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**NOTE**

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Delegations will find attached, for information, the statements delivered on behalf of the EU and its Member States at the above-mentioned WIPO meetings.

**Sixty-Second Series of Meetings of the Assemblies of the Member States of WIPO  
(Geneva, 4 October – 8 October 2021)**

**Agenda Item 5  
General/Opening Statement**

Chair, Honourable Ministers, Your Excellences, distinguished delegates,

Slovenia is honoured to take the floor on behalf of the European Union and its Member States.

1. Chair, we thank you for your dedicated work throughout these challenging times. We have full confidence that your able guidance will help us reach positive results and thus conclude this General Assembly with success. We also thank the Secretariat for the outstanding preparatory work.
2. Firstly, we would like to congratulate DG Tang and his senior management team for leading WIPO this year. We acknowledge, with support, the demanding work of leading a multilateral organisation, especially in such extraordinary circumstances. The pandemic has shown the value of intellectual property rights, the protection and promotion of which is among the key priorities for the EU and its Member States.
3. We look forward to seeing WIPO's newly outlined holistic vision and strategic approach come to life and to result in global innovation and creativity, supported by a balanced and effective system of IPR. We welcome proposals to reach out and to empower every member of the society, in an inclusive and undifferentiated manner. We are encouraged by focusing on concrete results supported by WIPO's horizontal and targeted measures and programs, for individuals and SMEs in particular.

4. The EU and its Member States are pleased to note WIPO's efforts towards an effective and efficient response to COVID-19. Strong and balanced IP systems can and should contribute to overcoming health crises and to global economic recovery. The pandemic has been affecting people's lives for too long. We support WIPO in reaching out to business in the effort to swift economic recovery. To achieve that, we suggest focusing particularly on green and digital transitions, built on well-balanced and forward-looking IP ecosystems. Sustainability as well as continued discussions on IP and artificial intelligence remain high priorities of the EU.
5. Although we understand the difficulties of the current situation, we want to recall that the EU and its Member States stand ready to engage on policy discussions in all governing bodies and committees, as soon as the conditions permit us to meet in a safe negotiating environment.
6. The EU calls for progress in the negotiations for an ambitious Broadcasting Treaty that would take into account the technology developments. We are committed to engage constructively on the outstanding issues. We also support the renewal of the IGC mandate for 2022/2023 according to the recommendation adopted at IGC 41. Turning to the DLT, we are open to consider and discuss any constructive proposal on this matter.
7. We are encouraged by seeing the work progress in different committees, albeit curtailed, and thank other delegates for their continuous engagement and for consensuses reached.
8. In closing, let me reassure you that the EU and its Member States will continue to support successful and constructive work during this General Assembly.

Thank you.

### **Agenda Item 13**

## **Report on the Standing Committee on the Law of Copyright and Related Rights (SCCR)**

**Doc. WO/GA/54/4**

Chair,

1. The EU and its Member States would like to thank the Chair of the Standing Committee on Copyright and Related Rights (SCCR) for his efforts in facilitating engagement in the work of the Committee during this difficult period. We would also like to thank the WIPO Secretariat for all the preparatory work done over the course of the past two years.
2. The Treaty on the Protection of Broadcasting Organisations remains a high priority for us and we recall the 2019 WIPO General Assembly mandate to the SCCR to continue its work towards convening a diplomatic conference, subject to certain conditions. We consider that the Committee's work should result in a meaningful treaty that reflects the technological developments of the 21st century. We remain committed to advancing work on this agenda item and looking forward to having in-depth discussions again as soon as the sanitary situation allows for it.
3. The European Union and its Member States remain furthermore committed to pursue constructive discussions on Limitations and Exceptions. We strongly believe that cultural heritage institutions play a crucial role in the dissemination of knowledge, information and culture, along with the preservation of our history. We also attach importance to the support of educational and research institutions and for people with disabilities, both in the analogue and digital worlds. However, as consistently expressed in the past, we cannot support work towards legally binding instruments at the international level or any preparations in this regard. We believe that taking into account the solutions already available to WIPO Member States within the existing international copyright framework, full consideration should be given to focussing on capacity building and improving legislation of WIPO members at the national and regional level, combined with guidance and support from WIPO. The EU and its Member States stand ready to continue to engage constructively under this agenda item.

