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

**Twelfth Session**

**Geneva, November 18 to 21, 2013**

Implementation Proposal ON POSSIBLE NEW WIPO ACTIVITIES RELATED TO USING COPYRIGHT TO PROMOTE ACCESS TO INFORMATION AND CREATIVE CONTENT

*prepared by the Secretariat*

The Committee on Development and Intellectual Property (CDIP) adopted the “Project on Intellectual Property, Information and Communications Technologies (ICTs), the Digital Divide and Access to Knowledge”[[1]](#footnote-1) (hereinafter “The Project on IP, ICTs, the Digital Divide and Access to Knowledge”) as part of the effort to implement Recommendations 19, 24 and 27 of the World Intellectual Property Organization (WIPO) Development Agenda.[[2]](#footnote-2) Under the copyright component of the Project there were two objectives, namely to:

1. 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 the following three areas: education and research; software development practices, including free and open source software; and public sector information.
2. 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.

In order to meet the first objective, the WIPO Secretariat commissioned the study “Using Copyright to Promote Access to Information and Creative Content” (hereinafter “Study on Copyright and Access”) covering the aforementioned three areas (education and research, software, and public sector information).[[3]](#footnote-3) The study was discussed at the Tenth Session of the CDIP, held in November 2012, where Member States agreed[[4]](#footnote-4) 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.”*

The “Feasibility Assessment on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content” (CDIP/11/6) was presented during the Eleventh Session of the CDPI, held from May 13 to 17, 2013. The document, prepared by an external consultant, contained a list of potentially appropriate activities that WIPO could undertake for each of the three areas previously identified. The document was discussed at the Session and Member States agreed[[5]](#footnote-5) on the following terms:

*“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). 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.”*

The present document and its annexes contain a detailed implementation plan of the six activities proposed in document CDIP/11/6, including an estimate of the human and financial resources required.

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

[Annexes follow]

**IMPLEMENTATION PLAN FOR ACTIVITY 1**

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| *Title of Activity/Initiative* | Pilot Project on Creation of a Centralized Database in order to make IP-Related Education and Research (E&R) Resources Available on an Open Access (OA) Basis |
| *Brief description of the Activity/Initiative* | This activity aims at providing technical and legal information on how to make IP-related E&R resources available on an OA basis. It will provide an opportunity for WIPO and its Member States as well as other stakeholders to learn lessons and gain experience on strategies and approaches to OA with respect to IP-Related E&R resources.  To achieve this goal, a first phase of the activity would focus on selecting Member States that commit and express interest in participating in the project.  After the countries are determined, an external consultant should undertake:   1. Research and analysis of the current copyright management policies in local institutions providing IP-related E&R resources; 2. Identify the nature and type of IP-related E&R resources that are produced by these institutions and those produced abroad but that could be freely used and distributed by them; 3. Assess how the identified IP-related E&R resources could be made publicly available in the selected Member States; 4. Propose cost efficient delivery strategies.   The proposed delivery strategies might require the involvement of further resources, such as the creation of a database with materials and information for technical and legal support and IP-related E&R resources. |
| *Target Beneficiaries* | Member States; international organizations; education and research institutions; and civil society. |
| *Key WIPO Sectors Involved and Links to WIPO Programs:* | Copyright Law Division and Copyright Infrastructure Division.  This activity/initiative links to a number of WIPO Strategic Goals, including Goal III – Facilitating the use of IP for development; and Goal V – World reference source of IP information and analysis. |
| *Steps* | 1. Identification and selection of interested Member States (up to three); 2. Identification and selection of external consultant(s); 3. Agreement on Special Service Agreement (SSA) and Terms of Reference (TOR); 4. Delivery of the assessment; 5. Analysis of the inputs of the external consultant; 6. Further steps as required by the delivery strategy. |
| *Overall duration* | 24 months from the selection of target countries. |
| *Budget:* | REMARK: No financial or human resources have been allocated for this activity within the 2014/2015 Program and Budget. New resources would need to be identified accordingly. The budget estimate is made *per voluntary Member State* as described above.  Non-personnel costs:   |  |  | | --- | --- | | *Travel and Fellowships* |  | | Staff Missions | 5,000 CHF | | Third-party Travel | 10,000 CHF | | Fellowships |  | | *Contractual Services* |  | | Conferences |  | | Experts’ Honoraria |  | | Publishing |  | | Others | 42,000 CHF | | *Equipment and Supplies* |  | | Equipment |  | | Supplies and Materials |  | | **TOTAL** | 57,000 CHF |   Personnel costs: The Copyright Law Division and the Copyright Infrastructure Division will coordinate and undertake the necessary actions. (D1/P5: 5%; P3/P2: 10%) |

