

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

**Eighteenth Session**  
**Geneva, October 31 to November 4, 2016**

### **REPORT**

*adopted by the Committee*

1. The 18<sup>th</sup> session of the CDIP was held from October 31 to November 4, 2016.
2. The following States were represented: Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Brazil, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Estonia, Ecuador, Egypt, El Salvador, Ethiopia, France, Gambia, Germany, Ghana, Guatemala, Haiti, Holy See, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Jordan, Kenya, Kuwait, Latvia, Lithuania, Malawi, Malta, Mexico, Monaco, Morocco, Namibia, Nicaragua, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe (102).
3. The following intergovernmental organizations (IGOs) took part as observers: African Regional Intellectual Property Organization (ARIPO), African Union (AU), European Public Law Organization (EPLO), European Union (EU), Federation of Arab Scientific Research Councils (FASRC), Food and Agriculture Organization of the United Nations (FAO), Organization of Islamic Cooperation (OIC), Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC Patent Office), South Centre (SC), West African Economic and Monetary Union (WAEMU) and World Trade Organization (WTO) (11).

4. Representatives of the following non-governmental organizations (NGOs) took part as observers: *Asociación Argentina de Intérpretes (AADI)*, Association for the International Collective Management of Audiovisual Works (AGICOA), CropLife International, European Law Students' Association (ELSA International), Health and Environment Program (HEP), *Ingénieurs du Monde (IdM)*, International Centre for Trade and Sustainable Development (ICTSD), International Federation of Pharmaceutical Manufacturers Associations (IFPMA), Innovation Inside, International Video Federation (IVF), Knowledge Ecology International Inc. (KEI), *Maloca Internationale*, *Médecins sans frontières (MSF)*, Third World Network Berhad (TWN), and World Women Inventors and Entrepreneurs Association (WWIEA) (15).
5. Ambassador Luis Enrique Chávez Basagoitia, Permanent Representative of Peru, chaired the session. Ms. Kerry Faul, Head of the National IP Management in the Department of Science and Technology of South Africa and Mr. Osman Gokturk, Second Secretary, Permanent Mission of Turkey to WTO acted as the Vice-Chairs.

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

6. The Chair welcomed delegations to the 18<sup>th</sup> session of the Committee on Development and Intellectual Property (CDIP). He noted the presence of the Director General, Dr. Francis Gurry, which reflected the continued commitment of WIPO to the Development Agenda (DA). Following the discussions in the last session, he was convinced that the Committee and its work were of high importance to Member States, civil society and all other actors. He noted that the presence of so many delegates was a good sign and an illustration of the interest by the Member States in the CDIP. The Chair pointed out the progress made by the Committee at its previous session and was confident that the pending issues could be closed with the support of the Member States if they all engaged in a substantive manner. He particularly referred to the debate on the General Assembly decision on CDIP related issues. He also looked forward to the discussion on the report on the Independent Review of the Implementation of the DA Recommendations; the Member States inputs on Sustainable Development Goals (SDGs) relevant to WIPO's work; and the Member States inputs on activities related to technology transfer. The Chair believed that Member States had made use of the time between now and the previous session to think about the possibilities of agreements on some points. He requested Member States for support in achieving consensus on the different issues. The Committee would work under the same method as in the previous session, combining formal sessions and informal consultations facilitated by some participant countries. That method had proven its effectiveness. He also referred to the tentative work program distributed at the meeting, adding that it should be considered as an indication only. He considered it important to have flexibility in sequencing the topics as it would allow everybody to make progress. He then stated that the adoption of the Summary by the Chair at the end of each session was customary. The Chair explained that it would be a compilation of the various summaries that he would be making after the completion of each item. These summaries would be brief and distributed by the Secretariat.

7. The Director General welcomed delegations to the session. He stated that there were important items on the Agenda which looked at the whole DA and its impact on the Organization. Referring to the report on the International Conference on IP and Development, the DG stated that a great food for thoughts was produced during that event. Concerning the report on the Independent Review of the Implementation of the DA Recommendations, he invited Member States to provide additional direction on its implementation. The report on the External Review of WIPO Technical Assistance in the Area of Cooperation for Development, technology transfer and SDGs were items that had been on the Agenda for several years. Mentioning the issues on the Agenda, he recalled that, to date, 34 projects had been undertaken to implement 33 of the DA Recommendations with a total budget of just over 30 million Swiss francs. Fifteen of those projects had been mainstreamed into the work program of

WIPO and six of them were undergoing implementation in 2015. Lastly, he recalled the key items on the Agenda outlined by the Chair and wished the participants successful discussions in the course of the week.

## **AGENDA ITEM 2: ADOPTION OF THE AGENDA**

8. The Chair informed the Committee that the draft Agenda (document CDIP/18/1/Prov. 2) was prepared based on the discussions during CDIP/17 and in accordance with Rule 5 of the WIPO General Rules of Procedure. The Agenda was adopted given that there were no observations from the floor.

## **AGENDA ITEM 3: ACCREDITATION OF OBSERVERS**

### Consideration of the document CDIP/18/9

9. The Chair invited the Secretariat to present the document.

10. The Secretariat (Mr. Baloch) informed the Committee that the Rules of Procedure of the Committee provided for *ad hoc* accreditation, as observers, of IGOs and NGOs. For this session, one NGO, namely, the Republican Scientific Research Institute from the Russian Federation, had requested accreditation.

11. The Chair invited the Committee to take a decision on the requests. The NGO was granted *ad hoc* observer status given that there were no objections from the floor.

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

### Consideration of document CDIP/17/11 Prov. – Draft Report

12. The Secretariat (Mr. Baloch) informed the Committee that the Report (document CDIP/17/11 Prov.) was published on July 29, 2016, and one comment was received from the Delegation of the United States which requested an amendment to paragraph 590 as follows: “It believes that 9.8 only reflects part of the conversation, and noted that although there was agreement on the content of the revised Spanish proposal, there was no agreement on how or whether to proceed with the proposal”. The requested change was in line with the transcript of the meeting.

13. The Chair invited the Committee to adopt the Report. It was adopted, given that there were no objections from the floor.

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

14. The Chair opened the floor for general statements.

15. The Delegation of India, speaking on behalf of the Asia and the Pacific Group, welcomed the recommendations made in the Report on the Independent Review of the Implementation of the DA Recommendations (document CDIP/18/7). The recommendations called for improvements in WIPO's performance and work on the DA implementations and set out a process to take actions on the recommendations. Implementation of the DA was a long-term process and the DA Recommendations were a part of that process. In that context, the Group

recalled the 2010 WIPO General Assembly decision which stated that, upon consideration of the review, the CDIP may decide on a possible further review. The Group also took note of the Progress Report (document CDIP/18/2) which provided information on six CDIP approved projects under implementation and activities in relation to the 19 recommendations for immediate implementation between July 2015 and June 2016. The Group highlighted the recommendation number 10 of the Independent Review which stated that the Progress Report should include information about the human and financial resources allocated to the activities and projects reported. The Review also found that DA projects were more effectively implemented where the projected activities were included in collaboration with national IP offices. However, where other national entities were involved, the implementation was less efficient. In its findings the Review had pointed out that there was no mechanism for the CDIP to assess the extent of mainstreaming of completed DA projects. Hence, the Group was of the view that the assertions in the Progress Report had to be read in the light of the findings of the Independent Review. Furthermore, the Group had examined the report. It noted that his Excellency Dr. Rob Davies, Minister of Trade and Industry of South Africa, pointed out in his keynote address that there was no unambiguous evidence that stronger Intellectual Property Rights (IPRs) fostered industry and development. The Minister also underscored that countries may need different approaches and policies to adapt the IP system to make it relevant and suitable to specific context, acknowledging that in countries at an early stage of industrialization, strong IPRs may be unnecessary. The Group also noted that many panelists contested the linkage between IP and innovation, thus a cautious approach was needed to reform the IPRs. In that sense, the Conference was a useful opportunity to bring forward alternative perspectives related to IP and its implications for development. The Group requested the Secretariat to publish the presentations made during the Conference and looked forward to the organization of future conferences on IP and Development. On the SDGs, the Group highlighted their universal and indivisible character. Therefore, shortlisting only some specific SDGs as relevant to WIPO's work would not enable a holistic approach towards addressing the realization of its objectives. Moreover, the Group had studied the proposal submitted by Brazil in which it proposed the inclusion of a standing agenda item in the CDIP on the implementation of the SDGs. The Group supported that proposal. With regards to South-South Cooperation activities, the Group noted that the focus in WIPO should be on promoting full use of IP flexibilities so that WIPO could address developmental goals. WIPO should conduct more activities on sharing South-South experiences on the protection of Genetic Resources, Traditional Knowledge and traditional, cultural expressions. As far as the revised proposal for a mechanism for updating the Database on Flexibilities was concerned, the Group supported the first option; Member States to communicate updates concerning the national provisions on flexibilities included in the database, which were then placed in the database. They were against the second option; the Secretariat to determine whether updates submitted by the Member States are in conformity with the scope and criteria agreed by CDIP. The Group urged all Regional groups to work together towards resolution of the WIPO General Assembly decision on CDIP-related matters, including the Coordination Mechanisms which was an essential element in the implementation of DA Recommendations, particularly in respect to the Program and Budget Committee (PBC) and the Committee on WIPO Standards (CWS). The Group hoped that the matter could get resolved in order to pave the way for the smooth functioning of other WIPO committees. On the other hand, the Group noted that technical assistance was an important area of work for its Member States. To be effective, its delivery needed to be timely, efficient and coherent. There was a need to devise an institutional mechanism to avoid duplication for an optimal utilization of resources. The Group hoped that discussions on the External Review of WIPO Technical Assistance in the Area of Cooperation for Development would bring uniformity, better organization and clarity to the existing processes and practices. The discussion under this agenda item should continue on the basis of the proposal by the DA Group and the African Group as these were the only two formal proposals. The Group looked forward to contributing to the proceedings in the Committee and hoped for a productive session.

16. The Delegation of Chile, speaking on behalf of the Latin America and the Caribbean Group (GRULAC), highlighted the important work done by the Committee. It congratulated the Secretariat on the drafting of the Report on the International Conference (document CDIP/18/3) which would enable the inclusion of the Conference's debate in future deliberations and proposals. The Group welcomed the Compilation of Member State Inputs on SDGs relevant to WIPO's Work (document CDIP/18/4). SDGs represented the will of the international community to establish a plan of action for the next 15 years. Leaders approved with unanimity Agenda 2030, which aimed to coordinate global efforts to put into practice the economic, social and environmental dimensions of sustainable development. The contribution of GRULAC highlighted constitutive characteristics of SDGs, which were their universality and indivisibility. Therefore, carrying out each of these objectives could be supported through the work of WIPO as part of the UN system. The Group called upon WIPO to contribute, as part of the Working Group set to achieve these objectives, to support this process. Discussions on the role of WIPO in the implementation of Agenda 2030 were of great importance. SDGs should guide WIPO's work on development issues. The CDIP was the appropriate place for the Organization to share its contributions to the process with Member States. The Group was pleased to take note of the Report of the Independent Review of the Implementation of the DA Recommendations, (document CDIP18/7). The Report contained valuable information and clearly reflected some of the issues raised by the Committee in the past sessions. It hoped for the recommendations of the Report to be a starting point for strengthening the implementation of the DA in CDIP and WIPO's future work. It also highlighted that the evaluation contributed to the ongoing reflection on the DA objectives underlining their interconnection with the SDGs. Moreover, the Group was willing to work for due implementation of the CDIP mandate. Recalling the adoption of the DA 10 years ago, it was about time to implement its third pillar. Development was an objective nourished by and related to all the fields of IP. Therefore it was a cross-cutting issue in WIPO.

