

## **Committee on Development and Intellectual Property (CDIP)**

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

### REPORT

*adopted by the Committee*

1. The 21<sup>st</sup> session of the Committee on Development and Intellectual Property (CDIP) was held from May 14 to 18, 2018.

2. The following States were represented: Albania, Algeria, Angola, Argentina, Australia, Austria, Belarus, Belgium, Benin, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lebanon, Libya, Lithuania, Malawi, Malaysia, Mauritania, Mexico, Mongolia, Morocco, Myanmar, Netherlands, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, South Africa, Spain, Sri Lanka, Sudan, Switzerland, Syrian Arab Republic, Thailand, the Former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe (102). Palestine was represented as an observer.

3. The following intergovernmental organizations (IGOs) took part as observers: African Regional Intellectual Property Organization (ARIPO), European Patent Organization (EPO), European Union Intellectual Property Office (EUIPO), Food and Agriculture Organization of the United Nations (FAO), International Bank for Reconstruction and Development (IBRD), Organization of Islamic Cooperation (OIC), Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC Patent Office), South Centre (SC), United Nations Industrial Development Organization (UNIDO) and World Trade Organization (WTO) (10).

4. Representatives of the following non-governmental organizations (NGOs) took part as observers: China Council for the Promotion of International Trade (CCPIT), CropLife International (CROPLIFE), Foundation for a Centre for Socio-Economic Development (CSEND), Health and Environment Program (HEP), Intellectual Property Institute of Canada (IPIC), International Human Rights & Anti-Corruption Society (IHRAS), International Intellectual Property Commercialization Council (IIPCC), International Literary and Artistic Association (ALAI), International Publishers Association (IPA), Medicines Patent Pool (MPP) and Public Interest Intellectual Property Advisors (PIIPA) (11).

5. Mr. Hasan Kleib, Ambassador, Permanent Representative of Indonesia, chaired the session. Ms. Kerry Faul, Head, National Intellectual Property Management Office (NIPMO), Department of Science and Technology, Pretoria, South Africa, and Mr. Ray Augusto Meloni García, Director, Director of Distinctive Signs (*Dirección de Signos Distintivos*), National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI), Lima, Peru, acted as Vice-Chairs.

#### **AGENDA ITEM 1: OPENING OF THE SESSION**

6. The Deputy Director General (DDG) Mr. Mario Matus opened the Session of the CDIP. Under agenda item 2, he invited the Committee to propose candidates for the positions of the Chair and two Vice-Chairs.

#### **AGENDA ITEM 2: ELECTION OF OFFICERS**

7. The Delegation of Indonesia, speaking on behalf of the Asia and Pacific Group (APG), nominated His Excellency Ambassador Mr. Hasan Kleib, Permanent Representative of the Republic of Indonesia, for the position of Chair.

8. The Delegation of Morocco, speaking on behalf of the African Group, named Ms. Kerry Faul, Head of NIPMO, South Africa, for the position of Vice-Chair of that Committee.

9. The Delegation of Ecuador, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), proposed the candidacy of Mr. Ray Augusto Meloni García, the Director of Distinctive Signs (*Dirección de Signos Distintivos*), INDECOPI, Peru, for the position of Vice-Chair of the CDIP. The Delegation also expressed its support for the nomination put forward by the Delegation of Indonesia, on behalf of the APG, and by the Delegation of Morocco, on behalf of the African Group.

10. The Delegation of Lithuania supported all nominations.

11. The Ambassador Hasan Kleib of Indonesia was elected as Chair of the CDIP and Ms. Kerry Faul and Mr. Ray Augusto Meloni García as Vice-Chairs, given that there were no objections from the floor.

12. The Chair welcomed the delegations to the 21<sup>st</sup> session of the CDIP. He expressed his gratitude for their support and congratulated the Vice-Chairs on their election. The Chair also thanked the outgoing Chair, Ambassador Walid Doudech, Permanent Representative of Tunisia to the United Nations (UN), for his able leadership in leading the CDIP towards achieving its goals. The Chair pointed out that intellectual property (IP) continued to be an important driver

for socio-economic and cultural development. The work of the CDIP remained crucial in advancing the discussion on topics related to the role of IP and development and its current challenges. The Chair expressed his hope that the Committee would work with the spirit of compromise and goodwill. He referred to the Agenda of the Session and pointed out that the Committee would consider the Director General's Report on the Implementation of the Development Agenda (DA) (document CDIP/21/2) and the Annual Report of WIPO's Contribution to the Implementations of Sustainable Development Goals (SDGs) and its Associated Targets (document CDIP/21/10). In addition, the Committee would be given an opportunity to discuss WIPO's Technical Assistance (TA) in the Area of Cooperation for Development, an evaluation report of a completed DA project and other documents related to the work program for the implementation of the Development Agenda Recommendations (DA Recommendations). The Chair also highlighted that after concluding the discussions on each issue or document, the Secretariat would circulate a decision paragraph among the delegates for their consideration and a compilation of those paragraphs would constitute the summary by the Chair. He wished the Committee good progress during the session.

13. The DDG (Mr. Mario Matus) welcomed delegations to the session and expressed gratitude towards the former Chair, Ambassador Walid Doudech, Permanent Representative of Tunisia. He highlighted the progress made in the CDIP, such as the establishment of a new agenda item on "IP and Development". He further noted the input received from Member States in that regard. The DDG reiterated WIPO's commitment to the SDGs and mentioned that the Committee would be considering the 2<sup>nd</sup> Annual Report of WIPO's contribution to the implementation of the SDGs (document CDIP/21/10). In addition, the Committee would continue discussing Recommendations 5 and 11 of the Independent Review of the Implementation of the DA Recommendations through a video conference organized with the Lead Evaluator. He noted the important role of the WIPO Academy, which was celebrating its 20<sup>th</sup> anniversary, in raising awareness and disseminating information on IP matters. He highlighted that the Academy served 70,000 students from 193 states in 2017, out of which over 50 percent were female participants. He also introduced some topics on the agenda, namely: the Report of the Director General (DG) on the Implementation of the DA (document CDIP/21/2), the Compilation of WIPO's Existing Practices, Methodologies and Tools for Providing TA (document CDIP/21/4), and WIPO's Practices for the Selection of Consultants for Technical Assistance (document CDIP/21/9). In addition, he highlighted the three new projects proposed by Member States, namely: (i) Increasing the Role of Women in Innovation and Entrepreneurship, Encouraging Women in Developing Countries to Use the IP System (document CDIP/21/12 Rev.), (ii) Enhancing the Use of IP in the Software Sector in African Countries (document CDIP/21/7), and (iii) IP, Tourism and Gastronomy in Peru: Promoting the Development of Tourism and Gastronomy in Peru through IP (document CDIP/21/14).

### **AGENDA ITEM 3: ADOPTION OF AGENDA**

14. The Chair informed the Committee that the draft agenda contained in document CDIP/21/1 Prov.3 was prepared on the basis of discussions conducted during the 20<sup>th</sup> session of the CDIP. He invited participants to share any comments or observations on the draft agenda. The agenda was adopted, given that there were no observations from the floor.

#### **AGENDA ITEM 4: ACCREDITATION OF OBSERVERS**

##### Consideration of the document CDIP/21/3

15. The Secretariat (Mr. Baloch) recalled that, pursuant to the Rules of Procedures of the Committee (document CDIP/1/2 Rev.), an *ad hoc* accreditation could be provided to non-governmental organizations. The document CDIP/21/3 contained the request for accreditation submitted by an NGO.

16. The Chair invited the Committee to take a decision on the request. The Republican Scientific Research Institute of Intellectual Property (RSRIIP), Intellectual Property Corporation, Russian Federation, was granted an *ad hoc* observer's status given that there were no objections from the floor.

#### **AGENDA ITEM 5: ADOPTION OF THE DRAFT REPORT OF THE 20<sup>th</sup> SESSION OF THE CDIP**

##### Draft Report – document CDIP/20/13 Prov.

17. The Secretariat (Mr. Baloch) referred to the paragraph 11 of the Summary by the Chair of the previous session of the CDIP (document CDIP/20/SUMMARY). The Secretariat had developed a detailed report of the previous session (document CDIP/20/13). The report was published on March 8, 2018, and no comments by Member States had been received. The report was adopted, given that there were no objections from the floor.

#### **AGENDA ITEM 6: GENERAL STATEMENTS**

18. The Chair opened the floor for general statements.

19. The Delegation of Indonesia, speaking on behalf of the APG, supported WIPO's mission to lead the development of a balanced and effective international IP system that enabled innovation and creativity for the benefit of all. The fulfilment of the aforementioned mission could be done through the work program for the implementation of the 45 adopted DA Recommendations. The Group took note of all documents related to agenda item 7 and looked forward to discussing the DG's Report on the Implementation of the DA (document CDIP/21/2) and the Annual Report of WIPO's Contribution on the Implementation of SDGs and its Associated Targets (document CDIP/21/10). It thanked the Secretariat for preparing the documents related to technology transfer namely, the Gap Analysis of WIPO's Existing Technology Transfer Services and Activities in Respect of the WIPO Development Agenda "Cluster C" Recommendation (document CDIP/21/5), and Costing of Roadmap on Promoting the Usage of the Web Forum Established under the "Project on IP and Technology Transfer: Common Challenges – Building Solutions" (document CDIP/21/6), as well as the documents related to WIPO's TA in the area of Cooperation for Development (documents CDIP/21/4 and CDIP/9). The Group was ready to engage in deliberations on the aforementioned matters. While TA remained to be an important area for the APG, the delivery of TA needed to be done timely, efficiently and coherently. It called for an institutional mechanism to avoid duplication and ensure an optimal channelization of resources. The Group expressed its hope that the discussion on WIPO's TA in the Area of Cooperation for Development would bring uniformity, better organization and clarity to existing processes and practices. With regard to agenda

item 8, it took note of all related documents and looked forward to fruitful discussion on the revised proposal of the African Group on holding a biennial international conference on IP and development. It welcomed the recommendations provided in the Independent Review of the Implementation of the DA Recommendations (document CDIP/18/7) and looked forward to discussing the progress made with regard to said recommendations. The implementation of the DA was a long-term process and the DA Recommendations were part of that process. It welcomed all inputs from Member States on the Modalities and Implementation Strategies of the Adopted Recommendations of the Independent Review (document CDIP/21/11). The Group also took note of proposals put forward by the Delegations of Kenya, Peru, as well as the Delegations of Canada, Mexico and the United States of America. With regard to agenda item 9, the Group commended the decision of WIPO's General Assembly (GA) on CDIP related matters and expressed its hope that the decision on the Coordination Mechanisms would be implemented and that the discussion on the new agenda item on "IP and Development" would further strengthen WIPO's mission to develop a balanced and effective international IP system. The Group highlighted the importance of achieving a meaningful discussion on matters pertaining to IP and development and pointed out that one of WIPO's strategic goals was to facilitate the use of IP for development, which in turn supported WIPO's mission to develop a balanced international IP system that would reward creativity, stimulate innovation and contribute to economic development. The Group looked forward to contributing to the discussions in the Committee and hoped for a productive session.

20. The Delegation of Ecuador, speaking on behalf of the GRULAC, thanked the DDG for introducing the report on the implementation of the DA for the year 2017. It took note of activities carried out by WIPO to apply and mainstream the Development Agenda in all relevant programs of the Organization. It was important to fully incorporate the 45 DA Recommendations into substantive programs of the Organization. The Delegation encouraged WIPO and its Member States to ensure that development considerations were an integral part of their work. The Group further referred to the SDGs and its associated targets and underlined their importance. In particular, it recalled that the 2030 Agenda on Sustainable Development was adopted unanimously by the UNGA in 2015 and represented the will of the international community to implement a broad set of objectives and goals aimed at addressing the economic, social and environmental dimensions of SDGs. The Group noted with great interest the Report on WIPO's Contribution to the Implementation of the Sustainable Development Goals and its Associated Targets (document CDIP/21/10) and pointed out that the information presented in that report contributed to the exchange of ideas in those areas with a view to advancing towards more specific actions. The Group noted the identified interrelationships between the WIPO DA and the SDGs. It was a priority to continue discussions on the role of WIPO in the implementation of the 2030 Agenda, bearing in mind the universal and indivisible nature of the 17 SDGs. The SDGs provided crosscutting guidance and should guide the work of WIPO as an integral part of the UN system. The ongoing session would resume the debates on the implementation of the recommendations of the Independent Review. The Group expressed its willingness to continue the debates to define the modalities for implementing the recommendations already adopted, and to reach consensus on the Recommendations 5 and 11. The Group appreciated the contributions provided by the delegations of Mexico, Peru and Group B contained in document CDIP/21/11. It looked forward to the video conference with the Lead Evaluator of the Independent Review of the Implementation of the DA Recommendations (document CDIP/18/7) who would clarify the necessary questions related to two pending recommendations. The Group recalled the GA decision to include a new agenda item on "IP and Development", as well as the submissions by Member States on that issue (document CDIP/21/8 Rev.). It was an opportunity to make progress in the implementation of the third pillar of the CDIP mandate. The Group supported the proposal submitted by the delegations of Mexico and Brazil, and welcomed the contributions of the Delegation of the Russian Federation and Group B on Issues to be addressed under the agenda item "Intellectual Property and Development" (document CDIP/21/8 Rev.). In concluding, the Group

congratulated the WIPO Academy on its anniversary and recognized the important work it carried out in the training and strengthening of capacities and in the implementation of the DA Recommendations. The online courses provided by the Academy were useful and its professional training program provided opportunities at the national and regional levels.

21. The Delegation of Lithuania, speaking on behalf of the Central European and Baltic States Group (CEBS), highlighted the particular role of the WIPO Academy in benefiting the Member States and noted the importance of celebrating its 20<sup>th</sup> anniversary. The Group expressed its willingness to constructively engage in deliberations on every agenda item. The Director General's Report on the Implementation of the Development Agenda (document CDIP/21/2) gave a comprehensive overview of WIPO's development related activities over the previous ten years. The Report on WIPO's Contribution to the Implementation of the SDGs and its Associated Targets (document CDIP/21/10) was a useful resource of information on numerous WIPO tools and activities in that area. The new agenda item on "IP and Development" provided an opportunity to discuss issues of contribution of IP-related policies and tools in achieving the SDGs. The Group was not convinced that a separate agenda item on SDGs was needed. It also welcomed the interesting proposals by Group B, the Delegations of Brazil, Mexico and the Russian Federation on issues to be discussed under the agenda item on "IP and Development". It anticipated fruitful discussions that could set the content for the future sessions of the CDIP. The Group welcomed proposals by Members interested in DA projects and pointed that principles of demand driven initiatives and ownership of the beneficiaries delivered the best results. It also noted the project proposals made by the delegations of Kenya, Peru, Canada, Mexico and the United States of America and looked forward to receiving more proposals from interested Members to reflect the needs of beneficiaries. With regard to the Independent Review on the implementation of the DA Recommendations, the Group looked forward to the video conference with the Lead Evaluator to clarify Recommendations 5 and 11. The Group welcomed the proposals submitted by Group B, the Delegations of Mexico and Peru on implementation strategies of the adopted recommendations (document CDIP/21/11).

22. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, commended the 20<sup>th</sup> anniversary of the establishment of the WIPO Academy. The Academy played a crucial role in strengthening professional capacities of national IP offices around the world in line with the goals of the DA. It also played a vital role in raising awareness on the value of IP rights and their enforcement, which were essential to upholding the delicate equilibrium of the global innovation ecosystem. The EU and its member states took note of the Director General's Report on the Implementation of the Development Agenda (document CDIP/21/2). The Delegation highlighted the extent to which the DA Recommendations had shaped the activities of the Organization over the previous ten years. It looked forward to discussions on WIPO's DA projects and activities and the new CDIP agenda item on "IP and Development". The EU and its member states welcomed the proposals by Member States on topics to be discussed under the new agenda item. The Committee should consider the topics that were most relevant to its work. The revised proposal of the African Group on an international conference on IP and development (document CDIP/20/8) to be organized biennially and its topic "How the System Works" was found interesting and worth further exploration. However, the EU and its member states were still waiting for various proposals of the African Group and found it worth exploring whether that topic could be taken under the agenda item "IP and Development". With respect to the Independent Review, the EU and its member states looked forward to hearing more from the Lead Evaluator on Recommendations 5 and 11. It also welcomed the constructive suggestions by Member States on the implementation of modalities and strategies (document CDIP/21/11).

23. The Delegation of Switzerland, speaking on behalf of Group B, welcomed the Director General's Report on Implementation of the Development Agenda (document CDIP/21/2) and other documents regarding ongoing DA projects. Those documents gave an analytical and

comprehensive overview of the results of the projects and of how WIPO was implementing the DA Recommendations and principles. The Group welcomed the new project proposals submitted by the Delegations of Kenya, Peru, Canada, Mexico and the United States of America. It reiterated the importance of the DA projects to enhance the capacity of the Member States to use IP as a tool for development. It also encouraged Member States to continue presenting practical proposals that would promote more effective use of the IP system for socio-economic development. With respect to the new agenda item on “IP and Development”, the Group presented concrete suggestions on how to launch substantive exchanges under the new agenda item. The Group considered that the adoption of the SDGs by the UN Summit on sustainable development was a milestone in the UN’s international agenda. It fully supported the SDGs and WIPO’s efforts to contribute to their implementation, while recalling that the primary responsibility for achieving the SDGs lied with Member States. Nonetheless, WIPO had an important role to play in supporting Member States to reach those goals. WIPO should focus on those SDGs which were the most relevant to its mandate while keeping in mind that all SDGs were interrelated. Science, technology and innovation were major drivers for achieving SDGs. The Group, therefore, reiterated its commitment to discuss effective practical and concrete ways of using IP tools in the implementation of the SDGs in accordance with the mandate and mission of the Organization. It further highlighted the progress made during the 20<sup>th</sup> session of the CDIP with respect to the independent review of the implementation of the DA Recommendations and expressed its continued engagement in constructive discussions. The Group took note of the wide array of topics that the Committee had to deal with.

24. The Delegation of Kazakhstan, speaking on behalf of the Group of Central Asian, Caucasus and Eastern European Countries (CACEEC), attached great importance to the work done by WIPO in the implementation of the DA. It highlighted the work carried out by the Organization in drafting national IP and innovation strategies, development plans, disseminating information on IP and innovation, providing legislative advice, capacity building and a number of projects launched to share good practices and exchange information. The Group emphasized the positive work of the WIPO Academy in providing education on topics related to IP. The Group concluded by requesting Members to support the proposal made by the Delegation of the Russian Federation, under the agenda item on “IP and Development”, aimed at discussing the issues of economy digitalization and the influence of new technologies on IP.

25. The Delegation of Morocco, speaking on behalf of the African Group, emphasized that IP was at the center of the economic system and affected all areas of life. The Group supported the Committee’s work and encouraged it to continue making progress in promoting the IP system and upholding the developing needs of Member States. The CDIP was mandated to play an important role in implementing the DA Recommendations. Issues such as technical assistance, capacity building and transfer of technology were of interest for the African and developing countries, as well as LDCs. The Group took note of the Director General’s Report on the Implementation of the Development Agenda (document CDIP/21/2), which gave an overview of the progress achieved in all the areas of the Organization. It also took note of the Annual Report of WIPO’s Contribution to the Implementations of SDGs and its Associated Targets (document CDIP/21/10). The DA should be mainstreamed in all of WIPO’s activities. All WIPO Bodies should take account of the DA Recommendations in their activities. The Organization should also cooperate with other relevant international organizations to achieve the SDGs. The Group expected Member States to be more informed on the contributions of WIPO and its participation in various UN Bodies as well as forums on IP and development. Resources should continue to be allocated to meet the needs and priorities of Member States. The Group also noted that the CDIP should make more efforts for making TA and capacity building more accessible to Member States. It further referred to the SDGs and noted their indivisibility and universality. All SDGs were closely linked among themselves and therefore WIPO should be interested in all the SDGs and play a major role in their implementation. The Group reaffirmed its support to the proposal made by the Delegation of Brazil on establishing a

permanent agenda item on SDGs and hoped that discussions on this topic would produce good results during that session. The Group also expressed its hope that the Committee would adopt Recommendations 5 and 11 of the Independent Review, so as to implement all recommendations as approved. It welcomed the decision adopted by WIPO's GA to have an agenda item on "IP and Development" and looked forward to the discussions on that item during that session. The great interest of developing countries including the African Group in IP and development was based on the conviction of the importance of the CDIP work and its determination to ensure the success of any activity contributing to development. The Group had submitted, at the 19<sup>th</sup> session of the CDIP, a proposal on organizing a biennial international conference on IP and development (document CDIP/19/7). It also had submitted a revised version of the same proposal (document CDIP/20/8) at the 20<sup>th</sup> session of the CDIP. In that regard, it expressed its hope that discussions on the revised proposal would be successfully concluded during that session.

26. The Delegation of China noted the progress achieved by the CDIP since its previous session, which had benefitted developing countries, LDCs and countries with economies in transition. It expressed its appreciation to the DG and his team for their dedication for promoting and implementing the DA over the years and looked forward to continued promotion and use of the achievements of the DA project. WIPO continued playing its unique role in the implementation of SDGs. The Chinese Government attached great importance to the implementation of SDGs. Pursuant to its national medium and long-term development plans, the country had established an inter-ministerial coordination mechanism which involved 43 Government sectors in order to form synergy. It planned to establish, over the following few years, 10 SDG innovation demo regions aimed at sharing the experience and success stories with other regions as well as with the international community. The Delegation expressed its hope that the Committee would continuously contribute to discussing and promoting the implementation of SDGs. The Delegation also hoped that substantive progress would be made and Member States would be able to reach an agreement on specific topics under the new agenda item on "IP and Development". It reassured its active participation in the discussion in a constructive manner and hoped that all Member States would continue to show flexibility, openness, inclusiveness and cooperative spirit during the discussions to achieve positive results.

27. The Delegation of Tunisia echoed the statement made by the Delegate of Morocco on behalf of the African Group and acknowledged the results achieved in terms of seeking solutions for the implementation of the DA. The Delegation noted that the Ambassador of Tunisia chaired the previous two sessions of the CDIP and expressed gratitude to all Member States for their cooperation. It welcomed the constructive spirit of the discussions and the results achieved in seeking solutions for the implementation of the DA, the Independent Review Recommendations, the activities carried out on technology transfer matters and the implementation of SDGs. In an economy of know-how at a global level, IP played a very important role and was one of the most essential elements in achieving economic prosperity (particularly in developing countries and LDCs), in using trademarks to promote the expert products, in sharing information on patents within the framework of reinforcing the national technological capacities and traditional knowledge, so as to create jobs and wealth, promote capacity building and TA, and encourage innovation and transfer of knowledge. The Delegation welcomed the Report of the Director-General for the implementation of the Development Agenda and called for the adoption of two remaining Recommendations 5 and 11 of the Independent Review. The Delegation reiterated its support to the proposal of the African Group on holding biennially an international conference on IP and development. The Conference would be advantageous for everybody and would strengthen the fundamental role of the IP system and its relevance for social, economic and cultural development. It stressed upon the importance of strengthening the contribution of WIPO in the implementation of the SDGs and expressed its commitment to give its full support to the development of these activities. Tunisia

had integrated the SDGs into its five-year Development Plan for 2016-2020, after their official adoption. The National plan was initiated by signing a joint program of the UN system and the Tunisian Government which aimed at setting up an SDG reporting followed up by its assessment process in Tunisia. It concluded by expressing its hope that the session would make a lot of progress.

28. The Delegation of Pakistan aligned itself with the statement made by the Delegation of Indonesia on behalf of the APG and expressed its appreciation for the Director General's Report on Implementation of the Development Agenda (document CDIP/21/2). It identified a positive momentum in the implementation and mainstreaming of the DA within WIPO's Program and Budget. WIPO's collaboration with the UN agencies in the domain of public health, innovation, trade and IP was commendable. The Delegation also noted the policy tools and initiatives developed, such as the Inventor Assistance Program for matching under-resourced inventors and small businesses in developing countries. The implementation of programs and activities for small and medium-sized enterprises (SMEs) and the research sector was another area where WIPO should continue its programs. The subsequent reports should highlight costs imposed by the IP system on the ability of developing countries to meet their development goals and possible ways of mitigating these costs. It suggested the Secretariat to develop more tools as part of the DA Recommendations on IP related matters, access to knowledge and transfer of technology, with the focus on a development-oriented approach. The Delegation looked forward to discussing the pending issues, including the adoption of the Independent Review Recommendations 5 and 11. It also appreciated that the Program and Budget 2018/19 was aligned with SDGs, as reflected in the Report on WIPO's Contribution to the Implementation of the SDGs and its Associated Targets (document CDIP/21/10) and pointed out that IP was crosscutting in nature and that a holistic approach that embedded all SDGs was important to implement. In the future, the report should also focus on issues of fair and affordable access to IP-protected technologies in order to effectively implement the SDGs in their full dimension. The Delegation looked forward to meaningful discussion on SDGs and supported the proposal of the Delegation of Brazil for including a permanent agenda item on the implementation of the SDGs. It encouraged Member States to develop a work program that would undertake activities addressing specific SDGs. The report on Gap Analysis of WIPO's Existing Technology Transfer Services and Activities in Respect of the WIPO Development Agenda "Cluster C" Recommendations (document CDIP/21/5) was the right step in the right direction. However, the methodology needed to be fine-tuned. It noted that for objective analysis, there was a need to devise indicators or benchmarks and requested the Secretariat to provide its insights on the subject. With regard to the Report on Compilation of WIPO's Existing Practices, Methodologies and Tools for Providing Technical Assistance (document CDIP/21/4), WIPO's efforts in complementing the delivery of TA to Member States was appreciated. In order to ensure the effective delivery of TA, it suggested devising an institutional mechanism to avoid duplication and ensure optimal channelization of resources. The Delegation requested the Secretariat to develop a comprehensive manual on TA that could help countries assessing the scope of possible TA activities and to include information on WIPO focal points for each category of TA activity. It supported the revised proposal of the African Group to organize a biennial international conference on IP and development (document CDIP/20/8). The Conference held in 2016 played an important role in updating the Member States on recent developments on IP and development and convening it regularly in the future would enable participants to discuss the relevance of IP for social, economic and cultural development. The Delegation stressed the importance of the project proposal made by the Delegations of Canada, Mexico and the United States of America on increasing the role of women in innovation and entrepreneurship (document CDIP/12/12). The project should address the constraints women inventors face while accessing IP-protected technology, particularly in developing countries and LDCs. The Delegation also appreciated the submissions of the Delegation of Brazil, Group B and the Russian Federation with regard to the agenda item on "IP and Development" (document CDIP/21/8 Rev.). It highlighted that the discussion on IP and development should focus on the

crosscutting nature of IP. Besides, sharing experiences on the role of women in IP and the positive impact of IP were important aspects to be considered. The Delegation also noted that it was important to remain mindful of the negative implications of IP in terms of access to technology and costs associated with development of IP laws and policies, particularly for developing countries and LDCs. It suggested that the Secretariat compile a review of literature on the relationship between IP and innovation to have insight and test certain conventional assumptions in that regard. It supported the proposal of the Delegation of Brazil on developing a WIPO database which would compile IP dispute cases from a public policy perspective. Finally, the Delegation expressed its full support for the Chair and looked forward to a productive session.

29. The Delegation of Egypt welcomed the results of previous sessions where consensual solutions for important issues had been reached. It also highlighted that inclusion of the agenda item on “IP and Development” was one of the main achievements made due to the cooperation between Member States. However, there was more to be achieved and Member States needed to work together and with the Secretariat to present proposals related to economic social and environmental aspects of the DA. In addition to technical support provided by WIPO to developing countries, there was a need for all WIPO Committees to fulfill the DA and introduce IP in all countries of the world according to a system, commensurate with their abilities and capacities. It supported the proposal of the African Group on a biennial international conference on IP and development and expressed its readiness to discuss the matter with all other countries in a constructive manner to reach consensus. Finally, the Delegation noted that it would make further and more detailed statements under the agenda items and more specifically on the Director General’s Report on Implementation of the Development Agenda (document CDIP/21/2) and the Independent Review Recommendations 5 and 11.

30. The Delegation of Iran (Islamic Republic of) aligned itself with the statement made by the Delegation of Indonesia on behalf of the APG. IP had always been an integral part of general economic, social and cultural development worldwide and played a significant role in supporting innovation and technology that were essential components of sustainable development. It also noted that WIPO, as one of the UN specialized agencies, should adopt an IP oriented approach towards development, to increase the capacity of developing countries and help them meet their development goals through TA and the implementation of national IP and innovation policies and strategies. Moreover, WIPO’s DA was one of the most important outcomes of discussions on development in the area of IP. The Delegation confirmed its continued support for activities related to the DA and its readiness to contribute to the implementation and further development of the international IP regime. The Delegation took note of the Director General’s Report on the Implementation of the DA (document CDIP/21/2). It recalled that 10 out of 12 recommendations made by the Independent Review Team had been adopted by the Committee and looked forward to the video conference with the Lead Evaluator of the Independent Review team to clarify and shed more light to Recommendations 5 and 11. The Delegation expressed its hope that the video conference would help the Committee to adopt the two remaining recommendations. It also highlighted that, like other UN agencies, WIPO needed to ensure that its work was in line with the SDGs which should be approached in a holistic manner. It took note of the information contained in the document CDIP/21/10 concerning WIPO’s Contributions to the Implementation of the SDGs and its Associated Targets and considered that WIPO’s engagement and activities carried out within the framework of the UN Interagency Task Team were a positive contribution in addressing SDGs.

31. The Delegation of Nigeria supported the statement made by the Delegation of Morocco on behalf of the African Group. It noted the importance of the work of the Committee carried out with regard to IP and development, particularly the work done to implement all 45 DA Recommendations. It encouraged WIPO Members to effectively monitor and evaluate the implementation and mainstreaming of DA Recommendations and to ensure that the mandate of

the CDIP was applied appropriately for the benefit of its Members. The Delegation assured that it would continue encouraging regular discussions on the pending and emerging issues related to IP and development. It looked forward to a fruitful debate during that session especially with regard to the revised proposal of the African Group on a biennial international conference on IP and development (document CDIP/20/8) and other documents related to agenda items 8 and 9. The Delegation noted the importance of making WIPO's TA and capacity building activities accessible to Member States. It further referred to the Gap Analysis of WIPO's Existing Technology Transfer Services and Activities in Respect of the WIPO Development Agenda "Cluster C" Recommendations (document CDIP/21/5), and expressed its interest in seeking programs that would clearly measure the quantitative contribution of WIPO in the existing services and activities in respect to technology transfer, in the future CDIP sessions.

32. The Delegation of India aligned itself with the statement delivered by the Delegation of Indonesia on behalf of the APG. It looked forward to discussions on the Director General's Report on the Implementation of the Development Agenda (document CDIP/21/2) and the Report on WIPO's Contribution to the Implementation of the SDGs and its Associated Targets (document CDIP/21/10). The Delegation believed that in order to have a balanced and effective international IP system, it was imperative to take a holistic view of its impact. Both the benefits of IP with respect to fostering innovation and the costs it entailed on the availability of developing countries and LDCs in meeting the socioeconomic developmental aims had to be factored. WIPO, as the principal norm-setting body in the field of IP in the world had a much bigger role to play for initiating international norm-setting and policy guidelines and ensuring effective, balanced and development-oriented implementation of the global IP system. In the context of the 17 SDGs, the Delegation emphasized that WIPO's role could not be confined to a specific number of SDGs. WIPO should cover all of them in a comprehensive and holistic manner as long as SDGs were universal, integral and indivisible in character. The Delegation expressed its belief that each SDG was fully relevant to WIPO's activities. Under the agenda item "IP and Development", the Delegation welcomed the proposal of the Delegation of Brazil which suggested six activities (document CDIP/21/8 Rev.). It also welcomed the proposal put forward by the Delegation of the Russian Federation under the same agenda item, which proposed to discuss issues concerning digitization of economies and the influence of new technologies on the IP sphere. The Delegation was positive that the discussions on WIPO's TA in the Area of Cooperation for Development would bring uniformity, better organization and clarity to existing processes and practices. Finally, it looked forward to engaging, productively and constructively, in the discussions during that session of the CDIP.

33. The Delegation of Malaysia aligned itself with the statement delivered by Indonesia on behalf of the APG. IP assumed a central position in the economic system and its intrinsic link with development was increasingly recognized as a crosscutting policy issue that touched everyday lives. In this regard the WIPO DA and its 45 recommendations, along with the 2030 Agenda and the 17 SDGs, further emphasized the role that WIPO had to play not only in promoting creative and intellectual activity but also in facilitating the related technology transfer to developing countries in order to accelerate economic, social and cultural development. The Delegation highlighted that Article 7 of the TRIPS Agreement stated that "the protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations". Therefore, IP should be considered as an instrument for technological development to benefit the society as a whole. The CDIP was an important forum for that important discussion considering that the mandate of the Committee was to ensure the mainstreaming of the DA and the SDGs into the work of WIPO through monitoring, assessing and reporting mechanisms. The Delegation looked forward to discussing further the DG's Report on the Implementation of the DA (document CDIP/21/2) and the Report on WIPO's Contribution to the Implementation of the SDGs and its Associated

Targets (document CDIP/21/10). Recognizing that appropriate capacity building and technology transfer assistance were crucial for developing countries to pursue the SDGs and flourish in a knowledge-based economy, the Delegation commended WIPO for the implementation of various projects over the previous year. It noted the detailed information contained in the related documents and looked forward to discussing them further. Encouraged by the outcome of the International Conference on IP and Development held in April 2016, the Delegation supported the proposal of the African Group to carry out a biennial international conference on IP and development, and believed that the congregation of policymakers, IP and development practitioners, academia, IGOs, and civil society organizations would stimulate an intensive discussion on IP as a tool for development. The Delegation also looked forward to further engaging in the African Group's proposal and to discussing the implementation of the Recommendations of the Independent Review, taking into account all documents and the inputs contained in document CDIP/21/11. The video conference with the Lead Evaluator would enable Member States to gain more clarity on the issue. It placed great importance on the agenda item on "IP and Development" and believed that its inclusion as a standing agenda item in the discussions of that Committee would facilitate the implementation of the third pillar of the Committee's mandate, initiating a more focused, balanced and result-oriented discussion on that very important subject. It looked forward to a meaningful discussion on the various proposals submitted under that agenda item. Finally, the Delegation congratulated the WIPO Academy on its 20<sup>th</sup> anniversary and commended it for many useful training courses conducted.

34. The Delegation of Oman stressed the importance of the work of the Committee, which was a forum for monitoring and implementing the DA. It found the Director General's Report on the Implementation of the Development Agenda (document CDIP/21/2) very useful. It also noted the document on WIPO's contribution to the Implementation of the Sustainable Development Goals and its Associated Targets (document CDIP/21/10), which monitored all TA programs and activities as well as examined WIPO's contribution to SDGs. As for the agenda item 8, the Delegation expressed its support for the African Group's proposal to convene a biennial conference on IP and development. It stressed that the conference would enhance the implementation of the subject as well as help to examine matters related to development. It would also enable to determine countries' needs to ensure a balanced approach between the different interests of developing countries. It was important to take into account the main role played by IP in supporting technology and development, which was the key instrument for achieving SDGs. With regard to agenda item 9, the Delegation noted Member States' contributions. Finally, the Delegation stressed the need for continuing to contribute constructively to the work of that session in the interest of all concerned.

35. The Delegation of Indonesia, speaking in its national capacity, associated itself with the statement made by the APG. It pointed out that it was essential for each Member State to realize the full benefit and contribution of IP to its development objectives in order to respect, implement and enforce IP rights accordingly. In this regard, the Delegation stressed the important role of the Committee particularly in implementing the DA Recommendations which would enable developing countries and LDCs to effectively utilize the IP system to their advantage as a contributing factor to their development. The Delegation noted WIPO's effort in implementing and mainstreaming the DA Recommendations into its activities and the work of WIPO bodies, as reflected in the Director General's Report on the Implementation of the DA (document CDIP/21/2). It fully supported WIPO's role and contribution in creating a balanced and effective international IP system and encouraged the Organization to make more significant achievements in implementing DA Recommendations. It welcomed the report on WIPO's Contribution to the Implementation of the SDGs and its Associated Targets (document CDIP/21/10) and expressed its belief that the SDGs must be conceived as a global agenda with shared responsibilities between all countries. The Delegation pointed out that the aforementioned report was a useful reference for highlighting and determining the contribution of WIPO and its Member States towards the attainment of the SDGs. It supported the requests

to establish a permanent agenda item on the SDGs, which would further demonstrate WIPO's commitment in that regard. The Delegation appreciated the effort of the Secretariat in preparing the Gap Analysis of WIPO's Existing Technology Transfer Services and Activities in Respect of the WIPO Development Agenda "Cluster C" Recommendations (document CDIP/21/5). It highlighted that technology transfer remained a challenge for developing countries and LDCs in the context of pursuing IP and innovation as a tool for development. It also pointed out that the document could be enriched by including the assessment of programs and activities conducted by WIPO to identify existing gaps between countries that pursue and implement technology transfer activities. The Delegation believed that a well measured gap analysis complemented with an in-depth assessment, comprised of the effectiveness, efficiency and the impact of WIPO's activities in Cluster C, could serve as guidance for new proposals and priorities in implementing Cluster C Recommendations. With regard to TA, the Delegation commended WIPO for taking into account and responding to the needs and conditions of recipient countries. It looked forward to the discussion on establishing a forum on TA and expressed readiness to contribute to the discussion. With respect to the revised African Group's proposal on convening a biennial international conference on IP and development (document CDIP/20/8), the Delegation reiterated its support to the proposal and referred to the successful completion of the International Conference on IP and Development held in 2016. It was attended by a wide range of stakeholders and served as a forum of exchanging different perspectives among its participants. Noting the importance and urgency of the issue of IP and development, the organization of a conference on IP and development, as proposed by the African Group, would add value in raising awareness on how to harness and speed up the implementation of IP policies as a tool for development. The Delegation took note of the proposals put forward by the Delegations of Kenya, Peru, Canada, Mexico and the United States of America and looked forward to discussing these proposals under agenda item 8. The Delegation expressed its support for implementing the Recommendations of the Independent Review of the implementation of the DA Recommendations. It noted that all recommendations needed to be adopted as a whole to ensure their effective implementation and also urged Member States to engage constructively in discussing the matter, especially on the adoption of Recommendations 5 and 11. Finally, the Delegation expressed its appreciation for the inputs put forward by various Member States and regional groups with regard to agenda item 9 on "IP and Development" and hoped that the new agenda item would further strengthen the role of the Committee in ensuring a balanced and effective international IP system that included a full utilization of IP flexibilities. The Delegation looked forward to contributing to the discussion on that agenda item and reiterated its support to the work of the Committee.

36. The Delegation of Zimbabwe congratulated the WIPO Academy on its 20<sup>th</sup> anniversary and highlighted the great importance of its work. It associated itself with the statement delivered by the Delegation of Morocco on behalf of the African Group. The Delegation stated that the national IP policy and strategy of Zimbabwe developed within the framework of WIPO's TA, was about to be launched and a delegation from WIPO was expected to grace the occasion. It appreciated the continued support provided by WIPO towards the modernization of national IP offices, including the Zimbabwe IP Office and commended WIPO for the work done in promoting IP on the African continent. The Delegation expressed its hope that the DA would be integrated in all WIPO's activities as development was important to every nation. It further stressed that the 17 SDGs and their targets were interlinked and inseparable and all countries were interested in using innovation and the infrastructure to create employment, reduce inequalities and poverty and address gender equality and the general well-being of their citizens.

