

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

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### **EVALUATION REPORT OF THE PROJECT ON INTELLECTUAL PROPERTY AND SOCIO-ECONOMIC DEVELOPMENT – PHASE II**

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1. The Annex to the document contains an independent Evaluation Report of the Project on *Intellectual Property (IP) and Socio-Economic Development – Phase II*, undertaken by Mr. Pedro Roffe, Senior Fellow, Centre for Trade and Sustainable Development (ICTSD), Geneva.

2. *The CDIP is invited to take note of the information contained in the Annex to this document.*

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## LIST OF ACRONYMS

CDIP	Committee on Development and Intellectual Property
CHF	Swiss Francs
DA	Development Agenda
DAR	Development Agenda Recommendation
DAC	Development Assistance Committee (of the OECD)
DACD	Development Agenda Coordination Division
DNP	Departamento Nacional de Planeación, Colombia
ICA	Instituto Colombiano Agropecuario
ID	Industrial Design
IP	Intellectual Property
ICTSD	International Center for Trade and Sustainable Development
LDCs	Least Developed Countries
MS	Member States
OECD	Organization for Economic Co-operation and Development
RB	Regional Bureaus
R&D	Research and Development
ToRs	Terms of Reference
UNCST	Uganda National Council for Science and Technology
URSB	Uganda Registration Services Bureau
UN	United Nations
UNEG	United Nations Evaluation Group
WIPI	World Intellectual Property Indicators
WIPO	World Intellectual Property Organization

## EXECUTIVE SUMMARY

This report covers the independent evaluation of Phase II of the Development Agenda (DA) Project on “Intellectual Property (IP) and Socio-Economic Development” (DA\_35\_37\_02). Adopted during the 14th session of the Committee on Development and Intellectual Property (CDIP), November 2014, it continued to be an “umbrella” project for national and regional studies seeking to narrow the knowledge gap faced by policymakers in designing and implementing a development-promoting intellectual property (IP) regime and contribute to better-informed decision-making on IP policies at the national and international levels.

The Project was implemented from January 2015 through June 2018. The key deliverables of the project included studies, technical meetings, workshops and seminars.

The evaluation work was guided by the Terms of Reference (ToRs) dated June 19, 2018 and conducted between 10 July 2018 and 15 September 2018 by an external evaluator in close coordination with the Development Agenda Coordination Division (DACD).

### Conclusions

The findings and assessment of the evaluation resulted in the following conclusions:

#### **Conclusion 1: The Project was well planned and properly managed.**

The Project was designed to cater the needs and priorities of all beneficiary countries which clearly articulated their needs and actively participated in the design and preparation of the studies. While the Project was well planned and managed, some improvements could be envisaged with respect to the management, monitoring implementation, and self-evaluation of DA projects. The umbrella project has rightly sought the involvement of different actors and stakeholders beyond IP institutions. Experience shows that the selection of institutional partners and local experts is crucial to the success of the project.

#### **Conclusion 2: The delivery strategy for phase 2 and objectives were met to the satisfaction of stakeholders.**

The Project was built on two central pillars, namely, promotion of sustainability of the research initiated in phase I and extending the study work to new countries and regions, including at least one LDC, as well as new topics. On sustainability, in general, it is early to reach definite conclusions but the Project has built important foundations to continue and expand work in establishing credible and practical data sets to enable a better understanding of the socio-economic implications of IP and their use by stakeholders. The work has been relevant and unique in many respects. For many countries to sustain the seeds left behind by the Project requires follow up and in a number of cases significant investment in capacity building.

#### **Conclusion 3: The support received was timely and of high quality and the results replicable.**

The study work produced is of high quality. CDIP in implementing the DAR should take credit of enabling through the guidance of the Chief Economist Office to carry this work forward that have assisted in the beneficiary countries to gain a better understanding of the socio-economic effects of IP protection and improving the capacity in countries that had limited capacity in this area to begin developing analytical capacity to that effect. The support received from the Project team was of great quality, highly innovative, committed and professional, reflecting best practices in

countries that have had experience in doing similar work. What has been done in the case of constructing and digitalize crude information on IP (e.g., applications and grants) with a common identifier and enabling links with micro data from statistical offices, is an important step in understanding the use of IP. The study work should be replicable in other countries taking into consideration different circumstances and prevailing conditions on the availability of data.

**Conclusion 4: The Project was highly relevant to beneficiary countries resulting in a high degree of ownership.**

The series of briefings, workshops and seminars conducted in the implementation of the Project greatly contributed to raise awareness on the socio-economic aspects related to IP. This type of activities planned at the time of launching the work, during the course of the implementation and at the end in presenting the findings to local stakeholders contributed certainly to a better dissemination of the work, inter- agency participation, and awareness on the collective work left behind, in terms of follow up including gaps and needs of strengthening capacity building in specific areas. A final research symposium, bringing together authors of studies, policymakers, and other relevant stakeholders could not take place. The Secretariat might consider alternative forms of organizing such event that with the perspective of time might consider, broadly, lessons learned, success stories and gaps regarding the sustainability of these activities.

Recommendations

**Recommendation 1 (from conclusion 1): To the CDIP and Secretariat on project planning and management:**

- a) Ensure that project implementation has been designed in ways that would promote appropriate local coordination and increased cooperation among different agencies, ministries and stakeholders.
- b) Include in the design and planning of projects preliminary briefings to agencies, stakeholders and prospective beneficiaries to promote ownership of results.
- c) Foresee in planning timelines, with proper mitigation strategies, incidents than might delay the implementation process.
- d) Consider the adoption of the logical framework.
- e) Select local experts, beyond meeting quality qualifications, with ability to navigate, interact and facilitate smooth interaction with different agencies and stakeholders.

**Recommendation 2 (Conclusions 2, 3, 4) To Member States, the CDIP and the Secretariat to sustain efforts to encourage and consolidate the positive results of work undertaken to better assess the economic, social and cultural impact of the use of intellectual property systems:**

- a) Consolidate the mainstreaming of economic study work into the activities of Program 16.
- b) Encourage CDIP to benefit from work undertaken on the economic, social and cultural impact of the use of intellectual property systems and resort to the results and lessons of that work to guide discussions in the Committee, particularly, on IP and development.
- c) Continue assisting IP offices and relevant statistical offices in the creation and streamlining of databases of IP and linkages with other databases.
- d) Preparation of IP strategies or policies should be grounded on sound IP data bases and their economic value.

**Recommendation 3 (Conclusions 1, 3, 4), to Member States, CDIP and the Secretariat to consider strengthening and supporting capacity building in beneficiary countries particularly to ensure sustainability of the work carried out in the umbrella project:**

- a) Assist countries in capacity building in translating the results of studies undertaken in their countries in sustainable outcomes.
- b) Support capacity building in IP offices and relevant institutions in the production and maintenance of credible IP data for statistical use.
- c) Encourage and support national units for capacity building of economic analysis of innovation and IP.
- d) Carry out regionals and/or international symposia to consider lessons learned in the umbrella project by identifying, among others, gaps in capacity building.
- e) Encourage work on LDCs to construct valid and reliable IP databases.

## **1. INTRODUCTION**

This report presents the evaluation of Phase II of the Development Agenda (DA) project “IP and Socio-Economic Development” (Project Code: DA\_35\_37\_02), referred to as “the Project”.

The evaluation work was guided by the Terms of Reference (ToRs) dated June 19, 2018. The work was undertaken between 10 July 2018 and 15 September 2018 by an external evaluator in close coordination with the Development Agenda Coordination Division (DACD).

### **(A) PROJECT BACKGROUND AND DESCRIPTION**

The Committee on Development and Intellectual Property (CDIP) adopted in April 2010 the project on Intellectual Property (IP) and Socio-Economic Development (Phase I) which accomplished a set of country studies around three broader themes: domestic innovation; the international and national diffusion of knowledge and international features of the IP system and its economic implications. The project was completed by the end of 2013.<sup>1</sup>

The CDIP at its resumed 14<sup>th</sup> session (2014) approved Phase II of the Project as a follow-up to Phase I. The second phase continued to be an umbrella project for national and regional studies seeking to narrow the knowledge gap national policymakers faced in designing and implementing a development-promoting IP regime.