17. The Delegation of China was pleased to see that since the last session, with the efforts of WIPO and the Member States, the DA Recommendations had been further implemented, benefiting the developing countries and Least Developed Countries (LDCs). The latest launch of the project on the Use of Information in the Public Domain for Economic Development was an example of that. The project will further promote WIPO's Technology and Innovation Support Center (TISC). The Delegation highly appreciated the efforts made by the DG and his team to mainstream the DA Recommendations. It noted that after one year's efforts, the Report on the Independent Review of the DA Recommendations was finalized. It believed that the scope of the review was comprehensive, the method effective, and conclusions objective. It acknowledged the good work and professionalism of the review team. The Delegation also recalled that during its last sessions, the Committee had carried out constructive discussions on the External Review on WIPO Technical Assistance in the Area of Cooperation for Development. It hoped for parties to show the same flexibility and cooperation as shown in the last session. Moreover, the Delegation referred to the recently adopted SDGs for which it had been actively working since their adoption in 2015. Progress had so far been made in different domains, including IP. China's Prime Minister, Mr. Li Keqiang, presented the country's Program Agenda 2030 during the UN General Assembly last September. The Chinese Delegation in Geneva had also held a conference on the implementation of SDGs to achieve social, economic and cultural development. All these activities showed China's steadfast attitude and firm determination for SDGs and global development. Finally, the Delegation showed its support to the work of the Committee and its willingness to contribute to the improvement and balance of the international IP system.

18. The Delegation of Latvia, speaking on behalf of the Central European and Baltic States Group (CEBS), hoped that the session would focus discussions on the overarching issues and not only on issues, namely, technology transfer, implementation of the SDGs, Conference on IP

and Development. The Delegation looked forward to discuss the Independent Review of the Implementation of the DA Recommendations and to close the discussions on the External Review of the WIPO Technical Assistance in the area of Cooperation for Development. The Group was of the view that time should be used in an efficient manner in order to discuss all items on the Agenda. The Delegation expressed the constructive and positive engagement of the CEBS Group in all of the discussions.

19. The Delegation of Turkey, speaking on behalf of Group B, highlighted the progress made by WIPO in implementing the DA since its adoption. As stated in the Independent Review of the Implementation of the DA Recommendations, WIPO had attained remarkable achievement in tackling issues concerning IP and development, reaching WIPO's mandate as defined in Article 3 of the WIPO Convention. Reserving the right for further elaboration under each agenda item, the Group touched on some of them. First, it welcomed the Report on the Independent Review of the Implementation of the DA Recommendations. The Group had followed closely the work undertaken by the review team and actively engaged in the process. Second, the Group welcomed and took note of the completion and the Progress Report on the projects as well as the report on the International Conference on IP and Development. Third, with regards to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development, the Group believed that technical assistance has been successfully conducted by WIPO with the spirit of compromise and cooperation from all sides after long consultations and the agreement on the substance of the 6-point plan was reached. However, it recalled that there were divergent views in relation to the Chair's Summary of the last CDIP session on that item and its way forward. Technical assistance should be continuously improved from viewpoint of both effectiveness and planning. At the same time, the expertise of the Secretariat should be exploited to the full extent by the avoidance of micromanagement. Furthermore, it welcomed the six points agreement achieved at the last session and hoped that the adoption of this plan by the Committee would conclude the discussion of the External Review. Thus, the Group was ready to close the agenda item and move forward. The Delegation assured the Chair of its constructive spirit and support of its members during the session.

20. The Delegation of Nigeria, speaking on behalf of the African Group, looked forward to resolving the outstanding issues in the CDIP, namely, the full implementation of the CDIP mandate; the Coordination Mechanisms; the External Review of WIPO Technical Assistance in the Area of Cooperation for Development, amongst others. It also hoped that the session would define a practical path forward from enhanced and leading WIPO's role in the field of technology transfer and contribution to the implementation of the SDGs. On the SDGs, the Group was of the view that WIPO could play a role in the implementation of all 17 SDGs, even if the CDIP had focused until now on specific goals. It thanked the delegations that submitted ideas on activities or areas of focus for consideration to this session, namely, Uganda, China, the GRULAC region and Brazil. The Group supported, in particular, the proposal made by the Delegation of Brazil, to have a permanent agenda item on the implementation of the SDGs. On technology transfer, the Group looked forward to continuing discussions. Therefore, it welcomed and supported the proposal put forward by the Delegation of South Africa on technology transfer as part of the discussion under that agenda item and believed that it provided a good framework for immediate steps to facilitate the meaningful transfer of technology to beneficiaries in developing countries and LDCs. The Group welcomed the various reports, guidelines and proposals for consideration during the session. It welcomed the Report of the International Conference on IP and Development and the Independent Review on the Implementation of the DA Recommendations. The Group took note of the findings and recommendations contained therein and believed that the recommendations set forth a good approach towards fostering increased value addition in the implementation of the DA Recommendations. Finally, the Group noting the crisis of WIPO's normative agenda stated that work of the CDIP was a critical supportive vehicle for several knowledge-driven growth initiatives and activities of many African countries. The Group would make specific comments on this and other agenda items as appropriate.

21. The Delegation of Tajikistan, speaking on behalf of the Group of Central Asian, Caucasus, and Eastern European Countries (CACEEC), noted that the Committee had a substantive Agenda for this session. It was nevertheless confident that under the Chair's leadership and professional approach the session would bring beneficial results. On the Conference on IP and Development, the Group thanked the Secretariat for its organization. The Conference served as a platform to discuss the immense and increasing role of IP and innovation in social and economic development. Delegations of the CACEEC Group took active part in the Conference and contributed to its work. It also welcomed and thanked the Government of China and the Secretariat for organizing the International Conference on Building Respect for IP to be held in Shanghai later that year. The Group was of the view that the CDIP, based on its mandate, should play a crucial role in the implementation of the DA Recommendations. Issues such as technical assistance, capacity building and technology transfer were of the highest interest of CACEEC members. Furthermore, it noted that IP and innovation played a substantial role in achieving the SDGs. Therefore, the Group recalled that Member States must adhere to the spirit of innovation and establishment of the development strategies to accelerate the implementation of the SDGs. Finally, the Group expressed its willingness to contribute in a positive manner for a successful completion of the work of this session.

22. The Delegation of Bangladesh, speaking on behalf of the Group of Least Developed Countries (LDCs), welcomed the report on the Independent Review of the Implementation of the DA Recommendations (document CDIP/18/7). It was happy to note that the report concluded that the implementation of the DA Recommendations overall met the expectations of Member States, stakeholders and other intended beneficiaries. Moreover, the thematic project-based approach was a useful modality to speed up its implementation. However, the report found that the existing reporting mechanism lacked specificity, especially with regard to actual utilization of personnel costs and financial resources allocated to the activities and projects concerned. Also, although DA projects had greater success in collaboration with national IP offices, collaboration with other national agencies was less efficient in implementation. WIPO Secretariat should focus in bridging the gaps with stakeholders. The Group pointed out that routine work of WIPO should not be included in the activities of implementation of the DA Recommendations. It believed that the report paved the way for important discussions and, if required in future, another review may also be undertaken based on the 2010 WIPO General Assembly decision which mandated the CDIP to decide on a possible further review if necessary. The Group took note of the Progress Report (document CDIP/18/2). It was pleased to find some direct beneficiaries under the six ongoing projects. The phase II of the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries had been undertaken. Phase II should be supported by sufficient monetary and other necessary resources so that the project would become sustainable in the future. On phase II of the appropriate technology project, it thanked the DG for responding positively to the request made by the beneficiary countries. That project was a model of WIPO's pioneering initiative of development partnership with the LDCs. The successful concept and the operational activities at the field level needed to be shared by other projects of such nature involving country experts, multi-stakeholders from different development organizations, private and public sectors. The Group requested Member States and the Secretariat to fast-track WIPO's projects for LDCs in the CDIP. Furthermore, the Group took note of the report of the Conference on IP and Development (document CDIP/18/3). It noted that all the speakers had agreed on the fact that the direct linkage between IP and innovation had yet to be proven beyond doubt. History and experience had proved that IP and development rights and responsibilities went hand-in-hand. It was essential to recognize and promote innovation in order to make IP beneficial for LDCs. The Group requested the Secretariat to formally publish a complete report of the Conference and looked forward to the Organization of a next edition. With regards to the updating of the Database on Flexibilities, the Group preferred Members States to directly communicate their updates to the Secretariat for subsequent inclusion in the list. It pointed out that LDCs were

exempt from most of the Trade-Related aspects of Intellectual Property rights (TRIPS) obligations so the Database should not include any flexibility that could be understood as TRIPS plus provisions. It noted that the TRIPS Agreement was a consensus of the lowest common denominator of all countries. With reference to inputs on SDGs relevant to WIPO's work (document CDIP/18/4), the Group thanked Member States for their contributions. It noted that all the submissions pointed to a wider range of SDGs that Member States considered as relevant to WIPO's work. It also acknowledged that WIPO remained engaged with other international organizations. Since, SDGs were negotiated and agreed to by all Member States, WIPO should approach all SDGs and not only SDGs 9 and 17. The Group hoped that WIPO's engagement would be wide and diversified. Furthermore, the Group requested for WIPO to brief Member States on its participation to the achievement of SDGs along with other similar organizations. While discussions continued on different aspects and issues of IP and development, no consensus had been reached until now with regard to the reporting by relevant committees under the Coordination Mechanisms. The Group believed that the PBC and the Committee on WIPO Standards (CWS) should be considered as relevant WIPO bodies to report on the implementation of DA Recommendations. Lastly, the LDCs Group, representing one-fourth of UN Member States, pledged total support to the Chair and reiterated its conviction on the success of the session.

23. The Delegation of Slovakia, speaking on behalf of the EU and its member states, mentioned that the Committee would require intensive work in order to deal with its sizable Agenda. It will require cooperation and flexibility to complete everything within the time constraints. The Group noted that the Agenda, besides continuing with work from previous sessions, also contained new interesting documents to be discussed. Accordingly, it called on the Chair to ensure completion of the work. The EU and its member states took note of the last General Assembly's decision which allowed the Committee to continue the discussion on the implementation of the CDIP mandate and the implementation of the Coordination Mechanisms. On other issues on the Agenda, they welcomed the submission of the report on the Independent Review of the Implementation of the DA Recommendations. This could create a solid basis for fruitful discussions. At the same time, they underlined the Revised Proposal for a Mechanism for Updating the Database on Flexibilities which now included financial implications. Regarding the External Review of WIPO Technical Assistance in the Area of Cooperation for Development, the EU and its member states welcomed the agreement on the Spanish proposal consisting of six points. Although it stood ready to engage constructively in the discussions on the issue in the future, it wished to see a conclusion of the discussion related to this agenda item. Finally, the EU and its member states expressed their firm commitment to continue working in a positive and cooperative manner and to fully engage in the discussions.