37. The Delegation of Republic of Korea noted that the CDIP had made good progress in implementing the DA Recommendations. It underlined the importance of IP-related projects that fostered a balanced growth among developed countries and LDCs. The Delegation noted that the IP-related diversity between developed countries and LDCs could become more

substantial as the technology improved and that was why the Korean IP Office (KIPO), in collaboration with WIPO, worked towards bridging the gap among Member States by utilizing the Korean Funds-in-Trust. The Delegation confirmed that, as part of the effort to accomplish the aforementioned vision, KIPO jointly with WIPO, would hold appropriate technological competitions in Cambodia and Vietnam in 2018. Furthermore, KIPO initiated IP sharing projects to develop an eco-friendly fabric dyeing technology and to create a brand for the silk industry in Vietnam with the goal of strengthening the clothing industry of the region. KIPO also planned to implement IP sharing projects to develop a greenhouse crop cultivation technology in Mongolia with the goal of improving productivity in the region. Moreover, KIPO already implemented 15 appropriate technology projects in 13 countries to meet the needs of LDCs and developing countries. The Delegation continued to look forward to constructively discussing those types of concerns throughout the session.

38. The Delegation of Morocco, speaking in its national capacity, found the work of the Committee particularly important. It believed that development was a universal element and central to the issue of IP. The Delegation expressed its readiness to participate fully in the work of the Organization and to work in favor of sustainable development while recognizing the challenges in the area of IP. Morocco participated actively in WIPO's projects as a beneficiary and as a sponsor. It highlighted the need to speed up the implementation of the 45 DA Recommendations. The Delegation noted the implementation of WIPO DA and suggested to debate about WIPO's contribution towards the achievement of the SDGs, particularly considering the environmental, social and economic aspects of the South-South cooperation which would undoubtedly allow the implementation of the 45 DA Recommendations and the SDGs. It supported the proposal by the African Group on holding a biennial conference on IP and development and mentioned the success of the conference on the same subject organized in 2016. The conference could be inspired with other conferences frequently organized by WIPO either independently or in cooperation with other international organizations.

39. The Delegation of Burkina Faso supported the statement made by the Delegation of Morocco on behalf of the African Group and pointed out the importance of the work of the Committee as well as the implementation of the DA. It noted the support provided by WIPO to Burkina Faso. The Delegation was delighted by the success of the implementation of Phase II of the project on Developing the Audiovisual Sector in Burkina Faso and in some other African countries, which was extremely important for cultural and socioeconomic development of the country. It reaffirmed its desire to work with all stakeholders in order to guarantee the reinforcement and the development of the audiovisual sector in Burkina Faso and some African countries. It welcomed the Feasibility Study on Enhancing the Collection of Economic Data on the Audiovisual Sector in a Number of African Countries (document CDIP/21/INF/2) and confirmed its support for the proposal of the African Group with regard to the biennial conference on IP and development.

40. The Delegation of the United Arab Emirates supported the statement made by the Delegation of Indonesia on behalf of the APG. It noted WIPO's role in launching projects on IP and development which ensured the understanding of the benefits of the IP system. The Delegation noted that the United Arab Emirates supported regional and national activities in the area of IP. It mentioned the workshop held jointly with WIPO and in cooperation with the universities in Korea, on educating professors on the importance of IP. The United Arab Emirates also worked with universities in other countries to discuss the benefits of the IP system and innovation. The Delegation congratulated the WIPO Academy with its 20<sup>th</sup> anniversary and expressed its readiness to participate in the work of the Committee.

41. The Delegation of Thailand aligned itself with the statement made by the Delegation of Indonesia on behalf of the APG. It pointed out that the work of the Committee was highly important to its Members. The Delegation continued to support WIPO's mission that led to the

development of a balanced and effective international IP system and enabled innovation and creativity for the benefit of all. It noted the documents related to technology transfer (documents CDIP/21/5 and CDIP/21/6) as well as documents related to WIPO TA (documents CDIP/21/4 and CDIP/21/9). In the area of cooperation for development, TA was an important area for the Members where the deliveries of TA needed to be efficient and coherent. The Delegation also expressed its hope that discussions on the new agenda item on IP and Development could further strengthen the IP system to benefit all Members.

42. The Delegation of Côte d'Ivoire supported the statement of the Delegation of Morocco made on behalf of the African Group. It noted that the CDIP represented a strong framework for the achievement of the 45 DA Recommendations and urged the Committee to debate efficiently and effectively in order to achieve the required balance of the world IP system. The Delegation referred to the proposal on a biennial conference on IP and development and suggested, in order to be innovative and effective, that the conference should deal with specific issues linked to the real needs of the Members. It also invited all delegations to be flexible and constructive in order to achieve mutually beneficial results during that session.

43. The Delegation of Brazil aligned itself with the statement made by the Delegation of Ecuador on behalf of the GRULAC and noted that development remained to be one of the most daunting challenges faced by the international community. It stated that the creation of wealth without its fair distribution remained to be one of the world's main problems, which had rendered globalization unpopular in both developed and developing countries. On top of that, the world seemed to be heading towards uncharted waters, which could eventually result in undesirable consequences in different areas of the international arena: geopolitics, trade, and IP. That backdrop initiated the Delegation's engagement in the CDIP. Cooperation, multilateralism and constructive spirit had never been so necessary. The Delegation urged all Member States to fully engage in the work of the session to resolve three pending issues critical to the fulfillment of the CDIP's mandate. The Delegation expressed its belief that all Member States should strive to reach consensus on a work program of the agenda item on "IP and Development", which was one of the pending issues mentioned above. The selection of topics for that work program had to strike the right balance between two complementary intellectual perspectives: the use of IP for development and the development-oriented IP. It was not a diplomatic rhetoric. Only by taking into account both approaches they could have a multilateral framework that would work for all Member States and avoid rendering the current IP system. The Delegation welcomed the proposals submitted by the Delegations of the Russian Federation, Mexico and Group B and expressed its willingness to work together to find areas of common ground. With regard to the second topic, the Delegation noted the proposal on SDGs and reiterated its long-standing position that WIPO, as a specialized UN agency should have a substantive contribution towards the implementation of the SDGs. The Delegation believed that its proposal made during the 18<sup>th</sup> session of the CDIP, contained in document CDIP/18/4, could bolster the discussions on the subject during that session of the Committee. It also believed that an agenda item on SDGs would help to enhance transparency, focus and accountability over WIPO's programs and actions, thus helping the Organization to comply with the recommendations of the GA. The Delegation noted that in previous sessions, its proposal received support of the majority of the countries, reflecting the desire of a substantial part of the international community to see WIPO playing a more active and transparent role towards mainstreaming the SDGs. The third pending issue addressed Recommendations 5 and 11 of the Independent Review. The Delegation urged all Member States to show some flexibility on that topic. It assured that addressing these three main issues would help to reach a more inclusive, balanced and development-oriented IP system which would increase economic growth in the medium and long-term to the benefit of all Member States and all sectors of the society. Finally, the Delegation urged once again all Members to fully engage in discussions with a spirit of inclusiveness and dialogue.

44. The Delegation of Sudan aligned itself with the statement delivered by the Delegation of Morocco on behalf the African Group and stressed the importance of the work of the Committee in the area of implementing the SDGs. It welcomed the DG's report contained in document CDIP/21/2 and the Report on WIPO's Contribution to the Implementation of the SDGs and its Associated Targets contained in document CDIP/21/10. The Delegation also stressed the importance of providing TA and capacity building to Member States according to their needs and priorities as well as technology transfer to developing countries and LDCs. It expressed its support for the proposals submitted by the African Group regarding the biennial international conference on IP and development as well as the proposals regarding the agenda item on "IP and Development". The Delegation congratulated the WIPO Academy on its 20<sup>th</sup> anniversary and noted its excellent cooperation with Sudan. It expressed its readiness to implement the proposals and recommendations aimed at promoting and protecting the IP policies for universities and academic institutions in Sudan.

45. The Delegation of South Africa aligned itself with the Delegation of Morocco on behalf of the African Group. The Delegation stated that having given consideration to the Agenda of the 21<sup>st</sup> session of the CDIP, there was no doubt that it was not only a very full agenda but also an exciting one. All agenda items were equally important. However, agenda item 8, the consideration of the work program for the implementation of the adopted Independent Review Recommendations, and the long-awaited agenda item on "IP and Development" held much potential. The Delegation joined other delegations in congratulating the WIPO Academy on its 20<sup>th</sup> anniversary and extended its sincere gratitude for the ongoing support received to develop local capacity. South Africa was a recipient of vast amounts of support provided by the WIPO Academy, including online courses, summer schools and workshops, such as the recent workshop held on IP and Innovation Policy. The workshop was open to all countries and many colleagues from diverse backgrounds and needs had rich, robust and progressive discussions on how to formulate IP policies. The Delegation expressed its excitement with the IP for Youth and Teachers Program which was developed by the Academy and provided opportunity for the next generation to actively embrace innovation and creativity from a creation perspective rather than from an enforcement perspective. The Delegation informed the Committee of the WIPO-WTO colloquium for IP teachers and researches in Africa, which was held in Pretoria in April 2018. None could formulate or implement developing-orientated IP systems, innovation systems, trade policies and various arrangements in isolation and encouraged both WIPO and the WTO to continue sharing a common platform regularly. The Delegation acknowledged and quoted the statement made by WIPO's DG during the 20<sup>th</sup> session of the CDIP: "the new agenda item on IP and development is one of the most challenging issues confronting the organization and the world." It noted that the DG went on to say that the SDGs covered everything and everyone. It also acknowledged that the Committee needed to address another profound question related to technology transfer, which was exceptionally important due to increasing asymmetry in relation to technological capacity. Transfer of technology remained a key mechanism in addressing those asymmetries. The Delegation stated that a lot of those specific observations made by WIPO's DG confirmed the magnitude and critical importance of the work of the CDIP and the question was how those critical discussions and evidence-based studies influenced the normative work of those committees.

46. The Delegation of the Syrian Arab Republic acknowledged the efforts made by WIPO in implementing the DA which contributed to strengthening IP and making it an active tool in economic development. Syria, facing a difficult situation, was not included in many projects. However, WIPO's DG and the Arab Bureau made it possible for Syria to participate in activities carried out in neighboring countries. Syria was depending on international expertise in establishing the infrastructure for a Center of Expertise, supporting SMEs and increasing IP awareness and culture in the various sectors. The Delegation stated that the country was looking positively at the results achieved in the previous CDIP session and expressed its hope to achieve similar results in this session. It also hoped to become familiar with the studies

carried out by WIPO in favor of IP Offices in developing countries, especially in supporting the transfer of technology in order to promote the electronic fora and other projects that would be adopted as part of the DA Recommendations. The Delegation expressed its support in holding an international conference biennially which would add value to the concept of IP. It also supported Recommendations 5 and 11 and hoped that this meeting would be crowned with success.

47. The Delegation of Singapore looked forward to the discussion on the Compilation of WIPO's Existing Practices, Methodologies and Tools for Providing Technical Assistance (document CDIP/21/4), and to better understanding Members' issues to be discussed under the "IP and Development" agenda item.

48. The Delegation of Japan aligned itself with the statement made by the Delegation of Switzerland on behalf of Group B. Since 1987, the Japanese Government had made voluntary contributions to WIPO for its development cooperation in the field of IP rights. In 2018, Japan planned to donate 5.9 million Swiss francs, as it did the previous year. Making effective use of the Japanese Funds-in-Trust, Japan had been implementing a variety of assistance programs for developing countries in the Asia and Pacific and the African regions in the field of IP. The activities included training over 1,800 participants (since 1996) from 59 countries and four regional IP offices, holding various workshops and seminars, and sending over 300 of its own experts to 35 countries since 1987. Through the Japanese Funds-in-Trust, Japan had been assisting WIPO to advance initiatives aimed at enhancing the knowledge infrastructures, including projects to digitize paper documents and improve IT infrastructure in IP offices. In addition, in the field of copyright, Japan had so far welcomed over 350 trainees from 27 countries in the Asia and Pacific region. The Japanese Funds-in-Trust had supported the development of the culture and content industry by establishing copyright systems and developing human resources in that region. Japan's cooperative and assistant activities for developing countries and the support of the Funds-in-Trust had a long history with many outstanding achievements. The Japanese Funds-in-Trust commemorated its 13<sup>th</sup> anniversary in fiscal year 2017. In celebrating the 30<sup>th</sup> anniversary of the Japanese Funds-in-Trust, WIPO and the Japan Patent Office held the WIPO High-Level Forum on Utilizing the IP System for Economic, Social, and Cultural Development in Tokyo on February, 22 and 23, 2018. The forum brought together approximately 100 attendees from 54 developing and other countries to hold discussions concerning future cooperation through the Japanese Funds-in-Trust activities. The Japanese Government announced that Japan would expand activities to be implemented under the Japanese Funds-in-Trust to cover more areas of the world. In addition, Japan planned to increase the amount of its voluntary contributions to WIPO so as to satisfactorily cover the expected costs for enhanced cooperative initiatives in targeted regions. Furthermore, the Japanese Government proposed two initiatives under the Japanese Funds-in-Trust. Firstly, IP-oriented activities to create regional brand and cultivate new international markets, and secondly, initiatives aimed at using IP to create innovations. The Japanese Government also established the Japanese Funds-in-Trust for Africa and LDCs in 2008, after the adoption of WIPO DA Recommendations. The Fund marked its 10<sup>th</sup> anniversary in 2018. Japan recognized the importance of conducting developing activities efficiently and effectively in line with the objectives of this Organization and promoting the protection of IP. The Delegation concluded by stressing its cooperation with WIPO, and its commitment to further improving its initiatives to ensure that the Japanese funds would be used even more efficiently and effectively.

49. The Delegation of Ethiopia aligned itself with the statements made by the Delegation of Morocco on behalf of the African Group. It stated that Ethiopia continued to attach great importance to the work of the CDIP, which was the basis for the implementation of the 45 Recommendations of the WIPO DA, especially as they were definitely focused on SDGs pertinent to development of the country. The Delegation appreciated WIPO's commitment

towards implementing the WIPO DA and looked forward to the report of the DG. It congratulated WIPO on the occasion of the 20<sup>th</sup> anniversary of the WIPO Academy and highlighted that Ethiopia recognized the work of the Academy in the course of its pertinent activities. Moreover, Ethiopia was working to establish an IP Start-up Academy at the national level with the support and cooperation of WIPO Academy. It was important to remind that the 19<sup>th</sup> session of the CDIP agreed to establish a new standing agenda item on “IP and Development” to implement the third pillar of the mandate of the CDIP. That agenda item could raise the level of discussion in the CDIP to a higher level and carry out critical analysis of the relationship of the IP system with the DA. The Delegation encouraged WIPO to further expand the tools and resources available under the IP system for developing countries and LDCs. It noticed that the work of the CDIP was critical for supporting several knowledge-driven initiatives and activities of many countries. Moreover, the Delegation supported the African Group’s revised proposal on a biennial international conference on IP and development and highlighted that such conference could add value by raising awareness about the WIPO DA and its relevance, as well as advance development-related issues that should be addressed by IP policymakers. The Delegation was committed to participate constructively in the discussions of the Committee.

50. The Delegation of Senegal supported the statement made by the Delegation of Morocco on behalf of the African Group. It encouraged WIPO to extend the scope of its activities aimed at reducing the digital gap. It also encouraged the countries, especially developed countries, to strengthen the cooperation with the research and development institutions in LDCs. The Delegation referred to the 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 – Phase II (document CDIP/13/9) and noted that national and international experts had significant experience on questions linked to technology and contributed to the successful implementation of projects through their knowledge. The Delegation stated that activities targeting LDCs should be supported, extended and reproduced in other countries. It also requested to implement a similar project in Senegal.

51. The Representative of China’s Council for the Promotion of International Trade (CCPIT) mentioned that it was the first time for CCPIT to attend a CDIP meeting as a permanent observer. It noted its participation to be of important relevance to both sides. As a national foreign trade and investment promotion agency, CCPIT was one of the authoritative representatives of China’s business sector and it was committed to providing complete one-stop services to public administrations, industry organizations, and right-holders that covered every inch of the IP chain from creation, utilization, to promotion and management. The Representative of CCPIT shared information about an international IP Business Summit scheduled in Beijing for autumn 2018 and welcomed the participants to attend. Since its foundation in 1952, the CCPIT had been committed to the development of bilateral and multilateral trade relations to promote world economic prosperity and to pursue the wellbeing for all mankind. That commitment was highly in line with WIPO’s mission to promote innovation and creativity for the benefit of each and every one through developing a balanced and effective international IP system. The representative of CCPIT also highlighted that development was an everlasting theme in human society. It brought existence and hope and symbolized human dignity and honor. The CCPIT admired WIPO’s dedication and commitment to development issues, notably, WIPO’s adoption of its DA and ensuring that development considerations were part of its work and were prioritized and mainstreamed into all WIPO activities. China’s business sector attached high importance to and respected IP rights. The Delegation noted the increasing awareness and capacity of China’s business associations and companies in terms of IP rights creation, protection, and utilization. In 2017, China moved into the second position as a source of international patent applications filed via WIPO, getting closer to the long-term leader, the United States of America. In 2017, Huawei, a private Chinese company, became the number one in filing international patent applications. With strong support of China’s

business sector and Chinese IP experts, and backed by their excellent business resources, the CCPIT was confident and duty-bound to make the best use of WIPO and the opportunities WIPO provided to promote professional exchanges and cooperation with WIPO so as to fully exercise its functions.

52. The Representative of the HEP noted that it was a Cameroonian NGO accredited at WIPO for a number of years. The Representative congratulated WIPO Academy for its anniversary. She expressed the interest in benefits provided by WIPO for HEP members in Cameroon and in Africa in general. The HEP intended to explain to Government members, NGOs and others national stakeholders how to be in contact with WIPO to benefit from its activities and how to defend their rights. She also expressed her hope in an ongoing support, in terms of trainings and participation opportunity, particularly for NGO representatives.

## **AGENDA ITEM 7: MONITOR, ASSESS, DISCUSS, REPORT ON THE IMPLEMENTATION OF ALL DEVELOPMENT AGENDA RECOMMENDATIONS AND CONSIDERATION OF THE DIRECTOR GENERAL'S REPORT ON THE IMPLEMENTATION OF THE DEVELOPMENT AGENDA**

### Director General's Report on the Implementation of the Development Agenda – document CDIP/21/2

53. The DDG (Mr. Mario Matus) noted that it was the 9<sup>th</sup> Report of WIPO's DG on the aforementioned topic. The DDG described the structure of the report noting that it was divided into two parts. The first part provided highlights on the implementation and mainstreaming of the DA. The second part of the report described the key developments in the implementation of the ongoing DA projects. Besides, the report had a number of Annexes which presented the status of the implementation of the 45 DA Recommendations, an overview of the DA projects implemented in 2017, and the projects that had been completed and evaluated by the Committee. The DDG highlighted some aspects of the report. Firstly, that the Program and Budget 2018-2019 continued to prioritize development and SDGs by mainstreaming and linking them across WIPO's strategic goals. Secondly, that in 2017, the DA continued to be mainstreamed in all the bodies and the entities of WIPO. It was mainstreamed in the Intergovernmental Committee (IGC), the Standing Committee on the Law of Patents (SCP), the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), the Standing Committee on Copyright and Related Rights (SCCR), and the Advisory Committee on Enforcement, as well as in the Patent Cooperation Treaty Working Group (PCT Working Group). The DDG stressed that development projects also continued to be mainstreamed in the WIPO system, currently counting 19 projects in total. In 2017, progress was made in developing the IP Statistics Manual that would help IP offices of the Member States to collect and report IP statistics on the basis of internationally harmonized definitions, which primary addressed the lack of proper and specific data on IP-related matters. He also mentioned that the statistics presented on WIPO webpage had been updated and, it continued to work with the enterprises and civil societies around the world on specific public-private partnership platforms, such as the Accessible Book Consortium (ABC), WIPO Re: Search, WIPO GREEN, Access to Research for Development Innovation (ARDI), Research Disclosure (RD), and Access to Specialized Patent Information (ASPI). The DDG pointed out that the Organization had implemented 35 projects, covering 34 DA Recommendations, and that the invested budget was over 30 million Swiss francs. By the end of 2017, 28 projects were completed, evaluated, and discussed by the CDIP and six projects were still under implementation. These projects were: (i) IP, Tourism and Culture: Supporting the Development Objectives and Promoting Cultural Heritage in Egypt and Other Developing Countries, (ii) Use of

Information in the Public Domain for Economic Development, (iii) Cooperation on Development and IP Rights Education and Professional Training with Judicial Training Institutions in Developing Countries and LDCs, (iv) Strengthening and Development on the Audiovisual Sector in Burkina Faso and Certain African Countries -Phase II, (v) Capacity-Building in the Use of Appropriate Technology-Phase II, and (vi) IP and Socio-Economic Development – Phase II.

54. The Delegation of Switzerland, speaking on behalf of Group B, welcomed the comprehensiveness of the report as well as the way it was presented. The Group believed that the report reflected the significant amount of work conducted by WIPO and devoted to development. It welcomed the analytic description of each project as well as the self-evaluation exercise. The detailed elements contained in the Annexes demonstrated that the DA Recommendations were meaningfully implemented. The DG's report also emphasized that a wide range of programs and activities involving relevant sectors of the Organization, contributed to the SDGs. The Group welcomed that the SDGs were an important feature in WIPO's programs and activities. It underlined the importance of the Organization's continued lead in the developing of a balanced and effective international IP system. Such a system enabled innovation and creativity for the benefit of all while respecting WIPO's main objective, namely to promote the protection of IP throughout the world. The Group noted and welcomed the fact that development considerations had become an integral part of WIPO's work to enable Member States to use IP as a tool for promoting development.

55. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, mentioned that the Director General's Report on the Implementation of the Development Agenda (document CDIP/21/2) provided complete and comprehensive information on the implementation of the DA Recommendations, since they were first adopted over ten years ago. It highlighted some key areas. Firstly, it noted that WIPO's TA and capacity-building activities undertaken by the WIPO Development Sector and the Division for LDCs had been developed as part of WIPO's regular program. That included activities on the development of national IP and innovation strategies, IP development plans, awareness-raising on the importance of IP, provision of legislative advice, capacity-building, and a series of activities pertaining to sharing best practices and exchange of useful experience. The EU and its member states were pleased to recognize that these activities were demand-driven and development-oriented and welcomed the increasing number of Technology and Innovation Support Centers (TISCs) and their active engagement in WIPO projects. It pointed out that the aforementioned report highlighted the wide range of activities undertaken to support the SDGs, which had been mainstreamed across all of WIPO's strategic goals, including activities in twenty different programs. The EU and its member states acknowledged WIPO's active engagement with other international organizations, and encouraged it to continue to play an active role in supporting Member States. It believed that WIPO should focus on those SDGs which were the most relevant to the Organization's mandate, i.e. SDG 9 on Industry Innovation and Infrastructure, and SDG 17 on Global Partnerships for Sustainable Development. It was pleased to note the progress made by the WIPO Academy since it was established 20 years ago. The DG's Report highlighted the extent to which the Academy had been active in developing countries providing training to approximately 64,000 participants in 2017, strengthened its cooperation with a number of developing countries through South-South and Triangular Corporation in meeting the IP education and training needs of developing countries, LDCs, and countries under transition. The EU and its member states also noted that over 155 distance learning courses were carried out and that 70 per cent of the courses offered were organized in developing countries in partnership with Member States' institutions. Furthermore, over the previous ten years, 35 projects had been developed and executed to implement DA Recommendations. So far, 19 projects had been mainstreamed in the work of the Organization and 47 thematic studies had been undertaken and made available on the website for all stakeholders. Finally, the EU and its member states were pleased with the summary of activities implemented by relevant WIPO bodies in line with the Coordination Mechanisms.

56. The Delegation of Lithuania, speaking on behalf of the CEBS Group, noted the Director General's Report on Implementation of the Development Agenda (document CDIP/21/2). It gave a very comprehensive overview of the Organization's activities during the previous year. The Group noted with satisfaction the mainstreaming of the DA into the work of the Organization through the TA activities as well as through activities of WIPO Academy and participation in various UN development-related conferences and initiatives. The Group commended the work of the Academy in implementing extremely relevant tasks of building capacity and raising public awareness of Member States. Taking note that the DA Recommendations were well reflected in WIPO's regular work, the Group recognized the particular importance of activities in promoting the IP commercialization which was highly relevant for enhancing IP contributions to the economic growth. The Group remained reassured that WIPO continued to be on the right track in making a case for implementation of IP policies that foster innovation for the benefit of all and contributing to the implementation of the DA.

57. The Delegation of China noted that out of 45 DA Recommendations, 34 had been implemented, 35 projects had been approved or still under implementation. Among those, 19 projects had been mainstreamed into the work of the Organization and 47 thematic studies had been undertaken in the context of the projects. Furthermore, numerous activities had been conducted to respond to Member States' needs in specific areas. The Delegation appreciated the DG's attention given to the DA and the results achieved in 2017. The Delegation pointed out some achievements of its country in relevant areas. In 2017, China continued to strengthen its cooperation with WIPO. Moreover, China and WIPO had signed an agreement on IP cooperation for countries located along the development road. The Tongji University of Shanghai launched, jointly with the WIPO Academy, a Master's program in IP law. Chinese universities continued to work jointly with WIPO to organize summer schools. In 2018, China would continue to participate in WIPO's development-related activities.

58. The Delegation of Morocco, speaking on behalf of the African Group, took note of the progress achieved in implementation of the DA Recommendations. The Group pointed that, at the end of 2017, 35 projects (aimed at covering 34 DA Recommendations) had been approved within the framework of the CDIP, with a budget of over 30 million Swiss francs. The Group welcomed the TA and capacity-building activities provided by WIPO to developing countries. It underlined the role of the WIPO Academy in TA and capacity-building in 2017 and stated that the WIPO Academy gave increased priority to the benefits of South-South cooperation to respond to the IP-related training needs of developing countries. The year 2017 was the 10<sup>th</sup> year since the adoption of the WIPO DA. The Group considered that implementation and integration of that agenda into WIPO activities required constant improvement of coordination and planning of projects, increasing efforts to make TA and capacity-building even more accessible to Member States, continuous support to developing countries in their efforts to draw up policies which took into consideration all significant aspects of development, guarantee of greater transparency and a better cost-benefit ratio.

59. The Delegation of Chile highlighted the importance of WIPO's cooperating with the UN System and other intergovernmental organizations. It noted that Chile was promoting the implementation of the DA Recommendations and also benefited from assistance provided by WIPO. The Delegation noted the work of the WIPO Chief Economist and his team in implementing numerous studies in various different areas of industrial property in Chile, including the mining sector of Chile. These studies helped the National Industrial Property Institute (INAPI) in launching an industrial property strategy, which was a roadmap for the country to make progress toward a robust and flexible system. The Delegation expressed its hope that the final study on mining would help Chile to develop that area as well as other areas of innovation and would enable the country to find alternatives and go beyond mining products. The Delegation noted with regret that the country which represented 30 per cent of global production of a particular product was not an international center for investment and

development in innovation and technology in that specific sector. It suggested replicating the experience of copper industry in other sectors / industry for other minerals found in abundance in Chile, e.g. lithium. The Delegation also congratulated the WIPO Academy with its 20<sup>th</sup> anniversary and noted that Chile was one of the 193 countries benefiting from trainings provided in 2018 as well as from a summer course on IP jointly provided by WIPO and INAPI. Over 150 participants from the region had a chance to attend WIPO courses. The first Center for Support of Technology and Innovation (CATI), operating in Chile, contributed to the Chileans exploring their innovative potential, and creating, protecting, and managing their own IP rights. These concrete results showed that the work of WIPO in the implementation and integration of the DA Recommendations should continue to be one of the pillars guiding the Organization.

60. The Delegation of Mongolia stated that the present session of the CDIP was taking place at a time of multiple and profound technological innovation and changes taking place in the global economy. Knowledge, innovation and creativity played a key role in development. Most of the agenda items of the session mirrored the dynamic role of technology and its use for development. The Delegation attached great importance to WIPO and its activities. WIPO's services were vital for all sectors of the economy, and more importantly, for accelerating development by using technology as a tool for development. The Organization provided services in the area of establishing national IP offices, technology transfer, technological capacity-building, branding, industry, biodiversity, and innovations. The Delegation highly appreciated the business approach of the Organization towards thematic projects adopted within the framework of WIPO's TA. The Organization was taking into account the priorities, developmental challenges and needs of developing countries and LDCs. The Delegation valued very much the TA and technological capacity-building programs deployed by WIPO, and stated that these programs had to be further strengthened. The Delegation highlighted the need for more assistance in the area of strengthening and modernizing national IP offices, building national capacity to use IP as a tool for development through product branding and IP commercialization, utilizing technological solutions and innovations for economic diversification, and addressing development challenges.

61. The Delegation of Brazil stated that there was room for improvements in the annual Director General's Report on the Implementation of the Development Agenda (document CDIP/21/2). It noted increased recognition at the international level and need for integrating the development dimension into policymaking on IP protection. It pointed the achievements at the WTO. The Delegation cited paragraph 19 of the Doha Ministerial Declaration which stated that "the TRIPS Council shall be guided by the objectives and principles set out in Articles 7 and 8 of the TRIPS Agreement and shall take fully into account the development dimension". The Doha Declaration on TRIPS Agreement and public health (the essence of which was captured in paragraph 4) clearly stated that the TRIPS Agreement did not and should not prevent Members from taking measures to protect public health; it had recently been complemented by paragraph 6, which entered into force in 2017 and reaffirmed the protection of public health within international trade law. Developing countries were also urging for the implementation of the DA. As highlighted in document WO/GA/31/11, Brazil and Argentina proposed the establishment of a new DA. This proposal was circulated during WIPO's GA in 2004. Since then, WIPO Member States demonstrated a growing recognition among Member States that the incorporation of development considerations into WIPO's work had to be a priority. The establishment of the DA and the CDIP showcased that demand of the Member States. Bringing the development dimension into WIPO's activities had strengthened the credibility of the IP system and encouraged its wider acceptance as an important tool for the promotion of innovation and development. The Delegation also highlighted an ongoing and never-ending effort to maintain development at the center of discussions in WIPO. The Director General's Report on the Implementation of the DA fell short of its potential and flaws contained in the previous Report, underscored by many Member States as well as by that Delegation, had not been properly addressed. The Delegation made a few suggestions for improving the future

versions of the Report which did not entail changing its structure. The Report should not conflate DA Recommendations with SDGs since they were different initiatives which should be treated separately, despite some overlapping aspects of both topics. The process of implementing the DA Recommendations started back in 2004 and was confined to WIPO, whereas the 2030 Agenda for Sustainable Development, broader in scope, was adopted in 2015 and was undertaken by all UN Member States and agencies. Additionally, the structure of the Report could be improved by listing all the DA Recommendations and informing about all WIPO's activities undertaken in a specific year. For example, the Recommendation 32 on IP and Competition Policies, could list all the activities only for a specific period/year. That would give a more precise picture of WIPO's activities for a specific period. The Delegation pointed out that many parts of the Report lacked certain data or the period when activities took place. In some cases, that deficiency was noted in both areas. The Delegation showcased these deficiencies and suggested excluding activities that were not exclusively part of the assessed period. That suggestion would be good both for countries and the Organization itself, since the current Report gave an impression that it contained outdated information.

62. The Delegation of the United States of America supported the statement made by the Delegation of Switzerland on behalf of Group B and thanked the DG and the Secretariat for preparing a thoughtful report on the implementation of the DA in 2017. The Report demonstrated WIPO's continued engagement and great progress in implementing the DA Recommendations. WIPO's activities described in the Report were truly impressive in their scope and reach. The activities carried out in 2017 had a significant impact on IP and development in beneficiary Member States. It supported WIPO's active and continued engagement in activities of the UN, particularly innovation-related activities related to the mandate and strategic objectives of the Organization. The Delegation noted the success of WIPO Re: Search, WIPO GREEN, the Inventor Assistance Program, and other WIPO initiatives and programs. It remained committed to contribute constructively to the important work that the Organization was doing in promoting the role of IP as a tool for socio-economic development and looked forward to future reports from the DG.

63. The Delegation of Japan believed that improving the IP system would drive self-sustained economic development and contribute to innovation. Japan attached great importance to development activities, including TA and capacity-building. Various types of assistance were provided through the WIPO Japan Funds-in-Trust. Those activities included organizing regional, sub-regional, and national seminars, workshops, training courses, expert advisory missions, long-term fellowship programs and translating structured WIPO materials. Through those activities, Japan supported a number of WIPO-administered projects and initiatives, sharing its experience in terms of using IP to create wealth, enhancing competitiveness, and developing the economy. The creation of an online educational resource aimed at raising awareness on trademark branding, the problem of counterfeit produced among young people aged 14-19 years, or the production of new patent landscape report were tangible outcomes of the Japanese Funds-in-Trust activities in 2017. The Delegation noted that the Report mentioned mainstreamed DA projects in paragraph 36. Among those projects, it especially supported WIPO GREEN and WIPO Re: Search, which were promoted by WIPO Japan Office through various seminars and workshops. The Delegation appreciated WIPO's work in enhancing the WIPO Match platform, one of the matchmaking database services provided by WIPO. It confirmed the high expectations and interest of the Japanese IP users' towards that project. The Delegation looked forward to WIPO's implementing the DA Recommendations that focused on promoting IP protection while keeping in mind the objectives WIPO, as was stipulated in Article 3 of the WIPO Convention.

64. The Delegation of Nigeria supported the statement made by the Delegation of Morocco on behalf of the African Group. It noted the Director General's comprehensive report on the implementation of the DA and pointed out that the Report demonstrated WIPO's willingness to

continue undertaking the issues of IP and development. The Delegation also noted that the DA was adopted to balance the IP system and address development challenges in developing countries. In this regard, it reaffirmed its opening statement. The Delegation reiterated the African Group's position that WIPO should implement and integrate the DA action plan into the regular activities of WIPO programs and other relevant WIPO bodies.

65. The Delegation of the Russian Federation took note of the content of the Report. It welcomed the increasing activities of the Secretariat in the implementation of the DA and its integration into the regular activities of the Organization. The Delegation considered that the efforts undertaken in the implementation of the DA were effectively incorporated into the activities of the Organization, included into the Program and Budget of the Organization and put on to a systematic footing which was vital for ensuring the necessary financing for those activities. It noted the 35 approved DA projects and mentioned that all these projects were supported by independent experts. It underlined its constructive and practical approach towards the achievement of the DA and welcomed practical activities aimed at implementing the methodology for the activities under the DA. The Delegation mentioned positive outcomes of these projects: various trainings delivered by the WIPO Academy, the network broadening for SMEs, activities targeting universities and scientific research organizations, provision of normative advice to countries, and others. The Delegation looked forward to seeing the next Report on the subject.

66. The Delegation of Argentina took note of the progress made by the Secretariat in mainstreaming the DA Recommendations into the activities of the Organization and the initiation of 35 projects. It welcomed the capacity-building and TA activities WIPO launched in developing countries. The Delegation underscored the important role of the Academy in educating on IP matters, which was essential for countries in order to start using IP as an instrument for development and to foster innovation. It also stressed that in 2018 the National Institute for Industrial Property of Argentina and the University of San Andres, together with WIPO, initiated a new Master's program in IP. The Delegation reiterated its commitment towards the DA and its support for the efforts undertaken by WIPO with regard to DA Recommendations and mainstreaming development into the work of the Organization.

67. The Delegation of Canada supported the statement made by the Delegation of Switzerland on behalf of Group B and noted the DG's 9<sup>th</sup> annual Report, which provided an overview of the activities undertaken by WIPO in the implementation of the DA and its mainstreaming across relevant programs of the Organization. The document provided a thorough assessment of the work carried out by WIPO in 2017. It welcomed the comprehensiveness of the report and the joint efforts made to implement the DA and its recommendations. The Delegation congratulated WIPO and all Member States on the 10<sup>th</sup> year since the adoption of the WIPO DA and noted that the CDIP had met 20 times and engaged constructively towards implementing the DA. It commended WIPO for its active engagement in achieving SGDs and noted with satisfaction that in 2017 WIPO organized several activities and took part in a number of events organized by key intergovernmental partnering organizations. The Delegation stated that this involvement was essential for promoting the role and impact of innovation. It also congratulated WIPO for its continued efforts in promoting green technology. It was pleased to partner with the WIPO GREEN family since October 2017, which was important for achieving common objectives. The Delegation also commended WIPO for its work in organizing and delivering a successful roundtable on TA and capacity-building for sharing experiences, tools, and methodology. It noted that the conclusion read out by the DDG (Mr. Mario Matus) highlighted the importance of organizing programs to engage youth in IP-related issues. The Delegation looked forward to initiatives involving the youth and was pleased with the launch of the latest tool, IP for Youth and Teachers. It congratulated the WIPO Academy for its 20<sup>th</sup> anniversary and pointed that since 1997, the Canadian Intellectual Property

Office, in partnership with WIPO Academy, organized and delivered specialized trainings. The Delegation expressed its appreciation for the Academy for its continued support.

68. The Delegation of Indonesia, speaking in its national capacity, welcomed the consistent progress made in the implementation and mainstreaming of the DA. It also welcomed the inclusion of the SDGs into the DA, in particular, in Part 1 of the Report, and hoped to see stronger impact on WIPO's activities in the future. It supported WIPO in pursuing an IP-oriented approach towards development issues. It hoped to see future activities addressing the needs of policymakers to adjust and safeguard from any negative externalities or implications of IP protections that every country faced, both developing and developed countries. The Delegation highlighted the need of strengthening WIPO's mission for developing a balanced and effective international IP system that fostered innovation for the benefit of IP right-holders without forgetting public and society interests. In conclusion, the Delegation looked forward to future reports.

69. The Delegation of Pakistan mentioned that due consideration should be made on how to empower developing countries and LDCs to mitigate the cost associated with the implementation of IP. It was very important that the subsequent report equipped them with the ways and means to mitigate these costs. The Delegation suggested the Secretariat to develop more efficient and development-focused IP tools as a part of DA Recommendations on IP-related flexibilities, access to knowledge, and technology transfer. Follow-up analysis on the efficacy of these tools should also become a part of future reports.

70. The DDG (Mr. Mario Matus) took note of the comments made by Member States. He noted that for the previous 10 years there were myths around IP and the only way to address those myths was through information sharing, dialogue, capacity-building, and statistical evidence. As an example, he mentioned one of the regular meetings of the National IP Offices of the Arab countries which took place in Egypt a couple of weeks back. For that meeting WIPO prepared a study on the situation of women in five countries, the women devoted or dedicated to science, technology, engineering, and math (STEM). The outcome of the study showed that around 37 per cent of the women in those five Arab countries were devoted to or dealt with STEM. In the meantime, in the EU, the percentage of female scientists focused on STEM was around 31 or 32 per cent. In order to address the myth about gender issues, gender-related statistical data needed to be collected.

71. The Chair stated that the Secretariat would take note of the comments, observations, and suggestions of the delegations. The Committee took note of the Report of the DG contained in document CDIP/21/2.