The studies and work accomplished were executed with the objectives of gaining a better understanding of the socio-economic effects of IP protection in developing countries in the context of Development Agenda Recommendations (DAR) 35<sup>2</sup> and 37.<sup>3</sup> A side objective was identified as “the creation and maintenance of analytical capacity in countries, where little economic studies work on IP has been undertaken so far.”

While pursuing the same broad intentions of Phase I, the Project planned to maintain and expand the research work initiated in 2010. As stated in Project Proposal (CDIP/14/7, reproduced in Annex 1), two main pillars guided its implementation: i) promote the sustainability of the research

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<sup>1</sup> The original project (“Intellectual Property (IP) and Socio-Economic Development” (DA\_35\_37\_01), was adopted during the 5<sup>th</sup> session of the Committee on Development and Intellectual Property (CDIP) in April 2010. The independent evaluation report of phase I was considered by CDIP at its 14<sup>th</sup> session (CDIP/14/3).

<sup>2</sup> Recommendation 35 (Cluster D): To request WIPO to undertake, upon request of Member States, new studies to assess the economic, social and cultural impact of the use of intellectual property systems in these States.

<sup>3</sup> Recommendation 37 (Cluster D): Upon request and as directed by Member States, WIPO may conduct studies on the protection of intellectual property, to identify the possible links and impacts between intellectual property and development.

initiated in phase I, by supporting follow-on study work that make use of the micro databases created during phase I; and II) extend the study work to new countries and regions, including at least one least developed country, as well as to new topics not covered in phase I.

The Project was conducted by research teams under the leadership of the WIPO Office of the Chief Economist, including international and local experts and researchers. The project primarily targeted state sector decision makers and policymakers and their advisors. In addition, secondary beneficiaries of the project included non-governmental organizations, academia, and the public at large.

Project implementation started on January 1, 2015 and ended in June 2018 (the duration of 42 months, including a six-month extension approved at the 20<sup>th</sup> session of the CDIP.)<sup>4</sup> At the time of writing, some activities and final reports were planned to be completed and to be reported to the 22<sup>nd</sup> session of the CDIP.

The total budget of the Project was CHF 801,000, out of which 61 per cent was spent in non-personnel expenses and 39 percent in personnel expenses.<sup>5</sup> By July 2015 and December 2016 the Project's budget utilization rates were, respectively, 6 and 25 per cent. By mid-September 2017, the Project used 70 per cent of its funding. By June 2018, the budget utilization was close to 91 per cent considering outstanding payments, namely contracts and services delivered in the course of implementation of activities.

Seven broad research studies were undertaken in the implementation of Phase II:<sup>6</sup>

- a) Central America and Dominican Republic: Assessment of the IP use in the regional economic integration of the Central American Countries and Dominican Republic.
- b) Colombia: Study on the use of IP.
- c) Chile: IP use in middle income countries.
- d) Uganda: Enhancing innovation in the Ugandan agro-food sector: Robusta coffee planting material and tropical fruit processing.
- e) Brazil and Chile: The role of IP in the mining sector.
- f) ASEAN: Understanding the use of industrial design in Southeast Asian countries – the case of Indonesia, the Philippines and Thailand.
- g) Poland: IP in the health sector innovation system.

Work on the different studies listed above was carried out by drawing lessons from Phase I of the project and preceded by extensive preparatory work in the respective countries such as the identification of qualified local partners including institutions and local consultants. This was done in consultation with intellectual property offices and relevant organizations in the respective sector focus of the study. In undertaking these activities coordination within the Secretariat was properly planned particularly with Regional Bureaus (Program 9) and Transition and Developed Countries (Program 10).

Activities undertaken in the implementation of the Project included extensive briefings, meetings, workshops and seminars to familiarize policy makers and partners in defining the scope of the work and discuss preliminary and key results of the Project.

According to the desk review of documents made available to the evaluator (see Annex IV) and validated by interviews, planned outputs have been delivered as described in subsequent sections of the report.

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<sup>4</sup> No additional funds were allocated to the extension.

<sup>5</sup> Incorporated the cost for a project officer but excludes the contributions of WIPO staff.

<sup>6</sup> For further details, refer to Findings and Assessment, *infra*.

## (B) PURPOSE, METHODOLOGY AND LIMITATIONS OF THIS EVALUATION

The framework for this evaluation is based in WIPO's evaluation policy,<sup>7</sup> which is aligned to the United Nations Evaluation Group (UNEG) norms and standards and evaluation criteria and quality standards adopted by the organization for Economic Co-operation and Development assistance committee (OECD - DAC).<sup>8</sup>

The evaluation was undertaken by an external evaluator and was coordinated by the DACD. It was guided by an inception report dated July 18, 2018, which operationalized the Terms of Reference (ToRs) (see Annex 2). The evaluation covered the period January 2015-June 2018.

## (C) KEY PURPOSE OF THE METHODOLOGY

The key purpose of the evaluation was to assess whether the Project as a whole provided the right type of support in the right way to achieve its objectives. Within this general purpose, the specific evaluation objectives were two-fold:

- a) Learning from experiences during the Project's implementation, what worked well and what did not work well for the benefit of possible further activities in the field of IP-related economic studies and research.
- b) An evidence-based assessment of the Project to support the CDIP's decision-making process and to contribute effectively to the implementation of the DARs.

The evaluation focused, in accordance with the ToRs, in addressing the following key evaluation questions:

- a) *Project Design and Management*: The appropriateness of the initial project document as a guide for project implementation and assessment of results achieved;
- b) *Effectiveness*: The extent to which objectives were achieved or are expected to be achieved;
- c) *Sustainability*: The likelihood of continuation of project benefits after the assistance has been completed.

The evaluation, while maintaining independence, applied a participatory methodology by including key stakeholders during the process in order to achieve a high level of ownership of the evaluation outputs and ensuring organizational learning. The evaluation applied a variety of tools, including key stakeholder interviews, self-assessment online surveys, and structured document analysis. The data gathering method was adjusted to the specific project stakeholder group (Table 1). It used most reliable and appropriate sources of information and triangulated (cross-validated) primary and secondary data.

**Table 1: Stakeholder Groups and Data Collection Tools**

Stakeholder groups	Data collection method		
	In person interview	Phone interview	Online survey
WIPO Secretariat	X		
Member State Delegations, National IPOs, national and international experts and stakeholders in general		X	X

The key internal and external stakeholders were interviewed (by phone or physical presence) and the records of the interviews were organized in a way that the information obtained was easy to process and analyze. (See Annex III, list of stakeholders interviewed).

<sup>7</sup> Internal Oversight Division (IOD), Evaluation Policy, Second Edition / 2016-2020.

<sup>8</sup> DAC Guidelines and Reference Series: Quality Standards for Development Evaluation, OECD-DAC, OECD 2010.

External interviewees openly shared information, personal insights and experiences as well as lessons learned in the implementation of the Project.

All WIPO staff, particularly those in Program 16, actively supported the evaluation process, providing in a timely manner access to information and relevant documentation on the Project formulation and implementation. Their spontaneous, enthusiastic and straightforwardness is highly valued.

In order to facilitate organizational learning, this report includes targeted recommendations, which are expected to be used to enhance future work on IP and socio-economic development, both within the Organization and through initiatives of Member States.

The presentation of the evaluation report at the 22<sup>nd</sup> session of the CDIP in November 2018, will contribute to the dissemination of information and to inputs to the CDIP's decision-making process and ensure accountability of WIPO Secretariat towards its Member States.

