



General Assembly

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**United Nations Commission
on International Trade Law**
Working Group VI (Security Interests)
Thirteenth session
New York, 19-23 May 2008

Annotated provisional agenda

I. Provisional agenda

1. Opening of the session and scheduling of meetings.
2. Election of officers.
3. Adoption of the agenda.
4. Security interests in intellectual property.
5. Other business.
6. Adoption of the report.

II. Composition of the Working Group

1. The Working Group is composed of all States members of the Commission, which are the following: Algeria (2010), Armenia (2013), Australia (2010), Austria (2010), Bahrain (2013), Belarus (2010), Benin (2013), Bolivia (2013), Bulgaria (2013), Cameroon (2013), Canada (2013), Chile (2013), China (2013), Colombia (2010), Czech Republic (2010), Ecuador (2010), Egypt (2013), El Salvador (2013), Fiji (2010), France (2013), Gabon (2010), Germany (2013), Greece (2013), Guatemala (2010), Honduras (2013), India (2010), Iran (Islamic Republic of) (2010), Israel (2010), Italy (2010), Japan (2013), Kenya (2010), Latvia (2013), Lebanon (2010), Madagascar (2010), Malaysia (2013), Malta (2013), Mexico (2013), Mongolia (2010), Morocco (2013), Namibia (2013), Nigeria (2010), Norway (2013), Pakistan (2010), Paraguay (2010), Poland (2010), Republic of Korea (2013), Russian Federation (2013), Senegal (2013), Serbia (2010), Singapore (2013), South Africa (2013), Spain (2010), Sri Lanka (2013), Switzerland (2010), Thailand (2010), Uganda (2010), United Kingdom of Great Britain and Northern



Ireland (2013), United States of America (2010), Venezuela (Bolivarian Republic of) (2010) and Zimbabwe (2010).

2. States not members of the Commission and international governmental organizations may attend the session as observers and participate in the deliberations. In addition, invited international non-governmental organizations may attend the session as observers and represent the views of their organizations on matters where the organization concerned has expertise or international experience so as to facilitate the deliberations at the session.

III. Annotations to agenda items

Item 1. Opening of the session and scheduling of meetings

3. The thirteenth session of the Working Group will be held at United Nations Headquarters in New York from 19 to 23 May 2008. Meeting hours will be from 10.00 to 13.00 and from 15.00 to 18.00, except on Monday 19 May 2008, when the session will be opened at 10.30. There will be five working days available for consideration of the agenda items at the session. The Working Group may wish to note that, consistent with decisions taken by the Commission at its thirty-fourth session,¹ the Working Group is expected to hold substantive deliberations during the first nine half-day meetings (that is from Monday to Friday morning), with a draft report on the entire period being presented for adoption at the tenth and last meeting of the Working Group (on Friday afternoon).

Item 2. Election of officers

4. In accordance with its practice at previous sessions, the Working Group may wish to elect a Chairman and a Rapporteur.

Item 4. Security interests in intellectual property

(a) Background information

5. At its fortieth session, the Commission adopted the UNCITRAL Legislative Guide on Secured Transactions (hereinafter referred to as “the Guide”).² The Guide applies to security rights in all types of movable asset, including intellectual property (see recommendation 2, subparagraph (a)). However, it does not apply to intellectual property “in so far as the provisions of the [secured transactions] law are inconsistent with national law or international agreements, to which the State is a party, relating to intellectual property” (see recommendation 4, subparagraph (b)).

6. At the first part of its fortieth session, the Commission decided to entrust the Working Group with the preparation of an annex to the Guide specific to security rights in intellectual property.³

¹ *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr.3), para. 381.

² *Ibid.*, *Sixty-second Session, Supplement No. 17* (A/62/17 (Part I), para. 158 and A/62/17 (Part II), para. 100).

³ *Ibid.*, *Sixty-second Session, Supplement No. 17* (A/62/17 (Part I), para. 162).

(b) Documentation for the thirteenth session

7. The Working Group will have before it, and may wish to use as a basis of its considerations, a note by the Secretariat entitled: "Security interests in intellectual property" (A/CN.9/WG.VI/WP.33). The Guide, which should be available at the session, may be used as background documentation.

8. UNCITRAL documents are posted on the UNCITRAL website (<http://www.uncitral.org>) upon their issuance in all the official languages of the United Nations. Delegates may wish to check the availability of the documents by accessing the Working Group's page in the "Working Groups" section of the UNCITRAL website.

Item 5. Other business

9. The fourteenth session of the Working Group is scheduled to take place in Vienna from 24 to 28 November 2008, those dates being subject to approval by the Commission at its forty-first session, which is scheduled to take place in New York from 16 June to 3 July 2008.⁴

Item 6. Adoption of the report

10. The Working Group may wish to adopt, at the close of its session, on Friday, 23 May 2008, a report for submission to the forty-first session of the Commission. The main conclusions reached by the Working Group at its ninth meeting (on Friday morning) will be summarily read out for the record at the tenth meeting (on Friday afternoon) and subsequently incorporated into the report.

⁴ Ibid., paras. 252 and 248 respectively.