

Committee on Development and Intellectual Property (CDIP)

Twelfth Session
Geneva, November 18 to 21, 2013

DRAFT REPORT

prepared by the Secretariat

1. The twelfth session of the CDIP was held from November 18 to 21, 2013.
2. The following States were represented: Algeria, Andorra, Angola, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Benin, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Georgia, Germany, Greece, Haiti, Holy See, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kyrgyzstan, Latvia, Lebanon, Lithuania, Madagascar, Malawi, Malaysia, Mexico, Monaco, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovakia, Senegal, South Africa, Spain, Sudan, Switzerland, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, United States of America, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe (98). Palestine was represented as an observer.
3. The following intergovernmental organizations (IGOs) took part as observers: Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Industrial Development Organization (UNIDO), World Health Organization (WHO), Eurasian Patent Organization (EAPO), International Telecommunication Union (ITU), International Union for the Protection of New Varieties of Plants (UPOV), Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC PATENT OFFICE), South Centre, World Trade Organization (WTO), Arab Industrial Development and Mining Organization (AIDMO) and Organization of Islamic Cooperation (OIC), (12).

4. Representatives of the following non-governmental organizations (NGOs) took part as observers: *Asociación Argentina de Intérpretes (AADI)*, *Cámara Industrial de Laboratorios Farmacéuticos Argentinos (CILFA)*, Centre for Internet and Society (CIS), Communia, International Association on the Public Domain (COMMUNIA), *Conseil national pour la promotion de la musique traditionnelle du Congo (CNPMTTC)*, European Law Students' Association (ELSA International), *Ingénieurs du Monde (IdM)*, Institute for Intellectual Property and Social Justice (IIPJS), International Association for the Development of Intellectual Property (ADALPI), International Association for the Protection of Intellectual Property (AIPPI), International Centre for Trade and Sustainable Development (ICTSD), International Chamber of Commerce (ICC), International Federation of Film Producers Associations (FIAPF), International Federation of Pharmaceutical Manufacturers Associations (IFPMA), International Literary and Artistic Association (ALAI), International Publisher Association (IPA), International Trademark Association (INTA), International Video Federation (IVF), International Intellectual Property Institute (IIP), Knowledge Ecology International, Inc. (KEI), Latin American Association of Pharmaceutical Industries (ALIFAR), *Médecins Sans Frontières (MSF)*, Medicines Patent Pool Foundation (MPP) and Motion Picture Association (MPA) (21).

5. Ambassador Mohamed Siad Doualeh, Permanent Representative of Djibouti, chaired the session. Mrs. Ekaterine Egutia, Deputy Chairman, National Intellectual Property Center (SAKPATENTI), Tbilisi, Georgia, acted as the Vice-Chair.

AGENDA ITEM 1: OPENING OF THE SESSION

6. The Chair opened the 12th session of the Committee on Development and Intellectual Property (CDIP). He stated that the Committee played a unique role within WIPO in shaping the idea of development and Intellectual Property (IP) into concrete actions and achievements. Its diligent work towards the implementation of the 45 Development Agenda (DA) Recommendations had paved the way to a lasting change within WIPO, with countries sharing a common vision on IP and development issues. He added that the current session of the Committee was particularly important as it would deal with issues of critical importance. These included the Independent Review of the Implementation of the DA Recommendations, the International Conference on IP and Development and the recent General Assembly decision on CDIP-related matters. He called upon delegations to continue working in a spirit of consensus, and sought their cooperation and goodwill for the meeting to be conducted in a time efficient and constructive manner. As the present session would take place during four days, he referred to his suggestion at the informal briefing meeting held on October 28 and informed delegations that general statements would not be made during the session. However, any written statement provided by Group Coordinators to the Secretariat could be made available upon request. All statements by Group Coordinators and by individual delegations would be included in the final report of the session. The process for preparing the Summary by the Chair would remain the same. A decision paragraph would be read out after the discussion on a document or issue had concluded. The summary would be a compilation of those paragraphs only. It would be brief and to the point. Therefore, the Chair requested delegations to refrain from introducing new elements which were not critically important. He wished the Committee a successful and productive session and invited the Director General to address the Committee.

7. The Director General welcomed delegations to the session. He noted that the large turnout indicated a continued interest in the subject matter, in particular, the WIPO DA and its effective implementation. Considerable progress had been made in the implementation of the DA recommendations. The Committee had approved 27 projects with a total budget of 25.5 million Swiss francs. A considerable number of projects had been successfully concluded and were evaluated by the Committee. That mechanism had worked extremely well with the supervision of the Committee. In this regard, he thanked, in particular, delegations who had put forward project proposals, namely the African Group, Burkina Faso, Egypt, Japan and the

Republic of Korea. A number of projects had far reaching effects and achievements. The Project on Start-up Academies had acted as a catalyzer for a lot of actions at the national level in quite a significant number of countries. Similarly, the Project on the Enhancement of WIPO's Results Based Management (RBM) framework had been taken up by a number of regional offices to establish or improve their RBM frameworks. The Project on the Establishment and Development of Technology and Innovation Support Centers (TISCs) had extremely strong demand. There were some very interesting and significant results. The Director General then turned to the forward agenda and noted that WIPO's contribution to the Millennium Development Goals (MDGs) was an extremely important subject. WIPO joined the MDG Gap Task Force and participated in its meeting on February 7, 2013. It contributed, in particular, to providing information on discussions related to the item concerning access to essential and affordable medicines and IP rights. The Organization would continue to contribute appropriately in terms of providing information to the work of the task force, to which it had become an observer. In the current session of the Committee, Member States would discuss a document on the Measurement of the MDGs in other UN agencies and WIPO's contribution to the MDGs. The document included a compilation of the practices by which other UN agencies, in particular, other specialized agencies, measured their contribution to the MDGs. It also contained a brief report on WIPO's contributions to the MDGs. The Director General then referred to the issue of flexibilities and informed the Committee that the WIPO website had been updated to provide resources on the work that was taking place within the Organization. The website had generally been updated and should be a much better tool for accessing information. Work on the renovation of the website had not been completed because it must descend to multiple layers of content. However, it was believed to be a significant improvement. The new website was an expression of "responsive design", i.e. the presentation of content was adjusted to various devices used to access the website. Any feedback from delegations on the new website would be welcomed. With regard to flexibilities, the information resources had been updated and work was ongoing on the subject matter which was discussed in depth during the 7th and 10th sessions of the CDIP. The Secretariat was requested to undertake further work on the scope of exclusion from patentability of plants (TRIPS Article 27) and flexibilities with respect to the patentability or exclusion from patentability of software-related inventions. Work was ongoing and the results would be presented in future sessions. In addition to the MDGs, there were other very important items on the agenda for the current session. These included the recent decision of the WIPO General Assembly (GA) on CDIP Related Matters; the Independent Review of the Implementation of DA recommendations in accordance with the Coordination Mechanism; the International Conference on IP and Development; and the External Review of WIPO Technical Assistance in the area of cooperation for development. While concluding, the Director General assured delegations of the keen willingness of the Secretariat to implement decisions by Member States in these areas and wished them very successful deliberations under the able and wise guidance of the Chair.

8. The Chair informed the Committee that the schedule of work for the session had been made available. An informal meeting would be held in the afternoon to discuss how the discussions on the GA's decision, the International Conference on IP and Development and the Independent Review would be structured. The Chair turned to Agenda Item 2 on the adoption of the Agenda.

AGENDA ITEM 2: ADOPTION OF THE AGENDA

9. The Chair stated that the draft Agenda (CDIP/12/1 Prov. 3) was prepared on the basis of the discussions in the previous session and in accordance with Rule 5 of the WIPO General Rules of Procedure.

10. The Delegation of Algeria, speaking on behalf of the African Group, had no objection to the adoption of the Agenda. As to the order in which items were to be discussed, the Group

would prefer to begin with the Independent Review on the Implementation of the DA, as an urgent decision was required on this matter.

11. The Chair recalled that the request had been made during the informal consultations. He invited delegations to react to the proposal by the Delegation of Algeria.

12. The Delegation of Japan, speaking on behalf of Group B, noted that two time slots were allocated for discussing this issue in the work program prepared by the Secretariat. The Group did not have any objection with the first time slot taking place at an early stage. However, the second time slot should be at a later stage in order for delegations to reflect on what was discussed during the first time slot, which would render the discussions more constructive.

13. The Delegation of Switzerland shared the views expressed by the Delegation of Japan on behalf of Group B. The Delegation highlighted that the GA decision on the Coordination Mechanism required monitoring, assessing, discussing and reporting on the implementation of DA recommendations to be first substantive agenda item. The proposal by the Delegation of Algeria could be discussed immediately after that.

14. The Delegation of Poland, speaking on behalf of the Group of Central Europe and Baltic States (CEBS), supported the statement made by Group B.

15. The Delegation of Egypt recalled that this was discussed in the informal meeting. The Delegation believed there was a common agreement among Member States that a decision was required in the current session on the Terms of Reference (TOR) and on the experts that would undertake the Review. This was a priority for the Committee and should be reflected in the order of discussions. The Delegation agreed that the item on Monitoring, Assessing, Discussing and Reporting on the Implementation of DA Recommendations should be the first substantive item on the agenda as required by the GA decision. The Independent Review of the Implementation of DA recommendations fell within this agenda item. Thus, it should be included under Agenda Item 4 and not under Agenda Item 5. The Delegation looked forward to working in a constructive and positive manner during the session.

16. The Delegation of Bangladesh, speaking on behalf of the Asia-Pacific Group, recalled that it was agreed in the previous session that the Committee would devote sufficient time to discuss this matter in the current session with a view to implementing the General Assembly's decision that the review should be undertaken by the end of the 2012-2013 biennium. This was reflected in the Summary of the Chair for that session. Thus, the issue could be taken up immediately, as proposed by the African Group, if there was consensus.

17. The Delegation of Venezuela stated that the proposal by the African Group was agreed during the informal consultations. If CEBS and Group B had changed their minds, it was important for a decision to be made as soon as possible. The Committee could move forward with the proposal by the African Group, as accepted by all delegations during the informal consultations, or adopt the draft agenda that was circulated.

18. The Delegation of Trinidad and Tobago reiterated its support for discussing this item at the beginning of the agenda.

19. The Chair believed there was consensus to begin with the Independent Review of the Implementation of DA recommendations. The discussion could start immediately, as proposed by the African Group. A further discussion may be required depending on progress made and the results of the informal consultations in the afternoon. Before moving on to the Independent Review of the implementation of DA Recommendations, the Chair invited the Committee to turn to Agenda Item 3 on the adoption of the draft report of the 11th session.

AGENDA ITEM 3: ADOPTION OF THE DRAFT REPORT OF THE ELEVENTH SESSION OF THE CDIP

Consideration of Document CDIP/11/9 Prov. – Draft Report

20. The Chair stated that the draft report was issued on August 19, 2013. The Secretariat had not received any comments from Member States. He invited the Committee to adopt the report. It was adopted given that there were no objections from the floor. The Chair then moved on to the Independent Review of the Implementation of DA Recommendations.

AGENDA ITEM 5: CONSIDERATION OF WORK PROGRAM FOR IMPLEMENTATION OF ADOPTED RECOMMENDATIONS

Independent Review of the Implementation of the DA Recommendations as requested under the Coordination Mechanism

21. The Chair recalled that in 2010, the GA approved the Coordination Mechanisms and Monitoring, Assessing and Reporting Modalities (hereinafter referred to as “the Coordination Mechanism”), as recommended by the CDIP. It included the following: “To request the CDIP to undertake an independent review of the implementation of the DA Recommendations at the end of the 2012-2013 biennium. Upon consideration of that review, the CDIP may decide on a possible further review. The TOR and the selection of independent IP and development experts will be agreed by the CDIP.” The issue of the Independent Review was discussed at the 11th session. The Africa Group and DAG submitted a joint proposal on the TOR and methodology for the independent review (document CDIP/11/8). The Summary by the Chair for that session included the following: “The Committee discussed the Independent Review of the Implementation of the DA Recommendations as requested under the Coordination Mechanism and Monitoring, Assessing and Reporting Modalities. Recalling the related decision of the General Assembly, the Committee took note of the Joint Proposal on TOR and Methodology for the Independent Review of the Implementation of the DA Recommendations submitted by the African Group and DA Group. The Committee agreed to devote sufficient time for discussion on this matter at its next session with a view to implementing the General Assembly’s decision that the Review should be undertaken by the end of the 2012/2013 biennium. To that end, the Committee agreed to hold one informal meeting prior to its next session.” An informal meeting was held on November 12, 2013, and positions were expressed.

22. The Delegation of Japan, speaking on behalf of Group B, took note of document CDIP/11/8. The Review should be precise, practical, clear and concise. The most important element of the TOR was the purpose and scope of the Review. In accordance with the GA decision in 2010, the scope of the Independent Review was clearly the implementation of DA recommendations. Thus, the exercise should focus on how and to what extent the respective recommendations had been implemented based on the scope defined by the language of respective recommendations, without broadening the scope of the exercise to more general issues such as the development activities of WIPO as a whole. With regard to other elements, the Group was still engaged in internal discussions on the best way forward to meet the mandate of the review given by the GA. Members had already put forward some interesting ideas. The Review should avoid overlaps with past exercises, including reviews that had already been carried out by WIPO. The Group was ready to engage in discussions on this important issue in a constructive spirit to find a solution at this session.

23. The Delegation of Egypt, speaking on behalf of the Development Agenda Group (DAG), informed the Committee that it would be submitting a statement to the Secretariat for inclusion in the report. It would be made available to all delegations. The Group supported an objective,

robust and complete review of the implementation of DA recommendations. The GA decision in 2010 instructed the CDIP to conduct a review by the end of the 2012/13 biennium. This was the last session of the CDIP for this biennium. Thus, the Committee should decide and agree on the TOR as well as the selection of independent IP and development experts that would conduct the review. The Group had presented a Joint Proposal with the African Group in the previous session on the objectives, scope, methodology and selection of IP and development experts for the Independent Review. The Group hoped that the proposal would be finalized and agreed at this session. It referred to the comments made by Group B and stated that the proposal included several elements on the scope and purpose of the Review. The Group would be happy to discuss them. Delegations were close to agreeing on some elements during the informal consultations. The Committee could begin by discussing those elements. During the informal consultations, the Secretariat had highlighted that resources would be made available for the exercise. It also stated that the output and timeline would be easily identified after the objectives and scope had been finalized. The Group reiterated its understanding that the review would cover all the clusters and the 45 recommendations of the DA. This was required in order to provide a clear picture of the implementation of the DA recommendations, including challenges, achievements, shortcomings and recommendations for overcoming problems that were encountered.

24. The Delegation of Poland, speaking on behalf of CEBS, stated that it was true that the GA decision on the Coordination Mechanism in 2010 had instructed the Committee to undertake an independent review of the implementation of DA recommendations at the end of the 2012/13 biennium, and to agree on the TOR and the selection of independent IP and development experts for this purpose. However, since then a great number of external independent evaluation reports had been drawn up in relation to the implementation of many DA recommendations. These covered many elements listed in the joint proposal by the African Group and DAG, including effectiveness, efficiency and sustainability of the implemented projects. Thus, careful consideration of the scope and purpose of the Independent Review was essential in order to avoid unnecessary duplication of work that had already been done.

25. The Delegation of Lithuania, speaking on behalf of the European Union (EU) and its Member States, noted that the Director General had provided several reports on the implementation of DA Recommendations and concluded that the Secretariat had continued its work in a progressive manner and in accordance with the collective decisions of the Member States. They also noted that independent evaluations were carried out with respect to a great number of Development Agenda projects. This led them to conclude that an Independent Review need not be onerous and the TOR should enable efficient and pragmatic consideration. Thus, they questioned whether it was strictly necessary to consider the methodology of the evaluations that were undertaken with respect to various DA projects or the basis of using projects. An assessment of the impact of the DA should be confined to the relevant WIPO bodies. They stood ready to hear the views of other delegations and to discuss the issue further.

26. The Delegation of the United States of America stated that it had reviewed document CDIP/11/8. It was ready to draft the TOR for the review and approve them at the meeting. The Delegation believed that the Independent Review should be conducted in keeping with the agreed upon principles of the GA's decision on the Coordination Mechanisms and Monitoring, Assessing and Reporting Modalities. For example, in designing this review, the CDIP should keep in mind the need to avoid duplication of WIPO governance arrangements and where practical, use existing governance structures and procedures. As mentioned by the EU and CEBS, the Committee had requested numerous reports and evaluations relating to the DA Recommendations. These documents should be the primary basis for the review. For example, the Director General's report on implementation, yearly progress reports on development related activities and numerous evaluation reports on WIPO activities. Further, in accordance with the Coordination Mechanism principles, the review should be limited to the

relevant WIPO bodies, activities and staff. In addition, the Committee should try to use existing budgetary resources at WIPO. Lastly, the resulting document should be concise and well organized to facilitate its translation into WIPO languages and subsequent discussions.

27. The Delegation of Algeria, speaking on behalf of the African Group, informed the Secretariat that it had submitted a general statement for inclusion in the report. The Group referred to its Joint Proposal with DAG on the TOR and methodology for the Independent Review. The scope of the exercise should be reflected in the TOR for the review. The review should be exhaustive, thorough and complete. The Group heard some delegations using adjectives that in its view would limit the review. For example, Group B talked about a concise exercise. This should not apply to an independent review of the implementation all DA recommendations. It should be precise and well-structured but not concise. Some delegations also mentioned duplication. The Group considered duplication to mean repeating the exact same exercise once again. However, as far as it was aware, this was the first time that an independent review of the implementation of DA recommendations would be undertaken. Thus, it was clear that there would be no repetition. The Group fully supported the concerns expressed with regard to the budget. It should not be too costly. However, the Secretariat should be prepared to engage high level experts to undertake the work and there would be financial implications. Nonetheless, it should be worthwhile. The Group was looking forward to the exercise, from which a lot was expected.

28. The Delegation of Trinidad and Tobago, speaking on behalf of the Group of Latin American and the Caribbean Countries (GRULAC) referred to the definition of the TOR and methodology for the Independent Review. Document CDIP/11/8, presented by the African Group and DAG in the previous session, provided a good working basis and a practical framework for discussions in this regard. All the groups expected the results of this important exercise to produce a document that analyzed whether IP as a tool for development was mainstreamed in all WIPO activities. The document should serve as a reference for all future discussions in the CDIP and guide future work on IP and development.

29. The Delegation of the United Kingdom stated that the consultations held last week on the TOR for the Independent Review of the Implementation of DA recommendations indicated a lack of understanding with respect to certain elements of the proposal. Thus, the Delegation supported the idea that the Secretariat could prepare draft TOR based on UN practices. This was discussed in the consultations. It fully acknowledged the decision of the GA in 2010 for the Independent Review to be undertaken. The review should follow some basic principles in order for it to be clear and concise in evaluating the concrete impact of the DA Recommendations in practice. Duplication should be avoided. As such, recent in-depth studies and reports must be taken into account. The report should reflect reality and should not repeat the issues and elements that were analyzed and evaluated in other reports.

30. The Delegation of Bangladesh, speaking on behalf of the Asia-Pacific Group, stressed that the implementation of DA recommendations was extremely important for WIPO and its Member States in terms of promoting development. It hoped that appropriate TOR and methodology would be developed based on consensus. In this regard, the Delegation invited the members of its Group to make interventions in their individual capacities.

31. The Delegation of Japan, speaking on behalf of Group B, believed that a drafting exercise based on draft TOR would be more efficient and straightforward than a text-based discussion on the elements contained in the proposal. The Joint Proposal was not the draft TOR. The Group requested the Secretariat to prepare draft TOR taking into account the views expressed by delegations during the current session as well as in the informal session held the week before, as proposed by the Delegation of the United Kingdom. The exchange of views on various elements during the discussion was very useful. The Group fully trusted the Secretariat's sense of balance and insight with respect to the DA recommendations. Based on

the document prepared by the Secretariat, the discussion could resume in the second time slot for this agenda item. It should take place at a later stage in the session. This was the most efficient way to work. The Group strongly believed that the Review must focus on how and to what extent the respective recommendations had been implemented based on the exact scope defined by the language of the respective recommendations. In other words, the scope of the Review should be limited to examining the extent to which each activity was relevant to each DA recommendation and the extent to which each activity contributed to the implementation of the relevant DA recommendations, strictly based on the language of each recommendation. It should examine the extent to which each DA recommendation had been implemented based on the collective analysis of the results of the first examination. The Group reiterated its interest in receiving more information on UN standard practices for evaluation and review. It looked forward to receiving such information. Those standards should be duly considered in the preparation of the draft TOR by the Secretariat.

32. The Delegation of South Africa believed that the informal consultations were good. Agreement was almost reached on some elements of the Joint Proposal by the African Group and DAG. The document was submitted in the 11th session of the Committee. Thus, delegations had time to make proposals on the basis of this Proposal. However, in this session, some delegations stated that the Secretariat needed to prepare TOR. This was irrelevant as the Joint Proposal could be used as a basis for the TOR. The elements required by Member States could be included in that document. The Delegation was not prepared to delay the process as there were only four days and an agreement was required as the decision by the General Assembly requested the Review to be undertaken at the end of the 2012/2013 biennium. The Delegation questioned the need for the Secretariat to look into UN practices as this was not the first review to be undertaken at WIPO. An independent review of WIPO's technical assistance had been conducted. Thus, this was not something new. As mentioned by the Chair in the informal consultations, the Secretariat would facilitate the process. It would advise the independent experts on what should be included in the review. The Delegation agreed with the Delegation of Algeria that the review must be thorough to assist the Organization in its implementation of the DA recommendations in the future. Pre-judging the outcome would not assist the Organization and Member States. The Delegation was prepared to work under the guidance of the Chair on the basis of the joint proposal by the African Group and DAG.

33. The Delegation of Brazil associated itself with the statements made by the delegations of Egypt and Trinidad and Tobago on behalf of DAG and GRULAC respectively. A decision was not too far away. The Committee already had a document. As discussed in the informal session last week, UN standards could add to the format of the document. This could be discussed in a drafting session. The Delegation took note of the various comments, including the need for the review to be concise, thorough and robust. Perhaps the gap could be bridged by including an executive summary to introduce concision, a need which was expressed by many delegations. A full document would also be prepared by the experts as this was necessary. The Delegation proposed that a drafting session be held during which information could be provided by the Secretariat on UN standards as well as the resources required to perform these activities.

34. The Delegation of Lithuania, speaking on behalf of the EU and its Member States, supported the proposal by the Delegation of the United Kingdom, also supported by Group B. The draft TOR should be prepared by the Secretariat. A discussion on the draft could take place at a later stage in the week, as suggested by the Delegation of Japan on behalf of Group B.

35. The Delegation of India associated itself with the statements made by the delegations of Egypt and Bangladesh on behalf of DAG and the Asia-Pacific Group respectively. The Delegation supported most of the comments made by delegations on the importance of

reaching an agreement on the TOR as well as a decision on the experts that would conduct the review. In this regard, the Delegation highlighted that there was a proposal on the table. Delegations were free to put forward textual contributions and proposals in the intersession between the 11th and current session. The Delegation encouraged them to make textual contributions during the proposed drafting exercise. The Delegation sought clarification on the application of UN principles in the review which focused on the DA recommendations agreed by WIPO Member States. Each of those 45 recommendations was sufficiently elaborated in terms of its scope and limitations. As such, the Delegation had no problems in confining the limits of the review to the explanation given under each recommendation. However, there was some confusion on what UN standards should be applied and how it could be done. The Delegation would be grateful if clarification could be provided by other delegations and the Secretariat in this regard. On the selection of experts, the Delegation shared the view that it should be balanced in terms of countries.

36. The Delegation of Algeria, speaking on behalf of the African Group, could not accept the proposal for the Secretariat to prepare draft TOR. It did understand the logic behind the request. A proposal had been submitted by Member States. It was being ignored by some delegations. There appeared to be a lack of consideration for a proposal that was submitted more than six months in advance. Thus, the Group requested those delegations to show some responsibility. Delegations should submit their amendments or proposals, if any. However, the Group should not be expected to ignore its proposal and to give full powers to the Secretariat to prepare a draft. It was not inclined to accept any other proposal. The Group shares the view of the Delegation of Brazil on a drafting session as it was the best way forward.

37. The Delegation of the Islamic Republic of Iran stressed that the General Assembly decision in 2010 required an Independent Review of the Implementation of DA Recommendations to be undertaken at the end of the 2012/2013 biennium. It was decided that the TOR and the selection of independent IP and development experts would be agreed by the CDIP. These should be decided during the session as the Committee was obliged to initiate the review before that deadline. The African Group and DAG presented a joint proposal on the TOR and methodology for the Independent Review in the previous session. The discussions should be based on that document. The implementation of the DA was an ongoing process. An independent review would help WIPO and Member States to effectively assess the implementation and mainstreaming of the DA recommendations. The Delegation associated itself with the statements made by the delegations of Egypt and Bangladesh on behalf of DAG and the Asia Pacific Group respectively.

38. The Delegation of Bangladesh pointed out that the agenda item was entitled, "Independent Review of the Implementation of the DA Recommendations as requested under the Coordination Mechanism". It failed to understand how the review could be independent if the Secretariat was tasked as suggested. Perhaps the title should be changed. It was agreed that the review would be undertaken at the end of the 2012/13 biennium. Thus, it was time to start talking. The discussion could start with the proposal that was already before the Committee. The whole document could be changed in the discussion.

39. The Delegation of Cuba supported the views expressed by the Delegation of Egypt on behalf of DAG. It reiterated the importance of undertaking an independent review of the implementation of the DA recommendations as mandated by the Member States.

40. The Chair recalled that during the informal consultations, Member States had recognized the importance of this issue. They also recognized how important it was to come to a decision during this session. It was agreed that a clear understanding of the scope and purpose of the Independent Review was required before looking at other issues. As such, he requested the Committee to focus on the scope and purpose of the review. With regard to the request made to the Secretariat, the Chair had consulted the Secretariat on whether it would be in a position

to undertake such a task. The response was clear. It could not do so unless there was a clear and common understanding of the scope and purpose. The positions of the groups had been made clear. The Chair requested delegations to focus much more narrowly in order to achieve consensus on the scope and purpose of the Independent Review.

41. The Delegation of Egypt suggested that section 1(a)-(g) of the Joint Proposal could be discussed on an element by element basis. Delegations could comment on each element.

42. The Delegation of India had no comments on the proposal by the Delegation of Egypt. It would be ready to undertake that exercise. The Delegation understood that the Chair required Member States to have a clear understanding of the scope and purpose of the Independent Review. In this regard, the Delegation understood that he was referring to the scope of work of the whole Organization. As mentioned in the decision by the GA in 2010; "All WIPO Committees stand on an equal footing and report to the Assemblies". Thus, all WIPO Committees should be included on an equal footing. All the DA recommendations should also be considered in the development of the TOR for the Review.

43. The Delegation of the United States of America understood the Chair's statement to mean that when the Committee had an understanding of the scope and purpose of the review, at that time the Secretariat may be prepared to work with it on the TOR. The joint proposal by the African Group and DAG was a set of TOR. However, the Delegation agreed with the Chair that as a basic premise, the Committee must first understand what the scope and purpose was of that review. It reiterated that the appropriate scope for the review would include the relevant WIPO bodies as discussed before.

44. The Delegation of Japan, speaking on behalf of Group B, clarified that its intention was not to ignore the joint proposal by the African Group and DAG. The proposal was relevant. The TOR for the Review must be completed during the session. It would be much easier to engage in the drafting exercise for the TOR based on a prepared text by the Secretariat that took into account the elements included in the Joint Proposal as well as the views expressed at the session. It would help to expedite the process to achieve an outcome by the end of the session. It was important to first discuss the scope of the review. In this regard, the Group reiterated that the review had to focus on how and to what extent the respective recommendations had been implemented based on the exact scope defined by the language of the respective recommendations. The Group believed that the Secretariat could prepare something based on the discussions on the scope of the review during the session as well as in the informal consultations.

45. The Delegation of Algeria, speaking on behalf of the African Group, stated that the suggestion to request the Secretariat to prepare draft TOR was not an option. The Committee should stop discussing it. The Group proposed that a drafting session be held. Its Joint Proposal with DAG was on the table. There was no reason why amendments could not be made. All drafting proposals would be welcomed. The establishment of a drafting group and the organization of a drafting session was the best way forward.

46. The Delegation of Indonesia associated itself with the statements made by the delegations of Egypt, Algeria and Bangladesh on behalf of DAG, the African Group and the Asia Pacific Group respectively. The Delegation drew attention to Article 21 of WIPO's General Rules of Procedure on proposals by delegations. The Joint Proposal was a meeting document. Thus, it was the only document that should be discussed.

47. The Delegation of China was pleased that since the inception of the DA, WIPO had made tremendous efforts to mainstream development into its work and fruitful results were achieved. With regard to the discussion on the Independent Review, the Delegation stated that the

proposal by the Delegation of Egypt was very constructive. The Committee could proceed on the basis of that proposal.

48. The Chair noted that there were three proposals on the table. These included the proposal by the Delegation of Egypt, the suggestion that an opportunity should be given to the Secretariat to contribute which was strongly objected to by the African Group, and the proposal by the Delegation of Algeria on behalf of the African Group that a drafting session be organized. The Chair emphasized the need to make progress on this very important issue. He was in the hands of the Committee on the best course of action to be taken.

49. The Delegation of Japan, speaking on behalf of Group B, shared the Chair's opinion on the need to achieve progress on this issue. The Group still believed that the Secretariat should prepare some documents to reflect what had been discussed so far. Taking into account the current situation and in order to be flexible to the maximum extent possible, the Group believed that it would be good to organize a drafting session. However, as mentioned earlier, there were some interesting ideas and proposals within the Group which required further elaboration in order for the Group to contribute constructively to the discussion at a later stage.

50. The Delegation of Ecuador believed that the Committee was very close to a consensus. The Delegation of Brazil had proposed the establishment of a drafting group. The Chair also mentioned that possibility. If agreed, the Secretariat could participate in the drafting group in order to provide their inputs which were always welcomed. That was the second possibility. The third was the proposal by the Delegation of Egypt to go through the elements that were submitted one by one. The Committee should be able to achieve consensus with some flexibility from delegations.

51. The Delegation of Algeria, speaking on behalf of the African Group, stressed that the Secretariat should merely play an assisting role. It should not provide written proposals. The Group agreed that the Secretariat could assist Member States in the drafting exercise. It stressed that WIPO was strictly a member-driven organization.

52. The Chair believed there was agreement on the establishment of a drafting group. The question was when the group would begin its work. The Delegation of Japan stated that there were some interesting ideas and proposals within Group B that required further elaboration.

53. The Delegation of Japan, speaking on behalf of Group B, stated that it would be difficult to hold internal discussions that evening as informal consultations would be held on other issues. The Group would elaborate on the proposals and ideas during its meeting the next morning. Thus, the drafting exercise could start after lunch tomorrow.

54. The Delegation of Egypt, speaking on behalf of DAG, stated that it was ready to work on this issue since the last CDIP session in April. It was ready to work at any time. The Group would like the Chair to make a proposal in this regard.

55. The Chair proposed that the drafting exercise could take place from 2pm to 4pm the day after. There was a side event from 1pm to 3pm. However, the drafting exercise would not involve all delegations. Delegations could attend the side event and also contribute to the exercise. The proposal was adopted given that there were no objections from the floor. The Chair then requested the Secretariat to provide some information on the budget and resources for the Review. He recalled that the issue was repeatedly raised in the informal consultations and the Secretariat's response was reassuring.

56. The Secretariat (Mr. Baloch) reiterated that it had not provided for a specific allocation for the Independent Review. Instead, it had tried to be more flexible in order to be responsive to the needs of the Member States, including with regard to the scope of the exercise that they

may decide upon. As stated in the informal meeting, adequate funds were available. If required, supplementary funds could be provided from elsewhere in the Organization's budget. However, it was hoped that the DA Coordination Division (Program 8) had sufficient funds for the expenditure.

57. The Chair recalled that interesting views were also expressed in the informal consultations with regard to the experts. The delegations of the United States of America, Australia, Algeria, Egypt and Brazil had outlined criteria for selecting the team of experts. He invited delegations to reiterate their views with regard to what was required in the selection of experts.

58. The Delegation of Egypt, speaking on behalf of DAG, highlighted that the GA decision referred to IP and development experts. This was an important guide. The experts should be competent. They should possess the requisite skills and knowledge to conduct the Review in a credible and independent manner. The Group would like leading experts in the field of IP and development with interdisciplinary expertise to be appointed, including experts with an academic background in development, economics and law. They should have a good understanding of the development challenges facing developing countries and LDCs. The Group then referred to the methodology for the Review. As highlighted in its Joint Proposal with the African Group, the assessment of the Review should include a desk review of all documents relevant to the DA recommendations. The experts could also conduct interviews, field visits and surveys. Feedback could be sought from Member States, stakeholders and the beneficiaries of activities undertaken in connection with the DA recommendations.

59. The Delegation of the Islamic Republic of Iran stated that the experts should be development-oriented with respect to the field of IP. They should have a good understanding of the challenges facing developing countries and LDCs. Many recommendations and project activities would be assessed. As such, there should be a reasonable number of experts with the relevant expertise to undertake the assessments.

60. The Delegation of Algeria, speaking on behalf of the African Group, referred to the requirements that were set out in its joint proposal with DAG. It was important that the experts had proper experience in IP and its link with development. They should have a good understanding of the development challenges facing developing countries and LDCs. These requirements were necessary in order for the Review to assist WIPO and the Member States to identify obstacles and to enhance the implementation of the DA by the Organization. On the selection process, the Group stressed that it must be member-driven. This was the most important aspect of the process. Although it sought the views of Member States on what was a member-driven process, that aspect was essential. Consideration could be given to the establishment of a panel where Member States would be represented and they would select the experts.

61. The Delegation of Brazil stated that it was agreed that the principle of balance should be observed in the selection of experts.

62. The Delegation of India referred to the comment made by the Delegation of Algeria that the selection process should be led or decided by Member States. The Delegation highlighted the circumstances that surrounded the IP and development conference whereby Member States were unable to agree. The Delegation suggested that the Chair gave the Member States a deadline to propose experts. This could be followed by informal meetings to finalize the names of four or five experts depending on the needs and the scope of work. Balance would be required in the selection of experts. That could be a way forward.

63. The Delegation of Venezuela stated that the Secretariat participated in all the activities. Their involvement helped Member States to achieve progress. As such, the Secretariat should be involved. Member States must ensure that their proposals were noted by the Secretariat. It

would not help Member States to exclude the Secretariat. On the contrary, that would create problems. Delegations were engaged in many other activities. The Delegation also questioned whether it was possible for a group to be established to make decisions that all Member States could agree upon. A balance was required and that was where the Secretariat could play a role.

64. The Delegation of Uganda noted that progress had been made. There was agreement that the matter could be referred to a drafting committee. The Delegation agreed with the view expressed by some delegations that the experts should have thorough knowledge of development matters. They should also be experienced. This included previous participation in similar projects. The experts should be given the opportunity to visit some of the beneficiary countries. Interviews could be conducted with the beneficiaries to obtain their views on the projects. This would assist Member States to assess and form opinions on the effectiveness of the projects. With regard to the drafting committee, the Delegation stated that a member of the Secretariat should be included to guide the committee in its work.

65. The Chair believed there was a clear view of how the issue would be taken forward. Much was expected from the drafting group. He hoped that the expectations would be met.

AGENDA ITEM 4: MONITOR, ASSESS, DISCUSS, REPORT ON THE IMPLEMENTATION OF ALL DA RECOMMENDATIONS

Consideration of document CDIP/12/2 - Progress Reports

66. The Chair opened discussions on the Progress Reports contained in document CDIP/12/2. He invited the Secretariat to introduce the document.

67. The Secretariat (Mr. Baloch) informed the Committee that it would begin by introducing the reports on Specialized Databases' Access and Support and the Project on Developing Tools for Access to Patent information.

Consideration of Annex I - Specialized Databases' Access and Support and Annex – Phase II and Annex XIII - Project on Developing Tools for Access to Patent information – Phase II

68. The Secretariat (Mr. Roca Campaña) introduced the progress report for the project on Specialized Databases' Access and Support – Phase II contained in Annex I of the document. The Secretariat recalled that the last report for the project was presented to the CDIP in November last year. The three main objectives of Phase II of the project were to sustain the successful training program implemented for the development of TISCs, including on-site training and distance learning courses; enhance the usage and further develop access to specialized patent and non-patent databases through the Access to Specialized Patent Information (ASPI) and Access to Research for Development and Innovation (ARDI) programs; and establish a new TISC knowledge management platform to facilitate exchange between TISCs at the national, regional, and international levels, provide complementary training to TISCs, and disseminate information materials to TISCs and the public. Phase II would be concluded in December. On-site training was continued in Phase II. In order to increase the effectiveness of capacity building and to reinforce the project's impact and sustainability, on-site training in Phase II from early 2013 also included planning meetings to discuss a template project document comprising log-frame objectives, outcomes, outputs, activities and an action plan for implementation and agreement by all project stakeholders; and a training of trainers workshop for resource people from key national stakeholders who act as multipliers in building capacity throughout the country. The number of active ARDI users increased by over 100 percent to 201 institutions. ARDI consolidated more than 3,000 peer-reviewed journals available from 17 partner publishers to eligible institutions and also provided access to almost

7,000 e-books. ASPI continued to attract more users. Around 60 users were now registered. Five commercial patent databases were participating in the program. The “eTISC” knowledge management platform supporting TISCs and TISC networks established through the project was launched in November last year. It included forums, discussion groups, blogs, information on upcoming events, videos and pictures related to the project, as well as e-learning and online training webinars. Another unique element of the eTISC was its “Ask the Expert” series where internationally renowned experts shared their IP experience during Q&A sessions with eTISC members. The project was on track. Almost 100% of its resources would be utilized by year end. Phase II would be evaluated in April next year. It was foreseen that the project would be fully mainstreamed into WIPO’s regular activities from the next biennium (Program 14 of the draft Program and Budget for 2014-2015). The Secretariat turned to the Project on Developing Tools for Access to Patent Information- Phase II and introduced the progress report in Annex XIII of document CDIP/12/2. The preparation of patent landscape reports continued in Phase II. Two new PLRs (E-waste management and update of the Ritonavir report) were completed; two new PLRs were under preparation (animal genetic resources and abiotic stress adaption technologies) and two other PLRs were in the planning stage (accelerator technologies and medical devices). Ten new reports were included on the WIPO webpage. Draft methodology guidelines for the preparation of PLRs were developed. A regional workshop was organized in Brazil with respect to the guidelines. A further activity would also be organized by year end in Asia. The project was on track. Phase II would be evaluated next year and the report presented to the Committee. It was foreseen that the project would be fully mainstreamed in the next biennium (Program 14 of the draft Program and Budget for 2014-15). This was subject to the approval of Member States.

69. The Delegation of Cuba stated that both projects were of vital importance. The Delegation reiterated that the access requirements for the two databases should be revised in order for developing countries to really access the databases.

70. The Delegation of Senegal stressed that access to information and knowledge was extremely important for LDCs. Consequently, project DA_O8_02 on Specialized Databases Access and Support was of great interest. Senegal had benefitted from this project in its initial phase and found it to be extremely useful. The Delegation supported the continuation of the project. Through the project, Senegal had established a network of TISCs with a view to enhancing the capacities of local experts on technology and innovation. Access to patent information was provided through ASPI. Scientific and technical information was also available through ARDI. The Delegation was pleased that the project was proceeding in a satisfactory manner. Following improvements to ARDI and ASPI, the number of users had increased. The Delegation stressed that the continuation of the TISCs program in developing countries was a problem and they would benefit from assistance in the area of technological equipment.

