

Committee on Development and Intellectual Property (CDIP)

Eleventh Session Geneva, May 13 to 17, 2013

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

prepared by the Secretariat

1. The Committee on Development and Intellectual Property (CDIP) at its tenth session requested the WIPO Secretariat to prepare a document for the next session of the Committee identifying those recommendations contained in the External Review of WIPO Technical Assistance in the Area of Cooperation for Development ('the External Review Report') that are in the process of implementation, and report on the progress thereon.

2. It is recalled that the CDIP at its ninth session on May 7 to 11, 2012, considered a Management Response to the External Review Report prepared by the Secretariat. In that Management Response, the Secretariat had sought to categorize each recommendation in the External Review Report as either:

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| Category A | Recommendations which are already reflected in WIPO activities or ongoing reform programs |
| Category B | Recommendations which merit further consideration |
| Category C | Recommendations which raise concern as to implementation |

3. In responding to the Committee's request, the Secretariat considered all the recommendations initially placed in Category A in the Management Response, and in some cases that initial categorization has been updated and revised to reflect current circumstances. Accordingly, this document provides information on the progress of implementation of all recommendations currently classed either wholly or partially in Category A.

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

LIST OF RECOMMENDATIONS UNDER IMPLEMENTATION EXTRACTED FROM THE EXTERNAL REVIEW OF THE WIPO TECHNICAL ASSISTANCE REPORT AS CONTAINED IN THE MANAGEMENT RESPONSE

Each recommendation below is grouped into the sections given in the External Review Report (e.g., General Observations, Relevance and Orientation etc.). In each case, the reference is given to the relevant page and paragraph number of the Management Response to the External Review Report.

Each recommendation has also been described as to its status of implementation, whether completed, pending completion or continual. The majority of recommendations contained in this document are being implemented by the WIPO Secretariat as a matter of routine, and are therefore described as “continual”. In reporting on the progress made by the WIPO Secretariat with regard to each recommendation, illustrative examples are drawn from the activities of different programs and sectors across the Secretariat.

I. GENERAL OBSERVATIONS

1. The scale and intensity of WIPO DC activities on global public policy issues, rebalancing the IP system to reflect development priorities, research on IP and development, and reducing the knowledge gap through technology transfer and access to knowledge should properly reflect the degree of priority that developing countries accord to them.

Reference: page 2, paragraph 6
Status: Continual

WIPO is a Member State-driven Organization, and the activities conducted by the Secretariat in the field of development assistance are directly in line with the priorities as negotiated and agreed by the Member States as a whole. The consultative process of developing the biennial Program and Budget (P&B) primarily determines the degree of priority that the Member States attach to the work of the Secretariat. The developing and least developed countries (LDCs) among those Member States have taken a lead role in guiding the discussions on WIPO's development-oriented activities through the Development Agenda (DA). The Committee on Development and Intellectual Property (CDIP) provides the ongoing forum for discussion and adjustment of the strategic priorities of the Organization in the field of development, in tune with the needs of the countries concerned.

As a result, the implementation of this recommendation by WIPO has been always demand-driven according to the priorities set by developing countries and LDC Member States. For example, the establishment of national networks of Technology and Innovation Support Centers (TISCs) in developing countries and LDCs is guided by a project document jointly formulated and agreed upon by the Member State involved and the WIPO Secretariat, where the main priorities of the country in the area of access to scientific-technical information and to patent information are indicated. In addition to providing and facilitating low cost access to information, training needs priorities regarding effective use and exploitation of this information are also discussed and agreed upon between the WIPO Secretariat and the Member States and development cooperation activities are implemented accordingly to address those priorities.

In another context, the research work on IP and development undertaken by WIPO's Economics and Statistics Division emanates directly from CDIP projects; studies are implemented in consultation with national governments in developing countries and are directly reflective of their needs and priorities.

In the Secretariat's work on addressing Global Challenges, the Organization is focusing more resources on practical, results-oriented platforms, such as WIPO Re:Search and WIPO Green that deliver results focused on technology transfer, knowledge transfer and human capacity building.

In WIPO's Innovation Division, considering that innovation and knowledge transfer have significant impact on development, all activities such as the training of trainers programs on effective IP asset management by small and medium-sized enterprises (SMEs), universities and research institutions are planned, organized and implemented at the request of and in close coordination with the concerned developing countries and LDCs and are guided by an analysis of their national strategies and priorities. These activities are geared towards enhancing intellectual property rights (IPR) management skills and competencies of SMEs, SME support institutions and academic institutions which are often the main IP and technology generators in developing countries. This in turn contributes to increasing the level of technology transfer and in filling the knowledge gap.

2. Greater overall emphasis should be given to DC activities that would directly contribute to the goal of reducing the knowledge gap, such as activities to help countries to:

- a) Attract, absorb, learn from and produce technologies and/or promote affordable access to knowledge that could contribute to local innovation processes;**
- b) Promote coherence of IP policies and other areas of national public policy;**
- c) Make practical use of exemptions or *sui generis* legal/policy options to improve access to foreign technologies or manage the degree of protection they receive;**
- d) Support developing countries to protect their knowledge, creative products or technologies in international markets and enforce their rights in other jurisdictions; and**
- e) Establish and use mechanisms that could improve balance in national IP systems such as those related to pre and post-opposition patents.**

Reference: page 2, paragraph 7

Status: Continual

In the last decade, in particular, WIPO's activities have been geared towards building capacity and addressing the disparity in access to knowledge between developing and developed countries, focused in more recent times on the particular needs highlighted in the DA recommendations.

With reference to the first part of this recommendation, the Innovation Division has developed specific tools and capacity-building programs for main innovation actors in developing countries that have as one of their objectives to empower such countries to understand innovation and technology transfer policies, structures and processes (such as projects on how to develop innovation structures – "TTO Project for Arab Region"; trainings on protection of invention – "Patent Drafting"; how to value technology – "IP Valuation"; how to negotiate your licensing contract – "Successful Technology Licensing"), with a view to increasing their competences to attract, absorb, create and protect their knowledge, technology and innovative products.

In a different context, the approval by Member States of Phase II of the DA projects regarding specialized access and support to information and the development of tools for the access thereof and its successful implementation during the 2012-13 biennium provides evidence that greater focus is placed on the execution of development cooperation activities and projects

aiming at promoting affordable access to knowledge. During the implementation period, the Access to Research for Development and Innovation (ARDI) program has substantially increased content to more than 10,000 journals and books, while the number of users in developing countries and LDCs is also growing rapidly. The number of institutional users of the Access to Specialized Patent Information (ASPI) program also continues to increase.

WIPO's Regional Bureaus and various divisions providing technical assistance are cognizant of the need to ensure coherence of IP policies with the globality of any given country's development needs and goals. One of the aims of the national IP strategy framework, which the Regional Bureaus are assisting countries in formulating and implementing, is to achieve coherence of IP policies with other areas of public policy; thus there is an integral element of multi-stakeholder consultation in the IP strategy process. In addition, the provision of legislative advice to countries, upon request, gives due consideration to achieving such coherence.

In a different context, all activities and projects of WIPO's Innovation Division have the objective of raising the level of understanding and capacity of innovation stakeholders in developing countries to practically use all legal and business options, through focused capacity building programs that provide concrete knowledge on challenging issues (such as how to protect knowledge, how to negotiate IP licensing contracts, how to determine the price of early stage technology) and customized projects (such as how to develop an appropriate innovation structures and intermediary institutions on national and regional level).

In addition, when providing technical advice and, in particular, legislative assistance, upon the demand of certain Member States, WIPO advises on the use of all legal and policy options that may be employed to meet domestic need and priorities. For example, in giving advice on patent law issues, awareness-building on the use of exceptions and imitations to patent rights is undertaken by the WIPO Secretariat as a matter of course, and further activities are foreseen in the Standing Committee on the Law of Patents (SCP).

On the issue of support for developing countries to protect their knowledge, creativity and technology and enforce their IP rights internationally, the WIPO Secretariat has a number of relevant initiatives that reflect the importance of this recommendation. For example, the international negotiations with the objective of reaching agreement on a text(s) of an international legal instrument(s) which will ensure the effective protection of genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs), is currently taking place within the Intergovernmental Committee on IP, Genetic Resources, Traditional Knowledge and Folklore (IGC). Upon request, the WIPO Secretariat continues to assist regional groupings in the Caribbean, Africa and the Pacific to develop and/or implement regional policies and frameworks. Upon request, the WIPO Secretariat also provides legislative and policy advice on national legislations in the area of traditional knowledge to some developing countries.

In a different context, the Innovation Division is continually putting this recommendation into practice. Creation and customization/translation of WIPO SMEs publications (some in cooperation with International Trade Centre, Geneva) and IP Panorama, organization of training of trainers programs on IP asset management for SMEs and dissemination of relevant information via the WIPO web site and the monthly SMEs Newsletter; the creation and customization/translation of innovation-related tools and programs, such as guides and manuals on innovation and technology transfer, training kits that can be used and replicated by Member States for efficient dissemination of knowledge for innovation stakeholders (decision makers, academic institutions and businesses) and; strengthen the capacity of developing countries to protect their knowledge, creative products or technologies in international markets and enforce their rights in other jurisdictions. Further, the Innovation Division's capacity-building programs are conceptualized to provide practical knowledge and expert advice on any

topic requested by target audience, including on mechanisms that can improve balance in national IP systems.

The recommendation geared at improving balance in national IP systems, such as in pre and post-opposition patents is under permanent implementation in the WIPO Secretariat's provision of legislative advice on patent law issues. Awareness-building on the use of pre- and post-grant opposition systems has been undertaken and further activities are foreseen in the SCP.

3. Confusion should be remedied among Member States and within Secretariat as to meaning of 'demand-driven':

- b) Dialogue should take place between national beneficiaries and the Secretariat about national development strategies, priorities and needs and WIPO's obligations to advance the DA.**

Reference: page 2, paragraph 8

Status: Continual

The WIPO Secretariat is continually taking steps to ensure that its development assistance is delivered in a manner which is coherent, effective and best aligned with national development needs and priorities as articulated by the national authorities of the Member State concerned. In particular, as the focal points for WIPO/Member State interaction, the Regional Bureaus engage the Member States and counterpart institutions in a dialogue and consultation in the process of formulating national IP strategies; as well as in agreeing on a country plan for a specific period of time. Further, in the context of Member States dialogue, the Organization undertakes activities to implement agreed projects and work under the aegis of the DA.

4. Greater discussion should take place between WIPO staff and Member States on risks associated with activities or the local conditions and requirements that would facilitate or constrain the success of activities.

Reference: page 3, paragraph 9

Status: Continual

In line with the strategic realignment of WIPO in keeping with a results-based approach, the strategic planning within the WIPO Secretariat now highlights the importance of risk assessment, taking into account forward thinking risk-assessment analysis, and the results of post-hoc evaluations. The Program and Budget (P&B) and Work plan process now includes program level contribution to a central risk register. In addition, efforts are continually made to identify risks at the national level while implementing projects and activities.

5. Need for transparency about the origins of Secretariat proposals at the regional level, clear relationship to broader strategic planning, results-management and priority-setting processes at the country and organization-level, and opportunities for Member States and stakeholders to provide input to ensure the appropriate development-orientation of activities.

Reference: page 3, paragraph 10

Status: Continual

The WIPO Secretariat as a matter of procedure and policy consults with the Member States on forthcoming activities wherever appropriate, and reports on all activities to the Member States via the P&B, Program Performance Reports (PPR), and other reporting procedures such as the Director General's Report to the CDIP. Activities are planned and implemented with a view to maximizing transparency both with the country concerned, and the Member States as a

whole. For example, the planned revision of the Model Laws on Patents and Utility Models planned for 2013/14 has been developed in close consultation with the Member States.

In the technical assistance field, the national IP strategy process involves an iterative process of multi-stakeholder consultation from the initial preparation of the needs assessment and audit to the priority-setting, drafting and validation of strategy document. This is designed to ensure transparency among all relevant stakeholders.

6. Need for a satisfactory methodology for assisting developing countries to assess their development needs, IP capabilities and appropriate strategies.

Reference: page 3, paragraph 11
Status: Continual

The WIPO Secretariat, notably through its IP strategy-related activities and country plan approach, is continually refining its methodologies to assist Member States to assess their development needs, and determine how best to target WIPO's provision of technical assistance.

The national IP strategy methodology, the product of a DA project, is being used by the Regional Bureaus to assist countries in their IP policy formulation processes. It comprises a series of practical and customizable tools including a methodology handbook with practical templates and a baseline survey questionnaire for the conduct of desk and field research; and a handbook on benchmarking indicators, to support the use of the baseline survey tool. These tools enable

- a) The assessment of the current status of the country's IP system,
- b) Defining strategic IP targets and priority areas; and
- c) Assessment of specific IP needs with a view to formulating a national IP strategy that is in line with national development priorities and objectives.

7. The two IP strategy projects will demand active engagement with a diversity of external stakeholders and experts, including IGOs, development agencies and NGOs, and consistent internal coordination on the substantive and procedural aspects of each project.

Reference: page 3, paragraph 12
Status: Continual

The WIPO Secretariat, in all its activities aimed at assisting LDCs and developing countries to design national IP and innovation strategies, actively engages with external stakeholders and experts, while also ensuring the necessary coordination among colleagues across the Organization. In the context of the DA project on national IP strategies at the pilot country level, consultative structures were set up comprising multi-stakeholders groups.

8. With respect to activities to enhance support systems for users of the IP system, greater attention should be given to activities that might help governments and other stakeholders to address the challenges of ensuring a balanced and development-oriented IP legislative, regulatory or policy framework:

- a) **Greater attention should be paid to assessment of the needs of a diversity of potential users and stakeholders at the national level, and to strategic prioritization among them based on development priorities.**

Reference: page 3, paragraph 13
Status: Continual

The WIPO Secretariat, in providing support to users of the IP system, is continually mindful of the need to assist such users to ensure adoption of an IP system which is balanced and responsive to the needs of all relevant stakeholders. For example, this is addressed by the Regional Bureaus via the national IP strategy process, which is country-specific and takes into account the particular situations, objectives and priorities of each LDC and developing country in question.

