward adjustment(s) be made?

While reserving the right of coming back to this and other questions later, some preliminary comments can be found above on the levels of assigned resources for certain programs.

QUESTION 3: PROGRAMMATIC PRIORITIES

Kindly indicate which are the programmatic areas of the Organization's work to which your Government attaches the greatest importance (priorities).

All issues related with the proposal for a WIPO Development Agenda, as outlined in comments above.

QUESTION 4: EFFICIENCY-GAIN TARGETS

The 2006/07 Program and Budget contains a number of efficiency-gain targets and related benchmarks. These are reproduced in Annex III. Does your Government have suggestions for ways in which these targets and benchmarks can be further improved or extended to apply to other areas of the Organization's work?

The proposal for a WIPO Development Agenda contains many proposals for impact assessment studies and for an impact assessment unit to be developed and nurtured within WIPO as a means of assessing and benchmarking the efficiency of WIPO programs and activities.

QUESTION 5: RESULTS-BASED BUDGET

The 2006/07 Program and Budget contains a number of objectives, expected results (measurable outcomes) and performance indicators, on a program by program basis. These results frameworks were elaborated to facilitate the assessment of the performance and impact of a given program. Please indicate for which programs you consider a further refinement of the results framework to be necessary. Could you provide examples of objectives, expected results (measurable outcomes) and performance indicators for such programs? Do you consider the quantification of the performance indicators (i.e. targets) to be useful?

Yes, performance indicators are important and useful. They should be refined for all measurable WIPO activity, in particular technical assistance, Treaty based registration

activities (PCT, TLT, etc), seminars and missions to Member countries, measurable output by unit of the Secretariat, etc. A debate could be established between the International Bureau and Member States for the purpose of promoting more exchange of information on this subject.

Strengthening WIPO's institutional capacity to perform independent impact assessment studies is also relevant in this respect.

QUESTION 6: LEVEL OF EXPENDITURE

The 2006/07 Program and Budget represents a 1.5 per cent increase over the revised budget for the 2004/05 biennium. What are the views of your Government on what the evolution of the level of expenditure of the Organization in the 2008/09 biennium should be?

WIPO's income (PCT fees collection, for example), reserves, expenditures, and level of implementation of activities for the current biennium, as well as an estimate for the next biennium, should be made known to Members before this question can be properly addressed. WIPO's expenditure levels are relatively high, compared with other Agencies. As a general rule, the Organization should focus on more efficient management of resources, and avoid increasing the overall budget from one biennium to the next.

QUESTION 7: BUDGETARY POLICY

In the 2006/07 Program and Budget the level of expenditure matches the expected level of income, with no deficit and no surplus. This budgetary balance was welcomed by Member States. Numerous delegations also expressed the wish that budgetary balance should become a policy in the medium term. In the view of your Government, should the 2008/09 Program and Budget continue to be based on full budgetary balance?

Yes, the 2008-2009 budget should be a balanced one.

QUESTION 8: LEVEL OF RESERVE AND WORKING CAPITAL FUNDS

In the year 2000, Assemblies of the Member States determined that the target level of reserve and working capital funds of the Organization should correspond, on average, to 18 per cent of biennial expenditure (document A/35/15, paragraph 151). In its 2006 report, the External Auditor recommended that this target be reviewed and increased to 25 per cent of biennial expenditure (Report of the Auditor to the Assembly of the Member States of WIPO on the 2004-2005 Biennium, paragraph 57, Recommendation 5). Does your Government consider that the target level of reserve funds should be reassessed by Member States? Should the 2008/09 Program and Budget be based on the target level established by Member States in the year 2000 or should the Secretariat base its proposals for the 2008/09 biennium on the approach recommended by the External Auditor? And, should the Organization generate any surplus in the

2008/09 biennium, would your Government consider that this surplus should remain in the reserves? Or should it be utilized for a specific purpose? If so, which?

The level of reserve and working capital fund for the 2008/09 biennium should be based on the approach recommended by the External Auditor (25%).

If there is a surplus in the biennium 2008-2009, the Committee on Program and Budget, based on concrete data, should determine whether to use the surplus, and for what purpose, or maintain it as reserve.

QUESTION 9: FUTURE ACTUARIAL LIABILITY FOR SEPARATION FROM SERVICE (RETIREMENTS) AND POSTSERVICE MEDICAL BENEFITS

The Organization has contractual obligations to provide staff members with certain benefits at the time of their retirement. The Organization also has a contractual obligation to provide retired staff members with post-service medical benefits. These contractual obligations have long-term financial implications and therefore represent a financial liability for the Organization. With the adoption, by the United Nations system of organizations, by 2010 at the latest, of the International Public Sector Accounting Standards (IPSAS), UN organizations, including WIPO, shall be required to record them in the accounts. As shown in the Financial Management Report for 2004/05, a provision corresponding to six per cent of biennial staff (post) expenditure was made to start covering such liability. Would your Government consider it appropriate that a similar amount be earmarked under the 2008/09 Program and Budget to cover such liability?

The preliminary answer to this is affirmative, but more information is needed to assess whether an amount similar to the 2008/09 program and budget is adequate to cover such liability

QUESTION 10: INFORMATION

Is there any other information that your Government would like to see in the draft Program and Budget for 2008/09 document?

This question was answered in general terms in response to question 2.

QUESTION 11: OTHER ISSUES

Is there any other issue your Government would like to address in the context of the preparation of the next draft Program and Budget of the Organization?

Detailed information on the financing of representatives attending WIPO meetings, with names of beneficiaries, travel and per diem costs covered, including Geneva based, regional and national meetings, seminars, missions and workshops.

WO/PBC/IM/3/06/2
Annex IV, page 10
Reply from Brazil

Information on vacancies that will become available during the course of the 2008-2009 biennium, the time-frame for notices to be circulated among Member States through Missions in Geneva, and information to Members under a systematic and formal approach of outcomes of the selection process.

[Annex V follows]

ANNEX V

REPLY FROM CHINA

Q1 :

A: The integration of the Program, Budget and the strategic goals of the Organization could guarantee not only the development of all the work of the Organization, but also the realization of all the goals. However, the development levels of member states are various, WIPO should take the differences between member states into consideration to provide each country enough room for its own development when formulating the Program and Budget.

Q2 :

A1: The 31 programs in Annex II are the detailed programs of the five strategic goals, and it is quite comprehensive. We hope WIPO could provide the member states of the specific schedule to implement or fulfill it.

A2: WIPO should allocate the resources of the Organization rationally according to the actual demands.

Q3 :

A: In our opinion, the second strategic goal of the Organization, i.e., to integrate IP in national development policies and programs is the highlight, to which most member states have attached the greatest importance, and it should be considered as the programmatic priorities.

Q4 :

A: The efficiency-gain targets and related benchmarks listed in Annex III are relatively in details and operable. By means of these targets and benchmarks, the goals of saving the resources of the Organization and improving the working performance could be achieved.

Q5 :

A: The Organization should emphasize particularly on the programs 6-11 among the 31 programs. Thus the importance and priority of the second strategic goal could be highlighted. The quantification of the performance indicators would be helpful to examine the implementation of the program, and measure the efficiencies of the works.

Q6 :

A: The organization should evaluate in advance the level of expenditure in the 2008/09 biennium reasonably on the base of the actual level of income and expenditure at the present time, integrating the situation of the development of the program and business, and conferencing the previous annual budget.

Q7 :

A: The preparation of the programs and budgets of the Organization should be under the principle of flexibility to cope with and reduce the interfere to the budgets of the incidents.

Q8 :

A: The target level of reserve funds of the Organization needs not to be reassessed by member states. Now that it has been recommended by the External Auditor, the Organization could reference the recommendation when prepare the programs and budgets.

Q9 :

A: The Organization could prepare the program and budget in this area according to the International Public Sector Accounting Standards (IPSAS).

Q10 :

A: None.

Q11:

A: None.

[Annex VI follows]

ANNEX VI

REPLY FROM THE CZECH REPUBLIC

QUESTION 1: STRATEGIC GOALS

The Program and Budget for the 2006/07 Biennium is elaborated on the basis of five strategic goals. These are:

- Strategic Goal One: To Promote an IP Culture
- Strategic Goal Two: To Integrate IP in National Development Policies and Programs
- Strategic Goal Three: Progressive Development of International IP Law
- Strategic Goal Four: Delivery of Quality Services in Global IP Protection Systems
- Strategic Goal Five: Greater Efficiency of Management and Administrative Support Processes within WIPO

Does your Government consider that the program and budget for the 2008/09 biennium should continue to be based on the same strategic goals? If not, please elaborate.

CZ endorses the five strategic goals of the WIPO for the 2008/09biennium.

QUESTION 2: PROGRAMS

The 2006/07 Program and Budget consists of 31 programs organized under the five strategic goals referred to above. This is illustrated in Annex II (Strategic Framework). Does your Government consider that the 2008/09 Program and Budget should continue to be based on the same programs? Should any program(s) be added? If so, please explain which ones and why. In your opinion, what would be the objective of any suggested new program and what would be the expected results (measurable outcomes)? Should certain programs or groups of programs be consolidated? If so, how?

CZ does not propose any further program.

Does your Government have any views on the respective level(s) of resources of the program(s) of the Organization? In your Government's view, should any upward or downward adjustment(s) be made?

CZ has no proposal.

QUESTION 3: PROGRAMMATIC PRIORITIES

Kindly indicate which are the programmatic areas of the Organization's work to which your Government attaches the greatest importance (priorities).

CZ attaches the greatest importance to the programs 1, 4, 5, 7, 9, 10, 11, 12, 13,14, 16, 17, 18, 19 and 20.

QUESTION 4: EFFICIENCY-GAIN TARGETS

The 2006/07 Program and Budget contains a number of efficiency-gain targets and related benchmarks. These are reproduced in Annex III. Does your Government have suggestions for ways in which these targets and benchmarks can be further improved or extended to apply to other areas of the Organization's work?

CZ has no suggestions.

QUESTION 5: RESULTS-BASED BUDGET

The 2006/07 Program and Budget contains a number of objectives, expected results (measurable outcomes) and performance indicators, on a program by program basis. These results frameworks were elaborated to facilitate the assessment of the performance and impact of a given program. Please indicate for which programs you consider a further refinement of the results framework to be necessary. Could you provide examples of objectives, expected results (measurable outcomes) and performance indicators for such programs? Do you consider the quantification of the performance indicators (i.e. targets) to be useful?

CZ does not propose further refinements.

QUESTION 6: LEVEL OF EXPENDITURE

The 2006/07 Program and Budget represents a 1.5 per cent increase over the revised budget for the 2004/05 biennium. What are the views of your Government on what the evolution of the level of expenditure of the Organization in the 2008/09 biennium should be?

CZ prefers no increase of expenditures if possible.

QUESTION 7: BUDGETARY POLICY

In the 2006/07 Program and Budget the level of expenditure matches the expected level of income, with no deficit and no surplus. This budgetary balance was welcomed by Member States. Numerous delegations also expressed the wish that budgetary balance should become a policy in the medium term. In the view of your Government, should the 2008/09 Program and Budget continue to be based on full budgetary balance?

CZ considers the budgetary balance as one of the preconditions of the financial health of the Organization.

QUESTION 8: LEVEL OF RESERVE AND WORKING CAPITAL FUNDS

In the year 2000, Assemblies of the Member States determined that the target level of reserve and working capital funds of the Organization should correspond, on average, to 18 per cent

of biennial expenditure (document A/35/15, paragraph 151). In its 2006 report, the External Auditor recommended that this target be reviewed and increased to 25 per cent of biennial expenditure (Report of the Auditor to the Assembly of the Member States of WIPO on the 2004-2005 Biennium, paragraph 57, Recommendation 5). Does your Government consider that the target level of reserve funds should be reassessed by Member States? Should the 2008/09 Program and Budget be based on the target level established by Member States in the year 2000 or should the Secretariat base its proposals for the 2008/09 biennium on the approach recommended by the External Auditor? And, should the Organization generate any surplus in the 2008/09 biennium, would your Government consider that this surplus should remain in the reserves? Or should it be utilized for a specific purpose? If so, which?

CZ has no problem with increase of the reserves. Utilization of surplus – provided some high priority purpose occurs – should be considered with adequate care.

QUESTION 9: FUTURE ACTUARIAL LIABILITY FOR SEPARATION FROM SERVICE (RETIREMENTS) AND POSTSERVICE MEDICAL BENEFITS

The Organization has contractual obligations to provide staff members with certain benefits at the time of their retirement. The Organization also has a contractual obligation to provide retired staff members with post-service medical benefits. These contractual obligations have long-term financial implications and therefore represent a financial liability for the Organization. With the adoption, by the United Nations system of organizations, by 2010 at the latest, of the International Public Sector Accounting Standards (IPSAS), UN organizations, including WIPO, shall be required to record them in the accounts. As shown in the Financial Management Report for 2004/05, a provision corresponding to six per cent of biennial staff (post) expenditure was made to start covering such liability. Would your Government consider it appropriate that a similar amount be earmarked under the 2008/09 Program and Budget to cover such liability?

CZ agrees that the accounting system of the WIPO should be in line with the standard system of other organizations of the United Nations. Therefore it is appropriate to earmark the respective amount in the 2008/09 Program and Budget.

QUESTION 10: INFORMATION

Is there any other information that your Government would like to see in the draft Program and Budget for 2008/09 document?

CZ has no particular proposal.

