MAIN PROGRAM 06

Cooperation with Developing Countries

06.1 Modernization of the Intellectual Property System and Implementation of the TRIPS Agreement
06.2 Development and Promotion of Industrial and Social Uses of Intellectual Property
06.3 Strengthening Cooperation Among Member States and with other Organizations

Main objective:
- To support national capacities and to promote international cooperation for the development, modernization, administration and utilization of the intellectual property system for the economic, social, cultural and technological advancement of developing countries.

Current situation

The accelerating trend towards global patterns of economic and commercial activity, fueled by rapid developments in technology and worldwide communication systems, has brought intellectual property into the mainstream of economic, social, cultural and technological policy in developing and industrialized countries alike. Many developing countries are accordingly seeking to build their capacity to use and administer the intellectual property system more effectively, so as to promote optimal use of human and other resources and to stimulate investment and technology transfer, thereby helping to bring about sustainable national prosperity and a more competitive and secure place in the global marketplace.

This link between the intellectual property system and global trade was brought into sharp focus by the TRIPS Agreement, to which many countries, including the majority of developing countries, are bound as a condition of access to the preferential trading system established under the WTO. Most developing countries which are WTO members are due to fulfill the requirements of this Agreement by January 1, 2000, immediately upon the conclusion of this biennium. This generates an immediate imperative for WIPO’s program of cooperation for development, since it is expected to play an important part in supporting national planning and implementation of the legislative and administrative measures required to meet TRIPS obligations.

The emergence of an increasingly globalized trading system, the trend towards knowledge-based economic growth, and the greater flow of information across national boundaries due to digital technology, all present evolving challenges for administrators
and users of intellectual property systems in developing countries. The stronger economic and developmental salience of intellectual property has also stimulated unprecedented interest in broadening the scope of intellectual property protection and the range of its beneficiaries. Even if TRIPS implementation is an immediate priority for many developing countries, there are concurrent requirements for more effective application of the intellectual property system to take account of new issues, to contribute to resolution of abiding policy concerns, and to seize new possibilities for economic and social development.

The process of modernization of national intellectual property systems has in many cases been triggered or accelerated by TRIPS implementation, and shaped by the WIPO-administered treaties. However, those undertaking modernization are increasingly looking beyond such formal legal requirements, and are adopting a comprehensive, strategic approach, working towards a system that maximizes economic and social benefits, and takes full account of a nation’s current and potential intellectual property assets. At the same time, developing countries are actively engaged in the evolution of new international norms and standards, and these offer new possibilities for promoting their national development.

Cooperation for development will therefore continue to address the fundamental elements of intellectual property protection, but will also extend to broader economic and trade interests, as well as to other matters of interest and concern to developing countries, such as folklore, indigenous cultures, the needs of local communities which hold traditional knowledge, biodiversity, licensing and other technology transfer arrangements, use of industrial property information for research, development and technology transfer, new or innovative approaches to alternative dispute resolution and more effective IPR enforcement mechanisms. Greater possibilities for using intellectual property in industrial, social, cultural and environmental development, and the broadening user base, have accentuated calls on intellectual property offices to modernize, simplify and expand public services, and to provide access to technological, legal and other information, thus creating a need for WIPO to offer more sophisticated support for national administrations.

The trend towards harmonization in intellectual property protection and the emerging information-intensive global economy have encouraged international cooperation, aiming at pooling expertise, making most effective use of resources, and deriving common benefits from the intellectual property system. International cooperation can contribute to national developmental goals by, for instance, coordinating diverse inputs, promoting human resource development, exchanging experience and expertise, harmonizing and simplifying procedures, developing common systems or materials for technical and public information services and collective administration of copyright and related rights, and coordinating national policy and planning. WIPO will be called upon to facilitate this process at international, regional and sub-regional levels.