4. In terms of other agenda items, should the SCCR Agenda be expanded to cover additional items in the future we would recommend, as already indicated in the past, including the topic of the Author's Resale Right (droit de suite) on the permanent agenda of the SCCR.

Thank you.

**Agenda Item 14**  
**Report on the Standing Committee on the Law of Patents (SCP)**  
**Doc. WO/GA/54/5**

Chair,

1. Slovenia is honoured to take the floor on behalf of the European Union and its Member States. We would like to thank the Chairs, the WIPO Secretariat and the members of the Standing Committee on the Law of Patents for the continuous efforts and progress made since the last General Assembly. There have been constructive discussions and developments on all five main topics on the agenda of the SCP, i.e. (1) exceptions and limitations to patent rights; (2) the quality of patents, including opposition systems; (3) patents and health; (4) the confidentiality of communications between clients and their patent advisors, and (5) transfer of technology.
  
2. The quality of patents, including opposition systems, is of particular importance to the European Union. High quality patents can guarantee the proper balance between the interests of inventors, industry and other stakeholders on one hand and of the society on the other hand. We are looking forward to continue to contribute to advancing the Committee's work, in particular with regard to the topic of artificial intelligence (AI). The latter consists inter alia of future discussions on the study of approaches to the quality of patent granting process as well as on the revised proposal by the distinguished Delegations of Brazil and Spain regarding sufficiency of disclosure, and on sharing experiences and information on the use of AI for examination of patent applications following the proposal submitted by the delegations of France and Spain as contained in the document SCP/30/9. Apart from contributing to the technical quality of patents, we continue to believe and encourage the SCP to serve as a venue for discussions about the existing differences of patent law systems as well as substantive patent law in the future.

3. The EU and its Member States attach great importance to the topic of confidentiality of communications between clients and their patent advisors. We look forward to continuing discussion on recent developments and experiences as well as on any suggestions or proposals presented by Member States on this topic in the upcoming sessions.
4. We believe that the sharing session on patent law provision and practices that had contributed to effective transfer of technology was insightful and useful and we are looking forward to continuing discussing this important topic in the upcoming session as well.
5. As the COVID-19 crisis has shown, the interplay between patents and public health requires continued – and even increased – attention. It is thus important that the Committee, building on the relevant work carried out over the past years, keeps addressing this interplay in a thorough manner, in line with its mandate, and still under a balanced approach fostering both innovation, through effective IP incentives, and adequate access to health-related technologies.
6. While the European Union and its Member States regard all topics on the agenda important, we would like to reiterate our special interest in enhancing international cooperation and improving the technical knowledge on patentability requirements. Ensuring a more efficient, effective and higher quality patent system in all Member States is in our view the right way forward in removing trade obstacles and can prominently contribute to economic prosperity.
7. The European Union and its Member States are committed to continue the efforts to advance the work of the Committee in accordance with the agreed work plan. We are looking forward to the interesting discussions and information sharing in the SCP in hope to achieve tangible results in the future.

Thank you.

**Agenda Item 15**

**Report on the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)**

**Doc. WO/GA/54/7**

Chair,

1. The EU and its Member States welcome the continued progress made by the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications during its last two sessions. We note with appreciation that despite the COVID-19 pandemic, the SCT was able to have two hybrid sessions, during which progress was achieved on most key topics and delegations maintained a constructive spirit.
2. With regard to trademarks, on the topic of country names we welcomed and commented on a new proposal by the Delegations of Georgia and other Member States. Concerning the Protection of Country Names and Geographical Names of National Significance (SCT/43/6). While two other proposals will also continue to be discussed at the next session, we reiterate that we would welcome an attempt to merge some concepts underlying previously submitted and long debated proposals on the table. We would appreciate the effort to simplify discussions by reducing the number of competing revised proposals and we commend the spirit of seeking consensus reflected in the joint proposal in document SCT/43/6. We look forward to continuing discussions on that proposal.
3. As to the topic of nation brands, we thank the Secretariat for preparing a revised compilation of returns to the Questionnaire on Nation Brand Protection in Member States in document SCT/43/8 Rev. We continue to have the favourable impression that nation brands identified in the responses can benefit from being protected as trademarks, as well as by means of Article 6ter of the Paris Convention. It appears to us that significant problems relating to the protection of such identified national brands are not immediately apparent from the responses. We look forward to the Secretariat's presentation at the next session on the main findings and trends identified in the responses provided to the Questionnaire. We are also interested to discuss any proposals for topics for an Information Session on Nation-brand Protection in Member States, to be possibly held in conjunction with SCT 46.



