

Committee on Development and Intellectual Property (CDIP)

Tenth Session
Geneva, November 12 to 16, 2012

FURTHER STEPS IN THE WORK PROGRAM ON FLEXIBILITIES IN THE INTELLECTUAL PROPERTY SYSTEM

prepared by the Secretariat

1. The Committee on Development and Intellectual Property (CDIP) at its ninth session considered the elements of the ongoing work program on flexibilities in the intellectual property (IP) system. This document refers to the agreed establishment of the database so as to make progress in its implementation, and certain other activities where further information is required.
2. At its ninth session, the Committee approved the activity proposed in paragraph 2(f) of document CDIP/9/11: "To make available on the Flexibilities in IP webpage a database facility similar to IP Advantage, to allow Members to submit information documenting their practical experience in implementation of flexibilities." In this context, it was observed that information to be included in the database should be provided to the Secretariat on a voluntary basis, and Member States should have discretion as to the extent of their participation.
3. The technical advice received suggests that as a first step the Secretariat needs examples of the information to be included in the database to enable it to design a database facility that is technically efficient, user-friendly, cost-efficient and well adapted to the type and format of information submitted. Should the Committee agree, the Secretariat will in due course invite interested Member States to submit examples of information to be included in the database. With respect to the content of the information, please see paragraph four, below.

4. During the Committee's previous discussions on the proposed database, various delegations suggested the inclusion of different types of content in the database. The Secretariat seeks guidance on the following questions:

(i) Whether the following types of content may be included in the database:

- links to court cases submitted by Member States;
- academic articles submitted by Member States;
- case studies of national experiences implementing flexibilities prepared and submitted by the Member State concerned;
- case studies of implementation of flexibilities in developed countries submitted by the Member State concerned;
- material written or commissioned by WIPO in the course of its regular technical assistance activities; and/or
- documents and presentations from WIPO-commissioned seminars/meetings conducted in the course of its regular technical assistance activities.

(ii) Should the Secretariat simply make available the information provided for inclusion in the database in the form it is submitted, or play a role in: (a) standardizing the information for inclusion in the database; (b) translating the information into the official WIPO languages; and/or (c) researching information to be included in the database (e.g., studies and commentaries by other international organizations such as the WHO and FAO)?

5. Once examples of information for inclusion in the database are received, the Secretariat will develop a prototype of the database and present it to a future session of the Committee.

6. At the ninth session, the Committee also discussed the proposal set out in paragraph 2(f) of document CDIP/9/11, to organize further national and regional seminars on the topic of flexibilities. Some delegations requested more information on seminars that had been conducted or were planned for the future. In response to this request, information on seminars and meetings organized by WIPO, and related to the issue of flexibilities has been made available on the WIPO website on flexibilities, at: <http://www.wipo.int/ip-development/en/agenda/flexibilities/>. Further seminars and meetings on flexibilities are under discussion, and details will be added to the abovementioned website as soon as available. In addition, other WIPO seminars and meetings on IP subjects regularly include some discussion of flexibilities, and details of these events can be found at the Conferences, Meetings and Seminars pages at <http://www.wipo.int/meetings/en/> and the Technical Assistance Database at: <http://www.wipo.int/tad/en/>.

7. Finally, at its ninth session, the Committee discussed the proposal made in paragraph 2(h) of extending the Organization's work to address flexibilities relating to areas of IP contained in the TRIPS Agreement, beyond patents. There appeared to be general consensus that work on flexibilities in the field of trademarks may be advanced. Accordingly, Member States are invited to make proposals on what flexibilities may be examined in the field of trademarks.

8. The Committee is invited to consider the information provided in this document.

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