Evaluation Report of the Project on Capacity-Building in the Use of Appropriate Technology Specific Technical and Scientific Information as a Solution for Identified Development Challenges Phase II – document CDIP/21/13

72. The Chair invited the External Evaluator to introduce the document.

73. The External Evaluator (Prof. Tom Ogada) introduced the report. The evaluation looked at Phase II of the project, carried out from 2014 to 2017, and covered three countries, namely, Tanzania, Rwanda, and Ethiopia. Phase II of the project was based on experience and lessons learned from Phase I of the project, which was conducted from 2010 to 2013 in Zambia, Nepal, and Bangladesh. The main objectives of the project were: to facilitate the greater use of appropriate technical and scientific information in addressing nationally identified development needs; to build national institutional capacity to use technical and scientific information for the identified development needs; and to coordinate the retrieval of appropriate technical and

scientific information and provide appropriate know-how on the technical area to implement the technology in a practical and effective manner. The evaluation objectives were two: to look at what worked well and what did not work as a way of improving future project implementation; and to provide evidence-based information to the CDIP with the purpose of making decisions. The evaluation looked at four criteria. The first was focused on project's design and management and how it affected the implementation. The second focused on the effectiveness of the project. The third criterion addressed the sustainability aspect and the fourth one looked at the extent to which the project contributed to the implementation of the DA Recommendations. The evaluation came up with ten findings, nine conclusions, and five recommendations. The project's design and management part incorporated five findings. The first finding was that the revised document was adequate as a guide for the implementation of the project and assessment of the results achieved. It was good to note that the project was implemented without a revision of the project document. Moreover, the Memorandum of Understanding (MoU) was signed by the Member States participating in the project and WIPO, which made the implementation of the project as effective as possible. The MoU helped to clarify obligations of both parties and, therefore, ensured a smooth start of the project. However, based on the experience of Phase I, Phase II was expected to be an upscaling. This never happened because of the budgetary limitation. Finding two was that monitoring, evaluation, and reporting tools of the project were found to be adequate and useful for providing information on the progress of the project's implementation. It was noted that all MoUs were signed, as required, and work plans were put in place in time before the start of the implementation of the project. All required reports were prepared and presented to the CDIP and, therefore, the project was implemented and completed on time. Finding three was that the contributions of other entities within the Secretariat were fairly adequate enabling effective and efficient implementation of the project, particularly the contributions of the Patent Information Services Department and the DA Coordination Division. Finding four was that the risks identified in the revised project document did not occur and, therefore, did not negatively affect the implementation of the project. Finding five was that the project took into consideration emerging trends, technologies, and external factors. It was pleasantly noted that the three countries involved took a project on agriculture, which was an emerging area of interest in Africa. WIPO also organized a visit to Malaysia for the Delegations from those three countries. Finding six was related to project effectiveness. The project was found effective and useful in facilitating greater use of appropriate technical and scientific information in addressing nationally identified needs for development. It was noted that six projects were selected, appropriate technologies identified, and based on that, appropriate business plans prepared. It was also noted that one of the projects from Ethiopia was on solar coffee drying. Another project was on water purification through solar distillation for Rwanda, a very important area of development needs for that country. Finding seven was that the project was fairly effective and useful for building national institutional capacity in the use of technical and scientific information in the identified area. In total 12 capacity-building programs were implemented in the three countries, 180 members of the national expert groups from the three countries and also 240 senior officials were trained. Finding eight was that the project was also very effective in coordinating the retrieval of appropriate know-how in the technical areas that were identified to implement these technologies in a practical and effective manner. The evaluation team looked at issues of sustainability, and there were four findings around it. Finding nine was that there was likelihood that the business plans that had been developed in the projects would be implemented. It was observed that all three countries had allocated funds for the implementation of the business plans. Finding ten was that there was likelihood that the project of appropriate technology would continue in the three countries, even after the completion of the project, which was a very important element of project sustainability. It was noted that Ethiopia had developed a technology roadmap program including appropriate technology agenda in it. It was also recognized that Tanzania started a program called Innovation Spaces in Universities and appropriate technology was also part of that program. And finally, Rwanda, in the strategic plan for the National Industrial Research Institute for the year 2019-2026, had also included the issues of appropriate technology. Thus, it was a strong

indication that appropriate technology projects would continue in those countries. Finding number eleven was that it was likely that WIPO and Member States would continue the project. The evaluation learnt that the Regional Bureau of Latin America and Caribbean was planning to pilot the appropriate technology projects in its region. Besides, the MoU was signed with the Government of Mozambique to implement an appropriate technology project over there. Moreover, the Korean Fund-in-Trust, in collaboration with WIPO, was implementing appropriate technology projects in some developing countries. So, there was a strong indication that this project would be implemented in other Member States. Finding number twelve was that the level of implementation of Phase I was moderate. The Evaluator recalled that Phase II was based on the lessons learnt from Phase I. It was noted that a project on rainwater harvesting in Zambia was successfully implemented and that the Global Environmental Fund (GEF) was keen to adopt that project and upscale it in Zambia. It was also noted that the biomass briquetting project was implemented in Nepal and a number of small-scale practitioners were involved in producing biomass briquette. Besides, two projects were in the process of implementation in Bangladesh. The last finding was that the project responded to DA Recommendations 19, 30, and 31. It was also noted that the project facilitated access to knowledge and technology for LDCs, responding to Recommendation 19 of the DA. In addition, the project supported cooperation with other UN bodies and related organizations to facilitate access and use of IP-related information in the area of special interest to LDCs, responding to Recommendation 30. And finally, the project facilitated better access to publicly available patent information, in relation to Recommendation 31. Based on those findings, the evaluation came up with nine conclusions. Conclusion number one was that the project document was adequate and sufficient for the future implementation of the appropriate technology projects for developing countries and LDCs. Conclusion two was that the contribution of other WIPO entities needed to be enhanced, in particular, the involvement of the Regional Bureau. Conclusion three was that the effective utilization of national expert groups, as national organs for capacity-building and implementation of the appropriate technology project, was still a challenge. Conclusion four was that the project piloting process was successfully completed, and the project should be mainstreamed and up scaled. Conclusion five was that the project successfully demonstrated its potential for capacity-building in the use of appropriate technology in addressing nationally identified development needs, particularly for LDCs. However, in order to increase its effectiveness, the project should be expanded to cover more countries and emphasis should be given to the implementation of the business plan. Conclusion six was that the existing practice of patent search needed to be changed to allow better capacity-building opportunity for members of the national experts' groups on patent search. There were three conclusions made on the sustainability part of the evaluation. Conclusion seven was that the implementation of the business plans and replication and upscaling of the projects remained the weakest point of the sustainability of the project. Conclusion eight was that the project design did not put emphasis on facilitating the establishment of appropriate legal, institutional, and policy frameworks to ensure the continuation of the project after the implementation of the business plans. And finally, conclusion number nine stated that both WIPO and the Member States showed interests to continue the appropriate technology project. Based on the findings and conclusions, the evaluation came up with five recommendations. Recommendation one suggested the CDIP to approve the mainstreaming and upscaling the appropriate technology project for LDCs. Recommendation two stated that in order to enable effective mainstreaming and upscaling, the Secretariat needed to update the procedures for the implementation of the appropriate technology project to cater for the following: ensure its flexibility and adaptability for use by LDCs and developing countries; ensure regional distribution during implementation; ensure increasing the number of projects per countries; reduce the time of implementation of each project; expand the project to interested developing countries; ensure effective reporting by the national expert groups; and strengthen the participation of the Regional Bureaus. Recommendation three was to enhance capacity-building and transfer of know-how on the use of appropriate technical and scientific information in order to address the development needs of the Member States. WIPO's Secretariat should ensure that: national expert groups were fully

responsible for undertaking patent search as well as ready to prepare the landscape reports and the business plans; more people were involved in the training on the use of appropriate technical and scientific information in addressing development needs of the Member States; and more projects were undertaken per country. Recommendation number four stated that in order to enhance the chances of implementation of the business plan and replication and upscaling of the projects, WIPO's Secretariat should undertake the following: ensure that the implementation of the business plans become the main condition for selection of the participants in the project and an integral part of the MoU; promote the involvement of the private sector, local financial institutions, and nongovernmental organizations in developing and implementing the projects in respective countries; promote the mainstreaming of the use of appropriate technology in national strategies and policies of the Member States; and organize a review meeting of the previous managers of the six countries (three in Phase I and three in Phase II) and relevant governmental departments to explore how to strengthen the use of appropriate technologies in those countries. The meeting would help to unlock any challenges that were enduring the continuation of the project. And finally, recommendation number five suggested the Secretariat to undertake the following actions: mainstream the appropriate technology project as a program within the LDC Division; promote and encourage the efforts of the Regional Bureaus to pilot the appropriate technology project in developing countries in their region; strengthen the existing partnerships relevant to the appropriate technology project and establish new ones; review and document the existing projects to provide success stories and create a Center of Excellence within the LDC division which would be a source of information of appropriate technology for the Member States.

74. The Delegation of Ethiopia expressed the appreciation of the Government of Ethiopia to WIPO for the support provided towards development efforts in that country. The Delegation noted that Ethiopia benefited from the implementation of the projects on appropriate technology, the experience of which would be useful for implementing other projects of similar nature. As stated in the evaluation report, the projects were effective and useful in facilitating the use of appropriate technical and scientific information and in addressing identified development needs. The projects helped to provide solutions in two identified areas: solar coffee drying and aquaculture. Both areas were extremely paramount for employment generation, food security, and value addition. The implementation of these projects contributed to developing the necessary capacity of the country in effectively utilizing scientific and technical information and identifying appropriate technologies. The national and interregional technological capacity-building meetings, such as those held in Malaysia and Sweden, were also extremely vital in that regard. The evaluation report showed that the project was effective in coordinating the retrieval of appropriate technical and scientific information and the provision of know-how for implementing the identified technologies in a practical and effective manner. The technical and scientific information provided by WIPO helped the country to select the required technology transfer, adapt them to the requirements of the country, and to satisfy the needs for appropriate technology. In addition, the business plan, prepared by the national and international experts, provided opportunities for the national experts and the national multi-stakeholder groups to engage in discussions, identification and analysis of problem areas, and to seek solutions through learning by doing and doing through learning. The Delegation pointed out that the Government of Ethiopia allocated sufficient financial resources for the implementation of the projects and established the National Committee on Appropriate Technology, which would continue working in the area of appropriate technology. Furthermore, during the meeting held with the DG in 2017, the Minister of Science and Technology of Ethiopia expressed his eagerness to see the first application of the technology and its replications in various parts of the country. The implementing agency would support groups of small-scale entrepreneurs interested in producing solar panels. In addition, an agricultural research institution was also involved in working on improving things. In conclusion, the Delegation reiterated its sincere appreciation to the DG, who was dedicated to the development of technological capacity-

building in small economies and for selecting Ethiopia as one of the beneficiary countries for the implementation of that project.

75. The Delegation of Switzerland, speaking on behalf of Group B, stated that the evaluation report served as good basis for further discussion. It appreciated the finding that the project was effective and useful in facilitating greater use of appropriate technical and scientific information in addressing nationally identified needs. The Group welcomed the fact that the project would likely continue in Tanzania, Rwanda, and Ethiopia, and that other Member States already demonstrated their interest to take part in it.

76. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, stated that the document showed that progress had been made since the completion of Phase I of the project. The work on the project was significantly facilitated by the MoUs signed prior to the beginning of Phase II. No risks occurred and the implementation of the project was not jeopardized. The Delegation agreed that mainstreaming of the project could be considered, and the duration of the delivering of specific outcomes should be reviewed. The assistance of WIPO regional offices could also be beneficial, as well, raising awareness on the appropriate technology project and involvement of the Regional Bureaus to ensure that the use of the appropriate technology was mainstreamed into the national IP strategies. The evaluation showed that the Member States needed to express more commitment to the implementation of similar projects. It was necessary to effectively involve the national expert groups at every stage of the project, particularly at the design, monitoring and evaluation stages. The Delegation stated that additional attention could be paid to the selection, membership, and operation of the national expert groups. It was also acknowledged that during the design stage, new solutions could be considered for ensuring broader participation and sustainability of projects. Furthermore, more efforts were needed for the implementation of the business plans and the continuation of the activities after their accomplishment. That could be done through the involvement of the private sector and/or non-governmental organizations, and establishing conditions for the creation of legal, institutional, and policy frameworks after the implementation of the business plans.

77. The Delegation of Sudan took note of the information contained in the evaluation report. As reported, Phase II of the project had been successfully completed and implemented in the beneficiary countries having all objectives accomplished. The project also enabled and strengthened the capacity of beneficiary countries to effectively utilize scientific and technical information and to identify two appropriate technologies in each of the beneficiary countries, which would provide long-term solutions to two specific development-related issues. The project also successfully built national capacity, through undertaking several national capacity-building meetings, in using technical and scientific information. The Delegation pointed out that the country was interested in benefiting from the project in the area of agriculture. It stated that mainstreaming and upscaling of the project into a program in the Division of LDC countries should be supported and the project should be replicated in other LDCs. The Delegation congratulated and thanked WIPO and requested to implement a similar project in Sudan as a matter of priority. It expressed its readiness to sign the MoU in order to benefit from similar projects.

78. The Delegation of Lithuania, speaking on behalf of the CEBS Group, expressed appreciation to the Governments of Ethiopia, Rwanda, and Tanzania for their interest and active participation in Phase II of the project and took note of the satisfaction of the Government of Ethiopia with the outcomes of the project. The Group took note of the report and would welcome the continuation of the project in interested Member States, including but not limited to Ethiopia, Rwanda, and Tanzania.

79. The Delegation of Republic of Korea expressed its gratitude to WIPO's Secretariat for the successful completion of the proposed project, which was initiated by the Republic of Korea. It stated that the evaluation report demonstrated that the project was effective and practical in building the capacity of developing countries and LDCs. The Delegation also noted that it was necessary to reflect on the findings and recommendations of the evaluation report and mainstream the appropriate technology projects within WIPO.

80. The Delegation of Mongolia confirmed that the project evaluation showed the importance of patent documents and other scientific and technical information for technological capacity-building of developing and least developed countries. It congratulated WIPO for its achievements in proving the importance and usefulness of patent documents and other scientific and technical journals as sources of technology and technological capacity-building for developing countries and LDCs. The evaluation report stated that implementation of Phase II of the project was effective and useful in facilitating the greater use of appropriate technical and scientific information and in addressing nationally identified needs for development in beneficiary countries. The evaluation report highlighted that the project was also effective in coordinating the retrieval of appropriate technical and scientific information and provision of appropriate know-hows to implement the identified technologies in a practical and effective manner. Furthermore, the evaluation report highlighted the important outcomes and achievements of the project through application of successful project management practices and techniques. The key project achievements included: the national expert group comprised of key national stakeholders to support the project, the identification of the development needs area, the preparation of the patent search requests and reports, and the business plan for the application of technology. The project on appropriate technology implemented by the Division of LDCs was a model of WIPO's rendering initiative of development partnership in transfer of appropriate technology. The Delegation supported the evaluation of the project's outcome and thanked the Evaluator for his fair assessment of project activities. It also thanked WIPO for the strategy put in place to successfully implement the project. The project was beneficial for the pilot countries and it could assist other least developed and developing countries in addressing their urgent developmental challenges through the use of appropriate technology and the advancement of national technical and scientific skills. The Delegation confirmed the interest of the Government of Mongolia to benefit from the implementation of the project and invited the Director of the Division for LDCs to undertake a mission to Mongolia as a matter of priority. In addition, it requested the Division for LDCs to prepare a reference manual on the implementation strategy of the appropriate technology project.

81. The Delegation of the United Republic of Tanzania appreciated the support of the Secretariat in the identification of appropriate technological solutions to address two key priority areas: the processing of seaweed and the aquaculture. The Delegation confirmed that the application of the identified technologies would definitely support development and promote economic growth of the country in those two sectors. The MoU signed between the United Republic of Tanzania and WIPO ensured clear definition of the scope of specific responsibilities between the parties from the beginning of the project, which was a key factor for its successful implementation. Another key element was the establishment of the national expert groups comprising of members from the Government and private sector, the academia and the development agents. The Delegation highlighted that the project was particularly effective in building institutional capacity in the use of technical and scientific information, namely through the preparation of the two patent search requests, two patent search reports, and two technological landscape reports for identification of appropriate technologies. There were five national capacity-building meetings held in Tanzania, focusing on the technical capacity-building in the retrieval and the use of appropriate technical and scientific information for achieving national development objectives. The country also participated in the technological capacity-building study conducted in Malaysia. In addition, several capacity-building programs were organized in cooperation with the University of Darussalam and the Nelson Mandela African

Institute of Science and Technology and the training programs focused on access to scientific and technical information, including patent documents. Outreach programs had also been undertaken in Zanzibar to disseminate information on the identified appropriate technology for the processing of seaweed for extracting carrageenan at the community level. The Delegation noted the meeting organized by WIPO in cooperation with the Commission of Science and Technology (CSTD). The meeting was conducted in Zanzibar in 2018 with the participation of the Minister for Trade and Industry of the Revolutionary Government of Zanzibar, the Speaker of the House of Representatives, and other politicians and members of the national group. The Delegation appreciated the level of involvement to raise the awareness of the community, policymakers and implementers. As a result of the meeting, practical institutional outcomes had been achieved, both in Zanzibar and mainland. Those included the establishment of Strategic Alliance for the Implementation of Appropriate Technology Projects. The Delegation stressed that more support was needed for mainstreaming and upscaling the project to cover other areas of the country and other LDC beneficiaries facing similar challenges. The Delegation stated that it went hand-in-hand with identifying the appropriate technologies, limited particularly on environmental, conservation, and industrialization, as one of the priorities of the country, and Africa in general.

82. The Delegation of Morocco, speaking on behalf of the African Group, stated that the results of the project were very important for the beneficiary countries. It also took note of the recommendations and conclusions drawn from the implementation of these projects, particularly the need to ensure their sustainability and scope. The Group stated that it would be timely to strengthen the project to ensure its implementation and to roll them out to other developing countries and LDCs.

83. The Delegation of Rwanda welcomed the conclusions of the report. 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 had successfully completed in Rwanda. Two specific development areas were identified under the project, namely: (i) the solar water distillation and, (ii) aquaculture. The application of those identified appropriate technologies was expected to fuel socio-economic and technological development in the two key national sectors. As indicated by the report, the consistent and fruitful engagement between WIPO, the National Expert Group and other national institutions as well as, the national and international Experts were key in achieving all the projects outputs. The National Expert Group included key institutions such as the National Industrial Research and Development Agency (NIRDA), the Ministry of Education, the University of Rwanda, Ministry of Trade and Industry and Private sector Federation. The close coordination of those key institutions contributed to the success and ownership of the project, particularly with regard to the needs identification and the successful technology transfer and technological capacity building. As a way forward, Rwanda had taken national actions including the following: (i) allocation of sufficient funds and the application of the technologies and, (ii) the National Expert Group would be converted into a national body on use of appropriate technology which was an important step for sustainability of the program for future projects. The Delegation concluded by saying that with such positive developments both in Rwanda and in other countries, it supported the mainstreaming of the project as a program in the Division for LDCs and recommend that the project should also be extended to other LDCs.

84. The Evaluator (Mr. Tom Ogada) thanked all the delegations for their comments and suggestions and found them very useful. He expressed his hope that the Secretariat would use them to improve the project document once the project was mainstreamed. The Evaluator also appreciated the main recommendation of the evaluation on mainstreaming and upscaling the project. That would expand the project in other LDCs where those projects would be very useful and in other developing countries where the appropriate technologies were required to drive various economic sectors.

85. The DDG (Mr. Mario Matus) made a general comment about the pilot project having a great success. He noted that everybody highlighted the importance of the project for their own economies and its connections to IP and economic growth. As a result, WIPO started receiving requests from not only LDCs but also from the developing countries to replicate the project's activities using the same approach and logic. WIPO took note of those requests and would be engaged with relevant parties to assess the feasibility as long as those activities would be part of a project.

86. The Chair proposed that the Committee take note of the information contained in the evaluation report as there were no more observations from the floor.

## **AGENDA ITEM 7 (I): WIPO TECHNICAL ASSISTANCE IN THE AREA OF COOPERATION FOR DEVELOPMENT**

### WIPO's Practices for the Selection of Consultants for Technical Assistance – document CDIP/21/9

87. The Chair invited the Secretariat to introduce the document.

88. The Secretariat (Mr. Baloch) recalled the six-point decision on TA adopted in at the 18<sup>th</sup> session of the Committee (Appendix I of the document CDIP/17/SUMMARY) which, *inter alia*, asked for the establishment of a sub-agenda item 7(i). The Secretariat was requested to implement the aforementioned six-point decision over a period of six sessions of the CDIP and to keep the Committee posted. The Secretariat (Mr. Baloch) pointed out that the report under discussion described WIPO's existing practices on the selection of consultants for TA. The document was structured around two parts: (a) the general framework of the selection of consultants in the Organization, contained in "WIPO Policy on Individual Contractual Services" (Office Instruction No. 45/2013) and the WIPO's Financial Regulations and Rules, particularly in its Chapter 5; and (b) the *de facto* practices applied to the hiring of consultants specifically for technical assistance, applicable to the following non-exhaustive categories of WIPO's technical assistance: (i) national IP strategies and development plans; (ii) technical and administrative infrastructure; (iii) capacity building; (iv) legislative assistance; (v) DA-related projects; and (vi) public-private partnerships. In case of the *de facto* practices, the document described the following steps of the hiring process: needs assessment; preparation of terms of reference; identification of candidates; selection process; peer review; and monitoring and evaluation.

89. The Delegation of Lithuania, speaking on behalf of the CEBS Group, highlighted that the selection of consultants was conducted on the basis of transparent and balanced grounds. It did not overburden unnecessarily the process but allowed to select the best suited experts. Furthermore, it acknowledged the usefulness of the roster of consultants and encouraged the Secretariat to constantly update this tool. Finally, it noted with satisfaction that WIPO's TA was tailored to the needs and priorities of beneficiaries, which was the key factor to its efficiency.

90. The Delegation of Indonesia, speaking on behalf of the APG, noted that WIPO's engagement of external consultants was within the framework of WIPO's Policy on Individual Contractual Services and WIPO's Financial Regulations and Rules. It also remarked that the selection of consultants was guided by WIPO's Office Instruction on Policy on Gender Equality (Office Instruction No. 47/2014). It highlighted that WIPO's engagement of external consultants was conducted in accordance with the principles contained in paragraph 7 of the aforementioned document, such as: competitive and effective selection procedures that ensured effective provision of services to WIPO, best value for money, integrity, confidentiality, transparency in implementation, the best interests of the Organization, and prudent

engagement practices. It recalled that in accordance with the formal procedures on the selection of the consultants, contained in paragraph 8 of the document, the selection of the consultants should include: (i) an approval in the work plan of the activity requiring acquisition of non-staff resources; (ii) the obligation to include detailed Terms of Reference containing foreseeable specifications (objectives and targets, tangible and measurable outputs of work assignment, delivery dates and performance indicators for the evaluation of results); and (iii) the obligation to adhere to specific formal procedures in relation with the honorarium. It further welcomed the implementation of those practices and urged their continuation.

91. The Delegation of Switzerland, speaking on behalf of Group B, considered that the document provided a detailed overview on the existing rules and practices on the selection of consultants for TA. In its view, they were transparent, balanced and corresponded to the international best practices on hiring individual consultants. In addition, those rules were designed in a way not to put unnecessary burdens on the selection process. The roster of consultants mentioned in the document was a very useful tool for identifying specialists according to their expertise and language skills. The Group encouraged WIPO to regularly update the said tool.

92. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, acknowledged that WIPO followed the DA Recommendations' principles in its TA-related activities. In this context, TA was provided in a development-oriented, demand-driven and transparent way. It also underscored that TA was tailored to the national needs and priorities of Member States which ensured its efficiency. Finally, it noted that WIPO's specific practices for the selection of consultants were equally in favor of the selection of the best suited candidates and of the protection of the Organization's interest.

93. The Delegation of Morocco, speaking on behalf of the African Group, noted that the consultants' engagement was implemented through elaborative, transparent and democratic process. It referred to DA Recommendation 6, WIPO's Policy on Individual Contractor Services, WIPO's Policy on Gender Equality, and WIPO's Financial Regulations and Rules. It also highlighted that the selected consultants had to be accountable and have no professional interest or past association with either activity or the institution where that activity was to be implemented. However, it noted that the reports did not make it clear how it was guaranteed. The Group requested the Secretariat to elaborate further on ensuring that selected consultants would have no conflict of interest in particular activities. It would be pertinent to clarify whether there were existing policy guidelines followed in this regard. Moreover, the Group recalled that the external review of WIPO's TA in the Area of Cooperation for Development recommended the adoption of guidelines for the involvement of the private sector in WIPO's TA activities, so as to ensure the disclosure of conflicts of interest. In order to improve the effectiveness of WIPO's TA activity regarding the engagement of external consultants, the CDIP should ensure a more transparent selection process, following a set of properly qualified guidelines in this regard.

94. The Delegation of the Russian Federation underscored the clarity and in-depth information provided by the document, as well as the transparent process described therein. It expressed the readiness of Russian experts to share their expertise and best practices in this area.

95. The Delegation of Uganda fully aligned itself with the statement delivered by the Delegation of Morocco on behalf of the African Group. Since the adoption of the DA, the role of WIPO had expanded from its traditional role of IP promotion and enforcement to include other IP-related development concerns of the majority of its Member States. That had also led to expansion of its technical assistance and capacity building activities. With the changing nature of IPRs and the digital revolution, the scope of technical assistance and capacity building services demanded by Member States had also shifted from traditional IP services of merely

understanding the IP rules, to understand the system and its link to other areas such as agriculture, poverty reduction, institutional reforms and development and climatic change. For recipients of technical assistance, consultants should be engaged for their knowledge, capacity to transfer skills and upgrade the knowledge base of recipients while executing the assignment. The Delegation noted the different practices employed by the Secretariat in the selection of consultants. Those guaranteed that selected consultants were professional, objective and impartial and at all times held the client's interest paramount. The Delegation suggested that the Secretariat also presented its practices for selection of evaluators of consultants in the following session of the CDIP.

96. The Secretariat (Mr. Baloch) responded to the observations made by delegations and emphasized that DA Recommendation 6 stated that WIPO's TA would continue to be neutral and accountable by paying particular attention to the existing code of ethics and by avoiding potential conflicts of interest. In this respect, it referred to the Organization's work in increasing the staff's awareness on the code of ethics. Consequently, the staff put particular attention on the provisions of the said code while selecting the external consultants. In addition, the contracts signed between the Organization and the external consultants had multiple clauses that sought to ensure this aspect.

97. The Chair closed the discussion on document CDIP/21/9 given that there were no further comments from the floor. The Committee took note of the document.

Compilation of WIPO's Existing Practices, Methodologies and Tools for Providing Technical Assistance – document CDIP/21/4

98. The Chair invited the Secretariat to introduce the document.

99. The Secretariat (Mr. Baloch) recalled that the document responded to paragraph 1 of the six-point decision by the 18<sup>th</sup> session of the Committee on WIPO's TA. The Secretariat was requested to compile the Organization's existing practices, methodologies and tools. The document under consideration is structured around the following six areas: (i) national IP strategies and development plans; (ii) technical and administrative infrastructure; (iii) capacity building; (iv) legislative assistance; (v) DA-related projects; and (vi) public-private partnerships. The document had been prepared on the basis of inputs coming from different WIPO divisions and sections.

100. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, stated that the document was a continuation of the fruitful discussions held at the roundtable on TA and capacity building held in 2017 and presented in the "Report on the Roundtable on Technical Assistance and Capacity Building: Sharing Experiences, Tools and Methodologies" (document CDIP/20/3). They highlighted the structured approach taken by WIPO in its delivery of TA, and agreed with the four steps pointed out in the report. These four steps were: (i) Needs Assessment; (ii) Planning and Design; (iii) Implementation; and (iv) Monitoring and Evaluation. They also appreciated the emphasis raised on addressing the beneficiaries' needs and confirmed that WIPO should aim to implement projects to complement or build on previous development activities in line with national IP strategies and development plans. Due to the horizontal nature of TA activities, the inter-institutional coordination between WIPO, the regional offices and the technology innovation support centers is expected to be improved to tailor activities and ensure the involvement of the relevant national institutions in their implementation.

101. The Delegation of Brazil stressed that the compilation of existing practices, methodologies and tools illustrated, to a large extent, the excellent work carried out by WIPO to help Member States to develop and improve their national IP institutional systems. By providing TA, WIPO

empowered Member States, especially developing countries and LDCs, to use the IP system for attaining their development goals and increasing their level of innovation in a global economy. Since the adoption of the DA, WIPO's work in this area had succeeded to a reasonable extent in conveying that IP had a role to play in encouraging and promoting innovation and creativity for the benefit of the society at large. Moreover, WIPO's staff had also demonstrated more openness and responsiveness to development considerations. Since 2007, WIPO's TA had become much more development oriented, demand driven and transparent, taking into account the priorities and special needs of developing countries and LDCs as well as the different levels of development of Member States as provided for in Recommendation 1 of the DA. Brazil had benefitted from WIPO's TA in a variety of topics, particularly in improving its statistical database and institutional capacity. The Delegation further mentioned a capacity building program organized by Brazil and WIPO to train Brazilian judges, who lacked knowledge on IP rights and obligations. The objective of that program was to enhance legal certainty and legal consistency for IP holders and investors in Brazil and its content was drafted in full compliance with Recommendation 1 of the DA. Latin America and the Caribbean was one of the regions that most benefitted from WIPO's TA which was a good indication of the trust and appreciation towards services provided by WIPO. Notwithstanding, it was important to draw a distinction between TA and development. TA was one of the tools that countries could use to improve their ability to innovate and have sustained economic growth. Development in turn was a more comprehensive and complex concept that involved a broad range of elements such as economic growth, social justice and environmental sustainability.

102. The Delegation of Indonesia, speaking on behalf of the APG, welcomed the fact included in the report that a regular dialogue was carried out with Member States or beneficiaries to ensure their ownership and participation at every stage of the delivery of TA, from needs assessment, planning and design implementation to monitoring and evaluation. The document under discussion could be a useful basis for any consideration and discussion on improving WIPO's TA in the area of cooperation for development.

103. The Delegation of Switzerland, speaking on behalf of Group B, stated that delivering TA, as part of the effective implementation of the DA, was one of WIPO's key priorities. The Delegation underlined that, taking into account the vast variety of WIPO's initiatives, programs and activities in the field of TA, the document was informative and concise. The document under consideration highlighted the main areas of TA and related activities that enabled interested Member States and institutions to make informed choices in that respect. It was important that WIPO continued providing the traditional legal and capacity building assistance, as well as assistance on the implementation of national IP policies and strategies and concrete impactful projects for strategic and effective use of IP for economic, social, cultural and technological development. It was also essential that the TA activities remained structured around the full implementation cycle, needs assessment, planning and design, implementation and monitoring and evaluation, according to the international practices. The Group welcomed specific tools and methodologies developed by WIPO based on the lessons learned from previous implementation experiences. It also welcomed the fact that WIPO made the methodology process available to potential beneficiaries and encouraged WIPO to use the result-oriented monitoring system to better understand results and impacts of the programs and projects. It also urged the Organization to use those results for the designs of future projects.

104. The Delegation of Lithuania, on behalf of the CEBS Group, pointed out that the document contained the full spectrum of WIPO's TA activities that was essential to achieving the DA goals. This would be a good reference while identifying Member State needs. It referred to the national IP strategies developed with WIPO's guidance and specifically tailored to address particular situations. This tool was very helpful in formulating national priorities and goals for development of IP systems and in identifying needs for further TA in a strategic manner. It also

highlighted the importance of monitoring and evaluation systems in order to take stock of impacts of the project and lessons learned to further refine and target the delivery of TA.

105. The Delegation of China stated that TA was aimed at helping developing countries to improve their related capacities. One of the main approaches was to promote development through IP. As development was mainstreamed into the Organization's work, more WIPO divisions and external advisors were participating in increasingly extensive TA activities. All of those activities had benefitted many developing countries, including China. It further referred to WIPO's cooperation with the Patent Office State Intellectual Property Office of People's Republic of China (SIPO) in the field of TA to promote the PCT, Madrid, Hague, and the IP rights arbitration and mediation systems in the country, as well as to improve the capacities of Chinese applicants in the context of the abovementioned systems. The Delegation mentioned IP rights training classes, financial aid to students of developing countries to attend the Jiao Tong University in Shanghai, and the WIPO joint master program on IP rights. Finally, it noted that 2018 marked the 10<sup>th</sup> anniversary of the national IP strategy established in China.

106. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, added to its previous statement that the DA projects were one of the most important tools of TA. It underlined their significant role for raising awareness on issues related to IP and development. It encouraged a more explicit emphasis on developing tools focused on improving gender equality and engaging youth. It also highlighted the importance of monitoring and evaluation to ensure the sustainability of projects after their completion. The Delegation expressed its belief that the document under discussion provided a useful overview of WIPO practices, methodologies and tools for delivering TA. The steps and categories of TA described in the document under discussion were appropriate and should allow WIPO to continue improving and developing tailored projects for addressing the specific national needs.

107. The Delegation of Morocco, speaking on behalf of the African Group, commented on Cluster A of the DA Recommendations on Technical Assistance and Capacity Building. It pointed out that capacity development was reflected in the document as a sub-category of TA. In this line, the Group stated that capacity development was a critical complement to TA in order to understand and apply IP rules and to fully benefit from the tools provided to meet Member States' development aspirations. It was noted that some WIPO treaties reflected less awareness of development problems of developing countries and little appreciation of the capacities of many developing countries to implement them. Therefore, technical assistance was always needed to enhance the understanding of problems developing countries faced and to bolster their ability to push forward their development goals. The methodology and tools for delivering TA should be designed not simply to assist developing countries in the implementation of WIPO treaties' obligations but also to understand their positive and negative implications on the development aspirations. Accordingly, TA should be demand-driven, taking into account the specific needs and levels of development of the demanders, and delivered in a planned, transparent, collaborative, participatory, sustainable and development-oriented manner. The current practices, methodologies and tools put in place by WIPO for delivering TA were a good basis for improving its future work. It particularly commended WIPO for its multi-stakeholders' engagement in delivering TA and urged further strengthening it. It referred to the paragraph 2 of the six-point decision approved by the 18<sup>th</sup> session of the CDIP (Appendix I of the CDIP/17/Summary). WIPO should strengthen its collaboration with other agencies, particularly with the World Health Organization (WHO), World Trade Organization (WTO) and the UN Conference for Trade and Development (UNCTAD) in the delivery of IP-related TA to ensure that their activities were complementary and not competing. The Secretariat should also strengthen its collaboration with Geneva-based Member States' representatives in planning and delivering TA. The Group urged the Secretariat to periodically develop and circulate to Member States categories of possible TA activities and focal points at WIPO. Finally, it referred

to the Joint Proposal by the Development Agenda Group and the African Group on WIPO's Technical Assistance in the Area of Cooperation for Development contained in document CDIP/9/16. In this respect, the Committee should consider developing guidelines on how to plan and implement more development-oriented assistance both in terms of substance and process.

108. The Delegation of Myanmar referred to the TA categories reflected in the document and found it to be very informative. Moreover, it appreciated the TA provided by WIPO in Myanmar, in particular the assistance in legislation, development of IP policy and strategy, IP education and assistance on the establishment of Collective Management Organization (CMO) in Myanmar, thanks to which, Myanmar was ready to start its own IPO system.

109. The Delegation of Australia aligned itself with the statement made by the Delegation of Switzerland on behalf of Group B. It stated that the comprehensive summary provided by the document would be a useful source for future discussions on how to maximize TA outcomes.

110. The Delegation of South Africa aligned itself with the statement delivered by Morocco on behalf of the African Group. It noted six TA categories identified in the document. It pointed out that one of those categories was exclusively titled "Capacity Building" and questioned if the other five categories were limited to TA. It noted that while the title of Cluster A of the DA Recommendations was Technical Assistance and Capacity Building, those terms appeared to have equal status and that capacity building was not considered a sub-category of TA. It also noted that capacity building and capacity development were repeatedly used interchangeably and could be defined as a process through which individuals, organizations and societies obtained, strengthened and maintained the capabilities to set and achieve their own development objectives. It further stated that TA enabled the development of a foundation and the establishment of minimum infrastructure which could take various forms. Once in place, it required countries setting specific needs to drive capacity development. Thus, in the Delegation's opinion, capacity development was not a subcategory of TA, but a tool for development. It encouraged WIPO to increase its capacity development-oriented assistance to complement TA.

111. The Delegation of Canada noted that WIPO started providing TA way before the DA and that the adoption of the DA was an important step for WIPO which allowed provision of a structured framework with regard to TA. It appreciated that TA was based on the priorities and needs of the recipient countries. It mentioned the tools listed in the document. Furthermore, it commended the Secretariat for comprehensive analysis of six different areas of TA by adding the practices, methodologies and tools that were adapted to each of those categories. In particular, it highlighted high quality training accessible to all and adaptable to the needs of countries. The Delegation encouraged WIPO and also all recipient Member States to achieve the objectives outlined for TA. Finally, it pointed out that results-based performance indicators and follow-up indicators would make projects more efficient and would improve TA.

112. The Chair closed the discussion on document CDIP/21/9 given that there were no further comments from the floor. The Committee took note of the document.

#### Discussion on the Establishment of a Forum on Technical Assistance

113. The Chair invited the Secretariat to introduce the issue.

114. The Secretariat (Mr. Baloch) explained that the third topic under agenda item 7(i) was the establishment of a forum for the Member States to exchange views on experiences, tools and methodologies. It responded to paragraph 1 of the six-point decision on TA approved by

the 18<sup>th</sup> session of the Committee (Appendix I of the document CDIP/17/Summary). The Secretariat requested some guidance to implement said decision. First, it requested further information on the expected and ultimate outcome or benefits of the discussions under the forum, enquiring specifically on whether they would be related to the practices, methodologies and tools for providing TA reflected in document CDIP/21/4. Second, it referred to the features of the web-forum. In this regard, it requested the Committee to bear in mind the low usage of similar forums not only in WIPO but in other organizations as well. It also explained that the cost associated with the conception and deployment of the web-forum could not be absorbed within the existing personnel and non-personnel resources and that its administration should rely on a minimal demand for those resources. In addition, it would be advisable to have its architecture scalable in response to its real usage. Some issues on the information storage were also raised, e.g. for how long the information should be kept and whether it should be deleted immediately. The Secretariat then made a number of questions on the web-forum features. With regard to its architecture, it enquired whether: (i) it should be permanent or time-bound; (ii) its access should be restricted and password-protected; (iii) it should consist of one single chatroom or multiple rooms and, if multiple rooms, whether they should be organized by the TA categories described in document CDIP/21/4. With regard to the forum participants, it enquired whether the forum should be accessible for Member States only or open to other stakeholders as well, if so who those stakeholders should be and whether different groups of stakeholders should have different access rights. On the languages, whether the web-forum should be in one language; or in English, French and Spanish; or in the six official UN languages, and in case multiple rooms were established, whether every room should also be available in more than one language, e.g. if the forum was structured around six main components of the TA, each of them could have a separate chatroom and each chatroom would be administered in six UN languages (which would result in 36 chatrooms in total). Finally, it enquired whether the forum should be moderated and if so, who would be responsible of such moderation, taking into account the resources to be deployed (potentially around the clock in six languages by six moderators) in case the Secretariat should be involved.

