

## **Committee on Development and Intellectual Property (CDIP)**

**Eleventh Session  
Geneva, May 13 to 17, 2013**

DRAFT REPORT

*prepared by the Secretariat*

1. The eleventh session of the CDIP was held from May 13 to 17, 2013.
2. The following States were represented: Albania, Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Former Yugoslav Republic of Macedonia, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kenya, Lithuania, Madagascar, Malaysia, Mauritania, Mexico, Monaco, Morocco, Myanmar, Nepal, Netherlands, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, South Africa, Spain, Sudan, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe (95).
3. The following intergovernmental organizations (IGOs) took part as observers: African Intellectual Property Organization (OAPI), African Regional Intellectual Property Organization (ARIPO), African Union (AU), Arab League Educational, Cultural and Scientific Organization (ALECSO), European Union (EU), Eurasian Patent Organization (EAPO), *Communauté Economique et Monétaire en Afrique Centrale (CEMAC)*, Organization of Eastern Caribbean States (OECS), Organization of Islamic Cooperation (OIC), South Centre, World Health Organization (WHO) and World Trade Organization (WTO) (12).

4. Representatives of the following non-governmental organizations (NGOs) took part as observers: Ankara University Research Center on Intellectual and Industrial Rights (FISAUM), Brands Foundation, CropLife International, European Law Students' Association (ELSA International), Health and Environment Program (HEP), Ibero-Latin-American Federation of Performers (FILAIE), *Ingénieurs du Monde (IdM)*, Institute for Intellectual Property and Social Justice (IPPSJ), International Association for the Development of Intellectual Property (ADALPI), International Association for the Protection of Intellectual Property (AIPPI), International Association on the Public Domain (COMMUNIA), International Centre for Trade and Sustainable Development (ICTSD), International Chamber of Commerce (ICC), International Federation of Film Producers Associations (FIAPF), International Federation of Pharmaceutical Manufacturers Associations (IFPMA), International Intellectual Property Institute (IIPPI), International Publisher Association (IPA), International Trademark Association (INTA), International Video Federation (IVF), Knowledge Ecology International, Inc. (KEI), *Médecins Sans Frontières (MSF)*, Medicines Patent Pool Foundation (MPP), Third World Network (TWN), and West African Economic and Monetary Union (24).

5. Ambassador Mohamed Siad Doualeh, Permanent Representative of Djibouti, chaired the session.

#### **AGENDA ITEM 1: OPENING OF THE SESSION**

6. The Director General welcomed delegations to the session. He emphasized that the Development Agenda (DA) continued to guide the work of the Organization and served as a reference point for the way it engaged, particularly in cooperation for development with its Member States. Most of the substantive issues in the 45 recommendations of the DA had been implemented as activities or projects. Regular reports were provided to the Committee on those activities and projects. In addition, all completed DA projects were evaluated and the reports submitted to the Committee for consideration. The Director General informed the Committee that the draft Program and Budget for 2014-2015 would be published soon. In line with the requests and recommendations of the Member States, the work of the DA was again mainstreamed in the draft Program and Budget. During the session, the Committee would be reviewing the Secretariat's high level overview of the Organization's work in the course of 2012 on the DA. The Director General looked forward to receiving feedback from delegations in that regard. He then turned to Agenda Item 2 on the Election of Officers.

#### **AGENDA ITEM 2: ELECTION OF OFFICERS**

7. The Delegation of Algeria, speaking on behalf of the African Group, nominated Ambassador Mohamed Siad Doualeh, Permanent Representative of Djibouti, for re-election as Chair.

8. The Delegation of Belgium, speaking on behalf of Group B, supported the nomination.

9. The Delegation of Belarus, speaking on behalf of the Group of Central Asian, Caucasus and Eastern European Countries (CCAEEC), nominated Mrs. Ekaterina Egutia, Deputy Head, National Intellectual Property Center (SAKPATENTI), Georgia, as Vice Chair.

10. The Delegation of China supported both the nominations.

11. The Delegation of India, speaking on behalf of Asian Group, also expressed support for the nominations.

12. The Director General declared the re-election of Ambassador Mohamed Siad Doualeh as Chair and the election of Mrs. Ekaterina Egutia as Vice Chair, given that there were no objections from the floor. He invited Ambassador Doualeh to chair the session.

13. The Chair sought the cooperation and goodwill of the delegations in conducting the meeting in a time-efficient and constructive manner with an emphasis on building consensus. He stated that only regional group coordinators would be invited to make general statements. National delegations could submit their statements in writing to the Secretariat for inclusion in the report for the session. The schedule of work for the session which was discussed in the informal briefing meeting on April 9 had been made available. The Chair stated that the methodology for the preparation of the Summary by the Chair would be the same as in the previous session. It should be brief and to the point. In that regard, he requested delegations to avoid introducing new elements to the summary which were not of critical importance. The Chair moved on to Agenda Item 3 on the adoption of the Agenda.

### **AGENDA ITEM 3: ADOPTION OF THE AGENDA**

14. The Chair declared the Agenda as adopted given that there were no comments from the floor. He then invited the Committee to turn to agenda item 4 on the adoption of the draft report of the tenth session of the CDIP.

### **AGENDA ITEM 4: ADOPTION OF THE DRAFT REPORT OF THE TENTH SESSION OF THE CDIP**

#### Consideration of Document CDIP/10/18 Prov. – Draft Report

15. The Chair stated that the draft report was issued on March 21, 2013. He informed the Committee that the Secretariat had not received any comments from the Member States and invited the Committee to adopt the report. The report was adopted given that there were no objections from the floor. He then turned to Agenda Item 5 on general statements.

### **AGENDA ITEM 5: GENERAL STATEMENTS**

16. The Chair invited the regional group coordinators to make general statements.

17. The Delegation of Brazil, speaking on behalf of the Development Agenda Group (DAG), reiterated its commitment to work constructively during the session. The Group stated that it was created in 2010 to pursue the effective implementation of the DA. The Group stressed that the Committee played an important role in coordinating, promoting and monitoring the implementation of the DA. Although the implementation of the DA was not and should not be limited to its work, the Committee helped to maintain high-level discussions on the 45 recommendations adopted by the General Assembly in 2007. The Group viewed the adoption of the DA as a milestone in terms of achieving the aspirations of developing countries for an international IP system that responded to their needs. The DA recognized the need for WIPO to revise and reorient its work to ensure that the IP system was more inclusive and development oriented. However, the process would take time and required a cultural change in the Organization. The Group stated that it usually began its general statements in the CDIP by recognizing the progress made by WIPO in the implementation of the DA. However, although it acknowledged that good progress had been achieved in the last six years, the Group was concerned that Member States may not be maintaining the same level of commitment in terms

of the effective implementation of the DA. The Committee played a central role in implementation. However, it was generally difficult to take decisions on issues before the Committee. At times, even the implementation of the Committee's mandate was an issue. This was despite the fact that it had been created through a decision by the General Assembly. The Group referred to the discussions on its proposal to include a new standing agenda item on IP and development related issues (document CDIP/6/12 Rev). The Group found it difficult to understand why some Member States continued to systematically oppose the proposal. The Group then referred to the coordination mechanism which was also adopted by the General Assembly in 2010. It reiterated that the mechanism was not being adequately implemented and hoped that this would be constructively addressed during the session. The Group hoped that Member States would engage in meaningful and productive discussions on the issues before the Committee. In this regard, the Group emphasized the need for Member States to be willing to compromise. It was ready to work constructively with all Member States to find concrete solutions and take decisions on the issues before the Committee and urged all Member States to engage and demonstrate flexibility where required. The Group referred to Agenda item 6, "monitor, assess, discuss and report on the implementation of all Development Agenda recommendations", and the Director General's Report on the Implementation of the DA. It expressed its regrets that the Director General's report was the only document that was available for discussion under this agenda item. Member States required adequate information to evaluate progress made in the implementation of the DA. The Group referred to Agenda Item 7 on the consideration of the work program for implementation of adopted recommendations and looked forward to contributing to the discussions on all the working documents provided by the Secretariat. In concluding, the Group highlighted technical assistance and the independent review of the DA as issues which required urgent decisions by Member States.

18. The Delegation of Poland, speaking on behalf of the Group of Central Europe and Baltic States (CEBS), noted that a practice had been established to include a full agenda with many important issues for discussion in each Committee session. For future sessions, the Group would like consideration to be given to making the work program more focused to allow sufficient time to discuss all important issues and to avoid repetitive conceptual discussions. The Group would prefer presentations and discussions to be held on projects and activities that were ongoing or being finalized. It welcomed WIPO's contribution to the implementation of the DA by revising its activities in response to the mainstreaming of the principles and recommendations of the DA. The Group expressed its commitment to engage in discussions on matters such as the External Review of WIPO Technical Assistance in the Area of Cooperation for Development; Project Proposal from the Republic of Korea on IP and Design Creation for Business Development in Developing and Least Developed Countries (LDCs); and the consideration of the work program for implementation of adopted recommendations. It looked forward to a productive week ahead and the constructive participation of all stakeholders, including in the exchange of best practices.

19. The Delegation of Belgium, speaking on behalf of Group B, stated that it valued the availability of documents. Nevertheless, while the Group appreciated the challenges in managing documentation, availability did not only entail procedural timely availability but also required availability in all official WIPO languages. The Group was aware that progress had been achieved and looked forward to further improvements in this area. It welcomed progress achieved in the implementation of the DA and looked forward to further discussions in this regard. The Group was pleased to note that 27 projects had been launched. Thirty-one (31) recommendations were implemented or in the process of being implemented. It was ready to contribute further to the ongoing consideration of WIPO's technical assistance and capacity building in the area of cooperation for development. In this regard, the Group looked forward to a further discussion that would ensure greater transparency and deepen accountability in all areas of technical assistance planning and delivery. The Group encouraged the Secretariat to

further develop oversight and review procedures in this regard. It welcomed the fact that many proposals and recommendations concerning technical assistance and capacity building were either implemented or in the process of being implemented. It was confident that the Committee would be able to finalize its consideration in view of the progress made and WIPO's continued work on technical assistance and capacity-building. In concluding, the Group assured the Chair that he could count on the constructive spirit and support of its delegations during the session.

20. The Delegation of the Dominican Republic, speaking on behalf of the Latin American and Caribbean Group (GRULAC), expressed its regret that not all documents were made available in advance in Spanish, including the draft report for the previous session (document CDIP/10/18). The Group reiterated that this was not acceptable as it did not allow for sufficient time to consider the document. It would like the practice to be corrected. The Group would continue to engage with all Member States on the implementation of the DA recommendations. It stated that the 45 recommendations merely provided the starting point for developing initiatives to promote equity among Member States. As such, there was a need to focus discussions on the implementation of recommendations; on improving initiatives to enhance technical assistance and to refine work in specific areas of IP. The Group stressed that it was also essential for DA principles to be reflected in activities, including those conducted in its region. It urged WIPO to continue preparing studies on the IP flexibilities set out in document CDIP/10/11 on Future Work on Patent-Related Flexibilities in the Multilateral Legal Framework. The studies assisted Member States to address challenges in various areas. The Group referred to the Second WIPO Inter-Regional Meeting on South-South Cooperation on Patents, Trademarks, Geographical Indications, Industrial Designs and Enforcement which was held in Egypt the week before. The Group would like to examine the conclusions and recommendations of the meeting. It could enhance the discussions in these areas. The Group paid particular attention to the exchange of experiences on national IP strategies as it concerned a project within its region and contributed to the development of certain sectors in their countries. It referred to the economic studies that were taking place in certain countries within its region and stated that further studies could be undertaken based on the conclusions of the studies.

21. The Delegation of Ireland, speaking on behalf of the European Union (EU) and its Member States encouraged the Secretariat to guarantee that all documents and their translation into all UN official languages were made available two months prior to a meeting. The EU and its Member States stated that the sizeable agenda would require intensive work, cooperation and flexibility in order for the discussions to be completed within the time constraints. In this context, they called on the Chair to ensure that work would be completed within the planned timeframe. They were firmly committed to continue work in a positive and cooperative manner. They looked forward to a constructive discussion on IP technical assistance and capacity-building which was provisionally scheduled for Tuesday. The lessons learned through practical examples would assist in efforts to provide technical assistance and to establish best practices. With regard to future work, they were ready to constructively discuss possible ways to improve the work of the Committee for the benefit of all delegations.

22. The Delegation of Algeria, speaking on behalf of the African Group, referred to the ongoing efforts and progress achieved to ensure that WIPO's work was more development oriented. It was encouraged by the positive developments but stressed that more was required for development considerations to become an integral part of WIPO's work. The Group stated that the adoption of the DA by the General Assembly in 2007 was the first step towards a new paradigm whereby IP protection was not viewed as an end but rather as a means to serve larger public goals. While the inception of the DA marked a watershed in terms of rebalancing the global perspective on IP, the mainstreaming and implementation of its recommendations was a considerable challenge. A sustained and multifaceted approach to WIPO activities was

needed. It required a pro-active leadership, continuous commitment, cooperation, engagement by all sides, sustained pro-development cultural transformation within the Secretariat as well as engagement with other inter-governmental organizations and civil society. The Group was of the view that institutional matters concerning the functioning of the CDIP required attention, and should be resolved in order for Member States to truly assist in the implementation of the DA. It was necessary for the Committee to agree on the relevant WIPO bodies that must report to the General Assembly for the purpose of the coordination mechanism. The third pillar of the Committee's mandate required implementation in order for its entire mandate to be implemented. The Group reiterated its support for the inclusion of a new agenda item on IP and development. It would allow for discussions on the important linkages between IP and development, including on matters such as how WIPO could strengthen its cooperation on IP related issues with other UN specialized agencies such as the WTO, WHO, UNEP, etc. Referring to the Director General's Report on the Implementation of the Development Agenda, the Group noted that the report sought to provide a macro level assessment of work undertaken in the implementation of the DA. It noted that most ongoing projects were progressing well. They made concrete contributions to the implementation of the DA which was a long-term work in progress and important challenges remained. There was a need to rethink the IP system to reflect all interests. The system should be balanced and should promote innovation and access to knowledge. The implementation of the DA required the commitment of all Member States and cultural change in WIPO's approach to its work. Further projects may be required to strengthen the integration of development dimensions into the Organization's work. The Group also considered issues concerning technical assistance, the integration of MDGs into WIPO's work, the work program on flexibilities and the independent review on implementation of the DA to be of utmost importance. As such, sufficient time must be allocated for these to be thoroughly discussed. Lastly, the Group noted that there had been significant progress since the adoption of the DA in 2007. This must be sustained and the results carefully measured. It would reach out to all partners and work with the Secretariat to achieve the shared vision of a development oriented IP regime that promoted creativity and innovation as well as the use of IP flexibilities, exceptions and limitations to serve public policy objectives.

23. The Delegation of India, speaking on behalf of the Asian Group, referred to the Director General's Report on the Implementation of the Development Agenda (document CDIP/11/2) as an important means to assess progress made in the implementation of the DA through projects and their contribution towards a balanced IP system in the context of socio-economic development, as well as its impact on the Organization. The Group looked forward to a constructive discussion on the report. On the proposal for a new agenda item on IP and development (document CDIP/6/12 Rev), some of its members were concerned that all three pillars of the Committee's mandate lacked proper implementation. Member States had agreed that IP was beneficial when it served as a tool for enhancing economic growth and social development. It should be tailored to suit a country's specific needs and situation. Some of its members were of the view that the coordination mechanism required implementation by other relevant bodies as it was aimed at enhancing coordination amongst different WIPO committees with regard to development activities. The Group was ready to participate in the deliberations, including on the work program for implementation of adopted recommendations, implementation of certain recommendations of the report on the external review of WIPO technical assistance, feasibility of integrating MDGs related needs/outcomes into the Organization's biennial results framework and the identification of specific indicators to measure WIPO's contribution to the MDGs.

24. The Delegation of Belarus, speaking on behalf of CCAEEC, stressed the need for constructive engagement by all delegations during the session. It was important for all documents to be translated into the working languages. The Group was confident that despite the complexity of the issues, good progress could be achieved during the session. It reiterated its commitment to work towards this objective.

25. The Delegation of Benin, speaking on behalf of the LDCs, stated that they were committed to development, including through national policies for promoting and managing innovation and creativity to improve the socio-economic conditions in their countries. The Group referred to the Fourth United Nations Conference on the Least Developed Countries (LDC-IV) which was held in Istanbul in 2011. It was agreed that the main areas of action for LDCs included enhancing technical capabilities, improving access to knowledge and infrastructure development. The Group was committed to the implementation of the DA. The DA and WIPO's contribution to the MDGs were linked to the work that WIPO carried out on IP and development. The Group was pleased with the Organization's efforts to ensure that development considerations were adequately reflected in its work. Nevertheless, it stressed that the LDCs required more technical assistance within the framework of the DA, in order to strengthen human and institutional capacities, improve access to knowledge and technology, support the creation of Technology and Innovation Support Centers (TISCs) and the development of national IP policies. The Group would like WIPO to take their interests into greater account. The Group hoped the Committee would adopt recommendations to strengthen technical assistance projects and WIPO's contribution to the MDGs. It acknowledged the efforts made, particularly in tackling extreme poverty, HIV/AIDS and the promotion of international partnerships for development. However, further support was required to promote development in LDCs and to create better living conditions for their populations. Although progress had been achieved in the preparations for the International Conference on IP and Development, the Group hoped that the discussions during the session would contribute to the successful outcome of the Conference. It looked forward to the conclusions of the Conference. Lastly, The Group reiterated its commitment to work constructively to achieve progress in the work of the Committee.

26. The Delegation of China stated that WIPO had made tremendous efforts to mainstream the DA into its work and good results were achieved. Twenty-seven (27) projects were approved in relation to 31 DA recommendations. China had played an active role in the implementation of recommendations; for instance, it had participated in the study on IP and socio-economic development. In November 2012, WIPO and the State Intellectual Property Office of the People's Republic of China (SIPO) jointly hosted a regional seminar on the protection of industrial designs and the international registration system. It was held in China and the participants included representatives from 13 developing countries in the Asia Pacific region. Although progress had been made in the area of IP for development, much more needed to be done and joint efforts were required. The Delegation hoped there would be flexibility and cooperation from all delegations in the discussions. The Delegation reiterated its commitment to work diligently with all delegations to achieve positive results during the session.

27. The Delegation of Pakistan stated that it would be submitting a written general statement to the Secretariat. The Delegation referred to the comments made by several delegations and the Director General that a number of recommendations had been implemented. Although the work carried out was appreciated, the Delegation emphasized that the implementation of recommendations was a continuous process, regardless of whether or not a project was carried out in relation to a recommendation. This was a common understanding. The Delegation looked forward to continued work on the recommendations.

28. The Delegation of the Islamic Republic of Iran associated itself with the statements made by the Delegations of Brazil and India on behalf of DAG and the Asian Group respectively. The Delegation stated that the CDIP played a crucial role in promoting a balanced approach to IP protection. However, the Committee was faced with major challenges. In this regard, the Delegation referred to the DA negotiations and the extent to which the agreed mandate for the CDIP had been realized. It observed that only the first part of the mandate had been implemented. The Committee had not been able to coordinate with relevant WIPO bodies on

the implementation of the adopted recommendations. The coordination mechanism was not working properly as Member States could not agree on a methodology for reporting. The Delegation urged the Director General and the Chair of the General Assemblies to continue their efforts in revitalizing the coordination mechanism. It helped to eliminate duplication in the work of the Organization. The Delegation also pointed out that there were no discussions in the Committee on norm setting in relation to IP and development and the General Assembly had not been able to entrust the Committee with such discussions. It also noted that although the Committee was supposed to make annual recommendations to the General Assembly, there had been none. The Delegation stated that when it was established, developing countries hoped that the Committee would serve to strengthen and coordinate development-friendly norm setting activities and make recommendations to the General Assembly in this regard. However, it was now more akin to a research institution for development. Although the Delegation appreciated the efforts and positive results, it stressed that the expectations resulting from the creation of the Committee had not been met. Thus, radical change was required in the work and approach of the Committee. The Delegation also urged the Director General to maintain a balance between staff from developed and developing countries in the allocation of management posts in WIPO. It stated that this was not the case in recent years. The Delegation stressed that developing country experts were more familiar with the needs and priorities in their countries and regions. It expected more attention to be paid in this regard. In concluding, the Delegation expressed its appreciation to the Director General and his team for their continued efforts to integrate the DA and its principles into the work of the Organization.

29. The Delegation of Monaco sought clarification on whether DAG was regarded as a regional group as the Chair began by giving the floor to the Delegation of Brazil to make a statement on behalf of DAG. The Delegation understood that DAG was not a regional group. Although it played an active role in the discussions and often in a constructive manner, it was an informal group without an official status. The Delegation also believed that in the discussions on other matters, the Chair should first give the floor to the formally constituted regional groups before giving the floor to any other delegation. It expressed support for the statement made by the Delegation of Belgium on behalf of Group B. It was satisfied with progress achieved in the implementation of the DA and recognized the Secretariat's efforts in this regard. Most of the recommendations were being implemented through projects adopted by the Committee. These included training and capacity building activities conducted by WIPO, a database maintained by WIPO and specific research activities. Significant financial resources were allocated for these activities. The Delegation referred to the discussions on technical assistance and was pleased to note that many of the recommendations in the Deere-Roca report were either implemented or being implemented by the Secretariat. The Delegation encouraged the Secretariat to continue with its efforts to enhance transparency in the planning and delivery of technical assistance. Referring to the proposal to include a new standing agenda item on IP and development, the Delegation reiterated that it still did not understand the purpose of the agenda item as it was so general that it covered the entire mandate of the Committee. However, the Delegation was ready to discuss and achieve consensus on this issue.

30. The Delegation of the Republic of Korea informed the Committee that a conference on IP and product branding for business and local community development was successfully held in Seoul last month. Member States had actively participated in the conference. The Delegation recognized that good progress had been achieved in the implementation of the DA recommendations. There was a need to consider the specific situation of the countries concerned in project implementation. The Delegation emphasized that the implementation of the DA did not end with the completion of specific projects. It also highlighted that development should not only improve the economy but also the circumstances of the population as indicated in recent case studies. The Delegation referred to the forthcoming discussions on WIPO's technical assistance in the area of cooperation for development and encouraged a balanced and constructive approach. It was necessary to share and learn from best practices adopted in

the provision of technical assistance. Lastly, the Delegation highlighted the importance of technical assistance in the area of industrial designs. In this regard, the Delegation referred to its project proposal on IP and Design Creation for Business Development in Developing and Least Developed Countries (LDCs). It hoped that the proposal would be adopted following its consideration by the Committee.

31. The Delegation of Venezuela referred to the comment made by the Delegation of Monaco on DAG. It stated that although it was not part of DAG, the group existed and played an important role in the discussions.

32. The Chair invited the Director General to respond to the comments from the floor.

33. The Director General referred to the issue of languages. He noted that it was raised by Group B, the EU and its Member States as well as GRULAC. The Director General apologized if there were any delays in the availability of translated documents. He informed the Committee that he had the list of documents and the date on which the language version of each document was published. He noted that the draft report for the previous session was 223 pages long and apologized that it was not available on time in all languages. Although the other documents did not respect the two month time limit mentioned by the EU and its Member States, the Director General stated that they were made available well in advance of the meeting. Documents were usually made available one month and sometimes two months in advance. He referred to WIPO's language policy and recalled that it was discussed at length in recent years. It was formerly the Organization's policy that documents were only made available in English, French and Spanish. That policy was revised at the beginning of the current biennium for documents to be generally made available in all UN languages in all standing committees, including the CDIP and the Intergovernmental Committee on IP and Genetic Resources, Traditional Knowledge and Folklore (IGC). The Director General recalled that it was also agreed that if a document was long, it would not be translated and a summary would be provided. For example, the country case studies on Brazil and Chile were 78 and 84 pages long respectively. As such, summaries were translated and made available according to the agreed language policy. The same applied to other lengthy documents, including the conceptual study and the draft report for the last session which was 223 pages long. The Director General pointed out that it was up to the Member States to decide on whether changes were required in the language policy. The matter would be raised in the context of the draft Program and Budget for 2014/15 to be discussed at the Program and Budget Committee (PBC). A decision should be taken in that committee as it was a serious issue that affected all the committees and not just the CDIP. Currently, a document could be provided in all UN languages if it was up to 20 pages. A decision was required on longer documents. On meeting reports, the Director General believed there was a solution which the Member States were requested to consider in the past. He stated that every committee meeting was webcasted, and an audiovisual record was also available on the WIPO website. Transcripts of what was said at each meeting were also available. Thus, in his view, it made no sense for a verbatim report to be also published. It was a waste of resources. The Director General believed there should be a summary report which included all the main decisions and a summary of the various items. However, it was up to the Member States to decide on this matter. The Director General emphasized the common understanding that multilingualism was the policy and the best way forward. It was just a question of how it was implemented. He then referred to the comment made by the Delegation of the Islamic Republic of Iran on geographical balance and emphasized that in recent years, this had been respected. In fact, the number of represented nationalities had increased from 103 to 109. The issue was constantly discussed amongst Member States. He pointed out that the Organization was addressing a historical imbalance. However, Member States should understand that the opportunity to address the imbalance was extremely limited due to the small number of people who were due to retire from the Organization; 11 in 2013 and 25 in 2014. The principle of geographical balance was adhered to by WIPO in order to achieve a better

geographical representation and balance within the Secretariat. Next, the Director General referred to the question raised by the Delegation of Monaco concerning groups of countries. He stated that this was a question for the Member States to decide and not the Secretariat. As far as the Secretariat was concerned, the Member States had a right to organize themselves into whatever groups they liked. The decision was taken by Member States and respected by the Secretariat. The Director General noted that groups had evolved in recent years. There were always seven regional groups, namely, Group B, Latin America and the Caribbean, Africa, Asia Pacific, Central Europe and the Baltic States, Central Asia, Caucasus and Eastern Europe, and China. However, interventions were also made by groups such as the Asian Group, the EU and its Member States, LDCs as well as DAG. The Director General reiterated that it was for the Member States to decide on how to deal with this issue. However, the Delegation of Monaco was right that an order was usually respected in terms of giving precedence to speakers from the seven regional groups before moving on to the other groups. This was practiced by the Organization's governing bodies. The practice was usually followed. However, it was up to the Member States to decide on whether some should be allowed the opportunity to speak more than once.

34. The Delegation of the Dominican Republic, speaking on behalf of GRULAC, reiterated that the Spanish version of the draft report for the last session (document CDIP10/18) was only made available last Wednesday. As Thursday and Friday were public holidays, their capitals were not able to examine the document. The Group stressed that it was merely requesting for a balance. Documents in Spanish should be made available at the same time as documents in other languages. This would allow their capitals to examine the document in order for the delegations to participate effectively in the work and discussions in the Organization.

35. The Delegation of Monaco clarified that the purpose of its comments was not to denigrate any delegations that may have formed a group, but rather to draw the Director General's attention to an established practice that the floor should first be given to the official regional groups. DAG was not one of them and the purpose was simply to avoid any confusion as to its status. The Delegation would not wish any group to be denied the opportunity to speak in the plenary.

36. The Chair concluded the discussions given that there were no further comments from the delegations. He invited the Committee to turn to Agenda item 6, "Monitor, assess, discuss, report on the implementation of all Development Agenda recommendations".

37. The Representative of the International Intellectual Property Institute (IIPI) submitted a written general statement as follows:

"I am pleased to attend this meeting as Vice Chairman of the IIPI. IIPI was founded in 1998 to provide inventors and creators in all countries with access to the resources needed to transform their industry and economic growth.

"Currently, we are working with the United States Patent and Trademark Office (USPTO) and the Intellectual Property Office of the Philippines to improve "Innovation Opportunities" at Philippine universities. We have assembled a team of technology management and commercialization experts who are working directly with the universities selected. Additionally, we worked with the USPTO to conduct regional training workshops for traditional artists on the use of IP rights to protect and promote arts and crafts. These and other technical assistance and capacity building programs assist developing countries in meeting their international commitments in a timely fashion.

"We welcome efforts by Member States to improve access – including access by persons with disabilities – to cultural creations. However, we should proceed cautiously when

contemplating limitations and exceptions to copyright and ensure that any new limitations and exceptions are narrowly defined to address the needs in question.

“We are confident that Member States will continue to recognize the importance of creators and their rights, and we wish you all success during the upcoming meeting. Although we may disagree on certain issues, we cannot allow disagreement to overwhelm our shared common interests in the IP system.”

## **AGENDA ITEM 6: MONITOR, ASSESS, DISCUSS, REPORT ON THE IMPLEMENTATION OF ALL DEVELOPMENT AGENDA RECOMMENDATIONS**

### Consideration of document CDIP/11/2 - Director General's Report on Implementation of the Development Agenda

38. The Chair recalled that at the third session of the CDIP, the Director General had agreed to provide the Committee with an annual report on the implementation of the DA. The fourth annual report by the Director General was contained in document CDIP/11/2. The report provided a broad overview of the strategic direction and achievements in the implementation of the DA. He invited the Director General to introduce the report.

39. The Director General made three broad points. First, he hoped that the report made it clear that efforts continued to be made for the entire Secretariat and Organization to be available for the full implementation of the DA recommendations. This was achieved in part through the mainstreaming of WIPO's development activities whereby all units within the Secretariat considered the way in which their work could be executed with due deference to the desire for the Organization to improve the capacity of the developing countries and the LDCs to use the IP system. The Director General hoped that it was apparent that the whole Organization was involved in that effort. Second, he stated that certain elements of the DA and its recommendations addressed less the substance of IP and more the manner in which the Secretariat delivered its technical assistance. For example, there were recommendations related to administration and management support, transparency, ethics, results based management and others. The Director General believed that most of these, if not all, had been implemented either directly with respect to the DA or through the Strategic Realignment Program. Lastly, he underlined the importance of the Committee as a forum for discussing the coordination, development and implementation of work related to the DA.

40. The Delegation of Brazil, speaking on behalf of DAG, reiterated that document CDIP/11/2 was the only document provided for discussing this agenda item which was linked to the coordination mechanism. This was one of the most important issues for the CDIP. Member States should be provided with adequate information to evaluate progress achieved on the implementation of the DA. The Group noted that the Director General's fourth report aimed to provide a broader view of WIPO activities that were related to the implementation of the DA. This was very useful, particularly for assessment purposes. The report highlighted some activities which the Group also viewed as key to the effective implementation of the DA. These included technical and legislative assistance; WIPO's cooperation with other international organizations; participation by civil society in WIPO's activities; the work of the WIPO Academy; initiatives to ensure neutrality in the Secretariat's work; and the mainstreaming of the DA by other WIPO bodies. Although the report covered a broad range of initiatives, the Group would like more details or links to be provided on the activities, including WIPO's cooperation with other international organizations and UN initiatives. It noted that the Organization was increasing its partnerships with other UN agencies. For instance, it had, in accordance with recommendations 22, 30 and 40, joined the MDG Gap Task Force and engaged in the UN inter-agency process on the post 2015 development framework. It had also participated in

many other UN initiatives, including the United Nations Conference on Sustainable Development (Rio +20). The Group would appreciate further information on WIPO's participation in these activities. A report on WIPO's contribution to these initiatives would be helpful and could serve as a permanent tool of communication between the Secretariat and Member States. Apart from ensuring greater transparency and accountability, it would allow Member States to contribute to WIPO's participation in such initiatives. The Group stated that the Director General's report should not be limited to factual information. It should also include an evaluation of the impact of activities on the implementation of the DA. The Group then made comments on specific elements of the report. It referred to paragraph five where country plans were described as a tool to "ensure greater transparency and horizontal coordination in WIPO's delivery of technical assistance". As this was one of the key elements of the DA and in view of the discussion on the review of WIPO's technical assistance, the Group requested the Secretariat to prepare a document for the next session to provide further information on how the country plans were being implemented. The report should include information on the countries for which country plans had been developed, the process employed in developing these plans and the template for the assistance framework. This would allow for a comprehensive assessment of the extent to which the frameworks were development-oriented. The Group referred to paragraph six, noting that it provided an overview of recent developments in the courses offered by the WIPO Academy. It appreciated the fact that DA modules were included in some courses. However, it was important for these to be included in all courses as the DA was a broad and cross-cutting issue. The courses could assist in raising awareness among government officials and other stakeholders. The Group referred to paragraph nine on the WIPO Re:Search Platform and requested more information on this in the next session. The Group referred to paragraph 10 and noted that apart from a general comment on the legislative assistance provided by WIPO, further details were not provided on this issue. The Group stated that this was a very sensitive and important issue for the DA. A broad evaluation of WIPO's legislative assistance activities had not been carried out. It believed it was time to consider the possibility of undertaking an independent evaluation in this regard. The Group referred to paragraph 17 on a mandatory Organization-wide ethics and integrity training program for all personnel and the Whistleblower Protection Policy (WPP). These initiatives could help promote the neutrality of the Secretariat. The Group highlighted the importance of the Code of Ethics and the Roster of Consultants as tools to ensure greater transparency and accountability. In this regard, it requested for clarification on whether the Roster of Consultants had been reviewed in line with the suggestions made by many Member States in previous sessions of the CDIP to include, for example, information on all consultants recruited by WIPO. Referring to paragraphs 19 to 33 on the mainstreaming of the DA in the work of other WIPO bodies, the Group noted that the report summarized the main results of some WIPO bodies but did not indicate how the results were related to the implementation of the DA. This should be included in future reports. It also requested for clarification on why the PBC and the Committee on WIPO Standards (CWS) were excluded from the report. They played important roles in the implementation of the DA. Referring to paragraph 38 on the external evaluations of some completed projects that were presented to the Committee, the Group reiterated its support for the evaluations which could contribute to the assessment of projects and other future initiatives adopted by the Committee.

41. The Delegation of Belgium, speaking on behalf of Group B, referred to the order in which statements should be delivered and would like the practice to be maintained. The Group also recalled that it was agreed that general statements would only be read out by the regional group coordinators. The Group then referred to the Director General's report and noted that it provided a comprehensive assessment of the work carried out by WIPO in 2012 in the implementation of the DA. It had also noted all the activities included in the report and welcomed the efforts by the Director General and the Secretariat to implement the DA and its recommendations. It was glad that a large majority of recommendations had been implemented in a comprehensive and mainstreamed manner. On future DA projects, the Group reiterated

that the appraisal and evaluation process for completed projects should also include best practices and lessons learned. Finally, the Group looked forward to continuing the work of the Committee and other relevant bodies in line with the overarching objective of IP protection.

42. The Delegation of Ireland, speaking on behalf of the EU and its Member States, noted that the Director General's report provided a comprehensive assessment of the work carried out by WIPO in 2012 in implementing the DA. The EU and its Member States took note of all the activities included in the report. They were pleased to note that by the end of 2012, Member States had approved 27 projects in relation to the implementation of 31 DA recommendations. Although the information in the report was of great value, the EU and its Member States believed there was a lack of critical analysis on the implementation of certain projects. As proposed by some project evaluators, it would be useful if the report focused on both the positive and negative experiences in the approval and implementation of projects. They reiterated the point highlighted in the report that the evaluation process for completed projects should involve deriving lessons learned, establishing best practices, and informing future development related activities. The EU and its Member States would continue to work to further consolidate the DA within the context of IP protection.

43. The Delegation of Poland, speaking on behalf of CEBS, referred to the Director General's report and welcomed the positive assessment of the work undertaken by WIPO in implementing the DA and the anticipation of further progress in mainstreaming the recommendations. The Group supported efforts to strengthen WIPO's cooperation with relevant UN agencies and other international organizations to provide a common and coordinated response to development needs. It supported technical assistance activities based on the specific demands and progress that was achieved in a country. It was pleased to note that 30 projects had been successfully and efficiently implemented. The Group would continue to participate in the implementation of projects and recommendations. It looked forward to a full review of progress achieved in the implementation of the DA. A progress report should be presented in the next session covering projects approved by the Committee, including information on budget expenditures, outcomes as well as a cross-sectional assessment.

44. The Delegation of Algeria, speaking on behalf of the African Group, noted that the report provided an overview of how WIPO's activities were changing in response to the mainstreaming of the principles and recommendations of the DA. It indicated that there had been significant progress. Important steps were taken by the Member States, the Director General and his team to further integrate development dimensions into WIPO's activities. The Group was of the view that effective implementation of the DA required two parallel and important steps. The first concerned actions taken by the Secretariat to turn the recommendations into concrete activities and programs. The second concerned the mechanism through which Member States assessed and evaluated the Secretariat's work in line with the General Assembly's decision on the coordination mechanism. The Group regretted the fact that the PBC and the CWS were not implementing the decision. It was concerned by the lack of commitment to fully implement the coordination mechanism. The situation raised deep concerns about the future of the DA in its entirety. As such, the Group requested the Director General to personally engage to assist Member States to reach agreement on the list of relevant WIPO bodies for the purposes of the coordination mechanism. On the Director General's report, the Group welcomed efforts to further streamline the DA and took note of the key highlights in the implementation and mainstreaming of the recommendations in the regular activities of WIPO. The mainstreaming of the DA was a dynamic, ongoing and long-term process that should be continued throughout the Organization and its work. Although the progress was encouraging, the Group stated that more detailed information was required to enable Member States to determine whether implementation was satisfactory. It made further comments on specific elements of the report. First, according to the report, country plans were developed to provide a comprehensive and integrated development assistance framework for each country. Although the Group welcomed

the initiative, it would like further information to be provided, including on the process for developing the country plans. This would allow for an assessment of the extent to which the frameworks were development oriented. Second, the report stated that tailored development oriented legislative assistance was provided to developing countries and LDCs, taking into account the flexibilities that were relevant to countries at different levels of development. The Group stated that this was merely self certification. There was a need for an independent evaluation of WIPO's legislative assistance. It also noted that the reform of national IP plans was not addressed in the report. Third, it welcomed WIPO's involvement in the MDG Gap Taskforce, the Rio+20 process and other UN mechanisms. However, the Group sought clarification on the process adopted by the Secretariat to obtain a clear mandate from Member States to participate in those mechanisms. The Group reiterated that the Secretariat should express the views of all the Member States and promote a balanced IP system. As such, it requested for further information on the Secretariat's participation and emphasized the importance of an open consultative process with Member States in this respect. Fourth, although the report claimed that an Organization wide ethics and integrity training program had been launched, it was important to ensure that WIPO staff and consultants gave primacy to the best interests of the beneficiary country. A development-orientation was necessary for the effective implementation of the DA. Fifth, the Group noted that the report was silent on the mainstreaming and follow-up to the conference on mobilizing resources for IP and development. Lastly, the Group believed that important steps had been taken in the implementation of the DA and hoped the commitment would continue in order to consolidate and strengthen the results. The reports should be forward looking. In this regard, the presentation of the work plan and priorities of WIPO for next year would be useful. It was ready to assist in providing guidance to the Secretariat in this regard.

45. The Delegation of India, speaking on behalf of Asian Group, noted the important steps taken by the Member States, the Director General and his team to mainstream the DA and to ensure that WIPO's work was more development-oriented. The Director General's report described key developments in the implementation of DA projects and the mainstreaming of the DA in various programs and WIPO bodies. These included the development of country plans, mainstreaming of the DA into various courses offered by the WIPO Academy, technical assistance and capacity-building for developing countries and their institutions, the WIPO Re:Search Platform to enable developed country institutions to share IP with developing country institutions, and the provision of legislative assistance which took into consideration the applicable flexibilities relevant to countries at different levels of development. The Group referred to Recommendation 22 and took note of the information provided on WIPO's work on the MDGs, the Organization's involvement in the MDG Gap Taskforce and its contribution to the discussions on access to medicines and IP rights. The Group also noted that WIPO had joined several working groups established by the UN Secretary General on the Post-2015 UN DA, including the Working Group on Global Partnerships for Development. It would like to know more about WIPO's contributions from a DA perspective. The Group noted the overview of the status of all DA projects in the annex to the document and the independent evaluation reports on 12 projects which were presented to the CDIP. It requested the Secretariat to reflect progress achieved in the mainstreaming of the DA while reporting and evaluating projects. The Group noted the mainstreaming of the DA into the work of other WIPO bodies and the information provided on their activities concerning the implementation of DA recommendations. However, the information provided should be more analytical in terms of the results and contribution towards implementation. Several members of the Group were of the view that a decision on the coordination mechanism with respect to the PBC and the CWS was very important and could contribute to improving coordination amongst different WIPO bodies in the implementation of the DA and the evaluation of progress achieved in this regard. The Group took note of the Director General's remark that work on the DA recommendations would be mainstreamed into the Program and Budget for the 2014/15 biennium. Technical assistance and capacity-building was important to further the work of the Committee and to assist

developing countries to participate in an effective manner. The Group stated that the process for the external review of the DA, which would begin later in the year and conclude in 2014, would provide further insights in terms of future implementation. It was ready to play a constructive role in the deliberations on this issue. In concluding, the Group underlined that the implementation of specific DA recommendations would continue despite the completion of projects as the DA was a long-term work in progress and the objective was to achieve a more balanced IP system.

46. The Delegation of Chile found the report to be useful and comprehensive. The report was important as it described the contribution of the relevant entities to the implementation of the DA and provided an overview and appraisal of the work undertaken by WIPO. The Delegation reiterated that the implementation of the DA was important and referred to the initiatives on promoting the public domain. The public domain played a key role in the dissemination of information. The Delegation referred to the project on IP and the Public Domain which assisted in providing information on what constituted the public domain in different jurisdictions, and the tools that were available to help identify subject matter that had fallen into the public domain. The project would assist in the development of guidelines and tools to facilitate the identification of and access to public domain subject matter.

47. The Delegation of Egypt expressed support for the statements made by the Delegations of Algeria and Brazil on behalf of the African Group and DAG respectively. The Delegation referred to the Second WIPO Inter-Regional Meeting on South-South Cooperation on Patents, Trademarks, Geographical Indications, Industrial Designs and Enforcement which had just been held in Cairo. It emphasized the importance of ensuring that the IP system supported national development objectives and the achievement of the MDGs. Developing countries had actively participated in the meeting, particularly in the discussions on national objectives. The Delegation referred to the Director General's report and noted that it included three important messages. First, the implementation of the DA was a dynamic and long term process. Second, WIPO had tremendous knowledge and experience in implementing projects. The report provided an overview of the projects that were undertaken. Lessons were learned in implementation and these would be useful for future projects. The Delegation requested the Organization to follow up on recommendations made by Member States in relation to its institutional framework. It stated that the Committee had not discussed a number of DA recommendations and there was a need for these to be examined. It was also important to ensure that the PBC and the CWS contributed to the implementation of the recommendations. The role played by these committees should be examined in this regard. Lastly, the report should be more forward looking. It should not only include a compilation of what had taken place. The report could include activities that were planned for next year and these could be discussed by Member States. The Delegation looked forward to further progress in the implementation of the DA in the course of the year.

48. The Delegation of Pakistan aligned itself with the statement made by the Delegation of Brazil on behalf of DAG. Although the Delegation appreciated the report and supported progress made in 2012, it shared the concerns of many Member States that WIPO and its Member States may not be maintaining the same commitment with regard to the effective implementation of the DA. There was a need to work collectively with commitment and flexibility to make important decisions. The Delegation stated that the CDIP played a pivotal role in coordinating, promoting and monitoring the implementation of the DA. There was a need to strengthen its work as well as the implementation of the DA recommendations throughout the Organization. The Delegation appreciated the broad overview of the implementation of the DA and the factual information provided on activities in the report. However, the impact of those activities on the implementation of the DA should also be reflected. It also noted that the report covered a broad range of initiatives and provided a holistic perspective. It would like further details to be provided on those initiatives, including legislative assistance, country plans,

WIPO's involvement in the Rio+20 process as well as figures on the use of IP-TAD and IP-DMD. Lastly, the Delegation referred to Annex 1 of the document and requested the Secretariat to reflect, either through a footnote or cross referencing, the understanding that the implementation of the DA projects was an ongoing and non-exhaustive process.

49. The Delegation of Nigeria welcomed the report and stated that Nigeria was a beneficiary of some of WIPO's development oriented activities. It included the establishment of a TISC in Abuja last December. The Delegation would like more transparency and an inclusive process in the development of future reports of the Director General. It believed this would assist Member States to assess whether WIPO activities had led to tangible results in the countries concerned. In this regard, the Delegation aligned itself with the statement made by the Delegation of Algeria on behalf of the African Group. Lastly, it encouraged WIPO and its Member States to fulfill the aspirations that led to the adoption of the DA recommendations. Development should form the basis of WIPO's work. The Delegation recalled that Member States had also agreed to integrate the recommendations into all WIPO committees, bodies, programs and activities and for reports to be submitted to the General Assembly thereafter. Member States should work together to fulfill this obligation. In concluding, the Delegation emphasized that the implementation of DA recommendations was a continuous process that required sustained interest and commitment by all.

50. The Delegation of the Islamic Republic of Iran associated itself with the statements made by the Delegations of Brazil and India on behalf of DAG and the Asian Group respectively. It noted that the report provided a comprehensive and encouraging overview of the implementation of the DA. Important steps had been taken by the Director General and his team to ensure that WIPO's work was development-oriented. There was also concrete progress in the mainstreaming of the DA. The Delegation noted the various initiatives, including the inclusion of DA modules in certain courses offered by the WIPO Academy, the provision of tools to assist in the management of IP, legislative assistance, provision of a patent information service and the work program on flexibilities in the IP system. It referred to recommendations 30 and 40 which called on the Organization to intensify its cooperation on IP related issues with other UN agencies with an emphasis on undertaking development programs for the benefit of developing countries. In this regard, the Delegation requested further information on development programs that were established in collaboration with other UN agencies. The Delegation emphasized that WIPO should reflect the viewpoints of all Member States when providing technical advice during international negotiations, especially on controversial issues concerning IP and global challenges. Member States should be informed of the advice that was provided. In view of the major development implications, issues related to IP and global challenges should be discussed in the CDIP or the IGC before technical advice was provided in the course of international negotiations. The Delegation referred to the issue of geographical balance and reiterated that it was important for this to be addressed. It appreciated the Director General's commitment to address the situation and looked forward to tangible results in the near future.

51. The Delegation of China was pleased with the progress achieved through the implementation of DA projects. It noted that WIPO was now more involved in the UN's work on MDGs, including through participation in the MDG Gap Taskforce. In this regard, the Delegation believed that the Organization could learn from the experience of other agencies and also provide expertise on IP.

52. The Delegation of South Africa supported the statements made by the Delegations of Brazil and Algeria on behalf of DAG and the African Group respectively. The Delegation referred to WIPO's participation in the MDG Gap Taskforce and requested for further information on its contributions to the Taskforce. Concrete information was also required on its contributions in other fora, including in the discussions on the post 2015 UN Development

Agenda. The Delegation joined other delegations in supporting the notion that the implementation of the DA was an ongoing process and this should be reflected. The Delegation raised concerns relating to the coordination mechanism. Member States had yet to come up with a resolution on the bodies that should form part of the coordination mechanism. It believed that the absence of the CWS and the PBC raised serious concerns, and hoped that a solution would be found as soon as possible.

53. The Delegation of Senegal supported the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation welcomed WIPO's efforts to integrate the DA into its regular programs, including through the development of country plans to ensure greater transparency and horizontal coordination in the delivery of technical assistance. These should be developed for all developing countries and interested LDCs. It also noted the initiatives by the WIPO Academy, the provision of a patent information service, WIPO's participation in the MDG Gap Taskforce and cooperation with other specialized UN agencies. The Delegation referred to the activities on IP flexibilities and requested for more information to be provided on the database. It welcomed efforts by other WIPO committees to integrate the DA into their work. The Delegation was of the view that all standing committees should be included in the coordination mechanism, including the PBC and the CWS. In concluding, the Delegation welcomed progress achieved in 2012 in the integration and implementation of DA recommendations. The implementation of the DA was a dynamic process which required the support of all Member States.

54. The Delegation of Switzerland was pleased with progress achieved in the implementation and mainstreaming of the DA into WIPO activities. It referred to legislative assistance and welcomed the fact that developing countries and LDCs continued to request assistance in the implementation of international obligations. It hoped the assistance would continue and all information provided should remain confidential. The Delegation did not see the need for an external expert to be appointed. On the integration of the DA and its mainstreaming into WIPO activities, the Delegation stated that the various bodies reported on their contributions through the coordination mechanism. It reiterated its position that the PBC and the CWS were not relevant bodies for the purposes of the coordination mechanism. It welcomed the fact that most of the recommendations had been implemented through projects and activities. The Delegation was of the view that new projects should only be introduced when those underway were completed and resources were available for a project to be effectively implemented.

55. The Delegation of the Republic of Korea referred to the project on IP and Product Branding for Business Development in Developing Countries and Least Developed Countries. It was proposed by the Republic of Korea in December 2011. The Delegation informed the Committee that a conference to share the results of the project was held successfully in April 2013. 250 participants, including WIPO officials and representatives from developing countries took part. The conference discussed brand strategies and the development of a manual. The Delegation believed it was important for the results of the project to be shared even after its completion. Follow-up measures may also be required. Next, it referred to the project on Capacity-Building in the Use of Appropriate Technology-Specific Technical and Scientific Information as a Solution for Identified Development Challenges. The Delegation stated that an evaluation report was supposed to be presented at this session. However, this was not the case and measures were required to address the matter. It was also necessary for the Secretariat and beneficiary countries to resolve financial issues. These should be addressed and follow-up measures were also required in view of the benefits resulting from the project.

56. The Delegation of Cameroon supported the statements made by the Delegations of Nigeria and Senegal. It stated that much had been done to assist LDCs such as Cameroon. The Delegation referred to the WIPO Academy and stated that many Cameroonians had benefited from its programs. It would like priority to be given to institutions dealing with scientific

research as well as the cultural industries in assisting Member States to develop appropriate national IP strategies.

57. The Delegation of the United States of America stated that the report clearly demonstrated how far WIPO had come since the adoption of the DA recommendations. The report highlighted many positive developments in the past year and several deserved special mention. The first was the continued implementation in 2012 of a country plan process for development cooperation activities between WIPO and individual countries. This initiative complemented the DA project on the development of national IP strategies and the WIPO framework on national IP strategies for development initiative which would provide a macro level policy framework to link IP strategy to broader development goals. The Delegation was pleased that the initiative had increased transparency in the delivery of technical assistance and ensured greater horizontal cooperation across the Organization. With regard to legislative and technical assistance, the Delegation believed that the process was highly consultative and often delicate. It appreciated WIPO's sensitive work in communicating with each Member State on its legislative options and did not wish to insert the Committee into this confidential process. Member States should continue to be able to consult with WIPO on a confidential basis. The Delegation believed that the Secretariat should remain neutral and objective and not offer one size fits all advice. The Delegation agreed with the comment made by the Delegation of Algeria on behalf of the African Group that WIPO should take into account the best interests of Member States receiving technical and legislative assistance. No one was better positioned to determine its best interests than a Member State itself. Member States were sovereign and should make their own policy decisions. This was a key element of the constructive critique that WIPO's technical assistance should be demand driven. To the extent that the Committee should desire greater insight into legislative assistance provided by WIPO, the Delegation suggested that the Organization simply inform the Committee on an annual basis of a list of Member States that requested legislative assistance that year. The Director General's report on the implementation of the DA could include a list of Member States that requested for such consultations with further detail provided subject to the relevant Member State's approval releasing WIPO from its obligation of confidentiality. It noted that a second positive development detailed in the report was a set of programs that supported developing and least developed countries in becoming creators, owners and successful users of IP. The new activities relating to IP and development and management for universities and public research institutions were of particular interest to the United States of America because in its experience in providing technical assistance, a number of developing countries had found such programs to be especially fruitful and productive. The Delegation was also pleased to note the development of a WIPO specific ethics and integrity program that included a whistle blower policy. Without whistle blower protection, employees were unlikely to come forward to report waste, fraud or violations of the ethics policy. The Delegation stated that the report made clear that the Committee had made significant progress since the General Assembly approved its creation in October 2007. After five years, 27 DA projects had been approved with a budget of well over 25 million Swiss francs. It stated that this was an accomplishment which all members of the Committee could be proud of. The Delegation looked forward to future reports from the Director General.

58. The Delegation of the Russian Federation stated that positive results had been achieved in the implementation of the DA. It has been mainstreamed into the work of the Organization and its bodies. Positive assessments were provided on the implementation of various projects by independent experts. The Delegation fully supported the activities undertaken by WIPO in the implementation of the DA, in particular, the project on access to specialized databases, the establishment of TISCs and the development of an internet platform for knowledge management.

59. The Chair invited the Secretariat to respond to the comments from the floor.

60. The Secretariat (Mr. Onyeama) referred to the observation that the Director General's report should be more forward looking and analytical. The Secretariat stated that this would be taken into consideration and the report would be made as analytical as possible. It was not really appropriate for the Organization to evaluate its own work. This was usually undertaken by independent experts. However, it was prepared to make the report more analytical. On country plans, the Secretariat stated that it would make the template available at the next session and present the general methodology that was put in place. However, it should be borne in mind that the development of country plans involved an ongoing process between the Secretariat and each country. The plan resulted from the inputs of the beneficiary country. On legislative assistance, the Secretariat stated that it was a process that took place between itself and the countries concerned. It could not give details of the legislative advice provided to a particular country without its permission to do so. Each country was sovereign and in requesting advice on sensitive issues it would expect the advice or discussions to be kept confidential. As a compromise, the Secretariat referred to the suggestion by the Delegation of the United States of America and stated that it could put together a list of Member States that requested for legislative assistance in a given year. On the inclusion of DA topics in the modules of the WIPO Academy, the Secretariat could explore the feasibility of including these in all modules. On the issue of Rio+20 and the MDG Gap Taskforce, it stated that it was engaging with the UN in those initiatives. The Secretariat would provide a more detailed account of the Organization's engagement in those UN processes in the next report. Further information could also be provided on the WIPO Re:Search database. The Secretariat (Mr. Rama Rao) referred to WIPO's participation in the MDG Gap Taskforce. Following the mandate given by the CDIP, the WIPO office in New York recently participated in the work of the Taskforce on access to medicines. The Secretariat briefed the Taskforce on the WIPO Re:Search Platform, particularly on neglected tropical diseases (NTDs). Information was also provided on the trilateral study by WIPO, WTO and WHO. On April 24, pursuant to an ECOSOC initiative, WIPO also held a Clinic on Innovative Partnerships to Address Research and Treatments for NTDs. The Global Issues Sector participated in the event together with colleagues involved in the Gap Taskforce, representatives from the pharmaceutical industry, civil society, the Global Network for NTDs, the African NTDs Network and the End Fund. The Secretariat informed the Committee that it was also closely following the work of the broad UN MDG Taskforce. On RIO+20, the Secretariat stated that WIPO's involvement began in the preparatory stages for the conference. The Organization's participation was mostly on science, technology and innovation matters. The Secretariat informed the Committee that the President of the UN General Assembly had convened a consultation process on sustainable development and sustainable energy the week before. Questions were raised in relation to IP and there were references to WIPO. It had provided information on relevant WIPO initiatives, including WIPO Green, to assist in the process.

61. The Delegation of Algeria, speaking on behalf of the African Group, referred to the Organization's participation in the MDG Gap Taskforce and other UN processes. The Group understood that WIPO had participated in technical discussions, including those on pharmaceuticals and patents. The Secretariat's role in such discussions was clear. However, it had also participated in discussions on more general issues concerning the MDGs, sustainable development and others. The Group stated that Member States should be informed and they should also guide the participation of the Secretariat in such discussions. It stressed that there had not been any consultation between the Secretariat and Member States and would like to know how the Secretariat was going to address this important issue.

62. The Delegation of Pakistan shared the concerns expressed by the Delegation of Algeria on behalf of the African Group. The Delegation requested for clarification on the role of the WIPO office in New York in the UN Secretary General's process. It would like to know how and to what extent the office was contributing towards that discussion, particularly as it was informed

by a colleague in New York that WIPO had solved the problem of technology transfer in relation to green technologies. It would be helpful if information was provided on the points that were mentioned in the process. Member States needed to be more informed with regard to WIPO's participation.

63. The Delegation of Brazil referred to the issue of confidentiality in relation to country plans. The Delegation was of the view that international organizations should not presuppose confidentiality. It understood that data concerning country plans should not be made available if confidentiality was requested by a country. However, although country plans had been developed by the Secretariat, Member States were not informed of the methodology for doing so. The Delegation believed that this was not in line with the requirements of the DA.

64. The Chair invited the Secretariat to respond to the comments.

65. The Secretariat (Mr. Onyeama) referred to WIPO's mandate in the context of its engagement in UN initiatives. The Secretariat stated that the heads of all UN agencies participated in an executive board that was chaired by the UN Secretary General. It met twice a year. The Secretary General had introduced several initiatives, including Rio+20 and the post 2015 UN Development Agenda. Each organization was requested to look into how their particular expertise could contribute to the initiatives. The Secretariat pointed out that Member States had also encouraged the Organization to engage and to work as one with the UN. It believed that it could play a constructive role in areas such as the role of patent information as a source of technological information, especially in relation to climate change. For example, the state of the art technologies could be made available to developing countries in relation to mitigation of climate change. The Organization had tried to play a constructive role in its engagement. The Committee had also encouraged it to be actively involved in those initiatives. On confidentiality in the context of country plans, the Secretariat reiterated that the methodology and template were not confidential. The country plans assisted in ensuring that the delivery of technical assistance would support the development goals of the countries concerned. They also helped to ensure coherence in the Secretariat's work. A template and methodology were developed. These were also integrated into the IP strategic plans for each country. Both the template and the methodology were available. However, the Secretariat reiterated that it did not unilaterally develop a country plan. Each plan involved an ongoing process of consultations and discussions with the Member State concerned. The plan required the validation, agreement and commitment of the Member State. In the absence of a request by the Member State, the Secretariat could not make available information on those discussions as well as the country and strategic plans. However, information on activities that were undertaken in different countries can be found in the technical assistance database. The Secretariat (Mr. Rama Rao) recalled that WIPO joined the UN system following an agreement in 1974. Its engagement was broadly based on that agreement. It engaged on a daily basis with other UN agencies at different levels. Thus, WIPO's engagement was not only pursuant to the mandate given by the CDIP. On green technologies, the Secretariat was not aware of what was mentioned by the Delegation of Pakistan. It had intervened when references were made to WIPO and IP in the consultation process. These were largely on patents. The interventions were made to protect WIPO's mandate and these assisted the process to achieve a common goal within the UN.