24. The Delegation of Iran (Islamic Republic of) aligned itself with the statement made by the Delegation of India on behalf of the Asia and the Pacific Group. It was an undisputed fact that the development considerations formed an integral part of WIPO's work. The effective implementation of the DA, including the mainstreaming of its Recommendations into substantive programs, was a key priority for the Organization and its Member States. The Delegation took note of Progress Report (document CDIP/18/2) on some DA projects. While recognizing the considerable achievements in implementing the DA Recommendations, important shortcomings still needed to be addressed thoroughly. The Delegation strongly believed that DA should be regarded as a process that must be constantly mainstreamed in all WIPO activities and committees. In this regard, all WIPO bodies should take due account of those Recommendations in their activities, in particular in their policy-making. Therefore, all WIPO committees, including PBC and CWS, stood on an equal footing concerning the implementation of DA Recommendations and should report to the assemblies in this regard. The Delegation found it regrettable that only Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) and the Standing Committee on Copyright and related Rights (SCCR) had made such reports in the recent session of the Assemblies. The Delegation took note of the report on the Independent Review of the

Implementation of the DA Recommendations and expresses its deep appreciation to the members of the review team. It believed that recommendations included in the report could be considered as an appropriate basis, among others, to strengthen the work of WIPO and CDIP in implementing the DA, its implementation being of a long-term nature. The Delegation considered it essential to conduct further review of DA Recommendations on a regular basis. Furthermore, it welcomed the report on the International Conference on IP and Development. Discussions held during the Conference provided different perspectives and approaches about the role of IP in development. It highly expected that similar initiatives on different aspects of IP and Development would be taken in the future. The Delegation pointed out that one of the main purposes of the IP system was related to the transfer and dissemination of technology. This aimed at the mutual advantage of producers and users of technological knowledge, in a manner conducive to the social and economic welfare. While the process of transferring technology was complex and influenced by a number of factors, there was a need to establish various mechanisms in different fields of IP to provide a framework that supported transfer of technology at the international level in the best way. In this regard, CDIP, as a specialized Committee on Development issues in WIPO, had to play critical roles to ensure that technical and legislative assistance to the developing countries appropriately calibrated the scope of IP to the level and dominant mode of technological knowledge. Finally, the Delegation recalled that the SDGs were United Nations' (UN) level agreed commitments adopted unanimously by all Member States. The 17 core Goals and associated targets reflected the interests of both developed and developing countries. WIPO, as one of the specialized agencies of the UN, should follow the implementation of the SDGs in a holistic manner. In this regard, the Delegation supported the proposal made by the Delegation of Brazil to have a permanent agenda item on SDGs in CDIP.

25. The Delegation of Tunisia aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group and hoped that this CDIP session would strengthen WIPO's engagement in favor of the development dimension. Tunisia had endeavored to give IP a key place in its development strategies in order to meet the development needs of Tunisian society and a modern economy. This commitment was reflected by the accession to international standards and reforms in the field of IP and the strengthening of cooperation with WIPO. Tunisia benefited from a regular assistance program of WIPO and wished to develop further cooperation in order to better deal with raising issues and work with all parties concerned at the national level. The establishment of a Technology Transfer Office (TTO) was a good example of WIPO and Tunisia cooperation and should be completed by the end of 2016. This project, aiming at improving competitiveness through innovation resulted in the establishment of four TTOs and a national workshop to be organized in 2017. The Delegation endorsed the proposal made by the Delegation of South Africa on technology transfer. In order to strengthen national capacities for IP management, it expressed its will to be part of the beneficiary countries. Finally, the Delegation stressed the importance of strengthening WIPO's contribution to the SDGs and the importance of the Organization's role in the facilitation of technology as endorsed in Agenda 2030.

26. The Delegation of Tanzania aligned itself with the statement made by the African Group and that of the LDCs Group and commended the leadership WIPO for recognizing the need of developing countries and for taking action in that regard. Tanzania had benefited from a number of technical assistance programs from the Division of LDCs. On the project on transfer of appropriate technology, the National Expert Group and National Multi-Stakeholder Group had been established; the national and the international experts had been appointed in close consultation with the Government; a number of capacity-building trainings in the area of technology had been undertaken and were ongoing. Also, the capacity-building program led to the identification of the two development need areas for the transfer of appropriate technology. The Muhimbili University of Health and Allied Sciences and the University of Dar-es-Salaam also benefitted from a training program on access to the scientific and technical information. The Delegation noted that its country gave great importance to IP and technology transfer. In

that regard, Tanzania participated in the training program on technology capacity-building with a focus on access to scientific and technology information which was organized by the Nelson Mandela African Institute of Science and Technology and WIPO's division of LDC. The meeting was also addressed by the former president of the University of Geneva and many other eminent professors from Tanzania. This training program was very much appreciated and most professors acknowledged the important role played by WIPO in LDCs. Tanzania also benefited from a number of training programs from WIPO, in particular from the program organized by the Swedish cooperation, focused on the use of IP for economic growth and development. The Delegation looked forward to the continuous support of WIPO in technologically focused areas. Countries like Tanzania were not performing well in the area of technological and scientific issues. Therefore, the Delegation requested the support of WIPO in order to bridge the gap of the media divide and technology divide as well.

27. The Delegation of Indonesia associated itself with the statement made by the Delegation of India on behalf of the Asia and the Pacific Group. It recalled that one of WIPO's strategic goals was to facilitate the use of IP for development. In that sense, WIPO, as a UN Specialized Agency had to develop a balanced and accessible international IP system which rewarded creativity, stimulated innovation and contributed to economic development. WIPO was in the position to build on the strengths of the current global partnership for development while going beyond its present framework in making sure that the global IP system worked for the benefit of investment in innovation as well as for assisting Member States in their development. The Delegation welcomed the compilation of the Member State inputs on the SDGs relevant to WIPO's work (document CDIP/18/4) and thanked the respective delegations for their submissions. Indonesia supported the proposal submitted by the Delegation of Brazil for the inclusion of a standing agenda item of CDIP on the implementation of SDGs. It pointed out that WIPO's contribution to the attainment of the SDGs would bring benefit for all countries and the global economy. The Delegation also noted that mainstreaming development elements in various WIPO committees should not be seen as a one-time event. On the contrary, it was a long-term, ongoing process that needed to be implemented collectively and consistently. It was of the view that efforts in mainstreaming development elements should not only mean repackaging WIPO programs and activities in a development package. This should also bring about real results in the contribution of IP to economic development, especially for developing countries. Therefore, Indonesia supported all efforts to review the implementation of the DA Recommendations. The Delegation welcomed the recommendations listed in the report on the Independent Review of the Implementation of the DA Recommendations (document CDIP/18/7) and called for further action and follow-up on their implementation. Also, recalling the 2010 WIPO General Assembly decision which stated that upon consideration of the Independent Review, the CDIP may decide on a possible further review, the Delegation stated that further review should be undertaken. The Delegation welcomed the Progress Report (document CDIP/18/2). In relation to the findings and recommendations in the report of the Independent Review, it highlighted the importance of the inclusion of financial and human resources allocation in the Progress Report. Moreover, DA projects should be more efficient and sustainable, especially those that involved various national agencies outside of the IP office. It also saw the importance of a mechanism for the CDIP to be able to access the extent of the mainstreaming in completed DA projects. The Delegation congratulated WIPO for the success of the International Conference on IP and Development held in last April. Many elements discussed would be further explored to guide the Committee on how to implement the WIPO DA. The Conference highlighted the importance of different approaches and policies for each country in developing its own IP system. It also noted the importance of effectively implementing TRIPS flexibilities, especially for developing countries. On that subject, the Delegation considered flexibilities as an integral part of the IP system and encouraged the implementation of Recommendation 14 of the DA: "WIPO and related international organizations shall make available advice to developing countries and LDCs on the understanding of flexibilities contained in the TRIPS Agreement". Moreover, CDIP should facilitate the full use of IP flexibilities to craft a greater developmental role for IP protection as a

tool of economic growth. On South-South Cooperation, the Delegation hoped that CDIP would not only list some possible projects but also put guidelines on how South-South Cooperation should be conducted. That issue needed to be discussed in line with the statement of the Asia and the Pacific Group. It supported further discussion on the promotion of full use of IP flexibilities and South-South sharing of experiences on the protection of genetic resources, traditional knowledge and traditional cultural expressions.

28. The Delegation of Sri Lanka aligned itself with the statement delivered on behalf of the Asia and the Pacific Group. It welcomed the initiative taken by the Committee to discuss the linkages between the SDGs and the implementation of the DA within WIPO and looked forward to further discussions. Sri Lanka had been selected for the first time as one of the four pilot countries to participate in the CDIP project titled Intellectual Property, Tourism and Culture adopted at the 15<sup>th</sup> session of CDIP. It took note of the CDIP report presenting the overall progress achieved with regard to that project. It was encouraging to note the interest and enthusiasm among the stakeholders in Sri Lanka in promoting awareness of the role of IP in the tourism-related economic activities of the country. As one of the emerging tourist destinations in South Asia, Sri Lanka tourist industry grew 17.8 per cent in 2015. The tourism sector had set a target of 4.4 million tourist arrivals by 2020. The project was launched in Sri Lanka through a WIPO mission undertaken in May 2016, which brought together the main stakeholders in the fields of IP, tourism and culture. A national Steering Committee had been established for the project implementation at national level and the Sri Lanka Tourism Development Authority had been appointed as the coordinating agency. Furthermore, the cabinet had granted approval for the Government to sign the cooperation agreement with WIPO to formalize the implementation of the project.

29. The Delegation of Pakistan considered that the mainstreaming of the DA in the whole Organization was crucial. Ensuring of its engagement in the CDIP, it hoped for the resolution of long outstanding issues, including the Coordination Mechanisms. The Delegation strongly supported that PBC and CWS should be part of the Coordination Mechanisms in line with WIPO's General Assembly decision. It took note of the report of the Independent Review of the Implementation of the DA Recommendations. The report highlighted positive aspects of the DA. However, in order for it to be truly beneficial, it was important to consider the short comings that had been highlighted for a long time, keeping in mind the earlier discussions on these issues. The Committee needed to take a clear look on the structural methodology of the report which could have been more productive and representational if it had benefited from greater inputs than those received. There were also divergent views on the manner of implementing the DA Recommendations, including the appropriateness of the thematic project-based approach as well as the extent of mainstreaming. In that regard, the Delegation emphasized the importance of a balanced and differentiated IP system that catered to the diverse needs of all Member States. The Delegation reminded the Committee of the commitment towards the attainment of the SDGs to ensure successful implementation of Agenda 2030. WIPO, like other multilateral institutions, should strive to position itself in a way where it could support its Member States in an optimal manner. Although there was a clear link to WIPO's work between SDGs 9 and 17, WIPO could, and had to contribute to other SDGs. A frank and candid discussion on this topic was needed in order to facilitate the delivery of SDGs related to technical assistance. Technology transfer was essential for socio-economic development in critical areas, including climate change and health. It was also a necessary prerequisite to allow developing countries to develop the necessary capacity to fulfill their obligations which, in turn, was essential for an inclusive development. The Delegation expressed its disappointment on the fact that after eight sessions, the Committee was still unable to make tangible progress on that issue. The Delegation believed that, in today's interconnected world, the only way to progress was by understanding that global problems could only be resolved by global efforts, sensitive to the diverse needs of all members.