71. The Delegation of Japan, speaking on behalf of Group B, made some general comments on document CDIP/12/2. The report provided a review of 13 projects that were carried out by WIPO under the DA. It also specifically referred to 19 DA recommendations. The Group had taken note of all the activities included in the report and welcomed the efforts by the Director General and his staff to achieve the goals for the period covering July 2012 to June 2013. At the same time, due consideration should be given to the fact that only a small number of projects proceeded on schedule and most projects were behind schedule. The current reporting structure was an effective mechanism to highlight the issue around meeting delivery timelines, allowing projects to mitigate delays in the future. In order to avoid a situation in which the delay of a project increased costs, the cost of delay should be analyzed in a proper manner and a mitigation strategy should be reflected in future projects. Furthermore, the situation should be taken into account when considering the launch of new projects in light of the total burden on the Secretariat. Furthermore, in deciding the number or the scope of new projects, the Group strongly believed it was critical to consider the prior authorization of activities in the whole context of WIPO taking account of the limited resources and budget of the Organization.

72. The Delegation of Lithuania, speaking on behalf of the EU and its Member States, referred to document CDIP/12/2. The report gave a comprehensive assessment of the work carried out by WIPO in 2013 in implementing the DA. They had taken note of all the activities included in the report and welcomed the efforts made by the Director General and his staff in achieving the goals for the preceding year as set out by the Member States of WIPO. The EU and its Member States were looking forward to continuing the work within the Committee and other relevant WIPO bodies to further consolidate the DA along with the overarching issue of IP protection.

Consideration of Annex IX - Project on Enhancing South-South Cooperation on IP and Development Among Developing Countries and LDCs

73. The Secretariat (Mr. Roca Campaña) introduced the progress report for the Project on Enhancing South-South Cooperation. The Secretariat began by highlighting that the Second WIPO Inter-Regional Meeting on South-South Cooperation on Patents, Trademarks, Geographical Indications, Industrial Designs and Enforcement was held in the Arab Republic of Egypt in May 2013. The meeting brought together over 100 participants from 35 countries (32 developing countries and LDCs). WIPO financed the participation of 26 representatives from developing countries and LDCs in Africa, Arab, Asia and the Pacific, and Latin America and the Caribbean regions, as well as two participants from countries with economies in transition. The report of the meeting was published on the WIPO website. The inclusion of South-South functionalities in the IP Technical Assistance Database (IP-TAD) and the IP Development Matchmaking Database (IP-DMD) also continued in the reporting period. The functionalities would be presented during the second annual conference on Friday. The WIPO web portal on South-South cooperation was also developed and would soon be launched with the new WIPO website. It would also be presented on Friday. WIPO also continued to coordinate closely with the UN Office for South-South Cooperation (UNOSSC). The Organization participated in the High-level Committee on South-South Cooperation. In 2012 and 2013, it also participated in the Global South-South Development Expo, an annual event which, since its inception in 2008, was hosted by UN agencies. The latest event was held in Kenya, during which a cooperation agreement was concluded with the UNOSSC in relation to WIPO GREEN. The project was on track as far as the delivery of the main outputs and activities were concerned. Considerable savings were made as the cost of air travel for the two interregional meetings was less than estimated and also because the South-South portal was developed internally and not outsourced.

74. The Delegation of Egypt, speaking on behalf of DAG, took note of the progress report, in particular, the sections on the way forward, implementation timeline and project self-evaluation. The last section outlined activities that were implemented in the first stage of the project, including the development of the South-South functionalities and the dedicated webpage on South-South Cooperation on the WIPO website. The Group noted that performance data on indicators of success in achieving project objectives were not presented in the progress report. It was stated on page 12 that relevant statistics would be provided at a later stage in the implementation of the project. The Group urged the Secretariat to fully implement the aforementioned activities. It also recalled that the project delivery strategy required the Secretariat to undertake the following activities before the first phase of the project was completed. First, "support and assist developing countries and LDCs to provide training and capacity building activities to other developing countries and LDCs, including in the training of patent examiners, and other IP officials, judiciary, competition authorities, sharing of information among IP offices." The support and assistance would initially be provided through the introduction of the new functionalities. However, it was not confined to that. The Group would appreciate the implementation of this activity in the current period. Second, "increase the use in WIPO technical assistance and capacity building activities of resource persons and experience sharing from developing countries and LDCs. Better coordinate the work on South-South

Cooperation with WIPO's regional Bureaus". This activity still needed to be implemented. Third, "establishment of an interactive web portal/virtual network among IP offices, universities, public research institutions, and civil society organizations in developing countries and LDCs, to foster the building of institutional linkages and collaborative research projects, and enhance access to knowledge, and the transfer of technology". The Group recognized that a questionnaire had been prepared in relation to this activity. It looked forward to the establishment of a portal and its use by Member States. The Group would like the Secretariat to explain the plans and measures it intended to implement in order to mainstream, sustain and maintain the project results and deliverables, especially with regard to the appointment of a permanent focal point on South-South cooperation. The Group understood that the project manager was currently the ad hoc or interim focal point. A permanent focal point had not been appointed. The Group referred to the WIPO webpage on South-South cooperation and the interactive web portal/virtual network. It understood that the portal would be established. There was a need to ensure that it would be updated and maintained. The Group stressed that the project was important for all Member States, especially developing countries and LDCs. Therefore, the Group requested WIPO to allocate sufficient resources to implement and mainstream South-South activities in the proposed Program and Budget for 2014-2015 in accordance with the Joint Inspection Unit recommendations to WIPO on South-South cooperation and to report regularly on these activities as part of the PPRs presented to Member States.

75. The Delegation of South Africa aligned itself with the statement made by the Delegation of Egypt on behalf of DAG. One of the key project deliverables was the appointment of a permanent focal point for South-South cooperation. The Delegation would like to know the current status with regard to the appointment of the focal point. It also enquired as to whether WIPO would continue to coordinate with the UNOSSC.

76. The Delegation of Georgia referred to Phase II of the TISC project. The patent offices, academic institutions and research bodies in selected middle-income countries paid subscription fees to access the ASPI database. In the past, trial access was provided to some institutions in the countries within its region. The Delegation enquired as to whether countries in transition or middle-income countries in Group 2 could also be granted free access to such specialized databases in the future.

77. The Chair invited the Secretariat to respond to the questions and comments from the floor.

78. The Secretariat (Mr. Roca Campaña) referred to the comments made by the Delegation of Egypt. Specific training activities had yet to be undertaken under the project. The budget did not provide for specific training activities in the fields that were mentioned. However, these training activities were being organized in coordination with the regional bureaus in the Developing Sector. Furthermore, information on the activities was included in the IP-TAD. These activities were specifically conceived for the countries of the South. On the interactive web portal, the Secretariat stated that only 34 developing countries had responded to the questionnaire. It was insufficient for the Secretariat to establish the interactive portal. Developing countries were encouraged to submit information on their South-South cooperation activities, interests and focal points. Work would continue on this activity. There were delays in the development of the dedicated webpage due to the redesign of the entire WIPO website. However, it would be presented on Friday during the annual conference. With regard to performance data and out indicators, relevant statistics would be provided in accordance with the approved proof project documents. It was too early to identify the impact related the project's objectives. However, some performance data had been gathered and would be provided with the evaluation report. The project was due for completion at the end of this year. It would then be evaluated. The final evaluation report would be submitted to the CDIP in April. Member States would then decide on whether there should be a second phase. A focal point

had been appointed for South-South cooperation in general and the management of the project in particular. The appointment was project bound. This was included in the project. There was no permanent focal point. In addition to managing the project and its implementation, the focal point also coordinated with the UNOSSC. Referring to the question from the Delegation of South Africa, the Secretariat stated that it was coordinating closely with the UNOSSC. It was likely that the Deputy Director of the UNOSSC would attend the South-South Conference on Friday, and upon confirmation from his office, the Director of the UNOSSC would also participate in the launch of WIPO GREEN.

79. The Delegation of Egypt, speaking on behalf of DAG, noted that although the project was supposed to end in December, several activities had yet to be implemented. There was also the issue of whether there would be resources to maintain outputs after the end of the project. In this context, the Group would like to know whether the webpage and interactive portal would continue to function when the project came to an end in December. As these were key project deliverables, they should continue to be updated regularly and maintained.

80. The Delegation of South Africa recalled that when the project was negotiated, the idea of a permanent focal point was expressed as South-South cooperation was not a one-off thing. The Delegation understood that the appointment of the project manager as focal point was project-bound. As such, it enquired as to what would happen in the long run. The Delegation did not know whether this would be discussed during the evaluation of the project. However, it wanted to put on record, its understanding that a focal point should be appointed on a permanent basis.

81. The Secretariat (Mr. Roca Campaña) stated that the issue should be discussed. A decision should be taken by Member States when the evaluation and future of the project was discussed in the next CDIP. The Secretariat would continue to develop and update the database if it was mandated to do so by the Member States. Resources would be required and it was up to the Member States to decide on this.

Consideration of Annex II - Pilot Project for the Establishment of "Start-Up" National IP Academies – Phase II

82. The Secretariat (Mr. Di Pietro) introduced the progress report in Annex II of document CDIP/12/2. The overall objective of the "Start-Up" National IP Academies project was to strengthen national and regional institutional and human resource capacity through further development of infrastructure and other facilities, with a view to making national institutions more efficient and promote a fair balance between IP protection and the public interest, as well as to meet national development priorities and goals and to meet the increasing local demand from IP specialists, professionals, government officials and other stakeholders. Phase II was approved by the CDIP in May 2012 after an independent evaluation of the project. It allowed for the allocation of additional resources and the adaptation of timelines. The project was expected to conclude in December 2013 when it would be streamlined into the WIPO Academy's budget for the 2014-2015 biennium. By the end of 2013, the Academy would have assisted six pilot countries (Colombia, Dominican Republic, Egypt, Ethiopia, Peru and Tunisia) to establish self-sustaining IP training centers. The report was for August 2012 to August 2013. The Secretariat provided some updates on activities held thus far. From May 2012 to date, the project delivered several results. Sixteen scholarships were awarded to key trainers to pursue Master's degrees in IP. Over 180 hours of training were organized for national academy coordinators on project management, aspects of the WIPO DA, and the coordination of human resources. Each training center or academy had its own national academic coordinator. So far, 47 trainers from three pilot countries had completed the training of trainers program and were certified as national IP trainers. The program included around 150 hours of training on substantive IP issues, teaching methodologies and techniques, and aspects of the WIPO DA. 15 other trainers

were expected to complete the program before year end. The six pilot countries were also participating in the WIPO Depository Library Program. Thus, the publications listed in the WIPO catalogue were made available to the national IP libraries. Additional publications were also identified for all six pilot countries. These were delivered to two countries. Four pilot countries (Colombia, Dominican Republic, Peru and Tunisia) were currently delivering national training programs for external audiences. The curricula included the promotion of discussions on a fair balance between IP protection and the public interest. The programs were delivered by local trainers. National IP academies were officially opened in four pilot countries (Colombia, Dominican Republic, Peru and Tunisia). Throughout the reporting period the project management team had focused on concluding cooperation activities with the pilot countries. The activities were mostly focused on elements of the DA and their inclusion in national training curriculum. Two countries (Dominican Republic and Peru) were moving towards the phase out stage. Two other countries (Colombia and Tunisia) were expected to conclude cooperation activities in December 2013. By year end, the project was expected to deliver a set of tools and guidelines which may be used as a reference for other interested Member States to create their own training institutions; enhance the IP libraries in four pilot countries (Colombia, Dominican Republic, Egypt and Ethiopia); develop two further modules for the training of trainers (Colombia and Egypt); conclude cooperation activities with two other countries (Colombia and Tunisia); and certify 15 trainers from Colombia.

83. The Delegation of the United States of America was very pleased to learn of progress made on this important project. However, the evaluator noted that internal restructuring in Member State participants led to the replacement of key personnel. The Delegation recalled that this challenge was also noted in the 2012 report on the project. Of course, this was a challenge faced in any technical assistance projects that relied upon and invested in crucial personnel to carry the program forward. The Delegation would be interested in hearing if there had been any mitigation of this risk to insure project sustainability since the issue was identified in the 2012 report and how WIPO would design projects to manage this risk in the future.

84. The Delegation of Egypt took note of progress made on the Project. In the case of Egypt, three trainers obtained Master's degrees and two modules for the training of trainers were delivered. The Delegation did not agree with the paragraph which stated that the national political situation jeopardized the organization of training sessions by an international trainer. The authorities had requested WIPO to provide such training but the Secretariat did not respond to the invitation. The authorities had also put forward many persons with experience in this area. The Delegation stressed on the importance of cooperating with its authorities in the implementation of the project, especially in the context of assistance provided by WIPO. Work on the training courses and library should be balanced to achieve national training objectives.

85. The Delegation of Bangladesh, speaking on behalf of the Asia Pacific Group, was pleased that the project had proved to be feasible and viable. It was relevant to the needs and aspirations of most developing countries and LDCs. There was a wide consensus that the start-up national IP academies greatly contributed to meeting national development priorities and increasing local demand from IP professionals, stakeholders and the government. In this respect, the establishment of start-up national IP academies in developing countries, and in particular, LDCs could greatly contribute to bridging the existing gap between the desired and the available. The project helped to create capacity in terms of institutional infrastructure and human resources in developing countries and LDCs. As the academies were self-sustaining, there would not be any long-term financial obligations on WIPO. Thus, Phase II of the project should be further pursued and replicated elsewhere in order to build critical human resources to deliver IP related training and services. The Group hoped that the academies would contribute to the creation and promotion of a proper balance between rights and responsibility. It would like the project to be continued and replicated in other developing countries and LDCs. If required, additional financing could be provided by WIPO or any other suitable source.

86. The Chair invited the Secretariat to respond to the questions and comments from the floor.

87. The Secretariat (Di Pietro) referred to the point raised by the Delegation of the United States of America. The issue was highlighted by the evaluator. As mentioned, the risk could not be completely controlled. However, efforts could be made to mitigate it. One of the first requests to beneficiary countries was for them to provide lists of academy coordinators and core groups of trainers. In the case of academy coordinators, the initial decision was to work with one coordinator. In Phase II, the Secretariat decided to work with two academy coordinators in case one was transferred or separated from his or her functions. Referring to the intervention by the Delegation of Egypt, the Secretariat explained that it had been to identify national trainers to train the trainers in Egypt. Due to certain difficulties in travelling to Egypt, it was decided that it would be more efficient to use local trainers to deliver the training. It was not that difficult. Time was taken to identify a core group of local trainers for this purpose.

88. The Delegation of Egypt stated that a meeting was held with the Secretariat. It was agreed that WIPO would send a mission to Cairo for the third and fourth training programs. The Delegation would like the mission to take place as soon as possible. Three training modules had been completed. The Delegation hoped that the two remaining modules would be completed. If this was not currently possible, the Delegation would like this to be done next year.

89. The Secretariat (Mr. Di Pietro) stated that there would be two missions to Cairo before the end of the year. One would be undertaken by a WIPO official, and the other, by an expert. An extension was also requested to finalize the two remaining modules in the first three months of next year.

90. The Delegation of Tunisia stated that it was not easy to create an academy in Tunisia, particularly in light of the events that take place in the country in 2011 and 2012. Nevertheless, a great deal was achieved. The report referred to the risks which these projects were exposed to. However, a more serious issue was that WIPO would not be continuing or following up on the assistance it offered to the new academies. Without its continued support, the Start-Up Academies may not be able to continue their work. The authorities in Tunisia would like to create a Master's program in IP. This required serious and effective assistance from the WIPO Academy.

91. The Secretariat (Mr. Di Pietro) stated that this was a serious concern, which was mentioned in the evaluation report for the first phase of the Pilot Project. The phasing out strategy included how to assist the start-up national IP academies. By year end, the personnel in four academies would be trained in the various aspects required in order to run, manage and sustain their respective academies. However, some support from WIPO would still be required. This was in line with the streamlining of the Project into the budget of the WIPO Academy. It could also be complemented through coordination and cooperation with the Bureaus. On the creation of a Master's program, the Secretariat stated that the Academic Institutions Program within the WIPO Academy provided technical assistance to Member States to establish such programs. Guidance was provided on the curricula, selection of experts, reading materials etc. Tunisia should receive such assistance in 2014 as it was already planned.

92. The Delegation of India would like to know whether countries with existing institutions could approach the Secretariat for assistance to strengthen those institutions and if this was covered under the project.

93. The Secretariat (Mr. Di Pietro) referred to Colombia's request for a start-up academy. The country already had a training center. The absence of such facilities was not a requirement. It depended on the needs of each country. It would be easier to implement a

project to further develop a training center or IP academy in countries where an institution or project had already been established with personnel to provide training activities.

94. The Delegation of India stated that a national institute had been established in India. It would like to request for assistance with regard to training and infrastructure. The Delegation would like to know whether the request could be made through the Project or if it should be dealt with bilaterally.

95. The Secretariat (Ms. Graffigna) highlighted the distinction between the Pilot Project which was being mainstreamed into Program 11 as of 2014 and the standard activities of the WIPO Academy and its Program. The Pilot Project had been successful. As such, it would be mainstreamed and new start-ups would continue to be established. Any government could request the Secretariat for assistance in launching a new program. It was not necessary for the request to be made through the CDIP. For instance, assistance may be required to launch a new IP program in a university, including in the context of the definition of the program, curriculum, selection of experts etc. The proposal under Program 11 in the draft Program and Budget for the next biennium included funds to strengthen the teaching of IP in developing countries and countries in transition. This broadly meant that assistance could be provided at any time within available resources without the need to engage in a project. The request should be communicated to the Secretariat. The outputs and lessons learnt from the pilot project would not be lost when the activity was mainstreamed into Program 11.

96. The Delegation of India understood that the provision of assistance was not linked to the CDIP. Thus, it would take up the matter with the Secretariat.

97. The Delegation of Algeria stated that a request was made for Algeria to benefit from the Project. The request was submitted to the Secretariat in 2011, almost two years ago. The Delegation would like to know when the Secretariat was going to set up a start-up academy in Algeria and if it would be linked to the CDIP.

98. The Secretariat (Ms. Graffigna) noted that the question concerned a start-up. Thus, it was not the same as the question posed by the Delegation of India. If approved in December, 400,000 Swiss francs under Program 11 would be earmarked for two new start-up projects. Funds were only available under Program 11. Contact between the government and the Secretariat should be sufficient. Activities could get underway once a committee was established, the conditions clearly set out and the project was approved.

99. The Chair closed the discussion on the project given that there were no further observations from the floor. He turned to the Project on IP and Product Branding for Business Development in Developing Countries and LDCs.

Consideration of Annex IV - Project on IP and Product Branding for Business Development in Developing Countries and LDCs

100. The Secretariat (Ms. Toso) introduced the report in Annex IV of document CDIP/12/2. The Secretariat highlighted that this was the final progress report on the implementation of the Project on IP and Product Branding for Business Development in Developing Countries and LDCs as the project would soon be concluded. Implementation began in 2010. The performance data provided in the tables at the end of the report indicated that most of the expected results and outputs were achieved. In total, nine products were identified in the three pilot countries, namely, Panama, Thailand and Uganda. Guidelines and procedures for quality control and certification were developed in these countries. Capacity building activities were carried out in all three countries. Stakeholders were sensitized and trained. A Conference on IP and Branding for Business and Local Community Development was held in Seoul, Republic

of Korea. It was preceded by an expert meeting. All the consultants involved in the implementation of the project in the three pilot countries participated in that meeting together with other renowned consultants in the field of branding. Experiences and case studies were documented and shared. Processes and methodologies were also discussed and validated. In Panama, two collective marks and an Appellation of Origin were registered. The registration of a certification mark was pending. In Uganda, a certification mark and a trademark were registered. In Thailand, a collective mark and a geographical indication were registered. These were achieved under the project. However, it was more difficult to achieve the full and consistent mobilization of stakeholders in order to create, where necessary, associations of producers and collective structures that allowed for a complete buy-in of the project by the stakeholders. This was a long-term activity which required continuous follow-up in the respective countries. Lessons were learnt in the implementation of the Project. Thorough follow-up at the national, district and community levels was required to keep the stakeholders adequately involved in the project in order for them to work effectively toward the expected results. Appropriate coordination mechanisms were required at the country level. This was mentioned in the section on the way forward for the continued implementation of project recommendations. The Secretariat provided some further details of the conference on IP and product branding. It was organized in cooperation with the government of the Republic of Korea, in particular, the Korean IP Office and the Korea Invention Promotion Association. The conference took place in April 2013, 200 participants from 18 countries attended the conference. It emerged from the discussions that IP protection, whether in the form of a geographical indication, an appellation of origin, a collective or certification mark, was only one of several dimensions to be considered in the development of a branding strategy. Product identification and inventory, stakeholders' mobilization, capacity building, IP options analysis, product branding, marketing strategies and financial sustainability were some of the key elements to be considered in order to properly support local producers in their branding efforts. Experience indicated that several players (i.e. the private sector, government and intergovernmental organizations) must be involved in the branding process. A collaborative and inclusive approach among concerned organizations was required to ensure an effective and sustainable intervention. The key lessons learnt were included in a document titled, "Framework for Action for the Development of IP, Branding and Product to Market Strategy". This was one of the concrete outputs of the project. It was based largely on the analysis of best practices in origin-product branding, as well as on the project experiences in the three pilot countries. It outlined methodological aspects and guidelines for the implementation and evaluation of IP and branding projects, and aimed to increase the understanding of what was involved in the formulation and implementation of such projects. The document would be published by WIPO soon and could be of use to other countries that were interested in pursuing similar projects.

101. The Delegation of Bangladesh, speaking on behalf of the Asia Pacific Group, hoped that the project would be effective and useful in supporting small and medium sized enterprises (SMEs) to actively create and commercialize designs through active use of the IP system and the development of strategies that would encourage investment in designs. The Group understood that the Delegation of the Republic of Korea would also be speaking on the project. It was pleased that a framework for action was one of the concrete outputs of the project and would be published by WIPO next month. It was waiting for the document to be published and would like to explore opportunities to use it in other countries for the benefit of developing countries and LDCs. The Delegation referred to page 3 of the report which stated the following in relation to Panama, "Thanks to the notoriety acquired by the project in the country during its implementation phase, the Ministry of Trade and Industries expressed interest to invest in the branding and commercialization of two of the selected products", and observed that it was a strange way to attract investment.

102. The Delegation of the Republic of Korea was confident that this project would foster capacity building, especially in the case of SMEs, by utilizing branding strategies associated

with IP to promote product values. The Delegation hoped that the benefits would extend to all relevant Member States, including through the sharing of experiences.

103. The Delegation of Uganda also noted the use of the word, “notoriety”. An explanation was required. Uganda was a beneficiary of the Project. The Delegation appreciated the progress made by the Secretariat in the implementation of the project in Uganda over the last three years. The Project was instrumental in mobilizing a wide range of stakeholders and in raising awareness on the importance of IP in the branding of some of Uganda's most emblematic products, in particular, cotton, sesame and vanilla. In the course of the project, farmers and small businesses both in the central and northern parts of the country were sensitized to the importance of effectively branding their products in order to add value and to increase their competitiveness in external markets. New perspectives for local development were taken into account in the use of appropriate IP strategies for each of the selected products. As a result of the project, the first certification mark was registered on March 11, 2013, “Mukono Vanilla”, for the Mukono Vanilla Spices and Horticultural Co-Operatives Association Ltd. A trademark application “Divine” was also lodged by Farmnet Limited under class 29 for edible oils and essential oils, and registration was pending. There were no registrations as yet for Ugandan cotton. Product branding was a long and complex process. Brand protection through the IP system was critically important. However, it must be integrated into broader commercial and business strategies. Uganda was endowed with diversity in terms of agriculture, natural resources, culture and traditions. These qualified as geographical indications. The products included coffee, cotton, vanilla, tea and bark cloth. The country could tap into this enormous potential to eradicate poverty, a major objective of Uganda’s National Development Plan and Vision 2040. The Uganda Registration Services Bureau had supported the implementation of the project and was committed to continue working with WIPO and other partners to build on the project’s results. In the immediate future, the country would continue to focus on promoting coordination and the mobilization of stakeholders in the branding of quality products based on origin. In April 2013, Uganda was invited to participate in the Conference on IP and Branding for Business and Local Community Development in Seoul. It was represented by the Commissioner of Internal Trade and Industry and by the Uganda Export Promotion Board. It appreciated the opportunity to share its experience as a beneficiary of the project and to learn from others. The Delegation believed that the appropriate use of IP for product branding would contribute to the attainment of its country's strategic objectives. This was supported by recent developments in its national IP laws. These included the introduction of a new law on industrial property and a law on geographical indications law in 2013 as well as a law on trademarks in 2010. This was indicative of its interest in the project. It also reflected a commitment to improve its IP platform in view of the commercial and non-commercial benefits that could be derived by the country.

104. The Delegation of Panama stated that the products selected for the project in Panama were Chorrera pineapples, Palmira coffee and the “Mola” of the Kuna people. As mentioned in the report, the project became very well known in Panama. Chorrera pineapples were special as they had a particular flavor. The project increased awareness of the importance of product branding. It was hoped that in the second phase, the production of pineapples under international quality control schemes would be encouraged through the provision of technical and financial assistance. In the case of Palmira coffee, the community was involved in every stage of product branding. The Ministry of Commerce and Industries liaised with the Association of Coffee Growers. Purchase agreements on roasted, ground and organic coffee were concluded with international buyers. The project produced new packaging designs that were more attractive. An Appellation of Origin for Café de Boquete was also registered by producers from another community. In the case of Mola, a project funded by the government and the Inter-American Development Bank was addressing the commercialization of Mola Kuna handicrafts. The Delegation encouraged the Secretariat to continue developing such projects in developing countries and LDCs as they had an important impact on entrepreneurs and SMEs. Referring to the comment by the Delegation of Bangladesh, the Delegation pointed out

that the project was given wide publicity by its ministry and high officials were involved. Thus, when the report referred to notoriety, it referred to the fact that the project became well-known, including at the highest levels of the ministry. The Deputy Minister for Trade personally checked on progress and dealt with the communities to identify their needs to determine how they could be assisted in order for the initiative to be implemented and followed up.

105. The Delegation of Egypt stated that it was not a pilot country like Thailand, Panama and Uganda. However, the project was a good idea. Its primary aim was to support SMEs, especially those resulting from the association of local groups of farmers and producers in developing countries and LDCs, in the design and implementation of strategies for the appropriate use of IP in product branding. This could be of interest to many developing countries. It could help to increase incomes and reduce poverty. The report indicated that cooperation was required between the national bodies that were involved. There were already some clear results. The report indicated that the information was beginning to be used. The proposal to establish an online platform for IP and product branding projects was interesting. Perhaps further information could be provided. The platform would need to be continuously updated. The results of the project must be reviewed and evaluated. In the future, other developing countries should also be included in such projects.

106. The Chair invited the Secretariat to respond to the questions and comments from the floor.

107. The Secretariat (Ms. Toso) referred to the use of the word “notoriety” and explained that the project was highly publicized in Panama. It was well-known in the country. This was also clearly explained by the Delegation of Panama. The Secretariat apologized for the confusion caused by the use of the word. There was a need to continue work with the communities, groups and stakeholders in the various countries as expectations had been created. Thus, it was necessary for the activities to be mainstreamed into the regular work. On the proposed development of an online platform, the Secretariat stated that this could be linked to IP-DMD. It could include requests for support in developing similar branding projects by different stakeholders. The network of experts identified in the implementation of the project had also indicated that they would be available to provide assistance to other countries. The development of the platform required more thought but there was potential for existing mechanisms to be used to take the project forward, including for the benefit of other countries.

Consideration of Annex V - Project on IP and Socio-Economic Development,
Annex X - Project on IP and Brain Drain and Annex XI - Project on IP and the Informal Economy

108. The Secretariat (Mr. Raffo) introduced the report in Annex V of document CDIP/12/2. The report was for the period covering August 2012 to August 2013. The Project on IP and Socio-Economic Development (DA_35_37_01) would soon be concluded. Implementation was in accordance to the timeline (extended by 6 months at the 10th session of the CDIP). Two country studies (Chile and Brazil) were completed and the others were close to completion (Uruguay, Egypt, China and Thailand). As foreseen in the project document (CDIP/5/7), a research symposium would be organized in December 2013 to distill the main lessons learned from the different studies, their broader applicability, and their implications for policymaking at the national and international levels. A summary of the proceedings would be submitted to the Committee at the next session. The studies that had yet to be submitted to the Committee would also be presented at that session. The Secretariat then turned to the report in Annex V of document CDIP/12/2. The Project on IP and Brain Drain (DA_39_40_01) was completed. The study on mapping inventors with migratory background was completed and would be presented to the Committee in this session. As envisaged, an experts’ workshop was held in April 2013. A summary of the workshop proceedings, offering a research agenda on IP, migration, and associated knowledge flows, would also be presented in this session. The results of the

Mapping Exercise and the experts' workshop would be published next year. The Secretariat turned to report in Annex XI of document CDIP/12/2. The implementation of the Project on IP and the Informal Economy was in accordance with the project timelines. The conceptual study and the full implementation plan were presented to the Committee in the previous session. Three case studies (Ghana, Kenya and South Africa) were submitted to the Secretariat and were under evaluation. They would be presented to the Committee in the next session.

109. The Delegation of South Africa sought clarification on what would take place with regard to the case studies received by the Secretariat in connection with the Project on IP and the Informal Economy.

110. The Secretariat explained that the case studies were prepared by local and international consultants. It was currently evaluating the studies. They would be finalized for submission to the Committee. The studies were of excellent quality. However, it would take longer than expected to finalize the studies. Thus, they would be presented in the next session of the Committee.

111. The Delegation of Algeria would like to know how countries were selected for the studies.

112. The Secretariat stated that countries had put themselves forward for the studies. They had to meet the requirements that were linked to the studies. A basic condition was that they should be developing countries. The Secretariat was very pleased with the participation of the six countries in the project. Their authorities had put in a lot of effort in order for the studies to be carried out by local and international experts.

113. The Delegation of Brazil would like more information on the symposium that would take place under the Project on IP and Socio-Economic Development. It understood that there would be opportunities for in-depth discussions on the studies during the symposium. The Delegation would like to know the dates for the symposium and whether Member States would be invited to attend.

114. The Secretariat explained that a technical symposium was planned. It was not intended to be a diffusion symposium. Local workshops were held in the countries where studies were conducted. Some took place before the studies were carried out in order to gather information and to understand the needs of the stakeholders. Member States were invited to attend the technical symposium which would take place in Geneva on December 3 and 4. The Secretariat reiterated that the results of the studies would be presented to the stakeholders through other channels.

Consideration of Annex VI - Project on IP and Technology Transfer: Common Challenges – Building Solutions and Annex VII - Project on Open Collaborative Projects and IP-Based Models

115. The Secretariat (Mr. Jazairy) provided an overview of the report in Annex VI of document CDIP/12/2. The Project on IP and Technology Transfer: Common Challenges – Building Solutions was based on recommendations 19, 25, 26, and 28 of the DA. The project included a range of activities to explore possible initiatives and IP-related policies for promoting technology transfer, the dissemination and facilitation of access to technology for development, particularly for the benefit of developing countries and LDCs. The activities were outlined in the revised project paper (document CDIP/9/INF/4). The first activity was on the organization of five regional technology transfer consultation meetings. Two were held, one in Singapore (for the Asian region) on July 16 and 17, 2012, and the other in Algiers (for the African and Arab region) on January 29 and 30, 2013. The third meeting would be held in Istanbul (for the Transition region) on October 24 and 25, 2013. The fourth meeting (for developed countries) was scheduled to be held in Geneva on November 25 and 26, 2013. The fifth and final meeting (for

the Latin American and Caribbean region) was scheduled to be held in Monterrey, Mexico (pending confirmation) on December 5 and 6, 2013. Thus, it was envisaged that this activity would be completed before the end of 2013. The second activity was on the elaboration of peer-reviewed analytic studies. Studies were commissioned on obstacles to technology transfer (Professor Damodaran, India); IP-related policies and initiatives in developed countries to promote technology transfer to developing countries (Mr. Sisule Musungu, Kenya); cooperation and exchange between R&D institutions in developed and developing countries (Mr. Ulf Pettersson, Chalmers University of Technology, Sweden); incentive policies for businesses to become partners in technology transfer processes at the national and international level (Mr. Philip Mendes, OPTEON, Australia); an analysis of technology transfer issues to identify the needs in certain specific regions or sub-regions (Professor Keith Maskus, University of Colorado, and Professor Kamal Saggi, Vanderbilt University, United States of America); and alternatives for supporting innovation aside from the patent system (Dr. James Love, KEI, United States of America). Five studies were received by the Secretariat in draft form. The study on obstacles to technology transfer was received in final form. It was envisaged that five studies would be completed by year end. The study on cooperation and exchange between R&D institutions in developed and developing countries should be completed in the first quarter of 2014. The third activity was on the drafting of a concept paper on building solutions as the basis for discussions at the High Level International Expert Forum. A first draft of the concept paper would be prepared following the completion of all the regional consultation meetings and the six analytic studies. The paper would summarize the achievements under the project. It would be submitted to the Committee in the next session for approval. Prior to that, a one day meeting with IGOs, NGOs and professional associations would be organized in April to obtain their feedback on the project. The High Level International Expert Forum was scheduled to take place in June 2013. The three-day meeting would be organized after the concept paper was approved. The Project was using a step-by-step approach involving accredited organizations and new partners involved in all aspects of technology transfer to explore IP-related policies, new initiatives necessary to promote the transfer and dissemination of technology, and the establishment of international IP collaboration. The Project's outcomes would be integrated into the relevant WIPO activities after consideration by the CDIP of recommendations that may emerge from the expert forum. The recommendations that resulted from the five regional consultations would be compiled. When a consensus was reached on the most common denominators in the recommendations, these would be referred back to the Committee for approval at its 14th session. The Secretariat requested for an extension until June 2014 in order for the project to be completed. The Secretariat then turned to the report in Annex VII of document CDIP/12/2. The Project on Open Collaborative Projects and IP-Based Models was described in document CDIP/6/6 Rev. It was based on recommendation 36 of the DA on exchanging experiences on open collaborative projects such as the Human Genome Project as well as on IP models. Under Activity 1, a taxonomy-analytical study on open collaborative projects and IP-based models was prepared by Professor David Gann, Imperial College, and Professor Linus Dahlander, Stanford University. Activity 2 was on the organization of an open-ended meeting with Member States for a constructive debate on the essence, logic and stages of the approach. An informal event was held on May 11, 2012, and a formal meeting on June 18, 2012. The latter was attended by a number of participants, including delegates from several permanent missions in Geneva. Under Activity 3, high-level experts were commissioned to undertake an in-depth evaluation study. The team was led by Professor Henry Chesbrough, University of California, Berkeley, who coined the term 'open innovation' a decade ago. He had also written several books on open innovation. The study included an overview on the evolution of the concepts of open collaborations; an overview of open innovation since the coining of the concept a decade ago; a list of the benefits and challenges of existing projects and identify lessons learned for each paradigmatic open collaborative initiative; a list of inherent favorable conditions and successful IP models for effective paradigmatic open collaborative initiatives; and a list of recommendations on the ways WIPO programs could support developing countries and LDCs in overcoming the challenges they faced in open collaborative innovation processes. An

interactive platform would be established under Activity 5. A database of tools and content would be developed and incorporated into the platform. The database would include an atlas or compendium of coherent concepts, maps, graphs and representations. It would consist of an overview of the current global innovation situation; an overview of the global intellectual property parameter space through WIPO applications; the evolution of traditional models of collaboration across the globe; a useful reference for the evolution of new, internet-enabled collaborations across the globe; and the evolution of knowledge flows in codified form as well as tacit knowledge flows between developed and developing countries. The content for the platform was being developed by a team of experts. The last activity of the project was on the organization of an expert meeting on open collaborative projects and IP based models. The two-day meeting was scheduled to take place at WIPO headquarters on January 22 and 23, 2014. Experts on open innovation from developed and developing countries would participate in the meeting. Work to incorporate any outcome resulting from the above activities into relevant WIPO programs could only begin after the expert meeting and the finalization and entry into force of the interactive platform. As agreed, it would only commence after consideration by the Committee. The said activities would be completed in June 2014. As such, the Secretariat requested for an extension of the project until June 2014.

116. The Delegation of Brazil sought clarification on the regional consultations organized under the Project on IP and Technology Transfer. It would like to know how they were organized and whether any decisions or recommendations would emerge from the consultation process.

117. The Delegation of Turkey provided some information on the third regional consultation meeting on technology transfer which was held in Istanbul on October 24 and 25, 2013. The meeting was organized by WIPO in cooperation with the Turkish Patent Institute. Twenty-two countries from the transitional region attended the meeting. It was held at a time when there was considerable progress in Turkey in terms of innovation and technology transfer. The discussions and exchange of best practices during the meeting should enrich efforts to promote innovation and technology transfer.

118. The Delegation of Venezuela stated that the Bureau for Latin America and the Caribbean should be involved in the organization of future events. This was required in order for the delegations to be kept up to date on the process for the consultations, the expected results and the selection of speakers. It was important for the Bureau to be more involved.

119. The Delegation of India referred to the Project on Open Collaborative Projects and IP-Based Models. It would like to know how the outcomes would be integrated into WIPO programs. The Delegation also sought clarification on how countries and participants were identified for regional consultations or conferences.

120. The Chair invited the Secretariat to respond to the questions and comments from the floor.

121. The Secretariat (Mr. Jazairy) referred to the question from the Delegation of Brazil on the organization of the regional consultations. The Secretariat encouraged the Delegation to refer to the program for the consultation meeting that would take place at WIPO headquarters for developed countries. The program was available on the WIPO website. Following an opening ceremony, a number of experts would speak on what was achieved in their respective countries in relation to technology transfer. A roundtable discussion would take place at the end of the presentations. Representatives that were nominated by the countries that received invitations from the Secretariat to attend this meeting would give a short presentation on the achievements in technology transfer in their respective countries as well as experiences in terms of international technology transfer between their respective countries and other countries. There would also be a session on responses to the questionnaires that were distributed to each of the representatives. The questions were related to the status and performance of their national

innovation systems and the prerequisites for a successful and effective international technology transfer system. The prerequisites for an effective technology transfer system included political commitment; an IP legal framework to support international technology transfer; a national innovation strategy that supported technology transfer; sufficient capital to support an effective technology transfer system; an education system that was relevant to the environment for technology transfer; effective technology transfer offices in universities and R&D institutions; human resources within those technology transfer offices with sufficient capacity to undertake work on technology transfer work; sufficient collaboration between universities and industry; and the effective commercialization of technology transfer products. The answers would be summarized and there would be presentation on the importance of international technology transfer. After that, there would be round tables on the challenges, solutions and recommendations for promoting international technology transfer. That was how the regional consultation meetings were designed. The experts were selected by the Secretariat in a balanced manner. They were not nominated by the individual countries. Thoughts would emerge from the various regional consultations on how international technology transfer could be promoted. They would be collected and brought to the High Level Expert Forum in June 2014. The most common denominators would then be condensed into a number of recommendations. These would be submitted to the Committee for approval in its 14th session.

122. The Delegation of Brazil reiterated the suggestion by the Delegation of Venezuela that the regional Bureaus should be involved in the discussions. This was necessary in order for Member States to be involved from the beginning of the process and for their capitals to be informed about the events.

123. The Secretariat (Mr. Jazairy) stated that the regional bureaus worked in conjunction with the team that organized the various regional consultations. The same would apply to the regional consultation meeting on technology transfer for the Latin American and Caribbean region. The team was working with the Bureau and Member States in the organization of the meeting. Thus far, the Secretariat had a number of nominations and more were expected. The meeting was scheduled to take place in Monterrey, Mexico on December 5 and 6.

124. The Delegation of India noted that the experts were identified by the Secretariat and Member States participated in all the regional consultations. The meeting for the Asian region was held in Singapore. The Delegation would like to know how the venue for the consultations was selected. It would also like to know whether the Secretariat decided on the venue and arrangements for the consultations.

125. The Secretariat (Mr. Jazairy) referred to the regional consultations in Mexico as an example. Invitation letters were sent to every country in the Latin American and Caribbean region. It was up to them to respond and nominate representatives to attend the meeting. The Secretariat had received 15 nominations. More were expected, particularly from the Caribbean region which had the highest number of missing nominations. The Secretariat had received nominations from most of the countries in South America.