115. The DDG (Mr. Mario Matus) referred to the complexities of the web-forum and underlined that efficiency and efficacy should be taken into account for its establishment. It summarized the issues mentioned by the Secretariat and requested the Committee to take a decision on whether the web-forum should: (i) be permanent or time-bound; (ii) have single or multiple chatroom(s); (iii) be structured into single or multiple subject(s) of discussion, including the possibility of structuring the discussions under the categories described in document CDIP/21/4; (iv) be open to the public at large or restricted to Member States only or to Member States and selected stakeholders, and what their selection criteria would be; (v) be in which languages; and (vi) be moderated or not and by whom.

116. The Delegation of Indonesia, speaking in its national capacity, proposed a short break to discuss the issues raised by the Secretariat and requested it to provide the delegations with the power point presentation used.

117. The Delegation of Mexico enquired if such a forum already existed and, if so, which were its implementation and operational modalities, format and dynamic process.

118. The Secretariat (Mr. Baloch) recalled the six-point decision on TA approved by the 18<sup>th</sup> session of the Committee contained in Appendix I of the Summary by the Chair of the 17<sup>th</sup> session. It also recalled that, in accordance with that decision, a roundtable was organized in 2017 to discuss needs assessment, planning and design, implementation and evaluation of TA activities. It clarified that the aforesaid decision required the Secretariat to implement a web-forum for sharing ideas, practices and experiences on TA. Face-to-face debates were favored in terms of the outcome of the discussions. In this context, it was important to understand as to what extent a discussion in a web-forum would benefit Member States and the Organization to

improve the delivery of TA. It stated that the Organization had not established any standing forum to discuss TA.

119. The Delegation of the United States of America recognized the importance of the issues listed by the Secretariat in its presentation, which were not formerly considered by Member States. Hence, it proposed to postpone the discussion until later in the session to think through the issues raised.

120. The Delegation of the Czech Republic supported the proposal made by the Delegation of the United States of America to allow delegations to be more prepared to provide guidance on the issue under discussion.

121. The Delegation of Lithuania supported the proposal made by the Delegation of the United States of America and requested the Secretariat to make available the power point presentation used in its intervention.

122. The Delegation of Brazil pointed out that Member States should decide on whether the forum had an added value and weigh the benefits against the costs of its establishment. Its previous experiences with such forums had not been very positive and, therefore, it was not convinced of its usefulness. However, it was going to engage in constructive discussions with other delegations to share some information that might enable the Delegation to change its position.

123. The Delegation of Morocco agreed with delegations proposing to defer that issue in order to move forward with other issues under the Agenda.

124. The Delegation of Brazil aligned itself with the statement made by the Delegation of Morocco and recalled the importance of the pending discussion under the agenda item on "Intellectual Property and Development".

125. The Chair recalled the pending issues before the agenda item and proposed to address the issue later at the session, after an agreement was reached amongst delegations or regional groups. He proposed that Member States agreed first on the web-forum function to then address the question of its form. He also stated that a paper copy of the power point presentation used in the Secretariat's intervention would be available to delegations.

126. The Delegation of Indonesia requested the Secretariat to provide the regional coordinators with an electronic version of the power point presentation used in its intervention.

127. The Delegation of Morocco sought clarification on whether the discussion on this issue would be resumed at the end of the week.

128. The Chair clarified that it would depend on the progression of the Committee's work. The discussion would not be necessarily resumed at the end of the week, but rather earlier if a slot became available. He agreed with the proposal by the Delegation of the United States of America, echoed by some delegations, to postpone the discussion on that issue, think through it and get back on the topic later that session.

## **AGENDA ITEM 8: CONSIDERATION OF WORK PROGRAM FOR IMPLEMENTATION OF ADOPTED RECOMMENDATIONS**

Project Proposal from the Delegations of Canada, Mexico and the United States of America on Increasing the Role of Women in Innovation and Entrepreneurship, Encouraging Women in Developing Countries to Use the Intellectual Property System – document CDIP/21/12 Rev.

129. The Chair invited the Delegation of Canada to introduce the document.

130. The Delegation of Canada stated that inclusive economic development and sustainable peace were impossible unless women and girls were empowered to eliminate their under-representation and promote their empowerment. This was a top priority of the Government of Canada both at a national and a global scale. Under-representation of women in entrepreneurship and IP was an issue that crossed borders and existed in both developed and developing countries. In 2017, the United States of America was number one in terms of supporting women's entrepreneurship, although only 18 per cent of start-up companies were founded by women. In this context, Canada, Mexico and the United States of America were resolved to spend resources on that issue at a national level. The Delegation provided a number of examples of programs implemented by the Canadian Intellectual Property Office (CIPO) to raise awareness, educate women in the area of IP, and promote gender equality in IP. CIPO also published the report on the participation of women in IP and implemented a series of web projects on IP which were adapted to female entrepreneurs. The Canada-United States Council for Advancement of Women Entrepreneurs and Business Leaders also worked to eliminate obstacles to women participating in the business area and to help them progressing. Mexico had also put emphasis on launching and rolling out innovative projects to increase women's participation in the areas of business and IP including the program to promote women in SMEs. The program was created by the National Institute of Entrepreneurs together with the National Mexican Institute for Women and the Victoria 147, an online platform for promoting women entrepreneurs and promoting gender equity. In 2017, Canada put in place Canada's Feminist International Assistance Policy to focus Canada's assistance on the empowerment of women and girls. One of the action areas of this policy was to promote growth to serve all. This initiative sought to increase women's access to possibilities and economic resources, helping them to be independent economically and thus to have greater control over their life. Promoting gender equality was also a crosscutting issue of Canada's Presidency of the Group of Seven (G7) in 2018. Canada was confident that the G7 countries would take this opportunity to work together to find specific solutions to promote gender equality and empowerment of women, as well as to ensure their full participation in economic growth and the creation of solutions to world challenges such as climate change. At the 11<sup>th</sup> Ministerial Conference (MC11) of the WTO that took place in December 2017, 118 members and observers of the WTO adopted the Joint Declaration of Buenos Aires on Trade and Women's Economic Empowerment. That Declaration, which to that date had 123 signatory member states, sought to eliminate obstacles to female empowerment. Over the previous few months, in particular in the International Day of Women and the World IP Day, Canadian leaders expressed themselves very clearly on the issue of inequality between women and men. According to the Prime Minister of Canada "together we can build a world in which women and girls will no longer encounter walls or glass ceilings, a world in which they are free to reach their potential". The topic of the World IP Day 2018 was "Powering change: Women in innovation and creativity". This highlighted the role that women should play in the modern world. The Delegation recalled the DG's call for action to increase women's participation into innovation and creativity, which was echoed by leaders throughout the world. The active contribution of women to economic development was a win-win situation. The gap between women and men in entrepreneurship and IP was a reality faced in both developed and developing countries. The Delegation firmly believed that the project could contribute towards this objective. The ultimate

objective of the project was to strengthen the innovative capacity of beneficiary countries by increasing the participation of women inventors in their national innovation systems. This would be done by broadening women innovator's knowledge and use of IP to protect and commercialize their inventions through more targeted support and awareness programs, access to mentorship and opportunities to network. The project had the potential to contribute meaningfully towards the achievement of a number of DA Recommendations (namely Recommendations 1, 10, 12 19 and 31) as well as the SDGs. Such an ambitious objective could only be made possible through a multi-faceted approach. As such, the proposed project would be delivered through a number of outputs. First, through gaining a better understanding of the problems faced by women inventors and innovators in using the IP system to create IP-driven businesses based on review of existing literature and the collection of experiences and best practices on that topic. Second, through identifying mechanisms as well as existing structures and programs to provide more targeted support to women inventors and innovators to enable them to use the IP system more effectively. Third, through creating resource centers or works that would provide IP information and related support services to women inventors and innovators in women-only environments, including patent search services as well as outreach activities to universities, research centers or schools to promote STEM and the relevance of IP to these fields. Fourth, through establishing or expanding a network of women inventors and entrepreneurs that would provide continuous support to innovators in the country or region and organizing regular national or regional networking events for female entrepreneurs. Fifth, through establishing or expanding IP mentorship programs to new women inventors and innovators in the country or region as well as outreach activities to schools and universities. Sixth, through establishing or expanding legal support programs for women innovators in order to assist them with protecting their IP. Lastly, through the creation of a toolkit and/or a compilation of best practices and lessons learned with a view to assisting other countries in establishing and expanding similar women innovator support programs. Overall, four countries with existing national associations of women inventors and innovators would be initially selected for the project. The selection of three pilot countries, in addition to Mexico, would be made based on established criteria, taking into account geographical balance and diversity in socioeconomic development. The Delegation further referred to the project duration (48 months) and budget (estimated non-personal costs of 435,000 Swiss francs spent incrementally over a four-year period). It recalled its deep commitment to gender equality and IP advancement. It was open to reply to any questions or observations by delegations.

131. The Delegation of the United States of America supported the intervention made by the Delegation of Canada. Women had been historically under-represented in innovative activities in many countries around the world, both developed and developing countries, not because they were less innovative than men but because of many cultural and economic factors which contributed to the gender gap as regards innovation activities. It provided a large number of examples of inventions by women, such as wind shield wipers, indestructible fire-proof nontoxic building materials, paper coffee filters, non-reflective glass, caviler fiber, among other revolutionary products. Innovative activities were difficult to measure, although, they had been examined through patenting behavior linked to the STEM education and jobs. While the project did not aspire to explore and address every reason for the gender gap in innovation activities, it did intend to encourage, assist and support women innovators in using the IP system to protect and commercialize their inventions. Two of the reasons cited by researchers as contributing to the said gender gap were the limited access to information and the lack of supportive networks. The project would try to address these two reasons by creating or expanding support centers for women innovators to facilitate their access to information, as well as by creating or expanding networking and membership opportunities for them. The project would gather useful information such as literature reviews, best practices and individual stories of women innovators in order to understand the extent of the problem and address it more effectively. During the project implementation, WIPO should work with national women's associations, IP offices, universities and research institutions, lawyers and other critical players. To ensure the sustainability of the

project, WIPO would develop a toolkit based on lessons learned throughout the project that other countries would be able to use to create their own programs to support their women innovators. The Delegation was open to answer any questions from the delegations.

132. The Delegation of Mexico stated that the project aimed at helping women inventors in developing countries to strengthen their knowledge on the IP system. Before, it was focused on developing businesses of female entrepreneurs and helping them to develop their careers as inventors and entrepreneurs. If approved, support centers for women would be created, a network of women inventors and entrepreneurs would be established, and courses on IP for women would be launched, as well as a toolkit or compilation of best practices to create and expand women inventor support programs in developing countries. It referred to the crosscutting nature of SDGs and their relationship with the role of women in innovation. It expected that the work under the project became a cornerstone for innovation in the 21<sup>st</sup> century so that women would be recognized as scientific leaders, innovators and decision makers. It invited delegations to watch a video that was displayed on women and IP.

133. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, supported the launch of that new initiative which would contribute towards the implementation of DA Recommendations 1, 10, 12, 19 and 31. It noted that female entrepreneurs needed special attention and support. The Delegation stated that availability of a National Association of Women Inventors as one of the selection criteria should not be dissuasive for some potential beneficiaries but rather be considered as one of the potential activities of the project. Potential lack of mentors could affect the sustainability of the project and partnerships with universities or professional associations could address that risk.

134. The Delegation of Indonesia, speaking on behalf of the APG, noted that the project would support female innovators through increasing their awareness and knowledge of the IP system. It confirmed that the Group would positively consider the aforementioned project and that national interventions were expected in order to provide more detailed input to the proposed project.

135. The Delegation of Switzerland, speaking on behalf of Group B, noted the importance of assisting women in developing countries with utilizing their innovative and entrepreneurial potential in using the IP system. It stated that the proposed project addressed the needs for creating and expanding women-inventor support programs. The proposed project also addressed SDG 5 on gender equality. The Group expressed its support towards the project that would contribute to the attainment of SDGs, such as achieving gender equality and empowering women. It also pointed that the project topic was relevant to the theme of the World IP Day 2018 on which WIPO celebrated the resilience, creativity and courage of women driving change in the world.

136. The delegates watched the video prepared by the Delegation of Mexico.

137. The Delegation of Tunisia noted that the project would contribute to helping women economically and socially in many countries, which in turn would strengthen their active and inventive role in modern technology and sustainable development. It emphasized the importance of closing the gender gap and achieving equality between women and men.

138. The Delegation of the Republic of Korea attached great importance to raising awareness and promoting women's invention activities in economic development. Every year, the Republic of Korea hosted invention competitions for women to motivate their invention activities. The winners received government support for the utilization and commercialization of their inventions. Likewise, annual expositions were held to showcase their creative ideas. In collaboration with local governments and related associations, the Korean Intellectual Property

Office provided IP education and training to about 3,000 women each year from 2008. The Delegation was keen to share its experiences on women inventions.

139. The Delegation of Lithuania, speaking on behalf of the CEBS Group, highlighted the relevance of the topic to today's world, which corresponded to SDG 5 on gender equality. It referred to the World IP Day devoted to empowering change through innovation and creativity of women and confirmed the importance of the topic across the world, including the CEBS region. The Group stated that the project had big potential to deliver good results in the beneficiary countries.

140. The Delegation of Chile referred to a multiplicity of studies worldwide on the gap between women and men throughout the world as regards participation in IP systems. It referred to the difference between IP applications submitted by female and male inventors and owners in Chile. The Delegation reported that 94 per cent of IP applications submitted in 1991-2014 belonged to male applicants and only 6 per cent came from female applicants. In the meantime, 15 per cent of the applications submitted in industrial designs and other similar products for the same time span came from women applicants. Similarly, with regard to applications submitted in copyright and related rights in 1986-1999, 91 per cent came from male applicants and rights-holders and only 3 per cent were submitted by women. Those statistics clearly demonstrated the gender disparities. It was therefore necessary to adopt specific measures to close the gap. The project under discussion could play a valuable contribution in terms of raising awareness on such disparity and would provide important input for beneficiaries. It would be highly desirable to replicate that type of proposal in the area of copyright and related rights and in the area of creative industries. The project could become a good starting point in terms of incorporating this topic in a continuous manner into WIPO's TA and capacity building programs. The Delegation was keen to share its experience in this particular field and expressed its interest in benefiting from the project.

141. The Delegation of Morocco, speaking in its national capacity, sought clarification on the methodology to be applied for the selection of beneficiary countries and on the extension of the project from 36 to 48 months.

142. The Delegation of Indonesia made a number of observations. First, it mentioned that a reason for a low rate of women using the IP system in developing and LDCs was related to the small amount of female inventors as well as the low IP rate. Second, the title of the proposal referred to the IP system in general, while the proposed text also mentioned some limitations regarding the patent system. Third, for such proposals to be more beneficial for developing countries and LDCs, they should not be limited to the field of STEM but include for instance industrial designs and creative industries. Fourth, it was important to include the issue of commercialization after registration. Lastly, the project should broaden the scope of stakeholders to be involved, as developing countries and LDCs did not have national association of women inventors and innovators should not be prevented to join the project, if approved.

143. The Delegation of Côte d'Ivoire recognized that the project intended to encourage women innovators to change the world and shape the future. Every day women developed revolutionary technology creations to improve and transform daily life and to evolve the knowledge in a variety of areas. Women had shown their power in all the areas of private and public life. The implementation of the project would help to recognize women's power and potential and to encourage a larger number of women and girls throughout the world, in particular in developing countries, to be innovative and creative. The Delegation numbered a list of inventions by women, such as the car heating, the system of securing televisions in their closed circuit, a process to transform and conserve lithium by freezing, and a natural substance

to deal with diabetes developed by a woman from Côte d'Ivoire, among others. Finally, it expressed its support for the proposal.

144. The Delegation of Pakistan considered that the project would play an important role in promoting women innovators and enable them to use their national IP systems more efficiently. The ideas presented in the proposal (e.g. establishment of Women Innovator Research Centers, women IP mentorship programs and extending Legal Support Programs) were indeed commendable and practical. It supported the establishment of partnerships between national institutions for the successful implementation of the project. Pakistan prioritized gender equality giving due importance to Pakistani women in the field of innovation and entrepreneurship development. It referred to the related initiatives implemented in the country by the Government. Pakistani women were also taking leadership roles and making their contributions in STEM. Finally, the Delegation expressed its wish that Pakistan be considered as one of the pilot countries for the project.

145. The Delegation of Australia pointed out that the representation of women in the IP system was unfortunately low. Indeed, that was reflected in the number of patent applications filed in Australia by female inventors. The report recently published by IP Australia demonstrated a gradual increase in the number of female inventors in the previous 30 years. It noted potential positive outcomes from increasing the number of female inventors and entrepreneurs and supported the project proposal.

146. The Delegation of Burkina Faso acknowledged the need for active participation of women in all areas worldwide. Reinforcing the role of women in innovation and entrepreneurship was vital, particularly in developing countries. This was the right time to help them to better understand and use the IP system. The Delegation supported the project proposal.

147. The Delegation of the United States of America responded to the questions of some delegations. On the participation criteria, it considered necessary to have a women's association to partner with. There should be some entity in the country that could provide support and whose membership could benefit from the project. This was an important criterion, since WIPO might not be able to organize women into an association, which was outside of WIPO's mandate. Nonetheless, WIPO could work with the association of women, business women or women inventors. About the extension from 36 to 48 months, it explained that the number of activities envisaged was too large to be implemented in 36 months. Regarding the methodology, a revised version of the document could be prepared for that Committee session, in order to elaborate further on that aspect, as well as on the project budget and timeline. It stressed that partnerships with universities, IP offices and other stakeholders, generally established by the Organization through memorandums of understanding, were a critical part of the project. The commercialization aspect mentioned by the Delegation of Indonesia would be also taken into consideration in a revised document. It also noted the scope limited to patents and that there was a need for providing support in all areas of IP, including creative, design and others. This scope was a starting point and did not preclude having another project along the same lines on other aspects of IP protection. It reiterated that a revised project proposal would be presented taking into consideration all comments and suggestions made by delegations.

148. The Delegation of Algeria highlighted that women in Algeria were a pillar of society's development process thanks to their knowledge and their presence in various sectors. It mentioned that a prize for the best inventor was given to a woman at the holding of the World IP Day in Algeria. It further expressed its support for the project proposal under discussion. The Delegation expressed its willingness to participate in the project as a pilot country.

149. The Delegation of Canada thanked all delegations for their support. It promised to provide the CDIP with a revised version that would address all comments made by the delegations.

150. The Chair underlined the significant support to the project received by the delegations. He concluded the discussion by giving some time to the proponent delegations to come up with a revised proposal at a later stage during the week.

Feasibility Study on Enhancing the Collection of Economic Data on the Audiovisual Sector in a Number of African Countries – document CDIP/21/INF/2

151. The Chair invited the Secretariat to introduce the document.

152. The Secretariat (Ms. Croella) introduced the Feasibility Study on Enhancing the Collection of Economic Data on the Audiovisual Sector in a Number of African Countries (document CDIP/21/INF/2). It was undertaken as part of the Project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries – Phase II (document CDIP/17/7). The main objective of the project was to enhance the understanding and the strategic use of IP in the audiovisual sector in order to develop finance and distribute audiovisual works in all media. In the context of the scoping study on strengthening and development of the audiovisual sector which was undertaken in 2013, subsequent activities were undertaken with professionals from Burkina Faso, Senegal, Kenya, Côte d'Ivoire and Morocco which were beneficiary countries of the pilot project. A lot of professionals and government officials continuously stressed the lack of economic data in the audiovisual sector in the region as being one of the major challenges to professionalize the industry. There was a widespread agreement among stakeholders that it was an important area to be addressed in order to help professionalize the industry and, to lay the foundation for credible data which could be presented to the Government as well as to potential investors. There was a request to assess through a feasibility study the extent of the concern and come forward with some proposals to improve the situation based notably on the experience of other emerging audiovisual markets. The recommendations formulated in the study were not only addressed to WIPO. They could assist Member States at national and regional levels when developing their audiovisual policy.

153. The Consultant (Ms. Deidre Kevin) explained that the study was part of a larger project which concluded that there was a lack of economic data which made it difficult to work on implementing policies for improving copyright management. At least 25 experts were contacted and very extensive and fruitful discussions had been carried out in five countries of the study: Burkina Faso, Côte d'Ivoire, Kenya, Morocco and Senegal. Desk research was also undertaken, to see what data and what institutions were available. The study also provided an overview of the approach undertaken with regard to data collection in other regions, the presence of pan-regional institutions and potential next steps. The economic data was important with regard to development of the markets of the selected countries for various reasons. It was important to understand the market and its main players (broadcasters, pay TV operators, distributors and also those operating on a Pan African level) in order to find partners to coproduce works. Data on the consumers' use of media was also important and was missing in the selected countries. Information on the audience data, number of cinema attendance and subscribers who paid TV was required in order to understand the consumption and to enhance the power that the industry might need to negotiate. Producers negotiating with broadcasters frequently needed to understand how many people may have seen a film or a TV program. As mentioned, data was also important for engaging other investors and investment banks. Once a system was developed, the data could help produce market trends over time and illustrate what was developing, could help developing new strategic plans, etc. The knowledge of the audiovisual sector and the different business models which changed frequently was a very important component in successfully implemented copyright frameworks and polices. Information on market trends on revenues and changing business models was needed in order for copyright policy to adapt and take into account new players and modes of exploitation.

Thus, the legislative framework for copyright was crucial. However, players also had the obligation to share information and report on the works and on their audiences. It was important for copyright management organizations to know the main players. It required knowledge of the audience, cinema attendants, and subscribers. The data on the advertising market for free broadcasting was also important to be collected, as well as data on TV subscribers. The producers and creative people had to understand the value of their works. A similar case was with the data on screen cinemas and important players in distribution. The evidence of the audiovisual sector's contribution to the GDP and employment was an important tool for lobbying policymakers and demonstrating to what degree the sector contributed to society, employment and GDP. The Study showed the breakdown of revenues, the advertising data and the pay TV market over a five-year period. It showed that pay TV market revenues for cable and satellite continued to rise. Advertising revenue remained stagnant and in Europe the revenues for video on-demand services were growing. The study further showcased accessing data of institutions that had a particular role in the audiovisual sector with a particular mandate (figure 1, page 21). While analyzing these institutions, the experts discovered that there was actual data available. The main issue was how to bring it all together from its owners. The data collected by those organizations could be put together and had an added value that helped in organizing the policy and understanding the market to implement copyright frameworks. It helped to show the structure of the market, how many companies were there, what was produced, etc. Figure 1 also showed that there were many actors involved in the area of helping, managing, regulating and facilitating the audiovisual industry. All of those actors (film institutes, unions, copyright collections, ministries, broadcasting regulators) had a role. They all potentially collected data and that data could tell more about the market. According to the stakeholders that were interviewed, there were certain main challenges and obstacles identified. There was no data that could tell how many production companies, how many professionals, writers, authors or directors had money. It was very difficult to elaborate any statistics partly due –or in some cases mainly due– to the fact that companies were slow in registering with the appropriate institutions. Often, there was no information of how many films, TV series or drama had actually been produced in the countries. There was difficulty in understanding the success of those works because in some countries there was no audience data for TV. It was not being measured or if it was being measured it was done by a commercial company and not by any public company. There was no access to that information. Often there was even no data on cinema admission. It was very hard to know who was in the business, who was making what, how much had been made, who was viewing it and what were the programming trends. All of these obstacles impeded the development of any policy and strategy which could help the market, as there was no picture. And even more importantly they made the work of collective management organizations and copyright offices very difficult. Without such data and an effective chain of titles for copyright documentation, it was difficult to encourage investors and banks to become involved. It was a very important issue for production people and creatives. The presenter noted that the data was available in most countries but dispersed between a range of institutions, rarely gathered and consolidated into one national report. On the other hand there was information gathered but it was commercial, collected by commercial companies, thus being expensive to access/subscribe to. At the same time, with the development of globalization markets, many companies operated on a transnational manner, particularly in pay TV. The study also showed that stakeholders such as producers were not always aware of the benefits from registering their works, or companies, or from getting involved in the copyright management because it helped to enhance statistics. They could benefit from funding and then be able to actually earn the rights for their works. It was also noted that there was a general lack of collaboration and conversation in the industry and that there was a need to share expertise and understanding and to work together to improve their position. That was just one example of the type of data that were provided on those countries but owned by commercial companies. In terms of opportunities and best practices, the Consultant underlined that one of the main messages received from those interviewed was about the amazing potential in the audiovisual sector; the great directors; the interesting ideas; the innovation; the

stories and the cultural stories that had to be told. It was also noted that it was a great moment because digital terrestrial television was being introduced and the internet was appearing with a whole new range of players. It was the moment to encourage local production by obliging channels who got licenses and DTT to have local content and report on what they were showing. It was also the moment to set-up boxes that could be used to introduce audience measurement infrastructure. There were many examples of good practice and positive developments, some of which were related to the project that WIPO was working on. For example, there was an excellent collection of data on film and audiovisual production by the Center Cinematographique in Morocco. There was a recent establishment of a private collection management organization in Senegal. In Côte d'Ivoire they introduced some tax rebates for the production sector, which acted as an incentive for the companies to register. In Kenya they introduced quotas on local TV content and they were also working with statistics institutes to improve the categorization of companies and get a better picture of the market structure. More broadly in other areas, there was a development to have regional bodies, institutes, observatories working together to gather this data. In Europe, it was the European Audiovisual Observatory. In South America there was the Bureau American Observatory. The launch of the African Audiovisual and Cinema Commission by the African Union was another important development. Perhaps there were other opportunities to further enhance the collection of economic data. It was brief food for thought on the basis of the information learned from the countries where the study was developed. The message that they wanted to send back to their Member States was that there was need for creating an environment for data collection and that legislation and policy (such as reiterating quotas for broadcasting, to have local content, reporting on the types of programming) was a key factor. It was important to increase transparency of data from all companies, improve the rules for delivering data on cinema admissions, and to ensure that all those institutions showcased in the study had clear remits and obliged to give information to register their companies. Encouraging registration of companies was very important as well as increasing awareness of the benefits of being registered. Facilitating continued dialogue between the stakeholders was equally important because people tended to work in their own corner whereas they needed to come together and understand the whole ecosystem and how it could best be developed. The same applied to consolidating data and encouraging cooperation between the different people who gathered data. The Consultant further stated that they would propose to organize some more workshops between all those institutions or between all those stakeholders to collaborate and share best practices and expertise and look into what the next step could be to create that picture of their media markets. That could be carried out at the national and/or regional Pan African level. Activities which would educate stakeholders on the value of data collection in the audiovisual sector could be organized. Participants from the industry would be producers, broadcasters, distributors and authors. With the institutions it would be: film commission, copyright offices, ministries, regulators and professional associations. They could share how they work, how they collect the data, methodologies, discuss potential collaboration on joint reports, develop networks of experts, etc. If that could work at the regional level, they could have networks in all the film commissions who could share data with each other. Given the impact of globalization which was felt in all media markets, it was also very important to work together across countries. That was done in Europe and in South America and it was a way to share information in all those companies who operated transnationally. But first of all it would be good to launch a discussion with national institutes to identify the obstacles, the gaps in information, the ways in which cross-national cooperation could enhance the process. It would be important to provide an overview of market data collected by commercial companies, e.g. in Europe it was bought by pooling resources, which means that resources were pooled and information shared. Overall, any further work or research in that area could contribute to enhancing the awareness of the Member States and policymakers on why there were benefits to cooperating on those issues and to contribute to enhancing the awareness of that cooperation to organizations like the African Union and at the level of the regional economic entities.

154. The Delegation of Kenya inquired about the conclusion that the data was available and useful. At the same time the challenges mentioned by the expert were real barriers to the collection of useable data. The Delegation was not convinced that there was that available data. Data could be collected and analyzed to be able to make certain business decisions as it was collected with different intensions and some had no meaning. It further requested some more elaboration on the conclusion vis-à-vis the challenges noted in the report.

155. The Delegation of Switzerland, speaking on behalf of Group B, stated that the feasibility study presented a set of valuable conclusions and suggestions for potential next steps towards improving data collection in Burkina Faso, Côte d'Ivoire, Kenya, Morocco and Senegal. It provided some food for thought for policy makers regarding the next steps that could be taken to enhance transparency in the market. The Group shared the experts' view that digitalization represented an opportunity to create a better environment for the development of new, innovative and legal services to counteract the tendency towards audiovisual and broadcasting piracy. It looked forward to assessing the next Progress Report of Phase II of the DA project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African countries.

156. The Delegation of Côte d'Ivoire stated that it benefited from Phase II of the Project and that it marked a provisional development of the audiovisual sector. The Delegation supported the study.

157. The Delegation of Burkina Faso stated that the study showed the picture of what was actually happening in the selected countries. The relevant suggestions made would enable the beneficiary countries including Burkina Faso to set up mechanisms to improve the collection of data on the audiovisual sector so as to better estimate its impact on the national economy. The transition towards a digital television which had already started would have a considerable impact on the national economy of Burkina Faso and even on the sub-regional economy. The need to know its impact on the national economy could not be denied. It strengthened the conviction that it was necessary to set up a more specialized system for the collection of economic data as it was suggested in the study. The Delegation considered that the suggestions made in document CDIP/21/INF/2 were very relevant.

158. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, took note of the information in the study and acknowledged the work that had been done in the field under the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African countries. The project accomplished its objectives and defined a few areas of improvement of the audiovisual sectors of the beneficiary countries. Among the first was the immediate need to raise awareness of the importance of the use of copyright and its benefits along with the introduction of appropriate legislative framework where it was needed. That would enhance the transparency and allow for better collaboration. The needs of securing reliable data on the sides of the production sector and the amount of production as well as on the corresponding obligations of the different actors in relation to it would certainly gain from establishing rules in the sector. Regulation would also provide the necessary steps to produce a regular map of the state of the market and its strengths which would prove useful for the countries involved in the project. The EU and its member states appreciated the idea for further WIPO assistance through the completion of a feasibility study on the creation of an institute for gathering data on the audiovisual sector of sub-regional or Pan African level. They felt that for the successful completion of such a task, the involvement of national institutions of the countries and partially of their private sector, NGOs, professional organizations, companies, etc. could be required.

159. The Delegation of Lithuania, speaking on behalf of the CEBS Group, expressed its gratitude to Burkina Faso, Côte d'Ivoire, Kenya, Senegal and Morocco for their interest in

participating in the study. The study suggested how to improve data collection in beneficiary countries and enhance the transparency of the audiovisual sector. The Group acknowledged that digitalization represented an opportunity to create a better environment for the development of new innovative and legal services to counteract the tendency towards audiovisual and broadcasting piracy which was very valid. The Group also shared the view that reliable data collection was the first step of utmost importance in the process of development policies and regulatory framework. It would support another feasibility study on the creation of an institute for gathering of data on audiovisual sector on sub-regional or Pan African level.

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

161. The Consultant (Ms. Deirdre Kevin) appreciated the positive feedback. She further referred to the question by the Delegation of Kenya and clarified that there were structures in place for more data but there was still a need for a proper legal framework and for more awareness-raising as well as higher engagement for all stakeholders. Kenya was a good example of a country with positive developments. She did not mean to say that the data was all available out there.

162. The Secretariat (Ms. Croella) stressed out that it was important for stakeholders to realize that in order to be considered as a serious industry, professionals needed to provide reliable data. It was important for potential investors. She concluded by saying that the study aimed at providing a picture of the market to see how work in the area could be enhanced to come up with more reliable data.

163. The Chair closed the discussion on document CDIP/21/INF/2 given that there were no more observations from the floor. The Committee took note of the information contained in the study and further activities could be discussed at a later stage.

Project on Enhancing the Use of IP in the Software Sector in African Countries Proposed by the Republic of Kenya – document CDIP/21/7

164. The Chair invited the Delegation of Kenya to introduce its Project proposal on Enhancing the Use of IP in the Software Sector in African Countries, contained in document CDIP/21/7.

165. The Delegation of Kenya introduced document CDIP/21/7 on the Project on Enhancing the Use of IP in the Software Sector in African Countries. It pointed out that the project proposal was in its initial stage and required further elaboration. The Delegation had initial discussions with WIPO's Secretariat on enhancing the project. The project was targeted at youth in Africa for the reasons listed down on the 2<sup>nd</sup> page of document CDIP/21/7. There was a great uptake of smart-phones in the African region and that was the reason why the focus of the project was on the African countries that bore the same background information as contained on the 2<sup>nd</sup> page of the document. The youth represented the biggest section of the population in the African countries. They were well educated and were using smart-phones, taking advantage of the technological movement by creating many applications. These applications were useful and changed lives of the population in African countries. In Kenya, the M-Pesa software had changed the lives of many within the banking and money transfer system. The benefit however to the youth was limited due to the lack of information on the protection of their innovations and the limited recognition of IP as collateral for obtaining credit and capital for expansion and commercialization. For that reason, the project was designed to meet a number of CDIP recommendations, mainly Recommendations 11, 23, 24 and 27. The project could also contribute to a number of SDGs such as SDG 1, 2, 3, 8 and 9 as envisaged on page 3 of the document. The idea behind the project was to create interlinkages between IP institutions and creative hubs to enable the benefit that was missing and make it available to youth and people

who might wish to work in the sector. Secondly, the idea was to develop an outreach program and training material for the sector. The sector had limited reliance on IP for reasons of legal and policy framework but there was also a question about awareness of the use of IP for developing that sector. Thirdly, it was proposed to examine measures that supported the uptake of IP and access to IP information for the sector. The idea was to make it possible to get that information in a place available on demand on the need without leveraging on technology. And lastly, to start using IP for that sector as collateral from obtaining credit which was the next line of development in the IP sector in Africa. The Delegation reiterated that it was still working on the proposal to make it in line with the CDIP project proposals and it was looking at how to apply trademarks, copyright, trade secrets and patents in the area of software in Africa and how to use IP as a tool for development in that context. It was also looking at the possibility of working with other organizations, hubs and universities. Development of some studies could be required for that project, as well as workshops, outreach material, and TA in the area of developing legislative frameworks that would support the use of IP in the sector. The Delegation concluded by saying that the project had a wide and broad scope and it could build something that could be useful and further mainstreamed into the programs of WIPO.

166. The Delegation of Uganda stated that technology played a great role in the coming progress. Information and communication technologies became increasingly important in developing countries. The biggest problem for the main African start-up software firms was access to finance in order to commercialize their innovations. Many software firms did not have the requisite knowledge and tools to validate innovations for purpose of accessing initial capital. For an invention to be valued, commercial banks had indeed not recognized software IP as assets for the purposes of offering security or collateral. Many developing countries, which had succeeded as leaders in nurturing setups of software firms, had supported innovation and entrepreneurship through public resources. In an effort aimed at boosting innovation, the Government of Uganda had made a bold move in allocating funding to help innovators to commercialize their products. A special permission had to be given to the talented youth in the information and communication technology sector. However, public funding was not sufficient. There was a funding gap in the IT sector. That made the proposal of the Delegation of Kenya interesting and of great importance. The proposal aimed at providing assistance to development of software and the valuation of IP assets for the purpose of using as collateral to secure funding. Some setups were able to raise funding from nonfinancial institutes like venture capital firms, giving their IP assets as collateral. The Delegation expressed its support to the proposal to integrate the access to such financing modes that could be applied to a developing country setting. It encouraged other Members States to approve the proposal.

#### Recommendations 5 and 11 of the Independent Review of the Implementation of the DA Recommendations

167. The Chair invited the Secretariat to provide the background of the issue under discussion.

168. The Secretariat (Mr. Baloch) recalled that an independent review of the implementation of the DA Recommendations, covering the period from 2008 to 2015, was undertaken and the report of the Independent Review of the Implementation of the Development Agenda Recommendations was presented to the 18<sup>th</sup> session of the CDIP (document CDIP/18/7). Since then, the Committee had been discussing the various aspects of the recommendations contained in the said report. During the 20<sup>th</sup> session, difference of views existed on certain elements of Recommendations 5 and 11 of the report, notably the recommendation as regards the inclusion of new expected results (ERs) or the modification of the existing ones so as to ensure a more effective integration of DA Recommendations into WIPO's work more effectively and in a sustained manner. The Organization's position contained in document CDIP/19/3 was that the approach currently in place satisfied the intent behind the recommendations and that

there was no need to modify the Results-Based Framework (RBM). The Committee at its previous session requested that the Review Team contributed to the discussion through video conference. The Review Team, after discussion, decided for the Lead Evaluator, Mr. V.K. Gupta, to participate in this process. The Secretariat invited the Lead Evaluator to make his presentation.

169. The Chair announced that due to some technical problems, the discussion with the Lead Evaluator would be postponed to the afternoon session and opened the floor for statements by delegations on Recommendations 5 and 11.

170. The Delegation of Switzerland, speaking on behalf of Group B, considered that in line with the Secretariat's responses outlined in document CDIP/19/3 and the clarifications provided by the Secretariat during the previous session, the approach in place satisfied the intent of Recommendations 5 and 11. Therefore, it understood that those recommendations did not need to be formally adopted, given that they had already been addressed. It was looking forward to hearing the Lead Evaluator's explanations on this particular issue.

171. The Delegation of Lithuania aligned itself with the statement made by the Delegation of Switzerland on behalf of Group B.

172. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, noted that Recommendation 5 considered linking DA Recommendations to ERs contained in the Program and Budget. On the basis of the existing Program and Budget, Program Performance Report, and the revised Medium-term Strategic Plan, WIPO had already the necessary tools for monitoring the integration of the DA Recommendations into its work. Recommendation 11 foresaw the establishment of a mechanism to report on the DA Recommendations contained in the evaluation reports and on the mainstreamed outcomes of the DA projects. They agreed with the Secretariat that the Result-Based Management approach currently in place satisfied the intent behind this recommendation. It agreed with the comment made by the Delegation of Switzerland on behalf of Group B that the mechanism proposed in Recommendation 11 might be unduly burdensome.

173. The Chair proposed to postpone the discussion until the presentation by the Lead Evaluator was made at the afternoon session. It was agreed given that there were no further comments from the floor.

Project on Enhancing the Use of IP in the Software Sector in African Countries Proposed by the Republic of Kenya – document CDIP/21/7 (continued)

174. The Chair resumed the session and the discussion on the Project proposal by the Delegation of Kenya.

175. The Delegation of Gabon stated that the ICT and the software sector in general were sectors with unlimited potential, and Africa did not lack geniuses who could work in that sector. Gabon was facing various problems such as difficulties of protection and difficulties of commercialization of IP. It believed that the project proposed by the Delegation of Kenya was very interesting and it supported the proposal.

176. The Delegation of Lithuania, speaking on behalf of the CEBS Group, endorsed the proposal. It believed it was demand-driven and in line with the needs of the countries that enjoyed high concentration of software engineers and that needed to raise their awareness on tools and ways for protection of their IP. The Group found that the idea of offering value of IP assets to the financial institutions as collateral was interesting and it could be further discussed

with relevant stakeholders. The Group would support including into the project the assistance on asset valuation that could positively influence funding options for software developers. They encouraged the Secretariat to provide advice on how to complement the proposal with more details on planned activities under the proposal and the project expected outcomes. In conclusion, the Group stated that they saw the proposal by the Delegation of Kenya as a good basis for developing a meaningful project that would deliver value for the beneficiary country and would serve as an example for other potentially interested Members.

177. The Delegation of Morocco, speaking on behalf of the African Group, noted that the proposal project hoped to implement DA Recommendations 11, 23, 24, 27 and SDGs 1, 2, 3, 8 and 9. It would contribute to raising awareness of people in Africa on IP rights and their implementation. The Group supported the proposal.