## **2. MAIN LIMITATIONS OF THIS EVALUATION**

As pointed out above (see para. 9, supra) most of the studies and work undertaken under the Project has been completed and their results reported to Member States in previous meetings of the CDIP. Study work related to the mining sector in the case of Chile and Brazil, on industrial design (ID) in ASEAN and in Poland on health, are still awaiting final publication. In the case of Poland, a final meeting with local stakeholders to consider the results of the work is planned for the fourth quarter of 2018. The evaluator had access to the relevant documentation related to these activities.

One obvious limitation confronted in this evaluation but proper to a number of exercises of this nature, is that an important part of the work has been carried out recently. This factor does not allow a broader perspective that with the benefit of time it could better contribute to consider measurable effects and impacts of the type of work carried out in the context of the Project. Project, that attempts to gain a better understanding of the socio-economic effects of IP protection in countries with little economic study work tradition and that are recently beginning to gain experience on these questions were very much influenced by the activities carried since the inception of the project in its first phase.

Equally, the Project side-objective of creating and maintaining analytical capacity in those countries are important and not easy to achieve in the course of one single project. Notwithstanding these general limitations, as discussed further, the umbrella project under consideration has produced tangible impact.

Field visits were not provided in this evaluation. Fact finding focused on main actors involved in the implementation of the Project at the Secretariat level and in the interviews with a variety of stakeholders including public officials, consultants and beneficiaries. A survey was also sent to key stakeholders.

Some of the limitations encountered by the evaluation team could be summarized as follow:

- a) The data collection did not include a broader range of stakeholders, such as IP users, individuals and legal entities as they were not primary beneficiaries of the project.
- b) The active data gathering phase of the evaluation coincided in some countries with the summer holiday period, thus, potentially affecting the moderate response rate (17 per cent) on the online survey distributed among principal external stakeholders. For the same reason the evaluation could not reach out and interview some external stakeholders that could not be available during the period of the evaluation.

The above factors limited in some way the scope and depth of the evaluation. The findings and assessment that follows should bear in mind these limitations.

### **3. FINDINGS AND ASSESMENT**

This section presents the main findings of this report providing and assessment of the Project in the light of the three main evaluation criteria identified in the ToRs, namely, project design and management, effectiveness and sustainability.

#### **(A) PROJECT DESIGN AND MANAGEMENT**

Benefitting from the experience of the first phase and lessons learned therein and considering new challenges, the second Phase of the Project was judiciously prepared and planned.

The project document (CDIP14/7, see Annex I) describes the primary and side objectives of the project and delivery strategy, the links to other related WIPO programs and DA projects, as well as one key risk related to data quality along with the mitigation strategy. The project document depicts generic output and outcome indicators.

The topics of the studies were defined in consultation with Member States and were conceptualized, either, through study briefs or proposals which articulated the overall methodology and delivery strategy of individual studies. The vast majority of external stakeholders, the survey respondents and those interviewed, pointed out that the Project and topics covered were highly relevant and responded to actual needs and priorities of the respective countries.

Evidence of the relevance of its objectives and the delivery strategy based on two central pillars (promote the sustainability of the research initiated in phase I and extend the study work to new countries and regions) is the approval of the Project proposal at the 14<sup>th</sup> Session of CDIP in November 2014.

Project objectives were well aligned with WIPO's Strategic Goals.<sup>9</sup>

Both, WIPO relevant programs<sup>10</sup> and external stakeholders, reported having no issues while communicating and coordinating the work with the Project team. No overlap was reported between the Project and other activities carried out by WIPO. External stakeholders confirmed their high degree of satisfaction with the assistance provided by the Organization in the framework of the Project implementation.

In order to formalize coordination and collaboration within the project framework, agreements and/or MOU were signed between WIPO and each beneficiary country. WIPO Regional Bureaus (RB)<sup>11</sup> as well as the Program dealing with Transitional Economies and Developed Countries played an important role in facilitating the work of the Project team and identifying partners in the respective country or regions focus of the Project.

In limited cases some RB, due to their experience and knowledge of local conditions, expressed broader interest in being more actively involved in the substantive interactions with local partners.

Throughout the project implementation, workshops and briefings participants were selected in consultation with national counterparts.

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<sup>9</sup> Strategic Goal III: Facilitating the Use of IP for Development; Strategic Goal V: World Reference Source for IP Information and Analysis

<sup>10</sup> Program 8: DA Coordination; Program 9: Africa, Arab, Asia and the Pacific, Latin America and the Caribbean Countries, Least developed Countries; Program 10: Transition and Developed Countries

<sup>11</sup> Program 9

The duration of the Project was extended from its original 36 months to a total of 42 months. The project experienced in some cases (e.g., work in Poland and ASEAN) certain delays due to technical reasons including late recruitment of project officers, changes of national consultants, and protracted translation into non-official UN language.

The six-month extension was timely requested and approved at the 20<sup>th</sup> Session of CDIP.<sup>12</sup> The type of difficulties experienced in the implementation is not unexpected in projects of this magnitude involving an important number of stakeholders, not familiar in some cases with socio-economic implications of IP and involving also a number of countries in a particular region that call for special coordination at the regional level and with the Project team. Some of these difficulties explain delays in the delivery of the final results.

The Project team adopted and followed a strategy, in the relevant cases, of capitalizing on local expertise built in phase I in the selection of international and local experts and in general of greater involvement of local partners. This strategy was considered positive and extremely useful in building the grounds for capacity building and future work in this area.

Interviews with beneficiary stakeholders confirmed a high degree of approval with respect of the assistance received from the Project team both in the field and from Geneva in supporting the implementation by local partners.

Project material was organized per study topic presenting methodologies and intervention strategies. Reasonably clear objectives were set for each study and the project as a whole, thus linking the individual study to the expected results of the implementing unit of WIPO (Program 16: Economics and Statistics).<sup>13</sup> The Project team sequenced the activities and identified key components to achieve the project objectives.

No systematic information, however, was available on list of participants in workshops and meetings organized in different countries in the context of the implementation of phase II. The secretariat explained that this was the responsibility of local partners that gathered such information. Easy access to such information could provide a good overview of participation and the capacity of the Project of reaching out a diversity of stakeholders.

In light of lessons learned during phase I of the Project and the recommendations made in the evaluation of Phase I (CDIP/14/3),<sup>14</sup> the delivery strategy for Phase II considered strengthen project management through the adoption of the logical framework perceived in general as an essential tool for the planning, implementation, management, monitoring and evaluation of international development projects. The project documents reviewed by the evaluation team did not refer to such logical framework. It should be noted that notwithstanding this limitation, the intervention theory was well spelled out including specific objectives and corresponding outputs and potential outcomes linked to performance indicators.

The organization of the material and preparation of a great numbers of meetings, particularly those involving regional encounters, involve complex and consuming consultations.

Importantly enough, workshop evaluations were regularly organized, together with extensive consultations with stakeholders to keep track of progress and ensure that the studies were of practical use to beneficiary countries. At the same time, the Project team kept track of project

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<sup>12</sup> Summary by the Chair, CDIP/20/SUMMARY

<sup>13</sup> Expected Result V.1: Wider and better use of WIPO IP statistical information; Expected Result V2: Wider and better use of WIPO economic analysis in policy formulation

<sup>14</sup> Recommendation 3: To the Secretariat on strengthening the application of planning and monitoring tools: (a) Quality control of projects at the design stage should be strengthened in a way to ensure proper application of existing project planning tools; (b) Consider introducing the logical framework as a basis for project cycle management

achievements regularly contributing to the systematic comprehensive progress reports brought to the attention of Member States by the Secretariat in respective CDIP sessions.<sup>15</sup> A completion report was made available to the evaluation team in August 2018.

The Project proposal suggested that a final research symposium in Geneva will bring authors of the studies, policymakers and other relevant stakeholders to discuss the main lessons learned from the different studies, their broader applicability, and their implications for policymaking at the national and international levels. It is our understanding that this has not taken place due principally that components of the work are still a work in progress.

