

WIPO



CDIP/3/INF/1
ORIGINAL: English
DATE: April 23, 2009

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP)

Third Session
Geneva, April 27 to May 1, 2009

PROPOSED METHODOLOGY FOR IMPLEMENTATION OF THE DEVELOPMENT AGENDA RECOMMENDATIONS

Document prepared by the Secretariat

1. During an informal open-ended briefing for regional coordinators and other interested Member States on the Committee on Development and Intellectual Property (CDIP) held by the Chair of the CDIP on April 15, 2009, a number of delegations requested that the Secretariat prepare an information document explaining in greater detail the proposed approach for implementation of recommendations of the WIPO Development Agenda. The present document is based on the presentation delivered by the Secretariat at the above-mentioned briefing and complements the information already contained in documents CDIP/3/4, CDIP/3/4 Add., CDIP/3/3 and CDIP/3/INF/2.

Implementing the Development Agenda: Principles and Actions

2. Annexed to the present document is a table that provides an overview of the proposed methodology for implementation of the Development Agenda recommendations. As evident from the table, many recommendations contain principles which are to be applied to all areas of work of the Organization. Such principles are primarily included in the list of 19 recommendations for immediate implementation, although certain principles are contained in recommendations in the list of 26. The principles apply to different areas of work of the Secretariat, including, for example, technical assistance activities, legislative assistance activities, norm-setting activities, enforcement activities, and others. Effective application of such principles is central to the mainstreaming of the Development Agenda throughout all areas of work of the Organization.

3. In order to ensure that such principles are further mainstreamed into the work of the Organization and enable the Committee to monitor their implementation, as per the mandate of the CDIP¹, the Secretariat will report regularly to the CDIP and the General Assembly on the application of the principles throughout the work of the Organization.
4. As indicated in the Annex, other recommendations (or parts of recommendations) require specific action by the Organization for implementation. The recommendations with agreed work programs (i.e., recommendations 2, 5, 8, 9 and 10) would be implemented *via* the projects contained in document CDIP/3/INF/2. Under the proposed methodology, certain other recommendations (or parts of recommendations) would be implemented through thematic projects, five of which have been included in documents CDIP/3/4 and CDIP/3/4 Add. The remaining recommendations (or parts of recommendations) would be implemented *via* the regular program activities of the Organization. Implementation of Recommendation 29 requires a specific decision by the CDIP.

Status of Discussions and the Current Approach

5. It is recalled that the CDIP, in its first two sessions, agreed on activities for the implementation of recommendations 1, 3, 4, 6, 7 and 11, among the 19 recommendations for immediate implementation, and recommendations 2, 5, 8, 9, and 10, among the list of 26 recommendations. In addition, at the second session of the CDIP, recommendations 12, 20, 22 and 23 were discussed and the Secretariat was asked to modify the proposed activities in light of the discussions and present the revised texts, with the estimates of additional human and financial resources required for their implementation, as appropriate, for the approval of the Committee.
6. The approach that was agreed upon by Member States for the consideration of recommendations was established at the first session of the CDIP. According to that approach, recommendations are discussed in sequential order, cluster by cluster, starting with the recommendations in the list of 26 for each cluster, followed by recommendations in the list of 19 for the same cluster². According to the agreed approach, the estimation of the additional human and financial resources required for implementation of the recommendations in the list of 26 is undertaken by the Secretariat after the activities contained in document CDIP/1/3 have been discussed by the Committee and “broad agreement” has been reached.
7. The General Assembly of WIPO approved the Revised Program and Budget for 2008/09, which *inter alia* mentions the application of a “rigorous project-based methodology to the implementation of the Development Agenda recommendations, including more robust scoping and cost estimates, clearly established deliverable outcomes, timeframes, and an evaluation process” (see paragraph 43 of the Revised Program and Budget for the 2008/09 Biennium, and the narrative for Program 8 in the same document).

¹ The mandate of the CDIP is to: develop a work-program for implementation of the 45 agreed recommendations; monitor, assess, discuss and report on the implementation of all recommendations; and discuss IP and development related issues as agreed by the Committee, as well as those decided by the General Assembly (see document A/43/16).