Consideration of Annex III - Strengthening the Capacity of National IP Governmental and Stakeholder Institutions to Manage, Monitor and Promote Creative Industries, and to Enhance the Performance and Network of Copyright Collective Management Organizations (CMOs)

126. The Secretariat (Mr. Uwemedimo) introduced the report in Annex III of document CDIP/12/2. The first component of the Project, relating to the creative industries, was successfully completed in 2010. Thus, the report only covered the second component of the project relating to CMOs. The project began in 2009 and was designed on the assumption that there would be a partnership with Google. That did not happen for various reasons. During 2013, work continued on the search for a partner with the business and technical expertise to

implement a system in a complex environment, and on drafting a full set of system requirements, including those for regional and international data management and integration. A draft set of requirements was prepared and circulated to industry experts for review. An external expert with considerable experience in collective management as well as data management projects was recruited. The objective was to try to put in place a single authority source of data for CMOs in the developing world in general, and in particular, the West African region. The Secretariat was engaged in a consultation process with key users in the field. The idea was to hold a meeting in Geneva with key CMOs from Africa, Latin America and Asia. It could take place in the next two months. It was aimed at ensuring that the system requirements were fit for purpose moving forward. Once the requirements were agreed, an external partner would be selected to work with those involved and to develop the new data management system. The idea was to develop a private public partnership. It would involve WIPO, external experts and CMOs. It was hoped that through the consultations, a strategy would be put forward for state of the art tools to be developed to integrate the CMOs in developing countries with international networks of CMOs and to ensure that they had access to the same data as the CMOs in developed countries.

127. The Chair turned to the progress report on the Project on Patents and the Public Domain given that there were no observations from the floor.

Consideration of Annex VIII - Project on Patents and the Public Domain

128. The Secretariat (Ms. Miyamoto) introduced the report in Annex VIII of document CDIP/12/2. The Project on Patents and the Public Domain was a follow-up to the Project on IP and the Public Domain which had been completed. A macro study on patents and the public domain was prepared under that project. To supplement the findings of that study, the current project conducted a micro level study on patents and the public domain. It analyzed the important role of a rich and accessible public domain; and the impact of certain enterprise practices in the field of patents on the public domain. The study was completed and would be presented on the third day of the current CDIP session. The Committee would be able to examine and discuss the study. At the time when the progress report was prepared, payments had not been made to the authors of the study. Thus, the report indicated that the budget had not been utilized. Since then, payments had been made and the budget utilization rate was more than 80%.

129. The Chair invited the Committee to move on to the progress report on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries, given that there were no observations from the floor.

Consideration of Annex XII - Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries

130. The Secretariat provided an overview of the report in Annex XII of document CDIP/12/2. This was the first report on the Implementation of the Project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. The Project was adopted in May 2012 at the ninth session of the CDIP. The duration of the project was 24 months and implementation started in February. The project sought to develop a sustained framework for the audiovisual sector in 3 pilot countries (Burkina Faso, Senegal and Kenya) on the basis of improved professional structures, markets and regulatory environment while enhancing the strategic use of IP as a key tool to support the development of the audiovisual sector. The first component was in the field of professional development and training. The second component addressed the regulatory framework, and would seek to strengthen the relevant institutional capacity and infrastructure. Implementation of the project

started according to schedule with respect to certain components. These included the appointment of focal points to facilitate the implementation of the project in each beneficiary country; the organization of the launching conference; and the scoping paper. The launching conference took place as scheduled within the ambit of the Pan African Film and Television Festival (FESPACO) in February 2013, organized every two years in Ouagadougou, Burkina Faso. The conference was an opportunity to bring the project to the attention of international experts and government officials from a wide range of African countries. The Secretariat was pleased that the Ministers for Culture in Burkina Faso and Senegal as well as a representative of the Attorney General of Kenya participated in the conference. As mentioned, focal points were designated in each beneficiary country. However, in Burkina Faso, the project coordinator was appointed to different professional duties in March 2013. The new project coordinator was officially appointed in August 2013 and work with Burkina Faso resumed thereafter. The Scoping Study on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries (document CDIP/12/INF/3) was commissioned in accordance with the timeline. It was prepared by two well-known international experts, Messrs. Benoit Muller and Bertrand Moullier, who both possessed very good knowledge of the African audiovisual market. The study was finalized and would be presented to the Committee tomorrow. It contained an evaluation of the current role played by IP in the financing, production and distribution of audio-visual works in the three recipient countries has been finalized. It also provided an assessment of IPR based transactions related to the film-making process. The project activities also included the preparation of a study on collective negotiation and collective management of rights in the audiovisual sector in the pilot countries. The study had been commissioned and was underway. It was expected to be finalized by year end. There was a delay in the planning and implementation of the training workshops and onsite training on collective negotiation. This was mainly due to work overload in the Copyright Law Division in the first half of the year. Thus, the Secretariat requested for the project to be extended by six months (third quarter of 2015) in order for it to be completed.

131. The Delegation of Kenya reiterated Kenya's commitment to the project. It was envisioned that the project would strengthen the audio visual sector in Kenya. The Delegation assured the Secretariat that a training program would be ready in January to make up for lost time. The authorities would continue work with the Secretariat to fast track the program.

Consideration of Annex XIV - A progress report for the period from July 2012 to June 2013, on Recommendations for immediate implementation (the 19 Recommendations)

132. The Secretariat (Mr. Baloch) introduced the report in Annex XIV of document CDIP/12/2 on the 19 Recommendations for immediate implementation. The Secretariat recalled that in the first session of the CDIP, Member States had identified 19 recommendations which they felt did not require any human and financial resources for implementation. These were mainly principles that the Secretariat should adhere to in implementing all its activities, including those related to the DA. The Secretariat has been reporting on these recommendations for a long time. In the report, the implementation strategies defined by the Member States were included in the left column. Brief descriptions were included for the achievements with links provided to IP-TAD and the Program Performance Report (PPR). The Secretariat had adhered to this format as it was appreciated by Member States in the last three to four CDIP sessions.

The Chair closed the discussions on document CDIP/12/2 given that there were no further observations from the floor.

Consideration of document CDIP/12/4 - Evaluation Report of the Project on Enhancement of WIPO's RBM Framework to Support the Monitoring and Evaluation of Development Activities

133. The Consultant (Mr. O'Neil) introduced document CDIP/12/4. The Project on Enhancement of WIPO's RBM Framework to Support the Monitoring and Evaluation of Development Activities project had two basic components, i.e. the improving and strengthening of the RBM framework with a development focus, and an external review of WIPO's technical assistance activities in the area of cooperation for development. The project began in January 2010 and was completed in April 2013. The Consultant highlighted some of the key findings of the evaluation. Since the launch of the project in 2010, WIPO's RBM framework had been strengthened significantly. The expected results were consolidated directly under the nine Strategic Goals and consolidated from 140 in 2010/11 to 60 in 2012/13. Improvements were made to the performance indicators, baselines and targets, including for development activities. Improvements to the development focus of the RBM framework were directly related to mainstreaming development in WIPO's activities. The development share of the budget for each expected result was included in the RBM framework. The relationship between activities and DA projects and recommendations was explained in the Program and Budget. The project complemented WIPO's Strategic Realignment Program (SRP) which also strengthened the RBM approach. Thus, the successes could be considered as shared between the project and the SRP initiative. The project also contributed to improving PPRs and their development focus, particularly through changes made to indicators, baselines and targets. Another aim of the project was to create frameworks at country-level to monitor WIPO's contribution to IP development linked to the collection of performance data as part of the PPR. Progress was made in defining the methodology of the country-level framework and integrating this within the WIPO country plan model. However, no pilots were carried out as the country plans are yet to be implemented completely. The project also aimed to create frameworks at country-level to monitor WIPO's contribution to IP development. Progress was made in defining the methodology of the country-level framework and integrating this within the WIPO country plan model. However, no pilots were carried out as the country plans were yet to be fully implemented. The project also included an External Review of WIPO's Technical Assistance in the Area of Cooperation for Development. The review was undertaken and the report was submitted to the CDIP in November 2011. An ad-hoc working group was established to consider the recommendations of the report. The WIPO Management Response was presented at the 9th session and discussions on the report continued at the 10th and 11th sessions of the CDIP. The evaluation found the process for conducting the review to be appropriate. It was transparent and led to the contracting of two recognized external experts on IP and development. They produced a comprehensive report for the CDIP's consideration. The Consultant then turned to the conclusions and recommendations of the evaluation. There were seven conclusions and five recommendations. First, it was concluded that the project was clearly structured in two distinct but related components. However, clarity was lacking on the links to other monitoring and evaluation tools mentioned in the project documentation. Second, significant progress was made in strengthening the RBM framework and its development focus. The main challenge ahead was for WIPO programs to further sharpen their indicators and to utilize them for monitoring and reporting. As the RBM framework was increasingly focused on the measurement of outcomes, programs would increasingly rely on external stakeholders, including national IP offices, to support them in the collection of monitoring data. Ideally, this would be part of the data collected in the context of national RBM frameworks that were linked to national IP strategies. Third, the project was not able to complete all aspects of the country level development assessment frameworks due to their reliance on the implementation of country plans. Fourth, the independent evaluations of the DA projects contributed to WIPO's capacity to assess the impact of its development-orientated activities. The longer term impact of development activities would be further understood by considering how the recommendations of the evaluations were followed up and implemented. Fifth, the completion of the external review was a key part of the project and a direct response to recommendation 41 of the DA. The long term success of this component would depend on the ability of Member States and

WIPO to achieve consensus on the considerable number of recommendations and measures included in the report. In retrospect, it may have been appropriate to provide the external experts with guidance on structure and categorization of recommendations to facilitate the process. Sixth, the sustainability of the RBM component was dependent on the continued support services provided by PMPS and was reliant on the necessary budget and resources being available to mainstream this component within the regular activities of the section. The continued success of the RBM component also depended on the support of the top management at WIPO and Member States. Lastly, the sustainability of the review component was largely dependent on Member States. It would only be possible to determine the impact of the external review on technical assistance in the longer term. As mentioned, the evaluation report also contained five recommendations. First, it was recommended that for future projects of this nature, further descriptions of planned activities and links to other initiatives in the project documentation could be provided. Second, it was recommended that the PMPS be encouraged to continue its efforts to strengthen the RBM framework and its development focus and to carry out a new series of RBM workshops; and for national IP offices and other stakeholders to partner with WIPO in the collection of necessary monitoring data within the context of the country plans linked to national IP plans. Third, it was recommended that the implementation of the WIPO country plans incorporating the country level development assessment frameworks be accelerated by the Development Sector and that guidance be provided by the PMPS as required. Fourth, it was recommended that a meta-evaluation be undertaken by the Development Agenda Coordination Division (DACD) on DA project evaluations that were carried out to date. A transparent tracking system on the consequences and implementation of the findings and recommendations of the evaluations could be created by the DACD. Lastly, it was recommended that the project be considered as completed without the necessity of a Phase II on the basis that for the RBM component, ongoing activities would be integrated within the services of the PMPS and the necessary resources would be provided. As for the review component, the follow-up and implementation of the findings and recommendations of the external review was the responsibility of the CDIP with the support of the DACD.

134. The Delegation of Japan, speaking on behalf of Group B, stated that it attached importance to the evaluation of DA projects as it was required in order for DA recommendations to be implemented in an effective manner based on lessons learned through the evaluation process. With respect to the RBM component of the project, the Group agreed that significant progress had been made to strengthen the RBM framework and its development focus. It considered the project to be completed without the need for further phases, as recommended in the report (recommendation 5). With regard to the review component, it was clear that it had been completed and was being discussed. On that basis, no further work was required under the project.

135. The Delegation of Algeria, speaking on behalf of the African Group, stated that it fully shared the view expressed in the report that the RBM framework was more of a reporting tool rather than a management tool. The Group had always stated that the focus of the RBM framework was more on quantity rather than quality. Thus, it sought the Consultant's opinion on how the RBM could be used to assess the quality of development activities. The Group found some of the recommendations in the report to be very useful. It would like to know whether the recommendations would be implemented as the Committee was only requested to take note of the report.

136. The Chair stated that the discussion on this item would resume tomorrow morning. The Consultant would also be present. He invited the Secretariat to read out the draft decision on document CDIP/12/2.

137. The Secretariat (Mr. Baloch) informed the Committee that the decision paragraph would be made available tomorrow morning for delegations to review. The following was read out:

“The Committee considered document CDIP/12/2 entitled Progress Reports, and took note of the progress achieved on the projects under implementation. Project Managers replied to the observations made by delegations and took note of their guidance. The Committee agreed to revise the timelines of the following projects:

- (i) Project on Intellectual Property and Technology Transfer: Common Challenges – Building Solutions;
- (ii) Project on Open Collaborative Projects and IP-Based Models; and
- (iii) Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries.

The Committee also considered the report on the nineteen recommendations for immediate implementation.”

138. The Delegation Algeria would like to know whether it could be clarified that some completed projects, including the Pilot Project for the Establishment of “Start-Up” National IP Academies, would be mainstreamed in the regular programs of the Organization to allow other countries to benefit from them.

139. The Consultant (Mr. O’Neil) stated that the aim was for the projects to be mainstreamed into the Organization’s work. However, this was dependent on the availability of resources.

140. The Chair stated that this would be reflected in the decision paragraph.

Consideration of document CDIP/12/4 - Evaluation Report of the Project on Enhancement of WIPO’s RBM Framework to Support the Monitoring and Evaluation of Development Activities (continued)

141. The Chair resumed the discussions on document CDIP/12/4. He invited the Consultant (Mr. O’Neil) to respond to the question previously raised by the Delegation of Algeria.

142. The Consultant (Mr. O’Neil) understood that the question was on how the RBM system took into account the quality of the projects that were undertaken. This was something that many organizations were trying to address. RBM systems were generally oriented towards quantitative indicators. Perhaps text could be added to explain the reported results. For example, when the results stated that four countries implemented a project, an explanation could also be provided with regard to implementation quality. This was possible within WIPO’s RBM system. Thus, Member States and the Secretariat were encouraged to do so. They should ensure that the numerical results were explained. The WIPO system was quite good in that regard.

143. The Chair closed the discussion on this item given that there were no further observations from the floor. He then invited the Committee to consider document CDIP/12/3.

Consideration of document CDIP/12/3 - Evaluation Report on the Project on Capacity Building in the Use of Appropriate Technology – Specific Technical and Scientific Information Solutions for Identified Development Challenges

144. The Secretariat (Mr. Ghandour) provided an overview of the findings, conclusions and recommendations of the report on behalf of the external evaluator, Mr. Tom Ogada. There were ten findings. First, the project document was found to be sufficient as a guide for

implementation and assessment of the results achieved. Second; the tools for monitoring, self-evaluation, and reporting of the project were fairly adequate and useful for providing information on the progress of its implementation. Third; the contributions of the other entities within the Secretariat were adequate to enable effective and efficient project implementation. Fourth; most of the risks that were envisaged in the project document did occur and affected the implementation of the project. Fifth; the project took into consideration emerging trends, technologies, and other external forces, given that the project itself was about the use of appropriate technologies based on existing patent information. Sixth; the project was fairly effective and useful in facilitating greater use of appropriate technical and scientific information in addressing nationally identified needs for development. Seventh; the project was fairly effective and useful in building national institution capacity in the use of scientific and technical information for the identified needs. Eighth; the project was fairly effective in coordinating the retrieval of appropriate technical and scientific information and the provision of appropriate know-how to implement this technology in a practical and effective manner. Ninth; there is likelihood for continued work on appropriate technology and the implementation of the business plans. Tenth; the project responded to recommendations 19, 30, and 31 of the DA. The report included six conclusions. First, the project document required further improvement to enhance efficiency, effectiveness and clarity in project implementation. Second, the participation of the regional bureaus in the project was important, particularly in view of exploiting opportunities for mainstreaming the appropriate technology projects in the countries' national IP strategies. Third; the project piloting phase was fairly successful. The lessons learned could be used in future implementation of the project, in both LDCs and developing countries. Fourth; as a pilot, the project demonstrated its potential to build capacities in the use of appropriate technical and scientific information in addressing nationally identified needs for development. Fifth; the current arrangement for patent searches may need to be reviewed to provide opportunity for the national experts to acquire skills on patent searches. Similarly, the mechanism for transfer of know-how during the preparation of landscape reports should be reviewed to allow for more face to face interaction between the national experts, international consultant and WIPO experts. Sixth, it was too early to talk about the sustainability of the project in the pilot countries. The report also contained four recommendations. First, in view of the success of the piloting phase, it was recommended that the CDIP approved Phase II of the project. Second; it was recommended that the project document be modified by the Secretariat to address the key shortcomings identified by the evaluation. Third, for reasons mentioned above, it was recommended that the WIPO Secretariat should review the arrangement for patent searches and the mechanism for transfer of know-how in the preparation of landscape reports. Lastly; it was recommended that the Secretariat should undertake certain measures described in the report to enhance sustainability.

145. The Delegation of the United States of America appreciated the comprehensive evaluation report and was pleased to learn about the progress made in building capacity in the use of appropriate technology, technical and scientific information to address the development needs in the three countries selected for the project. It recommended that the CDIP took note of the evaluator's points in designing future projects and ensuring their sustainability. If the Committee was to approve the second phase of the project, there was a need to ensure that the next phase was better designed and managed based on the findings of the evaluation, and the project was sustainable and can be replicated by other Member States with minimal support from WIPO.

146. The Delegation of Lithuania, speaking on behalf of the EU and the its Member States, welcomed the external evaluations in respect of the Project on Capacity Building in the Use of Appropriate Technology and the project on the enhancement of WIPO's RBM framework. They provided a valuable opportunity to assess the completed projects. Evaluation reports were very useful tools to drive improvements and to identify shortcomings that should be avoided in future projects. They referred to their intervention in the ninth session in highlighting the importance of effectiveness, efficiency, and transparency in the management of projects. In addition to these

aspects, sustainability must also be taken into account in the drafting and implementation of projects. They were particularly pleased to see clear recommendations following lessons learned in the implementation of these projects. The EU and its Member States urged the Secretariat not to lose sight of the lessons learned as they were critical to enhance effectiveness and efficiency in the management of future projects.

147. The Delegation of Ethiopia stressed that the project was of great importance to developing countries and LDCs as it contributed to reducing the existing knowledge gap in the field of IP. The Delegation fully supported the project and commended the recommendations contained in the evaluation report. The recommendations included the continuation of the project under Phase II. In October 2013, Ethiopia hosted a Roundtable on Public/Private Partnership in the Development and Commercialization of Appropriate Technologies. The roundtable was organized by WIPO in collaboration with the Ethiopian IP Office and with the assistance of the Korean IP Office (KIPO). The objectives of the roundtable were to exchange views on the issues related to development of appropriate technologies and to identify ways to overcome challenges in the commercialization of appropriate technologies. Around fifty participants representing various countries, sectors and interests attended the meeting. Identified needs and demands justified the continuation and sustainability of the project. It fully supported the sustainability and expansion of the project to other participants from the LDCs.

148. The Delegation of Japan appreciated the report's conclusion that the pilot phase was successful. However, some aspects needed to be improved for future projects. These included the modification of project documents, arrangement for patent searches and the preparation of landscape reports as described in recommendations 2 and 3. In conducting phase 2, it was necessary for the Secretariat to appropriately address these recommendations. With regard to recommendation 4(b), the need for additional human and financial resources should be carefully examined, taking into account the fact that more than 90% of WIPO's income was generated from areas such as the PCT, and these programs should be given priority.

149. The Delegation of Benin, speaking on behalf of the LDCs, referred to the conclusions of the evaluation and noted that the project was very relevant and effective in building capacities in the use of appropriate technical and scientific information to address development needs. Each pilot country was able to pinpoint two areas of needs, identify appropriate technologies to address them and prepare business plans. The implementation of the business plans deserved WIPO's support. In view of the success of the pilot phase and the project's direct links with recommendations 19, 30, and 31 of the DA, the Group would like the project to be extended to other LDCs. It also supported the recommendation that more resources be allocated to the administration of the project by the LDCs Division and to support capacity building of Member States.

150. The Delegation of Spain reiterated that evaluation reports were very important. Thus, it was necessary for the two reports that were presented to the Committee to be fully translated, not just the executive summaries. The Delegation highlighted some issues based on the summaries and presentations. First, project documents should be clear and complete. They should contain as much information as possible. This was essential to facilitate and improve project management. It was important that the management of the projects was results-based. The sustainability of the projects and development activities should be ensured to the greatest extent possible. If a Phase II of the project on Capacity Building in the Use of Appropriate Technology was approved, the recommendations contained in the evaluation report should be taken into account to enhance the quality of that phase. They should also be considered for future projects in order to contribute to the improvement of WIPO technical assistance, including projects that were aimed at development.

151. The Delegation of Senegal endorsed the statement made by the Delegation of Spain on the availability of the full document in other languages. The document was very important. It

was a pity that only the executive summary was translated into French. The Delegation supported the statements made by the Delegation of Ethiopia and the Delegation of Benin on behalf of the LDCs. The project was very important for developing countries as it contributed to capacity building in the use of appropriate technology. As mentioned in the report, the results in the three pilot countries indicated that the project was very useful and the lessons learned could assist other developing countries and LDCs. The Delegation supported the recommendations contained in the report, especially the recommendation for the project to be continued and extended to other interested countries. The recommendation for more resources to be put into the administration of the project by the LDCs Division and to support capacity building of Member States was also very important.

152. The Delegation of the Republic of Korea referred to the successful completion of the project and recalled that it had initiated the project in 2010. The Delegation hoped that the practices and experiences of the three pilot countries, namely, Zambia, Bangladesh, and Nepal could be extended to other interested Member States. These included, in particular, the business plan in Zambia and the appropriate technology center in Nepal. It supported the approval of the second phase of the project, including support for the implementation of the business plans in the pilot countries and the expansion of the project to new participants. The Korean Intellectual Property Office (KIPO) had been involved in this area since 2010 and was willing to share its expertise.

153. The Delegation of Venezuela supported the statement made by the Delegation of Spain on the translation of the full report into Spanish. Similar requests were made in the past. This was an important issue.

154. The Representative of the Third World Network (TWN) made some comments on the evaluation report. First, the process for identifying development needs was not very clear. A main objective of the project was to identify appropriate technology solutions for the most urgent development needs. As such, a clear process for identifying needs was very important. The conclusions of the evaluation report clearly stated that WIPO should provide guidelines in this regard. Second, the project focused on appropriate technology based on patent searches. The implementation of an identified technology required the transfer of tacit knowledge and know-how. Thus, it would not be sufficient to rely only on patent searches. It would be useful if information could be provided on how tacit knowledge and know-how were being transferred. Third, the report recommended that the project document be modified to include clear and comprehensive selection criteria for participating countries; the introduction of a partnership agreement to clarify the roles and obligations of the participating countries and WIPO; preparation of guidelines on the process for identifying needs; and other aspects. The modifications should be made before launching phase 2 as it was clear that the implementation of the project had a number of shortcomings which appeared to be quite critical. They must be addressed in order for the project to be successful.

155. The Chair referred to the translation of documents and stated that the Secretariat would provide a response at a later stage. He informed the Committee that a decision paragraph on the two evaluation reports was ready and would be read out by the Secretariat.

156. The Delegation of Bangladesh submitted the following written statement:

“Developing national capacity in the area of science and technology is of utmost importance to Bangladesh. According to its vision 2021 by which the country seeks to become a middle income country by 2021, one of Bangladesh’s main development priorities is to create and promote technology and knowledge inspired development pathway. It is in this context, the delegation of Bangladesh supported strongly the adoption of the WIPO Development Agenda project on Appropriate Technology. We appreciate very much the focus of the project which seeks to facilitate capacity building

through concrete activity on how patent, scientific and technical information databases could be explored to find appropriate technical solutions to meet key national development priorities. Bangladesh appreciates WIPO's support in undertaking this useful initiative to gain practical experience of utilizing intellectual property to contribute to the development needs of least developed countries.

"In this context, the needs areas identified by Bangladesh were firstly, the requirement to find advanced ground improvement technique for infrastructure development in soft, low lying, marshy land and secondly, the need for appropriate Technology for conversion of municipal wastes into land-filling materials for combating environmental hazards thus converting waste into a resource. This project sought to contribute to address these problems. We are pleased with the 'country needs' based approach of the project. We also appreciate the way the project implementation at the country level was carried out- where participation of broad based stakeholders ranging from relevant government ministries, department to private and public sector research and development institutions, universities, chambers and industry representatives was ensured. The central role of the National Expert Group in the management and implementation of the project at country level is also much appreciated.

"We hope that Bangladesh will be able to benefit from the technology solutions proposed in the technical landscape report and the recommended implementation strategies which will be indicated in the business plan. Such an outcome may require further support from WIPO and other development partners. We hope that WIPO and other partners would be forthcoming to take this pioneering approach to its subsequent required steps to ultimately implement the technology in the country. Bangladesh and other LDCs would benefit immensely from such international cooperation to meet their crucial development challenges.

"CDIP should approve phase II of the project to support the three pilot countries to implement the business plans, expand the project to new participants from LDCs and pilot the participation of select developing countries in the project.

"We would like to conclude by reiterating our sincere thanks to WIPO for implementing this project in Bangladesh as one of the pilot countries. Our technological capacity and knowledge building process would immensely benefit from the experience of this project. We seek to build on this and to continue our joint efforts in the area. In this context, we request WIPO and other fellow member countries for the continuation of this project for the benefit of the least developed countries by broadening its scope and frequency and by making it a regular development program."

157. The Secretariat (Mr. Ghandour) read out the following decision paragraph:

"The Committee addressed the following project evaluation reports:

- (i) Evaluation Report on the Project on Capacity Building in the Use of Appropriate Technology – Specific Technical and Scientific Information as a Solution for Identified Development Challenges (recommendations 19, 30 and 31), contained in document CDIP/12/3; and
- (ii) Evaluation Report of the Project on Enhancement of WIPO's Results Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities, contained in document CDIP/12/4.

Following the presentations of the evaluation reports, an exchange of views took place. It was decided that the Secretariat will follow up on the recommendations contained in the

reports, taking into account the comments made by Member States. In addition, the Committee approved the recommendation to have a Phase II of the Project on Capacity Building in the Use of Appropriate Technology.”

158. The Delegation of the United States of America proposed that the word “approved” be replaced with the word “considered”.

159. The Delegation of Benin would like the paragraph to clearly state that the Committee would consider the recommendation on Phase II and the extension of the project to other LDCs in the next session.

160. The Delegation of Japan preferred the words, “follow up”, to be replaced by the words, “take appropriate actions”, as the Secretariat would consider the recommendation and take appropriate action and not directly implement the recommendation.

161. The Chair stated that the paragraph would be redrafted to take into account the contributions from the floor. He then invited the Secretariat to provide a response with regard to the translation of documents.

162. The Secretariat (Mr. Baloch) referred to the WIPO language policy and reiterated that it required the summary of voluminous documents to be translated into all languages. The documents themselves would remain in the language in which they were drafted. However, upon a specific request by a Member State or a group of Member States, those voluminous documents could also be translated into other languages. Thus, if any delegation would like such a document to be translated into other languages, a request could be communicated to the Secretariat.

163. The Delegation of Spain recalled that the matter was also discussed in previous sessions as the Committee dealt with a lot of documents, including some which were voluminous. The Delegation believed that the language policy was often interpreted in a restrictive manner. It requested for document CDIP/12/3 to be fully translated.

AGENDA ITEM 5: CONSIDERATION OF WORK PROGRAM FOR IMPLEMENTATION OF ADOPTED RECOMMENDATIONS (CONTINUED)

Consideration of Documents:

CDIP/8/INF/1 – External Review of WIPO Technical Assistance in the Area of Cooperation for Development

CDIP/9/14 – Management Response to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (Document CDIP/8/INF/1)

CDIP/9/15 – Report of the Ad Hoc Working Group on an External Review of WIPO Technical Assistance in the Area of Cooperation for Development

CDIP/9/16 – Joint Proposal by the Development Agenda Group and the Africa Group on WIPO’s Technical Assistance in the Area of Cooperation for Development

CDIP/11/4 – Status of Implementation of Certain Recommendations Extracted from the Report on the External Review of WIPO Technical Assistance in the Field of Cooperation for Development

CDIP/12/7 – Manual on the Delivery of WIPO Technical Assistance

164. The Secretariat (Mr. Baloch) recalled that an external review of WIPO's technical assistance was undertaken within the context of the project on the RBM framework. The report was presented for the first time to the eighth session of the CDIP (document CDIP/8/INF/1). At the ninth session of the CDIP, as requested by Member States, the Secretariat presented a management response to the report (document CDIP/9/14). During the eighth session of the CDIP, an ad hoc working group was established and it met in the period between the eighth and ninth sessions. The report of the ad-hoc working group was presented to the Committee (document CDIP/9/15). A joint proposal by DAG and the African Group was also received and presented at the ninth session of the CDIP (document CDIP/9/16). At the tenth session of the CDIP, after discussing the report for three sessions, the Committee requested the Secretariat to prepare a document on the status of implementation of certain recommendations (document CDIP/11/4). In the eleventh session, the Committee requested the Secretariat to work on three specific areas, namely to develop a manual on the delivery of the technical assistance, to examine the technical assistance database with a view to enhancing its searching capabilities and to upgrade WIPO's website in order for it to serve as a more effective and accessible resource. A manual on the delivery of technical assistance was prepared (document CDIP/12/7). On the two other issues, oral presentations would be provided. As mentioned by the Director-General, the WIPO website was completely revamped. There would be a presentation on the changes and how the website was more effective and accessible. A presentation would also be given on the technical assistance database. The Committee was invited to consider documents CDIP/8/INF/1, CDIP/9/14, CDIP/9/15, CDIP/9/16 and CDIP/11/4, as decided in the previous session.

165. The Delegation of Japan stated that the discussion should begin with presentations on the three areas that the Secretariat was requested to work on, followed by a discussion on those areas. A general discussion on all the listed documents could take place after that.

166. The Secretariat explained that the suggested order was based on the sequence in paragraph 7(b) of the Summary by the Chair for the last session. However, it was up to the Member States and the Committee to decide on how they would like to discuss the issue.

167. The Delegation of Brazil proposed that the discussion could begin with a presentation on the Secretariat's work after the last session. The discussion on the implementation of the other recommendations on technical assistance could resume after that.

168. The Chair enquired as to whether the suggestion was acceptable to the Committee. This was agreed. He then invited the Secretariat to introduce the Manual.

169. The Secretariat (Mr. Onyeama) introduced document CDIP/12/7. The Committee had requested for a manual on technical assistance provided by the Organization. The aim was to provide a one-stop shop for information on all the technical assistance provided by the Organization. The Secretariat had previously prepared a shorter manual. However, the Committee informed the Secretariat that it would like a more comprehensive document to be prepared. Thus, the Secretariat engaged a consultant and worked with her to develop a manual (document CDIP/12/7). They had tried to make it as user friendly as possible. The preamble provided an indication of what the Manual sought to do. It was very comprehensive. As such, the Secretariat hoped that it was a suitable response to the request by Member States. Delegations were invited to comment on the Manual.

170. The Delegation of Japan, speaking on behalf of Group B, took note that the technical assistance website and Technical Assistance Database were functional. They provided a comprehensive picture of WIPO technical assistance and allowed beneficiaries to understand the technical assistance options that were available to meet their IP development needs. The

Manual that was prepared and presented by the Secretariat at this session included useful and objective information from different perspectives and could provide the final piece in the picture on WIPO technical assistance.

171. The Delegation of Poland, speaking on behalf of CEBS, stated that the manual was a very useful tool. The information presented within was broad and objective. It was a new element in WIPO's technical assistance efforts. In addition to the technical assistance website and technical assistance database, the manual provided a picture of WIPO's technical assistance efforts. The Group hoped that it would be widely and wisely used.

172. The Delegation of India requested the Secretariat to prepare and circulate the document in the form of a printed handbook or manual. This could be done after it was revised to take into account any observations by the Member States. Modifications may be required in areas such as the criteria for approving assistance and the time frame for delivery. Further information could be provided in those areas, such as their degree of priority for the Organization. The document would serve as a good resource if it was made more precise and circulated as a handbook.

173. The Delegation of Lithuania, speaking on behalf of the EU and its Member States, stated that the manual provided a very comprehensive overview of the enormous amount of technical assistance provided by WIPO. It would be helpful in shaping future debates on technical assistance. The EU and its Member States looked forward to studying it carefully. They were interested to know more about possible problems WIPO experienced in trying to deliver technical assistance as lessons may be learned for the future to enable WIPO's technical assistance to become more efficient and effective.

174. The Delegation of Spain endorsed the statement made by the Delegation of Lithuania on behalf of the EU and its Member States. The Delegation believed the manual contained a lot of useful information on WIPO technical assistance. It referred to the Funds-in Trusts (FITs) managed by WIPO on behalf of various Member States. The Delegation was pleased that the manual included information on FITs as many were not familiar with them. It would assist in making them and their activities more well-known. They were an important element of WIPO technical assistance.

175. The Delegation of Australia saw value in establishing the manual. As a donor to the WIPO FIT program, it saw benefit in such a manual being available to the Member States. It was confident that the manual would assist new donors to set up and administer successful FIT programs for the benefit of developing countries and LDCs. It would also aid in delivering successful targeted technical assistance activities. Australia's development assistance activities were focused on capacity building and strengthening of IP rights administration systems. These occurred primarily in the Asia Pacific region through two significant technical assistance programs, i.e. the WIPO-Australia FIT program and the Regional Patent Examination Training (RPET) program. The Delegation provided a detailed outline of the latter in the previous session. As a point of clarification and noting Australia's focus on the FIT and RPET programs, the Delegation stated that Australia had shifted away from sponsoring annual events, as outlined on page 36 of the manual. It had sponsored events in the past and would continue to do so, where there was a need, on an ad-hoc basis.

176. The Delegation of Georgia stated that the manual was a very useful and concise document. It provided a clear framework for WIPO's development assistance activities. The Delegation looked forward to utilizing the manual for future technical assistance requests, especially in relation to FIT programs. It would like the manual to be printed as a brochure and distributed to all Member States.

177. The Delegation of Cameroon supported the suggestion by the Delegation of India for the document to be produced as a handbook to facilitate easy access. It would be very useful, particularly for developing countries and LDCs.

178. The Representative of the TWN noted that the manual contained very useful information on the range of activities undertaken by WIPO. However, certain aspects required clarification. For instance, the information in the manual did not seem to be limited to development cooperation activities per se and probably covered all WIPO initiatives including studies, the annual report, databases, tools and training programs. This was confusing as the document stated that technical assistance as per recommendation 1 of the DA should be demand driven and country specific. However, many of the activities in the document were not. They concerned specific entities. For instance, WIPO Re:Search and WIPO GREEN were about entities entering into bilateral licensing arrangements. PATENTSCOPE was a database for patent searches. It appeared inaccurate to consider some of these as technical assistance activities. A distinction should be made between technical assistance activities per se and all the other tools and initiatives that were provided. This was important as the manual stated that the development share was 21 percent of the total WIPO budget. It was not clear whether all the activities in manual were funded through that. The Representative then referred to the objectives of technical assistance and highlighted that the report on the external review explicitly indicated that the Organization lacked a clear understanding of the overall purpose of its development cooperation activities or “development oriented assistance”. In the manual, the section on objectives seemed to indicate that the main objective was to promote IP. This was drawn from the 1967 WIPO Convention. However, as WIPO was a UN agency, the Representative believed that the starting point should be the UN-WIPO Agreement which talked about the promotion of intellectual creativity and the transfer of industrial property. This could then be followed by a reference to the WIPO-WTO Agreement on assistance in the implementation of the TRIPS Agreement which included both obligations and rights, in particular, the right to use certain flexibilities. Reference could then be made to the recommendations of the DA. On those recommendations, the Representative noted that only recommendation 1 was mentioned in the manual, although a number of other recommendations were also relevant. These included recommendations 6, 7, 12, 13 and others. This should also be reflected in the introductory section. There was a lack of guidance on the delivery of technical assistance, including policies and guidelines that underpinned the delivery of assistance. Issues such as conflicts of interest, organization of meetings, ensuring a balance in the selection of speakers, and the accountability of consultants were addressed in the recommendations. There should be clear policies on all these issues as well as on extra-budgetary resources. The section on monitoring and evaluation only referred to the Internal Audit Oversight Division (IAOD) and the WIPO Independent Advisory Oversight Committee (IAOC). To date, the IAOD had conducted four evaluation reports on four CDIP projects. This was clearly inadequate in view of the range of activities. A discussion was required on how monitoring and evaluation could be further enhanced.

179. The Chair invited the Secretariat to respond to the questions and comments from the floor.

180. The Secretariat (Mr. Onyeama) stated that it also intended to issue the manual as a printed brochure. However, this was only a first draft. The Secretariat took note of the comment that the FITs were highlighted and would provide Member States with a better idea of how these functioned. The Secretariat referred to the observations made by the Representative of the TWN and recalled the background to the manual. Following the Deere-Roca report, some Member States suggested certain things that the Organization could do to implement the report. Although there was no consensus on how the report could be taken forward, the Secretariat felt this was something it could do and saw merit in doing so. It understood that the Member States wanted something that would provide an overview of what was on offer in terms of WIPO technical assistance. The Secretariat also understood that it should be simple and not

get into the intricacies of technical assistance. This approach was adopted in preparing the Manual. Policy and monitoring issues were dealt with elsewhere. It was up to the Member States to decide on whether or not the document responded to their request. The responses of many Member States seemed to indicate that simplicity, neutrality and concreteness were the most important elements.

181. The Delegation of the United States of America was very pleased to see that the Manual provided a complete resource for countries and institutions that were interested in receiving technical assistance, and in particular, identified points of contact for stakeholders who wished to find such technical assistance or who wished to express their views on WIPO's activities. Due to the nature of providing points of contact, the Delegation was a bit concerned when other delegations wanted this to be made into a fixed and printed document. The Internet nature of the manual as it existed allowed for it to be constantly updated. The Delegation hoped that WIPO would continue to update the manual as regularly as possible so that it could remain a useful portal for all parties seeking further information on technical assistance activities. However, the Delegation recognized that for some countries, a printed volume may be more useful and cited the need to maintain those contact points as current as possible.

182. The Chair closed the discussion on the Manual given that there were no further observations from the floor. He then invited the Secretariat to report on the changes to WIPO's website.

183. The Secretariat (Mr. Tarpey) recalled the request by the Committee to ensure that WIPO's website was upgraded in order for it to serve as a more effective, accessible and up-to-date resource for communicating information on development cooperation activities. The first phase of the restructured, realigned and redesigned WIPO website was launched a fortnight ago. It allowed for easier access and more direct navigation to documents and information. The project was quite massive. The preparations took six to nine months and implementation took place over the last nine months. In the first phase, work was focused on the user. A lot of thought was put into how the user approached the website and the kind of information that was sought. The Secretariat hoped that the new website would provide a conduit to a lot more information with improved navigation and access to all the activities of the Organization, including those in the area of development cooperation. There was a lot of information and work was continuing on increasing and improving content. However, there was now an efficient means to access information within the website.

184. The Secretariat (Ms. de Icaza) presented the highlights of the ongoing project on WIPO's website and some of its achievements. As mentioned, work began a year and a half ago. The website required realignment to meet internal and external requirements. Delegations had often stressed on the need to improve the presentation of information. Thus, the realignment of the website was a key deliverable of the Strategic Realignment Program (SRP) in the initiative to Strengthen External Communications and Branding. The last realignment took place in 2007 and seven years was a long time in the technology field. Many things had changed. The advent of various mobile technologies was just one of many developments. It was now possible to surf the Internet not just through mobile phones but also through game consoles and other devices. The website was very inadequate in meeting these access requirements. User feedback was also gathered through surveys and interviews. The comments indicated that the website was not user friendly. A lot of information was either missing or out of date. The design was dull and it was difficult to navigate through the website. Many had to resort to the Google search engine to find information on the website. Fifty percent of those who visited the website were first-time users. If they did not understand what WIPO did even after spending a lot of time on the website, there was clearly a problem. Thus, the Secretariat decided to embark on this massive project. As in the case of WIPO's physical location, the website was actually a massive collection of many different websites and databases. Thus, it was not just one building but a series of buildings. The scope had to be limited in order for something to be done quickly.