Such a symposium is an important activity that should take place at an appropriate time. Obviously, it could not practically be organized in the time life of the Project. The Secretariat should consider promoting such an activity as a side event to one of CDIP regular session in order to evaluate with better insight and the benefit of time the actual impact and sustainability of these activities that at first sight and results of this evaluation provide indications of solid and forward-looking pieces of work that deserve to be pursued and nourished.

## (B) EFFECTIVENESS

This section places particular attention to comparing the achievements of the implementation against the delivery strategy announced in the Project proposal that outlined two central pillars: i) promoting the sustainability of the research initiated in phase I by making use of the micro datasets created during that phase, and ii) extending the study work to new countries and regions, including at least one least-developed country, as well as topics not covered in phase I.

Overall, as detailed in the following paragraphs, it shows that phase II largely achieved the said delivery strategy by promoting sustainability of the work initiated in phase I, extending the work to new countries and regions and new topics and including one least-developed country in the activities. Interesting to note is that in undertaking new work attention was paid to promote the sustainability of the research initiated in in phase I.

### The study work of phase II

The project carried out seven study work: four of them were country-specific (Colombia, Chile, Poland, Uganda), two had a regional focus (Central American Countries and Dominican Republic, and three countries from the ASEAN Association), and one was sector specific looking at the mining sector (Brazil and Chile). By the date of this report, all the study work has been finalized but some (Poland, South Asian Countries and the mining sector) await the final publication of the respective studies.

The completion of the following outputs of phase II were validated through interviews and desk review.

### Colombia:

- a) The main objective of the country study was to assess statistically the use of IP in Colombia and generate the technical capability to analyze the impact of IP policies.
- b) The study implementation required coordination between several Colombian Government agencies and WIPO.
- c) In the case of Colombia, as listed in the final report, it included not only agencies related to the implementation and management of IP but, among others, the *Departamento Nacional de Planeación* (DNP), the *Instituto Colombiano Agropecuario* (ICA) and the

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<sup>15</sup> Documents: CDIP/16/2, CDIP/18/2, AND CDIP/20/2

*Departamento Administrativo Nacional de Estadística (DANE)* that also provided data and technical support.

- d) The study entailed the creation of a unit-record IP database for economic analysis, assess statistically the use of IP in Colombia and generate technical capability to analyze the impact of IP policies.
- e) According to the final report “the main sectors concentrating filings for new creations during the period were machinery for mining and construction, pharmaceutical products, chemicals, synthetic rubber and agricultural support activities. The main sectors making use of the trademark system were rubber, commercialization of electric power, organization of events and pharmaceutical products. Finally, the main sectors making use of the copyright registry were literary creation, music creation, visual arts creation, sound recording and music publishing, computer systems, publishing and audiovisual creation.” (See, summary of the study, document CDIP/20/INF/2).
- f) The Colombian study drew on the work carried out in phase I and represented the extension of the Project to a new country.
- g) The results of the study were presented to Member States at the 20<sup>th</sup> Session of CDIP.<sup>16</sup>

### Uganda

- a) The broad objective was to better understand the role of innovation and IP in a least developed country. This is by itself an important achievement of the Project by including for the first time an LDC in the range of socio-economic studies.
- b) The study particular focus was on the agri-based industry and aimed to identify business, technical institutions and policy constraints that limit or otherwise dilute the impact of agriculture research and development, innovation and technology diffusion in the agricultural sector. It focused on robusta coffee planting material and tropical fruit processing.<sup>17</sup>
- c) The project was conducted in cooperation with the Uganda National Council for Science and Technology (UNCST) and the Uganda Registration Services Bureau (URSB).
- d) The study was launched in Kampala in cooperation with UNCST and URSB on October 11, 2016 in coordination with Mr. Bemanya Twebaze, Registrar General, URSB and Mr. Julius Ecuru, Assistant Executive Secretary, UNCST, as Ugandan Government counterparts.
- e) In one of its conclusions, “the study proposes a number of policy options, which cover typical issues such as needs for improved policy coordination, as well as specific policy suggestions, for example to improve the knowledge transfer and innovation environment for farmers, also furthering the spillovers from public R&D to the agri-food sector. The study also formulates suggestions on IP policy and how to create and maintain more effective IP institutions with a view to fostering increased agri-business innovation.” (See summary of the study, CDIP/21/INF/3).
- f) The results were presented to Member States at the 21st Session of CDIP.

### Chile

- a) This work was a follow-up building upon the results of phase I of the umbrella project (CDIP/5/7).
- b) The study explored the determinants of IP use by firms, drawing on a “uniquely” rich dataset on IP use and firm performance.
- c) The work involved close participation of national agencies such as the National Industrial Property Institute of Chile (INAPI) and the use of data sources such as INAPI IP data, Manufacturing survey (ENIA) and Innovation survey (INNOVACION).
- d) One finding of the study “showed that growing firms find it useful to protect their intangible assets through IP. Given the data used, it could not offer detailed insights into how

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<sup>16</sup> Conducted from November 27 to December 1, 2017.

<sup>17</sup> [http://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_econstat\\_wp\\_42.pdf](http://www.wipo.int/edocs/pubdocs/en/wipo_pub_econstat_wp_42.pdf)

evolving IP strategies fit into firms' business models and how these strategies depend on product, technology and industry characteristics. More research on these questions could contribute to better understanding the causes and consequences of IP use among firms in middle-income countries." (See summary of the study, CDIP/21/INF/4).

- e) The study results were presented at the 21st Session of the CDIP.

#### Central America and Dominican Republic

- a) The study analyzed the relationship between IP use and trade flows in the regional economic area. As part of the study implementation, a technical workshop with the involvement of focal points of participating countries was held in El Salvador in April 2017. It was followed by two rounds of technical discussions.
- b) In July 2017, the study was presented during a technical meeting preparing the 5<sup>th</sup> Central American Ministerial Meeting on IP held in Panama in July 2017. A brief summary was presented to the Ministers.
- c) As highlighted in the study, one important lesson learned: "During the creation of a comprehensive IP and trade database for statistical use, WIPO-ESD faced two main challenges. The first challenge concerns the detailed coverage of bilateral trade. Data coverage is fair for flows of traded goods, but data are significantly sparser for services trade flows. A second challenge concerns the different states of IP collections across national IP offices. The data structure and completeness varied, reflecting differences in procedures and infrastructure. National collections of trademarks showed greater harmony, followed by patents and then industrial designs and utility models. The most incompatible collections pertained to copyright registrations, for which less collections were obtained, and the data structures differed the most. The differences in data structure slowed the processing and harmonization of the data, but in the end most technical obstacles could be resolved." (See summary of the study, document CDIP/20/INF/3).
- d) The final results were presented to Member States at the 20<sup>th</sup> Session of CDIP.

#### ASEAN:

- a) The study focused on understanding the use of industrial designs (ID) in three countries in the ASEAN region, namely Indonesia, the Philippines and Thailand.
- b) The study involved a large-scale survey of local ID applicants in the three respective countries. The objective of the survey was to identify who the users of the ID in the countries were, understand how they used their protected designs and link it to the value of the design. The survey also asks questions with respect to the ease of filing for ID as well as for enforcing the ID-protected design.
- c) Fact finding missions were undertaken in 2016 in the Philippines and Thailand, and Indonesia in March 2017. Workshops were organized to solicit feedback and comments from the relevant stakeholders on the survey questionnaires. Stakeholders included ID applicants, examiners at the national IP offices, IP-lawyers as well as trade and design associations
- d) The survey was subsequently rolled out in the three countries and the collection of responses was, according to interviews, completed in June 2018.
- e) The preliminary results of the survey were disseminated at the WIPO-ASEAN Consultations meeting held in Singapore during the 56<sup>th</sup> Meeting of ASEAN Working Group on Intellectual Property Cooperation on September 7, 2018.
- f) The results and relevant documentation will be made available to Member States at the 22<sup>nd</sup> Session of CDIP.