² It is recalled that a deviation from this approach took place at the second session of the CDIP, when discussions on recommendations 20, 22 and 23, took place prior to discussions on recommendations 12, 13 and 14, to accelerate progress on the establishment of work programs.

Accordingly, the Secretariat has begun the implementation of the five approved recommendations from the list of 26 (2, 5, 8, 9 and 10) *via* projects contained in CDIP/3/INF/2.

Concerns on the Current Approach and Rationale for the Proposed Approach

8. As mentioned in document CDIP/3/4, during the first and second sessions of the CDIP (see reports of the two sessions in CDIP/1/4 and CDIP/2/4 Prov. 2), certain delegations requested the Secretariat to avoid duplication of activities foreseen to implement the various Development Agenda recommendations and highlighted the overlaps that existed between certain activities contained in document CDIP/1/3. It is recalled that these overlaps are implicitly recognized by the cross-references amongst activities contained in document CDIP/1/3. The following illustrate this point:

— Recommendation 19: “Further activities in respect of this proposal are suggested in the list of 26 proposals” (p.29, Annex III, CDIP/1/3)

— Recommendation 24: “Please see proposed activities under Proposal 27” (p.15, Annex V, CDIP/1/3)

— Recommendation 28: “Similar to activities proposed for proposals 25 and 26” (p.21, Annex V, CDIP/1/3)

— Recommendation 30: “For further details, please see comments for proposal 31” (p.22, Annex V, CDIP/1/3)

9. A second concern expressed by certain delegations during the first and second sessions of the CDIP, has been that the information provided in document CDIP/1/3, and in subsequent documents containing information on the additional human and financial resources (e.g. document CDIP/2/2), was not detailed enough for the Committee to take informed decisions. Several delegations requested the inclusion of implementation strategies, timeframes for implementation, monitoring and evaluation mechanisms and a more detailed budget.

10. The third set of concerns expressed by a number of delegations related to the slow progress that was being made in discussing and agreeing on work programs for implementation of the recommendations. It is recalled that in order to address this concern, the first session of the CDIP had requested the Chair to organize informal consultations, which were held in April 2008, with a view to accelerating progress.

The Proposed Approach

11. In order to address the above concerns, and with the intention of implementing the adopted recommendations in an effective and coherent manner, the Secretariat has been asked by the Chair to group recommendations which address the same or similar subject matter, and which could be implemented jointly through thematic projects. This grouping is largely based upon the cross-references between proposed activities contained in document CDIP/1/3 (see paragraph 9, above). In developing the thematic projects, particular attention has been given to ensuring that activities that had previously been proposed for the relevant

recommendations in document CDIP/1/3 are included in the proposed projects. The proposed thematic projects would be discussed by the CDIP and any modifications requested by the Committee would be incorporated.

12. By enabling the joint discussion and implementation of recommendations addressing the same or similar subject matter, the concern about overlaps or duplication of activities would be addressed, enabling a more coherent implementation that would ensure that activities on the same or similar subject matter are implemented in the framework of a project.

13. The detailed project documents included in the annexes to document CDIP/3/4 and CDIP/3/4 Add. provide more complete information on the activities and include the implementation strategies, timeframes, mechanisms for monitoring and evaluation and a detailed budget, that had been requested during the first and second sessions of the CDIP. Also, the inclusion of such information makes it possible to monitor implementation and evaluate the impact of the projects against the indicators established at the outset. Finally, in grouping recommendations into a set of projects, which already include the necessary information on financial resources for discussion at the third session of the CDIP, it is believed that progress could be accelerated and the implementation of recommendations in the list of 26 could begin at an earlier date, without prejudice to future CDIP decisions to undertake further work on these recommendations.

Additional Elements of the Approach

14. An explanation on the links between the activities proposed in document CDIP/1/3 and the activities proposed under the thematic projects is provided in Section 6 of each project. In general, the activities that had earlier been proposed by the Secretariat in document CDIP/1/3 have been included in the relevant thematic projects. Wherever this has not been the case, such as, for example, when an activity is not included because it had already been included in another project, an explanation is provided in Section 6 of the project documents.