QUESTION 11: OTHER ISSUES

Is there any other issue your Government would like to address in the context of the preparation of the next draft Program and Budget of the Organization?

CZ has no particular proposal.

[Annex VII follows]

ANNEXE VII

RÉPONSE DE LA FRANCE

QUESTION 1 : PROGRAMMES STRATEGIQUES

Le programme et budget pour l'exercice biennal 2008-2009 doit continuer à s'articuler autour des mêmes objectifs stratégiques.

QUESTION 2 : PROGRAMMES

Le programme et budget pour l'exercice biennal 2008-2009 doit continuer à s'articuler autour des mêmes programmes que ceux de l'exercice 2006-2007.

S'agissant des ressources allouées aux différents programmes, il serait souhaitable de porter une attention particulière aux systèmes informatiques du PCT (secteur des enregistrements en particulier), dont la mise en oeuvre avait dû être reportée voire supprimée, compte tenu de l'existence de ressources limitées au titre de l'exercice 2006-2007.

QUESTION 3 : ORDRE DE PRIORITE DES PROGRAMMES

Le Gouvernement français réaffirme son soutien à l'ensemble des programmes conduits par l'OMPI qui répondent aux objectifs stratégiques de l'Organisation et attache du prix au développement de la propriété intellectuelle (s'agissant notamment de l'harmonisation du droit matériel des brevets, de la poursuite des travaux relatifs aux savoirs traditionnels, aux expressions culturelles traditionnelles et aux ressources génétiques) ainsi qu'à celui des systèmes internationaux de protection de la propriété intellectuelle gérés par l'Organisation (PCT, Madrid, La Haye, classifications internationales).

QUESTION 4 : OBJECTIFS EN MATIERE DE GAINS D'EFFICACITE

Il serait souhaitable de disposer de prévisions de résultats pour la seule année 2006, sur la base des paramètres définis dans l'annexe III du budget 2006-2007. Cette remarque amène à considérer que des objectifs annuels et non bisannuels devraient être présentés au sein du budget, même si celui ci est " biennal ".

En outre , il conviendrait d'ajouter deux rubriques Madrid et La Haye à celle établissant un ratio entre les effectifs du PCT et le volume de dossiers à traiter.

De manière générale, la réponse à cette question nécessite encore une réflexion approfondie aussi bien pour la définition d'objectifs complémentaires que pour leurs modalités de contrôle quant aux résultats réellement atteints.

QUESTION 5 : BUDGET AXE SUR LES RESULTATS

Comme indiqué en réponse à la question 4, la présentation d'objectifs annuels serait souhaitable.

QUESTION 6 : MONTANT DES DEPENSES

Les dépenses du prochain exercice biennal 2008-2009 devront permettre de financer l'ensemble des programmes conduits par l'OMPI, tout en respectant le principe d'équilibre budgétaire.

Compte tenu du fait que les recettes de l'Organisation sont, en majeure partie, fondées sur des prévisions d'activités d'enregistrement, il apparaît essentiel que le projet de budget se fonde sur ces prévisions qui devraient être présentées, les unes (activités) et les autres (recettes liées aux activités d'enregistrement) année par année et non de manière globale pour l'ensemble du biennium, de manière à pouvoir mesurer l'évolution annuelle plus aisément. Ces données - fondamentales - devraient être insérées formellement sous forme d'annexes dans le projet de budget. Le Gouvernement français est bien conscient de la marge d'erreur que comporte un tel exercice d'évaluation, deux ans avant l'échéance, et recommande que le Bureau International établisse dans un premier temps plusieurs scénarios (prévision basse, prévision moyenne, prévision haute).

Une fois connues les estimations de recettes, on pourra statuer sur leur fiabilité et déterminer la marge de manoeuvre pour les dépenses. La croissance du budget devrait, autant que faire se peut, être financée par l'augmentation des recettes liées aux activités d'enregistrement et non par l'augmentation des contributions versées par les Etats membres.

QUESTION 7 : POLITIQUE BUDGETAIRE

De l'avis du Gouvernement français, l'exercice biennal 2008-2009 et les exercices suivants, devraient reposer sur le principe d'équilibre budgétaire.

QUESTION 8 : MONTANT DES FONDS DE RESERVE ET DE ROULEMENT

a) Si l'on applique le principe de l'équilibre budgétaire, il ne devrait y avoir, en fin d'exercice, ni déficit ni excédent.

b) Cela étant, la recommandation du vérificateur externe des comptes tendant à fixer le niveau des Fonds de réserve à six mois de dépenses mérite, par hypothèse, d'être examinée avec la plus grande attention, ce qui n'a pu encore être effectué par les autorités françaises avec leurs experts au regard de plusieurs éléments y compris nouvelles normes comptables IPSAS.

c) Doit également être prise en considération, la remarque faite par le vérificateur externe des comptes (rapport de vérification des comptes, paragraphe 57 in fine), de prendre toutes les mesures utiles en vue de l'application prochaine (2010) des nouvelles normes comptables IPSAS.

d) Dans ces conditions, il y aurait donc lieu de procéder, le plus tôt possible, comme semble le proposer désormais le Bureau International (cf. document A/42/11 points 4 à 6), à une évaluation chiffrée des obligations contractuelles à long terme de l'Organisation vis à vis de son personnel (prestations dues au moment de la cessation de service., prestations médicales après cessation de service pour les membres retraités), de manière à pouvoir provisionner ces charges futures. Cet exercice paraît d'autant plus nécessaire que les effectifs de l'OMPI ayant très fortement augmenté depuis une quinzaine d'années, ces charges futures vont connaître un pic de très forte croissance d'ici à quelques années. Un suivi de l'évolution de ces charges

futures devrait donc être établi, par exemple par des études actuarielles effectuées à échéances régulières (tous les deux à trois ans) et dont les résultats devraient être communiqués aux Etats membres.

e) Par ailleurs, dans l'hypothèse où un emprunt bancaire serait effectivement contracté pour couvrir les coûts du nouveau bâtiment, il serait opportun de prévoir, dans le futur accord à conclure avec l'organisme prêteur, que l'OMPI peut procéder à des remboursements du prêt par anticipation sans pénalités. Dans l'hypothèse où des excédents seraient dégagés en fin d'exercice et après abondement suffisant des fonds de réserve, il serait alors éventuellement possible de rembourser cet emprunt par anticipation.

QUESTION 9 : ENGAGEMENTS ACTUARIELS FUTURS RELATIFS A LA CESSATION DE SERVICE (DEPART EN RETRAITE) ET AUX PRESTATIONS MEDICALES APRES CESSATION DE SERVICE

Dans la mesure où l'on sait que cette charge future existe d'ores et déjà avec une première estimation (cf. document A/42/11, paragraphes 4 à 6 qui indique un montant de 16,2 millions de francs suisses pour les prestations liées à la cessation de service et 54,7 millions de francs suisses pour les prestations médicales après cessation de service), il semble souhaitable de commencer à planifier, dès à présent, des provisions budgétaires. En procédant ainsi, la provision annuelle sera moins lourde pour l'Organisation que si l'on attend plusieurs années pour commencer à provisionner. Voir aussi la réponse à la question 8 points c) et d).

Le Gouvernement français serait donc favorable à ce que le budget 2008-2009 comporte une provision en vue de subvenir à ces engagements futurs ., même si à ce jour, la question du " volume " de cette provision n'a pas encore fait l'objet d' un examen précis. Elle doit être étudiée au regard des nouvelles normes comptables IPSAS.

QUESTION 10 : INFORMATIONS

A titre de premières pistes d'amélioration, on peut suggérer les éléments suivants :

a) Le projet de programme et budget devrait systématiquement comporter des annexes relatives aux prévisions annuelles d'activités pour les trois unions d'enregistrement PCT, Madrid et La Haye avec l'indication des recettes annuelles correspondantes. Ces informations devraient être données sous forme chiffrée et non exclusivement sous forme de graphiques.

b) Dans l'hypothèse de la présentation d'un projet de budget révisé pour l'exercice en cours, celui ci devrait précéder la présentation du projet de budget biennal de l'exercice suivant.

Le Gouvernement français se réserve la possibilité d'émettre d'autres suggestions tendant à améliorer la présentation du projet de programme et budget, à un stade ultérieur des travaux du Comité du programme et budget.

[l'annexe VIII suit]

ANNEX VIII

REPLY FROM HUNGARY

QUESTION 1: STRATEGIC GOALS

The Program and Budget for the 2006/07 Biennium is elaborated on the basis of five strategic goals. These are:

- Strategic Goal One: To Promote an IP Culture
- Strategic Goal Two: To Integrate IP in National Development Policies and Programs
- Strategic Goal Three: Progressive Development of International IP Law
- Strategic Goal Four: Delivery of Quality Services in Global IP Protection Systems
- Strategic Goal Five: Greater Efficiency of Management and Administrative Support Processes within WIPO

Does your Government consider that the program and budget for the 2008/09 biennium should continue to be based on the same strategic goals? If not, please elaborate.

The Program and Budget for the 2008/09 Biennium should continue to be based on the same strategic goals as the Program and Budget for the 2006/07 Biennium.

QUESTION 2: PROGRAMS

The 2006/07 Program and Budget consists of 31 programs organized under the five strategic goals referred to above. This is illustrated in Annex II (Strategic Framework). Does your Government consider that the 2008/09 Program and Budget should continue to be based on the same programs? Should any program(s) be added? If so, please explain which ones and why. In your opinion, what would be the objective of any suggested new program and what would be the expected results (measurable outcomes)? Should certain programs or groups of programs be consolidated? If so, how?

The 2008/09 Program and Budget should continue to be based on the same programs as the 2006/07 Program and Budget.

Does your Government have any views on the respective level(s) of resources of the program(s) of the Organization? In your Government's view, should any upward or downward adjustment(s) be made?

Upward adjustments should be made to program 10. (More emphasis should be given to the issue of enforcement.)

QUESTION 3: PROGRAMMATIC PRIORITIES

Kindly indicate which are the programmatic areas of the Organization's work to which your Government attaches the greatest importance (priorities).

Priority Area III.A: Further Development of International IP Law (SPLT, Madrid System, Protection of Broadcasting Organizations)

Priority Area II.B.10.: IPR Enforcement

Priority Area II.C.11.: The WIPO Worldwide Academy

Priority Area I.A.1.: Public Outreach and Communication

Priority Area I.B.4.: Use of Copyright in the Digital Environment

Priority Area IV. D.21.: Arbitration and Mediation Services and Domain Names Policies and Procedures

QUESTION 4: EFFICIENCY-GAIN TARGETS

The 2006/07 Program and Budget contains a number of efficiency-gain targets and related benchmarks. These are reproduced in Annex III. Does your Government have suggestions for ways in which these targets and benchmarks can be further improved or extended to apply to other areas of the Organization's work?

Cost of WIPO publications: improved cost-effectiveness of printing.

QUESTION 5: RESULTS-BASED BUDGET

The 2006/07 Program and Budget contains a number of objectives, expected results (measurable outcomes) and performance indicators, on a program by program basis. These results frameworks were elaborated to facilitate the assessment of the performance and impact of a given program. Please indicate for which programs you consider a further refinement of the results framework to be necessary. Could you provide examples of objectives, expected results (measurable outcomes) and performance indicators for such programs? Do you consider the quantification of the performance indicators (i.e. targets) to be useful?

Program 1: Positive Public Understanding of IP

Expected results: Awareness raising against the negative economic effects of piracy and counterfeiting

Performance indicators: Awareness raising campaigns on the negative social and economic effects of piracy and counterfeiting

Program 3: Strategic Use of IP for Development

Expected results: Enhanced awareness and capacity of SMEs to use and manage the IP system tools and IP assets

Performance indicators: Development of methodologies for the evaluation of IP assets

Program 13: Law of Trademarks, Industrial Designs and Geographical Indications

Expected results: Revised Trade Mark Law Treaty

Performance indicators: Entry into force of the Singapore Treaty on the Law of Trademarks

Program 25: Human Resources Management

Expected results: Staffing needs are met more efficiently and cost-effectively and reflect gender equity and geographical distribution.

Performance indicators: Geographical distribution and gender balance of staff is improved

QUESTION 6: LEVEL OF EXPENDITURE

The 2006/07 Program and Budget represents a 1.5 per cent increase over the revised budget for the 2004/05 biennium. What are the views of your Government on what the evolution of the level of expenditure of the Organization in the 2008/09 biennium should be?

In our view, the level of expenditure of the Organization in the 2008/09 biennium should represent a 2 per cent increase over the budget of the 2006/07 biennium.

QUESTION 7: BUDGETARY POLICY

In the 2006/07 Program and Budget the level of expenditure matches the expected level of income, with no deficit and no surplus. This budgetary balance was welcomed by Member States. Numerous delegations also expressed the wish that budgetary balance should become a policy in the medium term. In the view of your Government, should the 2008/09 Program and Budget continue to be based on full budgetary balance?

Hungary welcomes the new policy of budgetary balance and is of the view that the 2008/09 Program and Budget should continue to be based on full budgetary balance.