66. The Delegation of Brazil reiterated the interest shared by many developing countries, including Brazil, to learn more about the country plans and how they were implemented.

67. The Delegation of Bolivia welcomed WIPO's participation in UN initiatives. The issue was not so much WIPO's participation in those initiatives but rather the manner of its participation. With regard to its contribution to the Rio+20 process, the Delegation was concerned that WIPO only referred to the positive aspects of IP in the context of technology transfer. There was common agreement that there were positive and negative aspects to IP protection, therefore the

focus should not exclusively be on either of these aspects. The Delegation would like a balance to be observed by the Organization in its engagement in UN activities. It often found that in discussions in other fora, the representative from WIPO only referred to the benefits of IP. It believed that this was the background to the concerns expressed by a number of delegations. The delegations were questioning WIPO's mandate to make presentations that only reflected the benefits of IP. The Delegation was in favor of the Organization's participation in international fora, including in UN activities. However, it must reflect the views of all its Member States and must present a balanced picture on issues where there was no agreement.

68. The Delegation of Pakistan expressed support for the comment made by the Delegation of Brazil on the country plans. It was clear that the Secretariat was not able to share information on the legislative advice that was given to a particular country unless the country itself requested it to do so. On WIPO's participation in UN activities, the Delegation stated that it had strongly supported developing WIPO into more of a UN organization and the DA was a step in that direction. As mentioned by the Delegation of Bolivia, delegations were not referring to the mandate for WIPO's participation in UN processes but rather the substance of its participation. The Delegation believed that issues such as the role of patents in relation to climate change, sustainable development and green technologies were quite tricky, and there was a need to exercise caution when representing WIPO in such discussions. The Delegation stated that the Member States also had a right to know what was said on behalf of the Organization in other fora. As such, it requested for information to be conveyed to the Member States from time to time in an appropriate forum in order for them to be informed of what was said on behalf of WIPO.

69. The Delegation of Algeria, speaking on behalf of the African Group, clarified that it had not questioned WIPO's mandate to participate in UN processes. On the contrary, the Group had always defended the idea that WIPO was a member of the UN family. The Group stated that views sometimes diverged on key issues. As such, the Group would like to know what was said by WIPO when it participated in important discussions such as those related to the post 2015 UN Development Agenda and RIO+20. The Group would like more information to be provided by the Secretariat in this regard. The Group also wanted to know if the Secretariat could organize information sessions prior to its participation in those discussions to give Member States an opportunity to provide guidance to the Secretariat on the substance of its participation. This would allow for consultations to take place between the Secretariat and the Member States. It would enhance transparency and provide an opportunity for Member States to participate.

70. The Delegation of India joined other delegations in expressing their concerns on the content of WIPO's participation in UN deliberations. It stated that Members had a right to be informed in advance and there could be a consultative process before the Organization formulated its final position on the substance of its participation. The Secretariat should also provide feedback to Member States on its participation.

71. The Chair invited the Secretariat to respond to the additional comments.

72. The Secretariat (Mr. Onyeama) referred to the comments made by the Delegation of Brazil on the country plans and reiterated that the template and methodology would be made available. The country plan was a work in progress and constituted a new way of doing things. To avoid providing ad hoc assistance to countries, a plan would be developed in cooperation with the country concerned to map out activities for a two-year period that would also fit into the Organization's biennial Program and Budget cycle, respond to its Medium Term Strategic Plan and ensure coherence. The Secretariat pointed out that there were over one hundred developing countries and the resources of the Regional Bureaus were limited. Considerable effort was also required for a country to map out the activities that it would like to take place in

the medium-term, particularly as inputs from stakeholders were required in the process. Thus, it was a work in progress and the Secretariat was doing its best to ensure that the plans were well thought out. However, it was more than happy to make available what it had in terms of the template and methodology. Implementation remained a work in progress. Regarding WIPO's engagement with the UN, the Secretariat could, in principle, arrange for briefing sessions. However, internal consultations were required before it would be able to confirm whether these could be held before the meetings. The Organization's contributions, particularly in relation to RIO+20 were not controversial. It concerned developing countries being aware of the latest technologies in dealing with issues such as mitigation and adaptation in relation to climate change. The Organization believed that patent documents were one of the most important sources of technological information. The question concerned making information on the latest technologies available to developing countries. The Secretariat believed that the issue was not controversial. WIPO had not engaged in areas such as the pros and cons of IP or the benefits of the IP system vis-à-vis other systems. However, the Secretariat would try to get the relevant sectors to brief the Committee on the nature and scope of their engagement in the process. It took note of the request by Member States to exercise caution in its engagement and would try as much as possible to keep them involved in the process moving forward.

73. The Delegation of Belgium, speaking on behalf of Group B, referred to transparency and stated that it was not in favor of micromanaging the Secretariat. The Group highlighted that delegations were already busy with many meetings. On the country plans, the Group stated that it should really be up to the country concerned to decide whether or not further information on its plan should be made available.

74. The Chair concluded the discussions on the Director General's report given that there were no further comments from the floor. He invited the Committee to turn to document CDIP/11/5 on the International Conference on IP and Development.

## **AGENDA ITEM 7: CONSIDERATION OF WORK PROGRAM FOR IMPLEMENTATION OF ADOPTED RECOMMENDATIONS**

### Consideration of document CDIP/11/5 – The International Conference on IP and Development

75. The Chair recalled that four consultation meetings had been held. Document CDIP/11/5 provided the outcome to those consultations. He invited the Secretariat to introduce the document.

76. The Secretariat (Mr. Baloch) recalled that during the last session of the CDIP, the matter of holding an international conference on IP and development was discussed. Paragraph 10(j) of the Chair's summary, reproduced in document CDIP/11/5, recorded the decisions taken in that meeting. The details were included under paragraph 1 of the document. The Chair convened four informal meetings during which further decisions were taken. Based on a concept paper prepared by the Secretariat, it was agreed that the conference would be held on November 14 and 15 immediately before the next session of the CDIP. It was also decided that the Secretariat would prepare a brief report on the conference. It would be presented to the 13th session of the CDIP. The meetings also finalized the objectives of the conference and authorized the Secretariat to select speakers, keeping in mind the geographical balance and the expertise required for the various matters approved by the Member States. The Secretariat highlighted that the agreed decisions were all reproduced in document CDIP/11/5.

77. The Delegation of Belgium, speaking on behalf of Group B, requested for detailed figures in relation to the proposed budget for the conference. The Group always welcomed the timely provision of detailed budgetary breakdowns for such activities in the interest of ensuring greater

transparency and to deepen its understanding of the financial aspects of these activities. Finally, it noted the CDIP was the principal forum in WIPO for discussing matters on IP and development. Thus, follow-up activities decided during the CDIP sessions should take place within the Committee.

78. The Delegation of Brazil, speaking on behalf of DAG, stated that the Group had engaged constructively in the consultations and looked forward to participating in future coordination meetings on the organization of the event. The Group supported the adoption of document CDIP/11/5 as a basis for future work on the conference. It was important to keep in mind the need for a balanced approach to the deliberations on the content of the themes as well as in the selection of speakers and panelists. It looked forward to being consulted by the Secretariat on the outstanding elements concerning the organization of the event.

79. The Delegation of Algeria, speaking on behalf of the African Group, reiterated that the conference was important and hoped that it would contribute to the discussions in WIPO. The Group also hoped that it would provide a forum to freely discuss selected issues. The Group recalled difficulties in the identification of themes and requested the Secretariat to consult with the Regional Coordinators on the details of the themes. The Group understood that during the informal consultations, it was mentioned that the number of experts would be discussed with the Regional Coordinators. The Group would like this to be verified as it was not mentioned in document CDIP/11/5. The Group believed it was agreed that the Secretariat would communicate the initial list of speakers to the Regional Coordinators for them to ensure that there was a balance in terms of geography and expertise.

80. The Delegation of Ireland, speaking on behalf of the EU and its Member States, noted the information contained in document CDIP/11/5 on the International Conference on IP and Development. They welcomed the undertaking by WIPO that panelists would be selected based on their expertise and knowledge of IP and development issues, geographic balance, and the presentation of a range of different views on issues related to development and IP. The EU and its Member States highlighted that there should be a clear idea of how much the conference would cost well in advance. They referred to the budgetary breakdown provided by the Secretariat earlier in the year and looked forward to receiving further financial details, particularly on costs associated with the speakers. The EU and its Member States would like the factual report of the conference produced by the Secretariat to be concise and succinct, rather than an exhaustive account of the proceedings. It should also include an account of the actual amount spent as compared to the proposed budget. The summary report should be circulated as an information document to the CDIP. They welcomed the fact that WIPO's concept paper outlined that the conference would be open to Member States, IGOs, NGOs and civil society. They would also like academics, particularly economists, and business representatives to be invited to attend. The EU and its Member States were confident that the conference would provide an interesting opportunity for all to reflect on how economic growth and development could be improved through IP. Finally, they reiterated their position that discussions during the week on the Conference on IP and Development, as indicated in the Chair's schedule of work, was separate from the discussions on the new Agenda Item on IP and development and was without prejudice to the discussions and conclusions on the latter.

81. The Delegation of the Islamic Republic of Iran expressed support for the statement made by the Delegation of Brazil on behalf of DAG. It welcomed and supported the convening of the International Conference on IP and Development in November 2013. The Delegation stressed that the speakers and panelists should be experts in the field of IP and development with a good understanding of the development challenges faced by developing countries. They should be selected in consultation with Member States.

82. The Delegation of Chile stated that the conference was extremely relevant to the development of IP systems in developing countries. The Delegation reiterated that a geographical balance was important, to ensure that the discussions and results were balanced in order for the conference to contribute to the future work of the Organization.
83. The Delegation of El Salvador thanked the Chair and the Secretariat for the consultations which had led to key decisions being taken on the conference.
84. The Delegation of Belgium, speaking on behalf of Group B, referred to page three of document CDIP/11/5 which stated that the Secretariat was requested to select speakers based on geographical balance, appropriate expertise, and balance in perspective. Thus, the Group did not think it was necessary to hold another set of informal meetings to select speakers.
85. The Delegation of the United States of America stated that it was ready to constructively engage in further discussions and consultations both during and after the session if needed in order to create a productive and balanced event. The Delegation requested for further details on the cost of the conference with the understanding that it would be conducted within existing budgetary resources. The Delegation would also like to confirm that the participants, as described in document CDIP/11/5, included industry and private sector associations.
86. The Chair invited the Secretariat to respond to the comments.
87. The Secretariat (Mr. Baloch) referred to the list of speakers and recalled that in the consultation process, some Member States stated that they would not like to micromanage the selection of speakers and that the Secretariat would be entrusted with the selection. The Secretariat was provided with broad guidelines, including adequate geographical balance, appropriate expertise, and balance in perspective with regard to each theme. It would not have a problem in providing Member States with a proposed list of speakers if requested to do so. However, any changes would delay the selection and approval process as well as the arrangements that were required. The Secretariat looked forward to a decision by the Committee on whether another round of consultations based on a proposed list of speakers was required. With regard to the financial aspects, it recalled that these were discussed in the informal sessions. The Secretariat (Mrs. Longcroft) stated that the budgetary estimates for the conference had been prepared by the Development Agenda Coordination Division. The Secretariat was working on a budget for the two-day meeting to be held back-to-back with the CDIP session in November. This represented a significant saving of around 50,000 Swiss francs. The current proposed budget for the two-day conference was 165,194 Swiss francs. It was based on a two-day meeting held immediately prior to the CDIP session, thereby saving on the travel costs of financed participants. The Secretariat had budgeted for twelve speakers to be paid to attend the meeting, representing a total of 80,514 Swiss francs. The estimated cost of the daily subsistence allowances for the financed participants was 38,480 Swiss francs. The estimated cost of interpretation for the two days was 43,200 Swiss francs. The estimated cost of captioning and transcribing the proceedings through a commercial operator was 3,000 Swiss francs. These represented the total figure of 165,194 Swiss francs. There could be considerable variation between this and the eventual figure which would be confirmed to the Member States as requested in previous discussions. Variations were normal in the organization of such meetings and could be traced to, for example, differences in the travel itineraries or origins of speakers. The cost of travel for a participant from Europe was significantly different compared to a speaker from Africa or Australasia. There were also variables which could be traced to, for example, the seniority of the interpreters who were finally engaged and available on the days in question. The Secretariat (Mr. Baloch) reiterated that these were estimated costs. The actual costs could vary considerably based on the factors that were mentioned. The Secretariat referred to the comment made by the Delegation of the United States of America on the participation of industry in the conference. It recalled that this

was discussed and included within the reference to civil society. However, industry could also be specifically mentioned.

88. The Delegation of China noted that preparations were underway for the conference. It appreciated the work undertaken to prepare for the conference, including in particular, the contributions by DAG and the African Group. The Delegation believed that it would be a milestone in the implementation of the DA and would assist in future work. The discussions on the role of IP in development would assist developing countries to improve their policies in this area and the Organization to further integrate development into its work. China would participate actively in the conference.

89. The Delegation of Brazil, speaking on behalf of DAG, reiterated that further consultations on the speakers were required. The Group understood that some Member States had indicated a preference for some sections of civil society to take part in the conference. However, some other Member States were also interested in others being represented.

90. The Delegation of Ireland, speaking on behalf of the EU and its Member States, expressed support for Group B's position that further intercessional meetings to discuss conference speakers were not necessary at this stage.

91. The Delegation of Belgium, speaking on behalf of Group B, reiterated that Member States should try not to micromanage the Secretariat in each and every aspect. Numerous meetings had already been held. The Group preferred to stick to the agreement that it should be left to the Secretariat to come up with a balanced set of speakers. Nevertheless, it would engage if other regional groups were to insist on further consultations. However, these could also be very lengthy and this may affect the budget. As such, the Group reiterated that the selection of speakers should be left to the Secretariat.

92. The Delegation of Brazil, speaking on behalf of DAG, referred to the argument on costs and stated that the Group only required a dialogue with the Secretariat. It referred to the selection of the keynote speaker and understood that the same process would be applied to the selection of other speakers. The Secretariat would seek the views of the regional groups on whether or not they had any objections to the speakers indicated on its list.

93. The Delegation of Algeria, speaking on behalf of the African Group, reiterated its proposal that Member States be informed of the list of speakers through their Coordinator. The Group did not see this as a form of micromanagement. The Group highlighted that it was agreed that the list of speakers would be discussed with the Regional Coordinators. It believed that it was also mentioned in document CDIP/11/5 that the Secretariat would hold informal consultations on the themes. The list of speakers could be discussed during those consultations. Thus, a separate set of consultations would not be required in that regard.

94. The Delegation of Egypt believed that speakers should be selected based on their experience and knowledge of IP and development issues. The Delegation stated that each region could propose a list of speakers during the consultations and an agreement could be reached on the final list.

95. The Chair believed that the Secretariat and the Member States had established a relationship of trust during the informal consultations. As such, he suggested that the Secretariat should prepare a list of speakers and initiate informal consultations with the Regional Coordinators on the proposed speakers.

96. The Delegation of Belgium, speaking on behalf of Group B, reiterated that an understanding was reached that the Secretariat would be left to do its work. The Group would

try to be available bearing in mind that there were also many meetings ahead. It referred to the intervention by the Delegation of Algeria. The Secretariat could send the list of speakers to the Regional Coordinators. However, the Group did not believe there was a need to enter into a long series of informational consultations on the topic.

97. The Delegation of South Africa understood that DAG and African Group merely requested the Secretariat to seek the views of the Member States on the speakers when they were identified. The Delegation did not believe that this would prolong the process or impact on the budget. It stressed that it was also important for the Secretariat to revert to the Member States on the list of speakers to ensure transparency.

98. The Delegation of India, speaking on behalf of the Asian Group, expressed support for the Chair's proposal, and was comfortable with it.

99. The Delegation of Pakistan stated that it should be clear that the panelists should have expertise on IP and development. In this regard, the Delegation proposed that if regional groups had any specific speakers in mind, they could forward their suggestions to the Secretariat within the next week or so. The Secretariat could prepare a list of speakers based on the suggestions and what it believed was appropriate. The list could be circulated to the Regional Coordinators and if there were no objections, it could be finalized.

100. The Delegation of Trinidad and Tobago expressed support for the Chair's proposal. The Delegation attached great importance to the selection of speakers. As such, it supported the statements made by the Delegations of South Africa, India and Pakistan.

101. The Delegation of the United Kingdom referred to the informal consultations and recalled that it was agreed that the details would be left to the Secretariat. This was because after lengthy discussions, it was realized that the Secretariat had the most experience with regard to organizing such events. Thus, the Delegation believed that the best way forward would be for the Secretariat to finalize the details. The list and other information should be circulated to the Regional Coordinators for confirmation thereafter. This would avoid further lengthy discussions.

102. The Chair thanked the Delegation of the United Kingdom for rephrasing his proposal. The Chair invited the Committee to consider the proposal. It was adopted given that there were no objections from the floor. He concluded the discussions on the item.

Consideration of document CDIP/11/7 - Project Proposal from the Republic of Korea on Intellectual Property (IP) and Design Creation for Business Development in Developing and Least Developed Countries (LDCs)

103. The Delegation of the Republic of Korea introduced document CDIP/11/7 on the Project Proposal from the Republic of Korea on IP and Design Creation for Business Development in Developing and Least Developed Countries (LDCs). The Delegation stated that the project aimed to address recommendations 4 and 10 of the DA. The duration of the project was twenty-four months. The importance of design as an IP right was increasingly recognized as competition continued to intensify in product markets. However, developing countries and LDCs faced numerous challenges in securing a comparative advantage through product design due to factors such as lack of awareness and investment. WIPO carried out many projects to support developing countries. However, at present there were none which supported designs. The lack of support could hinder investments in designs. Since 2010, the Republic of Korea assisted more than 100 SMEs in their efforts to create designs and to acquire design rights. In 2010, the success rate for design development was 90 per cent 131 companies were selected to receive design support in 2011. Design applications increased by 78 per cent year-on-year and staff levels by 8 per cent. Thus, designs can contribute to the economy. The

project consisted of two stages. In the initial stage, it would raise awareness of product value through design development or improvement. Assistance would also be provided throughout the process to acquire rights, from application to registration. Apart from assisting enterprises, the project would contribute to sustainable development in developing countries through raising awareness of the importance of designs as an IPR. In the second stage, guidelines would be developed based on the experiences and know-how obtained in the first stage. These could also be applied in other developing countries. The beneficiary governments would hold conferences and share experiences with stakeholders to strengthen their expertise in IP and design management matters. Detailed information on the delivery strategies was included in document CDIP/11/7. The Delegation pointed out that the project was not merely on design development. It would also focus on increasing knowledge and capabilities in relation to the process for securing design rights. Developing countries would benefit from increased exports through improved design protection and management. Developed countries would also benefit from stronger design protection for their products. As such, the proposal could benefit all participants.

104. The Delegation of Poland, speaking on behalf of CEBS, found the proposal to be interesting. It could contribute to capacity-building in developing countries and a better understanding of the benefits of a design strategy. Although further clarification on the implementation process was required, the Group supported its overall approach and objectives.

105. The Delegation of Ireland, speaking on behalf of the EU and its Member States, believed that the use of designs could be a powerful tool for adding value to a product, raising market demand and increasing the economic returns of producers in all countries. In principle, the EU and its Member States supported the proposal. However, they believed it would be useful to first consider the best practices and lessons learned from WIPO's approaches to providing technical assistance. They would also like to consider the potential costs and benefits of such a project before giving their wholehearted support.

106. The Delegation of Senegal, speaking on behalf of the African Group, noted that the proposed duration of the project was twenty-four months with a mid-term review after one year of implementation. The project aimed to contribute to the business development of SMEs by encouraging investment in design through the strategic use of IPR as well as to raise awareness on the impact of product design on business development for SMEs. IP offices would play an important role in its implementation. The Group found the proposal to be very interesting. However, the structure required improvement to ensure compliance with the requirements of recommendations 4 and 10 of the DA. The Group stated that recommendation 4 of the DA required emphasis to be placed on the needs of SMEs and assistance to be provided to Member States, at their request, in setting up appropriate national strategies in the field of IP. Thus, assistance should only be provided when there was a specific request from a Member State. Their needs should be carefully assessed to ensure that the strategies were appropriate. The Group referred to recommendation 10 and stated that its aim was to assist Member States to develop and improve national IP institutional capacity through further development of infrastructure and other facilities with a view to making national IP institutions more efficient and promote a fair balance between IP protection and the public interest. In this regard, it emphasized the need for the project to promote a fair balance between IP protection and the public interest. It was ready to assist in improving the structure of the proposal.

107. The Delegation of Belgium, speaking on behalf of Group B, noted that the proposal covered the development of strategies and assistance for the whole process from application to registration. The Group supported the proposal because the project contributed to the business development of SMEs by encouraging investment in design through the strategic use of IPRs. The Group stated that this was the type of project which the CDIP should consider. Moreover,

the project also aimed to raise awareness on the impact of product design on business development for SMEs. IP offices would play an important role in the implementation of the project.

108. The Delegation of Japan stated that the proposal by the Republic of Korea was important for raising the awareness of developing countries and LDCs on design protection through the development of design strategies. The Delegation supported the general direction of the proposal. The country experiences could be incorporated into the IP Advantage database if they were successful. It had proposed the development of the database in the third session of the Committee. The database provided a one-stop gateway to case studies that offered insights into how IP worked in the real world and how the successful exploitation of IP could contribute to development.

109. The Delegation of El Salvador welcomed the proposal. It agreed that developing countries and LDCs faced specific challenges in the protection of industrial designs. In many cases, the difficulties were similar. The Delegation noted that the project would be implemented in two or three countries with the view to develop a design strategy in each. Countries would be selected based on certain conditions. This indicated that the project would take into account the specific requirements of a country. The Delegation would like to continue receiving information on the project. It supported the project as its IP office could benefit from an initiative which aimed to assist SMEs.

110. The Delegation of Canada viewed the project as a potentially effective illustration of how IP could be used as a tool for economic development. It supported, in particular, the objective of raising the awareness of SMEs with regard to the benefits of recognizing IP and utilizing its strategic management to create market demand and economic benefits. To assist innovative SMEs to grow into larger competitive companies, it was critical for them to have in place processes that managed their innovations from development through to commercialization. The Delegation stated that the value of many Canadian firms increasingly depended on their intangible assets, including patents, trademarks, copyrights and industrial designs. The speed, quality, efficiency, and effectiveness of an IP administrative system could affect whether or not ideas were successfully commercialized or brought to the market. It believed that in tomorrow's economy, ideas and their transformation into commercial innovations would be increasingly important. Last year, the Canadian IP office held a total of thirty-eight roundtable discussions involving more than one hundred Canadian SMEs. They emphasized the need to raise their awareness of IP. Canada was committed to specifically targeting SMEs through outreach and awareness programs. These included disseminating relevant IP information to SMEs to increase awareness and to enable them to make better informed decisions on where and when to file and the options that were available. A key element for any competitive business seeking to expand into new marketplaces was the ability to easily protect, in multiple countries, their innovations and established brands. In concluding, the Delegation reiterated that IP and innovation were linked in such a way that effective IP regimes would foster more attractive investment environments that would contribute to future global growth and prosperity for all. The Delegation emphasized that supporting SMEs to constantly innovate would be an ongoing priority for its government. In that spirit, it welcomed the proposal from the Republic of Korea.

111. The Delegation of Pakistan fully supported the efforts by the Delegation of the Republic of Korea with regard to the proposal. The Delegation requested information on ongoing WIPO technical assistance activities concerning the development of design strategies and product branding. It would like to know whether there was any overlap with the proposal. On the delivery strategy, it noted that specific requirements were mentioned in relation to the selection of countries. The Delegation believed there may be a need to delve further into the requirements for participation to be more diverse in order for the experiences to be varied. Lastly, it noted that the delivery strategy for raising awareness included the sharing of

experiences through conferences. In this regard, it would like to know whether the Republic of Korea envisaged holding specific conferences as part of the project or if this referred to conferences that were already planned.

112. The Delegation of the Islamic Republic of Iran would like the Delegation of the Republic of Korea to provide details on the funding of the project.

113. The Delegation of the United States of America believed that the proposal would be beneficial for design creators and would promote the understanding of the benefits of IP protection for SMEs in developing countries and LDCs. Therefore, it supported the proposal. The Delegation would also appreciate further details on the required resources and the cost of the project.

114. The Delegation of Egypt sought clarification on how a country could benefit from the project. It requested information whether the project was limited to one or two countries. Noting that the proposal aimed to support the development of SMEs, the Delegation would like to see that countries would be selected based on certain conditions, such as the existence of a legal framework for design protection; governmental support and commitment; specific products or clusters of products with well-defined characteristics and the potential to be protected by IPRs. The Delegation would like the project to be reviewed with an emphasis on capacity-building for SMEs in relation to the use of industrial designs to encourage the creation of new designs.

115. The Delegation of Georgia supported the project proposal. The Delegation noted that two or three countries would be selected for its implementation. The Delegation would like further information on the selection requirements. It would like to know whether geographical representation would be taken into account and if there were additional requirements. It believed that the requirements mentioned in the proposal could be met by several transitional economies.

116. The Delegation of Norway welcomed the initiative by the Delegation of the Republic of Korea to present a project that met specific needs and was aimed at the strategic use of IP for development. The Delegation believed that the project had the potential to produce tangible outcomes for SMEs in developing countries and LDCs. It hoped the project would gain support and be successfully implemented. The experiences resulting from it could be very useful.

117. The Delegation of Bolivia stated that the DA was always referred to in the consideration of project proposals to ensure that they were consistent with it. The Delegation noted that the proposal referred to recommendations 4 and 10 of the DA. Recommendation 4 required emphasis to be placed on the needs of SMEs while recommendation 10 referred to the promotion of a fair balance between IP protection and the public interest. It was not clear how the proposed project would fulfill those requirements. The proposal was based on the premise that the promotion of designs in developing countries would contribute to development. It believed that the project should first evaluate the needs of SMEs in developing countries. The proposal should not assume that the project would support the development of SMEs. On recommendation 10, the Delegation would like clarification to be provided as the proposal did not refer to the promotion of a fair balance between IP protection and the public interest.

118. The Chair invited the Delegation of the Republic of Korea to respond to the questions and comments.

119. The Delegation of the Republic of Korea referred to the issue of beneficiaries and stated that the direct beneficiaries of the project would be enterprises. The government would play an important role in ensuring that the effects were sustained after the completion of the project. As such, it should be involved in the implementation of the project. The capacity of beneficiary

countries to develop and establish policies on designs for SMEs could also be enhanced through conferences and the development of guidelines. With regard to recommendation 4, the Delegation believed that the products from SMEs and institutions dealing with scientific research and cultural industries could utilize designs and make profits. As such, this recommendation was relevant. The Delegation stated that the budget would be determined in consultation with the Secretariat. The financial burden could be shared between WIPO and the beneficiary countries following bilateral consultations. Referring to the question raised by the Delegation of Pakistan on the issue of conferences, the Delegation stated that these would be held by the beneficiary countries. On the criteria for selecting beneficiary countries, it clarified that specific criteria had not been developed as yet. More detailed information on the requirements would be provided following consultations with the Secretariat.

120. The Representative of the International IP Institute (IIPi) stated that the global IP system was often criticized because its benefits were disproportionately distributed. In this regard, the Republic of Korea's proposal represented an important recognition that the needs of the developing countries and LDCs could not be ignored and that IP had a promotional as well as a protective value. Significantly, it combined technical assistance and capacity-building with public awareness. The Representative stated that public awareness was important for two reasons. The first reason was obvious. Stakeholders must be aware of the program's existence before they could benefit from it. The second reason was less obvious, but equally important. The public must understand that IP rights could benefit them as well as inventors and creators in their country, not just residents of the developed countries. Often, this second reason for public awareness was not appreciated. Much of the hostility directed towards the global IP system was due to the failure of its supporters to educate the public on its benefits. The Representative stated that as an organization dedicated to promoting the use of IP rights for economic development in all countries, the IIPi strived to provide such education wherever possible. The IIPi believed that the proposed inclusion of stakeholders' conferences create an opportunity to demonstrate that the benefits of IP rights can be local. Care should be taken to ensure that they were more than sermons for the already converted. Ultimately the success of the global IP system depended on cooperation between countries and this required a shared understanding of the system's importance.

121. The Chair invited the Delegation of the Republic of Korea to work closely with the Secretariat to prepare a CDIP project document for presentation at the next session of the Committee. It should include details on the budget, resources, criteria for the selection of countries, conformity with recommendations 4 and 10, and take into account the observations made by the delegations that spoke in support of the project proposal. This was agreed. The Chair concluded the discussions on the item.

Consideration of Documents:

CDIP/8/INF/1 – External Review of WIPO Technical Assistance in the Area of Cooperation for Development

CDIP/9/14 – Management Response to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (Document CDIP/8/INF/1)

CDIP/9/15 – Report of the Ad Hoc Working Group on an External Review of WIPO Technical Assistance in the Area of Cooperation for Development

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

CDIP/11/4 – 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

122. The Chair sought the suggestions and views of the delegations on how best to approach the discussions on the External Review of WIPO Technical Assistance in the Area of Cooperation for Development.

123. The Delegation of Algeria, speaking on behalf of the African Group, provided some suggestions. The Group would like an open and focused debate to take place on the joint proposal from DAG and the African Group as it had been on the table for a long time. Priority should be given to proposals from Member States. It proposed that a discussion be initiated with the involvement of DAG and the regional groups. The Group invited the regional groups, particularly Group B, to participate in the debate with the objective of identifying recommendations to be approved during the session for implementation. It believed that the focus should be on the joint proposal. The document prepared by the Secretariat following a request by Member States could be taken into consideration. However, the Committee should concentrate on proposals from Member States.

124. The Delegation of Brazil, speaking on behalf of DAG, understood that document CDIP/9/16 Rev. was the only document from Member States on the table for discussion. The Group also understood that many of the recommendations included in the document were ready for implementation. It encouraged other Member States to evaluate the document item-by-item and to approve it as a whole, or as parts which were ready for implementation.

125. The Delegation of the United States of America reiterated that in considering how to structure discussions on the Deere-Roca report, management response, results of the Ad Hoc Working Group as well as document CDIP/11/4, the Committee should focus its attention on category B recommendations from the management response. These were the recommendations that in the opinion of the Secretariat merited further consideration and where most progress was likely to be made.

126. The Delegation of Belgium, speaking on behalf of Group B, restated its position that the Committee should focus on Cluster B recommendations in the management response. The discussions could begin with a presentation of the new document prepared by the Secretariat (document CDIP/11/4). The document highlighted that a majority of the recommendations were either already implemented or in the process of implementation. Referring to the joint proposal from DAG and the African Group, the Group stated that a lot of the recommendations were included and analyzed in document CDIP/11/4. Thus, it believed that the Committee would

benefit from a discussion which focused on that document and Cluster B recommendations of the management response.

127. The Delegation of India, speaking on behalf of the Asian Group, stated that it could be flexible in the consideration of the documents. The discussions could begin with the DAG-African Group proposal followed by document CDIP/11/4 which was prepared by the Secretariat and it could present that document for discussion. The Group did not share the understanding that the discussion should only focus on the category of recommendations that were identified and supported by Group B and the Delegation of the United States of America.

128. The Delegation of Bolivia noted Group B's willingness to initiate discussion on the recommendations. However, the Delegation believed that all recommendations should be discussed and not only the ones mentioned by Group B. This was because further information or action may be required on the other recommendations. Although the Committee could perhaps initiate discussions on category B, the discussions should not be limited to that category. The Delegation also pointed out that the only proposal on the table for discussion was the DAG-African Group proposal. All the other documents were information documents to support the debate. Thus, attention should be given to that proposal from Member States. It found the previous discussion to be extremely useful. However, concrete decisions were required at this session to avoid the information going to waste.

129. The Delegation of the Islamic Republic of Iran supported the statements made by the Delegations of Algeria, Brazil, India, and Bolivia on focusing discussions on the DAG-African Group proposal, the only document on the table submitted by Member States. It was important to examine recommendations from all categories of the management response. Follow-up actions and decisions could be taken on recommendations in all categories.

130. The Delegation of Pakistan stated that it was important for concrete actions to be taken during the session. As a member of DAG, it preferred to start with the joint proposal tabled by the Member States. The document prepared by the Secretariat was also important. The Committee should examine the actions taken by the Secretariat on category A recommendations. The Chair could decide on how to move forward on these but it was important to take action on the recommendations. All the recommendations needed to be discussed. Action could not be taken without the agreement of Member States. Thus, there was a need for all delegations to show flexibility and commitment with regard to the implementation of recommendations.

131. The Delegation of Ireland, speaking on behalf of the EU and its Member States, expressed support for Group B's position to concentrate discussions on document CDIP/11/4. The EU and its Member States believed that category B recommendations in the management's response warranted further consideration and should be the focus of the Committee's discussions.

132. The Chair noted that views continued to diverge on the issue. As such, he proposed that informal consultations be held the following morning. This was agreed.

#### **AGENDA ITEM 8: SUMMARY BY THE CHAIR**

133. The Chair invited the Secretariat to read out the draft summaries of the items covered so far.

134. The Secretariat (Mr. Baloch) referred to the general statements and read out the draft summary as follows: "Under Agenda Item 5, the Committee listened to general statements from regional groups." The Secretariat referred to the discussion on the Director General's report

and read out the following: “Under Agenda Item 6, the Committee considered document CDIP/11/2. The Director General introduced his Report on the Implementation of the Development Agenda during 2012. Delegations appreciated the commitment of the Director General in providing annual reports. A number of observations were made on the Report and clarifications were sought, in particular with regard to Country Plans, WIPO’s participation in the Rio+20 process and the MDGs Task Force. The Deputy Director General, Mr. Onyeama, and Director of the WIPO New York Office, Mr. Rama Rao, replied to the observations and agreed to introduce enhancements in future reports.” The Secretariat then referred to the discussion on the proposal from the Republic of Korea and read out the following: “The Committee considered a Project Proposal from the Republic of Korea on Intellectual Property (IP) and Design Creation for Business Development in Developing and Least Developed Countries (CDIP/11/7). Delegations expressed appreciation for the proposal and thanked the Republic of Korea for this initiative. The Republic of Korea was requested to work with the Secretariat to further develop the proposal into a CDIP project document, bearing in mind the observations made from the floor, and present it to the next session of the Committee for approval.”

135. The Delegation of Algeria, speaking on behalf of the African Group requested the Secretariat to refer to the briefings that would be provided on WIPO’s participation in the RIO+20 process and the MDGs Task Force. The Group recalled that there was a decision that briefings would be provided subject to the availability of the relevant officials.

136. The Delegation of Brazil, speaking on behalf of DAG, referred to the country plans and recalled that it had requested for further information to be provided in the next session. The Group would like this to be reflected. It understood that further information would be provided by the Secretariat.

137. The Delegation of Pakistan referred to the general statements and suggested that it could also be mentioned that Member States were requested to submit statements in writing. The Delegation would withdraw its proposal if there was any objection to it. It did not make a statement because delegations were requested to submit their statements in writing.

138. The Delegation of India, speaking on behalf of the Asian Group, agreed with the comment made by the Delegation of Algeria on the briefings to be provided by the Secretariat on its UN activities. The Group referred to the International Conference on IP and Development. The summary should state that information on the list of speakers would be shared with Member States.

139. The Chair stated that the draft summary for the international conference would be presented the following day. On the draft summaries for the other three agenda items, he proposed that the observations made by the Delegations of Brazil and Algeria, as supported by the Delegation of India, be reflected.

140. The Delegation of Belgium, speaking on behalf of Group B, was not able to go along with the Chair’s proposal. The Group had earlier stated that the Committee should not try to micromanage the Secretariat.

141. The Delegation of Algeria, speaking on behalf of the African Group, inquired as to whether Group B was opposed to transparency in such matters.

142. The Delegation of Belgium, speaking on behalf of Group B, reiterated that all delegations were in favor of transparency. However it was up to the Secretariat to determine the right approach. The Group had trust in the Secretariat.

143. The Delegation of Brazil, speaking on behalf of DAG, supported the statements made by the Delegations of Pakistan and Algeria. The Group was in favor of transparency.

144. The Delegation of South Africa believed that Member States had the right to decide on the speakers that were identified by the Secretariat. Thus, it appealed to the Delegation of Belgium to show flexibility.

145. The Chair believed that the issue concerned whether the Secretariat would provide briefing sessions before participating in the discussions on Rio+20 and the MDGs Task Force.

146. The Delegation of South Africa stated that it agreed with the position of the African Group in this regard. The Secretariat should provide briefing sessions before participating in those discussions.

147. The Delegation of Pakistan recalled that the Secretariat had mentioned the possibility of providing briefings. This was not micromanaging. Member States had a right to know what was said on their behalf. The Delegation did not state that Member States should approve each and every word of a statement by a WIPO representative prior to his or her participation in any meeting. It had trust in the Organization and its representatives. It merely asked to be informed of what was said by WIPO's representatives on behalf of Member States in other organizations.

148. The Delegation of Bolivia also expressed its trust in the Secretariat. This included its ability to judge when briefings should be organized. It believed that the Member States were on the same page. However, the Chair's summary should reflect the understanding that briefings would be organized. The Delegation did not view this as micromanagement.

149. The Delegation of Poland supported the statements made by the Delegations of Bolivia and Belgium on micromanaging the Organization.

## **AGENDA ITEM 7: CONSIDERATION OF WORK PROGRAM FOR IMPLEMENTATION OF ADOPTED RECOMMENDATIONS (RESUMED)**

### External Review of WIPO Technical Assistance in the Area of Cooperation for Development (continued)

150. The Chair informed the Committee that an agreement was reached on the methodology for discussing the documents in his informal consultations with regional groups.

151. The Delegation of Brazil, speaking on behalf of DAG, understood that all the documents on the table would be discussed, including the joint proposal by DAG and the African Group.

152. The Chair stated that it was agreed that discussions would begin with document CDIP/11/4. The Committee would then move on to consider the joint proposal and the management response. As agreed, the goal was to identify recommendations for implementation. The Chair recalled the developments that led to the discussion. An external review of WIPO technical assistance in the area of cooperation for development was undertaken in the context of the DA project on Enhancement of WIPO's Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities. The results of the external review (document CDIP/8/INF/1) were presented at the eighth session of the Committee. An ad hoc working group was established to identify redundant recommendations in the report. The report of the working group (document CDIP/9/15) was presented at the ninth session of the Committee. In response to its request, the Secretariat submitted a management response to the external review (document CDIP/9/14).

DAG and the African Group also submitted a joint proposal (document CDIP/9/16) for the Committee's consideration. In the last session, the Committee requested the Secretariat to prepare a document that identified recommendations which were being implemented and report on progress thereon (document CDIP/11/4). It also decided to continue discussions on this topic in the current session. The Chair invited the Secretariat to introduce document CDIP/11/4.

153. The Secretariat (Mr. Baloch) recalled that in its last session, the Committee had requested the Secretariat to prepare a document that identified recommendations which were in the process of implementation and report on the status of implementation. The recommendations of the external review encompassed most of the Organization's work. The DACD coordinated responses from all the relevant sectors in the Organization and their inputs were included in the document. In the process of doing so, the Secretariat also realized that the recommendations which it had earlier included under category A required review. Considerable time had passed and in some cases the Organization had begun implementing those recommendations through its Strategic Realignment Program (SRP) or regular activities under the approved Program and Budget. Thus, although the document was based on category A recommendations, it did not fully match what was previously described under that category in the management response.

154. The Chair invited the Committee to examine the recommendations category by category.

155. The Delegation of El Salvador thanked the Secretariat for the document as well as certain initiatives that had been implemented or were under implementation.

156. The Chair invited the Committee to examine the first recommendation on page 3 of the document.

157. The Delegation of Belgium, speaking on behalf of Group B, made a general statement and reserved the right to make more specific statements when the other documents were discussed. The group proposed that a category by category discussion based on all documents on the table, could begin after this initial exchange. It recalled that several reports regarding WIPO's technical assistance were discussed at the tenth session of the Committee. These included the report on the external review of WIPO's technical assistance in the area of cooperation for development; management response to the external review; report of the ad hoc working group on the external review; and the joint proposal by DAG and the African Group on WIPO's technical assistance in the area of cooperation for development. In that session, the Group had suggested that a full day be set aside in the current session for entities that provided IP technical assistance to share information on their experiences. The idea was to exchange best practices and lessons learned as well as to avoid duplication. It welcomed general oversight and review mechanisms. Document CDIP/11/4 indicated that most of the recommendations contained in earlier proposals were either implemented or were in the process of implementation. The Group recalled that the Committee had already engaged in a lengthy debate on the Deere-Roca report. Fruitful exchanges and discussions had taken place within the *ad hoc* working group. The Secretariat had also identified recommendations of the Deere Roca report which were implementable. These were placed under category B in the management response (document CDIP/9/14). The Group thanked the groups for developing interesting proposals. However, it was important to listen to all groups and Member States. The Group was still convinced that it may be useful to discuss best practices and lessons learned. This was fully in line with the Deere Roca report and the management response, and also met several goals of the joint proposal. An exchange of practical experiences in the provision of IP technical assistance could provide some best practices and lessons learned. The debate could benefit from all inputs. Finally, the Group noted that several years had lapsed since the Committee had first engaged in this discussion. It was glad to note that a majority of the Deere-Roca recommendations were being implemented on a continual basis.

158. The Delegation of Ireland, speaking on behalf of the EU and its Member States, stated that it had considered document CDIP/11/4 and welcomed the fact that most of the recommendations referred to in the document had been implemented or were in the process of being implemented. At the tenth session of the Committee, the EU and its Member States had stated their belief that category B recommendations in the management response warranted further consideration and should be the focus of the Committee. In approaching technical assistance, their overwhelming concern was to maintain a high quality debate. Therefore, they believed that the CDIP would benefit from a review and discussion of best practices within the wider area of technical IP assistance, as proposed in the Deere-Roca report. The debate should focus on the identification of best practices and lessons learned from WIPO and non-WIPO technical assistance. It should also offer the opportunity for presentations on technical projects by developing and developed countries, irrespective of whether the technical assistance was carried out in a multilateral or bilateral manner. The EU and its Member States looked forward to another debate that would ensure greater transparency and accountability in all areas of technical assistance planning and delivery. They encouraged the Secretariat to further develop oversight and review mechanisms for the Funds in Trust (FIT) projects.

159. The Delegation of Poland, speaking on behalf of CEBS, welcomed document CDIP/11/4. In the last session, the Group had broadly advocated for a whole day to be devoted to the discussion on technical assistance in the area of cooperation for development during the current session. It had also supported the proposal by a few delegations to discuss the wider framework for technical assistance and to provide opportunities for presentations on both WIPO and non-WIPO technical assistance activities with a focus on best practices and lessons learned. The Group continued to believe that following an in depth discussion at the expert level, as undertaken in terms of the Deere-Roca report, the Committee was now in a better position to draw necessary conclusions for the future. After a period of reflection, the Committee could endorse some concrete measures to improve the planning and evaluation system for WIPO technical assistance in the area of cooperation for development, in cooperation with the Secretariat.

160. The Chair again invited the Committee to consider each recommendation on its own, beginning with recommendation 1.

161. The Delegation of Belgium, speaking on behalf of Group B, referred to the informal consultations and recalled the decision for discussions to begin with a presentation of the latest report by the Secretariat. As this was done, the Group suggested that the Committee could now hold a discussion based on all the other documents on the table, as agreed. It could discuss the joint proposal and the management response and take it from there.

162. The Delegation of Brazil requested for clarification on whether all the recommendations included in the joint proposal by DAG and the African Group would be discussed item by item.

163. The Delegation of Belgium, speaking on behalf of Group B, stated that a discussion on all the documents on the table should now take place. As the debate was very important, the Committee could try to prioritize some recommendations. The Group noted that some of the documents were quite old. The latest document by the Secretariat indicated the extent to which some recommendations had been implemented.

164. The Delegation of India, speaking on behalf of the Asian Group, stated that it did not understand what Group B was trying to propose. The Group recalled the understanding that discussions would start with document CDIP/11/4. That document was presented by the Secretariat. As such, discussions should start on the document. The discussion could then move on to the joint proposal and other documents. The Group would like to discuss document

CDIP/11/4 in the manner proposed by the Chair. It requested all delegations to begin discussion in good faith.

165. The Chair recalled his proposal. However, he stated that the Delegation of Belgium had proposed another course of action and there were no objections from the floor.

166. The Delegation of Belgium, speaking on behalf of Group B, understood that a compromise was reached in the morning that the discussion would start with a presentation of the new document by the Secretariat. As this was done, all the documents could now be discussed, without prejudice to the recommendations that were included in the documents.

167. The Delegation of India, speaking on behalf of the Asian Group, requested the Delegation of Belgium to make it clear that all the documents would be discussed and to indicate which document it preferred to begin with.

168. The Delegation of Belgium, speaking on behalf of Group B, believed that DAG and the African Group preferred to start work on the joint proposal. The Group preferred to start on the management report. Thus, it was agreed in the morning that both documents would be discussed at the same time.

169. The Delegation of Georgia understood that discussions would start with document CDIP/11/4. It wanted to know whether that document would be skipped as it had comments on it.

170. The Chair stated that the Delegation of Georgia was right. The understanding reached in the morning was to first examine document CDIP/11/4 and then move on to the joint proposal and the management response.

171. The Delegation of Georgia referred to recommendation 1 in document CDIP/11/4. This document indicated that WIPO provided assistance in relation to technology transfer and access to knowledge. The Delegation expressed its concerns that the WIPO Innovation Division had been very slow in responding to its requests. Specific activities had not been undertaken in Georgia and neighboring countries in the region in this regard. The TISC project was also progressing slowly. It offered only one activity per year and training was only provided once a year. This was not sufficient. The Delegation would like to learn more about the experience of other beneficiary countries, including in relation to the Technology Transfer Office (TTO) project in the Arab region. The Delegation would like to know the results of that project. It had requested for similar assistance but had not received any. It would also like to learn more about the capacity building programs that were carried by the Innovation Division. The Delegation was also interested in the views of the beneficiaries. Although the document referred to these programs, Georgia had not benefited from them. The Delegation pointed out that Georgia and its neighboring countries were transitional economies.

172. The Delegation of the Philippines referred to the comments made by the Delegation of Georgia and stated that a brochure on the IPI was available outside the room. The IPI had a joint project with the IP office in relation to the TISC program. TISCs were adopted in 63 universities and institutions in the Philippines. Last year, the TISCs filed 23 patent applications. This was very encouraging. The 63 TISCs in universities and institutions were established through the help of WIPO's TISC program. Assistance was also provided by the United States Patent and Trademark Office (USPTO) and the IPI.

173. The Delegation of El Salvador referred to the request by the Delegation of Georgia and shared its experience on the TISC project. Its authorities had worked closely with the Secretariat in the implementation of this project. El Salvador was part of a Central American

network which included Honduras. This was a new project for the country. The Delegation hoped that the network would be launched in July within the government with a focus on universities. The industrial property office would also be involved. National experts had received online and on-site training. The Dominican Republic had extended its assistance and supported El Salvador in the implementation of the project. This was an example of South-South cooperation. Together with support from the Secretariat, the project which involved awareness raising and the dissemination of information was being implemented in El Salvador.

174. The Delegation of the Islamic Republic of Iran noted that the first recommendation was on the scale and intensity of WIPO activities in relation to global public policy issues. The information provided included a reference to WIPO Green and technology transfer. The Delegation would like more examples to be provided as well as information on the status of implementation of this recommendation.

175. The Delegation of the Dominican Republic shared its experience on the TISC project. As in the case of El Salvador, the Dominican Republic had not gone very far. However, considerable efforts had been made to create a TISC in the country and to establish South-South cooperation. There had been some progress. In 2011, a TISC was established. University research centers were working on the importance of patent information and the requirements for patentability. 15 organizations, including government agencies, universities and research centers, were working together. Training programs were developed in response to specific requests. Progress was achieved with the cooperation of WIPO. The Delegation would like to continue receiving support as it was very useful. It would be pleased to respond to requests for information on this and any other project in which the Dominican Republic was involved.

176. The Delegation of Uruguay referred to the TISC project and stated that it had a similar experience. There were expectations in all areas involving research as well as in economic sectors. There had been intensive use of the online WIPO courses. These were well received. The authorities were trying to train a critical mass of IP professionals to keep the project going. WIPO's assistance was very important. The training courses offered by the WIPO Academy were good. The training courses organized with the Secretariat were very efficient. The authorities sought to continue work on the centers. Three had already been established. The success of the project was dependent on assistance from WIPO as well as contributions from Uruguay and its experts.

177. The Delegation of Bolivia stated that the document indicated that it would be difficult to only discuss category B recommendations in the management response as some recommendations had been re-categorized. The Delegation also noted that all the recommendations included in the document were either implemented or in the process of being implemented, or subject to continual implementation. Thus, it appeared that a process had begun and progress was being made. The Delegation believed that each recommendation was not yet fully implemented. Some activities had not been carried out and additional information was required for this to be taken into account in the discussion. It referred to some elements of the document. Paragraph 21 referred to a catalogue of technical assistance activities and indicated that the recommendation was subject to continual implementation. As such, it believed that it could not be said that the recommendation had been fully implemented. The Deere-Roca report stated that the catalogue should contain details of the kinds of activities that were available by region/program; process for requesting assistance; time frame for receiving requested assistance; possible modes of cooperation; focal points within WIPO; whether assistance can be at regional, national, district or city level etc. Some of the required information had not been included. Thus, although an initial step had been taken it could not be concluded that the recommendation was fully implemented and an exchange of views was

required in this regard. The Delegation also requested for clarification. The list of activities did not appear to be complete. For example, copyright was not included under legislative assistance. The Delegation would like to know whether this meant that WIPO did not provide such assistance or if assistance had not been provided in this area. The same question applied to the protection of plant varieties. On human resources, it was stated in paragraph 36 of the document that the recommendation was being implemented on a continual basis. The Deere-Roca report recommended that a gap analysis of staff skills/competencies be undertaken to identify shortage of expertise relevant to improving orientation, impact, and management of development cooperation activities. The Delegation noted that the document did not include information on a gap analysis. It would like to know whether this had been carried out or if it was planned for the future. The Delegation noted that the Code of Ethics was being implemented on a continual basis. Although progress was achieved, it could not be said that the recommendation was fully implemented, particularly as the Deere-Roca report stated that the code should include a reference to the DA. The Delegation would like to know whether this had been included. Lastly, it referred to paragraph 50 on national IP strategies. In response to a request by the Committee in the last session, the Secretariat had made the tools for developing these strategies publicly available on the WIPO website. The Delegation had yet to examine the tools in depth. However, it was mentioned in document CDIP/11/4 that these had been subject to extensive review, both internally and externally. In this regard, the Delegation would like to know if the Secretariat could provide further information on the analysis that was carried out and the methodology for doing so. Following its examination of the document, it also had some concerns with regard to the tools. For example, the section on copyright did not mention limitations and exceptions despite the fact that these were important for developing countries. In addition, on the protection of plant varieties, the document only referred to the International Union for the Protection of New Varieties of Plants (UPOV). However, plant varieties could also be protected through other systems. In this regard, the Delegation would like to know whether this was a drafting error or if WIPO was only providing assistance in relation to the 1991 Act of the UPOV Convention. On enforcement, it noted that recommendation 45 of the DA was not mentioned in the document. It was important to discuss the tools for developing national IP strategies in view of their impact on developing countries. The Delegation proposed that Member States be invited to provide their comments and suggestions for improving the document.

178. The Delegation of the United States of America agreed with the Delegations of Georgia, El Salvador, the Dominican Republic, Uruguay and the Philippines on the importance of technical assistance in the area of technology transfer. The Delegation of the Philippines had mentioned one of its programs in this area. If members of the Committee were interested in learning more about the activities of the USPTO and the government as a whole, the United States of America provided further elaboration of its technical assistance, training and technology transfer activities specific to IP in its TRIPS Council reports on activities carried out in relation to Article 66.2 and 67 of the TRIPS Agreement. The Delegation provided a few examples. The USPTO conducted regional and bilateral technology transfer programs in developing countries and LDCs as well as in countries in transition around the world. In cooperation with the NGO, Public IP Resource for Agriculture (PIPRA), the Asia Pacific Economic Cooperation Organization (APEC) and other organizations and agencies, USPTO had co-hosted several workshops on technology transfer and commercialization. This included a program in Kiev, Ukraine and a series of bilateral programs in Vietnam. The Commercial Law Development Program of the Department of Commerce had conducted a number of technology transfer seminars in Georgia, Armenia, the Philippines and Pakistan in cooperation with the USPTO. In addition, the USPTO had also conducted several workshops in the Philippines, a regional program in Sub Saharan Africa, a technology transfer program for Pakistan, global programs at its Global IP Academy, technology transfer programs for universities in Moscow and St. Petersburg in cooperation with ROSPATENT, technology transfer workshops in China, several regional programs in Southeast Asia including in Bangkok and Kuala Lumpur, and an

APEC-IPEG technology transfer and IP commercialization seminar held in San Francisco, California in September 2011. The Delegation reiterated that these were just a few examples. It encouraged WIPO to continue and expand its work in this area.

179. The Delegation of El Salvador referred to the comments made by the Delegation of the Islamic Republic of Iran on WIPO Green and WIPO Re:Search. These initiatives were introduced by WIPO in cooperation with other organizations. They provided useful platforms to exchange information and encouraged innovation in areas such as NTDs. The Delegation believed the initiatives were launched in 2011. It had become familiar with the initiatives through discussions with the technical team in the Secretariat. Team members would be visiting its capital to meet with government officials that were working on these issues. The government would make decisions based on the advice that was provided. The Delegation believed that the exchange of information was going to be very important. The IP Office, Ministry of Health, government agencies, research institutions and universities were involved. The Delegation proposed that the Delegation of the Islamic Republic of Iran should look to WIPO for information and assistance in accordance with their needs.

180. The Delegation of Georgia referred to recommendation 2 on activities that would contribute to reducing the knowledge gap. The Delegation was particularly interested in the TTO project, including the experiences of beneficiaries such as those in the Arab region. Over a year ago, Georgia had decided to establish a TTO. The WIPO Innovation Division had promised support but its response was slow. Thus, the authorities decided to establish the TTO with the assistance of the US Department of Commerce and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). The response from these agencies was prompt and adequate. WIPO's role in supporting the establishment of the TTO was merely symbolic. The Delegation hoped that further training would be provided, including in relation to IP valuation and technology licensing. These were mentioned in the document. It was interested in these programs. The Delegation was also interested to learn of the experiences of countries in this regard.

181. The Chair invited the Secretariat to respond to the questions and comments from the floor.

182. The Secretariat (Mr. Onyeama) noted all the points that were made. The Secretariat suggested that these should be systematically dealt with in the afternoon. Responses would be provided by the colleagues concerned on all the questions that were posed.

183. The Chair invited the Committee to turn to the joint proposal by DAG and the African Group as well as the management response given that there were no further comments from the floor.

184. The Delegation of Brazil, speaking on behalf of DAG, introduced its joint proposal with the African Group. The document was well known. It identified and elaborated specific proposals aimed at improving WIPO's development cooperation activities. These included proposals in relation to relevance and orientation; the Program and Budget; extra-budgetary resources; human resources; experts and consultants; transparency and communication; technical assistance database; assessing impact, monitoring and evaluation; IP policies and strategies; legislative and regulatory assistance; IP office modernization, training and capacity building; user support systems; coordination; and follow up activities. The proposals included the development of a manual and guidelines for technical assistance. The document was presented in the last session of the CDIP. The Group suggested that the recommendations be examined item by item taking into account document CDIP/11/4.

185. The Delegation of Belgium, speaking on behalf of Group B, noted that the implementation of most recommendations on technical assistance or capacity building were either completed or pending completion or being implemented on a continual basis. The Group was glad to note that the Secretariat had made substantial progress in implementation. It made some specific comments on technical assistance. First, the Deere-Roca report and the management response noted the need for all staff and consultants involved in development cooperation activities to be informed about widely accepted principles and practices in the field of development cooperation as adopted by other international organizations. The recommendation was also included in the joint proposal by DAG and the African Group. Several members of the Group would be highlighting best practices and lessons learned which could be taken into account. Indeed, several of its members focused on best practices and lessons learned in terms of technical assistance planning, implementation and follow up. The Group was interested to learn how best practices and lessons learned in those areas could be integrated into the WIPO activities described in document CDIP/11/4. The Deere-Roca report and the management response also noted the need for improved internal and external coordination with regard to the planning, provision and evaluation of technical assistance and capacity building. This recommendation was also included in the joint proposal by DAG and the African Group. It was interested to know how the need for improved internal and external coordination to the planning, provision and evaluation of technical assistance and capacity building had been addressed.

186. The Delegation of Algeria, speaking on behalf of the African Group, would like to know whether the Committee could discuss the joint proposal on a category by category basis. The Group did not want to enter into a discussion whereby it would be required to again present the document. It was presented a year ago.

187. The Chair proposed that the document be discussed on a category by category basis.

188. The Delegation of Algeria, speaking on behalf of the African Group, referred to category A on relevance and orientation. In this regard, the joint proposal included three important recommendations from the Deere-Roca report, i.e. the development of guidelines on how to plan and implement more development-oriented assistance; a manual on the delivery of technical assistance; and a draft policy on how WIPO should plan and organize training activities and events. These recommendations were examined by the Secretariat either in the management response or in its latest document. However, the Group was not satisfied with the Secretariat's responses. The conclusions were far too general and did not allow Member States to understand how WIPO was planning to develop guidelines, how a manual was developed and the elements to be included in a draft policy. In this regard, the Group would like more specific additional information to be provided by the Secretariat.

189. The Delegation of Pakistan agreed with the Chair's proposal to systematically discuss the joint proposal by DAG and the African Group. The Delegation referred to the first section on relevance and orientation. It did not want to elaborate on the details of this section as it had already been done. The Delegation believed that if members could agree on the broad parameters mentioned in the joint proposal under this section, the Committee could approve these and move on to the next section.