In the context of legislative advice provided by the Secretariat, the needs of users of the IP system are habitually taken into account by the Secretariat, although it is for the relevant authorities and policy-makers to lead consultations undertaken in the framework of any legislative advice process. For example, in the Building Respect for IP Division, a TRIPS Questionnaire was sent to the Member States that had requested legislative assistance in order to verify the legal framework in the country concerned as to the compliance with the obligations and options of Part III of the TRIPS Agreement before providing any legislative assistance.

In the normative activities of WIPO, a significant and growing number of non-governmental organizations, including national non-governmental organizations, participate in the Standing Committees as ad hoc observers. Many of them have permanent observer status in WIPO. For example, activities regarding the protection of TK, TCEs and GRs aim at contributing to ensuring a balanced and development-oriented IP legislative, regulatory or policy framework in this field.

9. WIPO lacks the diversity of methodologies and tools to help countries measure the impact of changes in IP policies and laws on development and other strategic objectives, or to properly assess how its DC activities may influence the achievement of such impacts.

Reference: page 3, paragraph 16
Status: Observation and Continual

While this is principally an observation, it should be noted that Country Portfolio Evaluations (CPE) are a first step towards addressing the concern, in collaboration with various WPO Divisions such as the Office of the Chief Economist.

10. Professional training and activities should be properly adapted to the specific needs of recipients, and follow-up should be employed to ensure usefulness and exploitation of any benefits.

Reference: page 4, paragraph 17
Status: Continual

The professional training and capacity-building activities undertaken by the WIPO Secretariat are all specifically adapted to the needs of the requesting Member State or region. These needs are assessed by evaluation missions undertaken by the Regional Bureaus to selected countries. Activities are then implemented in the country following dialogue to determine the specific needs and priorities at stake. Efforts are always made to evaluate the effectiveness of each activity, and its suitability and fitness for purpose.

For example, in the Building Respect for IP Division, the content of all training activities is determined with the Member State(s) at stake and in function of their expressed needs, within the framework of DA Recommendation 45, and there is strict assessment of the relevance of the topics to the needs of the participants, as well as the quality of presentations and speakers. Further training events are adapted in accordance with feedback from previous participants.

In the field of traditional knowledge, upon request, presentations and training on TK, TCE and GR-related IP issues have been made to different recipients in different countries.

11. All programs should have appropriate expected results and adequate data gathering at national and institutional levels, so as to strengthen reporting, monitoring and evaluation, and thereby transparency and accountability.

Reference: page 4, paragraph 19

Status: Continual

The need for appropriate expected results and data gathering at national and institutional levels has been acknowledged by the Organization and is being addressed progressively via the results-based management (RBM) framework. While data gathering at national and institutional levels is not routinely in place throughout the Secretariat, systems are being put in place to obtain feedback from recipients of technical assistance provided by the WIPO Secretariat.

12. Member States should be provided with an adequate strategic overview of WIPO's DC priorities, activities and budget allocation.

Reference: page 4, paragraph 20

Status: Continual

The need for a strategic overview of WIPO's development cooperation priorities, activities and budgetary allocations is continually being addressed through the P&B process.

13. Focus should be on longer-term or cumulative impacts of DC activities, rather than short-term projects.

Reference: page 4, paragraph 21

Status: Continual

The need for a longer-term perspective in delivering technical assistance is being addressed via the RBM framework and the national IP strategy framework. The Regional Bureaus are deliberately taking long term impact and results into account in their Work planning.

14. To maintain cost efficiency of WIPO's DC activities:

- a) **Adequate use should be made of project planning tools;**
- b) **Attention should be given to cost considerations;**
- c) **Duplication should be avoided;**
- d) **Institutional bottlenecks or procedures should be removed; and**
- e) **Adequate access should be ensured to qualified staff and consultants.**

Reference: page 4, paragraph 22

Status: Continual

The WIPO Secretariat endeavors continually to examine and, where necessary, improve its procedures in order to ensure the best use of available resources. This recommendation is being addressed in particular through the Enterprise Resource Planning (ERP), which will enhance the capabilities of the Organization to better track actual expenditure based on a set of predefined reporting parameters. In addition, this will enable the Organization to better understand the underlying cost-structures for implementing activities and achieving results, enhance its capability to better identify duplications (during the P&B planning and Work plan processes) and enhance cost efficiencies.

The observations made are also being addressed through the strengthening of the results-based culture throughout the Organization. The rooting of a results-based culture will be pursued through developing better project planning tools and enhancing project/program management capacities throughout the programs delivering technical assistance.

The identification and removal of institutional bottlenecks or procedures is being addressed on a continuous basis in particular, but not exclusively, through the implementation of the ERP project.

In specific areas of the Organization, such as the Building Respect for IP Division, a strategic and targeted approach is taken to establish national public awareness strategies, as part of a project planning approach. In the Regional Bureaus, the country planning approach addresses issues of duplication. The Roster of Consultants, produced as a result of another DA project, is one facility established by the Organization with a view to addressing the concern related to access to qualified consultants.

15. Internal coordination of the diversity of DC activities undertaken by different sectors and programs should be improved:

- a) Avoid duplication and better exploit synergies.**

Reference: page 4, paragraph 23

Status: Continual

The WIPO core value of 'Working as One', together with new communications initiatives such as the 'What's New' briefings series and post-Committee internal briefings are geared to improve internal coordination among sectors and programs.

In the patents-related programs, for example, constant efforts are being made to avoid duplication between the work undertaken in the CDIP and the work in the Standing Committee on the Law of Patents (SCP). In addition, the Member States retain the competence and oversight to ensure the existence or absence of duplication of the activities undertaken by various WIPO bodies. This concern has also been addressed by strengthening the role of the Regional Bureaus in coordinating and ensuring Organization-wide coherence in the delivery of technical assistance. In all cases, the links between programs are clearly reflected in the P&B and their implementation is continually evaluated.

In addition, as with Recommendation 18 above, the need for enhanced internal coordination is being addressed through the ERP, and the strengthening of the results-based culture in the Organization.

16. Implement adequate strategic thinking on the part of (Member States and) the Secretariat on the diversity of external partnerships and collaborations needed to fulfill the DA mandate.

- a) Greater effort should be made to learn from other assistance providers at international and national levels.**

Reference: page 5, paragraph 24

Status: Continual

The implementation of the WIPO DA, overseen by the Development Agenda Coordination Division (DACD), is achieved through continued and intensive internal coordination, as well as outreach to external stakeholders active in the field of IP and technical assistance. In particular, the WIPO External Relations Program is designed to support the Organization in taking a strategic approach towards developing partnerships with IGOs and non-governmental partners which support the effective implementation of the WIPO DA. At the international

level, this includes the Organization's engagement in processes such as the Millennium Development Goals (MDGs), post 2015 Development Framework, Rio+20 and a variety of other *fora* relevant to discussions on IP and development.

II. RELEVANCE AND ORIENTATION

17. Integration of DA principles, guidelines and best practices:

- a) **Progress achieved in integrating DA priorities and principles at the planning level should be translated into better results at the implementation level.**

Reference: page 5, paragraph 4

Status: Continual

The DA principles and recommendations are taken into account in all relevant WIPO activities, and cross-referenced in all reporting mechanisms including the P&B, PPRs and evaluations of projects. The Regional Bureaus, while planning activities with Member States, adhere closely to DA principles and recommendations. This approach is also reflected in the work of specialized programs: in the Building Respect for IP Division, for example, all legislative assistance and capacity-building activities are systematically based on DA Recommendation 45 and Strategic Goal VI.

18. Improve the development-orientation of activities:

- a) **WIPO's activities should adhere to widely accepted principles, guidelines and best practices in the broader field of DC (e.g., OECD's Paris Principles).**
- b) **All staff and consultants involved in DC activities should be informed about and follow these principles and best practices, and engage in Continual training on key developments in development assistance.**
- e) **Guidelines should be used by all stakeholders including consultants engaged in DC activities along with a Code of Ethics for individual providers and experts (staff, consultants or unpaid speakers/experts).**
- f) **Expected results in the P&B should be refined to explicitly address how the different components of development orientation are integrated across WIPO's programs, and activities.**

Reference: pages 5, 6, paragraph 5

Status: Continual

The organizational reform process in the WIPO Secretariat, and the mainstreaming of the DA, are geared towards optimizing the development-orientation of WIPO's technical assistance activities. Such improvements are being implemented with an eye to best practices and developments in the broader context of development cooperation in the global arena. For example, the Regional Bureaus are addressing this recommendation through their development of national IP strategy frameworks, and the RBM framework.

With regard to part f) of the recommendation, targeting the expected results in the P&B, it is recognized that the development orientation of each organizational expected result is comprised in the development share.

19. Improve prioritization and balance of activities undertaken:

- c) **WIPO (and Member States) should devise clearer objectives and priorities for DC activities, a process for prioritization of activities, and criteria for determining what activities fall within those priorities.**
- d) **Internal processes for prioritization of activities by program, expected results and country and allocation of regular funds in the P&B process should be more transparent.**

- e) **Greater attention should be given to integrating and streamlining development goals and priorities across WIPO's programs top down through the P&B process and bottom-up by ensuring that overarching WIPO-wide programs, DC activities and priorities are informed by and aligned with country needs and priorities.**
- f) **Integrate five potential sources of input in prioritization and planning of DC activities:**
- i) **Country needs assessment and planning processes should bring a 'bottom-up' perspective including priority-setting for P&B processes;**
 - ii) **P&B process should focus more on identification of core priorities and their integration into programs;**
 - iii) **Incorporate the DA vision about the role of WIPO in IP and development;**
 - iv) **Incorporate lessons learned about priorities and successful activities from the improved evaluation processes into future planning; and**
 - v) **CDIP can play a role in identifying and proposing projects/activities (e.g., CDIP could establish an expert group on development issues to advise WIPO and Member States on cross-national initiatives to promote a more balanced IP system and complement country-based demand-driven proposals).**

Reference: pages 6, 7, paragraph 6
Status: Continual

The organizational restructuring that has taken place, and continues to take place at WIPO, including the implementation of the Medium Term Strategic Plan, RBM and ERP systems, aim at putting in place a cohesive approach to the Organization's activities, and to ensuring prioritization of these activities to best reflect Member State priorities and needs. This exercise is addressed during the biennial planning process, as per the P&B, and in the annual Work planning exercises undertaken by all programs across the WIPO Secretariat.

From the perspective of the Regional Bureaus, Work plans are prepared in consultation with Member States taking into account the objectives and the expected results of the Development Sector as outlined the P&B. All aspects of this Recommendation are being addressed by the Regional Bureaus in their current methodologies for delivery of technical assistance, in particular through the national IP strategy processes and the country plan approach, which incorporate the principles and guidelines of the DA recommendations into the Secretariat's development cooperation activities.

Through an emphasis on a results-based approach to the Secretariat's activities, and an increasing recognition of the role of formal and informal evaluation of DA projects and ongoing activities, the Organization is increasingly incorporating lessons learned into future planning of technical assistance activities. For example, in the Building Respect for IP Division, all activities are followed up with a strict assessment of the relevance of the topics to the situation in the everyday work of the participants; the quality of presentations and of speakers; and collection of further comments and suggestions by participants. Further programs in the Division are developed as a function of the aforementioned assessment.

With regard to the entities which are or should be responsible for identifying and proposing activities, it is noted that the Work planning and delivery mechanisms for WIPO's technical assistance activities are undertaken in a close consultation with Member States in line with Recommendation 1 of the WIPO DA.

- 20. Integrate budgets and planning for all DC activities into the regular P&B process:**
- a) Funds-in-Trust (FITs) supported activities should be reflected in WIPO's regular budget, programming and reporting processes, and into country planning processes;**
 - b) Need greater Member State oversight of FITs Work plans and evaluation;**
 - e) Greater reflection should be given to WIPO's comparative advantage among the community of donors and providers of IP-related development assistance, the strategic role of WIPO and modalities it is best positioned to use.**
- Questions include:**
- i) How much should WIPO's focus be on implementation of activities at the national level versus facilitating coordination of activities among many donors or brokering access to new resources at the request of Member States?**
 - ii) To what extent should WIPO serve as a training institute and where should its priorities lie?**
 - iii) To what extent can/should WIPO build and diversify its in-house expertise to address the expanding range of demands it faces? and**
 - iv) To what degree should WIPO's work be outsourced to consultants or conducted via institutional partnerships?**

Reference: page 7, paragraph 7

Status: Continual

The integration of all initiatives (projects, activities, etc...) into the results framework of the Organization (i.e., strategic goals and expected results) continues, irrespective of the source of funding, to ensure that all activities and initiatives undertaken by the Organization are complementary in contributing to the set goals (including DA projects). Such efforts were started in the 2010/11 Biennium with the approval of Member States in 2010 of the Mechanism for integrating DA Projects into the program and budgetary cycle of the Organization. The P&B 2012/13 includes additional information on funds in trust (FITs) by program. Further, as of 2012, all initiatives and activities in the Work plans are linked to the organizational Results Framework approved by the Member States, including those funded by the reserves or extra-budgetary sources of funds.

Indeed, the WIPO Results Framework guides all the Organization's activities from both regular budget and Funds-in-Trust (FIT) funding, and it also helps ensure alignment. This was a new element in the 2012/13 P&B, and provided the optimal level of oversight and evaluation of the Organization's activities.

WIPO continually undertakes evaluation of its strategic role and comparative advantage *vis-à-vis* other development assistance providers, and this is an integral element in the Organization's resource mobilization efforts.