[Annex II follows]

**IMPLEMENTATION PLAN FOR ACTIVITY 2**

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| *Title of Activity/Initiative* | Applicability of Open Licensing to E&R Resources produced by International Organizations |
| *Brief description of the Activity/Initiative* | Many international organizations have recognized the importance of taking advantage of the opportunities arising from the growth of ICTs and reach a broader global audience especially in developing countries. Indeed, they create, collect and hold substantial amounts of information, and wish to facilitate the creation of an environment promoting creative and innovative activities, provide stimulus to knowledge and enable the public, both professional and  non-professional, to obtain easy access to data and research funded by them.  In this context, WIPO and 13 other intergovernmental organizations (IGOs) have been engaged in a working group since 2010 in order to harmonize their licenses policies for the distribution of their copyright content. WIPO coordinated the discussion and lead the drafting exercise in the Working Group. A decision was made to seek collaboration with Creative Commons (CC) in order to create an IGO-tailored CC license by adopting a new ported license. The final draft of the CC IGO license was discussed within the Working Group and it is currently entering the phase of implementation by the participants and potentially also by other IGOs.  The goal of the activity is to facilitate on demand assistance on the implementation of copyright policies of IGOs deciding to use the new CC IGO license. At the request of participating IGOs the consultative working group would remain active in order to follow and guide the implementation process. WIPO has been requested to keep its function of coordinator and facilitator of such process. This role entails an important engagement both in terms human and financial resources. Activities that WIPO might undertake could include: research, preparation of working documents, legal drafting, knowledge sharing, maintenance of a wiki, and organization of trainings. |
| *Target Beneficiaries* | Member States; international organizations; education and research institutions; and civil society. |
| *Key WIPO Sectors Involved and Links to WIPO Programs:* | Office of the Legal Counsel, Communications Division, and Copyright Law Division.  This activity/initiative links to a number of WIPO Strategic Goals including Goal III – Facilitating the use of IP for development; Goal VI – International cooperation in building respect for IP; and  Goal VII – Addressing IP in relation to global policy issues. |
| *Steps:* | * 1. Make an inventory of categories of copyright material produced, owned and distributed by IGOs;   2. Identify the categories of copyright material to be distributed under the IGO CC License;   3. Establish a WIPO copyright policy implementing the CC IGO License;   4. Upon request advise other IGOs on WIPO experience in implementing its copyright policy;   5. Maintain an ongoing debate and exchange of experiences and best practices among participating IGOs;   6. Raise awareness of the terms and implications of the use of the CC IGO License among stakeholders. |
| *Overall duration* | 24 months |
| *Budget:* | REMARK: No specific financial or human resources have been allocated for this activity within the 2014/2015 Program and Budget. New resources would need to be identified accordingly.  Non-personnel costs:   |  |  | | --- | --- | | *Travel and Fellowships* |  | | Staff Missions | 20,000 CHF | | Third-party Travel |  | | Fellowships |  | | *Contractual Services* |  | | Conferences |  | | Experts’ Honoraria |  | | Publishing |  | | Others | 10,000 CHF | | *Equipment and Supplies* |  | | Equipment |  | | Supplies and Materials |  | | **TOTAL** | 30,000 CHF |   Personnel costs: The Office of the Legal Counsel, the Copyright Law Division and the Communications Division, when necessary, will coordinate and undertake the necessary actions. (D1/P5: 10%; P3/P2: 20%) |