30. The Delegation of Japan aligned itself with the statement made by the Delegation of Turkey on behalf of Group B and recalled that since 1987, its government had made every year voluntary contributions to WIPO for its development cooperation program in the field of IP rights. In 2016, Japan had donated 5.9 million Swiss francs as it did the previous year. Based on these contributions, the Japan Funds-in-Trust at WIPO were set up to provide technical cooperation and assist in capacity building in the field of IP. In terms of the initiatives conducted under Japan funds, the country had implemented a variety of assistance activities, mainly for developing and emerging countries, including holding various forums and workshops on the IP issues. By making use of the funds, Japan had welcomed about 3,100 trainees in the area of developing human resources. It had also assisted WIPO in the implementation of the enhancement of technical and knowledge infrastructure initiative. The assistance activities included digitizing filing procedures without using paper documents and making improvements in IT infrastructures at the IP offices. Japan's cooperative and assistance activities for developing and emerging countries under the support of the Japan funds boasts a long history with many outstanding achievements and would mark their 30<sup>th</sup> anniversary next year, 2017. Going forward, the Japanese Government in cooperation with WIPO is committed to further improving its cooperative initiatives in order to make more effective and meaningful use of the Japan funds.

31. The Delegation of Ecuador aligned itself with the statement made by the Delegation of Chile on behalf of GRULAC and reiterated the importance attached to IP as a tool to promote socio-economic and cultural development. Consequently, the work of this Committee was of great interest. It considered that WIPO's work with the implementation of the DA Recommendations should be in line with Agenda 2030, and in this way, make an effective contribution to Member States. The Delegation stressed its commitment to achieving a fair, balance and broad-based IP system which disseminated knowledge and promoted innovation in the various sectors of society in an inclusive manner. In that regard, it highlighted the participation of Ecuador in the IP, Tourism and Culture project which sought to examine and support the IP systems in the economic activities related to tourism. It also pointed out its participation in the Project on the Use of Information in the Public Domain for Economic Development. The Delegation also mentioned the visit to Ecuador of WIPO's Deputy DG Mr. Mario Matus, which provided a broad opportunity for discussion on the role of IP in the development field. The Delegation looked forward to the session and expressed particular interest in the discussion on the Independent Review of the DA Recommendations.

32. The Delegation of Brazil noted that the Agenda for the session underscored the necessity of continuing to advance the implementation of the DA in WIPO. It recalled that the DA was born from the perception of the many shortcomings and obstacles for the dissemination of the potential benefits of IP among WIPO's members. Furthermore, the concrete effects of the implementation of higher standards of protection following the adoption of the TRIPS Agreement demanded a reflection on how countries could better align their national policy objectives with the international legal framework. In that context, Member States recognized the necessity of negotiating the DA in order to include development as a guiding principle for the activities of this Organization. This culminated in the historic 2007 GA decision on the DA. The imperative of development applied to all countries. It was a continuous process of improving the conditions that enabled the production and dissemination of knowledge, taking into account national characteristics and objectives. Countries faced the necessity of constantly adapting the procedures and policies on IP when addressing a dynamic and changing environment in the struggle to enjoy the benefits of the innovation and creativity while reducing their negative effects. The necessity of adaptation demanded the provision of adequate policy space. That could come in the form of exceptions and limitations to IP rights and also the use of flexibilities contained in the international IP legal framework. These were fundamental to render national IP systems more effective. Therefore, the importance of a better understanding of those subjects, particularly in developing countries, could not be overstated. The use of competition policy to maximize the benefits and reduce the inefficiencies of the IP system was another relevant

aspect. It was important to underline that IP created a restriction to the unbridled competition in a market economy. The rationale of this restriction was to bring incentives for stakeholders to gear their efforts towards innovation. Competition policies, the other side of the system, were fundamental to maintain the delicate balance by curbing anti-competitive practice. This was a topic that could be further explored by the Committee as it was included in Recommendations 7, 22, 23 and 32 of the DA. The Delegation noted that discussions held during the Conference provided important elements for Member States to reflect on how to integrate the dimension of development to IP. Furthermore, the Conference touched upon the inadequacy of the one-size-fits-all approaches to address the many differences and peculiarities among Member States. This was a fact to keep in mind when discussing current and future issues in WIPO. With reference to the report on the Independent Review of the Implementation of the DA Recommendations, the Delegation commended the efforts of the consultants and welcomed the recommendations brought by the report. In its view the Committee should begin the discussion of the implementation of those very important recommendations with a constructive spirit. On SDGs, the Delegation hoped that the Committee could work towards the mainstreaming of the SDGs in WIPO. The adoption of the SDGs was a major step of the international community in order to face the challenges of the contemporary society. The objectives of ending poverty and creating a more just world were tied to strategies that viewed the economic growth and addressed a range of social needs. These needs included education, health, social protection and job opportunities, while tackling climate change and environmental protection. The SDGs were universal, integrated, and indivisible, and were agreed by all members of WIPO. It was directly linked to the negotiating history of the CDIP. WIPO, as a UN Specialized Agency, had much to contribute to the implementation. The Committee had a crucial role to play in this matter. Thus, the Delegation had requested inclusion of a permanent agenda item in this CDIP in order to enable a comprehensive appraisal of the implementation of the SDGs. It hoped that the Committee could reach agreement on this very important issue for the whole international community. It was in the interest of all members to advance the implementation of the third pillar of the CDIP. That subject had been discussed for many sessions and a necessity of its adequate implementation was also underlined in the Independent Review. The Delegation stressed that the lack of implementation of this pillar could weaken confidence between members and also between members and the Organization.

33. The Delegation of South Africa aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group. IP was a key enabling tool for socio-economic development, especially as more and more countries were moving towards knowledge-based economies and in the face of the so-called Fourth Industrial Revolution. In that regard, the Delegation encouraged increasing thought to the notion of a differentiation between IP in its broadest context and IP rights as opposed to treating them as one and the same. WIPO was an organization of the former and should not be limited in its mandate to the latter. Thus, it encouraged conversations about all forms of IP and all forms of utilization thereof. The Delegation reiterated its contentment about the growing support for the concept of IP for development and not just IP and development. It looked forward to engaging on the agenda, particularly to discussions on the Report of the Independent Review of the Implementation of the DA Recommendations as well as on the reaching of an agreement on the implementation on the External Review of WIPO Technical Assistance in the Area of Cooperation for Development. Finally, referring to the mapping of activities related to technology transfer, the Delegation announced the sharing of the proposed project entitled IP Management and Transfer of Technology, Promoting the Effective Use of IP in Developing Countries.

34. The Delegation of Cote d'Ivoire supported the statement made by the Delegation of Nigeria on behalf of the African Group. Ongoing discussions concerning the implementation of the CDIP mandate and the implementation of the Coordination Mechanisms were crucial in order to achieve the conditions set in WIPO's DA. It also invited delegations to enable WIPO as a Specialized UN Agency to achieve the SGDs by showing a spirit of compromise. Taking into account the importance of CDIP and the implementation of the DA Recommendations in favor

of development, the Delegation confirmed that the creation of such a Committee was a good idea. Therefore, it noted that its country would benefit from the phase II of the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. Moreover, the Delegation pointed out that the lack of technology transfer played an important role in developing countries. This explained partially their incapacity to catch up with the world economy that was largely dominated by knowledge. It therefore stressed the importance of considering the different development levels when it came to transfer of technology. For this reason it fully supported the proposal from the Delegation of South Africa in this area.

35. The Delegation of the Republic of Korea recognized that the CDIP had made good progress in implementing the DA Recommendations. It highlighted the importance of implementing IP-related projects to promote a balanced growth among developed countries and LDCs. It emphasized that the implementation of the DA did not end after the completion of projects and suggested that follow-up measures should be undertaken for cost effectiveness. This way, projects could be successfully carried out in the long run and ensure sustainable growth. That was of special importance as the IP divide existing between developed countries and LDCs may become more visible in the imminent era of an industrial revolution 4.0. Bridging the gap among Member States was of obvious importance. The Korean IP Office, in collaboration with WIPO, was working to address this issue by utilizing the Korean Funds-in-Trust towards IP rights. In this regard, it was imperative for WIPO and its Member States to cooperate and share best practices and experience to ensure quality projects. The international IP sharing project funded by the Korean Funds-in-Trust was an example of such cooperation. In that project, information was used to develop region-specific appropriate technology that enhanced the life quality of developing countries people. It finally recalled the success of the global IP sharing Korea event co-hosted by KIPO and WIPO with the presence of WIPO's DG.

36. The Delegation of Nigeria, speaking in its national capacity, aligned itself with the statement of the African Group. It hoped that the long-discussed issues could be agreed on at this CDIP session. That would enable the Committee to have adequate time to focus on newer issues, such as the SDGs. It believed that it was incumbent upon WIPO to define a leading role for facilitating the implementation of SDGs with inputs from Member States. In that regard the Delegation fully supported the proposal made by the Delegation of Brazil to have a standing CDIP agenda item on the implementation of SDGs. It also underlined its concern on the norm-setting work and therefore requested Member States and stakeholders to re-commit to advancing this aspect of WIPO's work. The Delegation considered it a matter of self-preservation for WIPO to find a balance between the competing interests of its diverse membership. Thus, it called for the revision of the 1975 WIPO principles on geographic distribution to ensure more balance in the WIPO's workforce. It stated that Nigeria continued to take the steps towards enhancing its national IP framework to grow towards a knowledge economy. In that context, the Delegation was satisfied of the relation between WIPO and Nigeria which was supportive of several structural and other capacity building activities. The Delegation looked forward to a continued cooperation in their common interest.

37. The Delegation of Senegal fully supported the statement made by the Delegation of Nigeria on behalf of the African Group. The work of the Committee was of significant importance as it ensured a more balanced IP regime worldwide and contributed to the achievement of the 2030 Agenda. It stated that the CDIP was able to help developing countries to take up the challenges, particularly with regard to capacity building, access to knowledge and technology transfer projects. This showed that WIPO's DA was very much supporting the SDGs. It congratulated WIPO for having organized the International Conference on IP and Development which had clearly demonstrated the importance of IP and development.

38. The Delegation of Burkina Faso stated that the adoption of the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries was

a proof that cinema and audiovisual could be important vectors for economic and social development. It reiterated its gratitude for being part of the pilot project. Despite the difficulties mentioned in the Progress Report, it considered the implementation of the phase I a success. The achieved work, although insufficient, had contributed to the raising of consciousness among the different actors of the project. It hoped for the project to be finalized in those pilot countries and rolled-out to other African countries.