First of all, there was a need to improve signage. Users needed to know how to navigate, where to go and what was in each building. A lot of content needed to be cleaned up and rationalized. Although there was still much to be done, a lot had been rationalized. For example, the website only contained one definition for copyright instead of 13, which was the case a few months ago. Pathways and synergies were created. Not too long ago, a user had to go to 13 or 14 different locations on the website to obtain information on patents. Henceforth there was a patent portal from which, users could get to all the different places where information on patents were available. A decision was made to exclude all external applications. Thus, databases such as IP-TAD, the Roster of Consultants (ROC) and PATENTSCOPE were outside the scope of the project, as there was simply not enough time to include them. Access to those databases was improved. However, the project did not work on the contents. A plan was then developed. It included four phases. The first phase focused on user experience. The users of the WIPO website covered a wide spectrum. Thus, a technique called “web personas” was employed. Nineteen personas were selected as user archetypes for the website. They formed the basis for the work that followed, including on redefining the information architecture, creating a responsive design and revising content. The results included improved navigation. New categories were created and resources were referenced. For example, new categories such policy and cooperation were included. The “About IP” category was important because half of the new users who visited the website were looking for basic information on IP. The section on news and events was moved to the navigation bar at the top of the page. Some content was revised and work would continue in the second phase. The navigation bar that used to exist on the left of the page on the previous site was removed. A series of related links were provided at the bottom of each page to create and improve synergies and pathways between the different areas of the site. The “Cooperation” category at the top of the page included a sub-category on development and this may be of particular interest to the Committee. The policy menu at the bottom of the page included a section on decision making and negotiating bodies. Information was also provided on policy areas involving global cooperation and this section would be enlarged. For example, it would be expanded to also include NGOs and IGOs. Additional policy topics such as innovation could also be included. In terms of content, efforts were being made to translate all the main pages into the six working languages. This was taking a bit of time as it also required implementation. The pages had been made longer with improved integration of images and videos. The tone was also less bureaucratic. For example, on the homepage, the Organization referred to itself as “we” and not WIPO, the Secretariat or the International Bureau. The pages on the CDIP and the DA were now much longer. The Secretariat hoped they would be easier to navigate and that they contained the information required by delegations. Upon finalization, the manual on technical assistance could be included in the section on development. A responsive design was developed for the website. This meant that the site automatically adapted to the device that was used to access it. Those were some of the results achieved in Phase I. Phase II was now underway. Lower level landing pages were being revised and edited. Applications beyond the content management system were being examined. The Secretariat was also looking to improve the databases. For example, although the database on meetings and documents had been improved, more could be done and this would be addressed in the coming months. As mentioned earlier, work on content was continuing in terms of cleanup, revision and creation of new content in line with the users’ demand. The Secretariat would welcome any feedback from the delegations.

185. The Delegation of El Salvador wanted to know when the website would include information on GRULAC.

186. The Representative of the TWN hoped that full information on all WIPO events, in particular, the agenda, list of speakers and concept papers would be made available on the new WIPO website in line with recommendations F(1)(a) and (b) in document CDIP/9/16. The said events included training events, seminars, workshops and conferences organized at the global, regional and country level.

187. The Secretariat (Mr. Tarpey) referred to the question on GRULAC. Information was being gathered and would be uploaded onto the site once it was put together. In terms of meetings, as mentioned, the website contained a very detailed meetings area which was driven by databases on meetings and documents. The website would provide all the information on the meetings. Efforts were being made to ensure that international meetings were included and that information and documents were entered into the databases.

188. The Chair closed the discussion on WIPO's website given that there were no further observations from the floor. He moved on to the technical assistance database (also known as IP-TAD). The Committee had requested the Secretariat to examine the database with a view to facilitate searching capabilities, and ensuring the regular updating of the database with information on technical assistance activities, in line with recommendation G(1) in document CDIP/9/16. He invited the Secretariat to report on IP-TAD.

189. The Secretariat (Mr. Wibowo) stated that the Special Projects Division had been assigned to look after IP-TAD. With respect to recommendations G(1) and (2) in document CDIP/9/16, over 95% of the requirements had been implemented in IP-TAD. The only remaining aspect was the integration of the program structure into IP-TAD. In this regard, internal consultations were taking place with the Program Performance and Budget Division. Discussions on cost and implementation had also taken place with external contractors and they would be submitting a proposal. Implementation would take place in the near future.

190. The Chair closed the discussion on this item given that there were no comments from the floor. He invited the Committee to discuss the documents that were listed under the agenda item on the External Review of WIPO Technical Assistance in the Area of Cooperation for Development

191. The Delegation of Algeria, speaking on behalf of the African Group, recalled its joint proposal with DAG. It included important recommendations which should be implemented. The Group was pleased that the Committee was working to adopt certain recommendations and that the Secretariat was also providing comments. The Group was very happy with the approach and hoped that it would continue. The Committee should continue to examine the recommendations on the basis of the joint proposal. The Group would like some of the cross-cutting recommendations to be approved and implemented. There was a lot of value in implementing recommendations that were specific in nature as well as those that were relevant to all WIPO activities. The Group referred to recommendation A3 of the joint proposal. It was recommended that a draft policy be developed by the Secretariat, in consultation with Member States, on how WIPO should plan and organize activities and events to ensure that they were development oriented. The Group would like this to be implemented as it helped to ensure that development considerations were taken into account across the Organization. The Group drew attention to recommendation C2 on the preparation of a draft policy on extra-budgetary resources. It would be useful if this could be presented by the Secretariat. The Group also referred to recommendation D2. It recommended that a 'gap analysis' of staff skills and competences be carried out to understand where the Secretariat lacked skills, competencies and expertise relevant to improving the orientation, impact and management of its development cooperation activities. Lastly, the Group highlighted recommendation E2 on the preparation of guidelines to ensure that the processes for selecting independent consultants and experts were transparent. The Group attached great importance to the fact that WIPO was a member-driven organization. The Member States should be involved in the selection of experts for important activities such as development activities. The joint proposal had greatly reduced the number of recommendations. The Group hoped that all the recommendations would eventually be adopted in the future.

192. The Representative of the TWN stated that technical assistance was very important. It was critical to get it right as inappropriate assistance could have an adverse impact on development prospects. It was of utmost importance that WIPO, its Member States and the Secretariat invested time to discuss this matter and examine what was working and not working with regard to technical assistance. Transparency and added accountability were the fundamental principles that should underpin WIPO's technical assistance. Against this context, the external review provided an interesting insight into WIPO's work on technical assistance. While the report recognized that there were some efforts in the right direction, it also raised some concerns. For instance, one key finding was that WIPO staff and activities lacked development orientation, including a clear understanding of the overall purposes of the DA. The Representative raised two other points. The first was on IP-TAD. The database was established through project document CDIP/3/INF/2. It was agreed that the Secretariat would make available general information on activities, including the objectives, expected and actual outcomes, recipients, donors, experts, speakers and evaluation reports and other relevant documentation. However, the information was not available on the database. This was also highlighted in the evaluation report on the database. The Representative understood that some information may be sensitive and confidential. However, many of WIPO's activities were regional or sub-regional seminars on various topics. Thus, information agreed to in document CDIP/3/INF/2 could easily be made available. In document CDIP/11/14, the Secretariat had acknowledged that only a limited number of activities were confidential. The Representative urged the Secretariat to immediately implement the project document agreed to by Member States. This was included in paragraph G2 of the joint proposal. It was also a recommendation of the external review. The second point was on the Roster of Consultants (RoC). Recommendation 6 of the DA required consultants to be neutral and accountable, including by avoiding potential conflicts of interest. It also required WIPO to draw up and to make widely known to Member States a Roster of Consultants for technical assistance. This recommendation had yet to be fully implemented. The RoC was voluntary and consultants had the option to disallow their information to be included in the roster. This meant that the roster did not provide full information on consultants that were used for technical assistance. The external review recommended that for those wishing to take up WIPO contracts, there should be an obligation to join the roster and provide such information. The roster also provided limited information on the consultants. It did not include CVs or information on potential conflicts of interest. Such information was crucial if the objectives of recommendation 6 were to be achieved. This point was also addressed in paragraph E3 of the joint proposal.

193. The Delegation of Japan, speaking on behalf of Group B, recalled that the EU and its Member States had put forward three very useful ideas on possible further work on this subject in the last session. First, the Secretariat could present a compilation of best practices of WIPO and non-WIPO technical assistance. Second, the Secretariat was requested to provide detailed information on the measures taken to improve internal and international coordination, including clarification of the roles and responsibilities of the various WIPO units in the delivery of IP and development technical assistance with a view to achieving coherence and unity of purpose and to avoid duplication. Third, the Secretariat could provide additional information on concrete steps taken to address recommendations in relation to cost efficiency. These proposals corresponded to recommendations that were categorized as B in the management response. Thus, they were worth pursuing further.

194. The Delegation of Egypt, speaking on behalf of DAG stated that the exercise was useful in highlighting the different elements that could be enhanced or improved to increase the relevance, orientation and development impact of the assistance provided by WIPO to developing countries and LDCs. It looked forward to further progress in this area. The Group supported the recommendations that were identified by the African Group for further discussion in this session, i.e. recommendations A3, C2, D2 and E2. It requested the Secretariat to provide an update on the implementation of these recommendations and implementation plans, if any. The Group had also identified some recommendations, i.e. recommendations C1, D2

and E3 and wanted updates to be provided on them. Recommendation C1 was on the draft Partnerships and Resource Mobilization Strategy. The Group enquired as to when this would be made available. There was a need for it to be examined and discussed. Recommendation D2 was on a gap analysis. The Group would like to know the current status with regard to this recommendation. Recommendation E3 was on the updating of the RoC. An update was also required in this regard. The Group referred to the ideas presented by the EU and its Member States in the last session and stated that it would be interested to examine them. However, these had yet to be submitted in written form for discussion.

195. The Delegation of Lithuania, speaking on behalf of the EU and its Member States, reminded the delegations of the importance of the debates on technical assistance held during the last session. They referred to their proposals made during that session which were mentioned by the Delegation of Japan on behalf of Group B. Future work on those areas would be most useful. They looked forward to further work in this field.

196. The Delegation of Brazil aligned itself with the statement made by the Delegation of Egypt on behalf of DAG. It supported the implementation of all recommendations in document CDIP/9/16. That was the only document presented by Member States on this subject. It was distributed to Member States and the recommendations were being discussed. The document should remain the basis for discussion. The Committee had started to implement some of its recommendations and should continue to analyze the document. The Delegation was open to discussing which recommendations could be prioritized.

197. The Chair invited the Secretariat to respond to the questions raised by the Delegation of Egypt on behalf of DAG.

198. The Secretariat (Mr. Onyeama) stated that it would respond to them later as inputs were required from other colleagues.

199. The Delegation of Bangladesh, speaking on behalf of the Asia Pacific Group, stated that technical assistance was provided to countries so as to assist them to achieve socio-economic development. Thus, the Group would like the provision of WIPO technical assistance to be development oriented at an optimum level. There was room for further improvement. It looked forward to further discussion on this topic.

200. The Chair invited the Delegation of Lithuania to respond to the question posed by the Delegation of Egypt on whether it was ready to submit its proposal in written form.

201. The Delegation of Lithuania, speaking on behalf of the EU and its Member States, stated that they were not ready to submit a proposal at this stage. They would coordinate on this matter and get back to the Committee.

202. The Delegation of Brazil highlighted that some recommendations were identified for implementation by the African Group. Member States should indicate whether or not they were willing to give the Secretariat a mandate to implement those recommendations. The Delegation had yet to hear any comments on them. The EU and its Member States had also made a contribution. However, this had yet to be submitted for discussion. Thus, perhaps the Committee could discuss the proposals by the African Group.

203. The Delegation of Japan, speaking on behalf of Group B, proposed a procedure for dealing with the issue. It understood that the African Group had identified four recommendations. The DAG had also identified three recommendations. The EU and its Member States had put forward three interesting ideas for further work in the last session and would consider whether these could be included in a document for discussion. Thus, it would be better for the Committee to consider which issues should be prioritized and pursued only

after it had the whole picture. In that regard, the Group proposed that the discussion on this issue be suspended for the moment. The Committee could return to it after delegations were given an opportunity to consider the recommendations or work to be put on the table.

204. The Chair invited delegations to react to the proposal by Group B.

205. The Delegation of Egypt, speaking on behalf of DAG, believed that this issue was important for all Member States. They all invested in technical assistance. As such, they should all be interested and engaged to ensure that the investment yielded the highest possible returns. Thus, the Group requested delegations to show interest and engage in the process. It was also important that proposals were submitted in written form in order for them to be discussed. The last CDIP session was in May. Thus, delegations had four or five months to submit ideas or recommendations and to consider a proposal presented by two groups in the ninth session. Delegations had enough time to do so. Thus, the request for the discussion to be suspended was a bit unfair. Some recommendations were presented and identified. The Committee was waiting for the Secretariat to respond so as to be informed on progress in implementation in order to determine how these could be taken forward. Suspending the discussion without any conclusions or recommendations for the future would weaken the discussion and affect the Secretariat's efforts in this area. Its work on the manual and the database was important and such efforts should be encouraged. Delegations must work together to further this issue and to achieve results that would benefit all Member States.

206. The Delegation of the United States of America stated that it had actively engaged in the very lengthy discussion on technical assistance at WIPO. It had looked at all the documents quite exhaustively. It was somewhat inappropriate to call upon the Secretariat to report on the implementation of certain recommendations from the DAG-African Group proposal because the Committee did not actually approve those recommendations. The Member States worked very hard in the last session and spent several days to reach consensus on a number of specific and tangible items that they felt could be achieved by the Secretariat. The Delegation was very pleased to see that the Secretariat did ably handle those specific tasks that were set forth. It also recognized, as noted by the Delegation of Egypt and DAG, that WIPO technical assistance was a matter for all Member States to be engaged in. This was because it was a substantial investment of WIPO resources, both financial and human. To that end, the Delegation recalled that the EU and its Member States, the Delegation of Japan on behalf of Group B, and themselves in previous sessions, had repeatedly asked if the Committee could consider looking at the recommendations in the various reports on technical assistance with regard to cost savings and efficiency. Indeed, a huge investment was being made in the technical assistance area. The Delegation believed that it might be a fruitful area for quite achievable, practical resolution to be reached by the Committee.

207. The Delegation of South Africa aligned itself with the statements made by the delegations of Algeria and Egypt. The Secretariat had provided information on the manual, WIPO's website and IP-TAD, as agreed in the last session. However, this was not the end of the debate on technical assistance. As stated in the Summary of the Chair for the last session, it was agreed that the Committee would continue discussions in this session on the proposals by Member States on this topic. Thus, the African Group and DAG had put forward some further recommendations which could be taken up by the Secretariat, i.e. recommendations A3, C2, D2 and E2. The Delegation requested the Secretariat to inform the Committee whether it was possible for it to implement those recommendations.

208. The Chair requested the Delegation of Japan to clarify what it meant by suspension.

209. The Delegation of Japan, speaking on behalf of Group B, acknowledged that the word "suspension" was a bit misleading. The proposal was just to give the groups some time to consider the concrete items that were put on the table at this session. The Group had

constructively engaged in the discussion on this issue for a long time. Thus, the intention was not for it to be suspended. The proposal was on the procedure for this session.

210. The Delegation of Algeria, speaking on behalf of the African Group, highlighted that the joint proposal was submitted in the ninth session. The Committee was now in its twelfth session. Thus, the Group hoped that delegations had time to read the document in the past one and half years. It contained 36 recommendations whereas the report on the external review included more than 300. They had prioritized 36 of them. The Group had made tremendous efforts in order to do so. Thus, it had done its part. In each session, the Committee was identifying which of the 36 recommendations deserved implementation. As mentioned by the Delegation of the United States of America, the Committee spent many hours discussing which recommendations could be adopted in the previous session. Three were adopted and the Secretariat just presented its work on them. In this session, the Group identified four other recommendations in the joint proposal. Thus, they were not new. These crosscutting recommendations had a general impact on the Secretariat's work and were not targeted at specific areas. The four recommendations were on general policy activities related to WIPO technical assistance. The adoption of these recommendations could assist in the discussions on technical assistance and development activities in general. Thus, it was worthwhile to look further into them. The Group would like to know how recommendations A3, C2, D2 and E2 could be implemented.

211. The Delegation of Canada fully endorsed the proposal by the Delegation of Japan on behalf of Group B. It also endorsed the statement by the Delegation of the United States of America. It was a good idea to take a further look at these recommendations. The Delegation agreed with the Delegation of South Africa that the manual was not the end of the Committee's work on this issue. Three very interesting proposals were submitted by the EU and its Member States. The Delegation hoped that the Committee could be able to discuss them. In general, a compilation of best practices and best activities would also be interesting.

212. The Delegation of Brazil understood that the proposal by Group B was to postpone the discussion until there was a bigger picture. The EU and its Member States had just stated that they were not ready to present a written proposal at this stage. The Delegation did not see how the Committee could discuss something that was not presented. The Committee could begin by considering the items that were put forth by DAG and the African Group. The delegations that required more time to consider other items could report back to the Committee at a later stage. The Delegation stressed that the joint proposal by DAG and the African Group had been on the table since the ninth session of the Committee.

213. The Delegation of Japan, speaking on behalf of Group B, stated that the EU proposal completely related to the recommendations and was not new. Thus, the Group believed that the best way forward was to give the groups some time to consider all the concrete items that were identified at this session. The discussion could resume tomorrow morning or at some other stage.

214. The Delegation of Brazil stated that the Committee could not discuss a proposal that was not formally presented or distributed for discussion. A more efficient approach would be to look into the proposals by DAG and the African Group. Member States could state whether or not the recommendations were acceptable to them. Quick decisions could then be taken. The Committee had already discussed these recommendations. It was now time to make decisions.

215. The Delegation of the United States of America referred to the statement by the Delegation of Brazil and recalled that this matter was previously discussed when it raised the fact that the WIPO Rules of Procedure, specifically Rule 21.1, allowed delegations to make proposals orally. They did not need to be in writing. Thus, this matter had been discussed quite exhaustively in previous sessions. The Delegation called on all delegations to think about

proposals for which it may be possible to achieve consensus. The Committee needed to reach consensus on proposals. It was clear that there was no consensus on the proposals that were suggested thus far. They may not be a fruitful line of discussion. However, perhaps during the break, delegations could discuss amongst themselves where there may be possible consensus.

216. The Delegation of Brazil clarified that it never said that oral statements could not be discussed by the Committee. The EU and its Member States stated that they were not able to present a document at this stage although delegations would like to discuss their proposal.

217. The Delegation of Lithuania, speaking on behalf of the EU and its Member States, clarified their position: The EU and its Member States were asked if they were in a position to present a concrete proposal in writing. It was stated that they needed to coordinate on this. However, as rightly pointed out by the Delegation of the United States of America, the topics they would like to discuss were presented in the last session of the Committee. Thus, they were not new.

218. The Delegation of South Africa referred to the Rules of Procedure. It was stated in Rule 21.1 that proposals for the adoption of amendments to the drafts submitted to the assembly, and all other proposals, may be submitted orally or in writing by any delegation. However, it was also stated in sub-rule (2) that the assembly may decide to debate and vote on a proposal only if it was submitted in writing.

219. The Delegation of Algeria, speaking on behalf of the African Group, proposed two courses of action. First, the EU and its Member States could be requested to submit their proposal in writing. Delegations and their capitals would then need time to examine the document. Second, the Secretariat could be requested to inform the Committee in the afternoon whether and how the recommendations presented by the Group and DAG could be implemented. The Secretariat's response would help to guide the Committee in its discussions. Delegations had the right to object to the recommendations. The objections could be discussed after they were raised.

220. The Chair stated that the Delegation of Lithuania, speaking on behalf of the EU and its Member States, was very clear on the first point. They would coordinate and come back to the Committee with respect to the formulation of a written proposal. The Secretariat also clearly stated that other internal inputs were required to respond to the questions. He proposed that the Committee reconvene at 16.30pm following informal consultations on the Independent Review and the side event organized by Switzerland.

Consideration of document CDIP/12/6 - Pilot Project on IP and Design Management for Business Development in Developing and Least Developed Countries

221. The Vice-Chair opened discussions on document CDIP/12/6. At its eleventh session, the Committee considered a project proposal from the Delegation of the Republic of Korea on IP and Design Management for Business Development in Developing and Least Developed Countries. The Committee requested the Secretariat to work with the Delegation to further develop the proposal into a CDIP project document and to present it in this session. She invited the Secretariat to present the document.

222. The Secretariat (Mr. Höpferger) briefly introduced document CDIP/12/6. It contained an outline for a Pilot Project on IP and Design Management for Business Development in Developing and Least Developed Countries. As mentioned by the Vice-Chair, the initial proposal by the Delegation of the Republic of Korea was discussed in the last session. A number of questions were raised. The proposal was revised and details were included to take into consideration the comments made in the last session.

223. The Delegation of the Republic of Korea was satisfied with the business plan and budget prepared by the Secretariat. It would like Member States to approve the project. The Delegation made some suggestions to improve its implementation. First, the period allocated for analyzing design portfolios could be increased from three months to six or nine months to provide sufficient time to create designs. There was also a need to consider applications for design registration from that stage. It was crucial to consider all matters related to the granting of rights when companies were in the process of creating designs. The project was not just about the technicalities of developing designs. It would also focus on increasing capabilities and knowledge with respect to securing design rights from the initial stage of product development. Developing countries would benefit from increased incomes through improving design management for business. Developing countries would also benefit from stronger design protection for their products. Thus, the proposal could benefit all participants.

224. The Delegation of the United States of America believed that the project would be beneficial for design creators and would promote an understanding of the benefits of IP protection for SMEs in developing countries and LDCs. It also believed that the project would be beneficial to national IP offices as they would be working closely with the Secretariat in developing and implementing design protection strategies for businesses. The Delegation hoped that the project would allow national IP offices of selected Member States to gain valuable experience in order to continue such activities on their own after the end of the project period and help other SMEs to capitalize on their IP. It also hoped that the project would equip other national IP offices with necessary information to implement design protection strategies in their countries. Therefore, the Delegation supported the current proposal.

225. The Delegation of Japan, speaking on behalf of Group B, continued to support the proposal as it contributed to the domestic use of the IPR system, especially by SMEs in developing countries and LDCs. This was exactly the type of project that the CDIP should consider and the true development dimension of IP to which WIPO should attach importance and on which it should focus. The establishment of a successful model for design protection and its use through strategic and comprehensive support from WIPO under this project, and the sharing of successful experiences, could form the basis for effective and sustainable development in an effective manner.

226. The Delegation of Lithuania, speaking on behalf of the EU and its Member States, stated that the use of designs could be a powerful tool for adding value to a product, raising market demand and increasing the economic returns for designers in all countries. The proposed pilot project would raise awareness, encourage investment in design, and foster the use of IP in developing countries and LDCs for economic development. The project document contained comprehensive information which would facilitate its implementation in an effective and efficient manner. The EU and its Member States welcomed explicit references to the sustainability of the project and the inclusion of a detailed budget which was properly broken down. These aspects were of utmost importance as they enhanced the quality of the project and should be taken into account for future projects. Therefore, the EU and its Member States fully supported the proposal and looked forward to its successful implementation.

227. The Delegation of the United Kingdom stated that the United Kingdom had long recognized that a developed and sustainable IP strategy could add value to all IP, including industrial designs, and ensure economic returns for innovators in an appropriately protected environment. The ongoing review of the designs framework in the United Kingdom highlighted that effective design awareness and a need for building and strengthening capacities for management and protection of designs was not only a challenge for developing countries and LDCs. However, the Delegation recognized that such countries had more specific and immediate needs. Therefore, it welcomed the project and hoped that it would result in the development of concrete and effective strategies that would in a measurable way raise the capability of SMEs to protect and manage design rights.

228. The Delegation of Argentina stated that participation in the project should also be extended to entrepreneurs as they may be too small to be considered as SMEs. Argentina was interested in participating in the project.

229. The Delegation of Paraguay stated that Paraguay was also interested in participating in the project.

230. The Delegation of Norway believed that the project could achieve tangible outcomes for SMEs in developing countries and LDCs. The experiences to be obtained from this project could be very useful. It hoped that the project would gain support and be successfully implemented.

231. The Delegation of Moldova supported the project. Countries with economies in transition also needed to participate in such projects. The knowledge and experience gained from them should be shared. The Republic of Moldova's IP strategy encouraged SMEs to use IP rights to develop their businesses. The country was using SMEs to develop and grow its economy. It was more than appropriate for countries in transition to also be considered for such projects.

232. The Delegation of the Republic of Korea stated that it would engage in close consultations with the Secretariat to improve and implement the proposed project.

233. The Representative of the TWN pointed out that the project did not really implement recommendations 4 and 10 of the DA. For example, recommendation 4 required assistance to be provided to Member States at their request and to assess the needs of SMEs in designing national strategies. The proposed project did not meet those fundamental requirements. For example, there were no specific requests from any developing country or LDC for any assistance in the use of designs. The proposal assumed that designs were necessary and of significant utility for SMEs without undertaking a needs assessment exercise to determine the specific needs of SMEs. It also did not explore whether designs were a priority for SMEs and whether they had the capacity to undertake high levels of sustained investment and to enforce their designs in litigation. Recommendation 10 called for building IP institutional capacity with the objective of promoting a fair balance between IP protection and the public interest. The proposal did not substantiate how the creation of design rights responded to the need for promoting a fair balance between IP and the public interest.

234. The Vice-Chair invited the Secretariat to respond to the questions and comments from the floor.

235. The Secretariat referred to the comments by the Representative of the TWN. The document indicated that the proposed project was directed at Member States who were interested to participate in it. They were required to fulfill a number of conditions, in particular, the designation of a lead agency to formulate a project proposal, assist the selected businesses in obtaining design protection and facilitate the promotion of the protected designs in relevant business circles. Referring to the comment by the Delegation of Argentina, the Secretariat stated that the project would be implemented in close cooperation with the national lead agency. The agency would identify potential participants and businesses for the project. As the definition of an SME was quite vague, there was flexibility to ensure that all design businesses in the participating Member States could be considered for the project. The Secretariat took note of the comment by the Delegation of Moldova that the project should be extended to countries with economies in transition.

236. The Vice-Chair invited the Committee to adopt the project. She stated that it was adopted, given that there were no objections from the floor.

Consideration of Document CDIP/12/10 - Pilot DA Project on Intellectual Property and Tourism: Supporting Development Objectives and Preservation of Cultural Heritage

237. The Delegation of Egypt introduced document CDIP/12/10. The pilot project was based on IP and its ability to contribute to the competitiveness of stakeholders in the tourism sector. Trademarks, industrial designs, geographical indications, copyright and other IP tools could play an important role in that regard. This was a new area. A number of studies were underway. Some countries were successful in their efforts to use IP for the development of the tourism sector. The objectives of the project were to promote the effective use of national IP tools and instruments to support the development of the tourism sector and the preservation of cultural heritage; assist towns, regions and key actors in the tourism industry, especially SMEs, in using national IP systems and tools to differentiate themselves and to market themselves as offering unique and distinct touristic products; and assist in the integration of IP teaching into the curricula of tourism/hotel management programs, schools and universities. A number of activities were proposed. First, the preparation of user-friendly documentation to explain and promote the national IP system and its management to key actors in the tourism industry. Second, develop draft curricula to include a module on IP, tourism development and the preservation of cultural heritage in professional teaching programs on tourism in hotel management schools, universities and others. Third, raise awareness of key actors, including ministries, promotion agencies, hotel associations, restaurants, recreation centers, tour operators, travel agents and others in using national IP systems/tools to enhance their competitiveness. Fourth, develop the capacity of national IP offices to provide sector specific support to key actors in tourism and run sector specific awareness campaigns. Fifth, collect and share best practices on the successful use of the national IP system in the development of the tourism sector. Lastly, organize a conference or workshops on IP, tourism development and the preservation of cultural heritage. The project was relevant to recommendations 1, 3, 4 and 10 of the DA. The Delegation hoped there would be support for the project and financial resources would be made available for its implementation. It would work with the Secretariat to develop a revised proposal based on the comments by delegations. The Delegation hoped that the pilot project would be supported by all Member States.

238. The Delegation of Japan, speaking on behalf of Group B, pointed out that the proposal was formally submitted just before the CDIP session. The deadline prescribed by the General Rules of Procedure should be respected in the submission of working documents to the Committee. The Group was happy to hear the background and the explanation of the proposal in this session. It looked forward to further examining and discussing the proposal in the next CDIP session.

239. The Delegation of Lithuania, speaking on behalf of the EU and its Member States, noted that the proposal seemed interesting and could add value to the competitiveness and further development of countries involved in the project. However, further information on the exact scope of the project, participating countries, budgetary implications and other aspects should be provided before the project could be fully discussed in the Committee. Furthermore, deadlines should be observed in the submission of new projects. As the project was introduced at a late stage, the EU and its Member States looked forward to discussing it in the next session of the CDIP.

240. The Delegation of the Czech Republic, speaking on behalf of CEBS, found the proposal to be interesting and valuable. Its contents may be of interest to many countries, their IP systems and tourism industries. The Group would like clarifications to be provided on geographical coverage, budgetary implications and the expected outcomes and results of the pilot project before giving the proposal its full consideration. As the proposal was distributed by the Secretariat last Friday, the proposal could be discussed in the next CDIP session after clarifications were provided in order for the proposal to be properly examined.

241. The Delegation of Brazil proposed that the Delegation of Egypt could present its proposal in a CDIP project format. This was done by the Delegation of the Republic of Korea for its proposal in the last session. Questions on geographical coverage, outcomes and other aspects could be dealt with in that format which was used in the CDIP.

242. The Delegation of Turkey found the project to be interesting and was ready to work on it in the future.

243. The Delegation of Trinidad stated that the document had been sent to its capital for consideration. Tourism was an important industry for Trinidad and Tobago, and the Caribbean region. Thus, it would closely examine the proposal. The Delegation looked forward to working with the Delegation of Egypt and other delegations on the proposal.

244. The Delegation of Zimbabwe stated that the tourism sector was cherished by many countries. Zimbabwe had a booming tourism sector and would benefit from the project. The Delegation hoped that the Delegation of Egypt would take onboard the comment made on geographical balance in the development of the pilot project. It should cover the geographical regions of the world.

245. The Delegation of Spain associated itself with the statement made by the Delegation of Lithuania on behalf of the EU and its Member States. The document could be considered in-depth in the next CDIP session. There was a need to take into account the observations made with regard to the project initiated by the Delegation of the Republic of Korea which had just been adopted. The Delegation stressed on the sustainability of the project. There was also a need to ensure that the proposed budget was as detailed as possible to facilitate an evaluation of the project.

246. The Delegation of Tunisia supported the proposal as tourism was important. It was important to include IP in plans to develop the tourism sector as well as in teaching programs.

247. The Delegation of Algeria, speaking on behalf of the African Group, supported and endorsed the proposal. It would help to develop a sector which was important for developing countries and all other Member States. The Group hoped that the proposal would be adopted by the Committee.

248. The Representative of the Institute for IP and Social Justice (IIPSJ) commended the Delegation of Egypt for constructing an innovative approach to interconnect the important development goals of cultural heritage preservation and utilizing the IP system to promote economic and social empowerment.

249. The Delegation of Yemen stressed on the importance of the project. Tourism should be included among the activities on IP and development in WIPO.

250. The Delegation of Azerbaijan supported the project. The results would be useful for future work.

251. The Vice-Chair noted that there was overall support for the proposal and the ideas enshrined in the document. However, concerns were also expressed. Certain aspects such as geographical coverage and budgetary implications required clarification. Thus, the Delegation of Egypt was invited to consult Member States and to seek the Secretariat's assistance to prepare a document in the format of a project to be submitted to the next CDIP session for approval.

252. The Delegation of Egypt noted the requests for clarification. This was expected, especially with regard to geographical coverage, budget and project objectives. It would cooperate with the Secretariat to prepare a project document taking into account the comments made by Member States. It would also take into consideration the project initiated by the Delegation of the Republic of Korea which was just adopted. On geographical coverage, the Delegation recalled that the project initiated by the Delegation of Burkina Faso was being implemented in Burkina Faso and neighboring countries. Thus, that project covered the African region. Projects had also been implemented in countries in Asia, Africa and Latin America. Technical support from WIPO was important in the implementation of the projects. This project was a pilot project. Implementation could begin in Africa. It could also be implemented in countries in other regions. Countries could express their interest in the project. The Delegation hoped that all countries would be able to benefit from the project, within the limits of the budget and resources of the Secretariat for the project. As mentioned by the Delegation of Spain, the project should also be sustainable. This was important.

Consideration of document CDIP/12/8 - The measurement of the MDGs in other UN agencies and the contribution of WIPO to the MDGs

253. The Secretariat (Ms. Livshin) introduced the document. In its last session, the Committee requested the Secretariat to prepare a document with two components. Annex I of the document was a compilation of the practices by which other UN agencies, in particular, other specialized UN agencies, measured their contribution to the MDGs. In response to the request by the CDIP, a total of 17 UN agencies were appraised. They included 12 specialized agencies, 4 related organizations and a joint agency. Annex II of the document contained a brief report on how WIPO had contributed to the MDGs to date. The methodology in document CDIP/11/3 was consulted. It provided the basis for the two tables contained in Section I of Annex II. Other existing studies (documents CDIP/10/9 and CDIP/5/3) were also consulted. The report provided a matrix which outlined WIPO's relevant programs and activities, and mapped them to the six targets under MDGs 1, 6 and 8. Section II included a narrative report on WIPO's contributions to MDGs 2, 3, 4, 5 and 7, drawing on examples from 2012.

254. The Delegation of Japan, speaking on behalf of Group B, stated that the document provided very useful information on the practices of other UN agencies, including specialized agencies, in considering the way forward on this issue at WIPO. The review concluded that the majority of the agencies reviewed had not formulated MDG-specific results, indicators or other measurement criteria in their practices of measuring their organizational contribution to the achievement of the MDGs. The Group appreciated the information on the linkages between WIPO's relevant areas of work and MDGs 2, 3, 4, 5 and 7. It recalled that the study presented at the last session (document CDIP/11/3) explicitly denied the necessity to introduce an additional set of MDG indicators in the existing and well performing RBM framework. Furthermore, other studies (documents CDIP/5/3, CDIP/8/4 and CDIP/10/9) failed to establish a direct relationship between WIPO's activities and the broad MDG indicators, though they also clearly highlighted how WIPO indirectly contributed to the achievement of the MDGs. Putting the results of the survey presented at this session in that context, the Group concluded that there was no need for WIPO to consider the introduction of new MDG-specific results, indicators, or other measurement criteria, and that WIPO could continue to contribute indirectly to the MDGs under the current well-functioning RBM framework in line with its mandate. The Group believed that the enormous efforts on this issue thus far clearly revealed that any further study or survey was not needed, and WIPO should focus on continuing efforts to achieve its strategic goals and objectives under the current RBM framework through which it could contribute to the MDGs.

255. The Delegation of Lithuania, speaking on behalf of the EU and its Member States, stated that it would be happy if the document was updated again, perhaps towards the end of the MDG

period in 2015. They also supported the statement made by the Delegation of Japan on behalf of Group B.

256. The Delegation of Bangladesh, speaking on behalf the Asia Pacific Group, looked forward to continued discussion on the study on the Feasibility of Integration of MDGs Related Needs/Outcomes into WIPO's Biennial Results Framework, and identifying specific indicators to measure WIPO's contribution to the MDGs. The Group's members would actively engage in the process.

257. The Delegation of Azerbaijan stressed on the important link between IP and development. It not only strengthened the economic systems of countries but also improved the social and economic conditions of their people. The Delegation welcomed WIPO's efforts to mainstream the DA into all its activities and hoped it would continue. It commended the positive results achieved thus far in the implementation of the recommendations. However, it was an ongoing process and must be continued. As such, the Delegation commended the proposal by DAG to include a new CDIP agenda item on IP and development. The proposal deserved support and approval. As a specialized agency of the UN, WIPO should play its role in the achievement of the MDGs. It was very important to exchange experiences in developing national IP strategies. IP assisted in the development of many sectors. The guidelines and studies commissioned by the CDIP were very important. Thus, Member States should be able to access them as soon as possible. Although the issues under discussion were complex and difficult, the Delegation was confident that results would be achieved during the session.

258. The Delegation of South Africa stated that it was important for the Organization to continuously report to Member States on how WIPO was contributing to the MDGs. The MDGs were currently under review. Discussion on the post-2015 DA was also continuing in the UN system. WIPO should not be left out of it. The Secretariat should provide information on how the Organization was contributing to the overall achievement of the MDGs. It should be provided in each and every CDIP session. The Delegation believed that the document could be improved with regard to how other UN agencies contributed to the achievement of the MDGs. It thought the Secretariat would engage directly with the agencies in order to get information on how they contributed to the MDGs and not just look at their websites. For example, UNCTAD was designated by the UN Secretary-General as one of the lead agencies in the post 2015 DA. Working groups were established in other agencies to look into the issue of the MDGs. The Delegation requested the Secretariat to engage directly with UN agencies to see how they were contributing to the MDGs and to report to the Member States in the next CDIP session. The MDGs was an ongoing subject. Thus, it would like the Secretariat to continually update and inform Member States on WIPO's contribution to the MDGs. It could contribute directly and indirectly to the MDGs.

259. The Delegation of the Russian Federation reiterated that the successful implementation of the WIPO DA would be a significant contribution to the achievement of the UN MDGs. The information in the document was very interesting and useful. It reflected the work of the Organization in this area.

260. The Delegation of Algeria, speaking on behalf the African Group, stressed on the importance of the MDGs. WIPO was a UN organization and the MDGs were UN goals. Thus, WIPO should align itself with the MDGs. The Group made some comments on the document. First, the findings of the Secretariat were based on publicly available information. The agencies were not contacted to obtain concrete information on their practices to measure their contribution to the MDGs. Second, it was not clear how the agencies were selected. The Secretariat was requested to examine the practices of other UN agencies, especially specialized UN agencies. However, four of the agencies, i.e. CTBTO, IAEA, OPCW and the WTO were not UN agencies. Furthermore, UN entities with mandates that were directly relevant to the MDGs such as UNICEF, UNDP, UNCTAD and UNAIDS were not selected.

Third, the Secretariat did not reveal the identities of the agencies that were referred to in the findings. Fourth, the findings revealed that one lead agency had recently integrated mandate-specific MDG targets and indicators at the highest level of its results framework. It was also found that five UN lead agencies which act in a global custodial role were monitoring the global-level reporting for mandate-specific MDGs. The methodology used for global-level reporting was not clear. With regard to WIPO's assessment of its contribution to the MDGs, the Group recalled that the PPR was used by the Secretariat. As recognized by the PBC, the PPR was a self-assessment. The Group would like the Secretariat to clarify how it assessed WIPO's contribution to the implementation of the MDGs based on self-assessment. Finally, the Group would like the document to be revised to include some of the most important UN agencies that were mentioned earlier, i.e. UNCTAD, UNDP, UNAIDS and UNICEF. The document should also include more concrete information. It should not be based only on publicly available information. It was also time for WIPO and its Member States to engage in discussions on post-2015 MDGs.

