

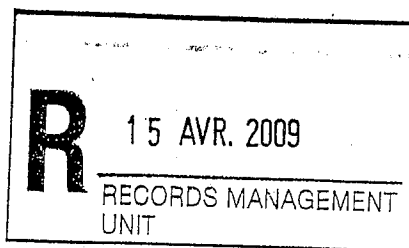
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REPUBLIQUE DU SENEGAL



Un Peuple – Un But – Une Foi
MISSION PERMANENTE DU SENEGAL
AUPRES DE L'OFFICE DES NATIONS UNIES
93, RUE DE LA SERVETTE
1202 – GENEVE – SUISSE
tel : (4122) 918 02 30
fax : (4122) 74 00 711
E-mail : mission_senegal@ties.itu.int



Genève, le - 9 AVR. 2009

La Mission permanente de la République du Sénégal auprès de l'Office des Nations Unies à Genève et des autres Organisations internationales ayant leur siège en Suisse présente ses compliments au Bureau international de l'Organisation mondiale de la Propriété intellectuelle (OMPI) et a l'honneur de Lui faire parvenir, ci-joint, en sa qualité de Coordinateur, la contribution actualisée du Groupe africain concernant les priorités à prendre en compte pour le programme et budget de l'exercice biennal 2010/2011 de l'OMPI.

Cette contribution actualisée annule et remplace celle déjà transmise par note verbale n° 248 MPSPG du 27 mars 2009.

La Mission permanente de la République du Sénégal auprès de l'Office des Nations Unies à Genève et des autres Organisations internationales ayant leur siège en Suisse remercie le Bureau international de l'Organisation mondiale de la Propriété intellectuelle de son aimable coopération et saisit cette occasion pour Lui renouveler les assurances de sa haute considération.



BUREAU INTERNATIONAL DE
L'ORGANISATION MONDIALE DE LA
PROPRIETE INTELLECTUELLE (OMPI)
GENEVE

19 March 2009

**Questionnaire
on the Draft Program and Budget for the 2010/11 Biennium**

Reply by the African Group

In addition to the comments submitted by the African Member States, the African Group presents the following complementary comments.

The following reply by the African Group should be read in connection with the submissions made by the Group regarding the revised Program and Budget for the 2008/09 biennium.

**Strategic Goal I:
Balanced Evolution of the International Normative Framework for IP**

General Comment:

1. Under this strategic objective, studies should be prepared, as requested by Member States, on the impact of adherence or withdrawal from WIPO instruments and their various acts:

Program 1: Patents, Innovation Promotion and Technology Transfer:

2. The objective of this program should be re-drafted to make a specific reference to technology transfer. The allocation of resources under the program should accordingly reflect the addition of the emphasis on technology transfer.
3. The program should develop and manage an observatory to monitor and periodically report on the status of technology transfer to developing and least-developed countries.
4. More resources need to be devoted to the program's work on flexibilities of the patent system, including compiling a database of instances of the use of flexibilities in the patent system in developed, developing and least-developed Member States.

Program 2: Trademarks, Industrial Designs and Geographical Indications:

5. More emphasis needs to be directed to enhancing Member States understanding of different options of GI protection, and the development of cost-benefit analyses of the varying options of protection proposed at different multilateral fora.
6. This program should prepare studies and provide technical assistance for developing countries in implementing GI protection systems.

Program 3: Copyright and Related Rights:

7. This program should prepare studies on exceptions and limitations in developing countries, particularly with regard to educational activities. This should comprise

e-learning and its transnational aspects. The holding of workshops should also be envisaged within this program.

8. The program should also organize national seminars on the protection of audiovisual performances in developing countries. Studies on the international protection of broadcasting organizations should also be conducted, to ensure a better understanding of the potential stakes involved, and to ensure private sectors players from developing countries can also participate.