39. The Delegation of Uganda aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group and the statement by the Delegation of Bangladesh on behalf of LDC. It noted that Uganda had been a beneficiary of various technical assistance programs, such as the project on IP and Socio-Economic Development in the agri-based industry or the study visit to Kenya Copyright Board. The country was also participating in the initiatives to improve the quality of service delivery such as the recent review of the TISCs program in Uganda. Remarkable success and improvement in areas of technology had been reached. The Delegation noted that its country benefitted from the Small and Medium size Enterprises (SMEs) training of trainers in the use of IP as an asset. It looked forward to further training in that area as well as in product branding for business development which included geographical indications. The Delegation highlighted its significant achievements in the field such as the Industrial Property Act and the finalization of the Industrial Property Regulations. That law would protect industrial designs which were important for SMEs as they accounted for 80 per cent of its total industries. Moreover, WIPO was undertaking the upgrade of the Industrial Property Administrative System from IPAS java 2.7 to 3.11. Also, the Electronic Document Management System (EDMS) had been launched. That system would improve efficiency and aid easy retrieval of documents and work processes. The Delegation looked forward to fruitful discussions and the furtherance of IP as an instrument of development.

40. The Delegation of Sudan supported the statements made by the Delegation of Nigeria on behalf of the African Group and the Delegation of Bangladesh on behalf of LDCs. It noted that its country was attempting to have more clarity on the benefits of IP for development and as a tool for solving the cultural and economic issues. It hoped that developing countries and LDCs would benefit from more technical assistance and technology transfer activities in order to achieve the Agenda 2030.

41. The Representative of South Center noted that the DA should not be limited to the implementation of the agreed 45 Recommendations. In his views, the DA encapsulated a vision for the Organization to ensure that all of its work, including technical assistance and normative exercises, were development-oriented. The WIPO's DA was part of the aspiration for a more balanced and inclusive multilateral IP system in line with the UN SDGs and Agenda 2030. The first Independent Review of the implementation of the agreed 45 Recommendations was important to evaluate progress to date. As demonstrated in the review, the implementation of the DA was a long-term process and a work in progress. More time was needed for potential results in order to stimulate changes in attitudes and approaches towards IP and development. The areas of improvement suggested in the report were as important as the findings. It was very important that WIPO's activities in the areas of technology transfer and the use of flexibilities in the IP system were increased. With regard to technology transfer, the Representative requested the Secretariat to integrate the findings of the analytical peer reviewed studies (conducted under the DA project on IP and transfer of technology) into WIPO's webpage. This would reflect a balanced understanding of the interface between IP and technology transfer. Also, the CDIP should consider specific activities in relation to access to proprietary technologies and IP issues, such as licensing terms and royalty rates and benefits of open access models. The Representative considered that the implementation of the SDGs should take a central role in the CDIP. In the same line, he urged the CDIP to advance discussions on the implementation of the third pillar of its mandate relating to IP and development. This was extremely relevant in the context of the adoption of the SDGs and discussions of relevant issues, such as the report of the UN High Level Panel on Access to

Medicines.

42. The Representative of TWN highlighted the presentation of the Independent Review on the Implementation of the DA Recommendations. The DA was born out of the concern that WIPO's approach to IP lacked development orientation. Now it was time to review the DA and critically assess whether the objectives were truly being met. As stressed in the Conference on IP and Development earlier this year, when it came to IP, countries needed different approaches and policies according to their level of development. This meant to acknowledge that for countries in the earlier stages of industrialization, a strong emphasis on IP might be unnecessary and could be counterproductive. Moreover, countries should have the policy space to utilize TRIPS flexibilities in accordance with the development priorities and needs. Therefore, it was needed to recognize the limitations and hurdles that IP posed for development. The External Review of WIPO Technical Assistance in the Area of Cooperation for Development illustrated that concern. The review highlighted a number of shortcomings from a development standpoint with regard to the manner in which technical assistance was being delivered. Following the review, proposals were made by a number of developing countries to improve the transparency and accountability of the WIPO Technical Assistance. However, little headway had been made on this subject. The Representative expressed his disappointment on the follow-up. He also stressed that the most urgent thing was to ensure that there were clear policies and mechanisms to hold WIPO accountable for delivering development-oriented technical assistance. This was the very core of the DA implementation. Finally, the Representative expressed concern on the fact that the CDIP had not yet implemented the third pillar of the GA decision, namely, the standing agenda item on IP and development. The existence of this third pillar was a proof of the clear intention to take the IP and development discussion beyond the implementation of the 45 DA Recommendations. The Representative urged Member States, and in particular Group B, to support its implementation.

43. The Representative of Innovation Insights pointed out the pragmatism of the two proposals on technology transfer. However, these proposals were complementary in the sense that the one from Canada, Australia and the United States called for practical projects to advance technology diffusion on the ground, as did the South African one. The project to enhance capacity for IP management and technology transfer among various players in the innovation value chain in select pilot countries had merit. That work could support the research for early stage technology. IP rights contributed to collaboration by enabling partners to share knowledge without losing control over their competitive advantage - the advanced technology diffusion. This was a powerful channel for knowledge sharing and also for improving the overall knowledge base. Sustained exchanges overtime could entail significant technology and know-how flows. When taking place within a region, this could lead to the emergence of a center of excellence in a specific field of technology. The transformation of Israel into a start-up Nation was a good example of this engagement. Innovation and technology diffusion were recognized as critical for achieving the SDGs. In that sense, projects like the one proposed by the Delegation of South Africa could complement WIPO's ongoing work. This could promote the establishment of enabling policy frameworks that advanced technology transfer and especially the transformation of research into solutions that improved lives on the ground. Part of this was enhancing human capacity to use IP tools and to engage in the activities that were driving technology transfer.

Presentation of the Delegation of Mexico on the following topics:

I. A closer industrial property towards a moving Mexico: Implementation of tools that facilitate user services: IMPI case – the appointment managing system

II. Collective Trademarks as an IP figure with potential for economic and social development

III. Appellations of Origin as a factor to promote local traditions

44. At its request, the Chair invited the Delegation of Mexico to make a presentation on the above topics.

45. The Delegation of Mexico stated that during the past years its country had been working to implement a system of industrial property for its economic and industrial development. It was guided by a spirit of innovation and entrepreneurship. The Mexican Institute of Industrial Property (IMPI) had been working in promoting national IP policies through activities in compliance with the 2013 – 2018 Mexican Development Plan. Among the five main goals of the plan there was the program “Mexico Prospero”. This was an innovative development program to build a prosperous country. It was a cross-cutting program implemented at a national level which coordinated the work between central and regional actors of the economic sector. The aim was to provide favorable conditions for the country's economic development in order to modernize and provide industrial property systems that would ensure legal certainty, improve services, promote and raise awareness within society of the benefits of IP, and to favor the protection of knowledge and discourage unfair competition. In terms of improving services and ICTs, IMPI had developed a system for the Patent examiners to ensure that the services of the institute could be brought closer to all users throughout Mexico. IMPI had two central offices, five regional offices, 56 examiners specialized in distinctive signs and patents and 49 representatives around the 32 Mexican states who provided services to the institution. Assistance could be provided from the internet avoiding long waits and allowing users to get a personalized service from the examiners. The system had to-date a successful outcome. It had registered 2,508 users and 56 per cent of the registrations of distinctive signs had been made through regional offices. The aim of this program was to have control of the examinations provided at a country level while decentralizing IMPI's activities. At this stage, the objective was to implement the program in the whole country by 2017. The Delegation noted that trademarks could serve social and economic growth through regional products. The Mexican legislation provided protection for associations and societies of producers. To-date, IMPI had registered 186 collective marks with the objective of promoting the protection and commercialization of regional products. For this to be achieved, IMPI had developed high impact strategies enabling to position national trademarks within the economic development of the country. In this line, meetings were organized at national level with different stakeholders such as regional governments, academic sector, business sector and NGOs to raise the awareness on the use of IP and industrial property and collective trademarks as a driver of regional economic development. This strategy would add value to regional products and strengthen the regional identity, but also promote competition and market value, diversification, standardization of quality standards, commercial development, and improve employment opportunities. Furthermore, IMPI had created partnerships with other state actors such as the independent secretariats in the area of economic culture or indigenous institutes to promote the use of collective trademarks. Every state of the country was implementing that legislation which could give an impetus to the use of the IP system. Thematic events were also organized with societies and associations legally established and producers who were potential candidates to establish a collective trademark. Collective trademarks were an impulse to continue efforts to position national products in the commercial platforms of other countries. For example, a partnership with the Hong Kong Trade Development Council (HKTDC) was established. The HKTDC aimed at exploring new markets and create business opportunities by promoting trade of goods and services and connecting firms from both countries through that platform. The Delegation shared a success story of 400 craftsmen from Hidalgo who decided to protect their embroidery fabrics through a collective trademark and were now commercializing their production abroad. Moreover, in 2014, IMPI's DG, delivered, through the Governor of the State of Hidalgo, their trademark. On Geographical Indications (GIs), IMPI was implementing a series of strategies for dissemination of information and support in order to position Appellations of Origin in the country. To date, the country had 15 Appellations of Origin. The aim was for all citizens to become aware of the fact that using an Appellation of Origin triggers an entire productive chain which benefits producers, traders, consumers, and also guarantees quality.

The Delegation emphasized the importance of protecting products under an Appellation of Origin. In 2016 for instance, as a promotion strategy, IMPI published its first book “Mexican Pride” which reflects the importance of Appellations of Origin as a driver of economic growth in the country. The book was a compilation of experiences of different communities from different regions of the country. The Delegation urged the sectors dealing with Appellations of Origin to establish national and international partnerships in order to have their products recognized. In order to promote Mexico’s Appellation of Origin, the country would hold every September a gastronomic festival in cooperation with a Mexican restaurant branch. The aim is to disseminate and advertise products from specific regions of the country.

46. The Chair thanked the Delegation of Mexico for its presentation and encouraged Member States to take this as an example and to engage in bilateral dialogues with the Delegation if there were more questions.

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

### Consideration of document CDIP/18/2 – Progress Reports

47. The Chair invited the Secretariat to introduce the first part of the document.

48. The Secretariat (Mr. Di Pietro) provided an overview of the implementation of the Project on IP Tourism and Culture: Supporting Development Objectives and Promoting Cultural Heritage in Egypt and Other Developing Countries. The project was approved and initiated in 2016. It was under the supervision of the Office of the Deputy DG which was dealing with South-South Cooperation and special projects.