4. On the topic of designs, the EU and its Member States commend the completion of work regarding the Questionnaire on Graphical User Interface (GUI), icon and type face/type font designs. We find that the revised analysis of all returns prepared by the Secretariat in document SCT/43/2 Rev. provides a very valuable summary and conclusions. We fully support this document to be used as reference for further work on selected pertinent issues for GUI designs. We reiterate our view that currently existing divergences should be directly addressed, and further work on these issues can pave the way for a more harmonised approach. We therefore welcome as a practical solution the revised proposal on a joint recommendation by the Delegations of Israel, Japan and the United States of America in document SCT/43/10 Rev. We find the revised text is an improved version of the original proposal, and we have made detailed technical comments on it. We look forward to working together with the proponents and other delegations to finalise the recommendations in order to foster a more harmonised approach.
  
5. We also welcomed the proposal of Spain regarding further steps based on the Compilation of the Returns to the Questionnaire on the Temporary Protection of Industrial Designs at Certain International Exhibitions, in accordance with Article 11 of the Paris Convention for the Protection of Industrial Property, as contained in document SCT/44/5. We endorsed the new proposal by Spain, as in our view it would be beneficial for the users to have a compilation of the replies to the questionnaire in an easily accessible and searchable format. Nevertheless, we are in favour of the proposal with the caveat that the database should serve merely for information purposes, as a repository of information.

6. As to geographical indications, the EU and its Member States would like to thank the Secretariat and Members of the SCT for the work in preparing and delivering the information sessions on geographical indications. We consider the process of advancing the international debate on geographical indications has been a valuable and constructive exercise. We look forward to the exercise to be continued at the next session and we were happy to propose the topic “Ways to prevent bad faith registration of domain names consisting of, or containing, geographical indications”. We reiterate our concern that the treatment of geographical indications on the internet is an area where there are significant lacuna, and unjustified divergences from the treatment of other forms of IPR, in particular in the management of generic Top-Level Domains (gTLDs) and further levels of the domain names system. These issues were raised in document SCT/31/8 REV.8 in 2013 and our concerns have been confirmed by arbitration cases and discussions within WIPO since then. At the same time, we look forward to discussing the topic “Examination of geographical indications in *sui generis* systems and trademark systems, including words in combination with graphic elements and geographical indications consisting solely of a graphic element; the weight given to descriptive elements; conflicts; and scope of protection.” We also consider information sessions should address the relevance of geographical indications for developing countries’ economies as they are a unique form of IPR that protects local cultural, social and economic values at global level, including the potential to use GIs to protect the names of products relating to genetic resources and traditional knowledge of indigenous and local communities. We would be pleased to facilitate such an information session if proposed by an interested Member.
7. Chair, highly appreciative of such positive tendencies, the EU and its Member States remain actively engaged in continuing work in all three key areas of the SCT.

Thank you.

