

Committee on Development and Intellectual Property (CDIP)

Fourteenth Session
Geneva, November 10 to 14, 2014

SUMMARY BY THE CHAIR

1. The fourteenth session of the CDIP was held from November 10 to 14, 2014. The session was attended by 79 Member States and 31 Observers.
2. The Committee adopted the Draft Agenda as proposed in document CDIP/14/1 Prov.2.
3. Under Agenda Item 3, the Committee decided to admit, on an ad hoc basis, two non-governmental organizations (NGOs), namely Maloca Internationale and the Legal Committee for the Self-Development of Andean Indigenous Peoples (CAPAJ).
4. Under Agenda Item 4, the Committee adopted the draft report of the thirteenth session of the CDIP contained in document CDIP/13/13 Prov.
5. Under Agenda Item 5, the Committee listened to general statements from delegations.
6. Under Agenda Item 6, the Committee considered document CDIP/14/2 entitled “Progress Reports”. The Committee took note of the content of the document. Project Managers informed Member States on the Progress made in their Projects under implementation.
7. The Committee considered and took note of the following evaluation reports:
 - (i) Evaluation Report on the Project on Intellectual Property (IP) and Socio-Economic Development, contained in document CDIP/14/3;
 - (ii) Evaluation Report on the Pilot Project for Establishment of “Start-Up” National IP Academies – Phase II, contained in document CDIP/14/4;

(iii) Evaluation Report on the Project on Specialized Databases' Access and Support – Phase II, contained in document CDIP/14/5; and

(iv) Evaluation Report on the Project on Developing Tools for Access to Patent Information – Phase II, contained in document CDIP/14/6.

Following the presentation of the evaluation reports, an exchange of views took place. The independent external evaluators responded to the observations made by the delegations.

8. Also under Agenda Item 6, the Committee discussed the Description of the Contribution of the Relevant WIPO Bodies to the Implementation of the Respective Development Agenda Recommendations, contained in document CDIP/14/10. While some delegations appreciated the information received from relevant WIPO bodies, others called for a modification of the reporting methodology. Proposals were made by Member States in this regard. Delegations further reiterated their respective positions on the WIPO Committees to be considered as “relevant bodies” under the Coordination Mechanisms and Monitoring, Assessing and Reporting Modalities.

9. Under Agenda Item 7, the Committee considered a project proposal on a Phase II of the Project on Socio-Economic development, contained in document CDIP/14/7. The Committee approved the project proposal.

10. The Committee considered the Concept Paper for the Project on Intellectual Property and Technology Transfer: Common Challenges - Building Solutions (Recommendations 19, 25, 26 and 28), contained in document CDIP/14/8 Rev. The Committee agreed that Member States would have the opportunity to interact during the High Level Expert Forum. The Committee will also consider the outcome of the said Forum. The Committee approved the concept paper as modified.

11. The Committee discussed the WIPO General Assembly Decision on CDIP related matters, contained in documents CDIP/14/11 and CDIP/12/5. The Committee decided to continue discussions on this matter at its next session.

12. The Committee considered the Revised Report on the Measurement of the Millennium Development Goals (MDGs) in Other United Nations Agencies and Specialized Agencies, and on the Contribution of WIPO to the Implementation of the MDGs, contained in document CDIP/14/12 Rev. Delegations expressed their appreciation of the Report. Some delegations requested the Secretariat to provide the Committee with continual reporting on WIPO's contribution to the achievement of the MDGs. However, there was no agreement on this request. The Secretariat was requested to report on the Post-2015 Development Agenda to be adopted.

13. The Committee considered the Project on - Intellectual Property and Tourism: Supporting Development Objectives and Protecting Cultural Heritage in Egypt and Other Developing Countries, contained in document CDIP/13/8. Some delegations expressed their support to the adoption of the project while others expressed concerns. The Committee decided to receive comments from Member States on the project and revise it for its consideration at its next session.

14. The Committee considered the Revised Proposal on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content, contained in document CDIP/13/11. Following an exchange of views and clarifications on the scope and implementation of certain activities, the Committee agreed on the following:

- On activity 1, the Secretariat should work with interested Member States to prepare a proposed implementation plan for a concrete pilot project to be presented to the CDIP;
- On activities 2, 3 and 4, the Secretariat should implement them in accordance with document CDIP/13/11, taking into account comments made by Member States;
- On activity 5, the Secretariat should arrange for the preparation of a comprehensive survey of national approaches to Public Sector Information; and
- On activity 6, the Committee will consider it once progress has been made on the other activities.

15. The Committee discussed and approved the Terms of Reference (TORs) for the Independent Review of the Implementation of the Development Agenda Recommendations as requested under the Coordination mechanism. Copy of the Terms of Reference (TORs) is attached to the Summary (see Annex).

