

Committee on Development and Intellectual Property (CDIP)

Twelfth Session
Geneva, November 18 to 21, 2013

PROPOSAL FOR A CDIP NEW AGENDA ITEM ON INTELLECTUAL PROPERTY (IP) AND DEVELOPMENT

1. By a way of communication dated November 18, 2013, addressed to the Secretariat, the Delegation of Egypt, on behalf of the Development Agenda Group (DAG) has sent a Proposal for a CDIP New Agenda Item on Intellectual Property (IP) and Development-Related Issues.
2. The above-mentioned document is contained in the Annex to this document.
3. *The Committee is invited to take note of the information contained in the Annex to this document.*

[Annex follows]

CDIP - NEW AGENDA ITEM ON INTELLECTUAL PROPERTY (IP) AND DEVELOPMENT-RELATED ISSUES

The Development Agenda Group (DAG) recalls that the 2007 WIPO General Assembly adopted the recommendations made by the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA) (document A/43/13 Rev.).

One of the decisions was to establish a Committee on Development and Intellectual Property with the following mandate:

- (i) develop a work-program for implementation of the adopted recommendations;
- (ii) monitor, assess, discuss and report on the implementation of all recommendations adopted, and for that purpose it shall coordinate with relevant WIPO bodies;
- (iii) discuss IP and development related issues as agreed by the Committee, as well as those decided by the General Assembly.

With the approval of the “Coordination Mechanisms and Monitoring, Assessing and Reporting Modalities”, the time has come for the CDIP to implement the third pillar of its mandate.

Against this backdrop, the DAG is proposing the inclusion of an additional standing agenda item in the CDIP entitled “IP and development-related issues”.

This DAG proposal builds on discussions that took place in the last five CDIP sessions, when the document CDIP/6/12rev received overall support. Some delegations, nonetheless, raised concerns over (a) the predictability of themes discussed under his agenda item and (b) duplication of discussions within the CDIP. To address these concerns, the DAG suggests that discussions under this agenda item should contemplate:

(i) Report on the discussions of the WIPO Seminar Series on “The Economics of Intellectual Property”

The seminars conducted by the office of WIPO’s Chief Economist on “The Economics of Intellectual Property” have addressed several issues that could be of relevance for the discussion on IP and development. The DAG suggests that the Chief Economist be invited to present, at CDIP sessions, the main thrust of the debates held during this series of seminars as well as to identify issues that his Office has been working on and that could be of interest to the future work of the Committee.

(ii) Innovative technical cooperation and capacity building in IP

In the CDIP/11, some member states presented information on bilateral cooperation projects related to intellectual property and development (document. Taking into account that innovative ways to promote IP cooperation and capacity building to development can benefit the future work of WIPO, members would be invited to present new initiatives in this field.

(iii) WIPO's Contribution to the United Nations (UN)' Millennium Development Goals (MDGs)

As a UN Specialized Agency, WIPO has a role to play in contributing to the implementation of the Millennium Development Goals (MDGs). The DAG considers that some findings of the "Report on WIPO's Contribution to the United Nations' Millennium Development Goals (MDGs)" (document CDIP/5/3), particularly paragraphs 6 and 7, reproduced below, deserve further consideration by the CDIP and may lead to future work in the area.

Paragraph 6: Among the MDGs, some appear to be more directly linked to the work of WIPO than others. In particular, reference has often been made to Goal 8, which includes, among its targets, direct references to making available the benefits of new technologies (target 5), to providing access to essential drugs in developing countries (target 4) and to developing further an open, rule-based, predictable, non-discriminatory trading system (target 3). For all such issues, intellectual property rights have a role to play and this has been repeatedly acknowledged in the reports of the MDG 8 Gap Task Force. IP rights also play an important role in a number of other MDGs, particularly all those for which science, innovation and technological development could be key to enhancing the capacity of countries to achieve the Goals.

Paragraph 7: In 2005, the UN Millennium Project, which had been commissioned by the UN Secretary-General to recommend a concrete action plan to achieve the MDGs, highlighted seven major intervention areas for meeting the MDGs, including one devoted to science, technology, and innovation. Highlighting the cross-cutting nature of innovation, which can contribute to fighting diseases, raising crop production, mobilizing new sources of energy, disseminating information, among others, the report noted that "meeting the Goals requires a special global effort to build scientific and technological capacities in the poorest countries—and to direct research and development toward specific challenges facing the poor." With respect to intellectual property rights, the report stated that "Intellectual property laws require a very delicate balance of market forces and public action—a balance unlikely to be the same for all countries" and called for IP norms to take into account the "levels of development and varying interests and priorities".

(iii) Information on present and future work under the IP and Global Challenges Program (Program 18 of 2014/2015 Program and Budget);

According to the draft Program and Budget for 2014/2015, the IP and Global Challenges Program "addresses innovation and IP at the nexus of interconnected global issues, in particular Global Health, Climate Change and Food Security. The focus on this intersection is guided largely by Member States as noted, inter alia, in the DA. These three subject areas have been chosen because developing countries face particularly acute challenges in these domains and because solutions from innovation-driven initiatives are feasible."

Having this assessment by the Secretariat as a background, the DAG suggests that the Secretariat make a presentation on "IP and Global Challenges" projects and activities, both organized and planned, in order to raise awareness and participation of members in relation to the work undertaken by the organization.

(iv) Preparation for Conferences and/or Seminars on IP and Development

The DAG suggests that the process of preparation for Conferences and/or Seminars referring to Development, such as the IP and Development Conference that will be organized in 2014, be dealt within the CDIP.

Members should discuss the date, venue and agenda of these events, which should be preceded by substantive and detailed preparation.

Other issues may also be included for future work under the new agenda item, subject to approval by Member States in the previous session.

[End of Annex and of document]