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Advisory Committee on Enforcement

Eleventh Session

Geneva, September 5 to 7, 2016

DRAFT SUMMARY BY THE CHAIR

Document prepared by the Secretariat

1. The eleventh session of the Advisory Committee on Enforcement (ACE) was held from September 5 to 7, 2016. The session was attended by 69 Member States, one Non-State Member and 23 Observers.
2. Under agenda item 1, the Chair, Ms. Amanda Lotheringen, Senior Manager, Copyright and IP Enforcement, Companies and Intellectual Property Commission (CIPC), South Africa, opened the session by welcoming the Committee and by stressing the value of the ACE and its support structures for guidance and knowledge in the area of building respect for intellectual property (IP). The Chair particularly noted the alliances among ACE members that had been built over the previous years. Mr. Igor Moldovan, First Secretary, Permanent Mission of the Republic of Moldova, remained in office as Vice-Chair. In addition, the Committee elected Ms. Pamela Wille, Counsellor, Intellectual Property and WIPO Issues, Permanent Mission of Germany, as Vice-Chair.
3. Mr. Francis Gurry, Director General, WIPO, expressed his esteem for the wealth of information shared during the eleventh session and the fact that the work program made it possible to address the complex topics of IP enforcement and building respect for IP from diverse perspectives, in a very constructive and collegial manner, and in relation to a broad range of topics that were all guided by WIPO's development-related approach enshrined in Development Agenda Recommendation 45. Mr. Minelik Alemu Getahun, Assistant Director General, Global Issues Sector, WIPO, thanked the Member States for their sustained and close engagement in the work of the Committee and the related activities undertaken by the Secretariat.
4. Under agenda item 2, the Committee adopted the Agenda (document WIPO/ACE/11/1), amending agenda item 1 to read "Opening of the Session and Election of a Vice-Chair".

5. Under agenda item 3, the Committee approved the participation as *ad hoc* observers in its eleventh session of the Organisation for Economic Co-operation and Development (OECD) and the Audiovisual Anti-Piracy Alliance Limited (AAPA Ltd).
6. Under agenda item 4, the Committee adopted the Summary by the Chair of the tenth session of the ACE (WIPO/ACE/10/26).
7. The Committee heard Opening Statements by the Group of Latin American and Caribbean Countries (GRULAC), Group B, the Group of the Central European and Baltic States (CEBS), the African Group, the Asia and Pacific Group, the Group of Central Asian, Caucasian and Eastern European Countries (CACEEC), the Delegation of Brazil, the Delegation of Mexico, the Delegation of Sudan, and the Delegation of the European Union (EU) and its Member States. The Representative of the Third World Network submitted a written statement.
8. The Delegation of Chile, speaking on behalf of GRULAC, considered the activities promoted by the Committee to be of utmost importance to disseminate and foster IP. In this spirit, the GRULAC members carried out awareness-raising campaigns to disseminate and foster respect for industrial property and copyright through exhibitions, workshops and conferences. Training on the use of IP rights (IPRs) to protect creativity and stimulate creation, prevention, enforcement at customs level, and the investigation and prosecution of infringements and offences in the field of IP were areas in which the region was already working. The Group had actively participated in the debates of the tenth session, supporting the inclusion of work program items proposed by delegations, and had shown a particular interest in how to intensify and improve technical assistance related to enforcement and in sharing experiences with the building of capacity and the support of WIPO for training activities. During the eleventh session, the Committee would be able to review national experiences in relation to WIPO's legislative assistance, with a focus on drafting national laws of enforcement that take into account the flexibilities, the level of development, the difference in legal tradition and the possible abuse of enforcement procedures, bearing in mind the broader societal interest and in accordance with Member States' priorities. The Group was of the view that this was a very relevant topic and was interested in hearing the exchange of ideas among the members of the Committee. Likewise, it expressed its wish to participate in constructive debates on capacity building and support from WIPO for training activities at national and regional levels for Agencies and national officials in line with relevant Development Agenda Recommendations and the ACE mandate. The Group welcomed the flexible work format of the Committee, which allowed addressing a relevant and multi-faceted topic, such as the work of enforcement, from distinct points of views. It was the shared understanding of GRULAC that IP enforcement should be approached in the context of broader societal interests and especially development-oriented concerns. Thus, the objective of the protection and enforcement of IPRs was to contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge. In this way, promoting a balance of rights and obligations, the social and economic welfare of the Group's countries was enhanced.
9. The Delegation of Greece, speaking on behalf of Group B, reiterated the importance it attached to the Committee and its subject matter, namely the enforcement of IPRs. Without effective and balanced enforcement mechanisms, IPRs could not fulfill their central objective of contributing to development through the promotion and protection of innovation. Enforcement was a subject that all WIPO members should take seriously, remain engaged with and consider as a common interest irrespective of their level of development. Group B also recognized that frequently the difficulties of effective enforcement were in its application rather than in the laws and regulations *per se*. It was therefore very important to learn lessons from the experiences of others and the ACE was the place to do so. The Group expressed its satisfaction with the balanced nature of the work program of the eleventh session. The long list of presentations was indicative of