**Strategy for the future**

In response to the mounting pressures for a more comprehensive and far-reaching approach to cooperation for development, WIPO's activities will be flexible, responsive to specific national demands, and guided by a strategic outlook and longer-term resource planning. Maximizing the benefits of the intellectual property system requires taking greater account of the national cultural, social and economic environment, and specific
commercial, investment and trade interests of each country, and designing cost-effective activities with a long-term focus on creating indigenous capacity to meet future challenges. Hence activities under this program will seek to support the longer-term integration of intellectual property systems into national economic, cultural, technological and social development, to create sustainable institutions and to deepen national expertise.

A key element of this strategy will be support for modernization of legislative and administrative frameworks, with the immediate aim of bringing them into conformity with international obligations, including those under the TRIPS Agreement. This will be undertaken with concurrent attention to longer-term national goals for intellectual property systems, and linked with complementary international cooperation activities. Activities will extend to more people, from a broader spectrum of economic and social sectors, in order to serve a wider base of current and potential users of the system, and to deepen its contributions and benefits to national well-being and to civil society. In coordination with other Main Programs and guided by their outcomes, initiatives will be launched to deal with emerging issues and opportunities, such as protection of folklore, indigenous cultures, biodiversity, and the promotion of environmentally safe technologies through patent information.

In general, activities will be identified in consultation with the government agencies concerned, cooperating institutions or organizations and, whenever possible, the intended beneficiaries, to enhance immediate outcomes and the likelihood of producing the desired socio-economic benefits. In each of the developing country regions (Africa, Arab countries, Asia and the Pacific, and Latin America and the Caribbean), activities will be designed to reflect economic, cultural, social and regional differentiation. Special activities or projects will be identified for least-developed countries, for subregional country groups such as the South Pacific and the Caribbean, and for regional economic or political groupings (such as ASEAN, Mercosur, SADC, SAARC, and OAU), covering possible common or harmonized legislation and administration, standardization and exchange of data, shared industrial property information services, and shared training facilities and materials.

Other specifically-focused activities will address promotion of cooperative efforts in enforcement of IPR, common software development for intellectual property administration and for collective management of copyright, interlinking of Web Sites on the Internet for faster information exchange, systematic and closer involvement of intergovernmental organizations (IGOs) and non-governmental organizations (NGOs) in relation to their intellectual property interests, and strengthening of user organizations. South-South cooperation activities will also be launched at a pilot level to foster greater cross-fertilization and exchange of experience among regions which share common development objectives and aspirations in the field of intellectual property.

This Main Program will operate in close coordination with Main Program 08 (the WIPO Worldwide Academy (WWA)), which will provide the bulk of training and study fellowships and other general human resource development activities (see sub-program 08.2) formerly provided under a specific ‘Development Cooperation’ program item. The growth in resources allocated to the integrated activities of cooperation for development under this Main Program and human resource development under the WWA is illustrated in Annex 10.
Main clusters of activities by sub-program:

- **Modernization of the intellectual property system and implementation of the TRIPS Agreement**, capacity-building and institutional modernization of national and regional intellectual property administrations to help meet national development objectives, and assistance in meeting immediate TRIPS-related requirements; through developing and strengthening national policy, legislative and administrative frameworks and enforcement mechanisms, with particular emphasis on nationally-focused action plans (NFAPs).

- **Development and promotion of industrial and social uses of intellectual property**, by assisting traditional and new target groups of users to exploit the intellectual property system for their individual and collective benefit, and for overall national development; promoting the use of industrial property information; promoting protection and valorization of indigenous creations and innovations; establishing and strengthening user organizations; and promoting public knowledge and the national skills base, including the capacity for teaching and training.

- **Facilitating and strengthening cooperation among Member States and with other organizations**, and assisting in establishment of international cooperative arrangements for the progressive development and use of the intellectual property system, thus encouraging the simplification of intellectual property protection; facilitating cooperation with NGOs, IGOs and other organizations; and facilitating the participation of developing countries’ representatives in a WIPO Permanent Committee on Intellectual Property Development (PCIPD).

Specific activities:

- Elaboration of a human resource development strategy to underpin program objectives, including a structured program of training courses, seminars, workshops and other continuous training and learning activities for a range of beneficiary groups, in coordination with the WIPO Worldwide Academy (Main Program 08), and policy-level consultation and learning conferences on global and emerging issues for development managers.