- 21. Improve demand management, partnership and outreach for DC:**
- c) WIPO should improve outreach and guidance to Member States on range of DC activities offered.**
 - d) A menu/catalogue of DC activities should be made available on WIPO's website to help countries determine which DC activities might feature in their country plans.**
 - e) The guide should be reviewed and updated annually, and should detail:**
 - i) Kinds of DC activities provided by region/program;**
 - ii) Process for requesting assistance;**
 - iii) Time frame for receiving requested assistance;**
 - iv) Possible modes of cooperation;**
 - v) Focal points within WIPO;**

- vi) Whether assistance can be at regional, national, district or city level;
 - vii) Kinds of national stakeholders that can request assistance and through what channels;
 - viii) Process of engaging other providers, donors, experts in activities;
 - ix) Process for monitoring/evaluating country-level activities;
 - x) Considerations re country-preparedness such as absorptive capacity, risks and matching resources; and
 - xi) Processes by which Member States can guide overall planning and prioritization of WIPO DC activities.
- f) Clarify the term ‘demand-driven’. The focus of DC activities should not be on responding to requests, but on promoting a dialogue with/among Member States about needs/priorities and appropriateness of different types of DC given a country’s level of development, preparedness, absorptive capacity and risks, and the competing demands on WIPO’s resources and obligations to advance the DA.
- g) Staff should address obstacles/risks frankly with national authorities to ensure realistic expected outcomes/results.
- h) Stronger efforts should be made to identify options and discuss alternatives, and to identify alternative providers where activities are beyond WIPO’s scope.
- i) Consideration should be given to whether DC activities need to be altered, supplemented or complemented to address the needs of categories of countries among whom lessons can be learned and shared (e.g., small/large IP offices, with/without search and examination capabilities, large emerging countries/middle income developing countries). Some larger emerging developing country Members may not be requesting DC assistance as defined, but have strategic needs/interests to which WIPO should respond.
- j) Priority should be given to DC activities that enable South-South Cooperation, and enhance sharing of experiences/expertise among developing countries.

Reference: pages 7, 8, paragraph 8
Status: Continual

In the interests of improving demand management and enhancing the partnership between Member States and the Organization, a catalog of WIPO’s development cooperation activities has been prepared and published as a WIPO publication on the WIPO website.

With respect to the parts g) to j) of the recommendation, various approaches are being taken across the Organization. For example, in the traditional knowledge field, Background Briefs, a booklet and other publications and materials on TK, TCEs and GRs address the obstacles and risks, and identify options and alternatives on the protection of TK, TCEs and GRs by Member States.

The upfront addressing of risks and obstacles is also explicitly included in the methodology of various WIPO programs, such as the Building Respect for IP Division. In addition, the introduction in the second half of 2012, of a more systematic risk identification process will assist in meeting this Recommendation.

Priority is frequently given to development cooperation activities designed to enhance South-South cooperation, and the sharing of experiences among developing countries. The DA Project on Enhancing South-South Cooperation on IP for Development Among Developing Countries and Least Developed Countries, for example, aims to contribute to: (a) better understanding of IP and its potential contribution to development in the developing countries and LDCs; (b) identifying priorities and special needs of developing countries and LDCs in the area of IP and development including norm-setting at the national, regional, and international levels; (c) better-informed socio-economic context-sensitive decision-making on IP policies at

the national and regional levels in the South; (d) better protection of domestic creations and fostering innovation in developing countries and LDCs; (e) promotion of the transfer and dissemination of technology; (f) enhanced infrastructure and capacity for developing countries and LDCs to make the most effective use of IP for development bearing in mind their socio-economic conditions, and their different levels of development; and (g) increased capacity of developing countries and LDCs to share their knowledge and experience in the area of IP and Development.

WIPO Committees, such as the Advisory Committee on Enforcement (ACE) have also taken the approach of facilitating the sharing of experiences among developing countries and LDCs, and this is also achieved by regional and the inter-regional levels meetings organized or co-organized by WIPO with a view to share experiences, lessons learned and best practices.

22. Boost country ownership:

- a) Improve efforts to better tailor DC activities to national development objectives/circumstances, consistently integrating the social/economic context, national development goals/priorities, and broad regulatory and institutional environment of the country.**
- b) WIPO should assist Members to undertake/update national needs assessment for IP-related DC activities:**
 - i) Needs assessments should be informed by national IP and Development policies and strategies formed with input from government departments and stakeholders;**
 - ii) Needs assessments should be used to improve country-level planning of DC activities linked to clear expected results, targets and performance indicators; and**
 - iii) WIPO and Member States should be informed of concurrent efforts by other providers to develop/use toolkits for such assessments and coordinate or complement them.**
- c) WIPO should continue to refine and deploy a flexible template for preparation of multi-year country plans for DC:**
 - i) Templates should be used together with national IP policies/strategies and needs assessment tools to prioritize WIPO assistance;**
 - ii) Country plans should be the focal point for dialogue with Member States and staff planning activities in a country to enhance coordination, prioritization and efficient use of resources;**
 - iii) Country plans should be compatible with DA recommendations, strategic goals, RBM framework and WIPO's financial and human resources;**
 - iv) Plans should map activities of other donors and actors and specify appropriate niche for WIPO's interventions; and**
 - v) WIPO should encourage Member States to implement a strategy for soliciting and managing assistance received, and assist them to identify/facilitate access to other sources of assistance.**
- d) WIPO and beneficiaries should pursue a more meaningful dialogue on preparedness, challenges and risks:**
 - i) Greater up-front efforts should be made to inform countries of the demands DC activities may place on national resources (institutional, human and financial) from needs assessment phase through to design and implementation of country plans;**
 - ii) Tailor/adjust or postpone activities based on assessment of internal resources available in beneficiary countries; and**
 - iii) Use the country planning process as a tool for building mutual understanding of resource constraints and the need for priority-setting.**
- e) WIPO (and Member States) should devise processes to boost oversight of its DC activities at the regional level: and**

- i) WIPO should review its DC activities for regional IP Offices, including by consulting with Member States on how to improve development-orientation of these Offices and bolster the national expertise necessary for them to provide oversight of regional IP arrangements.**

Reference: pages 9, 10, paragraph 9
Status: Continual

The need for country ownership of technical assistance activities is addressed by the WIPO Secretariat in initiatives, such as the national IP strategy methodology, geared to tailoring WIPO technical assistance to the unique needs and priorities of any given country. This methodology features a needs audit or assessment for IP-related activities. In addition, the country plan approach adopted by the Secretariat is based upon country-level needs assessments that take into account each country's national IP and development policies. The development of country plans ensures a long-term perspective both for the WIPO Secretariat and the Member State concerned so as to ensure the continuity of WIPO technical assistance and potentially that of other technical assistance providers.

In some Secretariat programs these assessments are also achieved through cooperation with other IGOs and NGOs; for example, this approach has been adopted by the Building Respect for IP Division. Through its contacts with other organizations providing technical assistance, such as the World Trade Organization, European Commission and International Finance Corporation, the Secretariat is informed in some instances of related work being undertaken elsewhere, and efforts are made to coordinate such work to ensure complementarity and avoid duplication.

The IP Matchmaking Database seeks to assist Member States in identifying and managing bilateral and multilateral assistance.

The WIPO Secretariat's technical assistance activities clearly articulate the expected input and involvement of national stakeholders. The involvement of both sides takes into account the human resources and financial resources capacity to ensure the delivery and sustainability of an activity.

23. Broaden stakeholder engagement, and ensure balance of perspectives and boost transparency:

- a) WIPO should support countries' efforts to establish national committees on development and IP involving the full range of relevant government agencies working on public policy impacted by IP reforms (health, education, culture, agriculture, industry), and non-government stakeholders;**
 - i) Include support for public consultation and engagement in forming country plans and delivering IP-related development assistance.**
- b) WIPO should more systematically monitor the diversity of stakeholders/experts involved in providing assistance (consultants, speakers, trainers etc.), to ensure balance of perspectives:**
 - ii) There is a need for stronger institutional culture towards engaging with and learning from a diversity of stakeholders, to a media relations designed to open dialogue about challenges faced in development cooperation, and to substantive debates on IP and development.**
- c) Improvements should be made to the development-orientation and accessibility of research and evidence-base for DC activities (internal and external peer-review, quality, communication strategy, and availability of research and studies conducted by WIPO).**

Reference: pages 10, 11, paragraph 10
Status: Continual

Efforts are continually made by the WIPO Secretariat, including through the Regional Bureaus, to broaden stakeholder engagement in a range of activities. For example, some initiatives in the field of traditional knowledge are aimed at enhancing the effective participation of representatives of indigenous peoples and local communities in WIPO's work. In a different context, in the Building Respect for IP Division, a balanced approach is adhered to in the Advisory Committee on Enforcement (ACE), including through capacity-building and awareness-raising activities.

III. IMPACT

- 24. Strengthen tools and processes for measuring impact:**
- a) WIPO should devise and deploy tools/processes to better measure the impact of DC activities at country, sectoral and institutional level.**
 - c) An Expert Group of WIPO staff and external experts should be established to help review the tools for measuring impact, and WIPO's RBM tools more broadly.**

Reference: page 11, paragraph 1
Status: Continual and Achieved

The WIPO Secretariat is continually enhancing its use of tools for evaluating and measuring the efficacy and development-related impact of its technical assistance activities. The Secretariat is developing better performance data collection tools and strategies for monitoring results at the national and regional levels. The gathering of performance data at the national and regional level is at the heart of a results-based approach and although not cost neutral, should be seen as an investment in better understanding what works well and how, causal relationships and impacts, including in the area of development cooperation, and strengthening accountability to Member States. The collection and analysis of performance data in the area of development cooperation require horizontal communication and cooperation among the Regional Bureaus, on the one hand, and the specialized sectors on the other hand.

Specific evaluation tools are adopted for designated activities. For example, in the Regional Bureaus, an evaluation process has been implemented under the FIT-Japan. In the Building Respect for IP Division, evaluation forms are used as a matter of course in capacity-building activities, and follow-up evaluation tools are employed whenever legislative advice is provided to a Member State.

- 25. Processes should be strengthened to boost institutional learning, follow-up and accountability for the impact of activities:**
- a) WIPO should develop tools/processes to improve institutional learning, monitoring, follow-up, institutional memory and staff accountability for development activities, including to:**
 - i) Improve horizontal communications between WIPO sectors/programs to generate ideas and share experiences;**
 - ii) Ensure systematic electronic-based collection of information about activities by topic, country and expected results in a format accessible to colleagues; and**
 - b) Processes are needed to keep staff informed about the latest developments in their given area, and incorporate most recent knowledge and lessons learned on effective assistances both internally and externally, even if on different issues or regions.**

Reference: pages 11, 12, paragraph 2
Status: Continual and Achieved

As described for Recommendation 24, above, the WIPO Secretariat is developing better tools for collection, monitoring and analysis of results at national and regional levels. The various programs within the Organization each play a different role in this process: for example, the study work undertaken by the Economics and Statistics Division is coordinated with the Regional Bureaus and, where relevant, other programs. Further, in the Regional Bureaus the country plans serve as a framework for WIPO activities and facilitate monitoring, institutional memory and assessment.

With reference to the need for the Organization to improve institutional learning, in line with best practices of the UN Common System, WIPO is moving forward on the capacity building process to become a learning Organization. An important step in this process was the implementation of WIPO's new Performance Management and Staff Development System (PMSDS), which includes desired key competencies (core, managerial and technical competencies), developmental objectives, and training needs. The extraction of these training needs permit WIPO to better identify learning priorities and to organize cross-sectoral in-class training which have been reported to be very helpful to create understanding and to share experience across WIPO Sectors.

The IP Technical Assistance Database (IPTAD), implemented through a DA project, is an example of a systematic electronic-based collection of information about WIPO's technical assistance activities, designed to inform WIPO staff, Member States and other stakeholders of the progress of the Organization's development-related activities.

26. Support should be given to data-gathering, analysis and lessons learned about intersection of IP and development:

- a) WIPO should support efforts to build knowledge/expertise internally and externally on the relationship between various IP systems, rules, policies and**
- b) practices and their development impacts at varying levels and for different sectors:**
 - i) To help understand the degree to which DC activities contribute to particular development outcomes.**

Reference: page 12, paragraph 3
Status: Continual

The WIPO Secretariat, particularly through the Economics and Statistics Division and the Regional Bureaus, routinely gathers information on the relationship between IP and development, and through liaison with individual Member States gains an understanding of the impact of its development-related activities.

27. Strengthen results and impact monitoring, evaluation and reporting:

- a) WIPO's RBM framework should be applied consistently to emphasize the importance of results and impacts (rather than inputs or number of DC activities):**
 - i) Reporting on impact, and challenges in doing so, should be integrated into tools for reporting to the GA and CDIP on DC activities.**
- b) More systematic and regular monitoring, evaluation, reporting and follow-up is needed to focus on long-term results and cumulative impact of DC activities, particularly those aimed at improving long-term institutional capacity:**
 - i) Systematic ex-post evaluations should be conducted of expected results of DC at program/activity level over a 5-10 year period (Note: WIPO Evaluation Strategy foresees completion of 10 country and 5 program evaluations in the next 4-5 years).**

Reference: pages 12, 13, paragraph 4
Status: Achieved and Continual

The RBM system implemented throughout the Organization, the P&B process and the annual Work plan preparation process are being used to strength the focus on evaluation, monitoring and results.

28. Expand range of non-government stakeholder collaborations to help sustain results and promote diversity of perspectives:

- a) Expand the range of non-government stakeholders for collaboration/consultation in planning/delivery of DC activities, to diversify the perspectives of the IP system and development that inform WIPO's work.**
- b) To enhance sustainability of results, pursue greater collaboration with a broader range of durable local actors in countries (e.g., NGOs, research centers in developing countries, local chambers of commerce, SMEs, Global inventors' associations) by co-organizing events, research, technical assistance activities and training).**

Reference: page 13, paragraph 5
Status: Continual

The WIPO Secretariat has responded to the changing context of IP-related policy making by reaching out a wider variety of external stakeholders, including non-government entities. Such outreach is taking place in all appropriate activities, but not in areas such as the provision of legislative assistance which by their nature are unsuited to being publicized or externalized.

In specific cases, such as in the field of traditional knowledge, some initiatives have been put in place aimed at enhancing the effective participation of representatives of indigenous peoples and local communities in WIPO's work.

29. Adopt a WIPO policy of external partnerships and stakeholder engagement:

- a) Establish an Organization-wide policy and strategy on outreach, engagements and partnerships with IGOs and non-government stakeholders (NGOs, industry, academia, IP practitioners) for Member State approval.**
- b) Include guidelines for engagement with stakeholders in planning, implementation and evaluation of DC activities (e.g., through P&B process and in forming country plans), engagement in joint events and DC activities, financial support for participation in meetings/ seminars; and**
- c) Give regular briefings to a broad range of stakeholders to boost accountability and understanding of WIPO's work.**

Reference: pages 13, 14, paragraph 6
Status: Continual

The WIPO Secretariat has developed a draft policy on Partnerships and Resource Mobilization, which is under internal review. The draft policy addresses outreach to IGOs and the private sector.