190. The Delegation of Japan supported the statement made by Belgium on behalf of Group B. The Delegation was pleased to note that WIPO's technical assistance activities were steadily improving. It referred to the recommendations for improving transparency and efficiency and stated that it agreed with the direction of the recommendations. However, the recommendations should be gradually implemented in light of progress achieved and the ongoing reforms. On the proposal for sharing best practices, the Delegation associated itself with the comments made by the Delegation of Belgium on behalf of Group B. The Delegation

agreed that the sharing of best practices would benefit discussions on various recommendations included in the Deere-Roca report, management response, and the joint proposal. Japan had been implementing various technical assistance projects to assist developing countries to create IP systems and to encourage them to develop more self sustaining and progressive initiatives in that regard. The Delegation was ready to contribute to the discussion by sharing its experiences. It referred to some recent activities undertaken through Japan FIT. A meeting on innovation and business competitiveness was held in February 2012. The participants reached a common understanding on the importance of developing IP infrastructure, cooperating between organizations, and formulating IP policy and strategies in order to effectively utilize IP. A meeting on the development of IP policy in Africa was held in Tanzania in March 2013. A constructive discussion took place on the strategic importance of IP policies to promote innovation and to enhance the competitiveness of African countries. During the meeting, the Tanzanian President pointed out the importance of IP in promoting innovation. In cooperation with WIPO, training courses tailored to the expertise and capabilities of trainees were also organized. The Delegation referred to the various phases of technical assistance, i.e. planning, implementation and evaluation. The evaluation phase was increasingly important due to various reasons, including transparency and resource constraints. Effective evaluation was also critical in terms of further planning phases. As such, a face to face meeting was held once a year with WIPO on planning and evaluation with regard to Japan FIT. The Japanese authorities also organized various missions to beneficiary countries and these were funded by them through a separate budget. The missions were highly effective in obtaining valuable feedback from the beneficiaries. Through the missions, the beneficiaries could also self evaluate how lessons learned through training were being put to practical use in actual work situations. This could not be realized, for instance, only through questionnaires provided at the end of a training activity. The Delegation strongly believed that such evaluations could provide insights for further improvement. To enhance the sustainability of results, efforts were also made to periodically organize follow-up seminars in each beneficiary country for previous participants to network and to maintain an exchange of views between beneficiaries and donors. The seminars contributed to mutual understanding and trust which was important for continuous cooperation. Finally, the Delegation underlined its strong commitment to effective technical assistance, as reflected in Japan's FIT arrangements for this fiscal year despite the current difficult economic situation and its readiness to further explain experiences for discussion by the Committee as a basis for the effective implementation of useful recommendations.

191. The Delegation of Ireland, speaking on behalf of the EU and Member States, referred to the importance of the debate and stated that they could support, in line with Group B's proposal with respect to technical assistance, certain requests. First, the Secretariat was requested to present the Committee with a compilation of best practices of WIPO and non-WIPO technical assistance in order to help with the implementation of recommendations which merited further consideration. Second, the Secretariat was requested to provide detailed information on the measures taken to improve internal and international coordination. Third, the Secretariat was requested to provide additional information on concrete steps taken to address recommendations, ratio to cost efficiency measures such as savings and efficiencies in the use of technology and improved coordination as well as savings and efficiency in WIPO training. They believed that these requests regarding technical assistance projects undertaken by WIPO and non-WIPO bodies would be helpful in drawing best practices and lessons learned with regard to technical assistance planning, implementation and follow up.

192. The Delegation of Spain supported the statements made by Group B as well as the EU and its Member States. The Delegation stated that Spain provided technical assistance through its patent and trademark office. Assistance was focused on cooperation with Ibero American countries due to their historical ties with Spain. Most of the activities were carried out through its FIT. The fund was established in 2004 through a memorandum between WIPO and Spain.

The activities included training for judges and prosecutors, assistance for industrial property offices and others. The activities carried out were analyzed and assessed to avoid repeating mistakes and to enhance the sustainability of the projects. It was essential for the results to be sustainable in order for development cooperation to be beneficial. Questionnaires were handed out to participants to assess the strengths and weaknesses of an activity. Through these, the authorities were able to improve and adapt future programs to the changing needs of a country. It was also very important to minimize risks and costs as well as to maximize benefits. Thus, the patent and trademark office sought partnerships with other national and international organizations to create new activities. Consultations were held between public and private entities to assess abilities. When there were several courses on patents and trademarks, each were given a different orientation to avoid duplication. The courses that were organized included patent management and an on-line course on trademarks in association with a Spanish public organization. Online courses were organized to reduce costs and to increase the number of participants. A network of Latin-American experts had been established. It currently had 35 members who could enhance the dissemination of knowledge and introduce best practices in other courses. Thus, it contributed towards sustainability. Activities organized in partnership with other organizations also included 19 courses with a Spanish development agency. Activities were also organized with the participation of WIPO, including a course for judges and prosecutors. The patent and trademark office organized several courses for examiners. The office provided training for searching technological information. The program for patent examiners in Ibero America ran from six months to one year with the objective of providing the examiners with tools and knowledge that could be used in their own offices when they returned to their home countries. These were examples of activities that were carried out by the patent and trademark office to provide assistance which was useful and sustainable.

193. The Delegation of Sweden shared some practices and experiences with regard to technical assistance. The Swedish Patent and Registration Office had provided technical assistance and capacity building for more than 30 years. There were various target groups and different modalities were used during this time. The Delegation strongly believed that the definition of needs for technical assistance and capacity building should emanate from the respective country in order to fulfill its goals. There were a number of ways in which this could be done. As an example of how this could be achieved, it presented the structure of the technical assistance and capacity building activities carried out by Sweden. Since 2004, the Swedish Patent and Registration Office together with WIPO and with funding from the Swedish International Development Agency (SIDA) had provided technical assistance and capacity building to developing countries and LDCs in the form of international training programs. Almost 700 participants from more than 40 countries had taken part in those programs. There were three annual programs each covering one of the following topics, namely, industrial property rights in the global economy; copyright and related rights in the global economy; and IP rights for LDCs. Each program consisted of four phases. The first phase was a preparatory phase in which participants prepared a three to four page country report on an analysis and review of the IP rights situation in their own countries. The reports were later presented by the participants during the training program and were of great value for establishing common ground for the discussions on IP law. The participants also identified a project of specific interest to the country. The project aimed to support change processes in the participant's country / organization. The support of their organizations was required as the financing of the projects was the responsibility of the participants and their organizations. This was a very important and essential part of the training programs. The second phase consisted of three week training in Stockholm where information was provided as a basis for discussions on the legal and practical aspects of IP law. The participants' reports and projects were also discussed. The third phase took place in the participants' home countries. The participants implemented the project which they selected in phase one and worked on in phase two. Support from Swedish tutors was available through email during that phase. The fourth phase consisted of a five day follow up meeting of all participants. The project and its development

plan would be reviewed. It was important to note that it was not necessary for a project to be finished at the time of the follow up. The projects often lasted for two to three years. There was no doubt that the participant's country project was by far the most important part of the technical assistance and capacity building programs carried out by the Swedish Patent and Registration Office. The participants of the international training programs often had a deep understanding of IP law, flexibilities in international law and its implications for the economic development of the country. Therefore, the Delegation viewed an approach through which organizers provided not just ordinary training but also a forum for discussion, sharing of experiences and advice in a development context supported by expertise in different fields of IP law as the way forward. In the years that the Swedish Patent and Registration Office had provided technical assistance and capacity building together with WIPO and with funding from SIDA, country projects were successfully realized in areas such as national IP strategies, awareness campaigns, legislation, IP policies and university curriculums. Evaluation of the training was also important. Five evaluations in the form of questionnaires were conducted during each program, three by the Swedish Patent and Registration Office and two by SIDA. A constant evaluation was also carried out in dialogue with the participants during the programs. The evaluations were of great importance in order for the programs to be adjusted to the participants needs in a rapidly changing context. Following the evaluations, the organizers established a database which was accessible to former and present participants with information on country projects that were finalized or in progress in the respective countries. The Delegation believed that this was an efficient way to create a critical mass of knowledge to enable former and present participants to work together and share experiences in order to further develop the IP system as a tool for economic growth. The Delegation would welcome questions on Swedish programs and looked forward to a constructive discussion on how to improve technical assistance and capacity building during the meeting.

194. The Delegation of India, speaking on behalf of the Asian Group, associated itself with the statements made by the Delegation of Pakistan and the Delegation of Algeria on behalf of the African Group. The Committee was requested to consider the recommendations included in section A of the joint proposal and to try to decide on some aspects, at least on those which were considered as implementable by the Secretariat. The Group had benefited from the discussion on the proposal in the last session of the CDIP. It referred to the presentations on technical assistance provided by other organizations such as USPTO and the Japan Patent Office (JPO) and would like to know whether the Secretariat had a system for evaluating assistance that was provided in cooperation with WIPO. The Group referred to the need to avoid duplication of activities and would like to know how the activities of other organizations could be incorporated to enhance the ongoing discussion on WIPO technical assistance and capacity building activities.

195. The Delegation of Bolivia was concerned that the agreement which was reached in the morning was not being respected. The agreement was not to exchange best practices but to discuss the documents on the table. Although the discussion was interesting, it was too general for the Committee to achieve any progress on the recommendations and take decisions in that regard. Thus, the Delegation requested the Chair to focus the discussions on the documents that were on the table, as agreed. It understood that the Secretariat would respond to the questions on document CDIP/11/4 in the afternoon. Thus, there would be very little time to adopt recommendations. The Delegation referred to the joint proposal and stated that the three recommendations in section A were included by the Secretariat in categories A and B. They included the development of guidelines and a manual on technical assistance. It should not be difficult for these to be adopted as the Secretariat was already implementing them and they were even considered by Group B to be interesting. This was an example of possible agreements that could be reached in the afternoon. The Delegation stated that it had always been open to the proposal concerning best practices. On three occasions, it had requested for

best practices to be presented in order for them to be assessed. However, nothing was put forward during those three sessions. Thus, the Delegation also had concerns in that regard.

196. The Chair confirmed that it was agreed in the morning that an in depth review of the documents on the table would be undertaken, in order to identify recommendations that could be adopted in the afternoon.

197. The Delegation of Australia supported the proposal of the Delegation of Belgium and the comments by other delegations on the sharing of best practices to increase information and understanding of widely accepted principles and practices, as referred to in the Deere-Roca report and the joint proposal. In this context, the Delegation provided a brief overview of Australia's approach to providing IP technical assistance and shared some lessons learned through the delivery of these activities. IP Australia was the Australian government agency responsible for the administration of patents, trademarks, industrial designs and plant breeders' rights. The international policy and cooperation section of IP Australia was responsible for coordinating the organization's technical assistance program. It undertook a modest program focused on capacity building and strengthening IP rights administration systems primarily in the Asia Pacific region. When more significant long term or resource intensive activities were undertaken, it often sought to partner with other organizations as well as external funding to support the development and delivery of such activities. For example, it had participated in and led many APEC funded IP activities in recent years. Currently, two significant technical assistance programs were being undertaken by IP Australia. These included the WIPO Australia FIT program which the Delegation had spoken about in previous CDIP meetings and a regional patent examination training program which was recently launched. Information on the training program was available on IP Australia's website. Through the program, it had developed a comprehensive distance learning capability for patent search and examination training. It was developed in response to an ongoing dialogue with ASEAN IP offices on how limited examiner training resources could be better used and given geographical distances between the offices, how technology could better support such activities. The Regional Patent Examination Training (RPET) program was a competency based program. It was based on IP Australia's existing examiner training framework and focused on search and examination under the Patent Cooperation Treaty. It combined eLearning and real-time virtual classroom opportunities, online collaboration forums, as well as face to face training opportunities. What made the program unique was that experienced IP Australia patent examiners provided one on one mentoring, assessment and intensive training on a full time basis for up to two years. The inaugural intake commenced a few weeks ago, comprising eight trainees in total from Malaysia, Indonesia, the Philippines, Kenya and the African Regional IP Office (ARIPO). The first intake was being conducted as a pilot. An evaluation plan was being developed with assistance from IP Australia's Office of the Chief Economist. The program aimed to provide a high quality of training experience for trainees, ultimately leading to increased consistency and quality of patent examination throughout the region. It was made possible through the support of the ASEAN-Australia-New Zealand Free Trade Agreement Economic Cooperation Work Program. WIPO also provided support for the participation of African offices in the 2013 program. The Delegation then shared some lessons learned from technical assistance activities. Firstly, where possible, IP Australia engaged with other offices on issues and areas when it had expertise and best practice experience to share. For example, in the area of quality management, it had hosted visits in the past year from Brazil and South Africa to share its experience in establishing quality management systems which was understood to be an area of interest and current focus for those offices. Another area of expertise was its operation as an international authority under the PCT. Later this year, it would receive a delegation from Egypt's patent office as part of their commencement of operation as an international authority. For these activities to be successful, they should be demand-driven and respond to the needs of recipients. It was important that the offices were in a position to act on the knowledge shared and capacity built as a result of the technical assistance activities so that the outcomes could be

sustained and further built upon. Establishing strong relationships was another lesson learned. It was important to maintain strong relationships within WIPO as well as with other donor and recipient offices. In its experience, this was critical to developing and implementing technical assistance activities that were based on a sound understanding of needs, targeted to the expertise and requirements of participating offices, and focused on next steps and sustainability. Improved internal and external coordination with regard to the planning, provision and evaluation of technical assistance and capacity building would help to minimize duplication of effort and bring consistency across WIPO's many technical assistance activities. The issue of minimizing duplication of effort was often acknowledged. To minimize duplication of effort within its region, IP Australia actively engaged with other offices and organizations that provided technical assistance to the region. For example, through its established relationship and regular contact with the European Patent Office, information was shared on their respective patent focused activities in the region to try to ensure that the activities were complementary and not duplicative. WIPO's technical assistance database was also a good tool and basis for sharing information on past and upcoming activities. It could be better utilized. The Delegation acknowledged that Australia's activities on the database were under-represented and it was currently working on this. Finally, due to the often ad hoc nature of technical assistance requests, it was important for IP Australia to centrally manage these requests. It had a whole organization approach to responding to these requests, coordinating required and available resources and implementing programs. This included liaison with non-government stakeholders. The Delegation was happy to elaborate on Australia's experiences and lessons learned at this or future CDIP meetings.

198. The Delegation of Canada shared some information on its provision of technical assistance to developing countries and LDCs. The Canadian IP Office (CIPO), in collaboration with WIPO, had been offering specialized training to developing countries and LDCs for many years. Annually, CIPO offered, in collaboration with WIPO, sub-regional seminars on the PCT for Caribbean countries. This year, representatives from Barbados, Belize, Dominican Republic, Granada, Honduras, Jamaica, St. Kitts and Nevis, St. Lucia and Trinidad and Tobago would attend these seminars. In early June, the Canadian IP office would also welcome 12 participations from Zambia, Zimbabwe, Ghana, Vietnam, Indonesia, the Philippines, Cambodia, China, Argentina, Chile, Brazil and Serbia to participate in the 16<sup>th</sup> edition of the CIPO-WIPO executive workshop, on the application of management techniques in the delivery of IP services. All these capacity building and promotional activities had specific objectives and were demand driven. CIPO's basis for the provision of technical assistance was that it be demand driven. The office worked to develop questionnaires for interested participants to learn about their respective needs, challenges and the objectives that they would like to achieve domestically. From the Canadian perspective and lessons learned, this facilitated the development of an efficient and practical work plan that was meant to meet the individual needs of the country. Furthermore, while providing technical assistance, the office would reach out to participants in an effort to facilitate networking among countries facing comparable issues so they could share experiences, challenges, issues and success stories and learn from each other. After the provision of technical assistance related activities, CIPO would also follow up with participants to identify whether there were objectives they were able to implement domestically and if not, what prevented them from doing so? CIPO believed that this kind of cooperative networking and follow-up was an important part of achieving success in the provision of demand driven technical assistance.

199. The Delegation of Egypt referred to the title of document CDIP/11/4 and stated that this indicated that the Organization had adopted the recommendations and a considerable number were being implemented. This was very positive. The Delegation supported the proposals and the statements made by the African Group and DAG. It would like to move further on category B recommendations. It would also like the Secretariat to provide an assessment of the recommendations included under category C in the management response. As the

circumstances were constantly changing, there was a need to assess the situation from time to time with regard to implementation. The Delegation referred to the recommendations concerning assistance provided by WIPO in relation to national IP strategies. These were examined by the Organization. However, the Delegation would like further information on the way in which assistance was provided. It would like to know whether external consultants were involved in developing the strategies. If so, the Delegation would like to know if the same consultant was always used or whether the choice depended on the region or country concerned as the strategies should not be based on a one size fits all model. The Delegation also wanted to know whether the tools and methodology used by WIPO to develop and implement IP strategies were based on DA recommendations. This was very important, especially with regard to Recommendation 12 on mainstreaming development considerations into WIPO's activities. The Delegation referred to the presentations on national experiences. It believed that the information provided was secondary as the Committee should be adopting recommendations on WIPO technical assistance. The Delegation would like to know whether the assistance was consistent with the requirements mentioned in the report on the external review. The Delegation stressed that there should not be any duplication in the assistance provided by WIPO and by other organizations. The assistance should be complementary. It believed that the Committee could adopt the recommendations and the proposals with regard to technical assistance, including in relation to national IP strategies. Progress would be achieved if these were adopted.

200. The Delegation of Brazil stated that only some delegations had expressed a preference to list best practices instead of discussing the development of guidelines and a manual on technical assistance. As mentioned by some members of Group B, the exchange of information may be useful for donors and other cooperation agencies. However, this was not a main objective of the CDIP. The joint proposal included the recommendation to develop guidelines and a manual on technical assistance, to be used not only by the Secretariat but also by developing countries interested in receiving assistance. These could enhance demand driven cooperation. As such, the Delegation urged the delegations to focus the discussion on section A of the joint proposal.

201. The Delegation of Belgium, speaking on behalf of Group B, stated that it would also like to move forward. There was a need to prioritize. The Group believed this was agreed by all delegations. The Group had made two concrete points which could be further discussed. First, to discuss best practices and lessons learned. This discussion could be continued. Second, it would like more clarification on internal and external coordination, including how this had been improved. The Group had been very constructive in putting forward recommendations which it believed were forward looking, constructive and pragmatic. The Group noted that there was a debate on how these were linked to the documents on the table. It recalled that it was agreed in the informal consultations that there would be a discussion on the joint proposal and the management response. It referred to Cluster B recommendations in the management response. The presentations made by the Delegations of the United States of America, Japan, Sweden, Spain, Australia and Canada were linked, in particular, to the recommendation that a mapping be undertaken of other inter-governmental initiatives and non-governmental efforts to promote innovation, creativity, technology transfer and access to knowledge. There was also a Cluster B recommendation on the need to avoid duplication in training activities conducted by WIPO. The Group believed that some of the best practices and lessons learned mentioned in the presentations should be taken into account in this regard. It also believed there was a Cluster B recommendation for an in depth and critical review to be undertaken on the strategic niche of WIPO training activities. In this regard, the training activities undertaken at the bilateral level should be taken into account.

202. The Delegation of Brazil reiterated that the discussions should be focused on the three documents on the table as agreed. They had begun with document CDIP/11/4 as agreed.

Document CDIP/9/16 was now under discussion. As such, the Delegation urged Group B to keep to what was agreed in the morning.

203. The Delegation of Pakistan requested the Chair to inform the Committee of what it would be doing with regard to the discussion on this agenda item.

204. The Chair believed an understanding was reached in the morning on the structure and methodology for the discussions. However, there appeared to be differences in interpretation. He requested the delegations to reflect on what they would like to achieve at the session on this item which had been on the table for two years.

205. The Delegation of Pakistan found the interventions by the delegations to be useful. Many delegations had posed questions to the Secretariat. The Delegation understood that responses would be provided in the afternoon, and thereafter the Committee would decide on whether or not to adopt certain recommendations for implementation. It would like to know whether its understanding was correct.

206. The Delegation of Belgium, speaking on behalf of Group B, reiterated its understanding of what was agreed to in the morning. The joint proposal was interesting. However, the management response was also on the table and the Group was very interested in Cluster B recommendations. It had just highlighted several Cluster B recommendations. The presentations by several of its members were in line with those recommendations. The Group had put forward two recommendations and looked forward to an interesting discussion in the afternoon.

207. The Delegation of Pakistan was sure that Group B was trying to move forward on certain recommendations which it considered to be appropriate. However, the identification of recommendations had to be done in a systematic manner. At the moment, the Delegation was not concerned with how they were categorized. The joint proposal by DAG and the African Group was being discussed and decisions were required in that regard. Thus, the Delegation suggested that following the responses by the Secretariat in the afternoon, the Committee would return to the joint proposal and decide on the recommendations. This would allow for a systematic approach.

208. The Delegation of Bolivia supported the proposal by the Delegation of Pakistan. It believed that the approach would not obstruct the identification of recommendations by any delegation. Group B had just mentioned a few recommendations for consideration. DAG and the African Group had also submitted recommendations for consideration. There may also be other recommendations which may be of interest. A systematic approach was required to reach concrete results. Thus, the Committee could start with the joint proposal and discuss Cluster A and Cluster B recommendations. The Committee could then discuss the recommendations that Group B would like to see implemented and decide on them. It could continue working through the joint proposal in this manner. A systematic approach was required as no agreement would be reached if the general discussion were to continue.

209. The Delegation of Belgium, speaking on behalf of Group B, stated that if the intention was to go through every paragraph of the joint proposal, it was willing to do so. The Group highlighted that it had already prioritized some recommendations and hoped that other groups would approach the discussion in a balanced manner.

210. The Chair requested the Delegation of Belgium to clarify its statement.

211. The Delegation of Belgium, speaking on behalf of Group B, reiterated that it had no problems in discussing the joint proposal in the afternoon. It was very interested to learn about

new developments with regard to the document. There should also be some prioritization as it was a very long document. As the discussions were likely to be long, the Group urged other groups to be as clear and precise as it was when putting forward its proposal.

212. The Delegation of Bolivia agreed that the joint proposal was fairly long and the suggestion to set priorities was valid. Group B's concerns could be dealt with by starting work on the recommendations which were placed in categories A and B by the Secretariat and to leave aside those under category C. The Committee could concentrate on those in a future session as it would not be able to reach agreement on all the recommendations at this session. Thus, priorities should be set and the more difficult recommendations could be discussed in the next session.

213. The Delegation of Belgium, speaking on behalf of Group B, agreed with the suggestion by the Delegation of Bolivia to leave the discussion on category C recommendations for the future, at least until the discussion on recommendations in categories A and B was completed.

214. The Delegation of Brazil, speaking on behalf of DAG, reiterated that it would like the joint proposal to be examined in the afternoon. The Group understood the position of some delegations, especially Group B. It suggested that each item of the joint proposal could be examined. Group B and other delegations could provide a brief explanation as to whether a particular item was of priority for them, and if not, the discussion on that item could be taken up in the next CDIP session.

215. The Delegation of Belgium, speaking on behalf of Group B, referred to the proposal to leave out category C recommendations and stated that it was excellent. With regard to providing an explanation on each item, the Group had clearly stated its priorities. Thus, it would leave it to individual members to decide if they would like to comment on a recommendation. The Group reiterated that other groups should be clear and specific as the joint proposal was very long. It recalled that the management response also contained category B recommendations. The discussion on that document could also be very long.

216. The Chair resumed the discussions in the afternoon and invited the Secretariat to respond to the comments on document CDIP/11/4.

217. The Secretariat (Mr. Onyeama) referred to the questions put forward by the Delegation of Bolivia on IP strategies. The national and international experts that worked on the strategies also participated in the process of analyzing and evaluating the strategies. A peer review was conducted by experts in the various countries of the pilot project. An expert meeting was organized in Geneva last year to validate the methodology that was agreed amongst them. The final methodology was agreed upon after the validation exercise. UPOV also updated their methodology in relation to plant breeders' rights. That was the process adopted for the evaluation of the methodology. The Secretariat referred to the comment made by the Delegation of Bolivia that there was nothing on copyright within the strategies, especially with regard to limitations and exceptions. It clarified that this was not the case and it would make the reference to copyright more prominent. The Delegation of Bolivia also wanted to know whether the UPOV model for the protection of plant varieties was being pushed in the strategies. The Secretariat stated that this was not the case as the strategies referred to protection in general and not specifically to the 1991 Act of the UPOV Convention. The strategy included a series of issues and questions. The stakeholders in a country that was interested in using the strategy were invited to address the issues and these should be as comprehensive as possible. The strategy included references to UPOV without mentioning a particular act and also to the IP system, which would be an effective sui generis system as required in the TRIPS Agreement. The TRIPS Agreement did not specifically refer to the UPOV model in this regard. The Delegation of Bolivia had also pointed out that there were no specific references to enforcement

as included in recommendation 45 of the DA. The Secretariat acknowledged this and stated that something specific would be included. However, it reiterated that the methodology for developing IP strategies required the identification of all the issues which should be taken into account in a given country and this was a two way process. Part of the methodology was to engage all the stakeholders in a given country. Thus, issues such as enforcement and plant variety protection would also normally be addressed by the relevant stakeholders who were engaged in the process of developing the IP strategy. The Secretariat referred to the comments made by the Delegation of Brazil on a manual and guidelines. It reiterated that a catalogue of technical assistance was prepared and made available by the Organization. Some countries had requested for further details to be included. The Secretariat recalled that in the last session, there was no consensus on the Organization moving forward with the preparation of guidelines or a manual on the process for requesting technical assistance and the use of services that were available within the Organization. Nevertheless, the Secretariat had prepared a catalogue or menu of the activities that existed within the Organization. The Secretariat referred to the point made by the Delegation of Belgium on the need for all staff and consultants involved in development cooperation activities to be informed about widely accepted principles and practices in the field of development cooperation as adopted by other international organizations. This was being addressed through its human resource development program and also through the WIPO Academy where systematic and coherent training programs were being developed for staff within the Organization. This had been institutionalized. The human resource department was the focal point and worked with program managers to identify appropriate training programs to ensure that staff members were kept abreast of all the latest developments, especially in the area of technical assistance. With regard to improvements in internal and external coordination for capacity building, this was being done within the framework of the Organization's results based management system. Performance indicators and expected results were included for all technical assistance programs. This ensured that all the programs were geared towards achieving specific expected results with everyone working towards the same goals and objectives. The Secretariat referred to the questions raised by the Delegation of Algeria with regard to the manual and its comment that the information provided in the catalogue was too vague. It reiterated that the Organization's technical assistance programs were demand driven. Nothing was imposed on any country. Thus, countries should identify their needs before requesting for assistance. The process was rationalized through the development of strategies. The Secretariat engaged with countries to develop a strategy based on their development goals. Efforts were also made to ensure that the program officers responsible for each country were familiar with its development goals and priorities. This was necessary in order for them to work with the countries to elaborate a fit-for-purpose IP strategic plan and within the framework of that plan to address key areas that formed the basis of the Organization's development program. These included putting in place an appropriate regulatory and legislative framework, institutional building, infrastructure, and capacity building. Thus, the requests would be based on the identified needs and an elaborated plan. The Secretariat reiterated that the regional bureaus held the master plan for developing countries within the Organization. They had an overview of the needs of the countries and engaged with them to develop a strategy. They also acted as an interface between the countries and the specialist sections within the Organization. The requests were processed by the regional bureaus who then engaged with the relevant sectors within the Organization to address the identified technical assistance needs of the particular countries. The engagement of the bureaus and other sectors within the Organization with developing countries was permanent and ongoing. The developing countries were the owners of the programs, and were ultimately responsible for using the IP system for their development needs. The Organization was there to assist but it had to be directed by the countries.

218. The Secretariat (Ms. Spasic) referred to the comment made by the Delegation of Georgia on WIPO's slow response in supporting the establishment of a TTO in Georgia, and its request for information on the implementation of the TTO project in the Arab region as well as other

capacity building programs in the area of IP commercialization. The project was being implemented in five countries in the Arab region. The Secretariat stated that it was strongly committed to supporting a system for technology transfer in Georgia. A fact finding mission was organized in 2011. A needs assessment was carried out in relation to the TTO and the establishment of a technology management unit. As a first step, the Secretariat had proposed that a TISC be established. This was done in 2012. However, the project for establishing TTOs was subject to the availability of extra-budgetary resources. It had offered to help raise funds through Member States. Although the Secretariat was not directly involved in the establishment of the TTO in Georgia, it was engaged in a project which involved the division in charge of the program for technology transfer. Due to its limited human and financial resources, the Secretariat had proposed that a pool of technology transfer be developed to respond to the needs of stakeholders and users of a technology transfer system in a given country. This could be facilitated through in situ capacity building programs in the country. It communicated with the TTO in Georgia to customize the training required to the country's needs. A needs assessment questionnaire was sent and the Secretariat was waiting for a response. Following an assessment of needs, the Secretariat would propose a plan of action for a longer period of time with the aim of achieving sustainable results. With regard to access by countries to these and other capacity building programs, it highlighted that most countries were setting up projects with the Organization based on their action plans with the regional bureaus. The Innovation Division provided its services to all countries and regions in collaboration with the regional bureaus. The Division's work plans were developed in collaboration with them. Although its work plan for this year was full and resources were already allocated, it still tried to deliver through conferences in order to respond to outstanding requests. A meeting could be set up tomorrow to discuss the capacity building programs in detail. The programs were on IP commercialization. For example, the Organization offered training on establishing TTOs, developing institutional policies, drafting model agreements and patent applications, marketing technology, negotiating technology transfer agreements and other aspects of IP commercialization.

219. The Secretariat (Mr. Baechtold) confirmed what it had said earlier with regard to the reference to UPOV. It was understood that UPOV was not the only system which could provide for an effective sui generis system as required by the TRIPS Agreement. The flexibility available under the TRIPS Agreement to apply other systems of protection was mentioned in the advice provided on patent laws. However, advice on plant variety protection laws was provided by UPOV.

220. The Secretariat (Ms. Von der Ropp) referred to the question raised by the Delegation of Iran on WIPO activities in the area of global public policy issues and informed the Committee that a side event would be held the next day to provide information on WIPO Re:Search and WIPO Green. The event would also provide an opportunity to raise further questions. WIPO Green provided a matchmaking platform designed to accelerate the development and dissemination of green technologies to combat environmental challenges. It was currently in a pilot phase with a full launch planned for autumn 2013. The project consisted of two components. It included a database where needs and technologies could be listed as well as a network to obtain advice and services to assist transactions and to connect with experts worldwide. Thus far, activities were focused on developing the database which was now available. It currently contained information on some technologies and needs, case studies to illustrate successful technology transfer and collaboration projects as well as two capacity building workshops which were organized in collaboration with partners in Vietnam and Sri Lanka. Other workshops were planned for 2013 in Kenya and Brazil. Currently, the emphasis was on strengthening alliances, expanding the types of technologies and needs available on the database, exploring its integration with other platforms and the transition from the pilot phase to the full launch of the database.

221. The Secretariat (Mrs. Van Greunen) referred to IP enforcement and recalled that it had already responded to the comment made by the Delegation of Bolivia that recommendation 45 of the DA was not referred to in the development of strategies. Specific attention would be given to that. There was an increase in the number of requests for assistance to provide strategies for raising awareness with regard to recommendation 45. The Secretariat assured delegations that the recommendation would be covered in negotiating with Member States and providing assistance on enforcement-related provisions as well as awareness creation.

222. The Secretariat (Mr. Bishop) referred to the question raised by the Delegation of Bolivia on the Code of Ethics. The Deere-Roca report included the recommendation that WIPO should adopt a Code of Ethics for staff and consultants that reflected DA principles and included provisions on conflicts of interest. The WIPO Code of Ethics was introduced in February 2011. It included references to impartiality, accountability, and conflicts of interest. The Code reflected the substance of recommendation 6 of the DA although the DA was not mentioned in the text. In addition, the International Civil Service Commission (ICSC) standards of conduct were incorporated by reference into the Organization's staff regulations and rules in January 2013. These referred to principles such as impartiality, accountability, and conflicts of interest. Lastly, the Secretariat believed that the notion of neutrality in recommendation 6 of the DA also included impartiality.

223. The Secretariat (Ms. Barbier) referred to the question of whether a gap analysis of staff skills/competencies had been undertaken to identify shortage of expertise with regard to development cooperation activities. There were some constraints in applying a single system to all staff. The Organization was currently developing a competency-based framework within its Enterprise Resource Planning (ERP) system. This would be implemented in phase two. In terms of staff skills and competencies, a format already existed within the Organization to collect data in the context of job descriptions. It sought to leverage this in future through a system that would undertake automated gap analysis within a general framework rather than to develop a specific system that would apply only to certain areas. The Organization was implementing a system called People Soft and it had a module specifically dedicated to skills and competencies. At this stage, the Organization was collecting data on competencies. Although an automated system for gap analysis did not exist as yet, there was a general database on skills required for the various roles in the Organization.

224. The Secretariat (Mr. Baloch) stated that the recommendations of the external review often prescribed a method for achieving a goal. However, during the preparation of document CDIP/11/4, it was realized that in many cases, the Organization was either in the process of implementing or had implemented the same objective through its existing structure and systems. In this instance, the authors of the report stated that there should be a gap analysis. However, as mentioned, the Organization had existing systems through which the same objective was being achieved. The Secretariat reiterated that in many areas, document CDIP/11/4 indicated that although the Organization may not be following the methodology proposed by the authors of the report, the same objective had been or was being achieved through its existing systems.

225. The Chair requested the Committee to resume discussions on the documents listed under the agenda item. As in the case of document CDIP/11/4, he proposed that the Committee should go through each recommendation in the joint proposal by DAG and the Africa Group as well as the management response.

226. The Delegation of Belgium, speaking on behalf of Group B, stated that it would like to move further forward and try to achieve an outcome. The Group was willing to go through the recommendations one by one. However, it may be more efficient to go through them section by section. It may take longer to go into each and every proposal.

227. The Delegation of the United States of America was a little confused. With respect to the joint proposal, it appreciated the efforts of DAG, the African Group, and the Delegation of Bolivia to find a path towards the implementation of agreed upon recommendations from the Deere-Roca report. As previously noted, the Committee had tackled a heavy agenda in the past several sessions and work on the recommendations on technical assistance had lagged a bit. However, the Delegation noted that while this Committee's attention was directed elsewhere, the Secretariat was focused on taking practical steps to implement the recommendations even before the Committee had agreed that they were actionable. Thanks to the Secretariat's hard work, document CDIP/11/4 addressed the majority of the recommendations taken up in the joint proposal as well as many that were never even touched upon in the joint proposal. The Committee had frequently stressed a desire to avoid duplication and overlap in the provision of technical assistance. Given the limited resources, it seemed strange to request the Secretariat to take new actions to implement recommendations that had already been carried out. The Delegation commended the Secretariat's transformation. Perhaps at this point in time, it might be better or wise for the supporters of the joint proposal to identify which of the underlying recommendations reflected in their proposal they believe had yet to be implemented by the Secretariat. The Delegation had carefully reviewed the joint proposal but was unable to find significant gaps in WIPO's implementation of the same recommendations. Although the Secretariat may not have approached category A and category B recommendations in exactly the same manner as the joint proposal, the exact means of implementation should not be the focus here. As just noted by the Secretariat, the ends were the same. For example, the external review of WIPO's technical assistance called for a menu or catalogue of development cooperation activities provided by WIPO. It had developed a catalogue which was available online and in print. That meant that the Secretariat had achieved implementation of that particular recommendation and it made no sense now to push for a manual that would include a section intended to accomplish that same goal. The Delegation of Algeria had noted that the African Group was not satisfied with the implementation of the recommendations that the joint proposal listed under the heading, "Relevance and Orientation". However, it was the Committee as a whole that must ultimately make this determination. With respect to each of the sub-recommendations under the heading, "Relevance and Orientation", the Delegation noted that each of the specific recommendations had been accomplished. The joint proposal called for WIPO to commission experts to develop guidelines on how to plan and implement more development-oriented assistance, both in terms of substance and process. Of course, it was WIPO Member States themselves and not outside experts who guide WIPO's work. However, the Delegation believed that many of the documents produced for the Committee's review of technical assistance provided the guideposts for the Organization's work. Document CDIP/8/INF/1, colloquially known as the Deere-Roca report, provided such principles with the only difference being the title "recommendations" rather than "guidelines". It must also be noted that these were only recommendations and were prepared by outside academics. It was up to the Committee to determine whether these recommendations should be implemented. Ultimately, however, as the Secretariat just recalled, WIPO development cooperation technical assistance must be demand driven. The adoption of prescriptive one size fits all guidelines seemed counterproductive if Member States wanted to entrust WIPO staff to work in an interactive manner with individual Member States requesting specifically tailored technical assistance in line with national goals. The Delegation then went through the joint proposal. The joint proposal mentioned a menu or catalogue of development cooperation activities. As noted, this had already been done. The joint proposal mentioned that focal points within WIPO for each of the activities should be identified. This had been done through the regional bureaus. The joint proposal requested clarification on who Member States should contact with respect to the process for requesting assistance. In this regard, Member States may contact the relevant regional bureau to discuss the process, including the time frame for receiving the requested assistance. Possible modes of cooperation were covered through the catalogues and

databases developed by WIPO. The Organization also had processes for engaging other providers and experts in activities. The Committee had spent considerable time in discussing WIPO's developmental processes and tools for monitoring and evaluation of activities, including procedures to submit complaints regarding technical assistance received. The Secretariat had discussed how the country plan process and other tools took into account considerations regarding country preparedness such as absorptive capacity, risks and matching resources required. The country plan process was also created in order to guide Member States in the overall planning and prioritization of cooperative activities. WIPO had provided the Committee with its policies, principles and recommendations adopted by the Secretariat that were applicable to the delivery of technical assistance, including the code of ethics or conduct that guided staff and experts in the provision of technical assistance. The PBC, including all the Member States represented in the Committee, set out priorities for the relevant biennium as set out in the relevant Program and Budget. The Secretariat had a full list and copies/links to tools and other relevant documentation that was used in the delivery of technical assistance with respect to each of the development cooperation activities. The Secretariat had already provided a summary of the process for the development of country assistance plans and IP strategies. WIPO staff clearly used these national IP strategies and country plans to decide what kinds of technical assistance requests were approved or declined. The items listed under the headings, "B. Program and Budget" and "C. Extra-Budgetary Resources", were under the purview of the PBC and not the CDIP. Interested Member States could raise those issues in that Committee. Document CDIP/11/4 also reported on the implementation status of recommendations categorized as "D. Human Resources", "E. Experts and Consultants", "F. Transparency & Communication", "G. Technical Assistance Database", "H. Assessing Impact, Monitoring & Evaluation", "I. IP Policies and Strategies", "J. Legislative and Regulatory Assistance", "K. IP Office Modernization, Training & Capacity Building, User Support Systems", "L. Coordination" and "M. Follow up". As previously noted by the Delegation of Belgium on behalf of Group B, the Group agreed with the management report assessment that only category B recommendations in the management report merited further consideration as of the time of that report. Since that time and as reflected in document CDIP/11/4, the Secretariat had moved numerous category B recommendations into category A. This meant that they had been or were now in the course of being implemented. If it had missed any yet to be implemented category B recommendations, the Delegation welcomed further discussion by the Committee as to whether or not those remaining category B recommendations should be implemented at this time.

228. The Delegation of Brazil, speaking on behalf of DAG, agreed in part with what was said by the Delegation of the United States of America. The joint proposal was reasonable. The Group understood that much remained to be done in order to implement the joint proposal, especially with respect to a manual on technical assistance. Catalogue and manual were not synonymous terms. The Group aimed to provide the Committee and WIPO with tools to make the whole Organization more demand driven. Although some items were already being implemented, efforts were still required to improve implementation. In view of the agreement reached in the morning on the examination of all documents listed under this agenda item, the Group believed that Member States could at least be requested to consider and approve the implementation of items which they believed had already been implemented. It requested the Chair to structure the discussion according to the modalities that were agreed to in the morning.

229. The Delegation of Bolivia referred to the comments made by the Delegation of the United States of America on section A of the joint proposal. The Delegation believed that it was important for the Committee to adopt the recommendations, including those which were in the process of implementation. This was important in terms of follow up. It would not be appropriate for the Secretariat to interpret and implement the recommendations of the Deere-Roca report without any guidelines or direction from the Member States. Thus, the Delegation believed that the Committee should enter into the process of adopting

recommendations. It then referred to specific recommendations in the joint proposal. It noted that recommendation A1 on the development of guidelines had raised difficulties and the Committee would not be able to adopt the recommendation in its current state that afternoon. Thus, perhaps a solution could be found to address the concerns of the Delegation of the United States of America and to try to work on this in the future. The Delegation referred to the comments made by the Delegation of the United States of America on the catalogue of technical assistance. The Delegation of the United States of America also pointed out that the Secretariat had, on several occasions, provided information on the points mentioned in the joint proposal with regard to the development of a manual on technical assistance. The Delegation stated that although information had been made available, the joint proposal requested for all the information to be included in a manual. It hoped that the Committee would be able to adopt recommendation A2 on the development of a manual in order to provide the Secretariat with a clear mandate in that regard. It referred to recommendation A3 and noted that it was not mentioned by the Delegation of the United States of America. As such, the Committee may be able to adopt that recommendation. In this respect, it believed that the elaboration of a draft policy on how WIPO should plan and organize training activities would ensure that the activities were of the highest standard and were available to all. The policy should also include guidelines inter alia to improve the balance and diversity of speakers. Recommendation A3 proposed that the draft policy be developed by the Secretariat in consultation with Member States. It also provided details of the elements that should be included. The Delegation believed that the recommendation could be adopted by the Committee and the Secretariat would be able to quickly implement it without incurring excessive costs.

230. The Delegation of Algeria, speaking on behalf of the African Group, referred to the detailed comments provided by the Delegation of the United States on the joint proposal and stated that this was exactly what its members were hoping for in terms of the exercise. The Group sought the views of Member States on the various elements of the joint proposal, particularly on items which a Member State believed to be either the most or least important. It echoed the comment made by the Delegations of Brazil and Bolivia with regard to the recommendations which were considered by the Delegation of the United States of America to be already under implementation. The Group believed that those recommendations were only partially being implemented. In this regard, it referred to the preparation of a manual on technical assistance. The catalogue prepared by the Secretariat did not reflect all the elements mentioned in the joint proposal on information to be included in the manual. For example, information on the possible modes of cooperation and how the Secretariat assessed its technical assistance. As the Secretariat was already implementing this recommendation, the Group believed it could be adopted by the Committee. This would facilitate the Secretariat's work in this area. Member States would also be able to guide the Secretariat in its work.

231. The Delegation of Belgium, speaking on behalf of Group B, referred to the detailed comments by the Delegation of the United States of America. They indicated that most of the recommendations had been implemented. The Group provided some additional comments on the recommendations contained in the joint proposal. On recommendation A1, it recalled that when this was discussed in the Ad Hoc Working Group, reference was also made to the recommendation contained in the Deere-Roca report that guidelines could be developed based on OECD principles. It recalled that this was not acceptable to other groups. The Group also believed that a one size fits all approach was not good. With regard to recommendation A2 on the development of a manual, document CDIP/11/4 highlighted that the Secretariat had already prepared a catalogue. The Group believed that this was included under category B in the management response. The Group also noticed that the recommendation was now placed in category A which meant that it had been implemented. Thus, if it were to be further developed, consideration could be given to include some further elements. Finally, with regard to recommendation A3, it believed that the Secretariat already highlighted how the request for "follow up of recommendation" had been taken care of.

232. The Delegation of Pakistan recalled that it was often mentioned in previous discussions that the recommendations under discussion were made by external experts, i.e. the authors of the Deere-Roca report. The Member States were currently in the process of considering their adoption. Where there was agreement, the Committee would ask the Secretariat to implement the recommendation. If it was already being implemented, implementation could be enhanced. The Delegation echoed the comments made by the Delegations of Bolivia, Brazil, and Algeria on section A of the joint proposal. With regard to recommendation A1, it believed that guidelines were important in terms of giving general guidance to the providers of technical assistance, including external consultants and WIPO staff, on different aspects of technical assistance. For instance, on IP office modernization, some guidance could be provided on what would and would not work based on the capacity of a particular office. On legislative assistance, broad guidance could be given on the basic elements that should form the basis for assisting countries at different levels of development. This recommendation was not directly addressed in document CDIP/11/4. The Secretariat had generally mentioned improvements on the basis of best practices. The Delegation believed that the recommendation was important. However, consensus was required before moving forward on this. With regard to the manual, the Delegation noted that there was not much opposition to it. It believed that the catalogue prepared by WIPO only contained a list of activities undertaken by WIPO. More specific and detailed information was required. The Delegation referred to recommendation A3. It believed that it could be approved by the Committee.

233. The Delegation of Belgium, speaking on behalf of Group B, referred to recommendation A2. The preparation of a menu or catalogue was included under category B in the management response. The Group recalled that when this was discussed, it did not accept further implementation of the recommendation. It noted that it was already being implemented. The Group had not agreed to move forward with regard to several bullet points in the joint proposal. Certain bullet points could be further discussed as there was no agreement to move forward on each and every one of them.

234. The Delegation of Bolivia stated that it would be good to get an idea of the specific proposals that were acceptable to Group B as the exercise could continue all afternoon. It kept hearing objections. However, if the intention was to adopt at least one or two recommendation, Group B could specify the recommendations which it considered to be acceptable. The Delegation hoped that it was wrong but it believed that none would be acceptable, in which case the Committee would be faced with a problem concerning the method of work for that afternoon.

235. The Delegation of Belgium, speaking on behalf of Group B, stated that in the discussions on Cluster B recommendations in the management response, only certain points seemed to correspond with the bullet points under recommendation A2 of the joint proposal. These included the publication on the WIPO website of activities that were undertaken. The Delegation of the United States of America had also highlighted certain bullet points in the joint proposal that were already being implemented.

236. The Delegation of Ireland, speaking on behalf of the EU and its Member States, supported the intervention by the Delegation of Bolivia with regard to recommendation A1. The EU and its Member States believed that it was not necessary to continue discussing that recommendation if the Committee was unable to achieve consensus. They noted that recommendation A3 was moved from Cluster B to A. Thus, it was deemed to be implemented. They reiterated the proposal which they had made in the morning that the Secretariat should present a compilation of best practices of WIPO and non-WIPO technical assistance in order to assist with the implementation of those recommendations which merit further consideration. The Secretariat should provide detailed information on the measures taken to improve internal and international coordination; and it should provide additional information on concrete steps taken to address

recommendations in relation to cost efficiency such as savings and efficiencies in the use of technology, improved coordination as well as savings and efficiency in WIPO training.

237. The Chair invited the Committee to continue reviewing the documents taking into account the comment made by the Delegation of the United States of America that the recommendations concerning extra-budgetary resources as well as the Program and Budget pertained to another committee. Human resources should be dealt with under Sections D, E and F.

238. The Delegation of Bolivia referred to Section D on human resources and stated that it had already been discussed on the basis of document CDIP/11/4. Recommendation D1 was on the Code of Ethics. It was proposed that the code be revised to include certain elements such as a reference to the agreement between WIPO and United Nations as well as a reference to the DA. The code should also be revised to apply only to staff members. The Delegation had taken note of the information provided by the Secretariat on what was being done in this regard. The Secretariat was implementing part of the recommendation. There was still a need to examine how the recommendations in the Deere-Roca report could be further implemented. The Delegation believed that recommendation D1 could be adopted by the Committee without any changes as it was not particularly controversial. It referred to recommendation D2 on conducting a gap analysis of staff skills and competencies. It had taken note of the information provided by the Secretariat earlier. This recommendation may require revision in order to take account of the information provided by the Secretariat and to arrive at a proposal which would work for both the Secretariat and the Member States. The Delegation referred to recommendation D3 on steps to be taken by the Secretariat to integrate the DA throughout WIPO's recruitment and Performance Management and Staff Development System (PMSDS) processes. It noted that efforts were being made to implement this recommendation. However, only certain elements were being implemented at this point in time. It would be appropriate for the Committee to adopt this recommendation in order to provide clear guidelines to the Secretariat in this regard.

239. The Delegation of Algeria, speaking on behalf of the African Group, stated that the section on human resources was one of the most important sections in the joint proposal. This was because technical assistance activities would not be of value if they were not provided by the right persons. It was a critical element of development assistance. The recommendations in this section were intended to provide assurance in this regard and to ensure that the DA was taken into account by those involved in the provision of technical assistance. The Group was pleased that the Secretariat had developed a Code of Ethics. It believed that recommendation D1 on the Code of Ethics could be easily adopted as it was being implemented by the Secretariat. A more formal approach was required in this regard. Revisions were required. These included clear references to the DA and the UN-WIPO Agreement. The Group believed that these elements were not problematic and recommendation D1 could easily be adopted. The same could be said of recommendation D3 which generally requested the Secretariat to take steps to integrate the DA throughout WIPO's recruitment and PMSDS processes. In other words, WIPO should not only train its existing staff, but should also ensure that those who were recruited to deliver development cooperation activities were fully aware of DA principles. The Group believed that this was a fairly simple recommendation and it could be adopted. With regard to recommendation D2, the Group stated that the recommendation would assist the Secretariat to examine gaps in human resources in order for development assistance to be more effective. It believed that the recommendation was in the Secretariat's favor and was not particularly problematic.

240. The Delegation of Brazil, speaking on behalf of DAG, supported the statements made by the Delegations of Bolivia and Algeria. The Group believed that with respect to human resources, recommendations D1 and D3 should be adopted.

241. The Delegation of Pakistan believed that human resources was the base on which an organization built its entire structure. This was particularly important in the case of technical assistance. The Delegation did not want to delve into the details as these were already mentioned by other delegations. It recommended the adoption of recommendations D1 and D3.

242. The Delegation of Belgium, speaking on behalf of Group B, recalled that recommendations D1, D2 and D3 were discussed in the context of document CDIP/11/4. The implementation of those recommendations was discussed on page 25 of the document. In addition, the Secretariat provided some useful comments on how those recommendations were already implemented. Thus, the Group failed to see why the Committee should still adopt them.

243. The Delegation of Bolivia pointed out that the recommendations in section D were considered by the Secretariat to be in categories A and B. Thus, implementation should not be problematic. Some were already being implemented. The Delegation did not see why the recommendation should not be adopted. It was already mentioned on several occasions that in some cases, efforts were being made to implement the recommendations. However, there were problems in considering the recommendations to be already implemented. The Secretariat also considered category B recommendations as not being problematic. In the last three sessions, Group B had stated that it had no problems in discussing category B recommendations. The Delegation believed that it was time to show some flexibility and to adopt recommendations that were not problematic and in many cases were already under implementation.

244. The Delegation of Pakistan referred to the intervention by the Delegation of Belgium on behalf of Group B and reiterated the question posed earlier by the Delegation of Bolivia. It would like the Group B coordinator to state whether or not the Group was ready to consider the adoption of any recommendations in the joint proposal.

245. The Delegation of Belgium, speaking on behalf of Group B, noted that it was almost six o'clock in the evening. The Committee had a very good and interesting discussion. It was also noted that the manual was part of the category B recommendations. Thus, the Group proposed that a short discussion could take place tomorrow on the possibility of working further on this. That was what the Committee could achieve that day.

246. The Delegation of the United States of America stated that with respect to recommendations D1, D2 and D3 in the joint proposal, it supported the statement made by the Delegation of Belgium on behalf of Group B. With respect to the discussion that the Committee had just been having, the Delegation again noted that the Committee had not achieved consensus on any of the recommendations in the Deere-Roca report, much less the particular methodologies for implementation of those recommendations. The Committee had also never agreed to embrace all the details in the joint proposal. Although the Delegation agreed with many principles outlined in the Deere-Roca recommendations, these were just recommendations made by external experts and the Committee did not have to take them fully on board. Nevertheless, the Secretariat in a proactive manner took it upon itself to implement certain recommendations. The Delegation was satisfied that the implementation had been done fully but it was clear that some Member States were not. They interpreted these recommendations so as to prescribe specific actions. The Delegation, on the other hand, trusted the Secretariat to interpret the recommendations contained in the Deere-Roca report in the most appropriate, reasonable, and efficient way. It believed that the Committee should not lose sight of the overarching objective of the day's discussions, which was to improve WIPO's technical assistance in the area of cooperation for development. It did not want to lose sight of this goal by becoming mired in specific details. Although the Delegation was open to the idea of agreeing to certain recommendations of the Deere-Roca report, it was now concerned that if it

agreed to these, it would not end the debate. It was also concerned by the tendency of the Committee to engage in micromanagement. It was becoming increasingly apparent in the discussions that day that even if the Delegation were to agree to certain recommendations, that there would be ongoing disagreement in the Committee on the specific actions required implementing these general recommendations. It had wanted to focus the discussion on specific recommendations that were yet to be implemented and it believed those should come from category B of the management response. It had asked other Member States to help identify specific recommendations that they believed had yet to be implemented. However, if Member States could not even agree on which recommendations had yet to be implemented, then the Delegation would suggest that the Committee should instead focus on the particular activities intended to implement these recommendations. It may be easier for it to reach consensus on these specific actions. For example, there seemed to be broad agreement that WIPO should compile all of the elements of a manual described as item A2 in the joint proposal. This matter was discussed with the Secretariat and it appeared that most sub-items listed as part of the manual had been accomplished except perhaps the formal complaint process. The Committee may be able to reach consensus on the Secretariat compiling those completed materials as a manual. The Delegation could tentatively agree that WIPO should continue to improve its website as discussed under item F1 in the joint proposal. In addition, item G1 of the joint proposal mentioned the technical assistance database. In principle, the Delegation could agree to improve the technical assistance database if there were specific issues that needed to be addressed.

247. The Delegation of the Philippines was at a loss because the activities undertaken by the Secretariat in the Philippines were achieving great success. There were no complaints regarding the quality of the personnel that were sent to the country. Further work, including the preparation of a manual, would take up a lot of the Secretariat's time. The Delegation believed that a lot of time would be spent on this and it would not be fair to some of the Member States benefiting from WIPO's technical assistance to be affected. Some programs had started long before the report was prepared. New programs were introduced following the report. Many programs were being implemented in the Philippines. Thus, to require the Secretariat to do more work would not only be unfair to those who were enjoying the benefits of good work but also to the Secretariat. The Delegation was not putting forward any proposals. It was merely providing a footnote for the rest of the session.

248. The Delegation of Ireland, speaking on behalf of the EU and its Member States, would not see any of the proposals in relation to human resources as appropriate to the CDIP. It would be more appropriate to the Coordination Committee or the PBC. They would not support the recommendations listed under this heading and trusted the Secretariat to implement the proposals without needing micromanagement by the Committee.

249. The Delegation of Bolivia noted that there was a possibility that certain recommendations could be adopted. A decision on the manual would be good. However, it would not be sufficient to only reach agreement on the contents of a manual as the joint proposal was more than twenty pages long and this agenda item was discussed at length in the last three sessions. Thus, although the Delegation welcomed the possibility to work on some of the specific recommendations in the joint proposal, perhaps there was a need for a different format to determine how and when the Committee would be able to discuss this in greater depth and how agreement could be reached on the details of these recommendations.

250. The Delegation of Brazil, speaking on behalf of DAG, reiterated that there was an urgent need to improve the work of the Committee and the Organization as a whole. The Delegation of the Philippines had mentioned that the joint proposal might create unnecessary work for the Secretariat. The Group did not share that view. It understood that certain aspects of the recommendations in Section D of the joint proposal were already being implemented. The

adoption of these recommendations would broaden the Secretariat's mandate to implement the DA. The Group urged members to approve recommendations D1 and D3. It referred to the statement by the Delegation of the United States of America. It had indicated some flexibility and this was appreciated. However, the Group agreed that it was not enough.

251. The Delegation of Algeria referred to the comment that the Committee was trying to micromanage. The Committee's mandate required it to look into development assistance. The Group stated that the United States of America was the spokesperson for IP and it was surprised by the Delegation's comment on micromanagement. The Group noted that Group B was always reminding the Committee that it had an obligation to be efficient and to produce results. Money should not be wasted. In this regard, the amount of money spent on the external review and the work undertaken by the Secretariat to produce documents at the Committee's request in relation to the recommendations should be kept in mind. Two years later, the Committee was discussing the possibility of implementing one out of two hundred recommendations. The Group believed that the Committee was acting in bad faith. There was a lack of accountability and responsibility. It would like all delegations to reflect on this. WIPO had made an enormous effort and a lot of money was put into this. The Group believed that the Committee should adopt far more than one or two recommendations.

252. The Chair proposed that the Committee return to the discussion on the external review on the following day after discussing the Feasibility Assessment on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content, and Future Work on Patent-Related Flexibilities in the Multilateral Legal Framework. Time could be set aside for informal consultations if required.

253. The Delegation of Belgium, speaking on behalf of Group B, stated that the Chair's proposed agenda was a good way to move forward. The Group referred to the comments made by the Delegation of Algeria and stated that several of its members had engaged in good faith and made positive contributions. The proposal by the Delegation of the United States of America to focus on three specific recommendations indicated flexibility. Although further discussions were required within the Group, it was a good way to move further forward. The Group would come back to the proposal.

254. The Delegation of Pakistan referred to the statement made by the Delegation of the United States of America. At that moment, the Delegation would not like to comment on the proposal as it needed to first absorb it. However, the Delegation agreed with the Chair that the Committee needed to come back to this issue. Perhaps at some point, the Committee could consider holding informal discussions on this issue in order for concrete actions to be taken during the plenary.

#### Consideration of Document CDIP/11/6 – Feasibility Assessment on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content

255. The Chair opened discussions on the Feasibility Assessment on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content (document CDIP/11/6). He invited the Secretariat to introduce the document.

256. The Secretariat Mr. Lanteri recalled that the copyright component of the Project on IP, ICTs, the Digital Divide and Access to Knowledge had two different objectives. The first objective was to gather information and explore the potential of the copyright system, its flexibilities and different models for managing copyright for enhancing access to knowledge, with a particular focus on education and research; software development practices, including free and open source software; and e-information (for example, e-journals and public sector information). The second objective was to conduct an interdisciplinary evaluation of

opportunities for WIPO, within its mandate, to engage in new activities that help Member States achieve their development goals through enhancing access to knowledge. To meet the first objective, a study on Using Copyright to Promote Access to Information and Creative Content (document CDIP/9/INF/3), was prepared and presented at the ninth session of the CDIP in May 2012 and discussed at the tenth session in November 2012. Following the discussion, and taking into consideration the second objective of the copyright component of the project, Member States agreed that "Taking into account the guidance given by the Member States, the Secretariat would arrange the preparation of an assessment of the feasibility for WIPO, within its mandate, to engage in new activities that could potentially assist Member States to achieve their development goals for submission to the next session of the Committee." (Summary of the Chair paragraph 10(g)). The feasibility assessment was contained in document CDIP/11/6. It included a list of potentially appropriate activities or initiatives that WIPO could undertake with respect to education and research, software development, and public sector information. The assessment was prepared by an external consultant, Mr. Sisule Musungu, President , IQsensato, Geneva. Due to previous commitments, he was unable to attend the session to present his assessment. The Secretariat pointed out that the views and opinions expressed in the document were those of the author. The feasibility assessment provided relevant information and practical proposals to enable Member States to make informed decisions on whether there were concrete initiatives that WIPO could undertake to make a real contribution to promote access to information and creative content. Human and financial resources would be required to undertake these new activities. Internal consultations would also be necessary to identify resources. The CDIP was requested to provide guidance on which of the proposals included in the document, if any, should be included in future WIPO activities.