- Advisory services on legislative modernization, including legal drafting and other steps to incorporate TRIPS obligations in national legislation.

- Strengthening the capabilities of customs, police and other law enforcement agencies by training, creating information networks among enforcement authorities, establishing databases, product profiling, exchange of intelligence information on counterfeiting, piracy and other violations, and facilitating the participation of legitimate users and owners in the enforcement process.

- Formulation and implementation of NFAPs in dialogue with national authorities, to coordinate and strengthen national-level activities including introduction of modern management systems; computerization and procedural streamlining of patent and trademark administration and copyright collective administration; collecting, maintaining, using and disseminating industrial property information; organizing
national awareness seminars and invention award schemes; and developing national capabilities for using information technologies in the field of intellectual property.

♦ Information meetings for policy-level government officials, negotiators and senior enterprise managers on topical issues, in coordination with Main Program 08.

♦ In coordination with Main Program 05, national and international information campaigns using diverse media to promote the recognition of intellectual property creations, especially of indigenous peoples and disadvantaged groups.

♦ Exploitation of intellectual property assets for national development, through commercialization of innovations, licensing and other technology transfer schemes, developing the use of trademarks, geographical indications and industrial design for product and market development, identification and selection of technological strategies based on patent information, collective management of copyright, and promotion of SME-related activities.

Expected results

♦ Modernized legal frameworks and administration of intellectual property protection, including improved national capability to comply with obligations under the TRIPS Agreement and enhanced enforcement capabilities.

♦ Greater use of industrial property information in research and development.

♦ Facilitation of the commercialization of inventions.

♦ Stronger user organizations, particularly copyright collecting societies.

♦ Improved public knowledge and greater integration of an informed approach to intellectual property in a wide range of economic and social sectors.

♦ Increased membership of developing countries in the international systems of protection being administered by WIPO, leading to long-term improvements in efficiency, coordination and simplification of intellectual property administration.
Sub-program 06.1

Modernization of the Intellectual Property System and Implementation of the TRIPS Agreement

Objectives:
♦ To maintain and develop a complete, readily accessible and up-to-date collection of laws including all national laws notified under the TRIPS Agreement, to establish a computerized database of the collection, and to support translation of national laws into WTO working languages and ensure their publication.
♦ To strengthen national policy and legislative frameworks and to build the necessary capacity to effectively implement the TRIPS Agreement.
♦ To contribute to capacity- and institution-building, by structured, nationally-focused action plans, in the administration and use of intellectual property to serve identified national interests in the context of the emerging global economy.
♦ To assist in the development and strengthening of enforcement mechanisms.

Background

Modernization of the intellectual property system and strengthening of its administrative machinery are policy priorities in many developing countries, partly due to impending obligations under the TRIPS Agreement, but also in response to the impetus for change created by the new international trading environment and the increasingly knowledge-driven character of the global economy. National capacities for protection and management of intellectual property rights (IPRs) need to be bolstered, in response to the rapidly changing legal and technological landscape. The required infrastructure and institution building entails stronger functional linkages between intellectual property administrations and national infrastructures for technological research and development, investment and trade promotion, culture, business and finance, and with customs, police and other law enforcement agencies.

Under this sub-program legal-technical assistance will be provided in relation to immediate and emerging national and international issues, such as the TRIPS Agreement, protection of genetic resources, implications of intellectual property on global digital networks (and vice-versa), technology transfer and valorization of industrial property assets, folklore, broadcasting rights, communication to the public on the Internet, protection of indigenous heritage, collective management of copyright, best practices for the commercial exploitation of patent and trademark rights in new commercial and investment environments, and using the patent system in the management and conservation of the environment. Inputs will be drawn from other Main Programs, particularly on global intellectual property issues (11) and progressive development of intellectual property law (09 and 10).

