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**NOTE**

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From: General Secretariat of the Council  
To: Delegations  
Subject: 54th WIPO General Assemblies (Geneva 24-30 September 2014)  
- Final EU statements

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Delegations will find in the Annex, for information, the final version of the EU/Member States' statements as delivered at the above -mentioned WIPO General Assemblies.

**General / Opening Statement (Item 5)**

**[As Delivered]**

Madam Chair,

On behalf of the EU and its Member States, we would like to thank you for your stewardship of these 54th series of meetings of the Assemblies of the Member States of WIPO.

Madam Chair,

Intellectual property rights act as an incentive to creativity and innovation, improving consumer choice and job creation. They are a driver for competitiveness and growth. The protection and promotion of Intellectual property rights remains a key priority for the European Union and its Member States, given its crucial role for future European prosperity.

Let me illustrate this in figures: 39% of the EU's total economic activity (worth €4.7 trillion annually) is generated by IPR-intensive industries and approximately 35% of all employment in the EU is provided either directly or indirectly by these industries.

Madam Chair,

The World Intellectual Property Organisation (WIPO) is the central hub for global IP infrastructure. It serves as a unique global forum for intellectual property services, policy, norm setting, information and cooperation, mediation, arbitration, and technical assistance. We recall that WIPO's core mission remains the servicing of PCT, Madrid, Hague and Lisbon systems and that further resources should be allocated to promoting and strengthening these core rights systems.

Madam Chair,

We believe that WIPO's normative work should not only ensure the proper incentives and functioning of the global IP system, but should make concrete improvements thereto. In this respect we also take note of the increased level of normative activity in recent years.

WIPO should continue to base its normative work on the principle that the recognition and protection of intellectual property rights is essential for creativity and innovation and, in today's world, for competitiveness and growth. Weakening such recognition and protection has far-reaching and negative economic, legal, and practical effects. We would therefore insist on the need to ensure that WIPO's normative work is based on solid economic and legal evidence, technical maturity as well as on a robust assessment of its impacts.

### **EU priorities for the General Assembly**

The EU and its Member States will seek to promote consensus on a decision to convene diplomatic conference in respect of a Design Law Treaty. The SCT has delivered a mature text which has been ready for harvest for some months. If our normative work is to retain credibility we must now move to the next phase by convening a diplomatic conference in line with the recommendations of the 53rd General Assemblies.

The EU and its Member States believe that moving ahead with the revision of the Lisbon system should be WIPO's first priority on geographical indications. It is recalled that last year the Lisbon Union Assembly approved the convening of a Diplomatic Conference for the Adoption of a Revised Lisbon Agreement on Appellations of Origin and Geographical Indications in 2015.

As far as the work of the Standing Committee on Copyright and related Rights (SCCR) is concerned, the EU and its Member States will also seek to register further progress on a draft Treaty on Broadcasters' rights and to chart a course towards a diplomatic conference. The EU and its Member States also believe that there is a need to find a meaningful way forward for the SCCR work related to limitations and exceptions in view of the different approaches that exist as to the most appropriate course of action and desirable outcomes. We also believe that it is essential to undertake a thorough reflection as to the future work programme of the SCCR, its working methods and its role.

With regards the work of the WIPO Intergovernmental Committee on Genetic Resources, Traditional Knowledge, and Folklore (IGC), the EU and its MS take note of the wide range of open policy options and alternatives in the documents discussed in the committee. As regards Genetic Resources (GR), the EU and its MS remain open to discuss a disclosure requirement provided that it contains safeguards to ensure legal certainty, clarity, appropriate flexibility and does not adversely affect in any way the validity and effective enforcement of patent rights. With regard to TK and TCEs, given the important artistic, cultural, religious and other freedoms at stake, the EU and its Member States believe that any international instrument or instruments to be created should be non-binding, flexible, evidence-based and sufficiently clear. The EU believes that the future work programme of the IGC should reflect the lack of agreement on the way forward despite many years of discussion on this topic and should therefore consider alternatives to a normative outcome.

The EU and its Member States reaffirm their support and commitment to the appropriate implementation of the WIPO Development Agenda recommendations.