257. The Delegation of Belgium, speaking on behalf of Group B, took note of document CDIP/11/6. The Group had previously stated that WIPO should consider including open source licensing and IPR issues in technical training to increase knowledge and awareness among Member States. It had also strongly supported the proposal for WIPO to address open source licensing in discussions on IPRs. Thus, it was glad that the study proposed six concrete activities that could be undertaken by the Organization to make a greater contribution towards promoting access to knowledge, bridging the digital divide and enhancing the use of IP to leverage ICTs for growth and development. These included the development of a training module on licensing and open source software as well as the integration of open source licensing in WIPO copyright related courses and training programs. However, the Group noted that details were lacking with regard to budgetary implications. The Group requested the Secretariat to provide clarifications in this regard.

258. The Delegation of Brazil, speaking on behalf of DAG, had followed the discussions on the use of open licenses as a tool to promote legal access to information and creative content with interest. The Group was satisfied with documents CDIP/9/INF/3 and CDIP/11/6. It supported the implementation of activities proposed in document CDIP/11/6. These could provide a starting point for the work to be developed by WIPO on issues relating to open licenses. The Group noted that the activities did not cover all the recommendations in document CDIP/9/INF/3. However, they provided a good basis for discussion. It was very important for civil society to participate in the proposed activities. Most of the initiatives relating to open licenses were introduced and managed by NGOs, universities and other civil society institutions. Their participation was particularly important in relation to activities 3, 4, and 5 where the involvement of experts was highly recommended. On activity 4, the Group suggested the inclusion of other issues related to open licenses in WIPO copyright related courses and training programs. These included open access and open educational resources. The courses provided opportunities to raise awareness among WIPO stakeholders on the potential benefits of using open licenses and to promote capacity building in this regard.

259. The Delegation of Ireland, speaking on behalf of the EU and its Member States, took note of document CDIP/11/6. The study included a list of six potentially appropriate activities or initiatives that WIPO could undertake with respect to education and research, software development and public sector information. These included technical assistance and capacity building activities, awareness raising activities as well as internal organizational and management activities. The EU and its Member States requested for more detailed financial information to be provided on the resource requirements for activities 1, 2, 3, and 6 before forming an opinion on the merit of those proposals. If it transpired that the proposed activities would be resource efficient, they could be further considered by WIPO as a means to enhance awareness and understanding of the possibilities and advantages of those topics. The lessons and experiences gained from these activities could be used to generate best practices and to enhance WIPO's contribution to increasing awareness and knowledge, bridging the digital divide and using IP to leverage ICTs for growth and development. The EU and its Member States reiterated the external consultant's advice that when considering each of the proposed activities or initiatives, Member States should consider whether it was linked to any ongoing work where only minimal additional resources would be required or was a new activity which required specific human and financial resources to be newly allocated.

260. The Delegation of Nigeria, speaking on behalf of the African Group, noted that the feasibility study was undertaken with a view to assist in the implementation of recommendations 19, 24 and 27 of the DA. The project recognized the important role of the copyright system in achieving digital inclusion and enabling access to ICTs, information and knowledge by developing countries and LDCs. The objectives of document CDIP/11/6 and document CDIP/9/INF/3 included elements that were critical to finding solutions to the development needs of many developing countries and LDCs. The evaluation report stressed that the impact and sustainability of the project was largely dependent on the interest and support of Member States in the development of new WIPO activities in this area. One of the objectives of the copyright component of the project was to gather information and explore the potential of the copyright system, its flexibilities and different models for managing copyright for enhancing access to knowledge, with a particular focus on education and research, software development practices including free and open source software, and e-information (e.g. e-journals and public sector information). The study identified commendable ways through which the copyright system could be used to promote access to knowledge in those areas and how WIPO could assist in that regard. The Group believed the document was an apt contribution to ongoing discussions on the appropriate modalities for implementing the project and to other copyright related activities of the CDIP. The Group stressed that in relation to copyright, the fundamental objective of the DA and all activities there under was to facilitate the dissemination of knowledge and technology in developing countries and LDCs and to assist them in bridging the digital divide and in utilizing ICTs for economic, social and cultural development. As such, it viewed the proposal in terms of how WIPO could assist developing countries and LDCs to achieve those aspirations. The Group was of the view that the feasibility assessment did not adequately address the requisite metrics for achieving those important goals as well as the fundamental structural needs of these countries in relation to the transfer and dissemination of knowledge. The feasibility of implementing the proposed activities was not analyzed. The document also did not provide details on the components of each activity, budgetary and staff requirements, place of implementation, duration of activities, selection process, evaluation, etc. These were required to understand how the proposed activities would be implemented. The Group envisioned a proposal that would enhance north-south transfer with regard to the use of ICTs and knowledge to meet development needs. It was unclear as to how the aggregation of materials and information with respect to open access and IP related educational research resources would adequately facilitate that goal. The feasibility assessment did not clearly specify the types of materials and information that would be included in the proposed database. Nevertheless, the database should be useful, particularly to enhance access by individuals and institutions in developing countries and LDCs to educational and

research materials as well as to strengthen the ICT setups in these countries. The principal objective of activity 2 was to enhance awareness and understanding of open licensing, including open access approaches within international organizations. The Group noted that the use of information and resources produced by international organizations to support the education and research related needs of developing countries and LDCs was limited. A significant proportion of such materials were already available online on an open access basis through portals that were developed especially for developing countries. However, technological constraints, bandwidth and limited access to copyrighted content often made the utilization of these portals difficult. Thus, the Group believed that the utility and impact of this activity was highly speculative due to the absence of measures to address structural problems related to copyright as well as ICT capacities and policies in developing countries and LDCs. Activities 3 and 4 were closely related. The Group believed that training on open source software development and licensing would be made available to developing countries and LDCs. However, the focus should be on topics that more closely reflected the conditions in these countries and specifically the barriers to promoting access to knowledge. The impediments included the lack of accessible copyright licensing models; the contested status of copyright protection for software; the non-existence or inadequacy of copyright policies in academic and research institutions, including universities; addressing issues concerning commercialization and others. On activity 5, although the Group generally considered this area to be important, it believed that abundant information was already available on various approaches to access public information. These could be considered by developing countries and LDCs, if need be, taking into account local requirements. With regard to activity 6, the Group welcomed the proposal. However, it sought clarification on how the proposed conference would be funded. The Group appreciated the proposals contained in the feasibility study. Its comments were driven by the emphasis on ICT in the proposals vis-à-vis the well below optimum level of ICT access in developing countries and LDCs amongst other developmental inadequacies. The Group recognized that the implementation of DA recommendations was a continuous process and therefore sought to understand the sustainability of the proposals. Lastly, the Group stressed the importance of working to provide access not only to formal IP offices but also beyond. Access to knowledge went beyond reading via computers, textbooks or in classrooms. It welcomed the submission and encouraged a more robust and empirically grounded feasibility assessment that reflected existing conditions with regard to ICT and copyright policies in facilitating access to knowledge; could deliver meaningfully on the development priorities of developing countries and LDCs with measurable impact and sustainable welfare increases in outcomes; utilized modalities that improved coherence in the use of new forms of dissemination to access knowledge as well as to integrate ICT more meaningfully into the national copyright infrastructure in developing countries and LDCs. The Group was ready to continue engaging in this matter.

261. The Delegation of the United States of America noted that the Committee now had a number of options to consider and choose among. With respect to all of the proposals, there were few details on the potential costs of the proposed activities. It would welcome further information from the Secretariat on estimated budgets for any proposal that the Committee wished to pursue. For one of the activities, the proposal suggested that a dedicated project coordinator be employed. The Delegation believed that the Secretariat should first examine available WIPO resources to determine whether there was a gap that no current staff could possibly fill. The first two proposed activities had much in common with each other. It may be possible to formulate an activity that combined the best aspects of both proposals yet also conserved limited resources. The Delegation welcomed and supported clarification of WIPO's own copyright policy and greater access to WIPO produced materials. However, with respect to the IP materials produced by other institutions, it may not be appropriate for WIPO to make value judgments about the quality of other institutions' materials or their copyright management policies. The Delegation suggested that the Organization could instead serve as a clearinghouse to receive such materials but not expend additional resources to research IP

education and research materials, or related copyright policies. Instead, it may be appropriate for the Organization to serve as a model for other intergovernmental organizations and particularly for other UN agencies. Recommendation 40 of the DA called upon WIPO to intensify its cooperation with UN agencies. Perhaps WIPO could first clarify its own policy and then convene a working group of UN agencies interested in increasing access to the materials they produced and funded. On proposed activities 3 and 4, the Delegation noted the long standing policy of the US government not to give preference to proprietary software over open source software or vice versa in its procurement decisions. Instead, US government procurement required agencies to analyze all suitable alternatives, including proprietary, open source and mixed source technologies. In its intervention on this matter at the 10th session of the Committee, the Delegation noted that the software development section of document CDIP/9/INF/3 provided a useful survey of the development of open source software models and their advantages but did not in its view sufficiently discuss some of the disadvantages of open source software. The current paper also glossed over potential problems for developing countries and LDCs in the use of open source software. The Delegation could support actions by WIPO to increase the awareness of open source licensing as an important source of innovation, including through WIPO technical training. However, any treatment of the subject should be balanced and objective and present a spectrum of views, including discussing potential risks associated with the use of open source software by developing countries and LDCs. With respect to proposed activity 5, the Delegation supported, in principle, the suggestion that WIPO should provide additional information to Member States on how they might implement policies for access to public sector information. However, it highlighted recommendation 1 of the DA which stated that technical assistance should be demand driven or requested by Member States. It would strongly support such technical assistance to any interested Member State but first sought assurances that a demand existed for this activity. Although the proposal contemplated the creation of a set of model provisions or policies, the Delegation suggested that instead WIPO could work on an interactive basis with interested Member States to examine their options on a case by case basis. In estimating the resource requirements for such an undertaking, the proposal reminded Member States that the development of model legal provisions could be a time consuming and intensive process. It believed that substantive copyright issues should be addressed at the SCCR. Moreover, the underlying study on public sector information in document CDIP/9/INF/3 suggested that model provisions were not needed in this area as there were already three possible models for copyright treatment of public sector information. The study highlighted countries that exempted public sector information from copyright protection as exemplified by the practices in the United States; countries that distinguished between protected public sector information and public domain public sector information, e.g. France, Japan, Mexico, New Zealand and Uganda; and countries where copyright law covered a wide range of public sector information, including in the United Kingdom and New Zealand. These three approaches to public sector information should be sufficiently detailed to provide WIPO and interested Member States with appropriate models for implementation at the national level. Convening a conference as suggested in proposed activity 6 may be premature. In order to take full advantage of this type of conference, interested LDCs would need to be in a position to implement new provisions or policies on public sector information. WIPO Member States may be better served if the Secretariat were to provide country specific, demand driven assistance that was consultative and interactive.

262. The Representative of the IIPi believed that everyone in the room knew that all countries could benefit from creative and inventive citizens. WIPO studies demonstrated that the copyright industries were significant sources of wealth and employment. The social benefits were also important, if not easily quantified. However, this fact was not widely appreciated. Despite the existence of excellent research and some examples, many continued to believe that copyright and other IP rights only benefited residents in developed countries. These false beliefs persisted in part because even in countries with large copyright industries creators were not well educated about their rights. They did not know of the opportunities that existed for

them because of their country's participation in the global copyright system. As a result, they failed to adequately promote or protect their works. Supporting these industries was particularly important since many creators belonged to historically vulnerable populations. In recent years, the IPI had held regional workshops for artists in developing countries dedicated to teaching them how to use IP rights to fully benefit from their creations. The enthusiasm with which these workshops were received was encouraging and suggested that similar efforts could succeed elsewhere. Copyright could serve as a vehicle for economic development but this depended on cooperation between developed and developing countries. IPI training workshops were heavily supported by the USPTO and other organizations. It welcomed the Organization's continued efforts to build cooperative partnerships and looked forward to greater opportunities for dialogue. Nevertheless, the IPI also welcomed the greater involvement of other international organizations such as the World Bank, the Inter-American Development Bank and the Asian Development Bank because of the budget constraints that may arise in the Organization.

263. The Delegation of South Africa supported the statements made by the Delegations of Brazil and Nigeria on behalf of DAG and the African Group respectively. It also supported the activities proposed in the feasibility study.

264. The Chair invited the Secretariat to respond to the questions and comments from the floor.

265. The Secretariat stated that the proposals in the document were specifically related to the copyright component of the project. Some of the issues that were raised went beyond this component and in certain cases, even beyond WIPO's mandate. However, the Secretariat acknowledged that the document did not contain any budgetary proposals. This was not included in the external consultant's mandate. His mandate was to prepare a qualitative paper with proposals for the Committee's consideration. The Secretariat understood that some delegations would like a more detailed paper highlighting the financial implications of the proposals, the technical issues of implementation and the human resources that would be needed to implement the proposed activities to be prepared. This would be done. The document would be submitted for the Committee's consideration. The Secretariat would take into consideration the comments and suggestions provided by Member States, in particular, on how the activities would be implemented; the need for an inclusive approach to implementation, including the participation of experts from civil society; the need to take into consideration the work that was currently being undertaken by WIPO and to avoid any overlaps; and to ensure sustainability in the implementation of the activities. The document to be submitted to the Committee would include specific figures and other required details in relation to the implementation of the activities.

266. The Chair concluded the discussions given that there were no additional comments from the delegations. He turned to the agenda item on Future Work on Patent Related Flexibilities in the Multilateral Legal Framework.

#### Consideration of Documents CDIP/10/11 and CDIP/10/11 Add. – Future Work on Patent Related Flexibilities in the Multilateral Legal Framework

267. The Chair recalled that at its ninth session, the Committee had discussed document CDIP/9/11. With regard to paragraph 2 (c) of that document, the Committee requested the Secretariat to provide further information on four possible topics to be addressed in a future document (document CDIP/10/11) on patent-related flexibilities. It was unable to complete the discussion on that document in the tenth session. It was decided that the discussion would resume in the current session. The Chair invited the Secretariat to introduce the document.

268. The Secretariat (Mr. Baechtold) recalled that the document addressed four patent-related flexibilities. These included the scope of the exclusion from patentability of plants; flexibilities in respect of the patentability, or exclusion from patentability, of software-related inventions; the flexibility to apply, or not to apply, criminal sanctions in patent enforcement; and measures related to security which may result in a limitation of patent rights. The document was discussed in the previous session. However, no agreement was reached on any of the flexibilities. Flexibilities could, depending on the situation in each country, contribute to a balance between the rights of patent owners and the welfare of society. The Secretariat's work was aimed at providing factual information on what was being done at the international level. Thus, a methodology was used in the documents. They contained an executive summary of the flexibilities. They also included a conceptual description of the flexibilities, including the international framework and implementation at the national level. The documents also included annexes with examples and tables of flexibilities contained in national laws. As such, the information in the documents was nothing more than a compilation of public information intended to provide factual information to assist countries to shape their patent system, particularly through the international mapping of the implementation of these flexibilities.

269. The Delegation of Egypt, speaking on behalf of the African Group, emphasized the importance of the issue for all WIPO Member states, in particular, developing countries and LDCs. As such, there was a need for work to continue in the CDIP through a clear and effective work program. Several developed and developing country Member States had provided comments on their national experiences and there was a need for the work program on flexibilities to continue and expand in the CDIP. There was no duplication in the work undertaken by the CDIP and the SCP on this issue. Flexibilities were an integral part of national and international IP systems. It was hard to find a national law or a multilateral treaty on IP without specific provisions on flexibilities or exceptions and limitations. In fact, IP flexibilities embodied the universally agreed consensus of all WIPO Member States to ensure a balance in the IP system between the exclusive rights to incentivize innovation on one hand and to ensure the promotion of public policy objectives and respect for national development priorities on the other hand. In this regard, the Group recalled the various flexibilities contained in the TRIPS Agreement, the Berne Convention, the Paris Convention, the Patent Cooperation Treaty and the Patent Law Treaty. For the way forward, it recalled that document CDIP/9/11 continued to form the basis for discussions on the work program on flexibilities in CDIP. With regard to the Secretariat's paper on the four patent-related flexibilities and the comments submitted thereon, the discussion on those flexibilities should be within the framework of the elements proposed in document CDIP/9/11. The Group also noted that these flexibilities identified at the tenth session of the CDIP were not exhaustive of all patent-related flexibilities. Document CDIP/9/11 was also not limited to patent related flexibilities and the CDIP should give further consideration to other IP flexibilities. In the current session, it was important for the Committee to decide on the other elements of document CDIP/9/11, including flexibilities concerning trademarks, industrial designs and copyright. The Group stood ready to contribute constructively to the discussion.

270. The Delegation of Belgium, speaking on behalf of Group B, referred to a previous statement and reiterated that substantial work had already been undertaken with respect to the scope of the exclusion from patentability of plants under Article 27 of the TRIPS Agreement and flexibilities in respect of the patentability, or exclusion from patentability, of software-related inventions under Article 27 of the TRIPS Agreement. As duplication should be avoided whenever possible, the Group was still not in a position to support further work with respect to these two flexibilities. Furthermore, the low level of response to documents CDIP/9/11 and CDIP/10/11 was probably indicative of the low level of interest in pursuing further work on other flexibilities.

271. The Delegation of Ireland, speaking on behalf of the European Union and its Member States, supported the effective implementation of the rules set out in the TRIPS Agreement and where necessary and appropriate, the use of the flexibilities provided for therein. They also supported WIPO's role in "making available advice to developing countries and LDCs on the implementation and operation of the rights and obligations and the understanding and the use of flexibilities contained in the TRIPS Agreement" (recommendation 14 of the DA). With regard to document CDIP 10/11, the EU and its Member States observed that very few responses were received by the Secretariat. Like Group B, they believed the low response rate was perhaps indicative of the level of interest in pursuing further work on flexibilities through the Committee. This may be because this topic was already being dealt with expertly and exhaustively in the SCP and to some extent in the Advisory Committee on Enforcement, or because it was more appropriately dealt with in the context of the WTO.

272. The Delegation of Chile believed that the work on flexibilities would contribute to the implementation of the recommendations of the DA. It would support and guide WIPO's work on flexibilities in the area of IP. The work on flexibilities would enable Member States to develop their IP systems in a balanced manner. The Delegation reiterated its interest in the work on flexibilities. It supported the use of flexibilities in IP systems as it contributed to a balanced IP system that was aimed at improving living standards, supporting innovation and providing knowledge.

273. The Delegation of Argentina referred to the flexibility to apply, or not to apply, criminal sanctions in patent enforcement (Article 61 of the TRIPS Agreement), and pointed out that there was no obligation under the TRIPS Agreement to apply criminal sanctions in cases of patent infringement. Article 61 of the TRIPS Agreement should be read in conjunction with paragraphs 1, 2 and 5 of Article 41 of the Agreement. On measures related to security which may result in a limitation of patent rights (Article 73 of the TRIPS Agreement), the Delegation suggested that the Committee could examine other flexibilities that may directly impact innovative processes such as those related to food and health. It could assist in the development of balanced and appropriate IP systems that supported innovation and promoted the use of existing inventions. The flexibilities mentioned in the document were not exhaustive of all patent-related flexibilities. Other flexibilities should also be examined. For example, further work could be undertaken on requirements for the dissemination of inventions. Lastly, the Delegation would like a more comprehensive approach to be adopted with regard to work on the exclusion from patentability of plants. Progress should be achieved on this topic. The patentability of modified and un-modified cells should also be examined.

274. The Delegation of Pakistan believed this was a very important element of the Committee's work and there was a need to focus on how it could be taken forward. This was very important for developing countries. On the scope of exclusion from patentability of plants, it made little sense to limit the discussion to the exclusion of plants from patentability. Further work on this issue should include all aspects of Article 27.3(b) of the TRIPS Agreement. It would also be useful to map the implementation of this provision at the national and regional levels although some material was already available. Information should be provided not only on legislation pertaining to Article 27.3(b) but also on examination guidelines, judicial decisions and interpretations as well as decisions taken by administrative authorities. On flexibilities in respect of the patentability, or exclusion from patentability, of software-related inventions, an important issue that should be addressed was how the exclusion of software-related inventions from patentability had contributed to the development of the software industry in different countries. With regard to the flexibility to apply, or not to apply, criminal sanctions in patent enforcement, the Delegation highlighted that there was no obligation under the TRIPS Agreement to apply criminal sanctions in cases of patent infringement as Article 61 of the Agreement required criminal procedures and penalties to be applied at least in cases of willful trademark counterfeiting and copyright piracy on a commercial scale. The application of criminal sanctions

in patent enforcement went beyond the minimum requirements of the TRIPS Agreement. It was not understood to be a flexibility by many developing countries. On measures related to security which may result in a limitation of patent rights, it noted that the purpose of this topic was to provide an illustration of different mechanisms that were implemented by Member States to accommodate their own national security interests within the framework of the patent system and to analyze the flexibilities available in the multilateral system that allowed for the implementation of those policies at the national and regional levels. Although national security was relevant and important, it was more important to discuss flexibilities that had a direct impact on social and economic development. It was time to explore other IP flexibilities, including those related to trademarks, industry designs, copyright etc. The low level of response to the Secretariat's questionnaire was an example of the level of information available to developing countries on flexibilities and how these could be used. Thus, a lot more work was required in the Committee on this issue.

275. The Delegation of the United States of America reiterated that at least two of the four flexibilities, i.e. exclusion from patentability of plants and software-related inventions had been studied extensively and thoroughly at the SCP. The SCP studies addressed the exclusions from the perspective of their policy objectives and role, the international legal framework and provisions contained in national and regional laws. Member States could draw their own conclusions on whether or not to use these flexibilities for their national needs. Therefore, the Delegation would not support any further studies on these two exclusions. As mentioned previously and also in its comments, the Delegation favored organizing and making more accessible the studies and resources on flexibilities that WIPO had already produced in the subject matter committees. The Delegation encouraged the Secretariat to transmit those studies to the CDIP. It also encouraged the Secretariat to share with Member States the information collected by the WTO on the issue of patent related flexibilities. It referred to the suggestion by the Delegation of Pakistan for the CDIP to analyze how the exclusion of software from patentability had contributed to the development of the software industry in different countries. As mentioned previously, the premise of that suggestion was flawed and it presupposed the outcome. One of the problems with the premise was that the software industry was the only one relying on software patents. The software industry primarily relied on copyright protection. Software-related patents had many applications, e.g. in automotive, medical, telecommunications and other industries. Thus, the software industry was not the only industry affected by software-related inventions. As mentioned previously, the Delegation could not support additional studies on these flexibilities. In summary, its position remained the same. The Delegation would oppose any work that was not faithful to the full scope of DA recommendation 14, i.e. work that would shift the balance towards flexibilities at the expense of rights and obligations; would jeopardize the neutrality and objectivity of the Secretariat or sovereignty of Member States; would place WIPO in the position of criticizing other international agreements on the ground that they constrained the use of TRIPS flexibilities; or would be duplicative and not respect the subject matter expertise of other committees.

276. The Delegation of Colombia stated that it was very important for the Committee to continue with studies on patent-related flexibilities in the multilateral legal framework. It should spend time on developing specific recommendations to assist countries in their efforts to implement flexibilities. The studies must reflect the behavior of patent applicants with regard to the applicable flexibilities in different countries. For example, in the area of IT when copyright protection was insufficient, the studies should determine how many patent applications were filed. On the basis of these studies, countries such as Colombia could analyze whether its legislation was responding to technological changes. The Delegation reiterated its interest in the continuation of studies on IP-related flexibilities.

277. The Delegation of China believed that further discussions and studies on flexibilities in the multilateral legal framework would contribute to the development of a balanced international

IP system, and assist developing countries and LDCs to use IP as a tool for development. Thus, it would actively participate in the Committee's deliberations on patent related flexibilities.

278. The Delegation of Brazil stated that its position on patent-related flexibilities was well known. It supported the comment made by the Delegation of Argentina on the importance of undertaking a more thorough study on flexibilities. A clear understanding of the flexibilities that were available was required for the development of national IP policies.

279. The Delegation of the Islamic Republic of Iran supported the statement by the Delegation of Brazil. The efficient use of flexibilities was extremely important in designing a balanced patent system to serve public policy objectives. Although it supported work on the said flexibilities, other flexibilities which could ensure food security and access to affordable medicines should also be examined.

280. The Delegation of Venezuela supported all work in this area as flexibilities were the only means to achieve an appropriate balance in the IP system.

281. The Delegation of Uruguay supported work to deepen the analysis of flexibilities within the multilateral legal framework.

282. The Representative of the Third World Network (TWN) stated that flexibilities had direct implications for development, especially to fulfilling the obligations of Member States in the context of human rights. These included the right to health, right to food, right to education and right to enjoy the progress of science and technology. The literature was largely focused on flexibilities related to pharmaceutical patents. Literature was lacking on flexibilities related to the patenting of plants, seeds, genes and microorganisms. Thus, a work program was required to avoid the sub-optimal use of flexibilities by many countries, especially developing countries, in relation to the patenting of plants, genes, seeds, and microorganisms. Flexibilities should not include the freedom to increase the level of protection. Thus, the freedom to impose criminal sanctions in the context of patent infringement should not be classified as a flexibility.

283. The Delegation of Guatemala stated that this was a very important topic for developing countries. It would like the studies on this topic to be continued. Access to medicines was very important for the country.

284. The Delegation of Nepal stated that the document may assist developing countries and LDCs to further benefit from the patent system.

285. The Chair invited the Secretariat to respond to the questions and comments from the floor.

286. The Secretariat (Mr. Baechtold) reiterated that work was ongoing and the flexibilities that were put forward were merely a proposal. The Secretariat was willing to analyze other flexibilities which the Committee would like to examine. Several delegations had referred to the flexibility to apply, or not to apply, criminal sanctions in patent enforcement. It was true that the TRIPS Agreement did not include an obligation to introduce criminal sanctions in patent enforcement. This was clearly stated in the document. However, a high number countries including developing countries, provided for criminal sanctions. These countries could refer to the information contained in the document in this regard. On references to the WTO, the Secretariat reiterated that it did interpret treaties that were not administered by WIPO. However, the Organization had an agreement with the WTO to provide legislative advice to countries, including on flexibilities. The Secretariat provided factual information without interpretation. Lastly, the document clearly indicated that with respect to the first two flexibilities, some work was already done within the framework of the SCP. However, the work was not

exactly the same. Thus, although there may be some overlap, these flexibilities had not been dealt with completely in the SCP. For example, the exclusion from patentability of plants had been examined to some extent but not fully.

287. The Delegation of Brazil, speaking on behalf of DAG, reiterated its well known position that enforcement should not be dealt with in the study. There were other flexibilities that were important for development. A broader and more thorough study on flexibilities was required in order for it to be useful for development and it should not deal with enforcement.

288. The Delegation of Pakistan believed it was important to focus on balance. The balance was not there and must be created. Knowledge of flexibilities was important in that regard. The Secretariat stated that some work had been done by the SCP but there was room for work to be undertaken by the Committee. Thus, the Delegation supported more work on flexibilities in general. The studies should also be enlarged.

289. The Chair noted that there continued to be differences and suggested that further informal consultations be held. These would be facilitated by the Secretariat. There would be a timetable for the consultations. This was agreed. The Chair invited the Committee to consider the country case studies on IP and socio-economic development.

#### Consideration of Documents CDIP/11/INF/2, CDIP/11/INF/3 and CDIP/11/INF/4 – Intellectual Property and Socio-Economic Development Country Studies

290. The Chair invited the Secretariat to introduce the documents.

291. The Secretariat (Mr. Raffo) presented the first round of studies in relation to the project on intellectual property and socio-economic development (document CDIP/5/7 Rev). These were included in documents CDIP/11/INF/2, 3 and 4. The three documents did not represent the full country studies carried out in Uruguay, Brazil and Chile. They were part of a set of studies that were being carried out in these countries. The Secretariat intended to present a full report in the next two CDIP meetings. Considerable work had been undertaken to prepare and gather data in these countries. The Secretariat was very grateful to the government agencies that had provided assistance in this regard. In the forthcoming CDIP meetings, it also intended to present the results of three other country studies taking place in Egypt, Thailand and China. A lot of progress was also achieved in these countries. The three studies before the Committee addressed the broad question of IP and socio-economic development as required by the project as well as some national IP policy-related questions pertaining to the countries concerned. Data related results were provided. Various methods were employed in the preparation of the studies. In the case of forestry in Uruguay, a lot of interviews were conducted and this was very challenging. In Chile, considerable efforts were undertaken to improve the micro data in the IP office to provide a descriptive analysis of the use of IP in Chile. In Brazil, industrial surveys, including an innovation survey, were used to assess the use of IP particularly by firms involved in innovation. Work that was carried out in Chile was also taking place in Brazil. The Secretariat hoped to present the results in the forthcoming meeting.

292. The Delegation of Uruguay emphasized the importance of the study that was carried out in Uruguay as part of the Project on IP and Socio-Economic Development. It was on the potential impact of IPRs on the forestry chain in Uruguay. The government was seeking to develop long term instruments in various agro-industries including the forestry sector to assist in the development of these industries. The operation of the global value chain for forestry production was studied in order to evaluate in which area and in what way IPRs affected its current development and future prospects. The government worked closely with WIPO to carry out the study. There was an ongoing dialogue with WIPO and national experts. The results of

the study were broadly shared with those involved. The government agreed with the findings of the study.

293. The Delegation of Chile highlighted the importance and impact of the study that was carried out in Chile. The government worked closely with national IP experts to develop the study. The work that was carried out produced very interesting results and it would contribute to the development of other studies in the area of IP. The work had already produced some useful results for Chile and some other countries. The study was on the use of IP in Chile. It provided useful insights into the role of IP in Chile's economy. Deeper analysis on the basis of the newly available data infrastructure was needed. Indeed, two important analytical studies on the incidence and effects of "trademark squatting" as well as on the role of patents in the domestic pharmaceutical sector were currently under way.

294. The Delegation of Ireland, speaking on behalf of the EU and its Member States, noted the information contained in documents CDIP/11/INF/2, 3 and 4. The EU and its Member States would like to ensure that the selection criteria for the studies/projects, the countries selected for these, and the authors selected to carry out this work were all approved in advance and completely transparent to the Committee following an open discussion on the matter. In this regard, the above mentioned criteria for the selection of authors of the reports should be included in the project plans since these were the starting point both for the approval and for the implementation of the projects.

295. The Delegation of Brazil stated that it had always supported the adoption and implementation of the project described in document CDIP/5/7Rev. Country studies were important tools to enhance knowledge on the impact of the IP system, particularly in developing countries and LDCs. The information would assist countries to make better decisions at the national level as well as at the international level. A methodology that could be employed in other countries was being developed through the country studies that were carried out under the project. The government was very appreciative of the work carried out by WIPO under the collaborative study. Discussions on the terms of reference (TOR) with WIPO representatives were open, inclusive and transparent. The national authorities had more than one opportunity to make suggestions and comments on the objectives of the study and were engaged in the research. The use of national databases on IP and innovation produced information that would be useful for future initiatives and other purposes. The authorities received all the versions of the study in advance. They provided comments and further information to contribute to its quality. In a nutshell, the study provided valuable information on IP and the innovation environment in Brazil. It served as a useful input for the development of national strategies and policies. There were already discussions on using the technological infrastructure developed under the study to explore new research areas related to the socio-economic impact of IP in the country. The initiative was an interesting way to promote a more focused and substantive discussion on IP and development as provided under the DA and the mandate of the CDIP. The Delegation proposed that the Committee establish a new standing agenda item dedicated to country studies. The other case studies that were being carried out under the project could be discussed under the new standing agenda item. The Committee could also define other areas and lines of research using the same methodology under the new standing agenda item. The active participation of Member States in the elaboration of the country studies greatly contributed to the quality of the studies which adequately reflected the objectives and characteristics of the national IP system within the broader framework of national, social and economic development policies.

296. The Delegation of the Dominican Republic stated that the initiative was innovative. The studies involved an in-depth exploration of what was being done in different countries in terms of IP. They could provide a valuable contribution to public policies in those countries. The Delegation looked forward to the results. For future studies, it would like the Committee and the

Organization to take into consideration requests by countries for studies to be carried out in their respective countries.

297. The Chair invited the Secretariat to respond to the comments from the floor.

298. The Secretariat (Mr. Raffo) stated that the comments were useful. It would discuss them internally before reporting back to the Committee.

Consideration of Documents CDIP/11/INF/5 – Conceptual Study on Innovation, Intellectual Property and the Informal Economy

299. The Chair invited the Committee to consider the Conceptual Study on Innovation, Intellectual Property and the Informal Economy.

300. The Delegation of Brazil reiterated its proposal for a new standing agenda item on case studies.

301. The Delegation of Belgium, speaking on behalf of Group B, believed that the Committee should always try to achieve a specific agenda. The proposed new permanent agenda item would not meet the request of some Member States for a specific agenda.

302. The Delegation of the United States of America stated that it had just heard this suggestion for the first time. It did not see why it would be necessary to establish a standing agenda item. As stated, additional case studies would be performed under this particular project. In addition, there were case studies that would be coming forward in the informal economy project and in other projects that were underway. Thus, the Delegation did not see any need for a standing agenda item.

303. The Delegation of Ireland, speaking on behalf of the EU and its Member States, stated that its position was similar. As the studies were ongoing, they would obviously be discussed in the CDIP. The Committee had just discussed three studies without any standing agenda item. The EU and its Member States believed that the Committee would continue to do so in future without cluttering up the formal agenda of the Committee.

304. The Chair ended the discussion on the item given that there were no further comments from the floor. He invited the Committee to move on to the Conceptual Study on Innovation, Intellectual Property and the Informal Economy.

305. The Chair invited the Secretariat to introduce document CDIP/11/INF/5.

306. The Secretariat (Mr. Wunsch-Vincent) recalled the background to the project. Although the informal economy was important, little was known about innovation and the role of IP in this sector. Thus, the objective of the project was to better understand how innovation occurred in the informal economy and the nexus between IP and the informal economy in order to offer helpful policy guidance in this regard. As approved by the CDIP in May 2012, the project would produce one conceptual study and three country case studies on how innovation occurred in the informal economy and the role of IP rights in that process. The three country case studies were on herbal medicines in Ghana, metal manufacturing in Kenya and the chemical sector in South Africa. The conceptual study was made available to the delegations. The informal economy encompassed a wide variety of sectors providing both goods, most notably through manufacturing and agricultural activities, and services, ranging from retail trading to household services. It also intersected with aspects of creative industries, as well as indigenous and local communities, but those sectors were not the focus of the study. The informal economy had a very strong social dimension. It contributed significantly to output and employment in many

developing countries. Sub-Saharan Africa was the region with the largest estimates in terms of the contribution of the informal sector to GDP. It was estimated that the informal economy generated nearly two-thirds of GDP. Descriptive statistics suggested a negative correlation between the percentage of employment in the informal sector and GDP per capita. Employment in the informal sector was also positively correlated with poverty across countries. However, there was no evidence that informal employment caused low GDP or high poverty or that informality would fade away with economic development. Indeed, in most regions studied there was a marked increase in informal employment along with economic growth. The economic views on the role of the informal economy were evolving. On the one hand there was the idea that the informal economy was actually not really connected to any formal economic activity. It was something that would gradually fade away and the policy objective was to weed it out. However, most economists were now convinced that this sector remained an important source of livelihood and job creation in most developing countries and the separation between the formal and informal sectors did not really exist. Many were involved in both. The informal economy was actually a major supplier to the formal economy. Thus, there were important links between them. As mentioned previously, the data clearly indicated that the informal economy had mostly expanded over time. It was diverse. The sources of knowledge shaping informal activities and innovation within them were equally diverse. Surveys or case studies of micro-entrepreneurs focused on particular sectors revealed the introduction of new products, product improvements, process improvements and the utilization of new tools. This type of innovation was characterized as “quick responses to market demand and supply”, solving problems to overcome shortcomings of the formal economy and/or to adapt foreign products to local conditions. Firms in the informal economy tended to operate in clusters that facilitated a rapid transfer of skills and knowledge within the sector. Anecdotal evidence suggested that information diffused quite freely. Many micro-firms in the informal economy demonstrated low capital intensity and faced limitations to technical upgrading as well as limited skills. Supply and demand interactions played an important role in shaping learning and innovation processes in informal enterprises. Skills were acquired through early formal education, learning-by-doing through work experience, and learning-by-training through apprenticeships. Existing research suggested that there was more adaptation and imitation than original invention in the informal economy. The study described some of the barriers to innovation. These included a lack of infrastructure, limitations in skills as well as social and institutional constraints. Firms that invested in innovation commonly aimed to reap the returns of their innovation by maintaining some form of exclusivity over their know-how related to new processes or products or by selecting other means to gain a competitive advantage. Mirroring the spectrum from formality to informality that characterized the informal economy generally, a range of formal, semi-formal and informal appropriation mechanisms were used to appropriate innovation. Formal mechanisms of appropriation involved IPRs. Semi-formal means of appropriation included secrecy, publishing, non-competition clauses, non-disclosure agreements, contracts and others. Informal forms of appropriation may include lead time, complexity of design or of technology, after-sales services and customer loyalty. Even in the formal economy, different firms deployed diverse strategies to appropriate returns from innovation. The synthesis of existing research suggested, perhaps not surprisingly, that the majority of innovation appropriation mechanisms in the informal economy were informal in nature, with lead-time, sales or service efforts, customer loyalty, and after-sales efforts being the most important mechanisms. Only few studies emphasized that informal economy actors were trying to appropriate their innovation via semi-formal mechanisms such as secrecy. There were no studies that referred to the systematic use of formal IP in the context of the informal economy. It seemed plausible to assume that the current use and enforcement of formal registered IP, be it patents, trademarks, industrial designs or others, was close to non-existent. There were several hypotheses on the absence of formal IP. One was that innovation in the informal economy did not meet the necessary threshold to qualify for formal IP protection as many were based on imitation and adaptation of existing products. Another hypothesis was that actors in the informal economy had not heard of IP and lacked the necessary awareness, skills and access to the formal IP system. Yet another was

that actors in the informal economy were pessimistic about their ability to register and enforce their IP rights. The study had initially excluded traditional knowledge (TK) and local communities as it came under the purview of another WIPO committee. However, it was realized that this was not possible in view of the links with certain sectors such as herbal medicine. Thus, it had to be examined. It was found that indigenous peoples and local communities had distinct approaches to passing on and keeping knowledge confidential, most often relying on secrecy, particular codes to transmit knowledge or oral transmission of techniques and skills, with no formal codification and hence tacit knowledge systems. To fill the knowledge and evidentiary gap identified by the conceptual study, the project refined the following key research questions to be addressed through further case study research: To what extent did appropriation schemes in the informal economy foster innovation and the diffusion of knowledge? To which extent did the absence of appropriation harm the scalability, diffusion and impact of innovation in the informal economy? On one hand, it could be argued that the absence of formal appropriation and work in clusters were strengths in its innovation system. In this view, the innovation system in the informal economy largely rested on “collective learning experiences” based on low entry barriers and free flows of knowledge. On the other hand, and in contrast to the above view, it was argued that the presence of perpetual copying and absence of appropriation mechanisms was a barrier to scaling up innovative activity in the informal economy. These questions would be further investigated in the project’s case studies. On policy approaches, neither current policy documents nor academic literature proposed a uniformly agreed policy framework targeted at the informal economy. The study found that the national policy approaches of developing countries were typically aimed at the formal sector. In addition, the few existing laws and policies that were aimed at the informal economy were ad hoc, unstructured and uncoordinated between ministries, institutions and different government levels. A typical policy coherence problem was that economic development resources were concentrated in the national level and at best the provincial spheres but the regulatory and management responsibility for the informal economy was at the level of the local government. The review of past and current approaches indicated that policy approaches were mostly not designed to foster innovation and IP in the informal economy. Nevertheless, countries such as South Africa and Kenya as well as a number of countries in Latin America were developing integrated policies for a number of years with respect to the informal economy. However, policy approaches to the informal economy were recent and still developing. The study developed a preliminary policy framework for fostering innovation in the informal economy. It included improving infrastructure, facilitating access to markets, providing access to finance as well as fostering the innovation system and improving the capacity to innovate. In many developing countries, formal R&D was mostly undertaken by public research institutions. The informal economy could benefit from the research, including in conjunction with the formal sector. Finally, on IP policies, there was a need to assess whether and how IP could be relevant to the informal economy. This would be done in the case studies. The hurdles in accessing the IP system should also be addressed. There was a lot of scope to assist local actors to access the IP system and to also migrate to more formal structures of operating within the formal economy. The study also included a few ideas such as conceptualizing a set of “informal” IP norms for the informal economy but it would require further examination. The country case studies would be ready before summer. The conceptual study would be revised to take into account the findings of the studies and comments from Member States. It would be presented at the next session of the Committee in November. The Secretariat would prepare an overall report on the findings of the project for the consideration of the Committee.

307. The Delegation of the United States of America appreciated the work of the authors in developing what it saw as a very useful and in depth conceptual study that outlined many of the pertinent issues, questions and points of debate around the complex issue of IP, innovation and the informal economy. The Delegation believed the conceptual study would provide a useful basis for the next phase of the project, the three country specific case studies. It looked forward to learning more about the next phase. In particular, it was interested in learning a little bit more

about the process for the three case studies, including the estimated budget, timelines, authors of the studies as well as the governmental entities and stakeholders in the case study countries that would be involved in the studies.

308. The Delegation of Ireland, speaking on behalf of the EU and its Member States, noted the information contained in document CDIP/11/INF/5. They noted that the study aimed to help policy makers assess and develop appropriate measures including IP policies that promoted innovation in the informal economy, expanded economic output and increased employment. They looked forward to the revised framework which would incorporate the three country specific case studies being conducted in Ghana, Kenya and South Africa.

309. The Delegation of South Africa looked forward to the completion of the case studies, especially the study on the chemical sector in South Africa.

310. The Delegation of Brazil, speaking on behalf of DAG, stated that the conceptual study shed light on the intersection of three elements, i.e. innovation, IP and the informal economy. It provided a starting point for exploring previously unrelated research streams. The Group looked forward to discussing the case studies that would complement the conceptual study. In future, the theme could be explored in other areas such as cultural industries, as suggested by the study. It noted with concern, the comments contained in the study with regard to TK and traditional cultural expressions (TCEs). It did not share the view that informal appropriation mechanisms were adequate alternatives to the formal protection of TK and TCEs. In fact, indigenous peoples and local communities had historically relied on informal appropriation mechanisms because of the lack of effective protection for their knowledge and culture. In the absence of sui generis protection, a system under negotiation in WIPO, the communities relied on other mechanisms that were not effective in preventing the misappropriation of their knowledge and cultural expressions.

311. The Vice-Chair invited the Secretariat to respond to the questions and comments from the floor.

312. The Secretariat (Mr. Wunsch-Vincent) referred to further steps and stated that the project involved two phases as described in the original project proposal. The Committee and the Secretariat had engaged in extensive consultations on the selection of sectors. The budget was allocated some time ago. Money was spent on consultants and the workshop in South Africa last year. The rationale for choosing the sectors was previously presented to the Committee. The results of the studies would be presented at the next session. In terms of interaction with governments, the Secretariat worked with the permanent missions in Geneva and the members of the Committee to select the consultants and the sectors. On the selection of sectors, as explained in the previous session, the approach involved selecting three manufacturing type sectors in countries that were geographically close to each other. The region selected was Africa. The Secretariat referred to the comments by the Delegation of Brazil and stated that the study did not mention what the TK sector should do or should not do. The study should not exert any influence on the process related to the TK treaty. The local communities that were studied and available literature demonstrated that the communities had informal means of appropriating knowledge and it was not necessarily due to the absence of other means. It was related to how these communities had grown over time and there were good historical reasons for it. The Secretariat would be happy to meet with DAG to further discuss the issue and would take the comments into account in revising the study.

External Review of WIPO Technical Assistance in the Area of Cooperation for Development  
(Continued)

313. The Chair resumed discussions on the External Review of WIPO Technical Assistance in the Area of Cooperation for Development.

314. The Delegation of Brazil, speaking on behalf of DAG, referred to the three recommendations identified the day before by the Delegation of the United States of America on the manual, database and website. This was a good step forward and it was ready to work on these recommendations. The Group also requested the Committee to examine and approve other recommendations, particularly E3 on improving the roster of consultants; F1 on upgrading the WIPO website; F4 on the role of Geneva missions in technical assistance; G1 and G2 on the technical assistance database; I1 on IP policies and strategies; J1 on legislative and regulatory assistance; K3 on the WIPO Academy; and L1 on coordination.

315. The Delegation of Bolivia supported the statement by the Delegation of Brazil on behalf of DAG. The Committee should take advantage of the proposal by Group B to work on three specific recommendations. It may lead to an agreement. The Committee could work on those recommendations. After that it could look at additional ones. The Delegation doubted that agreement would be reached on all the recommendations mentioned by the Delegation of Brazil. However, it may be possible to reach agreement on some. Thus, it suggested that the Committee should discuss these during the plenary. The Delegation reiterated that it was prepared to work on the basis of the proposal and was committed to reach agreement on some areas to implement recommendations on technical assistance.

316. The Delegation of Algeria, speaking on behalf of the African Group, stated that its approach was similar to DAG. The Group was working in very close cooperation with DAG on this issue. It subscribed to the list of recommendations put forward by the Delegation of Brazil on behalf of DAG. It was prepared to examine recommendations A1, A2, E3, F1, F4, G1, G2, J1 and L1. The Group stated that these were its priority recommendations and hoped that the Committee would be able to adopt them.

317. The Delegation of Pakistan stated that all recommendations in the Deere-Roca report were important. The joint proposal by DAG and the African Group was based on them. The recommendations in each document had value. Member States had a responsibility to look into all of them. However, they also had a responsibility to examine what could be done. Some delegations had expressed their desire to move forward on some recommendations. This was a positive step. The Committee could identify some recommendations in order to start work. The Delegation was open to moving forward on all the recommendations, especially those mentioned by the Delegation of the United States of America and the Delegation of Brazil on behalf of DAG.

318. The Delegation of Egypt supported the proposal by the Delegation of Brazil on behalf of DAG and the proposal by the Delegation of Algeria on behalf of the African Group, on the recommendations to be considered and adopted by the Committee. As mentioned, all the recommendations were significant to the work of the Organization, particularly with respect to technical assistance for developing countries. The Delegation believed that the recommendations on national IP strategies were very important. That was why it would like WIPO to work on those recommendations as soon as possible. It was good that the Organization was implementing a number of recommendations in the Deere-Roca report. The Delegation hoped that this would continue. In this regard, regular progress updates should be provided to Member States.

319. The Delegation of Uruguay had followed the discussion with great interest. There was a need for work to be consolidated in order for it to proceed in a constructive manner. Thus, it supported the proposals that were put forward by delegations that afternoon.

320. The Delegation of South Africa supported the statements made by the Delegations of Brazil and Algeria on behalf of DAG and the African Group respectively. The Committee could continue to look at the recommendations that were narrowed down by those groups. The Delegation believed that all the recommendations in the Deere-Roca report were important. However, to show flexibility, it had narrowed down the recommendations. The Committee could prioritize those without abandoning the others. It believed this was a step forward and called on other delegations to show the same flexibility.

321. The Delegation of Belgium, speaking on behalf of Group B, noted that the list was a little shorter and this was a step in the right direction. However, most of the recommendations were identified by the Secretariat to be implemented or were under implementation. Some members of the Group had already identified potential areas for further work and the Committee could look deeper into the details. The Group reserved the right to come back to this matter.

322. The Delegation of the Islamic Republic of Iran stated that the proposal by DAG and the African Group was a good way forward in terms of working on the recommendations. It provided a good starting point. The Committee could return to the other recommendations in its future sessions.

323. The Delegation of the Republic of Korea referred to the guidelines and manual on technical assistance. Experts with relevant experience and representatives from various sectors with different points of view must be involved in the development of the guidelines and manual in order for the results to be objective and constructive. On extra-budgetary resources such as FITs, the Delegation highlighted that such resources were complementary and the intentions of the providers of the funds should be respected. Thus, it requested Member States that were in favor of utilizing extra-budgetary resources to reconsider this issue. It would cooperate with the Asian Group to try to prioritize recommendations.

324. The Delegation of Ireland, speaking on behalf of the EU and its Member States, stated that it should be recognized that the vast majority of recommendations had been implemented as mentioned by Group B. Their adoption would be unnecessary formalization and duplication of the ongoing work of the Secretariat. The EU and its Member States did not share the view of some delegations that the external review recommendations needed to be adopted as such by the Committee. The discussion should take into account all relevant developments, including the latest developments indicated in document CDIP/11/4 and in the numerous interventions by the Secretariat. The discussion must move forward by taking account of these updates. They welcomed the statements by several groups that afternoon and would reflect on them. The EU and its Member States reiterated the three concrete proposals which they made the day before and these would be circulated in written form if required. First, the Secretariat could present the Committee with a compilation of best practices of WIPO and non-WIPO technical assistance in order to help with the implementation of recommendations which merited further consideration. In their view, this corresponded to recommendation B3 in the management response and A3 in the joint proposal. Second, the Secretariat could provide detailed information of/on the measures taken to improve internal and international coordination. This corresponded to recommendations B1 and B7 in the management response and L1 (b) in the joint proposal. Third, the Secretariat could provide additional information and concrete steps taken to address recommendations related to cost efficiency measures such as savings and efficiencies through the use of technology and improved coordination, and savings and efficiency in WIPO training. In their view, this corresponded to recommendations B9 and B13 in the management response. They thought it would be useful to spell out their three proposals and to link them to the

recommendations to demonstrate that they had come up with these recommendations in some sort of vacuum. They were very relevant and very much related to what had gone on before.

325. The Delegation of Pakistan would like to receive the proposals by the EU and its Member States in writing.

326. The Delegation of Ireland, speaking on behalf of the EU and its Member States, agreed to the request.

327. The Chair noted that a number of recommendations were targeted. The Committee should try to find a way to consolidate the lists. He suggested that informal consultations should now take place. However, delegations may wish to continue with the plenary discussion.

328. The Delegation of Belgium, speaking on behalf of Group B, stated that it may be better to continue with the discussion. Delegations could explain why the priorities that were identified should still be implemented. The Committee could then discuss other items if there was still time that afternoon. Coordination could take place tomorrow morning before returning to the discussion.

329. The Delegation of Bolivia agreed with the idea that work should continue in the plenary. It was the most transparent way to tackle the issues. The Committee could try to work on the three proposals identified by the Delegation of the United States of America the day before. The Committee should try to reach agreement on those. If there was time that afternoon, it could discuss whether there were other recommendations that could be worked on, i.e. the ones identified by DAG and the African Group.

330. The Delegation of Brazil, speaking on behalf of DAG, stated that the proposal was acceptable.

331. The Delegation of Pakistan stated that the Committee could continue discussing those recommendations. At the same time, it could decide on the appropriate time to change the mode of discussion if necessary.

332. The Chair stated that there was clearly some interest in moving forward on specific recommendations with the suggestion to work on the three identified by the Delegation of the United States of America. He invited the Delegation to reintroduce the recommendations presented the day before.

333. The Delegation of the United States of America stated that it was difficult to jot down all the individual provisions that some of the proponents were looking to see implemented. It would like to receive these in writing. With respect to the specific recommendations that it believed provided an easy way forward or at least the Committee could discuss moving forward on, those recommendations were in the joint proposal. On A, relevance and orientation, the Delegation did not move forward on the guidelines with respect to technical assistance. However, A2 concerning the manual on delivery of technical assistance seemed achievable. In speaking with the Secretariat, the Delegation noted that the separate sub-items listed as parts of the manual had already been produced by the Secretariat with the possible exception of a formal complaint mechanism with respect to technical assistance that was in some way dissatisfactory to the recipient. However, the Delegation did not see a way forward with respect to sub-paragraphs (b) and (c) of A2. It believed that the Committee should trust the Secretariat to, as it had already done, put these materials together and provide it to Member States. With respect to the Committee actually approving all of those materials, it seemed as if that was outside the scope of the Committee's work. With respect to B and C, in the Delegation's view, Program and Budget items and extra-budgetary resources were outside the scope of the

Committee. With respect to item D, it believed that this had already been accomplished. With respect to E, experts and consultants, this was dealt with by the Secretariat and discussed with the Member States. With respect to F, transparency and communication, the Delegation agreed there was merit in further considering the WIPO website. The Delegation sometimes had difficulty in finding specific items on the website. A little bit of transparency in this respect could be very helpful to Member States. With respect to F, transparency and communication, it saw that as a good area to move forward. With respect to G, technical assistance database, although the Delegation believed that the Secretariat has already created the database, it seemed that greater population of the database with increased information could be helpful to Member States and this was an area that the Committee could potentially achieve consensus on. With respect to the remaining sub-headings, those goals had already been met by the Secretariat. The Delegation did not see them as areas for further work by the Committee.

334. The Delegation of Bolivia referred to the manual and enquired as to whether the entire list proposed under A2 (a) was acceptable to the Delegation of the United States of America. It understood that there were problems with A2 (b) and (c). It was also very interested in F and G. The Delegation hoped that the Committee could reach agreement on them. In this context, it would like to know whether the current draft was acceptable or if further work was required.

335. The Delegation of the United States of America referred to A2 (a). As noted in its discussions with the Secretariat, it appeared that the Secretariat had accomplished all of those goals in some respect. Therefore, the Delegation had no issue with respect to the Secretariat compiling already existing materials into the form of a manual. However, there may be some collective misunderstanding with respect to certain sub-items. For example, the second bullet point at the top of page 2 of document CDIP/9/16 called for processes by which Member States could guide overall planning and prioritization of development cooperation activities. In the Delegation's view, such processes already existed in the Secretariat and amongst various WIPO committees. Thus, it did not see that as being an area that really needed new documentation other than referring, for example, to the PBC or the conversations that occurred in the Committee. With respect to F and G, the Delegation believed the Committee should allow the conversation to develop around A2 (a) since that appeared to be where there was the greatest consensus at that moment. The Committee would move on with F and G later on.

336. The Delegation of Algeria, speaking on behalf of the African Group, referred to categories F and G. The Group would like to know whether the Delegation of the United States of America could propose any language or identify recommendations that were most acceptable to the Delegation in those categories. The Committee could then try to do some redrafting.

337. The Delegation of the United States of America would like to hear the viewpoints of other Member States on these items. At that point, it did not have specific language with respect to F or G. The Delegation would be happy to provide such language, perhaps in the intervening time before resuming discussions on this matter.

338. The Delegation of Australia would like to receive the proposals by the African Group and DAG in writing. The Delegation supported discussing A2 (a). The Committee could then move on to F and G instead of discussing all three simultaneously. On A2 (a), in principle, it supported improved transparency and access to information on delivery of technical assistance by WIPO. This would assist Member States and WIPO to work more effectively and collaboratively on planning, delivering, monitoring, and evaluating mutually agreed activities. Like the Delegation of the United States of America, the Delegation understood from reports presented by the Secretariat that the bullet points under A2 (a) were already available with the exception of procedures to submit complaints. It understood this was acknowledged by several Delegations in the discussions. In its experience, creating standalone documents and resources on available information was duplicative and an ineffective use of limited resources.

Such resources required regular review and maintenance to ensure that they were kept up to date. There could be confusion and inaccuracies if they were not kept up to date. Thus, in the Delegation's view, this outcome could potentially hinder rather than help relevant Member States and the Secretariat to cooperatively and collaboratively build on the good work, and established processes and practices for technical assistance delivery. As a more appropriate and potentially more effective and user-friendly outcome to this particular recommendation, it proposed that instead of a manual, a reference guide could be made available through the IP for development webpage on the WIPO website. Other resources such as the technical assistance database and the match-making database were available on this page. Links could be provided to the information already developed by the Secretariat and available on WIPO's website for each of the bullet points under A2 (a). The Delegation could not support an outcome that limited the existing and successful approaches to working with WIPO and other Member States on delivery of technical assistance. As in the case of the Philippines, Australia's experience had been positive in terms of working with WIPO and other Member States in the delivery of technical assistance to date.

339. The Chair stated that he had requested the Secretariat to provide a list of recommendations identified by delegations. The Secretariat had agreed to the request.

340. The Delegation of Pakistan believed that the exercise was good in terms of improving understanding of the various perspectives on the way forward. On the manual, the Delegation referred to the comments by the Delegation of the United States of America. The Secretariat could present what it had done on that matter in the next session of the Committee. With regard to parts B and C on the Program and Budget and extra-budgetary resources, it looked forward to Member States raising these issues in the forthcoming session of the PBC. These could then be discussed in that forum. It also highlighted some recommendations which it believed were innocuous and the Secretariat was already in the process of implementing. For example, although an organigram of the Secretariat was available, it could be further improved. This was included in one of the recommendations and could be easily done. The Delegation believed it would not be a problem for the Secretariat to do so. With regard to routing information through Geneva-based missions, this was already being done. However, it could be further enhanced. On J1, the Delegation recalled the earlier discussion on this matter. It understood that the Secretariat had no problems if a Member State voluntarily uploaded and made available the legislative advice which it received from WIPO. The Delegation looked forward to receiving continuous updates from the Secretariat on the actions taken with respect to the recommendations in the joint proposal and the Deere-Roca report.

341. The Delegation of Ireland, speaking on behalf of the EU and its Member States, reserved their position for the time being as they needed to coordinate further before considering any of the proposals that were made.

342. The Delegation of Belgium, speaking on behalf of Group B, referred to the three areas identified by the Delegation of the United States of America and stated that further coordination was required within the Group. On the question raised by the Delegation of Algeria on whether the Group could accept the language of the joint proposal, it stated that it was important to examine how the Secretariat had implemented or was implementing the recommendations. Thus, it was essential to look at the references to the management response and to perhaps completely dispense with the references to the external review which after all was drafted by an outsider. From a practical point of view, the Committee could start cleaning up some of the footnotes that referenced the external review and focus on the three areas identified by the Delegation of the United States of America which were linked to the management response.