**Agenda Item 16**  
**Matters Concerning the Convening of a Diplomatic Conference for the adoption of**  
**Design Law Treaty (DLT)**  
**Doc. WO/GA/54/8**

Chair,

1. The EU and its Member States would like to reiterate that in our opinion, the basic text of the DLT has been stable since 2014 and ripe for the convening of a diplomatic conference for the adoption of the Treaty. Considering the benefits of harmonising and simplifying design registration procedures for users and WIPO Members across the spectrum of development, the continued delay in its adoption is unfortunate.
2. We regret that a decision to convene a diplomatic conference was not made at the 2019 General Assembly. We recall that despite our efforts to constructively engage in discussions on the Facilitator's text, no positive outcome could be achieved. Following the impasse due to the COVID-19 pandemic in 2020, we greatly appreciated all the committed endeavours of the Facilitator, Ambassador Socorro Flores Liera of Mexico, to reopen informal consultations in January this year to further discuss the 2019 compromise proposal. We commend her engagement with all Regional Coordinators and interested delegations to seek a possible way forward under a spirit of transparency and inclusiveness up until her term in Geneva came to an end on 30 April 2021.
3. As Ambassador Flores pointed out in her "Summary Prepared by the Facilitator on DLT Consultations" dated 21 April 2021, TK and TCEs are pending discussions within WIPO, particularly within the IGC, and as long as they are not solved in that context, bringing them to the DLT discussions would be fruitless and will continue to delay the conclusion of a long overdue process. We fully share such assessment.
4. The EU and its Member States are ready to discuss and explore constructive solutions on the two remaining open issues – the proposal for a disclosure requirement to be included in Article 3 of the Treaty, and the specific nature of the instrument on technical assistance and capacity building in implementing the Treaty.

5. As regards the first outstanding issue, with reference to the various proposals discussed at the 2017, 2018 and 2019 General Assemblies, the EU and its Member States recall our active engagement in efforts to agree on appropriate wording in the context of Article 3, having come a long way from our initial position.
6. We would like to thank the GA Chair and Friends of the Chair for the recently conducted informal consultations with Regional Coordinators on the DLT. We also thank Ambassador Kah of Gambia and Ambassador Arango Olmos of Columbia for circulating a White Paper on the DLT, and we appreciate all the efforts that have been made. However, there are several questions arising from the proposal set out in the White Paper that need to be clarified before we can consider further negotiations on that basis.
7. In our view, the questions raised by the White Paper would call for substantive exchanges with the originators of the proposal. However, such substantive exchanges are, in our understanding, not possible during the current GA session given its hybrid format. We recall that in response to difficulties due to the COVID-19 pandemic, WIPO members agreed on the challenges relating to conducting normative negotiations in hybrid format.
8. Chair, the EU and its Member States stand ready to further explore constructive proposals once normative negotiations can be conducted again, hopefully at the next General Assemblies.

Thank you.

**Agenda Item 17**

**Report on the Committee on Development and Intellectual Property (CDIP) and Review of  
the Implementation of the Development Agenda Recommendations**

**Doc. WO/GA/54/9**

Chair,

1. The EU and its Member States would like to express our continued commitment and support to the important work carried out by the Committee on Development and Intellectual Property. We are pleased to note that the Committee has successfully followed its mandate by developing and updating a work program for the implementation of the 45 adopted Development Agenda Recommendations (DARs) as well as advanced discussions on various IP and development related issues, as agreed by the Committee or by the General Assembly, such as the UN Sustainable Development Goals (SDGs).
2. In reference to the Summaries by the Chair of the twenty-fourth, twenty-fifth and twenty-sixth sessions of the CDIP and to the Director General's Report on the Implementation of the Development Agenda for the year 2019, which combined constitute the Committee's report to this Assembly, we note with appreciation that further progress has been achieved to mainstream the DARs and the SDGs across WIPO's strategic goals. In particular, we would like to compliment the wide range of technical assistance and capacity-building activities that have been provided. We believe they were demand-driven, development-oriented and addressing specific needs of the beneficiaries.
3. The EU and its Member States would like to continue to emphasize our commitment to achieving the UN Sustainable Development Goals. We are convinced that WIPO has an important role in supporting its Member States in their efforts to reach the SDGs – especially focusing on those most relevant to WIPO's mandate and the aim of promoting protection of IP. In this regard, we would also like to highlight and commend the webpage dedicated to the SDGs, created in 2019, with the purpose of sharing information and best practices.