### The role of IP in the mining sector

- a) The work sought to gather empirical evidence on the main global patterns of the mining sector in terms of innovation and use of IP.
- b) A technical workshop bringing together key stakeholders was held in Geneva, March 2017, that helped set the substantive direction of the proposed study work.
- c) The study work in Chile and Brazil are part of the follow-up to the first phase of the Project.
- d) According to information gathered in interviews with capital experts and documentation provided by the Project team, draft versions of the studies are available. These studies will form part of a collection of case studies to be published soon.
- e) Versions in Spanish and English of the study “Innovation and IP rights in the Chilean copper mining sector” prepared by local consultants, dated July 2018, was made available to the evaluator. A final draft, in English, of the study “Technology Protection and Technology Transfer in Brazilian Mining Sector”, prepared by local consultants, dated July 2018, was also made available during the evaluation.
- f) One conclusion resulting from the work in Brazil, according to the draft report, was: “Historically the sector’s innovative capability tends to be limited to short-term solutions, which in turn contributes to companies being ‘followers’ of existing technologies. Thus, mining companies became clients of existing technologies rather than investing in long-term, more disruptive research and development to deal with future challenges. This study shows that a shift from short-term to long-term innovation investments is happening in mining firms. Vale, the biggest Brazilian mining company, started to put in place a consistent and long-term oriented IP strategy which replaced the old uncoordinated investments mostly aimed at small and short-term technology improvements.”
- g) In the case of Chile, a parallel conclusion was reached that according to the draft report: “Outcomes from the interviews indicate that in Chile there is enough legal expertise and that it is relatively easy to get that sort of advice in the area of IP rights. However commercial capabilities (expertise in innovation management and business plans addressing the questions of commercialization and licensing of IP rights) are much less developed. Universities are expected to play a role in order to tackle this skills shortage.”
- h) The results of the studies are expected to be presented to Member States at the 22<sup>nd</sup> Session of CDIP.

### Poland

- a) The study aimed at exploring the role of the IP system on innovations in the health sector and the characteristics of research and development (R&D) and innovation activities carried out in the sector.
- b) As part of the study work implementation an intermediary workshop was held in Krakow in September 2016.
- c) The implementation of the Project suffered, as reported, some delays in its execution.
- d) The work study has been completed in recent months. According to available information, it includes three working papers dealing with quantitative and qualitative components of the prevailing conditions in Poland of the health sector in terms of innovation, patent landscape and the results of structured interviews undertaken to stakeholders involving, among others, the pharmaceutical and medical technologies industries, national statistical office, ministries of Health and of Entrepreneurship and Technology.
- e) It has been, according to interviews, an important and unique exercise. Being the first type of work of this nature carried out in the country.

- f) A major meeting in Poland, scheduled for end of October 2018, will be the occasion of presenting to a larger national audience the findings and recommendations made in the study work.
- g) The WIPO project team plans to present the main results of the study work at the 22<sup>nd</sup> session of CDIP.

### (C) STAKEHOLDERS ENGAGEMENT, INFORMATION AND DISSEMINATION

The implementation of the Project made important efforts to involve different actors and to disseminate its achievements to a larger public.

As reported in the previous section, a series of local workshops, seminars and briefings were held in the partner countries at the beginning, during and at the end of the Project. In general, as could be seen in the available respective summary of the studies, these encounters not only involved the relevant IP offices but also institutions and organizations working in the particular field focus of the work.

As in the case of data building exercises, such in Brazil, Colombia, Chile and Poland, the work involved a direct participation of the national statistics offices. Other government agencies also participated, such as the Colombian Planning Department, the Colombian Ministry of Agriculture or the Polish Ministry of Health.

In the pioneering work on Agriculture in Uganda it involved relevant institutions such as the Uganda National Council for Science and Technology (UNCST) and the Uganda Registration Services Bureau (URSB).

In the Central American study work, workshops and technical discussion were organized in El Salvador to discuss the preliminary results of the regional study. The workshop targeted the technical representatives of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and the Dominican Republic. The work undertaken in Central America was presented and endorsed at the Fifth Central American Ministerial Meeting on IP, held in July 2017.

In the case of Poland, in March 2015, the project team visited Poland to launch the country study. In this context, the Patent Office of the Republic of Poland organized a workshop attended by 29 participants representing national academia, patent office, state agencies and research centers. In 2016, the project team participated in an intermediate workshop (the international symposium on industrial property in innovative economy) to consider the preliminary results of the study. The workshop was held in Krakow, Poland, and attended by over 300 local and international experts. As noted earlier, a final meeting is scheduled for October of this year involving stakeholders from the industry and different ministries and state agencies.

In an event in Buenos Aires (May 2018) of the Regional Meeting of Directors of Industrial Property Offices and Promotion Agencies of Exports and Investments of Latin American Countries, organized by WIPO, the socio-economic studies undertaken in the context of the umbrella project were highlighted as an important development in a better understanding of the role of IP and its social and development implications. It was recommended that studies of this nature should be replicated in the various countries of the region and expanded. The Project activities resulted in an initiative being considered by PROSUR<sup>18</sup> to expand work on IP data and statistics for further IP studies.

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<sup>18</sup> PROSUR is a program funded by the Inter-American Development Bank (IDB) that seeks to promote information exchange among South American Industrial Property offices, in order to let them achieve greater efficiency in the management of their procedures

Different models of dissemination of the information related to the Project have been pursued by the Secretariat including online publications and the CDIP as a venue to provide progress reports on the implementation of the Project. Study reports and summary of papers have been posted and are available on WIPO web sites.<sup>19</sup>

Likewise, online information is available on seminars meeting and workshops organized in a specific country or region<sup>20</sup> as well as the completed study work reports.<sup>21</sup>

All external stakeholders surveyed and interviewed (representatives of academia, national IP offices, and national agencies) positively rated the workshops organized in the context of the Project implementation. They were unanimous in affirming that the Project highly met their expectations and valued the opportunity of sharing the experience and becoming familiar with new tools for analyzing the effects of IP on the national economy.

#### (D) IMPACT AND LIKEHOOD OF SUSTAINABILITY

It is early in general to assess the impact of the work carried out in phase II of the Project, but there are significant signals that the work carried out in the context of the umbrella project is bringing about a much better understanding of the role of IP and that the pioneering work done in “cleaning” the existing data and building new datasets that link traditional IP statistics with economic general information is a great step forward.

Stakeholders coincide in emphasizing the important contribution that DAR has made in this area making a great difference to the situation prevailing before the establishment of the CDIP. Stakeholders interviewed for the purpose of this evaluation highly appreciated the statistical methods and tools introduced as well and the studies produced.

Both internal and external stakeholders have pointed out to certain common challenges countries had experienced during the project implementation:

- *General lack of awareness at local level on the importance of IP in priority economic sectors* of the country or region which potentially might result in changing national priorities and refocused interest of important economic sector-specific state agencies and policy makers.
- *Data fragmentation and difficulties in accessing organized and cleaned statistical data.* Depending on the country or regional context, data might be available on hard copies and not digitalized or database operational in different state agencies might not be interrelated / interlinked. An additional challenge identified was the cost of private databases and software not easily affordable to low income countries.
- *Infrastructure gaps and lack of human resources* which affect follow up analytical work on IP and translate important outputs in sustainable outcomes.

Project documents do not show any specific exit strategy for ensuring the continuity of the Project benefits after its completion. On IP data streamlining, the lessons learned provide indications that could properly address the sustainability of the results, e.g., developing and introducing the methodology used in Chile, Brazil and Colombia of streamlining the national IP-related statistical databases, developing a follow up strategy to support national institutions in deploying and sustaining this work and planning new study work in addressing challenges faced, existing gaps, and building the capacity and awareness at local level.