343. The Chair requested the Secretariat to read out the list of recommendations.

344. The Secretariat stated that the list comprised the recommendations that were read out by the Delegations of Brazil and Algeria on behalf of DAG and the African Group respectively. The recommendations were A2, E3, F1, F4, G1, G2, I1, I3, J1, K3, and L1.

345. The Delegation of Brazil, speaking on behalf of DAG, supported the statement made by the Delegation of Pakistan. The Committee should focus on the items proposed by Group B, the Delegation of United States, DAG and the African Group. The Group believed there was a good basis for discussion. It agreed to start with A2, as proposed by the Delegation of the United States of America.

346. The Delegation of Switzerland shared the point of view expressed by a number of delegations that some of the recommendations in the Deere-Roca report deserved implementation. That was not called into question in the discussions. The Delegation also underscored that Member States had been working on the report for some time both in the CDIP and in inter-sessional meetings, including within the ad hoc working group. The Delegation noted that according to the information provided by the Secretariat, most of these recommendations were already being implemented by the Secretariat. The discussion that afternoon was constructive. The recommendations identified by DAG and the African Group added to the three recommendations that were identified the day before. The Delegation was open to working on those three recommendations. It supported the approach suggested by the Delegation of Australia to begin work on recommendations A2 (a), F, and G given that the Committee agreed on those recommendations before continuing with its work. In order for the discussion to continue, the Delegation believed it would be useful for DAG and the African Group to describe the specific aspects that had not yet been implemented in terms of the recommendations which they had listed.

347. The Delegation of Brazil requested the Secretariat to analyze A2 (a) to determine what could be done to implement the proposal. It would like some input from the Secretariat on the implementation of the proposal for the creation of a manual on technical assistance, as included in the joint proposal by DAG and the African Group and endorsed by the Delegation of the United States of America.

348. The Secretariat (Mr. Onyeama) noted that the Delegation of the United States of America had stated that most of the activities were already being undertaken. The main issue seemed to be the compilation of the various parts. The Secretariat stated that the points in the bullets were being carried out by the Organization. It was just a question of putting them together in a manual. The Delegation of Australia pointed out that this may not add any value and could just be a time consuming exercise. It suggested that it may be better for the information to be made available through the webpage on technical assistance with links to the places where information could be found. The Delegation of the Philippines highlighted that the current situation was fine. This was endorsed by the Delegation of Australia. As such, the Committee had not given the Secretariat an unequivocal directive with respect to the manual. The Secretariat reiterated that it had unilaterally prepared and made available a catalogue or menu of activities. However, some Member States stated that it was not enough as more information was required. It was up to the Committee to provide the Secretariat with an unequivocal directive with regard to the manual.

349. The Delegation of Brazil noted that extra resources would not be required to implement A2 (a). The joint proposal also included recommendations to upgrade the WIPO website to enhance transparency. This would be discussed under a separate item.

350. The Secretariat (Mr. Onyeama) clarified that it had not stated that extra resources would not be required to prepare the manual. Resources would be required, particularly if all the

requested details were to be included. Extra staff time would be required if it was done internally. Financial resources would be involved if the manual was prepared by a consultant.

351. The Delegation of Bolivia understood that the Committee was trying to come to a general understanding on the proposals that could be taken forward. It understood that other groups, following internal coordination, would also try to put forward proposals, including on language and amendments. As such, the Committee should try to identify the proposals that had the potential for agreement that afternoon and to leave aside the details for the time being. The details could be finalized the next day, perhaps in an informal session. The Delegation believed there was some general understanding on A2 (a) although the Committee had not discussed all the elements in detail. The format, i.e. whether it should be something in hard copy or made available online, must be discussed. However, this could be done in the informal consultations. With regard to F1, the Committee could generally agree that WIPO's website should be upgraded to serve as a more effective vehicle for communicating information on development cooperation activities. The Delegation believed that the Committee could move forward on this proposal. Efforts were required to ensure that the language reflected all the proposals and concerns of delegations in this regard. On G, the Delegation stated that although the database existed, it did not contain all of the information that was required, including general information on the activity such as the objectives, expected and actual outcomes, recipients, participants, donors, experts, consultants, speakers, evaluation reports, and other relevant documentation. These elements were agreed upon by the Member States. Thus, the Delegation believed it would not take a lot of time for the Committee to agree on this recommendation. The drafting details could be discussed the next day. It referred to the request by the Delegation of Switzerland on the aspects that were not implemented in the identified recommendations and provided some examples. They mainly concerned following up on the Secretariat's work to ensure full and effective implementation of the recommendations. On I3, IP policies and strategies, the Committee informally agreed in the last session that the tools used for national IP strategies should be made available to the public. That was done by the Secretariat. However, there was a need to follow-up on that. Member States should be invited to provide their comments. In the discussion yesterday, the Secretariat stated that the comments would be welcome. With regard to K3, WIPO had recruited a consultant to conduct an external review of the WIPO Academy. The Delegation believed that the review was completed. As such, the outcomes of the external review should be made publicly available. On J1, legislative and regulatory assistance, the proposal was on the creation of a system on the WIPO website to enable interested Member States to voluntarily upload and make available the content of the legislative or regulatory advice they received from WIPO. Currently, this was not available. It was also not being implemented. The Delegation underscored that the information would be made available on a voluntary basis. It would facilitate an exchange of information. The Delegation believed the proposal could be worked on and it may be possible to reach decision on this during the session.

352. The Delegation of Pakistan requested the Secretariat to state its views on the recommendations that were put forward by Member States. These included E3, F1, F4, G1, G2, J1 and L1. It believed that the Secretariat was already doing some work on those recommendations.

353. The Secretariat (Mr. Onyeama) stated that the situation was straightforward. It had indicated the recommendations which it was working on. However, it would like the Committee to issue a clear directive on whether it should do more or if the Member States were satisfied with what it was doing. Clearly, there were different takes on each and every recommendation. WIPO was a member driven Organization. The Secretariat was there to serve the Member States. There should be a consensus. The instructions or directives should be clear, and hopefully doable.

354. The Delegation of Pakistan understood the responsibility of Member States. It understood that the Secretariat was already working on some of the identified recommendations. The Delegation suggested that the Secretariat could provide further information in the next session on what it was already doing with respect to the recommendations in the joint proposal.

355. The Delegation of Algeria, speaking on behalf of the African Group, was encouraged by the fact that some delegations saw merit in some of its recommendations. The Group referred to the comments made by the Delegation of Switzerland and provided examples of implementation gaps with respect to some recommendations. On A2, although it recognized that the Secretariat had undertaken a lot of work on this recommendation, some things remained to be done. For instance, clarification could be provided on the focal points. Although the regional bureaus were said to be the focal points and had budgetary responsibilities with regard to the activities, other divisions were usually responsible for implementation. For example, if a patent workshop was organized in Algeria, the Arab Bureau may not be directly responsible for implementation. The Group was not sure who was responsible for what. Thus, more detailed information was required on the focal points within WIPO for these activities. On the evaluation of activities, the Group did not really know how these were carried out by the Secretariat. It would like to know how these were done and the results should also be made available. On F, transparency and communication, the Group noted that the Secretariat had implemented a number of activities. However, WIPO's website should be improved to serve as a more effective vehicle for communicating about WIPO's development cooperation activities. Not all were posted on the website. The Secretariat should ensure that information on all activities was made available on WIPO's website. A concept paper on the activity should also be made available. This should be fairly straightforward for the Secretariat to implement as these were available in house. Thus, it was just a matter of making the information available on the website. The Secretariat should also report to the CDIP on events that were planned or had taken place. This was not being done. As such, F2 merited further consideration. On the technical assistance database, the Group acknowledged the Secretariat's work in this area. However, the design of the database should be more aligned with the Organization's RBM framework. In this regard, the Group would like the Secretariat to explain how the database was aligned with the RBM framework. The information would be very helpful. The Group hoped that the examples indicated that although the recommendations were being implemented, there was certainly room for improvement.

356. The Delegation of Belgium, speaking on behalf of Group B, echoed the Secretariat's words that recommendations were being implemented or had been implemented. Duplication of efforts should always be avoided. With regard to the request for further information on the implementation status of certain recommendations, the Group highlighted some points based on document CDIP/11/4. First, on E3, recommendation 50 on page 34 stated that the process was ongoing and even partially achieved. Second, on G1, recommendation 51 on page 34 contained some useful information. The document indicated that the process was also going on in this area. Finally, on the external review of the WIPO Academy, the document indicated that the recommendations were being studied and would be reflected later on.

357. The Delegation of South Africa supported the comments made by the Delegation of Pakistan. As the Secretariat was already undertaking work on certain recommendations, it would be useful for the Secretariat to provide an update on how far it had gone in terms of implementing those recommendations. Member States would then indicate whether more information was required. The information would help them understand where they were with regard to the implementation of the recommendations. It could be provided before the end of the session or in the next session.

358. The Secretariat (Mr. Onyeama) referred to the points raised by the Delegation of Algeria. On focal points within WIPO, the Secretariat stated that one of its core values was working as

one. As far as development was concerned, the regional bureaus were there to act as focal points for developing countries. Although other sectors within the Organization were involved in the technical assistance activities, the coherence and cohesion of the Organization's work would be compromised if the missions were to approach individuals across the Organization. The regional bureaus held the master plans for development within the Organization as these provided them with an overview of the technical assistance for each country. Thus, irrespective of the divisions or sections in the Organization that may be involved, the bureau would always be involved. The bureaus would always know who was doing what as they held the master plan. They drove the strategic plans for each developing country and so had the big picture. Thus, it was better that they should be the focal points. They would be able to direct delegates to those outside the bureau that may be involved in a particular project. The Secretariat believed this should be maintained to ensure cohesion and coherence. Missions also wanted to be informed of the activities that the Organization was carrying out in the various countries. With regard to reporting on every event that was carried out by the Organization, including making available a concept paper on the event, the Secretariat stated that most of the activities carried out in the area of development were targeted at individual countries. Countries were kept fully informed of the activities that were taking place in their countries. The Secretariat did not believe that they would like all the activities that were taking place in their respective countries to be publicized. As such, the technical assistance database provided an overview of where events took place. However, the details of those activities, including discussions with government, advisory missions to countries and so on could not be made available. These often contained confidential information. Thus, unless a country requested the Secretariat to publicize the activities that were ongoing in the country, this was not something that the Organization could and should do unilaterally. With regard to how the technical assistance database was aligned with the RBM framework, the division responsible for the database had a work plan with expected results, performance indicators, and so on which were approved. This was similar to the way in which the activities of all other sectors were prepared within the RBM framework. The databases were also developed through projects that were commissioned by the Committee. They were also evaluated. The Secretariat referred to the point raised by the Delegation of Bolivia on the results of the project on the technical assistance database. The Committee accepted that the project was carried out in accordance with the requirements. However, like everything else, the database could be improved. Indeed, those responsible were constantly working to improve and populate the database. With regard to the evaluation and monitoring of activities, there were different ways for these to be carried out. Some activities or projects had built-in evaluation mechanisms. PPRs were also made available to Member States. The activities undertaken in the last biennium were evaluated. The achievements were assessed based on the expected results and performance indicators. The results were presented to the Member States. The Internal Audit and Oversight Division (IAOD) carried out evaluations on different projects within the Organization. These were some of the mechanisms for evaluating activities. The Secretariat referred to the request by the Delegation of South Africa for an update to be provided on the activities being carried out with respect to the recommendations. It stated that this was perfectly reasonable and proposed that in future CDIP sessions, an agenda item be included for the Secretariat to provide an update on what it had done in the previous two years or since the last CDIP with respect to the recommendations. It was more than happy to keep the Committee informed of what it was doing in implementing the recommendations.

359. The Delegation of Brazil noted that there was some common ground. The Committee had discussed a number of recommendations. Some work was required on them. The Delegation proposed that Member States could work on the areas of convergence by putting forward draft texts for consideration by the Committee.

360. The Delegation of the United States of America noted that delegations seemed to be getting a little confused with their terminology. They kept calling everything a recommendation.

The management response noted that there were 89 principle recommendations in the Deere-Roca report with 396 different measures. Thus, there were recommendations and measures. There were also other actions listed in the joint proposal by some Member States. Member States must agree on specific recommendations and then determine what actions would be necessary in order to implement them. Thus, delegations must be very clear on their terminology with respect to recommendations, actions, measures, etc.

361. The Delegation of Pakistan agreed with the Delegation of the United States of America on terminology. However, it was important to note that there were a lot of areas of convergence among the Member States. The Secretariat had understood that. The Delegation looked forward to the updates to be provided by the Secretariat in the next sessions.

362. The Delegation of Senegal encouraged the Secretariat to continue with its work. WIPO provided technical assistance to Senegal, including through OAPI. It provided the country with access to scientific and technical information contained in patent documents. This assisted the authorities to support researchers and local innovation. Patent documents contained information that could be used to strengthen technical capacities and this was important for development. There was a need for WIPO to continue assisting Senegal in order to ensure that it had access to the information required as innovation and creativity supported social and economic welfare. Thus, the Delegation would like the role of focal points to be strengthened.

363. The Chair noted the references made to an emerging consensus. The Committee should do its best to move forward. He sought the delegations' views on whether it would be useful to continue discussing the list of identified recommendations that afternoon or if it should be done on the following day in order for the proposals to be considered in detail.

364. The Delegation of Algeria, speaking on behalf of the African Group, understood that the purpose of the discussion was to identify areas where there was convergence. The details could be finalized in the informal consultations. As there was an emerging consensus on categories A, F and G, the Group proposed that the Committee could identify specific recommendations where there was convergence. This would enable the groups to draft texts for discussion in the informal consultations the next day.

365. The Delegation of Bolivia shared the Chair's view. The Delegation would like the Committee to come to a more specific understanding on what could be included in a compromise solution. It reiterated its proposal that a general understanding could be reached on certain recommendations that afternoon, and the details could be worked out the following day in the informal discussions. This was also mentioned by the African Group. The Delegation believed that a decision could be reached on the three recommendations or proposals identified by the Delegation of the United States of America the day before. These could be identified as potential proposals for agreement. With regard to the list of proposals put forward by DAG and the African Group, the Delegation would like to know whether agreement could be reached on some proposals. For example, J1 was on the creation of a system on the WIPO website that enabled interested Member States to voluntarily upload and make available the content of legislative advice received from WIPO. J1 was not being implemented. It believed it would not be costly to implement this proposal. E3 was on the roster of consultants. Although the Delegation recognized the efforts undertaken to develop the roster, it could be improved. The information mentioned in the joint proposal could be included in the online roster. On IP policies and strategies, the Delegation reiterated the proposal for Member States to provide comments on the tools used to develop national IP strategies. The Secretariat had stated that it would welcome the comments. On the external review of the WIPO Academy, the Delegation believed the Secretariat was examining the results of the review. It was not sure of the current status with respect to the review and requested for information to be provided. The report should be

circulated to Member States following a review by the Secretariat. It would like to hear the views of Member States on the aforementioned proposals.

366. The Secretariat (Mr. Onyeama) referred to the question on the external review of the WIPO Academy and stated that it would provide a response soon.

367. The Delegation of Brazil supported the proposal by the Delegation of Algeria to continue with the current exercise to identify areas of convergence.

368. The Delegation of Belgium, speaking on behalf of Group B, also believed that the Committee was moving in a good direction. There seemed to be some common ground on the three areas outlined by the Delegation of the United States of America for further work. Further coordination was required on those three topics. Coordination would take place the next morning. An informal meeting may not be required thereafter. With regard to the other areas, the Group believed there was still some divergence. The Committee was still waiting for further comments by the Secretariat on the extent to which these had been implemented. Thus, perhaps it would be better to go back to the other documents before the Committee, and be prepared to examine the areas of convergence that were identified for potential future work the following morning.

369. The Delegation of Ireland, speaking on behalf of the EU and its Member States, recalled that they had noted, with interest, the proposals from the various groups. They had also referred to their need to further coordinate. Thus, the EU and its Member States supported the comment made by Group B on the issue of coordination. They planned to hold detailed discussions and believed they would be in a better position to discuss the various suggestions the next day.

370. The Delegation of Bolivia understood the need for coordination. There was also a need to examine the proposal by the EU and its Member States. This was not a problem. It reiterated that the intention was to work not only on the three proposals identified by the Delegation of the United States of America the day before, but also on the proposals that were identified that day. The Committee was awaiting further information from the Secretariat on the external review of the WIPO Academy. However, additional information was not required on other proposals and it was up to the groups to consider whether these were acceptable. These included JI on the creation of a system on the WIPO website, to enable interested Member States to voluntarily upload and make available the content of the legislative advice received from WIPO. The Committee needed to decide on these. The Delegation called on the groups to consider the recommendations included in the compiled list to enable the Committee to agree on the maximum number of recommendations the following day.

371. The Delegation of Brazil, speaking on behalf of DAG, requested the Secretariat to circulate the compiled list as the delegations had yet to receive it. The Group had provided the Secretariat with the required information.

372. The Chair stated that the document was available on the desk in the back of the room.

373. The Secretariat (Ms. Graffigna) referred to the status of the external review of the WIPO Academy and recalled the background to the review. The Academy was established in 1998. It was necessary to review what the Academy was doing on IP training as a lot had happened since it was established. It was also necessary to ensure that the activities were coordinated and did not overlap with those of other programs that were involved in capacity building. Generally, it was time for someone to assess whether the Academy was using its 10 million Swiss francs budget per biennium to work in a niche where WIPO had a comparative advantage, whether it was clear about that comparative advantage and that activities were

really concentrated in that area and not in areas where others were either doing things better or in a more cost efficient manner. The Director General fully supported the idea of carrying out an independent assessment. The terms of reference were prepared with the idea to carry out a quick and adequate review in order for the information to be taken into account in the draft Program and Budget for 2014/15 to be discussed at the PBC in July. The task was assigned to Dr. Deere in view of her understanding of the Organization's work as a result of the work she had undertaken on the external review of WIPO technical assistance. The terms of reference were drafted on the understanding that the review would be an internal managerial tool for the program manager and the Director General to reassess, if necessary, the priorities and direction of the Academy. It also included an assessment of required and available skills within the Academy. The review was completed and the report was submitted to the Secretariat. The report was twenty pages. It was very concise and it fulfilled the requirements of the terms of reference. It indicated a way forward in a number of areas. Its main message was that WIPO had a comparative advantage in the area of capacity building and training on IP. The reasons for this included multilingualism, WIPO's direct relationship with Member States, its administration of treaties, investments in distance learning, etc. The report considered the distance learning platform to be unique in the sense that it was unrivalled. It outlined an ambitious plan for reorienting some of the Academy's activities over a period of time. None of the recommendations could be implemented in one day. There were a number at the policy level and the reorientation level. As mentioned, the main message was that WIPO had comparative advantages. The Organization should concentrate on areas where it had a comparative advantage and to perhaps exit from others. Capacity building was not only undertaken by the Academy. Thus, there was a need to rationalize, coordinate and set clear roles and responsibilities to avoid overlaps and to ensure that resources were efficiently used. The report gave the Academy's distance learning program full marks. There was a professional program which required review. According to the report, WIPO may need to examine whether its niche was in education and not professional training. This was a big issue. A lot of work was required to ensure that the content of the programs was relevant to the needs of Member States. The programs and activities must be geared towards the bureaux' country plans and strategies. There was a need to ensure that the content, relevance of topics and orientation were assessed in a more explicit and transparent manner. The Secretariat was in the process of transforming elements of the document into an operational proposal for the consideration of Member States. As mentioned in one of the documents before the Committee, the Secretariat was integrating recommendations which it considered to be of value into the proposal for the next biennium which was already quite advanced in terms of the narrative, allocation of resources and expected results. The Secretariat was aware that four to five years would be required to achieve desirable results. It was important for certain actions to be already planned. A realistic internal calendar was required to move towards a more coordinated and transparent approach to offering capacity building activities to Member States. The Academy provided Member States with a catalogue or portfolio of training opportunities offered on a yearly basis. Efforts were made to provide this on a timely basis and it was also available on the WIPO website. However, WIPO also carried out many other activities with respect to capacity building. Thus, from the next biennium, the Secretariat would provide Member States with a unified catalogue of what the Organization could offer on a yearly basis in terms of capacity building. Efforts would be made to arrange the catalogue according to subject, language, and mode of delivery because although distance learning was a great tool, the Secretariat also believed in direct face to face interaction.

374. The Delegation of Bolivia was interested to know more about the evaluation, including whether the training materials were consistent with the DA as mentioned in the Deere-Roca report. The Delegation understood that this was part of the mandate for the review. It recalled that the Secretariat had agreed to circulate the report to Member States. However, it understood from the presentation that this would present problems. Clarification was required in this regard. In the last session, the Secretariat had responded positively to the request for the

terms of reference and the final report to be circulated to Member States as the information was of great interest to them.

375. The Delegation of Pakistan stated that the information provided by the Secretariat was very important in enhancing the understanding of Member States on measures being undertaken by the Organization. This was one of the areas where some good work had been done. The Delegation looked forward to the follow up actions. Regarding the report, the Delegation understood that it included some personnel matters. However, it understood that Member States would be more interested in other elements, including policy and orientation matters.

376. The Secretariat (Ms. Graffigna) referred to the comments made by the Delegation of Bolivia. The Deere report did not evaluate content. The author was asked to inter alia examine whether the Academy's activities were relevant to Member States. One of the points raised was that a more transparent and predictable mechanism was required to ensure that all training content was regularly revised and updated. The exercise should take into account the DA. This was not an easy task as it required the examination of all material. The report did not assess whether an activity was good or bad. It was at a much higher level. It indicated that the mechanisms should be examined. On distance learning, the report noted that participants provided feedback and there was interaction among tutors and others on materials and content. The report stated that although this was good, there was a need for an overall mechanism beyond the distance learning platform. One of the ideas concerned the establishment of an independent advisory board that would regularly assess content, programs, curricula, and materials. The draft Program and Budget for the next biennium included the proposal for the mechanism to be established next year. Many activities were carried out in cooperation with various partners. They should also be involved in the process. The report served as an internal managerial tool. It was not commissioned to discuss policy or content. It provided advice on a number of organizational issues, including on coordination, roles and responsibilities. The document was on internal matters and included names. Thus, it was not appropriate for the document to be circulated among Member States. However, the Secretariat assured delegations that the report delivered strong and valuable messages which were integrated into the proposal. Certain areas could be discussed in more detail in the forthcoming discussions on the Program and Budget for the next biennium. The Secretariat was committed to carry out the necessary work. This was not an easy task as it required major re-engineering. However, it had to be done.

377. The Delegation of Bolivia recognized the good work that was done. The initiative was valued and appreciated. It was interested in the proposals that were mentioned by the Secretariat, including the establishment of an advisory board. It was not interested in the internal matters of the Academy. This was not its concern. The Delegation enquired as to whether it would be possible for the Secretariat to provide Member States with a one-page summary of the principal recommendations with regard to the Academy's policies and other relevant recommendations mentioned by the Secretariat. This would be of great use and could serve as a follow-up to this matter.

378. The Secretariat (Ms. Graffigna) stated that the policy recommendations would be included in the proposal. The Program and Budget documents would be made available in a month or two in all working languages. It would be pleased to meet with all interested delegations to discuss any matters of concern with regard to training and areas that could be emphasized in the coming biennium. The Secretariat reiterated that the report would not be published. It would not be made public. It was also not in a position to provide a summary as the document would be partial and this would not be appropriate.

379. The Delegation of Pakistan understood a PBC document would outline the actions envisaged by the Secretariat to implement the recommendations in the Deere report. The Secretariat had referred to an independent advisory board and the integration of the DA into the content of the training modules. With regard to the latter, the author had recommended the establishment of a mechanism to ensure that all training content was regularly revised and updated. The Delegation enquired as to whether these aspects would be included in the documents to be made available by the Secretariat.

380. The Secretariat (Ms. Graffigna) stated that the draft Program and Budget would be discussed in the PBC. Certain recommendations of the Deere report would be included in that document in the context of program 11. The issues concerning policies, reorientation, priority areas and the establishment of a mechanism to ensure that all training content was regularly revised were included in the narrative for program 11. Performance indicators and other details regarding the next biennium would also be included in the document. The information would allow delegations to discuss these matters in detail. The Secretariat reiterated that it would be pleased to meet with delegations to discuss issues that were of interest to them.

381. The Chair concluded the discussions. He invited delegations to consider the compiled list of recommendations prepared by the Secretariat as well as the EU proposal. He hoped the Committee would be able to move forward on those issues the following day.

382. The Chair resumed discussions on the External Review of WIPO Technical Assistance in the Area of Cooperation for Development.

383. The Delegation of Belgium, speaking on behalf of Group B, made some points based on long internal coordination. The Group had identified some priority areas. The Committee must set priorities. It had followed the discussions on this issue in the various CDIP sessions and believed the Committee should stop referring to an outdated report that was drafted by academics as it was not the best way to move forward. There were other documents on the table. Groups and delegations were free to update them. A discussion based on those documents would be more interesting. The Group reiterated that it had identified priority areas. The Group had a good look at the proposals submitted by Member States. On the EU list, the Group stated that there were some possibilities with regards to how it could be advanced. On the joint proposal, the Group was in a position to move further on the development of a manual as described in A2(a); upgrading of the WIPO website as provided in F1(a) and (b); and redesigning the technical assistance database as described in G1. Those were areas for further work. The Group believed it would be possible to move further on these in the plenary and was ready to engage in this regard. However, since the Secretariat was already working on those areas, as indicated in document CDIP/11/4 and the interventions by the Secretariat, there was no need for them to be adopted. Language could be drafted to indicate that those were areas for further work and they did not require adoption as work was already ongoing. The Group's members would be in a position to come up with some constructive language in this regard. The Group had some concerns with regards to the list of priorities identified by DAG and the African Group, including on E3 and G1. The Group would elaborate on those concerns if required.

384. The Delegation of Brazil, speaking on behalf of DAG, recognized the progress achieved the previous day. The EU proposal was a very recent document. A detailed analysis was required. The document should have been submitted earlier. Its joint proposal with the African Group was on the table for more than a year. The Group understood that there were areas of convergence with regard to A (relevance and reorientation), F (transparency and communication), G (technical assistance database) and L (coordination). The Group was willing to engage in discussions on these items. It would be preferable to discuss the text related to those recommendations in an informal session. The Group had understood from the discussion

the day before that the Committee would finally put forward some recommendations based on the study that had been on the table for a long time. It was regrettable that the Committee could not even reach a consensus on the work that had already been done and put forward recommendations to improve the work that had been done or work that should be done.

385. The Delegation of the Dominican Republic, speaking on behalf of GRULAC, stated that the documents provided a good basis for work to address the concerns of developing countries with regard to technical assistance. The Group welcomed the document presented by the EU the day before. With regards to the fifth paragraph, there was a need to clarify that the main objective was to ensure that cooperation and technical assistance was focused on the Organization. The Group reiterated that it would continue to work constructively to achieve an outcome in this session of the CDIP.

386. The Delegation of Algeria, speaking on behalf of the African Group, stated that the Committee was making progress and there should be concrete outcomes. Although there were other areas of concern, the Group had identified a short list of priority areas with the intention of being flexible. The EU had also shown flexibility by introducing a document that focused primarily on three recommendations. However, the Group would only look at those that were related to categories A and L of the joint proposal. GRULAC had also shown flexibility. It identified some recommendations in A, F, and G. Thus, some common denominators had been identified with regard to categories A, F, G and L. These provided a basis for discussions on further work and the adoption of specific recommendations. In terms of procedure, the Group believed the best way forward was to hold informal discussions in order for the discussions to be more in-depth. The Committee had done everything it could in the plenary. Questions had been raised, answers had been provided and views had been exchanged. If there was goodwill to move forward and produce results, it was necessary to hold an informal session in order to decide on the details of a possible decision. With regards to the EU proposal, although introduced rather late, the Group had considered the proposal. The Group found some aspects of the proposal to be problematic, particularly on technical assistance that was not carried out by WIPO. The Group believed that Member States had a mandate to assess technical assistance activities carried out by WIPO. However, the mandate did not cover activities that were carried out by countries on a national level. The Group could not cross this line. As in the case of GRULAC, the Group would like to focus on WIPO's activities in the discussions on technical assistance.

387. The Delegation of Ireland, speaking on behalf of the EU and its Member States, stated that in view of the constructive discussions the day before, they could show flexibility. They requested the Secretariat to undertake actions on the areas pointed out in their proposal, namely, a compilation of best practices and lessons learned, improvements of external and internal coordination, and cost efficient savings and efficiencies. Actions could also be undertaken with regard to the three areas suggested by the Delegation of the United States of America, namely, development of a manual, upgrading of the WIPO website, redesigning of the technical assistance database. With regard to the issues highlighted, the EU and its Member States requested the Secretariat to take appropriate actions according to its normal practice. They believed they had demonstrated flexibility with regard to the areas highlighted. Several years had lapsed since the Committee engaged in this discussion. The EU and its Member States hoped to find common ground on the Deere-Roca report.

388. The Delegation of Belgium, speaking on behalf of Group B, stated that it was always in favor of transparency. The Group had just heard of a new proposal from GRULAC. Perhaps there were other delegations that would like to add more details. The Group believed that all delegations could benefit from the debate in the plenary. The Group doubted that more could be achieved through an informal session. If it could not be done in that session, perhaps it could be done between then and the next session.

389. The Delegation of Brazil, speaking on behalf of DAG, reiterated that the Group was able and willing to engage in an open ended debate where the EU and Group B would engage seriously in drafting texts based on recommendations. The Group also supported the comments made by the African Group that the work of the Committee should be focused on WIPO technical assistance.

390. The Delegation of Bolivia had no problem in agreeing to something in the plenary on the three recommendations. The topics were not that difficult and there were some areas of convergence. A decision could be taken soon. Thus, the Delegation would like to know if the Committee could start giving guidance to the Secretariat on those three topics without trying to adopt recommendations. For example, the guidance could be reflected in the Summary by the Chair. On the manual, the Delegation enquired as to whether the Committee could give the Secretariat a mandate to revise the manual to include the elements contained in A2(a). With regard to the WIPO website, the Delegation enquired as to whether the Committee could instruct the Secretariat to review the WIPO website, taking into consideration the elements mentioned in F1. The Secretariat could also be instructed to review the technical assistance database in line with the elements that were mentioned in G. The Secretariat could be given this general mandate with certain flexibilities. It could report on progress achieved and problems encountered in the next session. This could be a quick way to move forward rather than to engage in a line by line and word by word discussion to reach a detailed agreement. Delegations had stated that they would be happy to work on those three areas. Some had stated that they wanted to do this in the plenary. As the Committee would not be able to draft a detailed agreement in the plenary, the Delegation would like to know whether its proposal to give the Secretariat a general mandate to work on those three areas based on the joint proposal and to report on progress achieved as well as problems encountered in the next session would be acceptable.

391. The Delegation of Belgium, speaking on behalf of Group B, reiterated the need to clearly reflect the fact that work was already ongoing. The Secretariat had clearly indicated in document CDIP/11/4 and in its interventions that work was underway. Thus, there was no need to adopt or to clearly state that a proposal was adopted. It presupposed that work was not done previously. At that stage, the Group would not have a problem with the proposal if the Chair's language clearly reflected the fact that work was already being undertaken.

392. The Delegation of India, speaking on behalf of the Asian Group, did not see any problems with the second and third recommendations of the EU proposal. Further internal coordination was required on non-WIPO technical assistance. The Group reiterated that it did not know how non-WIPO technical assistance could be monitored by the Committee. The Group was flexible in terms of working in an informal group to reach agreement on a decision with regard to some of the elements included in the proposals.

393. The Delegation of the United States of America agreed with the statement made by the Delegation of Belgium on behalf of Group B on the need to account for both the lengthy discussions on this matter and recognize the Secretariat's significant efforts to develop and implement these recommendations. The Delegation referred to the proposal by the Delegation of Bolivia and stated that the Summary by the Chair could reflect the Committee's willingness for the Secretariat to review the website, compile pre-existing materials on technical assistance into a manual and review the technical assistance database. It should be kept very simple, open, and general.

394. The Delegation of Brazil, speaking on behalf of DAG, requested the Delegation of Bolivia to explain its proposal.

395. The Delegation of Bolivia stated that there were three sets of proposals. The first set was from the Delegation of the United States of America. The second was from DAG and the African Group, and the third was from the EU and its Member States. The Committee was trying to figure out how to move forward with the first set of proposals. These concerned the manual, WIPO website and the technical assistance database. In that regard, the Delegation had suggested that the Committee could give the Secretariat a mandate to work on those areas. This could be reflected in the Summary by the Chair. If this was done, Group B stated that it was also important to recognize that work was already ongoing with regard to those areas. The work to be undertaken by the Secretariat would be based on the elements mentioned in the joint proposal which were acceptable to all Member States. Thus, the Committee would give the Secretariat a general mandate to revise the website, manual and database in line with the said elements. The Secretariat would report on progress achieved and problems encountered in the next session. The Committee would then be able to discuss follow-up actions. The Delegation believed that the proposed mandate was the most appropriate way forward rather than engaging in line by line and word by word negotiations on what the Secretariat would do. The information was already included in the joint proposal. The Secretariat had taken note of the views and proposals put forward by the various groups. Thus, the Committee could give the Secretariat some flexibility. However, there must be a clear mandate for the Secretariat to work on those three specific areas based on the joint proposal. If Member States could agree on that, the Committee could move on to discussing the two other sets of proposals. The Committee could then see whether an agreement could be reached to move forward.

396. The Delegation of Brazil, speaking on behalf of DAG, supported the proposal by the Delegation of Bolivia. The Group would continue to engage in discussions on WIPO technical assistance.

397. The Chair would like to know whether the proposal by the Delegation of Bolivia was acceptable to all delegations.

398. The Delegation of Algeria, speaking on behalf of the African Group, was a little confused. The Group had intended to adopt proposals. It understood the proposal by the Delegation of Bolivia. It was a very simple way forward. Although the Group recognized that the Secretariat was going to take action, there was a need to formally recognize that other actions or activities were also required. This element was not included in the proposal. The Group noted that there was a lot of support for the proposal. The Committee recognized the work of the Secretariat and could move forward on the manual, website and database. However, other actions were also required. Although the Secretariat was working on these areas, it did not mean that their work should not be evaluated. Clarification was required with regard to the proposal by the Delegation of Bolivia. There was a need to recognize that other lines of action were worth examining. The Committee needed to move forward in that respect.

399. The Delegation of Bolivia fully agreed with the statement made by the Delegation of Algeria on behalf of the African Group. There was a need to recognize that work was being done. However, other lines of action were also required on the basis of the joint proposal. The proposal was for work to be carried out with regard to the manual, website and database. The Committee did not simply want to recognize what the Secretariat was doing and state that everything was fine. It would like to assess what was going on. Work had to be done on those three areas based on the joint proposal. That was the Delegation's understanding and believed it was shared by the Delegation of the United States of America.

400. The Delegation of the United States of America referred to the statement made by the African Group. The Delegation understood that there was a desire to adopt certain recommendations or certain actions for the Secretariat. However, the Delegation believed that

there was clear consensus on these three areas of further action and the Committee could easily conclude on that matter in the plenary. Thus, the Delegation recommended that the Committee recognize the Secretariat's familiarity with these issues and with all of the documents as well as its overall expertise in the field. The Committee should simply call upon the Secretariat to put together, as it saw fit, the manual and to review both its website and the database.

401. The Delegation of Nepal believed it would be good to provide the Secretariat with a mandate to proceed with work based on the joint proposal.

402. The Delegation of Belgium stated that it was taking the floor on behalf of the EU as Belgium was an EU member state. The Delegation provided clarifications on the EU proposals that were on the table. The Delegation referred to the EU proposal to compile best practices and lessons learned. There had been an interesting debate on best practices. Several Member States, including Spain and Sweden had provided information on their best practices in terms of technical assistance. As an EU member state, the Delegation was also interested in the inputs of other WIPO Member States. In this regard, perhaps the Secretariat could set a deadline for Member States to provide inputs. A debate on best practices and lessons learned could then take place in one of the next CDIP sessions. It would be up to Member States to decide whether or not they would like to provide inputs. The second EU proposal was on the improvement of external and internal coordination. There was a good discussion during the debate on this issue. The request was already partly met. Perhaps some other groups were willing to further engage in the discussion. As an EU member state, the Delegation could also live with the idea that was partly expressed by the Secretariat to further discuss improvement of external and internal coordination. The Delegation believed it was also part of the joint proposal (L1(b)). The Committee did not need to adopt this as it was already done by the Secretariat. The final EU proposal was on cost savings and efficiency. The debate on this was very interesting. It was only partially discussed. The Delegation referred to the ongoing external review of the WIPO Academy. It understood this would result in further budgetary implications. This would be reflected in the discussions in the PBC with regard to the 2014/15 biennium. As an EU member state, the Delegation was willing to look further into recommendations 9 and 13 in cluster B of the management response to improve cost savings and efficiencies. The Delegation believed the EU proposals had some merits.

403. The Delegation of the Dominican Republic, speaking on behalf of GRULAC, referred to the statement made by the Delegation of Belgium and stressed that it was very important for the compilation of best practices in technical assistance to be focused on WIPO.

404. The Delegation of Brazil, speaking on behalf of DAG, supported the statement made by GRULAC. The CDIP was a forum to discuss WIPO technical assistance. The Committee should not engage in discussions on non-WIPO technical assistance. The Group reserved its right to comment on the EU proposals at a later stage.

405. The Delegation of Belgium stated that it was taking the floor as an EU member state and not as the group coordinator. The Delegation fully understood the remark of the GRULAC coordinator that the Committee was discussing WIPO technical assistance. However, Member States that would like to provide inputs on how to improve WIPO's technical assistance should be free to provide the Committee with their inputs. The Secretariat could then compile them. This would be open to all groups. The Delegation also noted that DAG needed to further reflect on this.

406. The Delegation of the United Kingdom had listened very carefully to the discussion which was very useful. The Delegation was very glad to note that there was a common goal to improve WIPO technical assistance. Member States had managed to find a lot of areas of

convergence, especially after the EU and the United States of America were able to take on board many of the proposals by the African Group and DAG. It was also noted that a lot of work had been done or was in the pipeline. As mentioned by the Chair, it was time to wrap up this agenda item. In order to wrap up, the Committee needed to make a decision to allow the Secretariat to move forward with its very positive and good work. The decision should also be directed at the common goal mentioned earlier. Thus, the CDIP could request the Secretariat to consider those elements where there was convergence. The proposals could be merged, if agreed by all, as the proposals by the EU and the United States of America were based on the joint proposal by DAG and the African Group. The elements could be enumerated and appropriate actions could be taken according to the usual practice. The Secretariat had indicated that a lot of positive work had been done. Of course, there was room for improvement. Thus, the Committee would like the Secretariat to continue its work, including through decisions that could be made at CDIP 11. The Delegation believed that something along the proposed lines could serve as a concrete outcome. The Committee would request the Secretariat to undertake a lot of new work.

407. The Delegation of the Islamic Republic of Iran referred to the EU proposal and stated that there was a lack of clarity with regards to the providers and the type of technical assistance that was provided. It was also not clear as to who would monitor and evaluate the technical assistance providers. The Delegation believed that the CDIP deliberated on WIPO technical assistance. The Delegation has some observations on non-WIPO technical assistance.

408. The Delegation of Spain echoed the comments made by the EU on non-WIPO technical assistance. The Delegation had given a presentation on the ongoing technical assistance offered by Spain. The delegation found it difficult to understand why some delegations did not want to take into account good practices in non-WIPO technical assistance. WIPO should not focus only on its own activities. It should be open to the idea of looking at good practices and experience garnered elsewhere in this regard. It should learn and extract as much as possible from what was happening elsewhere. That was the best way to improve.

409. The Delegation of Algeria, speaking on behalf of the African Group, reiterated that it had been clear on restricting the discussion to WIPO technical assistance. The Group had lengthy discussions on the possibility of including what goes on in countries in the Secretariat's work and it was not in a position to take those activities into account. It should not be reflected in the Summary by the Chair or anywhere else. The issue was not within WIPO's remit. Member States were free to engage in any activities they desired. The Group recognized that a great deal of work was carried out by a number of EU countries. African countries were sometimes involved in that work. However, the Group did not want to get into a discussion that would lead to an assessment of such technical assistance. The EU was referring to best practices. A discussion on best practices would require an assessment to identify those practices that were the best. The Group did not believe that WIPO had a mandate to do so. The Committee should not discuss technical assistance undertaken by individual countries. The Group referred to the EU's spirit of compromise. It should be recognized that the Group was not willing to accept the EU proposal on this issue. The Group referred to the proposal by the Delegation of the United Kingdom and made three suggestions which were of utmost importance to the Group. It would like these to be included in the Summary by the Chair. The Group referred to its request to adopt a number of recommendations. Although there was no agreement to adopt those recommendations, the adoption of recommendations on technical assistance was very important for the Group as it had legal strength. Thus, the Group would like this to be included. The Secretariat did a great deal of work on technical assistance. It was important to recognize and thank the Secretariat for its work. Lastly, the Group believed some activities were worth taking forward. The Group would join a consensus on activities which the Committee would request the Secretariat to carry out on the basis of the joint proposal, the US proposal and the

EU proposal with the exception of the issue on non-WIPO technical assistance mentioned earlier.

410. The Delegation of the United States of America agreed with the interventions made by the Group B coordinator and the Delegation of the United Kingdom. The Committee was again venturing into territory where it would undoubtedly get mired in terminology, whether to formally adopt or not adopt. However, the Committee must take into account the compromise that had evolved, as noted by the Delegation of Algeria, and focus on moving forward with the Secretariat implementing these recommendations which in the end was the important action to be taken.

411. The Delegation of South Africa supported the intervention by the African Group. The Committee was dealing with WIPO's technical assistance in the area of cooperation for development. Thus, the Delegation did not understand why the Committee should get into a debate on non-WIPO technical assistance. The Committee should not discuss non-WIPO technical assistance as it was not part of the overall mandate. Its mandate was to assess WIPO's technical assistance.

412. The Delegation of Angola supported the statement made by the Delegation of Algeria on behalf of the African Group.

413. The Delegation of Egypt supported the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation did not want the Summary by the Chair to include non-WIPO technical assistance.

414. The Delegation of Bolivia believed there was an agreement on those three areas. It was very positive that the Secretariat would work on these. The reports, proposals and recommendations remained on the table and the Committee would continue to discuss them. These included the EU proposal which had only just been circulated in written form. Delegations would need some time to carefully read it through. For example, the EU's proposal on best practices was linked to A3 of the joint proposal. This was incorrect as A3 referred to the development of a draft policy on how WIPO should plan and organize training activities and events. This EU proposal was more related to the development of guidelines in A1. The Committee could draw inspiration from these in developing guidelines that could be used by the Secretariat. The Delegation stated that it was interested in some areas. These included, for example, the EU's proposal on internal and international coordination. The Delegation needed more time to look into this. It would come back with a written proposal. The Delegation understood that the Committee had not completed its discussions on technical assistance. The discussions would continue. The Committee would continue to work on the three said areas but its mandate was much broader. The Delegation recalled that apart from the EU proposal, a list of recommendations was also put forward by DAG and the African Group the day before. The Delegation would like the Committee to reach an agreement on those recommendations. Some concerns were expressed by Group B. The Delegation would like delegations to comment on the list. This would assist in working out how the Committee could agree on these when it had an opportunity to discuss them at a later stage.

415. The Delegation of Ireland, speaking on behalf of the EU and its Member States, referred to non-WIPO technical assistance and stated that their interest was to benefit from the lessons learned in areas such as bilateral technical assistance as demonstrated earlier in the week. They did not want to suggest that they wanted to control activities in any way. They wanted to learn and develop from other areas if possible. They could also accept the comments by the Delegation of Bolivia in relation to the error in reference to A3 in their first proposal.

416. The Delegation of Belgium referred to the EU proposal on best practices. The Committee could benefit from some bilateral input in terms of best practices. Best practices involved two sides, the side that provided technical training and the side that received training. Best practices required a balance between them. The Delegation also took note of the comments made by the Delegation of Bolivia that the Committee could look further into the proposal in a future session. The Delegation, speaking on behalf of Group B, then referred to I3 and J1 of the joint proposal. The Group had examined the list quite carefully, including these two recommendations which seemed to be of interest to the proponents of the joint proposal. The Group reiterated that it had some concerns with regard to these recommendations. The Group referred to I3 and stated that it provided very limited scope for action. However, there was a footnote which referred to page 86 of the Deere-Roca report. That page of the Deere-Roca report contained several headings, including "Improve Development Orientation", "Emphasize Consultative Processes for the Formulation of Strategies", "Boost External Coordination" and "Review, Evaluate and Coordinate WIPO's Activities on IP Strategies". Perhaps clarification could be provided later-on with regards to the headings that were applicable to that recommendation. The Group reiterated that it had some concerns. It was one thing to just look at paragraph I3. The Deere-Roca report referred to something that was much bigger. Although the report was written by highly respected academics, it was not a holy script. With regard to J1, the Group noted that the section was quite short. However, it contained several recommendations. Page 101 of the Deere-Roca report also included the suggestion for external experts to conduct an in-depth review. The Group enquired as to whether this was really necessary. There was a difference between paragraph J1 and what was written in the Deere-Roca report. The Group never accepted the whole Deere-Roca report. Although it was interesting, the report was written by outsiders. The Secretariat was in an excellent position to determine what was manageable or not manageable. The Committee had a good and constructive discussion. It would look further into these items.

417. The Delegation of the United Kingdom believed that an agreement could be reached. The Delegation highlighted the need to draw a distinction between the report of the meeting and the Summary by the Chair. The report factually reflected what was said in the room. The views expressed by the various groups were usually reflected in the report. The Summary by the Chair included the areas of convergence and future steps. The Committee was fortunate enough to find those areas. Thus, the Committee should not continue with the discussion. It should move forward with the clear idea that there was convergence and future steps would be taken in the context of the decision.

418. The Chair noted that the Committee had managed to clearly agree on specific areas and this may lead to an agreement. However, the Committee still needed to agree on the approach to the other recommendations which were still on the table. The Chair sought the views of delegations on time management as there were other agenda items that needed to be discussed before the meeting could be concluded the next day.

419. The Delegation of Bolivia referred to the comments made by the Delegation of Belgium and stated that they were very helpful. On the approach to the other recommendations on the table, more time was required during the session to see if the Committee could agree on other areas. The Delegation had stated at the very beginning that although the three areas were highly valued, it believed the Committee could go beyond and agree on additional areas. The Delegation was firmly convinced that there were other areas of convergence. On I3, the Delegation understood the comments that were made. The comments referred to the recommendations of the Deere-Roca report. The Delegation understood that these were not fully reflected in I3 and there were concerns. The Delegation recalled that I3 was already being implemented. The Secretariat had made available the tools for developing IP strategies. Thus, taking into consideration the comments made by the Secretariat that it would be happy to receive comments from Member States, the Committee needed to look at whether it could reach

an agreement for Member States to provide comments on the tools that were made available. This could be reflected in the Summary by the Chair. In other words, the Committee would request Member States to provide their comments on the tools. The comments could contribute towards the strengthening of the tools. The Delegation was not trying to start negotiations on the tools. Member States would only be requested to provide comments. This was a very specific task. This would allow the Committee to go beyond the three said areas of convergence. It could be done during this session. The Delegation referred to J1 and acknowledged that it was more ambitious. A system that would enable interested Member States to voluntarily upload and make available the content of the legislative advice received from WIPO could be extremely useful. The Delegation understood the comments made by the Delegation of Belgium on behalf of Group B. At this stage, J1 was not linked to the external review. A flexible system could be developed at low cost. Concerns had not been expressed in this regard. The delegation believed the Committee could agree on J1 to increase the level of ambition with regard to the agreements that could be reached in that session. If there was no time, the Committee could discuss this in the next session. The Delegation would like to hear substantive arguments against the creation of a system on the WIPO website. Otherwise, the Delegation was sure the Committee could agree on it.

420. The Delegation of Algeria, speaking on behalf of the African Group, believed that the Committee had agreed on a number of recommendations. However, that did not mean that it could not go further. The Committee must certainly go further. It had started so well. The exercise should continue in future sessions. Technical assistance would continue to be an important area for the Group. The Group believed there were areas of convergence with regard to other recommendations, particularly under category L (Coordination) of the joint proposal. The Group noted that the EU agreed that there were measures that needed to be adopted to improve internal and internationally coordination. This was reflected in the EU's proposal. Thus, this was another area that could be agreed on during the session. The Group supported the comments made by the Delegation of Bolivia on the other recommendations.

421. The Delegation of the United States of America referred to the expression, "let us not allow the perfect to be the enemy of the good". The Delegation was concerned that while there seemed to be convergence around three areas, that convergence did not exist in the area of WIPO moving forward on other actions and the small amount of convergence on those three issues appeared to be slipping. At that point, the Delegation did not know whether it should respond to the question raised by the Delegation of Bolivia. The Delegation certainly had concerns with respect to J1. It would not be appropriate for WIPO to host a website that allowed Member States to upload information on the consultative and confidential provision of legislative advice by WIPO. Member States may feel pressure to reveal sensitive information and be less confident in their ability to securely consult with WIPO on a confidential basis. The delegation did not see any value in this proposal because the provision of legislative advice was very much tuned to the particular needs of a specific country, their legislative background and their legislative history. Thus, it seemed strange that any other country would be able to adopt or take on advice provided to a Member State with a completely different legal system. Thus, the Delegation did see problems with J1. In addition, the Delegation believed there had been no discussion of any consensus around L.

422. The Delegation of Canada wholeheartedly supported the intervention by the Delegation of the United States of America, particularly with respect to J1. The Delegation also had concerns with requiring the Organization providing the advice to also facilitate its exchange. As a matter of best practice, it would not be prudent for the Organization to be involved in that matter.

423. The Delegation of Bolivia understood that it was mistaken. There did not seem to be a convergence on J1. However, the Delegation believed that the Committee could agree to invite Member States to provide comments on the tools to develop national IP strategies. The

Delegation also agreed with the Delegation of Algeria that category L on coordination was closely linked to the second bullet point in the EU's proposal. The Delegation believed that an agreement could also be reached on that. At this stage, the Delegation would like to know whether there was any opposition to the suggestion for Member States to provide comments on the tools used to develop national IP strategies. At the last session, the Committee agreed that the tools should be made available to the public. This was done by the Secretariat. The Delegation believed it would be good to give Member States an opportunity to provide their comments. The Delegation enquired as to whether the Committee could also agree on that.

424. The Delegation of Brazil, speaking on behalf of DAG, noted that many delegations had referred to the growing convergence on three items. The Group understood that there was a need to just discuss the form in which those proposals would be implemented. The Group suggested that informal consultations be held that afternoon on the other items of the joint proposal that it had shortlisted. The Committee could make use of the growing convergence and work on the rest of the document that afternoon.

425. The Delegation of Georgia had reservations on F4. The recommendation stated that all development cooperation activities should be channeled through the Geneva based missions. There may be situations whereby the diplomatic missions were very small with no IP or WIPO dedicated staff and the major role was played by the national IP offices. For instance, in the case of Georgia, the national IP office had direct and very effective communications with WIPO when it came to organizing joint activities or IP related training. The mission was very supportive. The IP office worked very closely with the mission. The patent office also had powers to represent the country in WIPO on all IP-related policy matters. Thus, F4 restricted the modes of communication with regards to development cooperation activities. It determined that the focal points of communication for such activities should only be the diplomatic missions. This was not convenient for the Delegation.

426. The Delegation of the United States of America wholeheartedly supported the comments just made by the Delegation of Georgia. In its experience as a technical assistance provider, the country that was receiving technical assistance was required to express its interests and desires. Technical assistance should remain demand driven. It was very difficult to see how technical assistance could be demand driven if all communication had to go through the Geneva based missions. The Committee should not prescribe how individual Member States communicated with WIPO. That seemed entirely inappropriate. With regard to I3 on IP policies and strategies, the Delegation had a question for the Secretariat. The Delegation of Bolivia stated that this matter was concluded or discussed at CDIP 10. The Delegation's notes did not include any information indicating that there was a conclusion at CDIP 10 on this matter. However, the Delegation wanted to ask the Secretariat whether it had already made publicly available a description of the process used to develop national IP strategies. With respect to that general description and inclusion of any commonly used tools or methodologies or documentation, the Delegation would not have an issue with the Secretariat making that information public. However, if the Secretariat was required to make public any information about how individual Member States developed their IP strategy in consultation with WIPO that would be a problem for the Delegation.

427. The Secretariat (Mr. Onyeama) stated that the methodologies for developing national IP strategies were made available and shared amongst the Member States.

428. The Delegation of Belgium, speaking on behalf of Group B, stated that the Committee could be proud of what had been achieved. On the question as to whether the Committee should engage in further discussions that afternoon, the Group believed that the Committee had achieved a tangible outcome. There was some convergence. It would be reflected in the Summary by the Chair. The Group understood that there were some other agenda items which

required discussion. Thus, perhaps the Committee could move forward and look into other topics that were higher on the agenda. The Group took note of the comments made earlier that this was an ongoing discussion. The Group had made the point that the discussion had been going on for a while. However, the Group understood that other groups would like to return to it in the next session.

429. The Delegation of Australia aligned itself with the comments made by the Delegation of Georgia and the Delegation of the United States of America with regard to F4. The Delegation also did not believe it was appropriate for the Committee to compel the Secretariat to route development cooperation activities through Geneva based missions. The Delegation recalled that the Secretariat had made a similar comment the day before in relation to WIPO focal points. The Delegation also endorsed the comments made by the Secretariat in that regard.

430. The Delegation of South Africa had a different view on F4. In accordance with the law in South Africa, WIPO should communicate with its mission in Geneva and not directly with the IP office. The IP office received the communication from the Minister of Foreign Affairs. Thus, WIPO could not communicate directly with the IP office. The Delegation supported F4 as it was relevant to South Africa.

431. The Delegation of Vietnam supported the Delegations of the United States of America and Australia on the channels for communicating needs to WIPO. In Vietnam, the IP office was responsible for compiling the country's needs. It was also responsible for implementing the cooperation activity with WIPO. There should be direct communication between IP offices and WIPO to expedite matters. However, this could be incompatible with the legislation of some countries such as South Africa. Thus, the Delegation proposed that it should be left to each Member State to designate an agency in this regard.

432. The Delegation of Canada aligned itself with the comments made by the Delegations of Georgia, the United States of America, Australia and Vietnam. F4 could potentially interfere with how Canada provided its development cooperation activities with WIPO and act as more as an inhibitor rather than a facilitator. The Delegation agreed with the Delegation of Vietnam that Member States should be left to determine how best to create this dialogue with WIPO on their own.

433. The Delegation of Egypt fully agreed with the comments made by the Delegation of South Africa. In the case of Egypt, communication was through its permanent mission in Geneva rather than the IP offices in order to ensure that it was line with national legislation.

434. The Delegation of Bolivia referred to national IP policies. It was particularly interested in this issue. If there were no objections, this could be included in the Summary of the Chair. In this context, it could be noted or recalled that the methodology was made available to the public. It could also be stated that comments by Member States on the methodology were welcomed.

435. The Delegation of Brazil, speaking on behalf of DAG, referred to F4 and stated that the aim was to establish focal points in Geneva to facilitate work on technical assistance. The Group understood that some delegations had raised concerns. A discussion could be held on F4, perhaps in the informal consultations. The Group requested the Chair to focus work on the areas of convergence.

436. The Delegation of the Islamic Republic of Iran supported F4. In accordance with its national regulations, communication should be routed through its permanent mission in Geneva.

437. The Delegation of India referred to F4. Perhaps a way forward would be for the Secretariat to send a copy of the communications sent directly to capital based organizations, IP offices or ministries to the Geneva based mission to keep it informed. In most Asian countries, clearance by the mission was required with regards to the organization of events in the country by international organizations, external experts and others. The agencies would need to contact the mission for clearance to be sent. The mission may not be aware of the event and would need to contact the Secretariat for information. Thus, it was important to keep the missions informed. The Delegation supported this. It also supported the Delegation of Brazil's proposal for the Committee to try to reach a consensus on some elements of the proposals that were on the table and to take a decision in that regard. If necessary, informal consultations could also be held.

438. The Delegation of the United States of America referred to the interventions by the Delegations of Georgia, Vietnam, Iran and South Africa, and highlighted the need for WIPO to permit Member States to decide, as sovereign states, how they wanted to direct their communications with WIPO. It was outside the responsibility and the purview of the Committee to dictate how Member States individually communicated with WIPO. Although some delegations seemed to think that there was some sort of consensus on this item, the Delegation underlined that there was no consensus on its part to agree to this particular matter. However, the Delegation believed that it was really important for the Committee to reach some action or some decision and to ask the Secretariat to take some steps in the intersession. If there was agreement towards implementing certain recommendations, then the Committee should reach a decision on those recommendations in this session. If the Committee did not agree on this basic principle that it should reach conclusion on certain recommendations, the Delegation believed there were still three where there was a consensus, then it was not a good use of the Committee's time to start discussing additional recommendations even in informal consultations. There was consensus on three general recommendations. Seeking to do more in this session was contrary to its purposes.

439. The Delegation of Mexico supported the comments made by the Delegations of the United States of America, Australia, Vietnam and Canada on F4. It should be left to each country to decide as the laws and practices in each country may differ.

440. The Delegation of Belgium, speaking on behalf of Group B, noted that there seemed to be an agreement that Member States disagreed on F4. Thus, it could be left for another time. The Committee should be satisfied with what was achieved. It was quite a lot and there were other more pressing matters to deal with.

441. The Delegation of Angola supported F4 as its national legislation required communications with WIPO to be routed through its mission in Geneva.

442. The Delegation of Italy referred to F4 and supported the comments made by Delegations such as the United States of America, Canada and Mexico that it should be left to Member States to decide how they wanted to direct their communications with WIPO. It was not appropriate for the Committee to discuss this issue.

443. The Delegation of Trinidad and Tobago agreed with the statement made by the Delegation of Mexico on F4. The Committee had just discovered that national laws may differ on this issue. Thus, it was up to each country to decide on what it would like to do. The Delegation saw this as the only reasonable way to address this issue.