261. The Delegation of Egypt, speaking on behalf of DAG, stated that it was important for WIPO to play an active role and to effectively contribute to the achievement of the MDGs. As a UN specialized agency and guardian of the international IP system, WIPO had a role and a responsibility in the achievement of all the MDGs, especially in eradicating extreme poverty and hunger through promoting economic growth and productivity in developing countries and LDCs; achieving universal primary education through enhancing access to information and knowledge; combatting HIV/AIDS, tuberculosis, malaria and other diseases through improving access to health and medicines; ensuring environmental sustainability through promoting technology transfer in environmental industries; and fostering a global partnership for development. It was essential for WIPO to develop specific indicators and a transparent monitoring framework to measure and reflect its contribution to all the MDGs as well as the post-2015 development goals and agenda when they were adopted. In its national capacity, the Delegation supported the statement made by the Delegation of Algeria on behalf of the African Group.

262. The Delegation of China stated that the document indicated how WIPO was contributing to the MDGs. A reasonable method for measuring WIPO's contribution was necessary. As the MDGs would conclude in 2015, WIPO should actively participate in the establishment and achievement of the post-2015 MDGs. The MDGs should be effectively integrated into WIPO's work.

263. The Delegation of the United States of America appreciated the detailed and conscientious work of the Secretariat in preparing the document and its annexes. The parameters of the reporting were appropriate. The Delegation agreed with earlier findings that it was a major advantage that the RBM framework allowed for WIPO's contributions to the most relevant MDGs to be measured at the level of results, and not just at the level of programs and activities. On WIPO's analysis of how other UN agencies measured their contributions to the MDGs, the Delegation noted that of the 17 agencies reviewed, only one, an unspecified lead agency on a particular MDG, had integrated mandate-specific MDG targets into its results framework. This was only at the highest level of that framework and in the agency's role as a global custodian of an MDG. The other 16 agencies varied from no reporting at all to identifying general linkages. They covered a few, some or all of the MDGs based on the competency and mandate of the particular organization. The selection of specialized agencies for the most part was appropriate. The Committee had asked the Secretariat to look, in particular, at how other specialized UN agencies did their reporting on their MDG contributions. The reporting on MDG contributions was publicly available. Thus, it was a very appropriate methodology for the Secretariat to look at those links and that information. Given the fact that many other agencies were not providing high levels of MDG contribution reporting, the effort that WIPO put into measuring the Organization's contribution to the six targets under MDGs 1, 6 and 8 using the RBM results, along with the additional narrative that it provided on the contributions to the other five MDGs, was quite impressive. The Secretariat should be commended for its effort.

Although the Delegation agreed with the EU and its Member States that an updating or additional reporting on WIPO's contributions to the MDGs would be appropriate, it would not want that to happen at every session. Perhaps annual reporting would be appropriate. Previous reporting was based on the 2011-2012 and then the 2012-2013 RBM results. Thus, maybe the appropriate place would be looking at the 2013-2014 RBM results. Member States should also be pleased with the findings themselves. Although the lengthy matrix in Annex II was sometimes repetitive and could be served by attaching an executive summary, the sheer number of concrete actions that WIPO was taking that contributed in some form to the achievement of MDGs 1, 6 and 8 was impressive. WIPO currently had a MDGs webpage. It used a narrative form to outline WIPO's contributions to each MDG. It would be worth further discussion to see how WIPO could use the information in Annex II to deepen the narrative with specific examples of concrete results. The narrative on WIPO's contribution to the other five MDGs i.e. primary education, gender equality, child mortality, maternal health and environmental sustainability was also useful and interesting. It reflected the ways in which WIPO's programs and projects made contributions in these important areas. While WIPO's contribution to these five MDGs would be much harder to measure using specific linkages to the performance data in the RBM, there was no doubt that WIPO's work on increasing access to information, creating platforms for the sharing of technology and know-how, education on IPR and related issues through the WIPO Academy, and other projects all had a contribution to the advancement of education, women, health, and environment.

264. The Delegation of Brazil associated itself with the statement made by the Delegation of Egypt on behalf of DAG and the comments made by the delegations of Azerbaijan and South Africa on the urgent need to continue work on the MDGs. Further exchanges on the practices of UN agencies were necessary and could only benefit the work of the Organization.

265. The Delegation of Germany supported the position taken by Group B, the EU and its Member States and the Delegation of the United States of America. WIPO already did a lot to contribute to the MDGs. It was among those agencies that were really committed to contribute to the MDGs. The Delegation supported the proposal for regular reporting on this matter.

266. The Delegation of Zimbabwe associated itself with the statements made by the delegations of Algeria and Egypt on behalf of the African Group and DAG respectively. The Delegation referred to Annex II of the document. On MDG 1, some activities were linked with eradicating extreme poverty and hunger. Clarification was required in this regard. For example, WIPO Strategic Goal 1, "balanced evolution of the international normative framework for IP", was linked with MDG 1. An international agreement on a normative framework for industrial designs was included as a performance indicator. The Delegation would like to know how that was linked to eradicating extreme poverty and hunger.

267. The Vice-Chair noted that views diverged on the document. Some delegations supported the document. Others such as the African Group, DAG and the Delegation of Zimbabwe expressed concerns. She invited the Secretariat to respond to the questions and comments from the floor.

268. The Secretariat referred to the methodology for preparing the report on WIPO's contribution to the MDGs. In the last session, the Committee requested the Secretariat to use existing documents for this purpose. These included documents CDIP/11/3, CDIP/10/9 and CDIP/5/3. The methodology referenced in document CDIP/11/3 provided the basis for the two tables. A matrix was provided. It outlined WIPO's relevant programs and activities and mapped them to the relevant MDGs. The tables were based on updated performance data. Data from the PPR served as the performance data. The Secretariat referred to the query by the Delegation on Zimbabwe on individual performance indicators and stated that these were based on overall indicators. They were not MDG-specific. They were linked to them based on the said methodology. On engaging directly with the agencies themselves, the Secretariat stated that it

was requested to use internal resources to prepare the report. This was done. A lot of work and effort went into the report. Reviewing publicly available information was the best basis to prepare the report as most agencies provided information on their contributions to the MDGs. WIPO had joined the relevant working groups on the MDGs and was actively involved. It was committed to the MDGs and the post-2015 DA. It was engaging with other UN agencies. The Secretariat took note of the request by the African Group for the report to be amended to include additional agencies. As mentioned, internal resources were used to prepare the report. Thus, it was not an independent evaluation. The two previous reports were prepared by independent evaluators. However, on this occasion, the Secretariat was requested to do the assessment. The report was prepared on that basis.

269. The Delegation of Zimbabwe understood there was no existing mechanism to link WIPO's activities to the MDGs. However, it would still like to know how the Secretariat arrived at the link between the conclusion of an international agreement on industrial designs and the eradication of extreme poverty and hunger. The Delegation would like to know how the indicator was matched with that MDG.

270. The Delegation of Egypt, speaking on behalf of DAG, referred to the presentation of WIPO's contribution to the MDGs and would like to know how it was being done at this stage, in particular, with regard to the RBM framework. The Group would like to know whether the RBM framework was being linked to each of the MDGs. If this was not the case, it would like to know how WIPO's contribution to the MDGs could be integrated into the RBM framework. It also wanted to know if there were any plans or ideas to enhance WIPO's contribution to the MDGs.

271. The Delegation of the United States of America reiterated that it appreciated the methodology which identified the six targets under MDGs 1, 6 and 8 as the most relevant and measurable within WIPO's RBM framework. The methodology was clearly based on an assessment of the links between WIPO's activities and the MDGs using three key documents, namely, the Millennium Declaration, the Sachs report and the STI Task Force report. This was identified by the two external consultants, Mr. O'Neil and Mr. Musungu, who provided reports on this issue in previous CDIP sessions. Mr. O'Neil's report clearly stated that the introduction of separate MDG indicators beyond those identified with the six targets under the three goals would not be advised for various reasons. Both he and Mr. Musungu had identified that there was no direct causal relationship between WIPO's activities and the MDG targets. Instead, several key documents, as listed above, were used to identify that WIPO's role was most explicitly linked, although not directly, with MDGs 1, 6 and 8. These three MDG goals and their underlying targets could be linked to several WIPO goals and results. The one that was referred to here was the evolution of the normative framework on IP, a goal of the Organization. The goal itself was not to eradicate hunger. The idea was that in helping to evolve a normative framework for IP, economies could grow and hunger could be reduced. As mentioned, these were not causal relationships but areas where the most explicit links between WIPO's activities and the MDGs could be found. Six WIPO goals and 14 sub-results in the RBM framework were identified to measure WIPO's contribution to those three MDGs. As stated by Mr. O'Neil and Mr. Musungu in their reports, these provided a very concrete assessment of WIPO's contribution to the achievement of the MDGs. As mentioned earlier, the RBM framework provided measurements at the level of results, not just at the level of program and activities. The RBM framework was used because it provided data on the results. In concluding, the Delegation reiterated that the linkages were made based on the Millennium Declaration, the Sachs report and the STI Task Force report.

272. The Vice-Chair invited the Secretariat to respond to the questions and comments from the floor.

273. The Secretariat referred to the question posed by the Delegation of Zimbabwe on the methodology. As mentioned, the methodology was approved by Member States. The

Secretariat followed the decision that was taken. As pointed out by the Delegation of the United States of America, the linkages were made based on three other reports. The 2014-2015 results framework was prepared. The expected results were reduced from 60 in 2012-2013 to 38 in 2014-2015. There were no MDG-specific indicators. The same methodology was followed. The expected results linked up at some level with the MDGs. A lot of effort was made to mainstream development throughout WIPO's work. The expected results and indicators for 2014-2015 would capture WIPO's contribution to development. As mentioned, WIPO had joined the relevant working groups. That could help to improve the tracking of WIPO's contribution to the post-2015 DA.

274. The Delegation of Zimbabwe was particularly interested in the explanation given by the Delegation of the United States of America. RBM was a tool to measure the performance of an organization. Performance indicators were relevant to a particular goal set by an organization. The methodology needed to be corrected in order for it to be relevant to the subject of how WIPO could contribute to the MDGs. Activities that were not relevant to an MDG should not be cited. The document could be improved. Specific activities that pertained to a particular goal could be included. Some delegations believed that WIPO could not contribute at all to the MDGs. The MDGs were on development issues. Efforts were being made to mainstream the DA into WIPO's activities. Thus, there should be a way to link the MDGs to those activities. Although not all MDGs could be directly linked to WIPO's work, efforts could be made by the Secretariat to link certain elements of the MDGs, and to inform Member States of the outcome of those efforts.

275. The Delegation of the United States of America stated that although it would not agree to seeing WIPO's strategic goals changed to reflect the MDG goals or something to that effect, it noted in its intervention that the results of the RBM data reporting was a lengthy matrix. As the Delegation of Zimbabwe had correctly pointed out, some of that data very much pertained to improving economic situations in countries whereas some other results may be slightly less so. In other words, the Secretariat did exactly what the methodology requested, which was to list out data pertinent to that goal. However, perhaps some of those results were a little more pertinent than others. The Delegation had earlier suggested that an executive summary of that section would be useful. The Secretariat had provided a narrative summary of WIPO's contributions to the other MDGs. Perhaps the Secretariat could also prepare a short executive summary of the results of the RBM data reporting on MDGs 1, 6 and 8 to indicate some of the most effective ways in which the Organization contributed to these goals. This could help in clarifying the results of the RBM methodology.

276. The Delegation of Egypt, speaking on behalf of DAG, stated that the comments made by the delegations of Zimbabwe and the United States of America indicated that the RBM could be further enhanced to reflect WIPO's contribution to the MDGs. Perhaps the two consultants who worked on this had taken a very narrow view. WIPO could contribute to other goals, not just MDGs 1, 6 and 8. WIPO was expected to contribute to all the MDGs. For example, WIPO could play a role in the areas of environmental sustainability and education. The Group took note of the Secretariat's statement that there were currently no indicators to capture this role apart from linkages to the six strategic goals of WIPO. Perhaps, in addition to the idea presented by delegations of Zimbabwe and the United States of America, work could be undertaken on some indicators to measure the expected results of the Organization in relation to the achievement of those WIPO goals. This would assist in measuring WIPO's contribution to all the MDGs. Perhaps the Secretariat could work on these ideas and prepare a document for the next CDIP session, in addition to the points expressed by the African Group.

277. The Delegation of the United States of America clarified that its commentary on an additional executive summary only related to the RBM data for MDGs 1, 6, and 8 and the provision of a narrative summary. Its commentary did not include trying to match the other MDGs in some way to the RBM. The Delegation would not support the creation of new

indicators or efforts to force a connection where it did not believe there was a connection. The narrative prepared by the Secretariat for the other MDGs was very useful. The Delegation had referred to the narrative. The Organization had gone through its areas of work and concluded, for instance, that WIPO GREEN could contribute to environmental sustainability or WIPO's work with women or in education was helping the other MDGs. However, it would not be feasible to try to tie it to the RBM results. The O'Neil and Musungu reports were not narrow. The Delegation actually found them to be very thorough. It believed that they took a very thorough look at the RBM and the other foundational documents mentioned in its earlier intervention and found that MDGs 1, 6, and 8 were the areas where some kind of link could be made to the RBM. Thus, the Delegation supported an executive summary of the data results for MDGs 1, 6, and 8.

278. The Delegation of Indonesia stated that the UN was a coherent system. Thus, WIPO could not be isolated from the MDGs. Further work should be undertaken to examine how WIPO's work on norm setting and its treaties and conventions could contribute to the MDGs.

279. The Vice-Chair noted that views continued to diverge on the document. However, it was clear that the document required revision. She would like to know whether some delegations thought it was crucial for the Secretariat to directly engage with certain UN agencies and not use publicly available materials.

280. The Delegation of Algeria, speaking on behalf of the African Group, clarified that it did not state that the Secretariat should not use publicly available information. The report should not be based only on information available on websites as some information may not be publicly available. A note should be sent to the organizations to request for additional information. They were situated nearby. Not everything was on the websites. Thus, there was a need to extend the data collection and engage directly with the organizations concerned.

281. The Delegation of Indonesia referred to its previous statement and agreed with the African Group. It requested the Secretariat to further examine the relationship between the MDGs and WIPO, including in a legal context. It wanted to know whether or not the MDGs had been achieved in the context of WIPO or if there were any recommendations for it to do so.

282. The Delegation of the United States of America referred to discussions with other UN agencies on how they reported on their contributions to the MDGs and reiterated that the most relevant agencies were the other specialized agencies of the UN. WIPO was a specialized agency. Thus, those were the agencies that would be the most relevant. If the Secretariat had the time to talk to officials in those specialized agencies, that would fine. Person to person contact was fine if delegations wanted to add that in. The Delegation believed that reporting was basically making your information publicly available. Thus, the reporting on the contributions of any agency should be contained in those sites or documents that were publicly available. However, if the Secretariat had the time to talk to officials in those organizations, that was fine. The Delegation reiterated that the relevant agencies were the specialized agencies.

283. The Vice-Chair stated that she was informed by the Secretariat that UNDP and UNICEF were programs and not agencies. That was why they were omitted.

284. The Delegation of Algeria, speaking on behalf of the African Group, stated that if the Secretariat was keen to keep to the mandate that it was given, the WTO and OPCW should be excluded. The Group would like its concerns to be taken into consideration. No one could dispute the fact that UNCTAD had done some work in this area. The Group was merely requesting the Secretariat to report on what was being done by organizations such as UNCTAD, UNDP and UNAIDS. It requested Member States to allow the Secretariat to do so. It was not requesting for their practices to be adopted.

285. The Delegation of Egypt, speaking on behalf of DAG, pointed out that several DA recommendations urged WIPO to cooperate, consult and coordinate with other UN agencies, including UNCTAD. Publicly available information did not provide the full picture. Direct contact with the agencies concerned was required. If the Committee was going to base its discussion on accurate, precise and updated information, it should also be gathered through direct engagement with these agencies. The narrative for presenting and highlighting the Organization's contributions to all the MDGs could be more elaborate. A methodology could be developed to measure the contributions. Reports by WIPO to the UN, MDG task force and others on its contribution to the MDGs could also be shared with Member States. This also applied to previous submissions by WIPO. These would be useful in guiding the discussions and in keeping Member States informed on what was happening on the ground.

286. The Delegation of Japan, speaking on behalf of Group B, endorsed the comments made by the Delegation of the United States of America on the RBM and specialized agencies. The mandate of an agency must be taken into account in considering how that agency could contribute to the MDGs. With regard to UNCTAD, UNAIDS, UNICEF and UNDP, it was clear that their mandates were directly linked with the MDGs, even linguistically. However, it was also clear that IP protection had no direct links with the MDGs, at least linguistically. In that regard, information on these development agencies may not be useful in considering the role of WIPO in the context of the MDGs. Thus, the Group endorsed the comment made by the Delegation of the United States of America that the agencies should be limited to the specialized agencies. They should not include development agencies which were completely different from WIPO.

287. The Delegation of South Africa referred to WIPO's participation in the MDGs Task Force. In the last session, it was agreed that the Secretariat would brief Member States on WIPO's contribution to the work of other UN entities. It would be useful for the Secretariat to engage directly with UNCTAD. It was designated by the UN Secretary-General as one of the lead organizations for the post-2015 DA. It would also be useful for the Organization to participate in that discussion and to get useful information from the discussions organized by UNCTAD on the MDGs and the post-2015 DA. There was nothing wrong in gathering publicly available information. However, the Secretariat had to engage directly with the organizations to obtain additional information and clarifications.

288. The Vice-Chair enquired as to whether UNCTAD could be included in the document even though it may not be a specialized agency. As there were no objections from the floor, she enquired as to whether the Secretariat could engage directly with UNCTAD to obtain information.

289. The Secretariat stated that it would take all the comments by Member States into consideration. It would get back to the Committee on direct engagement. It was amenable to the suggestion.

290. The Vice-Chair referred to the observations on the MDGs Task Force and enquired as to whether there were any reports that could be made available to the delegations.

291. The Secretariat stated that it would need to check. The reports, if any, could be made available to the Member States.

292. The Delegation of the United States of America hoped that WIPO would talk to UNCTAD. It knew that WIPO engaged in the Gap Task Force and that WIPO was engaged in discussions on the post-2015 MDGs. It was certain that WIPO attended UNCTAD events. The Delegation had no problems with the Secretariat working with them, talking to them and learning from them about what they did. What the Delegation had said was that for the purposes of the report on how other agencies reported on their contributions, the specialized agencies were the most relevant. Those were also agencies that had very specific technical mandates. Thus, how they

reported on their contributions would be most relevant in terms of looking at comparable organizations and thinking about WIPO's reporting. The Delegation reiterated that it had no problems with the Secretariat talking to UNCTAD and learning from them. However, it should be kept in mind that inasmuch as the document was supposed to provide the Committee with comparable examples of reporting, information from the technical UN agencies would be the most relevant.

293. The Delegation of Algeria, speaking on behalf of the African Group, wanted to be clear on what it would like the Secretariat to do in terms of revising the document. UNCTAD, UNDP, UNAIDS, *inter alia*, should be added to the organizations already examined by the Secretariat, and the same approach should be applied. This meant to see how these organizations evaluated their contribution to the achievement of the MDGs and how they integrated this contribution within their programs. Thus, what the Delegation requested the Secretariat to do was to apply to these additional organizations what it had already applied to the organizations examined in the document.

294. The Vice-Chair enquired as to whether the Delegation of the United States of America had any reservations on the inclusion of some other UN entities in the report.

295. The Delegation of the United States of America was not sure whether it perfectly understood the intervention by the Delegation of Algeria. The document would simply provide information on how other agencies were reporting on their contributions. It did not in any way mean that information gathered from the survey would be the way that WIPO would report on the MDGs. It would simply provide information on how other agencies were reporting on their contributions to the MDGs, and not information on how they may be changing their programs or altering their goals. The Delegation did not have a problem if delegations wanted to look at some other UN development agencies. However, for the purposes of looking at examples of reporting on contributions, the most relevant agencies would be the other technical agencies that also had very specific mandates and goals.

296. The Vice-Chair noted the point made by the Delegation of the United States of America that the document would provide information and WIPO should not necessarily follow the reporting mechanisms of other organizations. The Vice-Chair recalled that the Delegation had also suggested the inclusion of an executive summary in the document. She enquired as to whether the revised document could be submitted to the 14th session as it required further work, research, engagement with other agencies, redrafting and translation into five languages.

297. The Delegation of Japan, speaking on behalf of Group B, stated that it was not strongly opposed to the idea. The Group echoed the comments made by the Delegation of the United States of America which were also included in its previous intervention. The mandates of specialized agencies such as WIPO were completely different from those of development agencies such as UNDP, UNCTAD and others. It may be an excessive burden for the Secretariat to gather information that may not be directly applicable to WIPO.

298. The Delegation of Egypt, speaking on behalf of DAG, drew attention to recommendation 40 of the DA, "to request WIPO to intensify its cooperation on IP related issues with UN agencies, according to Member States' orientation, in particular UNCTAD, UNEP, WHO, UNIDO, UNESCO and other relevant international organizations, especially the WTO in order to strengthen the coordination for maximum efficiency in undertaking development programs". The request for WIPO to work with UN agencies and other relevant organizations was already included in that recommendation. This was important as the recommendations guided the work of the Secretariat on all issues, including the MDGs. The Group hoped the Secretariat could get the document ready for the next session. However, it could wait until the 14th session if this was not possible.

299. The Vice-Chair stated that it would not be feasible for the Secretariat to present the document in the next session. It was agreed that the document would be ready for the 14th session, given that there were no objections from the floor.

300. The Delegation of Indonesia referred to the comment made by Group B on WIPO's mandate and aligned itself with the statement made by the Delegation of Egypt on behalf of DAG. The Delegation reiterated that the UN was a coherent system. The relationship between the MDGs and WIPO must be viewed in that context.

301. The Vice-Chair closed the discussions on this item given that there were no further observations from the floor.

Consideration of document CDIP/12/INF/2 Rev. – Study on Patents and the Public Domain (II)

302. The Secretariat informed the Committee that one of the co-authors of the study, Dr. Neil Wilkof, from Dr. Eyal Bressler and Company, was present and would introduce the document.

303. The Consultant (Dr. Wilkof) introduced document CDIP/12/INF/2 Rev. The Study on Patents and the Public Domain (II) focused on the relationship at the micro level between the patent system and the public domain. The authors sought to better understand how individual actors in the public domain behaved in making choices over using or not using exclusive patent rights and how that affected the public domain. Three distinct approaches were employed to analyze those actions. The focus was on a rich and freely accessible public domain. The study was divided into three parts. A heuristic framework for the analysis was provided in Part I. Contrary to what might be expected, the potential contribution by the patent system to the public domain occurred not only when a registered patent expired. It also took place prior to the completion of the full statutory term. The possibility for patent arbitrage of the public domain by countries in which no patent right was sought, and the potential of such arbitrage to contribute to national innovation, especially in developing countries, was also discussed and should be followed up. In Part II, the study focused on non-practicing entities (NPEs) and how their respective business models enriched the public domain. NPEs were entities that owned patents but did not make use of them. The study discussed five categories of potential NPEs, namely, patent assertion entities; patent aggregators; non-competing entities; patent intermediaries; and universities and research organizations. Part III described patent practices of entities more broadly and considered the potential impact of patent management on the public domain.

304. The Delegation of the United States of America stated that the study clearly demonstrated that for over 100 years, the patent system was a rich source of publicly available information. It contributed tremendously to the creation of a rich and accessible public domain. The Delegation acknowledged the study's conclusion that the overall relationship between patents, innovation and a rich and freely accessible public domain was complex and nuanced. The study was useful in understanding the public domain and how various actors and factors affected it.

305. The Representative of the TWN stated that the study was based on the theoretical premise that a rich and accessible public domain was a result of the disclosures in patent documents. In other words, an increase in patenting would automatically result in an expansion of the public domain. However, the concept of the public domain also included areas where IPRs were not applicable or enforced. The study did not take this into account and simply assumed that knowledge embodied in a patent disclosure contributed to the public domain. The concept of global patent arbitrage referred to in Part I of the study was based on the premise that a developing country could effectively capitalize and use an invention which was in the public domain in its jurisdiction, and also develop improvements to the invention which could

also be exported abroad. However, very few developing countries had the means or the necessary technological base or capacity to successfully exploit the invention or to make those improvements. The lack of patents from developing countries in the developing world reaffirmed this. Moreover, firms in developed countries strategically applied for patents in selected developing countries where innovative capacity existed. Thus, firms in developing countries with some innovative capability would be prevented from making use of the knowledge. The study should be revised and improved to address the barriers to fostering a rich and accessible public domain. It should, in particular, address how the public domain could be explored in resource poor settings. As pointed out, patent information in itself was not sufficient in this regard. It should also examine how patent flexibilities could be fully utilized to foster a rich and accessible public domain.

306. The Consultant was not sure if he fully understood the first limitation and would like it to be clarified. On the second point, the authors appreciated the fact that there may be limitations in many countries in terms of the ability to use the public domain effectively. However, over time, the number of countries described as resource poor in that regard, may indeed become less resource poor and make greater use of the information. In any event, perhaps one of the challenges was to get that information out to resource poor countries in a more efficient way, at least for that to encourage potential use within their given jurisdictions.

307. The Representative of the TWN stated that the definition of public domain did not seem to take into account that IPRs may not necessarily exist in some areas. The Representative would like to know if this aspect of the public domain was taken into account in the study. The premise of the study was that contributions to the system would increase with more patent disclosures.

308. The Consultant stated that if that was helpful, the authors would be pleased to consider it in a revised text.

309. The Delegation of the United States of America stated that the study was sufficient and would not favor any revisions to the study.

310. The Chair closed the discussions on the study given that there were no further observations from the floor.

Consideration of document CDIP/12/INF/3 - Scoping Study on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries

311. The Secretariat (Ms. Croella) introduced the Scoping Study on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. The study was the first output of the Project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. It was prepared by Messrs Bertrand Moullier and Benoit Muller, external experts on the audiovisual sector with field experience in Africa. The Secretariat drew attention to an error in the English version of the document. Mr. Muller was an Audiovisual Sector Expert and a member of the Geneva bar. He was not an Information Technology and Services Expert from Belgium as mentioned in the document. The study provided an evaluation of the current role played by IP in the financing, production and distribution of audiovisual works in the three countries participating in the project (Burkina Faso, Kenya and Senegal). It provided an assessment of IPR based transactions related to the film-making process, assessed challenges and proposed solutions for the further effective use of IP in this field. Part one described what can be referred to as the "international standard" in copyright-based transactions in the audiovisual sector. Part two provided a snapshot assessment of the structural and copyright issues in the audiovisual sectors of those three countries. The experts met with the national project coordinators to carry out their work. They addressed a questionnaire to and interviewed a number of key stakeholders, both government

officials and audiovisual entrepreneurs, in the respective countries. Part three contained conclusions and recommendations aimed at assisting the WIPO Secretariat and Member States in the scoping of project actions and deliverables, leveraging international experience to the practical benefit of local needs. The Secretariat believed that the study assisted beneficiary countries to learn more about the positive role which IP could play as a legal instrument to raise funds for the production and distribution of audiovisual works. Mechanisms such as the pre-sale of distribution rights were yet to be fully recognized, understood and used in the beneficiary countries. They could be extremely helpful in the production and commercial exploitation of audiovisual works in Africa and international markets. The Secretariat stressed that the study was a reference document for the implementation of activities under the project.

312. The Consultant (Mr. Moullier) referred to the first part of the study and stated that it provided an overview of the various techniques used by film makers worldwide to turn their creative visions into films. Copyright and related rights were not the only methods for doing so. A combination of techniques was employed to produce a film and to distribute it through national and international networks. For instance, the pre-sale mechanism was a pivotal and strategic tool used by producers and film makers. The study provided specific examples of how things worked on the ground. The consultants believed that film makers in Africa would like a legitimate distribution infrastructure that was cogent enough about the IP framework to meaningfully engage with them to bring funding into projects through transactions based on copyright and related rights. A legitimate distribution framework would allow for a meaningful model for return on investment. A film was a very expensive undertaking. The fixed costs were very high. A meaningful distribution framework could allow a film to return sufficient revenues to provide certain residuals to the talent involved in the film and leave enough for the producers to recycle revenues into the development of a new creative project. It could take up to five years for a film to be ready to attract financing.

313. The Consultant (Mr. Muller) stated that it had not been easy to evaluate the current role played by copyright in the audiovisual sector in the three beneficiary countries. The consultants had tried to be as objective as possible. Interviews were held with the main stakeholders in those countries. It appeared that copyright was frequently a theoretical concept for those involved in the audiovisual sector in Africa. If copyright was only a theoretical concept, it was not really playing its role. It should make it possible for audiovisual works to be exploited commercially. The consultants observed that a “digital revolution” was taking place in Africa. Broadband provided access to audiovisual content. Films were increasingly produced in digital form in Africa. Thus, issues pertaining to the digital environment should be thought about. A bottom up approach was required to examine and address the specific needs of the economic players in the audiovisual sector. The workshops to be organized under the project would assist in examining the issues and the experiences of other countries to assist these countries to develop policies to meet their respective needs.

314. The Delegation of Burkina Faso recalled that three pilot countries (Burkina Faso, Kenya and Senegal) were designated for the first phase of the project. WIPO was committed to assist them to implement the project which was officially launched on February 26, 2013 as a side event during the Pan African Film and Television Festival (FESPACO) in Ouagadougou. Training workshops and onsite training on collective negotiation of rights would be organized under the project. It would be evaluated at the end of the pilot phase. Burkina Faso had hosted the FESPACO festival since 1969. It was considered as the showcase for African cinema. The sustainability of the African audiovisual sector was important for development. However, the role of IP was not well understood. The Delegation believed that the project would enable Burkina Faso to develop a sustained framework for the audiovisual sector based on improved professional structures, markets and regulatory environment, while enhancing the strategic use of IP as a key tool to support the development of the audiovisual sector. It would enhance the understanding and strategic use of the IP system as a key tool to foster production, marketing and distribution in the African audiovisual sector. The dissemination of new technologies

allowed independent film makers to enter global markets. The African audiovisual market faced considerable challenges. It was very fragmented. Mechanisms were required to create wealth and remunerate creativity. The project would assist in the development of the African audiovisual sector through technical assistance and the strengthening of institutional capacities to enhance understanding of the role of copyright in the audiovisual sector among all stakeholders. As a pilot country, Burkina Faso was aware of its project responsibilities. It would fully play its part and do everything possible to ensure that the project was a success and for the conclusions and recommendations of the study to be implemented.

315. The Delegation of Kenya welcomed the study. It found the analysis to be thorough and well researched. Its authorities were considering the key findings of the study. The recommendations were useful. Legal and policy reforms were being considered to ensure that the project was successful and sustainable. The curriculum recommended by the consultants was very useful and practical in the context of the forthcoming workshops under the project. Some of the recommended interventions such as state support were at the advanced stage of being rolled out in Kenya. The Delegation disagreed with some of the comments that copyright was a strange factor in the film sector in Kenya. Cultural issues prevented the use of some mechanisms.

316. The Delegation of Senegal stated that the study was one of the first activities under the project. Senegal had a particular interest in the project. The Minister of Culture participated in the launch during the FESPACO festival in February. Senegal's audiovisual sector was very rich in creativity. It had earned numerous awards in recent years. However, Senegal faced challenges in the development of the sector, particularly in the financing and distribution of works. The study was very useful as it highlighted, in an objective manner, priority areas where the project could provide effective assistance in order for the expected results to be achieved. There were many shortcomings which led to the limited use of copyright in the exploitation of audiovisual works; insufficient knowledge of copyright in relation to contracts, production and exploitation; limited capacities of professionals to use copyright; and insufficient knowledge in terms of the use of new technologies and techniques to produce and distribute films. The project should help to fill the gaps in order for its objectives to be realized. Senegal had an adequate legislative framework for copyright. The government would like to support the development and financing of the audiovisual sector in Senegal through revising certain copyright practices, particularly with regard to collective management and the digital environment. The Delegation endorsed the recommendations contained in the study and welcomed any additional deadlines granted by the Committee for the achievement of this project for which Senegal had great expectations.

317. The Delegation of Brazil made some comments on the study. It was delighted that the Brazilian system was referred to as a successful experience in the deployment of fiscal incentives to finance the private production of audiovisual works. However, the Delegation highlighted that more than half of the financing of audiovisual works was through state funding. Today, tax policies were a secondary source of financing in Brazil. The study recommended the ratification of WIPO internet treaties as a measure to strengthen copyright protection in the digital environment. However, there was no substantive analysis of the impact of ratification on these African countries. Burkina Faso and Senegal had already acceded to the WCT and WPPT. Kenya had substantive national legislation on technological protection measures. More information was required to evaluate the impact of ratification of the WCT and WPPT. The study also suggested that countries should implement notice and take down policies as a measure to fight piracy in the digital environment. However, there was no multilateral consensus to endorse this policy model. Notice and takedown policies were subject to criticism by many stakeholders, especially internet users. As there was no international consensus on the efficiency and legitimacy of this policy model, such policies should not be introduced in the project.

318. The Delegation of Switzerland found the study to be interesting and useful for the implementation of the project. The project was important. This was a crucial time in Africa, particularly with the transition to the digital age, as indicated in the round table discussion the day before. The project was timely in that regard. It was important for the necessary resources, both human and financial, to be mobilized as soon as possible in order for the project to proceed. The Copyright Law Division had been very busy with important treaty negotiations and there were resounding successes. However, it was also important for such projects to proceed in order for other results to be achieved, particularly in the countries that were beneficiaries of the project.

319. The Delegation of the United States of America agreed that the study was very high quality work. It read with great interest, the analysis of film financing and licensing models. In its discussions on capacity building with developing countries, requests for assistance in the areas of film financing and practical licensing skill development were often received. The Delegation supported further work following the path laid out by the study's authors, and if the project ultimately had a sustained impact in Burkina Faso, Kenya and Senegal, it would look forward to possibly expanding the project to additional interested Member States. The Delegation referred to the side event organized by Switzerland the day before and stated that it really gave life to the project by bringing a director from Burkina Faso to discuss his own experience. It looked forward to future work in this important area.

320. The Delegation of Azerbaijan stated that an evaluation of the current role played by IP in the financing, production and distribution of audiovisual works in the three pilot countries was very important. The proposed solutions for the further effective use of IP would be useful to all countries. Such studies were important in order to effectively use international experience to assist countries to address their own specific needs.

321. The Chair invited the Secretariat to respond to the questions and comments from the floor.

322. The Secretariat referred to the comments made by the Delegation of Brazil and stated that the scope of the project was limited to professional development, training and the strengthening of relevant institutional capacity and infrastructure. Thus, issues such as liability were not included. The comments would be taken on board in the shaping of further actions and initiatives to be implemented under the project. The Secretariat reiterated that it had requested for the project to be extended by six months due to initial delays as a result of the Copyright Law Division's involvement in the preparation of the diplomatic conference in Marrakech earlier in the year. The Secretariat welcomed the extension of the project. The comments that were made would be taken into consideration in the implementation of the project.

323. The Consultant (Mr. Moullier) referred to the comments made by the Delegation of Brazil and stated that he recognized that the Fundo Sectoral was a substantial contributor to financing in Brazil. Fundo Sectoral was not mentioned in that section of the study as it concerned tax concessions and tax breaks. However, the authors recognized its importance in the overall picture.

324. The Chair closed the discussions on the study given that there were no further observations from the floor.

Consideration of document CDIP/12/9 - Implementation Proposal on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content

325. The Chair recalled that in the 11th session, the Committee discussed the Feasibility Assessment on Possible New WIPO Activities Related to Using Copyright to Promote Access to

Information and Creative Content (CDIP/11/6). The Committee requested the Secretariat to prepare a more detailed implementation plan, including information on financial and human resource implications. Document CDIP/12/9 contained a detailed implementation plan for the six activities proposed in document CDIP/11/6, including an estimate of the human and financial resources required. He invited the Secretariat to introduce the document.

326. The Secretariat (Ms. Croella) recalled that the copyright component of the Project on IP, Information and Communications Technologies (ICTs), the Digital Divide and Access to Knowledge led to the preparation of the study on Using Copyright to Promote Access to Information and Creative Content. It was discussed at the tenth session of the Committee in November 2012. Following the discussion, the Member States requested an assessment of the feasibility for WIPO, within its mandate, to engage in new activities that could potentially assist Member States to achieve their development goals in the areas covered by the study. A Feasibility Assessment on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content” (document CDIP/11/6) was prepared by an external consultant. It contained a list of potentially appropriate activities that WIPO could undertake for each of the three areas previously identified. The document was discussed during the 11th session of the CDIP in May, and Member States requested the Secretariat to prepare a more detailed implementation plan, including information on financial and human resource implications to be considered at this session of the Committee. Document CDIP/12/9 and its annexes contain a detailed implementation plan for the six activities proposed in document CDIP/11/6, including an estimate of the human and financial resources required.

327. The Delegation of Brazil, speaking on behalf of DAG, attached great importance to the continued debate on copyright and development in the context of the implementation of possible new WIPO activities related to using copyright to promote access to information and creative content. It understood that this item could remain on the agenda for future CDIP sessions. With regard to the activities to be implemented by WIPO, the Group suggested a change in Annex V of the document. In the section entitled, “Brief Description of the Activity/Initiative”, the sentence, “Model provisions and material useful in providing legislative advice would be produced to address requests of Member States”, could be amended to read as follows, “Model provisions and material useful in providing legislative advice would be produced taking into account the different legal systems and levels of development to address requests of Member States”. The change provided for a more country specific approach in addressing the development aspect of this activity. Speaking in its national capacity, the Delegation supported the discussion of implementation of activities in relation to copyright and access to information and creative content. On proposed activity 1, Pilot Project on Creation of a Centralized Database in order to make IP-Related Education and Research (E&R) Resources Available on an Open Access (OA) Basis, the Delegation suggested that the project should not be restricted to OA resources. It should allow for a broader approach. Brazil was ready to contribute to the implementation of this activity.

328. The Delegation of the United States of America stated that the paper clarified the proposed activities. As a threshold matter, the Delegation suggested that the Committee narrowed down from the six proposed activities to a few that were most likely to provide sustained impact. With respect to proposed activity 1, the Delegation believed the impact of this activity may be limited because it focused on three Member States with local institutions that provided IP-related education and research resources. It would be interested to know if the Secretariat was aware of any demand from Member States with local institutions that provided IP-related education and resources for this type of assistance. With respect to proposed activity 2, the Delegation appreciated WIPO's leadership in the Inter-Governmental Organizations (IGOs) Working Group on Copyright Licensing. It seemed that work was nearing completion. Using the Creative Commons license should provide a path forward for additional IGOs that were seeking to implement new copyright policies. The advantage of using a Creative Commons license was that even non-copyright experts could select and implement a license

agreement that was customized for their needs. While it did not wish to micromanage the Secretariat's work, it was unclear to the Delegation why WIPO would require 20,000 Swiss francs for staff travel for this project. Many IGOs were located in Geneva and in-person travel to visit those not located here may not be necessary in the digital age. It would be interested to hear from the Secretariat why that particular need was mentioned in the report. With regard to proposed activities 3 and 4, the Delegation could support actions by WIPO to increase the awareness of open source licensing as an important source of innovation, including through WIPO technical training. However, as the Delegation had previously noted, any treatment of the subject should be balanced and objective and present a spectrum of views, including discussing potential risks associated with the use of open source software by developing countries and LDCs. With respect to proposed activity 5, the Delegation would support, in principle, the suggestion that WIPO should provide additional information to Member States on how they might implement policies for access to public sector information. However, it highlighted DA recommendation 1 which stated that technical assistance should be demand driven or otherwise requested by Member States. The Delegation would strongly support such technical assistance to any interested Member State but would first seek assurances that demand exists for the targeted activity. Although the proposal contemplated the creation of a set of model provisions or policies, the Delegation suggested that WIPO work on an interactive basis with interested Member States to examine their options on a case by case basis. As noted by the Delegation of Brazil, it should be country specific. Substantive copyright issues, including the development of any normative model provisions, should be addressed at the Standing Committee on Copyright and Related Rights (SCCR). Furthermore, the three approaches to public sector information outlined in the underlying study were sufficiently detailed to provide WIPO and interested Member States with appropriate models for implementation at the national level. Convening a conference, as suggested in proposed activity 6, may be premature. In order to take full advantage of this type of conference, interested LDCs would need to be in a position to implement new provisions or policies on public sector information. Member States may be better served if the Secretariat were to provide country specific, demand driven assistance that was consultative and interactive.