Planned activities will primarily be at the national level, aiming at the building up of sustainable national institutions. NFAPs will serve as strategic frameworks for the provision of guidance, direction and coordination of assistance in modernizing the administration and utilization of the intellectual property system. Within this framework,
priority will be given to support in the implementation of the TRIPS Agreement, particularly for countries which have outdated legislation and inadequate implementing infrastructure. With respect to national intellectual property organizations and related institutions, mainstream activities will concentrate on the modernization of management systems and simplification of administrative procedures for the grant of intellectual property titles. This will generally include automation projects, and projects for building capabilities to utilize the Internet and related information technologies.

Under the WIPO-WTO Agreement, the Secretariat supports the process of notification of national legislation in relation to the TRIPS Agreement, prepares certain translations, and maintains a collection of these laws. This has resulted in the establishment of an electronic database, the Collection of Laws for Electronic Access (CLEA), which is expected shortly to be available on the Internet. This will provide an information resource of immense value to all countries, particularly developing countries, as a practical indication of legislative approaches to TRIPS implementation. WIPO will also continue to support the translation of national laws, to be notified under TRIPS, into WTO working languages, ensure the publication of national and regional legislative texts, and capture on the electronic database the remainder of its paper collection of laws.

Main activities

♦ Formulation and implementation of NFAPs, in consultation with government authorities, including expert missions, study attachments and seminars (especially in support of TRIPS implementation), modernization of management systems and simplification of administrative procedures, through automation projects, and projects for building capabilities to utilize the Internet and information technology.

♦ National, subregional and regional training and learning conferences (in coordination with Main Program 08) on processing of applications, use of industrial property information systems for search and examination, drafting of patent claims and specifications, training of customs, police and other law enforcement agencies, servicing industry needs for technological information, and other public services including promotion of better appreciation and understanding of the role and benefits of intellectual property.

♦ Continued services in relation to TRIPS notification of national laws (including translation into WTO working languages), maintenance and development of electronic databases containing bibliographic and full-text data of national legislative texts in intranet, Internet and CD-ROM form, and maintenance of the paper-based WIPO collection of laws.

♦ Publication of and support for the use of the electronic database, and servicing requests concerning the paper-based collection.

Expected results

♦ Stronger national capacities for compliance with the TRIPS requirements.

♦ More modern, efficient and effective national intellectual property infrastructures.

♦ More active support for the role of the intellectual property system in national development in the context of the new global economy.
Modernization of the Intellectual Property System and Implementation of the TRIPS Agreement

Sub-program 06.1

<table>
<thead>
<tr>
<th>Official Travel and Fellowships</th>
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<th>Operating Exp.</th>
<th>Equipment and Supplies</th>
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<td><strong>Total</strong></td>
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Sub-program 06.2

Development and Promotion of Industrial and Social Uses of Intellectual Property

**Objectives:**

- To promote the use of industrial property information through the establishment and enhancement of information delivery services and the application of modern information technologies.
- To promote protection and valorization of indigenous creations and innovations.
- To establish and strengthen user organizations.
- To develop public knowledge of intellectual property.

**Background**

The profitable utilization of the intellectual property system for economic, social, cultural and technological development is severely hampered by the pronounced lack of awareness, knowledge, tools and techniques in this specialized field. Mainly because of the specialized nature of the intellectual property system and the lack of broad-based training and awareness, its potential benefits have not been realized in key areas of economic activity. Nor has it spread enough to embrace the large and diverse groups of potential intellectual property owners and beneficiaries from many sectors of civil society in many developing countries. The importance of intellectual property has not yet found its own niche in the day-to-day lives of many people, and a culture of intellectual property awareness is largely absent from contemporary society. These conditions limit the contribution of the intellectual property system to promoting the economic vitality and global competitiveness in trade and commerce of developing countries.

This sub-program therefore seeks to strengthen the enabling infrastructure and the societal framework for utilizing the intellectual property system for employment expansion and poverty alleviation in developing countries. The underlying, long-term strategy is to help bring about sustained support for national initiatives, particularly in the private commercial and industrial sectors, and a favorable international economic environment, for fully exploiting IPRs, through:

- wider and more informed use of industrial property information systems (patents, trademarks, industrial designs);
- valorization of the commercial or market value of inventions and other creations;
• equipping user organizations with the right information, tools, techniques and strategies for protecting and exploiting their intellectual property assets; and

• expanding and improving the quality of the public’s knowledge of intellectual property.

