

Committee on Development and Intellectual Property (CDIP)

Twenty-First Session
Geneva, May 14 to 18, 2018

COMPILATION OF MEMBER STATE INPUTS ON THE MODALITIES AND IMPLEMENTATION STRATEGIES OF THE ADOPTED RECOMMENDATIONS OF THE INDEPENDENT REVIEW

prepared by the Secretariat

1. The Committee on Development and Intellectual Property (CDIP) at its 20th session, while discussing the implementation of the Recommendations of the Independent Review contained in document CDIP/18/7, decided that “interested Member States may submit written contributions on the modalities and implementation strategies of the adopted recommendations. The Member State submissions should reach the Secretariat by the end of February 2018. The Secretariat will compile the inputs received and submit them to the twenty-first session of the Committee.”

2. Accordingly, the annexes to this document contain three submissions from: (i) the Delegation of Switzerland on behalf of the Group B; (ii) Delegation of Mexico; and (iii) Delegation of Peru, received by the Secretariat on the above-mentioned subject.

3. *The Committee is requested to consider the information contained in the annexes to the present document.*

[Annexes follow]

INPUT RECEIVED FROM GROUP B

Implementation Strategies of Adopted Recommendations of Independent Review Group B submission

1. General Statement: Group B notes that specific recommendations, or parts thereof, will, by their very nature, be subject to different modalities and implementation strategies. Some recommendations are implemented by a simple decision of adoption, others relate more to processes. Addressees of recommendations also vary: some recommendations, or parts of recommendations, are directed to the WIPO Secretariat, others to the CDIP, and yet others to individual Member States.
2. For recommendations directed to the CDIP, Group B presents, where appropriate, the following specific proposals to the CDIP for consideration:
3. For Recommendation 1, Group B proposes sharing sessions on “IP and Innovation: National Innovative Strategies and the role of IP protection in fostering innovation”, as well as on other emerging issues related to IP rights. These sessions should take place under the new agenda item on “IP and Development” and occur during the Committee’s meetings. Group B believes that this series of debate would be useful, if conducted with the participation of experts from capitals with direct knowledge and involvement in such issues. This implementing measure would facilitate the exchange of strategies and best practices from Member States on their experiences addressing IP and development concerns.
4. Recommendation 2 ¹
5. For Recommendation 3, Group B suggests the continuation of the Secretariat’s efforts in ensuring effective coordination, monitoring, reporting and evaluation of the implementation of the DAR. Group B recognizes the valuable work undertaken by the Development Agenda Coordination Division (DACD) in facilitating the implementation of the CDIP’s decisions and coordinating the reporting to the Committee. As reported by the Secretariat in the Annex of Doc. CDIP/19/3, the implementation of Recommendation 3 is already ongoing.
6. For Recommendation 4, Group B recommends the continuation of the work already underway in the CDIP, in which the Secretariat provides an annual report on its activities regarding SDGs. This measure will move the Committee forward on this important topic.
7. For Recommendation 6, Group B suggests that Member States should regularly report on a voluntary basis on their actions taken at the national level to implement DARs under the new agenda item “IP and Development”. This reporting should count on and reflect an increased participation of the capital-based experts, in order to be able to benefit from their practical experience and expertise in the field.
8. For Recommendation 7, Group B endorses the proposal for Member States to be encouraged, in light with their national needs, to formulate new project proposals for the consideration of the CDIP. In addition, Group B proposes to strengthen the present practice of sharing information on the lessons learned and best practices from successfully implemented DA projects. However, Group B understands that the

¹ See Appendix to CDIP/19/SUMMARY

database format also proposed in Recommendation 7 has shown in the past to carry some weaknesses and significant costs. Group B would therefore appreciate further elaboration from the secretariat on how the office address issues identified during the evaluations and tailor WIPO's future interventions to address these in the context of specific needs identified in country.