444. The Delegation of the Russian Federation recalled that it had on a number of occasions stated that it was generally satisfied with the Secretariat's activities with regard to technical assistance. The measures that were taken in relation to this item on the Committee's agenda

item did fall within the framework of WIPO activities. The Delegation also agreed that further work on recommendations to improve WIPO technical assistance was necessary. The Delegation was willing to work on the basis of the proposals that were made. The Delegation believed that there were certain stumbling blocks. However, there was general agreement on the possibility of developing specific texts on three recommendations. At this stage, perhaps the Committee should focus on those texts in order to reach agreement on recommendations where there was consensus. On F4, the Delegation did not find any difficulties with the current drafting of this point. The Delegation agreed that each state should decide on the way in which it intended to communicate with a particular organization. However, the Committee should also take into account the need expressed by some countries for permanent missions to be kept informed of the activities that were carried out in their respective countries. F4 could be reworked in order for these aspects to be reflected.

445. The Delegation of Pakistan referred to F4. The problem was that the Secretariat often provided advice or conducted activities specifically with IP offices with a narrow focus on IP without a balanced approach. Although delegations had confidence in the Secretariat, the Delegation believed that in all countries, the national IP office was the implementing agency. The activities were not implemented by the Ministry of Foreign Affairs or the Geneva-based missions. However, the missions participated in the regular WIPO meetings that were held in Geneva. Funding support was provided with regard to the participation of IP offices from the regional groups on a rotational basis. It was not possible for the IP offices in all countries to be present in every WIPO meeting. At times, there was a lack of communication among the three entities, i.e. WIPO, Geneva-based missions and IP offices. For example, a country that was very supportive of the technical assistance that WIPO was carrying out had conducted an activity. However, its permanent mission in Geneva was absolutely unaware of the activity that was being held in Geneva with WIPO's collaboration. The Delegation fully agreed that every country had a sovereign right to decide on the appointment of a focal person. This could be its Geneva-based mission, IP office or any other entity. However, there should not be any objection to copying all communications to be Geneva-based missions. The Delegation did not see any reason why the mission should not be copied. This action was already being undertaken by the Secretariat for most of its communications. With respect to Pakistan, at times, the communication was copied to the permanent mission and there was also direct communication with the mission. As mentioned by the Delegation of India, a clear way out would be for communications to be copied to the permanent mission in Geneva.

446. The Delegation of Canada suggested that the Secretariat could create a list of contact points for WIPO technical assistance activities. Member States could submit the relevant contact points as they saw fit and it would be up to Member States to provide updates. That way the information could be transmitted to the relevant missions or offices.

447. The Delegation of Algeria referred to F4 and stated that the permanent mission had a role to play. The Delegation noted that there were different practices. The Delegation agreed that there was no consensus whatsoever on that recommendation. The Delegation referred to the comment made by the Delegation of the Russian Federation that F4 could be reworked. The objective was not for the permanent mission to act as a focal point but rather for the information to be routed or disseminated through the permanent mission. Thus, F4 could be redrafted. The Committee could look at it again in the next session. The Delegation, speaking on behalf of the African Group, noted that there were no objections to the recommendation on IP strategies. Thus, the Committee could move forward with that. The Group also did not note any objections with regard to the EU proposal on coordination. Thus, that could also be an area where the Committee could plan some activities that were in line with the joint proposal and the EU proposal on internal and external coordination.

448. The Delegation of Belgium, speaking on behalf of Group B, stated that it had heard an interesting proposal from the Delegation of Canada on F4. Further information and proposals had been put forward. There was a need to coordinate further on them. The question was when this should be done. The Group noted that the Committee still had a very heavy agenda to go through. The Group noted that there were some other proposals where it could be possible to move forward. Thus, the Group suggested that the Committee could agree to disagree. Those items and proposals were important. Thus, the Committee needed to get back to them. However, at that point, the discussion on those could stop in view of the fact that delegations still disagreed on them.

449. The Delegation of India, speaking on behalf of the Asian Group, referred to F4 and stated that it did not see any problem in giving countries the flexibility to appoint a focal point in any agency. The Group believed it would not be a burden for the Secretariat to copy the permanent mission in Geneva in communications with the focal point. It would only require adding the email address of the permanent mission to the communication. The Group did not see any problem with that.

450. The Delegation of the United States of America had followed the discussion on F4 with great interest but noted that if the Committee continued with the discussion on F4 and all of the other outstanding recommendations in the joint proposal, it ran the risk of losing the consensus reached on the previously discussed three recommendations on the website, the manual and the technical assistance database. The Delegation fully expected the Committee to finish its work the next day at 6 p.m. The Delegation asked the proponents of the joint proposal whether they were willing to accept no outcome on a few of the recommendations because they felt it was more important to discuss all of the recommendations.

451. The Delegation of Bolivia believed there was an option to add to those three recommendations. The Delegation referred to the suggestion by the Delegation of Canada and stated that this was standard practice in many bodies. The idea seemed to be appropriate and could be included. The proposal by the Delegation of India could also be included. It would not impose anything on anyone. It would be far too authoritarian for the Committee to require all communication to be passed through the mission. The proposal merely required a copy to be sent to the mission. The Delegation believed an agreement could be reached on that without endangering the agreements that were previously reached. With regard to the follow up on IP strategies, Member States could be invited to provide contributions. The Delegation was open to working on internal and external coordination. Efforts could be made to merge the EU proposal and the joint proposal in this regard. It was not necessary for this to be adopted at that moment. More work was required. Perhaps the Committee could return to it later-on.

452. The Delegation of Brazil, speaking on behalf of DAG, reiterated the understanding that there was important common ground. However, there was much more to be discussed. The Committee must work on the Summary by the Chair but other items should also be discussed. The Group reiterated its willingness to discuss in an open ended manner, in informal consultations, text based on recommendations drawn from the short list of the joint proposal.

453. The Delegation of Switzerland referred to F4 and emphasizes that it was not a matter of whether or not it could be done by the Secretariat. This was an internal organizational matter. The communications between each Member State and WIPO were important. Member States were sovereign states and they made sovereign decisions. The Committee's mandate was not to discuss and decide on these matters or to decide on a channel of communication between a Member State and WIPO or to decide whether certain entities of a sovereign state should be systemically informed about decisions and information that was communicated between WIPO and a Member State. This was an internal decision to be taken by Member States. It was not up to the Committee to decide on that.

454. The Delegation of the Dominican Republic, speaking on behalf of GRULAC, referred to F4 and stated that there did not seem to be a consensus. With regard to national IP strategies, in future sessions, the Group would like the Committee to go further into the implementation of the strategies in countries where these had been developed. Although the methodologies and tools were described in some documents, the Group would like to know more about implementation. The Group would like this to be included in the technical assistance activities of the Organization.

455. The Delegation of Guatemala referred to F4 and supported the statement made by the Delegation of the Dominican Republic. The Delegation would like to discuss the implementation of national IP strategies in the next few sessions. This was a crucial area and the discussion could assist in the strengthening of the IP systems in the respective countries.

456. The Delegation of Cameroon referred to F4. In the case of Cameroon, the permanent mission had requested the technical ministries concerned with IP to designate focal points. The mission would send information to the focal points. Perhaps in countries where information was passed through the permanent mission, the idea of focal points could be proposed to IP offices.

457. The Chair suggested that the three areas where there was consensus could be included and reflected in the Summary by the Chair. He believed further consultations were required on the other recommendations in the joint proposal and in the EU's paper. Perhaps the Committee should continue discussions on those matters in the next session. The Chair enquired as to whether this was acceptable to the delegations.

458. The Delegation of Bolivia would like to know whether comments from Member States on national IP strategies could be reflected in the Summary by the Chair. The Delegation did not hear any opposition to this. This was also an area where the Committee could move forward step by step. It would serve as a step forward in that regard. The summary could state that comments from Member States on national IP strategies would be welcomed.

459. The Chair recalled that the Secretariat has also provided a response to this issue.

460. The Delegation of Belgium, speaking on behalf of Group B, referred to the last point made by the Delegation of Bolivia. It was not more than fair to reflect the fact that the Committee had discussed them. However, the Group did not know whether it was necessary to include a request for comments as several delegations would like technical assistance to be discussed in the next session. Thus, the whole debate would continue. The Group understood that it was important. It was confident that IP strategies would come up again. Thus, there was no need to request for a special follow up.

461. The Chair concluded the discussions on this point with the course of action that he had proposed. The Secretariat would work on the text. It would be shared with delegations soon.

#### Consideration of Document CDIP/11/3 - Feasibility of Integration of Millennium Development Goals (MDGs) Related Needs/Outcomes into WIPO's Biennial Results Framework

462. The Chair opened discussions on document CDIP/11/3 and invited the Consultant to introduce the document.

463. The Consultant (Mr. O'Neil) presented the highlights of the study. At its tenth session, the Committee had requested the Secretariat to look into the feasibility of integrating MDGs-related needs/outcomes into WIPO's program planning processes and to report on the steps taken by WIPO to refine the reporting of its work in this area. The request was based on a previous

study discussed at the eighth and tenth sessions of the Committee. Although the role of IP in contributing to the MDGs was not specifically mentioned in the MDG targets, goals and indicators, the most explicit links between WIPO's activities and the MDGs could be seen in the innovation / technology-related targets of MDGs 1 (eradicate extreme poverty and hunger), 6 (combat HIV/AIDS, malaria and other diseases) and 8 (develop a global partnership for development). It was generally considered that WIPO's work could contribute to the MDGs in those areas. The previous study presented in the eighth and tenth sessions of the Committee included several findings. WIPO, as a specialized agency with a specific mandate, could not easily show a correlation between its work and the high level nature of the MDGs. There were many actors that contributed to achieving the MDGs and it was extremely challenging to isolate the contribution of WIPO to these goals. The role of international agencies was to support national processes in achieving the MDGs. As such, measuring any agencies' contribution at the global level was potentially misleading. A direct causal relationship could not be established between WIPO's activities and the MDG indicators. It should be accepted that progress / contribution by WIPO towards science, technology, innovation (STI) and IP-related needs / outcomes translated into WIPO contribution to the MDGs. The most credible way to assess WIPO's contribution to the achievement of the MDGs was through an assessment based on the Organization's RBM framework. While supporting the notion that any assessment of WIPO's contribution to the MDGs should be based on WIPO's RBM framework, the Consultant believed that the introduction of specific MDG needs, outcomes or indicators would be an artificial level imposed on the existing RBM framework. However, WIPO's contribution could still be assessed through the link between WIPO's Strategic Goals / Expected Results and selected targets of the MDGs. Essentially this involved selecting the most relevant Strategic Goals and Expected Results of WIPO's RBM Framework, matching them to the relevant MDGs targets and then calculating the extent of achievement of the Expected Results based on the performance data collected. The nine MDG needs/outcomes identified in the previous study were linked to six targets for MDGs 1, 6 and 8. The Consultant supported the previous findings that WIPO's contribution could best be demonstrated in relation to those targets. The study included a table which illustrated the matching of the three MDGs and six targets to the Strategic Goals of WIPO's RBM framework. Based on this methodology, an examination of the draft 2012/13 RBM framework indicated that 14 Expected Results out of a total of 60 from six out of eight Strategic Goals had a credible link and contribution to the MDGs. It should be noted that although WIPO contributed mainly to three MDGs and six targets, it also contributed to the other five MDGs, albeit to a lesser extent. In addition, the limitation of this methodology was that a cumulative assessment of WIPO's progress towards achieving relevant Expected Results for a given MDG target would not necessarily indicate the total contribution of WIPO towards the target. For example, given the mainstreaming of LDCs within WIPO's activities in the past years, some areas of contribution may not be measured. However, the methodology had the advantage of measuring WIPO's contribution at the level of results and not at the level of programs or activities. This corresponded to the Committee's request to focus on the actual as opposed to the potential contribution of WIPO. The study contained an analysis of those 2008/9 and 2010/11 Expected Results and performance where there was a credible link and contribution to the three MDGs. It indicated that the global performance from 2008/9 to 2010/11 of relevant Expected Results that contributed to MDG targets had increased from 50 per cent to 70 per cent for the "Fully Achieved" rating. This was based on the performance data of the PPR and its "Traffic Lights" system of rating (from "Not Achieved" to Fully Achieved"). The overall findings for 2008 to 2011 were positive with a clear improvement seen in WIPO's contribution over time. The study examined the feasibility of integrating MDG needs / outcomes within WIPO's RBM framework and concluded that the most appropriate approach was to focus on identifying those Expected Results that could be demonstrated as making a contribution to a select number of MDG targets. It was not necessary to introduce an additional set of MDG indicators to the RBM framework. WIPO's contribution could be assessed through the reported performance on the Expected Results relevant to the given MDG targets. WIPO was encouraged to adopt this methodology and undertake the same assessment when the performance data was available

for 2012/13. This would then allow WIPO and the CDIP to have an overview of the major areas where WIPO contributed to the MDGs. WIPO also had to consider that efforts to assess its contribution to the MDGs would only be relevant for the next two years as the deadline for the MDGs was 2015. Thus, WIPO should focus on contributing and participating in the creating of the development goals that would succeed the MDGs from 2015 onwards. WIPO had started participating in the relevant forums to contribute to these new development goals. As WIPO was involved in the creation of those goals, its ability to measure its contribution should be more feasible than for the MDGs.

464. The Delegation of Brazil, speaking on behalf of DAG, stated that the MDGs were a core issue for the UN system. WIPO, as a specialized UN agency, needed to integrate the initiatives developed by the UN to fully implement the MDGs. The Group noted the actions that were taken. These included WIPO's participation in the MDG Gap Task Force, as requested by the CDIP in its previous sessions. However, there was still room for improvement. Adequate tools were required to monitor and assess WIPO's contribution to the realization of the MDGs. Without a proper methodology, it may be difficult to make decisions and to assess whether or not the IP system administered by WIPO supported the MDGs. The Group and other Member States had raised concerns on the use of Program Performance Reports (PPRs) as a means to assess WIPO's contribution to the realization of the MDGs. Member States had concluded that the PPR was a self-assessment report by the Secretariat. As such, it was not desirable to rely on PPRs to assess WIPO's contribution. The feasibility study contained in document CDIP/11/3 concluded that it would not be feasible to create specific indicators related to the MDGs within the RBM framework. Member States had already raised concerns on the use of PPRs as a reference. Other solutions should be found. The development of specific indicators could be explored. An external group of experts or a working group comprised of interested Member States could be formed to discuss options in that regard. The Secretariat could also prepare an information document on how other UN agencies assessed their contributions to the MDGs. The document could be presented in the next session of the CDIP. These could assist the Committee to make decisions in this area.

465. The Delegation of the United States of America appreciated the detailed work of the Consultant in analyzing how WIPO's MDG related results could best be measured using the RBM framework. The Delegation agreed it was a major advantage that WIPO's contribution could be measured at the level of results and not just at the level of programs and activities. The Delegation appreciated that the Consultant had carefully built upon the work done in the previous study on this topic at CDIP/10 by Mr. Sisule Musungu and based his assessment of the links between WIPO's activities and the MDGs on key documents, i.e. the Millennium Declaration, the Sachs Report, and the STI Task Force Report, as did Mr. Musungu before him. Using this information, the Consultant had developed a useful methodology by which key MDG goals and targets that WIPO played a role in achieving could be tracked and measured, using the results reported in the RBM. As the Consultant clearly stated, the introduction of separate MDG indicators would not be advised for the various reasons that he laid out in his paper. Both he and Mr. Musungu had identified that there was no direct causal relationship between WIPO's activities and the MDG targets. Instead, several key documents, as listed above, had been used to identify that WIPO's role was most explicitly linked with MDG 1, 6 and 8. These three MDG goals and their underlying targets could be clearly linked to several WIPO goals and results. Specifically, in 2012/2013, six WIPO goals and 14 sub-results could be measured to show progress on the three targeted MDGs. This analysis would be able to provide a very concrete assessment of WIPO's contribution to the achievement of the MDGs, which both Mr. Musungu and Mr. O'Neil had indicated in their documents to be quite substantial to date.

466. The Delegation of Belgium, speaking on behalf of Group B, took note of document CDIP/11/3. The Group recalled that previous studies in this context had failed to establish a

direct relationship between WIPO's activities and the broad MDG indicators. However they had also clearly highlighted how WIPO indirectly contributed to the achievement of the MDGs. The Group was glad to note that the current study explicitly acknowledged that it was not necessary, for a variety of reasons documented by the author, to introduce an additional set of MDG indicators into the existing and well performing RBM framework.

467. The Delegation of Ireland, speaking on behalf of the EU and its Member States, noted document CDIP/11/3. The EU and its Member States welcomed Mr. O'Neil's conclusions. It was not necessary to introduce a separate set of MDG indicators into the existing RBM framework. WIPO's contribution to the MDGs could be assessed through the links between WIPO's strategic goals and expected results and selected targets of the MDGs. This approach ensured that there was no duplication of resources in tracking WIPO's contribution to the achievement of these laudable goals to eradicate poverty and to save lives.

468. The Delegation of Algeria, speaking on behalf of the African Group, recalled DA recommendation 22 which stated that "WIPO's norm-setting activities should be supportive of the development goals agreed within the United Nations system, including those contained in the Millennium Declaration." Document CDIP/11/3 contained a study that responded to the request by the 10th session of the CDIP to explore the feasibility of integration of MDGs-related needs / outcomes into the WIPO program-planning phase, and the development of specific indicators measuring contribution to the MDGs; and report on the steps taken by WIPO to refine the reporting of its work and contribution to the MDGs on the dedicated webpage by providing more credible and concrete results drawn from the performance data in the relevant PPRs and the MDG-specific indicators. The CDIP had made this request following discussions on a study by an external Consultant which assessed WIPO's contribution to the achievement of MDGs (CDIP/10/9). That study had recommended introducing MDG related needs / outcomes into the formulation of expected results and performance indicators. However, the feasibility study did not agree with all the recommendations of the external Consultant. It stated the following, "the introduction of specific MDG needs, outcomes or indicators would be an artificial level imposed on the existing RBM framework. However, WIPO's contribution can still be assessed through the link between the WIPO's Strategic Goals / Expected Results and selected targets of the MDGs". The feasibility study recommended that WIPO's contribution to the MDGs should be assessed by linking the Strategic Goals and Expected Results to relevant MDGs and targets. The extent to which the Expected Results had been achieved would be assessed on the basis of the PPRs. This methodology was proposed by the previous external Consultant. However, the Group raised some concerns with regard to the fact that the methodology was based on the PPRs and the report was a self-assessment. Opposition to the introduction of specific MDG related indicators in WIPO's RBM framework meant that any assessment of WIPO's contribution to the MDGs would be general in nature. The impact of the contribution in terms of realizing MDG outcomes could not be specifically assessed. With regard to the recommended methodology which required linking WIPO's Strategic Goals to relevant MDGs, it was not clear what would be the basis for determining relevant MDGs and Strategic Goals. Although the feasibility study indicated that Strategic Goals could be linked to MDG targets, the application of the methodology appeared arbitrary. The Group failed to understand why the evolution of a balanced normative framework on IP would not be relevant towards achieving MDG goals as the relationship between IP rights and flexibilities and access to medicines was well established. Moreover, the Group had highlighted the fact that Member States were not in a position to negotiate the PPR. It was worth noting that at the recent PBC and the WIPO Assemblies, for the first time, the PPR for the 2010/11 biennium received qualified approval, i.e. conditioned on it being recognized as a self-assessment report and subject to the comments, concerns and suggestions for improvement put forward by Member States. Moreover, the PPR itself suffered from several shortcomings. For example, the IAOD had assessed the accuracy of 10 per cent of the Performance Indicators (PIs) and performance data presented in the 2010/11 biennium PPR (see WO/PBC/19/3). The IAOD found a number of inaccuracies with regard to the data

presented. On the way forward, the Group had two suggestions. The Group would like to pursue a comprehensive independent assessment of WIPO's contribution to the MDGs. It was important to develop specific indicators for this purpose drawing on relevant MDG-related documents. The Secretariat, Members States or an independent expert would need to work in order to develop such indicators and to identify relevant MDG needs / outcomes. The Group requested WIPO to provide further information on how other UN agencies assessed their contributions to the MDGs. This could help guide work on establishing such indicators. Furthermore, as the conclusion date for the MDGs was in 2015, work should also commence on the development of a methodology for assessing WIPO's contribution post-2015. WIPO's Medium Term Strategic Framework also applied until 2015. Thus, there was an opportunity to revise WIPO's strategic goals, programs and objectives post-2015.

469. The Delegation of Japan appreciated the high quality of the report. The achievement of the MDGs was crucial to Japan as it provided effective assistance to developing countries and LDCs in a wide range of areas. However, as mentioned in the report, a direct causal relationship could not be established between WIPO's activities and the MDG indicators. The achievement of specific MDG targets would ultimately depend on factors outside WIPO's control such as policy choices and the priorities of individual countries. Therefore, resources may be wasted in the formulation of new indicators for assessing WIPO's contribution to the MDGs. Thus, the Delegation was glad the report concluded that it was not necessary to integrate MDG needs / outcomes within WIPO's RBM framework and to introduce an additional set of indicators to assess WIPO's contribution to the MDGs. The Committee should engage in factual work to support the achievement of the MDGs, keeping in mind the objective of the MDGs and the specific mandate of WIPO while at the same time paying careful attention to costs.

470. The Delegation of South Africa supported the statements made by the Delegations of Brazil and Algeria on behalf of DAG and the African Group respectively. The author of the study indicated that it was not necessary to develop specific indicators to evaluate WIPO's contribution to the MDGs. However, the Delegation believed this was necessary in order to effectively assess WIPO's contribution to the MDGs. The Delegation also requested the Secretariat to engage with other UN agencies to see how they were assessing their contribution to the MDGs. This could be presented to the Member States perhaps in the next session. It would be useful to see how agencies such as UNCTAD, ITU and the WHO conducted their assessments in this regard. The MDGs were important to developing countries. Looking at how other agencies were conducting their own assessments would be beneficial to the Organization.

471. The Delegation of the Russian Federation was very interested in WIPO's achievements in the area of development. The Delegation believed that the implementation of the DA was an important contribution to the achievement of the MDGs. The conclusions of the study provided an excellent basis for designing a practical and useful model which would allow Member States to determine what was achieved by WIPO in this area.

472. The Delegation of China referred to the study and stated that it could clearly see the unique contribution by WIPO to the achievement of the MDGs. The study again indicated that it was important for WIPO's contribution to be properly evaluated. As the MDG deadline was in 2015, WIPO should participate more actively in the implementation of the post-2015 goals. Those goals should be integrated into WIPO's activities post-2015.

473. The Delegation of India, speaking on behalf of the Asian Group, recalled that the study was prepared in response to a request by the Committee at its previous session. The study was also linked to DA recommendation 22. It noted that the role of IP in contributing to the MDGs, although not specifically mentioned in the MDGs targets, goals and indicators, had been particularly emphasized as part of the role of STI, as amplified in three key documents, namely,

the 2000 Millennium Declaration, the 2005 Millennium Project Report and the 2005 report of the Millennium Project Task Force on STI. While supporting the notion that any assessment of WIPO's contribution to the MDGs should be based on WIPO's RBM framework, the author considered the introduction of specific MDG needs, outcomes or indicators would be an artificial level imposed on the existing RBM framework. The study examined the feasibility of integrating MDG needs / outcomes within WIPO's RBM framework and stated that the introduction of separate MDG indicators would not be advised. In terms of a proper assessment of WIPO's contribution to the MDGs, it was not clear how the study achieved the objective set by Member States in the previous session. From the perspective of developing countries, the study was very important. The Organization should properly assess its contribution to the MDGs as the ultimate objective of IP, innovation and the Organization was to facilitate a better quality of life for people in all countries by fostering socio-economic growth and development. Adequate tools were needed to monitor and assess WIPO's contribution to the realization of the MDGs if the Organization wanted to truly engage in the process. The Group supported WIPO continuing to play an active and integral role in the UN system as well as efforts to integrate MDGs into its biennial results framework. The study also noted that the conclusion date for the MDGs was in 2015. Thus, WIPO also had to consider that efforts to assess its contribution to the MDGs would only be relevant for the next two years. Consequently, it was recommended that WIPO should focus on contributing and participating in the creation of development goals that would succeed the MDGs from 2015 onwards. The Group appreciated this futuristic point of view. However, before going beyond 2015, there was a need to solve issues related to the existing MDGs.

474. The Delegation of the Islamic Republic of Iran associated itself with the statements made by the Delegations of India and Brazil on behalf of the Asian Group and DAG respectively. As a specialized UN agency, WIPO should maximize its contribution to the realization of the MDGs. The Delegation had raised its concerns on the use of PPRs to assess WIPO's contribution to the MDGs. The proposed methodology had limitations and shortcomings that should be properly addressed. Although the proposed methodology paved the way for a preliminary reporting mechanism, it should be complemented with additional measures such as developing specific indicators for each MDG. The Delegation urged the Secretariat to utilize best practices in other UN agencies to report on its contribution to the MDGs. UN Special Rapporteurs on the right to food, right to health, and right to education should also be invited to the CDIP for an interactive dialogue on these issues. The inclusion of an agenda item on IP and development could also facilitate discussion on WIPO's contribution to the MDGs. It was not clear how the Consultant concluded that some results were fully or partially achieved. It was difficult to assess WIPO's contribution to the MDGs without defining indicators. For example, in the context of Goal 1 (eradicate extreme poverty and hunger), the lack of health and education were important factors. In these cases, IP played an important role and it should be taken into account. In the area of access to medicine, the role of WIPO was not clear. The Delegation was waiting for a meaningful WIPO report on its contribution to the realization of MDGs.

475. The Consultant (Mr. O'Neil) noted the broad range of views expressed. The study was based on the possibilities for integrating MDG related needs / outcomes within the existing WIPO program planning framework. Thus, the study focused on the results framework and the PPR which was a self assessment report. Some delegations considered the approach to be sufficient in assessing WIPO's contribution to the MDGs. Several delegations also pointed out that there were limitations to the approach. These were also mentioned in the study and they should be recognized. There was also a need to take into consideration the difficulties faced by international organizations such as WIPO in coming up with evidence to indicate their contributions to the very broad goals of the MDGs. That was one perspective. The second perspective required the CDIP and the Secretariat to discuss whether other approaches outside of the existing results framework could be considered. Some delegations had requested the Secretariat to examine how other UN agencies assessed their contributions to the MDGs. It

may be very difficult for an independent assessment of WIPO's contribution to the MDGs to be undertaken due to the factors outlined in the study and it may not provide further insight into what could be done within the existing results framework to assess WIPO's contribution to the MDGs.

476. The Secretariat (Ms. Bachner) provided some additional views based on the RBM framework. Some delegations were of the view that the use of PPRs to assess WIPO's contribution to the MDGs had its limitations as the PPR was a self assessment report. The Secretariat highlighted that the process for assessing performance was the same in other UN organizations. The assessment was based on the RBM framework and it was typically a self assessment exercise. As mentioned by some delegations, an independent validation exercise of the PPR was also carried out. This was not necessarily done in other UN organizations. Although there was significant room for improvement, progress was being made. The validation exercise was carried out with respect to every new program performance assessment. The validation recommendations assisted the Secretariat to improve the process. Several Delegations suggested looking into how other UN organizations were assessing their contribution to the MDGs. The Secretariat believed it would be good to undertake a comparative study to see how others were assessing their contributions. This was something that the Secretariat could do, if requested by Member States. The Secretariat reiterated that WIPO was engaging in the post 2015 process, including through participation in a working group on monitoring and indicators. It was engaging with other organizations to exchange good practices and experiences. The working group on monitoring and indicators was set up to analyze the lessons learnt from the current MDG monitoring framework. WIPO was engaging in technical discussions on indicators, statistics, data sources, data reliability etc. The MDGs and the post 2015 DA were global agendas. The data for the global agenda was collected at the national level. UN agencies and others, including national agencies, were involved in the collection of indicators. For example, the indicators included in the WHO's proposed Program and Budget for 2014/15 with regard to the MDGs were global indicators. They did not necessarily measure WHO's contribution. However, the WHO was responsible for collecting those global indicators and for facilitating the process at the national level. With regard to the post 2015 DA, WIPO had an opportunity to work more closely at the technical level on the indicators and manner in which data was collected to ensure that STI was taken into account in that framework.

477. The Delegation of Algeria, speaking on behalf of the African Group, would like to know how the Consultant identified the three MDGs which he felt were the most relevant to WIPO's Strategic Goals. If it was possible to objectively link some MDGs to the Strategic Goals, the Group would like to know how the Secretariat translated the Strategic Goals into specific outcomes.

478. The Consultant (Mr. O'Neil) looked at studies prepared by WIPO and other consultants to link the MDGs to WIPO's Strategic Goals. The studies examined the WIPO's goals and activities to identify links with the MDGs. There seemed to be general agreement that the strongest links were in relation to MDG 1, 6, and 8. Following his review of existing studies and literature, the Consultant looked at the expected results in the different planning years and found that there was evidence that the strongest links were in relation to those three MDGs, although there were also contributions to other MDGs.

479. The Secretariat (Ms. Bachner) stated that through the Program and Budget exercise, the Secretariat and the Member States determined the results to be achieved by the Organization in a particular biennium. Relevant indicators were established to measure progress in the achievement of those results. In terms of the RBM framework, there was a consistent flow from the nine Strategic Goals to the expected results of the Organization. These were monitored during implementation, assessed and reported to the Member States. Within the timeframe of

the medium-term strategic plan, there were three biennia with expected results. These provided continuity within the medium-term.

480. The Delegation of Algeria, speaking on behalf of the African Group, stated that the answers to its questions were clear. It was possible to link WIPO's Strategic Goals to the MDGs. If a link could be drawn between WIPO's Strategic Goals and the MDGs, it meant that specific indicators could be established. The Secretariat was responsible for translating the Strategic Goals into specific indicators.

481. The Consultant (Mr. O'Neil) understood the point. The expected results were on the performance of WIPO's activities. Although it was possible to include additional indicators, they may not fit well as the existing framework was a performance framework for the Organization. Although the expected results could be used to indicate a contribution to the MDGs, they were more linked or aligned to the actual activities of WIPO.

482. The Chair proposed that the discussions be concluded.

483. The Delegation of Belgium, speaking on behalf of Group B, gathered that the Committee took note of the discussion on this item and would move on to the next agenda item.

484. The Delegation of Algeria, speaking on behalf of the African Group, would not be contented to just take note of the document.

485. The Delegation of Brazil, speaking on behalf of DAG, would like to take note of the document and to request for further discussion on other indicators that were already being implemented by other UN agencies.

486. The Delegation of Belgium, speaking on behalf of Group B, reacted to some comments by DAG and the African Group. With regard to the request for further external studies to be conducted, the Group highlighted the fact that there were already two high quality external studies. The Group failed to understand why a further study was required. As the conclusion date of the MDGs was in 2015, the benefits of another external study would not outweigh the costs. On post MDGs, the Group reiterated that it was still too early to think about it as the MDGs had still not been achieved. In that regard, the Group fully supported the comment made by the Delegation of India that it was a little futuristic. The post MDGs could be considered at a later stage, after the achievement of the MDGs. Finally, with regards to the views of other international organizations, the Secretariat mentioned that it was already taking part in the Gap Task Force. The Group understood that the Secretariat would brief the Committee on this when it saw it fit to do so.

487. The Delegation of India, speaking on behalf of the Asian Group, referred to the comments made by the Delegation of Belgium with regard to its previous intervention. The Group had stated that it appreciated WIPO's engagement in the post 2015 DA. However, it also expressed concerns on the fulfillment of existing MDGs. The Group found gaps in the study. Thus, there was room for improvement.

488. The Delegation of South Africa referred to its request for further information on how other organizations were assessing their contribution. The Secretariat had provided an ad hoc response on what the WHO was doing. However, the Delegation would like a comprehensive answer to be provided on what other agencies such as UNCTAD, ITU and the WHO were doing. With regard to the post 2015 DA, the Delegation did not think it was futuristic as the UN Secretary General had requested all UN agencies to undertake discussions on this. WIPO should not be excluded from that discussion as it was part of the UN family. The Delegation did

not see why the Organization could not initiate discussions on the post 2015 DA particularly as UNCTAD and other specialized agencies were undertaking such discussions.

489. The Delegation of Algeria, speaking on behalf of the African Group, stated that further studies were required because the question of how to integrate the MDGs into WIPO's program planning was still on the table. The Committee must find a way to respond to that question. Mr. O'Neil, like his predecessor, had proposed a methodology that was based on WIPO's Strategic Goals. The Group found the methodology to be limited. The Committee could request the Secretariat to improve the methodology and include specific indicators. That was one option. However, the Group believed it would be good to look into what was being done in other international organizations. Group B believed that was already being done. The Group did not share that view. The Secretariat mentioned that WIPO was participating in the Gap Task Force and in discussions on post-2015. However, there was no indication of how these were integrated into WIPO's work. The Group noted that Mr. O'Neil and the Secretariat had said that efforts could be made to look into what was being done in other organizations, including UNCTAD, ITU, UNESCO and the WHO, and to see how they were integrating the MDGs into their programs. The post-2015 DA was a year and a half down the road. The Committee should be looking forward. The Secretariat may provide a briefing on how it was participating in the discussions on the post-2015 DA during the session. This would be of benefit to the Committee.

490. The Delegation of the United States of America found the study performed by Mr. O'Neil to be quite thorough. It built upon the information provided in the previous study by Mr. Musungu which the Committee reviewed last November. It also provided a quite detailed methodology for how the three goals and the six targets in the MDGs could be tracked for WIPO's contribution to them in the RBM framework. It was quite a thorough and useful methodology. It would provide very good information about WIPO's contribution in this area. A number of studies had indicated that WIPO best provided contributions to the MDGs primarily in the area related to STI. The three goals and the six targets fell under that area. Thus, it was pretty clear that this was an area where WIPO really had a contribution to make, was making a contribution, and by matching those goals and targets to the RBM framework, the Committee could really start to measure and track the contribution. It was an extremely useful approach for tracking that contribution. As stated by the Delegation of Belgium on behalf of Group B, the Delegation did not see the value of another external study. There were already two high quality external studies. There was a lot of agreement between the two studies. They had been discussed at length. The Delegation found them to be very useful and very thorough. With regard to the Secretariat's involvement in both the Gap Task Force and in the post 2015 MDG development meetings, the Delegation was very heartened to hear that the Secretariat was already very involved in both meetings. The Secretariat gave quite a good explanation of its involvement in the monitoring and indicator section of the post MDG discussion. That would really put the Organization ahead when a post MDG agreement was reached in the UN and the Organization was looking at how it was contributing to those post 2015 MDGs. It was extremely heartening that the Secretariat was already involved in that process. The Secretariat did mention that doing a study on how other UN agencies were measuring their contribution to the MDGs would be useful both in looking at how WIPO was measuring its contribution and also in looking at the post 2015 process. The Delegation would be supportive of the Secretariat undertaking, hopefully by its own staff and not through another external consultant, some kind of informal assessment of other UN agencies to see how they were measuring their contribution. The Delegation emphasized that it would like to see other specialized agencies of the UN focused on in that, including ITU, WMO, ILO, WHO and others. The Delegation would like to make sure that the specialized agencies were included in that assessment, if it was to be done by the Secretariat. The Delegation could see that being useful and could support that proposal.

491. The Delegation of Brazil understood that although there were already two studies on this item, there was still no agreement on implementation or whether specific indicators should be developed. A significant number of Member States believed that the self-assessment tool was not the right tool for evaluating the implementation of MDGs. Further information on the implementation of indicators by other UN agencies would be useful but it would not be enough. There were differences in the conclusions of the two studies. Thus, further efforts were required on indicators. The Committee should start discussing the post 2015 DA. There was not much time for this to be decided by Member States.

492. The Delegation of Senegal would like the study to be beneficial to all. The MDGs could enable countries across the world to tackle poverty, hunger, and illness. WIPO's activities should be more targeted and broader in scope. The Delegation encouraged WIPO to further support the achievement of MDGs through its work. The MDGs were identified as enabling economic, social, and cultural development by all stakeholders. However, the links with WIPO's work should be made more evident. The study mentioned MDG 1, 6 and 8. Clear links to IP should be provided in this regard. The Delegation supported the statements made by the Delegation of Algeria on behalf of the African Group.

493. The Delegation of India, speaking on behalf of the Asian Group, referred to the comment made by the Delegation of the United States of America that WIPO was already doing commendable work on STI. However, this should be connected to the objectives of the MDGs as reflected in the 2000 Millennium Declaration which was also mentioned in the study. The declaration was the basis of the MDGs. It included important language on the role of IP, notably on the availability of essential drugs, access to and the transfer of technology. The 2005 Millennium Project Report spoke of the balance needed between market forces and public action in developing IP systems and policies. The 2005 Report of the Millennium Project Task Force on STI recognized that IP rights were a critical aspect of technological cooperation and that provisions in IP agreements were needed to promote technology cooperation with developing countries. It included important language on the role of IP, notably with regard to the availability of essential drugs, access to and the transfer of technology, and also the 2005 millennium project report, that spoke of the balance needed between market forces and public action in developing IP systems and policies, and further the 2005 report of millennium project task force, when STI recognized that IP rights were a critical aspect of technological cooperation, and that provisions in IP agreements were needed to promote technology cooperation with developing countries.

494. The Delegation of Nepal would like to know how WIPO's activities were linked to MDG targets, goals and indicators within the RBM framework in the context of IP.

495. The Delegation of Ireland, speaking on behalf of the EU and its Member States, stated that they had listened to the new proposals under this agenda item. Although they would not support a further external study on this issue, they reserved their position pending internal coordination on the US proposal for an internal assessment to see how other agencies were contributing to the MDGs.

496. The Delegation of Algeria, speaking on behalf of the African Group, stated that the Committee had not discussed what was being done in other organizations. A study on how other organizations were assessing their contributions to the MDGs would be useful for the Committee and the Secretariat as they could learn from the experience of other organizations. The Group would like the Delegation of the United States of America to clarify its view on this.

497. The Delegation of the United States of America was not sure what the clarification request was for. The Delegation agreed, as mentioned by the Secretariat, that it would be useful to assess what the other UN agencies were doing to measure their contribution to the MDGs. The

Secretariat participated in the post- 2015 process and was looking at measurements and indicators. Thus, it was moving forward, both with looking at WIPO's current contributions and towards planning for the post 2015 process. The Delegation of Algeria had stated that it would be useful to learn what other agencies were doing. The Delegation had simply stated that it was also a good idea. The Delegation had heard that from a number of delegations that day. The Delegation's only addition was that it hoped that the Committee would make sure that a number of specialized UN agencies were included, not just UNCTAD, UNDP or UNEP, but also some of the technical agencies in Geneva. The Delegation hoped that the Secretariat would do that within the Secretariat and within existing budgetary resources, rather than to hire another outside consultant to do the work.

498. The Delegation of Algeria, speaking on behalf of the African Group, would like the work to be presented at the next session of the CDIP. The Group would like clarification to be provided on that.

499. The Delegation of the United States of America was happy if the Secretariat wanted to present those results at the next CDIP.

500. The Secretariat (Ms. Bachner) stated that it would be very useful to get more insight into how other UN Organizations were assessing their contributions. The Secretariat would try to do so within its own scarce resources. It would be happy to come back to the Committee with the required information. The Secretariat understood that the focus should be on specialized agencies and the main objective would be to be more informed and to learn from those processes.

501. The Chair believed that the Committee had agreed that the Secretariat would analyze the manner in which other organizations evaluated their contributions to the MDGs and would report to CDIP on this.

502. The Delegation of Ireland, speaking on behalf of the EU and its Member States, stated that they needed to coordinate on this. They requested the Chair for a few minutes to do so.

503. The Chair agreed to the request.

504. The Delegation of the Islamic Republic of Iran did not oppose the presentation of the practices of UN agencies in this regard. However, the Secretariat should also look at these practices and come up with a meaningful report on WIPO's contribution to the realization of the MDGs. The Delegation would like to know when such a report could be provided.

505. The Delegation of Belgium, speaking on behalf of Group B, stated that it would normally also like to coordinate on this issue. However, as there were quite a few members in the room, it could react from the floor. However, the Group completely understood that some Member States would like to coordinate internally.

506. The Delegation of Algeria, speaking on behalf of the African Group, noted that Group B had clearly stated that it would be in favor of a briefing by the Secretariat on the issues. That could certainly be a conclusion to the discussion.

507. The Delegation of Belgium, speaking on behalf of Group B, clarified that it did not state that the Secretariat should come up with a briefing on post-MDGs. The Group had listened carefully to Secretariat. The Secretariat was taking part in the UN Gap Task Force and it could brief the Committee whenever they saw it fit to do so.

508. The Delegation of the United States of America clarified that it was looking for more of a compilation of how other UN agencies were measuring their contributions to the MDGs, not necessarily a report or a deeper analysis. The Delegation realized that the Secretariat has limited resources. However, it believed that a compilation of those practices would be very useful to inform the Committee's discussion next time.

509. The Delegation of Ireland, speaking on behalf of the EU and its Member States, was happy to report that the EU and its Member States were fully supportive of the proposal by the Delegation of the United States of America for the Secretariat to compile how other UN specialized agencies were measuring their contributions to the MDGs.

510. The Delegation of Belgium, speaking on behalf of Group B, also had no problems in accepting the proposal.

511. The Delegation of India, speaking on behalf of the Asian Group, would like to understand how a stand-alone study could contribute to an assessment of WIPO's contribution to the realization of the MDGs. In this regard, the Group referred to the request by the Delegation of Iran and stated that perhaps the Secretariat could prepare a brief report or note on how WIPO's RBM framework and the PPRs reflected WIPO's achievements in the realization of the MDGs. The Group had highlighted MDG 1, 6, and 8 as well as the 2000 and 2005 reports which clearly stated that the objectives of the MDGs were linked to people and not stand alone studies. Thus, the Group would like the Secretariat to consider preparing a brief report, perhaps based on the two previous studies by external experts, PPRs and other available documents to satisfy some of the queries from the Member States.

512. The Delegation of the United States of America stated that what was requested by the Delegation of India was contained in the current study. It may be that it was not concise or clearly stated and was kind of buried in the study itself. In general, the Delegation would not be supportive of requiring the Secretariat to do a report or a study of some kind. It was really just looking for a compilation. However, if the Secretariat felt comfortable looking back through the two studies that were completed and maybe excerpting out some of the key points that may provide a bit more clarity for the Delegation of India and others, the Delegation would not be opposed to that. It would be something like looking at the existing studies and just kind of excerpting some of the information to provide more clarity. The Delegation would not be supportive of an entirely new study or reporting exercise.

513. The Delegation of Brazil, speaking on behalf of DAG, agreed with the Delegation of India that the compilation of practices in other UN organizations would, by itself, not be sufficient. There was a need to compare what was being done by WIPO with what was being done by other UN agencies. There had been good progress. The information to be provided by the Secretariat on the work of other UN agencies would only be useful if WIPO's efforts were also analyzed.

514. The Delegation of Belgium, speaking on behalf of Group B, referred to the request by the Delegation of India for a brief report. The Group understood that the report should be based on previous studies. If the report was to be brief, perhaps the Secretariat could provide the information now, particularly as the author of one of the studies was still around. If this was done, there would not be a need for another study or further follow up.

515. The Delegation of South Africa agreed with the Delegations of India and Brazil that the MDGs were an ongoing process. As WIPO was contributing to the MDGs, it would not be a big thing for the Secretariat to compile a report on what WIPO was doing on the MDGs and to report back to the Committee in this regard. It would not be enough to just look at other organizations. The Delegations needed to know what WIPO was doing as well. It would enable

delegations to learn something from what WHO was doing and to incorporate it into what WIPO was doing to assess its contribution to the MDGs. The compilation would not be useful if WIPO was not included.

516. The Delegation of the Islamic Republic of Iran recalled that WIPO presented a report on its contribution to the MDGs in the sixth session of the CDIP. Most Member States were not satisfied with the report. WIPO was requested to rectify the report based on the comments of Member States. However, the report was not amended. It was agreed that a methodology be developed in order to come up with a meaningful report on WIPO's contribution to the realization of the MDGs. Apart from requesting the Secretariat to prepare a study on best practices and what was being done in other UN agencies, after the study was done, the Committee should request WIPO to present a report on its contribution to the MDGs based on the lesson learned or at least on the basis of the discussions and to amend the previous report. These should be presented to the Committee in the next session.

517. The Delegation of Trinidad and Tobago referred to the proposal by the Delegation of the United States of America and stated that it would like to go a bit further. On this point, the Delegation shared the views of the Delegation of South Africa. The Delegation would also like the Secretariat to compile a report to see what exactly WIPO was doing in terms of the achievement of the DA goals.

518. The Delegation of Algeria, speaking on behalf of the African Group, noted that there was some confusion. There was a clear request for the Secretariat to report to the Member States on its contribution to the MDGs. Some delegations referred to this as a new proposal. It was not new. The proposal was reaffirmed by the Delegation of India and supported by others. However, the Group had made the request earlier. When the Group proposed that the Secretariat should prepare a study or compilation of best practices or practices by other international organizations, the Group understood that WIPO would be included in that document in order for the Committee to also know what was being done by WIPO.

519. The Secretariat (Ms. Bachner) understood that a request was put forward for a better understanding of how other UN organizations, in particular UN specialized agencies, were measuring their contributions to the MDGs in order to inform the debate about how WIPO could improve the assessment of its contribution to the MDGs. The MDGs were a global agenda. It was a challenge to measure impact at that level as well as the attribution and contribution by individual agencies or stakeholders. Thus, the Secretariat understood that such a study would provide insight into how other organizations were doing it and that could inform the discussion on how WIPO could go about it in the future. There was also a second request for a report on WIPO's contribution to the MDGs. The Secretariat could compile such a report if Member States so wished. However, it would be a compilation of the results achieved within the RBM framework as presented in the PPR and linked to the relevant MDGs, as described in the studies. That was the framework within which the Organization operated. If requested, the Secretariat would compile such a report. However, an understanding of what other agencies were doing could help the Secretariat to come up with a more meaningful report on measuring WIPO's contribution to the MDGs.

520. The Delegation of Algeria, speaking on behalf of the African Group, understood that there were two different actions. One was to measure the contribution and the other was on the contribution itself. WIPO's contribution should be subject to a report by the Secretariat on what it was doing on all the MDGs and not just those which were identified by the external consultants. This had to be done as WIPO was a UN agency. This was one issue. The second issue was on measuring impact. It was quite obvious that the Secretariat did not know how to measure WIPO's contribution to the MDGs. In this regard, the Group suggested that the Secretariat could look at what other UN agencies were doing in order to get some clarity on the

indicators and methodologies that they were using to measure their contributions. Information on what WIPO was doing to measure its contribution was required as this was the core issue. Thus, these were different issues.

521. The Delegation of India, speaking on behalf of the Asian Group, noted that the Secretariat was ready to prepare a report on WIPO's contribution to the MDGs taking into account the best practices or lessons learned from how other UN organizations were contributing to the achievement of MDGs. The Group understood that the achievement of MDGs was not only related to one UN organization. As stated by the Secretariat, it involved a contribution from several organizations and was also attributed to several organizations. Thus, the Group would be realistic in its expectations. It understood that Group B had also expressed its flexibility to accept a brief report that would not require much to put together. The report should take into account the available materials. The Secretariat should re-examine the materials and present the information in a manner that would enable the Committee to understand that WIPO's work really contributed to the achievement of the MDGs which were related to people and the betterment of society.

522. The Delegation of the United States of America generally agreed with the summary by the Delegation of India. The Delegation understood that in addition to the compilation of other agencies' measurements of contribution to the MDGs, there would be a brief report based on existing information that the Secretariat had. It would be done with existing resources. In general, the Delegation was thinking along similar lines. However, the Delegation highlighted that the Musungu report and the current report both cited a number of MDG documents that had identified that WIPO's activities were best linked to three specific goals and six specific targets. Those were clearly outlined in the current report. Those would be the goals and targets that the Delegation would expect WIPO to provide any kind of reporting on related to its contributions. It would not expect WIPO to do a report that looked at all the MDGs and all the targets. There was no value in that compared to the amount of resources and time it would take the Secretariat to do that. It was very clearly identified in several documents that the STI area was where WIPO really made its contributions. Thus, the Delegation would want to see WIPO's contribution measured again related to those three goals and six targets. The Delegation also pointed out that the current report included quite a bit of information about measuring WIPO's contributions to the MDGs. Pages 7 and 8 of the annex to document CDIP/11/3 included some charts that showed a certain amount of change over time in WIPO's contribution to the MDGs in those specific goal and target areas. There was also an appendix that went through a lot of detail related to the PPR and whether certain results related to the MDG goals and targets were fully or partially achieved. There was quite a bit of information in the current document. The Secretariat could pull information from the document when providing its brief report.

523. The Delegation of Brazil, speaking on behalf of DAG, understood that WIPO should be included in the information to be provided by the Secretariat on assessing contributions to the MDGs. The exercise should address what was being done by WIPO so as to enable Member States to draw a comparison with the practices in other organizations and be more informed to assist in efforts to improve WIPO's assessment of its contribution to the MDGs.

524. The Delegation of Algeria, speaking on behalf of the African Group, stated that it would like the Secretariat to look at all the MDGs. WIPO was a UN agency and the MDGs were UN MDGs. Thus, WIPO had to look at all the MDGs. Some information was provided in the studies with regard to MDG 1, 3 and 8. However, other MDGs may be relevant to WIPO's work. For example, the Group was of the view that MDG 4 and 6 were relevant to WIPO's work. Thus, as the Committee had not approved or accepted the results of each and every study, the Secretariat should not be bound by those studies. The Group saw value in the Secretariat looking at all the MDGs and it expected the Secretariat to state whether or not an MDG was relevant to WIPO's work. The Committee would be prejudging the outcome of the brief report if

it only requested the Secretariat to focus on the results of the studies. WIPO had to look at all the MDGs.

525. The Delegation of the United States of America had stated pretty clearly that it would not be supportive of putting the Secretariat through a large exercise where it had to assess all of the MDGs when it was clearly stated in a number of studies commissioned by WIPO and other external studies that WIPO's connection to the MDGs was most clearly seen through some very specific goals and targets. If the Secretariat felt that it would not be an undue burden for its existing staff to take a look at the other MDGs, the Delegation would be willing to accept it. However, it did not believe that it was at all the best use of the Secretariat's time if it was going to be a large or onerous study. Thus, the Delegation would like to hear from the Secretariat if it felt that this was something that could be easily done within its existing resources.

526. The Secretariat (Ms. Bachner) stated that the previous report had used a methodology for its assessment. More resources would be required to change and expand the methodology. However, it would be done if requested by Member States. The studies would need to be kept up to date as implementation was ongoing and there would be more results. Thus, in terms of contribution and the results achieved, there would always be a need for updating. However, it was obvious that if the report were to be based on the current methodology, a lot of information was already provided in the studies. If it was a question of updating that information, less would be required than if everything had to be freshly examined.

527. The Delegation of the Islamic Republic of Iran recalled that in February 2010, the Secretariat presented the report on WIPO's contribution to the MDGs (document CDIP/5/3). At that time, the Member States wanted the report to be amended. Thus, it would be reasonable for the report to be updated in light of the two studies that were done after the report as well as the best practices of other UN agencies. It would be reasonable to request the Secretariat to present an updated version of that report in the next session.

528. The Delegation of Mexico spoke along the same lines as the Delegation of Iran. In February 2010, the Committee had analyzed all of those goals. It would be useful if the Secretariat was to update that document and inform the Committee on progress achieved.

529. The Delegation of the United States of America felt that the Committee was slipping away from the points of consensus. The Delegation was hearing about several different potential studies, updating of documents and a new methodology that would need to be developed in order to do an assessment of additional goals and targets. The Delegation was starting to think that whereas the Committee was very close to a consensus on a key compilation and a brief report, it was now potentially moving into an area where it was not going to have consensus. The Delegation proposed that the Committee could start with a compilation and the brief report based on the three goals and the six targets. Then if it was necessary, upon seeing that information at the next CDIP, the Secretariat could be requested to alter the methodology, perhaps based on the information received on what the other UN agencies were doing. At that time, the Committee could ask the Secretariat to change or expand its methodology. However, at this point, the Committee was very close to agreement on a very specific compilation and a brief report. The Delegation would hate to see the Committee lose that.

530. The Delegation of South Africa did not see why the Committee should instruct the Secretariat on which MDGs it should look at. The Secretariat had said that it could look at all of them if this was requested by Member States. This could be done. Thus, the Delegation did not understand why the Committee was lingering on this issue. All that was required was a compilation of the practices by other UN agencies and then the Secretariat could come up with a report to state what WIPO was doing. In the next session, the Member States would take the

matter forward and see what could be improved based on the information provided on other UN agencies.

531. The Delegation of Burkina Faso would like to know the terms of reference for the proposed study.

532. The Chair enquired as to whether there was consensus on the summary provided by the Delegation of South Africa.

533. The Delegation of the Islamic Republic of Iran supported the proposal by the Delegation of South Africa. Focusing only on three MDGs would not lead to a comprehensive report. It would not reflect all the contributions by WIPO to the MDGs. The Delegation would like to know why WIPO's possible contributions to the other MDGs should be undermined.

534. The Delegation of Belgium, speaking on behalf of group B, reiterated that the Committee should focus on what may be achievable. There was already a tentative agreement on a compilation of what other agencies were doing and a brief report within the existing resources. The Group would need to coordinate if the debate were to be prolonged. Thus, the debate could either be continued or the Committee could just accept what was on the table and move on.

535. The Chair understood that the Committee would like a brief report from all the UN organizations on all the MDGs, a compilation of the actions of all the other organizations and progress on all of the MDGs. He enquired as to whether this was correct.

536. The Delegation of Belgium, speaking on behalf of Group B, stated that previous external studies focused on the MDGs that WIPO indirectly contributed to. Three goals and six targets were identified. Thus, the Committee should try to be specific and not duplicate earlier efforts.

537. The Delegation of South Africa had trust in the Secretariat's ability to undertake its work. The Delegation did not see why the Committee should compel the Secretariat to only look at the three goals and not go beyond. The Committee should give the Secretariat the mandate to come up with a report on what WIPO was doing on MDGs. The report could be assessed. If Member States felt that WIPO could only be assessed on three MDG goals, this could be stated in their assessment of the report. The Delegation merely wanted a report from the Secretariat on what WIPO was doing on the MDGs. Thus, it did not want the Secretariat to only look at three. The Committee was going backwards. The Committee was close to an agreement on a compilation and a report from the Secretariat. The compilation had to be accompanied by a report from the Secretariat on what WIPO was doing.

538. The Delegation of the United States of America highlighted that a considerable amount of money was spent on hiring external consultants to look at this issue. In doing so, and in their analysis of other existing UN documents, they determined that three goals and six targets were really the areas where WIPO had the most contribution. They also developed a detailed methodology in terms of how the Committee could look at the RBM framework and the PPR. The Committee could clearly track WIPO's results in those three goals and six targets. This had not been done for the other MDGs. Thus, one of the reasons the Delegation was hesitant to ask the Secretariat to do a full analysis of all the MDGs was that the methodology had not been developed and a considerable amount of work may be required to achieve that. The Delegation had thought about a compromise. The Secretariat would be requested to go through the previous studies and to look closely at the RBM framework and the PPR for the three goals and the six targets because that methodology was already developed. In addition, the Secretariat would look at the other MDGs and targets without needing to develop a detailed methodology and linking all of those to the RBM. By doing so, the Secretariat would at least give the

Committee an assessment of its belief about how WIPO's activities may match with those other MDGs. The Secretariat would give the Committee more of a narrative assessment of the relationship between WIPO's activities and the other MDGs. However, it would not require the Secretariat to develop the same kind of detailed methodology that was developed at great cost and time by the external consultants on the three goals and the six targets. This was something that the Delegation could support.

539. The Chair enquired as to whether the suggestion by the Delegation of the United States of America could be supported by all delegations.

540. The Delegation of the Islamic Republic of Iran could not accept that the report would only focus on the three goals and six targets. The Delegation believed that WIPO's work went beyond. If WIPO could not contribute to more than three goals, there was a need for its mandate to be changed for the benefit of developing countries. The Delegation believed that WIPO could contribute to more than three goals. All the goals were taken into account in the previous report.

541. The Delegation of India, speaking on behalf of the Asian Group, understood that the Delegation of the United States of America was also flexible to initially concentrate on the three goals and six targets that were identified, as in the case of the previous studies. However, if WIPO was actually contributing to other MDGs, this should be reported to the Member States for the benefit of the Member States and the Organization. The Group referred to MDG 7 (ensure environmental sustainability) and recalled that the Secretariat had informed the Committee of WIPO's engagement on environmental issues, climate change etc. Thus, perhaps a few other relevant areas which could be explored, maybe one or two more MDGs, in order to better reflect WIPO's contributions on the MDGs.

542. The Delegation of Brazil, speaking on behalf of DAG, stated that the Group needed to coordinate on the proposal. However, there were good ideas that could be worked on. The Group was willing to work with the Delegation of the United States of America on future work concerning the implementation of MDGs.

543. The Chair proposed that the discussion be postponed in light of the statement by the Delegation of Brazil. Groups would be given an opportunity to review the compromise suggested by the Delegation of the United States of America.

544. The Delegation of Algeria, speaking on behalf of the African Group, would like Delegation of the United States of America to restate its proposal.

545. The Delegation of the United States of America had pointed out that for the three goals and six targets that were identified in the study, the Consultant had done a lot of work to develop a methodology that tied those goals and targets to the RBM, looking at the results in the RBM and how they tied very specifically to the three goals and six targets. The Delegation believed it would be a lot of work for the Secretariat to also do that for all of the other goals and targets. The Consultant was paid a lot of money and he took some time to come up with that methodology for the three goals and the six targets. It would be a lot of work for the Secretariat to do the same on all the targets and the goals. However, the Delegation would have no problem if the Secretariat would look at the RBM framework for the three goals and the six targets. For the rest of the MDGs and the targets, the Secretariat would provide a narrative that would say how the areas where WIPO may be doing work related to those goals, projects that it was working on that may be related to the goals. The Delegation of India made a good point that WIPO Green which was a fairly new initiative may be contributing to some of the environmental goals. Thus, there may be some areas where WIPO was doing things that applied to some of the other goals. However, rather than expecting the Secretariat to develop

the level of methodology that was developed for the study by Mr. O'Neil, the Committee would expect a narrative assessment.

546. The Chair would like the Secretariat to present those points that would go into the Summary by the Chair so delegations could go through them before the plenary the next morning.