The WIPO Secretariat has made efforts to brief non-governmental (NGO) stakeholders on a number of occasions. The Director General hosted a first annual open meeting with all accredited NGOs in April 2012, which provided an opportunity for a dialogue on the priorities and objectives of WIPO in 2012, as well as on broader issues relating to the international IP system. As part of a new strategy to bi-annualize such meetings, the Director General again hosted an open meeting with all accredited NGOs in February 2013, in which he outlined the

Organization's achievements in 2012 and priorities for 2013. These meetings, which reflect the importance that WIPO attaches to multi-stakeholder engagement, build upon other initiatives such as briefing sessions and individual meetings conducted for NGOs.

IV. MANAGEMENT

30. Review Organizational structures for oversight and management:

- a) Improve the process for Member State review and guidance on DC activities:**
 - ii) IAOD Country Portfolio Evaluations of WIPO assistance will also need to be discussed by the appropriate Member State body.**
- b) An independent monitoring/ evaluation mechanism is required to ensure that WIPO's technical assistance serves development:**
 - i) Such mechanism should be independent of the Secretariat, reporting directly to Member States, and funded through the WIPO budget (such a mechanism is common in all other IGOs); and**
 - ii) Should receive feedback from stakeholders and take appropriate action following investigation of complaints.**

Reference: pages 14, 15, paragraph 1
Status: Achieved and Continual

WIPO, as a Member State-driven Organization, is continually seeking to enhance the means by which Member States can provide guidance on development-related activities. With respect to the Internal Audit and Oversight Division's (IAOD) Country Portfolio Evaluations, the IAOD seeks guidance from Member States at the planning stage for its annual plan and reports to Member States on the evaluation report. At the planning stage, in line with WIPO's Internal Oversight Charter (paragraph 4), IAOD takes into account comments from Member States when preparing its annual oversight plan. For the 2013 plan, IAOD organized two meetings with the Member States (December 2012 and January 2013). The reports on Country Portfolio Evaluations are available to Member States upon request. Three main conclusions of the Country Portfolio Evaluation conducted to date were also presented through IAOD's Summary Annual Report to Member States at the Program and Budget Committee meeting in 2012, and the WIPO General Assembly.

With respect to the recommendation dealing with investigations, the WIPO Internal Oversight Charter provides a comprehensive framework for investigating complaints.

31. Strengthen RBM framework:

- a) Continue to improve RBM framework to facilitate better planning, monitoring of impact of WIPO's activities on development;**
 - i) Refine definition of appropriate targets, results, performance indicators, and continuing to improve baselines for each; and**
 - ii) There should be commitment of consistent leadership from senior management to motivate staff engagement at planning and implementation phases.**
- b) An Expert Review Team should be established to review/elaborate the RBM framework:**
 - i) The team should be comprised of senior internal staff and external experts in IP, development and RBM;**
 - ii) To assist Organization in developing/refining meaningful baselines, targets, expected results and indicators; and**
 - iii) Include continual consultation and interaction with other multilateral and development agencies on practices/experiences.**
- c) Secretariat should invest greater attention to its gathering and systematization of data used to measure its performance:**

- i) Support should also be given for Member States to gather data for measuring the relationship between IP policy, legal and regulatory frameworks and development outcomes, and the impact of WIPO's DC activities; and**
- ii) At the outset of major activities, WIPO staff and local authorities should agree on how to measure success/progress, and the process for gathering data to make the assessment.**

Reference: page 15, paragraph 2
Status: Continual

In the context of improvements to the RBM framework, efforts continue to further enhance the planning framework of the Organization, including the refinement of expected results, mainstreaming development and pursuing results-based budgeting efforts. The country needs assessments, as part of the Country Planning exercises, will increasingly inform the Organizational biennial planning, complementing the P&B questionnaire responses from Member States. In addition, efforts will focus on further strengthening the performance indicators ensuring that they measure achievement of results (outcomes) rather than activities/outputs (e.g., number of people trained).

With respect to the gathering and systematization of data used to measure performance, relevant work is performed in the regular work of several WIPO bodies, such as the ACE.

The WIPO Secretariat also supports the efforts of Member States to measure the relationship between IP policies and IP frameworks and their impact on development outcomes. For example, in the field of traditional knowledge, a compilation of national and regional TK and TCE-related instruments will be prepared.

32. Improvements should be made to measurement/monitoring of DC activities, expenditures and results:

- a) Continue efforts to improve measures for estimating personnel and non-personnel budgets for DC activities, and improve information systems for estimating/tracking actual expenditures.**

Reference: page 16, paragraph 3
Status: Continual

As with respect to Recommendation 31, the WIPO Secretariat continues its efforts to improve and optimize the planning framework of the Organization.

33. Devise and implement an effective evaluation framework for WIPO's DC activities:

- a) Devise a more comprehensive, systematic framework for monitoring and evaluating WIPO's DC activities, to deliver greater benefits and value for money:**
 - i) Employ a relevant and publicly-available set of qualitative and quantitative indicators and development benchmarks, based on principles/guidelines reviewed through consultations with international experts;**
 - ii) Indicators and benchmarks should be built into country-level needs assessment and country planning processes (to ensure they are designed with results/evaluation in mind); and**
 - iii) A useful tool to evaluate DC activities is a table that lists WIPO's performance indicators and enables comparison with different types/levels of development outcomes.**
- b) Core focus of evaluation should be to facilitate learning about where/how activities are successful, what factors impact the degree of success, where**

progress is being made or not, and how improvements could be made:

- i) Evaluations processes should trigger decision-making about future program activities and priorities;**
 - ii) Evaluations should take place at various levels of the Organization (program-level, country-level, project-level) according to expected results;**
 - iii) Focus of evaluations should be on development-orientation, development-impact, management, cost-efficiency and coordination;**
 - iv) Type of evaluations should include:
 - (1) Internal evaluation within program to promote learning/improve activities, and Organization-wide self-reporting on program performance;**
 - (2) Independent internal evaluation at country, program, sectoral and project level undertaken by independent WIPO staff or IAOD;**
 - (3) Joint internal/external evaluations; and**
 - (4) Independent external evaluations.****
- c) All evaluations should seek to use/build on WIPO's evolving RBM framework:**
- i) Results of evaluations should be reflected in PPRs; and**
 - ii) PPRs should be improved to ensure that progress in defining expected results, targets and performance indicators is translated into improved monitoring, evaluation and reporting.**
- d) Piloting and review of the Country Portfolio Evaluation (CPE) framework should be treated as a top Organizational priority:**
- i) The country evaluation framework should build on resources invested in the RBM framework, strategies on IP and development, and country planning, and research by the Chief Economist;**
 - ii) The final framework and pilot country studies should be reviewed by an external group composed of internal and external experts on evaluation, IP and development; and**
 - iii) The DA evaluation framework should be made available for public comment.**

Reference: pages 16, 17, 18, paragraph 4

Status: Continual

As with respect to Recommendations 31 and 32 above, the WIPO Secretariat continues its efforts to improve and optimize the planning framework of the Organization. In the Regional Bureaus, for example, evaluation and feedback tools are being utilized for activities with a view to measure impact and plan on improvements in the design of future activities. Country evaluations are being undertaken by the IAOD on a selective basis. Other programs at various levels in the WIPO Secretariat also undertake evaluations according to expected results. These programs, including for example the Building Respect for IP Division, use tools such as Quarterly Management Reports, Program Performance Reports, and assessment by IAOD with a view to enhancing relevance and efficiency.

34. More strategic decision-making and planning of CDIP projects:

- a) Ensure that the process for reviewing, possibly extending and/or mainstreaming existing CDIP projects is also properly integrated into future P&B processes, and is aligned with strategic planning at the organizational, program and country level:
 - i) Clarify the roles of Member States and WIPO in elaboration of CDIP projects, and the process for identifying beneficiary countries and priorities.****
- b) Pending review of the Coordination Mechanism and implementation of DA (2012-13), there should be no automatic extension of CDIP projects without evaluations upon completion, particularly for pilot projects and projects to test methodologies:**

- i) Following evaluations, Member States and Senior Management should ensure that successful CDIP projects (where consistent with strategic goals, organizational capacities and Members' interests) are mainstreamed into the Organization's DC programming.**

Reference: page 18, paragraph 5
Status: Continual and Achieved

The WIPO Secretariat has, since the adoption of the DA in 2007, increasingly integrated the design, approval and management of DA projects into the Organization's work. The process for integrating DA projects into the budgetary processes of the Organization was approved by the Member States in September 2010.

It is noted that there is no automatic extension of any DA project without evaluation upon completion.

As demonstrated by the PPRs, the P&B and the Director General's Report to the CDIP, and based upon the recommendations made in the informal and formal evaluation processes, the successful elements of DA projects are being progressively mainstreamed into the Organization's activities.

- 35. Improve transparency, reporting and communication of DC activities:**
 - a) DC activities should be more effectively reported/communicated to Member States, major stakeholders and staff, and donors and providers active in the field;**
 - ii) WIPO's Enterprise Resource Planning System should provide opportunities for more systematic monitoring of DC activities in program Work plans.**
 - b) (Member States should) clarify/broaden their Development Agenda recommendation with respect to purpose/nature of WIPO's Technical Assistance Database so that the Database can:**
 - i) Serve as a vehicle for critical review of DC activities for relevance and effectiveness;**
 - ii) Enable structured evaluation of the implementation of DA Recommendation 1 on development-orientation; and**
 - iii) Facilitate comparison of activities on offer especially by potential recipients and donors.**
 - c) Technical Assistance Database should be redesigned to:**
 - i) Facilitate internal and public searching of activities according to WIPO program, region, country, expected results, type of activity, time-frame, categories of beneficiary and modes of delivery, with associated information about resource-allocation and expenditures;**
 - ii) Make results of internal/external independent evaluations of activities publicly available in an accessible and searchable format; and**
 - iii) Better-align with the overarching RBM framework and PPR process.**
 - d) There should be more systematic and regular updating of The Technical Assistance Database content by all programs.**
 - e) WIPO's website should be upgraded to serve as a more effective vehicle for communicating with stakeholders, beneficiaries and donors about DC activities:**
 - i) Immediate measures should be taken to improve accessibility and searchability of information, research and statistics.**

Reference: pages 18, 19 paragraph 6
Status: Continual and Pending Completion

The WIPO Secretariat's communications strategy is geared towards maximizing the transparency of the Organization's activities, including development cooperation activities. While certain activities, such as the provision of legislative advice, by their nature require confidentiality between WIPO and the relevant country, the vast majority of WIPO technical assistance activities are planned in cooperation with Member States, and reported in detail to the Member States and the wider IP community. Various mechanisms are used to achieve this transparency, including newsletters, the WIPO website, press briefings and press releases, and the publication of WIPO documents either as official documents through the various WIPO bodies, or as ad hoc publications.

At the strategic level, the ERP capabilities and Program and Performance reports provide the means to achieve greater transparency in WIPO's activities. At the operational level, the communication of development cooperation activities is achieved through regular dialogue and consultation between the Secretariat and Member States. To some extent, the Technical Assistance Database (IPTAD) also addresses the needs identified by this Recommendation.

With respect to WIPO's website, and in line with the recommendation, the Secretariat in 2012 commenced a complete overhaul of website content, information architecture and design with the projected launch of a new website in the third quarter of 2013. The three-stage upgrade project is based on extensive stakeholder/web-user research as well as internal consultation across the Organization, and the recruitment of external experts with web-user experience, information architecture and web design expertise for implementation of the three stages of the project.

The Communications and Information Technology Divisions of WIPO continue to ensure the appropriate distribution of human resources and division of responsibilities to ensure that the new WIPO website is maintained and updated in the most efficient manner possible.

Each program within WIPO aims to ensure the greatest possible level of transparency and accessibility of information about its activities in the official WIPO languages in accordance with the WIPO Language Policy. For some areas of WIPO, the availability of information to a broad range of stakeholders is critical to their mandate. For example, the Economics and Statistics Division continuously aims to improve the accessibility of WIPO's IP statistics and to this effect, in 2012, the Division created the IP Statistics Data Center, which enables tailor-made access to a wide range of statistics.

36. Better integrate development-orientation into human resources management of staff and consultants:

- a) A gap analysis of staff skills/competencies should be undertaken to identify shortage of expertise relevant to improving orientation, impact, and management of DC activities.**
- b) Recruitment and PMSDS processes should be used to align HR management with development goals:**
 - i) Attention to the DA should be integrated in hiring processes, including recruitment advertisements;**
 - ii) Recruitment should be targeted to candidates beyond traditional IP experts to other fields (development economists, business development, politics, and non-IP fields of law, health, agriculture etc);**
 - iii) PMSDS process should be used to boost staff incentives for maximizing the development-orientation, impact and efficiency of DC activities;**
 - iv) Instructions for staff/consultants with respect to DA principles should be more binding (linking employment incentives and professional rewards to development-oriented performance indicators) with clear metrics for monitoring/evaluation;**

- v) **Systems should be improved for tracking staff time devoted to development activities;**
- vi) **The PMSDS system should be used to monitor/gather data on the proportion of time staff budget and spend on contributing to achievement of expected results; and**
- vii) **One suggested option is to incorporate into all job descriptions and annual Work plans an estimate of the anticipated proportion of time allocated to expected results with a development component, using the PMSDS (not timesheets).**
- c) **Adopt a Code of Ethics for staff/consultants reflecting Development Agenda principles, including provisions on conflict of interests:**
 - ii) **Development Agenda principles should be included as an amendment to all contracts.**
- d) **Adopt Guidelines to ensure transparent processes for selecting external experts/consultants:**
 - i) **Contracts should be awarded through open bidding processes;**
 - ii) **Consultants should be evaluated after each assignment and reports made available to other WIPO staff for review before re-engagement;**
 - iii) **A multidisciplinary approach should be adopted to engage professionals from different backgrounds/disciplines and different views of the IP system;**
 - iv) **Local expertise should be harnessed and built through consulting assignments;**

Reference: pages 20, 21, paragraph 7
Status: Continual

There is a direct linkage between human resources management in the WIPO Secretariat and the development-related policy objectives agreed by the Member States. Strategic objectives, including Strategic Goal III on Development, have been outlined by the Secretariat in the Medium Term Strategic Plan, and certain of these are translated into the P&B for adoption by the Member States. The biennial P&B is directly reflected in annual Work Plans, developed by the programs concerned in collaboration with Senior Management of the Secretariat and based on objectives and expected results that directly reference the P&B. In turn, the Work Plans are used as the basis for allocation of financial resources and human resources, which are again referenced to the objectives and expected results outlined in the P&B. Evaluation of human resources, including staff evaluation under the Performance Management and Staff Development System (PMSDS), therefore directly references development-oriented considerations where the work of the staff member concerned is related to the achievement of development-oriented outcomes and results drawn from the Work Plan, and in turn from the P&B.