the interest expressed by Member States and signaled the positive spirit in which the Committee could operate. The Delegation therefore welcomed the four thematic clusters agreed at the last tenth session of the ACE.

10. The Delegation of Latvia, speaking on behalf of CEBS, underlined the importance the Group attached to the work of the Committee, including the wide range of topics dealing with enforcement. The Group acknowledged the multiple challenges that Member States faced in the area of enforcement, from elaborating an appropriate legal framework to enabling concrete action on the ground, such as fighting the proliferation of counterfeit products or building respect for IP through different campaigns aimed at the general public. It was of the view that IPR enforcement created positive effects for social, cultural and economic development. The Group noted that, at the legislative level, IPR enforcement was a time consuming and complex process, which involved several government bodies with different competencies that need to work together and cooperate in order to ensure a fast resolution of disputes and IPR infringement cases. The Group noted that, on the ground, building respect for IP was a lengthy, complicated and resource intensive process to implement the numerous layers of successful action necessary to change the habits and mindsets of people. The Group believed that the IP system was as attractive and efficient as is the enforcement of IPRs. It expected that the exchange of experiences would assist Member States in developing IP enforcement policies. The Group was pleased with the agreement reached on the work program during the tenth session and noted that it looked forward to the presentations and discussions on the work program items. It believed that the number of speakers, representing all geographic regions, demonstrated the interest and importance attached to IP enforcement and reiterated the Group's commitment to the work of the Committee, as demonstrated by the number of presentations by CEBS members, and to constructive engagement.

11. The Delegation of Nigeria, speaking on behalf of the African Group, expressed its appreciation to the Member States and stakeholders sharing their experiences during the eleventh session (including members of the African Group), for the exhibitions on display, and looked forward to learning more on the subject of building respect for IP. It believed that no one solution can suffice for IP enforcement, given the different levels of development, capacity gaps, cultures, and regulatory frameworks of WIPO Member States. In that context, the African Group welcomed the practical and thematic approach of engagement in the Committee, which was driven by the exchange of information and the sharing of national experiences and practices that provided a wealth of options, activities and mechanisms Member States could employ to build respect for IP, enforce IP rights, and counter IPR infringement, particularly amongst the young. The Group looked forward to presentations that would significantly address the promotion of innovation and creativity for societal growth as a tool for building respect for IP, as ultimately, education, knowledge and awareness, technical assistance, opportunities and inclusivity in the value chain were important elements of building respect for IP. In essence, the African Group wished to see the implementation of Development Agenda Recommendation 45 in the drive to build respect for IP or enforce IPRs. The African Group welcomed the International Conference on "Building Respect for IP – Stimulating Innovation and Creativity", taking place on November 17 and 18, 2016, in Shanghai, China. The Group had no doubt that the event would provide useful information, ideas and cooperation opportunities for building respect for IP through stimulating innovation and creativity.

