

WIPO General Assembly

Forty-Fourth (23rd Extraordinary) Session Geneva, December 10 to 12, 2013

DRAFT REPORT

prepared by the Secretariat

1. The General Assembly was concerned with the following items of the Consolidated Agenda (document A/52/1 Prov.6): 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.
2. The reports on the items, with the exception of items 4, 7, 8, 9 and 10 are contained in the draft General Report (document A/52/6 Prov.1).
3. The reports on items 4, 7, 8, 9 and 10 are contained in the present document.
4. Ambassador Päivi Kairamo (Ms.) (Finland), Chair of the General Assembly, presided over the meeting.

ITEM 4 OF THE CONSOLIDATED AGENDA

DECISION BY THE GENERAL ASSEMBLY IN RELATION TO THE COORDINATION COMMITTEE DECISION ON EXTERNAL OFFICES TAKEN DURING ITS SIXTY-SEVENTH (44TH ORDINARY) SESSION

5. Discussions were based on document WO/GA/44/1.
6. The Chair opened Agenda item 4 a Decision by the General Assembly in Relation to the Coordination Committee Decision on External Offices Taken During its Sixty-Seventh (44th Ordinary) Session. This item was requested by Group B and the Chair invited the Group B representative to make an introduction.
7. The Delegation of Japan, speaking on behalf of Group B, thanked the Chair for the opportunity to explain the agenda item and continued by stating that part 2(a) of the Coordination Committee decision on external offices taken during the 51st General Assemblies in paragraph 18 of WO/CC/67/4 includes the phrase "if so decided by the General Assembly". Therefore, the decision of the General Assembly was purely procedural in nature and was required to make the Coordination Committee decision take effect. In this regard, the Delegation proposed the decision included in the Annex of document WO/GA/44/1 for adoption.
8. The Chair thanked the Delegation of Japan, speaking on behalf of Group B, and, on seeing no requests from the floor, found there was consensus on this proposal and declared the debate on this item concluded. The Chair proposed moving onto Agenda Item 5 before taking a formal decision on this item and, seeing no objections, it was thus decided.
9. The Chair subsequently gavelled the decision for this agenda item (see document A/52/6 Prov.1, paragraph 50), that is,:
 10. The WIPO General Assembly notes paragraph 2(a) of the Coordination Committee Decision on external offices taken during the 51st General Assemblies, and, in this regard, decides that WIPO shall directly procure the required IT equipment for all WIPO external offices through its normal processes, and that all WIPO external offices shall not conduct any activities directly relating to the processing of PCT, Madrid and the Hague System Applications.

ITEM 7 OF THE CONSOLIDATED AGENDA

GOVERNANCE AT WIPO

11. Discussions were based on documents WO/GA/44/3, WO/GA/43/18, A/51/14 and WO/GA/43/22 Prov.1.
12. The Chair opened Agenda Item 7, Governance at WIPO. The Chair reminded the Members States that, as they would be aware, the last meeting of the Assemblies decided on, October, 2, 2013, to convene this extraordinary session in order to conclude deliberations on *inter alia*, this agenda item. At subsequent consultations which had been conducted by the Chair it had been agreed to submit the following draft decision, which was included in document WO/GA/44/3, for approval:

"The WIPO General Assembly (i) take note of the documents presented on "Governance at WIPO", under Agenda Item 30 (document A/51/1 - 51st Assemblies) including the proposal presented by the African Group (ii) requests the Secretariat to organize an information meeting with the JIU regarding their report on the Review of Management and Administration of WIPO prior to the 22nd session of the PBC and (iii) invites the Member States to submit proposals on Governance at WIPO to be discussed at the 22nd session of the PBC."

13. The Chair, before offering the floor to Delegations, noted that a certain amount of time had already been spent on this issue in informal consultations and that Member State positions were well-known. Time was needed to discuss other pending matters on the Agenda. Therefore, the Chair preferred that statements, if any, were delivered only by the regional coordinators on behalf of members of their group, if possible.

