

Report of 2007 WIPO Assemblies

Geneva, 24 September - 3 October 2007

Summary

1. This year's Assemblies concentrated mainly on issues relating to the financing and governance of the organisation. Discussion of substantive IP issues was relatively uneventful and most of the recommendations made over the course of the previous year by subordinate committees were adopted.
2. The most significant issue was the vetoing the revised budget for this biennium and the proposed budget for the next. This was a result of countries feeling unable to approve increased spending when there are serious and unresolved concerns about allegations concerning the Director-General of the organisation.
3. Proposals for a development agenda for WIPO, recommended by this year's development agenda discussions, were approved. Work will begin immediately with implementation of resource-free proposals; implementation of the remaining proposals will be discussed at meetings starting in the first half of 2008.

Detail

WIPO management/governance issues

4. The US requested that a report be included on the agenda which related to allegations of fraud implicating the Director-General of WIPO. Some member states refused to adopt the agenda as a result. Eventually the agenda was adopted, with a small group of member states being tasked with considering the report and presenting their results to the Assemblies before the end of the meeting. However, some members of this small group refused to discuss the report and the group could not agree on a procedure for looking at the report. Some member states felt that the failure of the organisation to address this issue was a cause for deep concern.
5. As a result of these concerns, those member states felt unable to adopt a budget which increased funding to the organisation. Therefore, the revised program and budget for 2006/07 and the proposed program and budget for 2008/09 were not approved. Some member states, who were in favour of adopting the budget, forced a vote on the issue. However, they failed to get enough votes to approve the budget.
6. The revised WIPO financial regulations and rules, revised WIPO internal audit charter and revised terms of reference for the WIPO Audit Committee were approved. The Swiss national auditor was designated as WIPO external auditor for four more years.

7. The results of the desk to desk assessment exercise were considered. The recommendations of the WIPO Audit Committee in carrying forward the results of the assessment exercise were adopted.

Substantive IP issues

8. All the PCT reform recommendations and amendments to the PCT regulations were approved. Korean and Portuguese were approved as languages of publication (WIPO was asked to develop technical criteria for any future applications). Brazil and India were approved as International Search/Preliminary Examination Authorities (ISA/IPEA). The discussion on reduction of fees for international patent applications under the Patent Cooperation Treaty (PCT) remains open, though member states agreed that the criteria for allowing a reduction to developing countries need to be re-examined. Introduction of a Supplementary International Search was approved (though it is not mandatory for applicants to use it or for ISAs to offer it).
9. The amendments to the PCT were applied to the Patent Law Treaty (PLT) where required.
10. The suggested amendments to the Madrid Protocol and the Madrid Agreement, covering international registration of trade marks, were approved. The recommendation to renew the mandate of the ad hoc working group on the legal development of the Madrid System was approved. It was agreed that Madrid Union IT systems should be modernised, using funding from the Madrid Union budget surplus.
11. A work plan was adopted for the Standing Committee on the law of Patents (SCP) which would involve consideration of a report prepared by the WIPO Secretariat on the state of the international patent system.
12. The present mandate of the Advisory Committee on Enforcement (ACE) was renewed.
13. The present mandate of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) was renewed.
14. It was agreed that the proposed Broadcasters' Treaty should remain on the agenda for the Standing Committee on Copyright and related Rights (SCCR). Consideration of means for the protection of audio-visual performances will remain on the Assemblies agenda for 2008.
15. The fee structure for the Hague Union, which covers the international registration of industrial designs, was amended in accordance with recommendations.

Dave Woolf
10 October 2007