12. The Delegation of India, speaking on behalf of the Asia and Pacific Group, reiterated that the Committee had the mandate to carry out technical assistance and coordination in the field of IP enforcement and noted its expectation that technical assistance provided by WIPO on IP enforcement should be in accordance with the spirit of Development Agenda Recommendation 45, which called upon WIPO to address IP enforcement in the context of broader societal interests and especially development-oriented concerns. The Group firmly believed that the protection and enforcement of IPRs should contribute to the promotion of technological

innovation and that it should, at the same time, transfer and disseminate technology, to the mutual advantage of producers and users in a manner conducive to social and economic welfare and a balance of rights and obligations. Therefore, it had become important that WIPO approached IPR enforcement in a more holistic manner to ensure its means were in line with the objectives of Article 7 of the TRIPS Agreement, as called for in Recommendation 45 of the WIPO Development Agenda. At its tenth session, the ACE had agreed to consider four main thematic clusters at the eleventh session. However, from the Agenda it seemed that not all of the elements of the work program had been given equal weight. The group believed that very limited time had been allocated for the discussion of the third work program item, notably the topic of exchange of information on national experiences of WIPO's legislative assistance on IP enforcement taking into account the flexibilities, the level of development, differences in legal traditions and the possible abuse of enforcement procedures. The Group requested the WIPO Secretariat to provide a presentation of how the use of flexibilities and measures to safeguard against the abuse of IP rights was reflected in its legislative assistance activities. The Group was of the view that the evaluation of Strategic Goal VI and Program 17 by the WIPO Internal Oversight Division had been based on a limited sample size and had not adequately represented developing countries and least developed countries (LDCs). The Group therefore wished for a thorough review of WIPO's technical assistance in the area of IP enforcement, which should become part of the future work of ACE. The Group also noted that adequate training was necessary to ensure that relevant government institutions involved in IP enforcement could adequately determine on a case-by-case basis the balance between the interests of right holders and those of the wider public. The Asia and Pacific Group requested the Secretariat to present all training and capacity-building materials for review by the Member States in future sessions of the ACE. The Group also proposed that future sessions of the ACE should discuss the important issue of how broader public policy questions were addressed in IP enforcement procedures. The Delegation announced that the Group's members would make interventions during the discussions of the specific agenda items, looked forward to contributing to the discussions in the Committee and hoped for an educative and insightful session.

13. The Delegation of Tajikistan, speaking on behalf of the CACEEC Group, attached great importance to the work of the ACE and noted that the increasing impact of IPR infringements both on businesses and consumers were well known. The Group firmly believed that the Committee would provide a platform to discuss and share national experiences on challenges governments and businesses face in IP enforcement. The Group was of the view that WIPO could play a crucial role in the field of IP enforcement both regionally and globally. It also hoped to see more efforts undertaken by WIPO in providing trainings and capacity building to the authorities dealing with IP enforcement as well as in raising public awareness of matters related to IP enforcement. The Group noted that the promotion of IP enforcement increased innovation and that this approach should be in line with the transfer of technology which resulted in an increase of social and economic welfare with a balance of rights and obligations. The Group remained engaged and would contribute in a positive spirit to achieve the common goals.

14. The Delegation of Brazil underlined the dynamic nature of IP infringement and the importance of adopting a balanced approach to tackle this complex issue. It reported on the role of the National Council to Combat Piracy and Intellectual Property Crimes (CNCP) in coordinating national IP enforcement activities in Brazil, and in the execution of Brazil's National Plan to Combat Piracy, Counterfeiting and Other IP Violations. The Delegation explained the three axes of the National Plan, which covered the period 2013-2016. The first was education, which involved activities aimed at raising awareness, and undertaking research and studies to inform discussions on the economic and social impact of piracy and counterfeiting. The second axis was the creation of incentives to support innovation and entrepreneurship. The third axis was capacity building and the training of local enforcement agents. The Delegation emphasized the importance of

coordinating IP enforcement at all levels of government and the involvement of private sector, as well as cooperation with other countries to share experiences and approach cross border issues.

15. The Delegation of Mexico noted that Mexico attached great importance to copyright enforcement and reported that it had created on December 17, 2015, a Secretariat for Culture, with the objective of bringing together all parties interested in the area of culture. The Delegation reported on various activities undertaken by the National Institute of Copyright (INDAUTOR) to build respect for copyright. Notably, a chapter on copyright integrated into a text book on civil and ethical education, a guide book called *Autorín*, explaining to children aged 6 to 12 the essential concepts of copyright and the requirements to register a work with INDAUTOR, posters to be displayed in universities, information brochures in braille and indigenous languages, promotional items to raise awareness in cinemas, awareness-raising campaigns in university areas, the creation of the Mexican Copyright Review, various national competitions on copyright, capacity-building activities and a didactical board game called *My First Work – My First Registration*.