329. The Delegation of Lithuania, speaking on behalf of the EU and its Member States, referred to activities 1 and 2. It seemed that WIPO would be required to create, collect and hold a substantial volume of information and enable the public, both professional and non-professional, to obtain easy access. It was not clear how the implementation of these activities and the application of open licenses to protected works would affect the rights of copyright holders. It was also unclear whether the project would be held on a voluntarily basis for Member States or what the next steps might be. In this regard, the EU and its Member States needed some further assurance before being able to endorse activities 1 and 2. With regard to activities 3 and 4, these could be further considered by WIPO as a means to enhance awareness and understanding of open source software through balanced and objective treatment of its advantages and disadvantages, including consequences of the use of open source software in relation to security issues and maintenance. With regard to activities 5 and 6, they noted that further consideration of the exact scope of activities and their future budgetary implications was required.

330. The Representative of Knowledge Ecology International (KEI) drew the committee's attention to an initiative that was jointly convened by UNESCO and WIPO in 1976, namely the Tunis Model Law on Copyright for Developing Countries. The Representative took note of the core objectives of the project. First, to gather information and explore the potential of the copyright system, its flexibilities and different models for managing copyright for enhancing access to knowledge. Second, to conduct an interdisciplinary evaluation of opportunities for WIPO, within its mandate, to engage in new activities that helped Member States achieve their development goals through enhancing access to knowledge. As part of the future implementation of this project, the Representative proposed that WIPO undertake a scoping study to ascertain the feasibility of producing an update of the Tunis model law adapted for the

digital environment. The 1976 model law, drafted by experts at the behest of Member States of WIPO and UNESCO, sought to provide a Berne-consistent template for developing countries that could accommodate both common law and civil law traditions. It addressed some of the most important issues in copyright such as the protection of traditional cultural expressions, and limitations and exceptions to rights such as those in Section 7 on "fair use", Section 3 on works not protected, Section 10 on the limitation of the right of translation and proposed language on the treatment of *domaine public payant* in Section 17. It provided a foundation for the protection of authors' rights, including extensive provisions on licensing of works and enforcement of rights. Although the 1976 model law was useful, much had happened in the last 37 years and it seemed appropriate to consider an update of this soft law provision. In considering possible revisions, the Representative recommended that WIPO examine the areas where a model act would be particularly useful. For example, the implementation of copyright limitations and exceptions that addressed the special concerns of developing countries and which took into account new developments in international law, including the norms contained in the WTO TRIPS Agreement, the WIPO Internet treaties and the Beijing and Marrakech treaties. Among other topics, there would be an opportunity to draft model provisions that would address copyright limitations and exceptions for education and research, including institutions such as libraries and archives that support education and research; distance education delivered cross border; access to orphan copyrighted works; more timely exceptions for translation; and systems of liability rules to address a variety of concerns regarding access to cultural works consistent with addressing the legitimate interests of suppliers of knowledge and cultural works. In this regard, Article 44.2 of the TRIPS Agreement and the WTO TRIPS exception for LDCs provided possibilities for new ways of implementing copyright exceptions, including some of the approaches explored in the proposals for exceptions put forth by the African Group in the SCCR.

331. The Chair invited the Secretariat to respond to the comments from the floor.

332. The Secretariat (Ms. Woods) stated that although this particular set of projects could involve many different WIPO divisions, it would be presumably led by the Copyright Law Division which was tasked with overseeing the preparation of the study. The document expanded on the recommendations made by an outside expert in a study requested by the Committee. The Secretariat had attempted to provide further details on the potential projects and their potential costs. The Secretariat would take on board the interesting suggestions for expanding some of these projects even further. However, there would be a need to consider whether it was within the scope of the original instruction of the project as well as questions concerning the resources for taking on these projects. On the point made about providing model provisions versus specific legislative assistance, the Secretariat emphasized that its approach for many years had been to provide assistance to Member States on a country by country basis. Legislative advice would be provided to address specific requests by Member States. Some general work would be done on how the topics could be addressed within civil law and common law systems. Beyond that, any specific application would look at the specific circumstances of each Member State. The Secretariat routinely did this and would continue to do so. It sought the Committee's guidance on whether there was consensus to move forward or if further work was required to develop any of the projects.

333. The Chair would like the Committee to think about activities where there could be a consensus in order to give clear guidance to the Secretariat on work to be done in the coming months.

334. The Delegation of Spain referred to proposed activities 1 and 2. The objective and scope of these activities should be clearer and more detailed. It was not clear whether they would contribute to balanced legislation and affect the balance in the copyright system.

335. The Secretariat believed the question concerned how the first two activities would affect the overall balance in the copyright system and how they should potentially be perceived by legislators. The overall goal of the project was to provide broader information on open access and open licensing. It was not really trying to make any decisions or to direct legislators as to how they would want to view such resources. In fact, many of these types of activities may not even be seen much at the legislative level, although activity 5 did contemplate the possibility of incorporating some aspects into legislation. However, the creation of a centralized database, looking at open licensing as an aspect of resources produced by international organizations and the possibility of using the Creative Commons license were really just about providing information on, or taking advantage of one option out of many in the system of using copyright. For instance, the use of the Creative Commons license within the copyright system was supposed to be a streamlined approach that was clear and understandable even to those persons who were not copyright experts. This was done in many different contexts. As mentioned in some comments, there was already some progress on this among IGOs. The idea was to provide easy access to information, for instance using it on websites. Similarly, the database would provide information on resources that were available. In general, these two activities would provide information and mechanisms for streamlining the availability of information on open access and licensing systems.

336. The Chair would like to know if there were activities where there was broad consensus among Member States as clear guidelines were required by the Secretariat. He invited the Secretariat to assist the Committee on the way forward.

337. The Secretariat observed that in some cases delegations were perhaps not ready to state whether they felt there was a consensus, and for others perhaps there were questions. The Secretariat could make a further effort to narrow down the proposals for the next meeting. On this occasion, it was asked to provide information on all the proposals. That was done. Perhaps at the next meeting, it could suggest some to start with and request for the Committee's approval. Member States could then let the Secretariat know if they would like further action on other proposals.

338. The Delegation of Algeria noted that there seemed to be differences between the proposals made by Mr. Musungu (document CDIP/11/6) and the Secretariat, particularly in relation to activities 1 and 2. Thus, the Delegation agreed that some time should be given to delegations to examine the Secretariat's document. Perhaps the Secretariat would like to revise it and provide further information, taking into account that there were sometimes significant differences with the activities proposed by Mr. Musungu.

339. The Chair closed the discussions on this item given that there were no further observations from the floor.

Consideration of document CDIP/12/INF/6 – Study on the Use of Utility Models in Thailand

340. The Secretariat (Mr. Fink) briefly introduced the Study on The Use of Utility Models (UMs) in Thailand. This was one of the country studies undertaken in the context of the Project on IP and Socio-Economic Development (document CDIP/5/7). UMs were often described as a form of IP that was particularly suitable to the innovation needs of low and middle income countries. However, evidence to support that policy recommendation was rather scant. Thus, the study tried to gather empirical evidence of the impact of UMs in Thailand. It was conducted in Thailand as UMs were introduced there in the late 1990s. It had more than 10 years of experience and data that could be analyzed for this purpose. That was also why the Thai Department of Intellectual Property (DIP) under the Ministry of Commerce expressed an interest in this activity.

341. The Secretariat (Mr. Raffo) reiterated that the study was requested by Thailand, in particular, the DIP. The study was undertaken in close cooperation with the DIP and the Thailand Development Research Institute (TDRI). It was prepared by two consultants from the TDRI. UMs or petty patents as they were called in Thailand were a recent development in the country. The use of this form of IP differed among countries. The study was an opportunity to understand how and whether local users would use this instrument. The country study in Thailand had two main parts. The current study described the implementation and use of UMs in Thailand and explored the potential challenges faced by the Thai IP system in relation to this new policy instrument. It was based on IP data. The second study was more analytical and would be presented in the next CDIP session. It would examine the data in the context of the economic performance of the types of firms that were using UMs. Thus, it was important to keep in mind that the current study did not necessarily reflect the economic impact of UMs. The study focused on the following four questions - How had users received the new UM regime? Were UMs the best fit for Thai innovators? To what degree had UMs complemented other IP forms? What were important challenges for the development of Thailand's UM system? The study indicated that the introduction of UMs in Thailand was quite successful in terms of implementation and use. However, there were also some challenges for the IP office. UMs were rapidly adopted in Thailand. On average, annual growth was 25% since its introduction in 1999. Users were starting to use the IP instrument. Most of them were Thai residents. It could be argued that most were startups or SMEs although applications were mostly made by individuals. It was adopted across industries. It should be noted that most of the Thai users were using the IP system for the first time. This indicated UMs complemented other forms of IP. However, it was difficult to assess the quality of the inventions through IP data. One of the challenges for the IP office was a considerable increase in its backlog. Resource limitations accounted for a good part of the application backlog. This resulted in long pendency times. Thus, although the use of this IP instrument was quite successful in Thailand, there were some challenges for the IP office. As mentioned earlier, the impact of UMs on the economic performance of firms would be examined in a separate study to be presented at the next CDIP session.

342. The Delegation of the Republic of Korea stated that the study indicated UMs could serve as a useful instrument. These studies could show the importance of a national IP strategy based on a country's social and economic conditions.

343. The Chair closed the discussions on the study given that there were no further observations from the floor.

Consideration of document CDIP/12/INF/4 - Study on Intellectual Property and Brain Drain – A Mapping Exercise, and document CDIP/12/INF/5 - Summary of a Workshop on “Intellectual Property, the International Mobility of Knowledge Workers and the Brain Drain”

344. The Secretariat (Mr. Fink) introduced the documents. The Secretariat stated that these were the concluding activities of the Project on Intellectual Property and Brain Drain. The mapping study described the mobility patterns of knowledge workers over the 1991-2010 period using information on inventor nationality and residence in Patent Cooperation Treaty (PCT) applications. The Secretariat believed it was an important empirical contribution to understanding, in a very narrow sense, the international mobility of inventors, and more broadly, the international mobility of high skilled professionals. The study described inventor mobility patterns around the world. Summaries were provided for different regions. The study also compared the data with other migration datasets. PCT data added value as it was detailed and collected on an annual basis. This was very useful, especially when compared with other datasets such as census data which was collected every 10 years. The inventor mobility data provided information on a relatively concrete category of high skilled workers compared to the

broader categories of tertiary skilled workers found in migration databases. The empirical findings were summarized in the study. The database was available on WIPO's website. There was great interest in using the data for research on migration. That was an important contribution of the project. The Secretariat turned to document CDIP/12/INF/5, "Summary of a Workshop on Intellectual Property, the International Mobility of Knowledge Workers and the Brain Drain". As outlined in the original project document, the purpose of the workshop was to bring together experts on the topic of skilled migration and the topic of IP to discuss the possible links between IP and brain drain. The academic participants were selected on the basis of their research. Efforts were made to achieve a regional balance in terms of the participants. International organizations with interest and expertise in matters of international migration were invited to the workshop. The program and list of participants were annexed to the document. The workshop was divided into three parts, namely, studying the international mobility of high-skilled workers: data availability, stylized facts and IP data for migration analysis; IP and the international mobility of skilled workers: a framework of analysis; and innovation, knowledge diffusion and the international mobility of knowledge workers. The discussions were summarized. The document reflected the opinions of the participants, which were not necessarily the Secretariat's views on the topics discussed. The Secretariat highlighted some of the conclusions. There was wide consensus among workshop participants that an important "first-order" relationship between the IP regime of countries and their inflows/outflows of skilled people was unlikely. If any empirical relationship between the two emerged, it was probably governed by the level of development and employment opportunities of countries. Ascertaining a relationship was conceptually challenging as the IP regime of countries was at the level of institutions and the decision of an inventor or other high-skilled worker to emigrate was at the level of the individual. Despite the overall skepticism, IP may well play an indirect role in determining migration outcomes. There was quite a bit of interest, especially among the migration experts at the workshop, in the newly available PCT inventor migration database. Some experts expressed great interest in continuing with the work. Some participants recommended that WIPO engaged in research to disambiguate the likely cultural origin of inventors using their names and surnames, in order to characterize who were the inventors and their migratory background. In parallel, some participants highlighted the importance of conducting surveys of inventors. Survey evidence could help characterize inventors and their patenting practices, provide evidence on the reasons inventors migrated and a better understanding of how inventor migration affected home and host country innovation outcomes. Finally, surveying inventors directly could also help in understanding whether there was any relationship between IP protection and the international migration of this subclass of skilled workers. There were also a number of suggestions on the potential development role of high skilled migration and how that could be further explored. There was great interest in studying the behavior of firms and their hiring policies, and how that related to the migration decisions of inventors and migration flows in general. There was also a lot of interest in return migration and how it related to knowledge diffusion and innovation in the home countries of the migrants.

345. The Delegation of the United States of America believed the study contributed to the overall understanding of high skilled migration. The report noted that the new PCT-based database of inventor nationality and residency created for the study was able to meaningfully capture the phenomenon which was of growing importance, specifically, the migration of inventors. The Delegation believed that the new tool would be useful going forward. It encouraged the Office of the Chief Economist to continue engaging in research efforts on these issues, in particular, as they related specifically to innovation and IP. The Delegation referred to the summary of the workshop in April 2013. It was clear that this issue had only been lightly studied and that WIPO was adding value to the discussion through its implementation of the CDIP Project on IP and Brain Drain. The CDIP was contributing some value to this area by moving the project forward. The Delegation noted with interest that the workshop participants focused, in part, on the potential positive aspects of high skilled migration for the sending country. The summary noted that potential feedback channels can turn brain drain into a gain for the origin country, namely, through return migration with skills acquired abroad, human

capital accumulation and diaspora supporting home country development. The Delegation agreed this was something that could potentially benefit from further analysis. In general, the Delegation was appreciative of the work done by the Chief Economist.

346. The Delegation of Algeria expressed some views on the study. Although the study was aimed at presenting a simple mapping exercise whereby PCT data was used to provide an overview of the migratory patterns of high skilled workers, there was an underlying assumption that the lack of strong IP rights in a country may encourage inventors to migrate to countries which provided for strong IP protection. Although this notion was not explicitly stated in the study, the migration of inventors from developing countries to predominantly developed countries with higher standards of IP protection may point wrongly to this conclusion. Immigration was a complex phenomenon. It was extremely difficult to attribute a particular factor to the brain drain phenomenon. For example, significant brain drain happened due to the migration of students to gain skills and technological knowledge in institutions in developed countries. The lack of IP protection did not seem to be a significant factor behind the brain drain. Conversely, the lack of such technological knowledge in their home countries was a significant factor behind the decision. The mapping exercise did not adequately consider the return of many members of the diaspora to establish industries in developing countries despite the lack of strong IP protection. Thus, this area could be further explored.

347. The Chair invited the Secretariat to respond to the comments.

348. The Secretariat referred to the comments made by the Delegation of Algeria and stated that the workshop tried to address the possible links between the IP regime and migration patterns. The result was fairly inconclusive. With regard to the mapping study, it was made clear in the initial discussion and the project document that this was a purely descriptive exercise. It was not intended to lead to any policy conclusions, especially with regard to the IP system. The Secretariat was concerned that the study gave the impression that was mentioned by the Delegation of Algeria. Perhaps the Delegation could identify some of the elements. It would be glad to meet with the Delegation to discuss them. The Secretariat reiterated that the intention was to conduct a mapping exercise and draw empirical patterns of migration behavior, and not point to any policy conclusions.

Consideration of document CDIP/12/5 - WIPO General Assembly Decision on CDIP related matters, and document CDIP/6/12 Rev. – Proposal for a CDIP New Agenda Item on Intellectual Property (IP) and Development

349. The Chair recalled that during the WIPO GA meeting, the issue of the implementation of the coordination mechanisms was discussed, in particular, the report by the relevant WIPO bodies and the inclusion of the third pillar of the CDIP's mandate in the Committee's agenda. The GA's decision was reproduced in document CDIP/12/5. Document CDIP/6/12 Rev contained a Proposal for a CDIP New Agenda Item on IP and Development submitted by the Delegation of Brazil on behalf of DAG during the sixth session of the Committee. Due to a lack of agreement, the Committee had postponed a decision on the document. At its 11th session, the Committee agreed to continue the discussion at this session. By way of a communication dated November 18, 2013, addressed to the Secretariat, the Delegation of Egypt, on behalf of DAG, had submitted a Proposal for a CDIP New Agenda Item on IP and Development-Related Issues (document CDIP/12/11). An initial exchange of views had taken place on this issue in the informal consultations.

350. The Delegation of Brazil, speaking on behalf of DAG, introduced document CDIP/12/11. The document built on the discussions in the previous six sessions. It took into account the concerns raised by some delegations. The proposed new agenda item on IP and development related issues would implement the third pillar of the CDIP's mandate. Some issues were

proposed for discussion under the agenda item. First, a report on the discussions at the WIPO Seminar Series on the Economics of IP. The seminars addressed several issues that could be of relevance to the discussion on IP and development. For example, there was a presentation the previous month on “the Impact of TRIPS on Patenting in Latin America: the Different Performance of Residents and Non Residents”. Second, the matter of innovative technical cooperation and capacity building in IP. Member States would be invited to present their national experiences on bilateral cooperation for discussion. Third, WIPO’s contribution to the UN MDGs. Fourth, information on present and future work under the IP and Global Challenges Program (Program 18 of the 2014/2015 Program and Budget). According to the draft Program and Budget for 2014/2015, Program 18 “addresses innovation and IP at the nexus of interconnected global issues, in particular Global Health, Climate Change and Food Security”. Thus, Member States would benefit from information provided on the activities developed by the Secretariat under this program. Fifth, preparation for conferences and/or seminars on IP and development. Other issues may also be included for future work under the new agenda item, subject to approval by Member States in the previous session. The Group had waited two years for a decision on the implementation of the third pillar of the CDIP’s mandate. This subject was of utmost importance for developing countries. Sharing experiences and discussing the links between IP and development were the only ways to achieve good outcomes and shared solutions for common challenges for development.

351. The Delegation of Algeria, speaking on behalf of the African Group, welcomed the GA’s decision which requested the CDIP to discuss these issues and make recommendations to the GA in 2014. The discussion was on two matters. The first dealt with the third pillar of the CDIP’s mandate, as mentioned by the Delegation of Brazil on behalf of DAG. The Group supported all the elements of the proposal and would like the Committee to adopt the proposed new agenda item. The second segment of the GA decision required the Committee to discuss the Coordination Mechanism. Consensus was not reached on two points. The first was on the list of committees that should be part of the Coordination Mechanism. To date, the PBC and the CWS did not report on their contributions to the implementation of the respective DA recommendations. The Group would like all WIPO committees to be part of the Coordination Mechanism. The second point was on the reports submitted by committees on their contributions to the implementation of the respective DA recommendations. Thus far, the reports were compilations of statements made by Member States. The Group would like the committees and the Secretariat to prepare substantive analytical reports on the contribution of each committee to the implementation of the DA. Simple compilations of comments by Member States did not fully reflect the decision by the GA. The Group would like a final decision to be taken. All WIPO committees must report on their contributions. The reports should be substantial and analytical.

352. The Delegation of Japan, speaking on behalf of Group B, appreciated the efforts to address its concerns. However, as the proposal was only introduced and made available in written form one or two days before, there was not enough time to examine the proposal in detail. Nevertheless, the Group made some preliminary comments on the proposal in a constructive spirit in order for the discussion at the next session to be more fruitful, keeping in mind that the GA decision requested the CDIP to report to the GA in 2014 and the Committee had one more session before then. The Group remained convinced that the overall role of the Committee was to discuss specific issues on IP and development. Therefore, specific and concrete issues on IP and development could be discussed without the establishment of a new agenda item which covered the role of the Committee as a whole. That was what the Committee had done thus far and should continue to do. Two of the four suggested sub-items under the proposed general agenda item on IP and development-related issues had already been dealt with. The Committee had intensively discussed the preparations for the conference and all seminars on IP and development as well as WIPO’s contribution to the UN MDGs without the establishment of a new agenda item. The mandate given by the GA decision in 2007 could be achieved through discussion, as was done on those issues, and not through the

establishment of a new agenda item. With regard to sub-item 3, namely, information on present and future work under the IP and Global Challenges Program (Program 18 of the 2014/2015 Program and Budget), the Group stated that its position was clear. It was satisfied with the current briefing method for Program 18 and saw no need to establish a new agenda item for that purpose. The Group saw no need to add an item on the agenda with exactly the same general title which would only be repetitive of the core role and objectives of the Committee. The Group reiterated its commitment to continue to fully implement the mandate of the Committee by reflecting and further discussing specific individual issues in respect of IP and development. With regard to the Coordination Mechanisms and Monitoring, Assessing, and Reporting Modalities, the Group continued to believe that these were applicable to the relevant WIPO bodies, and not all WIPO bodies. That was crystal clear from the language. Relevancy was decided by each body by itself.

353. The Delegation of South Africa aligned itself with the statement made by Brazil on behalf of DAG. The Delegation supported the revamped proposal by DAG for a new CDIP agenda item to deal with the third pillar of the CDIP's mandate. The proposal was there since the sixth session. In the last session, it was agreed that other Member States could also contribute to the proposal. Since then, the DAG decided to revamp its proposal and to come up with new ideas on how the Committee could move forward with the discussion. The Delegation supported the idea.

354. The Delegation of Lithuania, speaking on behalf of the EU and its Member States, took note of the WIPO GA decision on CDIP related matters. The CDIP had made great progress in implementing the DA recommendations, as highlighted several times by the Director General. By definition, the core objective of the CDIP was to discuss IP and development. The Committee had been successful in doing this. In this regard, the Committee fully delivered on its mandate. Therefore, they saw no purpose in adding an item on the agenda with the precise same objective and which would only repeat the main title of the Committee. Having said that, the EU and its Member States emphasized that they were always open to discuss specific agenda items related to individual issues in respect of IP and development. With regard to the Coordination Mechanism, much time had been spent by the CDIP and other bodies in discussing the implementation of this mechanism. They noted that there were different interpretations of the meaning of the term "relevant WIPO bodies", and reiterated their position that the WIPO bodies should themselves determine whether they were relevant for the purpose of the Coordination Mechanism. A protracted discussion on this topic would take time away from more concrete and meaningful discussions on CDIP projects.

355. The Delegation of the Czech Republic, speaking on behalf of CEBS, reiterated its position on the creation of a new standing agenda item on IP and development. It maintained the view that the primary role of the Committee was to discuss IP and development related issues. The addition of the new agenda item would not only repeat the title of the Committee but would also suggest that the CDIP existed to discuss issues other than IP and development. Nevertheless, the Group stood ready to discuss any issues covered by the Committee's mandate. On the issue of the Coordination Mechanism, the Group noted that the Committee had been discussing it extensively for over three years. It shared the opinion of other delegations and groups that the coordination mechanism was correctly implemented and there was no need for the issue to be repeatedly taken up by the Committee. It was high time for the discussions to be concluded and to focus on substantive work. The Group continued to support the position that the committees themselves should determine whether or not they were relevant for the purposes of reporting on DA recommendations. The list of relevant bodies should only include committees which dealt with substantive IP issues, namely, ACE, SCT, SCP, SCCR and IGC. Committees such as the PBC, Coordination Committee and the CWS should not be included in the list as their work was either related to the running of the organization itself or its mandate only covered technical issues and not IP as such.

356. The Delegation of Bangladesh, speaking on behalf of the Asia Pacific Group, stated that the CDIP was a permanent committee mandated by the GA to discuss issues related to IP and development. Thus, it was concerned at the lack of proper implementation of all three pillars of the CDIP's mandate. The Group referred to the principles and beliefs that led Member States to come up with the idea of the DA in 2007. They believed that IP and innovation were beneficial as tools for enhancing economic growth and social development, taking into account the specific needs and situation of a country. Its members would like the establishment of a regular opportunity to discuss the issue of IP and development at the CDIP on general terms, in addition to the existing focus on project and recommendation based discussion. The Coordination Mechanism was unanimously agreed to by all Member States to enhance coordination among different WIPO committees in the field of development activities. In this context, the Group reiterated that the decision on the Coordination Mechanism was not yet settled with respect to the PBC and the CWS which were very important committees for the realization of DA goals. The Group's members were individually ready to actively engage in the discussion on this issue in future.

357. The Delegation of Trinidad and Tobago, speaking on behalf of GRULAC, stated that the implementation of the third pillar of the 2007 GA decision was of utmost importance to developing countries. So far, the DA recommendations provided the only framework to discuss and decide on IP and development issues. Nonetheless, new issues, debates and ideas on the relation between IP and development should also be taken into account. On this point, the Group stated that it was time to take stock of the concerns raised in the past six CDIP sessions and urged Member States to adopt a decision in this regard. The IP and development debate could be kept on the agenda on an ad-hoc basis for further discussion at the next CDIP session.

358. The Delegation of Germany supported the statements made by the delegations of Japan and Lithuania. The inclusion of a general agenda item on development and IP would not add any meaningful value. The mandate of the CDIP stated that the Committee was to discuss development and IP related issues. That was what it was doing, for example, when it discussed the international conference. The Coordination Mechanism was implemented. The mandate stated that coordination should only take place with respect to relevant bodies. This clearly implied a restriction to those bodies that substantially dealt with IP issues. Thus, the PBC and the CWS were excluded.

359. The Delegation of the Islamic Republic of Iran stated that in 2007, the WIPO GA adopted forty-five DA recommendations and established a dedicated committee, namely, the CDIP, to implement those recommendations. The GA decision gave the CDIP a mandate with three elements. As agreed, discussing IP and development-related issues was part of the committee's mandate. The Delegation raised its concerns with regard to the Coordination Mechanism. Member States had yet to come up with a resolution on the bodies that should form part of the Coordination Mechanism. The recommendations of the DA should be an integral part of the work of the CWS and the PBC. The Coordination Mechanism was important for mainstreaming the DA into all WIPO bodies. The absence of the CWS and the PBC raised serious concerns. The Delegation hoped that a solution would be found as soon as possible. Two of the three elements of the mandate given by the GA were reflected in the Committee's agenda, namely, develop a work-program for implementing the 45 adopted DA recommendations; and monitor, assess, discuss and report on the implementation of all recommendations adopted. The implementation of the third pillar of the CDIP's mandate should be fulfilled by undertaking a clear debate on IP and development. According to its mandate, the Committee should make recommendations to the GA. It would not be able to make recommendations to the GA in the area of development-oriented norm-setting without discussions on IP and development. It was time for the Committee to engage in discussions on the objective of its creation and its future. The CDIP should assess the tangible benefits of its creation for developing countries and explore whether the Committee and its work had met the expectations of developing countries. In 2010, DAG submitted a written proposal (document

CDIP/6/12 Rev) for a new CDIP standing agenda item on IP and development related issues. The Delegation strongly supported the proposal by DAG for implementing the third pillar of the GA decision in 2007.

360. The Delegation of Brazil, speaking on behalf of DAG, thought the new proposal would satisfy the concerns raised in the other sessions. Some delegations questioned the value of the proposed new agenda item. Thus, a way forward could be to include this item on an ad-hoc basis in the agenda for the next CDIP session. The Committee would then be able to make an informed decision on whether or not to include it as a permanent item on the agenda. The Committee had discussed this topic for a long time and should be able to make a decision.

361. The Delegation of Japan, speaking on behalf of Group B, could not be convinced of the proposal for the agenda item to be included on an ad-hoc basis in order for the Committee to make an informed decision. This was because it would not provide a logical answer to the concern which was mentioned in its previous intervention. Thus, the Group could not live with that solution at this moment.

362. The Chair invited the Delegation of Brazil to respond to the statement by the Delegation of Japan.

363. The Delegation of Brazil, speaking on behalf of DAG, stated that it tried its best to understand why this item was not acceptable. Some developed countries did not see any need to further discuss development and IP. However, it was a pressing need for developing countries. The Member States had agreed on that when they decided on the mandate of the Committee. The proposal added value. For example, when the Committee discussed the WIPO seminar series, the discussion that was already taking place would be brought to the knowledge of Member States and they would be able to participate in the debate. This matter had been discussed for a long time. A decision was needed. To show flexibility, perhaps the Committee could go along with the proposal by the Delegation of Trinidad and Tobago for the IP and development debate to be included as an item, not a permanent item, but as an item in the agenda of the next CDIP session. The Committee could then make an informed decision in that session as to whether the new agenda item added value to its work.

364. The Delegation of Japan, speaking on behalf of Group B, reiterated its commitment to continue to fully implement the mandate of the Committee by reflecting and further discussing specific individual issues in respect of IP and development. The Group reiterated that the Committee had actually discussed two of the four items listed in the proposal at this session. Thus, the Group could make an informed decision. The session dealt with two individual issues without the general agenda item proposed by DAG. Thus, individual items could be discussed without the general agenda item. This was enough for the Group to make an informed decision. In order for it to be convinced of the need for a general agenda item to accommodate each sub-agenda item, logic was required to justify the necessity for that general agenda item. The Committee had discussed individual items at this session without the need for such an agenda item.

365. The Delegation of Switzerland referred to the new proposal by DAG and stated that the basic problem which existed at the beginning continued to persist. The Delegation reiterated that it was not against implementing the third element of the CDIP's mandate. The Committee had already done so and was continuing to do so. It would suffice for delegations to propose specific subjects and items which could be taken up by the Committee. If a general agenda item was included, even if it was done only once just to see how it worked, the Committee would not know what was within. It would still be in the original situation. Delegations could prepare specific proposals for specific subjects. If there was agreement, the Committee would deal with them. There was no point in having an agenda item with a general title. Delegations did not know what would be done under that title. They would just continue to discuss the general title.

That would not be an efficient and effective way to work. The Committee already had a great deal of work.

366. The Chair invited the Secretariat to read out a draft decision paragraph on this item, given that there were no further observations from the floor.

367. The Secretariat (Mr. Baloch) read out the following, "The Committee discussed document CDIP/12/5 and CDIP/6/12 Rev. Divergent views were expressed by the various delegations. As mandated by the Assembly, the Committee decided to continue discussion on this issue at CDIP/13."

368. The Delegation of Brazil, speaking on behalf of DAG, sought clarification on whether the draft decision paragraph covered both issues, i.e. the coordination mechanism and the third pillar of the CDIP's mandate.

369. The Chair stated that it was on both because the last part of the mandate by the GA stated the following, "requests the CDIP to discuss these two matters during its Twelfth and Thirteenth Sessions, report back and make recommendations on the two matters to the General Assembly in 2014".

370. The Delegation of Brazil, speaking on behalf of DAG, found it really frustrating that after six sessions of trying to improve the discussion on IP and development, some delegations still believed that it did not deserve a rightful place. The Group had a proposal on the table. Some views were expressed on a few of the items. However, one of the items was not opposed. It could not see why the new item could not be included in the agenda for the next session. As mentioned by many delegations, the Committee had already started discussions on the MDGs and the international conference. Discussions on these items would continue in the next session. It did not understand why the Committee could not discuss these subjects under the new agenda item. The Group took note of the comments made on Program 18. The proposal did not involve the creation of a new reporting scheme. It merely requested information from the Secretariat. According to the draft Program and Budget for 2014/2015, the IP and Global Challenges Program "addresses innovation and IP at the nexus of interconnected global issues, in particular Global Health, Climate Change and Food Security. The focus on this intersection is guided largely by Member States as noted, inter alia, in the DA. These three subject areas have been chosen because developing countries face particularly acute challenges in these domains and because solutions from innovation-driven initiatives are feasible." The Group could not see why these items and inputs from the WIPO Seminar Series on the Economics of IP could not be discussed at least once under the proposed new agenda item. The experience would allow Member States to make an informed decision.

371. The Delegation of the United Kingdom believed that the draft decision paragraph was a fair summary of the situation. In light of the divergent views and the need to move forward in this session, the Delegation could go along with it.

372. The Delegation of Algeria, speaking on behalf of the African Group, shared the disappointment and frustration expressed by DAG. The Group proposed that the draft decision paragraph be amended to include a reference to the GA decision. In this context, the last sentence could be amended to read as follows, "In accordance with the decision taken by the GA in 2013 on CDIP related matters, the Committee will continue the discussion on these issues with a view to finalize the discussion on these matters".

373. The Delegation of the United States of America referred to the intervention by the Delegation of Algeria. The GA decision stated that the CDIP should report back and make recommendations. It did not state that the Committee would finalize the discussion. The Delegation was happy with the actual GA language. Thus, the decision paragraph could state

the following, “with a view to report back and make recommendations on the two matters to the General Assembly in 2014”. This was in accordance with the language in the GA decision.

374. The Chair stated that the draft decision paragraph would be revised to take into account the views that were expressed. He adjourned the meeting and informed delegations that the drafting committee would engage in informal discussions from 6pm to 9pm. Although some ground was covered, he felt that the pace was painstakingly slow, with delegations wanting to see their language reflected. If they continued on that path, not much progress would be achieved. Thus, he invited delegations to engage constructively in the drafting group. The main objective was to achieve consensus on the TOR.

AGENDA ITEM 7: SUMMARY BY THE CHAIR

375. The Chair invited the Committee to consider the Summary by the Chair. He understood all delegations had a copy. He reiterated his request for delegations to be helpful by not introducing new elements to the summary that were not critically important.

376. The Chair invited the Committee to consider paragraph 1. He stated that the paragraph was adopted given that there were no observations from the floor.

377. The Chair invited the Committee to consider paragraph 2. It was adopted given that there were no observations from the floor.

378. The Chair invited the Committee to consider paragraph 3. It was adopted given that there were no observations from the floor.

379. The Chair invited the Committee to consider paragraph 4.

380. The Delegation of the United States of America referred to the phrase, “projects under implementation and the 19 recommendations for immediate implementation”. It noted that the words, “for immediate implementation”, were new. The Delegation suggested that the phrase be modified to read as follows, “projects under implementation and the 19 Development Agenda Recommendations for immediate implementation”, if indeed those were the 19 DA recommendations that were starred in the initial 45 DA recommendations.

381. The Delegation of South Africa sought clarification from the Secretariat on when these 19 recommendations for immediate implementation were identified as such.

382. The Secretariat stated that the 19 recommendations were identified by the Committee at its first session.

383. The Chair stated that the paragraph would be revised to take into account the comments made by the Delegation of the United States of America, given that there were no further observations from the floor. He then turned to paragraph 5.

384. The Delegation of Brazil referred to sub-paragraph (i). It requested the sentence, “On this project some delegations raised concerns regarding the format of regional consultations”, to be included after “Project on Intellectual Property and Technology Transfer: Common Challenges – Building Solutions, contained in document CDIP/6/4 Rev”.

385. The Delegation of Algeria, speaking on behalf of the African Group, referred to sub-paragraph (iii). The Group would like the words, “subject to”, to be replaced with the words, “taking into account”, as there was a mechanism to ensure that resources were made available for CDIP projects.

386. The Chair stated that the paragraph would be redrafted, taking into account the comments made by the Delegation of Brazil and the Delegation of Algeria, speaking on behalf of the African Group. He invited the Committee to consider paragraph 6.

387. The Delegation of the United States of America referred to the last sentence in the final paragraph. It would like the word "agreed" to be replaced with the word "considered". The sentence would then read as follows, "In addition, the Committee considered the recommendation to have a Phase II of the Project on Capacity Building in the Use of Appropriate Technology". The Delegation believed it had intervened on this before.

388. The Chair stated that the change would result in a lack of clarity for the Secretariat. He would like to know whether the Secretariat should go ahead with preparations for Phase II of the project.

389. The Delegation of the United States of America stated that it was agreed that the Secretariat would prepare a proposal. Phase II would be considered when the document was presented. The Committee would then either agree or not agree on Phase II.

390. The Chair invited the Secretariat to make a drafting suggestion.

391. The Secretariat suggested the following, "In addition, the Committee agreed that the Secretariat should prepare a Phase II project on the subject matter and present it for consideration to the next session", which it believed was not very different from the proposal by the Delegation of the United States of America.

392. The Chair enquired as to whether that would be agreeable to the Delegation of the United States of America.

393. The Delegation of the United States of America agreed with the suggestion by the Secretariat.

394. The Chair stated that the Secretariat would revise the paragraph based on the proposal by the Delegation of the United States of America given that there were no further observations from the floor. He then turned to paragraph 7.

395. The Delegation of Egypt, speaking on behalf of DAG, requested the Secretariat to reformulate the paragraph to make it more factual. For example, it would like the agenda item, namely, the WIPO GA decision on CDIP Related Matters, to be stated. The Group would also like the paragraph to state that it had submitted a proposal for a new CDIP agenda item. Issues, particularly those that were subject to divergent views, could be explained in order for the paragraph to be more factual and understandable.

396. The Delegation of Germany believed there was a typographical error in paragraph 7 as it referred to documents CDIP/12/5 and CDIP/12/11. The Delegation believed that the latter should read as CDIP/6/12 Rev.

397. The Secretariat explained that the reference was correct as DAG had submitted a revised version of document CDIP/6/12 Rev. This was contained in document CDIP/12/11. Thus, document CDIP/6/12/Rev was superseded by that document. As such, the discussions that took place in the Committee were based on document CDIP/12/11 and not document CDIP/6/12/Rev.

398. The Delegation of the United States of America stated that document CDIP/12/11 was presented to the Committee that week. Thus, while DAG had requested for the paragraph to be

reformulated to include its submission, reference could be made to the fact that it had been submitted by the Group but was not officially discussed by the Committee as it just saw the document that week. The Delegation would prefer the paragraph to state that the Committee discussed documents CDIP/12/5 and CDIP/6/12/Rev. It could be stated in another sentence that DAG submitted a new document.

399. The Delegation of Brazil, speaking on behalf of DAG, understood that the Committee actually discussed the document. Many aspects were discussed. Some members of Group B had referred to the Group's proposal. Thus, the paragraph should refer to the document in order to be more factual. The Group would not mind if the paragraph stated that the document was presented during the session. However, it was a fact that the Committee had discussed the document.

400. The Delegation of Japan, speaking on behalf of Group B, stated that the Committee had discussed the document. However, as mentioned in its intervention on that item, the Group had presented its preliminary comments on that document. In that sense, some differentiation, as proposed by the Delegation of the United States of America, would be preferable in order for the fact to be properly reflected.

401. The Chair stated that the Secretariat would redraft paragraph 7 based on all the comments from the floor. He noted that there was consensus that the paragraph should be factual.

402. The Chair invited the Committee to consider paragraph 8. He declared the paragraph to be adopted given that there were no observations from the floor.

403. The Chair invited the Committee to consider paragraph 9. He stated that it was adopted given that there were no observations from the floor. He then turned to paragraph 10.

404. The Delegation of Egypt, speaking on behalf of DAG, requested the Secretariat to reformulate the paragraph to make it more factual. For example, it would like the issues discussed and the divergent views expressed on the idea of developing specific indicators to measure WIPO's contribution to the MDGs to be included. The Group would also like the word "agreements" in the phrase, "based upon the agreements amongst delegations on the content of the revised document", to be clarified to indicate what these agreements actually entailed.

405. The Delegation of Japan, speaking on behalf of Group B, was completely satisfied with the text prepared by the Secretariat on this item. The details would be reflected in the report for this session. It was not good to spend precious time to negotiate the text of the Chair's summary. The Chair's summary was the Chair's summary. Thus, the Group would like the language proposed by the Secretariat to be kept as it was.

406. The Delegation of Venezuela referred to paragraph 8. It recalled that the delegations of Argentina and Moldova had requested the Committee to contemplate the possibility of extending the project to other developing countries.

407. The Chair stated that the paragraph had already been adopted. He enquired as to whether the Delegation of Venezuela could agree to not reopen the discussion on the paragraph.