14. The Delegation of Algeria, speaking on behalf of the African Group thanked the Chair for the proposal concerning the question of governance. The African Group wished to recall that governance at WIPO needed to be improved so that the Member States would have full control of the Organization and to avoid misunderstandings and a lack of dialogue between the Member States and the Secretariat. The African Group recalled that this question had been the object of intense informal consultations at the last session of the General Assembly. During these consultations, the African Group had introduced their proposal concerning governance which consisted of three elements. This question should be the object of ongoing informal consultations next year so as to put forward proposals to the PBC. The same Committee should use part of its time to discuss the results of these consultations and to make recommendations to the General Assembly in 2014. The third and final element was that at its next session, the General Assembly should adopt recommendations to strengthen Governance at WIPO. The African Group had been flexible in accepting the Chair's proposal as it stood but continued to be convinced that in 2014, the General Assembly should give consideration to the question of governance and take a final decision on this issue. The African Group reserved the right to present this proposal at the next session of the General Assembly and requested that this be an item on the Agenda.

15. The Chair thanked the Delegation of Algeria and the African Group for their flexibility, in particular on this item.

16. The Delegation of Japan, speaking on behalf of Group B, wished to recall the fact that Member States had been able to establish three issues, namely Governance, Committee on WIPO Standards (CWS) and the Standing Committee on Copyright and Related Rights (SCCR) before this Extraordinary General Assembly thanks to the flexibility shown by all Member States. Building on this constructive engagement of mutual understanding among Member States, Group B believed that Member States should tackle other remaining, outstanding items in an efficient and constructive manner at this session.

17. The Delegation of Egypt, speaking on behalf of the Development Agenda Group (DAG), stated that the Group attached great importance to governance in WIPO. The Group recalled the proposal which had been submitted during the recent discussions held during the General Assembly. A proposal had been submitted in cooperation with the African Group. The DAG felt that the question of governance in WIPO had been discussed during many meetings of the PBC and many Member States had put forward their ideas concerning the development of this governance as could be seen in document WO/PBC/17/2 Rev. However, thus far, there had not been any agreement on the proposals, specifically at the PBC. This was why this item had been referred to the General Assembly. The DAG expressed their gratitude to the Chair for the efforts she had made during the consultations in order to reach a decision so that the work of the General Assembly would be successful. In this context, the DAG were pleased to accept the decision, read out by the Chair, which was to set up an information meeting with the Joint Inspection Unit (JIU) on their Review of Management and Administration of WIPO before the

next session of the PBC. The Group were expecting that excellent discussions would be held during this joint information meeting with the JIU in order that Member States could also study all the specific proposals made, so that these could be discussed and considered in the framework of the PBC and in order that the General Assembly could be made aware of these recommendations with a view to adopting them in the future. The DAG thanked the Chair for her efforts and expressed its satisfaction with the constructive proposals put forward on this subject.

18. The Chair wished to personally thank the Delegate of Egypt for his assistance to the Chair of the General Assembly during the last session concerning this particular issue.

19. The Delegation of Lithuania sought clarification as to whether it could deliver its statement on the issue of Agenda items 7, 9 and 10. The Chair responded that it could be read now or under any of these Agenda Items.

20. The Delegation of Lithuania passed the floor to the Delegation of the European Union and its member States.

21. The Delegation of the European Union and its member States recognized that in preparation for these Extraordinary General Assembly, the Chair had successfully brokered an agreement on a package of decisions on the CWS, the SCCR and on Governance issues. This was a package of agreements that did not meet all of the expectations of the Delegation of the European Union. However, in the spirit of compromise, which the Delegation hoped would be the hallmark of this Extraordinary General Assembly, the EU and its member States were willing to back these draft decisions.

22. The Chair thanked all delegations for their statements and proposed the following text as the agreed decision of the Assemblies under this agenda item. It was so decided.

23. The WIPO General Assembly:

- (i) took note of the documents presented on "Governance at WIPO" under Agenda Item 30 (document A/51/1 – 51st Assemblies), including the proposal presented by the African Group;
- (ii) requested the Secretariat to organize an information meeting with the JIU regarding their Report on the Review of Management and Administration of WIPO prior to the 22nd session of the PBC; and
- (iii) invited the Member States to submit proposals on Governance at WIPO to be discussed at the 22nd session of the PBC.

ITEM 8 OF THE CONSOLIDATED AGENDA

CONSIDERATION OF THE CONVENING OF A DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A DESIGN LAW TREATY

24. See the the report of Agenda Item 8 (document WO/GA/44/6 Prov.1 Add.1).

ITEM 9 OF THE CONSOLIDATED AGENDA

MATTERS RELATING TO THE STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS (SCCR)

25. Discussions were based on documents WO/GA/43/13, WO/GA/43/22 Prov.1 and WO/GA/44/4.

26. The Chair opened Agenda Item 9 and stated that during informal consultations she had conducted it was agreed to submit for approval the following text: "The WIPO General Assembly (i) takes note of the information contained in document WO/GA/43/13; (ii) takes note of the statements made by Delegations at the forty-third and forty-fourth sessions of the WIPO General Assembly in 2013; and (iii) requests the Standing Committee on Copyright and Related Rights to continue its work regarding the issues reported on in that document." The Chair opened the floor for comments from delegations.