QUESTION 8: LEVEL OF RESERVE AND WORKING CAPITAL FUNDS

In the year 2000, Assemblies of the Member States determined that the target level of reserve and working capital funds of the Organization should correspond, on average, to 18 per cent of biennial expenditure (document A/35/15, paragraph 151). In its 2006 report, the External Auditor recommended that this target be reviewed and increased to 25 per cent of biennial expenditure (Report of the Auditor to the Assembly of the Member States of WIPO on the 2004-2005 Biennium, paragraph 57, Recommendation 5). Does your Government consider that the target level of reserve funds should be reassessed by Member States? Should the 2008/09 Program and Budget be based on the target level established by Member States in the year 2000 or should the Secretariat base its proposals for the 2008/09 biennium on the approach recommended by the External Auditor? And, should the Organization generate any surplus in the 2008/09 biennium, would your Government consider that this surplus should remain in the reserves? Or should it be utilized for a specific purpose? If so, which?

The target level of reserve funds should be reassessed by Member States, taking into account the recommendations of the External Auditor.

QUESTION 9: FUTURE ACTUARIAL LIABILITY FOR SEPARATION FROM SERVICE (RETIREMENTS) AND POSTSERVICE MEDICAL BENEFITS

The Organization has contractual obligations to provide staff members with certain benefits at the time of their retirement. The Organization also has a contractual obligation to provide retired staff members with post-service medical benefits. These contractual obligations have long-term financial implications and therefore represent a financial liability for the Organization. With the adoption, by the United Nations system of organizations, by 2010 at the latest, of the International Public Sector Accounting Standards (IPSAS), UN organizations, including WIPO, shall be required to record them in the accounts. As shown in the Financial Management Report for 2004/05, a provision corresponding to six per cent of biennial staff (post) expenditure was made to start covering such liability. Would your Government consider it appropriate that a similar amount be earmarked under the 2008/09 Program and Budget to cover such liability?

A provision corresponding to six per cent of biennial staff expenditure could also be earmarked under the 2008/09 Program and Budget to cover the financial liability resulting from the obligation to provide retired staff members with post-service medical benefits.

QUESTION 10: INFORMATION

Is there any other information that your Government would like to see in the draft Program and Budget for 2008/09 document?

There is no other particular information we would like to see being included in the draft Program and Budget for 2008/09.

QUESTION 11: OTHER ISSUES

Is there any other issue your Government would like to address in the context of the preparation of the next draft Program and Budget of the Organization?

There is no other particular issue we would like to address in the context of the preparation of the draft Program and Budget for 2008/09.

[Annex IX follows]

ANNEX IX

REPLY FROM JAMAICA

QUESTION 1: STRATEGIC GOALS

The Program and Budget for the 2006/07 Biennium is elaborated on the basis of five strategic goals. These are:

- Strategic Goal One: To Promote an IP Culture
- Strategic Goal Two: To Integrate IP in National Development Policies and Programs
- Strategic Goal Three: Progressive Development of International IP Law
- Strategic Goal Four: Delivery of Quality Services in Global IP Protection Systems
- Strategic Goal Five: Greater Efficiency of Management and Administrative Support Processes within WIPO

Does your Government consider that the program and budget for the 2008/09 biennium should continue to be based on the same strategic goals? If not, please elaborate.

Jamaica considers that the program and budget 2008/09 should continue to be based on the same strategic goals subject to some modifications which more specifically address the ability of Developing Countries to maximize the benefits of the intellectual property system in an increasingly challenging global trade regime.

Jamaica considers that "Integration of IP in National Development Policies and Programs" should be undertaken with a view to promoting socio-economic development and should be in harmony with other developmental goals. In this connection recommends the following modification to the wording of strategic Goal Two which may better reflect this objective:

"To Harmonize IP with National Development Policies and Programs"

Further, Jamaica supports the focus on Development reflected in Strategic Goal Two. However, Jamaica considers that Development should be a cross-cutting issue related to all aspects of WIPO's programs and activities.

QUESTION 2: PROGRAMS

The 2006/07 Program and Budget consists of 31 programs organized under the five strategic goals referred to above. This is illustrated in Annex II (Strategic Framework). Does your Government consider that the 2008/09 Program and Budget should continue to be based on the same programs? Should any program(s) be added? If so, please explain which ones and why. In your opinion, what would be the objective of any suggested new program and what would be the expected results (measurable outcomes)? Should certain programs or groups of programs be consolidated? If so, how?

1. *STRATEGIC GOAL ONE*

(a) *Priority Area I.B (3) & (5) should be incorporated under Strategic Goal Two.*

2. *STRATEGIC GOAL TWO*

(a) *In keeping with the Jamaica's recommendation outlined under question 1 concerning strategic goals, it is further recommended that the chapeau of Priority Area II.A, be elaborated pursuant to Strategic Goal Two, to include the following:*

i. *Maximizing the benefits of the IP system (or, alternatively, Promoting the actualization of the benefits of the IP system to development) at the National, Regional and Interregional Level*

(b) *It is recognized that in pursuance of Strategic Goal Two one of the actions to be undertaken by WIPO is the provision of advice to Developing Countries on adjusting their national legislation to relevant international agreements including on existing flexibilities in international IP treaties. Jamaica considers this an important aspect of Strategic Goal Two and recommends that it be highlighted as a Priority Area of this Strategic Goal.*

(c) *In relation to Priority Area II.B infrastructural and institutional strengthening should extend to IP-related Institutions including those involved with R & D, innovation and Science & Technology incorporating the commercialization of technologies from R & D.*

(d) *In relation to Priority Area II.C IP human resources should be strengthened across the broad spectrum of stake-holders including those outlined above as well as other users of the IP system so that both administrators and users of the IP system benefit from training. This is critical particularly in light of Strategic Goals Three and Four which focus on implementing improved and robust International IP frameworks and systems. Maximal use of these systems requires commensurate sensitization and training on the application and benefits of such systems at the national level.*

3. *STRATEGIC GOAL THREE*

(a) *The chapeau of Priority Area III.B pursuant to Strategic Goal Three should be revised to include specific mention of the following:*

i. *Enhancing the legal protection of Traditional Knowledge... through IP and other protection mechanisms which promote use while ensuring benefits to holders and originators of TK... at the national, regional, interregional and international levels*

4. *STRATEGIC GOAL FOUR*

(a) *This goal promotes the increased use of certain Global IP filing and classification systems. Participating countries should be able to utilize the statistical data and information garnered from such systems in formulating policy objectives and economic forecasting. This objective could be reflected as an additional point in Priority Areas A-C in the following manner:*

- i. *Enhancing the use of statistical data derived from use of the Systems in economic assessment and forecasting at the national, regional and interregional level*

Does your Government have any views on the respective level(s) of resources of the program(s) of the Organization? In your Government's view, should any upward or downward adjustment(s) be made?

Jamaica considers that upward adjustments should be made in respect of Strategic Goals One, Two and Three as revised by virtue of the recommendations made above.

QUESTION 3: PROGRAMMATIC PRIORITIES

Kindly indicate which are the programmatic areas of the Organization's work to which your Government attaches the greatest importance (priorities).

Jamaica attaches high priority to the areas outlined under Strategic Goals One, Two and Priority Area III.B, under Strategic Goal Three together with the recommended revisions.

QUESTION 4: EFFICIENCY-GAIN TARGETS

The 2006/07 Program and Budget contains a number of efficiency-gain targets and related benchmarks. These are reproduced in Annex III. Does your Government have suggestions for ways in which these targets and benchmarks can be further improved or extended to apply to other areas of the Organization's work?

NO COMMENT

QUESTION 5: RESULTS-BASED BUDGET

The 2006/07 Program and Budget contains a number of objectives, expected results (measurable outcomes) and performance indicators, on a program by program basis. These results frameworks were elaborated to facilitate the assessment of the performance and impact of a given program. Please indicate for which programs you consider a further refinement of the results framework to be necessary. Could you provide examples of objectives, expected results (measurable outcomes) and performance indicators for such programs? Do you consider the quantification of the performance indicators (i.e. targets) to be useful?

An important key objective with respect to IP and Public Policy outlined in Strategic Goal One under program 5 should be to provide information on all aspects of IP and the functioning of the IP system including the flexibilities, exclusions, exceptions and other safeguards which exist to address public policy objectives such as public health. Accordingly, an additional expected result under this activity should be increased awareness/understanding among Policy Makers on how they can better utilize such flexibilities in matters of public policy.

QUESTION 6: LEVEL OF EXPENDITURE

The 2006/07 Program and Budget represents a 1.5 per cent increase over the revised budget for the 2004/05 biennium. What are the views of your Government on what the evolution of the level of expenditure of the Organization in the 2008/09 biennium should be?

Jamaica continues to support a balanced budget for WIPO, i.e. the level of expenditure should continue to match expected income. It is therefore important that the income projections remain accurate. Jamaica supports the development of a new model by the International Bureau to improve its forecast of the level of PCT applications. Jamaica also looks forward to the development of a similar model in respect of the Madrid system and other sources of income.

Additionally, the Organization's expenditure should continue to respond to the needs/concerns of the Member States, particularly, Developing Countries which are seeking to use IP as a tool for development.

QUESTION 7: BUDGETARY POLICY

In the 2006/07 Program and Budget the level of expenditure matches the expected level of income, with no deficit and no surplus. This budgetary balance was welcomed by Member States. Numerous delegations also expressed the wish that budgetary balance should become a policy in the medium term. In the view of your Government, should the 2008/09 Program and Budget continue to be based on full budgetary balance?

Yes.

QUESTION 8: LEVEL OF RESERVE AND WORKING CAPITAL FUNDS

In the year 2000, Assemblies of the Member States determined that the target level of reserve and working capital funds of the Organization should correspond, on average, to 18 per cent of biennial expenditure (document A/35/15, paragraph 151). In its 2006 report, the External Auditor recommended that this target be reviewed and increased to 25 per cent of biennial expenditure (Report of the Auditor to the Assembly of the Member States of WIPO on the 2004-2005 Biennium, paragraph 57, Recommendation 5). Does your Government consider that the target level of reserve funds should be reassessed by Member States? Should the 2008/09 Program and Budget be based on the target level established by Member States in the year 2000 or should the Secretariat base its proposals for the 2008/09 biennium on the approach recommended by the External Auditor? And, should the Organization generate any surplus in the 2008/09 biennium, would your Government consider that this surplus should remain in the reserves? Or should it be utilized for a specific purpose? If so, which?

Jamaica has no specific views regarding the re-assessment of the target level of the Reserve Funds. Jamaica can support the target level established by Member States in 2000. Should the Organization generate any surplus in the 2008/2009 biennium, Jamaica is of the view that this surplus should remain in the reserves.

QUESTION 9: FUTURE ACTUARIAL LIABILITY FOR SEPARATION FROM SERVICE (RETIREMENTS) AND POSTSERVICE MEDICAL BENEFITS

The Organization has contractual obligations to provide staff members with certain benefits at the time of their retirement. The Organization also has a contractual obligation to provide retired staff members with post-service medical benefits. These contractual obligations have long-term financial implications and therefore represent a financial liability for the Organization. With the adoption, by the United Nations system of organizations, by 2010 at the latest, of the International Public Sector Accounting Standards (IPSAS), UN organizations, including WIPO, shall be required to record them in the accounts. As shown in the Financial Management Report for 2004/05, a provision corresponding to six per cent of biennial staff (post) expenditure was made to start covering such liability. Would your Government consider it appropriate that a similar amount be earmarked under the 2008/09 Program and Budget to cover such liability?

Yes.

QUESTION 10: INFORMATION

Is there any other information that your Government would like to see in the draft Program and Budget for 2008/09 document?

Jamaica considers that the draft Program should adequately reflect the needs and concerns of Caribbean Member States outlined in the WIPO Cooperation for Development Agreement signed by Caribbean Ministers with responsibility for IP and WIPO.

QUESTION 11: OTHER ISSUES

Is there any other issue your Government would like to address in the context of the preparation of the next draft Program and Budget of the Organization?

No.

[Annex X follows]

ANNEX X

REPLY FROM JAPAN

QUESTION 2: PROGRAMS

Japan does not see any problems with the composition of programs contained in Annex II at the current stage.

Paragraph 12 of the document A/42/8 refers to the lack of resources in the Internal Audit and Oversight Division (IAOD). Some WIPO member states expressed their concerns about this problem in the last WIPO General Assembly.

Japan considers that a sufficient amount of the budget should be allocated to the IAOD for the IAOD to fulfill its responsibility of oversight, and the resource of the “PROGRAM 24: Internal Oversight” may have to be expanded.

As regards this issue, we know that the budgetary situation of WIPO cannot be directly compared with those of other organizations. However, as reference for determining an appropriate allocation level for the IAOD, we would like to know the percentages of the budgets of other UN organizations that are allocated to the corresponding internal audit sections.

Considering the fact that about 75 percent of the overall WIPO income is covered by PCT fees, improving the PCT system to secure the sufficient amount of resources is WIPO’s mission. More user-friendly services will help increase PCT users and, in the end, WIPO income. Therefore, Japan believes that adequate resources should be secured for “PROGRAM 16: Administration of the PCT System.”

QUESTION 3: PROGRAMMATIC PRIORITIES

Japan is greatly interested in such areas as harmonization (e.g., patents and PCT reform), technical assistance centering the Asia-Pacific region, and governance.

In particular Japan attaches great importance to the following programs not only from the viewpoint of the activities but also from the budgetary point of view.

- PROGRAM 16: Administration of the PCT System
- PROGRAM 18: Madrid, The Hague and Lisbon Registration Systems

WIPO makes about 90 percent of its income from the fees paid by users of international application/registration systems. We believe it natural that such income paid by users should be used for the benefit of users to its utmost extent.

