

## Committee on Development and Intellectual Property (CDIP)

**Thirteenth Session**  
**Geneva, May 19 to 23, 2014**

### REVISED PROPOSAL ON POSSIBLE NEW WIPO ACTIVITIES RELATED TO USING COPYRIGHT TO PROMOTE ACCESS TO INFORMATION AND CREATIVE CONTENT

*prepared by the Secretariat*

1. 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”<sup>1</sup> (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.<sup>2</sup> Under the copyright component of the Project there were two objectives, namely to:

- (a) 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.

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<sup>1</sup> Available in document CDIP/4/5 Rev.

<sup>2</sup> 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.

(b) 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.

2. 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).<sup>3</sup> The study was discussed at the Tenth Session of the CDIP, held in November 2012, where Member States agreed<sup>4</sup> 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.”*

3. 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 CDIP, held in May 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 and Member States agreed<sup>5</sup> 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.”*

4. At its Twelfth Session held in November 2013, the Committee considered the Implementation Proposal on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content (CDIP/12/9), containing an implementation plan for the six activities proposed in document CDIP/11/6. Following an exchange of views, the Secretariat was requested “to revise the document so as to clarify the proposal and present it to the next session of the Committee.”<sup>6</sup>

5. Accordingly, the present document and its annexes contain a revised version of the implementation plan taking into account comments made by Member States. New titles were proposed to Activities 1, 2, 3 and 5 with the view to reflecting their content more accurately. It is suggested that each Activity detailed in this document be considered individually.

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

[Annexes follow]

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<sup>3</sup> See document CDIP/9/INF/3.

<sup>4</sup> See the document Summary by the Chair, page 3, paragraph 10(g), of the tenth session of the CDIP.

<sup>5</sup> See the document Summary by the Chair, page 3, paragraph 7(d), of the eleventh session of the CDIP.

<sup>6</sup> See the document Summary by the Chair, page 3, paragraph 11, of the twelfth session of the CDIP.

### IMPLEMENTATION PLAN FOR ACTIVITY 1

<i>Title of Activity/Initiative</i>	Pilot Project on Providing Legal and Technical Support for the Creation of Databases to Make Education and Research (E&R) Resources Available on an Open Access (OA) Basis
<i>Brief description of the Activity/Initiative</i>	<p>This activity aims at providing technical and legal information on how to make E&amp;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 E&amp;R resources.</p> <p>To achieve this goal, a first phase of the activity would focus on selecting Member States that express interest in and then commit to participating in the project.</p> <p>After the participating countries are determined, an external consultant should undertake:</p> <ul style="list-style-type: none"> <li>(a) Research and analysis of the current copyright management policies in local institutions providing E&amp;R resources;</li> <li>(b) Identify the nature and type of E&amp;R resources that are produced by these institutions and those produced abroad but that could be freely used and distributed by them;</li> <li>(c) Assess how the identified E&amp;R resources could be made publicly available in the selected Member States; and</li> <li>(d) Propose cost efficient delivery strategies.</li> </ul>
<i>Target Beneficiaries</i>	Member States, international organizations, education and research institutions, and civil society.
<i>Key WIPO Sectors Involved and Links to WIPO Programs:</i>	<p>Copyright Law Division and Copyright Infrastructure Division.</p> <p>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.</p>
<i>Steps</i>	<ul style="list-style-type: none"> <li>(i) Identification and selection of interested Member States (up to three);</li> <li>(ii) Identification and selection of external consultant(s);</li> <li>(iii) Agreement on Individual Contract Service (ICS) and Terms of Reference (TOR);</li> <li>(iv) Delivery of the assessment;</li> <li>(v) Analysis of the inputs of the external consultant(s); and</li> <li>(vi) Further steps as required by the delivery strategy.</li> </ul>