This strategy responds to the growing international recognition that effective protection and the proper use of IPRs contribute to fundamental economic and developmental processes, manifested through successful access to global export markets, enhanced domestic competitiveness and productivity, increased transfer, creation and application of new technologies, and more effective incentives for investment, creativity and innovation. As a key element of the national infrastructure for long-term industrial, commercial and technological viability, a sound intellectual property system must link a country’s innovative and productive energies with technological and commercial activities, thus promoting, in the long-run, stable, sustainable economic growth and human development.

This sub-program therefore concentrates on users of the intellectual property system, including inventors, businessmen, investors, legal practitioners, artists, creators, performers, researchers and many other sectors of civil society. Special effort will be taken to bring into the mainstream of intellectual property user the disadvantaged groups, women, youth and other members of the community who can also benefit from intellectual property protection. Emphasis will be laid on improving the general knowledge base, and creating a culture of intellectual property awareness, to help ensure that intellectual property becomes, over the long-run, a normal part of the day-to-day lives of the community in the developing countries. The use of modern and widely-accepted business and commercial practices and state-of-the-art information technology will be fostered, in consultation with the intended beneficiaries particularly technology managers. These activities will aim at encouraging technology transfer and development, and improving the conditions for development and commercialization of inventions and other intellectual property creations.

♦ Training, awareness programs and skills development for users and potential beneficiaries of the intellectual property system, and promotion of public awareness, in coordination with Main Programs 05 and 08.

♦ Training, advisory services, seminars, workshops, provision of equipment and documentation and special projects for special target groups to promote the use of intellectual property protection and information in industrial and commercial enterprises including small and medium businesses, in the copyright industries, and in livelihood and cottage industries, through industrial property and copyright information services and networking.

♦ Strengthening user organizations (inventors, patent and trademark agents, copyright collecting societies, broadcasters, artists, performers, chambers of commerce and industry, etc.), with complementary activities in cooperation with Main Program 05, to develop information materials and disseminate them through all available media, and targeted projects to identify and involve those beneficiary groups yet to be involved in development of the intellectual property system.
Expected results

♦ Wider dissemination and consequent use of industrial property information by both traditional users and new target groups.

♦ Shared experience and expertise on valorization of the commercial or market value of inventions and other creations protected by IPRs.

♦ Stronger and better-equipped user organizations; and an improved knowledge base on intellectual property at the national level.

| Development and Promotion of Industrial and Social Uses of Intellectual Property (in thousands of Swiss francs) |
|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|
| Sub-program 06.2 | Official Travel and Fellowships | Contractual Services | Operating Exp. | Equipment and Supplies |
| Staff Missions | Part. Govt. Officials | Fellowships | Conferences | Consultants | Publishing | Other | Premises & Maint | Comm. & Other | Supplies & Materials | Furniture |
| Total | 5,602 | 900 | 2,054 | 1,051 | 239 | 682 | 70 | 301 | 33 | - | 272 |

Sub-program 06.3

Strengthening Cooperation Among Member States and with Other Organizations

Objectives:

♦ To facilitate cooperation among developing countries on the simplification of intellectual property administration and enforcement.

♦ To promote cooperation with non-governmental organizations (NGOs), intergovernmental organizations (IGOs) and other organizations.

♦ To strengthen the Permanent Committees for Development Cooperation relating to Industrial Property (PC/IP) and to Copyright (PC/CR).