408. The Delegation of Venezuela agreed to not reopen the paragraph.

409. The Chair returned to paragraph 10 and noted that there were divergent views on the reformulation of the paragraph. Some delegations requested for it to be reformulated and some

others expressed satisfaction with the current text. He enquired as to whether the Delegation of Egypt, who had spoken on behalf of DAG, was still keen for the paragraph to be reformulated.

410. The Delegation of Egypt, speaking on behalf of DAG, stated that the meaning of the phrase, "based upon the agreements amongst delegations on the content of the revised document" was not clear. The Group enquired as to whether anyone in the room understood what it meant and could explain what agreements would be captured in the content of the revised document.

411. The Chair enquired as to whether the Secretariat could assist with this matter.

412. The Secretariat (Mr. Baloch) stated that the WIPO staff member who had responded to the questions during the consideration of this item was not in the room. However, it recalled a few points. First, in terms of the UN entities that were covered, some additional entities mentioned by a few delegations would be included. Second, an observation was made that the document was only based on publicly available information. Thus, the Secretariat would undertake direct contact with those agencies. Third, for other goals that were not covered in the document, there would be an executive summary which would also include WIPO's contribution to those MDGs. Those were the three points that came to mind. However, as stated by the Delegation of Japan, a record of the discussion would be included in the report for the session. The Secretariat stated that it would refer to the report for details of the relevant discussion whenever a document was prepared. Thus, the revised document would be based on the report.

413. The Delegation of the Islamic Republic of Iran supported the statement made by the Delegation of Egypt on behalf of the DAG. The paragraph was very vague. It was not clear how the document would be revised, what methodology would be used and what agreements were made.

414. The Delegation of Lithuania, speaking on behalf of the EU and its Member States, supported the proposal by Group B to leave the paragraph as it was, especially after taking into consideration the explanation provided by the Secretariat.

415. The Delegation of Brazil suggested a way to speed up the process. The explanation provided by the Secretariat on the common ground reached in the discussion on this item could be reflected in the paragraph. The Delegation understood the Committee had agreed on that. Thus, there should not be any problems for that to be written in a decision.

416. The Chair invited delegations to react to the proposal by the Delegation of Brazil.

417. The Delegation of Japan, speaking on behalf of Group B, appreciated the effort by the Secretariat to reformulate the Chair's summary. However, if it led to further negotiation, the current language should be kept, taking into account the explanation given by the Secretariat and the fact that this was a Chair's summary which could be prepared at the discretion of the Chair, but not the decision which would be the basis for further work.

418. The Delegation of South Africa stated that the paragraph would be much clearer if the elements mentioned by the Secretariat were included. What was agreed would be clearly spelt out. The paragraph as it stood was very vague because it merely stated, "based upon the agreements amongst delegations".

419. The Chair stated that there was support for the proposal to define the areas of agreement. He enquired as to whether the Delegation of Japan would still like the paragraph to be kept as it was.

420. The Delegation of Japan, speaking on behalf of Group B, preferred the language to be kept as it was, taking into account the fact that the explanation provided by the Secretariat would be included in the report. This would be made clear in the report without the need to reformulate the language in the Chair's summary which was prepared at the Chair's discretion. If the discussion was reopened, the Group would need to meet to think about extra language which should be inserted in the Chair's summary to make it more proper.

421. The Delegation of Brazil reiterated the understanding that decisions must be included in the Summary by the Chair. The Committee was facing problems in convening the conference on IP and development as it did not give the Secretariat a clear mandate to perform an activity. There were intensive discussions on that subject in the last session and it was agreed that Member States would have the final say. Nevertheless, many delegations stuck to what was written in the Summary by the Chair, irrespective of what was discussed and recorded. The points that were agreed must be included in order for the discussions in the Committee to be fruitful. The Delegation of Japan and the other members of Group B understood that there was agreement on some points. Thus, these should be put on paper. The Secretariat had provided a short explanation that would not take long to analyze if it was put on paper.

422. The Chair proposed that the Committee return to paragraph 10 after it had more time to reflect on how to move forward on this matter. He invited the Committee to consider paragraph 11.

423. The Delegation of Brazil referred to the last sentence in paragraph 11 and proposed that it be amended to read as follows, "Following the presentation of the proposals and an exchange of views, the Secretariat was requested to revise the document so as to improve the proposals and present them at the thirteenth session of the CDIP".

424. The Delegation of the United States of America stated that it was okay with the language as it read. However, in the spirit of compromise, the term "clarify" could be used instead of the term "improve".

425. The Delegation of Brazil stated that it could go along with the proposal by the Delegation of the United States of America.

426. The Chair stated that the paragraph would be revised accordingly. He turned to paragraph 12. He informed the Committee that the discussions on the Independent Review of the Implementation of the DA Recommendations that took place from 6pm to 9pm the night before were fruitful. Tangible progress was made. The intention was to finalize the discussions on this issue within the drafting group after the Committee finished considering the Summary by the Chair during the morning. He turned to paragraph 13 and recalled that the Committee had initiated discussions on this issue. Proposals were made. The Committee would need to resume discussions on this issue, hopefully in the beginning of the afternoon session. He then invited the Committee to consider paragraph 14.

427. The Delegation of Brazil referred to the first sentence in subparagraph (i) and suggested that it be amended as follows, "Took note of the Manual on the Delivery of WIPO Technical Assistance contained in document CDIP/12/7." The Delegation gave the reasons for the change. The document presented was a manual. The Committee was invited to take note of it. Some delegations made comments. Some expressed concerns on what was classified as cooperation for development in the manual. The Delegation understood that it was presented as an input from the Secretariat.

428. The Delegation of Georgia stated that the original sentence was very factual as the general attitude towards the manual was indeed satisfactory. The phrase, "and expressed satisfaction with the document", should be kept as it was a fact.

429. The Delegation of Egypt, speaking on behalf of DAG, recalled that some requests were made to publish the manual as a booklet. There were also some requests for it to be updated. The manual was not a static document. The Group would like these facts to be captured in subparagraph (i). It should also take into account the observation made by the Delegation of Brazil.

430. The Chair recalled that some delegations had requested for the manual to be printed. Other delegations highlighted that a printed document had fixed statistics. Thus, they would support the idea as long as the contents were continually updated by the Secretariat. He believed that these two ideas could easily be reflected in the paragraph as they were factual. He stated that the Secretariat would prepare a revised paragraph, taking into account the comments made by the delegations. He turned to paragraph 15 and stated that the Committee would continue discussions on this important issue in the afternoon. He then invited the Committee to consider paragraph 16.

431. The Delegation of Brazil referred to subparagraph (i) on the Study on Patents and Public Domain (II) and suggested that it could also be stated that some delegations had proposed the continuation of work on the study on patents and public domain. It would make it more factual as the Committee had discussed whether or not to continue with the study. With regard to the Scoping Study on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries, the Delegation would like further information on how the comments made by Member States would be implemented in the scoping study, whether the Secretariat had taken notes and if the study would be revised, taking into account the concerns raised by Member States.

432. The Delegation of the United States of America referred to the Study on Patents and Public Domain (II) and recalled that it had made comments. However, it did not recall other Member States making comments on the study. There were no requests from Member States for work to be continued.

433. The Delegation of Brazil stated that it may be mistaken but it understood that the EU and its Member States had made a proposal to enhance work in a specific area with respect to patents and public domain. Perhaps that could also be included in the Summary by the Chair.

434. The Delegation of Lithuania, speaking on behalf of the EU and its Member States, stated that it did not make an intervention on this subject.

435. The Delegation of the United States of America recalled that the Delegation and the Representative of the TWN were the only ones that made interventions on this subject. This was reflected in its notes.

436. The Delegation of Brazil stated that perhaps it had noted down the EU and its Member States instead of the TWN. The Delegation then referred to the Scoping Study on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries and reiterated the request it made earlier.

437. The Chair enquired as to whether the Delegation of Brazil had any language to propose.

438. The Delegation of Brazil suggested the following, "the Secretariat took note of comments made by the delegations in order to improve the scoping study".

439. The Delegation of the United States of America stated that the Delegation of Brazil may be confusing the particular studies that were discussed under this item with respect to the Scoping Study on Strengthening and Development of the Audiovisual Sector in Burkina Faso

and Certain African Countries. The Delegation believed that the delegations of Burkina Faso, Kenya, and a number of others raised their flags to express support and appreciation for the work that was done and to support the continued implementation of the project.

440. The Secretariat (Mr. Baloch) recalled that the Delegations of Senegal, Burkina Faso and Kenya had taken the floor on this item. The Delegation of Kenya made some comments on certain observations made in the study. The project was ongoing and the Secretariat had taken note of the comments made. It would pay due attention to the observations in the further implementation of the project.

441. The Delegation of Brazil would like the following sentence to be included, "The Secretariat took note of the comments made by Member States in order to continue implementing the project".

442. The Chair stated that the Secretariat would work on a revised paragraph to reflect the comments made by delegations and the explanation provided by the Secretariat. He invited the Committee to consider paragraph 17.

443. The Delegation of Egypt, speaking on behalf of DAG, sought clarification on the proposals and list of issues/documents referred to in the paragraph.

444. The Chair stated that these would be looked at in detail in the discussion on future work. Thus, he proposed that the discussion on this issue be postponed. He invited the Committee to consider paragraph 18. He declared the paragraph to be adopted given that there were no observations from the floor. The Chair turned to paragraph 19. It was also adopted given that there were no observations from the floor.

445. The Secretariat informed the Committee that the revised draft Summary by the Chair would be made available to Member States for their consideration after lunch.

446. The Chair invited the drafting group to continue examining the item on the Independent Review of the Implementation of the DA Recommendations in the informal session and requested delegations to continue with their constructive approach.

447. The Chair resumed discussions on the Summary by the Chair. He understood that delegations had copies of the new draft. The paragraphs in bold were approved by the Committee. Those in yellow needed to be discussed and decided. The paragraphs which were not in bold had been reformulated by the Secretariat based on the comments made by delegations. He invited the Committee to consider paragraph 7, the first of the reformulated paragraphs.

448. The Delegation of Germany believed there was a typographical error. It should refer to CDIP/6/12 Rev and not CDIP/6/11 Rev.

449. The Delegation of the United States of America referred to the last sentence, "The Committee decided to continue discussion on this subject at its thirteenth session with the view to reporting back and making recommendations on the implementation of the Coordination Mechanism". The Delegation would prefer the language to state, "Some delegations requested", as it believed that the Committee as a whole had not agreed on this.

450. The Delegation of Brazil stated that there was a bit of confusion in the second sentence. The comment made by the Delegation of Germany that it should refer to document CDIP/6/12 Rev instead of CDIP/6/11 Rev was correct. There was a typographical error as the second sentence referred to the new document. The Delegation suggested the following text, "Under Agenda Item 5, the Committee discussed the WIPO General Assembly decision on CDIP

related matters (CDIP/12/5) and the related documents CDIP/6/12 Rev. and CDIP/12/11.” It should be followed by a reference to the new proposal submitted by the Delegation of Egypt, as this would clarify that all three documents were discussed in the session. The Delegation referred to the last sentence and the comments made by the Delegation of the United States of America. It understood that the decision by the GA required the Committee to discuss the subject and make recommendations to the GA in 2014.

451. The Chair recalled that the decision of the GA included the following, “requests the CDIP to discuss these two matters during its Twelfth and Thirteenth Sessions, report back and make recommendations on the two matters to the General Assembly in 2014”. One of those matters was related to the Coordination Mechanism.

452. The Delegation of South Africa fully agreed with the Chair’s statement. The GA decision required the Committee to discuss these issues in its twelfth and thirteenth sessions and to make recommendations to the GA. The Delegation did not understand how the Committee would make recommendations to the GA if it did not discuss these issues in the next session. It was common sense to state that the Committee would discuss these issues in the next session. The Delegation believed that was the feeling in the room. If it was not mistaken, even the Delegation of Japan, speaking on behalf of Group B, made the comment that the Committee could discuss this in the next session and make recommendations to the GA.

453. The Delegation of the United States of America made two comments. The Delegation referred to the last sentence. When the Delegation made its comment asking for the wording to be changed to “reporting back and making recommendations”, it was referring back to the GA decision. In keeping with that, the sentence should state, “reporting back and making recommendations on the two matters”, and not on the implementation of the Coordination Mechanism at large in order to stick to the language in the GA decision on these matters. Its other comment was related to the discussion of document CDIP/12/11. The Delegation was not prepared to discuss that document because it was presented during the week of the CDIP session. There was inadequate time to review it, or consult its capital with regard to that document. Hence, it may be appropriate to state that some delegations discussed the document, but it would not be appropriate to state that it was discussed by the Committee.

454. The Delegation of the United Kingdom supported the statement made by the Delegation of the United States of America. It preferred to stick to the language in the GA decision in order for the language to be consistent. On document CDIP/12/11, the Delegation reiterated that it was submitted quite late. There was not enough time to really analyze it.

455. The Delegation of Egypt, speaking on behalf of DAG, noted that the text stated that a new proposal was presented to the Committee. It did not state that the proposal was discussed by the Committee. Thus, it was factual. The Group referred to the sentence beginning with, “The Committee decided to continue discussing this subject”, and proposed that the word “subject” be replaced with the words “agenda item” so as to refer to the agenda item. Perhaps that would clarify the issue for some delegations.

456. The Delegation of India proposed that the word “decided” be replaced with the words “will continue” as it was a fact that the Committee would continue the discussion on this agenda item in order to make recommendations to the GA in 2014.

457. The Delegation of Venezuela stated that a proposal was made although it was submitted late. The proposal was discussed by the Committee. A discussion did not require all delegations to make interventions. It had nothing to do with the number of delegations that made interventions. The proposal was discussed and it was decided that it would be considered at the next meeting.

458. The Delegation of the United States of America suggested that the language be simplified in order to find a path forward. The first sentence with the modification made with respect to the document number, as suggested by the Delegation of Germany, was just a point of information. On the second sentence, the Delegation stated that the Delegation of Egypt did indeed present the proposal to the Committee. However, the Committee did not discuss or consider the item, particularly given that the proposal was not made available in all of the WIPO languages. Therefore, the Delegation suggested that the last sentence be revised to read as follows, "The Committee will continue discussion at its thirteenth session."

459. The Delegation of South Africa stated that the GA decision required the Committee to continue the discussion on this agenda item, and to report back and make recommendations to the GA. The sentence, "The Committee will continue discussion at its thirteenth session", did not fully reflect what was requested of the Committee.

460. The Delegation of India reiterated its proposal. The rest of the sentence would remain as it was. Perhaps the Chair could enquire if delegations had any problems with the proposal. The Committee could agree on it if there were no objections.

461. The Delegation of Switzerland believed that all delegations agreed that the Committee must respect the terms of reference given by the GA. This could be reflected in the paragraph. Delegations also agreed that the new proposal by DAG was presented, and discussions would continue at the next session. Thus, the Delegation proposed that the third sentence be modified as suggested by the Delegation of the United States of America, "The Committee will continue discussion at its thirteenth session". The wording of the mandate given by the GA with regard to the coordination mechanism would then be included, either as a phrase or an additional sentence. The Delegation hoped that would address all the concerns and break the stalemate.

462. The Delegation of Egypt, speaking on behalf of DAG, agreed with the proposal by the Delegation of Switzerland. The Group proposed that the language in the decision by the GA be used. The decision stated that the CDIP would report back and make recommendations on the two matters to the GA in 2014.

463. The Chair noted that there seemed to be consensus that the language should be as close as possible to the decision of the GA. Thus, the paragraph would be reformulated along those lines.

464. The Delegation of the United States of America stated that if the last sentence simply stated "on the two matters" it could also be referring to the new proposal (CDIP/12/11). The two matters came directly from the GA decision, which was what the Committee wanted to reflect. However, it seemed strange as the two matters were not listed in paragraph 7. The Delegation would not like delegations to later state that one of the two matters on which the Committee was supposed to report back was document CDIP/12/11. Thus, it was necessary for the following to be stated, "requests the CDIP to discuss these two matters, as identified in the GA decision (CDIP/12/5), during its twelfth and thirteenth sessions, report back and make recommendations...", or for the sentence to be reformulated. The Delegation would like it to be clear that those two matters were the two matters in the GA decision. It believed the Secretariat could come up with some language in that regard.

465. The Chair invited the Committee to consider paragraph 10. He stated that the paragraph was adopted given that there were no observations from the floor. He turned to paragraph 12 and requested the Secretariat to read out a draft based on the outcome of the discussions in the drafting group.

466. The Secretariat (Mr. Baloch) read out the last sentence of the paragraph as follows, "The Committee decided to continue discussion on this matter based upon the draft terms of reference developed as the result of the informal negotiations during the present session".

467. The Delegation of Egypt, speaking on behalf of DAG, recalled the GA decision on the Coordination Mechanism which requested the CDIP to undertake an independent review of the implementation of the DA recommendations at the end of the 2012-2013 biennium. The Committee was supposed to decide on the TOR and the selection of the independent IP and development experts. However, as read out by the Secretariat, the Committee could not reach agreement on the TOR and the selection of the independent IP and development experts. It regretted the fact that agreement was not reached on those elements. The Group recalled that it had presented a joint proposal with the African Group in the eleventh session. It was and remained the only formal proposal on this item in the Committee's agenda. The proposal was in line with the importance attached by its members to the implementation of the decision by the GA. The Group welcomed the work of the drafting group. Progress was made on the background of the TOR as well as the scope and purpose of the Independent Review. However, progress was not achieved on issues relating to the methodology of the review, selection of the independent IP and development experts, and other related matters. A positive atmosphere had prevailed. Perhaps more would be achieved if the drafting group had more time to work. The Group highlighted the importance of implementing the GA decision. Decisions by the GA must be respected. It would be useful if intersessional work could be undertaken before the next CDIP meeting to conclude the TOR. The work could be guided by the Chair or the Vice-Chair in order for it to be completed. The review should be started as soon as possible, bearing in mind that the Committee would not be able to do so by the end of the 2012-2013 biennium, as requested by the GA.

468. The Delegation of Japan, speaking on behalf of Group B, stated that the Committee had started the discussion on the TOR for the independent review of the implementation of the DA recommendations. This meant that the Committee could undertake the independent review at this session, i.e. at the end of 2012-2013 biennium, as requested by the GA. At the beginning of the session, the Committee had a proposal on the elements but not the draft text, i.e. the whole picture of the TOR which could serve as the basis for the drafting exercise, although the proposal contributed to that exercise. The whole picture of the draft text of the TOR could be seen for the first time during the session as a result of the significant efforts of its members. Good progress was achieved under the time constraints in the intensive drafting session. The Group underlined the fact that the drafting group agreed on one of the most important and difficult parts, namely, the purpose and scope of the review. This was a significant achievement at this session which the Committee could be proud of. The Group was committed to continue engaging in this exercise with constructive and forward looking spirits. The Committee could continue the exercise and reach a tangible outcome at CDIP/13 by maintaining the positive atmosphere and momentum of the drafting session. With regard to the intersessional work proposed by the Delegation of Egypt, the Group stated that it could not go along with the proposal as the knowledge of development experts was required in the discussion. It was very difficult for their capital based development experts to engage in intersessional work in Geneva. Although the Group could not accept the proposal for intersessional work, it believed that a tangible outcome could be achieved through intensive discussions at CDIP/13.

469. The Delegation of Brazil associated itself with the statement made by the Delegation of Egypt on behalf of DAG. In CDIP/11, DAG and the African Group highlighted the urgent need for a decision on the definition of the TOR for the Independent Review of the Implementation of the DA Recommendations. They presented document CDIP/11/8 as the basis for the discussions. Unfortunately, some members only started to engage in the discussions in this session. The Delegation was disappointed with the outcome of the Committee's work on this issue.

470. The Delegation of Algeria, speaking on behalf of the African Group, stated that it was a great pity that the Committee had not been able to accomplish the task which was handed down by the GA in 2010. As of then, all delegations knew that the Committee had to undertake an independent review of the implementation of the DA recommendations at the end of the 2012-2013 biennium. Although this was known for more than two years, certain delegations felt that the exercise was so simplistic that it could be carried out through two days of consultations. The Group was not one of them. It had made a proposal in the previous session and had stressed on the need to start work. During the consultations, a lot of time was spent on details that did not really deserve such attention. That was a pity. The Group supported the proposal by the Delegation of Egypt, on behalf of DAG, for intersessional work to be undertaken. It would improve the understanding among delegations in order for work to be completed in the next session.

471. The Delegation of the United States of America stated that the Chair charted a course of action that it thought made a lot of sense. He suggested at the beginning of the week that because the Committee only had principles for a set of TOR, delegations should go into a drafting committee in order to draft those TOR. Details were exactly the point of a set of TOR. The Delegation had agreed with the Chair that this was a good idea and engaged quite constructively in that drafting session. Indeed, it had put together an entire proposal for a set of draft TOR. If other delegations preferred, the Delegation would be happy to submit that proposal, on behalf of the United States of America, as a formal CDIP document. In the spirit of cooperation, the Delegation had agreed with the Chair's suggestion that delegations go into drafting sessions. It participated quite actively and constructively in that session. The Delegation echoed the statement made by the Delegation of Japan on behalf of Group B, that the Committee had made a great deal of progress and charted out the first two paragraphs of the TOR. The Delegation hoped that when the Committee re-engaged in the thirteenth session, Member States would be prepared to finalize that draft set of TOR. The Delegation believed that good progress was made on which the new discussions could be based. However, it did not feel that this could happen in intersessional consultations because, as noted by the Delegation of Japan on behalf of Group B, many capital experts had attended and engaged quite actively in those discussions that week. They would not be able to do so in Geneva, in-between the two sessions of the Committee.

472. The Delegation of Cuba supported the statement made by the Delegation of Egypt on behalf of DAG and the statement made by the Delegation of Brazil.

473. The Delegation of the United Kingdom reiterated the statement it made during the informal consultations in order for it to be recorded. The Delegation believed that significant progress was made on this agenda item in this CDIP session. The complex review required clear and precise TOR. All delegations had worked hard to reach convergent points. The Committee had started work on the TOR. This fully complied with the mandate given by the GA for the Committee to undertake the independent review. The Delegation was confident that the Committee would conclude this important work in its future session. The Delegation also clarified that the draft TOR prepared by Group B only included basic principles. This was presented in the informal consultations during the session.

474. The Delegation of Lithuania, speaking on behalf of the EU and its Member States, recognized that the Committee had started to implement the task mandated by the GA. The EU and its Member States acknowledged the importance of the task. Considerable progress was made due to the constructive involvement of all delegations. They believed that agreement on important elements of the TOR had been found. It was confident that work would be successfully concluded in the next session.

475. The Delegation of Spain also hoped that work on the TOR would be completed in the next CDIP session. It understood the frustration felt by many delegations that it was not completed

in this session. The problem was not so much the lack of time. It would not be solved through an informal intersessional meeting. The Delegation believed that the problem was the working methodology which focused on lengthy negotiations on language, commitments and positions.

476. The Delegation of South Africa aligned itself with the statements made by the delegations of Egypt and Algeria on behalf of DAG and the African Group respectively. The task at hand was enormous. The Delegation raised the issue of the independent review at the tenth session. In that session, the Delegation requested the Committee to start discussing the TOR as it knew that the task was enormous. At the eleventh session, the African Group presented a proposal on the TOR and requested the Committee to undertake a preliminary discussion on the TOR. However, this was not done. Discussions on the TOR required a lot of effort. The CDIP also dealt with other agenda items. Thus, the Delegation supported the proposal made by the Delegation of Egypt on behalf of DAG, for intersessional work to be undertaken. As stated by the Delegation of Algeria, the intersessional work would not complete the TOR but an understanding could be reached. The TOR could then be adopted by the CDIP as per the decision of the GA.

477. The Chair stated that there was a proposal for intersessional work on this issue. However, it was opposed by other delegations. He sought the guidance of the Committee on the conclusion to this item. He invited the Delegation of Egypt to offer its opinion as it had made the proposal on behalf of DAG.

478. The Delegation of Egypt, speaking on behalf of DAG, stated that in making the proposal, its members were restating their commitment, readiness and availability to work day and night to finalize the TOR and the selection of the IP and development experts to undertake the independent review. Its members respected and adhered to the decision by the GA. They would engage their capital experts in the discussion and use IT resources, e-mail and other means of communication to keep them informed, involved and engaged in the work. The Group was ready to work on this issue. If the matter was deferred to the next CDIP session, it would be deferred for five or six months. The intersessional period could be a good time to evolve the discussion in order for the TOR to be adopted in the next session. By deferring the issue for five or six months, the Committee was also delaying the implementation of the GA decision. The Group left it to the Chair to determine the best approach to implement the decision. It was ready to work and hoped that all delegations would also engage, in good faith, in the exercise and involve their capital based experts through the various forms of communication. The Group clarified that its joint proposal with the African Group was a complete proposal, including the objective, scope and purpose, methodology, selection of experts, expected outputs and timeline for the independent review. Thus, it was much more than just basic principles. Delegations that would like to make a formal proposal should submit it to the Committee. The document should be made available to all delegations in order for them to engage on it.

479. The Delegation of Japan, speaking on behalf of Group B, reminded delegations of their experience in the informal session that was held before this session. Although communication tools were used to communicate with capital based experts, the discussion was not that useful compared to the intensive discussions that took place in the drafting group during this session. That clearly showed that the direct involvement of capital based development experts in the exercise was essential. Taking account of that fact, the Group would adhere to a discussion at CDIP/13 and not at an informal intersessional working group.

480. The Delegation of Indonesia aligned itself with the statement made by the Delegation of Egypt on behalf of DAG and supported the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation believed that the main problem in the formulation of the TOR was the inconsistency of many delegations in the discussions. The only CDIP document on the table was the joint proposal by DAG and the African Group. A document was then added by Group B during the informal discussion. In that discussion, the use of the words,

“evaluation”, “review” and “assessment” was found to be inconsistent. Further, the document by Group B referred to UN evaluation practices that failed to cover the general work of the CDIP. Thus, in the future work of the Committee, the Delegation wished more consistency in comments in order to facilitate discussions, understanding and flexibility. Lastly, the Delegation expressed its regrets that the Committee had not been able to finalize the process. It sought the guidance of the Chair on how the Committee could implement the mandate given by the GA.

481. The Delegation of Canada shared the views expressed by the delegations of Japan and the United States of America. The Delegation was frustrated but recognized that progress had been made. The agenda for the next CDIP session must be less heavy so as to give Member States as much time as possible to achieve this important task. This must be kept in mind in the discussion on future work.

482. The Delegation of Spain reiterated that it was not in favor of extra sessions. This was not because it did not give due importance to the issue. The Committee did not manage to deal with the issue at this session. It was really a question of attitude and not of time. The Committee met frequently and was more efficient when a clear time frame was established. Without it, the sessions were prolonged and there were other negative consequences. For example, although the Summary by the Chair was an important document, the draft had not been translated into other official languages for discussion.

483. The Delegation of Venezuela stated that the proposal by the Delegation of Egypt was important and also interesting. The Delegation of Japan may be right that the experts would not be around. Thus, an intermediate solution could be to convene an extraordinary session of the Committee for two to three days in February, for example, to discuss this issue and the experts could attend.

484. The Delegation of Trinidad and Tobago had listened carefully to the statements made by the various delegations. Perhaps some middle ground could be found as the Committee needed to fulfill the mandate given by the GA. In the period before the next session, it may be better to continue with informal consultations and not hold intersessionals per se among Member States just like what was done during that week. Sporadic consultations could take place so that some inroads could be made before the next CDIP session.

485. The Delegation of the Islamic Republic of Iran associated itself with the statement made by the Delegation of Egypt on behalf of DAG. According to the decision of the GA in 2010, the TOR and the selection of experts should be finalized by the CDIP at the end of the 2012-2013 biennium. The Committee was obliged to finalize it. The Delegation fully supported the idea of holding an intersessional meeting in order to fulfill the mandate given by the GA.

486. The Delegation of India referred to the proposal by the Delegation of Egypt on behalf of DAG and the proposal by the Delegation of Trinidad and Tobago. Perhaps the Committee could agree on some sort of informal consultation. Some work had to be done before the next session to avoid the possibility of not reaching consensus in the next session. Informal consultation was a normal channel of work in WIPO, particularly on very pressing or important issues.

487. The Delegation of Egypt, speaking on behalf of DAG, stated that it could be flexible with regard to the proposals by the delegations of Venezuela and Trinidad and Tobago. The Group had proposed intersessional work. Both proposals addressed that objective.

488. The Delegation of the United States of America stated that while it agreed that all delegations needed to go back to their respective capitals and work internally to come up with language for the next CDIP session, it did not agree with the suggestion of many delegations

that informal consultations or intersessionals of any sort should take place. This was an exercise which required everyone to be present. The Delegation thought the Chair's idea of holding a drafting session that week was very good. A way forward could be for delegations that had specific TOR proposals to provide those in writing as CDIP/13 documents well in advance of the session in order for delegations to come prepared to really engage and discuss the TOR rather than just notions or principles for the TOR.

489. The Chair requested the Delegation of the United States of America to restate its proposal on the way forward.

490. The Delegation of the United States of America stated that intersessional work and informal work would probably not help Member States to reach a conclusion. A drafting exercise required everyone to be present. Delegations that had specific TOR proposals, as opposed to just ideas behind the TOR, should submit them as formal proposals well in advance of the thirteenth session of the CDIP so that there was time for them to be translated and for delegations to consult with their respective capitals. Delegations could then engage in another active drafting session at CDIP/13.

491. The Delegation of Trinidad and Tobago stated that it could also consider the proposal by the Delegation of the United States of America. However, it did not want the idea of holding informal consultations to be ruled out. The missions in Geneva engaged with their respective capitals. Informal consultation was not a strange procedure in WIPO. Member States were allowed to engage in informal consultations, including with respect to certain issues related to this agenda item. The Delegation had attended most of the sessions that week and believed they were quite productive. If the Committee continued along those lines, some inroads or progress could be made before the next CDIP session. Thus, the idea should not be immediately ruled out.

492. The Delegation of Venezuela reiterated its suggestion to hold an extraordinary session before the next session to solely discuss this issue. All the Member States could attend. The issues would be resolved. The last proposal by the Delegation of the United States of America on submitting proposals ahead of time would only complicate matters as it would add more documents and not lead anywhere. The Delegation of Japan, speaking on behalf of Group B, had proposed the participation of experts. The Delegation of the United States of America had also referred to it. The convening of an extraordinary session prior to the thirteenth session was the best way to resolve these issues. The experts would be present and the issues could be resolved without the need to add more paper.

493. The Delegation of China found the proposal by the Delegation of Trinidad and Tobago to be very constructive and hoped the Committee would give it serious consideration.

494. The Delegation of Japan, speaking on behalf of Group B, highlighted the need to think in the whole context of WIPO. The Group understood the importance of allocating enough time to discuss this matter. By deferring some agenda items to a later stage, more time could be allocated to the discussion on this issue at the next CDIP session. The meeting should be organized efficiently and effectively, taking into account the prioritization of work within a limited time, and paying attention to the whole context of WIPO activities.

495. The Delegation of Egypt, speaking on behalf of DAG, pointed out that the problem was not the Committee's agenda. The GA issued the decision in 2010. A formal proposal was presented in the last session. The Committee was supposed to undertake the review in this biennium. It was delaying the whole issue until the next biennium. The Group hoped that it would not take the whole of the next biennium to discuss the TOR and the experts. The Committee must work hard to achieve this task to respect the decision by the GA. If the Committee was unable to undertake the review at the end of this biennium, it should do so in

the nearest possible time. This required the Committee to start work on it as soon as possible. The issue was not the Committee's agenda. The Committee must start work on this issue as soon as it could to demonstrate that it was faithfully implementing the decision by the GA. The Group reiterated its support for the proposal by the Delegation of Trinidad and Tobago which was supported by the Delegation of China. It also supported the proposal by the Delegation of Venezuela. The Group hoped that the Committee could reach consensus on one of those proposals.

496. The Delegation of South Africa referred to the concerns raised by Group B with regard to the participation of their experts in intersessional meetings. As their experts would not be available for those meetings, the Delegation proposed that the duration of the next CDIP session could be extended to seven or eight days. Two days would be allocated to specifically discuss the TOR. The rest would be devoted to discussing other items on the Committee's agenda. That could be a further option.

497. The Delegation of the United Kingdom stated that it was dedicated to fulfilling this mandate and continuing with the TOR, especially after the hard work done by delegations in this session. The Delegation proposed a compromise. The Secretariat could be requested to take on board the work that was done in the drafting sessions and the decision reached at this point. Delegations would be given a set time to submit comments. The Secretariat could then continue with the drafting of the TOR and submit it for consideration at the next session.

498. The Delegation of the United States of America supported the proposal by the Delegation of the United Kingdom.

499. The Chair requested the Delegation of the United Kingdom to repeat its proposal for the sake of clarity.

500. The Delegation of the United Kingdom stated that good work was done in the drafting sessions. The spirit was very constructive in those sessions. The Delegation believed that a good compromise would be for the Secretariat to take the decision from the drafting sessions of the TOR as it stood and give delegations a certain amount of time to submit additional comments on how the TOR should be concluded. The Secretariat would then continue with the drafting of the TOR. The document could be discussed at CDIP/13.

501. The Delegation of Germany supported the proposal by the Delegation of the United Kingdom. It was a pragmatic way forward. The Committee required a draft text as a basis for the discussions. The Committee had the proposal by Group B and the joint proposal by DAG and the African Group. However, progress was slow. Thus, if the Secretariat was requested to continue work on what had been achieved with additional comments from delegations, it would certainly speed up the discussions.

502. The Delegation of Greece was also of the opinion that substantive progress was achieved. It supported the proposal by the Delegation of the United Kingdom.

503. The Delegation of Brazil sought clarification from the Delegation of the United Kingdom on the value of its proposal as delegations could already submit comments to the Secretariat for circulation to all Member States. Informal consultation was a possible compromise. The proposal by the Delegation of Trinidad and Tobago was the best way forward. The Committee was not discussing a treaty. It was discussing the TOR for the Independent Review. It was only natural for delegates in Geneva to gather and discuss the matter in order to produce some results and to prepare work for the next CDIP session.

504. The Delegation of France endorsed the proposal by the Delegation of the United Kingdom.

505. The Delegation of India referred to the proposal by the Delegation of the United Kingdom. It understood that the Secretariat would be requested to compile the work that was done. Thereafter, it would seek inputs and comments from Member States. As highlighted by the Delegation of Brazil, these were not treaty negotiations. It was suggested that participation in person was required in the drafting group. This approach would not lead to a fruitful conclusion. It would just complicate matters rather than provide a solution. Delegations could agree to hold one or two informal meetings with the participation of Geneva-based delegates. Countries could seek inputs from their respective capitals on the TOR. All delegations could contribute to the TOR. It was a simple and precise document. The Delegation reiterated that these were not treaty negotiations.

506. The Chair invited the Delegation of the United Kingdom to respond to the requests for clarification from the delegations.

507. The Delegation of the United Kingdom stated that this was an extremely important document. The Delegation wanted to try and progress with it as much as possible in preparation for the next CDIP session. If the work that was done in the drafting sessions could be collated and comments were submitted by delegations that wished to do so, the Secretariat with their experience and expertise in drafting such documents could take on board all the different views and draft a balanced and objective document. The discussions in the next session could then be based on the document.

508. The Delegation of Trinidad and Tobago believed that the proposal by the Delegation of the United Kingdom could work in tandem with an informal procedure or informal consultations. After all the inputs were obtained, delegations could engage in informal consultations to discuss them in small numbers. The Delegation believed that the informal sessions conducted that week were good. The procedure was not peculiar to WIPO. It was used in various committees. As the coordinator of GRULAC, most of the Delegation's time was spent in informal consultations. It was not new to the Organization. It was something that could be considered. The Delegation also believed that Member States, especially DAG and the African Group, wanted to keep this issue on the front burner in order for it to be on the minds of all delegations. The Delegation believed that informal consultation was the way forward.

509. The Delegation of India referred to the proposal by the Delegation of the United Kingdom. It understood that the expertise of the Secretariat could be used to guide the process. However, thus far, delegations had not relied on the expertise of the Secretariat to guide the process. It was led by the proposals from Member States or groups. The Committee seemed to be considering some other methods. The Delegation was not comfortable with that.

510. The Delegation of Japan, speaking on behalf of Group B, supported the proposal by the Delegation of the United Kingdom. The Group observed that the discussions in the drafting exercise held during that session sometimes went round and round. The Secretariat's knowledge and sense of balance was essential. Thus, the Group welcomed more involvement by the Secretariat in the process. In this regard, the proposal by the United Kingdom was the most effective and efficient use of time in the intersession. The Committee could discuss the issue in a more constructive and effective manner at CDIP/13 on the basis of that text.

511. The Delegation of Spain found the proposal by the Delegation of the United Kingdom to be sound. A compilation of work done would help to identify, simplify, merge and collate the proposals on the table. Delegations would be more prepared for the next session and time could be saved in the negotiating exercise. The Chair could assist the Committee if some delegations believed that the Secretariat should not carry out this exercise. Perhaps there could be a document from the Chair.

512. The Delegation of Egypt, speaking on behalf of DAG, enquired as to whether the Secretariat had a draft template for the TOR, in particular, the TOR prepared for the last review that took place on a CDIP related matter. Perhaps that could be made available to the delegations in order for it to be considered with the document that they had been working on for the last three days and the formal proposal by Member States.

513. The Delegation of the Islamic Republic of Iran supported the statement made by the Delegation of Egypt on behalf of DAG. It believed that the proposal by the Delegation of the United Kingdom would not help to facilitate the work of the CDIP on completing the TOR.

514. The Delegation of Venezuela referred to its proposal and stated that there had been no objections to it. The proposal took into account the proposals from both parties. It did not know why the Committee had moved on to discuss the proposal from the Delegation of the United Kingdom. The Committee continued to discuss it when half the room was opposed to it. Perhaps the Chair could enquire as to whether anyone was opposed to its proposal. If there was no opposition, the Committee could move ahead with the proposal.

515. The Chair understood that there was an objection to the proposal.

516. The Delegation of Venezuela stated that it may be that the objection was raised when it left the room to get some water. It would like the delegation that had opposed the proposal to restate its objection.

517. The Chair enquired as to whether there was support for an extraordinary meeting of the CDIP to be held ahead of the next CDIP session.

518. The Delegation of Japan, speaking on behalf of Group B, reiterated that it could not accept extending the period of the next session or to add an extraordinary session to the next session.

519. The Chair requested the Secretariat to respond to the query by the Delegation of Egypt.

520. The Secretariat stated that the last TOR for such a review were those for the review of WIPO technical assistance. This was mentioned in the informal consultations. The TOR were included in document CDIP/8/INF/1. The DA Coordination Division was not aware of a model TOR. The IAOD or the Program Management and Performance Section may have standard TOR that they modified to suit each case. If the Secretariat was to be given this responsibility, it would need to pull resources from the other concerned divisions within the Organization to try and respond to the request.

521. The Delegation of Georgia was ready to facilitate the process for reaching consensus. Delegations should not dwell on unimportant details of the draft text, and work in a constructive and cooperative spirit. The drafting group sessions already indicated some convergence and potential for agreeing on the text. The Delegation was flexible on the way forward for finalizing the TOR as long as an agreement was reached by other delegations on this matter.

522. The Delegation of Venezuela noted that Group B was opposed to its proposal. Although the Delegation accepted the Group's response, it was far from convincing. The Delegation believed the Group had no desire to move ahead.

523. The Chair invited the Vice-Chair to temporarily preside over the meeting as he had to leave the room for ten minutes.

524. The Vice-Chair resumed the discussions. She noted that several suggestions were put forward. However, Group B was not in favor of an extraordinary CDIP session or informal

consultations. She enquired as to whether the Group could be flexible on either of those, or if they were absolutely unacceptable.

525. The Delegation of Japan, speaking on behalf of Group B, reiterated that an extraordinary session or extension of a session would not be a useful way to reach a final agreement on the TOR. The Group strongly believed that the proposal by the Delegation of the United Kingdom was a more efficient and effective way to continue work in order to reach agreement on the TOR. That was its position.