Thank you

**General / Opening Statement (Item 5)**  
**[Full Version]**

Madam Chair,

On behalf of the EU and its Member States, we would like to thank you for your stewardship of these 54th series of meetings of the Assemblies of the Member States of WIPO. Yours is not an easy role and we are deeply appreciative of the considerable personal investment you have made in order to set the stage for successful Assemblies. We are also grateful to the vice chairs for their efforts and dedication. We would like to thank the DG and the secretariat for the preparatory work they have undertaken, in particular in drawing up numerous comprehensive documents for these assemblies as well as for all the work undertaken throughout the year. We are particularly happy to be taking the floor in this brand new meeting hall, a fitting venue for our assemblies. We would like to commend all those involved in this project for achievements.

Madam Chair,

Intellectual property rights act as an incentive to creativity and innovation, improving consumer choice and job creation. They are a driver for competitiveness and growth. The protection and promotion of Intellectual property rights remains a key priority for the European Union and its Member States, given its crucial role for future European prosperity.

Let me illustrate this in figures: 39% of the EU's total economic activity (worth €4.7 trillion annually) is generated by IPR-intensive industries and approximately 35% of all employment in the EU is provided either directly or indirectly by these industries.

Madam Chair,

The World Intellectual Property Organisation (WIPO) is the central hub for global IP infrastructure. It serves as a unique global forum for intellectual property services, policy, norm setting, information and cooperation, mediation, arbitration, and technical assistance. The EU and its Member States reaffirm their commitment to the multilateral approach in sustaining and developing the global IP system. In doing so, we recall that WIPO's core mission remains the servicing of PCT, Madrid, Hague and Lisbon systems and that further resources should be allocated to promoting and strengthening these core rights systems.

The EU and its Member States support ongoing efforts to promote and enhance existing international intellectual property protection systems as an essential buttress to global innovation and trade. Increasing globalisation of supply chains and cross-border trade makes international cooperation on IP rights and their protection and enforcement more important than ever.

Madam Chair,

These assemblies will seek to register progress and improved understanding on an important number of different normative proposals which cover the broad range of IP rights.

We believe that WIPO's normative work should not only ensure the proper incentives and functioning of the global IP system, but should make concrete improvements thereto. In this respect we also take note of the increased level of normative activity in recent years.

WIPO should continue to base its normative work on the principle that the recognition and protection of intellectual property rights is essential for creativity and innovation and, in today's world, for competitiveness and growth. Weakening such recognition and protection has far-reaching and negative economic, legal, and practical effects. We would therefore insist on the need to ensure that WIPO's normative work is based on solid economic and legal evidence, technical maturity as well as on a robust assessment of its impacts.

## **EU priorities for the General Assembly**

The EU and its Member states look forward to making a positive contribution in the 54th series of Meetings of the Assemblies of the Member States of WIPO. We will engage constructively with all States to secure meaningful and sustainable outcomes.

The EU and its Member States will seek to promote consensus on a decision to convene diplomatic conference in respect of a Design Law Treaty. The SCT has delivered a mature text which has been ready for harvest for some months. If our normative work is to retain credibility we must now move to the next phase by convening a diplomatic conference in line with the recommendations of the 53rd General Assemblies.

The EU and its Member States believe that moving ahead with the revision of the Lisbon system should be WIPO's first priority on geographical indications. The progress made in the working group so far clearly shows that this activity will lead to improvements in relation to the diversity and the flexibility allowed to Member States by the TRIPS Agreement and may transform the Lisbon system into a truly global one through expanding its membership. It is recalled that last year the Lisbon Union Assembly approved the convening of a Diplomatic Conference for the Adoption of a Revised Lisbon Agreement on Appellations of Origin and Geographical Indications in 2015. This decision is still valid and has to be implemented in accordance with the roadmap defined by the Lisbon Union Assembly.

As far as the work of the Standing Committee on Copyright and related Rights (SCCR) is concerned, the EU and its Member States will also seek to register further progress on a draft Treaty on Broadcasters' rights and to chart a course towards a diplomatic conference. The EU and its Member States also believe that there is a need to find a meaningful way forward for the SCCR work related to limitations and exceptions in view of the different approaches that exist as to the most appropriate course of action and desirable outcomes. We also believe that it is essential to undertake a thorough reflection as to the future work programme of the SCCR, its working methods and its role.

