

**WIPO Assemblies**  
**63rd Series of Meetings, 14 July to 22 July 2022**

- General Statement of the German Delegation to be included in the Report -

Thank you Madam Chair,

1. On behalf of the German government, we would like to thank you for your leadership in this Assembly meeting. We are pleased to see that for the second time the agenda for the General Assembly is more comprehensive again, after we had to limit it due to the pandemic. The organization has managed to remain adaptable and forward-looking despite the challenges of the pandemic. That leaves us confident that WIPO will also manage future difficulties in a constructive and proportionate way.

2. At this stage, we would like to thank Mr. DG Daren Tang for his leadership reflected in the Medium-Term Strategic Plan for 2022-2026. We fully agree with the underlying vision of a world in which innovation and creativity from anywhere is supported by IP for the good of everyone. We wish to assure Mr. DG Daren Tang again of our continued support in addressing WIPO's mission to develop a balanced and effective global IP ecosystem in order to promote innovation and creativity for a better and more sustainable future. We also thank the International Bureau as a whole for the professional preparation of this session.

3. We remain committed to the importance of a strong IP ecosystem as various crises with significant impact and serious consequences to global health and economy remain a challenge for the world. Only if our IP system is constantly monitored and, where necessary, adapted to new challenges, IP can fulfil its function and act as a driver of innovation, competitiveness and economic development.

4. In this context we also welcome WIPO's continued efforts to assist Member States in addressing the pandemic, as well as laying the foundations for post Covid economic recovery efforts. At the same time, we reiterate our opinion that WIPO could play a more active role in the development of IP-based solutions, such as patent pools, pledges, and licensing structures that aim at ensuring fair global access to vaccines and medicaments and could provide its know-how and expertise to existing licensing platforms. Apart from the challenges Covid-19 brought, the unprovoked and unjustified Russian war of aggression against Ukraine adversely affects WIPO's work and the use of IP as an accelerator for economic and social development. In this regard, we support the adding of an agenda item on "Assistance and Support for Ukraine's Innovation and Creativity Sector and Intellectual Property System" to the agenda of the General Assembly.

5. The German Government considers intellectual property rights to be an integral part of the legal, economic and cultural framework within which enterprises and society as a whole function. Intellectual property rights remain a complex, passionately and globally debated issue. WIPO as the central institution for developing the global IP policy and managing the worldwide IP infrastructure must demonstrate that intellectual property is an instrument for meeting the global challenges of our time, including global health, economic recovery, climate change, and sustainable development. We encourage WIPO to contribute actively,

within its mandate, to the implementation of the Agenda 2030 for sustainable development, to identify areas for its own possible input in this process, and to do this in close cooperation with other Geneva-based institutions. In this context joining the United Nations Sustainable Development Group (UNSDG) as a member in our view enables WIPO to improve multilateral cooperation with other entities and partners of the UN system and stimulates new thinking on how to better integrate IP in the implementation of the SDGs.

6. The German Government supports further international normative development aimed at simplifying and harmonizing the existing international IP framework for the benefit of Stakeholders, including IP offices. We are ready to engage constructively in the upcoming discussions. However, we would like to point out that the depth and scope of substantive discussions will depend on how they can be conducted appropriately in hybrid format.

7. As the deliberations within the Standing Committee on Copyright and Related Rights (SCCR) demonstrate, the international harmonization of legal concepts in this field is a complex task which requires time and dedication on all sides. In view of the sensitive nature of the discussions in the SCCR, which under some agenda items have in the past traditionally been held in informal settings, we look forward to resuming the substantial work and welcome the fact that the Committee agreed to hold two regular sessions of the SCCR in 2023. It is important in our view that the traditional consensus on the allocation of time between agenda items within this Committee continues to be respected. We strongly believe that if Member States work together in a spirit of consensus and with the firm aim of striking a fair balance between all interests involved, WIPO will continue to provide the framework within which we can achieve positive results.

8. Germany remains committed to improving the protection of broadcasting organizations by reaching a consensus on an international treaty. In order for the treaty to be sustainable and successful in the long term, its scope of application should reflect the technical developments that have taken place in the meantime. We therefore welcome the discussion on further technologies, especially on the so called deferred transmissions online. Germany believes that the Revised Draft Text for the WIPO Broadcasting Organizations Treaty (document SCCR/42/3) prepared by the SCCR-Vice-Chair Peter Labody and the Facilitators Jukka Liedes and Hezekiel Oira provides a good basis for future work. Germany will continue to actively support the efforts of the SCCR in order to advance text-based work on an international treaty for the protection of broadcasting organizations.

9. Germany is interested in sharing national experiences regarding exceptions and limitations for certain organizations and purposes, as well as for people with disabilities other than print disabilities. Although Germany firmly believes that there is no need for a legally binding international instrument in this area, we would like to learn more about other Member States' legal concepts.

We are also interested in sharing views on further issues such as the resale right and challenges for copyright in the digital environment.

10. Ever since the beginning of international IP cooperation and the founding of WIPO as an international agency for IP, patent law has been of core importance. Users of the patent system around the world are calling for the further development, harmonization and improvement of the patent system – a call that must be heeded by WIPO and its responsible

standing body, the Standing Committee on the Law of Patents (SCP). Germany recognizes the SCP's ongoing work on important issues in this area.

We welcome the sharing session that was held during the thirty-third session, on the use of artificial intelligence (AI) for the examination of patent applications. And we are looking forward to a further sharing session with respect to the patentability of inventions using AI and by AI at the thirty-fourth session. . AI Technology raises numerous legal questions regarding patent protection of AI-related inventions, which are of fundamental importance for all Member States. In addition, AI-Technology provides numerous opportunities and challenges to the administration of the patent system. We therefore believe that the sharing of experiences and information on these topics in the SCP is highly beneficial for all Member States.