178. The Delegation of South Africa aligned itself with the statement delivered by the Delegation of Morocco on behalf of the African Group. It noted that over 60 per cent of the population in Kenya had smart phones and various reports revealed that those statistics extended to most African countries with a projected upward trend. The use of apps, thus, was increasingly a critical means to receive medical updates, a source information for funding, among many other things. In order to reward the creativity and innovation of software developers, a clear understanding of the IP system was necessary so that those developers were able to operate within and benefit from the IP system. The Delegation supported the proposal.

179. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, appreciated the growth and the potential of the African technology field combined with its present need of better understanding and use of IP, particularly by application developers. The project looked even more important as it had the ambition to assist the achievement of four DA Recommendations: 11, 23, 24 and 27. As the project proposal aimed at assisting the assessment of IP assets and the creation of funding opportunities, the enlarging of its target group by including banks, funding institutions, and IP attorneys could be considered. The proposal also took note of the fact that financial institutions in Africa did not count software and IP as intangible assets. That could be reflected in the proposed activities along with more targeted actions to bring together the different sectors in order to achieve the project's objectives. The EU and its member states found the proposal interesting.

180. The Delegation of Switzerland, speaking on behalf of Group B, believed that the proposal touched upon a very important topic. Software engineering was rising to the top among many countries across the African continent. Nairobi was already known as Silicon Savannah in Eastern Africa due to the high concentration of programmers. Software development had a lot of potential as an economic development tool for transition economies. The Group generally supported the idea behind the project proposal made by the Delegation of Kenya which was clearly demand-oriented and relevant for the country. The Group agreed that it was crucial to increase awareness on IP protection available for the protection of mobile applications and innovations among the young inventors and creators in African countries. It also supported the suggestion to assist the beneficiaries on IP valuation in order to use IP as collateral for obtaining credit and capital. It was fully in line with the proposal to conduct activities in order to help the developers and inventors to enforce their IP rights. The Group believed that the current project proposal should be further elaborated having clearly defined project objectives, for example, raising awareness among the target groups, list of activities and outcomes, description of the main beneficiaries and stakeholders involved, as well as budget information. It hoped that the Secretariat could assist the Delegation of Kenya with finalization of those aspects in the project proposal. The Group looked forward to discussing a revised project proposal at the next session.

181. The Delegation of Sudan aligned itself with the statement delivered by the Delegation of Morocco on behalf of the African Group. The Delegation appreciated the informative presentation delivered by the Delegation of Kenya. It welcomed the proposal and supported it, since it had a contribution to the economic growth of the country and the implementation of the SDGs. The Delegation encouraged the Secretariat to assist the Delegation of Kenya in order to implement the project when adopted by the CDIP.

182. The Delegation of Burkina Faso congratulated the Delegation of Kenya for initiating the project. It aligned itself with the statement made by the Delegation of Morocco on behalf of the African Group. The project proposal on Enhancing the Use of IP in the Software Sector in African Countries easily reflected the difficulties encountered by the developers of software. The aim of the project was to enable those software developers, who often were not very well informed, to become aware of the need of protecting their inventions through IP. That would enable them to value their inventions and would lead to credits for financing. The importance of those ITs in the social-cultural development was no longer to be demonstrated. Recommendation 27 of the DA substantively pointed it out. The Delegation believed that the project submitted by the Delegation of Kenya was important for Africa, and fully supported it.

183. The Delegation of the Russian Federation considered the project very useful and important, directed towards achieving a whole number of DA Recommendations. The Delegation believed that the results of carrying out the project would be received in a very concrete and practical term and the implementation of the project would enable Member States to use all the benefits of the IP system in the area of digital technology. The Delegation supported the proposal.

184. The Chair recalled that the Delegation of Kenya informed the Committee that the project was still in the initial process. The Secretariat had already appointed a person who was going to assist the Delegation of Kenya in the process. The Chair concluded the discussion on document CDIP/21/7. He proposed to include the following decision in the Summary by the Chair: the Committee considered positively the proposed project and requested the Delegation of Kenya, after consulting with relevant parties, in particular WIPO's Secretariat, to elaborate further on the project in the following session. The decision was adopted given that there were no observations from the floor.

Project Proposal by the Delegation of Peru on Intellectual Property, Tourism and Gastronomy in Peru: Promoting the Development of Tourism and Gastronomy in Peru through Intellectual Property – document CDIP/21/14

185. The Chair invited the Delegation of Peru to present its proposal.

186. The Delegation of Peru stated that the gastronomy sector was one of the most productive sectors in the country. The second was tourism. Besides the world-known tourist attractions in Peru, 82 per cent of the tourists identified Peru as a gastronomic destination. In the same line, Peru had been elected as the best culinary destination for the sixth consecutive year by the World Travel Awards. Likewise, in previous years, Peruvian restaurants had been credited with the highest awards at an international level. Gastronomic tourism in Peru had led to a virtuous cycle of associated services, becoming a tool for economic and social development in the country. Not only internationally recognized restaurants but also small and micro entrepreneurs in the sector benefited of this momentum. According to statistics from the National Institute of Statistics of Peru, 56 restaurants per day were opened in Lima, the capital of the country. In that context, there was not only a need for maintaining and preserving the quality of Peruvian traditional gastronomy, but also of creating added-value and increasing the economic tourism-related activities, benefitting the whole value chain. The project would generate opportunities

for maintaining and preserving the said benefits through the intensive use of the IP system in gastronomic tourism, including the protection of plant varieties, traditional knowledge, appellations of origin, certification and collective marks, industrial designs, and copyrights. The aim of the project would be to promote the efficient use of the IP system through gastronomic tourism. The project could be also extended to other countries with equal potential in the field.

187. The Delegation of Lithuania, speaking on behalf of the CEBS Group, stated that the preliminary views about the project proposal were rather positive. However, as the document was submitted at a very late stage, it wished to have more time for its assessment. It shared the view that implementation of the project proposal based on Member States' concrete needs was a very effective tool for DA implementation. The group strongly welcomed the proposal from Peru and encouraged proposals by other delegations that would correspond to their particular developmental needs.

188. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, supported the submission of projects which contributed concretely to the attainment of the DA Recommendations. Since the project proposal was submitted shortly before the session, they looked forward to discussing it at the next session of the Committee.

189. The Delegation of Switzerland, speaking on behalf of Group B, welcomed Member States' initiatives to submit project proposals to the CDIP. Taking into consideration the date of submission, it would like to have more time to fully assess it and provide feedback. Nevertheless, some Group B delegations could already make comments and seek clarifications in their national capacities at that stage.

190. The Delegation of Chile stated that tourism and gastronomy were economic sectors with great potential. Therefore, it would be interesting to explore how to foster that sector for all Member States. Chile had successfully implemented the "Seal of Origin" program, which had contributed to deploying the potential of Chilean origin-linked products. It requested further information on the associated costs of the project, its implementation stages and its expected results. It also sought clarification on whether there were products which would receive priority. The Delegation was open to share its experiences to contribute to the project formulation.

191. The Delegation of Indonesia, speaking on behalf of the APG, welcomed the proposal positively and requested more time to examine it in a deeper and more detailed manner.

192. The Delegation of the Russian Federation found the project interesting. It recalled the Project on IP, Tourism and Culture: Supporting Development Objectives and Promoting Cultural Heritage in Egypt and Other Developing Countries (document CDIP/15/7 Rev.). It highlighted the good practical results of such a project and expressed its willingness to consider the Peruvian proposal in a constructive manner.

193. The Delegation of Brazil welcomed the project proposal. It considered the proposal very promising and expressed its high interest in the topic.

194. The Delegation of Guatemala commended the project proposal and considered that such a proposal opened space for Member States to showcase their cultural richness.

195. The Chair proposed that the Committee took note of the project proposal and requested the Delegation of Peru to revise it with the support of the Secretariat for consideration at its following session. This was agreed given that there were no further comments from the floor.

**AGENDA ITEM 7: MONITOR, ASSESS, DISCUSS, REPORT ON THE IMPLEMENTATION OF ALL DEVELOPMENT AGENDA RECOMMENDATIONS AND CONSIDERATION OF THE DIRECTOR GENERAL'S REPORT ON THE IMPLEMENTATION OF THE DEVELOPMENT AGENDA (resumed)**

Report on WIPO's Contribution to the Implementation of the Sustainable Development Goals and its Associated Targets – document CDIP/21/10

196. The Chair invited the Secretariat to introduce the document.

197. The Secretariat (Mr. Bouabid) introduced the second report prepared by the Secretariat in response to the decision of the 18<sup>th</sup> session of the CDIP which included three parts: (a) activities and initiatives undertaken by WIPO individually; (b) activities undertaken within the UN System as a whole; and (c) the assistance provided by WIPO to Member States upon their request. The first edition of the report presented at the 19<sup>th</sup> session of the CDIP, addressed WIPO's contribution as part of the UN System. In 2018, the Secretariat had updated this part to inform the Member States of WIPO's participation, contribution and partnerships established with the various UN institutions. The third part of the report had not changed since there were no requests from Member States for assistance associated with any SDGs. The 2018 report (document CDIP/21/10) focused and elaborated on the first part of the request and provided a complete report on WIPO's contribution to programs, platforms, projects, and activities which could assist Member States in establishing or in developing an environment beneficial to creativity and innovation, which could have a positive impact on the implementation of the SDGs. The work was based upon the Program and Budget 2018-2019. It was the first time for the Program and Budget to establish links between the strategic goals of WIPO and the SDGs. The Report contained a series of graphs and tables which linked the SDGs and WIPO's Programs on the one hand, and the SDGs (to which they contribute either directly or indirectly and in line with the indicators) and WIPO's expected outputs on the other. He then underlined that the document presented in a simple manner the direct and/or indirect links between the strategic goals, programs and SDGs. For those who wanted to undertake a more in depth analysis of the strategic goals and their link with the SDGs, the Annex of the document provided more detailed snapshot of the link between WIPO's programs, indicators, expected outputs, WIPO strategic goals, and the SDGs. It showcased that the development cooperation activities, technical assistance, and capacity-building activities undertaken by WIPO were strategic in order to provide assistance to Members at their request. In the Program and Budget of WIPO, 21 out of the 31 programs that the Program and Budget of WIPO contained were linked to SDGs, with activities spread throughout the Organization and implemented by various Sectors / Divisions of WIPO. He further referred to a resolution by the United Nations General Assembly (UNGA) adopted by consensus in December 20, 2017 entitled "Science, technology and innovation for development", in which it underlined the ongoing efforts by various programs of WIPO in that area and, encouraged WIPO to continue providing technical support activities, in helping countries to design, develop and implement national IP and innovation strategies aligned with their development strategies.

198. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, appreciated the opportunity to discuss the annual report of WIPO's contribution to the implementation of the SDGs and associated targets. The EU was committed to support the achievement of the SDGs as they were vital for developed and developing countries. The EU and its member states noted that the report underlined the responsibilities of the Member States for the implementation of the 2030 Agenda and for their economic and social development. The amount of activities and initiatives undertaken by WIPO for the implementation of the DA was impressive in range and quantity. The EU reiterated its position that WIPO's support should remain focused on the implementation of SDGs relevant to its work and mandate, mainly SDG 9

and SDG 17. As part of the UN system, WIPO took part in a significant number of activities and initiatives, including at the UN High-Level Political Forum on Sustainable Development. The next session of the UN High-Level Political Forum on Sustainable Development was going to take place in New York in July 9-18, 2018, and it would focus on the review of the implementation of the SDGs, particularly of goals 6, 7, 11, 12, 15, and 17. That would be another opportunity for WIPO to share the results of its work and to continue emphasizing the importance of IP as one of the vital tools for the achievement of the SDGs.

199. The Delegation of Indonesia, speaking on behalf of the APG, stated that the Members of the Group were committed to support the achievement of the SDGs, and welcomed WIPO's contributions to that end. The Group took note and welcomed the report, this time more comprehensive and presented in three sections: (i) activities and initiatives undertaken by WIPO, (ii) activities undertaken by WIPO as part of the UN system, and (iii) assistance provided by WIPO to Member States upon request. The Group was pleased to see that with regard to the activities and initiatives undertaken by WIPO in the field, the report stated that effective implementation of WIPO's DA was a key priority and a major component of the assistance that WIPO could provide to its Member States to achieve the SDGs. It also appreciated that WIPO was very active as part of the UN system. The Group was willing to see WIPO continuing in making sure that a balanced IP system was key for achieving the SDGs. With regard to the third section of the report on the assistance provided by WIPO to Member States upon request, the Group urged not just the Secretariat but also Member States to better communicate and coordinate so that WIPO could actually deliver more real assistance to Member States with regard to the achievement of the SDGs. The Group appreciated that the report asserted SDG 9 to be central to WIPO's mandate, and also acknowledged that innovation had a direct impact on other SDGs, such as SDGs 2, 3, 6, 8, 11 and 13, as well as the importance of innovation policies on SDGs 1, 14 and 15.

200. The Delegation of Switzerland, speaking on behalf of Group B, welcomed the annual opportunity to discuss how IP was contributing to the realization of SDGs. It encouraged Member States to seek the Secretariat's assistance as to the attainment of the SDGs. The report contained very useful information on the activities and initiatives undertaken individually by WIPO and the activities undertaken by the Organization as part of the UN system aimed at contributing to the implementation of SDGs and its associated targets. The Group noted that WIPO did not receive any request from Member States seeking assistance to attain the SDGs for the second consecutive year. The adoption of the SDGs by the UN Summit on Sustainable Development was a milestone. The Group fully supported the SDGs and WIPO's efforts to contribute to their implementation while recalling that the primary responsibility for achieving the SDGs lied with Member States. Nevertheless, WIPO had an important role to play in supporting Member States to reach those goals. Reserving the right to further elaborate on the issue, the Group reiterated that they were not in a position to support the proposal of establishing a standing agenda item on SDGs. Nothing prevented nor had ever prevented the CDIP from comprehensively discussing SDGs under the existing agenda structure.

201. The Delegation of Gabon believed that the report gave a new vision of WIPO's activities in the area, particularly the assistance provided for those countries requesting it. It was a most pertinent report. Sustainable development was an imperative for countries and for international organizations. Technology and innovation were the way in which countries could contribute to achieving those goals in a globalized world where the knowledge of technology was extremely important. The report listed the multiple activities which could be undertaken with a view to contributing to development but also the different levels at which those efforts could be made. The Delegation recognized the importance of the system set up by WIPO in order to help Member States to have access to scientific and technical information as well as to benefit from IP. It particularly noted the establishment of Technology and Innovation Support Centers (TISCs) in a number of developing countries and LDCs, such as Gabon. The center in Gabon

should be functional by the end of that year. Gabon was also delighted to benefit from the training of IP staff in cooperation with the African Intellectual Property Organization (OAPI) and WIPO. It appreciated that SDGs were part of the strategic goals of WIPO which demonstrated the commitment of the Organization towards the 2030 Agenda. That was clearly reflected in the Report which noted that out of 31 programs in the Program and Budget 2018-2019 more than 20 concerned the SDGs. There was also a link between SDGs and innovative technologies which seemed to indicate a greater commitment of WIPO in the achievement of the SDGs. The report noted that WIPO was mentioned in two resolutions, on the impact of rapid technological development on the achievement of SDGs, and on making science, technology and innovation work for development, which compelled WIPO to continue supporting Member States in the elaboration of national development strategies. With regard to SDG 7, the Delegation supported the collaboration between WTO and WIPO where access to medicines was concerned. It reaffirmed its full cooperation with the Organization.

202. The Delegation of the United Arab Emirates aligned itself with the statement made by the Delegation of Indonesia on behalf of the APG. It believed that monitoring on a yearly basis was significant to assist Member States in reviewing SDGs implementation in relation to IP. The Delegation appreciated WIPO's report in listing all its activities and initiatives undertaken individually and as part of the UN system. However, in the future it could be improved by focusing on a system-oriented approach. The Delegation took note of the report and how WIPO's results framework and programs were connected to SDGs. It commended the progress in linking WIPO's strategic goals with the UN SDGs and WIPO's existing programs. It also took note of the lack of requests from Member States seeking assistance from WIPO related to SDGs since the adoption of the goals in 2015. In this regard, the Delegation requested the Committee to identify means and guidance in order to assist the expansion of interaction between WIPO and Member States and to undertake activities and initiatives addressing SDGs. The United Arab Emirates was a leader in the region in building infrastructure, development, industrialization and renovation. In the recent past, the United Arab Emirates had announced several initiatives and policies in the field of industrialization, national development strategies, green economy for sustainable development, the United Arab Emirates post-oil strategy, economy and innovation, and national innovation strategy. The National Committee on SDGs consisted of 18 government entities. The IP office was tasked with the development of a national SDGs implementation plan. Within the sideline of the World Government Summit as a platform of reviewing and monitoring the 17 SDGs, the United Arab Emirates hosted an annual SDG action meeting to discuss the challenges in a holistic and global manner. The United Arab Emirates retooled its government for a broader understanding of sustainable development, and establishing new ministerial posts (e.g. focusing on youth issues, elderly women, artificial intelligence, etc.). It was committed to implement the 2030 DA in a manner consistent with the country's international obligations and commitments. The Delegation stood ready to work with everyone and pledged to leave no one behind and to shift the world onto a sustainable and resilient path.

203. The Delegation of Lithuania, speaking on behalf of the CEBS Group, attached great importance to SDGs and their full implementation by 2030. It called on every Member State to take the full responsibility in making every effort in addressing their specific needs for economic and social development. WIPO's Secretariat offered many different options of assistance that aimed at fostering development through innovation, contributing in that way to the implementation of the SDGs. The Group noted that, according to the document, WIPO did not receive any requests from Member States for the assistance related to their specific needs for attaining the SDGs. It also noted the number of activities and initiatives in which WIPO took part within the UN system. IP and innovation were relevant contributors to achieving many SDGs. However, the Group's position remained unchanged. WIPO should continue to focus on supporting implementation of the SDGs that were relevant to its mandate, namely SDGs 9 and 17. The Group appreciated the annual opportunity to discuss issues related to WIPO's

engagement and implementation of the SDGs. However, it would not see a need for a new separate standing agenda item on SDGs. The existing agenda items already allowed having a comprehensive discussion on issues relevant to SDG's implementation through WIPO dimension.

204. The Delegation of Morocco, speaking on behalf of the African Group, noted that the issue of SDGs was important for the African continent. The Group had always sought more than active involvement of WIPO in the implementation of the SDGs. It recalled that at its 18<sup>th</sup> session, the Committee had requested WIPO's Secretariat to submit another report containing information on the contribution to the implementation of the SDGs and associated targets. The Group regarded that the report did not provide information on assistance provided by WIPO at the request of Member States. The reason given was that at the time of reporting, the Secretariat had not received any requests from Member States for assistance in achieving the SDGs. The Group enquired about the activities carried out by the Secretariat to inform on the assistance provided with regard to the SDGs, as it would be relevant to know what were the procedures and mechanisms for benefitting from the SDGs. The Secretariat was also invited to clarify the initiatives undertaken in response to requests for assistance from Member States to help them achieve the SDGs. The Group was of the view that the achievements of the SDGs mattered for all and concerned various social, cultural, and economic sectors. It stressed that SDGs were indivisible and thus WIPO should implement all the SDGs. The Group welcomed some of the activities carried out by WIPO and in collaboration with other organizations in pursuance of the SDGs. It was confident that those activities might contribute to the achievement of SDGs. It also wished to see real tangible benefits of WIPO's participation and contribution in meetings and activities of other UN agencies. The Group requested the Secretariat to provide inputs made in those meetings or forums and the results in terms of contributing to the achievement of SDGs. WIPO should improve its contribution to the SDGs by linking its program and Budget to the SDGs and targets. It also urged WIPO to conduct a study to show how existing priorities and standards as those under negotiation could significantly contribute to the achievement of SDGs. Studies, including prospective studies, would show how the Committee could contribute to further the achievement of the SDGs. It could give a boost to the work and sensitize Members on the need to conclude the debates that seemed to be dragging out.

205. The Delegation of Egypt stated that the Report contained in document CDIP/21/10 enabled it to have an overview of the objectives of WIPO and the important role it played in that area, given its capacities and competencies. It made a number of comments to be considered by WIPO in order to make progress on the implementation of the objectives of the SDGs. WIPO was sparing no effort to strengthen links between the UN and the private sector. It could be done with closer cooperation with Member States since that could strengthen the TA provided by WIPO and enable Member States to better understand the elements of commercial flexibility linked to IP so that countries could benefit from the TRIPS Agreement. SDG 9 ("Industry, innovation and infrastructure") and its associated targets were essential. Nevertheless, it was important that, in parallel, WIPO broadened its activities in order to take into account other important goals which were important for developing countries in the framework of pertinent cooperation. Strengthening TA in developing countries was also essential in the area of technology transfer. It enabled WIPO to better raise awareness of Member States with regard to the advantages and benefits of IP. Capacity development should come alongside implementation in a very specific manner looking at what were the programs which were fruitful and which countries benefitted from them. Evaluation was therefore a vital part of any project. The Delegation further referred to the third section of the report on the assistance provided to Member States. There were 17 SDGs and their implementation depended on the levels of development of each country as well as the development of their IP systems. The Delegation concluded by assuring its full support to the implementation and achievement of the SDGs.

206. The Delegation of Ecuador, speaking on behalf of the GRULAC, took note of the report contained in document CDIP/21/10. The report contained information on the contribution of WIPO to the fulfillment of the SDGs, and the related goals and targets in relation to activities and initiatives undertaken individually by the Organization and activities carried out by the Organization as part of the UN system as well as the assistance provided by WIPO to Member States that requested it. It referred to its opening statement and underlined that for the GRULAC the SDGs represented an action plan that allowed the three dimensions of development to be put into practice, namely: economic, social and environmental development. The Group was of the opinion that the SDGs were transversal and crosscutting that should guide WIPO's work as part of the UN system. It also considered the CDIP to be the ideal body for WIPO to present and share with the Member States its contributions to the implementation process of the SDGs. The Group further referred to the decision made by the Committee at its previous meeting to resume discussions on how to address the SDGs in the following sessions of the CDIP, including the request for the creation of a permanent agenda item. In this regard, it made a reference to the contributions that the Group presented at the 18<sup>th</sup> session of the Committee and which could be found in document CDIP/18/4. This document contained Member States' contributions on the SDGs relevant to WIPO's work. In its contribution, the Group noted that "the link between the different SDG and various relevant aspects of IP requires substantial involvement of the Organization in the implementation process. That is why the GRULAC believed the discussion should be continued as Member States of WIPO (document CDIP/18/4 Annex II, page 2), in order to identify those aspects in which IP constituted a relevant factor for compliance with the SDG and consequently determined the specific work that WIPO will develop in its advance." It highlighted the constituency and characteristics of the SDGs, such as their universality and indivisibility. It reiterated that the achievement of each of the objectives could be supported by the work of WIPO in its capacity as a specialized agency of the UN. The Group highlighted its willingness to continue to participate in a proactive manner in the debates on the issue.

207. The Delegation of Ecuador, speaking in its national capacity, stated that SDGs were of great importance for Ecuador. The 2017-2021 development plan of the country was completely compatible with the SDGs. They were common goals to ensure a dignified life to all persons at all times. In this development plan, Ecuador noted the participation of IP, particularly with regard to genetic resources and creativity, and sustainable employment. It is vital that the work of WIPO continued on innovation and transfer of technology and that the whole system of IP was linked to a structural development process. The Delegation welcomed the efforts made by the Organization to support the implementation of the SDGs in its areas of competence. It recognized the challenge of implementation for the international community, confirmed its commitment towards achieving the SDGs and encouraged WIPO to do so as well.

208. The Delegation of China stated that the Report pointed out that innovation was at the heart of WIPO's mission. SDGs were dependent upon the development and diffusion of innovative technologies. Innovation had an impact on many SDGs. China was of the view that innovation lied in many aspects of human life. Fostering innovation would help to address various problems and challenges of human society. For that reason, the Delegation encouraged WIPO to leverage its expertise and advantages and participate actively in the implementation of SDGs. The Delegation welcomed that the Program and Budget 2018-19 established a linkage between WIPO's strategic goals and SDGs for the first time. That progress helped to clarify the relationship between WIPO's mission and SDGs. It would encourage WIPO's departments to participate effectively in the implementation of the SDGs. It appreciated the work undertaken by WIPO to implement SDGs. In the area of IP, China was committed to contribute to the implementation of the Sustainable Development Agenda to give full play to IP and to make IP a strong technical and institutional support for China's sustainable economic and social development. China strove to build a powerful IP nation, it had deepened the IP management reform, elaborated IP laws and regulations and strengthened IP production.

It resulted in developing a sound market and operating environment. The national public service system for IP operation was established in order to encourage IP transfer and transformation as well as IPR pledge funding. The country promoted the culture of innovation and IP. IP education became universalized and an environment with respect for IP was created. China also strengthened its capacity in delivering IP services and providing IP public information equitably accessible to all, and developed a partnership with other countries to cooperate in IP. In February 2018, CIPO and WIPO jointly organized a symposium in Zhejiang, on IP and sustainable development. The symposium aimed at making more people know about the linkage between IP and sustainable development and encouraging more companies and individuals to participate in the implementation of SDGs. It hosted around 100 participants from governments, IP agencies, companies, and academia. The Delegation concluded by expressing its openness for more opportunities to exchange and discuss with other Member States their experiences and practices in using IP to implement SDGs.

209. The Delegation of Tunisia aligned itself with the statement made by the Delegation of Morocco on behalf of the African Group. The report contained in document CDIP/21/10 was very pertinent and rich in terms of its analysis of information. It further affirmed the fundamental role played by WIPO in the implementation of SDGs and its great interest in the discussion which should inspire Member States in their national policies for implementation of the SDGs. The Delegation was of the opinion that the Agenda 2030 made no specific reference to IP. Nevertheless, WIPO should be involved in their implementation, particularly with regard to innovation and creativity which were fundamental instruments that could be used to come up with innovative solutions to take up the challenges of development. The activities and initiatives carried out by WIPO individually, and those undertaken within the framework of the UN system, revealed the considerable efforts made and enabled Member States to see the progress achieved in the area. The Delegation expressed its appreciation with regard to the activities and initiatives taken by WIPO, particularly the important number of activities dealing with the SDGs. It believed that SDGs were indivisible goals. The Delegation also believed that the requests for technical assistance should come from Member States. Nevertheless, Members were counting on the expertise, the collaboration and cooperation of WIPO in order to support and accompany them by guiding them into a better approach for their achievement of the SDGs.

## **AGENDA ITEM 8: CONSIDERATION OF WORK PROGRAM FOR IMPLEMENTATION OF ADOPTED RECOMMENDATIONS (resumed)**

### Recommendations 5 and 11 of the Independent Review of the Implementation of the DA Recommendations (continuation)

210. The Chair resumed the issue and invited the Lead Evaluator to make his presentation.

211. The Lead Evaluator (Mr. V.K. Gupta) explained that as regards Recommendation 5 the key issue was that the DA Recommendations should be linked to Expected Results (ERs). The Review Team recognized that significant efforts had been made towards incorporating the development considerations into WIPO's work, including the planning process. Bearing that in mind, one purpose of the review was to suggest possible improvements. Therefore, the objective of Recommendation 5 was to further enhance the integration of DA Recommendations into the planning process, in particular the Medium-Term Strategic Plan (MTSP), Program and Budget and RBM Framework. The MTSP 2010-2015 did not include specific strategies related to the implementation of the DA Recommendations and the Recommendations were not directly linked with ERs in the RBM framework which had created deficiency in the implementation of the DA Recommendations. The aforesaid plan had nine strategic goals and identified for each

of them specific challenges and opportunities (e.g. patents, trademarks and industrial designs) as well as the strategies to be pursued for their achievement. In addition, the RBM included ERs for each WIPO program. In this regard, he noted that the progress was reported at an ER level, not at the program level. In the same line, he remarked that the performance indicators were also defined at an ER level. Likewise, the budget allocation also took place at an ER level and not at a program level. Therefore, under the MTSP 2010-2015 there was no strategic goal in respect of the 45 DA Recommendations and similarly there was no dedicated program in the Program and Budget in respect of the 45 DA Recommendations. The Review Team was aware of the efforts put in place by the Organization to integrate the DA Recommendations into the planning process, such as mapping those Recommendations to WIPO strategic goals and 31 WIPO programs, among others. However, MTSP 2010-2015 did not identify the main area of challenges, opportunities and strategies in respect of the 45 DA Recommendations. Similarly, Program and Budget resources were allocated at a ERs level in the RBM framework. Therefore, neither the MTSP 2010-2015 nor the Program and Budget had linked the 45 DA Recommendations with their ERs. He provided some examples to support his explanations. He stated that mapping the 45 DA Recommendations with the existing list of ERs would ensure the realization of all the stated objectives of those Recommendations. In addition, it would facilitate identification of ERs which need to be modified and / or the creation of new ERs needed to contribute to the attainment of all the objectives of the aforesaid DA Recommendations. Furthermore, he referred to recommendation 11 and finding 13 of the Independent Review Report. He recalled the two relevant parts of Recommendation 11: (i) the need for a mechanism that would report on the agreed recommendations contained in the evaluation reports; and (ii) the need for the mainstreaming process to be aligned to the approved ERs. In this respect, he pointed out that the first part of the Recommendation 11 aimed at providing a concrete outcome to the mainstreaming process and the second part intended to ensure sustainability of completed projects and demystify the mainstreaming process. He then referred to finding 14 and conclusion 14 of the Independent Review Report and provided some examples of the agreed recommendations contained in the evaluation reports, where review and / or implementation could enhance the sustainability of the completed and mainstreamed projects.

212. The Delegation of Brazil recalled that at its previous session the Secretariat had informed the Committee that it had been already implementing Recommendation 5 and that therefore there would be no need to adopt it. Hence, it enquired if the Lead Evaluator was in agreement with that assessment. Furthermore, it enquired if in the Lead Evaluator's perspective recommendations should be adopted even if the Secretariat had already been implementing it, so that they were absorbed in WIPO's future work.

213. The Lead Evaluator (Mr. V.K. Gupta) stated that significant work had been done by WIPO to integrate the development considerations into its work. He considered that the Organization had addressed two of the three aspects contained in Recommendation 5. He mentioned nine strategic goals and 45 DA Recommendations reflected in the MTSP. In Program and Budget 2010-2011, they had mapped 31 programs to 45 DA Recommendations. Nonetheless, that work was not complete. Unless ERs were mapped to the 45 DA Recommendations, it was not likely that all objectives be achieved. It was possible that the mapping in relation to WIPO programs was not sufficient. As regards the adoption of the recommendations, he expressed that the decision should be taken by the Committee.

214. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, considered the additional explanations on Recommendations 5 and 11 very helpful. They stated that they would like some additional time to consider further implications.

215. The Delegation of South Africa recalled that according to the Lead Evaluator the DA Recommendations had been incorporated to a certain extent in the RBM Framework. However,

that had been done at a Program level and there was no connection into the ERs iterated in the Program and Budget and in the MTSP 2010-2015. Therefore, as the ERs determined the basis on which budget was allocated, it was likely that some of those DA Recommendations would not have an allocated budget since they were not aligned to certain ERs. As a result, there could be some or more of the DA Recommendations which were infeasible to implement. In this context, the required mechanism which would consist of mapping the DA Recommendations to the ERs and identifying whether or not there were additional ERs which needed to be included in the Program and Budget so as to get allocated budget in order to implement all the DA Recommendations. It enquired if this understanding was correct.

216. The Lead Evaluator (Mr. V.K. Gupta) stated that, indeed, mapping the 45 DA Recommendations to WIPO strategic goals and WIPO programs was not sufficient, since the current ERs were not available to meet the objectives of all the DA Recommendations. He referred to the example of DA Recommendation 11. The suggestion of the Review Team was that the 45 DA Recommendations should be mapped to the ERs, the results which needed to be monitored should be identified or if there were new results they should be added. The adjusted list of ERs would become an input to the Program and Budget, thereby creating an institutional framework to continue achieving the objectives of all 45 DA Recommendations on a long-term basis.

217. The Delegation of Switzerland, speaking on behalf of Group B, referred to the observation made by the Lead Evaluator on the considerable work done by WIPO as regards the implementation of Recommendation 5. It noted that the DA Recommendations provided higher level strategic guidance to WIPO's work. Through the RBM system, high level strategic guidance was broken down into more detailed and measurable results. The Program and Budget integrated the DA Recommendations across strategic goals and programs through specific references to those recommendations in the programs and then defined specific measurable results for each program. In the current Program and Budget 2018-2019, key priorities, main focus areas, and high level implementation strategies were included "to further strengthen the implementation of WIPO's development oriented activities guided by the Development Agenda Recommendations", as well as "to strengthen focus on improving the design, planning, monitoring and evaluation of WIPO's development oriented activities and creating enduring partnerships at all levels to announce sustainability of development results". In that context, the DA Recommendations were clearly an integral part of the Program and Budget 2018-2019 following the points raised in the Independent Review Report. In addition, DA project documents indicated the DA Recommendations to which those projects were linked and the ERs they contributed to. That meant that through the project documents there was a clear link between the DA Recommendations and ERs. The Program and Budget then integrated that link, since it took into account the content of all project documents. Where a program was responsible for the implementation of one or more DA projects, those projects were linked to the ERs of the Organization both in terms of content and of resources. This had also been stated in finding 5 of the Independent Review Report. Furthermore, the Program and Budget 2018-2019 contained a novelty. Each program included a diagram that clearly established the links to specific DA Recommendations. That was a welcome improvement that clearly addressed Recommendation 5 of the Independent Review Report and that was not a practice at the time the review was conducted. Such new addition to the Program and Budget also addressed another point raised by the Independent Review Report, namely, the mainstreaming of DA projects. Thus, those programs continued to address the DA Recommendations and those recommendations continued to contribute to the ERs of the Organization even after the project was completed. That link was now reflected in the new diagram. The aforementioned new addition confirmed a trend already identified in finding 7 of the Independent Review Report which traced the steady progress from the first introduction of DA Recommendations into the Program and Budget in 2009 until that of 2014-15, the latest Program and Budget available at the time the review was conducted. In that context, it

enquired whether the evaluators were familiar with that new feature of the Program and Budget. Finally, Independent Review had identified specific shortcomings in the MTSP 2010-2015. However, the MTSP 2016-2021 which was not available at the time the Independent Review was conducted, integrated the strategies, challenges and opportunities related to the DA Recommendations, namely on the Strategic Objectives 3, 5 and 6. Hence, the shortcomings identified for the MTSP 2010-2015 had already been addressed. To conclude, it enquired from the Lead Evaluator if he was familiar with the abovementioned novelties.

218. The Lead Evaluator reiterated that the Independent Review found strong evidence of considerable efforts made by WIPO since 2008 to integrate the development considerations into WIPO's work. He pointed out that a high percentage (94 per cent) of the respondents to the questionnaire conducted as part of the Independent Review process found the project-based approach good enough to translate the principles contained in the DA Recommendations into actionable activities. However, the key issue remained. The budgetary allocation took place at an ER level and the current list of ERs was deficient in meeting all the objectives of the 45 DA Recommendations. He referred to the improvements mentioned by the Delegation of Switzerland in the MTSP and the Program and Budget. In this regard, he pointed out that the key issue was if the list of ERs was modified and if the 45 DA Recommendations were mapped directly with the current list of ERs. He further referred to Strategic Goals 3, 5 and 6. He pointed out the confusing title of Strategic Goal 3, which referred to "Facilitating the use of IP for Development", although it did not mean DA Recommendations. He noted that the MTSP should be more responsive. Finally, he recalled that the Independent Review Report covered the period from 2008 to 2015, and therefore he was not in a position to comment on recent developments beyond 2015. He restated that the Independent Review Recommendation 5 could not be achieved unless the 45 DA Recommendations were mapped with the ERs, even if it entailed a modification of those results.

219. The Delegation of South Africa pointed out that all the ERs have one or more DA Recommendations associated with them. However, not all 45 DA Recommendations necessarily had an ER associated with them. It referred to DA Recommendation 11 and gave the example of a project that fell solely within that Recommendation. Since there were no corresponding ERs for that Recommendation, no budget could have been allocated to the implementation of the said project. It inquired that if the case showed a shortcoming of the system in place which meant that countries would not be able to put forward projects due to the aforementioned shortcoming.

220. The Lead Evaluator clarified that budget for projects was always allocated once they got approved by the Committee, even if there were no ERs related to the DA Recommendations implemented through the project. However, if there was an ER for each of the 45 DA Recommendations, recommendations would be getting implemented continuously even after the projects' completion.

221. The Chair closed the discussion on the Lead Evaluator's presentation given that there were no further comments from the floor and suggested to continue discussing the adoption of Recommendations 5 and 11 at an informal consultation.

**AGENDA ITEM 7: MONITOR, ASSESS, DISCUSS, REPORT ON THE IMPLEMENTATION OF ALL DEVELOPMENT AGENDA RECOMMENDATIONS AND CONSIDERATION OF THE DIRECTOR GENERAL'S REPORT ON THE IMPLEMENTATION OF THE DEVELOPMENT AGENDA (resumed)**

Report on WIPO's Contribution to the Implementation of the Sustainable Development Goals and its Associated Targets – document CDIP/21/10 (continuation)

222. The Chair resumed the discussion on document CDIP/21/10.

223. The Delegation of Djibouti supported the statement made by the Delegation of Morocco on behalf of the African Group, and stated that document CDIP/21/10 was the fifth document that WIPO had produced on its contribution to the SDGs. It showcased the efforts done by WIPO. The first challenge in achieving the SDGs was ensuring the independence, universality and indivisibility of the goals. The Delegation pointed out the reference made by the Secretariat in the document to building resilient infrastructure, encouraging innovation, overcoming discrimination. Those could only be achieved if Goals 6 and 7 on water and energy were achieved. In Djibouti's national development plans, the industrialization of the country was stated to be important. It required infrastructure and technology in order to implement development projects. The country faced challenges regarding innovation and technology capacity. Certain countries, particularly LDCs, had the necessary resources but did not have the necessary technology to exploit those natural resources and develop them in the medium term. Therefore, the issue of transfer of technology was extremely important. A framework which would enable public-private partnerships, sharing of knowledge and gave particular attention to LDCs was needed. The Delegation concluded by calling on stakeholders and donors to increase their cooperation in order to ensure that SDGs 6, 7 and 9 could be achieved on the basis of SDG 17.

224. The Delegation of the Russian Federation noted that the report gave a systematic overview of the work of the Organization directed towards the achievement and implementation of the SDGs. It noted with pleasure that the issue of development was integrated into all the work of WIPO, particularly into the Program and Budget 2018-2019 and its strategic goals and targets. They were linked to the SDGs. It saw positively the work of the Organization devoted towards achieving the SDGs and associated targets with other bodies of the UN system and supported its continuing and ongoing work in that direction.

225. The Delegation of Pakistan noted that WIPO's Program and Budget 2018-2019 aligned the Organization's strategic goals with SDGs. WIPO had a key role to play in assisting Member States in acquiring their development objectives. To harness the potential of WIPO's programs and activities for implementation of all SDGs, it was very important that the Secretariat guided Member States on how to go about it and what roadmap to adopt to increase WIPO's assistance to Member States for SDGs. The Delegation acknowledged that IP was crosscutting in nature and a holistic approach that embedded all SDGs was integral to implement them, rather than merely focusing on SDG 9 and 17. It recommended that the report in the future should also focus on issues of fair and affordable access to IP protected technologies or knowledge in order to effectively implement the SDGs in full dimension. It sought clarification from the Secretariat on whether there was any formal or informal process in place to track the process of the activities undertaken for SDGs and how to build upon them. It recommended the Secretariat to deliver the program and activities on SDGs in a coherent and non-fragmented manner to have optimum output. SDGs were a living reality and were an ongoing process. The Delegation supported the proposal by the Delegation of Brazil for including a permanent agenda item on implementation of SDGs in the CDIP. It would provide a clear pathway to connect the dots and have a results-oriented discussion on SDGs. The Delegation encouraged Member

States to develop a work program to undertake activities to address specific SDGs. It looked forward to a meaningful discussion on that agenda item.