Therefore, WIPO should work to improve legal system and the efficiency of these processing systems and to provide more attractive services with reasonable fees because such undertakings will greatly help WIPO to more adequately satisfy user needs. Moreover, this will result in greater stability of WIPO income. Particularly, the automation and computerization of the processing systems of PCT applications are expected to contribute not

only to increased efficiency but also to savings in labor costs and office space for the processing and management of applications.

Also, Japan has a great concern about the delay in the schedule of “PROGRAM 31: The New Construction.” The longer the schedule is delayed, the more WIPO will be required to pay to continue renting the current office space. Thus, the New Construction should be carried out according to the schedule.

Paragraph 40 of the document WO/PBC/INF/1 estimates that “the annual rental cost for these three buildings (which is estimated at 8.7 million Swiss francs) is significantly higher than the maximum annual cost of bank loan servicing of 6.3 million Swiss francs.” Since the time WIPO was formulating the 2006/07 biennium Program and Budget, such factors as interest rates and necessary office space are considered to have been changing. Therefore, Japan expects that an updated estimation taking into account such changes should be presented when formulating the draft 2008/09 Program and Budget.

QUESTION 5: RESULT-BASE BUDGET

The previous PCT Union Assembly session (September 25 – October 3, 2006, in Geneva) adopted a new Schedule of Fee reductions in the PCT applications filed in electronic form (PCT/A/35/2.Add). Promotion of electronic filing is expected to help the WIPO International Bureau (IB) more expeditiously carry out its work and, in the end, generate benefits for applicants. In order to reduce the burden on the IB, in particular, applications in character-coded format are preferable to applications in image-data formats. Japan would thus like to propose a new indicator as shown in (1) below.

In addition, minor troubles with the existing systems have been appearing. For example, a system stops functioning, a drawing on an official gazette in an electronic application is incorrectly displayed, and so on. Minimizing such minor troubles are indispensable to improving the quality of service. Accordingly, Japan would like to propose new performance indicators, as shown in () below, under the EXPECTED RESULT of “Increased quality of service.”

(1)

Expected Results

- Promotion of application filings in electronic form

Performance indicators

- Increase in the kinds of documents receivable in electronic form
- Increase in the percentage of international applications in character coded format

(2)

Expected Results:

Increased quality of service (Existing item)

Performance indicator:

Limited the number of hours that a system was inoperable to under **[-please put number-]** hours per year.

[-please put number-] of improvements made in internal processes and systems to eliminate daily troubles.

QUESTION 6: LEVEL OF EXPENDITURE

Prior to considering the level of expenditures, the amount of income should first be estimated, and then, consideration should be given to a level of expenditures that balances the estimated income.

Japan expects that the level of expenditures in 2008/09 will remain the same in 2006/07. However, if the estimated income is considered to be insufficient to cover this level of expenditures, WIPO does not need to insist on maintaining the level of expenditures. More information including prospects of income in medium and long term is needed in order to consider the level of expenditures appropriately.

QUESTION 7: BUDGETARY POLICY

The 2008/09 Program and Budget should be founded on a full balanced budget unless there are any changes in circumstances. More information including prospects of income in medium and long term is needed in order to consider in detail.

QUESTION 8: LEVEL OF RESERVE AND WORKING CAPITAL FUNDS

In general, Japan is of the opinion that WIPO should make an effort to make its accounting system and procedures compatible with the International Public Sector Accounting Standards (IPSAS).

Judging from the FMR/2004-05 and the Budget and Program 2006/07, it seems that it is not so difficult for WIPO to achieve the level of reserve funds required by IPSAS. However, whether it is possible to actually achieve the level of reserve funds which IPSAS requires by the year 2010 depends largely on the revised Budget and Program 2006/07 and on the estimated income for 2008/09. We can not accept a simplistic increase of the amounts of contributions or international application filing/registration fees only to enable the WIPO accounting system to comply with IPSAS. More information is needed in order to consider in detail.

QUESTION 9: FUTURE ACTUARIAL LIABILITY FOR SEPARATION FROM SERVICE (RETIREMENTS) AND POSTSERVICE MEDICAL BENEFITS

In general, Japan is of the opinion that WIPO should make an effort to make its accounting system and procedures compatible with IPSAS. However, we disagree with the idea of simply raising the amounts of contributions and international application filing/registration fees only to cover a superficial increase of liabilities which may appear in the financial statements due to the possible introduction of an accounting system and procedures compliant with IPSAS. More information is needed in order to consider in detail.

QUESTION 10: INFORMATION

Table VII of the 2006/07 Program and Budget (Publication No. 360E/PB0607) describes the estimated expenditures for the PCT sector. In a draft of the Program and Budget for 2008/09,

we hope to see a similar table for the biennium 2008/09 together with the revised estimates 2006-2007.

Also, in addition to the expenditures for the PCT sector, we would like to see the percentage of PCT income that corresponds to each of the Receiving Offices.

QUESTION 11: OTHER ISSUES

The results of a comprehensive desk-to-desk needs assessment is expected to be reflected in the Program and Budget for 2008/09. The assessment should be completed as scheduled under conditions in which transparency is secured.

The first draft of the Program and Budget for 2008/09 will be prepared sometime around January – April 2007. As regards the comprehensive desk-to-desk needs assessment, a recommendation is scheduled to be prepared in April, a draft report to come into effect in the first half of May, and a final report to be prepared in the period from the second half of May to the first half of June (see the document PCD/06/033).

We wish to know to what extent the results of the assessment will be reflected in the first draft of the Program and Budget for 2008/09.

We would like to confirm the following points regarding the introduction of IPSAS by WIPO:

- Is it necessary for the PBC or General Assemblies to make any decision regarding when WIPO will introduce IPSAS?
- Is there a possibility for WIPO to introduce IPSAS before the year 2010?
- Are there any financial items other than those relating to QUESTIONS 8 and 9 to in which the possible introduction of an accounting system and procedures compatible with IPSAS can cause major changes in WIPO's financial statements? If so, we would like to know such financial items.

[Annex XI follows]

ANNEX XI

REPLY FROM KYRGYZSTAN

QUESTION 1: STRATEGIC GOALS

The Program and Budget for the 2006/07 Biennium is elaborated on the basis of five strategic goals. These are:

- Strategic Goal One: To Promote an IP Culture
- Strategic Goal Two: To Integrate IP in National Development Policies and Programs
- Strategic Goal Three: Progressive Development of International IP Law
- Strategic Goal Four: Delivery of Quality Services in Global IP Protection Systems
- Strategic Goal Five: Greater Efficiency of Management and Administrative Support Processes within WIPO

Does your Government consider that the program and budget for the 2008/09 biennium should continue to be based on the same strategic goals? If not, please elaborate.

ANSWER 1 - Strategic goals should be kept the same.

QUESTION 2: PROGRAMS

The 2006/07 Program and Budget consists of 31 programs organized under the five strategic goals referred to above. This is illustrated in Annex II (Strategic Framework). Does your Government consider that the 2008/09 Program and Budget should continue to be based on the same programs? Should any program(s) be added? If so, please explain which ones and why. In your opinion, what would be the objective of any suggested new program and what would be the expected results (measurable outcomes)? Should certain programs or groups of programs be consolidated? If so, how?

ANSWER 2 - The Programs should continue to be the same.

Does your Government have any views on the respective level(s) of resources of the program(s) of the Organization? In your Government's view, should any upward or downward adjustment(s) be made?

ANSWER: Taking into account difficulties of transition, we ask to increase expenditures directed to the Program of support of countries with transitional economics for 3-5% annually.

QUESTION 3: PROGRAMMATIC PRIORITIES

Kindly indicate which are the programmatic areas of the Organization's work to which your Government attaches the greatest importance (priorities).

ANSWER 3: The programs on issues of Intellectual Property Rights enforcement and Innovation of social and economic development.

QUESTION 4: EFFICIENCY-GAIN TARGETS

The 2006/07 Program and Budget contains a number of efficiency-gain targets and related benchmarks. These are reproduced in Annex III. Does your Government have suggestions for ways in which these targets and benchmarks can be further improved or extended to apply to other areas of the Organization's work?

ANSWER 4: *No.*

QUESTION 5: RESULTS-BASED BUDGET

The 2006/07 Program and Budget contains a number of objectives, expected results (measurable outcomes) and performance indicators, on a program by program basis. These results frameworks were elaborated to facilitate the assessment of the performance and impact of a given program. Please indicate for which programs you consider a further refinement of the results framework to be necessary. Could you provide examples of objectives, expected results (measurable outcomes) and performance indicators for such programs? Do you consider the quantification of the performance indicators (i.e. targets) to be useful?

—

QUESTION 6: LEVEL OF EXPENDITURE

The 2006/07 Program and Budget represents a 1.5 per cent increase over the revised budget for the 2004/05 biennium. What are the views of your Government on what the evolution of the level of expenditure of the Organization in the 2008/09 biennium should be?

ANSWER 6: *Increase to +2,5-3%.*

QUESTION 7: BUDGETARY POLICY

In the 2006/07 Program and Budget the level of expenditure matches the expected level of income, with no deficit and no surplus. This budgetary balance was welcomed by Member States. Numerous delegations also expressed the wish that budgetary balance should become a policy in the medium term. In the view of your Government, should the 2008/09 Program and Budget continue to be based on full budgetary balance?

ANSWER 7: *Yes.*

QUESTION 8: LEVEL OF RESERVE AND WORKING CAPITAL FUNDS

In the year 2000, Assemblies of the Member States determined that the target level of reserve and working capital funds of the Organization should correspond, on average, to 18 per cent of biennial expenditure (document A/35/15, paragraph 151). In its 2006 report, the External Auditor recommended that this target be reviewed and increased to 25 per cent of biennial expenditure (Report of the Auditor to the Assembly of the Member States of WIPO on the 2004-2005 Biennium, paragraph 57, Recommendation 5). Does your Government consider that the target level of reserve funds should be reassessed by Member States? Should the 2008/09 Program and Budget be based on the target level established by Member States in the year 2000 or should the Secretariat base its proposals for the 2008/09 biennium on the approach recommended by the External Auditor? And, should the Organization generate any surplus in the 2008/09 biennium, would your Government consider that this surplus should remain in the reserves? Or should it be utilized for a specific purpose? If so, which?

ANSWER 8: On recommendations of the External Auditor. The surplus should remain in the reserves.

QUESTION 9: FUTURE ACTUARIAL LIABILITY FOR SEPARATION FROM SERVICE (RETIREMENTS) AND POSTSERVICE MEDICAL BENEFITS

The Organization has contractual obligations to provide staff members with certain benefits at the time of their retirement. The Organization also has a contractual obligation to provide retired staff members with post-service medical benefits. These contractual obligations have long-term financial implications and therefore represent a financial liability for the Organization. With the adoption, by the United Nations system of organizations, by 2010 at the latest, of the International Public Sector Accounting Standards (IPSAS), UN organizations, including WIPO, shall be required to record them in the accounts. As shown in the Financial Management Report for 2004/05, a provision corresponding to six per cent of biennial staff (post) expenditure was made to start covering such liability. Would your Government consider it appropriate that a similar amount be earmarked under the 2008/09 Program and Budget to cover such liability?

ANSWER 9:- It is appropriate.

QUESTION 10: INFORMATION

Is there any other information that your Government would like to see in the draft Program and Budget for 2008/09 document?

ANSWER 10:- No.

QUESTION 11: OTHER ISSUES

Is there any other issue your Government would like to address in the context of the preparation of the next draft Program and Budget of the Organization?

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[Annex XII follows]

ANNEX XII

REPLY FROM LATVIA

Q1 and Q2. Latvia considers that the program and budget for the 2008/09 biennium should continue to be based on the same strategic goals and programmes.

Q3. Programmatic areas of the Organization's work to which we attach the greatest importance are the following:

- Positive public understanding of IP;
- Strategic role of IP for development;
- Enhancing IP's role in development at the national, regional and international level;
- Strengthening IP infrastructure and institutions;
- Strengthening IP human resources; and
- Further development of the PCT system and international registration systems.

Q4. No comments.

Q5. No comments.

Q6. No comments.

Q7. We agree that the 2008/2009 Program and Budget continue to be based on full budgetary balance.

Q8. No comments.

Q9. We agree that similar amount be earmarked under the 2008/09 Program and Budget to cover such liability.

Q10. No.

Q11. No.

[Annex XIII follows]

ANNEXE XIII

RÉPONSE DE MADAGASCAR

QUESTION 1 : OBJECTIFS STRATEGIQUES

Le programme et budget de l'exercice biennal 2006-2007 est élaboré sur la base de cinq objectifs stratégiques, à savoir :

- Objectif stratégique I : Promouvoir une culture de la propriété intellectuelle
- Objectif stratégique II : Intégrer la propriété intellectuelle aux politiques et programmes nationaux de développement*
- Objectif stratégique III : Développement progressif du droit international de la propriété intellectuelle
- Objectif stratégique IV : Fourniture de services de qualité dans le cadre des systèmes mondiaux de protection de la propriété intellectuelle
- Objectif stratégique V : Renforcement de l'efficacité de la direction et de l'appui administratif à l'OMPI

Votre gouvernement estime-t-il que le programme et budget pour l'exercice biennal 2008-2009 devrait continuer de se fonder sur les mêmes objectifs stratégiques? Si tel n'est pas le cas, veuillez préciser.

Oui.