<i>Overall duration</i>	24 months from the selection of target countries.																										
<i>Budget</i>	<p>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 <i>per voluntary Member State</i> as described above.</p> <p><i>Non-personnel costs:</i></p> <table border="1" data-bbox="507 544 1391 1003"> <tr> <td colspan="2"><i>Travel and Fellowships</i></td> </tr> <tr> <td>Staff Missions</td> <td>5,000 CHF</td> </tr> <tr> <td>Third-party Travel</td> <td>10,000 CHF</td> </tr> <tr> <td>Fellowships</td> <td></td> </tr> <tr> <td colspan="2"><i>Contractual Services</i></td> </tr> <tr> <td>Conferences</td> <td></td> </tr> <tr> <td>Expert Consultant Fees</td> <td></td> </tr> <tr> <td>Publishing</td> <td></td> </tr> <tr> <td>Others</td> <td>42,000 CHF</td> </tr> <tr> <td colspan="2"><i>Equipment and Supplies</i></td> </tr> <tr> <td>Equipment</td> <td></td> </tr> <tr> <td>Supplies and Materials</td> <td></td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>57,000 CHF</b></td> </tr> </table> <p><i>Personnel costs:</i> The Copyright Law Division and the Copyright Infrastructure Division will coordinate and undertake the necessary actions. (D1/P5: 5%; P3/P2: 10%)</p>	<i>Travel and Fellowships</i>		Staff Missions	5,000 CHF	Third-party Travel	10,000 CHF	Fellowships		<i>Contractual Services</i>		Conferences		Expert Consultant Fees		Publishing		Others	42,000 CHF	<i>Equipment and Supplies</i>		Equipment		Supplies and Materials		<b>TOTAL</b>	<b>57,000 CHF</b>
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[Annex II follows]

## IMPLEMENTATION PLAN FOR ACTIVITY 2

<i>Title of Activity/Initiative</i>	Applicability of Open Licensing to Content Produced by International Organizations
<i>Brief description of the Activity/Initiative</i>	<p>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.</p> <p>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 led 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 version of the CC IGO license was adopted and is ready to be used.</p> <p>While some IGOs are already using the license, others are still considering the potential implications of its implementation.</p> <p>The goal of the activity is to facilitate on-demand assistance for 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 might, at the request of other IGOs, assist them by providing legal information and knowledge sharing. In addition, WIPO would monitor future developments of the general unported version of the CC license. In considerations of such developments, revisions of the CC IGO license may be required.</p>
<i>Target Beneficiaries</i>	Member States, international organizations, education and research institutions, and civil society.
<i>Key WIPO Sectors Involved and Links to WIPO Programs:</i>	<p>Office of the Legal Counsel, Communications Division, and Copyright Law Division.</p> <p>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.</p>

<p><i>Steps</i></p>	<p>(a) Identify the categories of copyright material to be distributed under the IGO CC License;</p> <p>(b) Identify essential elements of a copyright policy implementing the CC IGO License;</p> <p>(c) Upon request advise other IGOs on WIPO's experience in implementing its copyright policy;</p> <p>(d) Maintain an ongoing debate and exchange of experiences and best practices among participating IGOs, including through on site meetings;</p> <p>(e) Raise awareness of the terms and implications of the use of the CC IGO License among stakeholders; and</p> <p>(f) Maintain a dialogue with CC and consider revisions of the CC IGO license in consideration of future updates of the unported version of the CC license.</p>																										
<p><i>Overall duration</i></p>	<p>24 months</p>																										
<p><i>Budget:</i></p>	<p>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.</p> <p><i>Non-personnel costs:</i></p> <table border="1" data-bbox="507 1144 1391 1599"> <tr> <td colspan="2"><i>Travel and Fellowships</i></td> </tr> <tr> <td>Staff Missions</td> <td>14,000 CHF</td> </tr> <tr> <td>Third-party Travel</td> <td></td> </tr> <tr> <td>Fellowships</td> <td></td> </tr> <tr> <td colspan="2"><i>Contractual Services</i></td> </tr> <tr> <td>Conferences</td> <td></td> </tr> <tr> <td>Expert Consultant Fees</td> <td></td> </tr> <tr> <td>Publishing</td> <td></td> </tr> <tr> <td>Others</td> <td>10,000 CHF</td> </tr> <tr> <td colspan="2"><i>Equipment and Supplies</i></td> </tr> <tr> <td>Equipment</td> <td></td> </tr> <tr> <td>Supplies and Materials</td> <td></td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>24,000 CHF</b></td> </tr> </table> <p><i>Personnel costs:</i> 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%)</p>	<i>Travel and Fellowships</i>		Staff Missions	14,000 CHF	Third-party Travel		Fellowships		<i>Contractual Services</i>		Conferences		Expert Consultant Fees		Publishing		Others	10,000 CHF	<i>Equipment and Supplies</i>		Equipment		Supplies and Materials		<b>TOTAL</b>	<b>24,000 CHF</b>
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[Annex III follows]