226. The Delegation of Benin associated itself with the statement made by the Delegation of Morocco on behalf of the African Group. It underlined the great importance of the topic within the framework of institutional efforts to contribute effectively to the achievement of the SDGs by 2030. The report submitted for consideration was a recapitulation of the institutional tools and the activities carried out in the different sectors of the economic and social activity through innovation and creativity. They were a useful field in which WIPO could continue to act in promoting greater interest and achieving greater results in the use of innovation and creativity as could be seen through the link between the results from the SDGs and WIPO's projects and programs. The Delegation believed that through the use of innovation and creativity and the use of new technologies, the daily life of the population around the world could be transformed in a fundamental way. It could be seen in the examples provided in the document on various activities and initiatives. The Delegation expressed its hope that those goals could be scaled up to achieve the SDGs by 2030. It requested a project in Benin linked to SDG.

227. The Delegation of Nigeria aligned itself with the statement made by the Delegation of Morocco on behalf of the African Group. It noted that the Report gave a summary of the activities and initiatives undertaken by WIPO individually, and as part of the UN system, and the assistance provided by WIPO to Member States upon their request. The Delegation found more useful for the report to clarify and highlight WIPO's interface of the specific public policy goals and their relationship with SDGs and associated targets, particularly in the IP system and its participation in various UN forums related to SDGs. There was a need for more clarification on what kind of assistance WIPO could offer in relation to the SDGs for Member States. It would be helpful for Members to make specific requests for assistance.

228. The Delegation of Mexico mentioned SDG 9 as one that recognized that science, technology and innovation were very important elements fostering the whole implementation of the SDGs. The Delegation also recognized that innovation was the very essence of the mission of the UN and WIPO. It seemed that SDG 9 was the most relevant for the mandate of the Organization and many of the SDGs depended on the creation and dissemination of innovative technologies. The crosscutting scope identified here was very relevant except for the fact that innovation and creativity were not objectives *per se*, but means. They were instruments which had an influence on the achievements of the objectives and tried to find creative solutions to the problems of development. The Delegation found relevant the determination of WIPO instruments, programs, platforms, projects, activities which helped Member States to create or strengthen the conditions which fostered innovation and creativity so as to support the implementation of the SDGs. It recognized the relevance of the decision that the Organization could maintain an interrelationship which was complementary between the DA, the SDGs and the design and instrumentation of those programs and activities. The Delegation found the use of WIPO resources very important. It urged the Secretariat to continue improving the work undertaken by WIPO as the promotor of innovation and to work in search of improvements in the systems. The Delegation was struck by the fact that the report mentioned that there were no assistance requests by Member States and there was no information about it. It enquired the Secretariat why they felt there were no such requests. It further asked whether the Secretariat planned to carry out some activities which would enable Member States to know the alternatives for the assistance offered and the procedure to follow to be able to benefit from them. The Delegation thought that would be useful and hoped to obtain some comments regarding part (c), paragraph 49 of the Report.

229. The Delegation of Algeria aligned itself with the statements made by the Delegation of Morocco on behalf of the African Group. The Report enabled Members to see with satisfaction WIPO's guidelines pertinent to the achievement of the SDGs. The Delegation welcomed the

commitment and progress of WIPO in contributing to the SDGs. It noted that WIPO considered the process of the implementation of a balanced and effective IP system which promoted innovation and creativity and thus contributed to development and to the achievement of the SDGs. It welcomed the efforts of WIPO in carrying out programs, platforms, projects and activities which helped Member States to create a propitious environment for innovation and creativity. The Delegations shared the idea of the need of more projects for TA and cooperation in the field of SDGs. However, a more balanced concept should be integrated in those projects, to allow Member States to have access to technology and knowledge which was more equitable, fair and easier to deal with. SDGs were crosscutting and indivisible. The Secretariat considered SDG 9 as being at the very heart of the mandate of WIPO. It also considered that those objectives had an impact on several SDGs, particularly 2, 3, 6, 8 and 13 as well as others that had a role in the implementation of a favorable ecosystem to innovation. However, it seemed that there were no requests from Member States to get assistance in achieving SDGs. Knowing the importance attached to SDGs particularly in developing countries and LDCs, the Delegation wondered about the relevance of that procedure. Thus, it recommended the Secretariat to provide more indications of the type of assistance that WIPO was able to offer as regards SDGs. It was pleased to know that WIPO was taking part in many activities lined to the SDGs. It also encouraged the Secretariat to make available, through a synthesis summary document, guidelines recommended by WIPO as regards to the role of the IP system for SDGs and their associated targets.

230. The Delegation of Vietnam enquired WIPO to specify more clearly what kind of assistance relating to SDGs WIPO could offer, as well as how Member States could get that kind of assistance from WIPO.

231. The Delegation of Brazil took note of the Report and appreciated the improvements in it. It welcomed, in particular, the inclusion of the relationship between SDGs and WIPO's strategic goals, as well as the creation of the performance indicators. The Delegation further pointed out the benefits of having a standing agenda item on SDGs. Firstly, the Delegation believed it would help Member States and the Secretariat to have more accountability over the process. It would also bring an opportunity for WIPO to periodically report to Members on its actions on the implementation of SDGs. Having a standing item would provide Member States and the Secretariat with more ownership of the process and countries would feel obliged to hold substantive discussions under that item. Secondly, the Delegation believed the inclusion of the item would also provide more clarity and transparency to the discussions in the Committee. Such a standing item would enable comprehensive, periodic and continuous treatment of the subject. Members would have the opportunity to discuss the many topics on SDGs and present specific proposals. It was known that discussions on development sometimes became very abstract, so it was important to have a standing item that would work as an element helping to keep feet on the ground so as to concentrate the efforts in initiatives that really added value to the implementation of SDGs. Thirdly, having a standing item would also prevent overlapping and duplication of work. Since the DA was rather intertwined to SDG goals, oftentimes both subjects were conflated. Both, the Director General's Report on the Implementation of the DA (document CDIP/21/2) and the Report on WIPO's Contribution to the Implementation of the SDGs (document CDIP/21/10) mentioned the same initiatives as examples of their efforts to the implementation of those agendas. The agenda might coincide sometimes, but it was not the case. Having a separate item would help Members not to conflate them. Finally, by adopting a standing item on the implementation of SDGs, Member States would be sending an important and clear message that WIPO, as a UN specialized agency, was doing its part to fulfill the GA's recommendation, which was a small symbolic, diplomatic gesture with important political consequences. The Delegation also recalled that the proposed permanent item was already presented at the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> sessions of the CDIP and received the support of the majority of Delegations, reflecting the desire of the substantial part of the Member States and that should be duly taken into account.

232. The Delegation of Lebanon valued the developments that took place since the 19<sup>th</sup> session qualitatively and quantitatively, especially regarding the activities undertaken by the Organization since 2017, and with a view to contributing to the implementation of the SDGs, especially Goals 9 and 17. Goal 9 was the main pillar of WIPO's activities and directly related to it as WIPO was responsible for bridging the gap between countries. The SDGs coincided with the goals that many countries had set for themselves. The Delegation found it natural that the Agenda should be reflected on the various segments and sectors that the Organization turned its attention to. It welcomed the activities mentioned in the report and valued the partnership established between WIPO and other specialized agencies within the UN system as that should further propel the DA. Lebanon benefitted from activities provided by WIPO in the interest of developing countries. Therefore, efforts should not be wasted by the Organization but rather intensified with a view to fulfilling the SDGs by 2030. It was essential to change the facts mentioned towards the end of the Report. Thus, it would be useful for the Organization to seek clarification of its programs within the framework of the SDGs so that Member States might seek further cooperation in the achievement of these goals.

233. The Delegation of Iran (Islamic Republic of) underlined the importance of WIPO's engagement with other relevant international organizations in helping to realize SDGs. The Report highlighted that WIPO's contribution to the implementation of SDGs was not restricted to specific goals. The Organization could rather play a role in the implementation of all 17 SDGs. The Delegation urged the Secretariat to provide more detailed reports on WIPO's collaboration and cooperation with other UN agencies in implementation of SDGs. It also asked the Secretariat for more guidance and clarification on types of assistance and how Member States could seek assistance related to the attainment of SDGs.

234. The Delegation of Chile endorsed the statement made by the Delegation of Ecuador, on behalf of the GRULAC. It emphasized the indivisible and universal nature of the SDGs. It appealed to Members to make efforts for their full implementation, and to avoid having an isolated approach to that. Chile was involved in carrying out crosscutting and inter-sectoral work for the implementation of the SDGs for their fulfillment and attainment. Chile identified specific activities, national strategies of industrial property, and envisaged the inclusion of those activities in the work of the IP Department, amongst others. The Delegation believed it was important to share experiences, sustain dialogue, and maintain an open mind so as to exchange visions and specific measures for the attainment of the SDGs without losing sight of what was the reason behind the fostering of creativity and innovation.

235. The Delegation of Indonesia, speaking in its national capacity, appreciated WIPO's work in implementing the SDGs through its various programs and activities and commended the report on WIPO's contribution to the implementation of the SDGs and its associated targets. In today's increasingly integrated world, the SDGs had to be conceived as a truly global agenda with shared responsibilities between all countries based on a strong commitment to engage in collective actions that required support from both developed and developing countries. In that regard, WIPO played an important role and was in the position to build on the strengths of the current global partnership for development while going beyond its present framework to ensure that the global IP system worked for the benefit of all countries. With a view to addressing the SDGs in the CDIP, the Delegation reiterated its support for the establishment of a permanent agenda item on SDGs and to further demonstrate WIPO's commitment and role in contributing to the attainment of the SDGs. It also encouraged Member States to request assistance with regard to the attainment of the SDGs and encouraged WIPO to actively promote programs and activities that supported the attainment of the SDGs by the Member States.

236. The Delegation of Malaysia noted from the report the increased activities and initiatives undertaken by WIPO over the previous year both in part (a) on the individual activities, and as part of the UN system in part (b), and commended WIPO for that effort. However, it noted that

comments in the section on assistance provided by WIPO to its Member States upon their request, which was in part (c), remained unchanged despite many requests from the Member States at the 19<sup>th</sup> session of the CDIP when the first report was presented on the types of assistance that WIPO could offer and guidance to Member States in that respect. The Delegation, therefore, echoed the request to increase interaction between Member States and the Secretariat. Apart from the CDIP Secretariat, that interaction or engagement could also involve the various Regional Bureaus within WIPO, since they were the ones able to provide a better advice on the specific areas of assistance for each country. The Delegation also suggested that Member States be regularly kept informed of progress in the implementation of WIPO's activities and initiatives pertinent to the SDGs. An approach could be established to enable Member States to be regularly informed and that would help WIPO and Member States to communicate and coordinate on a more effective and specific project level to fulfill part (c) of the Report. The Delegation also requested that future reports could qualitatively describe WIPO's engagement and include an evaluation or outcome of each contribution.

Notwithstanding, the Delegation believed that the Report was a step in the right direction in bringing SDGs to the center of the discussion not only within the CDIP but also the overall effort and commitment of the Organization. The Delegation also supported the inclusion of SDGs as a standing agenda item of the Committee. It believed that Members could and should be ambitious with the goals and targets for the SDGs. The inclusion of SDGs as a standing item in the discussions of the CDIP would allow a broader in-depth discussion on this important subject and ultimately enhance the integration of the SDGs into WIPO's activities. The SDGs were negotiated and agreed by all Member States and all present Delegations were fully committed to seeing its full realization come in 2030. To ensure that, the Delegation acknowledged that Member States played a primary role but also believed that there must be even stronger commitment to forge partnership and cooperation from all actors. In view of that, the Delegation encouraged WIPO to continue its good work in that area by taking innovative approaches in building partnerships with Member States and other UN bodies, and to advance the SDGs in collaboration with all other stakeholders.

237. The Delegation of Sudan took note of the content of the Report. It fully supported the fulfillment of SDGs, specifically those related to IP, on the basis of the development plans of the country. The Delegation encouraged WIPO to continue to cooperate with Member States and to enhance the provision of technical assistance to the developing countries and LDCs to fulfill the targets and achieve sustainable development.

238. The Delegation of Morocco, speaking in its national capacity, stressed the importance of the SDGs as part of the work of WIPO. It referred to its opening statement where it indicated its full commitment to the activities of the Organization and its relation to development. It fully valued the subject under discussion and noted an increased contribution of WIPO to the fulfillment of the SDGs. With regard to the activities and initiatives undertaken as part of the UN system, the information in the report was valuable and reflected the quality of those activities undertaken. These activities were essential to activate SDGs and achieve them. The detailed report was an excellent groundwork to further enhance the activities of the Organization within the scope of SDGs. Partnerships based on the fulfillment of those goals would help to improve the quality of the results achieved. That could only be fulfilled through the participation of all Member States in that field.

239. The Delegation of Burkina Faso endorsed the statement made by the Delegation of Morocco on behalf of the African Group. Document CDIP/21/10 listed the activities undertaken by WIPO, particularly in the implementation of the SDGs. The Delegation welcomed the fact that some of those activities were focused on the requirements, and the needs of states, particularly if those were asked for the implementation. Burkina Faso benefitted and continued to benefit from WIPO's support. The importance of the SDGs for developing countries such as Burkina Faso needed no demonstration. In 2016, Burkina Faso had a national workshop to

validate its SDG profile, which reflected its commitment towards the SDGs as defined in the 2030 Agenda. The Delegation further referred to paragraph (c) of the report related to requests for technical assistance and requested clarifications from WIPO to submit the request further.

240. The Chair underlined that the long list of speakers reflected the significant importance and Member States' great interest in SDGs. He then invited the Secretariat to respond to the observations and comments made by Members.

241. The Secretariat (Mr. Bouabid) clarified that the work carried out by various sectors / divisions of the Organization aimed at clarifying as much as possible for Member States the efforts undertaken by WIPO in order to implement SDGs. The Secretariat appreciated that the enriched discussions in terms of its number and the quality of interventions. It then referred to Member States' request for more interaction, particularly on how the Secretariat and Member States could go forward with a better symbiosis between the needs and what the Organization could offer. The Secretariat assured that WIPO DG's office as well as other colleagues in the Secretariat would continue the implementation of the 2030 Agenda and work in close cooperation with Member States. The Secretariat expected to have a clear understanding of the needs and development priorities of countries and that it was able to provide the most optimal support within the framework of their use of the IP system and innovation for the achievement of the SDGs. The Secretariat then addressed a few questions raised. The Member States had been assured that the Secretariat would be fully available to help them better understand the existing system and in which way they could benefit from the assistance. With regard to the evaluation-oriented approach, the Secretariat referred to the annual Program and Budget Committee and the Program Performance Report (PPR) that looked at the progress made by each program. A better interaction between the two reports (the Report on SDGs and the PPR) would allow a better understanding of the implementation of the SDGs and of the evaluation of WIPO's programs and projects. With regard to the issues of better interaction with the Secretariat on the mechanisms and procedures for TA, the Secretariat reiterated its full availability. It was very open to any request and additional clarification. It further recalled that the previous year a Roundtable on Technical Assistance and Capacity Building: Sharing Experiences, Tools and Methodologies had been organized. Having an additional seminar or roundtable to clarify the procedures and methodologies applied by the Organization could be a solution to clarify those aspects. It could be reviewed in the following few months. The Secretariat underlined that in the previous year, efforts were made for establishing a method for the report, trying to overcome inadequacies and presenting in a clear manner what the Organization could offer and how it could help establishing a positive environment towards innovation, creativity and the use on IPRs in achieving the SDGs. It further referred to the question raised by the Delegation of Morocco on behalf of the African Group on participation in international forums and meetings. WIPO mainly followed up on negotiations and deliberations linked to WIPO's mandate to provide factual information on the role of the IP system with regard to what the other members of the UN system and civil society were undertaking and on various different programs, projects and initiatives of WIPO itself which could help Member States to implement and achieve those SDGs. Addressing the second comment made by the Delegation of Morocco, the Secretariat expressed its availability to discuss the idea of developing a study, bilaterally. A number of delegations also made comments on the issue of public-private partnerships and technology transfer. In the current report and the Organization's programs and activities there were a certain number of platforms aiming at promoting those kinds of partnerships, such as: WIPO Re: Search, WIPO Green, etc. The Secretariat was available to provide more information on that matter in the future. It would certainly have a better-oriented approach by the session in 2019 on the needs and the specific situations of countries with regard to SDGs.

242. The Chair concluded the discussion on document CDIP/21/10. The Committee considered the information contained in the report and took note of the responses provided by the Secretariat.

Presentation by the Delegation of Mexico on the Appellation of Origin “*Olinalá*”

243. The Chair invited the Delegation of Mexico to deliver a presentation on the Appellation of Origin “*Olinalá*”.

244. The Delegation of Mexico stated that the “*Olinalá*” lacquers were the result of a cultural experience. Heritage and traditions together had forged the *Olinalá*’s identity for over five hundred years. *Olinalá* was a place with 5,000 inhabitants, located in the mountains of State of Guerrero in southern Mexico. *Olinalá*’s identity was expressed in the handicrafts, its inhabitants had found in this ancestral technique, a tool to be able to drive their economic and social development. Nonetheless, up to quite recently, the production of this popular art was in the serious risk of being lost. A new plan was launched addressing young people, women and indigenous people who represented at least half the population of *Olinalá*. The Government of the State of Guerrero, through a specialized training school, had implemented a comprehensive and permanent program to train certified craftsmen and craftswomen for creating added-value works. This was how *Olinalá*’s started developing its population while rescuing and protecting its cultural heritage. “Tradition and Innovation”, these two words described the strength of “*Olinalá*” and marked a new era in the production of its lacquered goods. Each day, the producers tried to work in innovative designs, formats which showcased their experience and imagination and they were ready to create a fresh and novel vision of the world. It was decided to resort to the IP system, as an instrument to help them to protect their technique. *Olinalá* was one of the sixteen Mexican appellations of origin, which certified the originality of that cultural expression and ensured its legacy. By enhancing the traditional and inherited methods, they were raising awareness of its importance and at the same time protecting those methods to foster economic and social development. The Delegation referred to the importance that the appellation of origin and to the positive effects it had entailed for the development of the “*Olinalá*” community. In this regard, it highlighted the support of the Mexican Institute of Industrial Property (IMPI) and of WIPO, as well as the producers’ discipline and perseverance. It invited delegations to watch a video that was displayed on the “*Olinalá*” appellation of origin.

245. The Delegation of Brazil commended the presentation by the Delegation of Mexico and expressed its appreciation to the initiative of showcasing that type of cases at the Committee.

246. The Chair appreciated the presentation by the Delegation of Mexico and closed the discussion given that there were no more comments from the floor.

**AGENDA ITEM 9: INTELLECTUAL PROPERTY AND DEVELOPMENT**

Compilation of Member State Inputs on Issues to be addressed under the Agenda Item “Intellectual Property and Development” – document CDIP/21/8 Rev.

247. The Chair invited the Secretariat to introduce document CDIP/21/8 Rev. on the Compilation of Member States inputs to be addressed under Agenda item “Intellectual Property and Development”.

248. The Secretariat (Mr. Baloch) recalled that at the previous session of the Committee, a decision was taken that Member States should provide proposals as to what should go under

the new agenda item on “IP and Development”. The document under consideration was a compilation of the proposals that the Secretariat received. He further recalled that there was a request on the part of some delegations to establish an agenda item called “IP and Development” on the agenda of the CDIP. This was agreed by the Committee and subsequently approved by WIPO’s GA.

249. The Chair invited Member States who had submitted proposals to introduce their proposals.

250. The Delegation of Brazil stated that at the 19<sup>th</sup> session of the CDIP, Member States reached a consensus on the importance of having a permanent agenda item entitled “IP and Development” which would help fulfill the full mandate of the CDIP. The Delegation believed that the inclusion of the standing item would facilitate the implementation of the third pillar of the CDIP since it would not only provide greater transparency to the discussion of the Committee but also help initiate a more focused, balanced and results-oriented debate in the field to the benefit of all Member States. It welcomed the proposals tabled by the Delegations of the Russian Federation, Mexico and Group B. It noticed that the proposal by the Russian Federation was similar to the one of Brazil. The Delegation, therefore, expressed its support for such an important topic. To contribute to that process the Delegation had submitted a proposal with six elements for the consideration of Member States. The suggested activities could accommodate diverse viewpoints within WIPO’s membership as well as contribute to the development of a balanced and effective international IP system. The Delegation had genuine interest in all of the proposals presented in the document CDIP/21/8 Rev. It was in favor of an inclusive approach towards them. The best way to move forward was to adopt a pipeline considering all the proposals, hopefully in that session. That way no one would be left behind. There were not that many proposals. Merging some of the proposals that touched similar topics and then addressing those that could not be mixed was an option. In that regard, the Delegation suggested that it would be interesting to hold informal sessions on that topic to reach an agreement. It was of paramount importance that Members reached an agreement in that session so that during future sessions the Committee could focus on pending issues. The Delegation was willing to negotiate with other Member States to try to find a workable solution. It stated that the Delegation was willing to answer questions from other delegations that had doubts on specific topics of its proposal.

251. The Delegation of the Russian Federation proposed to discuss under the item on “IP and Development” issues linked to IP and the digital economy. There was a significant influence of blockchain and other digital technologies on digital economy and in particular with regard to the priorities for copyright and IP rights. Big data analysis and development of artificial intelligence systems were also significant. The Russian Patent Office (Rospatent) already used blockchain, tested algorithms and used artificial intelligence for researchers. With the support of WIPO, Rospatent undertook a number of international events involving Russian and international experts. Under the aegis of the BRICS countries, on April 16 to 17 in Moscow, an International Conference was organized on digital transformation, IP and blockchain technologies with leading Russian and foreign experts in the areas of IP and information and technology. It was vital to have a common understanding of the way in which new technologies could help overcoming new challenges for IP. It would help us achieve a number of recommendations in the DA Clusters A and C, including improving national institutional capacity through development of infrastructure, increasing potential, overcoming the digital divide, making it easier to use ICT in the aims of development and also for considering the important role of ICTs in the economic and social development. The discussion should also focus on the context of IP in the digital economy and look at both the benefits and the risks of the use of such technologies. It further proposed to have within the framework of the CDIP an exchange of experiences in that domain. The Russian Federation announced that on May 23 to 25, 2018, it would have a meeting of offices using artificial intelligence. Russian experts were actively

participating in that meeting and it hoped that those meetings would become regular. The Delegation further pointed out that the proposal made by the Delegation of Brazil overlapped with its proposal. Moreover, that initiative had a high number of other interesting aspects, such as the exchange of information among developing countries on the use of IP. The Delegation also welcomed the proposal of an event which helped to better understand the links between the use of IP and economic development, also the use of IP for small and medium enterprises. It noted that the Russian Federation familiarized itself with great interest about the proposals by Group B and Mexico and was prepared to work together with all delegations to achieve those aims.

252. The Delegation of Mexico presented its proposal contained in document CDIP/21/8 Rev. There was a link between IP and development and a clear relationship between the SDGs and the work that specialized agencies, including WIPO, were carrying out. For Mexico the topic of IP and development had to be analyzed in a crosscutting way, taking advantage of the possibility of innovation to lead to development in the IP system and research. The Delegation was convinced that consideration to that topic should be given from a pragmatic approach, looking at experiences, best practices of other Member States and the Organization itself, in order to promote the fulfillment of SDG 9 and its impact on the rest of the SDGs. The thematic areas in which WIPO could work were many. There were at least as many as the SDGs themselves. The Delegation believed that the Organization could focus, to begin with, on areas where IP had a positive impact on overcoming poverty and promoting health, gender equality, academic research, small and medium enterprises and economic and social development. There was a need to identify tools which had the possibility of promoting development of society at all levels. The start could be by looking at the identification of best practices which could have a multiplier effect, led by WIPO and coordinated by interested Member States. Given that WIPO had dedicated the World IP Day to women as agents of change and innovation, the Delegation wished to look at the role of women in using IP. It suggested that Member States share their experiences and challenges in terms of measures and public policies undertaken to promote the involvement of women in taking advantage of the IP system. The MIKTA countries had an exhibition in WIPO, with examples of successful women contributing through their skills and knowledge to innovation. There was still a lot to be done in that area. The Delegation therefore proposed that the Committee started working on that area and link it to development and to SDGs. The Delegation then referred to the proposal made by the Delegations of Canada, United States of America and Mexico for a project on Increasing the Role of Women in Innovation and Entrepreneurship, Encouraging Women in Developing Countries to Use the IP System (document CDIP/21/12). The Delegation thanked those who supported their proposal and hoped that a revised version with the comments received would be prepared soon. In concluding, the Delegation agreed with the Delegation of Brazil that there were similarities and overlaps between the proposals. It hoped that the Committee would be able to come up with a text which would cover those synergies while ensuring that there was an integrated approach as they were complementary.

253. The Delegation of Switzerland, speaking on behalf of Group B, believed that the contribution of Member States provided important inputs to enable the CDIP to hold concrete and practical discussions under the agenda item "IP and Development". The Group proposed that the African Group's request to hold a conference on how to benefit from the system could be considered as a topic to be discussed under the new agenda item. The compilation of Member States' inputs was a very useful exercise to assess not only in which topics Member States were interested, but also under which format the CDIP should undertake those discussions. The compilation showed some overlap between the proposals, and the Group welcomed that common interest in discussing the same issues. In an attempt to find common ground and in order to facilitate and advance the work, Group B suggested to hold sharing sessions on the topics "Women and IP" proposed by both the Delegation of Mexico and by Group B, and "Technological changes and their implications for IP rights" as proposed by the

Delegations of Brazil and the Russian Federation for respective discussions at the 22<sup>nd</sup> and 23<sup>rd</sup> sessions of the CDIP. The topic of “Women and IP” was particularly important as the main theme of World IP Day was “Empowering change: women, innovation and creativity”. The topic “Technological changes and their implications for IP” would provide an excellent opportunity for Member States to exchange views and share experiences on initiatives they were undertaking to address the impact of these new technologies on IP. The approach would be based on the common ground between the inputs received by the Secretariat and pave the way for an agreement on the new agenda item on “IP and Development” for the following two sessions. The format of discussions should take into account the workload necessary for all delegations to prepare properly for a meaningful, substantive discussion. The Group, therefore, believed it would be helpful to choose one topic per CDIP session. WIPO’s Secretariat should provide a short presentation of relevant activities undertaken by the Secretariat for each of the two topics, when appropriate. In addition, WIPO’s Secretariat should consider whether any existing DA projects relevant for any of those two topics could be presented to Member States. The Group was looking forward to constructively engaging in the discussions regarding the compilation of Member States’ inputs on issues to be addressed under the agenda item “IP and Development”.

254. The Delegation of Bulgaria speaking on behalf of the EU and its member states, found that the proposals offered interesting and important topics for discussion and a few of them suggested an initial exchange of views on IP, innovation and development. Such discussion would help Members to shape their future work under the new agenda item and to define areas where they would like to have more substantive impact. A subject for discussion proposed by a few delegations was technology commercialization, technology changes and their IP implications as well as technologies and the digitalization of society. The EU and its member states found those topics worth exploring as technologies were constantly transforming their lives and had a serious impact on IP and development. Another recurring topic was the role of women for implementation of IP, their usage of the IP system in developing countries and LDCs. Gender equality and fair access to IP was important, along with the adjustment of micro and small and medium sized enterprises (SMEs) to the new realities of IP as proposed by Group B. The EU and its member states agreed with the proposal by Group B to discuss key elements of the IP system beneficial for the economic, cultural and social development. It was in line with their position on the African Group request for a conference on how to benefit from the system as well as for the organization of the biennial conference on the same subject.

255. The Delegation of China stated that the proposals submitted by Group B, the Delegations of Mexico, Brazil and the Russian Federation contained valuable contents covering important aspects of IP and development. The Delegation supported the proposal by the Delegation of Brazil which involved six topics: (i) “IP policies and role of the Judiciary”, (ii) “IP case studies in Developing Countries”, (iii) sharing of WIPO findings and works related to IP and development, (iv) economic development, innovation and role of IP, (v) technological changes and their IP implications, and (vi) strategies for making trademarks more accessible and efficient for SMEs. The discussion of those topics would help countries, in particular developing countries, to enhance their capacity to use IP for development. In addition, the Delegation also supported the proposal by the Delegation of the Russian Federation which proposed to discuss the impact of the digital economy and new technologies on IP and how the IP sector could adapt to new technologies. Artificial intelligence, big data, internet, e-commerce, were common challenges to all countries. The Delegation believed that the discussion and exchange on those topics would provide countries with more solutions and ways of thinking to address those challenges. WIPO was going to hold an international forum on new technology in ICT sector the following week. China welcomed discussion of other topics. The Delegation further proposed that the Secretariat consolidated all the topics into categories and formed a list of topics so that Member States could consider them in a clear manner. It also hoped that specific topics could be defined as soon as possible so that substantive work could start. The Delegation was ready to participate actively in all discussions.

256. The Delegation of Lithuania, speaking on behalf of the CEBS Group, noted the proposals contained in document CDIP/21/8 Rev. Some relevant topics, namely “Women in IP” and “Technological changes and their implications on IP rights” were proposed in more than one submission. The Group supported the discussion of those topics in upcoming CDIP sessions. It did not mean that the Group would not be in favor of discussing other topics in the future. It shared the view of other delegations that it could be too challenging to solely discuss more than one topic per CDIP session. It looked forward to a well-prepared discussion, including presentation from the Secretariat on WIPO activities and TA projects related to the topic, as well as national presentations and possibly presentations from stakeholders. The Group highlighted that it would subscribe to holding no longer than a one-day conference of how to benefit from the system under the new agenda item “IP and Development” during one of the upcoming CDIP sessions. It looked forward to having meaningful discussions under that agenda item, concentrating on topical issues that would help Member States better exploit the potential of IP tools for stimulating their development.

257. The Delegation of Kazakhstan, speaking on behalf of the CACEEC Group, found the proposals by Member States interesting. The Group supported the proposal by the Russian Federation for discussing under the standing agenda item “IP and Development” of the CDIP the topic “Digital Economy and its influence on IP”. Economic transformation, connected to the establishment of the digital economy and the Internet of Things (IoT), had an impact on IP areas. Over the previous few years there had been increasing numbers of applications for digital technology projects. New technologies could help the patent offices in achieving their work. The Group considered it important to work actively on the implementation of the proposal of WIPO’s DG, Mr. Francis Gurry, made at the 37<sup>th</sup> session of WIPO’s GA on the need for more active use of the systems of big data and Internet of Things and artificial intelligence in the area of IP. An exchange of information and opinions within a forum of WIPO would enable Members to become aware of the cutting edge of digital technologies in the sphere of IP.

258. The Delegation of Pakistan appreciated the submissions by Member States. The discussion on “IP and Development” in the CDIP should have an enhanced focus on the crosscutting nature of IP. Exchange of experiences on considering the role of women in IP and consideration of positive impacts of IP were important aspects to consider. However, Members should remain mindful of negative implications of IP in terms of access to technology and cost to development of IP laws and policies, particularly for developing countries and LDCs. It suggested that the Secretariat compiled a review of the literature on the relationship between IP and innovation to have an insight and test certain assumptions in this regard. The Delegation supported the proposal by the Delegation of Brazil on IP policies and the role of the Judiciary. It looked forward to a constructive discussion on the agenda item.

259. The Delegation of South Africa appreciated the proactive approach taken by the Delegations of Brazil, the Russian Federation, Mexico and Group B. It noted the relevant subject matters that were proposed by the aforementioned Delegations. As many of those items were highly topical, there were a couple of areas of overlap or complementarity among the proposed topics. As such, the Delegation believed that with a bit of modification, all submissions should find their way in one way or another into the work plan under the agenda item with the proviso that all discussions would be guided within the framework of IP and/or IP rights and in a pro development orientated manner. The six proposed topics of discussion prepared by the Delegation of Brazilian could be used as the foundation. There was complementarity between the topics of IP and SMEs as proposed by the Delegation of Brazil and Group B, IP and technological advances as proposed by the Delegations of the Russian Federation and Brazil, the link between IP and development, including economic and social development and innovation as proposed by the Delegations of Mexico, Brazil and Group B. The Delegation looked forward to developing a consolidated work plan that would guide

Members toward starting some detailed discussion, sharing experiences on best practices pertinent to a development-oriented approach to IP.

260. The Delegation of Morocco, speaking on behalf of the African Group, considered that the proposal made by Group B required more time for an in-depth study. It hoped that the discussions and negotiations on the revised proposal of the African Group on a biennial international conference would not be put off under the new agenda item on “Intellectual Property and Development”. The African Group wished to institutionalize a conference and proposed this prior to any proposal coming from Group B.

261. The Delegation of Indonesia, speaking in its national capacity, found all proposals valuable and very much related to IP and development. It welcomed the idea of the Delegation of Brazil to accommodate all proposals. It believed that the Committee should be able to decide on what issues should be addressed under agenda item “IP and Development” at the upcoming CDIP meetings. The Delegation valued positively the idea of the Delegation of Mexico to focus on women since it believed it could be applied to other proposals from other countries. The Delegation realized the need for sharing experiences but believed that sharing should be not only of best practices. Instead it should also discuss challenges. Discussing challenges would be valuable for developing countries and LDCs. The Delegation was also of the view that topics of IP and development had a non-exhaustive list and that mechanisms for proposing ideas and having inputs should be made available at all times. One of the important issues that could and should be discussed under the agenda item in order to ensure a balanced IP System was how to address any negative implications of IP protection that developing countries inevitably face. The Delegation believed that flexibilities were an integral part of the IP system.

262. The Delegation of Chile considered that all proposals contained elements which could be discussed under the agenda item “IP and Development”. The Delegation supported the proposal made by the Delegation of Brazil where it suggested to use the proposals together and to discuss them within the Committee. It also supported the Delegation of Mexico and suggested to give priority to the topic on “Women in IP” to overcome the gender divide.

263. The Chair summarized the discussion. He suggested to reconcile and merge the proposals which had similarities and come with a consolidated proposal on issues to be addressed. He suggested discussing it in informal meetings and coming back to the formal meeting.

#### **AGENDA ITEM 8: CONSIDERATION OF WORK PROGRAM FOR IMPLEMENTATION OF ADOPTED RECOMMENDATIONS (resumed)**

##### Discussion on the Revised Proposal of the African Group Concerning the Biennial Organization of an International Conference on Intellectual Property and Development – document CDIP/20/8

264. The Chair invited the Delegation of Morocco to recall the issue.

265. The Delegation of Morocco, speaking on behalf of the African Group, mentioned that their proposal was encouraged by the outcome of the International Conference held in April 2016 on IP and Development. Thus, the African Group submitted a proposal to the 19<sup>th</sup> session of the CDIP on the organization of an international conference on that topic, under the auspices of the CDIP, every two years. A revised proposal was submitted by the Delegation of Senegal on behalf of the African Group at the 20<sup>th</sup> session of the CDIP. It further clarified the proposal while taking into consideration the issues that were raised in the interim. The revised proposal contained the following information. The main objective of the conference was to inform

Members on recent developments in IP and development, and to enable participants to discuss the relevance of IP for social, economic and cultural development. The conference would take place every two years for an initial period of six years from the biennial period 2018-2019. The secondary title of the conference should be related to IP and development and its practical consequences. It would need to be approved during the first session of the Committee, which would meet during the first year of the budgetary cycle of WIPO. Some topics could also be decided on during that session of the CDIP. For the budgetary cycle 2018-2019, the specific subject proposed was "How to benefit from the system". The Group proposed that the conference be organized during the first six months of the second year of the budgetary cycle of WIPO for a period of two to three days. Each session was proposed to be held in plenary with a panel of two to three presenters. The conference would take place in Geneva or in another country proposed by Member States. The outcome of the conference would be a factual report presented to the CDIP. To further encourage discussions on this issue, the African Group underlined that the world developments and trends in the area required Members to discuss new ideas and points of view more frequently. The holding of that type of conference would benefit all countries, in particular LDCs and developing countries. The Committee and its Member States had already acknowledged the major outcomes from the Conference held in 2016. Several delegations saw the proposal as an urgent and substantial one. They recognized the contribution that that type of conferences could make to discussions on IP and development, and they expressed their interest in seeing such a conference take place. The international conference could well provide major contributions to the agenda on "Intellectual Property and Development". It was an important complementary initiative to this new agenda item and it should be examined in parallel. The organization and logistical matters related to holding a conference, considered those that were approved by Member States for the conference that was held in April 2016. The conference should consider experiences witnessed during the organization of the other successful International Conferences, either individually or jointly, such as the World Colloquium on Geographical Indications organized every two years by WIPO together with another Member State. The Group further referred to the statement made by WIPO's DG, Mr. Francis Gurry, during the opening of the 17<sup>th</sup> session of the CDIP when he stated that the organization of the International Conference in 2016 on IP and Development was extremely successful. Mr. Gurry also affirmed that the conference was an opportunity to study the fundamental issue of the confluence of IP and its links to development. He then concluded that the discussions that took place were very rich and useful. The wealth of information and the usefulness of the discussions at the conference of 2016 demonstrated the need to hold an international conference like that proposed by the Group, with the involvement of all Member States and a constructive attitude in doing so.

266. The Delegation of Switzerland, speaking on behalf of Group B, welcomed the constructive discussions that the groups had during the 20<sup>th</sup> session of the CDIP with the view to reaching a better common understanding on key points of the proposal. The Group trusted that the concerns raised by some Member States, including that Group, would be reflected in the following revised version of the African proposal. The Group was looking forward to examining that. For the time being, it recalled that the CDIP provided a good platform to discuss topics on IP and development. Even more so after the Committee had specifically created a new standing agenda item on "IP and Development" under which Member States could discuss current and future challenges of IP systems and socioeconomic development. The Group reassured it would continue to engage constructively in the discussions regarding the African Group's proposal. It hoped that the positive spirit which prevailed in discussions during the previous sessions would continue at that session.

267. The Delegation of Indonesia, speaking on behalf of the APG, expressed its hope that the current session of the Committee would be able to agree on the convening of the proposed international conference considering that discussions on the proposal had been held since even

before the previous session, recognizing the contribution of this type of conference. The Group did not see any harm in convening this international conference on IP and development.

268. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, referred to its opening statement. It pointed out that the topic “How the system works” that took into account the content of the African Group proposal could be conducted under the new agenda item “Intellectual Property and Development”. It would make a good use of the time and space allocated, without incurring any further costs of travel or accommodation, even more so as the objectives set out in the African Group paper coincided with those of the new agenda item. In view of the fact that the creation of a new agenda item on “Intellectual Property and Development” was discussed during the CDIP, it would appreciate if the purpose and additional value of the proposed international conference in comparison with the new agenda item devoted to IP and development were qualified and precise. Their understanding was that no conference should be convened outside the CDIP, and the EU and its member states would consider only one conference at a time. The suggested title “How to benefit from the system” still seemed rather broad and it would appreciate if the African Group could deliver some further qualification in that regard. The EU and its member states looked forward to hearing an update from the African Group on the revised proposal, taking into account the discussion with all delegations.