Enforcement remains a key priority for the EU and its MS. To improve the efficiency of WIPO's work in this area the EU would support the adoption of an additional standing item on the agenda of the Advisory Committee on Enforcement, consisting of voluntary presentations of national enforcement regimes.

With regards the work of the WIPO Intergovernmental Committee on Genetic Resources, Traditional Knowledge, and Folklore (IGC), the EU and its MS take note of the wide range of open policy options and alternatives in the documents discussed in the committee. As regards Genetic Resources (GR), the EU and its MS remain open to discuss a disclosure requirement provided that it contains safeguards to ensure legal certainty, clarity, appropriate flexibility and does not adversely affect in any way the validity and effective enforcement of patent rights. With regard to TK and TCEs, given the important artistic, cultural, religious and other freedoms at stake, the EU and its Member States believe that any international instrument or instruments to be created should be non-binding, flexible, evidence-based and sufficiently clear. The EU believes that the future work programme of the IGC should reflect the lack of agreement on the way forward despite many years of discussion on this topic and should therefore consider alternatives to a normative outcome.

The EU and its Member States reaffirm their support and commitment to the appropriate implementation of the WIPO Development Agenda recommendations. WIPO's technical assistance and capacity building in the area of cooperation for development must be built on the basis of transparency, good governance, and best practice to ensure optimal added value. At the same time development agenda considerations should not be used as a pretext to stall progress in the normative field. Our objective is to establish appropriate and effective mechanisms that address concrete needs in order to enhance capacity and establish a global IP level playing field.

The Member States of the EU will continue to engage constructively on work to promote WIPO as a worldwide ambassador for IP through in particular the establishment of a limited global network of WIPO external offices on the basis of agreed robust guiding principles.

Thank you



**Report of the Committee on Development and Intellectual Property (CDIP) and Review of the  
Implementation of the Development Agenda Recommendations (Item 13)  
WO/GA/46/3, WO/GA/46/4, WO/GA/46/10**

Chair,

Robust and balanced IP infrastructures underpinned by adequate capacity building measures and coupled with a development-oriented IP culture, can contribute significantly to the attainment of development goals. The European Union and its Member States continue to be committed to further progress in this field in order to implement the recommendations of the Development Agenda in an appropriate, and consensus-driven, manner. We would like to thank the WIPO Secretariat for its valuable contribution to the work of the Committee.

The EU and its Member States welcome WIPO's extensive technical assistance and capacity building programmes and hope that they will be evaluated so that lessons can be learned and programs scaled up as appropriate. This year as in previous years, the EU and its Member States have been very active in promoting IP as an effective tool in support of development. WIPO's programmes can operate in synergy with the very significant EU resources dedicated to technical assistance programmes in the field of intellectual property. In this regard we would recall that the EU and its MS have provided considerable assistance through technical cooperation activities in the field of IP and in favour of developing and least-developed countries, notably in the context of Article 67 of the TRIPS Agreement.

We hope that the collective efforts of WIPO's membership will ensure that WIPO's development activities are conducted on the basis of transparency, good governance, and best practice, thereby creating the conditions for an effective and consensual implementation of the CDIP mandate.

Thank you very much for your attention.

**Matters Relating to the Standing Committee on Copyright and Related Rights (SCCR)**  
**(Item 15)**

Chair,

The European Union and its Member States would like to thank the Chairman of the Standing Committee on Copyright and Related Rights (SCCR) and the WIPO Secretariat for their excellent work and efforts in trying to move forward the issues currently under discussion in the SCCR.

The European Union and its Member States have been actively involved in the discussions on the treaty for the protection of broadcasting organisations. We have worked tirelessly to advance work on a matter that, undeniably, is a complex and technical one at times. We attach great importance to these negotiations and are encouraged by the latest progress in our discussions on the main elements of the treaty such as the scope of application and the catalogue of rights to be vested in broadcasting organisations. We believe that, in order to achieve a treaty giving broadcasting organisations adequate and effective protection, a broad consensus needs to be built as to the extent of the protection to be granted. While trying to build such consensus, our aim needs to remain the conclusion of a Treaty which is meaningful in view of the technological realities and of the needs of broadcasting organisations in the XXIst century. With that objective in mind, we should accelerate work to ensure even greater progress and to be in a position to convene a Diplomatic Conference, which will take place in 2016. We would expect the GA's decision under this item to reflect this position.

