

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

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

### COMPILATION OF MEMBER STATE INPUTS ON ISSUES TO BE ADDRESSED UNDER THE AGENDA ITEM “INTELLECTUAL PROPERTY AND DEVELOPMENT”

*prepared by the Secretariat*

1. The WIPO General Assembly (GA) at its 49<sup>th</sup> session, held in October 2017, took a decision which *inter alia*, requested to “add new agenda item to the CDIP agenda, named IP and development to discuss IP and development-related issues as agreed by the Committee, as well as those decided by the GA”.
2. The Committee on Development and Intellectual Property (CDIP) at its 20<sup>th</sup> session, while discussing the issues to be addressed under the said item decided that “interested Member States may submit their proposals in writing to the Secretariat for discussion at the next session. The Member State submissions should reach the Secretariat by the end of February 2018. The Secretariat will compile the inputs received and submit them to the twenty-first session of the Committee”.
3. Accordingly, the annexes to this document contain four submissions (Group B, the delegations of Mexico, Brazil and the Russian Federation) received by the Secretariat on the above-mentioned subject.
4. *The Committee is requested to consider the information contained in the annexes to the present document.*

[Annexes follow]

## INPUT RECEIVED FROM GROUP B

### **Group B Proposal Regarding Issues to be Addressed under Agenda Item “Intellectual Property and Development”**

During the 20<sup>th</sup> session of the WIPO CDIP, some delegations made proposals on the issues to be addressed under agenda Item 8 “Intellectual Property and Development”. It was decided that interested Member States may submit their proposals in writing to the Secretariat for discussion at the next session. The Member State submissions should reach the Secretariat by the end of February 2018. The Secretariat will compile the inputs received and submit them to the twenty-first session of the Committee. See Paragraph 9 of the Summary by the Chair.

It has been universally recognized that intellectual property (IP) plays an important role in promoting innovation, which in turn, contributes to long-term economic growth and sustainable development.

In order to better understand the role of IP in fostering innovation and contributing to sustainable development, Group B proposes the following discussions and events to be held under the agenda item “IP and Development” during CDIP sessions:

1. Session on IP and innovation during the next session of the CDIP.

This session will enable Member States to share information on national innovation strategies and to discuss the role IP protection plays in fostering innovation. This discussion should give us a better understanding of the topic at hand and provide Member States with an opportunity to identify gaps and needs in terms of IP-related aspects of innovation.

WIPO secretariat will be invited to present to Member States projects that have been completed and evaluated, and those currently being implemented that could be scaled up, and that are relevant to promoting innovation through IP protection and related capacity building in developing and least developed countries. The objective of the presentation will be to provide an opportunity for Member States to consider whether they wish to pursue existing projects with WIPO in their national capacity or develop new projects that address technical or capacity gaps.

2. Discussion of the role technology commercialization plays in promoting development.

This discussion will enable Member States to share best practices and challenges of commercializing locally-developed technologies and the ways WIPO and other Member States can contribute to capacity building in the area of technology commercialization, especially for universities and SMEs, in developing and least developed countries. This discussion can also include examples of South-South cooperation in the area of technology commercialization.

WIPO secretariat will be invited to present to Member States projects and technology exchange platforms that have been completed and evaluated, and those currently being implemented that could be scaled up, and that are relevant to stimulating technology commercialization, with a particular emphasis on supporting SME's and universities in developing and least developed countries. The objective of the presentation will be to provide an opportunity for Member States to consider whether they wish to pursue existing projects with WIPO in their national capacity or develop new projects that address knowledge or capacity gaps.

3. Discussion on the role of MSME in Fostering Innovation

Micro, small and medium-sized enterprises (MSME) contribute to the global trading economy, including as entrepreneurs, start-ups, business, researchers and investors. MSMEs rely on intellectual frameworks that are able to protect expressions of new ideas, inventions, provide economic benefits and promote follow on innovation. Transparent and predictable intellectual property rules assist MSMEs to engage in innovative endeavors.

This discussion will enable Members to share national experiences and examples of the role of MSME's in fostering innovation – more precisely, how intellectual property frameworks and innovation policy or programs have assisted MSMEs to successfully participate and contribute to the national innovative environment. The purpose of this information exchange is to enhance Member's understanding of intellectual property and innovation related activities. This may help Member States to consider, implement or review policies to enhance MSME's role in promoting innovation.

4. In view of the African Group request to hold a conference on “how to benefit from the system”, a discussion of the key elements of an effective IP system that are beneficial for the economic, cultural and social development.

This discussion will enable Member States to discuss the role of national IP policies and strategies as well as share experiences on what elements are necessary for well-functioning national/regional IP systems.