Development orientation, including the principles outlined in the WIPO DA, is appropriately reflected in the job descriptions of the relevant WIPO Secretariat staff. The recently introduced PMSDS also contains objective-setting that is relevant to development issues where staff are involved in provision of technical assistance and development cooperation, and staff are regularly evaluated against these objectives.

With respect to the integration of ethics considerations into the WIPO Secretariat's human resources management practices, a Code of Ethics was developed as part of the Strategic Realignment Program, as a component of a comprehensive ethics and integrity system at WIPO. The Code of Ethics, containing core values and principles, was drafted through an internal consultative process and established for all WIPO personnel as of February 1, 2012. It contains principles relating to impartiality and accountability.

Mandatory ethics and integrity training, including on the WIPO Code of Ethics, for all WIPO personnel was launched in December 2012, and is expected to be substantially completed by the end of the first quarter of 2013.

The International Civil Service Commission (ICSC) Standards of Conduct for the International Civil Service 2001 were formally incorporated into the WIPO regulatory framework with the adoption of the revised Staff Regulations and Staff Rules, effective January 1, 2013. They are expressly incorporated by reference in the model Special Services Agreement used for engagement of external experts and consultants.

In conformity with this Recommendation, local expertise is frequently harnessed by the WIPO Secretariat, and the Regional Bureaus in particular, in the course of delivering technical assistance. By way of example, in regional seminars on patent-related flexibilities, two experts from the relevant region are routinely hired to prepare reports on the event. Similarly, local experts have assisted the Traditional Knowledge Division on some projects, such as development of the WIPO Traditional Knowledge Documentation Toolkit.

37. Review modes of delivery activities and functional expertise:

- ii) Establish how effective the design/implementation of WIPO conferences and meetings are in yielding results in terms of follow-up actions, new expertise or new collaborations; and**
- iii) Review both Conference Services Section and programs responsible for planning the substance, agenda and participation in meetings.**
- b) Explore ways to build functional expertise, including by clearly designating internal staff as focal points or experts on various modes of delivery such as training, public outreach and design of workshops/conferences, seminars, etc.:**
 - i) For example, establish an in-house focal point on effective design and use of questionnaires; and**
 - ii) Enhance the Communication Division's role as focal point for public outreach and publications of research/studies.**

Reference: pages 21, 22, paragraph 8
Status: Continual

The WIPO Secretariat continually reviews the effectiveness of its conferences and meetings against the expected results and desired outcomes stipulated for each meeting. Tools such as post-meeting evaluation forms, and regular consultations with Member States are used as part of this evaluation process.

With respect to printed publications by WIPO, a new Publications Policy and Publications Board was developed by Communications Division and implemented in 2012, to ensure quality publications and studies, peer review, elimination of overlap/duplication, and appropriateness for targeted audiences. In addition, a cross-sector Communications Group and Intranet-based Guide to communications and outreach services will be created in the first half of 2013, to ensure efficient communication and awareness-raising of the Organization's activities.

38. Ensure that processes are in place to learn from DC activities and projects:

- a) Particular efforts should be made to review success/failure of DA activities where demand for projects often exceeds original intended scale of projects and many projects were launched as 'pilots' for testing/refining before expansion. This will ensure realistic expectations and preparedness of countries requesting participation in projects.**

Reference: page 22, paragraph 10
Status: Continual

The DACD, in close cooperation with the specialized programs of the Secretariat and the IAOD, ensures that lessons learned from DA projects and related activities are channeled back into the regular activities of the Organization, as well as any relevant future DA projects.

V. COST-EFFICIENCY

39. Review internal cost efficiency:

- a) Reduce duplication and overlap of activities within WIPO and with other providers.**
- b) Improve transparency of the cost and resource allocation associated with DC activities.**
- c) Conduct a review of cost-efficiency to help identify opportunities for cost savings:**
 - i) Consider costs according to 'mode of delivery', appropriateness of staff in terms of qualifications, institutional bottlenecks/procedures that unduly raise costs of activities; and**
 - ii) Consider whether resources are adequate for achieving/sustaining expected results.**
- d) Greater use should be made of South-South Cooperation as a basis for learning, and exchange of experiences as a source of cost-efficiency;**
- e) Cost-efficiency could also be gained by:**
 - i) Greater diversity of regional and local experts/consultants as providers of technical assistance;**
 - ii) Outsourcing IT functions;**
 - iii) Use of open-source software;**
 - iv) Use of video-conferencing for training activities;**
 - v) Web casting WIPO events at global/regional/national levels;**
 - vi) Use of Skype and VOIP tools; and**
 - vii) More use of training of trainers at country/regional levels.**
- f) Improved attention should be given to sustainability and long-term impact of activities at country and program level to boost cost-efficiency:**
 - i) Employ a planning horizon of 3-5 years, rather than biennial cycles, to focus attention on medium and long-term results.**

Reference: pages 22, 23, paragraph 1
Status: Continual

As with Recommendations 31, 32 and 33 above, the WIPO Secretariat is continually working to enhance the planning framework of the Organization with a view to maximizing cost efficiency. Internal cooperation among divisions is undertaken to ensure gaps in technical assistance are addressed and duplication is avoided in the course of implementing the agreed activities in the P&B.

The WIPO Secretariat continues to explore innovative means to reduce costs. For example, teleconferencing is employed where possible for training activities and to replace travel missions, and Skype technology is also used where feasible instead of fee-based telecommunications networks.

40. Improve the predictability of DC budgets and activities:

- a) Resources for DC activities should at least be maintained at current levels and increased for activities where needs/impact are greatest:**
 - i) Effective multi-year planning for DC requires predictability of resources**

- over time;
- ii) **Member States should be encouraged to make decisions on program goals/strategies beyond a two-year biennial budget cycle; and**
 - iii) **Definition of multi-year programs/activities would facilitate contributions by external donors.**
- b) **Efforts should be sustained to:**
- i) **Broaden the base of donors for DC activities beyond IP Office partners;**
 - ii) **Facilitate Member States access to funding/technical support from other inter-governmental, bilateral or independent sources; and**
 - iii) **Help countries access/leverage resources for implementation of IP and development strategies and policies at the national level.**
- c) **A policy should be developed, together with Member States, to guide negotiations for additional external resources, including FITs:**
- i) **Flexible arrangements must be maintained for the management/administration of donor resources, to ensure program support costs are adequately recovered and financed.**

Reference: pages 23, 24, paragraph 2
Status: Continual

The WIPO Secretariat's effort to enhance the predictability of budget allocated to development-related activities is being addressed during the biennial planning process: i.e., the P&B.

With respect to the recommendation to broaden the base of donors for development-cooperation activities, the External Relations program of WIPO continues to work to mobilize support from donors. Outreach to new donors, with the aim of broadening the participant base, is a central aspect of this activity, which is also reflected in the program's activities in the P&B 2012/13. Supporting Member State access to funding and technical support is also part of the WIPO Secretariat's resource mobilization efforts. In addition, some initiatives are employed to spread the work in the framework of FITs.

41. Cost-sharing and grants:

- a) **Cost-sharing partnerships, collaborations and in-kind arrangements should be pursued to reduce exposure to transaction and administrative costs which are unrecoverable for externally-financed projects;**
 - i) **It is important to ensure a diversity of collaborations and guard against undue influence of powerful stakeholders.**
- b) **Consideration should be given to greater cost-sharing (counterpart funding or 'matching commitments') with higher-income developing countries, also to secure a higher degree of ownership/engagement by beneficiaries, and impact.**
- c) **Consideration should be given to providing grants to Member States to implement activities themselves, to reduce institutional staff costs to WIPO and help build national capacity.**

Reference: pages 24, 25, paragraph 3
Status: Continual

In the interests of cost-sharing and resource maximization, the WIPO Secretariat is exploring new cost-sharing arrangements including in the framework of some FITs where new partnerships and new forms of collaboration are being implemented: for example, the Ibero-American Summit.

VI. INTERNAL AND EXTERNAL COORDINATION

42. Clearer definition should be given to the roles and responsibilities of sectors and their sub-divisions:

- a) A strategic review of WIPO's internal organization structure should be undertaken to ensure alignment with organizational goals and development-related priorities as per the MTSP (and associated Member State comments), P&B and Development Agenda;**
 - i) Access to resource planning, budget and seniority of staff should be aligned to the Organizational structure.**
- b) The roles and responsibilities of Regional Bureaus, including role/functions of desk officers, should be better defined.**
- c) Substantive responsibility of Regional Bureaus should be enhanced for:**
 - i) Formulation of national IP strategies;**
 - ii) Country-level planning;**
 - iii) Coordination, monitoring/evaluation;**
 - iv) Mapping of donors;**
 - v) Donor coordination at Member State request;**
 - vi) Local intelligence; and**
 - vii) Collaboration with other donors/local stakeholders.**
- d) Bureau staff should be required to have political knowledge of the country as well as substantive knowledge of IP systems and policy issues relevant to national development policies:**
 - i) Elaboration/updating of country plans, together with staff appraisal processes and job descriptions should support this shift; and**
 - ii) FITs might remain under Bureau coordination, but resources for activities should be allocated to relevant programs/sectors responsible for achieving expected results.**
- e) Role of Regional Bureaus in direct provision and implementation of activities should be limited to regional/sub-regional activities on issues cutting across expertise of substantive sectors.**
- f) The Director General's consultation process on WIPO External Offices should incorporate a review and clarification of their role in design/delivery of DC activities:**
 - i) No compelling cost-benefit case can be made for establishing greater WIPO presence in any country/region for provision of DC activities;**
 - ii) External offices are not generally perceived as a substantive resource for work, but rather as logistical contacts; and**
 - iii) More strategic guidance should be given on the role of External Offices in advancing the goals of the DA.**

Reference: pages 25, 26, paragraph 1
Status: Achieved and Continual

A comprehensive strategic review of WIPO's organizational structure has been undertaken and completed under the auspices of the Strategic Realignment Program (SRP), initiated by the WIPO Secretariat in 2009, and completed in 2012. The SRP resulted in 19 initiatives aimed at making the Organization more effective and responsive, including the restructuring of the WIPO Secretariat around the Strategic Goals and development of the Medium Term Strategic Plan.

One of the strategic initiatives involved the development of a WIPO Organizational Design, resulting in the consolidation of the Secretariat into seven sectors aligned to the Strategic Goals, including a rationalization of related functions for greater efficiency, and integrating this Organizational Design into human resources and financial planning.

The Organigram of the WIPO Secretariat (at http://www.wipo.int/about-wipo/en/pdf/organigram/visio-org_en.pdf) clearly demonstrates the roles and responsibilities assigned to administrative units within the Organization. The roles and responsibilities of all staff under this Organigram, including those of the desk officers in the Regional Bureaus, are explicitly developed in the Workplans for each program, as derived from the P&B documents agreed by the Member States.

As a result of mainstreaming of the DA and technical assistance throughout the WIPO Secretariat, assisting Member States in particular, development cooperation is undertaken by all relevant sectors in the WIPO Secretariat, and within the broad framework of this strategy the Regional Bureaus continue to play a pivotal role in coordinating the requests of Member States and in responding to their specific needs in a demand-driven manner. The Country Planning exercise, overseen by the Regional Bureaus, emphasizes this central responsibility.

The nature and function of the Regional Bureaus focuses on the socio-economic and political specificities of the countries concerned in order for the Organization to structure and tailor its delivery of technical assistance and to better integrate the realities of local conditions. Staff of the Regional Bureaus designated to deal with individual countries are thus required to have country-specific knowledge and expertise. Their efforts in responding to country-specific requests are supported and substantiated by other sectors in the WIPO Secretariat.

The Strategic Realignment Program and Organizational Design process stemming from it has clearly demarcated the roles and responsibilities of WIPO staff administering technical assistance, yet leaving the necessary flexibility for horizontal coordination and support in order to best meet Member State needs.

With regard to the WIPO External Offices, these are established at the request of individual Member States and respond to the specific circumstances of those States or regions. Rather than adopting a one-size-fits-all approach, these Offices are geared to address specific national and regional needs. The Director General's consultation process has adequately addressed this aspect.

43. Improve internal communication about development cooperation:

- a) There should be increased transparency, coordination and communication within WIPO on what activities the Organization is undertaking in each country; and**
- b) The P&B process should be used as a mechanism for improving coordination and strategic prioritization across WIPO;**
 - i) Clear mechanisms are needed for programs to exchange information and collaborate on achievement of joint expected results in the 2012-13 P&B.**

Reference: page 26, paragraph 2

Status: Achieved and Continual

The WIPO Secretariat is continually working on improvements in internal communication concerning the delivery of technical assistance, and activities for development cooperation. This is addressed through regular internal briefings and updates to share information on latest developments in WIPO's activities, and sharing of information *via* memos and mission reports. In addition, the Country Planning process provides a framework to facilitate coordination and communication as well as enhance institutional memory of WIPO activities in each country.