Concerning limitations and exceptions in favour of libraries and archives, as well as educational, teaching and research institutions and persons with other disabilities, the European Union and its Member States believe that the current international copyright framework already enables WIPO Member States the required legal space to introduce, maintain and adapt when necessary, meaningful limitations and exceptions in their national laws. Furthermore, the current international copyright framework provides all the needed flexibility for WIPO Member States to take into account the specificities of their legal systems and of their economic and societal needs, while respecting the necessary balance to ensure that copyright continues to be an incentive and a reward to creativity.

Therefore, the European Union and its Member States are ready to debate and work with all WIPO Member States so that these limitations and exceptions function in the best possible way in the framework of the existing international treaties. This approach is one where WIPO Member States take responsibility for their own legal framework, supported by an exchange of ideas, principles and best practices, which are for us the way forward on this issue. We are glad to see that the Committee has made some progress in this direction in its last few sessions.

However, fundamental differences seem to persist on the need, or not, for an international legally binding instrument on exceptions and limitations in this area. Such differences have regrettably hampered discussions in the SCCR and affected progress on all items on the agenda of the Committee, despite the substantial efforts and resources put by all delegations and the extraordinary engagement of the Committee Chair and Vice Chair.

The EU and its Member States remain fully committed to find a way forward for the work in the SCCR including in relation to items to be included in its future work programme, to overcome the current impasse, in particular with regard to the failure of the SCCR to fulfil its mandate by making recommendations to the General Assembly on exceptions and limitations on libraries and archives by its 28th session. Such future work programme needs to be built upon the understanding that an effective copyright system at international level is made up of many interlinked elements that go well beyond new normative efforts. We also believe that it is essential to undertake a thorough reflection on the working method and the role of the SCCR. Our common aim should be to ensure the best possible use of time and resources, as well as the ability of this organisation to continue playing a central role in copyright at international level. For these reasons we do not believe that the draft decision language proposed by the Secretariat reflects the proper balance of opinion on this issue. We will therefore not be in a position to join the consensus on the conclusions as currently drafted.

Thank you very much for your attention.

## Standing Committee on the Law of Patents (SCP) (Item 17(i))

Chair,

The European Union and its Member States are pleased that progress was made at the 20th session of the SCP, that positive conclusions were reached, and that delegations agreed to continue discussions on the basis of the work program, including the topics: “Quality of Patents, including Opposition Systems”, “Client-Patent Attorney Privilege”, “Exceptions and Limitations to Patent Rights”, “Transfer of Technology”, and “Patents and Public Health”. The topics in the work program address important and complex issues related to the international patent system, with the hope that discussions achieve a more efficient and accessible patent system as a whole.

Consequently, the EU and its Member States are particularly keen to advance on the topics of “Quality of Patents, including Opposition Systems”, as we believe that work on this topic would be of interest to member states across the spectrum of development, and also on the topic of “Client-Patent Attorney Privilege”, as convergence of differing provisions would be of benefit to users of the patent system, irrespective of the level of development of individual WIPO Member States. However, the EU and its Member States remain committed to all topics on the work programme of this Committee, and are hopeful that further work will enable fruitful discussions on technical issues concerning patent law, and consideration of the need for international patent law harmonisation.

Thank you.

## Advisory Committee on Enforcement (ACE) (Item 17 (iv))

Chair,

The European Union and its Member States welcome the previous fruitful discussions of the WIPO Advisory Committee on Enforcement and look forward to further productive exchanges during the tenth upcoming session.

Intensified efforts of the Committee to build a shared understanding of the impact of IPR infringements are a key driver for effective prevention and enforcement strategies. To this extent, an additional standing agenda item on voluntary presentations of respective national IP enforcement frameworks would further promote the exchange of views and best practices on this key issue. The European Union and its Member States are confident that fruitful collaboration will continue between delegations in order to combat more effectively IPR infringements which affect us all.