526. The Vice-Chair enquired as to whether the African Group or DAG could take into consideration the proposal by the Delegation of the United Kingdom and perhaps build on the work in the drafting session. There were already some points of convergence and a spirit of agreement at some point. Agreement was almost reached. However, it was not possible in the end. Perhaps the Secretariat could redraft the text based on what was already achieved and submit it before the next CDIP session in order for the delegations to reflect on it.

527. The Delegation of Egypt, speaking on behalf of DAG, welcomed the outstanding role by the Secretariat. Building on the proposal by the Delegation of the United Kingdom, the Group stated that the Secretariat could assist the process by making available the TOR for the last review that was conducted to serve as a reference for all delegations. The Secretariat could also expound on the missing elements of the negotiated text, especially with regard to the budget and timeline for the review. That would certainly help and add to the process. The Group referred to the proposal by the Delegation of Spain for a Chair's document to be provided. If such supporting documents could be provided to Member States, they could engage in some kind of informal discussion on the documents in preparation for the next CDIP session. The Committee would then be building the blocks for implementing the GA decision. The end result would be to implement the decision in the nearest possible time as the Committee was not able to do so in the timeline stated in the decision. There should be no further delays in the process. The Committee must start implementation as soon as possible as it was not able to do so in this biennium.

528. The Vice-Chair requested the Secretariat to reflect on whether and when it would be able to provide a document built on what was already agreed at the informal drafting sessions. Perhaps the Secretariat could also suggest another way forward.

529. The Secretariat (Mr. Baloch) stated that it could provide a draft. However, the Secretariat also recalled that it had raised the issue of whether it had the necessary guidance to produce a draft. In the eleventh CDIP session, the Secretariat was asked to come up with draft TOR. In reply, the Secretariat had stated that the guidance of Member States was required in order for it to do so. Divergent views were expressed throughout the session. Although the Secretariat could produce a draft, it may not meet the expectations of Member States if clearly articulated principles and detailed information were not provided.

530. The Vice-Chair stated that there was consensus on an important section of the draft TOR, namely, the scope and purpose of the review. Perhaps that could guide the Secretariat to develop a further document.

531. The Delegation of Algeria, speaking on behalf of the African Group, assured the Secretariat that it would not draft TOR for the Member States. The Secretariat could guide them on the budget and timeline for the review. However, the key elements should be in the hands of the Member States. This was recognized by the Secretariat. The TOR should be guided and drafted by the Member States. The Group was open to other suggestions.

532. The Vice-Chair enquired as to whether delegations would be comfortable with a Chair's document. The Chair or Vice-Chair could produce a new document which could be discussed. She sought the Committee's guidance on the way forward.

533. The Delegation of Venezuela stated that the Secretariat's explanation was perfectly reasonable. The Secretariat could not draw up the TOR without clear guidance from the Member States. The objectives were not clear as the opinions and comments of Member States differed. Whatever the Secretariat produced would complicate the discussion at CDIP/13 as the document would be based on its interpretation of the comments which were translated into the official languages. The Secretariat required clear guidance on how to draw up the TOR.

534. The Delegation of the United Kingdom clarified that its proposal did not give the Secretariat the role to prepare the TOR as such. The lead role in the process was still in the hands of the Member States. There were two reasons for this. First, it was proposed that Member States would submit their comments. Second, the final decision would be made by Member States. It was up to them to discuss and modify whatever the Secretariat would come up with to facilitate the process. It was the Member States that would agree on the TOR. The Delegation requested the Delegation of Egypt to repeat its latest proposal on behalf of DAG.

535. The Delegation of Egypt, speaking on behalf of DAG, recalled that it had requested the Secretariat to make available the TOR for the last review. The Secretariat could also provide their views and inputs on the budget and timeline for the review based on the experience of the last review. The Secretariat could make those documents available to the delegations. They could then make good use of the Vice-Chair's kind efforts to start work on this issue in preparation for CDIP/13.

536. The Delegation of the United States of America supported the idea that the Chair or Vice-Chair could put together a document based on the consensus that was built with respect to both the background and the scope and purpose of the TOR in the drafting session. As an alternative, the Delegation also supported the proposal by the Delegation of the United Kingdom that the Secretariat provide a compilation of materials for the consideration of Member States. The Delegation would certainly provide its submission or proposal to the Secretariat for that compilation. Should the Secretariat indeed put together that compilation, the Delegation recommended that the Secretariat look at the most recent review or evaluation that was performed for the Committee which was much more recent than the document referred to by the Delegation of Egypt. There was a set of TOR in document CDIP/12/4. The Delegation recommended that all Member States take a look at that document as well. The Delegation believed the Committee had a way forward with respect to the background and scope and purpose of the TOR. It was open to the idea mentioned by the Delegation of Egypt with regard to the Secretariat providing further information on budget and timeline.

537. The Vice-Chair enquired as to whether the delegations could be agreeable to what was just mentioned by the delegations of Egypt and the United States of America on the compilation of materials and for the Secretariat to also provide guidance on the budget and timeline for the review. The Chair or Vice-Chair could provide a draft if required to do so.

538. The Chair returned to preside over the meeting.

539. The Delegation of Brazil explained its position. A compilation of the information and positions of countries on its own would not necessarily help the Committee to get closer to an agreement. This exercise was conducted on the issue of external offices in WIPO. It would only work if informal consultations were held to narrow down the proposals and find a compromise. The Delegation referred to the proposal by the Vice-Chair. She could facilitate the process by bringing together the positions of countries. Perhaps that could be the way forward. A text could be provided by the facilitator as the basis for the discussion in the next CDIP session.

The compilation would only add value to the Committee's work if informal consultations were conducted to find common ground.

540. The Chair enquired as to whether delegations were comfortable with the proposal by the Delegation of Georgia.

541. The Delegation of Algeria requested the Delegation of Brazil to repeat its proposal.

542. The Delegation of Brazil stated that the idea was to rely on the kind offer of the Delegation of Georgia as Vice-Chair. She would compile the versions and try to find common ground in the positions of countries. The text would be the basis for work in the next CDIP session. It would be a working document for the next CDIP session. If the Committee was to build on the proposal by the Delegation of the United Kingdom, informal consultations would be required, as mentioned by the Delegation of Trinidad and Tobago. In a nutshell, since agreement could not be found, the Committee could accept the offer by the Delegation of Georgia.

543. The Delegation of India supported the Vice-Chair's offer to facilitate discussions or consultations during the intersession. It preferred to continue the discussion in that manner in order to get closer to an agreement before the next session. The format could be further discussed and decided.

544. The Delegation of Spain referred to the proposal by the Delegation of Brazil on a working document. It was a very good idea. Perhaps the Delegation of India had stated something different. The Delegation could support the proposal if it did not include intersessional meetings.

545. The Delegation of Egypt, speaking on behalf of DAG, referred to the offer by the Vice-Chair. The Group understood she had offered to act as a facilitator and conduct consultations in order to build on the text that was discussed, especially with regard to continuing with the remaining elements such as the methodology, selection of experts, timeline and budget for the review. The text would be made available to delegations in CDIP/13. The offer by the Delegation of Georgia was very good. The Group noted that the Committee had yet to discuss other pending issues, including the International Conference on IP and Development and the External Review of WIPO Technical Assistance in the Area of Cooperation for Development.

546. The Delegation of the United Kingdom referred to the offer by the Delegation of Georgia as Vice-Chair. Taking into account that there were still pending issues on the agenda and the late hour, the Delegation supported that way forward and to work on the Vice-Chair's proposal at the next session of the CDIP.

547. The Delegation of the United States of America requested other Member States to provide their submissions to the Vice-Chair or Secretariat well in advance of the next session in order for the Committee to decide on this item during that session and move on to the many other items on the agenda.

548. The Delegation of Japan, speaking on behalf of Group B, believed that a consolidated text would be one of the most effective and efficient ways to facilitate the discussion at CDIP/13.

549. The Delegation of India understood that the Vice-Chair had offered to compile a text to facilitate consultations in the intersession. However, it now appeared that the text would be compiled only for discussion in the next CDIP session. If that was the case, it would not be a good idea to give the Vice-Chair the task of compiling the comments or inputs by the Member States. That could easily be done by the Secretariat. There was no need for the Vice-Chair to be involved.

550. The Chair requested the Delegation of Georgia to clarify the process.

551. The Delegation of Georgia was ready to redraft, compile and work on a new draft text based on what was agreed and taking into consideration the compilation of documents to be furnished by the Secretariat. It would work on a single document which would be considered by the CDIP. It would not be possible to hold intersessional meetings as there were clear objections from the members of Group B. They and their capital-based experts were not ready to meet informally before the next session. However, the Delegation was flexible in terms of the format. It could work on a new text that would be a starting point for the discussion in the next session.

552. The Delegation of Brazil understood that the Committee could agree on the proposal by the Vice-Chair. She would draft a text and it would be the basis for the discussion in the next CDIP session. It would help to speed up the discussion and perhaps a decision could be reached early in the next session. The Delegation's first preference was the proposal by DAG. It could be flexible and accept the proposal by the Delegation of Trinidad and Tobago. However, in the spirit of compromise, the Delegation could support the proposal by the Vice-Chair as the way forward.

553. The Delegation of Egypt, speaking on behalf of DAG, stated that the process was clear following the clarification provided by the Delegation of Georgia. The text should reflect the views of all delegations. The Vice-Chair could meet with delegations in the intersession. Delegations that did not want to meet with the facilitator were free to do so.

554. The Delegation of India stated that the draft text to be prepared by the Vice-Chair could be seen as a text by the Delegation of Georgia text if other delegations were not involved. The Delegation believed it was not meaningful for the Vice-Chair to attempt something which would not be acceptable. Thus, it would be better for the Secretariat to compile all the comments and inputs provided by Member States. The Committee could not embark on intersessional work if there was no agreement for it to do so.

555. The Delegation of Venezuela stated that the proposal by the Delegation of Georgia seemed to be easy. It would work on a compilation. The Delegation could not understand why informal meetings could not be held to achieve progress. This was done all the time with regard to the rotation of the Chair. The delegates were in Geneva. They received orders and attended meetings. They engaged in consultations. However, they could not do so on this subject. They would meet in the next CDIP session. The Delegation believed that progress would not be made in that session as there was no will to achieve progress.

556. The Delegation of the Russian Federation stated that it was extremely important to conserve the results of the work done during the session. It would be useful to keep the points on which consensus had been reached in the document. The Chair or the Secretariat could draw up a compilation that would reflect all views. In terms of finding a compromise on the methodology for future work, the Delegation found the proposal by the Delegation of Egypt to be quite interesting. It understood that the Delegation of Egypt had proposed that the Chair or the Vice-Chair should act as a facilitator. Interested delegations could contribute to the document which would be drawn up by the Chair or the Vice-Chair. The document would then reflect the positions of the Member States to some extent. The document would be received by the next session of the Committee. It would help the Committee to make progress if delegations were able to receive a single document that would take into account, to some extent, the views of the Member States or groups on this matter. The Committee would not need to then spend much time on this in the next session. Member States could provide inputs during the intersession. The Delegation was flexible on that and could go with the proposal put forward by the Delegation of Egypt.

557. The Delegation of Trinidad and Tobago reiterated that it had tried to find some middle ground. It had earlier accepted to work with the proposal by the Delegation of the United Kingdom. However, it reiterated that informal consultation was a norm in WIPO. It was normal to try to resolve this issue through such consultations. The Delegation had witnessed it in almost every single normative committee in the Organization. The delegations of Brazil, China, India, Venezuela, and DAG were just a few of those that supported its proposal. The Delegation would like to know if there were any definite objections to the proposal as informal consultations were normal in WIPO. It did not understand why any delegation would object to the proposal as it was a practice that was normally used in the Organization.

558. The Delegation of Morocco supported the proposal by the Delegation of Georgia. It preferred to work on a text that was a compilation of the comments and opinions of the Member States. The text should be sent out as soon as possible in order for all interested delegations to comment on it before submitting the last draft to the next CDIP session.

559. The Delegation of Algeria supported the statement made by the Delegation of Egypt. The proposal by the Delegation of Egypt was an acceptable compromise.

560. The Delegation of Brazil reiterated that it shared many of the concerns raised by the Delegation of Egypt and others. It shared the understanding that intersessional work was needed. Nonetheless, it could demonstrate flexibility. Perhaps the middle ground could be to follow the same method that used for this session. An informal meeting was held in the week before the session. The Vice-Chair could provide her version of the working document in that session. Delegations could then start work and prepare for the CDIP session.

561. The Delegation of Ecuador had listened very carefully to the discussion and believed that consensus could be achieved with the Chair's guidance based on the proposal by the Delegation of Egypt. It was clear and there were no objections to it. No delegation had opposed the suggestion by the Vice-Chair that she could facilitate a compilation of the various proposals in order to start a process of consultations which was a usual practice in the Organization. The consultations would involve delegations that were interested to take part. The purpose would be to develop a document on which work would begin in the next CDIP session.

562. The Delegation of the United States of America requested for a few minutes to consult.

563. The Chair resumed the discussions. He understood that the break and the consultations were useful and allowed for a compromise to emerge.

564. The Delegation of Japan, speaking on behalf of Group B, referred to its internal consultations. The Group had decided to show maximum flexibility, taking into account the strong demand from some groups for informal consultations to be held. The Group proposed a draft decision paragraph which read as follows, "The Committee decided to continue discussion on this matter at its 13th session based upon a Chair's text of TOR that reflects both the consensus achieved in informal negotiations held during this session and the Secretariat's input on budget and timeline. Member States are invited to submit their comments by the end of January 2014. The Secretariat will facilitate one informal meeting prior to the 13th session. During the 13th session of the CDIP, sufficient time will be allocated to discuss this item." Taking into account the situation and the late hour, the Group requested other groups to also show maximum flexibility on pending issues that would be discussed after this agenda item.

565. The Delegation of Egypt, speaking on behalf of DAG, requested for a copy of the proposed text as it was not able to note down all the elements.

566. The Delegation of Japan stated that the Secretariat had taken a copy in order for it to be distributed.

567. The Vice-Chair resumed the discussions. She stated that a decision was reached on paragraph 12 of the Summary by the Chair. This was as follows:

“The Committee discussed the Independent Review of the Implementation of the Development Agenda Recommendations as requested in the Coordination Mechanisms and Monitoring, Assessing and Reporting Modalities (WO/GA/39/7, Annex II). The Committee decided to continue discussions on this matter at its 13th session, and sufficient time will be allocated to finalize the Terms of Reference. To this end, Member States are invited to submit comments by the end of January 2014. The CDIP requests the Chair to prepare draft Terms of Reference based on the consensus achieved during the informal negotiations held during the twelfth session, the comments received, and the Secretariat’s input on budget and timeline. The CDIP further requests the Chair of CDIP to hold one informal consultation to discuss the draft Terms of Reference prior to the 13th session.”

568. The Delegation of Belarus, speaking on behalf of CEBS, endorsed the proposal. It hoped that other groups could also do so.

569. The Chair stated that the decision paragraph was adopted given that there were no objections from the floor. He then referred to the two remaining issues on the agenda, namely, the External Review of WIPO Technical Assistance in the Area of Cooperation for Development and the International Conference on IP and Development. He proposed that the consideration of those issues be deferred to CDIP/13 as the Committee would not be able to achieve consensus in a reasonable time.

570. The Delegation of Japan, speaking on behalf of Group B, supported the Chair’s proposal.

571. The Chair stated that the proposal was adopted given that there were no objections from the floor. He then invited the Committee to examine paragraph 14 of the Summary by the Chair. It was reformulated by the Secretariat based on the comments made by delegations.

572. The Secretariat (Mr. Baloch) referred to a minor change in paragraph 14. Sub-paragraphs (iv) and (v) should be renumbered as (i) and (ii). The Secretariat then referred to what appeared as sub-paragraph (v). The following was added at the request of delegations, “The Secretariat took note of the comments made by Member States, in particular with regard to publishing the manual as a booklet and continue to update its content”.

573. The Chair stated that the paragraph was adopted given that there were no observations from the floor.

AGENDA ITEM 6: FUTURE WORK

574. The Chair invited the Secretariat to read out a list of issues or documents for the next session.

575. The Secretariat (Mr. Baloch) stated that it had a list of documents or issues. However, it may be better for the Committee to indicate to the Secretariat how much time would be required to discuss certain agenda items. During the meeting, it was mentioned on many occasions that adequate time should be devoted to the issue of the Independent Review. The Secretariat requested the Committee to indicate how much time was envisaged to be spent on the question of the Independent Review; the External Review of WIPO Technical Assistance; and the GA's decision on CDIP matters. The Secretariat believed that each of those issues would require more than half a day, perhaps two-thirds of a day. Thus, two days would be devoted to them. If

this view was shared by delegations, the Secretariat could propose a list of other issues for the remaining part of the next CDIP session.

576. The Secretariat (Mr. Baloch) stated that it had a brief discussion with the Chair. He felt that two and a half days would be required on those issues. The Secretariat stated that it would read out a list and seek the Chair's guidance after the meeting on how much time would be required for each of the documents and for the list to be adjusted accordingly. The Secretariat read out a list of items that may be included for the next session as follows:

- (i) The Director General's Report on Implementation of the DA;
- (ii) The WIPO General Assembly Decision on CDIP related matters;
- (iii) The International Conference on IP and Development;
- (iv) The External Review of WIPO Technical Assistance in the Area of Cooperation for Development;
- (v) Evaluation reports on four to six projects that were nearing completion;
- (vi) The Proposal by the Delegation of Egypt on a Project on IP and Tourism. The Secretariat would work with the Delegation on a CDIP document for this proposal;
- (vii) A Proposal for Phase II of the Project on Capacity Building in the Use of Appropriate Technology – Specific Technical and Scientific Information as a Solution for Identified Development Challenges;
- (viii) An Evaluation report on the Project on IP and Economic Development. The project would soon be concluded. A second phase may be proposed depending on the external evaluation of the project;
- (ix) A document on two IP-related flexibilities. In its 10th session, the Committee identified two areas of flexibilities. A document on them would be presented at the next session. The Committee may also want to continue discussions on other areas of flexibilities;
- (x) The Implementation Proposal on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content. The Copyright Division had undertaken to revise the document to change its scope; and
- (xi) Studies on IP and economics. There may also be some studies from other projects. The Secretariat stated that the list was long and would seek the guidance of the Chair on the work and documents for the next session.

577. The Chair noted that there were no observations from the floor. He asked the Secretariat how much time it would need to produce a clean draft of the Summary by the Chair.

578. The Secretariat stated that the English version would be available the following afternoon. The versions in other languages could be available by the end of that day.

579. The Chair and the Secretariat thanked everyone for their participation and work during the session.

General Statements Submitted by Delegations in writing

580. The Delegation of Algeria, on behalf of the African Group, submitted the following written statement:

“In changing world where the impact of the knowledge and skills economy is supplanting the tangible economy, and where IP has become a generator of growth and development, WIPO sits at an unavoidable intersection of the global economic system. IP would remain the vehicle of progress and socio-economic advancement as long as development is a strategic priority for WIPO.

“The IP system must be based on a development dimension to reduce the gap between developed and developing countries. Our century is the century of knowledge, such a knowledge that must be shared for the purpose of promoting the well-being of all and not monopolized for technological dominance by some. This system can be an asset and should not be a constraint for our country.

“The best way to ensure that Development dimension is a priority within WIPO, is to make it a central issue in the debates within various committees and bodies of WIPO. The commitment and mutual understanding of Member States and the Secretariat are essential elements to achieving this goal.

“Regarding the issues on the agenda of the 12th session of CDIP, the African Group would like, first of all, to thank the Secretariat for the preparation of the documents submitted for our consideration. Then, the Group would like to express the following comments:

(i) The Group reiterates the need to reach an agreement on the terms of reference and the list of experts on the independent review of the implementation of the Development Agenda recommendations. The decision of the General Assembly on the Coordination mechanism requires the launching of this review at the end of the 2012-2013 biennium. In that vein, the Group recalls its joint proposal with DAG and urges Member States to reach an agreement that makes Development considerations at the center of this review.

(ii) The Group welcomes the decision of the General Assembly in 2013 to instruct the CDIP to make recommendations on the implementation of the coordination mechanism and the third pillar of the mandate of this Committee. The African Group welcomes the opportunity to conduct consultations in order to ensure that all of WIPO Committees report on their contribution to the achievement of the Development Agenda, and that such reports are substantial and analytical. In addition, the Group reiterates its support for the proposal of the DAG to include a new item on the agenda of the CDIP, entitled "Intellectual Property and Development."

(iii) The Group recalls that the issue of WIPO's contribution to the achievement of the Millennium Development Goals, is a priority for the Group. The documents that have been presented so far on this issue should be revised and amended so as to have a substantial analysis of the contribution of WIPO to achieve the UN goals for development. This analysis should be conducted jointly by the Secretariat and Member States, which should create a forum of discussion devoted exclusively to this matter as well as the issue of the participation of WIPO to the post 2015 Development Agenda discussions.

(iv) The Group expresses its desire to advance the discussions substantially on the issue of technical assistance in the area of cooperation for development. The Group believes that the Committee should be more ambitious in adopting recommendations that will have a real and continuous impact on the way that technical assistance activities are provided to our countries. The Joint Proposal of African Group and DAG should be the basis of our discussions on this matter.

(v) Finally, the Group welcomes the holding of the Second Annual Conference on South- South cooperation and IP. The Group attaches great importance to this issue due to the fact that several developing countries have successful experiences in the establishing national IP system oriented and focused on the economic, social and cultural development. Therefore, the Group emphasizes the importance of carrying out all the activities designed in the project on South-South cooperation and IP that will enable WIPO to be a catalyst in this regard.

“In conclusion and to ensure the success of our work, the Group believes that commitment in good faith, the spirit of compromise and the will to move forward are needed. The African Group will continue to show this spirit throughout our work.”

581. The Delegation of Bangladesh, on behalf of the Asia-Pacific Group, submitted the following written statement:

“We have a rather over-loaded agenda with a day less in number. On the back of it, we will have to deal with unresolved items from the last GA during the same days. Consequently, we would request the Member States to show utmost flexibility and reason so that we can do justice to the agenda items before us. We have progress reports for various important ongoing projects approved by the CDIP for the implementation of the DA recommendations. We also have evaluation reports on the projects on 'Capacity Building in the Use of Appropriate Technology' (CDIP/12/3) and the project on 'Enhancement of WIPO's Results Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities' (CDIP/12/4). These two evaluations are extremely important to continue with our future endeavour regarding the implementation of the Development Agenda as a whole and using patented technology for the benefit of the LDCs in particular. Then we have further 19 recommendations of the Development Agenda that were identified for implementation through the regular work programme of the Secretariat. Since we have Member States in our group that may hold divergent views on some issues and items, our Members will be constructively engaged at the time of discussion of the respective agenda items. Now, I would like to mention some general issues of interest of the agenda.

“Remembering that CDIP being a permanent committee mandated by GA to discuss issues of IP and development, we are concerned at the lack of proper implementation of all the three pillars of the mandate of CDIP. It may be mentioned that the underlying principles and beliefs that made the Member States to come up with the idea of the Development Agenda in 2007, were that, IP and innovation were beneficial as tools for enhancing economic growth and social development according to specific needs and situations of a country. Likewise, the Member States of Asia Pacific group would like to see the establishment of a regular opportunity to discuss the issue of 'IP and Development' at the CDIP on general terms in addition to the existing focused project and recommendation based discussion.

“Coordination mechanism was unanimously agreed to by all the Member States to enhance better and effective coordination among different WIPO committees in the field of development activities. In this context, we would like to mention it again that the decision

on the coordination mechanism has not yet been settled with respect to the PBC and the CWS, which are very important Committees for realization of DA goals.

“The Asia Pacific Group is ready to be engaged as a group and by the individual Member States in the deliberations on important items like 'Independent Review of the Implementation of the Development Agenda Recommendations' (CDIP/11/8), 'External Review of WIPO's Technical Assistance in the Area of Cooperation for Development', the 'Measurement of the Millennium Development Goals (MDGs) in other United Nations agencies and the contribution of WIPO to the MDGs' (CDIP/12/8) etc. The group looks forward to discuss on the study on the feasibility of integrating MDGs related needs and outcomes into the WIPO biennial results framework and identifying specific indicators to measure WIPO's contribution to the MDGs.

“Technical assistance is provided to the countries for supporting them to achieve socio-economic development. Thus we want the provision of WIPO's technical assistance to be development oriented at the optimum level as we feel that there is room for further improvement.

“We also thank the Republic of Korea for the new pilot project on 'Intellectual Property and Design Management for Business Development in Developing and Least Developed Countries' (CDIP/12/6). We hope that based on consensus, this will be an effective and useful project supporting small and medium-sized enterprises (SMEs) to actively create and commercialize designs through active use of the IP system and the development of strategies that will encourage investment in design.”

582. The Delegation of Benin, on behalf of the Group of Least Developed Countries (LDCs), submitted the following written statement:

“The Delegation of Benin, speaking on behalf of the Group of Least Developed Countries (LDCs), wishes to express its pleasure at seeing Ambassador DOUALEY chair the work of our Committee.

“The Group of LDCs will contribute to the achievement of satisfactory results during the course of our discussions.

“The Group wishes to congratulate WIPO for the efforts made to mainstream the issue of development into the Organization's activities.

“The Group reaffirms its support for the implementation of the WIPO Development Agenda recommendations. In that regard, the Group fully appreciates the proposals made in the Progress Reports and the evaluation of the projects launched to that end.

“The Group welcomes the progress made in efforts to make available to its Members, and to other developing countries, relevant intellectual property (IP) information and tools through the creation and development of Technology and Information Support Centers (TISCs) and related networks, as well as the holding of training workshops in the field at both the national and regional levels. The Group notes with satisfaction that 37 TISC networks have been established to date, and encourages WIPO to continue to expand these networks.

“The Group also welcomes the success of the Project on Capacity Building in the Use of Appropriate Technology – Specific Technical and Scientific Information as a Solution for Identified Development Challenges and wishes to see this project extended to cover the other Members of the Group of LDCs.

“The Group of LDCs wishes to highlight that the regular monitoring and evaluation of WIPO development activities through the framework of results-based management will provide improved visibility of WIPO development cooperation actions and will enable appropriate corrective action that takes into account the needs of the beneficiaries, including the LDCs.

“Consequently, the Group welcomes the independent study on the implementation of the Development Agenda recommendations, which, together with the effective evaluation of WIPO’s contribution to the achievement of the Millennium Development Goals (MDGs), will measure WIPO’s efforts in terms of development cooperation.

“With regard to the technical assistance provided by WIPO in the field of development cooperation, the Group of LDCs welcomes the handbook prepared by the Secretariat, which lists the activities and projects carried out. However, the Group wishes to see improvements made concerning those activities, taking into account the recommendations made at the time of publication of the external study carried out in this regard.

“Finally, the Group of LDCs wishes to reiterate, Chair, its support and commitment to working with you in a constructive manner in order to ensure that significant progress is made within the Committee.”

583. The Delegation of Lithuania, on behalf of the European Union and its Member States, submitted the following written statement:

“It’s clear we have a sizeable agenda in front of us, which will require intensive work, much co-operation and flexibility to ensure that we complete everything within the time constraints. “Accordingly, we call on you Mr. Chair to ensure our work is completed within the planned timeframe.

“The EU and its Member States have come here this week with a firm commitment to continue working in a positive and cooperative manner

“Finally, Mr. Chair, under future work, we stand ready to constructively discuss possible ways to improve the work of this committee for the benefit of all the delegations.”

584. The Delegation of Japan, on behalf of Group B, submitted the following written statement:

“The draft agenda includes 15 documents to be dealt with at this session, and some agenda items have a long history and are complex. We need to address these issues over 4 days during this session and finish our work of this session at 18:00 sharp on Thursday. In this regard, it is important that the session be advanced in an efficient and disciplined manner respecting the time-frame proposed by the Secretariat at the information session preceding the committee. Group B recognizes the importance of the development agenda, in particular, the positive use of intellectual property for development. However, the development work of WIPO should be balanced in the context of WIPO as a whole.

“Leaving detailed comments to be delivered under each agenda item and reserving the right for further elaboration at a later stage, Group B would like to take this opportunity to touch upon some issues.

- We welcome the topics to be discussed at this meeting including the project evaluations and progress reports, studies and new project proposals.

- We recognize the importance and complexity of the following 3 items that the Secretariat mentioned at the information session, namely the “Independent review of the implementation of the DA recommendations”, “WIPO General Assembly decision on CDIP related matters”, and “The international Conference on Intellectual Property and Development”. We are ready to engage in those discussions in a constructive spirit and believe we will be able to see some progress within the allocated amount of time,
- We appreciate the Secretariat’s work on the “Manual on the Delivery of Technical Assistance” and “The Measurement of the Millennium Development Goals (MDGs) in other United Nations agencies and the contribution of WIPO to MDGs”. These will help inform any future work on these topics.

“Finally, Mr. Chair - please stand assured that you can count on the constructive spirit and support of our delegations during this session of the committee.”

585. The Delegation of Poland, on behalf of CEBS submitted the following written statement:

“The CEBS has every confidence in the Chair’s ability to ensure that this short week’s discussions are undertaken in a fair and balanced manner, and all the projects are treated on an equal footing.

“There are a number of issues to be discussed during the upcoming four days, including Independent review of the implementation of the DA recommendations and WIPO General Assembly decision on CDIP related matters. Discussions will also continue on the Study on patent and public domain, as well as on the Study on IP and brain drain. “An element worth noting of as an achievement of this Committee are: the Manual on the delivery of Technical Assistance, Update on WIPO website upgrade and the Technical Assistance Database.

“The CEBS Group is looking forward to concluding the discussions on modalities of the coordination mechanism for the Development Agenda which distracts this Committee from delivering its substantive work.

“CEBS is ready to work in a constructive spirit to ensure a fruitful, balanced and satisfactory outcome. We are looking forward to substantive discussions regarding the progress made on recommendations currently under implementation as well as on the revised and new project proposals.

“The amount of work and a number of issues which this Committee has to discuss this week require us to work intensively. The CEBS reiterates its firm commitment to continue working in a constructive and cooperative manner.”

586. The Delegation of Paraguay submitted the following written statement:

“We wish to take this opportunity to highlight that the Delegation of Paraguay attaches particular significance to the present Session of the Committee on Development and Intellectual Property (CDIP), an event which marks the first occasion on which representatives of the entity that I have the honor of presiding over, the recently-created National Directorate of Intellectual Property, have participated in a meeting of a WIPO body.

“As we stated at the last WIPO General Assembly, the Government of Paraguay attaches great importance to intellectual property as a tool for the promotion of economic, social and cultural development and the elimination of poverty in our country. The main

task facing my Government is the elimination of poverty and, in this regard, the projects presented during this Session constitute clear examples of how intellectual property can and must be used to this end.

“We both welcome and take note of the information provided concerning the pilot project for the creation of national intellectual property academies, as well as the results of the “Project on Intellectual Property and Product Branding for Business Development in Developing Countries and Least-Developed Countries (LDCs)”. Likewise, we shall carefully study those reports related to, inter alia, technology transfer, patents and copyright, with a view to assessing the possibility of setting up a similar project in Paraguay.

“Finally, it should be pointed out that, in cooperation with WIPO, we have begun the process of drawing up a national intellectual property strategy, this being the first time that such an initiative has been undertaken in Paraguay. We hope that we will be able to report to the Committee on the progress made in this regard in the near future.”

587. The Delegation of Peru submitted the following written statement:

“Statement on the importance of Intellectual Property (IP) and development for Peru

“Intellectual property (IP) protection is one of the mainstays of modern, competitive economies, promoting national creativity and talent from an economic point of view, as well as encouraging investment in development and innovation. In this regard, efforts are ongoing to bring about the conditions that will enable Peru to generate adequate incentives for the development of intellectual property through the effective protection of intellectual property rights in their various forms.

“Intellectual property constitutes a way of recognizing and promoting human creativity. The exploitation of IP rights represents a source of wealth for creators and innovators, strengthening business competitiveness by granting them exclusive rights that improve their position in the market.

“IP is vital to national economic development as it protects innovation, strengthening the country’s technological platform, opening up new markets and creating jobs. Foreign investors see the assessment of the IP system as an indicator, with a strong IP system attracting investment to the country.

“Likewise, the statistics on the filing of applications provide important information. In the case of marks, for example, such figures represent a source of data for both the Government, concerning foreign companies entering the national markets, and for local companies with regard to new competitors.

“It should be remembered that a direct relationship exists between trade and mark applications, given that, when levels of trade increase, so does the number of mark applications. Patent statistics are also an indicator of national technological development and provide relevant information on those foreign companies wishing to introduce new technologies into the country.

“The entertainment market and the development of cultural industries are also vital to the development of any society, with IP consequently also playing a major role in terms of culture.

“Peru is currently experiencing a boom in terms of economic and social development, with an average annual GDP growth rate of 5.6 per cent for the period 2000-2012. The State’s

commendable performance in terms of maintaining stability and conditions conducive to progress has undoubtedly been accompanied by the dramatic rise of an ever-more stable business sector. Thus, the number of formal companies operating in Peru rose from 620,000 in 2006 to over 1.3 million in 2012, more than doubling in only six years. However, new challenges have arisen against a background of national development in a globalized world, some of which are linked to the competitiveness and sustainability of companies in the market.

“More precisely, the intellectual property system has, in practice, become a tool that enables companies of all sizes to add value to their creative, productive, innovative or marketing process; a development which has had a positive impact on society.

“Industrial secrets, patent information, patent or utility model registration, industrial designs, traditional knowledge, copyright, mark registration, inter alia, are all deemed to be both strategies and intangible assets that must be developed and used by companies during the various stages of the business process (birth, growth, maturity, etc.). For example, inventors who obtain patent protection for inventions with significant market potential enjoy exclusive rights over the commercial exploitation of said products, differentiating themselves from other international competitors. Likewise, valuable information concerning the development of new technologies that have a commercial and/or social impact can be obtained through access to patent documents. Such information also encourages the emergence of technology-based companies.

“Despite these obvious advantages and the spectacular development of the business sector in Peru, in general, use of the intellectual property system has not yet reached the levels hoped for. This situation is the result of the fact that Peru does not have a culture of use of intellectual property and of awareness concerning its advantages and benefits. Another obstacle in this regard is the general lack of faith in the relevant institutional processes (for example: how can rights be enforced in the face of the counterfeiting of marks, the copying of products, etc.). The National Institute for the Defense of Competition and Intellectual Property (INDECOPI) has made significant efforts to tackle these issues by promoting the need to incorporate intellectual property into business activities and innovation processes currently under development in Peru, as well as into education processes aimed at future entrepreneurs, inventors, innovators and policy makers in general.

588. The Delegation of Trinidad and Tobago, on behalf of GRULAC, submitted the following written statement:

“We look forward to working constructively with the Chair and other Groups this week in order to make progress on our work.

“The Group of countries of the Latin America and the Caribbean would like to recall that Member States are required to make two important decisions during this 12th Session of the CDIP. These decisions are: (i) the definition of terms of reference for an independent examination of the implementation of the Development Agenda recommendations and (ii) the implementation of the decision of the 51st session of the Assemblies of WIPO regarding the work of the CDIP.

“Regarding the definition of terms of reference and methodology for the independent review of the implementation of the Development Agenda Recommendations, the GRULAC recognizes that the document CDIP/11/8, presented by the Development Agenda Group and the African Group in the 11th session of the CDIP, provides a good working basis and offers a practical framework for our discussions. For our Group, the

expected result of this important exercise is to produce a document which analyzes whether or not IP as a tool for development is mainstreamed in all WIPO activities. This document should serve as a reference for all CDIP future discussions and guide future work on IP and Development.

“On the subject of the implementation of the decision of the General Assembly, which requests the discussion and a recommendation of the CDIP on the implementation of the GA past decisions, the GRULAC suggests that discussions be divided in two sessions of the CDIP due to time constraints. In the present session we should therefore focus on the implementation of the third pillar of the CDIP mandate, as already agreed in the last session. In the 13th Session of the CDIP, we would then discuss the implementation of a strong and effective coordination mechanism with oversight over the mainstreaming of Development Agenda recommendations in WIPO.

“The implementation of the third pillar of the 2007 GA decision is of utmost importance to developing countries. So far, the Development Agenda recommendations have offered us the only framework to discuss and decide on IP and Development issues. Nonetheless, new issues, debates and ideas on the relation between IP and Development should also be taken into account. On this point, the GRULAC considers that it is time to take stock of concerns raised in the past six CDIP sessions and urge Member States to adopt a decision.

“The GRULAC also thanks the Secretariat for document no. CDIP/12/2, especially the Project on Intellectual Property and Product Branding for Business Development in Developing Countries and Least-Developed Countries (LDCs) Report. Mr. President one of the countries which has benefited from this project is Panama where three products which presented strong branding potential and unique qualities linked to their geographical origin were identified. This project had been very successful in this country and we encourage the Secretariat to continue developing these types of projects in other Member States.

“In concluding, my Group will like to thank the Chair especially with respect to your efforts in facilitating a WIPO Conference on IP and Development which was carded to take place within the margins of this CDIP. As this Conference is important for imparting knowledge to all Member States and stakeholders on IP and Development, we therefore encourage all Groups and Member States to work together in the future in order for us to arrive at a consensus on the list of speakers.”

589. Statement on behalf of the Secretary of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA):

“The objectives of the International Treaty are the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising out of their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security. The International Treaty’s truly innovative solution to access and benefit sharing is its so-called Multilateral System, which puts 64 of our most important crops – crops that together account for 80 percent of the food we derive from plants – into an easily accessible global pool of genetic resources that is freely available to potential users for specific usages. Currently this genepool includes more than 1.6 million documented samples of genetic material and in the first eight months of operation, the System facilitated more than 440,000 transfers of genetic material. Today, the System facilitates the transfer of about 600-800 samples of genetic material every day worldwide. The exchange of plant genetic material within the Multilateral System is based on a Standard Material Transfer Agreement, which comprises the terms and conditions of

both the access to the plant genetic resources as well as the benefit-sharing from their utilization.

“According to the provisions of the Standard Material Transfer Agreement, the obligation to share financial benefits arising from the utilization of plant genetic resources is triggered amongst other by the granting of IP rights in products which incorporate such material and which are then under restriction for further research and breeding because of the IP right over the product. An equitable share of the benefits arising from the commercialization of any such product has to be paid to the International Treaty’s “Benefit Sharing Fund”.

“The Benefit Sharing Fund was established as a fund to invest in high impact projects supporting farmers in developing countries to conserve crop diversity in their fields and assisting farmers and breeders globally to adapt crops to changing needs and demands.

“The Benefit Sharing Fund, thus, provides financial support to the implementation of projects, which generate further innovation in the field of plant genetic resources for food and agriculture, in the form of technology, new varieties and the like.

“Under the current project cycle, 19 strategic planning and immediate impact projects are being funded. Their innovations range from building resilience to climate change of high yielding and locally adapted rice varieties, the strengthening of water source irrigation facilities to adapt to varying rainfall patterns and drought, the development of a mechanism that shall allow access to locally adapted varieties of durum wheat and barley in order to ensure food security for local farmers, to multiplying wheat and barley landraces with drought- and disease-resistance in order to positively impact the food security, income, and resilience of poor farming communities.

“The International Treaty’s Multilateral System is therefore a source of innovations in the field of plant genetic resources for food and agriculture, while at the same time guaranteeing the achievement of its core objectives of conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising out of their use.

“Finally, let me briefly mention that at the most recent session of the Governing Body of the International Treaty, which convened from 24 to 28 September 2013 in Muscat, Oman, the Contracting Parties decided to establish an “*Ad Hoc* Open-Ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit Sharing”. The Working Group shall, amongst other, consider the further expansion of the benefit sharing mechanism of the International Treaty, including in particular new and innovative ways to create long-term flows of financial resources for the Benefit-Sharing Fund. It will also explore other means of enhancing the functioning of the Multilateral System.

[Annex follows]

**LISTE DES PARTICIPANTS/
LIST OF PARTICIPANTS**

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