Program 4: TK, TCEs, and GRs:

9. The African Group would like to see sufficient and clearly indicated resources being made available for a renewed mandate of the IGC (expected at the GA in September 2009), including resources for conducting inter-sessional work, and/or other forms of informal consultations needed or requested on an ad hoc basis.
10. An expanded emphasis on capacity building work is required within this program, to enhance the capacity in Member States to support IP-related protection in these areas.
11. An expanded effort on publications in different languages that would provide a library of resources on the issues under its purview and of direct relevance to developing and least-developed countries.
12. The number of posts for this program should be increased at the D and P levels to reflect the requirements of the African Group and of other developing country Member States, and the recruitment of consultants from developing countries. Similarly, there should be a strengthening of the indigenous fellowship program to include balanced representation.
13. Greater cooperation between WIPO and the CBD and the WTO and other related fora on these issues, while respecting the specificities of each organization's mandate on these issues, while aiming to enhance cooperation and compliment each other's work.

Strategic Goal II:

Provision of Premier Global IP Services

Program 5: The PCT System:

14. The PCT International Cooperation Division should expand its capacity building activities to provide African and developing country patent offices with requisite experience in the PCT system to enable them to appreciate the relevance of the system to their needs.

Program 6: Madrid, Hague and Lisbon Systems:

15. In order to increase the geographical coverage of the international registration agreements, the IB is requested to undertake further capacity-building and awareness raising activities in all Member States. Particular emphasis should be given to supporting electronic filing and communication, and to ensure increase in the quality of service.

**Strategic Goal III:
Facilitating the Use of IP for Development**

Program 8: Development Agenda Coordination:

16. Strengthening the human and financial resources of this program to enable it to function without any undue delays in carrying out its work.
17. This program must ensure that sufficient human and financial resources be made available for the implementation of all Development Agenda recommendations that will be approved by future sessions of the CDIP.
18. The Development Agenda links under each of the WIPO Programs should be expanded with a narrative providing how each given program will be guided by, and contribute to the particular DA recommendation(s) it relates to.
19. This program should organize the holding of regular informal workshops on the various aspects of the Development Agenda, whether in headquarters or in developing countries.
20. There must be an overall inclusion of the principles of the Development Agenda into all areas of the WIPO Program and Budget.

Program 9: Africa, Arab, Asia and the Pacific, GRULAC and LDCs:

21. Provision should be made for a separate LDCs Bureau to cater to the needs of LDCs.
22. Strengthening the human and financial resources of the Africa, Arab and the eventual LDCs Bureaus.
23. The work being carried out on SMEs must be clearly indicated, and separated from the resources allocated to any one particular Bureau. SMEs should be separated from the Cooperation for Development Program and either be listed on its own as a separate program or be reassigned appropriately.

Program 11: The WIPO Academy:

24. The objective of the WIPO Academy needs to be further developed and clarified.
25. As a primary point of contact between WIPO and African and other developing country Member States' academic and professional communities for purposes of academic and professional training, the Academy should focus on providing an interdisciplinary focus. It should also aim to provide a thorough program of training for trainers.
26. The Academy activities should aim to support the creation of independent and national decision making capacities in African and other developing countries.
27. In performing its function, the Academy should establish close links with Program 18 on IP and Global Challenges, and Program 16 on Economic Studies, Statistics and Analysis, and ensure that the latter programs provide it with sufficient development-oriented support.
28. Provision for funding for participants from developing countries which do not have the funds to enroll in such courses should be made.

**Strategic Goal IV:
Coordination and Development of Global IP Infrastructure**

Program 15: IP Office Modernization:

29. In its efforts to assist the modernization and automation of IP offices and collective management organizations, this program must ensure the normative neutrality of this support. Particularly, in recommending best practices, there must be an assurance that such recommendation does not imply explicitly nor implicitly a policy choice for the given office or organization.