269. The Delegation of Ecuador, speaking on behalf of the GRULAC, supported the revised proposal by the African Group on the organization, every two years, of an international conference on IP and development. It was pleased by the International Conference on IP and Development that took place on April 7 to 8, 2016. The Group participated closely in that Conference. It acknowledged at the appropriate time the contribution that conferences like that one made to inter-sectoral discussions on IP and development in terms of IP. The Group also expressed its interest in holding a conference. It appreciated the follow-up by the African Group, and the taking into consideration of the concerns expressed by the groups. It hoped to see an agreement reached at that session. A decision on that matter by the Committee would be a definite step forward and in the right direction to contribute to the strengthening of the mandate of the Committee.

270. The Delegation of Lithuania, speaking on behalf of CEBS, stated that it carefully studied the revised proposal again, while taking into account the discussion at the previous CDIP session, both in formal and informal mode, as well as bearing in mind recent developments such as the establishment of a new standing agenda item on “IP and Development”. However, the Group still lacked understanding of the benefit that the so-called institutionalization of such a conference would provide. It continued to favor an event that would be organized on specific topics and took into account real needs as well as cost benefit analysis. Yet, bearing in mind limited human and financial resources, the Group was not convinced that the form of a separate international conference outside of the CDIP sessions could deliver better results in comparison with other forms of well-targeted spending, i.e., projects that corresponded to concrete development needs of potential beneficiaries. It preferred to view the regular CDIP sessions on their deliberations about Member States and other stakeholders, including interested NGOs, intergovernmental organizations, and civil society within the sessions of the CDIP for exchange of their views, experience, and feedback on the WIPO DA, IP, and other related issues, namely within the new agenda item on “IP and Development”. The Group stressed its conviction that the DA process within the Committee already provided a forum for substantive work, including sharing input from experts from IP offices, from capitals, and other highly experienced stakeholders, for example, from academic circles or from NGOs. Nevertheless, it could support the suggestion to organize a one-off conference on the topic of “How to benefit from the system” if it was further specified during one of the upcoming CDIP sessions and afterwards to have the possibility to assess its relationship and value addition in relation to the new structure of the

CDIP agenda. The Group remained open to further discussion, preferably on the basis of an updated proposal that would address issues raised by other delegations.

271. The Delegation of Brazil reiterated its strong support for the proposal of the African Group regarding a conference on IP and development. The African Group had shown enough patience and flexibility to incorporate most of the suggestions made by other Member States. In multilateral negotiations, willingness to compromise was of paramount importance to reach balance and result-oriented outcomes. In that type of negotiations, a “my way” or the “highway” approach was neither effective, nor welcomed. Progress had been made to bridge the gap among the different points of view, which gave hope that an agreement might be finally reached. The Delegation urged all of those Member States that had not expressed their support to the African Group to show some goodwill to finally approve the proposal at the current session.

272. The Delegation of Pakistan reiterated its strong support for the revised proposal of the African Group to convene a biennial conference on IP and development. The Conference in 2016 played an important role to update and brief Member States on recent changes on IP and development, and conveying this information would also enable both developing and developed countries to discuss the relevance of IP for social, economic, and cultural development. As far as it concerned the title, the Delegation was flexible. However, it proposed that in order to make the title more all-encompassing and clearer, it could be called “How to Benefit from System: Challenges and Opportunities”. That addition would define the scope and would bring all perspectives on the table to help Members in building upon the benefits of the IP system and overcoming the associated challenges. The Delegation hoped to see a positive decision on that agenda item in the current CDIP session.

273. The Delegation of Gabon supported the proposal by the Delegation of Morocco on behalf of the African Group for the organization, every two years, of a conference on IP and development. It supported the argument put forward by the Delegation of Morocco and underlined that the conference would be an important platform for the beneficiaries, those who were using IP in practice, to give their opinions to discuss what was at stake in IP and development.

274. The Delegation of Ecuador, speaking in its national capacity, reiterated its support to the revised African proposal to hold an international conference on IP and development every two years. Such an international conference would promote better understanding of the role that the IP system plays in development, particularly focusing attention on LDCs and developing countries. The Delegation considered that such spaces were necessary in order to generate greater reflection on public policy and the consequences of them in the use of IP as a tool for development and not as an end in itself. It was in favor of the proposal to have the event for the first time in the following biennium and to continue with that in future biennia.

275. The Delegation of Côte d’Ivoire fully associated itself with the statement made by the Delegation of Morocco on behalf of the African Group. The organization of a biennial conference on IP and development would be a framework to deal with specific topics related to the genuine needs of developing countries in an innovative and effective way. The Delegation invited all delegations to show greater flexibility and to have a constructive spirit with regard to achieving mutually beneficial results in the consideration of this proposal by the African Group.

276. The Delegation of Sudan associated itself with the statement delivered by the Delegation of Morocco on behalf of the African Group. It welcomed the revised proposal of the African Group concerning the biennial international conference on IP and development and stressed the importance and contributions of that kind of conferences. It also fully echoed the

interventions made by the Delegations of Indonesia, Brazil, Gabon, Pakistan, Côte d'Ivoire and Morocco. It concluded by encouraging all delegations to do so.

277. The Delegation of South Africa aligned itself with the statement by the Delegation of Morocco on behalf of the African Group. The African Group submitted sufficient information to set out the needs for such a conference and they were in a position to make a decision in the interests of ensuring the greatest impact, relevance, and value in terms of knowledge gained and shared, as well as resources allocated.

278. The Delegation of Iran (Islamic Republic of) extended its appreciation to the African Group for the revised version of the proposal concerning the biennial organization of an international conference on IP and development. The proposal was discussed by the Committee in recent sessions and the African Group had revised it to address the concerns raised by some delegations. The organization of a biennial conference would be beneficial for all, particularly for LDCs and developing countries. The biennial conference was a matter of self-preservation for WIPO and its Member States to find a balance between the competing interests of its diverse membership. The Delegation urged all Member States to consider this proposal in good faith, flexible and constructive manner, and looked forward to its adoption in that session of the Committee.

279. The Delegation of Uganda recalled that in 2013 and 2016 two International Conferences on IP and Development were convened by WIPO. The conferences provided numerous opportunities to a broad spectrum of stakeholders to engage with topics from around the world to exchange experiences and best practices on how IP contributed to development at national, regional, and international levels. There was precedent within WIPO. The International Symposium on Geographical Indications (GI) was organized every two years by WIPO in cooperation with interested Member States. The symposium took place in parallel to substantive discussions and information sessions taking place in committees that dealt with substantive GI issues. The rationale for the international conference on IP and development was that the conference would encourage free and fruitful sharing of national and regional experiences and analyze recent developments in IP, discuss the political, technological, and socioeconomic dimensions of IP and their impacts on the efforts of developing countries to use the IP system to meet their development needs. The agenda of the CDIP was already overburdened. In order to be meaningful, it would be ideal that the format used in the two previous conferences was adopted. The Delegation reiterated its support for the African Group proposal on convening the conference. It looked forward to fruitful discussions on the issue and encouraged all Member States to negotiate with the spirit of good faith in a transparent and cooperative manner.

280. The Delegation of Malaysia supported the African proposal on a biennial international conference on IP and development. The conference would allow for the congregation of many and different stakeholders from policymakers, IP development practitioners, academia, International Organizations and also Civil Society Organizations, and it would allow for a very rich exchange of knowledge and information on IP as a tool for development. Therefore, the Delegation urged other Members to show flexibility, and in a constructive spirit, move the agenda forward at that CDIP session by supporting the convening of that very useful conference for all stakeholders.

281. The Delegation of Angola reiterated its support for the proposal presented by the Delegation of Morocco on behalf of the African Group. It expressed its hope that the session could approve the proposal to organize the conference on IP and development.

282. The Delegation of Nigeria strongly supported the revised African Group proposal concerning the biennial organization of the international conference on IP and development. It

invited others in showing flexibility, regarding the benefits such a conference would afford to Members.

283. The Chair observed that there was no agreement on the issue. He suggested Members to discuss the proposal informally. He then postponed the discussion on the issue.

284. The Delegation of Morocco expressed its gratitude for the support and comments made by Member States.

285. The Chair assured that the Committee would come back to the plenary to conclude the discussion. However, he preferred that Members discussed the issue in a more informal setting. The Chair then informed the Committee about the informal meeting of that morning. After listening to all delegations during the informal consultation, he suggested the following text "The Committee decided to convene at the following session of the CDIP an interactive dialogue on technical assistance. It was also decided that the Committee might revisit the possibility of establishing a web forum, as requested in its decision on technical assistance contained in subparagraph 1(b) of Appendix I of the Summary by the Chair of the 17<sup>th</sup> session of the CDIP, if requested by Member States". It meant that the Committee would try to convene an interactive dialogue on TA in the following CDIP session, unless there was any request to revisit.

286. The Delegation of Spain requested more information about the practicability of the forum. It would like the Secretariat to present costs because that would help respond to the questions that the Secretariat had put to delegates. If a decision was to be taken, it needed to be on a well-founded basis.

287. The Chair suggested incorporating the request by the Delegation of Spain in the decision paragraph.

288. The Delegation of Spain stated it would be more comfortable to have it reflected in the text.

289. The Delegation of the Czech Republic enquired whether, in addition to the suggestion by the Delegation of Spain, the Secretariat could prepare some reflections on the practice regarding the similar type of forums in other similar UN agencies, and mainly in the European Patent Organization. There was a so-called European Patent Network, and within that network there was a web network with access of all the national patent offices that were devoted to a similar aim.

290. The Delegation of the United States of America enquired if it was possible to postpone the decision on that item and come back after consultations with Member States.

291. The Chair stated that there were already informal consultations on that item scheduled for the following day. He further pointed out that there was already a decision to have a forum. However, there were a few questions raised by the Secretariat to the Member States. The Delegation of Spain had further requested the Secretariat to come up with a non-paper on the feasibility of such a forum. The Chair had proposed a decision paragraph along the following lines: "The Committee decided to convene at the following session of the CDIP an interactive dialogue on technical assistance and requested the Secretariat to provide a non-paper on the feasibility of establishing a web forum for technical assistance". The Chair then informed Members about the schedule.

Compilation of Member State Inputs on the Modalities and Implementation Strategies of the Adopted Recommendations of the Independent Review – document CDIP/21/11.

292. The Chair invited the Secretariat to introduce the document.

293. The Secretariat (Mr. Baloch) recalled the background of the Independent Review of the Implementation of the Development Agenda Recommendations (document CDIP/21/11). It also recalled that the Committee had adopted a number of recommendations emanating from the Independent Review Report. During the previous session it had been decided that Member States should be invited to make proposals on modalities and implementation strategies for implementing those Independent Review Recommendations. The document under discussion contained the input received from Group B, the Delegation of Mexico, and the Delegation of Peru.

294. The Delegation of Ecuador, speaking on behalf of the GRULAC, stressed the importance of having a balanced and effective IP system which promoted innovation for the benefit of all. That required common efforts. In that context, the integration of the 45 DA Recommendations into WIPO's work represented certainly a primordial factor to contribute to that aim. Therefore, the recommendations formulated in the Independent Review Report were a way to strengthen the implementation of the DA and to improve the future work of the Committee and of the Organization itself. It reiterated the importance of implementing the Independent Review Recommendations and it submitted that the Delegation was ready to constructively engage in the discussions to define the modalities for such implementation.

295. The Delegation of Lithuania, speaking on behalf of the CEBS Group, considered the document a good basis for a discussion on the adopted recommendations, except the still open Recommendations 5 and 11. It acknowledged that the recommendations contained therein were addressed to different actors involved in the implementation of the DA, namely, Member States, the Committee and the Secretariat. They also differed in their nature. It shared the view of Group B and the Delegation of Mexico that the new agenda item on "Intellectual Property and Development" was a good setting to address issues with regard to the implementation of Recommendation 1. In its opinion, some proposals contained in the document had been already addressed, such as those related to recommendation 3. It also mentioned the appointment of the Special Representative of the DG on the UN SDGs which addressed the proposal by the Delegation of Mexico contained in the document. Furthermore, it was not convinced on the need to establish the database of the lessons learned and best practices identified in the course of DA projects, as reflected in Recommendation 7 of the Independent Review Report. It expected that WIPO Secretariat used the lessons learned from the project in their further activity without any delay. Bearing in mind the rapidly changing environment, it had doubts as to whether the benefits of the database would justify the cost of its establishment and operation. However, it would be keen to listen to the argument as regards the rationale of its implementation. As regards Recommendation 12, the Group was in favor of the proposal by Group B and enquired from the Delegation of Peru whether it would present the potential action plan referred to in its input. Finally, the Group attached great importance to the DG Report on the implementation of the DA and considered it the best instrument for the reporting and monitoring of the process on the implementation of the Independent Review Recommendations so as to ensure that the DA implementation was addressed in a comprehensive manner in a single document.

296. The Delegation of Switzerland, speaking on behalf of Group B, noted the important progress made during the previous sessions regarding the adoption of the Independent Review Recommendations with the exception of Recommendations 5 and 11. The aforementioned recommendations were addressed to different actors, namely Member States, the Committee and the Secretariat. As for the recommendations addressed to the Secretariat, it noted the

usefulness of the Secretariat Response's contained in document CDIP/19/3. Group B's inputs addressed the recommendations directed to the CDIP. It also noted that specific recommendations or parts thereof would be subject to different modalities and implementation strategies. Some recommendations were implemented by a simple decision of adoption, others related more to processes. With regard to their reporting and reviewing process, it recalled that the CDIP examined on a yearly basis the DG's Report on the implementation of the DA. This was a useful instrument to be used also for reporting and reviewing progress in relation to the Independent Review Recommendations. Therefore, it proposed including that such reporting and review of progress into the abovementioned DG's Report. This would allow Member States to have a comprehensive overview of the implementation of the DA in one single document. The Group reiterated that it did not support setting up a parallel reporting process which would be burdensome for the Secretariat as well for as Member States, and instead of adding clarity, would only add complexity and duplication.

297. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, agreed that the recommendations were addressed to different actors, namely Member States, the Committee and the Secretariat. They agreed with the proposals on Recommendation 1 from Group B and the Delegation of Mexico that the new agenda item on "Intellectual Property and Development" would be a good basis for taking these discussions forward. This proposal would be consistent with that of the Delegation of Peru. WIPO delivered support for the achievements of the DA Recommendations in different ways and to different divisions on a permanent basis. In that sense, they agreed with Group B that efforts for implementing Recommendation 3 on the coordination, monitoring, reporting and evaluation should be led by the DACD. They also agreed with the Delegation of Mexico that particular attention could be given to the separate stages of the project implementation. The proposal of Group B on following up on Recommendation 4 could be considered keeping in mind the responsibility and commitments of WIPO towards the DA implementation within the framework of its mandate. Based on the proposals by Group B and the Delegation of Mexico and the implementation of Recommendation 6, they agreed with the need of exchanging national experts more often while implementing WIPO activities. The suggestion by the Delegation of Mexico to include experts from different areas when discussing horizontal topics was also to be considered. It supported the implementation of new DA projects and a result-oriented approach and better monitoring of their sustainability. They agreed with Group B's request to the Secretariat to deliver more information on the database format to eventually lower the costs and the weakness of the projects. They highlighted the importance of the proposal of Group B and the Delegation of Mexico to enhance effectiveness, comprehensiveness and sustainability of the DA projects, based on Recommendation 8 of the Independent Review. In this respect, WIPO was already making changes in the way projects were managed and monitored, which showed their commitment to better respond to the new realities. They were supportive to proposals by Group B on the implementation of Recommendations 9 and 10, particularly on the inclusion of additional financial information in the following progress report which would increase the transparency of WIPO's work. They preferred the proposal by Group B on the implementation of Recommendation 12 focusing on the use of the available resources and then, if needed, working on alternative solutions for better dissemination of information on the DA implementation. Finally, they believed that the monitoring process on the implementation of the Independent Review Recommendations should be reported back to the Member States through the Director General's Report on the implementation of the DA.

298. The Delegation of Indonesia, speaking on behalf of the APG, referred to the proposals contained in the document under discussion. It was flexible to continue discussing them but noted the agenda items still pending.

299. The Delegation of Morocco, speaking on behalf of the African Group, preferred to take longer to examine in depth the contributions contained in the document. Such an exercise

could only be carried out after the completion of negotiations on Recommendations 5 and 11. Accordingly, it encouraged Member States to concentrate first on adopting the remaining two recommendations.

300. The Chair acknowledged that there were similar proposals among the submissions contained in the document. However, due to the time constraints, the discussion would not allow reconciling them. He was also in favor of allowing additional submissions by other delegations. Moreover, he stated that the discussion on the adopted recommendations could be resumed at the following session of the Committee. He also acknowledged that that should not prejudice the discussion and agreement on Recommendations 5 and 11 pending for adoption.

301. The Delegation of Brazil expressed its inability to make any decision on that topic in that session. It suggested postponing the discussion to the following session so as to allow Member States to have more time to submit their ideas on that topic. The Delegation expressed its preference not to conflate different topics from different pillars.

302. The Delegation of Switzerland, speaking on behalf of Group B, took note that some delegations were not ready to move forward on that point. It further recalled that the ten adopted recommendations were not linked with Recommendations 5 and 11, which were yet to be adopted and therefore at another stage of discussion. It insisted that these were two different issues.

303. The Chair reiterated that the discussion on the implementation of the adopted recommendations would not prejudice that on Recommendations 5 and 11. In light of the requests by some delegations, he proposed to postpone the discussion to the following session of the Committee so that interested delegations could still submit further inputs. He also proposed to reconcile the inputs compiled in the document.

304. The Delegation of the United States of America sought clarification on the proposal by the Chair, in particular as regards the procedure to reconcile multiple proposals.

305. The Chair stated that those delegations which submitted the inputs contained in the document had to be involved in a discussion to reconcile them and merge the converging issues. He further underlined the reflection made by the Delegation of Switzerland that the discussions should be related to the implementation of adopted recommendations without prejudging the discussion of Recommendations 5 and 11. Accordingly, he proposed that the Committee continued the discussion on that issue at its following session, and that interested delegations could submit additional inputs to the Secretariat. Member States which provided inputs contained in the said document were encouraged to discuss the matter among themselves and reconcile their proposals. This was agreed given that there were no further comments from the floor.

Discussion on the way to address SDGs in future CDIP sessions, including the request for establishing a permanent agenda item – document CDIP/18/4

306. The Secretariat (Mr. Baloch) recalled that at the 18<sup>th</sup> session of the CDIP Member States were invited to provide inputs on SDGs relevant to the work of the Organization. The Delegation of Brazil proposed the establishment of a permanent agenda item on SDGs. This was discussed in previous sessions of the Committee but needed to be further considered.

307. The Delegation of Brazil reaffirmed its support to the proposal and suggested to continue the discussion in informal sessions.

308. The Delegation of Switzerland, speaking on behalf of Group B, stated that to that date the discussions on the SDGs had been of a rather theoretical nature and that it was time to move on to a more concrete and practical approach that could actually assist Member States in the implementation of the SDGs. It also underlined that the Committee already had a comprehensive system of mechanisms allowing Member States to express their views and exchange information on SDGs. For example, the yearly reporting procedure on SDGs, the DG's annual report on the implementation of the DA, the recently created agenda item on "IP and Development". The Delegation submitted that those examples showed that nothing prevented or had prevented the CDIP from comprehensively discussing the SDGs under the existing agenda structure. Accordingly, Group B was not in a position to support the Brazilian proposal.

309. The Chair proposed to continue the discussions in informal setting, and to inform of the decision at the following day's session. Moreover, he asked the Vice-Chair, Dr. Kerry, to preside for the following agenda item.

Project Proposal from the Delegations of Canada, Mexico and the United States of America on Increasing the Role of Women in Innovation and Entrepreneurship, Encouraging Women in Developing Countries to Use the Intellectual Property System – document CDIP/21/12 (continued)

310. The Vice-Chair resumed the discussion on the project proposal and invited the Delegation of Canada to take the floor.

311. The Delegation of Canada stated that an updated version of the proposal was made available by the Secretariat, reflecting and addressing comments made by delegations. Some Member States had expressed concerns that they may not be in a position to participate as pilot countries given the absence of a National Association of Women Inventors and Innovators. The updated version broadened the scope of the selection criteria of beneficiary countries to those which had a program, an association for women inventors and innovators, a business support organization for women, or an organization that supported women. That would ensure the presence of an existing network which could assist in reaching women inventors and innovators in pilot countries. It also noted that those Member States which expressed their interest in sharing knowledge, experiences and best practices during the project implementation might be able to do it under the output pillar of the first project. It recognized the wealth of national experiences on the matter and saluted the valuable work already being done by Member States to close the gender gap in IP. More generally, the updated proposal had made no substantive changes to the previous version of the document. The updates simply elaborated on the activities to be undertaken under each project output, and on the project budget (which would amount to non-personal costs of 415,000 Swiss francs spent incrementally over a period of four years) and detailed implementation timeline (from January 2019 to December 2022). If the project was adopted at that session, it invited Member States which had demonstrated interest in participating as pilot countries to submit an official application to this effect, taking into account the project criteria so that their candidacy would be appropriately considered.

312. The Vice-Chair opened the floor for comments by delegations.

313. The Delegation of Morocco, speaking in its national capacity, thanked the proponent delegations for the revised project proposal and expressed its interest in becoming a pilot country for the project.

314. The Delegation of Tunisia thanked the proponent delegations and expressed its interest for Tunisia to be a pilot country for the project.

315. The Delegation of Pakistan mentioned that the Intellectual Property Organization of Pakistan was in close contact with all stakeholders and was effectively managing the knowledge-based activities throughout the country. Besides, there was some collaboration between the Higher Education Commission and WIPO. As a result, 27 technology innovation support centers had been established, 6 being headed by the women officers. During the second phase, another 25 desks would be established. It also mentioned that women business incubation centers were established through the Small and Medium Enterprises Development Authority. Besides, Pakistan had five active women chambers promoting innovation and creativity, particularly for women entrepreneurs. It also mentioned that the strategic trade policy framework 2018-2023 specifically prioritized gender and supported the skill development of women in innovation and creativity. Taking into consideration the abovementioned elements, the Delegation volunteered itself as a pilot country for the project. It looked forward to a fruitful discussion about it and its adoption.

316. The Delegation of China welcomed the project proposal. The data published by WIPO in the context of the World IP Days revealed that women were playing an important role in innovation and creativity but that the gender gap persisted. This project would contribute to raising awareness on IP among women and to increasing their capacity in using the system. It would also contribute to the achievement of gender-related SDG targets.

317. The Delegation of Rwanda supported the project proposal, which was consistent with the Rwanda Gender Equality Policy and especially its policy for Women Economic Empowerment. Innovation and inventions being at the center of development, this project would be very important. It therefore expressed its interest in becoming a pilot country for the project.

318. The Delegation of Brazil fully supported the project proposal. It believed it represented the inspiring contributions of countless women around the world. The widespread support for the project was an illustration of the importance and symbolism that it represented.

319. The Delegation of Chile highlighted that the revised project proposal took into considerations the suggestions and comments made by delegations. It supported its adoption.

320. The Delegation of Senegal fully supported the project proposal. It wished to see it scaled-up to other developing countries.

321. The Vice-Chair concluded the discussion and underlined the appreciation expressed by delegations for the project proposal. The Committee adopted the revised project proposal.

**AGENDA ITEM 7: MONITOR, ASSESS, DISCUSS, REPORT ON THE IMPLEMENTATION OF ALL DEVELOPMENT AGENDA RECOMMENDATIONS AND CONSIDERATION OF THE DIRECTOR GENERAL'S REPORT ON THE IMPLEMENTATION OF THE DEVELOPMENT AGENDA (resumed)**

Gap analysis of WIPO's Existing Technology Transfer Services and Activities in Respect of the WIPO Development Agenda "Cluster C" Recommendations – document CDIP/21/5

322. The Vice-Chair invited the Secretariat to present the document Gap analysis of WIPO's Existing Technology Transfer Services and Activities in Respect of the WIPO Development Agenda "Cluster C" Recommendations.

323. The Secretariat (Mr. Czajkowski) recalled the joint proposal of the Delegations of the United States of America, Australia and Canada on activities related to technology transfer contained in Annex 1 of document CDIP/18/6 Rev., asking the Secretariat to undertake a gap analysis of WIPO's existing technology transfer-related services and activities in respect of the DA Cluster C Recommendations. It stated that the document involved more than 400 among services and activities carried out from 2014 to 2017, and aimed to provide assistance to Member States in considering and assessing relevant proposals and priority areas. Most of the activities carried out over that period of time concerned DA Recommendation 25 that promoted the transfer and dissemination of technology to the benefit of developing countries. The least number of activities were in regard to DA Recommendation 32 regarding the exchange of national and regional experiences and information on links between IPRs and competition policies. According to the Secretariat, that could imply a possible shift of activities from one area to another.

324. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, welcomed the document and acknowledged the considerable and valuable work carried out by the Organization. It sought clarification from the Secretariat and from other delegations on how to develop indicators or benchmarks to better measure the gap analysis.

325. The Delegation of Germany, speaking on behalf of Group B, welcomed the document presented by the Secretariat and recognized it useful to assist Member States in defining proposals and priority areas related to DA Cluster C Recommendations. Also, it encouraged the Secretariat to continue its work so that the services and activities could contribute to the fulfillment of each of the DA Cluster C Recommendations.

326. The Delegation of Brazil recalled a range of clauses from the U.S. Constitution<sup>1</sup> and the TRIPS Agreement. Accordingly, it stated that although many different elements affected technology transfer, the patent system played a key role in it. It therefore submitted that the protection and enforcement of IP rights should contribute to the promotion of technological innovation and the transfer and dissemination of technology, as stated in Article 7 of the TRIPS Agreement. The Delegation referred to DA Recommendations 25, 28, 29, 30 and 31, and underlined that the transfer and dissemination of technology should be conducive to social and economic welfare of all Member States. In that sense, the Delegation of Brazil welcomed the document on the gap analysis and its contribution to the work of all delegations on the subject.

327. The Delegation of Chile aligned itself to the statements of support expressed by many delegations on the document. It noted a remarkable gap between DA Recommendations 26 and 24 of Cluster C, and hoped the relevant existing technology transfer services to be improved.

328. The Delegation of Australia welcomed the document and highlighted the excellent work undertaken through the WIPO Australia Funds-in-Trust, such as the advanced successful technology licensing (STL) training conducted in Vietnam and Indonesia. That follow-up program aimed at upgrading the skills of participants in the area of IP licensing to enable them to determine the value of technology license and to prepare the first draft of a licensing agreement. The Delegation expressed its support to the statement made by the Delegation of Germany on behalf of Group B. It encouraged the Secretariat to continue its work towards the fulfillment of each DA Recommendations of Cluster C and looked forward to be able to assist where able.

329. The Delegation of Indonesia welcomed the document, and affirmed that in order to have well-balanced programs and activities, the gap analysis should be better measured. It

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<sup>1</sup> Notably, Article 1(8)(8).

suggested a further discussion on relevant indicators and suggested that a gender analysis should be part of the indicators. The Delegation noted a low rate of activities carried out under DA Recommendations 26, 27 and 32 (which were especially important for it), and wished the Secretariat and the Committee to make efforts to fill the gap of all DA Recommendations of Cluster C.

330. The Vice-Chair suggested that Member States thought about relevant indicators to be proposed and submitted for consideration to the 22<sup>nd</sup> session of the CDIP. The delegations agreed on that. The Committee took note of the report.

Costing of Roadmap on Promoting the Usage of the Web Forum Established under the “Project on Intellectual Property and Technology Transfer: Common Challenges – Building Solutions” – document CDIP/21/6

331. The Vice-Chair invited the Secretariat to present the document Costing of Roadmap on Promoting the Usage of the Web Forum Established under the “Project on Intellectual Property and Technology Transfer: Common Challenges – Building Solutions”.

332. The Secretariat (Mr. Czajkowski) recalled document CDIP/20/7 outlining the possible actions to promote the web forum. Those included carrying out an assessment of the target audience, developing a content strategy based on that assessment, establishing technology requirements to effectively implement the content strategy, deploying the platform and implementing the content strategy, developing a communications and promotions strategy to identify effective channels to reach segments of the target audience, and seeking partnerships that already have established communities related to technology transfer. In order to assess the feasibility of implementing such actions, the Committee requested the Secretariat to present an estimate of costs at the current session. The possible actions were divided into two chronological phases (phase 1 and phase 2) and involved many strategies such as hiring external experts or an expert in the field of digital communication, analysis strategy and content creation, and the redeployment of existing resources, to ensure the effective coordination between external experts with internal and external stakeholders and to monitor and ensure the quality of the deliverables.

333. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, reaffirmed its support to the joint proposal of the United States of America, Australia and Canada. It welcomed the possible actions set out in the document, which were result-oriented and offered practical steps for the actions that needed to be taken. The Delegation suggested an earlier implementation of the proposed actions 5 and 6 for a matter of consistency, time and coordination among the different proposed activities. It appreciated that the budget for every phase would be approved by the CDIP and looked forward for the Secretariat to continue its efforts in the implementation of the project.

334. The Delegation of Germany, speaking on behalf of Group B, welcomed the document but noted that the implementation of phase 1 was significantly resource-consuming. It suggested finding a way to utilize existing web platforms, for instance eTISC, in order to avoid duplication and leverage existing resources. It asked the Secretariat to think about the feasibility of using that platform, as well as additional options, and present them to the following session.

335. The Delegation of the Russian Federation expressed its full support to the proposal which it found balanced and pragmatic. It aligned itself to the statement made by the Delegation of Germany on behalf of Group B on the utilization of already existing web platforms in order to save both human and financial resources for the Secretariat.

336. The Delegation of Chile welcomed the document presented by the Secretariat. It was pleased to note its contribution to a more clear and transparent assessment of the measures to undertake. However, the Delegation sought clarification from the Secretariat on what tools and methodologies to adopt to ensure the effectiveness and implementation of these measures.

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

338. The Secretariat (Mr. Czajkowski) expressed its support to the proposal made by the Delegation of Germany on behalf of Group B. Nonetheless, it underlined that it was up to the Member States to decide when to look to existing platforms, such as eTISC, and establish the way forward. Regarding the eTISC, it suggested to postpone the discussion on its adaptation to the following CDIP session, so that the Secretariat could look into the feasibility.

339. The Delegation of the United States of America fully supported the statement made by the Secretariat regarding the eTISC platform.

340. The Committee took note of the document and agreed that Member States should submit proposals on the utilization of existing platforms, particularly eTISC, for consideration at the following CDIP session. Moreover, the Committee agreed that the Secretariat would develop a revised version of the document and present it at CDIP/22.

#### **AGENDA ITEM 8: CONSIDERATION OF WORK PROGRAM FOR IMPLEMENTATION OF ADOPTED RECOMMENDATIONS (resumed)**

##### Study on “Intellectual Property: A Mechanism for Strengthening Provincial Identity within the Framework of the Imbabura Geopark Project” – document CDIP/21/INF/5

341. The Vice-Chair invited the Secretariat to present the document Country Progress in Ecuador under the Project on IP, Tourism and Culture and Presentation of a National Study on “Intellectual Property: A Mechanism for Strengthening Provincial Identity within the Framework of the Imbabura Geopark Project”.

342. The Secretariat (Mr. Di Pietro) recalled the four pilot countries where the project was being implemented (Ecuador, Egypt, Sri Lanka and Namibia) and that the implementation phase would finish at the end of that year. The two presentations regarding the implementation of the project focused on the work carried out in particular in Ecuador. The first presentation would be done by the manager of the project (Ms. Toso) and it concerned the work done by the Government of Ecuador, by SENADI (or the former YEPI), for the implementation of the project during the previous two and a half years. The second presentation consisted of a study undertaken by a Special Consultant from Ecuador (Ms. Sebastien Barrera) discussing the use of IP in the Geopark in Ecuador.

343. The Secretariat (Ms. Toso) introduced the document regarding the progress made in Ecuador in the implementation of the project, since its launch in 2016 (done by the Secretariat on behalf of the National Service of Intellectual Rights, SENADI, Servicio Nacional de Derechos Intelectuales). It cited the three parallel tracks of implementation: (i) the use of IP for IP promotion, (ii) education and capacity-building in the use of IP in relation to tourism, and (iii) the Geopark project in the province of Imbabura. Under the first track, the tourism authorities in Ecuador noted the existence of a wide range of cultural assets that stimulated the tourism (for instance, history, arts, architecture), and whose commercial exploitation could benefit the country in different ways. The commercial exploitation of those assets would be based on the

creation, promotion and commercialization of products and services that would enhance the tourist experience and attract new visitors. The strategy consisted in developing a market for local cultural products and services (such as works of literature or audiovisual works) that could be supported by the effective use of the IP system (for instance, works that can be supported by the effective use of the IP system). The IP office had been working closely with the tourism authorities for the purpose of creating a culture to use IP in tourism, undertaking actions such as the development of training modules on those subjects destined to tourism stakeholders, with the aim of creating a much stronger awareness on the links between tourism and IP. Other actions were undertaken on a thematic approach, in the fields of gastronomy or religious art, for instance. In the area of education and capacity-building, the IP national office had developed fruitful partnerships with tourism faculties in some universities, in order to introduce modules and courses that would sensitize both trainers and students on IP and tourism. The strategy had been to start with one prestigious university (ESPE, Universidad de las Fuerzas Armadas) and then extend it to others. The IP content has been introduced across the faculties, rather than only the tourism faculty. The training of trainers program would start on October 2018 as a pilot course, for which WIPO had prepared the curriculum and content. New courses on the subject would be added to the offer of the university in 2020. The third track, the Geopark initiative in the province of Imbabura, aimed at supporting the touristic exploitation of natural sites through the use of IP, and to raise awareness of relevant stakeholders, such as small and medium enterprises linked to tourism. This initiative, to be presented by Mr. Sebastien Barrera, had the following highlights: (i) the identification of the characteristics of the tourist offer in that province, (ii) the identification of potential to use IP tools to strengthen the Geopark project, and (iii) the identification and use of mechanisms for strengthening the provincial identity. The Secretariat concluded its presentation by highlighting the importance of the simultaneous work on the three tracks and mentioning the need for an even stronger cooperation between the IP office and SENADI, to the benefit of local and country development. It wished the lessons learned from this project to be used in favor of other inserted countries within the Committee.

344. The Special Consultant (Mr. Sebastien Barrera) mentioned that the purpose of the study was to analyze the IP aspects of the tourist office in Imbabura and its conclusion was that the proper use of IP could both improve the local tourist offer and enhance the local economy. The province of Imbabura had a tourism industry with a strong potential of growth, based on traditions and cultural riches transmitted by indigenous peoples over generations, as well as its special geographical and environmental characteristics that made the Geopark an extremely rich province. The Consultant added that different parts of Imbabura were considered sacred by various peoples and nationalities. It noted that there were no tangible links between tourism and IP at that stage, but the vast majority of opportunities were to be found in the protection of attractions to increase their use for the benefit of local communities. These included geographical attractions (such as the viewpoint Mirador Arcangel in Ibarra, the capital of the province), the textile and handicrafts industries, the food traditional specialties (which could be protected as guaranteed traditional specialties under Ecuadorian legislation), or the cultural “fiestas” (which celebrated the links between nature and people). He concluded that the use of IP would be useful to promote tourism offer and encourage healthy competition in the area of tourism.

345. The Delegation of Ecuador, speaking in its national capacity, reiterated its commitment to achieving a fair and balanced IP system, a broad ranging system that spread knowledge and promoted innovation in various sectors of society in an inclusive way. As shown in the presentations, the implementation of that particular project in Ecuador meant the involvement of various sectors. That had contributed to establishing synergies in the three areas on which this project concentrated. The Delegation pointed out that tourism in Ecuador was an activity that had been greatly boosted and had contributed to the economy and society because it provided a lot of jobs. Ecuador’s constitution and national development plan had goals and strategies to promote the sustainable use of national resources. Ecuador had great potential for tourism,

even though it was the smallest of the Andean countries and the second smallest in Latin America. It had great diversity of landscapes and cultural richness, all these different climate ranges, a wealth of volcanic soils, all of that had made up a country with unique features. Proof of that was that it was considered a country which was one of the most biodiverse in the world. The Amazon, the coast, the mountains, were proof of all that. Quito, the capital, had been on the list of UNESCO's cultural heritage since 1978, one of the very first. Tourism, therefore, could generate jobs and promote the development of the economy. It continually implemented plans and public policies to promote the sector. In 2016, the contribution of tourism to the GDP was over 5 per cent. It highlighted the work done in the province of Imbabura, known as the Lake District, which was the headquarters of the Imbabura Geopark Project. This project correctly linked IP with tourism.

346. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, agreed that tourism could play a key role and benefit the economic growth and inclusive development. The study also supported its view by providing information on the customer's expectations, different perspectives for the future and analysis of the good practices in the United States of America, Canada, Germany and the United Kingdom. The study created a bridge between tourism and IP by providing out possible IP solutions for the protection of national traditional goods. It expressed its hope that its findings would be helpful for policymakers in the area.

347. The Delegation of Lithuania, speaking on behalf of CEBS, acknowledged the presentation of the Delegation of Ecuador and the work of Mr. Sebastien Barrera. The Group noted that various forms of IPRs, including appellations of origin or GIs, were recognized as having potential to positively influence the promotion of the region and increase its worth as a touristic destination as well as increase the value of its traditional goods. The study was also a good example for other Member States having similar potential for development of like tourist services.

348. The Delegation of Sri Lanka stated that for Sri Lanka tourism remained a key industry and a main source of income. The project's objective to contribute awareness-raising of the role of IP in Sri Lanka and support the tourism-related economic activities was still ongoing and was coordinated by a national steering Committee led by the Ministry of Tourism and Sri Lanka Tourism Development Authority. The national consultant who was chosen by WIPO to conduct a comprehensive study with a view to implement the project had already submitted the study report entitled IP in Tourism and Culture in Sri Lanka, which was officially launched in November 2017. The study identified several potential areas through which IP rights, including trademarks, collective marks, geographical indications, industrial designs, patents, copyrights and related rights could be integrated into Sri Lanka's tourism industry. As part of the implementation of the project since its inception in January 2016, several workshops and meetings for relevant stakeholders took place according to a schedule. These activities aimed at creating awareness and capacity-building among policymakers and tourism stakeholders calling for the integration of IP in tourism policies and business practices. Another key outcome of the project was the development of curricula on IP for tourism to be used in the Sri Lanka hotel school and for those engaged in tourism-related small and medium enterprises which was currently under progress. As a follow up to the implementation of the project, Sri Lanka was also in the process of identifying three cluster areas of priority interest for Sri Lanka tourism, which are cultural, ecological and wellness tourism. The Delegation looked forward to further cooperation with WIPO in the full implementation of the project and its follow-up activities.

349. The Delegation of Switzerland, speaking on behalf of Group B, took note of the report and its findings, showing that existing or potential tourism services in Imbabura Geopark could be associated with various kinds of IP and be used for the successful marketing of those services.

350. The Delegation of Egypt stated that the project was also implemented in Egypt, although the type of project on the level of development varied from country to country. It congratulated Ecuador on the progress that was made, and highlighted that its efforts were truly praiseworthy, noting how the links between tourism and IP had been strengthened. In Egypt they received in Cairo, in March 2018 the visit of Ms. Toso, who met the Egyptian authorities. They studied the projects closely and made sure that IP would be sustainable and that the local crafts industry would be promoted. A visit was made to Nubia in the south, and a number of villages in Nubia were chosen for the project implementation. The region Nubia was well known for its ancestral crafts and one of the towns in the region had been chosen to promote the craftwork and folklore. The Delegation noted that it was a question of promoting the identity of those villages, which had extraordinary potential for attracting tourists but were not very well known as compared to Luxor or Alexandria. Therefore, those villages were promoted to attract more tourists because they had an extraordinary cultural heritage. Egypt took note of the ideas put forward by Ms. Toso during her field visit. It also noted the recommendations that she made during their meeting with the Egyptian authorities and they were going to try to make the best use of those ideas. The Delegation further assured that it would remain in permanent contact with the Secretariat of WIPO. It wished to go forward with the project and was keen to study all the ideas and recommendations received, in order to implement the project. It was interesting to hear the experience of other Member States, particularly the experience of Ecuador.