Thank you

## Geographical indications and Lisbon System (Item 22)

Chairman,

I am speaking on behalf of the EU and its MS.

The EU would like to recall that in accordance with the remit of improving the Lisbon system, a key aim of this revision is to make the Lisbon System more attractive to countries that are currently not party, such that the system might expand, and reach a wider membership. In an effort to build an inclusive system observer status to the Lisbon System Working Group has been made available to all WIPO members. The Lisbon System Working Group has already enjoyed much useful input from observers.

It is recalled that last year the Lisbon Union Assembly approved the convening of a Diplomatic Conference for the Adoption of a Revised Lisbon Agreement on Appellations of Origin and Geographical Indications in 2015. This decision is still valid and has to be implemented in accordance with the roadmap defined by the Lisbon Union Assembly.

Chairman,

The EU and its MS continue to believe the best way to accommodate the diversity of national systems is the expansion of the relevant registration systems run by WIPO, namely the Lisbon and Madrid systems. Moving ahead with the revision of the Lisbon system should be WIPO's first priority on geographical indications. The progress made in the working group so far clearly shows that this activity will lead to improvements in relation to the diversity and the flexibility allowed to Member States by the TRIPS Agreement.

Thank you.

**Consideration of the convening of a Diplomatic Conference for the Adoption of a Design Law  
Treaty (SCT) (Item 14)  
WO/GA/46/9**

Madam Chairman,

The European Union and its Member States attach great value to harmonising and simplifying of design registration formalities and procedures. The SCT has, over the last several years, worked assiduously to draw up a draft normative instrument to deal with this issue. These draft Articles and Regulations aim at approximating and simplifying industrial design formalities and procedures. They are also needed to establish a dynamic and flexible framework for the subsequent development of design law, to keep up with future technological changes. In line with the respective Development Agenda Recommendations, numerous studies have been carried out, in relation to the impact of the proposed Treaty. The study results indicate that respondents in all countries believe that the proposed changes would bring about a positive impact.

We note from the Chair's summary at SCT 29 that "A number of delegations stated that sufficient progress had been made by the SCT to recommend to the WIPO General Assembly the convening of a diplomatic conference in 2014". Following this, the Chair's summaries of SCT 30 and SCT 31 note that further progress on the text was made at both of these meetings. The EU and its Members States consider the texts under consideration to be at a sufficient level of maturity for a Diplomatic Conference to be convened by this General Assembly, paving the way for the adoption of a Design Law Treaty.

The EU and its Member States believe that, while there are differences of opinion as to how the issue of technical assistance and capacity building should be dealt with in relation to the treaty, no WIPO Member State questions the principle of their provision. Questions relating to the provision of technical assistance have arisen before in the contexts of WIPO negotiations surrounding both the Singapore Trademark Law Treaty, and the Patent Law Treaty. In each case however the matter was resolved to the satisfaction of all parties during the Diplomatic Conference itself. Hence, we believe that open questions relating to the provision of technical assistance and capacity building do not necessarily need to be resolved before the convening a diplomatic conference. We know from experience that it is a matter that will be satisfactorily addressed in due course.

Madam Chair,

We deeply regret that these Assemblies will not take a decision to convene a Diplomatic Conference and urge all parties to redouble all efforts to reach this goal.

Thank you.



**Matters concerning the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) (Item 16)**  
**(WO/GA/46/6)**

Madam Chair,

The European Union and its Member States recognise the importance of the work carried out by the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).

The EU and its Member States believe that this year's discussions have undoubtedly been fruitful, and some limited progress has been made. However, a significant number of issues of fundamental importance need to be resolved before the next stages of our work can be considered. In this respect we regret that the Committee was not able to produce a recommendation to this General Assembly for its future work programme. We further regret that it would appear that no agreement on a consensual way forward has been reached at these Assemblies.

We will continue to work constructively with all Delegations to find ways to achieve tangible results.

We would like to reiterate our understanding that any international instrument or instruments to be created should be non-binding, flexible, evidence-based and sufficiently clear. In this respect, we would like to remind Members that no decision has been reached on the nature of the instruments to be adopted and that the work of the IGC should continue on this basis, also in view of the prior achievement of solid, clear and consolidated texts.

Thank you

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