9. For Recommendation 8, Group B proposes to strengthen the already-established approach to coordinate and set up partnerships with other relevant UN agencies and other entities to enhance the effectiveness, comprehensiveness and sustainability of DA projects. In addition, the Member States proposing the project shall make sure that their proposal also indicates any UN agencies and other entities that in their perspective is relevant for the project's implementation.
10. For Recommendation 9, Group B proposes to strengthen WIPO's approach of recruiting experts well versed and knowledgeable about the socio-economic conditions of the recipient countries. Therefore, project managers should, where appropriate and feasible, team up with local and international experts in future projects. As reported by the Secretariat in the Annex of Doc. CDIP/19/3, the implementation of Recommendation 9 in such manner is feasible. Group B reiterates its support for merit-based recruitment by WIPO.
11. Regarding the first part of Recommendation 10, Group B proposes that the Secretariat includes additional financial information in the subsequent Progress Reports submitted to the CDIP. Group B entrusts the Secretariat's assessment on which available financial information could be provided in order to enhance the transparency of the resources related to the DA projects. Regarding the second part of the recommendation, Group B wishes to underscore that the assessment of the adequate workload for a project manager needs to be made on a case-by-case basis by competent staff within the WIPO Secretariat. An effort should be made to avoid assigning multiple cases to the same project manager (as suggested by the reviewers) whenever possible and practical.
12. For Recommendation 12, Group B proposes to further the approaches already deployed by the Secretariat for the dissemination of information about the DA, such as the use of social media and the WIPO's webpage, the transmission of DA related events by webcasting, the maintenance of development-related aspects of IP in the WIPO Academy's training, and the support of publications related to the DA.
13. Regarding reporting and reviewing progress (iii and iv contained in paragraph 8.1 of the Summary by the Chair of the nineteenth session), Group B notes that CDIP examines on a yearly basis the "Director General's Report on Implementation of the Development Agenda". From our point of view, this is a useful instrument which can be used also for reporting and reviewing progress in relation to the Independent Review. We therefore propose that such reporting and review of progress be included in the DG's annual report on the implementation of the DA. This will allow Member States to have a holistic and comprehensive review of the implementation of the DA in one single report.

[Annex II follows]

INPUT RECEIVED FROM THE DELEGATION OF MEXICO

TRANSLATION (Original text in Spanish)

COMMENTS BY THE MEXICAN GOVERNMENT ON THE MODALITIES AND STRATEGIES FOR IMPLEMENTING THE ADOPTED RECOMMENDATIONS (PARAGRAPH 8.5 OF THE CHAIR'S SUMMARY, TWENTIETH SESSION OF THE COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP))

The Government of Mexico hereby transmits to the Secretariat of the World Intellectual Property Organization (WIPO) the comments prepared by the Government of Mexico in response to paragraph 8.5 of the Summary by the Chair of the twentieth session of the CDIP on the practical arrangements and strategies for the implementation of adopted recommendations (report on the recommendations of the independent review of the implementation of the Development Agenda (DA) recommendations.

RECOMMENDATIONS	COMMENTS OF THE GOVERNMENT OF MEXICO
<p>Recommendation 1: The good progress made in the CDIP needs to be consolidated by introducing a higher level debate to address emerging needs and to discuss the work of the Organization on new emerging issues related to IPRs. The Committee should also facilitate an exchange of strategies and best practices from Member States on their experiences addressing IP and development concerns.</p>	<p>Regarding Recommendation 1, it is necessary to fix the practical arrangements and subject matter of the higher-level debate. It will also be necessary to identify the best time to do so.</p> <p>A possible time to secure high-level participation, might be the annual WIPO General Assembly. This would encourage the participation of senior authorities and, in principle, should not require additional resources.</p> <p>Given the natural link between the work of the CDIP and development, the debate could focus on identifying measures and practices to optimize the positive impact of IP on development or, more specifically, on achieving the Sustainable Development Goals (SDGs).</p> <p>The topics for discussion could focus on three main areas: (1) strengthening and protecting the IP system; (2) capacity-building for optimal use of IP; and (3) cooperation to foster innovation through research and development.</p> <p>The CDIP could start by considering these topics as falling under "Intellectual Property and Development".</p>
<p>Recommendation 3: WIPO should continue to ensure an effective coordination, monitoring, reporting, evaluation and mainstreaming of the implementation of the DARs. The role of the DACD in coordinating the DA implementation should be strengthened.</p>	<p>While this recommendation falls within the sphere of activity of the WIPO Secretariat, Mexico reiterates its preference for an approach that involves greater coordination in the implementation of projects to meet specific objectives; the implementation of monitoring, accountability and evaluation of results; and the multiplier effect of projects. The appointment of the Representative of the Director-General for the UN SDGs should help improve WIPO's performance in implementing the</p>