4. The EU and its Member States are pleased to note the decision by the Committee at its twenty-sixth session on “Women and IP”. Promoting gender equality is a high priority of the European Union policies and we therefore fully support the objectives of the decision. We strongly believe that encouraging innovation and creativity among women and fostering their talents in science, technology and arts, together with increased IP education, will benefit not only individuals but all countries and all levels of society as well.
5. We are looking forward to further discussions under the agenda item “Intellectual Property and Development”, notably on the topics “The Role of Technology and Innovation Support Centers (TISCs) as a catalyst for Technology Transfer” and “IP and Innovation: Trademark and Design Strategies for Entrepreneurs” at the next two sessions of the CDIP. With hopes for productive and applicable outcomes.
6. In conclusion, we acknowledge the extensive and successful work performed by the CDIP. We remain committed to contributing to further progress in the Committee’s field, bearing in mind WIPO’s objective to promote the protection of intellectual property throughout the world, including through the cooperation among its Member States.

Thank you.

**Agenda Item 18**

**Report on the Intergovernmental Committee on Intellectual Property and Genetic Resources,  
Traditional Knowledge and Folklore (IGC)**

**Doc. WO/GA/54/10**

Chair,

1. The EU and its Member States recognise the unique importance of the work carried out by the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). We acknowledge and commend the commitment of IGC Chair Mr Ian Goss, IGC Vice-Chairs Ms. Lilyclaire Bellamy, Mr. Jukka Liedes and Mr. Yonah Seleti to promote progress in the IGC through their excellent and hard work. We would also like to thank the WIPO Secretariat for all their precious support in preparing and administering IGC sessions.
2. We appreciate that despite difficulties in continuing negotiations according to the work program for the current biennium, the IGC Bureau facilitated the agreement of Member States to carry out several online commenting processes and other preparatory activities which commenced in 2020 and have continued into 2021. In the framework of such activities as proposed by the IGC Chair, and in response to his note circulated in May 2020, the EU and its Member States submitted comments to the Chair's Text of a Draft International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources.
3. We take positive note of further work in the IGC in addition to the above mentioned activities, in particular, the organisation of a Virtual Seminar on Intellectual Property and Genetic Resources held in January 2021, as well as the Briefings on the IGC, including on background, key issues, and status of the negotiations, which took place in June 2021.

4. We reiterate our commitment to engage constructively in the work of the IGC, the continuation of which can only take place under a renewed mandate for the biennium 2022/2023. The EU and its Member States welcomed the convening of the 41<sup>st</sup> session of the IGC, rescheduled several times due to the COVID-19 pandemic to be held on 30 August – 3 September 2021 in hybrid format. We also welcome that IGC 41 managed to reach consensus on a recommendation to this General Assembly on the terms of the IGC's Mandate and Work Program for 2022/2023.
5. The EU and its Member States fully endorse the decisions and recommendations adopted at IGC 41, as contained in document WO/GA/54/10. We reiterate our support for the renewal of the mandate of the IGC for the biennium 2022/2023 based on an exact replication of the mandate for 2020/2021, with one technical update related to document numbering and with the numbering and dates of sessions updated.
6. Chair, the EU and its Member States stand ready to continue substantive work in the IGC under its renewed mandate for 2022/2023. We reiterate our commitment to engage constructively in negotiations as soon as they can restart in the next biennium.

Thank you.



**Agenda Item 24**  
**Lisbon system**  
**Development of the Lisbon system (LI/A/38/1)**

Chair,

1. The European Union and its Member States would like to thank the WIPO Secretariat for preparing document LI/WG/DEV-SYS/3/2 on the development of the Lisbon system. We welcome the entry into force of the Geneva Act and the accessions of Contracting Parties that have taken place so far, and we are looking forward to the accession of new members in the next few months. We encourage other WIPO members to consider joining the Geneva Act as well. The Lisbon System is less well known among IP users by comparison with the other IP Global Systems managed by WIPO (i.e. PCT, Madrid and Hague systems). Therefore, following up on the entry into force of the Geneva Act, and in order to support and promote new accessions, we remain convinced that increased resources, both human and financial, should now be allocated to the Lisbon Registry Bureau to enable the Lisbon System to effectively perform its institutional tasks related to the administration of the Geneva Act and to become better known and more widely used. It would also be important that the promotion of the Lisbon System be undertaken through dedicated and focused initiatives, without the obligation to promote at the same time – as has been the case so far – the trademark system or the use of generic terms.
2. The European Union has made progress in the implementation of its membership in the Lisbon system under the Geneva Act and has filed, in the course of this year, the first applications for the international registration of GIs originating in its Member States. That is, among other positive effects, generating new income for the system, making it more attractive to new Members. The European Union and its Member States are currently preparing further GIs applications to be filed as soon as possible for the international registration under the Geneva Act and are in turn looking forward to applications from other Members.