49. The Secretariat (Ms. Toso) stated that the Progress Report contained in document CDIP/18/2 reflected the progress made until July 2016. However, the Secretariat would provide more up to date details on the project implementation. The project was intended to create capacities among tourism stakeholders as regards an efficient and strategic use of IP tools and systems in order to promote tourism and cultural heritage. The second objective was to raise awareness, especially among policymakers on how an efficient use of IP could help support national development objectives. It was based on the shared understanding and consideration that tourism made a substantial contribution to national economies, in particular for developing countries and LDCs. The original project document approved at the 15<sup>th</sup> session of the CDIP stated that the project was going to be implemented in Egypt, the proponent country, as well as three other pilot countries. The three pilot countries were selected on the basis of proposals presented to the Secretariat, reflecting the conditions and the criteria indicated in the original project document. Based on the submissions received and in consultation with Regional groups, Sri Lanka, Ecuador and Namibia were selected for the pilot implementation. The project was launched in the three countries and in Egypt. There were already some achievements in the projects in Sri Lanka, Ecuador and Namibia. A first round of consultations with a wide range of stakeholders took place. The stakeholders included the Ministry of Tourism, Ministry of Culture, Ministry of Antiquities, Environment, Industry, Science and Technology, the private sector, Chambers of Commerce, Hotels Association, other tourism stakeholders, museums and others. The first round of consultations had the purpose of raising awareness on the scope of the project and getting everybody on board. In the three countries, lead agencies were identified and appointed. Cooperation agreements were concluded with the lead agencies and national consultants were appointed in order to carry out national studies on the current and potential use of IP in relation to tourism and cultural heritage promotion. National studies also were underway and a research phase was also carried out in the three countries. According to the project's Expected Results, a body of research would reflect the case studies at the national level. The Secretariat carried out in parallel another research which

was resulting in a compilation of best practices of the use of IP in the context of tourism promotion and cultural heritage promotion on a global level. The research was currently undergoing an internal peer review process and was about to be concluded. It would be distributed to all and not only to the pilot countries. The Secretariat was in the process of planning a series of awareness-raising events and development of teaching and capacity building materials in line with the project requirements. Finally, the Secretariat mentioned that with regard to the last aspect of the project, which was cooperation with other agencies, it reached out to the United Nations World Tourism Organization to seek possible synergies, in particular with regard to the possibility to include the topic of IP in the context of sustainable tourism. That was done with a view to further underlining the role of IP in supporting development goals. It would be done taking into account the various fields of tourism, eco-tourism, cultural tourism, medical tourism, all that would be areas for focused additional research and further awareness-raising and capacity building for tourism stakeholders.

50. The Delegation of Rwanda sought clarification on how the project would assist in promoting tourism and culture; what the countries would be expecting to receive in the ultimate phase of the project, as well as which were the tools used to promote tourism and culture. The Delegation further mentioned that many countries used tourism as a pillar of economic development. The project, however, covered very few countries. The Delegation enquired whether the Secretariat was planning to expand the coverage of countries under that project.

51. The Delegation of China noted the importance of the subject. It suggested that the Secretariat made available on its website the Guide on IP, Tourism and Culture for countries to take reference. It appreciated the outreach of WIPO with the World Tourism Organization and suggested that WIPO approached the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other international agencies on the issues of IP, tourism and culture.

52. The Secretariat (Ms. Toso) mentioned that concrete project results were mentioned in the project outputs contained in the project document. Now that the project was initiated in four countries, the Secretariat had an initial round of consultations with the stakeholders in each country to define a range of priorities with regard to the use of IP in order to be in line with the tourism policy of the particular country or with its cultural heritage promotion. The Secretariat was doing a mapping of various touristic sites, the areas of priority for tourism in the selected countries and a study on how the IP system was used and how it could be better used in order to promote touristic activities. The gaps would be analyzed and a series of recommendations would be made for policymakers and tourism stakeholders in those countries. Based on those recommendations countries would undertake more specific projects. What the project allowed was to have a general picture on how the piloted countries could better benefit from a strategic use of IP in relation with tourism. That did not exist in the participating countries. Therefore, it was something useful for further planning of specific activities. As regards the coverage of the CDIP project, the project would be implemented in the selected four countries. Lessons learned as well as the guide that the Secretariat was preparing would be available for all other countries that might want to propose this type of assistance in a specific context outside the CDIP project. The Secretariat would make available those guides in print and in electronic formats as soon as those were finalized. It would also be made available on the website. The project would continue until the end of 2018. The Secretariat noted that it did not reach out to UNESCO but found it a very useful suggestion. It planned also to reach out to other organizations that could participate as partners in certain aspects of the project implementation.

53. The Secretariat (Mr. Di Pietro) provided some supplementary information about the two main objectives of the project. First was to map the use of IP tools in potential areas of tourism. Second the project was about developing local capacities for policy advice in the field of IP and tourism which could be sent to the public sector and the private sector on how to use IP rights in order to leverage tourism. In addition, to create teaching modules to train stakeholders in the

field of IP and tourism. Moreover, the Secretariat was planning to develop in coordination with the Academy, a distance learning course on IP and tourism, on the basis of the current guidance that was drafted in the field of IP and tourism. Those were the three elements the Secretariat was trying to provide substantially to the project and allow the four pilot countries to better use the IP system.

54. The Delegation of Ecuador shared what as a pilot country it hoped to achieve through the project. Fundamentally, it wished to map four of its popular Fiestas from the point of view of IP and development. It wished to plan routes for tourism services which would also consider geographical denomination marks, collective marks, patents, traditional knowledge and copyright. The Delegation found important to better coordinate the work of the various institutions involved in heritage issues such as Ministry of Tourism, the IP Institute of Ecuador and the National Heritage Institute.

55. The Chair closed the discussion given that there were no further observations from the floor. He invited the Secretariat to introduce the Progress Report for the project on IP and Socio-Economic Development – Phase II.

56. The Secretariat (Mr. Fink) introduced the report. The project on IP and Socio-Economic Development – Phase II was based on two DA Recommendations 35 and 37. Those Recommendations called on the Secretariat to precisely conduct studies on the linkages between IP protection and social-economic development. It was a follow-up to a phase I of the project implemented between 2010 and 2013, and which was subsequently evaluated. The objectives of phase II were twofold. On one hand, it was to follow up on some of the work that was created in phase I with a view of ensuring its sustainability. On the other, it was to take the work and in particular the methodologies that were developed during the phase I to additional countries. In the course of the past eighteen months the Secretariat had put together the portfolio of new country studies that were outlined in the project Progress Report and largely reflected requests received from Member States to conduct study work, mostly at the national level but also in two cases at the regional level. The Secretariat then provided a brief summary of the current portfolio of country studies. There was a study that was carried out in collaboration with the government of Colombia that consisted of creating a unit record IP Database for economic analysis, but then using the data, to assess recent IP policy initiatives in Colombia. That study was well underway. Another study was on the role of IP in the healthcare sector and broadly defined innovation in the healthcare sector. It faced some initial administrative delays, but was now well underway. There were already some initial outputs of the study and the first workshop foreseen under the project was held at the beginning of September. There was also an ambitious study on the use of industrial designs in the Association of Southeast Asian Nations (ASEAN) region in particular in the Philippines, Thailand and Indonesia. The core element of the study was to conduct a survey of industrial design applicants to better understand how the industrial design system was used in a middle income economy context. A substantial use of the industrial design system as revealed by industrial design filing statistics was seen. A regional project with Central American countries and the Dominican Republic was underway. It sought to construct IP statistics Database focusing on trademarks, patents, industrial design rights and using that Database to study the regional use of IP. Thanks to the collaboration with all the countries that participated in the project, the Secretariat received all the unit record databases and did some initial technical work that was presented at a workshop on the sidelines of the General Assembly in early October. Uganda was one of the LDCs which were part of the portfolio. Its project would focus on the role of IP on agri-based industries in Uganda and among other elements, the study looked at identifying business, technical and institutional constraints that limited or otherwise diluted the impact of agricultural research and development innovation and technology diffusion in the Ugandan agricultural sector. Two more projects were prepared and their implementation was about to start soon. One was a new multi-country study on the role of IP in the mining sector. The other was a follow-up study in Chile that would be built on a relatively ambitious data

gathering exercise that, for the first time, bridged IP registries data with microdata that existed at the statistical institute. That was a relatively small study that would build on the work that was developed during the phase I of the project. Overall, the Secretariat had made good progress with all the studies. As previously mentioned, the studies were well underway and some first study outputs would be presented to the following session of the CDIP. The project timetable was delayed mainly due to the recruitment process for the project officer. Ms. Maryam Zehtabchi, the Project Officer for the project, was introduced. The Secretariat hoped to complete all the projects as timely as possible, adding that it might request to extend the project by six months, but would do so only the following year when it had a clearer idea about the time needed.

57. The Delegation of Turkey, speaking in its national capacity, expressed its strong belief that under the Chair's able leadership the Committee would produce successful outcomes at the end of the session. The Delegation attached great importance to the phase – II of the project, as a follow-up of phase I completed at the end of 2013. In WIPO committees, particularly within PBC, the work undertaken by the Office of the Chief Economist was followed with great interest and appreciation. A wider use of the results attained and lessons learned was encouraged and therefore various tools, particularly including better outreach mechanisms for other interested countries on such studies might be developed further.

58. The Delegation of the United States of America enquired about the plan for releasing the seven studies and whether those would be released in a staggered manner to allow Member States to read and digest their content.

59. The Delegation of Chile, speaking in its national capacity, stated that Chile had a very positive experience with the project. The inclusion of development aspect at the local level had been closely linked to WIPO's DA. WIPO Technical Assistance as well as the project carried out in Chile were excellent tools for capacity building which made it possible to include the development aspect. The socio-economic development was linked to the reality of every country concerned. The projects which the country appreciated the most were those where it sought to understand how different phenomena linked to development could serve as a reference for other countries in similar circumstances. The Delegation expressed its hope that through those results Chile would be able to share its experience with other countries in the region. It believed that the follow-up study in Chile which would look upon the rights of corporations would be welcomed by the various stakeholders involved and would be a major contribution at the time when public policy decisions were to be made. Finally, the Delegation wished to reiterate its interest in the new multinational study on the role of IP in the mining sector. Chile was a country where that sector was of greatest importance and its development was closely linked to that of the country as a whole. According to figures from Chile's Institute of IP, that particular sector was one of the principle applicants for IP registrations. Consequently, the Delegation believed its experience was a very useful one and it was happy to share it through that study.

60. The Delegation of Brazil reiterated its confidence in the work of the Economic and Statistic Division. Brazil participated in the phase I of this project and had excellent results and very positive experience. There were two DA Recommendations implemented through the project. It also helped countries to address their peculiarities by improving their knowledge about their national capacities and possibilities. The Delegation enquired whether there were more studies envisioned under the project or if it required additional funds or additional time for its implementation in addition to the two items mentioned on page 11.

61. The Delegation of China believed it was very important to enhance the study on the relationship between the IP and socio-economic development. It appreciated the hard work and achievements of the Chief Economist and his team during the phase I of the project. It expressed high expectations as regards to the phase II of the project.