16. The Delegation of Sudan noted that Sudan attached great importance to enforcement and public awareness and that it had sought to disseminate the various aspects of IP. Due to the importance of this matter, Sudan had developed a special attorney's office to examine IP infringement complaints. Moreover, a dedicated library for IP and a court adjudicating IP disputes were available. Sudan had also taken measures to protect consumers and provided information regarding IP to all sectors, attorneys, employees and entrepreneurs. In addition, university lectures and courses were also organized and student inventors and creators were encouraged to pay due account to IP both on the national and international level. The Delegation also informed the Committee that Sudan had established a special center on IP protection and encouragement, which provided free advice and training to all sectors to defend IP and the rights attached to it.

17. The Delegation of the European Union, speaking on behalf of the EU and its Member States, welcomed the progress made on the work program for the ACE, noting that the new state-centric agenda point completed existing issue-centric agenda points in a balanced manner. The Delegation noted with satisfaction that a large number of contributions had been received from Member States and looked forward to the presentations and the interactive discussion between presenting States and other WIPO States and stakeholders. The Delegation expressed its respect for the Committee in its mission to serve as the forum where different IP enforcement experiences and policies were debated in a constructive and outward-looking manner, and welcomed the broadening of interesting and stimulating exchanges on views that had typified the Committee's working sessions. It looked forward to the exchange of information on national experiences on awareness-building activities and strategic campaigns on building respect for IP among the general public, especially the youth, and applauded the high number of initiatives received from the WIPO Academy and Member States. The Delegation noted its particular interest in initiatives that promoted respect for and fostered cultural awareness of IPRs. Regarding the success stories of national initiatives for training purposes with the support of WIPO, the Delegation stressed its support of the initiative in line with the Development Agenda Recommendations and the ACE mandate and thanked the Secretariat for the preparation of the Document on WIPO's Capacity-building and Training Activities in the Area of Building Respect for IP. The Delegation looked forward to hearing national and regional experiences, and the perspective of the WIPO expert consultant. The Delegation believed that the high number of contributions received on the state-centric agenda was indicative of its relevance to WIPO Member States and supported the Committee in continuing to place this item on future agendas. The Delegation was of the view that further encouragement was needed to have a meaningful exchange of information on national experiences in respect to WIPO's legislative assistance, in order to have a fruitful discussion on drafting national laws of enforcement that take into account the flexibilities, level of development, difference in legal tradition, and the possible abuse of enforcement procedures, taking into account

the broader societal interest and in accordance with Member States' priorities. Alternatively, the Delegation suggested the evaluation of the relevance of this work program item.

18. The Representative of the Third World Network (TWN) noted that IP enforcement was of critical importance from a development perspective. Recalling that TWN expected to follow a balanced approach, the Representative expressed her concern that most of the presentations might end up pushing for a maximalist agenda on IP enforcement without shedding light on the implications of IP enforcement on development and the enjoyment of human rights and regretted that the Agenda did not provide adequate time for the work program item on legislative assistance provided by WIPO and suggested that the Secretariat provide a document to inform the discussion. The Representative called upon Member States to ensure that the Secretariat's activities related to enforcement were in line with the Recommendations of Development Agenda as well as the flexibilities contained in the TRIPS Agreement. The Representative also called for transparency in WIPO's capacity building activities in the area of enforcement by making publicly available all materials. Similarly, it requested the Secretariat to invite resource persons advocating a balanced approach and to ensure sure that capacity building activities were free from conflicts of interest.

19. Under agenda item 5, the Committee heard 38 expert presentations relating to the various items of the work program (working documents WIPO/ACE/11/4 to WIPO/ACE/11/10) and two panel discussions.

20. Under the work program item "Exchange of information on national experiences on awareness building activities and strategic campaigns as a means for building respect for IP among general public, especially the youth, in accordance with Member States' educational or any other priorities" there were a total of twelve presentations on "Awareness-building Activities and Strategic Campaigns as a Means for Building Respect for IP". Reference was made to working document WIPO/ACE/11/4, containing written summaries of the presentations on this subject.