### IMPLEMENTATION PLAN FOR ACTIVITY 3

<i>Title of Activity/Initiative</i>	Development of a Training Module on Software Licensing Including Open Source Software
<i>Brief description of the Activity/Initiative</i>	<p>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. The module would include a balanced range of views, addressing potential benefits and risks associated with different options.</p> <p>This activity would:</p> <ul style="list-style-type: none"> <li>(a) Enhance awareness of the possibilities and implications of proprietary and open source software; and</li> <li>(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.</li> </ul> <p>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.</p>
<i>Target Beneficiaries</i>	Member States, education and research institutions, and civil society.
<i>Key WIPO Sectors Involved and Links to WIPO Programs:</i>	<p>Copyright Law Division and WIPO Academy.</p> <p>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.</p>
<i>Steps and calendar</i>	<ul style="list-style-type: none"> <li>(a) Identification of two qualified external consultants with extensive knowledge on open source and/or proprietary software licensing;</li> <li>(b) Agreement on ICSs and TORs;</li> <li>(c) Drafting of the training module;</li> <li>(d) Reviewing the module for approval or amendment;</li> <li>(e) Publication and release of the module; and</li> <li>(f) Launch and insertion of the module in training activities and other programs.</li> </ul>

<i>Overall duration</i>	12 months																											
<i>Budget</i>	<p>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.</p> <p><i>Non-personnel costs:</i></p> <table border="1" data-bbox="507 434 1406 891"> <tr> <td colspan="2"><i>Travel and Fellowships</i></td> </tr> <tr> <td>Staff Missions</td> <td></td> </tr> <tr> <td>Third-party Travel</td> <td></td> </tr> <tr> <td>Fellowships</td> <td></td> </tr> <tr> <td colspan="2"><i>Contractual Services</i></td> </tr> <tr> <td>Conferences</td> <td></td> </tr> <tr> <td>Expert Consultant Fees</td> <td>30,000 CHF</td> </tr> <tr> <td>Publishing</td> <td>20,000 CHF</td> </tr> <tr> <td>Others</td> <td></td> </tr> <tr> <td colspan="2"><i>Equipment and Supplies</i></td> </tr> <tr> <td>Equipment</td> <td></td> </tr> <tr> <td>Supplies and Materials</td> <td></td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>50,000 CHF</b></td> </tr> </table> <p><i>Personnel costs:</i> The Copyright Law Division and the WIPO Academy will coordinate and undertake the necessary actions. (D1/P5: 5%; P3/P2: 10%)</p>		<i>Travel and Fellowships</i>		Staff Missions		Third-party Travel		Fellowships		<i>Contractual Services</i>		Conferences		Expert Consultant Fees	30,000 CHF	Publishing	20,000 CHF	Others		<i>Equipment and Supplies</i>		Equipment		Supplies and Materials		<b>TOTAL</b>	<b>50,000 CHF</b>
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<b>TOTAL</b>	<b>50,000 CHF</b>																											

[Annex IV follows]

**IMPLEMENTATION PLAN FOR ACTIVITY 4**

<i>Title of Activity/Initiative</i>	Integrating Open Source Licensing in WIPO Copyright-Related Courses and Training Programs
<i>Brief description of the Activity/Initiative</i>	<p>WIPO offers a number of trainings on copyright in the context of its general courses, advanced courses and executive programs.</p> <p>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. This would entail providing a balanced range of views, addressing potential benefits and risks associated with different options.</p> <p>Additionally, experts on software licensing could be invited and included in suitable programs.</p>
<i>Target Beneficiaries</i>	Member States, private sector, education and research institutions, IP researchers, and civil society organizations.
<i>Key WIPO Sectors Involved and Links to WIPO Programs:</i>	<p>Copyright Law Division and WIPO Academy.</p> <p>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.</p>
<i>Steps and calendar</i>	<p>(a) Identification of suitable programs for the inclusion of the target topic;</p> <p>(b) Inclusion of specific topics in training programs and events.</p> <p>(c) Identifying experts on software licensing; and</p> <p>(d) Inviting the experts to participate in related meetings or activities.</p>
<i>Overall duration</i>	24 months

<i>Budget</i>	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.	
	<i>Non-personnel costs:</i>	
	<i>Travel and Fellowships</i>	
	Staff Missions	10,000 CHF
	Third-party Travel	30,000 CHF
	Fellowships	
	<i>Contractual Services</i>	
	Conferences	
	Expert Consultant Fees	
	Publishing	
	Others	
	<i>Equipment and Supplies</i>	
	Equipment	
	Supplies and Materials	
	<b>TOTAL</b>	<b>40,000 CHF</b>
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**

