

WIPO General Assembly

Forty-Third (21st Ordinary) Session
Geneva, September 23 to October 2, 2013

REPORT OF THE COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP)

prepared by the Secretariat

1. The Committee on Development and Intellectual Property (CDIP) met twice since the forty-first session (21st Extraordinary) of the World Intellectual Property Organization (WIPO) General Assembly held in October 2012, namely the tenth session from November 12 to 16, 2012, and the eleventh session from May 13 to 17, 2013.
2. At both these sessions, the Committee decided that the Summary by the Chair would constitute the CDIP's report to the General Assembly.
3. Accordingly, the said Summaries are set forth as Annexes to the present document.
4. *The WIPO General Assembly is invited to take note of the contents of this document.*

[Annexes follow]



ORIGINAL: ENGLISH
DATE: NOVEMBER 16, 2012

Committee on Development and Intellectual Property (CDIP)

Tenth Session
Geneva, November 12 to 16, 2012

SUMMARY BY THE CHAIR

1. The tenth session of the CDIP was held from November 12 to 16, 2012. The session was attended by 95 Member States and 37 Observers.
2. The Committee was chaired by Ambassador Mohamed Siad DOUALEH, Permanent Representative of Djibouti.
3. The Committee adopted the Draft Agenda as proposed in document CDIP/10/1 Prov. 2.
4. Under Agenda Item 3, the Committee decided to admit, on an *ad hoc* basis, two non-governmental organizations (NGO) namely the International Association for the Development of Intellectual Property (ADALPI) and the West African Economic and Monetary Union (UEMOA), without implications as to their status for future CDIP meetings, for a period of one year.
5. Under Agenda Item 4, the Committee adopted the draft report of the ninth session of the CDIP (CDIP/9/17 Prov.).
6. Under Agenda Item 5, the Committee listened to general statements from Regional Groups.
7. Under Agenda Item 6, the Committee considered document CDIP/10/2, entitled Progress Reports, and took note of the progress achieved on 13 projects under implementation. The Committee agreed to the revised timelines for the following projects:

- (a) Strengthening the Capacity of National IP Governmental and Stakeholder Institutions to Manage, Monitor and Promote Creative Industries, and to Enhance the Performance and Network of Copyright Collective Management Organizations;
- (b) Project on Enhancement of WIPO's Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities; and
- (c) Project on Intellectual Property and Socio-Economic Development.

The Secretariat provided explanations as requested and took note of the comments made by the delegations on the various aspects of the progress reports.

The Committee also took note of progress on the implementation of 19 recommendations for immediate implementation. The Secretariat was requested to provide certain clarifications and enhance the quality of the Report further.

8. Also under Agenda Item 6, the Committee addressed a number of project evaluations, namely:

- (a) Evaluation Report of the Project on Intellectual Property Development Matchmaking Database (IP-DMD) (Document CDIP/10/3);
- (b) Evaluation Report of the Smart IP Institutions Project (Recommendation 10) (Document CDIP/10/4);
- (c) Evaluation Report of the Project on Intellectual Property, Information and Communication Technologies (ICTs) the Digital Divide and Access to Knowledge (CDIP/10/5);
- (d) Evaluation Report of the Project on Developing Tools for Access to Patent Information (CDIP/10/6);
- (e) Evaluation Report on the Project on Improvement of National, Sub-Regional and Regional IP Institutional and User Capacity (CDIP/10/7); and
- (f) Evaluation Report of the Project on Innovation and Technology Transfer Support Structure for National Institutions (CDIP/10/8).

Following the presentations of the evaluation reports by each evaluator, an exchange of views took place. The delegations expressed interest in following up on the implementation of recommendations contained in these reports taking into account the comments made by Member States and, in certain cases, requested further information from the Secretariat.

9. Further under Agenda Item 6, under the document CDIP/10/12, the Committee discussed the Description of the Contribution of the Relevant WIPO Bodies to the Implementation of the Respective Development Agenda Recommendations. Different views were expressed with regard to the term "relevant bodies", due to the differences in interpretation of the decision by the General Assembly in 2010, establishing the Coordination Mechanisms and Monitoring, Assessing and Reporting Modalities. Some delegations suggested that the decision should be referred back to the General Assemblies for further clarification, while other delegations stated that the WIPO Bodies themselves should determine whether they are "relevant bodies" for the purpose of the Coordination Mechanisms and that the matter should not be referred back to the General Assembly. The Committee appreciated the information received from the various WIPO Bodies on the contribution to the implementation of the Development Agenda recommendations, but some delegations expressed concerns at not receiving reports from the

WIPO Committee on Standards and the Program and Budget Committee, while other delegations expressed the view that these two Committees were not “relevant bodies” and could not fall under the scope of the Coordination Mechanism. Views also differed as to the structure and content of the reports presented to the Committee on this subject.