We are particularly eager to continue work on issues of patent quality, including opposition systems, and the confidentiality of communications between clients and their patent advisors. Further work in this area is beneficial to all countries, irrespective of their level of development, since it would enhance the credibility, reliability and stability of the international IP system.

The German delegation has also been closely involved in the area of patents and health, and will continue to engage with these issues moving forward. We take into account the efforts and activities undertaken in this context by other WIPO committees and international organizations. We are particularly looking forward to the presentations by WHO, WTO and WIPO in the upcoming thirty-fourth session.

11. The latest figures on the development of application numbers under the Patent Cooperation Treaty (PCT) show that the PCT system has been quite successful at navigating through the impact of the COVID-19 pandemic. Germany is pleased to note that the number of PCT applications filed worldwide in 2021 still increased slightly by 40.9% to 277,500 applications despite the global impact of the pandemic. Furthermore, we are glad to note that – according to the PCT Yearly Review 2022 published by WIPO - the overall crisis impact seems more muted in the case of the COVID-19 pandemic compared to the impact of previous crises such as the dotcom bubble in the early 2000s and the Great Recession of the late 2000s.

As a patent-intensive country, both at the national and international level, Germany is pleased that the PCT system works so well. In 2021 the German Patent and Trade Mark Office processed 6,900 international applications in the national phase, out of which approximately 88% were filed by applicants from outside Germany.

We highly appreciate the numerous improvements in the PCT system achieved by changes to the technical and legal framework over the past years and we hope to see the constructive atmosphere that prevails in the PCT working group continued in the next sessions.

For these reasons, Germany, as always, stands committed to all necessary further developments in the PCT system to guide the system out of the impact of the pandemic and into another promising decade. We encourage all WIPO Member States to take advantage of the PCT system.

12. The Design Law Treaty (DLT) remains a pending issue. In reference to the discussions of the General Assembly in 2019 we regret that the facilitator's proposal for solving the issue of disclosure requirement was rejected and Member States again were not able to agree upon convening a diplomatic conference. Nevertheless, Germany, like other EU member states, remains convinced that such requirement is not relevant to industrial designs and that its inclusion in the Treaty would contradict the aim of simplifying and harmonising design registration procedures. However, Germany is open to consider any reasonable and constructive proposals in this matter that may be raised during this General Assembly or in the future.

13. With regard to the Geneva Act of the Lisbon system, the accession of the European Union in 2019 was a milestone. Since then, the European Commission has sent a total of 137 EU geographical indications in two packages. We welcome the fact that the European Commission has recently submitted a proposal for EU-wide protection for non-agricultural products as well, which is expected to come into force on January 1st, 2024. In this way, the European Union can in future also offer protection for members of the Geneva Act for these geographical indications and thus further increase the attractiveness of this international protection system.

14. Germany notes the broad consensus amongst Member States to continue work in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). Germany recognises the importance of the work carried out by this Committee. Only little progress could be achieved during this biennium after the COVID-19 situation with the IGC 42 and 43 this year. Therefore, it seems reasonable to put a stronger emphasis on questions of the working methodology in the IGC. . There is still a long way to go in order to achieve the aim of reaching consensus on a sui generis instrument that takes account of the interests of holders of traditional knowledge, genetic resources and folklore and, at the same time, does not harm the functioning of the international IP system. We are willing to continue our constructive participation in this process.

15. Germany remains fully committed to further progress in the field of development, particularly in light of the United Nations 2030 Agenda for Sustainable Development. We support the continued implementation of the 45 recommendations of the Development Agenda in a balanced and consensus-driven manner and are pleased about the positive developments regarding the implementation of Development Agenda Projects as shown by the Director General's Report on the Implementation of the Development Agenda for the year 2021. We welcome that the Committee could agree on a sub-topic for the International Conference on IP and Development for 2023 which deals with the current and relevant topic "IP and Innovation for Sustainable Agriculture". Furthermore, the Committee could agree on two new topics for the agenda item "Intellectual Property and Development". The topic "IP & Youth: investing in the future" and the topic "Addressing Climate Change: IP Helps Achieve the Goals of Carbon Peaking and Carbon Neutrality", also very pertinent topics, which will be discussed at CDIP 30 and 31. We are certain that the spirit and readiness to engage in constructive and forward-looking efforts shown at the last sessions will continue in order to rise to the challenges we face together in this important committee. Germany looks forward to participating in the upcoming discussions in October at the 29<sup>th</sup> session of the committee.

16. The German Patent and Trade Mark Office (DPMA) has continued its successful cooperation with WIPO, other IP-related organisations and national IP offices. Due to the ongoing COVID-19 pandemic, international cooperation between the DPMA and WIPO or national/regional IP offices was severely restricted. All personal meetings of the head of office planned for 2022 had to be cancelled. The same applies to all major events of the DPMA and to international meetings at the working level. Unfortunately, the pandemic again affected the patent examiner exchanges with China (CNIPA), Japan (JPO), Korea (KIPO) and the United Kingdom (UK IPO). It is planned to resume (virtual) exchanges from mid-2022. Since June 2022, all pandemic-related restrictions in office have been revoked - we therefore expect an increase in international activities and meetings again. The DPMA, in cooperation with WIPO and the Albanian General Directorate of Patents and Trademarks (ALGDPT), is conducting training for patent examiners in the area of Supplementary Protection Certificates.

17. Distinguished Chair! Germany is looking forward to contributing to a constructive and fruitful dialogue. We fully support the statements made by Group B and the European Union, especially with regard to condemning the Russian Federation's unprovoked and unjustified war of aggression against Ukraine. You can count on our active support.