[Annex III follows]

**IMPLEMENTATION PLAN FOR ACTIVITY 3**

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| *Title of Activity/Initiative* | Development of a Training Module on Licensing and Open Source Software Development |
| *Brief description of the Activity/Initiative* | The objective of this activity is to develop a training module on IP issues related to software licensing that could be used by the WIPO Academy and other units providing training and capacity building. A dedicated training module would facilitate useful information about alternative strategies of software development as well as their related costs and implications.  This activity would:   1. Enhance awareness of the possibilities and implications of proprietary and open source software;  (b) Create useful sources of information including concrete examples and bibliography on software licensing, whether proprietary or open source, with special emphasis on the needs of developing countries.   The development of this training module and related material would be undertaken by two external consultants with recognized expertise on the topic, ideally with specific knowledge of both proprietary and open source software. |
| *Target Beneficiaries* | Member States; education and research institutions; and civil society. |
| *Key WIPO Sectors Involved and Links to WIPO Programs:* | Copyright Law Division and WIPO Academy.  This activity/initiative links to a number of WIPO Strategic Goals, including Goal III – Facilitating the use of IP for development; and Goal V – World reference source of IP information and analysis. |
| *Steps and calendar* | * 1. Identification of two qualified external consultants with extensive knowledge on open source and/or proprietary software licensing;   2. Agreement on SSAs and TORs;   3. Drafting of the training module;   4. Review the module for approval or amendment;   5. Publication and release of the module;   6. Launch and insertion of the module in trainings and other programs. |
| *Overall duration* | 12 months |
| *Budget:* | REMARK: No financial or human resources have been allocated for this activity within the 2014/2015 Program and Budget. New resources would need to be identified accordingly.  Non-personnel costs:   |  |  | | --- | --- | | *Travel and Fellowships* |  | | Staff Missions |  | | Third-party Travel |  | | Fellowships |  | | *Contractual Services* |  | | Conferences |  | | Experts’ Honoraria | 30,000 CHF | | Publishing | 20,000 CHF | | Others |  | | *Equipment and Supplies* |  | | Equipment |  | | Supplies and Materials |  | | **TOTAL** | 50,000 CHF |   Personnel costs: The Copyright Law Division and the WIPO Academy will coordinate and undertake the necessary actions. (D1/P5: 5%; P3/P2: 10%) |

[Annex IV follows]

**IMPLEMENTATION PLAN FOR ACTIVITY 4**

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| *Title of Activity/Initiative* | Integrating Open Source Licensing in WIPO Copyright-Related Courses and Training Programs |
| *Brief description of the Activity/Initiative* | WIPO offers a number of trainings on copyright in the context of its general courses, advanced courses and executive programs.  In order to raise the awareness of open source software development in the context of the broader copyright system, it is important that programs on copyright licensing and related topics specifically incorporate this topic.  Additionally, experts on software licensing could be invited and included in suitable programs. |
| *Target Beneficiaries* | Member States; private sector; education and research institutions; IP researchers; civil society organizations. |
| *Key WIPO Sectors Involved and Links to WIPO Programs:* | Copyright Law Division and WIPO Academy.  This activity/initiative links to a number of WIPO Strategic Goals, including Goal III – Facilitating the use of IP for development; and Goal V – World reference source of IP information and analysis. |
| *Steps and calendar* | * 1. Identification of suitable programs for the inclusion of the target topic;   2. Inclusion of specific topics in training programs and events;   3. Once the training module, described in Activity III, is completed, insert it in the online course offerings. |
| *Overall duration* | 24 months |
| *Budget:* | REMARK: No financial or human resources have been allocated for this activity within the 2014/2015 Program and Budget. New resources would need to be identified accordingly.  Non-personnel costs:   |  |  | | --- | --- | | *Travel and Fellowships* |  | | Staff Missions | 10,000 CHF | | Third-party Travel | 30,000 CHF | | Fellowships |  | | *Contractual Services* |  | | Conferences |  | | Experts’ Honoraria |  | | Publishing |  | | Others |  | | *Equipment and Supplies* |  | | Equipment |  | | Supplies and Materials |  | | **TOTAL** | 40,000 CHF |   Personnel costs: The Copyright Law Division and the WIPO Academy will coordinate and undertake the necessary actions. (D1/P5: 5%; P3/P2: 10%) |

