

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

**COMMITTEE ON DEVELOPMENT AND
INTELLECTUAL PROPERTY (CDIP)**

First Session
Geneva, March 3 to 7, 2008

PROCEDURAL AND ORGANIZATIONAL MATTERS

prepared by the Secretariat

I. Introduction

1. The Fourth Session of the PCDA which took place at WIPO Headquarters from June 11 to 15, 2007, recommended that a Committee on Development and Intellectual Property (CDIP) be established, *inter alia*, to discuss intellectual property and development related issues.

2. Pursuant to this recommendation, the WIPO General Assembly, at its session held from September 24 to October 3, 2007, approved the establishment of the Committee on Development and Intellectual Property (CDIP) (document A/43/16 paragraph 334). The decision of the General Assembly reads as follows:

- *To adopt the recommendations for action in the 45 agreed proposals, contained in Annex A.*

- *To immediately implement the recommendations, contained in the list of 19 proposals (Annex B). Member States stressed that it did not, in any way, imply that these proposals had been accorded a higher priority than the others or that their implementation, or aspects of it, would not be discussed in the Committee on Development and Intellectual Property, in coordination with relevant WIPO bodies. They also called upon all the Member States, the Secretariat and other relevant WIPO bodies to ensure the immediate and effective implementation of these proposals.*

- *To establish a Committee on Development and Intellectual Property to:*

(a) *develop a work-program for implementation of the adopted recommendations;*

(b) *monitor, assess, discuss and report on the implementation of all recommendations adopted, and for that purpose it shall coordinate with relevant WIPO bodies; and*

(c) *discuss intellectual property and development related issues as agreed by the Committee, as well as those decided by the General Assembly.*

- *The Committee will be composed of the Member States of WIPO and open to the participation of all accredited intergovernmental and non-governmental organizations (NGOs). It will consider and adopt rules of procedure based on the WIPO General Rules of Procedure at its first meeting. The Committee will have two five-day sessions annually, with the first one convened in the first half of 2008. As done during the sessions of the PCDA in 2006 and 2007, WIPO will provide financing for the participation of representatives from developing countries, including LDCs, as well as from countries with economies in transition, to attend the meetings of the Committee.*

- *For the first meeting of the Committee, the present Chair of the PCDA will prepare initial working documents, including a draft work program, in consultation with Member States and the Secretariat. The draft work program should address, *inter alia*, the financial and human resources requirements for inclusion in WIPO's budgetary planning process.*

- *The Committee will report and may make recommendations annually to the General Assembly.*

- *The PCIPD ceases to exist and the mandate of the PCDA is not renewed.*

3. This document makes reference to the decisions taken by the General Assembly, provides additional information concerning procedural and organizational matters and makes certain proposals regarding rules of procedure, for approval by the CDIP.

II. Procedural and Organizational Matters

4. *Rules of Procedure.* At its first session, the CDIP may consider the same rules of procedure adopted for WIPO bodies, namely the “WIPO General Rules of Procedure” (Publication No. 399 (FE) Rev. 3). In addition, the CDIP may exercise the option to adopt two supplementary rules of procedure (see Annex) which are, firstly, that membership in the CDIP be extended to all Member States of WIPO and observer status be extended to intergovernmental and non governmental organizations having permanent observer status in WIPO, and to intergovernmental and non-governmental organizations admitted by the Committee on an *ad hoc* basis; and, secondly, that the Chair and the two Vice-Chairs should serve a term of one year and would immediately be eligible for re-election to the same office that they had held at the expiration of that term, subject to a maximum of three consecutive years in office.

5. *Membership and observers.* Pursuant to Rules 7 and 8 of the WIPO General Rules of Procedure, the Director General has invited to the first session of the Committee on Development and Intellectual Property, as members, all Member States of WIPO, and, as observers, intergovernmental organizations and non-governmental organizations accredited with permanent observer status at WIPO.

6. Other intergovernmental and non-governmental organizations, who do not have permanent observer status at WIPO, may express to the Secretariat their wish to be represented in sessions of the CDIP as *ad hoc* observers. It was a practice for the Inter-sessional Intergovernmental Meeting on a Development Agenda for WIPO (IIM) and the Provisional Committee on Proposals related to a WIPO Development Agenda (PCDA), to allow for the participation in their meetings of such organizations as *ad hoc* observers. In conformity with Rule 8.2 of the WIPO General Rules of Procedure, it is proposed that the Committee admits, if it so wishes, the said organizations to be represented in sessions of the Committee, as *ad hoc* observers,¹ for one year. The names of such organizations, with relevant details, will be submitted to the CDIP.

7. *Languages.* Simultaneous interpretation in sessions of the CDIP will be provided from and into Arabic, Chinese, English, French, Russian and Spanish. The working documents for sessions of the Committee will be prepared in those languages. Any proposal submitted by Member States will be made available, as a Member State proposal, on the WIPO website and

¹ Rule 8.2 of the WIPO General Rules of Procedure provides: *In addition, any body shall decide, in a general way or for any particular session or meeting, which other States and organizations shall be invited to be represented as observers.*

in paper form, in the language in which the proposal is received, and, as soon as possible thereafter, in the other languages, as applicable.

8. *Sessions.* As referred to in the decision of the WIPO General Assembly, and subject to budgetary constraints, it is proposed that the CDIP hold two five-day sessions a year. At the conclusion of each session of the CDIP, the Chair would provide a summary of the conclusions of the CDIP. Following the session, the Secretariat would prepare a draft report reflecting the discussions and circulate that draft report to all delegations and observers for comment. A finalized report would be presented for adoption at the subsequent session of the CDIP.

9. *Funding of participation of government officials.* As done during the sessions of the PCDA in 2006 and 2007, WIPO has facilitated for the present session, and will continue to facilitate for the future sessions the participation of a few representatives from developing countries, including LDCs, as well as from countries with economies in transition.

10. The CDIP is invited to adopt the rules of procedure proposed in paragraph 4, to approve the representation in sessions of the Committee of the organizations referred to in paragraph 6 as ad hoc observers, and to note the working arrangements described in paragraphs 7 to 9.

[Annex follows]

ANNEX

COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY

DRAFT RULES OF PROCEDURE²

Rule 1 Application of the General Rules of Procedure

The Rules of Procedure of the Committee on Development and Intellectual Property (“the Committee”) shall consist of the General Rules of Procedure of WIPO, supplemented by the provisions set forth hereinafter.

Rule 2 Composition

The Committee shall be composed of all Member States of WIPO and shall be open to the participation, as observers, of all intergovernmental and non-governmental organizations having permanent observer status in WIPO, and of other intergovernmental and non-governmental organizations admitted by the Committee on an *ad hoc* basis.

Rule 3 Officers

In the first meeting of a calendar year, the Committee shall elect a Chair and two Vice-Chairs to serve for one year. They shall remain in office until the election of new officers.

Any outgoing Chair or Vice-Chair may be immediately re-elected to the same office which they have held, subject to a maximum of three consecutive years in office.

[End of Annex and of document]

² To be considered and adopted by the Committee at its first meeting.