10. Under Agenda Item 7, the Committee considered a work program for the implementation of some adopted recommendations, as follows:

(a) The Committee discussed the study Assessing WIPO’s Contribution to the Achievement of United Nations Millennium Development Goals (MDGs) (CDIP/10/9). Delegations supported the continuation of the work by WIPO in achieving the MDGs, and an effective mechanism for reporting on that contribution to the Member States on a regular basis. The Secretariat will submit to the next session of the CDIP a document analyzing the following:

(i) That WIPO should take the necessary steps to join the MDG Gap Task Force, and engage with the Inter-Agency Expert Group on MDG indicators (IAEG);

(ii) The feasibility of integration of MDGs-related needs/outcomes into the WIPO program-planning phase, and development of specific indicators for MDGs; and,

(iii) The need by WIPO to refine the reporting of its work and contribution to the MDGs on the dedicated webpage by providing more credible and concrete results drawn from the performance data in the relevant PPRs and the MDG-specific indicators. The information on the webpage should be regularly updated to reflect the evolving nature of the Organization’s work related to the MDGs.

(b) The Committee discussed Further Steps in the Work Program on Flexibilities in the Intellectual Property System (CDIP/10/10). The Secretariat took note of the Member States’ guidance on the agreed areas of work for further implementation.

(c) The Committee considered Future Work on Patent-Related Flexibilities in the Multilateral Legal Framework (CDIP/10/11). The Committee was not able to complete its discussion on this document, which will be continued at its next session, without prejudice to consideration of future work on patent-related flexibilities.

(d) The Committee addressed the project proposal for Developing Tools for Access to Patent Information – Phase II (CDIP/10/13), and approved the project.

(e) The Committee discussed the Terms of Reference for a Comparative Study on Copyright Relinquishment (CDIP/10/14). The Committee supported the undertaking of the proposed Study. The Secretariat would proceed with the Study taking into account Member States’ comments, including; the development of a timeline for conduct of the Study, the exclusion of any recommendations on normative solutions, and the exclusion from the study of legislation from the United States of America, without promoting copyright relinquishment.

(f) The Committee discussed Scenarios and Possible Options Concerning Recommendations 1c, 1f and 2a of the Scoping Study on Copyright and Related Rights and the Public Domain (CDIP/9/INF/2 Rev.) and took note of the modifications introduced by the Secretariat in this document as requested by the Committee at its ninth session.

(g) The Committee discussed the Study on Copyright to Promote Access to Information and Creative Content (CDIP/9/INF/3). Delegates expressed a variety of views on the document and the Secretariat took note. Taking into account the guidance given by the Member States, the Secretariat would arrange the preparation of an assessment of the

feasibility for WIPO, within its mandate, to engage in new activities that could potentially assist Member States to achieve their development goals for submission to the next session of the Committee.

(h) The Committee discussed the Study on Misappropriation of Signs (CDIP/9/INF/5) and expressed support for the work undertaken. The Committee took note of project document CDIP/4/3 Rev., page 5, paragraph (2), which states that: "The findings of the study could form the basis for further consideration and deliberation, as to whether concrete action needs to be undertaken in that area. This component of the project would be coordinated with the SCT".

(i) The Committee also discussed the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (CDIP8/INF/1), and a number of related documents, namely:

- i. Management Response to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (CDIP/9/14);
- ii. Report of the Ad Hoc Working Group of an External Review of WIPO Technical Assistance in the Area of Cooperation for Development (CDIP/9/15); and
- iii. Joint Proposal by the Development Agenda Group and the Africa Group on WIPO's Technical Assistance in the Area of Cooperation for Development (CDIP/9/16).

The Committee agreed as follows:

(a) Based upon the discussions at CDIP/10, the Secretariat should prepare a document for the next session of the Committee identifying those recommendations that are in the process of implementation, and report on the progress thereon.

(b) The Committee decided to continue discussion on this topic at its next session. The Committee took note of the proposal made by some delegations to have a whole day at its next session devoted to discussions on best practices on technical assistance. The Committee agreed that document CDIP/8/INF/1, and related documents i, ii and iii listed above, and any new proposal would be discussed at its next session. In this connection, the Committee recalled its earlier invitation to Member States to provide their contributions in writing for discussion well in advance of the next session.

(j) The Committee discussed two documents concerning the *Conference on Intellectual Property and Development* (CDIP/10/16 and CDIP/10/17). Delegations presented their preliminary views on the proposals. Some delegations presented other ideas on the modalities of organization of the conference. The Committee agreed on the title for the Conference as follows: "*International Conference on Intellectual Property and Development*", and agreed that the venue of the Conference would be Geneva, Switzerland. The Committee further agreed that the Conference would be held over two or three days in the second half of 2013. The Committee agreed to hold an open-ended informal consultation within three to four weeks of this session to further refine the concept and organization for the Conference. The Secretariat would prepare a concept paper based on the broad parameters of agreement identified by the Committee. Delegations were requested to provide written comments and proposals before the informal consultation commenced.