Background

The capacity of the intellectual property system to promote nations and societies to prosper through the best use of its human and other resources is increasingly dependent on stronger and closer international cooperation and harmonization. This follows from the increasing scope, volume and relative importance of transborder exchanges in trade, investment and the development and transfer of technology. The pace of international developments concerning intellectual property creates the need for closer international cooperation in:

♦ establishing networking agreements for the exchange of information on IPRs for the purpose of simplification of the acquisition and maintenance of intellectual property protection at the local, regional, sub-regional and global levels;

♦ pooling of resources and exchange of information to assist national administrations in the enforcement of IPRs;
• sharing of expertise and technologies on the modernization of intellectual property offices, including in the computerization of intellectual property procedures to produce more efficient networking of offices and exchange of information; and

• establishment of common or harmonized policies and procedures among intellectual property offices to streamline administrative procedures for filing and granting IPRs, especially for the substantive examination of patent applications.

The importance of intellectual property in the global economy has sparked heightened interest in this field among NGOs and IGOs and other organizations whose members’ interests are engaged by developments in intellectual property. These organizations’ participation in WIPO’s programs and activities should therefore be facilitated and consolidated at the policy and planning level (undertaken under Main Program 02), in public diplomacy initiatives (under Main Program 05), and (under this program) at the level of coordination and implementation of field activities in programs for cooperation for development.

WIPO’s cooperation for development will need to take account of the global appeals for joint programs of action as a coordinated response to global issues that have been considered by certain international conferences recently organized under the auspices of the United Nations. This program will also seek to draw on the international pool of expertise of the Policy Advisory Commission and the Industry Advisory Commission, and in particular explore possibilities for greater private sector support in cooperation for development.

The changing framework for international cooperation, and the evolving structure of WIPO’s programs and activities, necessitate a review of the structure and functions of the Permanent Committee on Development Cooperation Related to Industrial Property (PC/IP) and the Permanent Committee on Development Cooperation Related to Copyright and Neighboring Rights (PC/CR).

Main activities

♦ Joint international fora, with government agencies, IGOs, NGOs and other interested organizations, to exchange information and hold discussions on thematic issues, and to facilitate dialogue and contact promoting cooperation among developing countries: such as sub-regional meetings on common issues, meetings of heads of national intellectual property organizations, and regional and inter-regional roundtables on cooperation for development.

♦ A review of the structure and functions of the PC/IP and PC/CR and their respective Working Groups, and examination of their possible merger into a single body (possibly named the Permanent Committee on Intellectual Property Development, or PCIPD), which may be convened once during the biennium with funding for participation of developing countries’ representatives.

♦ In coordination with Main Programs 13, 14 and 15, promotion of the use of the WIPO global protection systems and services through more intensive and wide-spread cooperation with Member States, relevant NGOs and IGOs, and associations of owners and users of intellectual property, with the aim of simplifying intellectual property protection.
Strengthening the coverage and capacity of the present International Cooperation on the Search and Examination of Inventions (ICSEI), to provide more direct assistance to developing countries in the examination of patent applications especially in the high technology and other new technical fields, and to simplify access to global search and examination reference documentation using information technology.

Initiatives for cooperation, coordination, joint projects and twinning arrangements vis-à-vis on-going and planned programs of the United Nations and the Specialized Agencies wherever intellectual property is concerned, in coordination with the activities under Main Program 02.

Expected results

Improvement in the climate of international cooperation for development in relation to intellectual property and related fields, an upward trend in the membership of the international systems of protection being administered by WIPO, and greater and more practical involvement of NGOs, IGOs and other interested organizations in WIPO’s programs and activities.

### Strengthening Cooperation among Member States and with Other Organizations (in thousands of Swiss francs)

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### Program Budget Summary

### Cooperation with Developing Countries (in thousands of Swiss francs)

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Staff needs and costs

In view of the substantial increase of WIPO’s program of cooperation for development over the 1996-97 biennium, one Director, 8 Professionals and 1.5 General Service staff are additionally required: specifically, the upgrade of one professional post to the Director level, 8 Professional posts to be distributed among the four Regional Bureaus and the Law and Industrial Property Information Department, and 1.5 additional General Service posts to secure secretarial support for the implementation of new and additional activities.

The wide range of new program activities, including nationally-focussed action plans, to be implemented in the framework of this program, will also require a tangible increase in the cost of short-term staff.

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<th>Variation</th>
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Staff costs (in thousands of Swiss francs)

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Comparative Budget Summary

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