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<sup>19</sup> See [http://www.wipo.int/econ\\_stat/en/economics/studies/](http://www.wipo.int/econ_stat/en/economics/studies/)

<sup>20</sup> <http://www.wipo.int/meetings/en/>

<sup>21</sup> <http://www.wipo.int/publications/en/details.jsp?id=4320>

As stressed in the evaluation of the first phase of the project, the methodology developed in the course of the umbrella project for “collecting, cleaning, merging, analyzing data, constructing the data set and using it data on IP linked to other micro data in order to analyze specific trends and characteristics of IP use is well documented and to a large degree replicable.”<sup>22</sup>

As also pointed out on that occasion and reaffirmed by more recent studies carried out in phase II, the sustainability of results depends on the continuing availability of expertise within and beyond IP offices. “Expanding trainings to a larger number of officials and a clear documentation of processes would be an appropriate way to address the risk of losing know-how if staff leaves or is reassigned to other duties.”<sup>23</sup>

In other words, the work initiated by the umbrella project needs to be sustained in the medium and long term to truly have an impact and sustainability. This is a shared responsibility of competent institutions at the national level that could benefit from the support of WIPO and other relevant organizations.

As stated early in the context of Latin America, WIPO organized a regional meeting of Directors of Industrial Property Offices and Promotion Agencies of Exports and Investment of Latin American Countries where, inter alia, the relevance and pursuit of this work was highlighted. In October 2018, the Regional Bureau for Latin America and the Caribbean plans, jointly with Program 16 to organize a training program for economists and statisticians on economics of IP placing focus on data and the implications of organizing and harmonizing such data.

In Central America a capacity building exercise as a follow up to the study work carried out in phase II, is scheduled for the last quarter of 2018.

Finally, as reported by the Chief Economist and as indicated in WIPO Proposed Program and Budget for the 2018-2019 Biennium, further economic study would be mainstreamed into the activities of Program 16.

#### **4. CONCLUSIONS**

The findings and assessment of this evaluation lead to the following conclusions:

##### **Conclusion 1: The Project was well planned and properly managed.**

The project was designed to cater the needs and priorities of all beneficiary countries which clearly articulated their needs and actively participated in the design and preparation of the studies. It enunciated persuasively the links with its first phase and how to replicate work in different countries bearing in mind the prevailing different economic and social conditions.

While the project was well planned and managed, yet, some improvements could be envisaged with respect to the management, monitoring implementation, and self-evaluation of DA projects. Reference was made above to the adoption of a logical framework.

The umbrella project has rightly sought the involvement of different actors and stakeholders beyond IP institutions as was the case for example of the Uganda study dealing with the agri-food industry or Poland with health. Probably this is the case of most of the studies that have to reach out to non-traditional IP stakeholders.

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<sup>22</sup> See CDIP/14/3, Annex, para 78.

<sup>23</sup> Ditto, para 79.

While this interaction in most cases worked extremely well, in a few it was felt that the active involvement of different actors requires greater efforts of coordination and commitment. One lesson to be derived is that ambitious projects of this nature require an active interaction with a variety of stakeholders -not necessarily familiar with IP related matters- thus, calling for particular attention in the preparatory phase and proper planning of the project implementation.

In complex projects involving recruitment of local consultants there would always be difficulties in selecting the right ones that could be available for the entire period of the engagement. At the same time, the local consultant or counterpart should be somebody that beyond her competences and quality should be also a factor that facilitates interaction among different actors and constituencies. Experience shows that the selection of institutional partners and local experts is crucial to the success of the project.

**Conclusion 2: The delivery strategy for phase 2 and objectives were met to the satisfaction of stakeholders.**

The Project was built on two central pillars, namely, promotion of sustainability of the research initiated in phase I and extending the study work to new countries and regions, including at least one LDC, as well as new topics.

On sustainability in general it is early to reach definite conclusions, but the Project has covered important grounds to continue and expand work of building credible and practical data sets to enable a better understanding of the socio-economic implications of IP and their use by stakeholders.

Further work in Chile and Brazil during the second phase supported and expanded the work carried out earlier. More work and appropriate human capacities to sustain this work is needed.

With respect to the extension of the study work to new topics and countries, the Project achieved a great success. New topics such as value of industrial design and agricultural innovation were explored in the second phase and new countries added to the umbrella project such as in Central America, Colombia, Dominican Republic, Indonesia, Poland, the Philippines and Uganda.

The evaluation feedback confirms that the objectives of the Project remained highly relevant and practical to the countries and regions involved in the implementation of the Project.

It has been mentioned by a number of stakeholders that WIPO work in this area has been relevant and unique in many respects but for many countries to sustain the seeds left behind by the Project requires follow up and in a number of cases significant investment in capacity building.

Some stakeholders noticed that this type of work that in many cases is new and important work leaves behind many expectations not easy to meet for lack of human resources to be able to continue the work and transform important outputs in real outcomes.

**Conclusion 3: The support received was timely and of high quality and the results replicable.**

The produced study work is of high quality. CDIP in implementing the DAR should take credit of enabling through the guidance of the Chief Economist Office to carry this work forward that have assisted in the beneficiary countries to gain a better understanding of the socio-economic effects of IP protection and improving the capacity in countries that had limited competence in this area to begin developing analytical capacity to that effect.

The support received from the Project team was of great quality, highly innovative, committed and professional, reflecting best practices in countries that have had experience in doing similar work.

Phase II was designed as a follow up to phase I replicating its successful approach drawing on lessons in the execution of the original project. If in the case of phase I, understanding the importance of using economic data for policymakers was more limited, thanks to work achieved in the umbrella project there is today improved awareness and demand to expand work in this field.

The Central American project is a good example that brought forward important gaps and need to overcome them. Capacity building in sustaining this work is needed as demanded by these countries.

What has been done in the case of constructing and digitalize crude information on IP (e.g., applications and grants) with a common identifier and enabling links with micro data from statistical offices is an important step in understanding the use of IP in the respective country.

Reliable and solid IP and related economic data should be an important precondition in the design of IP policies and of national strategies.

The study work should be replicable in other countries taking into consideration different circumstances and prevailing conditions, among others, on the availability of data.

**Conclusion 4: The Project was highly relevant to beneficiary countries resulting in a high degree of ownership.**

The series of briefings, workshops and seminars conducted in the implementation of the project greatly contributed to raise awareness on the socio-economic aspects related to IP. As detailed above -briefings, workshops, seminars- were an essential component of the implementation of the Project in most of the study work carried out in Phase II.

For follow up work by WIPO and other institutions it might be useful to keep systematic records of people attending those events. Apparently, this information is not easily available.

This type of activities planned at the time of launching the work, during the course of the implementation and at the end in presenting the findings to local stakeholders contribute certainly to a better dissemination of the work, inter- agency participation, and awareness on the collective work left behind in terms of follow up including gaps and needs of strengthening capacity building in specific areas.

These activities contributed highly to make the whole exercise an inclusive experience, facilitate different actors and institutions to talk and interact to each other and, thus, taking credit and ownership of the outputs and create positive expectations for prospective outcomes.

Most components of the strategy listed in the Project proposal were duly implemented.

A final research symposium, bringing together authors of studies, policymakers, and other relevant stakeholders “to discuss the main lessons learned from the different studies, their broader applicability, and their implications for policymakers at the national and international levels” was not implemented. There could be several reasons, beyond the cost of such an event, that makes the event impractical at this point in time. The Secretariat might consider alternatives forms of organizing such event that with the perspective of time might consider broadly lessons learned, success stories and gaps regarding the sustainability of these activities.

## 5. RECOMMENDATIONS

Based on the aforementioned conclusions, the evaluation derives the following recommendations:

### **Recommendation 1 (from conclusions 1): To the CDIP and Secretariat on project planning and management:**

Ensure that project implementation has been designed in ways that would promote appropriate local coordination and increased cooperation among different agencies, ministries and stakeholders.

Include in the design and planning of projects preliminary briefings to agencies, stakeholders and prospective beneficiaries to promote ownership of results.

Foresee in implementation timelines, with proper mitigation strategies, incidents (e.g., change of partners' affiliation, official approval of agreements with beneficiary country, translation, local consultant unable to continue with assignment) than might delay the implementation process.