44. Improve collaboration with the UN family and development agencies:

- a) Collaboration should be improved with the UN family and development cooperation agencies, and modalities should be defined for that collaboration:**

- ii) **WIPO's DC activities should be conducted within the framework of UN country-based Development Assistance Frameworks; and**
- iii) **Regular reports should be made to the UN system on how WIPO DC activities contribute to achievement of UN priorities for development.**
- c) **The challenge is to improve the quality, nature and content of WIPO's collaboration with the UN family:**
 - i) **Such collaboration should be approached from a development-oriented rather than an IP-centric perspective; and**
 - ii) **The objective of collaboration should not be to coordinate a uniform view of IP-related DC across the UN, or establish WIPO as the UN voice on IP.**
- d) **WIPO should make its expertise available to other organizations, but other UN agencies should not be encouraged to defer to WIPO on IP issues on the grounds they are 'technical', and it should be recognized that other agencies may have superior specialized sector-specific knowledge of IP issues.**

Reference: page 27, paragraph 3

Status: Continual

The WIPO Secretariat has heightened its efforts on collaboration with the United Nations (UN), with the goal of integrating the Organization's activities into a broader context of IP and development. The PPR 2010/11 provides a detailed report on WIPO's increased collaboration with the UN. For example, the Development Sector engaged in 2012, in a pilot project related to the framework of UNDP country-based Development Assistance Frameworks (UNDAFs). The Secretariat participated in the operational session of UN Economic and Social Council (ECOSOC) in July 2012, which included a review of UNDAFs and undertook some desk review as well as establishing contacts with selected UN records offices in the field. Approval has been given internally to pilot the process and consideration is being given to a number of developing countries to participate in the pilot.

The WIPO Secretariat regularly reports to the UN system on the contribution of its activities to development. For example, in January 2013, the Director General wrote to the UN Secretary General transmitting the WIPO Program and Performance Report 2010/11 and the Director General's Report to the CDIP. WIPO is increasingly recognized as a valuable source of information, assistance and support across a broad range of IP issues that arise in other *fora*. The WIPO Secretariat works closely with other UN organizations whose mandates and perspectives vary on the issue of IP. This collaboration is aimed at finding common ground that reflects the opinions of Member States and helps the development of common solutions to challenges.

The WIPO Secretariat also provides whatever services it can as part of the UN family of organizations: for example, the WIPO Global Databases Service gives assistance to the UN Headquarters on Machine Translation (see http://ec.europa.eu/dgs/translation/publications/magazines/languagetranslation/documents/iss ue_06_en.pdf).

45. Diversify and strengthen collaborations with other donors:

- a) **Collaboration and outreach should be improved with a diversity of development-oriented partners across WIPO's Pillars of development activities:**
 - i) **Focus should extend beyond resource mobilization to identifying new expertise, perspectives and experiences, as well as partners for building synergies on broader development activities underway with developing countries.**
- b) **An Annual Roundtable of IP-related donors should be established to boost information-sharing, synergies and coordination:**

- e) Attention should be paid to lessons-learned from other technical assistance databases (such as the WTO's Global Trade-Related Technical Assistance Database, and US Government's IP assistance database), to ensure the usefulness of the IP-Development Matchmaking Database:**

Reference: pages 27, 28, paragraph 4
Status: Continual

The WIPO Secretariat continues to strengthen and improve its collaborations with other development-oriented partners, particularly through the External Relations Division and the Regional Bureaus. This is part of WIPO's overall approach to partnerships and resource mobilization; WIPO Re:Search and WIPO Green are one type of example of such partnerships. In specialized programs within the Secretariat, such collaborations are undertaken in the interests of improving work activities: for example, the Building Respect for IP Division cooperates with the United Nations Environment Programme (UNEP) on environmental concerns linked to the disposal of infringing IP goods.

The WIPO Secretariat does create opportunities for information sharing among IP donors. For example, the Secretariat convened meetings of existing FIT donors in 2010 and 2011, and consideration is being given to continuing this practice. The option of a broader IP-related Donors Roundtable could be considered, subject to sufficient interest from donors.

The WIPO Secretariat has benefited and continues to learn from the experiences of other technical assistance databases, to maximize the utility of the IP-Development Matchmaking Database.

46. Strengthen WIPO-WTO collaboration:

- a) Coordination between WIPO/WTO in existing cooperation agreement for provision of technical assistance related to the TRIPS Agreement should be improved:**
- i) Information sharing, joint planning, collaboration on needs assessments so as to avoid duplication and maximize potential for synergies, learning and cost-efficiency;**
 - ii) WIPO, WTO and Member States should collaborate on needs assessments for LDCs; and**
 - iii) All WIPO technical assistance on TRIPS-related issues, including budget information, should be reported to the WTO Global Trade-Related Technical Assistance Database.**

Reference: page 28, paragraph 5
Status: Continual

The WIPO and World Trade Organization (WTO) Secretariats enjoy close collaboration and coordination, including joint planning of co-organized activities, and information-sharing on LDCs' needs assessments.

VII. IP STRATEGIES AND POLICIES

47. Improve development orientation:

- a) A consistent set of methodologies should be deployed that are evaluated, validated and refined over time so as to constantly assure and improve their development orientation.**
- b) Increased attention should be given in IP strategies to issues of creativity and cultural industries, in addition to innovation.**

- c) Any tools, such as questionnaires, used to inform the development of IP strategies should be refined to enquire about existing frameworks/systems for innovation, national development priorities/needs by sector and specific area of public policy, and economic sectors of priority.**
- d) Efforts should first be made to understand national development strategies and priorities in a country and the aspects of the IP system that might yield the greatest benefits to a country, before asking questions about the type of IP system that is or should be in place.**

Reference: page 29, paragraph 1
Status: Continual

The WIPO Secretariat has developed various methodologies to provide technical assistance to Member States that is development-oriented, and these tools are continually improved and evaluated. In the Regional Bureaus, the national IP strategy tools and methodology provide an example of the way in which such tools are developed specifically to address development needs, and are then validated, evaluated and refined in consultation with external experts and Member States.

Within WIPO's technical assistance programs, significant attention is given to cultural industries and creativity (represented by the copyright-related programs), as well as to innovation (represented by the patent-related programs). The importance of creativity for development is addressed by the WIPO Secretariat's awareness-raising activities.

Specifically, in the field of traditional knowledge, the Creative Heritage Project aims at the strategic management of IP rights and interests in specific practical contexts. Additionally, a series of briefs is under preparation.

- 48. Emphasize consultative processes for formulation of strategies:**
 - a) Support for IP strategies/policies should accompany efforts to support the emergence of national IP coordination/consultation mechanisms linking IP decision-making to a broader development-oriented public policy framework and the full range of stakeholders.**

Reference: page 29, paragraph 2
Status: Continual

The WIPO Secretariat continually provides technical assistance to developing country Member States and LDCs in their preparation of national IP strategies. This is a consultative process, involving not just the Secretariat and Government concerned, but also local stakeholders and the broader IP community. This is evident in the methodology which is being applied in developing national IP strategies.

- 49. Boost external coordination:**
 - a) Greater efforts should be made to collaborate with other international organizations/stakeholders to devise methodologies and tools for development of national IP strategies:**
 - i) Such collaboration should take place at the country level during elaboration of IP strategies, and in the process of refining the IP strategy tools used by WIPO.**

Reference: page 29, paragraph 3
Status: Continual and Achieved

As discussed in relation to recommendations 47 and 48, WIPO's technical assistance for the design and development of national IP strategies is a consultative and collaborative process. The degree of external consultation is guided by the Member State concerned. A great deal of work takes place at the country level during the elaboration of IP strategies. Where the Regional Bureaus so require, WIPO's External Relations Division can provide support in the identification of relevant international organizations/external stakeholders.

50. Review, evaluate and coordinate WIPO's activities on IP strategies:

a) Ensure close coordination between the CDIP IP Strategies project and WIPO Framework for Designing National IP Strategies for Development project.

b)i) The tools should be made publicly available on WIPO's website.

c) IP strategies should be used to help devise country needs assessments and as the basis for country plans for DC activities:

i) Tools and lessons from the IP Strategies projects should be integrated across future DC activities in the Development Sector and substantive sectors, and replace any ad hoc assistance; and

ii) Member States requesting assistance in forming IP strategies should be informed about tools/methodologies produced by WIPO and other actors in the field.

Reference: page 30, paragraph 4

Status: Continual and Achieved

The WIPO Secretariat has a detailed program for developing national IP strategies, including methodologies and IP audit tools. These tools have been subject to extensive review, both internally and externally. For example, the DA national IP strategies project involved external expert review of the methodology and the tools developed.

The tools are publicly available on the WIPO website. They have also been reviewed by UPOV colleagues with regard to the links between IP strategies and agricultural/seed policy. In addition, a new database is currently under construction for the purpose of offering interested countries a tool to store research data emerging from countries' IP audits and baseline surveys. Such data will form the basis for the elaboration of national IP strategies, as well as future development cooperation activities.

The WIPO Framework for Designing National IP Strategies for Development is not an ongoing activity. The Secretariat had begun this initiative to develop policy guidelines with a view to complement the DA national IP strategies project as well as ongoing development cooperation activities. However, the initiative was reassessed in view of Member State feedback and further work on the initiative was deferred to allow the Secretariat's other work in this field to mature.

51. Enhance transparency:

b) All IP strategies, policies and plans should be made publicly available on the WIPO website following completion, with the concerned Member State's approval.

Reference: page 30, paragraph 5

Status: Continual

When providing technical assistance to a particular Member State, the WIPO Secretariat adheres to the guidance and requests of the Member State with regard to consultation and publicity of the process or documentation. Relevant information, with the approval of the Member State, is routinely sent to colleagues in the WIPO Lex database to be made publicly available.

VIII. LEGISLATIVE AND REGULATORY ASSISTANCE

52. Boost the transparency and evaluation of legislative advice:

- c) **Senior Management should ensure that all sectors/programs submit full information to the Technical Assistance Database on their legislative activities.**
- d) **More appropriate expected results and indicators for results of legislative assistance should be established, so that these can be properly accounted for in PPRs.**

Reference: page 31, paragraph 1
Status: Continual

As discussed in relation to recommendation 51 above, the degree to which advice provided bilaterally by the WIPO Secretariat to a Member State is disclosed or publicized is a question for the Member State to determine.

The need for more appropriate expected results and indicators for results of legislative assistance is addressed in the P&B process.

53. Use country needs assessments and IP strategies to inform legislative and regulatory advice:

- a) **Before responding to a request for legislative assistance, WIPO should work with a country to investigate its development priorities, sector-by-sector needs and relevant international commitments (IP strategies and processes are a key resource).**

Reference: page 31, paragraph 2
Status: Continual

The WIPO Secretariat currently employs the practice of using country needs assessments and IP strategies to inform its provision of legislative advice in countries where these tools exist or are being implemented. The provision of legislative assistance is routinely preceded by requests for information sent by the Secretariat to the relevant IP Offices in the requesting country, and a liaison with contact persons in the requesting Government is also established. In addition, internal consultation and verification procedures are followed: for example, IP strategies are systematically sent to the Patent Law Division for comments on patent-related issues.

In the area of legislative and policy advice on trademark, industrial design and geographical indication law for Member States, the Law and Legislative Advice Division of the Brands and Designs Sector has introduced a feed-back collection system, by which States who have been provided legislative advice are invited to feed back to the Secretariat information about their satisfaction with the advice obtained. This feedback is also a performance indicator for the relevant activity in the 2012/13 P&B and will be proposed for the draft 2014/15 P&B.

Different specialized programs within the WIPO Secretariat have also adopted appropriate mechanisms to enhance the evaluation and review of the legislative advice they provide. For example, the Building Respect for IP Division has implemented a system whereby each provision of legislative assistance is given following a dialogue with the Member State concerned – including the sending of a TRIPS Questionnaire to assess the existing legal framework as to the compliance with the obligations and options of Part III of the TRIPS Agreement) – and the taking into account of the expressed needs and, where existing, IP strategy.

In the Traditional Knowledge Division, internal guidelines on the steps for legislative and policy advice were developed. A brief on Developing A National Strategy on Intellectual Property and Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources was also prepared.

- 54. Adopt a proactive approach to development priorities and flexibilities:**
- a) Developing countries should be presented with the range of options and flexibilities available in international laws.**
 - b) WIPO should explain and share experiences of how different options may hinder/advance their pursuit of development targets:**
 - i) Technical capacity of countries should be built to pursue a coherent development-oriented approach to implementation of international IP commitments, to decide on use of flexibilities in international agreements to advance development policies, and to promote coherence and mutual supportiveness with other international agreements; and**
 - ii) Assistance should extend to options related to ensuring vibrant public domain, boosting access to essential technologies and knowledge, and different models for stimulating innovation and technology transfer.**

Reference: pages 31, 32, paragraph 3
Status: Continual

The WIPO Secretariat systematically provides developing countries with the range of options and flexibilities available in the context of giving legislative advice. Legislative advice submissions always provide for reasoned and justified solutions; in many cases, the WIPO Secretariat also provides alternative solutions to meet the same need. For example, in the field of enforcement, the attention of the developing countries to whom advice is being provided is systematically drawn to Articles 7-8 and the flexibilities and options contained in Part III of the TRIPS Agreement. Similarly, legislative advice in the area of patents always makes reference to, and presents to the national authorities concerned the, flexibilities available in the International Patent System.

The WIPO Secretariat currently addresses all issues as requested by the Member State when providing legislative advice. The legislative advice provided may include information on options related to the public domain, particularly in the field of patents. In this context, reference is made to the DA Project on Patents and the Public Domain. Reference is also made to the DA Project on Technology Transfer “Common Challenges – Building Solutions” (No specific request has to date been received on public domain issues in the copyright law field).

In the field of traditional knowledge, where the public domain issues are complex and of key significance, a concept note on the key issues relating to TK, TCEs and GRs, various background briefs, a booklet and other publications and materials on TK, TCEs and GRs, including regular email updates and news to subscribers have been prepared. A “Note on the Meanings of the Term ‘Public Domain’ in the Intellectual Property System with Special Reference to the Protection of Traditional Knowledge and Traditional Cultural Expressions/Expressions of Folklore” (WIPO/GRTKF/IC/17/INF/8) was also prepared for the seventeenth session of the IGC.