5. Discussion on how national and local governments can incentivize and facilitate innovative activities.

This discussion will enable Member States to share national experiences and challenges with respect to government programs, initiatives and other mechanisms that are intended to incentivize, promote and encourage innovative activities in their countries/regions.

WIPO secretariat will be invited to present to Member States projects that have been completed and evaluated, and those currently being implemented that could be scaled up, and that are relevant to supporting national and local governments in fostering innovation. The objective of the presentation will be to provide an opportunity for Member States to consider whether they wish to pursue existing projects with WIPO in their national capacity or develop new projects that address knowledge or capacity gaps.

6. Study on Women in IP and how to encourage and promote the usage of IP system by women in developing and least developed countries.

Ask the WIPO Chief Economist office to conduct or commission a study or series of studies on Women in IP and the ways to encourage and promote the usage of IP system by women in developing and least developed countries. The study or studies will be discussed by Member States under this agenda item. This will enable Member States to discuss their national experiences and challenges in promoting the usage of IP system by women and to find ways to facilitate the participation of women in IP-based economic activities.

### Format for discussions

In terms of the format of how discussions will be managed under this agenda item, we believe it would be helpful for Member States to determine a single theme or topic for discussion for each CDIP. The WIPO Secretariat will be invited to provide a short presentation of relevant activities undertaken by the secretariat where this would be appropriate for that theme or topic. In addition, WIPO Secretariat should also consider whether any existing development projects, relevant to the topic, could be presented to MS as suggested in the various discussions and events proposed above. Member States will be given an opportunity to consider whether they wish to pursue any of the projects with WIPO Secretariat in their national capacity and afforded an opportunity to discuss these during the CDIP meeting or otherwise.

[Annex II follows]

INPUT RECEIVED FROM THE DELEGATION OF MEXICO

*TRANSLATION (Original text in Spanish)*

**DOCUMENT PREPARED BY THE GOVERNMENT OF MEXICO ON THE TOPIC  
“INTELLECTUAL PROPERTY AND DEVELOPMENT”**

Pursuant to paragraph 9 of the Chair’s summary of the 20<sup>th</sup> session of the Committee on Development and Intellectual Property (CDIP), the Government of Mexico wishes to discuss the link between intellectual property (IP) and development, as well as the relationship between the 17 Sustainable Development Goals (SDGs) approved by all UN Member States and the work done by all the specialized agencies, including WIPO.

Mexico considers that the 2030 Agenda will help to define and promote national priorities and to take effective and coordinated actions to achieve the Agenda. In that process, it would be very useful, in addition to each country’s commitment, to receive support from international organizations, such as WIPO, in accordance with its mandate.

WIPO has specific recommendations in its Development Agenda and also promotes knowledge of and compliance with IP among Member States as a tool to stimulate development. WIPO has mechanisms to encourage the use of patents and trademarks and other forms of IP and thus has an implicit positive effect on development.

In Mexico’s view, the topic of IP and development should be discussed on the basis of a cross-cutting focus that should take into account the advantages that the IP system brings to innovation, development and research. Therefore, consideration of this topic should be based on a pragmatic approach that seeks to share and learn about the experiences and best practices deployed by Member States and by WIPO to promote compliance with SDG 9 and the impact that this has on the other objectives. The thematic areas are consistent with those addressed by the SDGs. However, WIPO could focus, for example, on areas in which IP has a positive impact on the fight against poverty, economic development, health, education, gender equality, academic work, research and SMEs.

Discussions in the CDIP should focus on identifying IP tools that in these areas have the capacity to empower society at all levels and to foster development.

It would be appropriate for the CDIP to hold a discussion focused on identifying best practices that would result in their implementation and cause a multiplier effect through WIPO-led projects coordinated with interested Member States. The aim would be to leverage the IP system to strengthen the positive impact of innovation in development.

The presentation by WIPO’s Director General Mr. Francis Gurry on February 9, 2017 regarding the organization’s work and the SDGs identifies specific actions by WIPO in relation to how “innovation” can impact the SDGs. The input of the IP system and of WIPO must be complemented by actions and policies implemented by Member States.

Bearing in mind that in 2018, the main theme of World Intellectual Property Day’s will be: *“Powering change: Women in innovation and creativity”*, we would like to propose that this year the CDIP should focus its attention on the role of women in the implementation of IP and that Member States should share their experiences and challenges in terms of the public policies and measures adopted to promote the contribution of women through use of the IP system.

Mexico is convinced of the benefits of the IP system, while acknowledging that a high level of imagination and creativity is needed to “exploit” IP positively. We are convinced that WIPO is doing invaluable technical work which, if well used, can multiply the impact on development promotion and the implementation of the SDGs.