547. The Secretariat (Mr. Baloch) stated that quite a few decisions needed to go into the Chair's summary and there was not much time. It could be made available the next morning at the documentation desk. All the delegations would be able to get a copy to read through. The Secretariat enquired as to whether that would be acceptable.

548. The Chair proposed that informal consultations be held on patent related flexibilities the next morning before resuming discussions in the plenary.

549. The Delegation of Belgium enquired as to whether it would be possible for some parts of the Summary by the Chair to be sent to the regional coordinators in order to prepare for the next morning.

550. The Chair believed it should be possible.

#### **AGENDA ITEM 9: SUMMARY BY THE CHAIR (RESUMED)**

551. The Chair requested the Secretariat to read the text of the draft summary, paragraph by paragraph, for the Committee's approval. It had been made available to the delegations.

552. The Secretariat (Mr. Baloch) read out paragraph 1 as follows:

"The eleventh session of the CDIP was held from May 13 to 17, 2013. The session was attended by 94 Member States and 37 Observers."

The Secretariat pointed out that the numbers could change as the registrations would be subject to a final count.

553. The Chair stated that paragraph 1 was adopted given that there were no observations from the floor.

554. The Secretariat (Mr. Baloch) stated that the paragraph was slightly amended. The word "elected" was replaced with the word "re-elected". The Secretariat read out paragraph 2 as follows:

"The Committee re-elected Ambassador Mohamed Siad Doualeh, Permanent Representative of Djibouti as Chair, and elected Mrs. Ekaterina Egutia, Deputy Head, National Intellectual Property Center (SAKPATENTI), Georgia, as Vice-Chair."

555. The Chair stated that paragraph 2 was adopted given that there were no observations from the floor.

556. The Secretariat (Mr. Baloch) read out paragraph 3 as follows:

"The Committee adopted the Draft Agenda as proposed in document CDIP/11/1 Prov. 2."

557. The Chair stated that paragraph 3 was adopted given that there were no observations from the floor.

558. The Secretariat (Mr. Baloch) read out paragraph 4 as follows:

“Under Agenda Item 4, the Committee adopted the draft report of the tenth session of the CDIP (CDIP/10/18 Prov.).”

559. The Chair stated that paragraph 4 was adopted given that there were no observations from the floor.

560. The Secretariat (Mr. Baloch) read out paragraph 5 as follows:

“Under Agenda Item 5, the Committee listened to general statements from regional groups. Individual delegations were requested to submit their statements in writing.”

561. The Delegation of Brazil stated that the paragraph should also refer to other groups as statements were also made by the EU and DAG.

562. The Chair enquired as to whether the words “regional groups” could be replaced with the words “Group Coordinators”. Paragraph 5 was adopted with the amendment as there were no objections from the floor.

563. The Secretariat (Mr. Baloch) read out paragraph 6 as follows:

“Under Agenda Item 6, the Committee considered document CDIP/11/2. The Director General introduced his Report on the Implementation of the Development Agenda during 2012. Delegations appreciated the commitment of the Director General in providing annual reports. A number of observations were made on the Report and clarifications were sought, in particular with regard to Country Plans and WIPO’s participation in the Rio+20 process and the MDGs Task Force. The Deputy Director General, Mr. Geoffrey Onyeama, and Director of the WIPO New York Office, replied to the observations and agreed to introduce enhancements in future reports. It was agreed that the Secretariat would organize regular briefings to the Member States on WIPO’s contribution to the work of other UN entities.”

564. The Delegation of Belgium, speaking on behalf of Group B, recalled its understanding that the Secretariat would provide briefings to Member States on WIPO’s contribution whenever it saw fit. Thus, the Group proposed that the words “organize regular briefings to the” be replaced with the word “brief”.

565. The Delegation of Bolivia was concerned as the proposed change could be interpreted to mean a single briefing. It wanted to ensure that there would be a number of briefings. Thus, it should be redrafted to cover the concerns of Group B and to make it clear that Member States would be briefed frequently or more than once on a regular basis.

566. The Delegation of South Africa fully concurred with the statement made by the Delegation of Bolivia. During the discussion, some delegations emphasized that they wanted briefings before the Secretariat attended meetings. The proposed amendment would imply that the briefing could be done after the meetings or during the CDIP session. The sentence should be redrafted to ensure that the Secretariat provided briefings frequently and not just once.

567. The Chair enquired as to whether the Delegation of South Africa had any drafting suggestions.

568. The Delegation of South Africa stated that it preferred the language in the Chair's draft to be retained.
569. The Delegation of Brazil, speaking on behalf of DAG, sought clarification on the proposed text. It should be understood that more than one briefing would be provided. The briefings would continue and information would be provided to Member States.
570. The Delegation of Belgium, speaking on behalf of Group B, had listened carefully to the interventions. The Group suggested the following: "It was agreed that the Secretariat would brief Member States on WIPO's contribution to the work of other UN entities, whenever the need arises". This would clearly indicate that there would be more than one briefing and it would take place whenever there was a need.
571. The Delegation of Georgia suggested that only the word "regular" be removed from the Chair's draft.
572. The Delegation of India, speaking on behalf of the Asian Group, could support the proposal by the Delegation of Georgia. The Secretariat would not be bound to provide briefings on a regular basis. It was also clear that more than one briefing would be provided. The Group could also accept the suggestion by Group B as it was clear that it did not refer to only one briefing. The additional words, "whenever the need arises", were not required.
573. The Delegation of Belgium stated that the suggestion by the Delegation of Georgia was good.
574. The Delegation of Brazil, speaking on behalf of DAG, stated that it could live with the text. The Group understood that the Secretariat would be willing to provide briefings whenever the Member States believed there was a need for it to do so.
575. The Delegation of Algeria, speaking on behalf of the African Group, suggested that the word "would" be replaced with the word "should" to indicate that the Member States were the decision makers and they were giving guidance to the Secretariat. They were not in the hands of the Secretariat.
576. The Delegation of Belgium, speaking on behalf of Group B, stated that the word "would" was more neutral. The use of the word, "should", presupposed that there was already some interesting content. The Group would prefer to stick with the word "would". Alternatively, it suggested the use of the word "could".
577. The Delegation of Brazil, speaking on behalf of DAG, fully agreed with the suggestion by the Delegation of Algeria as many countries had indicated that they would like to understand more about what WIPO was doing with other UN entities. As WIPO was a member driven Organization, it should organize briefings for Member States.
578. The Delegation of South Africa supported the suggestion by the Delegation of Algeria as the word "should" provided certainty that the briefings would take place.
579. The Delegation of the United States of America pointed out the fact that this was the Chair's summary. The selection of the word "would" was appropriate as mentioned by the Group B coordinator. A possible solution or compromise between "would" and "should", could be, "should as needed". Although it included the qualifier, it was more in the direction of what both sides were looking for.

580. The Delegation of India stated that it could agree to the proposal by the Delegation of the United States of America. It could even agree to the use of the word “would” as it was fair enough and allowed no room for confusion.

581. The Delegation of Brazil, speaking on behalf of DAG, suggested a compromise as follows: “It was agreed that the Secretariat would organize briefings to the Member States on WIPO's contribution to the work of other UN entities”.

582. The Chair enquired as to whether this was acceptable. Paragraph 6 was adopted with the amendment given that there were no objections from the floor.

583. The Secretariat (Mr. Baloch) read out paragraph 7 as follows:

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

- (a) [to be decided]
- (b) The Committee discussed the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (CDIP/8/INF/1) on the basis of the following supporting documents:
  - (i) Management Response to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (CDIP/9/14);
  - (ii) Report of the Ad Hoc Working Group of an External Review of WIPO Technical Assistance in the Area of Cooperation for Development (CDIP/9/15);
  - (iii) Joint Proposal by the Development Agenda Group (DAG) and the Africa Group on WIPO's Technical Assistance in the Area of Cooperation for Development (CDIP/9/16); and
  - (iv) Status of Implementation of Certain Recommendations Extracted from the Report on the External Review of WIPO Technical Assistance in the Field of Cooperation for Development (CDIP/11/4).”

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

- (i) To compile existing materials into a comprehensive Manual on the delivery of technical assistance, in line with recommendation A (2) in document CDIP/9/16;
- (ii) To ensure that WIPO's website is upgraded to serve as a more effective, accessible and up-to-date resource for communicating information about development cooperation activities; and
- (iii) To examine the Technical Assistance Database (TAD) with a view to facilitate searching capabilities, and ensuring the regular updating of the TAD with information on technical assistance activities.

It was agreed that the Committee would continue discussions at its next session on the remaining proposals put forward by delegations.”

584. The Delegation of Algeria, speaking on behalf of the African Group, referred to the first sentence of subparagraph (b) and suggested that the words, “on the basis of”, could be replaced with the words, “as well as”. This was because the former introduced the idea that the external review was no longer a basis for discussion. The Group referred to the paragraph beginning with the word “recognizing” and suggested that the words “inter alia” be inserted before the words “the following three recommendations” as work would continue. Lastly, the Group referred to the last sentence and proposed that the word “would” be replaced with the word “will” to indicate that discussions will continue.

585. The Delegation of Belgium, speaking on behalf of Group B, referred to the proposal by the Delegation of Algeria to replace the words “on the basis” and stated that these should be retained. The external review was the basis of the discussion. However, it was prepared by outsiders. The issue that really mattered was what was implementable and doable by the Secretariat. In that case, the management response was the first basis for the discussion. On the proposal to include the words “inter alia”, the Group stated that there was only an agreement on three clearly delineated areas. Thus, it would not be able to support the proposal. On the suggestion to replace the word “would” with the word “will”, the Group stated that had no problem with the wording in the Chair’s draft. The Group referred to sub-paragraph (b) (iv) and suggested that the word “recommendations” be replaced with the word “areas”. The Group would prefer an oral report to be given instead of a full progress report in the next session of the CDIP as the discussion would continue. On sub-paragraph b (1), the Group suggested that the phrase, “in line with recommendation A (2) in document CDIP/9/16” be struck out as A2 contained a lot of sub-paragraphs and the Committee only agreed to A (2) (a). Alternatively, it could also be clearly stated that the Committee only agreed to move further forward on A (2) (a).

586. The Secretariat requested the Delegation of Belgium of Belgium to clarify its suggestion with regard to subparagraph b (iv).

587. The Delegation of Belgium apologized for the mistake. Instead of subparagraph b (iv), the word “recommendations” could be replaced with the word “areas” in the paragraph beginning with the word “recognizing”.

588. The Delegation of Bolivia referred to the proposal by the Delegation of Algeria to replace the words “on the basis”. The Delegation understood the points made by the Delegations of Algeria and Belgium. Thus, the Delegation suggested going back to the language in the Chair’s draft. On the proposal by the Delegation Algeria to include the words “inter alia”, the Delegation stated that it also wanted the Secretariat to continue working on everything. The Secretariat had stated that it was indeed working on many things. The Delegation did not want to stop the Secretariat from doing so and to only work on those three components. The Delegation also understood the concerns of Group B. Thus, the Delegation proposed that the phrase be amended as follows, “the Committee requested the Secretariat to continue its work and take further actions on the following three recommendations”. It was also agreed that work on the three agreed elements would be based on the joint proposal. However, the joint proposal was only referred to in relation to the manual. There were two ways to include references to the joint proposal. One way would be to also refer to the joint proposal in the context of the other two elements. The Delegation referred to the proposal by Group B on A2 and stated that it was true that there was only agreement on A (2) (a). The other way would be to include the phrase, “on the basis of the joint proposal”, after the phrase, “take further action on the following three recommendations”, in the paragraph beginning with the word “recognizing”. That could

accommodate all the points of view as it would be made clear that the Secretariat would work on the basis of the joint proposal taking into account the comments made by delegations. Thus, it would be clear that the Secretariat would not work on elements where there was no consensus. The Delegation would like to ensure that work on the second and third elements would be on the basis of the joint proposal and there was consensus in that regard. The Delegation referred to the last sentence, "It was agreed that the Committee would continue discussions at its next session on the remaining proposals put forward by delegations." The sentence was unclear. It should be ensured that everything remained on the table. New proposals could also come up. For example, the EU had put forward three new proposals. Groups may also put forward other recommendations that they would like to implement. The door should also not be closed to discussing all the documents identified under subparagraph (b). Perhaps there was something in the previous Chair's summary that could be used in this regard.

589. The Delegation of Brazil, speaking on behalf of DAG, referred to the last sentence and proposed the following, "It was agreed that the Committee would continue discussions at its next session on the external review of WIPO technical assistance in the area of cooperation for development." This would ensure that everything was on the table and the Committee would discuss all the proposals in the next session.

590. The Delegation of South Africa agreed with the proposal by the Delegation of Brazil. It did not agree with the proposal by the Delegation of Belgium for an oral report as it would like a written progress report to be submitted.

591. The Delegation of Belgium, speaking on behalf of Group B, referred to the points raised by the Delegation of Bolivia. In order to make it more specific, the Group could agree to include a reference to A (2) (a) under subparagraph (b) (I). Perhaps specific references could also be included under b (II) and (III). The proposal by the Delegation of Bolivia concerning the request by the Delegation of Algeria to include the words "inter alia" was also positive.

592. The Delegation of Bolivia referred to the progress report and stated that it supported a written report. This was because it would be submitted in advance and delegations would be able to read, analyze, consult and prepare questions on it before the discussion. Delegations would not be able to prepare for an oral report.

593. The Delegation of Belgium, speaking on behalf of Group B, reiterated that it would be more comfortable with an oral report. Progress reports were presented in previous sessions and they seemed to presuppose a project-based approach. The Group did not recall a project based approach to moving further forward on the recommendations. On the last sentence in subparagraph (b), the Group stated that the language in the Chair's draft was good with regard to the remaining proposals put forward by delegations. The language was clear in terms of identifying what was still to be expected and there would also be a verbatim report of the meeting.

594. The Delegation of India, speaking on behalf of the Asian Group, referred to the progress report and stated that it also supported a written report as some delegates may not be present for the oral report. A written report would be better even if it was not structured like a progress report for a project. The Group would be satisfied with some sort of report in writing.

595. The Delegation of Algeria, speaking on behalf of the African Group, referred to the first paragraph of subparagraph (b) and reiterated that it did not support the inclusion of the words "on the basis". However, it could agree to work on the proposal by the Delegation of Bolivia in this regard. On its proposal to include the words "inter alia", the Group stated that it could also be very flexible and could go along with the proposal by the Delegation of Bolivia. On its

proposal to use the word “will”, the Group could also be flexible if the Committee agreed that it was clear that the discussion would continue. On the proposal for an oral report, the Group stated that it should not be discussed as it required a substantial discussion. Thus, it should have been raised earlier. The Committee agreed that there would be a report. If Group B wanted it to be oral, it should have said this before. It was not very fair to raise it now as it was quite late. It was true that progress reports were usually linked to projects. Thus, the word “progress” could be deleted in order to refer to a report and not a progress report. On Group B’s proposal to replace the word “recommendations” with the word “areas”, the Group stated that it could not agree to it as the Committee was discussing recommendations. For example, document CDIP/11/4 referred to the status of implementation of certain recommendations and not to certain areas. The proposed amendment was quite substantial and the Group could not agree to it. All the documents were about recommendations.

596. The Delegation of Uruguay referred to the progress report and stated that it should be a written report. It was more inclusive. The Delegation agreed with the comments made by the Delegation of India on that point. It also referred to the word “areas” and stated that it was a very vague term. Thus, the word “recommendations” was required.

597. The Delegation of Belgium, speaking on behalf of Group B, stated that it would also like to show some flexibility. There could be a report. However, there was a need to be consistent as it was really a progress report. Thus, the Group could live with the term “report” as described by the Delegation of India.

598. The Delegation of the United States of America referred to the discussion on the word “recommendations” versus “areas” and recalled that it raised this point during the plenary session the other day. The Delegation simply wanted the summary to restate the specific actions that the Committee was asking the Secretariat to take and not refer more generally to recommendations as they were understood either in the context of the DA or the external review. With respect to the report, a way forward could be to state that an update would be provided in the next session of the CDIP instead of a progress report.

599. The Delegation of Bolivia referred to the word “recommendations” and suggested going back to the previous Chair’s summary as it included the request for the Secretariat to prepare a report on identifying those recommendations that were in the process of being implemented. In fact, this part of the summary was on recommendations that were in the process of implementation. In this regard, the Delegation highlighted that the word “recommendations” was used in the previous Chair’s summary and it was agreed by the Committee.

600. The Delegation of Brazil, speaking on behalf of DAG, stated that it had proposed the idea of a written report. It would be more useful to Member States. The Group also supported all the statements made on the importance of using the word “recommendations” as this was the subject matter of the joint proposal. It was also used in the debates and in the previous Chair’s summary. The Chair’s draft was very good.

601. The Delegation of the United States of America referred to the discussion on “recommendations” versus “areas”. In the previous Chair’s summary, what was discussed also included specific recommendations made in the external review. Here, the Committee was looking to take action on specific proposals made in the joint proposal. Thus, sub-paragraphs b (I), (II) and (III) could be referred to more generally as manual, website and technical assistance database or “following areas or following actions and then specifically reference the joint proposal stated that the previous Chair’s summary referred to specific recommendations made in the external review. Here, the Committee was looking to take action on specific proposals made under the joint proposal. Thus, sub-paragraphs b (I), (II) and (III) could either refer more generally to the manual, website and technical assistance database or

the words “following areas” or “following actions” could be inserted and then include a specific reference to the joint proposal.

602. The Delegation of Bolivia clarified that it was referring to the use of the word “recommendations” in the first line, “Recognizing the Secretariat's ongoing work on the various recommendations...”. The Delegation now understood that this was not the problem. The problem was in the third line.

603. The Chair stated that the Secretariat would try to redraft this section of the text based on the observations and comments that were made. He then turned to sub-paragraph (c).

604. The Delegation of Algeria, speaking on behalf of the African Group, proposed an amendment. The Group stated that almost all delegations were very clear that they wanted the Secretariat to provide them with the list of speakers; not for confirmation but at least for approval or endorsement. This should be reflected. However, the Group was flexible on terminology.

605. The Delegation of Nepal suggested that the words “individual Member States” be included before the reference to “Group Coordinators” as individual Member States and Group Coordinators should be given equal opportunities to examine the list of speakers. The Delegation stated that this was because the Asian Group did not hold any meetings or discussions with the Delegation during the session.

606. The Delegation of Belgium, speaking on behalf of Group B, stated that it did not have a problem with the suggestion by the Delegation of Nepal. The Group's members would be very interested in receiving such information. However, the Group also reiterated that a series of informal consultations had already been held. It was not going to entertain a further series of informal consultations on the list of speakers when it was circulated by the Secretariat. Thus, the word “confirmation” could be used. The use of the word “information” would be even better.

607. The Delegation of South Africa stated that it had previously wanted the Secretariat to hold informal consultations once a list of speakers had been identified. It had agreed to the circulation of the list to Group Coordinators as Group B did not want further informal consultations. However, the list should be circulated for approval and not for information. If Group B was talking about circulating the list for information, the Delegation was tempted to go back to its previous position.

608. The Delegation of Belgium, speaking on behalf of Group B, stated that if the list was sent to regional coordinators and other interested parties for information, it presupposed that this was the end of the process. Thus, approval was not necessary. The Group stated that this should really be the end of the process.

609. The Delegation of India stated that this matter was discussed in the plenary and it was agreed that the list would be provided to the Group Coordinators. It was their responsibility to circulate any information received from the Secretariat to their members. The Delegation understood that it was fulfilling that duty. The Delegation did not have any problem if the Committee agreed that the list should be circulated to all Member States. The issue of whether a meeting should be convened by the group was a separate issue for the group.

610. The Delegation of South Africa stated that it did not agree with the Delegation of Belgium that the list of speakers identified by the Secretariat would merely be circulated for information and that was the end of the matter. This would not be acceptable. Member States must be given the right to look at the list of speakers and see, for example, if they could provide other suggestion.

611. The Delegation of Belgium, speaking on behalf of Group B, stated that it only wanted to make sure that the conference was going to take place. It was in the interest of all Member States, not only developing countries. Thus, the Group would be open to suggestions in terms of language to make sure that there would not be a long series of consultations. Perhaps native English speakers had some ideas in this regard.

612. The Chair enquired as to whether the word “endorsement” would be acceptable.

613. The Delegation of Brazil, speaking on behalf of DAG, suggested that the word “finalize” could be replaced with the word “propose” in that sentence. The word “discussion” could also be used. The sentence would then read as follows, “It was agreed that the Secretariat would propose a list of speakers for the Conference, and circulate it to Group Coordinators for discussion.”

614. The Delegation of Egypt stated that word “endorsement” was suitable.

615. The Delegation of South Africa stated that the word “endorsement” would suffice.

616. The Delegation of the United Kingdom stated that it liked the word “confirmation” but could go along with the Chair’s suggestion as a compromise.

617. The Chair enquired as to whether there were any objections to the use of the word “endorsement”. That amendment was adopted given that there were no objections from the floor.

618. The Delegation of Brazil enquired as to whether the word “finalize” could be replaced with the word “propose”.

619. The Delegation of Algeria agreed that the word “propose” could be used.

620. The Chair enquired as to whether there were any objections to the use of the word “propose”.

621. The Delegation of Switzerland stated that it did not want to oppose the consensus that was developing on this paragraph. However, all parties must agree that they should be in a position to organize the conference in November. It was already May. The list of speakers must be ready in order for the speakers to be contacted with regard to their availability.

622. The Chair reiterated that the conference should be held in a timely manner and the quality of the conference was dependent on the quality of the preparatory work. Thus, issues concerning the organization of the conference should be dealt with properly. He then concluded the discussions.

623. The Chair resumed discussions in the afternoon. He stated that the revised text had been circulated to delegations. He requested the Secretariat to read out the revised text for subparagraph (c).

624. The Secretariat read out the revised text for subparagraph (c) as follows:

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

625. The Delegation of the United Kingdom stated that in the spirit of compromise, it had made an intervention before the morning session was adjourned to agree to the word “endorsement” on the premise that the rest of the sentence would remain the same. As that was not the case, the Delegation would like the word “finalize” to be re-inserted in place of the word “propose”. The Committee must be more pragmatic. If it wanted the conference to be organized within the envisaged time frame, the Committee must find better ways to move forward and not micromanage the Secretariat. The Delegation reiterated that the Committee should allow the Secretariat to do its work. As agreed, the list of speakers would then be circulated to the Group Coordinators. The Delegation spoke with some delegations and they seemed to be on the same page. The Delegation believed that its explanation made sense because it also reflected something that was sort of agreed in the informal consultations.

626. The Delegation of South Africa enquired as to whether the Committee was reopening something that was already agreed upon. The Delegation thought the Committee had agreed on (c).

627. The Chair stated that he thought it had been agreed. However, the Delegation of the United Kingdom approached him before the morning session was adjourned and made it clear that it was not supportive of the last proposal.

628. The Delegation of South Africa stated that it would like to keep the paragraph as it was.

629. The Delegation of Brazil, speaking on behalf of DAG, also shared the opinion of the Delegation of South Africa. The Group assumed that this item had already been approved. If this was the case, the Group would like to open up other items. It referred to paragraph 6 and stated that it would like the sentence beginning with the words, “A number of observations”, to be amended as follows, “A number of observations were made on the Report and clarifications were sought, in particular with regard to Country Plans, WIPO’s participation in the Rio+20 process and the MDGs Task Force, and the implementation of the DA by the WCS and the PBC”. The Group understood the Committee had already agreed on paragraph 7(c).

630. The Delegation of Belgium, speaking on behalf of Group B, understood that a point was closed after the Chair brought his gavel down on the point. This was done on paragraph 6. With regard to paragraph 7(c), the Group supported the clarification by the Delegation of the United Kingdom. The Group earlier stated that it had some reservations in this regard. It also repeatedly stated that the process should be ended. The Committee could either continue discussing the paragraph or the whole paragraph could be put on hold and the Committee could return to it at a later stage.

631. The Delegation of Algeria, speaking on behalf of the African Group, stated that the procedure should be respected. Paragraph 7(c) was dealt with in exactly the same way as paragraph 6. The Chair had brought his gavel down on both paragraphs. With respect to 7(c), it was quite clear that the words “finalize” and “confirmation” (I don’t have the original text) would be replaced with the words “propose” and “endorsement”. The Group agreed entirely with the Delegations of South Africa and Brazil. If the Committee decided to reopen paragraphs, the Group may also revisit other paragraphs that were closed, including what was mentioned by the Delegation of Brazil. Decisions should be respected.

632. The Chair clarified that he had brought the gavel down on paragraph 6 but not on paragraph 7. However, he thought that he had closed the debate on 7(c) when the Delegation of the United Kingdom came up to him and said that it would like to return to that paragraph.

633. The Delegation of South Africa stated that it had made a number of compromises with respect to this paragraph. The Delegation reiterated that if the Committee were to reopen something that had been agreed, it could also go back to its initial position. However, it did not want to do that. There was a consensus on paragraph (c) in its current form. Thus, the Delegation was willing to go along with that paragraph.

634. The Delegation of the United Kingdom proposed that the Committee should leave 7(c) for the time being. The Committee could continue with other items and return to 7(c) later.

635. The Chair invited the Committee to return to 7(b). The Secretariat had tried to take into account all the observations made in the revised text.

636. The Delegation of Switzerland referred to b(I) and stated that it would be better to reproduce the agreed bullet points in the joint proposal rather than to state, "in line with recommendation A(2)(a) in document CDIP/9/16". The same could be done for b(II) and (III). Thus, the language would be similar to the joint proposal. It would be clear as to what the Committee had agreed to.

637. The Delegation of Brazil requested the Delegation of Switzerland to read its proposal.

638. The Delegation of Switzerland referred to b(I) and suggested that a colon be placed after the words "technical assistance". The agreed bullet points under A(2)(a) of the joint proposal could be reproduced after the colon. In b(II), a colon could be placed after the words "cooperation activities" and F1 of the joint proposal could be reproduced after that. Similarly, a colon could be placed after the words "technical assistance activities" in b(III). Recommendation G of the joint proposal could be inserted after the colon.

639. The Delegation of India, speaking on behalf of the Asian Group, referred to the latest proposal by the Delegation of Switzerland. It did not have anything particular to say about it as the current text was fine and the same meaning would be imparted by reproducing the recommendations. The Group referred to the sentence, "Recognizing the Secretariat's .... and provide a report to the next session of CDIP". The sentence was somewhat incomplete perhaps because the reference to a progress report had been removed. Thus, the Group suggested that the words "on the progress made" be included in the sentence after the word "report". Alternatively, the sentence could be reformulated as follows, "Recognizing the Secretariat's ongoing work on the recommendations and the need to take further actions, the Committee requested the Secretariat to continue its work and provide a report to the next session of the CDIP and take further actions on the following three proposals, taking into account the comments made by the delegations".

640. The Delegation of the United States of America referred to the proposal by the Delegation of Switzerland. It understood the desire to be precise in terms of language. However, the problem was that the Committee was again running the risk of being too prescriptive of the Secretariat's actions. The Delegation believed that the Secretariat had followed the discussions in the Committee and understood the concerns raised by Member States. The Delegation was of the view that being too specific with this language would both lengthen the report unnecessarily and perhaps include elements that were not discussed. For example, the Delegation believed that with respect to b(III), although the Committee did discuss large parts of

subsection G of the joint proposal, the discussion was incomplete. At this point, the Delegation would also not support the idea of all of the actions noted in G(2).

641. The Delegation of Brazil shared the Delegation of India's view with respect to the need for the documents to be mentioned. The Delegation also shared the view of the Delegation of the United States of America that the document should not be lengthy. There was a good basis for a consensus on these items. The Delegation would go back to G(2) at a later stage.

642. The Delegation of the United States of America reiterated that the Committee did not have a full discussion on G(2). At this point, it could not support a conclusion that would imply that Member States had fully discussed this and recommended that the Secretariat take that on board. The Delegation suggested going back to its earlier proposal and refer more generally to "a comprehensive manual on delivery of technical assistance; to ensure that WIPO's website is upgraded to serve as a more effective accessible and up to date resource for communicating information about development cooperation activities; and to examine the Technical Assistance Database with a view to facilitate searching capabilities and ensuring the regular updating of the Technical Assistance Database with information on technical assistance activities;" and remove all references to the sub-document. Perhaps this would solve the issue for the Delegation of Switzerland. As mentioned earlier, the Delegation believed that the Secretariat was fully aware of all the discussions that had taken place. At this point, it did not know if the Committee had time to agree to each and every single sub-action discussed in the joint proposal.

643. The Delegation of Brazil believed that if the Committee could agree on recommendation G, in line with what the Delegation of the United States of America had mentioned, an agreement could be reached on paragraph (b). There was room for convergence and the paragraph could be approved without much amendment.

644. The Delegation of Switzerland believed that the Committee should not discuss substantive elements at this stage. The best way forward was to mention references as stated by the Delegation of the United States of America. It would provide guidance and reflect what was agreed.

645. The Delegation of Algeria, speaking on behalf of the African Group, stated that it would like to retain the references to the recommendations of the joint proposal. It would like these to be as specific as possible.

646. The Chair enquired as to whether the Delegation of the United States of America could accept a specific reference to recommendation G(1).

647. The Delegation of the United States of America stated that specifying G(1) would be acceptable. However, it was not sure whether that was sufficient for the Delegation of Switzerland.

648. The Delegation of Switzerland stated that if the references were to be specific, paragraph b(II) should refer to recommendations F(1)(a) and (b).

649. The Chair enquired as to whether the language suggested was acceptable to the Committee. Paragraph (b) was adopted with the suggested amendments given that there were no objections from the floor. The Chair moved on to paragraph (d).

650. The Secretariat read out paragraph (d) as follows:

"The Committee discussed the Feasibility Assessment on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content

(CDIP/11/6). Delegates expressed general support for the proposals presented in the document and provided a number of comments and suggestions. The Committee requested the Secretariat to prepare a more detailed implementation plan, including information on financial and human resource implications, to be considered at the next session of the Committee.”

651. The Delegation of Belgium, speaking on behalf of Group B, recalled that it had expressed interest in the proposals. As such, the Group proposed that the words “general support” be replaced with the word "interest".

652. The Delegation of Brazil, speaking on behalf of DAG, reiterated that this agenda item was of utmost importance and there was general support from the floor with regard to the interests of developing countries. The paragraph could also state that the projects needed to be discussed in the next session.

653. The Delegation of Belgium, speaking on behalf of Group B, stated that perhaps some language could be developed to indicate that certain delegations expressed support while others expressed interest. That would be clearer and more balanced than to state that there was general support. The Group was not sure whether it was really that willing to put it at the forefront of further discussions.

654. The Delegation of the United States of America suggested a way forward. The sentence beginning with "Delegates" could be amended to read as follows, “Some delegation expressed general support for the proposals presented in the document and provided a number of comments and suggestions. Other delegations requested the Secretariat...”. The Delegation believed that would be sufficient to cover both sets of parties.

655. The Delegation of Brazil, speaking on behalf of DAG, proposed that the word “general” be deleted from the proposal by the Delegation of the United States of America.

656. The Secretariat noted the delegations’ suggestions and made a proposal. The first sentence would remain the same. The rest of the paragraph could read as follows: “Some delegations expressed support for the proposals presented in the document and provided a number of comments and suggestions. The Secretariat was requested to prepare a more detailed implementation plan, including information on financial and human resource implications, to be considered at the next session of the Committee.”

657. The Delegation of Brazil stated that it preferred the proposal by the Delegation of the United States of America.

658. The Secretariat read out the proposal by the Delegation of the United States of America on paragraph (d). It began with the second sentence and was as follows:

“Some delegations expressed support for the proposals presented in the document and provided a number of comments and suggestions. Other delegations requested the Secretariat to prepare a more detailed implementation plan, including information on financial and human resource implications, to be considered at the next session of the Committee.”

659. The Chair enquired as to whether the Committee could agree on the paragraph that was read out by the Secretariat. The paragraph was adopted given that there were no objections from the floor. He then invited the Committee to consider paragraph (e).

660. The Delegation of Belgium, speaking on behalf of Group B, stated that the proposal was very interesting. However, it did not want to prejudge the outcome of the debate at the next Committee. As such, the Group suggested that the word "approval" be replaced with the word "consideration".

661. The Delegation of Nepal suggested that the phrase, "also with the consultation of LDC Group", be included following a comma after the phrase, "bearing in mind the observations made from the floor".

662. The Secretariat referred to the sentence to be amended in paragraph 7(e) and read out the following: "The Republic of Korea was requested to work with the Secretariat to further develop the proposal into a CDIP project document, bearing in mind the observations made by the floor, in particular by the LDC Group, and present it to the next session of the Committee for consideration."

663. The Delegation of Nepal had no problem with the sentence that was read out by the Secretariat.

664. The Delegation of Belgium, speaking on behalf of Group B, stated that the entire membership made contributions. Thus, the Group did not know whether it was really necessary to include a particular emphasis on the LDC Group.

665. The Chair enquired as to whether the phrase, "including by the LDC Group", could be acceptable.

666. The Delegation of Belgium suggested the phrase, "including all Groups", although that was understood.

667. The Chair enquired as whether the Delegation of Belgium would oppose his suggestion.

668. The Delegation of Belgium stated that it did not have a problem with it. However, as it was discussed by all Groups, it was in the hands of all of them.

669. The Chair suggested that paragraph (e) be adopted as read out by the Secretariat. It was adopted given that there were no objections from the floor. He then moved on to paragraph (g) as paragraph (f) was not ready.

670. The Delegation of Brazil suggested the inclusion of the following, "Some delegations welcomed the idea of having a standing agenda item to discuss case studies in the CDIP."

671. The Delegation of Belgium, speaking on behalf of Group B, had no problems with paragraph (g) as it stood. However, if the Delegation of Brazil insisted on including its request for a standing agenda item, it should also be mentioned that some other delegations expressed objections to the request.

672. The Delegation of Mexico noted that the case study on Brazil (CDIP/11/3) was not mentioned in the paragraph.

673. The Chair stated that it would be included. The paragraph would also be revised and include comments that were made. Meanwhile, he invited the Committee to resume its discussion on Future Work on Patent-Related Flexibilities in the Multilateral Legal Framework.

Future Work on Patent-Related Flexibilities in the Multilateral Legal Framework (continued)

674. The Chair stated that during the informal consultations in the morning, some Groups had requested for the possibility to consult amongst themselves before agreeing to a course of action. He requested those Groups to report on the results of their consultations.

675. The Delegation of Belgium, speaking on behalf of Group B, stated that a long discussion took place within the Group. As this topic was not of high priority for the Group, it was willing to show some flexibility. The Group understood that the Committee was close to an agreement in terms of requesting the Secretariat to undertake further work on criminal sanctions in patent enforcement. However, the Group was not in a position to look further into other flexibilities on the list. In the morning, delegations were also not in a position to further outline their views on the flexibility concerning measures related to national security.

676. The Delegation of Ireland, speaking on behalf of the EU and its Member States, stated that they had participated in the Group B meeting after their coordination meeting. The Delegation of Belgium had presented their position.

677. The Chair was in the hands of the Committee on how to proceed with this item.

678. The Delegation of Brazil, speaking on behalf of DAG, stated that there was an impasse in the informal consultations. It was of utmost importance for developing countries to understand their options with respect to flexibilities when developing their IP policies. The Secretariat could be requested to put forward a new set of flexibilities for the Committee to work and decide on with regard to the implementation of new studies in the next CDIP.

679. The Delegation of Egypt stated that a positive outcome was required in order to find solutions to problems faced by a lot of WIPO Member States in this area. Some Groups had stated that this was not a priority area for them. There was a need to study this matter as it was very important for developing countries that were members of the Organization. Thus, perhaps the Secretariat could provide a list of flexibilities. The Committee could also discuss the flexibility concerning criminal sanctions in patent enforcement, as suggested by Group B. This would allow all delegations to work together in this area.

680. The Delegation of Algeria, speaking on behalf of the African Group, reiterated that flexibilities in the area of IP were of top priority for the Group. It noted that Group B was opposed to carrying out further work on the flexibilities related to plants, software-related inventions and measures related to national security. However, the Group would like more information and guidance from the Secretariat on these flexibilities and not on the flexibility concerning criminal sanctions in patent enforcement. The Group also believed that the Committee should request the Secretariat to put forward other flexibilities that could be discussed in the future. Group B had not objected to that. The Group requested Group B to come back with a list of flexibilities that may receive consensus in the next session.

681. The Delegation of Belgium, speaking on behalf of Group B, highlighted that when it first took the floor, it stated that the Committee was nearing agreement in terms of work on criminal sanctions. The Delegation of Egypt had also mentioned that this was an area where further work could be undertaken. The Group had also stated that measures related to national security were not discussed in the morning. Again, this was not an area of high priority. However, perhaps this could be discussed later if there was time, or in the next session. On the request for a list of other flexibilities to be provided at the next session, the Group stated that it was not in a position to accept this as it would again be confronted with a list. Some of the flexibilities on the list may not be exactly what was requested and it would not want to burden the Secretariat with too much work in this regard.

682. The Delegation of Brazil understood that the Groups had not been able to find any common ground in the informal consultations. This was why the Delegation had requested for a new set of flexibilities to discuss and decide upon in terms of further work. Other delegations also mentioned that this was important. The Delegation agreed with the Delegation of Belgium that the security issue was not discussed in the morning. Perhaps it could be discussed later in the day. The Delegation also understood that it would not be a burden for the Secretariat to put forward other flexibilities on IP.

683. The Delegation of the Dominican Republic, speaking on behalf of GRULAC, reiterated that this was a very important topic for the Group. It had indicated its preferences in the informal consultations in the morning. The Group realized it would not be possible to achieve consensus on further work at the moment. As such, the Group supported the proposal for the Secretariat to put together a new list of flexibilities for discussion at the next session.

684. The Delegation of China supported the interventions by the Delegations of Brazil and Algeria. As flexibilities were of top priority for many developing countries, other flexibilities could be discussed.

685. The Delegation of India stated that the Secretariat had made it clear that it would not have any problems in producing other sets of flexibilities that were available in the patent system for the benefit of developing countries. Thus, it would not be a burden for the Secretariat to do so. The Delegation also understood that a consensus had not been reached on a particular flexibility.

686. The Delegation of the Islamic Republic of Iran stated that flexibilities were extremely important for developing countries. If the CDIP could not allow the Secretariat to develop a study on flexibilities, there would then be a question with regard to the forum for discussing these important issues. It would be difficult for developing countries to develop IP strategies that support development without a clear understanding of flexibilities.

687. The Delegation of Pakistan stated that the Committee's work was based on the DA. Numerous DA recommendations, including recommendations 14, 17, 22 and 25, clearly stated that the Organization must take appropriate measures to enable developing countries to fully understand and benefit from the provisions pertaining to flexibilities in international agreements. Those flexibilities were being used by developed countries as well as some developing countries. However, it appeared that the Committee was not even ready to let developing countries know what those flexibilities were. There was a need for the Committee to review its understanding of what it wanted to do on this issue.

688. The Delegation of Argentina stated that the issue of flexibilities was extremely important. Thus, it was vital for the Committee to look at other flexibilities, in addition to the four that were mentioned in the Secretariat's document. The Delegation supported the statements made by GRULAC and the Delegation of Brazil.

689. The Delegation of Egypt referred to document CDIP/10/11. Paragraphs 60 and 71 clearly stated that future documents on flexibilities should describe how these were implemented in different countries. The flexibilities available in the multilateral legal framework would be analyzed to assist in the implementation of policies. The Committee could examine the Secretariat's proposal on the flexibility concerning measures related to national security. It could also examine the proposals contained in document CDIP 9/11 for its future work on flexibilities. These included the development of a technical and legislative assistance toolkit to address challenges faced by countries in implementing flexibilities in order to provide assistance to countries at different stages of development on the effective implementation of IP flexibilities in various areas of public policy; examples of how flexibilities were implemented in industrialized

countries, as well as additional information on national experiences, best practices, court cases interpreting legal provisions, and WIPO Academy training materials related to IP flexibilities; additional studies to extend the Secretariat's current work on patent-related flexibilities; extending the Secretariat's work on flexibilities to other areas of IP contained in the TRIPS Agreement and numerous other proposals by Member States. Delegations may also be able to come up with further proposals for future work. There were many ideas. However, political will was required to implement them.

690. The Delegation of Ireland, speaking on behalf of the EU and its Member States, had listened to the debate. They believed there was no consensus on this item at that point. They strongly suggested that the discussions should be brought to an end. The Committee could reconsider discussing this item using the same documents in the next session.

691. The Delegation of Belgium, speaking on behalf of Group B, supported the statement made by the Delegation of Ireland. The Committee had achieved quite a lot, including on technical assistance and copyright. The Committee was almost there with regard to the conference on IP and development. Thus, perhaps the Committee could move on to other agenda items that needed to be covered. The Group was looking forward to finishing at 6 pm.

692. The Delegation of Brazil understood that the Committee had made some progress that day. However, as mentioned by the Delegation of Pakistan, nothing was done on flexibilities, an item that was an integral part of the DA. The Delegation reiterated its request for the Secretariat to prepare a report on flexibilities to add to the documents that were on the table.

693. The Delegation of Algeria, speaking on behalf of the African Group, stated that it would be irresponsible to simply postpone the debate to the next session without adding something new. New subjects should be included in the debate. The Group could not understand why there were so many objections to bringing new issues to the discussions. Delegations were not obliged to approve something that they did not agree with. However, the Group would like to know what was wrong with asking the Secretariat, a neutral party, to put together a new list of flexibilities.

694. The Delegation of the Islamic Republic of Iran supported the statements made by the Delegations of Brazil and Algeria. The Delegation believed that the difficulties faced by developing countries would not be solved by avoiding the question and delaying the process.

695. The Delegation of India also supported the statements made by the Delegations of Brazil and Algeria.

696. The Delegation of Angola supported the position of the African Group on this item.

697. The Chair noted that a number of countries had clearly explained why this agenda item was important for their countries. Others had also clearly stated that this item was a priority for them. However, they were willing to explore the issue further on another occasion. That proposal was not supported. Many members wished to discuss this in the current session. The Chair suggested that the Committee could agree on criminal sanctions in patent enforcement and a document could be prepared by the Secretariat. He enquired as to whether the Committee could agree to a factual assessment of criminal sanctions in patent enforcement.

698. The Delegation of Brazil, speaking on behalf of DAG, stated that GRULAC, the Delegations of Algeria and Brazil as well as the Group had clearly mentioned the importance of other flexibilities. Thus, as a compromise, the Group suggested a study on the flexibility concerning measures related to national security with the condition that there would also be a

new list of flexibilities to work on in the next session. The Group sought the views of the delegations in this regard.

699. The Delegation of Uruguay supported the proposal by the Delegation of Brazil.

700. The Delegation of Belgium, speaking on behalf of Group B, reiterated that the Committee had made some progress. It was almost there on criminal sanctions in patent enforcement. The Committee had yet to discuss national security. The Group stood ready to engage in discussions then or at the next session. Like other delegations, the Group had made its position clear with regard to other flexibilities.

701. The Delegation of South Africa supported the statements made by the African Group as well as the Delegations of Egypt, Pakistan and others on this issue. Group B had stated that this was not a priority for the group. However, it should let the Committee undertake work on it as it was a priority for developing countries and flexibilities were part of the DA as pointed out by the Delegation of Pakistan. Prolonging the debate by stating that this could be discussed in the next session did not indicate commitment.

702. The Delegation of Algeria stated that Group B had not explained why it objected to a new list of flexibilities. The Delegation may understand it better if there were arguments to support it.

703. The Delegation of Belgium, speaking on behalf of Group B, reiterated that work on flexibilities was not a priority. However, it was willing to show some flexibility and undertake work on criminal sanctions. Thus, there would be something new in the debate. The Group did not want to entertain the idea of a new list of flexibilities as it was not discussed. Although this could be discussed, there were other items that still needed to be discussed. Thus, the Committee could either carry on with the debate or insert brackets around the paragraph and return to it later.

704. The Delegation of Brazil, speaking on behalf of DAG, stated that it was dismayed that a Group was blocking the Secretariat's work on flexibilities. On this item, the Chair's summary should at least mention that one Group did not have interest in the item and it was not a priority for them. However, other Groups supported new work on flexibilities. The Group noted that its proposal concerning a study on the flexibility concerning measures related to national security was not well received by other Groups. The Group stressed that it was only intended as a compromise solution if the Committee also had a new list of flexibilities to work on in the next session.

705. The Delegation of Belgium, speaking on behalf of Group B, understood that the Committee would go forward with work on criminal sanctions in patent enforcement (Article 61 of the TRIPS Agreement) and perhaps it could be stated that certain Groups were in favor of work on further flexibilities whereas other regional Groups were not that much in favor of this. This was a very elegant outcome. Perhaps the Committee could move on to other agenda items.

706. The Delegation of Brazil stated that its suggestion was for the Chair's summary to indicate that in the discussions, a specific Group stated that it did not see this item as a priority while other Groups viewed this as a matter of priority. This would be an accurate reflection of the debate in which only one Group was hindering the work of the Committee.

707. The Delegation of Egypt stated that its proposal was based on equity and equality. It was also based on the proposals by some Groups on flexibilities. Until such time when a solution could be reached, the Committee could perhaps consider Group B's proposal on the flexibility concerning criminal sanctions in patent enforcement. Proposals could also be developed for

consideration in the next session. That way, the proposals from all Groups would be treated equally.

708. The Delegation of Ireland, speaking on behalf of the EU and its Member States, reiterated their position in support of Group B. It seemed that the spotlight was on Group B. Their position was the same as Group B. There was a good discussion in the informal consultations in the morning. Their position on criminal sanctions was quite well known. They were also open to discuss flexibilities in relation to national security. However, at that moment, it was not in their interest to suggest that the Secretariat would come up with a list.

709. The Delegation of Belgium, speaking on behalf of Group B, stated that its position had just been echoed by another Group. It had listened carefully to the proposal by the Delegation of Egypt. The Committee would need to discuss the agenda item on future work. Thus, perhaps the Committee could move on to other agenda items and it may be possible to come up with a creative way further forward under the agenda item on future work.

710. The Chair referred to the proposal by the Delegation of Belgium and enquired as to whether delegations could agree to move on to consider the proposal for a new agenda item on IP and development. The Committee could then return to the agenda item on flexibilities. This was agreed.

711. The Secretariat (Mrs. Longcroft) recalled that at its last session, the Committee discussed a document outlining further steps in the work program on flexibilities in the IP system (CDIP/10/10). The Committee had earlier agreed to establish a database on the WIPO website to make available information submitted by Member States documenting their practical experiences in implementing flexibilities in national IP laws. At its last session, the Committee had requested the Secretariat to invite Member States, on a voluntary basis, to submit samples of data to be included in the database from an agreed list of categories. That information would then be used to enable the Secretariat to design a database that would be appropriate and effective for those types of information. Accordingly, the Secretariat prepared a note verbale (CN3403). It was transmitted to Member States on January 11. The Secretariat was still awaiting replies to that note verbale.

#### Consideration of Document CDIP/6/12 Rev - Proposal for a CDIP New Agenda Item on IP and Development

712. The Chair opened discussions on the Proposal for a CDIP New Agenda Item on IP and Development. He recalled that the proposal was first presented at the sixth session by the Delegation of Brazil on behalf of DAG. Due to a lack of agreement, the Committee had postponed a decision on this document.

713. The Delegation of Brazil, speaking on behalf of DAG, recalled its proposal. The new standing agenda item would discuss the interface between IP and development. As stated by the Chair, the proposal was presented by the Group in the sixth session of the Committee. It aimed to ensure that the Committee would have adequate time to discuss issues related to IP and development as well as those decided by the General Assembly, as expressed in the decision that created the Committee. It was time for the Committee to further analyze the interface so as to provide concrete guidance on how the international regime should be improved, be more inclusive and promote innovation and access to knowledge in different socio-economic circumstances. The debate was of interest not only to developing countries but to all WIPO Member States. This item had been on the agenda for a long time. The Committee would not fulfill its mandate of CDIP unless there was a clear debate on IP and development.

714. The Delegation of Belgium, speaking on behalf of Group B, remained convinced that the overall role of the Committee was to discuss specific issues on IP and development. Therefore, it saw no purpose in adding an item on the agenda with exactly the same title as the Committee. It would only be repetitive of the overall objective of the Committee. However, the Group emphasized that it remained open to reflect and further discuss specific agenda items related to individual issues in respect of IP and development. In view of the above, the Group did not see the need to introduce the proposed standing agenda item.

715. The Delegation of Algeria, speaking on behalf of the African Group, recalled support for the proposal. The Committee's mandate was to develop a work-program for the implementation of the 45 adopted recommendations; to monitor, assess, discuss and report on the implementation of all recommendations adopted, and for that purpose it shall coordinate with relevant WIPO bodies; and to discuss IP and development-related issues as agreed by the Committee, as well as those decided by the General Assembly. The first pillar was being implemented through the projects that were adopted by the Committee. The second pillar was being implemented through progress reports and coordination mechanism. The third element is to discuss IP and development issues as decided by the CDIP. However, the third pillar was not being implemented. The Group was pleased to note that Group B was also of the view that IP and development issues should be discussed as per the mandate of the Committee. The Group would like Group B to explain how it saw the third pillar of the Committee as being implemented. It was obvious that the Group would like to implement it through the proposed new agenda item.

716. The Delegation of Monaco reiterated that it did not really understand the scope of this proposal. The title of the new agenda item was general and almost the entire mandate of the Committee. The Committee's mandate had three pillars. The third pillar was already being implemented through, for instance, the organization of the conference on IP and development as well as discussions on WIPO's contribution to the MDGs. Thus, a new standing agenda item was not required to implement this part of the Committee's mandate. An agenda item that was so broad may create problems. It could make discussions difficult. Almost all the items on the Committee's agenda were specific. The Committee could carry out its mandate through agenda items that were more specific. Member States also had the right to propose new items for the agenda.

717. The Delegation of Ireland, speaking on behalf of the EU and its Member States, reiterated its position on the creation of a new standing agenda item on IP and development. They were still of the view that the core objective of the Committee was to discuss IP and development. Therefore, they saw no purpose in adding an item onto the agenda with exactly the same objective and which would only repeat the title of the Committee. The EU and its Member States emphasized that they were always open to discuss specific agenda items relating to individual issues in respect of IP and development.

718. The Delegation of Pakistan reiterated that it was still of the view that this agenda item was very important. As mentioned by DAG and the African Group, it was part of the Committee's mandate. The Delegation referred to the comment by the Delegation of Monaco on the vast scope of the agenda item. The Delegation stated that this was required to encompass the vast nature of this issue. The agenda item was not a replication of the title, it was not about language, it was on what occurred in the correlation between IP and development. The Committee needed to focus on the third part of its mandate.

719. The Delegation of Canada did not interpret the decision of the General Assembly in the same way as the African Group, the Delegation of Pakistan and others who identified IP and development as a third pillar. This position was based on the fact that the ongoing work of the Committee already addressed the third objective assigned to the CDIP. For example, there

were numerous instances where discussions on IP and development related issues were apparent in the Committee. These ranged from various studies, presentations as well as additional work arising from studies with expert based recommendations. Given that not all the 45 recommendations adopted by the General Assembly had been implemented, the focus of the Committee should be on their implementation. However, the Delegation remained open to consider other items, on a case by case basis, that could potentially fit under the agenda item of future work.

720. The Delegation of Poland, speaking behalf of CEBS, reiterated its position on the proposal. It remained convinced that the overall objective of the Committee was to discuss issues related to IP and development. Therefore, there was no need to add a new standing agenda item that simply repeated the title of the Committee. WIPO was a member driven organization. As such, its rules of procedure provided opportunities to discuss specific items concerning concrete issues in respect of IP and development. The Group was open to such discussions.

721. The Delegation of the Dominican Republic, speaking on behalf of GRULAC, had listened to the arguments. The Group reiterated its support for the inclusion of a new standing agenda item on IP and development.

722. The Delegation of the Islamic Republic of Iran stated that everyone was aware that only two of the three elements of the mandate given by the CDIP by the WIPO General Assembly in 2007 were reflected in the Committee's agenda, namely, to develop a work-program for the implementation of the 45 adopted recommendations; and to monitor, assess, discuss and report on the implementation of all recommendations adopted, and for that purpose it shall coordinate with relevant WIPO bodies. Although the Committee had been mandated to do so by the General Assembly, it had yet to address the third element, i.e. to discuss IP and development related issues as agreed by the Committee, as well as those decided by the General Assembly. According to its mandate, the Committee should make recommendations to the General Assembly. It would not be able to make practical recommendations to the General Assembly in the area of development-oriented norm-setting without discussions on IP and development. It was time for the Committee to engage in a frank discussion on the initial objective of its creation and its future. The CDIP should assess the tangible benefits of its creation for developing countries and explore whether the Committee and its work had met the ideals and expectations of developing countries. The Committee would be deviating from the initial objective of its creation and would be ineffective if it could not discuss the different aspects of IP and development. Work on further flexibilities for the benefit of the developing countries was being blocked. The ineffectiveness of the Committee would not serve the interests of developed and developing countries. Making the IP regime more development friendly could benefit all countries and enhance IP protection all over the world. If the IP regime was not sensitive to development considerations, the problem of IP enforcement may become a reality. It was necessary to include this agenda item in order to strengthen the Committee, fulfill the General Assembly's decision and add value to the Committee's discussions.

723. The Delegation of Australia acknowledged that the CDIP's mandate included the item on IP and development. However, like the Delegations of Poland, Monaco, Canada and others, the Delegation considered that the Committee met this mandate in all aspects of its work. Thus, it also did not support a dedicated agenda item on this. The Committee had the opportunity and would continue to have the opportunity to discuss issues concerning IP and development. It had done so without a specific agenda item. The Delegation acknowledged a project and study-based approach on all issues concerning IP and development. Nevertheless, the Committee had the opportunity to discuss those issues. For example, national experiences in providing and receiving IP assistance for development as well as the ongoing discussion around MDGs. As suggested by other delegations, there was nothing to stop a Member State from

requesting a specific agenda item. Similarly, Member States could also raise issues under future work to enable delegations to prepare for a fuller discussion on particular issues at subsequent CDIP meetings.

724. The Delegation of South Africa supported the statements made by the African Group and the Delegation of Brazil. The Delegation saw merit in having a stand-alone agenda item on IP and development. It would fulfill the mandate given to the Committee by the General Assembly.

725. The Delegation of Egypt stated that the Committee was required to implement the third pillar of the mandate given to it by the General Assembly. A legal explanation of the decision by the General Assembly was required. The way in which the decision was implemented was a very important issue. The General Assembly's decision must be applied by all Member States. DAG had put forward a number of proposals on issues that could be discussed under this item, in particular, the conference on IP and development. Progress was achieved with regard to the conference. The Delegation supported the creation of the standing agenda item to discuss matters that were relevant to it in the future.

726. The Delegation of India, speaking on behalf of the Asian Group, stated that the item was important and it associated itself with the statements made by DAG and the Delegation of Iran. The Committee needed to honor the General Assembly's decision in this regard. The Group was interested to hear Group B's response to the question raised by the Delegation of Algeria.

727. The Delegation of France stated that its expert had observed that certain positions were disconnected from real life as some delegates in Geneva were not from national institutes. He would like experts and representatives from national institutes to be present. The Delegation posed a question to the proponents of the proposal. If a standing agenda item on IP and development were to be included, the Delegation would like to know whether that meant that the other items on the agenda did not involve discussions on IP and development. The Delegation would be shocked and surprised as the title of the Committee was, "Committee on Development and IP". Thus, it should ideally be mainstreamed into all items on the agenda. The Delegation would like to know the idea behind this standing agenda item and if there were some specific ideas for the agenda item. If it was just to duplicate the work of the Committee and to repeat the same words in different parts of the document, the Delegation did not understand the reason for the standing agenda item. Obviously, the Committee was serving development and IP, including through discussions on MDGs and national experiences. The contributions by delegations to the Committee were on IP and development. The standing agenda item should be specific otherwise it could be left out as delegations were there to discuss IP and development.

728. The Delegation of Switzerland stated that at the outset of the discussion on the proposal, the reason put forward for the proposal was the organization of a conference on IP and development. The conference would be held in November and this was being discussed. Since the initial discussions, other subjects that would need to be discussed under the proposed standing agenda item and could not be discussed under existing agenda items had not been put forward. Thus, the Delegation supported the statements made by the various members of Group B, in particular the statement just made by the Delegation of France.

729. The Delegation of Algeria, speaking on behalf of the African Group, referred to the comments by the Delegation of France and stated that their expert was perhaps shocked by the fact that the Committee was not discussing IP. The Committee discussed the implementation of recommendations and follow-up. However, IP and development would be discussed in a more global manner under the proposed standing agenda item. Perhaps Group B had not read the proposal carefully. The proposal mentioned topics that could be discussed under the standing

item. The Group did not want to go into the details. If the person had not taken the time to read the document, then there was really no point in discussing it.

730. The Delegation of Belgium, speaking on behalf of Group B, stated that it was always in favor of more discussion as it helped to gain a better understanding. The Group believed that almost all its members had answered the question raised by the Delegation of Algeria. In addition to those clarifications, the Group pointed out that document CDIP/6/12 dated back to 2011, almost two years ago. It was mentioned on the second page that as an initial contribution, the DAG suggested that the discussions could include 3 items. The first item was on a report on the discussions of the WIPO Seminar Series on "The Economics of IP". A report on the discussions was not necessary. Delegates should try to be present at the seminars. The second item was related to WIPO's contribution to the MDGs. The document mentioned one of the first studies that were undertaken in this regard. The Committee already had a long and extensive discussion on this topic. Finally, on the request for further work to prepare for the upcoming conference on IP and development, the Group echoed what was mentioned by other delegations in this regard.

731. The Delegation of Pakistan pointed out that it was stated in the proposal that DAG was open as to what subjects may be discussed under this agenda item and encouraged all groups to present their views on the matter. As an initial contribution, DAG suggested that discussions under this agenda item could contemplate, among other issues, the examples that were mentioned in the proposal. The issues that could be discussed under this agenda item were huge.

732. The Delegation of Brazil, speaking on behalf of DAG, supported the statement made by the Delegation of Pakistan. The Group proposed some issues to be discussed under the agenda item. However, it was open to hold a discussion on this. The Committee could not fully discuss IP and development unless there was a broad standing agenda item for which every country could bring its interests to the table.