Consider the adoption of the logical framework.

Select local experts, beyond meeting quality standards, with ability to navigate, interact and facilitate smooth interaction with different agencies and stakeholders. Prior consultations with these actors could facilitate the process.

### **Recommendation 2 (Conclusions 2, 3, 4) To the CDIP and the Secretariat to sustain efforts to encourage and consolidate the positive results of work undertaken to better assess the economic, social and cultural impact of the use of intellectual property systems:**

Consolidate the mainstreaming of economic study work into the activities of Program 16.

Encourage CDIP to benefit from work undertaken on the economic, social and cultural impact of the use of intellectual property systems and resort to the results and lessons of that work to guide discussions in the Committee, particularly, on IP and development.

Continue assisting IP offices and relevant statistical offices in the creation and streamlining of databases of IP and linkage with other databases.

Preparation of IP strategies or policies to be grounded on sound IP data bases and their economic value.

### **Recommendation 3 (Conclusions 1, 3, 4), to Member States, CDIP and the Secretariat to consider strengthening and supporting capacity building in beneficiary countries particularly to ensure sustainability of the work carried out in the umbrella project:**

Assist countries in capacity building initiatives for translating the results of studies undertaken in their countries in sustainable outcomes.

Support capacity building in IP offices and relevant institutions in the production and maintenance of credible IP data for statistical use.

Encourage and support national units for capacity building of economic analysis of innovation and IP.

Carry out regionals and/or international symposia to consider lessons learned in the umbrella project by identifying, among others, gaps and deficits in capacity building.

Encourage work on LDCs to construct valid and reliable IP databases.

## **6. LIST OF APPENDIXES**

- I. Project documents
- II. Terms of reference
- III. Stakeholders interviewed
- IV. Selected list of documents

[Appendixes follow]

APPENDIX I: PROJECT DOCUMENT

The Project Document CDIP/14/7 is available at:

[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=286771](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=286771)

[Appendix II follows]

APPENDIX II: TERMS OF REFERENCE

**TERMS OF REFERENCE**

<b>Title of Assignment:</b>	<b>Project Evaluation: Project on Intellectual Property (IP) and Socio-Economic Development - Phase II</b>
<b>Name of unit/sector:</b>	<b>Development Agenda Coordination Division (DACD), Development Sector</b>
<b>Place of Assignment:</b>	<b>Geneva, Switzerland</b>
<b>Expected duration of assignment:</b>	<b>From July 10 to September 15, 2018</b>

**Objective of the assignment**

The present document represents the Terms of Reference (TOR) for the evaluation of the *Project on Intellectual Property (IP) and Socio-Economic Development - Phase II*, approved during the resumed 14<sup>th</sup> session of the Committee on Development and Intellectual Property (CDIP), held in Geneva, in November 2014. This project is a follow-up to the project *Intellectual Property and Socioeconomic Development* (CDIP/5/7 Rev. 1), completed at the end of 2013. It continues to be an umbrella project for national and regional studies seeking to narrow the knowledge gap faced by policymakers in designing and implementing a development-promoting intellectual property (IP) regime. Activities undertaken in the context of this project are described in the project document (CDIP/14/7).

While pursuing the same objectives of the original project, Phase II intends to promote the sustainability of the research initiated in the project's first phase and extend the study work to new countries and regions as well as to new topics not covered in Phase I.

The project started in January 2015 and was carried out through December 2017. It was implemented under the supervision of the Project Manager, Mr. Carsten Fink, Chief Economist, Economics and Statistics Division.

This evaluation is intended to be a participative evaluation. It should provide for active involvement in the evaluation process of those with a stake in the projects: project team, partners, beneficiaries and any other interested parties.

The main objective of this evaluation is two-fold:

1. Learning from experiences during project implementation: what worked well and what did not work well for the benefit of continuing activities in this field. This includes assessing the project design framework, project management, including monitoring and reporting tools, as well as measuring and reporting on the results achieved to date and assessing the likelihood of sustainability of results achieved; and
2. Providing evidence-based evaluative information to support the CDIP's decision-making process.

In particular, the evaluation will assess the extent to which the project has been instrumental in:

- (a) Contributing to gaining a better understanding of the socio-economic effects of IP protection in developing countries; and
- (b) Creating of analytical capacity in countries, where little economic studies work on IP has been undertaken.

To this end, the evaluation, in particular, will focus on assessing the following key evaluation questions:

### **Project Design and Management**

1. The appropriateness of the initial project document as a guide for project implementation and assessment of results achieved;
2. The project monitoring, self-evaluation and reporting tools and analysis of whether they were useful and adequate to provide the project team and key stakeholders with relevant information for decision-making purposes;
3. The extent to which other entities within the Secretariat have contributed and enabled an effective and efficient project implementation;
4. The extent to which the risks identified in the initial project document have materialized or been mitigated; and
5. The project's ability to respond to emerging trends, technologies and other external forces.

### Effectiveness

- The usefulness of the project in contributing to greater awareness and enhanced understanding of the IP and brain drain linkages among policymakers;
- The effectiveness of the project in terms of extending the study work to new countries and regions not covered in Phase 1.
- The effectiveness of the project in creating of analytical capacity in countries, where little economic studies work on IP has been undertaken; and
- The effectiveness of the project in contributing to better-informed decision-making on IP policies at the national and international levels.

### Sustainability

1. The likelihood for continued work on Intellectual Property (IP) and Socio-Economic Development in WIPO and its Member States;
2. The extent to which the project contributed to promoting the sustainability of the research work initiated during the 1<sup>st</sup> phase of the project.

### **Implementation of Development Agenda (DA) Recommendations**

The extent to which the DA Recommendations 35 and 37 have been implemented through this project.

The project time frame considered for this evaluation is 36 months (January 2015 – December 2017). The focus shall not be on assessing individual activities but rather to evaluate the project as a whole and its contribution in assessing the needs of Member States and identify the resources or the means to address those needs. The evaluation will also assess the project's evolution over time and its performance

including project design, project management, coordination, coherence, implementation and results achieved.

The evaluation methodology is aimed at balancing the needs for learning and accountability. To this end, the evaluation should provide for active involvement in the evaluation process of those with a stake in the project: project team, senior managers, Member States and national intellectual property (IP) offices.

The evaluation expert will be in charge of conducting the evaluation, in consultation and collaboration with the project team and the Development Agenda Coordination Division (DACD).

The evaluation methodology will consist of the following:

- Desk review of relevant project related documentation including the project framework (initial project document and study), progress reports, monitoring information, mission reports and other relevant documents;
- Interviews at the WIPO Secretariat (project team, other substantive entities contributing to the project, etc.); and
- Stakeholder interviews, including users and/or potential users of the database.

### **Deliverables / services**

The evaluator will be responsible for delivering the evaluation report as described above in accordance with other details provided in this document.

The evaluator will deliver:

- (a) An inception report which contains a description of the evaluation methodology and methodological approach; data collection tools (including eventual surveys of beneficiaries and stakeholders); data analysis methods; key stakeholders to be interviewed; additional evaluation questions; performance assessment criteria; and evaluation work plan;
- (b) Draft evaluation report with actionable recommendations deriving from the findings and conclusions;
- (c) Final evaluation report; and
- (d) Comprehensive executive summary of the final evaluation report, structured as follows:
  - (i) Description of the evaluation methodology used;
  - (ii) Summary of key evidence-based findings centered on the key evaluation questions;
  - (iii) Conclusions drawn based on the findings; and
  - (iv) Recommendations emanating from the conclusions and lessons learned.

This project evaluation is expected to start on July 10, 2018 and be finalized on September 15, 2018. The reporting language will be English.

### **Reporting**

The Evaluator will be under the supervision of the Director of the DACD. In addition, the evaluator shall:

- (a) Work closely with the DACD and the Economics and Statistics Division for and, coordinate with the relevant Program Managers in WIPO as required; and
- (b) Ensure the quality of data (validity, consistency and accuracy) throughout the analytical reporting phases (inception report and final evaluation report).