<i>Title of Activity/Initiative</i>	Preparation of Information for WIPO Internal Use on Copyright Policies and Legal Provisions for Different Copyright Approaches to Public Sector Information
<i>Brief description of the Activity/Initiative</i>	<p>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 country specific information and legal assistance on matters related to copyright and PSI.</p> <p>Material useful for providing legislative advice would be produced to address requests of Member States. This material would include and explain implications of legislative options, and would take into account the different legal systems (i.e. civil and common law) and levels of development to address requests of Member States</p> <p>Two external consultants, one expert in each legal system, would work jointly to prepare the material.</p>
<i>Target Beneficiaries</i>	Member States and civil society.
<i>Key WIPO Sectors Involved and Links to WIPO Programs:</i>	<p>Copyright Law Division</p> <p>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</p>
<i>Steps and calendar</i>	<p>(a) Identification of two qualified external consultants with extensive knowledge on Public Sector Information ;</p> <p>(b) Agreement on ICSs and TORs;</p> <p>(c) Drafting the information material and model provisions; and</p> <p>(d) Reviewing the material for approval or amendment.</p>
<i>Overall duration</i>	12 months

<i>Budget</i>	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.	
	<i>Non-personnel costs:</i>	
	<i>Travel and Fellowships</i>	
	Staff Missions	
	Third-party Travel	
	Fellowships	
	<i>Contractual Services</i>	
	Conferences	
	Expert Consultant Fees	30,000 CHF
	Publishing	
	Others	
	<i>Equipment and Supplies</i>	
	Equipment	
	Supplies and Materials	
	<b>TOTAL</b>	<b>30,000 CHF</b>
	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**

<i>Title of Activity/Initiative</i>	International Conference for Least-Developed Countries (LDCs) on Copyright and the Management of Public Sector Information
<i>Brief description of the Activity/Initiative</i>	<p>This activity consists of a global meeting aimed at raising awareness of selected LDCs on topics related to Public Sector Information and copyright. The selection of countries would take into account their readiness to implement any policy on the subject. The meeting would also provide a forum for discussion and sharing of existing policies implemented by Member States.</p> <p>The meeting would be tailored to best meet LDC objectives; therefore the participation of a number of LDC representatives would be financed by WIPO.</p>
<i>Target Beneficiaries</i>	Member States, especially LDCs; and civil society.
<i>Key WIPO Sectors Involved and Links to WIPO Programs:</i>	<p>Copyright Law Division and Division for Least-Developed Countries.</p> <p>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.</p>
<i>Steps and calendar</i>	<ul style="list-style-type: none"> <li>(a) Agree on venue, budget, dates, host country and invited participants;</li> <li>(b) Draft program and selection of speakers;</li> <li>(c) Prepare papers and material; and</li> <li>(d) Create a dedicated webpage.</li> </ul>
<i>Overall duration</i>	Nine months

<i>Budget</i>	<p>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.</p> <p><i>Non-personnel costs:</i></p> <table border="1"> <tr> <td colspan="2"><i>Travel and Fellowships</i></td> </tr> <tr> <td>Staff Missions</td> <td>12,000 CHF</td> </tr> <tr> <td>Third-party Travel</td> <td>130,000 CHF</td> </tr> <tr> <td>Fellowships</td> <td></td> </tr> <tr> <td colspan="2"><i>Contractual Services</i></td> </tr> <tr> <td>Conferences</td> <td>15,000 CHF</td> </tr> <tr> <td>Expert Consultant Fees</td> <td></td> </tr> <tr> <td>Publishing</td> <td></td> </tr> <tr> <td>Others</td> <td>10,000 CHF</td> </tr> <tr> <td colspan="2"><i>Equipment and Supplies</i></td> </tr> <tr> <td>Equipment</td> <td></td> </tr> <tr> <td>Supplies and Materials</td> <td></td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>167,000 CHF</b></td> </tr> </table> <p><i>Personnel costs:</i> The Copyright Law Division and the Division for Least-Developed Countries will coordinate and undertake the necessary actions. (D1/P5: 5%; P3/P2: 15%)</p>	<i>Travel and Fellowships</i>		Staff Missions	12,000 CHF	Third-party Travel	130,000 CHF	Fellowships		<i>Contractual Services</i>		Conferences	15,000 CHF	Expert Consultant Fees		Publishing		Others	10,000 CHF	<i>Equipment and Supplies</i>		Equipment		Supplies and Materials		<b>TOTAL</b>	<b>167,000 CHF</b>
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<b>TOTAL</b>	<b>167,000 CHF</b>																										

[End of Annex VI and of document]