21. The first set of presentations under this item comprised presentations on "Training and Outreach Activities", by the National Agency for Copyright and Related Rights of Algeria; on "Enhancing Intellectual Property Awareness to Improve Compliance with Import and Export Laws", by the General Administration of Customs of the People's Republic of China; on "Intellectual Property Education for the Youth in China", by the State Intellectual Property Office of the People's Republic of China (SIPO); and "The Greek Copyright School – Raising Awareness about Copyright Protection in Primary and Secondary Education", by the Hellenic Copyright Organization.

22. Discussions followed with interventions from the Delegations of Germany, Japan, Mexico, Oman and Switzerland.

23. The second set of presentations under this item comprised presentations on "The Hungarian Experience in Raising Public Awareness", by the Hungarian Intellectual Property Office; on "Building Respect for and Increasing Awareness of Intellectual Property: The Experience of The Patent Office of the Republic of Latvia", by the Patent Office of the Republic of Latvia; and on "The Awareness-Raising Program of the National Directorate of Intellectual Property of Paraguay (DINAPI)", by DINAPI.

24. Discussions followed with interventions from the Delegations of Pakistan and Switzerland.

25. The third set of presentations under this item comprised presentations on "The IP Education and Awareness Campaigns of the Intellectual Property Office of the Philippines", by the Intellectual Property Office of the Philippines (IPOPHL); on "Awareness-Raising Activities to Build Respect for IP in the Republic of Korea", by the Korean Intellectual Property Office; on "The Work of the Sygnal Association in Promoting IP Through Education and Awareness Raising in Poland",

by the Sygnal Association, Poland; and a presentation entitled "Next Big Thing: An Awareness Campaign for the Value of Recorded Music by the Swiss Musicians Association", by the Swiss Musicians Association. Under working document WIPO/ACE/11/5, the WIPO Academy presented "Initiatives of the WIPO Academy in Raising Awareness of Intellectual Property among Young People through the Educational System".

26. Discussions followed with interventions from the Delegations of Colombia, Oman and Yemen and by a representative of TWN.

27. Under the work program item "Exchange of information on national experiences relating to institutional arrangements concerning IP enforcement policies and regimes, including mechanism to resolve IP disputes in a balanced, holistic and effective manner", presentations were grouped into three topics.

28. Under the topic "Enforcement Functions of National Intellectual Property Offices", four Member States shared their experiences. The presentations comprised "IP Protection and Enforcement in China", by SIPO; "The Judicial Powers of the Superintendency of Industry and Commerce and the National Directorate of Copyright of Colombia in the Area of IP", by the Superintendency of Industry and Commerce of Colombia; "The Enforcement of IPRs by DINAPI", by DINAPI; "The Enforcement Functions of the Intellectual Property Office of the Philippines: Best Practices and Challenges", by the IPOPHL.

29. Discussions followed with an intervention from the Delegation of Oman.

30. Under the topic "Coordinating Intellectual Property Enforcement at the National Level", eight Member States reported on their national experiences. Presentations comprised "The Canadian Anti-fraud Centre's project Chargeback: Leading the Charge(back) Against Fakes!", by Global Affairs, Canada; "Georgia's National Experiences on Building Respect for IP, in Particular Through Institutional Cooperation on Enforcement Policies and Regimes", by the National Intellectual Property Center of Georgia; "The National IPR Policy of India – Enforcement and Adjudication", by the Department of Industrial Policy and Promotion of India; "Italian Initiatives to Fight Counterfeiting at the Strategic and Operational Level", by the Directorate-General for the Fight Against Counterfeiting – Italian Patent and Trademark Office (DG ITC-UIBM); "Coordinating the Enforcement of IP in Pakistan", by the Intellectual Property Organization of Pakistan; "Enforcing IPRs in Portugal: The Experiences of the National Institute of Industrial Property and the Anti-counterfeiting Group", by the Portuguese Institute of Industrial Property; "The Legislative and Institutional Arrangements of the United Arab Emirates for the Protection of IPRs", by the Institute of Training and Judicial Studies of the United Arab Emirates; and "The Role of the National IPR Coordination Center in Enforcing IP in the United States of America", by the Intellectual Property Rights Coordination Center of the United States of America.

31. The presentation was followed by a panel discussion moderated by Ms. Ros Lynch, Director, Copyright and IP Enforcement, Intellectual Property Office of the United Kingdom. The panelists addressed challenges that they had encountered in establishing IP enforcement coordination in their countries and the appropriate way to involve the private sector. Discussions followed with interventions from the Delegations of Chile, the United Kingdom, Switzerland, Oman, the Philippines, Yemen and the Representative of the International Video Federation.