- (k) The Committee discussed a Proposal for a CDIP New Agenda Item on Intellectual Property (IP) and Development (CDIP/6/12 Rev.). Different views were expressed on the proposal. The discussion on this agenda item was not concluded.
11. Under Agenda Item 8 on Future Work, the Committee discussed a number of proposals and agreed upon a list of issues/documents for the next session.
12. The Committee noted that the Draft Report of the tenth session would be prepared by the Secretariat and communicated to the Permanent Missions of the Member States, and would also be made available to Member States, IGOs and NGOs, in electronic form, on the WIPO website. Comments on the Draft Report should be communicated in written form to the Secretariat, preferably eight weeks before the next meeting. The Draft Report will then be considered for adoption at the eleventh session of the Committee.
13. This Summary will constitute the Committee's report to the General Assembly.

[End of document]

[Annex II follows]



ORIGINAL:ENGLISH
DATE:MAY 17, 2013

Committee on Development and Intellectual Property (CDIP)

Eleventh Session
Geneva, May 13 to 17, 2013

SUMMARY BY THE CHAIR

1. The eleventh session of the CDIP was held from May 13 to 17, 2013. The session was attended by 94 Member States and 37 Observers.
2. The Committee re-elected Ambassador Mohamed Siad DOUALEH, Permanent Representative of Djibouti as Chair, and elected Mrs. Ekaterina EGUTIA, Deputy Head, National Intellectual Property Center (SAKPATENTI), Georgia, as Vice-Chair.
3. The Committee adopted the Draft Agenda as proposed in document CDIP/11/1 Prov. 2.
4. Under Agenda Item 4, the Committee adopted the draft report of the tenth session of the CDIP (CDIP/10/18 Prov.).
5. Under Agenda Item 5, the Committee listened to general statements from Group Coordinators. Individual delegations were requested to submit their statements in writing.
6. Under Agenda Item 6, the Committee considered document CDIP/11/2. The Director General introduced his Report on the Implementation of the Development Agenda during 2012. Delegations appreciated the commitment of the Director General in providing annual reports. A number of observations were made on the Report and clarifications were sought, in particular with regard to Country Plans and WIPO's participation in the Rio+20 process and the MDGs Task Force. The Deputy Director General, Mr. Geoffrey Onyeama, and Director of the WIPO New York Office, replied to the observations and agreed to introduce enhancements in future reports. It was agreed that the Secretariat would organize briefings to the Member States on WIPO's contribution to the work of other United Nations entities.

7. Under Agenda Item 7, the Committee considered a work program for the implementation of some adopted recommendations, as follows:

(a) The Committee took note of the report on the Feasibility of Integration of Millennium Development Goals (MDGs) Related Needs/Outcomes into WIPO's Biennial Results Framework (CDIP/11/3), prepared by the Evaluation Consultant, and the additional clarifications provided by the Secretariat on this matter. The Committee recognized that WIPO should contribute to the implementation of the MDGs, but expressed different views on whether further steps were needed to further integrate the MDGs into the objectives of the Organization. Some delegations proposed developing specific indicators to measure WIPO's contribution to MDGs, while other delegations did not support this proposal. The Secretariat was requested, using existing internal resources, to prepare a compilation of the practices by which other United Nations agencies, in particular the other specialized United Nations agencies, measure their contribution to the MDGs, and to provide a brief report to the next session of the Committee as to how WIPO has contributed to the MDGs to date, drawing upon the existing studies commissioned on this matter including, but not limited to, document CDIP/11/3. This brief report could include information on WIPO's contribution to the six targets under MDGs 1, 6 and 8, using the methodology provided in document CDIP/11/3, and should also include an assessment in narrative form as to how WIPO is contributing to the other five MDGs, although at this time not necessarily using the methodology used in document CDIP/11/3.

(b) The Committee discussed the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (CDIP/8/INF/1) and a number of related documents, namely:

(i) Management Response to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (CDIP/9/14);

(ii) Report of the *Ad Hoc* Working Group of an External Review of WIPO Technical Assistance in the Area of Cooperation for Development (CDIP/9/15);

(iii) Joint Proposal by the Development Agenda Group (DAG) and the Africa Group on WIPO's Technical Assistance in the Area of Cooperation for Development (CDIP/9/16); and

(iv) Status of Implementation of Certain Recommendations Extracted from the Report on the External Review of WIPO Technical Assistance in the Field of Cooperation for Development (CDIP/11/4).