[Annex V follows]

**IMPLEMENTATION PLAN FOR ACTIVITY 5**

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| *Title of Activity/Initiative* | Development of Model Copyright Policies and Legal Provisions for Different Copyright Approaches to Public Sector Information |
| *Brief description of the Activity/Initiative* | Member States have approached the question of copyright policy to be applied to Public Sector Information (PSI) in different ways. In light of the growing interest shown by governments and stakeholders, WIPO could be required to provide information and legal assistance on matters related to copyright and PSI.  Model provisions and material useful in providing legislative advice would be produced to address requests of Member States. This material would include and explain implications of legislative options in the context of the two major legal systems, i.e. civil and common law. Two external consultants, one expert in each legal system, would work jointly to prepare the material. |
| *Target Beneficiaries* | Member States; and civil society. |
| *Key WIPO Sectors Involved and Links to WIPO Programs:* | Copyright Law Division  This activity/initiative links to a number of WIPO’s Strategic Goals, including Goal I – Balanced evolution of the international normative framework for IP; Goal III – Facilitating the use of IP for development; and Goal V – World Reference Source of IP information and analysis |
| *Steps and calendar* | * 1. Identification of two qualified external consultants with extensive knowledge on Public Sector Information ;   2. Agreement on SSAs and TORs;   3. Draft of the information material and model provisions;   4. Review the material for approval or amendment. |
| *Overall duration* | 12 months |
| *Budget:* | REMARK: No financial or human resources have been allocated for this activity within the 2014/2015 Program and Budget. New resources would need to be identified accordingly.  Non-personnel costs:   |  |  | | --- | --- | | *Travel and Fellowships* |  | | Staff Missions |  | | Third-party Travel |  | | Fellowships |  | | *Contractual Services* |  | | Conferences |  | | Experts’ Honoraria | 30,000 CHF | | Publishing |  | | Others |  | | *Equipment and Supplies* |  | | Equipment |  | | Supplies and Materials |  | | **TOTAL** | 30,000 CHF |   Personnel costs: Copyright Law Division will coordinate and undertake the necessary actions. (D1/P5: 10%; P3/P2: 15%) |

[Annex VI follows]

**IMPLEMENTATION PLAN FOR ACTIVITY 6**

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| *Title of Activity/Initiative* | International Conference for Least-Developed Countries (LDCs) on Copyright and the Management of Public Sector Information |
| *Brief description of the Activity/Initiative* | This activity will consist of a global meeting aimed at raising awareness of selected LDCs on topics related to Public Sector Information and copyright. The meeting would also facilitate a forum for discussion and sharing of existing policies implemented by Member States.  The meeting would be tailored to best meet LDC objectives; therefore the participation of a number of LDC representatives would be financed by WIPO. |
| *Target Beneficiaries* | Member States, especially LDCs; and civil society. |
| *Key WIPO Sectors Involved and Links to WIPO Programs:* | Copyright Law Division and Division for Least-Developed Countries..  This activity/initiative links to a number of WIPO’s Strategic Goals, including Goal I – Balanced evolution of the international normative framework for IP; Goal III – Facilitating the use of IP for development; and Goal V – World Reference Source of IP information and analysis. |
| *Steps and calendar* | * 1. Agreement on venue, budget, dates, host country and invited participants;   2. Draft program and selection of speakers;   3. Preparation of papers and material;   4. Create a dedicated webpage; |
| *Overall duration* | Nine months |
| *Budget:* | REMARK: No financial or human resources have been allocated for this activity within the 2014/2015 Program and Budget. New resources would need to be identified accordindly.  Non-personnel costs:   |  |  | | --- | --- | | *Travel and Fellowships* |  | | Staff Missions | 12,000 CHF | | Third-party Travel | 130,000 CHF | | Fellowships |  | | *Contractual Services* |  | | Conferences | 15,000 CHF | | Experts’ Honoraria |  | | Publishing |  | | Others | 10,000 CHF | | *Equipment and Supplies* |  | | Equipment |  | | Supplies and Materials |  | | **TOTAL** | 167,000 CHF |   Personnel costs: The Copyright Law Division and the Division for Least-Developed Countries will coordinate and undertake the necessary actions. (D1/P5: 5%; P3/P2: 15%) |