[Annex III follows]

## INPUT RECEIVED FROM THE DELEGATION OF BRAZIL

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

#### **New item: Intellectual Property and Development**

#### **Proposal by the Delegation of Brazil**

#### **Introduction**

At its 19<sup>th</sup> session (May/2017), the Committee on Development and Intellectual Property (CDIP) decided to add IP and Development as an agenda item to facilitate the implementation of the so-called "third pillar" of the Committee's mandate. Member States recognized that this new standing item could contribute to streamline actions and increase focus on issues related to IP and development, as well as to enhance the assessment, implementation, monitoring and accountability of all initiatives covered by the third pillar.

At the 20<sup>th</sup> session (December 2017), Members agreed to submit proposals to the Secretariat for discussion in the next session. To contribute to this process, Brazil submits a proposal with six possible activities for the consideration of Member States. We believe the suggested activities can accommodate the diverse viewpoints within WIPO membership as well as contribute to the development of a balanced and effective international intellectual property system. These proposals are submitted without prejudice to further suggestions and initiatives.

The suggested activities differ in nature (e.g. database, workshops, research papers), and their implementation may vary accordingly. Nonetheless, Member States are encouraged to concur on a first set of proposals at the 21<sup>st</sup> session for initiation of implementation at the 22<sup>nd</sup> session of the CDIP.

In the case of proposed workshops, it is important that members have enough time for discussions. Hence, no more than two topics should be addressed per session, taking up no more than two days. In addition, to guarantee diversity of perspectives and opportunity for ample discussions, the structure of the event should allow for participation of IP practitioners and experts, as well as presentations by WIPO, WTO and relevant UN bodies. In addition, Member States would be encouraged to share experiences which brought encouraging results. Such presentations and knowledge-sharing activities would be followed by discussions among CDIP members including Q&A.

#### **Suggestions of topics for the work program of the item IP and development**

1. IP policies and the role of the Judiciary: the framing and interpretation of IP laws by the Judiciary play an important role in providing legal certainty for IP holders and investors. Hence, a broader knowledge and understanding of jurisprudence and caselaw is a key component of a country's IP legal system. WIPO has developed an important global database (WIPO Lex) that provides free of charge access to legal IP information, such as treaties administered by WIPO, other IP-related agreements, and laws and regulations of some 200 countries. However, WIPO Lex does not include caselaw, access to which is often costly and time-consuming for most IP stakeholders, especially SMEs.

Outcome: inclusion of free access to the main legal (Judiciary) and administrative (IP offices) jurisprudence and caselaw in the WIPO Lex database on IP of WIPO Members States.

2. IP case studies in developing countries: Although IP literature often highlights the advantages and benefits of IP protection, it is much more difficult to find publications describing countries' practical experiences in the design and implementation of well-functioning IP policies, especially in developing countries. Brazil proposes that Member States share their successful experiences in making IP policies work for development.

Outcome: presentation of country case studies through which Member States share their national experiences in the design and implementation of successful IP policies.

3. Sharing of WIPO findings and works related to IP and Development: WIPO's work on IP and development in different divisions and departments should be brought to the attention of the CDIP, whose main mission is precisely to discuss issues related to IP and development. Studies, initiatives, reports produced by the different areas of WIPO (such as Global Challenges and Economics and Statistics divisions) should be presented and discussed under the new agenda item at the CDIP. Indeed, this could also apply to work related to IP and development produced by other international organizations.

Outcome: Member States should adopt a Decision, backed by the General Assembly, instructing the relevant WIPO bodies to present and discuss, at the CDIP, their studies and findings on IP and development.

4. Economic development, innovation and the role of IP: the relationship between IP and innovation and, consequently, economic development is extremely complex. Literature on this topic underscores that the positive correlation usually observed in this relationship depends on a number of variables, notably including the level of industrialization, technological infrastructure and skilled labour. Member States would gain from having a better understanding of the circumstances in which a well-designed IP system can contribute to innovation and creativity in general.

Outcome: preparation of a research paper that summarizes state-of-the-art literature on this issue.

5. Technological changes and their IP implications: in recent decades, new technologies of the "Fourth Industrial Revolution" (e.g. artificial intelligence, big data, blockchain, among others) are accelerating the pace and scale of economic changes in our societies, rendering some technologies obsolete after 4-5 years, which has implications for the field of IP. IP rules and institutional mechanisms currently in place may need adjustments to cope with this new world of technology and business models (e.g. copyrights in machine-created works). Member States could exchange views and share their experiences on initiatives they have been undertaking to address the IP impact of these new technologies.

Outcome: promotion of workshops and experience sharing, among Members States, on the implications of these new technologies for the field of IP, with a particular focus on the rules and institutional frameworks needed to cope with this new reality.