62. The Delegation of Uganda expressed the appreciation of its Government to WIPO for implementing the project in Uganda. That project would go a long way in contributing to the achieving of SDGs which spoke about ending hunger, achieving food security, improving nutrition and promoting sustainable agriculture by increasing agricultural production. Agriculture was the backbone of Uganda's economy, contributing up to 37 per cent to its gross domestic product. Increasing productivity of the agriculture sector depended, amongst others, on enhancing the market access of agricultural products, adopting appropriate technologies and tools in production, storage, transportation and distribution of such products. Therefore, agriculture research and development would play a vital role in securing the value of agricultural products. On the other hand, high standards of inventions relating to the agricultural sector were barriers to investment necessary for enhancing Uganda's agricultural productivity. WIPO's cooperation and capacity building programs, especially regarding LDCs should be tailored to reflect the development priorities and economic background of these countries. Particular emphasis should be paid to the use of flexibilities in the legal framework that allowed for policy space for countries to develop their agriculture industry. The Delegation looked forward to the launch of the project and reiterated its country's commitment to full engagement with WIPO to ensure that its implementation was successful.

63. The Secretariat (Mr. Fink) referring to the comments made by the Delegation of the United States of America noted that the Secretariat would like to make the studies publicly available as soon as those were ready, mindful of the fact that the Secretariat engaged in substantive review of the studies. There was a peer review mechanism in place for all of the studies. The Secretariat noted that the bunching of publication would happen towards the end of the project. It was natural given that it was a project with limited time horizon. On the other hand, the projects were not running exactly in parallel. Some started earlier, some a bit later. The Secretariat would make them available to the Committee as soon as they were finalized. It further mentioned that at that point it was difficult to accept additional major studies given the available resources and especially human resources. However, if the studies were smaller, it could take it into consideration. The Secretariat received a good number of studies and it would not decline any other request. The original project proposal included a mechanism to prioritize in case there were too many requests for study work. The Secretariat never used that mechanism. However at that point it had quite an ambitious portfolio of country studies. It did not want to over commit for the fear that it would compromise the quality and timeliness of the existing studies that it was committed to. Nevertheless if there was any interest, the Secretariat was open to discuss it in concrete terms.

64. The Chair closed the discussion on the project given that there were no further observations from the floor. He then invited the Secretariat to introduce the Progress Report on the project on Capacity-Building in the Use of Appropriate Technology Specific Technical and Scientific Information as a Solution for Identified Development Challenges – Phase II.

65. The Secretariat (Mr. Shenkoru) introduced the Progress Report. Phase II was the continuation of the phase I of the project on Capacity-Building in the Use of Appropriate Technology Specific Technical and Scientific Information as a Solution for Identified Development Challenges and was undertaken in three LDCs. As indicated in document CDIP/18/2, a number of activities had been undertaken in the selected countries and these activities included the establishment of the National Expert Group and the National Multi-stakeholders Group. National and international experts were appointed in the selected countries for the project implementation and a number of trainings in the areas of technological capacity building had been undertaken in the beneficiary countries. In addition, there was some information which was not included in the project document. That information was very pertinent for the project and included a number of areas of need identified in the beneficiary countries. In Rwanda two areas of need were identified. One was water distillation to provide clean water in the community. The second was aqua farming focusing on the production of fish

breeding to provide nutritious food for the community. Two other areas of needs were identified in the United Republic of Tanzania. The first was the processing of seaweeds extraction of carrageenan from seaweeds for small scale production for community use. The second important need area included production of fish feeds for aqua culture for small scale community fish farmers. In the third beneficiary country Ethiopia, two areas of need were also identified. The first need area was a solar coffee drier to reduce post-harvest losses and to improve the quality of coffee for the community farmers or small scale farmers. The second important area dealt with the production of poultry feed from agri-industrial byproducts focusing on traditional and alternative feed ingredients to enhance chicken productivity. Those were the six need areas identified by the National Experts groups which were established following the launch of the project. The National Experts groups forwarded their request for the appropriate technology which would satisfy the need areas. The Secretariat had also started its work in identification of the appropriate information which would be reported back to the National Experts groups according to its findings. The work in that area was undertaken. The solution would be forwarded to the users which would start again the process of adaptation and implementation of the technology for the benefit of the community.

66. The Delegation of the Dominican Republic mentioned that it had held an appropriate technology competition on January 1, in Latin America with the support of WIPO and the Korean Intellectual Property Office (KIPO). It sought to ensure that developing countries and LDCs were guided to find the best solutions to access technologies for communities but also provided technical assistance to find solutions to issues by using patents. The Delegation noted that the necessary issues were related to the environment and it involved the community in the manufacture and maintenance processes. The Dominican Republic's experience was particularly successful and beneficial. It limited the scope of agri industry because that was a very important sector for the country's economy and it was in line with the sectors already mentioned. Given its experience in the area which had led to more projects and patents and further knowledge of IP, the Delegation expressed its availability to work on the issues raised.

67. The Delegation of Rwanda stated this was one of the best technical assistance programs for problem-solving. It was extremely important to identify areas where technology was lacking and to find the technology to support the implementation. The process was very smooth. The national processes were done successfully with the identification of National Experts and National Multi-Stakeholder groups. National experts as well as the international experts further identified the technology which was needed and the training activities undertaken in the field of technological capacity building. Finally, it was the identification of the two areas where technology was needed, the water distillation and aqua farming. The Delegation thanked the DG of WIPO through the Project Manager for the project implementation. Rwanda looked forward to continue benefiting from such projects aiming at solving problems on the ground. It highlighted the importance of hosting the interregional training program for the use of IP in economic growth and development. Rwanda was honored to host the city officials from fifteen LDCs under the assistance of the Swedish Government and WIPO, where delegates from universities, research centers, Ministry of Science and Technology, agricultural activities, and trade met to discuss how to put together synergies between IP, science and development.

68. The Secretariat (Mr. Shenkoru) expressed its recognition for Member States' appreciation for undertaking the project on the basis of the needs analysis. It would serve the development purposes of communities and at large, the countries. The Secretariat also thanked the Delegation of the Dominican Republic for sharing its experience and other delegations that took the floor.

69. The Chair closed the discussion on the project given that there were no further observations from the floor. He then invited the Secretariat to introduce the Progress Report on the project on Cooperation on Development and IP Rights Education and Professional Training with Judicial Training Institutions in Developing and Least Developed Countries.

70. The Secretariat (Mr. Bdioui) stated that the project intended to contribute to the implementation of DA Recommendations 3, 10 and 45. It sought to provide technical and professional assistance to judicial training institutions in developing countries and LDCs in order to help them educate efficiently and effectively IPR disputes in a manner which ensured coherence with the identified development needs and priorities of the beneficiary countries. Four pilot countries were selected, namely, Costa Rica, Lebanon, Nepal and Nigeria. Those countries represented respectively Latin America and the Caribbean region, the Arab region, Asia and the Pacific and Africa. Nepal also represented the Group of LDCs. It thanked the regional coordinators for their support in facilitating the selection process and the selected countries for their contributions and cooperation. The selection process was finalized in July 2016 and therefore, the project implementation started on July 15, 2016. From the date of the publication of the document CDIP/18/2, which was July 2016, the Secretariat had established close contacts with the pilot countries, organized briefing sessions and sent the surveys for needs assessment to the beneficiary countries. The project was still at its inception stage.

71. The Delegation of Nigeria, speaking in its national capacity, stated that it was one of the pilot beneficiary countries. The project was in the process of establishing focal points and awaiting feedback on surveys and conducting needs assessment. To ensure efficient and effective implementation of that project, the Delegation hoped that selected stakeholders from the judiciary in the country would benefit from the project. It expressed its full engagement to ensure a timely, balanced and successful implementation of the project.

72. The Delegation of Ethiopia supported the statement made by the Delegation of Nigeria, on behalf of the African Group in its previous statement. It believed that IP was a significant tool for socio-economic development in Africa. It welcomed the DG's support in the implementation of the DA. The DA was important in contributing to the successful achievement of the second five-year growth and transformation plan of Ethiopia. It was grateful to benefit from it and the current project aimed at contributing to the national capacity building of Ethiopia in developing technological capacity in the identified national development needs through the use of technical and scientific information. In that regard, the Delegation commended the close follow-up with the project management team. The project recognized the progress and key milestones which included consultations with the National Experts Group and the completed identification of the two priority needs. The Delegation affirmed continuity of its commitment while WIPO was undertaking its part of the project. It hoped that the positive results of the project would be endorsed by Member States. That would allow Ethiopia to benefit from the completion of the project in the appropriate framework which would enable the implementation of the business plan in cooperation with WIPO. It reiterated Ethiopia's commitments to work closely with WIPO and expressed its confidence in the Organization's support which was critical for achieving development.

73. The Delegation of China noted in the report that to mitigate the challenges of Internet speed in some cases, it was proposed that WIPO ensured print publishing of the judges' IP toolkits. It endorsed that approach. However for benefiting a wider public, while producing IPR toolkits for judges, the Delegation believed it should be considered making available those important training materials on the WIPO's official sites.

74. The Delegation of Brazil deemed it was a very important to have an improvement of institutional capacity and of knowledge by local authorities in developing countries. While it was too early to have specific points and information available on the project, the Delegation reiterated its view that the CDIP projects must necessarily focus on development as a driver of its activities. WIPO already offered a range of tools useful for the promotion of regular training on IP. The value added by the CDIP project was that it took into account development oriented aspects such as those mentioned in the three recommendations that the project was implementing.

75. The Delegation of Nigeria, speaking in its national capacity, reiterated that during the implementation of the project there was need to publish any information related to it, done with the full support of the beneficiary countries. It also noted that the work of the judiciary was inherently confidential and could be very delicate.

76. The Secretariat (Mr. Bdioui) mentioned that as the project was still at an initial stage, focal points were to be identified and national consultants needed to be selected in coordination with beneficiary countries, as well as the collected feedback on the survey that was already sent. The feedback would be analyzed as well as the contributions from the beneficiary countries. The Secretariat would also undertake visits in those countries. It also noted that it would make the document publicly available on the website. For other documents, however, on sensitive elements or items which could be developed, it would need the validation and authorization of the beneficiary countries. It would be national governments who would decide whether the document, project, activity or any other information should be made available on the WIPO's website. The Secretariat confirmed that the main objective of the CDIP was to focus on development and even the project title mentioned "development and IP". Therefore, there was no doubt that the project would be focused on development.

77. The Chair closed the discussion on the project given that there were no further observations from the floor. He then invited the Secretariat to introduce the Progress Report on the Project on the Use of Information in the Public Domain for Economic Development.