733. The Delegation of Monaco referred to the comments by the Delegation of Algeria and stated that it had carefully read the proposal several times. In its previous statement, the Delegation mentioned two subjects that featured in the proposal, i.e. WIPO's contribution to the MDGs and the organization of conference on IP and development. The fact that the Committee had discussed these in several sessions proved that a standing agenda item was not required to discuss these subjects. The Delegation did not mind discussing this. However, the scope of the agenda item was very broad. Sub-items were required to explain what would be discussed under this agenda item. It was too broad. The Delegation was open to discuss any subject that was linked to IP and development. A standing agenda item was not necessarily required to discuss these. The Committee was required to discuss IP and development and that was exactly what it had been doing in the last 11 sessions.

734. The Chair stated that there had been a very useful discussion on this matter although it had not led to a consensus on the best way to address it. He suggested that the Committee postpone its discussion on this matter to the next session. The proponents of the proposal could then explain in more detail, as requested by some delegations, the substantive elements of the proposal. That would be useful.

735. The Delegation of Algeria, speaking on behalf of the African Group, stated that delegations were perfectly capable of continuing the discussion. There was no point in coming back with proposals at the next session that would not be acceptable. They could certainly propose a number of themes. However, the process needed to be more open. All delegations should be requested to propose issues that could be discussed.

736. The Delegation of France stated that it agreed with the Chair's proposal. DAG needed to convince the rest of the Committee of its proposal. The Delegation was open to discuss any concrete proposals that were presented in the next session and to determine whether an additional agenda item was required or if the issues could be considered under the existing agenda items.

737. The Delegation of Egypt believed that the statement by the Delegation of Algeria was very coherent. It could help the Committee to reach a solution. The Delegation suggested that informal discussions could be held in the lead up to the next session to determine which items could be included. It could assist delegations to prepare for the next session and achieve concrete results in that session.

738. The Delegation of Belgium, speaking on behalf of Group B, stated that the proponents of the proposal were free to update the document. It was quite old and most of the suggestions were outdated. If the proponents chose to update their document, they could take the discussions into account. Thus, the title should be specific and not general. In view of the fact that there was a standing agenda item on future work, the Group did not believe that a request for a recurring agenda item was the best way forward. This item could remain on the agenda if other Groups chose to proceed in that way. However, informal consultations would not be necessary as delegations would be busy for the next few months.

739. The Delegation of Brazil understood that some delegations were not very interested to make compromises in terms of future work and informal consultations. The Delegation welcomed the suggestion by the Delegation of Egypt.

740. The Delegation of Ireland, speaking on behalf of the EU and its Member States, echoed the points made by the Delegation Belgium and would not support the proposal by the Delegation of Egypt for more inter-sessional work to discuss the new agenda item.

741. The Chair noted that there did not seem to be a consensus on holding informal consultations with regard to the proposal. He reiterated his suggestion for the Delegation of Brazil, as the initiator of the proposal, to make the proposal clearer for the next session. This was agreed.

742. The Delegation of Brazil was willing to explain and to continue working on its proposal. It would try to engage in "informal informal" consultations with some members in order to find common ground for the creation of a new standing agenda item on IP and development.

743. The Delegation of Algeria stated that the Committee did not need to approve the holding of informal consultations. It was the Chair's prerogative to call informal meetings even if there were objections from some delegations. The Delegation urged the Chair to hold informal consultations.

744. The Delegation of Brazil, speaking on behalf of the DAG, supported the statement made by the Delegation of Algeria. The Group was willing to discuss this matter with other Member States. However, it would very much appreciate the support of the Chair in this regard.

745. The Delegation of Belgium, speaking on behalf of Group B, had listened very carefully to the first intervention by the Delegation of Brazil and what it said was "informal informal" consultations. The Group was open to such consultations when there was a new document to support the discussions. The Delegation of Algeria mentioned informal consultations and not "informal informal" consultations. There was a slight difference there. The Group could only refer to the initial proposal by the Delegation of Brazil which was "informal informal" consultations.

746. The Delegation of South Africa supported the statement made by the Delegation of Algeria. It was not going to get into a debate on the difference between informal and “informal informal” consultations. It was the Chair’s prerogative to call informal consultations. It did not require the Committee’s approval. The Chair could call informal consultations if he wished to do so. The Delegation would support those consultations.

747. The Chair noted the request and would consider the possibility of holding informal consultations. The notion of informal meetings should not be rejected. Informal consultations could sometimes break a deadlock.

748. The Delegation of Uruguay noted that the Committee appeared to have reached a dead end. Informal consultations would be a good way to break the deadlock.

749. The Delegation of Belgium, speaking on behalf of Group B, stated that this was an interesting discussion. Some progress was made. WIPO was a member-driven organization and certain Member States had expressed a preference for “informal informal” consultations. Thus, the Group stood ready to engage in those “informal informal” consultations.

750. The Delegation Pakistan believed that it could be agreed that the Committee encouraged further consultations on this issue.

751. The Chair stated that this was also his understanding.

Consideration of Document CDIP/11/3 - Feasibility of Integration of Millennium Development Goals (MDGs) Related Needs/Outcomes into WIPO’s Biennial Results Framework (continued)

752. The Chair resumed discussions on document CDIP/11/3. He believed there was an area of convergence that could potentially be approved. The Delegation of the United States of America had proposed some points that could be reflected in the summary.

753. The Delegation of the United States of America believed that what was reached in the discussions the day before was to request the Secretariat to compile information on how other UN agencies and in particular, other UN specialized agencies, measured their contributions to the MDGs. This was based on the original proposal by DAG. In addition to compiling that information, the Committee discussed the idea of the Secretariat providing a brief report that would be prepared by its staff, within existing resources, on how WIPO had contributed to the MDGs to date, drawing upon the existing studies on this matter. The Delegation believed that the compromise was that this brief report could include information on WIPO’s contribution to the six targets under MDGs 1, 6 and 8 using the methodology provided in CDIP/11/3. The report should also include an assessment, in narrative form, of how WIPO may be contributing to the other five MDGs, without the need to develop an additional detailed methodology for those five.

754. The Delegation of Brazil, speaking on behalf of DAG, stated that the proposal by the Delegation of the United States of America indicated a compromise and was a good basis to start work that was required to better understand how WIPO could implement MDGs and how its contribution could be assessed in comparison with other UN specialized agencies.

755. The Delegation of Algeria, speaking on behalf of the African Group, reiterated that this was one of the most important issues for the Group. Specific indicators should be developed to measure the integration of MDGs into WIPO’s work. This was very important. The Group would like this to be reflected in the Chair’s summary. It had suggested that the Secretariat should observe what was done by other UN bodies to integrate MDGs into their programs and

to measure the contribution of that integration to the achievement of the MDGs. The Group would prefer an independent report. However, it could accept the proposal by the Delegation of the United States of America as it could provide a good basis for future discussions on the issue.

756. The Delegation of the Dominican Republic, speaking on behalf of GRULAC, stated that it could accept the proposal. It was a good compromise.

757. The Chair would like to know the extent to which the concerns expressed by the African Group could be integrated into the proposal by the United States of America.

758. The Delegation of the United States of America referred to the request by the African Group for the Chair's summary to include a statement on additional specific indicators being developed. This was not something that the Delegation supported. In the discussion the day before, there were a number of delegations on both sides of that issue. Thus, if that was going to be included in the Chair's summary, as was done in a number of other issues, the Chair would need to state, "Some delegations expressed an interest in having specific indicators and other delegations were opposed to this idea."

759. The Delegation of Algeria, speaking on behalf of the African Group agreed that it was fair to state that the Group would like specific indicators to be developed while others did not support that proposal. However, the Group would like the Chair's summary to clearly state that there was a consensus with regard to the need to integrate the MDGs into WIPO's work. All delegations, including Group B, agreed that as a UN organization, WIPO had a role to play in the achievement of the MDGs. The Group would like that consensus to be clearly linked, in the Chair's summary, to the statement that some delegations required specific indicators to be developed while others did not.

760. The Delegation of the United States of America reiterated its proposal on the issue of specific indicators. On the issue of a statement along the lines that the MDGs should be fully integrated into WIPO's work, this was not fully discussed. The Delegation could not agree to it at this time. Document CDIP/11/3 contained a study on the Feasibility of Integration of MDGs Related Needs/Outcomes into WIPO's Biennial Results Framework. The study indicated that there were three goals and six targets which could be measured very clearly as they applied to WIPO's work. The Secretariat was asked to look at the other five and inform the Committee, in a narrative form, in the next session, if it saw these to be applicable to WIPO's work. At this time, the Delegation would not be ready to say that all the MDGs should be fully integrated into WIPO's work as that was not clearly what it was seeing. There was a study. It showed how some of the goals and targets were part of WIPO's contribution. However, the Delegation was not prepared at this time to accept the more fully integrated statement. Thus, the Chair may wish to state that some delegations made that statement and others did not agree with it.

761. The Delegation of France stated that the proposal by the Delegation of the United States of America reflected a consensus and it should not be diluted. The Committee should not waste time on this. It should concentrate on the pertinent issues. The MDGs would continue to be discussed. The Committee could move forward with the proposal by the Delegation of the United States of America.

762. The Delegation of Algeria, speaking on behalf of the African Group, understood the point made by the Delegation of the United States of America. Although views differed on the applicable MDGs, the Group believed that the Committee could agree that WIPO had a role to play in their achievement.

763. The Delegation of Belgium, speaking on behalf of Group B, agreed with the proposal by the Delegation of the United States of America.

764. The Delegation of Egypt aligned itself with the Delegation of Algeria and the African Group. The WIPO website included a detailed description of WIPO's contribution to all the MDGs. WIPO's contribution to all the MDGs had been sufficiently explained. The issue concerned how the contribution should be measured. Perhaps with the proposal by the Delegation of the United States of America and the documents to be submitted in the next session, a better way could be found to measure WIPO's contribution and to see how it had contributed to the MDGs. The Committee already had a description of WIPO's contribution to the eight MDGs.

765. The Delegation of Mexico suggested that a reference to recommendation 22 of the DA could also be included, "WIPO's norm-setting activities should be supportive of the development goals agreed within the UN system, including those contained in the Millennium Declaration".

766. The Delegation of the Islamic Republic of Iran supported the views expressed by previous speakers, including the Delegations of Egypt and Algeria. As a specialized agency of the UN, WIPO was committed to contribute to the development goals agreed within the UN system, including the MDGs.

767. The Chair stated that the Secretariat would try to incorporate all the agreed elements in a revised draft for the Committee's consideration. He then invited the Committee to consider the agenda item on the independent review of the implementation of the DA recommendations.

#### Independent Review of the Implementation of the Development Agenda Recommendations as requested under the Coordination Mechanism

768. The Chair stated that the Secretariat had received a communication from the Delegation of Algeria on May 14, 2013 which was circulated to all delegations. It contained a joint proposal by the African Group and DAG on the terms of reference (TOR) and methodology for the independent review of the DA recommendations. The Chair invited the Delegation of Algeria to introduce the document.

769. The Delegation of Algeria, speaking on behalf of the African Group, recalled that the General Assembly decision on the coordination mechanism included a request for the CDIP to undertake an independent review of the implementation of the DA recommendations at the end of the 2012/2013 biennium. In the previous session, the Committee agreed that an agenda item on the independent review would be included in the current session to allow for initial discussions to take place with the purpose of providing guidance to the Secretariat. Its joint proposal with DAG concerned the TOR and methodology for the independent review. The purpose of the review was to conduct an independent, thorough and in-depth review of the implementation of the DA recommendations. It should, in particular, examine the appropriateness, utility, relevance, effectiveness and adequacy of the activities undertaken to implement the relevant DA recommendations; examine the development impact and orientation of the activities undertaken to implement the relevant DA recommendations and assess the extent to which the objectives of the recommendations had been achieved; assess the adequacy, including the scope and methodology of the evaluations undertaken on DA projects; assess the appropriateness, adequacy, effectiveness, and impact of the project-based approach to the implementation of DA recommendations; evaluate the overall impact of DA implementation, especially in mainstreaming development orientation across all WIPO bodies, programs and staff: identify the challenges, gaps, opportunities in the implementation of the DA recommendations; and make recommendations on how the DA recommendations could be further implemented as well as on the above. In terms of the methodology, the assessment

should include a desk review of all the relevant documents within the relevant WIPO programs, interviews, field visits and surveys. Feedback should be sought from Member States and other stakeholders, including the beneficiaries of activities undertaken in connection with the DA recommendations. The expert team should possess the requisite skills and knowledge to conduct the review in a credible and independent manner. The team of reviewers should be made up of leading experts in the field of IP and development, including IP experts with academic background in economics and law. They should also have a good understanding of the development challenges facing developing countries and LDCs. The budget to be allocated for the preparation of the review should be clearly set out. The TORs should also clearly outline the timeline for the review and the expected outputs.

770. The Delegation of Belgium, speaking on behalf of Group B, took note of the aforementioned General Assembly decision. It included a request for the CDIP to undertake an independent review of the implementation of the DA recommendations at the end of the 2012/13 biennium. Upon consideration of that review, the CDIP may decide on a possible further review. The TORs and the selection of independent IP and development experts would be agreed by the CDIP. The joint proposal by the African Group and DAG, as contained in document CDIP/11/8, was only tabled recently. The Group would need to further reflect on the proposal before it would be in a position to engage in a substantive discussion on this topic.

771. The Delegation of Brazil, speaking on behalf of DAG, stressed that the proposal was also from the Group. It supported the debate on the independent review of the implementation of DA recommendations. The joint proposal presented by the Delegation of Algeria was a good basis for the discussion.

772. The Delegation of Ireland, speaking on behalf of the EU and its Member States, noted the General Assembly's request for an independent review on the implementation of DA recommendations to be undertaken at the end of the 2012/2013 biennium, as provided for under the coordination mechanism. As outlined in the coordination mechanism, the TORs and the selection of independent IP and development experts should be agreed by the CDIP. The EU and its Member States took note of document CDIP/11/8 on the joint proposal from the African Group and DAG on the TOR and methodology for the independent review on the implementation of the DA recommendations. They would need some time to reflect on the document and looked forward to discussing this in the next session.

773. The Delegation of Pakistan aligned itself with the statements made by the Delegations of Brazil and Algeria on behalf of DAG and the African Group respectively. Improving the implementation of the DA was a continuous process. The Delegation looked forward to learn how implementation could be enhanced and improved. The review had to be undertaken by the end of the 2012/2013 biennium. Thus, the Committee was obliged to initiate the review before that deadline. This must be kept in mind. A process should be put in place in order for all the relevant steps to be taken before the deadline. The Delegation sought the Chair's guidance on how to move forward on the issue.

774. The Delegation of Poland, speaking on behalf of CEBS, suggested that the discussion on the document be postponed to the next session.

775. The Delegation of Egypt supported the document presented by the Delegation of Algeria on behalf the African Group and supported by DAG. It aligned itself with the statement made by the Delegation of Pakistan. The independent review was important. As the implementation of the recommendations was a continuous process, the review would help to identify the strengths and weaknesses of implementation to date. It would provide guidance for future work to be conducted in this area. The Delegation looked forward to a discussion and the conclusion of this preparatory issue by the next session.

776. The Delegation of South Africa supported the statements made by the Delegations of Algeria and Brazil on behalf the African Group and DAG respectively. The Delegation supported the joint proposal by the African Group and DAG. It was a good basis for an initial discussion on the independent review. The review was a priority. It was important to respect the deadline for undertaking the review. The sooner the TOR was approved the better it would be for the Delegation.

777. The Chair stressed that there was a deadline for the review to be initiated and there was a lack of time. Thus, he proposed that informal consultations be undertaken in order to reach an agreement on the TOR. He noted that some delegations required time to examine the joint proposal. However, he also understood that it was a good basis for discussion.

778. The Delegation of Belgium, speaking on behalf of Group B, reiterated that WIPO was a member-driven organization. The Group had made it clear that it needed to study the joint proposal carefully. It was not yet in a position to agree to informal consultations. The Group took note of the language of the General Assembly decision.

779. The Delegation of Brazil agreed with the Delegation of Belgium that WIPO was a member-driven organization. It was the desire of the Member States to discuss the joint proposal by the African Group and DAG. The Delegation welcomed the Chair's initiative to hold informal consultations.

780. The Delegation of South Africa supported the Chair's proposal to begin informal consultations, taking into account that the review should be undertaken by the end of the 2012/13 biennium. It was a good suggestion. In the previous session, some delegations had provided an assurance that the review would be conducted by the end of the current biennium. The Delegation did not want to go back to the transcripts to identify those delegations.

781. The Delegation of India, speaking on behalf of the Asian Group, also supported the Chair's proposal for holding informal consultations on the TOR for the review. The Group understood that some delegations needed time to examine the proposal. It also encouraged other delegations and groups to provide concrete inputs on this issue.

782. The Delegation of Pakistan noted that Group B would like a Member State mechanism. The Delegation understood that the Chair's proposal was on an informal Member State mechanism. Group B also stated that it needed time to examine the proposal as it was presented during this session. The Committee was supposed to start discussions in the last session. The Delegation found it difficult to understand why there was a reluctance to hold an inter-sessional discussion on this issue. The Delegation sought the Legal Counsel's view on the timeline for the implementation of this decision. The Committee should be informed about the time that was needed as well as other requirements for implementing the decision. This was necessary in order for the Member States to instruct the Secretariat in this regard. The Member States had the responsibility to do so.

783. The Secretariat (Mr. Baloch) was not sure if it needed to respond to the two questions posed by the Delegation of Pakistan. The relevant General Assembly decision was before the Committee and it included the following, "To request the CDIP to undertake an independent review of the implementation of the Development Agenda Recommendations at the end of the 2012/2013 biennium. Upon consideration of that review, the CDIP may decide on a possible further review. The Terms of Reference and the selection of independent IP and development experts will be agreed by the CDIP." It meant that the process of an external review must be started at the end of this biennium. It was up to the Member States to work out a timeline as to

how the process should unfold. The Secretariat would remain at the disposal of the Member States to implement any decisions that they may take.

784. The Delegation of Uruguay supported the Chair's proposal. It was an appropriate means to make some headway on this issue.

785. The Delegation of Switzerland supported the statement made by the Delegation of Belgium on behalf of Group B. The Delegation had only received the joint proposal that week. It had not been able to study it in detail. If this was an important issue that required prompt discussion, the Delegation would have preferred receiving the proposal earlier in order to study it. The inter-sessional agenda was very heavy. Thus, the Delegation did not see how the Committee could accept to do something during that time. Thus, the discussion could take place in the next session where a decision could also be reached.

786. The Delegation of Ireland, speaking on behalf of the EU and its Member States, aligned itself with the position of Group B, as presented by the Delegation of Belgium and supported by the Delegation of Switzerland. They would need more time to further consider the paper and were not in full support of formal consultations at this stage.

787. The Delegation of South Africa pointed out that the issue was not about the joint proposal by the African Group and DAG. It was about the independent review. There was a decision with a timeline. Thus, it appealed to delegations not to make an excuse about receiving the paper late. The Committee needed to consult. Although some delegations needed more time to consider the paper, the General Assembly decision stated that the review should be conducted by the end of the 2012/2013 biennium. Delegations were aware that certain processes were required beforehand and it included the preparation of the TOR. It needed to be discussed in the inter-session. The Delegation reiterated that it was the Chair's prerogative to call for informal consultations. He did not require the Committee's approval to do so.

788. The Delegation of the United States of America reminded the delegations, as noted by the Secretariat and in the joint proposal that the review needed to be conducted or initiated at the end of the biennium, not completed by the end of the biennium. The Delegation had just read the report of the last session on this issue to remind itself of what was discussed at that point. Again, delegations were urged to submit proposals well in advance of the meetings for review by Member States. Thus, in order to have time to review proposals and to reflect on what the TOR may need to contain, the Delegation again urged delegations to submit proposals well in advance of the next session.

789. The Delegation of Japan supported the statement made by the Delegation of Belgium on behalf of Group B. Japan and other countries recognized the importance of DA recommendations. WIPO had worked steadily on the implementation of the DA recommendations. The various viewpoints on the independent review needed to be taken into account. The methodology should be discussed and decided by the Committee. In this regard, the Delegation welcomed the new proposal by the African Group and DAG. However, as the Delegation had only recently received it, it needed some time to study the document and would only be able to engage in a substantive discussion on this topic in the next CDIP session. Informal consultations may be a useful way to understand the content of the proposal. However, in accordance with the mandate, the TOR and selection of independent IP and development experts must be agreed by the Committee.

790. The Delegation of the Islamic Republic of Iran supported the Chair's proposal to establish an informal mechanism. The informal consultations could be organized after General Assembly and prior to the next session in November. The Committee had a commitment to agree on the TOR in due time.

791. The Delegation of South Africa stated that the decision included the following: “To request the CDIP to undertake an independent review of the implementation of the Development Agenda Recommendations at the end of the 2012/2013 biennium.” This meant that by the end of this biennium, a process should already be in motion for conducting the review. The decision did not state that it should be initiated by the end of the biennium. Thus, the Delegation request Member States to show willingness to undertake a discussion on this in the inter-session in order to reach a decision in the next session.

792. The Delegation of Pakistan stated that the onus of bringing proposals on this mandate was on all the Member States. However, only the African Group and DAG had put forward a proposal. The Secretariat mentioned that the review had to be undertaken by the end of 2013. That was what was read as an answer to its question. The review had to start by December 31, 2013. The next CDIP session would take place in November. Thus, between then and December 31, the Committee would need to agree on the TOR as well as the experts and they would need to start their work. The Committee could not even agree to discuss this issue since the last session. Thus, the Delegation wondered how the Committee would be able to agree on those elements in the said period as required. It was true that the document was presented during this session. However, since the document was on the table, the Delegation believed that Member States would be able to review and comment on it. It was sure that all the Member States would be able to improve it so that there would be something concrete for the next session. The Delegation agreed with the Delegation of Japan that the TOR and methodology had to be approved by the next session. Thus, in the inter-sessional process, Member States must reach a stage where they would be able to approve these in the next session. The Delegation urged all colleagues to demonstrate flexibility in this regard.

793. The Delegation of Belgium, speaking on behalf of Group B, stated that it was not an English speaker. The General Assembly decision included the words “to undertake”. The Delegation understood that in order to undertake something, something was required. So far, there had not been anything. Thus, the Committee had to start with something and this was the basis for further discussion. The Group reiterated that it needed to reflect further on the new document. Thus, it did not see a need to set up informal consultations. The Group’s members did not know when their capitals would be able to reflect on the document.

794. The Chair recalled that the Member States were expected to provide guidance to the Secretariat at this session on the preparation of the TOR for the review. The Committee only had a joint proposal by two groups that could form the basis of a discussion. This was clearly mentioned by all delegations that took the floor. The Committee could fulfill the mandate that was given by the General Assembly. However, it could only do so if the necessary steps were taken in good time. The Chair had a responsibility to ensure that the decision was implemented in an effective manner. As such, he reiterated his proposal to carry out informal consultations. That was the only way that the Committee would be able to carry out its task. There was a reasonable period of time after the General Assemblies for the Member States to come to a common understanding on the TOR and selection of experts who would undertake the independent review.

795. The Delegation of Belgium, speaking on behalf of Group B, reiterated that it was not in a position to agree to the holding of informal consultations due to reasons that were already mentioned. The Group had referred to the relevant General Assembly decision. There seemed to be some disagreement on when it should be finished. The Group had a clear understanding of the meaning of the word “undertakes”. It meant that the Committee had to start somewhere. The Group had carefully listened to the presentation of this interesting proposal and would discuss it in the next session after reflecting on it.

796. The Delegation of Nigeria aligned itself with the Chair. If informal consultations were undertaken, as suggested by the Chair, there would be something tangible before the next session and a final decision could be reached during that session. By then, the modalities for all the required elements would be decided through the informal consultations.

797. The Delegation of Egypt highlighted certain points of convergence. First, the Committee must decide on this issue in its next session. Second, some groups needed time to reflect on the proposal. Third, the Committee was ready to discuss the IP and development conference. Informal consultations were held to ease the discussions in the Committee and to facilitate its adoption. In terms of the timeline, the Delegation acknowledged that Member States had a heavy agenda before them. This included a diplomatic conference in Marrakech in June, a PBC meeting in July, a break in August and the meetings of the General Assembly. Thus, it would be realistic for delegations to start engaging in early discussions only in September or October. There would be time for delegations to study and formulate their views on the proposal. Those discussions would assist the discussions on this issue in the next session. The Committee's agenda included many issues. If preparations were not undertaken, the Committee may get bogged down on this issue and perhaps ignore or leave aside other issues that were of interest to other delegations. It would allow all delegations to feel comfortable in engaging in the process in order for the issue to be successfully concluded in the next session.

798. The Delegation of Brazil, speaking on behalf of DAG, fully supported the Chair's proposal. The Delegation of Belgium, speaking on behalf of Group B, reiterated that it was an interesting proposal. Their capitals would carefully reflect on it. The Group needed to coordinate on it. The Group referred to the relevant General Assembly decision and pointed out that it was stated in the last line that "The Terms of Reference and the selection of independent IP and development experts will be agreed by the CDIP". It did not state that it would be agreed by the 12th session of the CDIP.

799. The Delegation of Algeria pointed out to the Delegation of Belgium that the sentence must be read in conjunction with the following, "To request the CDIP to undertake an independent review of the implementation of the Development Agenda Recommendations at the end of the 2012/2013 biennium."

800. The Delegation of Pakistan stated that the document only had three pages. The first was a cover page. The second included half a page of background and the third was only half a page. Thus, the proposal was one page. The Delegation was confident of the competencies of Group B's experts. They could examine one page of a document in four or five months. The Chair's proposal to hold informal consultations was very rational. The Delegation failed to understand the reason behind the objections. The Chair's proposal was helpful. The Delegation fully supported it.

801. The Delegation of Belgium, speaking on behalf of Group B, referred to the statement made by the Delegation of Algeria. It reiterated that the sentence included the words "to undertake". If something was to be undertaken, it meant that it had yet to be done. The Committee had to start somewhere. It would start at the next session with a substantive debate. The Group had listened carefully to the interventions by some other delegations and understood the need to move forward. It would carefully study the proposal and suggested that more time could be set aside in the next session to discuss this item. It was five o'clock. There would be a long discussion on future work. The Committee could return to this item under future work.

802. The Delegation of Algeria believed that the only way to conclude on this discussion was to take note of the joint proposal by the African Group and DAG. The paragraph could begin by recalling the General Assembly decision as it was an important point in the discussion. It could

state that the Committee took note of the proposal and delegations expressed a desire to discuss it. It could also state that the Chair informed the Committee that he would be undertaking consultations on this issue in order to move forward. The Delegation reiterated that there was nothing to stop the Chair from doing so. It was his prerogative and this was the practice in other committees and organizations.

803. The Delegation of Switzerland referred to the statement made by the Delegation of Algeria. The initial points were correct. The Delegation reiterated that the discussions had highlighted the difficulty of holding informal consultations on this issue before the next session of the CDIP. The Group B coordinator made a proposal which took into account the need for more time to be allocated in the next session to discuss this item. It would be one of the first agenda items in the next session and there would be ample time for delegations to come to a decision. The goal was to undertake the review by the end of the biennium and not finish it by then. A lengthy discussion had taken place on this and the wording was meticulously chosen. It was a compromise solution. The word “undertake” was significant and it must be taken into account.

804. The Delegation of Brazil, speaking on behalf of DAG, reiterated that it supported work and consultations on this item. The Group could not understand why some delegations refrained from engaging in discussions on this issue. Group B had willfully decided not to engage in the debate. As mentioned by the Delegation of Pakistan, there was only one page to discuss. There was plenty of time to do the analysis. The Committee should engage in order to carry out the mandate given by the General Assembly.

805. The Delegation of Belgium, speaking on behalf of Group, referred to the word “undertake” and the explanation that was provided in the Oxford dictionary. The Group believed that the word meant agreed to start. The Group did more than this. The proposal would be reflected upon in their capitals. As highlighted by a previous delegation, it was ready to set aside the necessary time for doing so.

806. The Delegation of South Africa stated that words could be interpreted differently in countries around the world. The word “undertake” could mean something different in South African English. The Delegation agreed with the Delegation of Algeria that it was the Chair’s prerogative to call informal consultations. There would be enough time for delegations to look into the proposal and to come up with other proposals as the review was the responsibility of the entire Committee, not just the African Group and DAG. The informal consultations could be held in September or the beginning of October after the General Assembly.

807. The Delegation Brazil referred to the meaning of the word “undertake” in the Merriam Webster dictionary. It meant an obligation to perform. The Delegation understood that Member States were under an obligation to perform. Thus, informal consultations should be undertaken.

808. The Delegation Egypt highlighted that informal consultations were means to assist the Committee to work productively and efficiently. Member States had already agreed to extend the work of the next CDIP session by holding the conference on IP and development. The Delegation was not sure of the idea to further extend the work of the next session. Perhaps it could take place over two weeks. However, the Delegation was certain that delegations also had other engagements. Thus, the idea was to prepare in order to decide on this issue in the next session. The independent review should be undertaken. The Committee must agree on the TOR and methodology before doing so. Thus, the discussion must be concluded in the next session together with an agreement to start work on the review itself. With this in mind, preparations should be undertaken in order for work to proceed in an efficient and productive manner.

809. The Delegation of Pakistan stated that there was no need to look up dictionaries. The Legal Counsel could provide a legal interpretation as this was a legal question. The Committee could make that choice. However, the Committee had to undertake the review. It would only start when the experts were selected. A long process was required to reach that stage by year end. The Delegation had serious doubts about the intentions with regard to the review. However, the Delegation was optimistic and looked to the Chair for guidance.

810. The Delegation of the Islamic Republic of Iran supported the statements made by the previous speakers. It did not understand why Group B was objecting to such a reasonable proposal. The reason given was not convincing at all. As mentioned by the Delegation of Brazil, the Committee was under obligation to perform. Informal consultations were required to implement this obligation.

811. The Chair noted that many delegations had supported his proposal to undertake informal consultations. The consultations required broad support in order to achieve the desired results. He did not want to impose consultations as it would be counter-productive. However, delegations would need to be prepared in order to reach decisions in the next session. The Secretariat required guidance in order to prepare the TOR and select the experts after the next session. The Secretariat would work on a text that would summarize all the points of consensus for the conclusion on this item.

#### Future Work on Patent-Related Flexibilities in the Multilateral Legal Framework (continued)

812. The Chair resumed the discussion on future work on patent-related flexibilities. Some groups had requested for time to coordinate on whether or not they could adopt a possible list of alternative flexibilities identified by the Secretariat.

813. The Delegation of the Dominican Republic, speaking on behalf of GRULAC, proposed that each regional group should submit a list of flexibilities to the Secretariat. The Secretariat would compile the proposals. These could be discussed in the next session.

814. The Delegation of Brazil was willing to compromise. Thus, it supported GRULAC's proposal.

815. The Delegation of Algeria, speaking on behalf of the African Group, supported the proposal by GRULAC. Although it was not ideal, the Group was willing to compromise and to show flexibility by supporting the proposal.

816. The Delegation of the Islamic Republic of Iran supported the statement made by GRULAC.

817. The Delegation of India, speaking on behalf of the Asian Group, also accepted the proposal.

818. The Delegation of China also supported the proposal by GRULAC.

819. The Delegation of Trinidad and Tobago supported the statement made by the Delegation of the Dominican Republic.

820. The Delegation of Belgium, speaking on behalf of Group B, stated that this was a new proposal. Thus, it could either coordinate or provide an answer from the floor. The Group had already made it clear that if the Committee was going to move further forward on flexibilities, it could focus further on Article 61 of the TRIPS Agreement.

821. The Delegation of Uruguay supported the statement made by the Delegation of the Dominican Republic on behalf of GRULAC.

822. The Chair gave Group B five minutes to coordinate.

823. The Chair resumed the discussions.

824. The Delegation of Belgium, speaking on behalf of Group B, stated that GRULAC's proposal was interesting. The Group also came up with a proposal that was in line with earlier requests. As mentioned earlier, it would not have any problems if further work was undertaken on criminal sanctions in patent enforcement. To demonstrate flexibility, the Group was also ready to work further on flexibilities with regard to plants and software. A mapping exercise could be undertaken without any analysis. There would be no duplication of existing materials. Its proposal was a way further forward that was also in line with earlier requests.

825. The Delegation of Brazil would like Group B to clarify its proposal.

826. The Delegation of Belgium, speaking on behalf of Group B, stated that it had discussed the proposal quite extensively. The WIPO website already included a lot of information on flexibilities. The Group thought it would be a good idea to open up the debate a bit further although further flexibilities were not its favorite area to work on. The Group identified potential further work on the scope of the exclusion from patentability of plants and flexibilities in respect of the patentability, or exclusion from patentability, of software-related inventions. The Group could agree to further work in those areas.

827. The Delegation of Algeria would like to know what this meant in terms of the actions to be taken by the Secretariat.

828. The Delegation of Belgium, speaking on behalf of Group B, highlighted that it had earlier stated that the potential for further work in those two areas was exhausted. However, the Group could now take on board the idea of further work in those two areas as long as it was a mapping exercise without any analysis. Perhaps other delegations could come up with concrete language to include this in the Chair's summary.

829. The Delegation of Algeria enquired as to whether this meant that the Secretariat would be requested to further examine the flexibilities related to plants and software. The Delegation noted that Group B did not want any duplication. This could be done.

830. The Delegation of the United States of America provided further clarification on the proposal. It supported Group B's proposal to undertake work on the flexibilities identified in document CDIP/10/11. As explained by the Secretariat during the informal consultations that morning, the work would build on the existing body of work done by the SCP with no duplication. It would be done with the existing human and budgetary resources. The work would basically amount to the mapping of the existing flexibilities as explained by the Secretariat. The Delegation believed that the fact-based work that the Secretariat had already developed and was willing to refine was more than sufficient to allow Member States to determine for themselves the effectiveness of using certain flexibilities. It was up to Member States, and not outside experts, to decide which approaches lined up with their national IP strategies. These were the basics of the proposal. The Delegation was going to work in the spirit of flexibility. It was willing to work on the flexibilities in document CDIP/10/11.

831. The Delegation of Brazil would like to know whether the Group B's proposal had any relation to the proposal by GRULAC and if other flexibilities could be discussed in the next session.

832. The Delegation of Belgium, speaking on behalf of Group B, found the proposal by GRULAC to be interesting. It discussed the proposal and came up with its own proposal in the spirit of flexibility. The proposal took into account the requests of several delegations. The Group already explained why the latest proposal had some merits. With regard to the earlier proposal, the Group stated that a lot of information on other flexibilities could be found on the website. Its proposal was a good way forward.

833. The Delegation of Brazil understood Group B's position. An open ended process for discussing flexibilities in the CDIP was required. The Delegation supported the proposal by GRULAC. A broad discussion was required. There were only a few flexibilities on the table. The discussion should include a broader range of flexibilities.

834. The Delegation of the United States of America pointed out that during the informal consultations that day, a number of countries expressed interest in the proposals contained in document CDIP/10/11. A considerable amount of time, approximately two and a half to three hours, was spent discussing the document and its proposals in the morning. The Committee should take advantage of the existing discussion and conclude this topic instead of discussing the merits of a newly submitted proposal that could potentially last for another three hours.

835. The Delegation of Brazil, speaking on behalf of DAG, requested for five minutes to coordinate.

836. The Chair agreed to the request.

837. The Chair resumed the discussions.

838. The Delegation of Brazil stated that GRULAC, the African Group and DAG had held a coordination meeting. The groups analyzed Group B's proposal in light of GRULAC's proposal. Group B's proposal was a good effort to reach an agreement. However, it should also take into account the proposal by GRULAC which was supported by other groups and delegations. They could accept the proposal to study the flexibilities related to plants and software. However, the interests of the countries that had expressed an interest in discussing flexibilities in the next session should also be addressed.

839. The Delegation of the United States of America pointed out that Group B's proposal was not new. It was contained in document CDIP/10/11. Three hours was spent discussing those four flexibilities in the morning. Thus, it was hardly a new proposal. However, GRULAC's proposal was new. The Delegation was not prepared to discuss it at this time.

840. The Delegation of Brazil, speaking on behalf of DAG, understood that the Committee had already discussed these four flexibilities. In light of the debate, the Group was willing to accept further study on two of those flexibilities, as proposed by the Delegation of the United States of America. Nonetheless, the proposal by GRULAC was on the table and it could be discussed in the next session.

841. The Chair enquired as to whether the Committee could accept further work on the two flexibilities mentioned by the Delegation of the United States of America and to continue discussing the proposal by GRULAC which was supported by many delegations.

842. The Delegation of Switzerland wanted to find a compromise. The Committee could agree to work on the flexibilities mentioned by the Delegation of the United States of America. At this point in time, the Committee should not make a commitment to continue discussing the proposal

by GRULAC. Some delegations would be reluctant to do so. The Committee should request the Secretariat to undertake what was required and not go further than that this time.

843. The Delegation of Algeria, speaking on behalf of the African Group, stated that it would be good to be flexible in order for the Secretariat to start work on the two flexibilities. The Group saw a lot of merit in the proposal by GRULAC. It continued to support the proposal. Some members of Group B could not go beyond accepting work on those flexibilities. Other delegations could not accept starting work on those flexibilities without a clarification that the debate would continue in the next session. This was the Group's understanding. Thus, the Group suggested that work could start on the two flexibilities and the discussions on flexibilities would continue at the next session. The Group would be able to accept this.

844. The Delegation of the United States of America clarified that it had suggested working on the list of four flexibilities identified in document CDIP/10/11, not two as mentioned by the Chair. However, it was willing to continue working only on the first two flexibilities in the spirit of compromise.

845. The Chair enquired as to whether the proposal by the Delegation was acceptable. This was agreed.

#### **AGENDA ITEM 9: SUMMARY BY THE CHAIR (CONTINUED)**

846. The Chair invited the Committee to consider paragraphs, paragraph 7(a), (f) and (g). The drafts had been circulated. He turned to paragraph 7(a) on the MDGs. He would like to know whether all the views had been reflected in a balanced manner. He requested delegations not to introduce any new elements.

847. The Delegation of Algeria, speaking on behalf of the African Group, stated that it was still considering the paragraph. Perhaps the Chair could move on to paragraph 7(g) and return to it later.

848. The Chair invited the Committee to consider paragraph 7(g).

849. The Delegation of Brazil would like the sentence, "The proponents of the document were invited by the Chair to provide more details on the proposal to facilitate future discussion" to be deleted as all Member States were invited to provide contributions.

850. The Delegation of Algeria, speaking on behalf of the African Group, would also like the sentence to be deleted. The Group was not a proponent of the document but it was interested to participate.

851. The Chair suggested that the words "the proponents of the proposal" be replaced with "Member States". This was agreed. Paragraph (g) was then adopted. The Chair turned to paragraph 7(c) on the organization of the conference on IP and development. There was only one outstanding issue. Some delegations insisted on the word "propose" while the Delegation of the United Kingdom would like the word "finalize" to remain. As a compromise, the Chair suggested the use of the words "draw up".

852. The Delegation of Brazil stated that it was acceptable.

853. The Delegation of the United Kingdom also agreed to the Chair's language.

854. The Chair stated that paragraph 7(c) was adopted. He moved on to paragraph 7(f).

855. The Delegation of the United States of America made two comments. First, there was a typographical error. The paragraph should state “terms of reference” rather than “term of reference”. Second, the Delegation understood that the Committee did not conclude that it would reach a decision on this matter at its next session but rather that the matter would be discussed at that session.

856. The Delegation of Brazil recalled that the Committee had a difficult discussion on the word “undertake”. The Delegation agreed with the paragraph. However, to show some flexibility to the Delegation of the United States of America, the Delegation suggested the inclusion of the phrase, “the fulfillment of the General Assembly’s mandate”.

857. The Delegation of the Islamic Republic of Iran stated that the Committee was obliged to reach a decision. It did not know why the Delegation of the United States of America was questioning that. Informal consultations were proposed in this regard. The Group B coordinator stated that more time should be allocated in the next session to reach agreement on this matter. The Delegation would like the idea of allocating sufficient time in the next session to be reflected in the Chair’s summary. Thus, the Delegation suggested the inclusion of the following, “Sufficient time should be allocated to finalize the terms of reference and the list of experts for such review”, at the end of the paragraph.

858. The Delegation of Belgium agreed with the idea of integrating its proposal in the Chair’s summary. However, the word “finalize” was too strong.

859. The Delegation of Pakistan stated that the discussion was going around in circles. The paragraph should also refer to the need to hold inter-sessional consultations.

860. The Delegation of Belgium, speaking on behalf of Group B, stated that since the discussions were moving closer to an end, it could live with the idea expressed by the Delegation of Egypt. Perhaps a meeting could be held before the next session. In addition, the Group reiterated that more time could be allocated for further discussion during the next session.

861. The Chair suggested the following, “The Committee agreed to devote sufficient time for discussion on this matter at its next session with a view to implementing the General Assembly’s decision that the Review should be undertaken by the end of the 2012/2013 biennium. To that end, the Committee agreed to hold one informal meeting prior to its next session.” This was agreed. The Chair turned to paragraph 7(a).

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

using the methodology provided in document CDIP/11/3, and should also include an assessment in narrative form as to how WIPO is contributing to the other five MDGs, although at this time not needing to use the methodology used in document CDIP/11/3.” The Delegation stated that the above had been agreed to by the African Group and DAG. They also consulted the Delegation of the United States of America on the proposal. They hoped that the Committee would be able to agree on the proposal.

863. The Delegation of France made two suggestions to reflect the views that were expressed in the discussion on this item. First, the phrase, “The Committee recognizes that WIPO should contribute to the implementation of the MDGs” could be amended to read as follows, “The Committee recognizes that WIPO is contributing to the implementation of some of the MDGs”. Second, the words “may be” in the phrase, “as to how WIPO may be contributing to the other five”, should be retained and not replaced with “is” as the debate was still ongoing and there were doubts as to whether WIPO was contributing to all the MDGs.

864. The Delegation of Algeria stated that the amendments proposed by the Delegation of France would not be acceptable to the African Group and DAG. They did not agree with the expert’s recommendation that only some of the MDGs were relevant. This was reflected in the proposal. The proposal also acknowledged that there was no agreement on whether further steps were needed to further integrate the MDGs into the objectives of the Organization.

865. The Chair requested the Secretariat to make copies of the text presented by the Delegation of Algeria in order for it to be examined more closely by the Committee.

866. The Delegation of Egypt referred to the second suggestion by the Delegation of France and stated that WIPO had already provided a narrative description of its contribution to all eight MDGs. For example, on MDG 3 (promote gender equality and empower women), WIPO described its contribution as follows, “WIPO has formulated relevant support programs and activities and is holding and participating at meetings on women and IP to contribute to improve public awareness on the importance of the involvement of women in inventions and IP rights, and to encourage women to be familiar with patents and other IP tools in their daily lives.” Thus, work was being conducted in areas that may appear not to be linked to WIPO’s work. WIPO’s contribution to those areas should be acknowledged.

867. The Delegation of France stated that it did not contest that there were ties with regard to some of the MDGs. However, there was no point in referring to all the MDGs. Some MDGs were linked to WIPO’s work. There were certainly links but these should not be pushed too far.

868. The Chair invited the Secretariat to read out the list of documents for future work while the proposed text was being printed.

## **AGENDA ITEM 8: FUTURE WORK**

869. The Secretariat (Mr. Baloch) stated that the next session of the CDIP was foreseen to take place from November 18 to 22. The Conference on IP and development was scheduled to take place on November 14 and 15. There would be a weekend between the conference and the next session. The Secretariat also understood that the Group Coordinators had agreed that the conference to be organized under the South-South cooperation project would take place during the week of the CDIP session in November. As such, there would only be four days for the CDIP session in November. The Secretariat read out a list of items that may be included for the next session as follows:

- (a) Progress report on the DA projects and the 19 recommendations;

- (b) Evaluation reports on two to three projects;
- (c) Report on the contribution of the relevant WIPO bodies to the implementation of the DA recommendations. The General Assembly would receive a report on the contribution of the relevant WIPO bodies to the implementation of the Development Agenda recommendations. The report would be forwarded to the Committee for its consideration;
- (d) Three to four studies under the Project on IP and Socio-Economic Development;
- (e) External Review of WIPO Technical Assistance in the Area of Cooperation for Development. During the session, the Committee had agreed to continue the discussion on this item;
- (f) Feasibility Assessment on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content. Some delegations requested the Secretariat to prepare a more detailed implementation plan, including information on financial and human resource implications, to be considered at the next session;
- (g) Project Proposal from the Republic of Korea on IP and Design Creation for Business Development in Developing and Least Developed Countries;
- (h) TOR and methodology for the Independent Review of the Implementation of the DA recommendations;
- (i) WIPO's contribution to the MDGs. As decided by the Committee, a document would be provided on this item;
- (j) Flexibilities in the IP system. The Committee would continue discussions on further work; and
- (k) Proposal for a CDIP New Agenda Item on IP and Development.

870. The Delegation of the EU and its Member States submitted the following written statement on Agenda item 8 – Future Work:

“The EU and its Member States has valued the constructive discussions on technical assistance. The EU and its Member States believed the Committee would benefit from a continued review and discussion of best practices and lessons learned within the wider area of technical IP assistance such as demonstrated through the presentations on technical assistance activities provided for during the past week. We look forward to fruitful discussions on this issue at CDIP12.

“The EU and its Member States considers that more attention should be given to prioritising the work of the Committee by concentrating on those areas where there is consensus to move items ahead and to leave aside those that could not be agreed on or are considered duplicative of the work of other substantive committees.

“As we are all well aware, the current economic crisis requires us to be more prudent as regards how resources are allocated. Each new project has cost and resource implications. Therefore, an assessment of each new project would firstly necessitate a costing and priority setting exercise and dialogue between Secretariat and Member States. We believe that quality is more important than quantity and therefore the selection procedure and evaluation procedure for any study/project should be used to carefully

ensure that we get the best value for money spent. We should consider and apply best practice in this regard, in each and every case.

“The EU and its Member States appreciated the efforts made by the Secretariat in relation to the timely preparation and publication of the agenda and documentation. However, we would suggest that they continue to strive to make these available in all the official languages at least two months prior to a meeting to allow for adequate preparation.

“The EU and its Member States would like to thank the Chair for measures taken during the session to improve the time efficiency of the Committee’s work and looked forward to continuing and further improving the good practices at future sessions. We firmly believe that general statements should only be read out by groups, other opening statements could be handed to the Secretariat, the meetings should start and finish more punctually. “Each paragraph in the Chair’s summary should be read out and adopted at the end of each Agenda Item to allow for an early adoption of the summary at the end of the week.”

### **AGENDA ITEM 9: SUMMARY BY THE CHAIR (CONTINUED)**

871. The Chair resumed discussions on paragraph 7(a). He requested delegations to examine the revised text that was circulated to the delegations.

872. The Delegation of the United States of America referred to the words “without needing to use” in the second to last line and suggested that these be replaced with “not necessarily using”.

873. The Chair enquired as to whether the Delegation of Algeria could accept the proposed amendment.

874. The Delegation of the United States of America would go with the way the sentence was written as it was easier, clearer and what delegations had worked out.

875. The Delegation of France referred to the sentence, “The Committee recognizes that WIPO should contribute to the implementation of the MDGs” and MDG 2 (achieve universal primary education). The Delegation would like to know how WIPO’s work was linked to that MDG. It reiterated its initial proposal for the sentence to state that WIPO was contributing to the implementation of some of the MDGs. The Delegation was just looking at the facts. It was not trying to create a dispute. WIPO was certainly contributing to the achievement of some MDGs.

876. The Delegation of Brazil stated that the text was the outcome of consultations. It understood from the debate on MDGs that the Secretariat would prepare a brief report on how WIPO had contributed to the MDGs to date. Some work was already being done on the implementation of the MDGS by WIPO. In the interest of achieving consensus, the Delegation would like the text to be kept as it was.

877. The Delegation of Egypt pointed out that the term “should” was used and not the term “shall”. Thus, the language reflected an aspiration and not something that was legally binding. Indeed, WIPO would approach different MDGs from its own perspective and expertise. The Delegation referred to MDG 2 (achieve universal primary education) and stated that two DA projects already contributed to that goal, i.e. the Project on IP and the Public Domain as well as the IP, Information and Communication Technologies, the Digital Divide and Access to Knowledge Project. Both projects sought to harness and use technologies to facilitate the achievement of this MDG and to assist developing countries as well as LDCs to achieve the

goal of universal primary education. The Delegation would like the current text to be maintained.

878. The Delegation of India added that WIPO's work on copyright, particularly in the area of limitations and exceptions also had a bearing on education, irrespective of age.

879. The Delegation of Pakistan understood what the Delegation of France had said. It was true that the paragraph was very long. The Delegation urged the Delegation of France to read the sentence that it had referred to in conjunction with the last sentence in the paragraph where reference was made to the specific goals.

880. The Delegation of Algeria noted that perhaps a comma was left out between the word "including" and the words "not limited to".

881. The Chair sought the view of the Delegation of France on the text following the statements by some delegations that wished to maintain the current text.

882. The Delegation of France stated that it took the statements into account. Thus, it would not insist on its previous suggestions. The Delegation simply wanted to state a point. WIPO was not a development agency. Certainly, all delegations wished to see economic growth in developing countries and were working towards that end. However, the Committee should not mix everything together. These issues were dealt with in other organizations. Specialized agencies should work in their respective areas of specialization where they could have an impact. WIPO's money should not be spent on paperwork and indicators that were not going to serve any purpose. It would only take money away from technical assistance for countries that required it. Although the Delegation was not going to insist on its proposals, it was in the interest of all countries for money to be spent in the field rather than in examining things that were not really related to WIPO's work.

883. The Chair stated that the Committee took note of the comments by the Delegation of France. He stated that the Committee had agreed on all the paragraphs of the Summary by the Chair. Delegations would be able to leave with a copy.

884. The Delegation of the United States of America pointed out that the Committee had not discussed paragraph 7(h) on patent-related flexibilities. It had a few comments on that paragraph.

885. The Chair stated that it was an oversight. That paragraph should have been examined. There was a general understanding on the paragraph after a long discussion. He invited the Delegation of the United States of America to provide its comments on the paragraph.

886. The Delegation of the United States of America suggested some minor changes to reflect the agreement that was reached. It would like the word "studies" to be replaced with the word "report" in the first two sentences of the last paragraph. The Delegation would also like the words "for its consideration" to be deleted from the second sentence of that paragraph.

887. The Delegation of Pakistan had no problems with the suggestions. However, it did not understand what the Committee would do if it did not consider the report to be presented by the Secretariat.

888. The Delegation of Brazil would like the word "studies" to be kept as it would give the Secretariat the possibility to apply the correlation between IP and development to the studies in order to build upon the existing studies by the SCP.

889. The Delegation of Algeria, speaking on behalf of the African Group, reiterated that it would like "studies" to be prepared. The term "report" was usually used in the context of progress reports and actions taken by the Secretariat. The paragraph was about studies. It concerned an academic exercise. The Group had always requested for studies to be done. It also fully agreed with the comment made by the Delegation of Pakistan on the consideration of the studies.

890. The Delegation of the United States of America believed that the word "studies" implied a certain degree of analysis and the agreement was that there would be no analysis, just factual mapping. The word "mapping" was used in the discussions and agreed to. The paragraph should reflect what was discussed and agreed. In that context, the word "report" would be better than "studies". The phrase, "for its consideration", was not necessary as the Committee would do what it always did with reports, i.e. discuss and take some information from it.

891. The Delegation of Egypt suggested the use of the term "document". In the second sentence of the last paragraph, the words "a future session" could also be replaced with the words "the next session" in order for the sentence to be more precise. The first paragraph could also include a reference to document CDIP/9/11 as it was also considered to be a part of the Committee's work.

892. The Chair stated that it would not be possible for the Secretariat to present the document in the next session as it needed time to prepare the document.

893. The Delegation of the United States of America agreed with the proposal by the Delegation of Egypt to use the word "document." However, it could not agree with the suggestion to mention document CDIP/9/11 as it was not on the agenda and was not discussed during the session. The summary reflected what had been discussed, not what delegations had wished to discuss.

894. The Chair enquired as to whether the Committee could agree to replace the word "studies" with the word "document". It was agreed.

895. The Delegation of Algeria referred to future work for the next session. It enquired as to whether some items such as the proposal by the Republic of Korea and the studies under the Project on IP and Socio-Economic Development could be deferred to the 13<sup>th</sup> session as the Committee needed to discuss certain priority issues such as WIPO technical assistance, MDGs and the independent review of the implementation of the DA. The Committee would not have time to discuss everything.

896. The Chair stated that he would guide the Secretariat on whether some of the documents could be considered in future sessions based on an analysis of the workload.

897. The Delegation of Belgium, speaking on behalf of Group, stated that it would be submitting a statement on future work.

898. The Delegation of Ireland, speaking on behalf of the EU and its Member States, stated that they would also submit a statement to the Secretariat.

899. The Chair, Member States and the Secretariat thanked everyone for their participation and work during the session.

900. The Delegation of Nepal submitted the following written statement:

“As per the summary by the chair Point no 5 “Individual delegations were requested to submit their statements in writing.” The Delegation of Nepal presents its statements as follows:

This statement basically focus on four points

“1. Role of WIPO to be more effective, transparent and participatory

“WIPO activities are channelized through the development agenda activities and projects. We think these should result in delivering the visible outcome to developing countries and to the LDCs. We urge WIPO make feasible the intellectual property (IP) system that will benefit more and more to all the countries, and specially for LDCs. We support the proposal of DAG group and other delegates concerning the TA (Technical assistance) that contribute the IP system to be more beneficial to all the countries. We support DA recommendations to be implemented in a concrete manner with further consultation in the Committee.

“2. The developmental and the administration issue on IP regime

“We stress on making the bridge on two aspects of IP System, i.e. One is the administration issue of IP system and the other is the development issue in the IP system. The countries which are not in a position to benefit more from present IP system stress on the developmental aspects of IP system and on the other side the countries which are much able to benefit from present IP system are stressing on the Administrative aspects of The IP system.

“3. Role of WIPO and CDIP on Benefiting from IP system

“We appreciate WIPO works and efforts on delivering the IP benefit and fruits to the countries of the world. CDIP will be more effective and consultative in the further works remain to be completed on IP regime.

“4. The protections and explorations of National wealth Under the IP sector

“Protection of National Wealth of LDCs Such as TKs, GRs, folklore, Cultural heritage, Plant varieties, Biological diversity, and so on *At National Level* alone are not enough. There are & were a risk of disappearing of such rich heritage, TKs, GRs, etc. in the absence of technical knowhow and financial Resources. With respects to this issue we urge WIPO please consider the leverage and provision provided for LDCS with referring the UN-LDCS–conferences. We hereby urge WIPO and request it please help us on making /creating the *Digital-Directory of IPs* including TKs, GRs, Folklore and so on.

“Finally I conclude with CDIP 11, this ongoing meeting should consider on the consultative ways that will not limit the WIPO role on helping the countries which are far behind to develop their IP system. The manual ,the proposal discussed over here to be urged on full considerations on the development issues of the IP regime for LDCs & likewise countries that will enable them to create a sustainable IP regime on all aspects of IPs , such as Industrial aspects, copyrights aspects, TKs, GRs, folklore,& so on. The Developmental agenda recommended by CDIP is the back bone for the channelization of WIPO activities but this should deliver the tangible results as proposed. We are in hand and hope with WIPO through CDIP meeting, we will be in a position to be a effective

member of IP system. The policy issues, infrastructures issues, and other cluster issues on developmental agenda to be more and more feasible.”

“901. The Delegation of Colombia submitted the following written statement:

“On behalf of the Delegation of Colombia, allow me to say that we are grateful for your (Chair’s) leadership at these sessions. We are confident that it will be crowned with success, and will contribute to tangible progress and results for the countries represented here.

“For Colombia it is vitally important that WIPO remains committed to ensuring that all countries have the tools to enable them to benefit from the use of intellectual property (IP) for their economic, social and cultural development, always promoting balance, accessibility and rewards for creativity and innovation.

“We would also like to emphasize the strategic value of IP in the economic and social development of our countries. We see IP as a tool that stimulates growth and enables progress towards sustainable and universal development, including the promotion of technological development, encouraging investment in research and the acquisition and dissemination of knowledge.

“Regarding how the activities of the Organization are linked, both within its standing committees and in relation to the recommendations of the Development Agenda, Colombia reiterates its stance that WIPO needs to make the pursuit of the Millennium Development Goals an integral part of its activity and ensure that technical cooperation and assistance projects have a positive impact on achieving them.

“Moreover, Colombia considers evaluation of WIPO’s technical assistance activities to be useful. We think that this work should be underpinned by a practical manual which enables results and effectiveness to be shown.

“Colombia would like to reiterate the importance of the “mini-academies”, in view of their positive impact. Our delegation is making a special request to WIPO to continue with the necessary support, since there is a need to ensure that they are self-sustainable. For Colombia, national IP training institutions established with project assistance have to be in a position to sustain themselves and provide at least two regular training programs.

“Regarding the content and quality of WIPO studies, Colombia welcomes and requests the continuation of case studies of successful national experiences regarding flexibility for achieving wider public-policy objectives such as innovation, public health, food security, science and technological development, education, and access to knowledge and culture. These studies represent without any doubt a great achievement for Latin America and are becoming a reference point for seeing how IP is a fundamental element in the development of our countries.

“Furthermore, Colombia is displaying interest in IP and socio-economic development studies similar to those conducted in Brazil and Chile being carried out in our country. This would be extremely useful since they would help us to assess the use of the IP system and its impact on our development.

“Lastly, our Delegation highlights the relationship between IP and food security, agriculture, public health and the environment. These are elements of the utmost importance not only for our country but also for all of us present here, since they will play a decisive role in the success of the Development Agenda.”

[Annex follows]

**LISTE DES PARTICIPANTS/  
LIST OF PARTICIPANTS**

I. ÉTATS/STATES

(dans l'ordre alphabétique des noms français des États)/(in the alphabetical order of the names in French of the States)

AFRIQUE DU SUD/SOUTH AFRICA

Pragashine ADURTHY (Mrs.), First Secretary, Permanent Mission, Geneva

Mandixole MATROOS, First Secretary, Permanent Mission, Geneva

ALBANIE/ALBANIA

Besnik ALLUSHI, Specialist, International and Legal Issue Sector, General Directorate of Patent and Trademark (ALPTO), Tirana

ALGÉRIE/ALGERIA

Abdelkader ARAOUA, attaché, Ministère des affaires étrangères, Alger

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ALLEMAGNE/GERMANY

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[End of Annex and of document]