QUESTION 2 : PROGRAMMES

Le programme et budget de l'exercice biennal 2006-2007 est constitué de 31 programmes groupés sous les cinq objectifs stratégiques mentionnés ci-dessus, comme indiqué à l'annexe II (Orientations stratégiques). Votre gouvernement estime-t-il que le programme et budget pour l'exercice biennal 2008-2009 devrait continuer de s'articuler autour des mêmes programmes? Convendrait-il de prévoir un ou plusieurs programmes supplémentaires? Dans l'affirmative, veuillez en indiquer la teneur et la justification. À votre avis, quel serait l'objectif et les résultats escomptés (résultats mesurables) de tout nouveau programme suggéré? Faut-il fusionner certains programmes ou groupes de programme? Dans l'affirmative, de quelle manière?

Après avoir pris note et analysé les données concernant le programme et budget proposé pour l'exercice biennal 2006-2007, il est judicieux de maintenir les 31 programmes en vue d'élaborer le programme et budget pour l'exercice biennal 2008-2009. Il n'est pas nécessaire d'ajouter d'autres programmes supplémentaires.

Votre gouvernement a-t-il un avis à exprimer sur le montant des ressources d'un ou de plusieurs programmes de l'Organisation? Aux yeux de votre gouvernement, faudrait-il procéder à des ajustements à la hausse ou à la baisse?

Il faudrait voir à la hausse le montant des ressources affectées à la réalisation des programmes 3, 6 et 11 à savoir :

- utilisation stratégique de la Propriété intellectuelle au service du développement*
- Afrique, pays Arabes, Asie et Pacifique, Pays d'Amérique latine et des Caraïbes, PMA*
- Académie mondiale de l'OMPI*

QUESTION 3 : ORDRE DE PRIORITE DES PROGRAMMES

Veillez indiquer les domaines de programme de l'Organisation auxquels votre gouvernement attache la plus haute importance (priorités).

Les domaines de programme concernés sont :

- 1) modernisation de l'infrastructure de la Propriété intellectuelle.*
- 2) Renforcement de la capacité d'administration et d'exploitation des actifs de la Propriété intellectuelle.*
- 3) Appui aux PME, aux centres de recherche, aux chercheurs, pour la création et la gestion des actifs de la Propriété intellectuelle.*
- 4) Élaboration de politiques et stratégies nationales en matière de Propriété intellectuelle au service du développement économique.*

QUESTION 4 : OBJECTIFS EN MATIERE DE GAINS D'EFFICACITE

Le programme et budget de l'exercice biennal 2006-2007 contient un certain nombre d'objectifs en matière de gains d'efficacité et de prévisions dans ce domaine, comme indiqué à l'annexe III. Votre gouvernement a-t-il des suggestions à faire concernant les moyens d'améliorer ces objectifs et ces prévisions ou de les étendre à d'autres domaines d'activité de l'Organisation?

Pas de commentaire.

QUESTION 5 : BUDGET AXE SUR LES RESULTATS

Le programme et budget de l'exercice biennal 2006-2007 contient un certain nombre d'objectifs, de résultats escomptés (résultats mesurables) et d'indicateurs d'exécution, présentés programme par programme. Cette présentation des résultats a été élaborée pour faciliter l'évaluation des résultats et de l'incidence de tel ou tel programme. Veuillez indiquer les programmes pour lesquels vous considérez qu'il est nécessaire d'améliorer la présentation des résultats. Pourriez-vous donner des exemples d'objectifs, de résultats escomptés (résultats mesurables) et d'indicateurs d'exécution pour ces programmes? Considérez-vous que les indicateurs d'exécution (objectifs à atteindre) sont utiles?

La présentation des résultats dans chaque programme est claire et explicite. Les indicateurs d'exécution sont plus qu'utiles dans la mesure où ils permettent de contrôler l'exécution d'un programme et d'évaluer les résultats escomptés.

QUESTION 6 : MONTANT DES DEPENSES

Le programme et budget de l'exercice biennal 2006-2007 représente une augmentation de 1,5% par rapport au budget révisé de l'exercice biennal 2004-2005. Selon votre gouvernement, quelle devrait être l'évolution du montant des dépenses de l'Organisation au cours de l'exercice biennal 2008-2009?

Compte tenu d'un ajustement à la hausse du montant des ressources affectées aux programmes 3,6 et 11, cette augmentation devrait être comprise entre 1,5% et 5%.

QUESTION 7 : POLITIQUE BUDGETAIRE

Dans le programme et budget de l'exercice biennal 2006-2007, le montant des dépenses correspond au montant escompté des recettes, sans déficit ni excédent. Les États membres se sont félicités de cet équilibre budgétaire. De nombreuses délégations ont également exprimé le souhait que l'équilibre budgétaire devienne une politique à moyen terme. De l'avis de votre gouvernement, le programme et budget pour l'exercice biennal 2008-2009 devrait-il continuer de reposer sur le principe d'équilibre budgétaire?

Oui.

QUESTION 8 : MONTANT DES FONDS DE RESERVE ET DE ROULEMENT

En 2000, les assemblées des États membres ont décidé que le niveau recommandé des fonds de réserve et de roulement de l'Organisation devrait s'établir, en moyenne, à 18% des dépenses de l'exercice biennal (paragraphe 151 du document A/35/15). Dans son rapport de 2006, le vérificateur externe des comptes a recommandé de réviser cet objectif et de le porter à 25% des dépenses de l'exercice biennal (paragraphe 57 du rapport du vérificateur des comptes à l'Assemblée des États membres de l'OMPI sur l'exercice biennal 2004-2005, recommandation n° 5). Votre gouvernement considère-t-il que le niveau recommandé des fonds de réserve doit être réévalué par les États membres? Le programme et budget pour l'exercice biennal 2008-2009 doit-il se fonder sur le niveau recommandé établi par les États membres en 2000 ou le Secrétariat doit-il fonder ses propositions pour l'exercice biennal 2008-2009 sur la méthode recommandée par le vérificateur externe des comptes? Et, dans le cas où l'Organisation dégagerait un excédent au cours de l'exercice biennal 2008-2009, votre gouvernement considère-t-il que cet excédent devrait être versé au fonds de réserve? Ou faudrait-il l'utiliser à une autre fin? Dans l'affirmative, laquelle?

Le taux 18% devrait faire l'objet d'une réévaluation des États membres. Le programme et budget biennal 2008-2009 devrait tenir compte du taux recommandé par les États membres en 2000 (18%). L'excédent au cours de l'exercice biennal 2008-2009 servirait à financer des actions en faveur des PVD en général et les PMA en particulier.

QUESTION 9 : ENGAGEMENTS ACTUARIELS FUTURS RELATIFS A
LA CESSATION DE SERVICE (DÉPART EN RETRAITE) ET
AUX PRESTATIONS MEDICALES APRES CESSATION DE SERVICE

L'Organisation est dans l'obligation contractuelle de fournir aux membres du personnel certaines prestations au moment de leur départ en retraite. Elle est également tenue de fournir aux membres du personnel retraités des prestations médicales après cessation de service. Ces obligations contractuelles ont des incidences financières à long terme qui représentent par conséquent un engagement financier pour l'Organisation. Avec l'adoption par le système des Nations Unies, d'ici 2010 au plus tard, des normes comptables pour le secteur public international, les organismes des Nations Unies, y compris l'OMPI, devront porter ces engagements en comptes. Comme indiqué dans le rapport de gestion financière pour 2004-2005, une provision équivalant à 6% des dépenses biennales de personnel (postes) a été constituée en vue de commencer à subvenir à ces engagements. Votre gouvernement estimerait-il judicieux d'affecter un montant similaire dans le cadre du programme et budget pour l'exercice biennal 2008-2009 en vue de subvenir à ces engagements?

Pas de problème.

QUESTION 10 : INFORMATIONS

Votre gouvernement souhaiterait-il voir figurer d'autres informations dans le projet de programme et budget pour l'exercice biennal 2008-2009?

Inclure les information relatives à la répartition des budgets alloués à un programme donné pour chaque État membre susceptible d'être bénéficiaire, le cas échéant.

QUESTION 11 : AUTRES QUESTIONS

Votre gouvernement souhaiterait-il voir aborder toute autre question dans le contexte de la préparation du prochain projet de programme et budget de l'Organisation?

Aucune autre question

[L'annexe XIV suit]

ANNEX XIV

REPLY FROM THE NETHERLANDS

QUESTION 1: STRATEGIC GOALS

The Program and Budget for the 2006/07 Biennium is elaborated on the basis of five strategic goals. These are:

- Strategic Goal One: To Promote an IP Culture
- Strategic Goal Two: To Integrate IP in National Development Policies and Programs
- Strategic Goal Three: Progressive Development of International IP Law
- Strategic Goal Four: Delivery of Quality Services in Global IP Protection Systems
- Strategic Goal Five: Greater Efficiency of Management and Administrative Support Processes within WIPO

Does your Government consider that the program and budget for the 2008/09 biennium should continue to be based on the same strategic goals? If not, please elaborate.

*The Netherlands would favour the reformulations of strategic goals 1 and 3 as follows:
Strategic Goal One: promote creative intellectual activity (instead of to promote an IP Culture)*

Strategic Goal Three: further development of International IP Law, taking into account different levels of development (instead of progressive development of IP Law)

The Netherlands aims for policy-coherence for development. This means that we want to take interests of developing countries into account when we are designing national policies and when we are formulating our position for international negotiations. Since we have been active in the discussions on the development agenda we would like to adjust the strategic goals in the proposed way.

Under strategic goal one we have taken the goal as laid down in article 1 of the Agreement between WIPO and the UN when WIPO became a specialised agency of the UN in 1974. Under strategic goal three Development of International IP law should take account of the interests of all the members of the international IP community. By adding this sentence, this might be better possible.

QUESTION 2: PROGRAMS

The 2006/07 Program and Budget consists of 31 programs organized under the five strategic goals referred to above. This is illustrated in Annex II (Strategic Framework). Does your Government consider that the 2008/09 Program and Budget should continue to be based on the same programs? Should any program(s) be added? If so, please explain which ones and why. In your opinion, what would be the objective of any suggested new program and what would be the expected results (measurable outcomes)? Should certain programs or groups of programs be consolidated? If so, how?

Does your Government have any views on the respective level(s) of resources of the program(s) of the Organization? In your Government's view, should any upward or downward adjustment(s) be made?

No comment.

QUESTION 3: PROGRAMMATIC PRIORITIES

Kindly indicate which are the programmatic areas of the Organization's work to which your Government attaches the greatest importance (priorities).

No specific priorities

QUESTION 4: EFFICIENCY-GAIN TARGETS

The 2006/07 Program and Budget contains a number of efficiency-gain targets and related benchmarks. These are reproduced in Annex III. Does your Government have suggestions for ways in which these targets and benchmarks can be further improved or extended to apply to other areas of the Organization's work?

The view of the Netherlands is that the proposals set out in Annex III could possibly be improved upon through the use of national examples/precedents. The Netherlands would need more information to be able to judge whether targets and benchmarks could be extended to other areas of the organisation.

QUESTION 5: RESULTS-BASED BUDGET

The 2006/07 Program and Budget contains a number of objectives, expected results (measurable outcomes) and performance indicators, on a program by program basis. These results frameworks were elaborated to facilitate the assessment of the performance and impact of a given program. Please indicate for which programs you consider a further refinement of the results framework to be necessary. Could you provide examples of objectives, expected results (measurable outcomes) and performance indicators for such programs? Do you consider the quantification of the performance indicators (i.e. targets) to be useful?

No comment

QUESTION 6: LEVEL OF EXPENDITURE

The 2006/07 Program and Budget represents a 1.5 per cent increase over the revised budget for the 2004/05 biennium. What are the views of your Government on what the evolution of the level of expenditure of the Organization in the 2008/09 biennium should be?

The usual starting point of the Netherlands is zero nominal growth but it is difficult to comment in the absence of a 5 (or even 10) year corporate plan giving a clear sense of 'destination', the strategies to reach that destination and the operating plans to implement such strategies, together with underlying bases, assumptions & risk factors.

QUESTION 7: BUDGETARY POLICY

In the 2006/07 Program and Budget the level of expenditure matches the expected level of income, with no deficit and no surplus. This budgetary balance was welcomed by Member States. Numerous delegations also expressed the wish that budgetary balance should become a policy in the medium term. In the view of your Government, should the 2008/09 Program and Budget continue to be based on full budgetary balance?

Again, without a corporate plan this question is difficult to answer. The question also relates to questions 8 & 9. Member states are unlikely to welcome a deficit on the one hand and paying customers aren't likely to welcome a large surplus on the other .

QUESTION 8: LEVEL OF RESERVE AND WORKING CAPITAL FUNDS

In the year 2000, Assemblies of the Member States determined that the target level of reserve and working capital funds of the Organization should correspond, on average, to 18 per cent of biennial expenditure (document A/35/15, paragraph 151). In its 2006 report, the External Auditor recommended that this target be reviewed and increased to 25 per cent of biennial expenditure (Report of the Auditor to the Assembly of the Member States of WIPO on the 2004-2005 Biennium, paragraph 57, Recommendation 5). Does your Government consider that the target level of reserve funds should be reassessed by Member States? Should the 2008/09 Program and Budget be based on the target level established by Member States in the year 2000 or should the Secretariat base its proposals for the 2008/09 biennium on the approach recommended by the External Auditor? And, should the Organization generate any surplus in the 2008/09 biennium, would your Government consider that this surplus should remain in the reserves? Or should it be utilized for a specific purpose? If so, which?