[Appendix follows]

**Appendix**

**Implementation Proposal ON POSSIBLE WIPO ACTIVITIES RELATED TO USING COPYRIGHT TO PROMOTE ACCESS TO INFORMATION AND CREATIVE CONTENT**

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|  | **PROGRAM ACTIVITY** | | | | | |  |
|  | **1\*** | **2** | **3** | **4** | **5** | **6** |  |
| **Non-personnel** |  |  |  |  |  |  |  |
| *Travel and Fellowships* |  |  |  |  |  |  |  |
| Staff Missions | 15,000\* | 20,000 |  | 10,000 |  | 12,000 |  |
| Third-party Travel | 30,000\* | 0 |  | 30,000 |  | 130,000 |  |
| Fellowships | 0 | 0 |  | 0 |  | 0 |  |
| *Contractual Services* | 0 | 0 |  | 0 |  | 0 |  |
| Conferences | 0 | 0 |  | 0 |  | 15,000 |  |
| Experts’ Honoraria | 0 | 0 | 30,000 | 0 | 30,000 | 0 |  |
| Publishing | 0 | 0 | 20,000 | 0 | 0 | 0 |  |
| Others | 126,000\* | 10,000 | 0 | 0 | 0 | 10,000 |  |
| *Equipment and Supplies* | 0 | 0 | 0 | 0 | 0 | 0 |  |
| Equipment | 0 | 0 | 0 | 0 | 0 | 0 |  |
| Supplies and Materials | 0 | 0 | 0 | 0 | 0 | 0 | **TOTAL** |
| **Subtotal in Swiss francs** | 171,000\* | 30,000 | 50,000 | 40,000 | 30,000 | 167,000 | **488,000** |
|  |  |  |  |  |  |  |  |
| **Personnel** |  |  |  |  |  |  |  |
| D1/P5 | 5% | 10% | 5% | 5% | 10% | 5% | **40%** |
| P3/P2 | 10% | 20% | 10% | 10% | 15% | 15% | **80%** |

\* Cost estimate for three Member States participating in the activity.

[End of Appendix and of document]

1. Available in document CDIP/4/5 Rev. [↑](#footnote-ref-1)
2. The recommendations are as follows: Recommendation 19 (Cluster B): To initiate discussions on how, within WIPO’s mandate, to further facilitate access to knowledge and technology for developing countries and LDCs to foster creativity and innovation and to strengthen such existing activities within WIPO; Recommendation 24 (Cluster C): To request WIPO, within its mandate, to expand the scope of its activities aimed at bridging the digital divide, in accordance with the outcomes of the World Summit on the Information Society (WSIS) also taking into account the significance of the Digital Solidarity Fund (DSF); and Recommendation 27 (Cluster C): Facilitating IP‑related aspects of ICT for growth and development: Provide for, in an appropriate WIPO body, discussions focused on the importance of IP‑related aspects of ICT, and its role in economic and cultural development, with specific attention focused on assisting Member States to identify practical IP‑related strategies to use ICT for economic, social and cultural development. [↑](#footnote-ref-2)
3. See document CDIP/9/INF/3. [↑](#footnote-ref-3)
4. See the document Summary by the Chair, page 3, paragraph 10(g), of the tenth session of the CDIP. [↑](#footnote-ref-4)
5. See the document Summary by the Chair, page 3, paragraph 7(d), of the eleventh session of the CDIP. [↑](#footnote-ref-5)