15. The appointment of project managers for individual projects enables the CDIP to receive reports on the implementation of the set of activities included in a project from a project manager, in charge of coordinating the implementation of the project.

16. Certain thematic projects include recommendations that are in different clusters of the Development Agenda. This is the case, for example, of the project on “Intellectual Property and Competition Policy” contained in Annex II of document CDIP/3/4. It is thought that by grouping all the recommendations dealing with the same or similar subject matter under a single project, all aspects of the issue can be dealt with in a more holistic and efficient manner.

Essential Considerations

17. While the above paragraphs explain the key aspects of the thematic projects approach proposed by the Secretariat in document CDIP/3/4, the following considerations and clarifications may be important to enhance the understanding of delegations on the proposed approach:

— While the thematic projects approach groups recommendations for implementation purposes, the 45 recommendations would remain intact, as approved by the General Assembly in October 2007.

— The activities included in the thematic projects are based on those proposed by the Chair in document CDIP/1/3. Such activities have not yet been approved by the Committee. Consequently, the project documents provide a structured alternative to the information contained in CDIP/1/3, and every aspect of the projects is to be discussed and validated by the Committee. As with the methodology used during the first two sessions of the Committee, the proposed activities (now included in thematic projects) would be revised to reflect any modifications requested by the Committee and approved if the modifications are not substantial. Otherwise the projects would be re-submitted for the consideration of the subsequent session of the CDIP.

— The thematic projects approach does not apply to the recommendations for which a work program and a budget have been agreed upon during the first two sessions of the Committee (i.e. recommendations 2, 5, 8, 9 and 10). Nevertheless, their implementation is being done through projects (please see paragraph 8 above).

— There is no prioritization of recommendations. The approach acknowledges that different recommendations are of a different nature and may need different modalities for implementation. It applies to those recommendations for which activities have not yet been agreed upon and which are considered to be suited for being implemented as projects.

— While the proposed projects have end dates, the Member States of the CDIP may consider discussing future work on a given recommendation once a project has been completed.

— There are cases in which not all aspects of the recommendations are fully addressed by the relevant proposed thematic projects. This may be, for example, because part of the recommendation may be a principle (please see Annex) to be applied to current activities of the organization, or because it was considered that a given part might be better implemented under the regular program activities of the organization. In such cases, the thematic projects are only addressing the parts of the recommendations that are considered to be best suited for implementation *via* a project.

Internal Structure for Project Implementation

18. Within the Organization, the Development Agenda Coordination Division (DACD) is responsible for coordinating the implementation of the Development Agenda recommendations. The DACD reports directly to the Director General of the Organization.

19. In line with the project-based methodology, project managers have been appointed to develop the project documents, oversee the implementation of specific projects and report to the CDIP on the details of individual projects. Project managers are regular staff members of the Organization who have expertise in the subject area addressed by the projects and work in the program areas that will be in charge of implementing the respective projects. As a result, no separate structure is being created for the projects. Project managers work in close

coordination with the DACD and with all the implementing sectors/divisions for a given project.

20. It is important to note that the thematic projects would be integrated into the regular program and budget process of the organization. The funds required to implement the proposed thematic projects contained in the annexes to documents CDIP/3/4 and CDIP/3/4 Add., would be included in the Program and Budget for the 2010/11 biennium and would be placed under the relevant programs. Regular reporting on the Organization's programs (e.g. in the Program Performance and Evaluation Report (PPER)) would include reporting on the projects, which will be undertaken under the relevant programs. More detailed reporting on the relevant projects would also be provided through individual project reports to be submitted to the CDIP.

Advantages and Disadvantages of the Different Approaches

21. The main advantage of the current approach is that it follows a familiar methodology and format, which has been applied (with some deviations, see footnote 2) during the first two sessions of the CDIP. Possible disadvantages are that it may take longer to agree on work programs that are required to enable the Organization to start implementing all recommendations; inter-linkages between recommendations may not be adequately addressed leading to possible overlap and inefficiency in implementation, and the CDIP would have limited information at its disposal (i.e. the information contained in CDIP/1/3, with information on the additional human and financial to be added subsequently by the Secretariat) to make decisions on activities to implement the recommendations. In addition, without clearly established indicators and timeframes established at the outset, monitoring and evaluation of implementation of each recommendation would be very complex.