As to the level of reserve , the external auditors recommended that reserves should be equivalent to 6 months expenditure (Recommendation 5, para 57 of their report on the 04/05 biennium). However, the rationale for this recommendation is not clear without corporate plan context or explanation of the risk factors involved. The Netherlands would only be able to answer these questions when it fully understands the rationale for the recommendation.

QUESTION 9: FUTURE ACTUARIAL LIABILITY FOR SEPARATION FROM SERVICE (RETIREMENTS) AND POSTSERVICE MEDICAL BENEFITS

The Organization has contractual obligations to provide staff members with certain benefits at the time of their retirement. The Organization also has a contractual obligation to provide retired staff members with post-service medical benefits. These contractual obligations have long-term financial implications and therefore represent a financial liability for the Organization. With the adoption, by the United Nations system of organizations, by 2010 at the latest, of the International Public Sector Accounting Standards (IPSAS), UN organizations, including WIPO, shall be required to record them in the accounts. As shown in the Financial Management Report for 2004/05, a provision corresponding to six per cent of biennial staff (post) expenditure was made to start covering such liability. Would your Government consider it appropriate that a similar amount be earmarked under the 2008/09 Program and Budget to cover such liability?

Apparently only 6% of liability was provided in 04/05. From 2010 onwards IPSAS accounting standards will require full disclosure. The Netherlands thinks it would be useful if liabilities would start to be disclosed from now on and if consideration starts to be given now on how to finance these liabilities.

QUESTION 10: INFORMATION

Is there any other information that your Government would like to see in the draft Program and Budget for 2008/09 document?

The Netherlands would like to suggest that for the executive summary of the (draft) Program and Budget contains the following key elements:

- *Size of the overall regular budget.*
- *How it compares to the budget of the previous biennium in cash and percentage terms, excluding any assumptions for inflation.*
- *How spending is linked to results.*
- *Any key changes in the budget, with explanations why.*
- *Budget risk factors.*
- *A maximum of 3 or 4 statistical tables showing:*
 - *Total budget, disaggregated by main budget headings eg strategic objectives, human resources.*
 - *How the budget compares overall and across individual budget headings to the previous budget both in cash and percentage terms excluding inflation assumptions.*

- *The extent to which increases are due to inflation and how inflation rates are calculated and sourced on the assumption that different inflation rates may apply to different regions.*
- *How the budget overall and against individual budget headings is delegated between headquarters and field offices.*
- *How Human Resources are shared between headquarters and field offices in terms of staff numbers, grade, status, gender and costs.*
- *Efficiency gains eg by reducing expenditure on travel, more efficient ways of working, information technology.*
- *The Budget should also show, with clear timescales and proposed resources, how it intends to move forward on reform and modern management practices, particularly in regard to results-based management (RBM). Such as:*
 - *an effective Human Resources strategy for WIPO.*
 - *monitoring progress towards results.*
 - *ensuring that WIPO's objectives are specific, measurable, and time bound.*
 - *moving away from defining objectives in a 'top-down' manner to a process which fully engages, and secures the commitment of, senior managers; and where objectives cascade down to all levels of the Organisation.*
 - *an accommodation strategy.*

QUESTION 11: OTHER ISSUES

Is there any other issue your Government would like to address in the context of the preparation of the next draft Program and Budget of the Organization?

No comment

[Annex XV follows]

ANNEXE XV

REPLY FROM NORWAY

QUESTION 3: PROGRAMMATIC PRIORITIES

Kindly indicate which are the programmatic areas of the Organization's work to which your Government attaches the greatest importance (priorities).

ANSWER:

Norway would like to highlight the following Priority Areas III. A and B and IV. A and B.

With regard to the latter (IV. B) we would like to mention serious concerns with the fee system of the Geneva Act of the Hague Treaty which is poorly adapted to the operations of designs office like we have in Norway and the Nordic countries.

[Annex XVI follows]

ANNEXE XVI

REPLY FROM ROMANIA

Question 1.

The Romanian Government considers that the program and budget for the 2008/09 biennium should continue to be based on the same strategic goals, due to their importance.

Question 2.

It is appraised that the 2008/09 Program and Budget should continue to be based on the same programs taking into account not only their significance, but also their coverage provided to Intellectual Property. On the basis of these reasons, it is not necessary that new programs to be added for the next couple of years.

Our Government assesses that the respective level of resources of the programs of the Organization are appropriate and it is not necessary to be made any upward or downward adjustments.

Question 3.

The programmatic areas of the Organization's work to which our Government attaches the greatest importance are the following:

- a) To promote an IP Culture;
- b) To integrate IP in National Development Policies and Programs;
- c) Progressive Development of International IP Law.

Question 4.

We have to mention the facts that in Annex III the ways in which the targets and benchmarks can be further improved are rightly stipulated, fitting with our Government proposals.

Question 5.

The objectives, expected results and performance indicators included in 2006/07 Program and Budget are not only proper detailed, but also comprehensive. For this reason it is our view that is not necessary a further refinement.

Moreover, the quantification of the performance indicators is extremely necessary for their better and accurate assessment.

Question 6.

Bearing in mind the great importance of the intellectual property issues for the development of the society, we appreciate that the level of expenditure of the Organization in the 2008/09 biennium should be increased.

Question 7.

Due to the good practice experience gained, it is considered that the 2008/09 Program and Budget should continue to be based on full budgetary balance.

Question 8.

On the one hand, it is appreciated that the target level of reserve funds should be reassessed by the Member States and on the other hand the Secretariat should base its proposals for the 2008/09 biennium on the approach recommended by the External Auditor. Moreover, in case of a surplus, this should remain in the reserve.

Question 9.

Our opinion is that a similar amount should be earmarked under the 2008/09 Program and Budget for covering the liability.

Question 10.

It is our belief that the same information included in the 2006/07 draft Program and Budget will be adequate for the 2008/09 document.

Question 11.

At present, we have no issues that we like to address in the context of the preparation of the next draft Program and Budget of the Organization.

[Annex XVII follows]

ANNEXE XVII

REPLY FROM THE RUSSIAN FEDERATION

Question 1: Strategic Goals

The Russian Delegation considers that in general the Program and Budget for the 2008/2009 biennium could be based on the same 5 strategic goals that the Program and Budget for the 2006/2007 biennium.

Question 2: Programs

The Russian Delegation considers that the same programs (31) could be applied for the Program and Budget for the 2008/2009 biennium unless the member states submit any other proposals.

The Russian Delegation proposes to increase the level of financing of Program 7 “Certain Countries in Europe and Asia”, Program 10 “IPR Enforcement”, and Program 11 “The WIPO Worldwide Academy” and/or other relevant programs due to additional activities within the framework of functioning of these programs. The proposals on the increasing of the level of financing of these programs will be submitted by the Russian Party in the course of the negotiations with the special representatives of the Director General of WIPO to be held in Moscow, November 8, 2006.

Question 3: Programmatic Priorities

The Russian Delegation proposes *inter alia* the following priorities of the Organization’s work:

- **Enforcement**
- **Training the specialists in the IP field**

Question 4: Efficiency-Gain Targets

The Russian Delegation considers that among 5 targets reproduced in Annex III only the target on the Ratio of PCT staff to number of PCT applications reflects in full the efficiency of the Organization’s work. The other targets could be considered to be actual for the 2006/2007 biennium, but for the 2008/2009 biennium the other targets aimed to decrease overhead charges should be proposed.

Question 5: Results-Based Budget

As it was stated at the 42 series of Meetings of the Assemblies of the member states of WIPO by the Russian Delegation the results of any program should be more visible. We feel the lack of information for a proper reply to this question.

The reply is positive, the Russian Delegation considers the quantification of the performance indicators to be useful.

Question 6: Level of Expenditure

The Russian Delegation considers the Program and Budget for the 2008-2009 Biennium to be based on the principle of the balance of incomes and expenditures. At present the Russian Delegation does not have actual information on the evolution of the level of the expenditure of the Organization in 2006 that does not allow us to evaluate the validity of the chosen level of increasing expenditures and extension of the indicated level of expenditure for the 2008/2009 biennium.

Question 7: Budgetary Policy

The Russian Delegation supports those approaches based on the principle of the balance of incomes and expenditures. We consider that the 2008/2009 Program and Budget should continue to be based on full budgetary balance.

Question 8: Level of Reserve and Working Capital Funds

The Russian Delegation considers that the target level of reserve and working capital funds for 2008/2009 Program and Budget should correspond to 18 per cent of biennial expenditure established by the Assemblies of the Member States in 2000. In case of generating any surplus we consider it possible to utilize such surplus for increasing the level of reserve funds up to the level not exceeding 25 %. The Russian Party is ready to discuss any other proposals as to utilize surplus. We consider that the proposals on utilizing surplus for a specific purpose should be determined by the Member States at the Assemblies.

Question 9: Future Actuarial Liability for Separation from Service (Retirements) and Post Service Medical Benefits

The Russian Delegation has no objections to account expenditures related to the obligations to provide staff members of the Organization with certain benefits at the time of their retirement.

Question 10: Information

Question 11: Other issues

The replies to the Questions 10 and 11 will be given by the Russian Party to the special representatives of the Director General of WIPO during the negotiations to be held in Moscow, November 8, 2006 and considered to be duly formulated by WIPO officials and be included in the Director General's outline document which will be reviewed at the informal session of the Program and Budget Committee scheduled to take place in December 2006.

[Annex XVIII follows]

ANNEXE XVIII

RÉPONSE DE LA SUISSE

QUESTION 1: OBJECTIFS STRATÉGIQUES

Le programme et budget de l'exercice biennal 2006-2007 est élaboré sur la base de cinq objectifs stratégiques, à savoir :

Objectif stratégique I : Promouvoir une culture de la propriété intellectuelle

Objectif stratégique II : *Intégrer la propriété intellectuelle aux politiques et programmes nationaux de développement*

Objectif stratégique III : Développement progressif du droit international de la propriété intellectuelle

Objectif stratégique IV : Fourniture de services de qualité dans le cadre des systèmes mondiaux de protection de la propriété intellectuelle

Objectif stratégique V : Renforcement de l'efficacité de la direction et de l'appui administratif à l'OMPI

Votre gouvernement estime-t-il que le programme et budget pour l'exercice biennal 2008-2009 devrait continuer de se fonder sur les mêmes objectifs stratégiques? Si tel n'est pas le cas, veuillez préciser.

Réponse: **Le programme et budget pour l'exercice biennal 2008-2009 doit continuer de se fonder sur les mêmes objectifs stratégiques que ceux élaborés pour le programme et budget biennal 2006-2007.** Ceux-ci couvrent en effet de façon adéquate les diverses facettes du mandat de l'OMPI et assurent un équilibre entre ces dernières, en prévoyant d'une part de *promouvoir une culture de la propriété intellectuelle* (Objectif stratégique I) et d'*intégrer la propriété intellectuelle aux politiques et programmes nationaux de développement* (objectif stratégique II) et d'autre part, en assurant le *développement progressif du droit international de la propriété intellectuelle* (objectif stratégique III) et la *fourniture de services de qualité dans le cadre des systèmes mondiaux de protection de la propriété intellectuelle* (Objectif stratégique IV).

Comme pour l'actuel exercice financier, ces objectifs semblent donc, de notre point de vue, aptes à répondre aux divers défis qui attendent l'OMPI et ses Pays membres lors du prochain biennium et à lui permettre de tenir son rôle de leader en matière de propriété intellectuelle sur la scène internationale. Dans la mesure toutefois où la gestion et le développement des systèmes mondiaux de protection de la propriété intellectuelle constituent l'essentiel des ressources financières de l'OMPI, **il conviendra lors du prochain exercice biennal que les objectifs stratégiques III, IV et V soient tout particulièrement priorités** (voir aussi réponses 2 et 3).

Le maintien de ces objectifs et des domaines de programmes y relatifs permettra en outre d'inscrire dans la durée les activités de l'OMPI et d'en contrôler l'évolution d'un biennium à l'autre.

QUESTION 2: PROGRAMMES

Le programme et budget de l'exercice biennal 2006-2007 est constitué de 31 programmes groupés sous les cinq objectifs stratégiques mentionnés ci-dessus, comme indiqué à l'annexe II (Orientations stratégiques).

Votre gouvernement estime-t-il que le programme et budget pour l'exercice biennal 2008-2009 devrait continuer de s'articuler autour des mêmes programmes?

Conviendrait-il de prévoir un ou plusieurs programmes supplémentaires? Dans l'affirmative, veuillez en indiquer la teneur et la justification. À votre avis, quel serait l'objectif et les résultats escomptés (résultats mesurables) de tout nouveau programme suggéré?

Faut-il fusionner certains programmes ou groupes de programme? Dans l'affirmative, de quelle manière?

Votre gouvernement a-t-il un avis à exprimer sur le montant des ressources d'un ou de plusieurs programmes de l'Organisation? Aux yeux de votre gouvernement, faudrait-il procéder à des ajustements à la hausse ou à la baisse?

Réponse: Le programme et budget pour l'exercice biennal 2008-2009 doit continuer de s'articuler autant que faire se peut autour des mêmes programmes que pour l'exercice biennal 2006-2007. Il n'est a priori pas nécessaire d'ajouter de nouveaux programmes ou d'en fusionner. La structure actuelle des programmes, qui a été retravaillée par le Secrétariat à l'occasion de l'élaboration de l'actuel programme et budget, semble être bien adaptée pour couvrir les diverses activités de l'Organisation.