Thank you.

**Agenda Item 24**

**Lisbon system**

**Proposed Amendments to the Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement (LI/A/38/2)**

Chair,

1. The European Union and its Member States would like to thank the WIPO Secretariat for preparing document LI/A/38/2. In response to severe disruptions for users of the Lisbon System resulting from the COVID-19 pandemic, we welcome the initiative to propose amendments to the “Common Regulations Under the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration and the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications”.
2. The proposed new Rule 2bis in the Lisbon Common Regulations, entitled “Excuse of Delay in Meeting Time Limits” is intended to give users of the Lisbon System relief equivalent to that provided for in Rules 82 and 82quarter of the PCT Regulations.
3. The European Union and its Member States have expressed their support for similar adaptations of the procedural rules for the Hague and Madrid Union, essential for the objective of coping with the challenges of the COVID-19 pandemic and ensuring WIPO’s full functionality and operational capacity<sup>1</sup>.
4. Likewise, the European Union and its Member States consider that the proposed amendments constitute a positive step forward in the modernisation of the Lisbon System.
5. Accordingly, we can support the adoption of the amendments as proposed by the WIPO Secretariat.
6. Moreover, it would be very useful to continue discussing in the Working Group on the Development of the Lisbon System how to better implement the Geneva Act, further improving the Lisbon Common Regulations.

Thank you.

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<sup>1</sup> Cf. EU coordination for the 61<sup>st</sup> series of the Assemblies of the Member States of WIPO (Geneva, 21 - 29 September 2020), doc. 9148/20 of 29 June 2020.

**Agenda Item 33**  
**Closing Statement**

Chair,

Slovenia has the honour to deliver the closing statement on behalf of the European Union and its Member States.

1. The EU and its Member States would once more like to thank you, Chair, for your able and skilful guidance and leadership in facilitating discussions during this session of the General Assembly. Our thanks go also to all the Chairs, Vice-Chairs and many facilitators, as well as to the Director General, DDGs and ADGs and to the whole Secretariat for their hard work and excellent performance through these Assemblies and throughout the challenging year we have had. Last but not least, we would like to thank everyone from WIPO staff that diligently supported us during this week.
2. In spite of the hybrid mode, we are pleased that the General Assembly was able to discuss and adopt some vital documents for WIPO's continuous work such as Program of Work and Budget for next biennium and Medium-Term Strategic Plan. With great interest and hopes, we are looking forward to concrete results of the vision and new strategic approach. We are encouraged by the promise of WIPO to aspire and make IP work for all. We support WIPO in the efforts toward efficient and effective response to COVID-19 and the willingness to assist the Member States and business, including individuals, creators, innovators and SMEs, in their efforts toward economic recovery. We hope that in building back better, IP will play its role for all stakeholders on the road to a resilient post-pandemic world.
3. We are pleased to see the commitment to continue work in different WIPO Bodies and Committees. The EU and its Member States welcome the renewal of the IGC mandate for 2022/2023 and look forward to engaging constructively in negotiations as soon as they can restart in the new biennium. On the matter of the Design Law Treaty, we stand ready to further explore constructive proposals once the normative negotiations can resume, hopefully at the next General Assembly.

4. In closing, the EU and its Member States would like to reassure and reiterate our continued commitment to WIPO's goals and work. We hope that the demonstrated cooperative spirit will prevail in all WIPO Bodies and Committees and continue to help us find pragmatic solutions during the upcoming year, when improved circumstances will hopefully allow us to meet again without any restrictions.

Thank you.

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