32. Under the topic "Mechanisms to Resolve Intellectual Property Disputes in a Balanced, Holistic and Effective Manner", the six Member State presentations on the experiences of their judicial systems comprised "Establishment of Intellectual Property Tribunals in Pakistan" by the Intellectual Property Organization of Pakistan; "The Experience of the Portuguese Intellectual Property Court by the National Institute of Industrial Property of Portugal", by the Portuguese

Institute of Industrial Property; “The Experience of the Courts of the Russian Federation” by the Supreme Court of the Russian Federation; “A South African Experience” by Justice Louis Harms, Former Deputy President of the Supreme Court of South Africa; “The Experience of the Thai Central Intellectual Property and International Trade Court”, by the Central Intellectual Property and International Trade Court; and “The Specialist IP Courts in England and Wales: The Intellectual Property Enterprise Court”, by the Intellectual Property Enterprise Court of England and Wales. Two presentations on specialized IP courts and jurisdictions were made by Observers: on a report issued by the International Chamber of Commerce (ICC) in April 2016, as well as on Professor Jacques de Werra (University of Geneva)’s lead article in a joint study published in March 2016 by the Centre for International Intellectual Property Studies (CEIPI) and the International Center for Trade and Sustainable Development (ICTSD).

33. Panel discussions followed, moderated by Professor De Werra, and with interventions from the Delegations of Brazil, Colombia, Ecuador, the United States of America and the Representative of TWN.

34. Under the work program item “Exchange of information on national experiences in respect of WIPO’s legislative assistance, with a focus on drafting national laws of enforcement that take into account the flexibilities, the level of development, the difference in legal tradition and the possible abuse of enforcement procedures, bearing in mind the broader societal interest and in accordance with Member States’ priorities”, there were no presentations made by Member States. Discussions followed with an intervention from the Delegation of Chile on behalf of GRULAC, requesting the Secretariat to prepare for the twelfth session of the ACE a document on legislative assistance provided in the area of IP enforcement. This request was supported by the Delegations of Brazil and Oman, and the Secretariat agreed to the preparation of an information document, setting out the process in which legislative assistance is provided, the legal framework upon which it is based (Part III of the TRIPS Agreement), and the principles applied therein.

35. Under the work program item “Exchange of success stories on capacity building and support from WIPO for training activities at national and regional levels for Agencies and national officials in line with relevant Development Agenda Recommendations and the ACE mandate”, the Secretariat presented the “The Capacity-Building and Training Activities of WIPO in the Area of Building Respect for IP”, providing an overview of the framework, content and format of such capacity-building activities. The Companies and Intellectual Property Commission, South Africa, presented the “South Africa’s Experience with Capacity-Building and Training Activities”, followed by the African Regional Intellectual Property Organization (ARIPO)’s presentation on “Capacity Building and Support from WIPO for Training Activities – The Experience of ARIPO”. Finally, Justice Louis Harms made a presentation on “A Balanced Approach to Building Respect for Intellectual Property (IP) and to IP Enforcement in Particular”, discussing the approach adopted at capacity-building and training activities by the WIPO Secretariat in developing countries in relation to the adoption of a balanced approach to building respect for IP and to IP enforcement in particular by the judiciary and law enforcement officials. Discussions followed with interventions from the Delegations of the Philippines and Mexico.

36. The Delegations of El Salvador, Japan, Jordan and Oman presented their countries’ respective experiences with capacity-building activities in the area of building respect for IP. Discussion followed with an intervention from the Delegation of Mexico.

37. Further to the Chair’s invitation for further national experiences to be shared in relation to the work program of the eleventh session, the Mexican Institute of Industrial Property and Directorate of Works and IP, Ministry of Culture of Yemen presented their respective national developments in the area of building respect for IP.

38. Under Agenda Item 6, the Secretariat introduced document WIPO/ACE/11/2 on recent activities of WIPO in the field of building respect for IP, guided by the Program and Budget, Development Agenda Recommendation 45, and WIPO Strategic Goal VI "International Cooperation on Building Respect for IP". The Committee took note of the information contained in the document.

*The Committee is invited to
adopt the Summary by the Chair, set out
in paragraphs 1-35 above.*

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