Il est en outre important que la présentation du programme et budget et **la répartition des activités de l'OMPI entre les divers programmes se stabilisent enfin, afin de permettre un suivi plus efficace d'un biennium à l'autre** en ce qui concerne les résultats escomptés et ceux atteints, ainsi que les ressources financières et en personnel allouées aux divers programmes et leur fluctuation d'un biennium à l'autre (voir aussi réponse 1).

Il va sans dire qu'il revient au Secrétariat de l'OMPI de proposer aux Pays membres le montant des ressources qu'il estime nécessaire d'allouer à chaque programme dans le cadre de sa proposition globale de programme et budget pour le prochain biennium, compte tenu des ressources à sa disposition. Dans ce contexte, il conviendra que le Secrétariat tienne compte des problèmes qui ont pu être constatés dans l'exécution de certains programmes dans le cadre de l'exercice biennal en cours et qui n'auraient pas pu être surmontés pour assurer l'allocation de ressources suffisantes et adéquates à ces programmes à l'avenir et des programmes jugés prioritaires. A ce titre et vu l'importance que les objectifs stratégiques III, IV et V revêtent pour l'OMPI et pour le système mondial, les éléments suivants doivent, à notre sens, être examinés avec une attention toute particulière dans l'établissement du prochain programme et budget :

- Les programmes relatifs aux **systèmes d'enregistrements internationaux des titres de propriété intellectuelle** devront recevoir des ressources adéquates et suffisantes, tant sur le plan financier qu'en matière de personnel qualifié, sans oublier l'appui technique et logistique nécessaires au bon fonctionnement de ces systèmes (programmes 16, 17,18).

A ce titre, il conviendra que le prochain biennium mobilise les ressources humaines et techniques nécessaires pour que les **déficiences actuellement constatées dans la gestion du système d'enregistrement de Madrid** puissent être surmontées, si cela n'a pas pu être fait dans le cadre du biennium en cours, ce qui serait hautement requis. Ces déficiences concernent notamment des retards dans le traitement des demandes internationales, des désignations postérieures et des modifications; une qualité insuffisante des reproductions dans le registre international et dans la gazette; une application trop disparate des principes du système de Madrid entre les divers Pays membres (notamment en matière d'acceptation de listes de produits et services); un examen trop mécanique de la part de l'OMPI des listes de produits et services. Pour surmonter ces déficiences la combinaison de diverses mesures devrait être envisagée,

par exemple: l'allocation de ressources humaines suffisantes et qualifiées, en privilégiant un redéploiement interne du personnel; les mesures visant à encourager l'utilisation de communications électroniques entre les offices nationaux et l'OMPI; la formation au niveau des Pays membres pour une application uniforme des principes du système de Madrid. Les travaux en cours pour le **développement juridique du système de Madrid** viendront apporter, eux aussi, des éléments utiles pour rendre le système de Madrid encore plus attractif et performant, il conviendra donc ici aussi d'attacher des ressources suffisantes à cette activité.

Parmi les mesures concrètes à envisager pour le prochain biennium, il conviendra aussi d'assurer que la **répartition linguistique du personnel affecté aux divers systèmes d'enregistrement corresponde davantage aux besoins linguistiques actuels de l'OMPI**, autrement dit en fonction des pays qui sont les plus grands utilisateurs des divers systèmes. A ce titre, on peut par exemple relever actuellement que des dotations suffisantes en personnel maîtrisant le coréen et le chinois seraient nécessaires pour le PCT. Sans obligatoirement passer par une augmentation des effectifs, cette mesure pourrait être mise en œuvre par une **nouvelle clé de répartition des langues qui tienne compte des nouveaux besoins linguistiques à la lumière des développements des divers systèmes d'enregistrement dans le cadre des ressources existantes**.

- Il convient en outre que le Secrétariat poursuive les efforts entrepris lors du précédent exercice financier pour assurer une **saine gestion de l'Organisation, qu'il poursuive ses mesures d'économie et d'augmentation de l'efficacité** (programmes 22 à 31) **et qu'il mette en œuvre les recommandations résultant des audits effectués sur l'OMPI** en 2005 et dans le cadre de l'évaluation bureau par bureau à venir, selon les décisions des organes compétents et les engagements pris directement par le Secrétariat. Le programme et budget du prochain biennium devra donc intégrer les mesures nécessaires pour assurer la mise en œuvre de ces audits.
- **Des moyens adéquats et suffisants doivent aussi être alloués au développement progressif du droit international de la propriété intellectuelle** (programmes 12 à 15). Outre la poursuite des travaux déjà lancés par l'OMPI en matière de **brevets** (harmonisation du droit matériel des brevets, programme 12), de droit des **marques** (travaux du SCT, programme 13) et de **droit d'auteur** (traités sur les radiodiffuseurs et sur l'audiovisuel, programme 14), la Suisse attache une grande importance aux travaux en cours à l'OMPI dans le **Comité intergouvernemental de la propriété intellectuelle relative aux ressources génétiques, aux savoirs traditionnels et au folklore (IGC)** et cela pour les 3 secteurs relevant de la compétence de ce comité (programme 15), il conviendra donc que des ressources suffisantes soient allouées pour que les divers travaux menés par l'IGC puissent dûment progresser lors du prochain biennium.
- La propriété intellectuelle ne peut atteindre ses buts et déployer tous ses effets positifs que si elle est mise en œuvre de façon efficace. C'est pourquoi, il conviendra d'attacher à l'avenir une importance toute particulière aux questions concernant **la mise en œuvre des droits de propriété intellectuelle en général** et plus spécifiquement dans le cadre des travaux du Comité consultatif sur l'application des droits (programme 10). Il est certes utile de mettre à disposition un forum global pour permettre un dialogue sur les politiques de mise en œuvre des droits de propriété intellectuelle, mais il est tout aussi important de cibler les travaux du programme 10 en ce qui concerne **l'assistance aux Pays membres pour renforcer leurs systèmes et infrastructures et accroître la sensibilité du public**. Les travaux au sein du Comité consultatif sur l'application des droits devraient en outre prévoir des buts stratégiques clairs et mesurables. Il conviendra donc d'allouer des ressources suffisantes pour assurer la poursuite des travaux dans ce programme lors du prochain biennium.

QUESTION 3 : ORDRE DE PRIORITÉ DES PROGRAMMES

Veillez indiquer les domaines de programme de l'Organisation auxquels votre gouvernement attache la plus haute importance (priorités).

Réponse: Vu l'importance que les objectifs stratégiques II, IV et V revêtent pour l'OMPI, il conviendra d'attacher une importance prioritaire aux domaines de programmes suivants dans le prochain exercice biennal (voir aussi réponse 2) :

- **Fonctionnement efficace des divers systèmes d'enregistrement internationaux des titres de propriété intellectuelle** (programmes 16, 17,18) et en particulier:
 - l'attribution de ressources adéquates et suffisantes, tant sur le plan financier qu'en matière de personnel qualifié, sans oublier l'appui technique et logistique nécessaires pour le bon fonctionnement des divers systèmes d'enregistrement (programmes 16, 17,18);
 - les mesures visant à remédier aux déficiences actuelles du système de Madrid (programme 18);
 - les travaux en cours sur le développement juridique du système de Madrid.
- **Poursuite des efforts pour assurer une gestion saine et efficace de l'Organisation** (programmes 22 à 31).
- **Développement progressif du droit international de la propriété intellectuelle** (programmes 12 à 15) et en particulier :
 - en matière de **brevets** (harmonisation du droit matériel des brevets, programme 12)
 - en matière de **droit d'auteur** (traités sur les radiodiffuseurs et sur l'audiovisuel, programme 14),
 - sur le droit des **marques** (travaux futures du SCT, programme 13)
 - en matière de **ressources génétiques, savoirs traditionnels et folklore** (travaux en cours dans l'IGC pour les 3 secteurs relevant de sa compétence; programme 15).
- **Mise en œuvre des droits de propriété intellectuelle** (programme 10) et en particulier:
 - travaux du Comité consultatif sur l'application des droits (avec définition de buts stratégiques clairs et mesurables);
 - assistance aux Pays membres pour renforcer leurs systèmes et infrastructures et accroître la sensibilité du public.

QUESTION 4: OBJECTIFS EN MATIÈRE DE GAINS D'EFFICACITÉ

Le programme et budget de l'exercice biennal 2006-2007 contient un certain nombre d'objectifs en matière de gains d'efficacité et de prévisions dans ce domaine, comme indiqué à l'annexe III. Votre gouvernement a-t-il des suggestions à faire concernant les moyens d'améliorer ces objectifs et ces prévisions ou de les étendre à d'autres domaines d'activité de l'Organisation?

Réponse: A titre préliminaire, nous souhaiterions indiquer que les informations figurant dans l'annexe III doivent être considérées comme des mesures d'économie, plutôt que comme des gains d'efficacité.

Les éléments de l'annexe III portent sur des coûts moyens, il serait donc utile qu'ils portent également sur des coûts globaux par nature.

Dans le prolongement des audits effectués en 2005 et de l'évaluation bureau par bureau qui doit encore être menée, il conviendra que le Secrétariat fournisse des rapports réguliers aux Pays membres sur la façon dont les enseignements/recommandations de ces audits ont été mis en œuvre pour minimiser les ressources utilisées pour effectuer les diverses activités de

l'Organisation, tout en assurant une qualité et une efficacité optimales de ces activités pour que les enseignements de ces audits puissent être suivis d'effets dans le long terme.

QUESTION 5: BUDGET AXÉ SUR LES RÉSULTATS

Le programme et budget de l'exercice biennal 2006-2007 contient un certain nombre d'objectifs, de résultats escomptés (résultats mesurables) et d'indicateurs d'exécution, présentés programme par programme. Cette présentation des résultats a été élaborée pour faciliter l'évaluation des résultats et de l'incidence de tel ou tel programme. Veuillez indiquer les programmes pour lesquels vous considérez qu'il est nécessaire d'améliorer la présentation des résultats. Pourriez-vous donner des exemples d'objectifs, de résultats escomptés (résultats mesurables) et d'indicateurs d'exécution pour ces programmes? Considérez-vous que les indicateurs d'exécution (objectifs à atteindre) sont utiles?

Réponse : Il est essentiel pour le prochain biennium de fixer des conditions-cadres, des indicateurs d'exécution plus précis pour les divers programmes et des jalons pour mieux appréhender l'avancement des programmes en cours d'exercice et obtenir après sa clôture une présentation des résultats des divers programmes plus transparente, opérationnelle et mesurable qu'elle ne l'est actuellement.

QUESTION 6: MONTANT DES DÉPENSES

Le programme et budget de l'exercice biennal 2006-2007 représente une augmentation de 1,5% par rapport au budget révisé de l'exercice biennal 2004-2005. Selon votre gouvernement, quelle devrait être l'évolution du montant des dépenses de l'Organisation au cours de l'exercice biennal 2008-2009?

Réponses: Il va sans dire que dans le cadre de l'établissement du programme et budget, **les dépenses doivent être fixées en fonction des recettes et non pas le contraire**. Il convient donc que l'OMPI dispose de projections fiables sur les recettes escomptées pour pouvoir déterminer ensuite avec plus de sécurité le niveau des dépenses à envisager. Il serait utile dans ce contexte que les Pays membres disposent d'informations actualisées sur les nouveaux mécanismes mis en place ces dernières années pour estimer les recettes des unions d'enregistrement et leur taux de fiabilité.

L'augmentation des dépenses ne devrait toutefois pas dépasser le 75% de l'augmentation des recettes, si le Comité du programme et budget et les assemblées veulent à l'avenir suivre la recommandation du vérificateur externe concernant la fixation du taux des réserves à 25% (rapport du vérificateur externe relatif à l'exercice 2004-2005). Voir aussi dans ce contexte les réponses 8 et 9.

QUESTION 7: POLITIQUE BUDGÉTAIRE

Dans le programme et budget de l'exercice biennal 2006-2007, le montant des dépenses correspond au montant escompté des recettes, sans déficit ni excédent. Les États membres se sont félicités de cet équilibre budgétaire. De nombreuses délégations ont également exprimé le souhait que l'équilibre budgétaire devienne une politique à moyen terme. De l'avis de votre gouvernement, le programme et budget pour l'exercice biennal 2008-2009 devrait-il continuer de reposer sur le principe d'équilibre budgétaire?

Réponse: Le budget 2006-2007 de l'OMPI était équilibré, après quatre exercices biennaux consécutifs caractérisés par des budgets déficitaires. En outre, il ne comportait qu'une faible augmentation, en termes nominaux, par rapport au budget 2004-2005 (CHF 531 millions par rapport à CHF 523 millions, soit +1,5%). **Il convient que cette politique, qui correspond à**

l'idée de "croissance réelle zéro" (plus ou moins), soit maintenue pour le prochain biennium.

QUESTION 8: MONTANT DES FONDS DE RÉSERVE ET DE ROULEMENT

En 2000, les assemblées des États membres ont décidé que le niveau recommandé des fonds de réserve et de roulement de l'Organisation devrait s'établir, en moyenne, à 18% des dépenses de l'exercice biennal (paragraphe 151 du document A/35/15). Dans son rapport de 2006, le vérificateur externe des comptes a recommandé de réviser cet objectif et de le porter à 25% des dépenses de l'exercice biennal (paragraphe 57 du rapport du vérificateur des comptes à l'Assemblée des États membres de l'OMPI sur l'exercice biennal 2004-2005, recommandation n° 5).