27. The Delegation of Poland, speaking on behalf of the Group of Central European and Baltic States (CEBS), regretted the fact that the issue in question was being referred back to the SCCR since it had hoped that a decision regarding a road map towards a treaty on the protection of the broadcasting organizations would be taken during the session, especially considering that the issue was of great importance for the Group. It pointed out that in a spirit of compromise and cooperation, it accepted to refer the topic to the SCCR, stressing that while other issues on the SCCR agenda were important, the main priority should be given to find a way forward to finalize the proposal for a treaty on the protection of broadcasting organizations. The objective was to reach a decision to convene a diplomatic conference as soon as possible and most preferably in 2014. Ensuring adequate protection at the international level for broadcasting organizations was urgently needed and an update for the 21st century was long overdue. The Group recognized and supported the ongoing call from the broadcaster community to introduce a global solution to signal piracy, which jeopardizes necessary investments in that market. It expressed the view that such a development would be the key element of social cohesion, pluralism, as well as cultural enrichment of all societies. It emphasized that it was high time to achieve the goal and prepare the ground for calling a diplomatic conference. It believed that the first step was a stable and reasonable road map for the work of the SCCR, which was why the Group drafted the proposal submitted during the 51st series of the Assemblies of the Member States of WIPO.

28. The Delegation of Lithuania gave the floor to the Delegation of the European Union and its member states.

29. The Delegation of the European Union and its member states stated that the discussions on the treaty on protection of broadcasting organizations remained a priority. The Delegation was eager to see improvements on this issue that were both meaningful and adapted to specific problems faced by broadcasting organizations, while at the same time respecting the rights of rightholders in works or other protected subject matter carried by broadcast signals. It looked forward to having further constructive discussion on limitations and exceptions for libraries, archives, and educational and research institutions and for persons with other disabilities on the basis of an exchange of views regarding national experiences in the area. The Delegation stated that the possibilities and flexibilities allowed under the existing treaties, including the Berne Convention, the 1996 WIPO treaties and the Beijing Treaty on Audiovisual Performances, to establish limitations to copyright in national legislation were an essential element of the international framework. It did not believe that in that context an international instrument was necessary to address any possible issues related to the activities of libraries, archives, educational and research institutions and persons with other disabilities.

30. The Delegation of the Venezuela (Bolivarian Republic of) stated that, contrary to the previous interventions, it thought that the SCCR had other priorities such as the implementation of the Marrakesh VIP Treaty and the development needs of persons who are visually impaired. It expressed the view that the work on flexibilities for libraries and archives and persons with other disabilities should be continued. The Delegation had doubts about giving broadcasting organizations a human right such as protection of intellectual property and asked how broadcasting organizations could be protected when they are not persons.

31. The Chair indicated that all the interventions would be reflected in the report and stated that since no objections to the adoption of the decision were raised it was adopted as proposed.

32. The WIPO General Assembly:

- (i) took note of the information contained in document WO/GA/43/13;
- (ii) took note of the statements made by delegations at the 43rd and 44th sessions of the WIPO General Assembly in 2013; and
- (iii) requested the Standing Committee on Copyright and Related Rights to continue its work regarding the issues reported on in that document.

ITEM 10 OF THE CONSOLIDATED AGENDA

REPORTS ON OTHER WIPO COMMITTEES: COMMITTEE ON WIPO STANDARDS (CWS)

33. Discussions were based on document WO/GA/44/5.

34. Following consultations conducted by the Chair since the 43rd session of the General Assembly, the following draft decision, included in said document WO/GA/44/5, was submitted and approved by the General Assembly.

35. The WIPO General Assembly:

- (i) took note of the information contained in document WO/GA/43/16 in relation to the Committee on WIPO Standards (CWS);
- (ii) took note of the statements made by delegations in this respect at the 43rd and 44th sessions of the WIPO General Assembly in 2013; and
- (iii) requested the CWS to continue its work regarding the issues reported on in that document.

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