16. The Committee discussed the matter of the International Conference on Intellectual Property and Development. The Committee agreed to hold it on a margin of CDIP 16 or 17. The Secretariat was requested to finalize the list of speakers as contained in document WIPO/IPDA/GA/13/INF/1 Prov., taking into consideration proposals made by Members States before end of January 2015 or end of March 2015.

17. The Committee discussed the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (documents CDIP/8/INF/1, CDIP/9/14, CDIP/9/15, CDIP/9/16, and CDIP/11/4). The Committee decided to continue consideration of this matter at its next session.

18. The Committee discussed and took note of the Study on Collective Negotiation of Rights and Collective Management of Rights in the Audiovisual Sector, contained in document CDIP/14/INF/2. It took note of the request for translation of the document into French.

19. The Committee discussed and took note of the following Studies undertaken in the context of the Project on IP and Socio-Economic Development:

- (i) Trademarks Squatters: Evidence from Chile, contained in document CDIP/14/INF/3;
- (ii) Study on the Impact of Utility Models in Thailand, contained in document CDIP/14/INF/4;
- (iii) Study on the Use of Intellectual Property and Export Performance of Brazilian Firms, contained in document CDIP/14/INF/5;
- (iv) Report on IP Use in Brazil (2000-2011), contained in document CDIP/14/INF/6;
- (v) Study on the Impact of Intellectual Property on the Pharmaceutical Industry of Uruguay, contained in document CDIP/13/INF/5;
- (vi) Study on Patent's Role in Business Strategies: Research on Chinese Companies' Patenting Motives, Patent Implementation and Patent Industrialization, contained in document CDIP/13/INF/8; and

(vii) Study on International Patenting Strategies of Chinese Residents, contained in document CDIP/13/INF/9.

20. The Committee discussed and took note of the following Studies undertaken in the context of the Project on Intellectual Property and Technology Transfer: Common Challenges - Building Solutions:

(i) Study on Economics of IP and International Technology Transfer, contained in document CDIP/INF/7;

(ii) Intellectual Property-Related Policies and Initiatives in Developed Countries to Promote Technology Transfer, contained in document CDIP/14/INF/8;

(iii) Case Studies on Cooperation and Exchange Between R&D Institutions in Developed and Developing Countries, contained in document CDIP/14/INF/9;

(iv) Policies Fostering the Participation of Businesses in Technology Transfer, contained in document CDIP/14/INF/10;

(v) International Technology Transfer: an Analysis from the Perspective of Developing Countries, contained in document CDIP/14/INF/11; and

(vi) Alternatives to the Patent System that are Used to Support R&D Efforts, Including both Push and Pull Mechanisms, with a Special Focus on Innovation-Inducement Prizes and Open Source Development Models, contained in document CDIP/14/INF/12.

Some delegations expressed concerns regarding the quality of the studies and requested a robust peer-review process to be applied to all WIPO studies. Other delegations requested the studies to be presented by their authors at the next session. However, there was no agreement on this request.

21. The Committee discussed and took note of the following Studies undertaken in the context of the Project on Open Collaborative Projects and IP-Based Models:

(i) Global Knowledge Flows, contained in document CDIP/14/INF/13; and

(ii) In-Depth Evaluation Study for the Project on Open Collaborative Projects and IP-Based Models, contained in document CDIP/14/INF/14.

22. Under Agenda Item 8 on Future Work, the Committee agreed upon a list of issues/documents for the next session.

23. The Committee noted that the Draft Report of the fourteenth session would be prepared by the Secretariat and communicated to the Permanent Missions of the Member States, and would also be made available to Member States, IGOs and NGOs, in electronic form, on the WIPO website. Comments on the Draft Report should be communicated in written form to the Secretariat, preferably eight weeks before the next meeting. The Draft Report will then be considered for adoption at the fourteenth session of the Committee.

24. This Summary will constitute the Committee's report to the General Assembly.

[Annex follows]

Terms of Reference for the Independent Review of the Implementation of the Development Agenda Recommendations

Background

At its 2007 General Assembly meeting, WIPO Member States adopted forty-five Development Agenda Recommendations. The 2010 WIPO General Assembly, when adopting the Coordination Mechanism, requested “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.¹[see annex I – [Coordination Mechanisms and Monitoring, Assessing and Reporting Modalities](#)] [annex II – [DA recommendations](#)].

Purpose and scope of the review

The independent review (the “Review”) shall assess, in a comprehensive manner, the relevance, effectiveness, impact, sustainability and efficiency of WIPO’s work to implement the Development Agenda Recommendations (hereinafter referred to as “WIPO’s Work”) during the period from 2008 to 2013.

