

(1) Take-off statement as delivered on 10.09.13

Mr Chair,

At the outset, group B takes note of the comments and remarks made by several regional groups and Member States on the topic of external offices, yesterday and today. We are hopeful to book progress during this session of the PBC. Certain concerns are concerns we can share and certain interests are interests, we too think, are worthy to pursue further.

We would first of all like to thank the secretariat for the preparation of document WO/PBC/21/Inf.1, entitled "*Strategy For WIPO External Offices*". While we note the comprehensive, detailed and in-depth nature of the document, group B still has the following preliminary questions and remarks with regard to the document. These initial comments are without prejudice to later interventions of our group with regard to the way forward.

- (1) Paragraph 6 (p.4) indicates that two previously existing external offices (Brussels and Washington DC) were closed in 2008, as a result of an evaluation and in a process of rationalization of EO's. Where these criteria applied/taken into account/used in the selection of the locations for the proposed new offices?
- (2) Paragraphs 101 to 107 provide a justification for the establishment of two ICT redundancy centers to be established within two proposed new external offices. Our group is of the opinion that (a) more information is needed before we will be in a position – at expert level – to agree or not on the need for establishment of any redundancy centers and (b) that the establishment of any redundancy centers (only if deemed to be strictly necessary) should be *strictly* separated from the potential establishment of any new external offices.
- (3) Could WIPO provide more details on the proposed role of certain of the suggested external offices as IP catalysts for their respective wider region? What should be the expected results in the short and long term, and how would this fit into the Organizations' results framework?
- (4) Paragraph 167 highlights that the exact location of the potential new external offices in Africa has not been agreed. It furthermore indicates that these two new offices will mainly engage in capacity-building. Could WIPO provide further details on how the specific locations could be selected so as to maximize the possible synergies with the existing two African regional IP offices – ARIPO and OAPI – including with regard to capacity building?

- (b) in order to find *one* set of concrete criteria and principles that would be applicable across the board for the establishment of any potential new external office;

In short, we should not be compelled to make a rushed decision on issues which will have long term implications. In this regard, allow us to say some final words with regard to the way forward. We first have the PBC which should approve the program and budget, then we will have a further discussion and decision to be taken during the coming session of the Coordination Committee on two MoUs for new external offices that have been signed. We therefore look forward to further discussions on this matter during the General Assembly and thereafter.

Thank you Mr Chair,

(3) Statement on conditions – version 10.09.13

Mr Chair,

Thanks to Dy for useful clarification.

Group B has also undertaken some intensive reflection on a couple of objective conditions that could and should be applied in order to decide upon the establishment of any potential new external office. These conditions complement the criteria as previously identified by the secretariat and should therefore also be taken into account during future informal consultations on this topic.

Our group is of the opinion that for new external offices to be established, the following 11 conditions should be taken into account:

- (1) For each External Office to be created, a strong business case shall be presented by the Secretariat to the Member States, and discussed in a formal and transparent manner;
- (2) Consistency with the "One-UN" constraints shall be respected – when relevant;
- (3) The staff model should be defined taking account of the principle of "small" and appropriate resource for programs conducted by the respective office without redundancy and cautiously reviewed under each program & budget process. Some of our MS have clear ideas how this condition could be reflected in practice.
- (4) The establishment of new external offices should not imply any increase in overall staff and/or of expenditure in the overall budget;
- (5) While new activities must be funded by redeployment of existing resources, the Secretariat shall specify which existing resources/staff contracts are at stake. Furthermore, regional caps in terms of funding and staffing should be identified;
- (6) Each External Office shall publish a yearly report of activities;

- (5) Finally, we still have some doubts about the legal conformity of the practice of signing MoUs - which contain clauses of privileges and immunities - especially when they include clauses of provisional application of the treaty already in force, with WIPO convention.

Thank you Mr Chair

(2) Way-forward statement (to establish new informal consultations on the topic) – version 10.09.13

Mr Chair,

Group B has some further comments and remarks with regard to the way forward.

First of all, we do agree with others that spoke for us in the sense that a **budget should be allocated** in the new program and budget document for the *possible* establishment of new external offices. Such a budgetary envelop *could* be used to establish new external offices. Moreover it *could* be used to establish *five* new external offices, *less than five* new external offices or *more than five* new external offices. These offices *could* or *could not* be established in the locations as identified in document WO/PBC/21/Inf.1. Of course, the program and budget document should also reflect that there is a need for objective criteria which should be established prior to the establishment of any new potential external offices.

In this regard, it should be clear that any budgetary allocation to establish potential new external offices should be conditioned on having a **new clear Member-States driven strategy** – a strategy that complements the one as already identified in document WO/PBC/21/Inf.1 and **that allows for further movement in this process**. The need for such a strategy is based on several concerns:

- (a) some legal concerns with regard to the signature of the MoUs for some of the newly proposed external offices;
- (b) some concern in terms of equality – the establishment of any new external WIPO office should be subject to the same objective criteria and principles. We could therefore not agree, here and now, to the establishment of 5 new offices based upon certain criteria which *may not* or which *may* be different from the criteria that will apply to the establishment of any further new external office at a later stage. In this regard, we note that - according to the information provided yesterday by the WIPO secretariat – 24 or more countries requested the establishment of a new WIPO external office in their country.

Group B would therefore like to propose:

- (a) the organization of transparent and informal consultations;

(7) Any agreement to establish an External Office, where the requirement to provide for privileges and immunities exists, shall be concluded and signed by the Secretariat after the prior approval of the coordination committee, in strict respect of Article 12(4) of the WIPO Convention;

(8) Guarantees shall be given regarding the confidentiality and security of the WIPO data contained and used in the External Offices;

(9) Any new external office should have a regional vocation.

(10) As we mentioned earlier, the ~~potential~~ establishment of any redundancy centre should be clearly and strictly separated from the potential establishment of any new external office.

(11) The Secretariat should inform Member-States which confidential data are shared with and/or submitted to potential new external offices.

Thank you Mr Chair

THANK DG for useful intervention
to state that issue of

redundancy
will be strictly
separated from
issue of EO.