22. The advantages of the proposed new approach are that it may lead to faster and more coordinated progress in discussing and agreeing on activities to implement the recommendations, as all related recommendations under a thematic project would be discussed together, leading to enhanced efficiency and coherence in implementation; the CDIP would have more detailed information on activities, including timeframes, clearly defined objectives, implementation strategies, monitoring and evaluation mechanisms, to make decisions; more consolidated reporting as a single project manager would report to the CDIP on each project; and effective monitoring and evaluation of recommendations would be simplified on the basis of the indicators established in the project documents. The main disadvantage of the proposed approach is that it is an unfamiliar methodology and format that has not been applied during the previous two sessions of the CDIP.

Financial and Human Resources

23. The details on the financial resources required for the five proposed thematic projects addressing recommendations 7, 16, 19, 20, 23, 24, 25, 26, 27, 28, 30, 31 and 32, have been included in document CDIP/3/4 Add., (paragraph 3), including the personnel and non-personnel resources. It is important to note that the personnel resources shown in that document are those relating to current WIPO staff that will be devoted to the implementation of these projects. Information on personnel resources were included to ensure that Member States could benefit from a full understanding of the real total costs of the projects. As indicated in that document, the non-personnel resources required for implementation of the approved projects could be made available *via* the 2010-2011 Program and Budget.

Such resources would be in addition to the resources agreed to at the second session of the CDIP, for implementation of recommendations 2, 5, 8, 9 and 10.

Proposed Elements for Discussion on a Project

24. As mentioned in paragraph 17, project documents are based on activities that need to be validated by the Committee. The projects would, therefore, be discussed by the Committee and any modifications would need to be incorporated. In order to structure the discussion on the projects, it is suggested that the following questions could be addressed in order to enable Member States to make any suggestions they may have on individual projects and ensure that the projects fully reflect the concerns behind each recommendations:

- Does the proposed project meet the concerns of the recommendation(s)?
- Does the proposed project require any changes, replacements, additions or subtractions in the activities to be undertaken?
- Are there any elements of the recommendation(s) that could be implemented through the regular program activities of WIPO?
- Are there any other changes required to any other parts of the project document?

[Annex follows]

ANNEX

	ACTIONS
<p>PRINCIPLES Contained in recommendations 1, 3, 4, 6, 12, 13, 14, 15, 16, 17, 18, 21, 22, 40, 42, 44, 45 apply to all recommendations and to all relevant WIPO program activities</p>	Projects for Recommendations 2, 5, 8, 9 and 10 (CDIP/3/INF/2)
	<p>Proposed thematic projects*:</p> <ul style="list-style-type: none"> - Project on IP and the Public Domain: 16 and 20 - Project on IP and Competition: 7, 23 and 32 - Project on IP, ICTs and the Digital Divide: 19, 24 and 27 - Project on Technology Transfer: 19, 25, 26 and 28 - Project on Developing Tools for Access to Patent Information: 19, 30 and 31
	<p>Proposed future thematic projects*:</p> <ul style="list-style-type: none"> - Project on Impact Assessment of WIPO Development Activities: 33, 38 and 41 - Project on IP and Economic and Social Development: 34, 35 and 37 - Project on Open Collaborative Projects: 36 - Project on IP and Brain Drain: 39
	<p>Implementation through regular program activities: recommendations 3, 6, 7, 11, 14, 20, 24, 25, 26, 27, 40, 42, 43</p>
	<p>Recommendation 29 requires a decision by the Committee</p>

* The proposed themes are to be validated by the CDIP. The first five thematic projects have been submitted for the consideration of the CDIP at its third session. The remaining projects would be submitted to subsequent sessions of the CDIP if the methodology is approved by the CDIP.

[End of Annex and of document]