Key questions to be addressed

1. Relevance: to what extent WIPO’s Work and the results of its activities for the implementation of the Development Agenda Recommendations serve the needs of Member States, stakeholders and other intended beneficiaries?
2. Impact: what is the impact of WIPO’s Work in the implementation of the Development Agenda Recommendations? To this end, the Review must address the actual impact of WIPO’s work in the implementation of the Development Agenda Recommendations at various levels and across WIPO’s bodies and programs.
3. Effectiveness: to what extent is WIPO’s Work effective in the implementation of the Development Agenda Recommendations? To this end, the Review must address whether WIPO’s work has been effective in achieving the outcomes in line with the Development Agenda Recommendations and also, whether the project-based approach has been effective.
4. Efficiency: how efficiently has WIPO used the human and financial resources in its work directed at the implementation of the Development Agenda Recommendations?
5. Sustainability: to what extent are the results of WIPO’s Work sustainable in the long term? To this end, the Review must also identify the best practices and the lessons learned from the WIPO’s Work in the implementation of the Development Agenda Recommendations with the view to achieving sustainable outcomes in future.

¹ Coordination Mechanisms and Monitoring, Assessing and Reporting Modalities

Methodology

The review team is expected to undertake the Review in a rigorous and efficient manner to produce useful information and findings for WIPO Member States.

The methodology of the Review shall at least include the following: (a) desk review of documents relevant to the implementation of the adopted Development Agenda Recommendations; (b) interviews or focus group discussions with Member States, WIPO staff and beneficiaries; (c) field visits, as deemed necessary, bearing in mind budgetary constraints; (d) surveys. Additionally, the reviewers may utilize other appropriate methods in order to produce an in-depth and well-substantiated Review.

The WIPO Secretariat shall make available to the reviewers all relevant materials and information concerning the implementation of the Development Agenda Recommendations.

The Review Team

Selection process of the Review Team shall be conducted in accordance with the WIPO's established procedures.

The Review Team should possess the requisite skills, knowledge and experience required to conduct the comprehensive review in all six clusters of the Development Agenda in a credible and independent manner.

The team should be familiar with (a) WIPO's mandate, (b) Development Agenda Recommendations, including technical assistance, and (c) the development challenges of WIPO Member States.

The team should hence include two experts in the field of IP and development, including one with practical experience in delivery of IP technical assistance, and one with practical experience in dealing with development challenges, and one professional lead evaluator².

The Review Team should observe the UNEG guidelines, standards and norms for evaluations in the UN system, as well as the WIPO Evaluation Policy (2010) in the conduct of the Review.

Deliverables

In addressing the key questions, the Review shall also suggest possible improvements to WIPO's performance and its work in the implementation of the Development Agenda Recommendations.

The Review Team will first prepare an inception report, containing a description of the evaluation methodology and methodological approach; data collection and analysis methods; key stakeholders to be interviewed; performance assessment criteria and the work plan of the Review.

The Review Team will then prepare a first draft Review report with preliminary findings and recommendations.

² Regardless of the background of the experts, the team must review the implementation of the recommendations in all the six clusters of the DA.

The final output of the Review shall be a concise and clearly-organized report of reasonable length, composed of an executive summary, introduction and brief description of the work undertaken to implement the adopted Development Agenda Recommendations, the evaluation methodology used, and clearly-structured, well-founded findings, as well as recommendations.

The Leader of the Review Team will be required to present the final Review to the Committee on Development and Intellectual Property (CDIP).

Budget

Budget Item Description	Unit cost SFR	Total SFR
Expert honoraria ³ (2 experts)	20,000	40,000
Lead evaluator's honorarium ⁴	25,000	25,000
Mission to Geneva during the Review process , including a briefing session with WIPO Member States; (Leader of the Review Team and 2 experts, 2 weeks)	13,500/ mission	40,500
Mission to Geneva for the presentation of the final report by the Leader of the Review Team (3 days)	10,000/ mission	10,000
Publication, translation and distribution of final review report	132/ sheet	3,960
Field visits (Lump sum for 5 missions)	8,000 / mission	40,000
Provision for unforeseen costs	n/a	2,000
Total budget		161,460

Monitoring

The reviewers must keep the WIPO Secretariat informed of progress made in the Review on a regular basis.

The WIPO Secretariat will keep Member States informed on the selection process of the Review team, the inception report and the first draft Review.

³ The Member States have given flexibility to the Secretariat to allocate additional budget (in accordance with WIPO usual practice), should additional time be required by the Experts to fulfill the task defined in these Terms of Reference.

⁴ The Member States have given flexibility to the Secretariat to allocate additional budget (in accordance with WIPO usual practice), should additional time be required by the Lead Evaluator to fulfill the task defined in these Terms of Reference.

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Expected Output: Final Review report. The final report will be translated into official WIPO languages and published on CDIP webpage 3 months prior to its presentation to the fifteenth session of the CDIP, in May 2015, by the lead reviewer																																								

Based upon this table, if the review process is to commence after the fourteenth session of the CDIP (fourth week of January 2015), it would be achieved by the mid of November 2015 and the Review Report could be considered during the seventeenth session of the Committee, in May 2016.

This timeline is established on the assumption of a full working period. However, lower work activity is expected during the months of July and August could potentially delay some activities.

[End of Annex and of document]