Recognizing the Secretariat's ongoing work on the recommendations, and the need to take further actions, the Committee requested the Secretariat to continue its work and take further actions on the following three proposals, taking into account the comments made by the delegations, and provide a report to the next session of the CDIP:

(i) To compile existing materials into a comprehensive Manual on the delivery of technical assistance, in line with recommendation A(2)(a) in document CDIP/9/16;

(ii) To ensure that WIPO's website is upgraded to serve as a more effective, accessible and up-to-date resource for communicating information about development cooperation activities, in line with recommendation F(1)(a) and (b) in document CDIP/9/16; and,

(iii) To examine the Technical Assistance Database (TAD) with a view to facilitate searching capabilities, and ensuring the regular updating of the TAD with

information on technical assistance activities, in line with recommendation G(1) in document CDIP/9/16.

It was agreed that the Committee would continue discussions at its next session on MemberState proposals on this topic.

(c) The Committee considered document CDIP/11/5 on the organization of the International Conference on Intellectual Property and Development. It was agreed that the Secretariat would draw up a list of speakers for the Conference, and circulate it to Group Coordinators for endorsement.

(d) The Committee discussed the Feasibility Assessment on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content (CDIP/11/6). Some delegations expressed support for the proposals presented in the document and provided a number of comments and suggestions. Other delegations requested the Secretariat to prepare a more detailed implementation plan, including information on financial and human resource implications, to be considered at the next session of the Committee.

(e) The Committee considered a Project Proposal from the Republic of Korea on Intellectual Property (IP) and Design Creation for Business Development in Developing and Least Developed Countries (LDCs) (CDIP/11/7). Delegations expressed appreciation for the proposal and thanked the Republic of Korea for this initiative. The Republic of Korea was requested to work with the Secretariat to further develop the proposal into a CDIP project document, bearing in mind the observations made from the floor, including by the LDC Group, and present it to the next session of the Committee for consideration.

(f) The Committee discussed the Independent Review of the Implementation of the Development Agenda Recommendations as requested under the Coordination Mechanism and Monitoring, Assessing and Reporting Modalities. Recalling the related decision of the General Assembly, the Committee took note of the Joint Proposal on Terms of Reference and Methodology for the Independent Review of the Implementation of the Development Agenda Recommendations submitted by the African Group and Development Agenda Group. The Committee agreed to devote sufficient time for discussion on this matter at its next session with a view to implementing the General Assembly's decision that the Review should be undertaken by the end of the 2012/2013 biennium. To that end, the Committee agreed to hold one informal meeting prior to its next session.

(g) The Committee discussed the following documents and took note of their contents:

(i) Potential Impact of Intellectual Property Rights on the Forestry Chain in Uruguay (CDIP/11/INF/2);

(ii) Intellectual Property and Socio-Economic Development – Country Study Brazil (CDIP/11/INF/3);

(iii) Intellectual Property (IP) and Socio-Economic Development in Chile (CDIP/11/INF/4); and

(iv) Conceptual Study on Innovation, Intellectual Property and the Informal Economy (CDIP/11/INF/5).

Some delegations supported the proposal for a standing agenda item to address case studies on IP, while other delegations objected to the proposal. It was agreed that future studies under the project on Intellectual Property and Socio-Economic Development (CDIP/5/7) would be discussed by the Committee in its future sessions.

(h) The Committee continued discussions on Future Work on Patent-Related Flexibilities in the Multilateral Legal Framework (CDIP/10/11 and CDIP/10/11 Add.). The Committee requested the Secretariat to undertake work on the following flexibilities:

- (i) the scope of the exclusion from patentability of plants (TRIPS Art.27); and
- (ii) flexibilities in respect of the patentability, or exclusion from patentability, of software-related inventions (TRIPS Art.27).

The Secretariat should use existing internal resources to prepare a factual document on the implementation in national laws of these flexibilities and avoiding duplication with other work taking place at WIPO while building on work being undertaken by the Standing Committee on the Law of Patents. The document should be presented to a future session of the Committee. The Committee would continue discussions on further work on flexibilities at its next session.

(i) The Committee discussed a Proposal for a CDIP New Agenda Item on Intellectual Property (IP) and Development (CDIP/6/12 Rev.). Different views were expressed on the proposal. Member States were invited by the Chair to provide more details on the proposal to facilitate future discussions. The discussion on this agenda item will continue at the next session.

8. Under Agenda Item 8 on Future Work, the Committee discussed a number of proposals and agreed upon a list of issues/documents for the next session.

9. The Committee noted that the Draft Report of the eleventh session would be prepared by the Secretariat and communicated to the Permanent Missions of the Member States, and would also be made available to Member States, IGOs and NGOs, in electronic form, on the WIPO website. Comments on the Draft Report should be communicated in written form to the Secretariat, preferably eight weeks before the next meeting. The Draft Report will then be considered for adoption at the twelfth session of the Committee.

10. This Summary will constitute the Committee's report to the General Assembly.

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