	<p>recommendations of the DA and enhance its positive impact on actions in support of SDGs, which should be guided by the principle of complementarity.</p>
<p>Recommendation 4: The CDIP, in implementing the DARs, should consider how best to respond to evolving circumstances and to the emerging development challenges being faced by the IP system. This should be combined with an active involvement with other UN development agencies to benefit from their expertise for the DARs implementation and in advancing the implementation of the SDGs.</p>	<p>Recommendation 4 points to the implicit link that should exist between the DA and the SDGs. The CDIP should take into account the views of WIPO's Director General of the direct or indirect impact of WIPO's efforts to meet the SDGs (gender equality, health, innovation, etc.). In doing so, it would facilitate the identification of ideal stakeholders and optimal channels of cooperation with other organizations of the UN system that generally have some activity or space dedicated to supporting development and cooperation, either directly or indirectly.</p>
<p>Recommendation 6: Member States are encouraged to enhance coordination between Geneva-based Missions and their IP offices and other authorities in capital in order to have a coordinated approach in dealing with the CDIP and raising awareness about the benefits of the DA. Higher level participation of national based experts should be enhanced in the work of the Committee. CDIP should consider modalities related to the reporting on what has been done at the national level towards the implementation of the DARs.</p>	<p>Recommendation 6 directly involves Member States and indicates the need for better coordination between permanent missions in Geneva, IP offices and authorities in capitals.</p> <p>The interaction of permanent missions with IP offices and ministries of foreign affairs and finance and/or trade is crucial to establishing positions. There must be an authority to coordinate the views of the various national stakeholders involved with IP in a timely and substantive manner to achieve a consolidated position on the issues under consideration by the CDIP. The active participation of IP experts would add value and, above all, pragmatic value to the discussions.</p>
<p>Recommendation 7: Member States are encouraged, in light with their national needs, to formulate new project proposals for the consideration of the CDIP. They should consider the establishment of a reporting mechanism on the lessons learned and best practices from successfully implemented DA projects and activities. This reporting mechanism should include a periodical review of the sustainability of completed and/or mainstreamed projects, as well as the impact of these projects on the beneficiaries. WIPO should establish a database of the lessons learned and best practices identified in the course of DA projects implementation.</p>	<p>In Mexico's view, the implementation of projects is the best way to achieve concrete results in the use of IP for development. It would be useful to have thematic areas that combine the interest of Member States with WIPO's knowledge and experience. An approach guided by the DA and the SDGs could achieve the implementation of projects that make progress.</p> <p>It is important for WIPO to have a database of lessons learned and best practices identified in project implementation, as this would help identify the achievements and challenges faced by Member States in implementing these projects. The available technological tools should be used to optimize this area.</p>
<p>Recommendation 8: Future work related to the development of new projects should be modular and customizable, and should consider the absorption capacity and the level of expertise of the beneficiaries. In the implementation of project at the national level, WIPO should explore close partnerships with UN agencies and other entities to enhance the effectiveness, comprehensiveness and sustainability.</p>	<p>With regard to Recommendation 8, we agree that the implementation of projects should seek to ensure their effectiveness, comprehensiveness and sustainability. We also consider it very important that beneficiaries should be able to replicate project results not only at national level but also through triangular cooperation activities.</p>

<p>Recommendation 9: WIPO should pay more attention to recruiting experts that are very well versed and knowledgeable about the socio-economic conditions of the recipient countries. Beneficiary countries should ensure a high degree of internal coordination amongst [their] their various agencies in order to facilitate the long-term implementation and sustainability of a project.</p>	<p>This recommendation is relevant as it is linked to the success or failure of projects. Methodological rigor, the meeting of goals and deadlines and the professionalism of experts must be mandatory conditions in project design and implementation. Evaluation and accountability mechanisms are indispensable. As far as possible, the training given by experts should be replicated through those who benefited from it. The updating of the expert database and training with a multiplier effect should be taken into account by the Secretariat in carrying out its work.</p>
<p>Recommendation 10: the Secretariat's Progress Reports submitted to the CDIP should include detailed information about the utilization of financial and human resources related to the DA projects. Simultaneous assignments of the same project manager to multiple projects should be avoided.</p>	<p>With this recommendation, the Secretariat has an opportunity to promote transparency and accountability. The assignment of projects should be guided by elements related to efficiency and the achievement of established goals. Executive reports that are well-presented and easy to understand would be useful to better appreciate and evaluate WIPO's work.</p>
<p>Recommendation 12: Member States and the Secretariat should consider ways and means to better disseminate information about the DA and its implementation.</p>	<p>WIPO should increase its activities in the field, thus implementing a pragmatic approach that highlights the benefits of the cooperation options and tools referred to in the DA and the positive effects of IP as a catalyst for development.</p> <p>WIPO could have a catalogue of core projects designed to address the needs of Member States at different levels of development to enable them to establish or strengthen their IP systems. This catalogue would merely record the identification and use of WIPO's existing expertise at the service of Member States to strengthen the strategic use of intellectual property in research, business development and creative initiatives, for example.</p> <p>With the impact of technological developments, it would be desirable to create new platforms for the promotion and dissemination of WIPO's activities to foster collaboration and stakeholder participation (government, intergovernmental and non-governmental organizations, the private and public sectors and academic institutions). There could also be stronger promotion of activities among patent centers, universities, public and private research centers, micro-, small and medium enterprises, young people and children, to achieve concrete results regarding the implementation of the DA.</p>

[Annex III follows]

INPUT RECEIVED FROM THE DELEGATION OF PERU

TRANSLATION (Original text in Spanish)

DIRECTORATE OF DISTINCTIVE SIGNS

PRACTICAL STEPS AND STRATEGIES FOR IMPLEMENTING THE RECOMMENDATIONS OF THE INDEPENDENT REVIEW (suggestions, comments or contributions)

Recommendation 1: *The good progress made in the CDIP needs to be consolidated by introducing a higher-level debate to address emerging needs and to discuss the work of the Organization on new emerging issues related to IPRs. The Committee should also facilitate an exchange of strategies and best practices from Member States on their experiences addressing IP and development concerns.*

Response: Peru supports the exchange of strategies and best practices from Member States on their experiences addressing IP and development concerns. Thus, provisions should be made for sharing experiences during CDIP meetings. However, this should be part of a work plan to be implemented within a specific timeframe.

