



## **Report from the WIPO General Assemblies 2007**

(September 24 to October 3, 2007 in Geneva)

### **Introduction**

In accordance with a request from the Bureau, the undersigned attended the WIPO General Assemblies 2007 as AIPPI representative during parts of the week of September 24 to 28, 2007.

The present Report includes items from this personal attendance as well as items obtained from other participants, and covers in that sense also the time through the concluding day October 3, 2007.

In the current world there is immediate widespread electronic reporting of news from WIPO meetings, including WIPO press releases. The major news from the 2007 WIPO Assemblies have accordingly already been widely published and distributed.

What I endeavour to do in the present Report is nevertheless to list decisions taken in some selected areas, and to provide some personal impressions.

Documents are as usual available on the WIPO website [www.wipo.int](http://www.wipo.int) under News and Events – Meetings and Seminars.

### **Selected Decisions**

The **WIPO Development Agenda** was formally adopted, along with the 45 proposals agreed in June 2007 at the meeting PCDA/4, the Provisional Committee on Proposals Related to a WIPO Development Agenda. This decision was undoubtedly a very significant event, following three years of negotiations. A new WIPO Committee is established: a Committee on Development and Intellectual Property. This Committee will now take up the 45 agreed proposals and work on their implementation.

Of the 45 proposals, 19 have been selected for immediate implementation by WIPO: proposals nos. 1, 3, 4, 6, 7, 11-19, 21, 35, 37, 42, and 44.

WIPO document: A/43/13 dated August 17, 2007, **attached**. The 45 agreed proposals are included here

**New PCT Authorities:** Brazil and India were appointed new International Searching and International Preliminary Examining Authorities.

WIPO documents: PCT/A/36/6 dated August 17, 2007, Brazil and PCT/A36/10 dated August 10, 2007, India. Both these documents are **attached**.

**New PCT languages of publication:**

Korean and Portuguese are now new languages in which PCT applications can be published.

WIPO documents: PCT/A/36/8 dated August 17, 2007, Korean, and PCT/A36/9 dated August 17, 2007, Portuguese.

**The proposal by USA and Japan for a 15% reduction of the PCT fees** was after long discussions referred to informal consultations. The proposal was rejected by many delegations on the main argument that funding of the upcoming work in the new Committee on Development and Intellectual Property - which by that time had not been formally decided – must not be put at risk.

Brazil presented another proposal aiming at fee reduction for developing countries. That proposal was withdrawn and replaced with a new proposal after WIPO had pointed out that the technical construction of that proposal would mean that some 38 PCT member states would lose their current 37,5% discount on the PCT fees and that only some 8 additional countries would benefit.

WIPO documents: PCT/A/36/11 dated August 23, 2007, US and Japan, and PCT/A/36/12 dated September 25, 2007, Brazil

The whole issue of PCT fee reduction was of course linked to **the WIPO budget**. As events proceeded, the Assemblies closed without any decision on a budget for WIPO for the coming biennium.

On the issue of **substantive patent law harmonisation, SPLT**, and the work program of the Standing Committee on the Law of Patents, SCP, it was decided that the WIPO Secretariat will prepare a report “on issues relating to the international patent system covering the different needs and interests of all Member States”.

To have such report prepared and then discussed was the outcome of the informal consultations carried out as decided at the 2006 Assemblies. This report, to be published in March 2008, will then be the basis for a SCP meeting during the first half of 2008. The report will “contextualize the existing situation of the international patent system, including references to the WIPO Development Agenda process, and will contain no conclusions”.

WIPO document: WO/GA/34/5 dated August 17, 2007, **attached**.

The mandate of the **Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore** was extended for a further two years. The recommendations adopted by the IGC at its 11<sup>th</sup> meeting in June 2007 were adopted.

WIPO document: WO/GA/34/9 dated August 17, 2007, **attached**.

Finally, a report on the 2007 WIPO General Assemblies must include some notes on the issues and discussions surrounding **questions related to its Director General’s age and his leadership of the organisation**.

The matter, arising under the preliminary agenda item 3, Adoption of the Agenda, and specifically in regard to the second part of preliminary agenda item 12, "WIPO Internal Audit Report Number IAOD/INV/2006/2 of November 2, and Appropriate Follow-up Thereto", led to the whole first day of the Assemblies, Monday September 24 being lost while the matter was discussed in closed informal consultations. On Tuesday morning September 25 the issue was referred to a "friends of the Chair" group which would report during the Assemblies.

Two documents are **attached**:

- WIPO document A/43/INF/8 dated September 24, 2007,
- a document dated September 25, 2007, issued by the Joint Inspection Unit of the United Nations System. Copies of this document were placed on the table outside the conference hall.

As has already been widely published, there was no conclusion on this issue by the closing of the Assemblies, which reportedly took place around midnight on October 3. Much has been said and published on this issue, which whatever the final outcome will be has clouded the whole Assemblies. Your reporter, who has never before seen WIPO context documents like such tabled during the week, however prefers not to go to any details on events but to limit the present report to the present note.

In regard to **action items for AIPPI future work** arising after the WIPO 2007 Assemblies, there is certainly much to be taken up for consideration. Your reporter chooses to limit recommendations in the present report to the following two items:

1. to follow and take an active part in the upcoming discussions in the new WIPO Committee on implementation of the Development Agenda
2. to study the coming WIPO report on the international patent system, and to take an active part in the ensuing planned meeting with the Standing Committee on the Law of Patents

October 19, 2007  
Ivan Hjertman