Votre gouvernement considère-t-il que le niveau recommandé des fonds de réserve doit être réévalué par les États membres? Le programme et budget pour l'exercice biennal 2008-2009 doit-il se fonder sur le niveau recommandé établi par les États membres en 2000 ou le Secrétariat doit-il fonder ses propositions pour l'exercice biennal 2008-2009 sur la méthode recommandée par le vérificateur externe des comptes? Et, dans le cas où l'Organisation dégagerait un excédent au cours de l'exercice biennal 2008-2009, votre gouvernement considère-t-il que cet excédent devrait être versé au fonds de réserve? Ou faudrait-il l'utiliser à une autre fin? Dans l'affirmative, laquelle?

Réponse: La recommandation contenue dans le rapport du vérificateur externe relatif à l'exercice 2004-2005, consistant à dire qu'il faut aller dans le sens d'une augmentation des fonds de réserve, s'inscrit dans le sens de la prudence. Compte tenu de la particularité de la structure des recettes de l'OMPI et de l'entrée en vigueur attendue des normes comptables IPSAS, il conviendra d'examiner plus en avant cette recommandation.

QUESTION 9: ENGAGEMENTS ACTUARIELS FUTURS RELATIFS À LA CESSATION DE SERVICE (DÉPART EN RETRAITE) ET AUX PRESTATIONS MÉDICALES APRÈS CESSATION DE SERVICE

L'Organisation est dans l'obligation contractuelle de fournir aux membres du personnel certaines prestations au moment de leur départ en retraite. Elle est également tenue de fournir aux membres du personnel retraités des prestations médicales après cessation de service. Ces obligations contractuelles ont des incidences financières à long terme qui représentent par conséquent un engagement financier pour l'Organisation. Avec l'adoption par le système des Nations Unies, d'ici 2010 au plus tard, des normes comptables pour le secteur public international, les organismes des Nations Unies, y compris l'OMPI, devront porter ces engagements en comptes. Comme indiqué dans le rapport de gestion financière pour 2004-2005, une provision équivalant à 6% des dépenses biennales de personnel (postes) a été constituée en vue de commencer à subvenir à ces engagements.

Votre gouvernement estimerait-il judicieux d'affecter un montant similaire dans le cadre du programme et budget pour l'exercice biennal 2008-2009 en vue de subvenir à ces engagements?

Réponse: Dans le prolongement de la réponse 8, il conviendra d'examiner plus en avant une telle affectation dans le biennium 2008-2009 pour permettre à l'OMPI de subvenir au mieux à ses engagements actuariels futurs relatifs à la cessation de service (départ en retraite) et aux prestations médicales après cessation de service, car elle répond au principe de prudence, compte tenu de la particularité de la structure des recettes de l'OMPI et de l'entrée en vigueur attendue des normes comptables IPSAS.

QUESTION 10: INFORMATIONS

Votre gouvernement souhaiterait-il voir figurer d'autres informations dans le projet de programme et budget pour l'exercice biennal 2008-2009?

Réponse: De façon générale, des informations chiffrées plus détaillées sont souhaitables pour le projet de programme et budget pour l'exercice biennal 2008-2009. Cela pourrait se faire par la présentation d'un **plan comptable** qui nous permettrait de mieux suivre l'affectation des ressources et les coûts des diverses prestations, tout en fournissant des informations détaillées sur les affectations de personnel pour les divers programmes et les diverses classes de salaires. Le **détail de la répartition des charges par Union** et le **détail des clés de répartition** sont également des informations centrales qui doivent figurer à l'avenir dans le projet de programme et budget. Il serait également utile d'avoir un **organigramme détaillé de l'Organisation** (avec la mention des diverses divisions et services; la mention des personnes qui en sont responsables et une indication du nombre de personnes employées à long terme, sur base de contrats à durée déterminée ou sur la base de contrats temporaires portant sur une période de plus de 6 mois p.ex.. renouvellements inclus) et qu'il montre l'évolution du personnel d'un biennium à l'autre.

Question 11: Autres questions

Votre gouvernement souhaiterait-il voir aborder toute autre question dans le contexte de la préparation du prochain projet de programme et budget de l'Organisation?

Réponse: ----

[l'annexe XIX suit]

ANNEX XIX

REPLY FROM THE UNITED STATES OF AMERICA

QUESTION 1: STRATEGIC GOALS

The Program and Budget for the 2006/07 Biennium is elaborated on the basis of five strategic goals. These are:

- Strategic Goal One: To Promote an IP Culture
- Strategic Goal Two: To Integrate IP in National Development Policies and Programs
- Strategic Goal Three: Progressive Development of International IP Law
- Strategic Goal Four: Delivery of Quality Services in Global IP Protection Systems
- Strategic Goal Five: Greater Efficiency of Management and Administrative Support Processes within WIPO

Does your Government consider that the program and budget for the 2008/09 biennium should continue to be based on the same strategic goals? If not, please elaborate.

Yes, the United States believes that the program and budget for the 2008/09 biennium should continue to be based on the same strategic goals, as these are appropriate and within the mandate of WIPO as THE specialized agency of the United Nations charged with promoting the protection of intellectual property throughout the world.

QUESTION 2: PROGRAMS

The 2006/07 Program and Budget consists of 31 programs organized under the five strategic goals referred to above. This is illustrated in Annex II (Strategic Framework). Does your Government consider that the 2008/09 Program and Budget should continue to be based on the same programs? Should any program(s) be added? If so, please explain which ones and why. In your opinion, what would be the objective of any suggested new program and what would be the expected results (measurable outcomes)? Should certain programs or groups of programs be consolidated? If so, how?

Yes, for the most part, we believe that the 2008/09 Program and Budget should continue to be based on the same programs. We wonder whether programs 3 and 4 would be better placed under Strategic Goal Two, since they appear to be focused at the national level on IP and development policies, while Strategic Goal One relates to international efforts.

Program 24 under Goal Five should be strengthened to include the role and activities of the Audit Committee and the reinvigorated Internal Audit Committee. Audit Committee recommendations should form part of the measure of Full Compliance under this program.

Does your Government have any views on the respective level(s) of resources of the program(s) of the Organization? In your Government's view, should any upward or downward adjustment(s) be made?

We believe that it is imperative that adequate resources be provided to the Global IP Protection Systems (PCT, Madrid, Hague, and Arbitration and Mediation Center) since the income received from these services now accounts for the bulk of WIPO funding. While we support all five Strategic Goals, we believe that income from the Protection Systems should be first dedicated to the needs of those systems.

All areas of Goal Five will need to be updated to fully reflect the administrative reforms undertaken in WIPO in the past year. In determining levels of support for managerial functions, we believe that greater support must be provided to the Audit Committee to facilitate its work. Program 26 on Financial Operations will need to include appropriate resources geared to the possible implementation of IPSAS by 2010. The results of the desk-to-desk exercise will need to be factored into Programs 25 and 26. As part of that process, Program 27 should include additional resources to modernize the IT infrastructure of the Human Resources Department.

QUESTION 3: PROGRAMMATIC PRIORITIES

Kindly indicate which are the programmatic areas of the Organization's work to which your Government attaches the greatest importance (priorities).

We believe that the continued smooth functioning of the Global IP Protection Systems is critical to WIPO's well being, as is Strategic Goal 5 on Greater Efficiency of Management and Administrative Support Processes. Nonetheless, we fully support all five Strategic Goals as being appropriate for WIPO to achieve its mission of promoting the protection of intellectual property. We also believe that any outcome(s) from ongoing discussions of proposals relating to a WIPO Development Agenda can and should be accommodated within the existing Strategic Goals and Programs.

QUESTION 4: EFFICIENCY-GAIN TARGETS

The 2006/07 Program and Budget contains a number of efficiency-gain targets and related benchmarks. These are reproduced in Annex III. Does your Government have suggestions for ways in which these targets and benchmarks can be further improved or extended to apply to other areas of the Organization's work?

We think that such targets for the Madrid and Hague systems should also be contemplated, as well as for a paper-reduction strategy to further decrease WIPO's use of paper. For example, some other organizations have opt-in or opt-out policies so that only those who need paper documents received them, while those who wish to access documents electronically are not sent paper.

QUESTION 5: RESULTS-BASED BUDGET

The 2006/07 Program and Budget contains a number of objectives, expected results (measurable outcomes) and performance indicators, on a program by program basis. These results frameworks were elaborated to facilitate the assessment of the performance and impact of a given program. Please indicate for which programs you consider a further refinement of

the results framework to be necessary. Could you provide examples of objectives, expected results (measurable outcomes) and performance indicators for such programs? Do you consider the quantification of the performance indicators (i.e. targets) to be useful?

We do indeed consider the quantification of the performance indicators to be very useful and essential for effective program evaluation. With respect to Program 31 (The New Construction), we believe that the performance indicators should definitely include both timeliness as well as being within budget.

QUESTION 6: LEVEL OF EXPENDITURE

The 2006/07 Program and Budget represents a 1.5 per cent increase over the revised budget for the 2004/05 biennium. What are the views of your Government on what the evolution of the level of expenditure of the Organization in the 2008/09 biennium should be?

We believe that the current levels of resources and expenditures are adequate for WIPO to execute its activities, and that adjustment may be necessary depending upon the results of the desk-to-desk review. We, therefore, believe that WIPO should present a budget for 2008/09 that represents zero nominal growth in Member State contributions and appropriate budgetary resources allotted to reflect the most efficient and effective means of achieving agreed upon objectives. Given that income is currently greater than forecast, we believe that fee reductions in the Global IP Protection Systems are warranted. We would welcome a reduction in PCT fees on the order of 15% in the next biennium.

QUESTION 7: BUDGETARY POLICY

In the 2006/07 Program and Budget the level of expenditure matches the expected level of income, with no deficit and no surplus. This budgetary balance was welcomed by Member States. Numerous delegations also expressed the wish that budgetary balance should become a policy in the medium term. In the view of your Government, should the 2008/09 Program and Budget continue to be based on full budgetary balance?

The United States fully shares the objective of budgetary balance. We believe that because the intended level of reserves has been achieved (see below), that surpluses should be avoided by lowering fees charged under the Global IP Protection Systems, especially under the Patent Cooperation Treaty, which now funds a disproportionate share of overall WIPO activities.

QUESTION 8: LEVEL OF RESERVE AND WORKING CAPITAL FUNDS

In the year 2000, Assemblies of the Member States determined that the target level of reserve and working capital funds of the Organization should correspond, on average, to 18 per cent of biennial expenditure (document A/35/15, paragraph 151). In its 2006 report, the External Auditor recommended that this target be reviewed and increased to 25 per cent of biennial expenditure (Report of the Auditor to the Assembly of the Member States of WIPO on the 2004-2005 Biennium, paragraph 57, Recommendation 5). Does your Government consider that the target level of reserve funds should be reassessed by Member States? Should the

2008/09 Program and Budget be based on the target level established by Member States in the year 2000 or should the Secretariat base its proposals for the 2008/09 biennium on the approach recommended by the External Auditor? And, should the Organization generate any surplus in the 2008/09 biennium, would your Government consider that this surplus should remain in the reserves? Or should it be utilized for a specific purpose? If so, which?

We believe that the target level of reserve and working capital funds determined by WIPO Member States in 2000 does not need to be reassessed or adjusted, and that the 2008/09 Program and Budget should be based on that target level. As WIPO has already generated surplus income in the current biennium (from greater than expected use of the Global IP Protection Systems), we believe that fee reductions in these systems are appropriate in the next biennium. Should any surpluses be generated in the next biennium, we would support further fee reductions.

QUESTION 9: FUTURE ACTUARIAL LIABILITY FOR SEPARATION FROM SERVICE (RETIREMENTS) AND POSTSERVICE MEDICAL BENEFITS

The Organization has contractual obligations to provide staff members with certain benefits at the time of their retirement. The Organization also has a contractual obligation to provide retired staff members with post-service medical benefits. These contractual obligations have long-term financial implications and therefore represent a financial liability for the Organization. With the adoption, by the United Nations system of organizations, by 2010 at the latest, of the International Public Sector Accounting Standards (IPSAS), UN organizations, including WIPO, shall be required to record them in the accounts. As shown in the Financial Management Report for 2004/05, a provision corresponding to six per cent of biennial staff (post) expenditure was made to start covering such liability. Would your Government consider it appropriate that a similar amount be earmarked under the 2008/09 Program and Budget to cover such liability?

This question represents an area in which an expert financial opinion is needed. Such an opinion should be sought from the Audit Committee and/or an actuarial or similar expert familiar with the IPSAS system. I would support this as funding an unfunded liability is necessary and will help to deflect the negative figures when these obligations have to appear on the IPSAS as liabilities.

QUESTION 10: INFORMATION

Is there any other information that your Government would like to see in the draft Program and Budget for 2008/09 document?

QUESTION 11: OTHER ISSUES

Is there any other issue your Government would like to address in the context of the preparation of the next draft Program and Budget of the Organization?

The United States welcomes this questionnaire as part of a process to encourage greater transparency and accuracy in the Program and Budget of WIPO. We would also welcome additional regular reporting by program outside the Interim Financial Report. This would provide an even more accurate picture of WIPO's finances and activities throughout the biennium, allowing Member States to provide better focused and informed input into this process in the future.

[End of Annex XIX and of document]