6. Strategies for making trademarks more accessible and efficient for small and medium companies (SMEs): trademarks are in many ways the face of businesses. They allow customers to distinguish products or services from different competitors, facilitating the placement of their products in national and global markets<sup>1</sup>. Studies show that a large number

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<sup>1</sup> Greenhalgh, Christine and Rogers, Mark. The value of intellectual property to firms and society. Oxford Review of Economic Policy, 2007. Greenhalgh, Christine and Rogers, Mark. Trade Marks and Performance in UK Firms: Evidence of Schumpeterian Competition through Innovation, 2007.



of SMEs are still unaware of the strategic gains deriving from a strong trademark. Since SMEs account for 60 to 70 per cent of jobs in most UN members, WIPO Member States would benefit from sharing their experiences on strategies for making trademarks more accessible to SMEs.

Outcome:

- (a) workshop to share experiences, among Member States, on incentives to increase the awareness and the use of trademarks by SMEs; and
- (b) preparation of an independent study on successful and unsuccessful public policies for increasing SMEs` access to trademarks.

[Annex IV follows]

## INPUT RECEIVED FROM THE DELEGATION OF THE RUSSIAN FEDERATION

*TRANSLATION (Original text in Russian)*

**Proposal of the Russian Federation  
on the issue to be addressed under the agenda item  
“Intellectual Property and Development”  
of the Committee on Development and Intellectual Property  
of the World Intellectual Property Organization**

In accordance with the decision of the 20<sup>th</sup> session of the Committee on Development and Intellectual property (November 27 – December 1, 2017, Geneva) it is proposed to discuss the issues concerning economy digitalization and new technologies influence in the IP sphere under the permanent agenda item “Intellectual Property and Development”.

The world is on the threshold of large-scale changes related to adoption of new technologies and formation of new industries. New type of economy that is based on information, knowledge and innovations is being established. IT-innovations transform traditional economical system and create new possibilities for its qualitative development. Digital economy promotes well-being rise and quality of life by improving products and services availability, including availability of IP services.

IP field is also impacted by economy digitalization.

Global statistics shows rapid increasing of applications on registration of digital technology objects.

New technologies like Blockchain provide fundamentally new opportunities to identify authorship, fix priority, and monitor license agreements and transfer of rights to an IP object between right holders.

BigData technologies for data sets processing and analysis, development of artificial intelligence systems and neurotechnologies, etc. take on greater importance in patent search. Nevertheless, digitalization does not only provide new opportunities to optimize patent offices' work, but also creates new legal risks related to new technologies application. 3D printed technologies establish conditions for brands devaluation and inclusive rights infringement by usage of digital copies of objects protected by the IP law. As for Blockchain, licensing of Blockchain network operators activities and regulation of smart contracts developers obligations are the issues to be solved.

The rate and scope of changes require revision of development strategy, support of new drivers of technologies and innovations development, improving of HR potential. IP offices face large-scale challenges such as developing of new flexible regulatory framework covering all legal and technical aspects as well as establishing effective infrastructure and human capacities. The Russian Federation supports the suggestion announced by Director General Mr. Francis Gurry during the 57<sup>th</sup> series of the Assemblies of the World Intellectual Property Organization, on the necessity of proactive usage of BigData systems, Internet of things as well as artificial intelligence in the IP field.

The Russian Federation's proposal is to use the Committee on Development and Intellectual Property of WIPO as a site for exchange of experiences on application of digital technologies in the IP field. WIPO has a great potential as a forum for cooperative search for creative solutions,

new forms of interaction between the states, regional integration organizations, business and scientific communities.

International conference “Digital transformation: IP and Blockchain technologies” was organized in Moscow under the auspices of BRICS on April 16-17, 2018. More than 80 leading Russian and foreign experts, representatives of WIPO and 15 leading IP offices, including IP offices of the BRICS countries, Eurasian Patent Office, European Patent Office took part in the conference.

The participants discuss the perspectives of IP development in the digital environment, opportunities of Blockchain technologies use for industrial property and copyright objects registration, enforcement and licensing, as well as development of BigData technology platforms, Artificial Intelligence and perspectives of their use in patent search. The participants of the conference drew a conclusion that the definitions should be clarified taking into account legal and technical aspects. Educational activities should be held to raise IP experts and IT experts' awareness to form common understanding about wide perspectives that new technologies can provide to solve IP offices' topical problems.

Taking into account transboundary nature of internet technologies, we need international decisions and unified approaches on the use of digital economy's new instruments.

#### Objective

As a result of the discussion we consider to communicate and exchange perspectives of IP field development in the context of digital economy such as advantages and risks, and IP offices' approaches on using new technologies.

#### Modality of implementation

The proposal is to organize discussion sessions or workshops with participation of experts from WIPO and Member States to exchange experience and best practices of new technologies use (Blockchain, BigData, Artificial Intelligence etc.) as well as experience of modernizing legislature concerning use of IP in the digital environment taking into account legal and technical aspects.

[End of Annex IV and of document]