- 55. Promote impact analysis and information sharing:**
- b) WIPO should promote information-sharing among countries about their experiences with IP legislation and development outcomes, including historical analysis of developed countries when building their industrial base and development potential;**
 - c) WIPO should support Members to evaluate the costs/benefits of acceding to**

WIPO treaties:

- d) The various WIPO databases on legislation and regulatory practice should be unified and accessible through one common portal:**
 - i) In collaboration with WTO, WIPO should provide a web-based tool for comparative cross-national search and analysis of legislation, including ability to compare national use of flexibilities and options.**

Reference: pages 32, 33, paragraph 4
Status: Continual and Achieved

The WIPO Secretariat has developed a range of tools to promote information-sharing among developing countries and LDCs, including through WIPO Committee meetings such as the ACE and SCP, regional meetings, the hosting of databases such as IP Advantage for sharing of case studies, and facilitation of South-South cooperation activities.

For example, regional and sub-regional meetings on patent policy and flexibilities provide opportunities for representatives of numerous developing countries to share experiences and learn from experts on the options and impact of implementing flexibilities in the patent field. Regional workshops are also organized in the field of traditional knowledge to facilitate sharing of knowledge among local and indigenous communities.

In the field of trademarks and designs, as part of the ongoing Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) work on industrial design registration procedures, the Secretariat in cooperation with the WIPO Chief Economist, conducted and published an impact study on the work of the SCT in the area of industrial design law and practice, which, among other things, examines the potential costs and benefits of this norm-setting activities for all Member States (including developing countries) and for users of the design system in all Member States (see document SCT/27/4).

In the copyright field, a number of awareness-raising events at regional and national level have been organized which also address this need. In addition, a number of studies on different topics (e.g., limitations and exceptions, protection of audiovisual performances, Internet Service Provider (ISP) liability, and the public domain) provided for in-depth comparative analysis of national legislations and solutions in place. A specific WIPO study on “Using Copyright to Promote Access to Information and Creative Content” showcases successful public policy initiatives in the areas of education and research, software development and public sector information.

Insofar as the recommendation refers to the unification of WIPO’s legislative database, WIPO Lex (<http://www.wipo.int/wipolex/en/>), the Organization’s online database of IP legislation and treaties covers IP-related laws and regulations of 195 countries (members of WIPO and WTO), as well as some 170 multilateral and 500 bilateral IP-related treaties. In the specific area of patent-related flexibilities in the IP system, the WIPO Secretariat provides a database that enables users to search across numerous national laws for the provisions relating to a number of patent-related flexibilities, as approved by the Member States.

56. Improve internal coordination on legislative advice:

- a) There should be greater communication and collaboration among staff in different sectors responsible for legislative assistance:**
 - i) Regional Bureaus should play a stronger role in promoting collaboration and pooling of staff knowledge about national policy debates and priorities, lessons from legislative assistance in other IP areas, and experiences of countries with similar legal regimes and development challenges; and**
 - ii) Regional Bureaus should ensure that staff/consultants providing**

legislative advice are aware of IP strategies/policies the country may have as well as relevant policy debates, local expertise, stakeholder consultations and inter-ministerial processes so as to ensure the advice reflects development considerations.

Reference: page 33, paragraph 5
Status: Continual

Internal coordination across the WIPO Secretariat between specialized legal areas, such as patents and copyright, and the Regional Bureaus is already very close in the area of legislative assistance. The Regional Bureaus currently play a strong role in coordinating institutional expertise and knowledge across the Organization in providing legislative advice to countries upon demand. Other divisions and programs are routinely called upon to contribute in this process and systematically meet those requests. For example, in the Building Respect for IP Division, requests often come from other divisions providing legislative assistance for input on issues related to enforcement of IP. A copy of the enforcement-related comments are then provided to the relevant Bureau and the other divisions providing legislative assistance and, where appropriate, initiative may be taken in organizing a study visit to the country concerned in cooperation with the Bureaus and with the other divisions providing legislative assistance.

57. Provide more assistance on emerging legal, regulatory and policy issues for developing countries:

- a) WIPO should explore ways to devote greater attention to advising and informing countries on IP negotiations/treaties, and their potential effects (positive or negative);**
 - i) For example, by organizing open seminars, preparing fact sheets or policy briefs.**
- b) Greater support should be given to development-oriented advice on negotiation and implementation of bilateral, regional and South-South IP arrangements, negotiations, dialogue and cooperation.**
- c) Greater attention should be given to legal/regulatory challenges related to misappropriation and enforcement of developing country IP in the global arena, emerging issues of special interest to developing countries (TK, TCEs and genetic resources), and on practical regulatory and administrative issues relevant to promotion of a balanced IP system.**
- d) Support should be given for mechanisms to help developing countries overcome legal, financial and practical barriers faced in challenging wrongful grant of IP rights or abuse of developing country IP rights in other rights, and boosting recognition/enforcement of their IP rights in developed countries.**

Reference: page 33, 34 paragraph 6
Status: Continual

The WIPO Secretariat continues to provide assistance to Member States on emerging legal, regulatory and policy issues within its mandate. Such assistance may take various forms, including briefings, bilateral discussions, reports, capacity building workshops, seminars, study visits and impact studies.

For example, in the field of traditional knowledge, briefings to the Member States are organized prior to each session of the IGC, and briefings to the observers are organized during each session of the IGC. Upon request, the WIPO Secretariat continues to assist regional groupings in the Caribbean, Africa and the Pacific to develop and/or implement regional policies and frameworks. Upon request, the WIPO Secretariat provides legislative and policy advice on the national legislations to some countries. Various background briefs, a booklet and other publications and materials on TK, TCEs and GRs, including regular email updates

and news to subscribers have been prepared.

In the field of trademarks, as part of the ongoing SCT work on industrial design registration procedures, the Secretariat in cooperation with the WIPO Chief Economist, conducted and published an impact study on the work of the SCT in the area of industrial design law and practice, which, among other things, examines the potential costs and benefits of this norm setting activities for all Member States (including developing countries) and for users of the design system in all Member States (see document SCT/27/4).

In the field of copyright, a number of awareness-raising events at regional and national levels have been organized also covering crucial issues discussed in the context of the Standing Committee on Copyright and Related Rights (SCCR) at a given time. At the request of Member States, a number of studies have been prepared to contribute to those discussions, including studies on limitations and exceptions, the protection of broadcasting organizations and the protection of audiovisual performances.

In this context, however, it is noted that the WIPO Secretariat's assistance does not cover the negotiation of multilateral, regional or bilateral treaties. As a matter of principle, assistance can only refer to substantive matters that are under negotiation, or the implementation of treaties into national law, but does not take side among parties involved in the negotiations.

- 58. Improve collaboration with other actors with a diversity of views and expertise:**
- a) WIPO should boost collaboration with other IGOs and seek greater input from a diversity of stakeholders to guide its approach to provision of legislative and regulatory assistance.**

Reference: page 34, paragraph 7
Status: Continual

The WIPO Secretariat undertakes outreach to external stakeholders and takes those views into account as appropriate. For example, in the field of enforcement, such outreach takes place through the ACE, as well as workshops and Roundtables on Technical Assistance against Counterfeit Medicines.

While other actors' views can be considered, however, such views may not necessarily be fully associated with legislative assistance at the initiative of WIPO, since the advice is bilateral and confidential.

- 59. Improve guidelines on participation and development-orientation of global and regional events:**
- a) Guidelines should be developed, in consultation with Member States, for selection of developing country nationals to participate in WIPO meetings:**
 - i) Increase web-casting of events, and enable remote participation of speakers.**

Reference: page 34, paragraph 8
Status: Continual

Various programs within the WIPO Secretariat systematically consult with the Regional Bureaus with a view to improving processes for participation and development-orientation of the events they organize. If it is proposed that more universal guidelines be developed, the implications of such guidelines should be fully discussed in consultation with the Member States.

IX. IP OFFICE MODERNIZATION

60. Improve support for IP Office modernization and broaden attention to emerging IP issues.

- a) Devise and implement a process / criteria for detailed impact assessment of its activities for office modernization.**
- b) Consider strategies for greater differentiation in kinds of modernization activities provided for larger/advanced offices compared to smaller/start-up offices.**

Reference: page 35, paragraph 1
Status: Continual

In the context of assessing the WIPO Secretariat's activities related to IP Office modernization, a consultant was engaged to recommend a performance and evaluation framework for the program. The recommendations ensuing from that evaluation will be implemented in 2013, and the P&B cycle for 2014/15.

Whereas this recommendation refers to differentiation in kinds of modernization activities for larger and smaller Offices, it is noted that the Secretariat's activities tend to focus more on direct support for smaller offices and knowledge-transfer for larger and more mature offices. Whereas the recommendation refers to provision of such modernization assistance in accordance with the priorities given by Member States, the current WIPO activities respond to the priorities set by the Member States themselves, but activities do not currently include digitization of TK resources.

In the broader field of traditional knowledge, however, WIPO is responding to Member State priorities and demand. A consultation draft of the WIPO Traditional Knowledge Documentation Toolkit, and the Intellectual Property and the Safeguarding of Traditional Cultures – Legal Issues and Practical Options for Museums, Libraries and Archives was prepared. Assistance to Member States on the establishment of databases is ongoing. For example, the International Conference on the Utilization of the Traditional Knowledge Digital Library as a Model for Protection of Traditional Knowledge was organized in New Delhi, India, in March 2011. An international study visit to the Traditional Knowledge Digital Library will take place in March 2013.

61. Boost attention to the institutional aspects of IP Office modernization:

- a) Greater attention should be devoted to studying/reporting on impacts of different approaches to the governance, structure, financing and scope of IP Offices.**

Reference: page 35, paragraph 2
Status: Continual

The WIPO Secretariat is equipped and able to provide advice to Member States on institutional aspects of IP Office administration upon demand.

62. Increase support for regional and South-South modernization priorities:

- a) Greater support should be offered to modernization activities designed to boost cooperation, facilitate exchanges and information-sharing between developing country IP Offices and related government agencies within/among regions.**
- b) Greater support should be given to enable South-South sharing of experiences in office modernization.**

Reference: pages 35, 36, paragraph 3
Status: Continual

The WIPO Secretariat is increasing its support for regional and, in particular, South-South modernization priorities in direct response to Member State demand. The DA Project on “Enhancing South-South Cooperation on IP and Development among Developing Countries and LDCs” seeks to harvest and exchange the independent body of knowledge and experience on the strategic use of IP for development of the countries of the South through enhancing cooperation in this area among developing countries and LDCs and through the sharing of information on the practical initiatives that developing countries and LDCs can and have utilized to strategically use IP as a tool for achieving broader public policy and development goals. The current development of a webpage on South-South cooperation as a one-stop facility for all developing countries and LDCs and WIPO activities in the area of South-South Cooperation on IP is expected to considerably facilitate the exchange and cooperation activities. The web page will include an interactive platform to facilitate exchanges and foster the building of linkages and collaborative research projects among IP offices, universities, public research institutions and civil society organizations in developing countries and LDCs.

In addition, the Secretariat regularly organizes regional workshops on automation in all regions, and exchanges of experiences between developing country IP Offices are always a priority on the agenda of such meetings.

63. Improve risk assessment and management:

- a) Greater attention should be paid to up-front assessment of risks and to dialogue with beneficiary countries on the conditions for success of IP Office modernization projects and Continual follow up and commitment required by beneficiary countries.**
- b) A detailed analysis and risk assessment should be conducted by WIPO of its activities to design and deploy various software and online services for developing countries, to address.**
 - i) Synergies/coordination between various software packages under development;**
 - ii) Challenges of delivering cutting-edge products/services in the context of rapid technological changes;**
 - iii) How to adapt implementation of activities more swiftly as country needs evolve; and**
 - iv) Which activities are best undertaken in-house, out-sourced, or conducted through regional experts.**
- c) A detailed risk assessment should be conducted of the comparative advantages and cost-effectiveness of PATENTSCOPE, where a number of other public/private patent search services exist.**
- d) Review should be undertaken of the Access to Research for Development and Innovation (aRD_i) program and Access to Specialized Patent Information (ASPI) program, to understand low rate of use by intended beneficiaries, and address risks that the business model may be unsustainable.**

Reference: page 36, paragraph 4
Status: Continual

The WIPO Secretariat is mindful of the need for discussion of risk assessment and pre-conditions for success of IP Office modernization projects in the lead up to any technical assistance activity in a Member State. Cooperation agreements are signed between WIPO and the beneficiary IP Offices before any IP office modernization projects are initiated. The agreements clarify the responsibilities and resource commitments of both parties. More work

can be done to assess the risks of projects before initiation, and to ensure that pre-requisites are in place before initiating projects.

64. Broaden range of assistance to national governments:

- a) There is a need in some countries to diversify national stakeholders trained to use databases and other outputs of modernization.**
- b) There is a need for greater efforts to simplify procedures or boost training on use of international standards for classification of IP rights, in order to improve the rate of use of WIPO software.**
- c) In patent area, countries should be provided with greater assistance to review international search and examination reports and/or reports by other national Patent Offices in light of national legislation, especially in areas of importance to national development goals:
 - i) Better assist those countries keen to build and focus their expertise on particular areas of public policy concern, or where particular legal provisions are distinct from other countries.****
- d) In copyright area, greater attention should be given to modernization of Copyright Offices and collective management societies:
 - i) Studies should be initiated and activities continued to assist countries to review/select appropriate models for collective rights management, especially in the digital environment.****

Reference: pages 36, 37, paragraph 5
Status: Continual

The WIPO Secretariat is aware that in many countries there is a need to boost training in the use of International classifications of patents, trademarks and industrial designs in order to improve the use of related WIPO databases. The Secretariat provides training in the use of Classifications based on demand, i.e., IP Offices submit to the Secretariat their requests for training. With respect to the Global Databases, for example, the Secretariat organizes free of charge webinars on how to use PATENTSCOPE.

In addition, annual Technology and Innovation Support Centers (TISC) national planning meetings are now held with the major stakeholders as initially identified by the government authority and/or the national focal point responsible for the implementation of the national TISC project. During the planning meeting, all other academic, research and business stakeholders are identified and invited to participate in the national TISC network.