**Strategic Goal V:
World Reference Source for IP Information and Analysis**

30. The focus of empirical information and analytical studies should be on developing countries and their needs.
31. In recruiting the Chief Economist that will lead and develop the work of Program 16: Economic Studies, Statistics and Analysis, and in addition to WIPO standard practice on recruitment, the prospective candidate should have particular experience of intellectual property and the economics of innovation in developing and least-developed countries. It is expected that this Program will conduct objective and critical analytical research.
32. This new program should also set aside resources for research to be conducted based on requests by WIPO regional groups on issues of particular relevance to their Members States.
33. Further development of the CLEA database is required, particularly in making available legislation in WIPO's official languages.

**Strategic Goal VI:
International Cooperation on Building Respect for IP**

34. The objective of Program 17: Building Respect for IP should be amended to make reference to work on the abusive application of enforcement provisions relating to IP.
35. In performing its work relating to an international policy dialogue, this Program should engage in cooperation with the WTO, WHO and UNCTAD.

**Strategic Goal VII:
Addressing IP in Relation to Global Policy Issues**

36. In recruiting the Director of Program 18: IP and Global Challenges, and in addition to WIPO standard practice on recruitment, the prospective candidate should have particular experience of the development challenges and public policy issues in developing and least-developed countries. It is expected that this Program will conduct its work on evidence-based policy prescriptions.
37. The Program should prioritize its work on the issues of public health, technology transfer, biodiversity, environmental protection, food security, and energy. The

aim in here should be to address the challenges developing countries face on these issues and how these challenges can be addressed.

Strategic Goal VIII:

A Responsive Communications Interface Between WIPO, its Member States and all Stakeholders

Program 19: Communications:

38. The objective of this Program should be amended to include reference to effective and transparent communication between the IB and Member States. In this regard, formal, transparent, and inclusive consultations should be carried out by the IB with Member States on substantive work pertaining to WIPO bodies.
39. The IB shall carry out its communication with Member States by formal communication through Permanent Missions in Geneva.
40. The IB shall consult with Member States on arrangements for events (including speakers and agendas) organized in their countries or at WIPO headquarters.
41. A work and time plan for addressing the concern raised by Member States with regard to the availability of different types of WIPO documents and publications in WIPO's official languages should be prepared and presented to Member States.
42. The IB shall regularly hold briefings on the impact of the financial and economic Crisis on WIPO's income and activities

Program 20: External Offices and Relations:

43. WIPO should develop a code of practice with regard to its partnering activities with stakeholders. This should be approved by the WIPO General Assembly and govern all WIPO interaction with stakeholders. It should include the use of the WIPO logo.

Strategic Goal IX:

An Efficient Administrative and Financial Support Structure to Enable WIPO to Deliver its Programs

44. Under the programs of this strategic goal, the IB should present a work and time plan for adjusting the staff balance among WIPO's Member States' nationals to reflect the balance between its various regions, and not be skewed towards the citizens of a particular group as it currently is.
45. The IB should consult with Member States on developing a Use of Reserves Policy that should be presented and approved by the WIPO General Assembly.
46. In presenting the program and budget proposal for the 2010/11 biennium, the IB should provide a further breakdown of each budget line item, to provide as much detail as possible on proposed expenditure, and income.

General Comments:

47. WIPO should continue to provide funding for preparatory workshops and seminars to developing country Members before the convening of meetings of WIPO bodies. This includes the funding of participants from capital. Under no circumstance can budgetary constraints arising out of the global financial crisis be presented as a reason not to fund such events nor to fund participation, at a level below what had already been the practice in previous years.
48. Provisions should also be made for ad hoc requests depending on the needs of regional groups and Member States. This is a critical part of the provision of technical assistance to Member States to enable them to actively participate in all meetings of WIPO. Member States and/or regional groups must be consulted in the development of the agenda based on the needs required.
49. The impact of the global financial and economic crisis on the budget must not be allowed to diminish funding allocated to development activities.
50. There should be a declared and transparent policy on the official travel/meeting costs of Secretariat during missions.