351. The Delegation of the United States of America enquired on the statement made by the author of the study. He mentioned that there was no tangible link between IP and tourism and that IP tools would promote tourism. It sought clarification on these seemingly contradicting statements.

352. The Delegation of Brazil mentioned that a lot was being discussed about development and sometimes it was difficult to actually translate that concept. It seemed a bit abstract at times. The Delegation was pleased to hear the presentation because that was a clear example of how it was possible to translate the concept of development into a concrete project with concrete outputs.

353. The Delegation of Peru highlighted the importance of the project. Peru was making efforts to use IP for the promotion of tourism, and particularly to highlight the value of the activities of all of the cultures of the Andes.

354. The Secretariat (Mr. Di Pietro) referred to the point raised by the Delegation of the United States of America. He explained that what he understood in Spanish was that the author stated that there was no link between IP and tourism or no use of the IP system in the industry of tourism in the Geopark at that time. There were no examples of good practices or uses in services or products in the Geopark Province. But there was an enormous potential to use it, and the author was trying to explain how, especially the trademark system or geographical indications, could be used to better promote and to better position the attractiveness of the Geopark. It noted that the author was not trying to say that there was no link between the IP system and the tourism industry, but rather the opposite.

355. The Vice-Chair concluded the discussion on document CDIP/21/INF/5 and announced that the project would undergo an evaluation which would be submitted for consideration of the Committee at its following session. The Committee took note of the country progress in Ecuador under the project on IP Tourism and Culture and the presentation given on the national study on IP: A Mechanism for Strengthening Provincial Identity within the framework of the Imbabura Geopark Project, since there were no further comments from the floor.

Study on the Use of Intellectual Property in Chile – document CDIP/21/INF/4

356. The Vice-Chair invited the Secretariat to introduce the study.

357. The Secretariat (Mr. Fink) referred to the project on IP and Socio-Economic Development – Phase II (document CDIP/14/7). In the context of that project, a number of studies had been prepared. Two were presented at the previous session of the CDIP, (i) Use of IP in Colombia (document CDIP/20/INF/2), and (ii) Use of the IP System in Central America and the Dominican Republic (document CDIP/20/INF/3). Two studies were prepared for the current session (the one on Chile and another one on the agri-food industry in Uganda). Three more studies were in their final stage of preparation and would be presented to the following session of the CDIP (one on the use of the design system in the ASEAN region, another on IP innovation in the mining industry and a third one on the role of IP in the health sector in Poland). He further introduced the Study on the Use of IP in Chile (document CDIP/21/INF/4). The study was a follow-up on the work undertaken under the first phase of the Project on IP and Socio-Economic Development, which lasted from 2011 to 2014. During that phase, the Secretariat worked with the Chilean Institute of Intellectual Property to construct a database on IP use that incorporated all bibliographic information on patent trademark design and utility model findings. The database then enabled two studies on trademarks squatting and pharmaceutical patents that were presented as part of the package of studies of the first phase of the Project. A final input of the first phase of the Project was the construction of an even larger database that combined the IP data in the Chilean Industrial Property Institute with company performance data that was available at the Chilean Statistical Institute (Instituto Nacional de Estadísticas (INE)). The Study contained in document CDIP/21/INF/4 made use of that large database. It posed two questions: “what determines IP use in Chile?” and “what difference does it make in company performance?” Two consultants worked on the study, Professor Christian Helmers at Santa Clara University, who was involved also in the first phase of the Project, and Professor Bronwyn Hall at UC Berkeley who was a renowned professor of innovation economics in the United States of America. The final output was peer-reviewed by Professor Roberto Alvarez at the University of Chile, who provided useful suggestions on how to improve the study. The data that underlined the study made use of three different kinds of information sources. One was the IP filings of the Chilean Intellectual Property Institute. Two surveys were conducted by the Chilean Statistical Institute: (i) the manufacturing survey essentially examined on an annual basis all manufacturing companies with at least ten employees and (ii) an innovation survey database. Chile had conducted innovation surveys every three to four years. Those asked a wide range of questions on companies’ innovation activities, to what extent companies engaged in innovation, what type of innovation, whether it was new to the world innovations, etc. These data sources were combined at the company level. It was possible to do so as there were tax identifiers in Chile that came with the IP filings but that were essentially also part of the survey data that was provided by the Statistical Institute. It allowed for a relatively easy match of the databases. Similar efforts were made in other countries where the matches were based on relatively complicated and highly imperfect name matching algorithms. In Chile it was a unique tax identifier that allowed for the combination of different databases. Cooperation with the National Statistical Institute was crucial in getting company-level data which was confidential. In many countries, the statistical laws required companies to respond to statistical surveys, so their anonymity was preserved by the National Statistical Institute. The Institute matched the data and issued an anonymized database that did not allow the tracking of any company-specific information. Table 1 in the document provided an idea of the coverage of the data and the coverage of the innovation survey data was smaller than the manufacturing census data. In the case of the manufacturing census data, it covered close to 10,000 unique firms within the database. That described the universe of manufacturing activity in Chile, with the exception of firms that were smaller than ten employees. Data on company performance and the IP filings was rich. The study’s empirical investigation was divided into three parts. The first part presented a set of descriptive statistics to paint an overall picture of IP use among Chilean

manufacturing firms. The second part explored the determinants of IP use among Chilean firms based on descriptive regression analysis. In particular, it estimated to what degree different firm and industry characteristics explained whether firms used different forms of IP and how intensively they did so. Relevant characteristics included how large firms were, how capital intensive they were, whether they were domestically or foreign owned, whether they exported, where in Chile they were located and in which industry they operated. The third part delved deeper into firms' IP use and asked whether such use made a difference in firm performance. Identifying any causal relationship to this effect was empirically challenging. In particular, a mere statistical correlation between IP use and firms' performance could simply indicate that successfully innovating firms were more successful in the marketplace. It would not, on its own, signify that the legal right itself made a difference. Seeking to address this concern and following the approach of the prior literature, the study focused on whether first-time use of different IP instruments made a difference in firms' performance. For methodological reasons, the focus was on the first-time use. The study provided rich findings. The results showed that patenting was sparse, with only 2.4 per cent of manufacturing companies in Chile filing for patents during the period from 1990 to 2010. The use of trademarks was more intensive. Around 52 per cent of companies applied for at least one trademark. The determinants of the IP use in econometric setting were statistically significant and similar to the ones in high-income countries. Patents were more frequently used in larger companies, in companies that exported and in companies located in the capital city, Santiago. Patenting was more frequent in chemicals, metals and machinery, and motor vehicles. It was absent in electrical and electronics sector. That finding was notably different from high-income countries where usually their electrical and electronics sector was the one that accounted for the most intensive use of patents. Trademarks were used more uniformly across sectors, with the highest use in chemicals and related industries, which included pharmaceuticals. The finding on how IP use related to company performance was twofold. There was clear evidence that firms increased in size after their first trademark application or patent filing. However, that largely reflected that firms that used the IP system during the period of analysis were faster growing ones. They already exhibited faster growth before first-time IP use and such use did not change their growth trajectory. Trademark use was associated with new-to-the-world product innovation. That suggested that branding played a role in companies' innovation strategy. That finding was relatively well-established in the economic literature but it had never been empirically shown and tested in the context of a middle-income economy. A lesson learned was that business success was driving first-time IP use, but not necessarily the other way around. One possible policy implication was that many IP officers engaged in IP awareness raising campaigns to reduce the existing information deficit on the IP system. The results of the study suggested that awareness campaigns were best targeted at companies with a growing intangible assets portfolio rather than targeting all firms in a particular economy. The association of a new-to-the-world product innovation with trademarks, combined with a relatively limited use of patents seen in Chile, suggested that branding was a more important way to appropriate returns to investments in innovation in middle-income countries. The Secretariat concluded by saying that these were simplified findings and additional findings were provided in the full study.

358. The Delegation of Chile recognized the Secretariat's work on the study. The studies on economic development and IP carried out in Chile provided important information with regard to behavior of those filing patent applications or other IP applications. The public policy in Chile on IP included the database information on innovation and the industry provided by the National Institute of Statistics of Chile and the database of the Industrial Property Office (INAPI), which provided an in-depth analysis on behavior on those filing IP applications. It helped to hone the details in the use of the IP system in various regions of the country and highlighted the importance of continuing work with the innovative enterprises, providing economic potential of industrial property. On the basis of these conclusions and the National Industrial Property Strategy, Chile had different programs to support patenting in the country. These programs had successful short-term results. Likewise, INAPI was developing two projects with innovative

companies. One was an awareness raising program for directors of companies with technological potential, enabling every company to create its own IP strategy. Chile was collaborating with France for this program. The second program consisted of visits to scientific and research centers where experts from Chile were identifying potentially patentable technologies to broaden the portfolio and generate economic potential and economic value. These examples demonstrated the value and potential that economic development studies had. The impact was positive and the subsequent study under the Project on IP and Socio-Economic Development – Phase II on mining was also very important for Chile. The information provided in the studies was valuable for researches. In concluding, the Delegation reiterated its interest in continuing to be part of these studies.

359. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, noted that the study contained in document CDIP/21/INF/4 was the first study in a middle-income country which delivered detailed and comprehensive information on the effect of IP rights on the performance of the firms. According to the findings, the main users of IP were large and foreign companies in the major urban areas. That left room for promotion of the benefits of the IP rights system to a broader business community. The study also highlighted that the effective use of IP could benefit the growth of companies. This could assist sustainable development.

360. The Delegation of Germany, speaking on behalf of Group B, highlighted the fact that it was the first time such a study was conducted for a middle-income country. The Group encouraged the Secretariat to continue developing studies that contributed to a better understanding of the causes and consequences of the use of IP among firms in middle-income countries. They welcomed the main findings of the study. The research was able to improve the understanding on what determined the use of the IP system in Chile and to what extent it made a difference in the performance of firms. The database on which the study was based was an output of the first phase of the project. It demonstrated sustainability of the first phase of the project after its finalization. The Group was looking forward to assessing the progress report of the second phase of the project on IP and Socio-Economic Development.

361. The Delegation of Lithuania, speaking on behalf of the CEBS Group, noted with interest the two lessons learnt in the study, on IP policies that might be relevant to other middle-income countries. The conclusions of the study provided recommendations on the sequencing of IP policies with relatively greater emphasis placed on the trademark system at earlier development stages. The Group believed the study would be a good reference for policymakers, not only in Chile but also in other similarly situated countries.

362. The Vice-Chair closed the discussion on document CDIP/21/INF/4 given that there were no more observations from the floor. He then invited the Secretariat to introduce document CDIP/21/INF/3.

Study on Enhancing Innovation in the Agri-Food Sector in Uganda: Sector Studies on Robusta Coffee Planting Material and Tropical Fruit Processing – document CDIP/21/INF/3

363. The Secretariat (Mr. Wunsch-Vincent) introduced document CDIP/21/INF/3 on the Summary of the Study on Enhancing Innovation in the Agri-Food Sector in Uganda: Sector Studies on Robusta Coffee Planting Material and Tropical Fruit Processing. The request for this study was made by the Government of Uganda in 2016, as part of the second phase of the Project on IP and Social-Economic Development. Uganda considered innovation in the agricultural sector as a primary driver of development, including in fields such as bioscience and diagnostics. The study was interesting for three reasons: (i) it was the first study of the Economics and Statistics Division that was conducted on a low-income country, which meant that a few empirical and methodological challenges were faced, (ii) the study went deep into two

specific sectors, one was the coffee sector and within that sector, the processing of fruits and packaging; and (iii) the analysis conducted led to a number of policy recommendations that were relevant, first and foremost for Uganda, but also for innovation and IP policies in other selected countries. The two main consultants involved in the study were Travis Lybbert, a Professor at the University of California, and a domestic Ugandan Professor at Makerere University. The basic premise of the study was that, in low-income countries the agriculture sector was a key sector for economic development and employment. Most of the studies found that innovation was lacking along the agri-food value chain. The low rates of innovation yield low levels of productivity. The questions that set the study were addressing the constraints that prevented the input supply chains in Uganda to improve productivity and the disincentives in the agri-processing sector (which was what came after the coffee, fruits or harvested, processed and transformed fruits). Coffee plantation was chosen due to technology transfer of public research and development from public research institutes to farmers. In many countries a lot of research was done on plant varieties, making coffee seeds which were particularly robust to local diseases. This research was never transferred to actual farmers' operations and it was a challenge. The fruit processing sector was chosen to see why or why not, small and medium firms actually adopted and invested in technology that was available on the market. The research design did not follow the same approach outlined in the study made on Chile, as the level of data was not present in a similar form and that sort of operators did not actively use the IP system yet. There was no data on either IP uptake or on innovation. Large-scale representative surveys of the owners of these farming operations through the collection of primary and secondary data were used as a research strategy. The survey was well structured and was described in greater detail in the working paper. Across other sectors, the agricultural input and output subsectors faced a lot of bottlenecks. A message to take away from the study was that it would be wrong to think that low IP uptake was the source of issues and problems or a potential solution. The study identified the actual bottlenecks. One was the lack of access to good agricultural input (seeds) or fertilizers (little spillover from public agriculture R&D). The other was various sorts of constraints which essentially discouraged farmers from adopting existing technologies on the market. The uptake of IP was also relatively low mainly because of the lack of awareness and high transaction costs. As in the case of Chile, the innovation expenditure was low, but that did not mean that innovation did not take place in those subsectors. Classic innovation indicators such as R&D expenditures, patent data productivity figures, most of the innovation ongoing in these sectors of low-income countries was invisible. A lot of that innovation was more informal in nature and did not translate into formal innovation outputs, such as patents. The study documented a lot of innovation taking place. The fruit processing sector (juice mixing, manual juice extraction, bottle filler, etc.) had real, measurable productivity impact. In the field of coffee plantation, the innovation constrains were related to input quality concerns: seeds and fertilizers. The problem was that the technology transfer did not happen between the Public Research Institute and the farming operations. A few suggestions to overcome these constrains were made in the study which mostly relied on the inefficiency of the supply chains that related to seeds materials. The most common constrains in the tropical fruit processing sector were liquidity and capital that disabled the proper adoption or investment in technologies. A lot of policy recommendations were developed for better linkages among the national agricultural research organizations, local artisans and farmers. The survey showed that firms which worked closely with stakeholders had more access to finance and better measurable outputs. The lessons learnt showed that the data availability on innovation activities in this sector was sparse. Typical innovation data sources such as R&D, innovation surveys or IP statistics which was the corner stone of similar studies in developed economies, were non-existent; formal innovation expenditures were not undertaken; actors rarely sought or relied on particular IP rights. Lacking secondary data sources, research needed to rely on the collection of primary data via surveys or interviews. Yet, the implementation of surveys or other forms of methods to collect primary data was equally challenging. The agricultural sector was diverse and geographically spread out; respondents had widely varying educational backgrounds and often lacked explicit records of past and future

investments or transactions. Good survey design, proper sampling and experience with running such surveys in the context of low-income economies and rural areas was key to obtain representative results. In some instances, case studies based on structured interviews were the only viable research strategy. Properly designed case studies which were based on structured interviews could yield interesting and pertinent insights. At the same time, for the most part case studies did not generate large solid databases enabling follow-on quantitative research and were more qualitative in nature. A few initiatives such as the Innovation Systems and Clusters Program Uganda (ISCP-U) at Makerere University was currently facilitating the process of acquiring IP but lacked adequate resources to provide support to the many entrepreneurs and firms that need assistance. The first study of the sorts in a low-income context changed the approach to things due to the absence of databases and the severe challenges in terms of data availability. IP filings were absent or low. However, it was demonstrated that it did not mean that innovation did not take place.

364. The Delegation of Lithuania, speaking on behalf of the CEBS Group, welcomed the observations made by the authors of the study that despite the constraints and challenges faced, Uganda had a growing focus on innovation as a driver of development in some of its key sectors. It expressed hope that the Government of Uganda would benefit from the IP options and policy suggestions formulated in the study. It was another example of how Member States might make good use of WIPO resources which sought to better employ IP rights in addressing developing needs.

365. The Delegation of Germany, speaking on behalf of Group B, highlighted that the Study on Enhancing Innovation in the Agri-Food Sector in Uganda: Sector Studies on Robusta Coffee Planting Material and Tropical Fruit Processing was the first WIPO study in a least-developed economy. It presented a unique learning opportunity that was particularly important to the CDIP. The Group encouraged and supported WIPO to continue developing studies that helped least developed economies to overcome constraints that limited research and development, innovation and technology diffusion. The Group also welcomed the results and conclusions of the study. The research was able to improve the understanding of the role of innovation and IP in the Uganda agricultural sector and to identify business, technical, institutional, and policy constraints that limited or diluted the impact of agricultural research and development, innovation and technology diffusion in the sector. The Group looked forward to assessing the progress report of the second phase of the project on IP and Socio-Economic Development.

366. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, noted the importance of the study. The EU and its member states acknowledged the difficult conditions for the implementation of the study, which made the findings and recommendations of the study even more important. The challenges before the innovations in the agri-food sector in Uganda, like in other developing and LDCs, were linked not just to natural resources and conditions but also to legal and economic realities. The need of reliable growing conditions, establishing of public-private partnership, better access to market opportunities, was yet another sign that the achievement of SDGs depended on the actions of individual Member States.

367. The Vice - Chair concluded the discussion on document CDIP/21/INF/3 given that there were no more comments from the floor. The Committee took note of the information contained in the document. He then invited the Secretariat to make a presentation on the new WIPO technical assistance webpage.

## **AGENDA ITEM 7 (I): WIPO TECHNICAL ASSISTANCE IN THE AREA OF COOPERATION FOR DEVELOPMENT (resumed)**

### Presentation of the new WIPO technical assistance webpage

368. The Secretariat (Mr. Di Pietro) recalled that the Committee requested the Secretariat to reflect and report on a possible improvement of WIPO's webpage on technical assistance. The Secretariat presented document CDIP/19/10 at the 19<sup>th</sup> session of the CDIP. The new webpage on technical assistance took into consideration the information contained in that document.

369. The Secretariat (Ms. De Icaza) presented the new pages devoted to TA. The pages were available live in English. Other official languages would be available soon. She referred to other pages that were related to the new page. All those pages were hosted under the "Cooperation" section. The section was divided into three sub-sections: "Development Cooperation", "Public-Private Partnerships" and "Global cooperation". There was not much change to that menu compared to what was there before. The number of items under the sub-section "Development Cooperation" had been reduced in order to highlight technical assistance, human capacity building and DA. Sub-section "Private-Public Partnerships" was expanded and included not just WIPO Re: Search, Accessible Books Consortium (ABC) and WIPO Green, but also ARDI, ASPI and WIPO Match. Sub-section "Global cooperation" remained the same, containing "Global infrastructure" and "Building respect for IP". The new webpage dedicated to "Technical Assistance" contained information on national IP strategies, policy and legislative advice, business solutions for IP offices, human capacity-building (containing information about the courses provided by the WIPO Academy and other workshops). There were links presented and basic information provided about the public-private partnerships and, at the end, global cooperation. The page also offered the possibility to contact technical assistance focal points. The page was divided in "Technical assistance for Governments" and "Technical assistance for users of IP". The page under "National IP Strategies" was the same as it used to be, "Policy and legislative advice" was slightly changed and, "Business office solutions" was still in the process of revision. A short section highlighting some technical assistance DA projects was included on the page. A link to the full list of DA projects was also provided. Some TA resources for governments included on the page were the roster of consultants, development studies, etc. The section "Technical assistance for the users of IP" included a lot of projects that benefited directly the users of IP such as: TISCs, legal assistance, the inventor assistance program, universities and IP initiatives and a small selection of DA projects. Geographical balance and diverse types of IP were being highlighted. The "Human Capacity Building" page was also new. It also provided links to human capacity building focal points. It was divided into "WIPO Academy" and provided a review of "Technical workshops". The link to the full list of upcoming workshops was also provided however, a short overview of courses available for target audience such as policy makers, IP officials, enforcement authorities, inventors, creators and IP rights holders, were showcased. The "Policy and Legislative Advice" page was also revised. It included some information about policy events, policy assistance and then legislative assistance and a section including all links related to flexibilities. The revised "IP Office Business solution" webpage was still work-in-process.

370. The Vice-Chair concluded the discussion on the new WIPO's TA webpage given that there were no observations from the floor. The meeting was adjourned.

## **AGENDA ITEM 9: INTELLECTUAL PROPERTY AND DEVELOPMENT (resumed)**

### Compilation of Member State Inputs on Issues to be addressed under the Agenda Item "Intellectual Property and Development" – document CDIP/21/8 Rev. (continuation)

371. The Chair resumed the meeting. He referred to the four unresolved issues. First, was the document on the Compilation of Member States inputs on issues to be discussed under the agenda item "IP and Development" (document CDIP/21/8 Rev). The Chair proposed the following language to be reflected in his summary: "The Committee decided to address under agenda item "Intellectual Property and Development" the topic of women and IP at its 22<sup>nd</sup> session and requested the Secretariat to provide a short presentation of relevant activities undertaken by the Secretariat. The issue to be addressed under this agenda item at the 23<sup>rd</sup> session of the CDIP is IP Development in the Digital Environment. Other issues, other future issues shall be based on document CDIP/21/8 Rev and the proposal from Member States, if any, on the basis of timing of submission."

372. The Delegation of Brazil mentioned that it was flexible on the item on SDGs and agreed to discuss it under the agenda item on "IP and Development". It sought clarification on whether SDGs and the other proposals in the pipeline were different topics and stated that it wanted to make sure that it was not going to the end of the line in the pipeline for the other topics on IP and development.

373. The Chair stated that such understanding was right. The Chair adopted the proposed decision text given that there were no observations from the floor. He then moved to the second pending issue, the discussion on the way to address SDGs in the future CDIP sessions, including the request for establishing a permanent agenda item. The Chair suggested the following language for the text to be included in his summary: "The Committee decided that any discussion on SDGs in CDIP sessions shall be undertaken under agenda item 9 on Intellectual Property and Development." It was adopted given that there were no comments from the floor. The Chair then briefed the Committee on the two remaining issues. On the African Group's proposal to hold a biennial Conference on IP and Development and recommendations 5 and 11 of the Independent Review there was no consensus. The Chair had consulted with various interested delegations and decided to postpone the discussion on these issues to the following session. The language suggested was: "The Committee decided to postpone discussion on agenda item 8.1 on the revised proposal of the African Group concerning a Biennial International Conference on IP and Development and the discussion on recommendation 5 and 11 of the Independent Review to the next session." It was agreed given that there were no objections from the floor.

## **AGENDA ITEM 10: FUTURE WORK**

374. The Secretariat (Mr. Baloch) introduced the list of future work. At its following session, the Committee would consider its regular work: (i) accreditation of observers, if any; (ii) Progress Reports; (iii) report of the 21<sup>st</sup> session; (iv) outputs of DA projects, if any; and (v) evaluation report(s) of DA project(s). The Secretariat clarified that in relation to the earlier made statement when discussing the study undertaken under the project on IP and Tourism and Culture: Supporting Development Objectives and Promoting Cultural Heritage in Egypt and Other Developing Countries, an impression was created that an evaluation report would be certainly presented at the following session. It sought the Committee's flexibility on that issue, to see whether the project was advanced enough to undertake an evaluation. It further continued with the list, namely: (vi) contribution of relevant WIPO bodies on the implementation of the

DA Recommendations. This comprised reports from all Committees where DA Recommendations or their implementation were discussed and reported to the GA. The GA then forwards the report to the CDIP. The two project proposals considered at the current CDIP session would be revised and discussed at the following session, namely: (vii) the one made by the Delegation of Peru on IP, Tourism and Gastronomy in Peru: Promoting the Development of Tourism and Gastronomy in Peru through IP, and (viii) the one made by the Delegation of Kenya on Enhancing the Use of IP in the Software Sector in African Countries. The Secretariat further recalled the discussion with regard to the procedure to update the Database on Flexibilities. In that decision, there was a provision which requested the Secretariat to report to the CDIP when it received updates provided by the Member States. If any updates were received, a (ix) document on the updates of the Database on Flexibilities would be presented before the Committee. Based on the six-point proposal on technical assistance, the Secretariat would report on the requested actions. The current session decided that (x) an interactive dialogue on technical assistance would be organized at the following session and (xi) a feasibility document on the web-forum would be presented. In addition, (xii) a compilation of indicators to assess the activities contained in the document on Gap Analysis with the costing of roadmap on promoting the usage of the technology transfer web forum, and (xiii) a revised roadmap on promoting the usage of the web forum on technology transfer, would be also presented to the following session of the CDIP. (xiv) The discussion on the Independent Review Recommendations 5 and 11 of the implementation of the DA would continue. (xv) Additional inputs from Member States on the strategies and modalities for their implementation would be presented to the following session, if received. The Secretariat pointed out the decision which had just been read out by the Chair, on how to address SGDs in future sessions. It mentioned that the subject of SDGs would be part of the agenda item "IP and Development". The Secretariat would also present (xvi) a feasibility study on the needs and feasibility of further related work on enhancing the collection of economic data on the audiovisual sector in a number of African countries as decided at the current session.

375. The Committee agreed on the list of future work given that there were no observations from the floor.

#### **AGENDA ITEM 11: SUMMARY BY THE CHAIR**

376. The Chair invited the Committee to consider the draft Summary by the Chair. The Committee would merely check each paragraph to ensure that it reflected the discussion that took place on the issue. He turned to paragraph 1. It was adopted given that there were no objections from the floor. Paragraphs 2, 3, 4, 5, and 6 were also adopted given that there were no observations from the floor. He then turned to paragraph 7.1.

377. The Delegation of Brazil stated that the paragraph did not reflect accurately what had happened. It was important to mention that some delegations made some constructive suggestions to improve the report. He further dictated a proposed sentence: "the Delegation of Brazil made constructive suggestions to improve the report, which the Secretariat agreed to take into account".

378. The Delegation of the United States of America stated that the paragraph already reflected that some delegations made suggestions and the Secretariat took note of the comments and suggestions. It was already contained in the text. The Delegation further objected the insertion of the sentence: "The Delegation of Brazil made constructive suggestions". That was a matter of opinion. It did not recall that the Secretariat stated they would incorporate every constructive suggestion that the Delegation of Brazil made. The Delegation made a more neutral suggestion: "some delegations made suggestions".

379. The Delegation of Brazil stated it did not mind if “constructive suggestions” was replaced by “critiques”. It believed it was important to reflect that in the Summary by the Chair.

380. The Chair suggested an alternative text which stated the following: “some delegations made suggestions to improve the report which the Secretariat will consider”.

381. The Delegation of the United States of America preferred the use of the word “considered”.

382. The Delegation of Egypt agreed with the text proposed by the Chair.

383. The Committee approved paragraph 7.1 with the suggestion made by the Chair given that there were no other observations from the floor. Paragraphs 7.2, 7.3, 7.4, 7.5, 8, 8.1, 8.2, 8.3, 8.4, 9, 9.1, 9.2, 9.3 were approved given that there were no comments from the floor. The Chair then turned to paragraph 9.4. He explained that he had deliberately separated paragraphs 9.4 and 9.5 to differentiate Member States’ inputs on the Modalities and Implementation Strategies of the Adopted Recommendations of the Independent Review, and discussions on Recommendations 5 and 11 of the Independent Review. It was adopted, given that there were no comments from the floor. Paragraphs 9.6, 9.7, 9.8, 9.9 were adopted given that there were no comments from the floor. He then turned to the paragraph 9. 10.

384. The Delegation of Switzerland mentioned that a decision sentence was missing in paragraph 9.10.

385. The Chair read out the decision paragraph and added it to the text. It was agreed given that there were no observations from the floor. Further paragraphs 9.11, 10, 11, 12 and 13 were also adopted with no observations. The Chair congratulated the Committee for their hard work.

#### Closing statements

386. The Delegation of Bulgaria, speaking on behalf of the EU and its member states, stated that the 21<sup>st</sup> session of the CDIP was conducted in a remarkable way. The EU and its member states appreciated the outcome of the session. During the session, the 20<sup>th</sup> anniversary of the establishment of the WIPO Academy was celebrated. The WIPO Academy had a central role in the strengthening of the professional capacity of national IP offices. The EU and its member states constructively participated in the debates on all items on the agenda of the CDIP. There were fruitful discussions on the implementation of the DA, various WIPO projects, progress reports, the forum on technical assistance and others. They had an opportunity to acquire more detailed knowledge on the positions of the Regional Groups and individual WIPO Member States on those issues. The EU and its member states recognized the new proposals that were submitted, explained and discussed during that session. They commended the Delegations of Canada, Mexico, United States of America, Peru and Kenya for presenting their project proposals. They also looked forward to starting the discussion under the new agenda item on “IP and Development”, notably on “Women and IP” and “IP in the Digital Environment” at the following two sessions. The EU and its member states looked forward to receiving more clarifications from the African Group on their proposal for an international conference on IP and development and reiterated their commitment in advancing the work of the CDIP under all topics on its agenda.

387. The Delegation of Switzerland, speaking on behalf of Group B, noted with satisfaction the great number of studies and project proposals discussed at that session. The Group welcomed the countries’ initiatives to submit concrete project proposals to the CDIP. It also welcomed the

approval of the project by the Delegations of Canada, Mexico and the United States of America on Increasing the Role of Women in Innovation and Entrepreneurship and expressed its gratitude to the respective delegations for their hard work to make that project happen. The Group looked forward to continue considering the project proposals from the Delegation of Kenya on Enhancing the Use of IP in the Software Sector in African Countries as well as the project proposal of Peru on IP, Tourism and Gastronomy. The Group appreciated the inputs submitted on issues to be addressed under the agenda item "IP and Development". It looked forward to having interesting and enriching discussions on the topic "Women and IP" at the following session of the CDIP and "IP in the Digital Environment" at the 23<sup>rd</sup> session of the CDIP. The Group took note of the presentation made by the Evaluator of the Independent Review during that session and the following discussions, which took place regarding the Recommendations 5 and 11 of the Independent Review. It appreciated the Chair's efforts to find a compromised solution for the Committee to make a decision on the issues. The Group was ready to continue the discussions on this item at the following session. The Group also took note of the discussions regarding the revised proposal of the African Group concerning the biennial organization of conference on IP and development. It was hopeful that the discussion at the following session of the CDIP would continue in a mutual constructive spirit and that its main concerns would be taken into consideration in any future text or revised proposal. The Group took note of the decision of the Committee to place any discussions on SDGs under the agenda item "IP and Development" if requested by Member States. It welcomed the closure of the discussions on the request for establishing a permanent agenda item on SDGs. The Group concluded by reiterating their commitment to advancing the discussions under all topics on the CDIP agenda.

388. The Delegation of Lithuania, speaking on behalf of the CEBS Group, extended its congratulations to the WIPO Academy for its 20<sup>th</sup> anniversary. The Group highly valued the annual opportunity to discuss the Director General's Report on the Implementation of the DA and the report on WIPO's Contribution to the Implementation of the SDGs and its Associated Targets. The Group welcomed the presentation on the new webpage on technical assistance and the agreement to have an interactive dialogue on technical assistance during the following session of the CDIP. The current session was rich on substance. Concrete demand driven projects on employing IP in addressing the development needs were discussed. The Group encouraged Member States to come up with project proposals rather than extensively discussing procedural issues. The Group commended the efforts of the Chair to resolve pending issues. It expressed hope that the remaining pending issues would be closed at the following session.

389. The Delegation of Indonesia, speaking on behalf of the APG, stated that the group fully supported the proposal by the African Group to convene an international conference on IP and development and supported the recommendations made by the Independent Review. The Group hoped that the Committee would reach a positive agreement on those issues at its following session as it was close to doing so.

390. The Delegation of Morocco, speaking on behalf of the African Group, expressed its regret that the debate on holding an international conference on IP and development was not concluded. It expressed hope it would be concluded successfully at the following CDIP session.

391. The Delegation of Ecuador, speaking on behalf of the GRULAC, stated that the current session dealt with many matters of great interest for all Member States and for WIPO. The Group welcomed the agreement reached on technical assistance, on SDGs and the new agenda item on "IP and Development". It expressed regret for not having reached an agreement on Recommendations 5 and 11 or the revised African proposal to hold a Biennial international conference on IP and development. The Group called upon Members' flexibility and commitment to allow the Committee to reach consensus at its following session.

392. The Delegation of China expressed satisfaction with the leadership during the session and the commitment shown by delegations.

393. The Delegation of Brazil expressed its satisfaction with the leadership during the session.

394. The Delegation of the Russian Federation associated itself with the previous statements in commending the leadership during the session and welcomed the achievements reached.

395. The Chair and the Member States thanked everyone for their participation and work during the session. The session was closed.

[Annex follows]

I. ÉTATS/STATES

(dans l'ordre alphabétique des noms français des États)/(in the alphabetical order of the names in French of the States)

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(IBRD)/INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (IBRD)

Rowena Margaret GOROSPE (Ms.), Senior Counsel, Legal Vice-Presidency, Washington, D.C.

CENTRE SUD (CS)/SOUTH CENTRE (SC)

Viviana MUNOZ TELLEZ (Ms.), Coordinator, Development, Innovation and Intellectual Property Programme, Geneva

Nirmalya SYAM (Mr.), Programme Officer, Development, Innovation and Intellectual Property Programme, Geneva

Mirza ALAS PORTILLO (Ms.), Research Associate, Development, Innovation and Intellectual Property Programme, Geneva

Vitor Henrique PINTO IDO (Mr.), Intern, Development, Innovation and Intellectual Property Programme, Geneva

OFFICE DE L'UNION EUROPÉENNE POUR LA PROPRIÉTÉ INTELLECTUELLE  
(EUIPO)/EUROPEAN UNION INTELLECTUAL PROPERTY OFFICE (EUIPO)

Nestor MARTINEZ-AGUADO (Mr.), Expert, International Cooperation and Legal Affairs Department, Alicante, Spain

OFFICE DES BREVETS DU CONSEIL DE COOPÉRATION DES ÉTATS ARABES DU GOLFE (CCG)/PATENT OFFICE OF THE COOPERATION COUNCIL FOR THE ARAB STATES OF THE GULF (GCC PATENT OFFICE)

Nasser ALAJMI (Mr.), Head, Administrative and Financial Support Section, Riyadh

Saad BIN BAKHEET (Mr.), Head, Regional Relations, Riyadh

ORGANISATION DE COOPÉRATION ISLAMIQUE (OCI)/ORGANIZATION OF ISLAMIC COOPERATION (OIC)

Nassima BAGHLI (Ms.), Ambassador, Permanent Observer, Permanent Delegation, Geneva

Halim GRABUS (Mr.), Counsellor, Permanent Delegation, Geneva

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE (FAO)/FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

Carolyn RODRIGUES BIRKETT (Ms.), Director, Liaison Office, Geneva

Ahmad MUKHTAR (Mr.), Economist, Trade and Food Security, Liaison Office, Geneva

ORGANISATION DES NATIONS UNIES POUR LE DÉVELOPPEMENT INDUSTRIEL (ONUDI)/UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (UNIDO)

Frank VAN ROMPAEY (Mr.), Representative to the United Nations (UN) Office and other international organizations in Geneva, Geneva

ORGANISATION EUROPÉENNE DES BREVETS (OEB)/EUROPEAN PATENT ORGANISATION (EPO)

Alessia VOLPE (Ms.), Coordinator, International Cooperation, Munich

ORGANISATION MONDIALE DU COMMERCE (OMC)/WORLD TRADE ORGANIZATION (WTO)

WU Xiaoping (Ms.), Counsellor, Intellectual Property, Government Procurement and Competition Division, Geneva

Jorge GUTIERREZ (Mr.), Young Professional, Intellectual Property, Government Procurement and Competition Division, Geneva

ORGANISATION RÉGIONALE AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE (ARIPO)/AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

John Ndirangu KABARE (Mr.), Intellectual Property Operations Executive, Harare

IV. ORGANISATIONS NON GOUVERNEMENTALES/NON-GOVERNMENTAL ORGANIZATIONS

Association littéraire et artistique internationale (ALAI)/International Literary and Artistic Association (ALAI)

Victor NABHAN (Mr.), Professor, Ferney-Voltaire, France

China Council for the Promotion of International Trade (CCPIT)

HE Ying (Ms.), Deputy General Director, Department of Legal Affairs, Beijing  
LI Fan (Mr.), Deputy Director, CCPIT Patent and Trademark Law Office, Beijing  
PEI Xinya (Ms.), Project Manager, Department of International Liaison, Beijing  
ZHANG Honggen (Mr.), Project Manager, Department of Legal Affairs, Beijing

CropLife International (CROPLIFE)

Tatjana SACHSE (Ms.), Legal Advisor, Geneva

Foundation for a Centre for Socio-Economic Development (CSEND)

Lichia SANER YIU (Ms.), President, Development, Geneva  
Raymond SANER (Mr.), Professor, Research, Geneva

Health and Environment Program (HEP)

Madeleine SCHERB (Mme), président, Genève  
Pierre SCHERB (M.), conseiller juridique, Genève

Institut de la propriété intellectuelle du Canada (IPIIC)/Intellectual Property Institute of Canada (IPIIC)

Paula CLANCY (Ms.), Chair, International Trademark Issues Committee, Ottawa

International Human Rights & Anti-Corruption Society (IHRAS)

Udoisong UDOFIA (Mr.), Director General, Nill, Nigeria

International Intellectual Property Commercialization Council (IIPCC)

KONG Johnson (Mr.), Board Member, Hong Kong  
YU Ronald (Mr.), Board Member, Hong Kong

Medicines Patent Pool (MPP)

Esteban BURRONE (Mr.), Head of Policy, Geneva  
Erika DUENAS (Ms.), Advocacy Manager, Geneva

Public Interest Intellectual Property Advisors (PIIPA)

Pacyinz LYFOUNG (Ms.), Executive Director, Washington, D.C.

Union internationale des éditeurs (UIE)/International Publishers Association (IPA)

José BORGHINO (Mr.), Secretary General, Geneva  
James TAYLOR (Mr.), Director, Communications and Freedom to Publish, Geneva

V. BUREAU/OFFICERS

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VI. SECRÉTARIAT DE L'ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE (OMPI)/SECRETARIAT OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Francis GURRY (M./Mr.), directeur général/Director General

Mario MATUS (M./Mr.), vice-directeur général/Deputy Director General

Irfan BALOCH (M./Mr.), secrétaire du Comité du développement et de la propriété intellectuelle (CDIP) et directeur, Division de la coordination du Plan d'action pour le développement/Secretary to the Committee on Development and Intellectual Property (CDIP) and Director, Development Agenda Coordination Division

Georges GHANDOUR (M./Mr.), administrateur principal de programme, Division de la coordination du Plan d'action pour le développement/Senior Program Officer, Development Agenda Coordination Division

Maria Daniela LIZARZABURU AGUILAR (Mme/Ms.), administratrice adjointe de programme, Division de la coordination du Plan d'action pour le développement/Associate Program Officer, Development Agenda Coordination Division

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