Insofar as this recommendation refers to the need for improved technical assistance to support patent searching capability, during the last two years the WIPO Secretariat, through the Global Infrastructure Sector in coordination with the Development Sector and with the assistance of FIT-Japan and FIT-Republic of Korea, has been organizing training Workshops on the utilization of external patent search and examination results. The objectives of these Workshops are : (i) to provide participants with an opportunity to understand the effectiveness of utilizing preliminary examination results (search and/or examination reports) prepared by other IPOs, for example in the PCT national phases, or final examination results (granted claims or rejections) in reducing workloads in IPOs and streamlining patent granting procedures; (ii) to develop skills to utilize services such as the International Cooperation on Examination (ICE) by WIPO and the Advanced Industrial Property Network (AIPN) by the Japan Patent Office (JPO); (iii) to exchange best practices in the analysis of claims and drafting amended claims in certain fields of technology; and (iv) to share experiences of various IP Offices and examiners on the challenges encountered in accelerating examination processes and increasing quality of patents .

X. TRAINING AND HUMAN RESOURCE CAPACITY-BUILDING

65. Strategic Prioritization:

- a) **More strategic and specific goals, priorities and expected results should be set for WIPO's portfolio of training and human resource capacity-building activities.**
- b) **Focus of training should be on building a critical mass of substantive, politically-informed expertise within developing countries on IP and development through intensive capacity building and mentoring of experts.**
- c) **Reporting on training should move from reporting number of individuals/type of beneficiaries, to how training was used in practice and contribution to development goals.**

Reference: page 37, paragraph 1

Status: Continual

The strategic prioritization of WIPO's training and capacity building activities is in line with the strategic objectives and expected results set out in the annual Work Plans, which refer directly to the strategic priorities agreed by the Member States in the biennial P&B, which in turn reflects the strategic vision established in the Medium Term Strategic Plan. Each activity is assessed and evaluated against its specific goals. Activities implemented at the country level are always the result of a dialogue between the Secretariat and the Member State about needs and priorities.

66. Review development-orientation of training:

- a) **An independent panel of leading academic authorities should review all WIPO training materials and curricula to ascertain/ensure development orientation. The review should;**
 - i) **Focus quality, design, delivery and orientation of training by WIPO Academy and programs;**
 - ii) **Focus on overall balance of training activities to ensure they reflect DA recommendations; and**
 - iii) **Include an assessment of emerging best practices in development-oriented IP courses at IP universities worldwide (e.g., making curricular/course materials transparent, relying on open access learning materials to where possible, reflecting diverse range of views on public policy issues, and empowering participants to think critically/independently).**
- b) **IP education should not be pursued in isolation, but linked to other areas of education and broader public policy issues such as innovation policy, science and technology, education, cultural industries:**
 - ii) **CDIP project on National Academies should be evaluated with an eye to learning lessons and ensuring consistency in approach/ type of training activities with a development-oriented approach to IP training.**
- d) **Systems should be put in place to ensure all WIPO trainings are of highest possible pedagogical quality to maximize impact, are aligned with the DA, and are consistent with development-oriented results in the P&B and country plans.**

Reference: pages 37, 38, paragraph 2

Status: Pending Completion

The WIPO Academy is working on a mechanism to ensure the development-orientation of the content of its training programs (whether professional training courses or courses offered under its Distance Learning Program). Detailed proposals in this respect are being included in the relevant parts of the Draft P&B for the 2014/15 biennium. This will include the proposal to establish an independent panel of IP experts to assist the Secretariat in this endeavor. Ways

and means to improve the pedagogical aspects of the training courses offered by the WIPO Academy are equally under study. On the other hand, the evaluation of phase I of the Start Up Academies project (document CDIP/9/6) did include lessons learned on how to ensure a development-approach to IP training.

67. WIPO's niche and external partnerships:

- a) An in-depth and critical review should be conducted of the strategic niche of WIPO's training activities, particularly of the WIPO Academy, in context of other training initiatives worldwide. The review should:**
 - i) Examine offerings of leading academic institutions on IP and related issues of technology, innovation and development; and**
 - ii) Explore opportunities to reduce overlap with and improve collaboration/coordination with other training institutions on specific technical IP issues (e.g. EPO, USPTO, IP Offices in developing countries).**
- b) Opportunities should be explored to support fellowships for courses run by leading international academic centers, to complement/replace fellowships in WIPO-run courses.**

Reference: page 39, paragraph 3
Status: Continual

An independent assessment of the mandate of the WIPO Academy was commissioned in 2012 by the Secretariat. The terms of reference of the assessment included the identification of the strategic niche of the WIPO Academy as compared to other providers of training on IP, as well as options for facilitating access of developing country nationals to existing programs as provided by reputed academic institutions. The recommendations of the report resulting from this independent assessment are being studied by the Secretariat and will be appropriately reflected in the Draft P&B for the 2014/15 biennium.

68. Improve internal coordination on training:

- a) There should be stronger synergies and joint planning of professional training activities of the WIPO Academy and programs/sectors;**
 - i) More transparent, better coordinated.**

Reference: page 39, paragraph 4
Status: Continual

In the framework of preparations for the P&B 2014/15, the Secretariat is in the process of identifying all the operational units and programs which provide training services in addition to those normally provided by the Academy. The idea is to regroup these services under one umbrella or at least to establish a mechanism ensuring coordination of the services provided at the planning stage.

69. Improve cost-efficiency:

- a) Cost-efficiency should be enhanced through greater use of online courses, partnerships with regional training centers, video-conferencing tools, training of trainers, and evaluation of where/how training is used by various stakeholders and to what practical effect.**

Reference: page 39, paragraph 5
Status: Continual

The WIPO Secretariat, mindful of the budgetary concerns of Member States, is continually seeking means to make cost savings while not compromising the quality of its delivery of technical assistance. The use of video-conferencing and free telephony tools such as Skype, increased use of web casting for WIPO meetings and seminars, availability on the WIPO website of video and audio recordings from WIPO events, free-of-charge webinars and online distance learning courses.

XI. USER-SUPPORT SYSTEMS

70. Promote greater development-orientation and balance in the range of user activities supported:

- a) User support should consider the range of objectives/components of a development-oriented approach:**
 - i) Attention should be boosted to activities that would help reduce costs of participation in the IP system;**
 - ii) Enlarge benefits for local creative and cultural industries; and**
 - iii) Reduce knowledge/technology gap in terms of generation and access.**

Reference: page 40, paragraph 3
Status: Continual

The WIPO Secretariat, in particular the Regional Bureaus, continues to explore a wide range of approaches to ensure cost-effective, sustainable and country-specific technical assistance.

71. Improve the management of WIPO's interaction with a range of stakeholders at the national level:

- a) There should be refinement of the mechanisms used by national governments and the Secretariat to manage and coordinate the planning, implementation and evaluation of WIPO's activities to support user groups:**
 - i) Appropriate communication mechanisms and outreach strategies will need to be used to reach stakeholders beyond traditional focal points in IP Offices.**
- b) WIPO should invest in improved tools for tracking and maintaining its internal databases with a diversity of national contacts at program/Organization-levels, as well as electronic and Internet-based communication tools for disseminating information and receiving feedback.**

Reference: page 41, paragraph 6
Status: Continual

The WIPO Secretariat continually seeks to improve its outreach and communications modalities to respond to the changing circumstances of the international IP system and the evolving interests of external stakeholders. In all cases, however, the Secretariat remains guided by the Member State concerned when reaching out to national stakeholders in any consultation process.

72. Ensure evaluation before expansion of activities and projects:

- a) Success of pilot projects underway should be evaluated before expansion, regardless of high demand by Member States (e.g. for Technology and Innovation Support Centers (TISCS)). Evaluation can serve as:**
 - i) Lessons learned for future work;**
 - ii) Assessing how TISC activities could be mainstreamed/integrated into other DC activities;**
 - iii) Prioritizing country requests in line with national IP strategies, needs assessments and country plans for WIPO assistance.**

Reference: page 41, paragraph 7
Status: Continual

In keeping with the results-based approach adopted by the Organization, and the focus on evaluation set out in the DA, the WIPO Secretariat ensures that development-oriented activities are evaluated and the recommendations taken into account before consideration is given to continuation into a second phase or expansion of any such activity. All pilot projects undertaken as DA projects are independently evaluated, and the results presented to the CDIP for its consideration as to future work including adopting a second phase of the project or integrating the project work into the mainstream WIPO activities.

XII. PROMOTION OF INNOVATION, CREATIVITY, ACCESS TO KNOWLEDGE AND TECHNOLOGIES

- 73. Bolster activities to promote access to knowledge and technology transfer:**
- a) Activities in access to knowledge and technology transfer should be strengthened.**

Reference: page 42, paragraph 1
Status: Continual

In line with the priorities conveyed to WIPO by the Member States, the Secretariat is continually enhancing its activities to promote access to knowledge and technology transfer. In particular, all Innovation Division activities are oriented towards strengthening capacity of developing countries and LDCs to become creators, owners and users of their domestic knowledge and technology. In the framework of activities under DA recommendations (10, 19, 25, 26, 28 and 36), the Innovation Division is engaged in the projects on development of IP tools and technology transfer, a web Portal to facilitate dissemination of technology transfer-relevant knowledge, on definition of platforms for networked (open) innovation and IP collaboration, including between partners from developed and developing countries, on collection and analysis of concrete case studies, on cooperation between research institutions from developed and developing countries, identification of incentive policies for fostering access and dissemination of knowledge and technologies, and other issues that influence promotion of access to knowledge and technology.

Various specific activities across the Organization's work are also geared towards bolstering access to knowledge: for example, activities undertaken by the Global Databases Service on Technology Watch and longer term research and development on Machine Translation and Cross Lingual Search for patent texts.

- 74. Integration across WIPO's DC activities:**
- a) The promotion of access to knowledge and technology, innovation and creativity should be better integrated across the full range of WIPO's DC activities:**
 - i) Greater effort should be made to ensure that research conducted at Member State request should be integrated into other DC activities such as legislative advice, regulatory assistance and development of IP strategies/policies; and**
 - ii) Secretariat and Member States should identify/engage appropriate stakeholders on these issues at national level, including through support for inter-ministerial committees and stakeholder consultations in forming IP policies/strategies.**

Reference: page 42, paragraph 2

Status: Continual

The WIPO Secretariat is continually making efforts to integrate the promotion of access to knowledge across the full range of its activities. The activities described above in relation to recommendation 73 are coordinated with the Regional Bureaus among other relevant programs, and cross-sectoral coordination ensures that the output of any research or initiative undertaken by the WIPO Secretariat at the request of Member States, if favorably evaluated, is mainstreamed into the Secretariat's regular technical assistance activities such as provision of legislative advice, and organization of workshops or regional meetings.

75. Place the IP dimension of innovation and creativity promotion in context:

- a) Activities on innovation and creativity must be informed by broader debates and experience on innovation systems, development strategies and public policy goals, such as access to knowledge.**
- b) WIPO's role should be to;**
 - i) Build understanding on where/how IP-related mechanisms and strategies may/may not assist developing countries to advance progress in these areas; and**
 - ii) Place that analysis/assistance more firmly in context of range of other policy measures and institutional actions needed.**

Reference: page 42, paragraph 3

Status: Continual

The WIPO Secretariat through its collaboration with other IGOs and interaction with NGOs and civil society continues to ensure that its development cooperation activities are up to date and appropriate in the context of broader developments related to IP. In all cases, the Secretariat provides information and resources to enable a given Member State to determine among available options what is the most appropriate and beneficial iteration of the IP system to meet its development-related goals and needs.

For example, training programs on IP management for small and medium-sized enterprises (SMEs) and academic institutions focus on strategic use of IP for protecting innovation and creativity in universities, research institutions and SMEs. Those programs develop the skills and competencies of SMEs and innovation stakeholders in extracting better value from their investments in innovation and creativity by effectively using certain aspects of the IP system and avoiding others. This includes the weighing of different options available including the benefits and risks inherent in the system.

In all cases, the Secretariat strives to adopt a balanced approach with emphasis on the promotion of respect for IP in the interests of social, cultural and economic development. For example, in the field of traditional knowledge, the WIPO Secretariat has outlined this balanced approach in various background briefs, a booklet and other publications and materials on TK, TCEs and GRs, including regular email updates and news to subscribers.

76. Identify WIPO's strategic niche:

- a) The Secretariat should undertake a mapping of other inter-governmental initiatives and non-governmental efforts to promote innovation, creativity, technology transfer and access to knowledge.**
- b) Secretariat should forge and help countries forge links with other relevant IGOs/stakeholders with expertise.**
- c) The mapping would identify WIPO's strategic niche and relevant partnerships with a range of external actors with a stronger competitive advantage:**
 - i) Issues of innovation/creativity take WIPO beyond its traditional expertise on IP and into rapidly evolving areas of business and government**

practice on IP-related issues, and cutting edge debates on public policy issues (education, science, technology) and sectoral issues (public health, biotech), where its experience is weak and resources spread too thinly to make a difference.

Reference: page 43, paragraph 4
Status: Continual

The WIPO Secretariat continues to inform itself of the relevant activities being undertaken in other organizations both at international and national levels wherever such a mapping exercise is useful in the context of a given technical assistance activity. For example, in the field of traditional knowledge, the WIPO Secretariat coordinates closely and regularly with numerous other IGOs including the Secretariat of the Convention on Biological Diversity (CBD) on issues of biodiversity, the Food and Agriculture Organization (FAO) on issues of agriculture, the World Trade Organization (WTO) on trade-related issues, the World Health Organization (WHO) on issues of public health, and the UN Permanent Forum on Indigenous Issues (UN PFII) on issues related to indigenous communities.

Similarly, the Innovation Division routinely follows the work of other IGOs and NGOs, including professional associations (such as Licensing Executives Societies International, Association of University Technology Managers) involved in innovation and technology transfer in order to ensure access to updated information and knowledge to inform the Secretariat's work. The Secretariat has established different forms of collaboration from expert ad hoc consultations to development of more institutionalized cooperation (such as Memorandums of Understanding) with organizations such as the World Bank, United Nations Economic Commission for Europe, European Organization for Nuclear Research (CERN), European Commission Joint Research Center, UN Conference on Trade and Development (UNCTAD), Organisation for Economic Cooperation and Development (OECD), International Trade Center (ITC) and International Chamber of Commerce (ICC).

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