### **Profile**

1. Mr. Pedro Roffe is an influential leader in the global debates shaping today's international intellectual property system, particularly its interface with a range of issues such as technology transfer, trade, development, investment and public health. He is the author of articles and books and responsible for a number of United Nations related publications. Most recently, his published contributions include: *International Technology Transfer: The Origins and Aftermath of the United Nations Negotiations on a Draft Code of Conduct*; *Bilateral Agreements and a TRIPS-Plus World*; *The Chile-USA Free Trade Agreement*; *Resource Book on TRIPS and Development*; and *Negotiating Health: Intellectual Property and Access to Medicines*.
2. Mr. Roffe graduated from the Faculty of Law of the Universidad de Chile and made postgraduate studies at New York University, Europa Institute (University of Amsterdam) and the Graduate Institute of International Studies (Geneva).

### **Duration of contract and payment**

The contract will start on July 10, 2018, and will end on September 15, 2018. During this period, the following schedule should be followed:

1. The inception report should be submitted to WIPO by July 15, 2018. WIPO's feedback shall be communicated back by July 20, 2018. The draft evaluation report shall be submitted to WIPO by August 27, 2018. Factual corrections on the draft will be provided by September 3, 2018. The final evaluation report shall be submitted by September 15, 2018.
2. The final version of the evaluation report containing a management response in an annex shall be considered by the twenty-second session of the CDIP, to be held from November 19 to 23, 2018. The Evaluator might be required to present the evaluation report during that CDIP session.

The Evaluator will receive a lump sum of 10,000 Swiss francs, payable in two installments:

1. 50% upon acceptance by WIPO of an inception report; and
2. 50% upon acceptance by WIPO of a final evaluation report.

The payment will be subject to the satisfactory reception of the deliverables as per this ToR and upon completion of the tasks outlined therein.

[Appendix III follows]

APPENDIX III: LIST OF PERSONS INTERVIEWED

	<b>Name and affiliation</b>
1.	Ms. Beatriz Amorim-Borher, Director, Regional Bureau for Latin America and the Caribbean, Development Sector, WIPO
2.	Ms. Elżbieta Balcerowska, Patent Office of the Republic of Poland
3.	Mr. Irfan Baloch, Director, DACD, WIPO
4.	Mr. Humberto Javier Collado, Intellectual Property Registry (RPI), Nicaragua
5.	Mr. Julius Ecuru, Uganda National Council for Science and technology
6.	Mr. Sergio Escudero, Director, International Affairs and Policy Department, National Institute of Industrial Property (INAPI), Chile
7.	Ms. Marina Filgueiras Jorge, National Institute of Industrial property (INPI), Brazil
8.	Mr. Carsten Fink, Chief Economist, Economics and Statistics Division, WIPO
9.	Mr. Georges Ghandour, Senior Program Officer, DACD, WIPO
10.	Mr. Oswaldo Girones Jorda, Senior Counsellor, Regional Bureau for Latin America and the Caribbean, Development Sector, WIPO
11.	Ms. Intan Hamdan-Livramento, Economic Officer, Economics and Statistics Division, WIPO
12.	Ms. Diana Hasbún, Permanent Mission of El Salvador to the United Nations
13.	Mr. Juan Pablo Herrera Saavedra, Superintendence of Industry and Commerce, Colombia
14.	Ms. Donna Hill, Senior Program Officer, Department for Transition and Developed Countries (TDC), WIPO
15.	Mr. Travis J. Lybbert, Professor, University of California
16.	Mr. Mario Matus, Deputy Director General, Development Sector, WIPO
17.	Ms. Lolibeth R. Medrano, Bureau of Patents, IP Office of the Philippines (IPOP HL)
18.	Mr. Sergio Medeiros Paulino de Carvalho, National Institute of Industrial property (INPI), Brazil
19.	Mr. Ye Min Than, Senior Program Officer, Regional Bureau for Asia and the Pacific, Development Sector, WIPO
20.	Ms. Deunden Nikomborirak, Thailand Development Research Institute Foundation
21.	Mr. Giovanni Napolitano, Deputy Director, Department for Transition and Developed Countries (TDC), WIPO
22.	Ms. Ana Claudia Nonato da Silva Loureiro, National Institute of Industrial property (INPI), Brazil
23.	Mrs. María Catalina Olivos Besserer, Legal Advisor, International Affairs and Policy Department, National Institute of Industrial Property (INAPI), Chile
24.	Ms. Vera Pinheiro, National Institute of Industrial property (INPI), Brazil
25.	Mr. Julio Raffo, Head, Economics and Statistics Division, WIPO
26.	Mr. Maximiliano Santa Cruz, National Director, National Institute of Industrial Property (INAPI), Chile
27.	Mr. Marc Sery-Kore, Director, Regional Bureau for Africa, Development Sector, WIPO
28.	Mr. George Tebagana, Economic/Legal Affairs, Permanent Mission of Uganda, Geneva
29.	Mr. Felipe Veiga Lopes, National Institute of Industrial property (INPI), Brazil
30.	Mr. Sacha Wunsch-Vincent, Head, Economics and Statistics Division, WIPO

[Appendix IV follows]

## APPENDIX IV: LIST OF DOCUMENTS

### **Evaluation documents**

- WIPO, Revised Evaluation Policy (Second Edition 2016/2020), February 19, 2016.
- DAC Guidelines and Reference Series, Quality Standards for Development Evaluation, OECD-DAC, OECD 2010.
- United Nations Evaluation Group (UNEG) Norms and Standards for Evaluation (latest version: June 2016).

### **WIPO Programmatic Documents**

- The 45 Adopted Recommendations under the WIPO Development Agenda by the General Assembly of WIPO Member States, 2007.
- Program and Budget for the 2014/2015 Biennium, approved by the Assemblies of the Member States of WIPO on December 12, 2013.

### **Project planning and reporting**

- Project proposal, prepared by the Republic of Korea, CDIP/11/7, Annex, page 2
- Project Document, CDIP 12/6
- Progress Report, CDIP 14/2, Annex VI, August 28, 2014
- Progress Report, CDIP 16/2, Annex II, August 13, 2015
- Progress Report, CDIP 17/2, page 18 (iv)
- Completion Report, CDIP 18/2, Annex VII, August 15, 2016
- Internal Project Self-Evaluation Report (November 2015)

### **Project outputs**

#### Project preparation

- The national design protection strategy for Argentina
- The national design protection strategy for Morocco
- The outreach plan for Argentina
- The outreach plan for Morocco
- The feasibility study for Argentina
- The feasibility study for Morocco
- Summary of the preparatory survey among companies in Argentina
- Summary of the preparatory survey among companies in Morocco

- The exit strategy for Argentina
- The exit strategy for Morocco

#### Kick-off events

- Agenda/program kick-off event in Argentina
- Agenda/program kick-off event in Morocco
- Agenda/program capacity building conference in Casablanca (October 27, 2015)

#### Selection of SMEs

- Report on the selection of companies

#### Training material

- The tool “5 Steps Strategic Design Protection”

#### Promotional material

- Brochure “Unlocking Countries’ Design Potential WIPO Pilot Project on Intellectual Property and Design Management for Business Development”
- Video Argentina on the DiseñAr program:  
<http://www.inpi.gov.ar/index.php?Id=323&criterio=1>
- Video Morocco on the Namadij program: [https://www.youtube.com/watch?v=Xtzeu6yp\\_Xs](https://www.youtube.com/watch?v=Xtzeu6yp_Xs)
- Flyer on the DiseñAr program
- Flyer on the Namadij program

#### Closing events and case studies

- Agenda of closing event in Argentina
- Agenda of closing event in Morocco

Case studies presented case studies to Member States at a lunch-time side event to the 34th session of the SCT, on November 17, 2017.

[End of Appendix IV and of document]