Recommendation 2: *Member States should take measures to resolve the outstanding issues related to the mandate of the Committee and the implementation of the Coordination Mechanism.*

Response: Peru supports the adoption of measures to resolve the outstanding issues related to the mandate of the Committee.

Recommendation 3: *WIPO should continue to ensure an effective coordination, monitoring, reporting, evaluation and mainstreaming of the implementation of the implementation of the DARs. The role of the DACD in coordinating the DA implementation should be strengthened.*

Response: Peru agrees that it is important for WIPO to continue to ensure the effective coordination, monitoring, reporting and evaluation of the DARs.

Recommendation 4: *The CDIP, in implementing the DARs, should consider how best to respond to evolving circumstances and to the emerging development challenges being faced by the IP system. This should be combined with an active involvement with other UN development agencies to benefit from their expertise for the DARs implementation and in advancing the implementation of the SDGs.*

Response: Peru agrees that the Committee should continue its efforts to provide the most appropriate response to rapidly evolving circumstances and to the emerging development challenges being faced by the IP system, in close coordination with other UN agencies.

Recommendation 5: *WIPO should consider linking DARs to Expected Results contained in the Program and Budget, wherever it is possible. Expected Results may be modified or new Expected Results may be introduced so as to ensure the integration of DARs into WIPO's work more effectively and in a sustained manner.*

Response: -----.

Recommendation 6: *Member States are encouraged to enhance coordination between Geneva-based Missions and their IP offices and other authorities in their capitals in order to have a coordinated approach in dealing with the CDIP and raising awareness about the benefits of the DA. Higher level participation of national based experts should be enhanced in the work of the Committee. CDIP should consider modalities related to the reporting on what has been done at the national level towards the implementation of the DARs.*

Response: Peru supports action to improve coordination with different authorities of the Member States and to increase the participation of high-level national experts in the work of the Committee. Accordingly, IP offices could work together by increasing coordination in their respective countries. Budgeting for the presence of a permanent national representative in Geneva, to improve coordination efforts and insight into the issues dealt with by the Committee, should also be considered.

Recommendation 7: *Member States are encouraged, in the light of their national needs, to formulate new project proposals for the consideration of the CDIP. They should consider the establishment of a reporting mechanism on the lessons learned and best practices from successfully implemented DA projects and activities. This reporting mechanism should include a periodical review of the sustainability of completed and/or mainstreamed projects, as well as the impact of these projects on the beneficiaries. WIPO should establish a database of the lessons learned and best practices identified in the course of DA projects implementation.*

Response: Peru supports more systematic treatment of existing information on projects that have been completed and/or mainstreamed into the Committee's work, so as to gain from lessons learned and best practices identified when implementing DA projects. This would facilitate the development of new and better projects for the CDIP's consideration.

Recommendation 8: *Future work related to the development of new projects should be modular and customizable and should consider the absorption capacity and the level of expertise of the beneficiaries. In the implementation of projects at the national level, WIPO should explore close partnerships with UN agencies and other entities to enhance the effectiveness, comprehensiveness and sustainability.*

Response: -----.

Recommendation 9: *WIPO should pay more attention to recruiting experts that are very well versed and knowledgeable about the socio-economic conditions of the recipient countries. Beneficiary countries should ensure a high degree of internal coordination amongst their various organizations in order to facilitate the implementation and long-term sustainability of a project.*

Response: -----.

Recommendation 10: *The Secretariat's Progress Reports submitted to the CDIP should include detailed information about the utilization of financial and human resources related to the DA projects. Simultaneous assignment of the same project manager to multiple projects should be avoided.*

Response: -----.

Recommendation 11: *A mechanism should be put in place to report on the agreed recommendations contained in the evaluation reports and on the mainstreamed outcomes of the DA projects. Mainstreaming processes should be aligned to the approved Expected Results.*

Response: -----.

Recommendation 12: *Member States and the Secretariat should consider ways and means to better disseminate information about the DA and its implementation.*

Response: Peru supports any measure that contributes to improving awareness of the DA. The development of an action plan to measure the efficiency and impact of the means and mechanisms used could therefore be considered.

[End of Annex III and of document]