78. The Secretariat (Mr. Czajkowski) stated that the project was approved during the 17<sup>th</sup> session of the CDIP. It aimed at supplementing the existing technology and innovation support centers by adding new services and tools to those that were currently provided. It allowed not only to identify inventions in the public domain but also to support inventors, researchers, and entrepreneurs in using this information to generate new research outputs and products and thereby contributing to a more effective exploitation and use of inventions in the public domain as a source for generating local knowledge and local innovation and, increasing the absorptive capacity of developing countries and LDCs in adaptation and assimilation of different technologies. Since the approval of the project in April 2016, the Secretariat has recruited an Associate Program Officer to coordinate project activities, and particularly the output of the external consultants. The external consultants would comprise two lead subject matter experts to coordinate and revise the drafting of the two guides. One guide would be on identifying inventions in the public domain, and one on using and exploiting inventions in the public domain. It also recruited five Associate Subject Matter Experts to draft specific chapters of those practical guides. Three of them were drafting the guide on identifying inventions in the public domain. One of the Associate Subject Matter Experts would write a chapter on identifying patent information needs of users. Another one would draft chapters on patent databases and freedom to operate searches and one on reading claims and legal status information. Two other Associate Subject Matter Experts would draft chapters for the guide on using inventions in the public domain; one on product development and another on product designs. All the Lead and Associate Subject Matter Experts had now been recruited and had started working on their respective assignments. The Secretariat also recruited a contractor to develop new features and improvements to the patent register portal which would give indications of legal status. The project was very much on schedule. The first draft of the guidelines was expected to be ready by December 2016. That would be the draft submitted by the Associate Subject Matter Experts. The first draft would then be reviewed and completed by the Lead Subject Matter Experts by the end of January 2017. It expected the pilot country phase to begin in April 2017, and then the compilation and editing of the various country cases would begin in October 2017. The final versions of the guides were expected to be ready by the end of the following year.

79. The Delegation of the Dominican Republic noted that it was currently promoting the use of innovation in the public domain for economic development through the TISCs. The Delegation stated it unfortunately had insufficient databases as to the legal status of inventions. It was therefore rather difficult to have access to that information or to promote its use among inventors and researchers. The Delegation supported the project. It was of the greatest importance and it hoped to see positive results. It showed its interest to know what strategy would be used in order to identify the technology in the public domain since in the majority of countries that information was not available. The Delegation further enquired about the countries involved in the project.

80. The Delegation of China believed that the project would help to improve the existing and future TISCs services and enhance the capacity of inventors in developing countries and LDCs to innovate and absorb various technologies. The Delegation therefore suggested that WIPO should take measures to ensure real results in the project development during the next three years. In addition, the Delegation noticed that Annex 5, page 2, mentioned Guides on the Identification and Use of Inventions in Public Domain in French and Spanish, instead of what was decided at the previous session, to make the two guides available in all six UN official languages.

81. The Chair expressing the views of his own country agreed with the statements made by the Delegation of China, adding that the proper use of official languages in the work and in sessions was a sensitive matter for Peru as well.

82. The Secretariat (Mr. Czajkowski) addressed the question on the strategy used to identify inventions in the public domain for countries and to see their legal status in those countries. It was true that the information was difficult to find. The first step to addressing that issue was in the guidelines. One of the chapters in the guide on identifying inventions would be about all of the different databases available; what was available as far as legal status and also the technical ways of carrying out freedom to operate searches - anything that was relevant and practical in identifying what was the legal status of a particular patent in a particular country. In parallel, the project was developing and upgrading the patent portal, which gave information for each country on the legal status in concerned countries. That was being developed further so as to be as indicative as possible to find information for each particular country so that anyone who was interested in finding the legal status for a particular country knew what the situation in that country was. The patent register portal however would not give legal status information. That always resided with the national office but it would indicate what could be found for many countries. The Secretariat further noted that at the moment there were no countries selected for the project. The Secretariat was open to receive requests from all Member States when it moved into the pilot country phase. It had already received some expressions of interest and it would consider them. It would consider about six countries for pilot projects. As for the translation of the Guides, the Secretariat regretted the fact that the Committee had incorrect information before it and informed that as decided, they would be translated into all UN languages. That was foreseen for the beginning of 2018. It therefore assured that all guides would be translated in all six UN languages as agreed.

83. The Chair closed the discussion on the project given that there were no further observations from the floor. He then invited the Secretariat to introduce the Progress Report on the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries – Phase II.

84. The Secretariat (Ms. Croella) stated that the project was based on Recommendations 1, 2, 4 and 10 of the WIPO DA. The main objective of the project was to support the development of the African audiovisual sector through capacity building and to increase the understanding and use of the copyright system in the key stages of financing, production and exploitation of audiovisual works. It was based on the proposal made by the Delegation of Burkina Faso which

was developed by the WIPO Secretariat in cooperation with the said Delegation and approved by the CDIP at its 9<sup>th</sup> session. The project included three pilot countries, Burkina Faso, Kenya and Senegal. Phase I of the project was implemented from 2013 to 2015 and evaluated subsequently. Phase II of the project was approved by the CDIP at its 17<sup>th</sup> session, together with the extension of the project to two additional countries, namely, Morocco and Cote d'Ivoire. Phase II was constructed as a continuation of phase I, which built on the positive momentum achieved in building awareness on the benefits of IP for the audiovisual sector. It complemented the efforts to accelerate the use of the IP system through more focused activities. The project was implemented in the context of rapid evolution and growth of the audiovisual sector in Africa, which was related to the impact of the ongoing transition to digital terrestrial television. That switchover had major consequences as regards the number of available broadcasting channels which was increasing very rapidly and also in terms of new content rules for these broadcasters who were faced with new obligations to comply with local content quotas of sometimes around 50 to 70 per cent of local programming. The new technological context brought some significant opportunities to stimulate the local field and audiovisual economy as the sector was both income generating if properly developed and also able to help countries to achieve their development goals. The Secretariat referred to the updates on the activities that had been implemented. At that stage, the project management was able to liaise with each of the beneficiary countries to confirm their support to the implementation process and started designing work plans. The implementation of phase II would continue to be country-specific and based on close cooperation between the WIPO project management and focal point which was designated by each country. That cooperation had proven very instrumental at every step of the implementation of phase I to anticipate the country's needs in a rapidly evolving environment and to design appropriate activities. The WIPO project management team was able to secure, after some delays for administrative reasons, a part-time staff with some proven experience, including in project management, who had started to provide the administrative support. The WIPO project management team was also undertaking consultation with the beneficiary countries to define country projects and activities. Several professional training and capacity building activities, which were in an organizational and preparatory phase for implementation as of December 2016, had been already agreed. Another major component of the project was the development of a professional online training to contribute to the development of durable local capacity. A distance learning project on copyright for film professionals was under development under phase I. It was developed by a team of international and African experts in cooperation with the WIPO Academy. To date, around ten specific modules were drafted covering the various stages of the audiovisual exploitation from development to financing. That project activity could be considered as work in progress. The content of the distance learning would be further consolidated and developed over the entire duration of the phase II, to take into account the input of the capacity building activities that would be conducted in the countries. The Secretariat believed that approach would be able to take into account, to a large extent, the challenges and opportunities faced by African countries and to tailor the distance learning program to local realities, existing legal traditions, while ensuring that African film professionals could be exposed to international best practices in the global audiovisual markets. In relation to these reporting frameworks and management components of the project some initial steps had already been initiated in relation to activities in the area of management of rights. Some on-site training activities had taken place for the beneficiaries of Cote d'Ivoire and Senegal who had been following some study visits both in France and in Algeria at the Algerian Copyright Office. The Secretariat thanked the Algerian Copyright Office for hosting the training activities. At the request of the Kenya Copyright Board and in cooperation with the Kenya Film Commission, a copyright handbook for film industry professionals was developed and printed. The project also continued to provide some support to the government of Senegal for the finalization of its draft communication bill to ensure its adequacy with copyright law and principles. Currently the Secretariat was also working on a webpage for the project, which would provide regular updates on project development. The implementation of phase II was still at an early stage. It was expected that the project would be implemented in accordance with the approved timeline. The

Secretariat thanked the delegations of Burkina Faso, Senegal, Morocco, Cote d'Ivoire and Kenya for their cooperation and their leadership in driving the implementation of the project to success.

85. The Chair closed the discussion on the project given that there were no further observations from the floor. He turned to the completion reports and invited the Secretariat to introduce the completion report of the project on Pilot Project on Intellectual Property and Design Management for Business Development in Developing countries and the LDCs.

86. The Secretariat (Mr. Baloch) noted that during the previous session of CDIP, while reading out the future work for the current session, the Secretariat had mentioned that it would have an Evaluation Report on the Pilot Project on IP and Design Management for Business Development in Developing Countries and the LDCs. In the report contained in document CDIP/18/2, on page 11, Annex VII, there was a reference to document number 18/8 as the evaluation report of the project. Regrettably, the Evaluation Report could not be finalized. An external consultant was hired, who at a rather late stage informed the Secretariat that because of some personal reasons, she was unable to complete that task. The evaluation report therefore would be presented at the next session of the CDIP. The document number 18/8 was now attributed to another document which was entitled Description of the Contribution of Development WIPO Bodies.

87. The Secretariat (Ms. Zarraga) introduced the completion report. Member States adopted at the 12<sup>th</sup> session of the CDIP a proposal from the Republic of Korea for a new pilot project on IP and Design Management for business developments in developing countries and the LDCs. The Secretariat had conducted the project from May 2014 to May 2016 in Argentina and Morocco, working in close collaboration with the National Institute of Industrial Property in Argentina, and with the Moroccan Office of Industrial and Commercial Property NPIC. Dedicated national programs were set up for implementation of the projects in Argentina and Morocco. Considering the importance of capitalizing on the undeniable value that design intensive companies could bring to their economies, the pilot intervention was designed with the holistic and integrative approach, ensuring that all elements of the project were aligned, coherent and fully coordinated among all relevant stakeholders. The project combined a wide range of skills and a network approach bringing together public and private entities to promote design-led strategies supported by the use of IP, to unlock countries' potential in design. The intervention worked on two levels. At the institutional level both countries received support to develop and implement a national design protection strategy to provide integrated IP related services, responsive to the needs of the business community. At the beneficiary level, the project worked directly with design incentive SMEs, with the support of National Experts to develop tailor made IP strategies. Advice focused on how best to strategically use and protect design to leverage the valuable assets on the target local and global markets. Support was also provided in the IP application process. A set of methodologies and tools were developed by the project to support SMEs in developing design led strategies supported by the use of IP rights. The project established in each country a national Steering Committee involving at an early stage, local governments, associations, export partners, Chambers of Commerce, universities and schools. In 2015, a project charter or constitutive act was signed in both countries to reinforce institutional partners' engagement and contribution to each country program and shared goal of investing in nationwide innovation through design and IP protection. For example, a design school in Morocco, a member of the Steering Committee, announced it would create an IP course for its students. In Argentina, public and private actors signed a designer Constitutive Act on April 7, 2015, in the presence of the Minister of Industry, who actively supported the project and opened two project events covered by the media. At the beginning of the project, feasibility studies were carried out in both countries and included questions addressed to the Lead Agencies, reaching out to more than 2,000 SMEs to assess their needs, expectations and interest in the project. Further to an outreach to more than 3,000 SMEs following a rigorous process, 68 beneficiaries' SMEs were selected among which 42 in

Argentina and 26 in Morocco. The national kickoff events, project launch events, awareness raising and capacity building workshops successfully took place and were highly rated, including on the relevance and usefulness for companies' concrete use of the National IP System. In addition, in October 2015, a press conference about the program took place in Morocco and was widely covered by the media. Closing events in both countries took place, including experience sharing activities and awards. In December 2015, WIPO and Argentina awarded the beneficiary company with a WIPO IP Enterprise Trophy Design Thinking Prize for its level of integration of design and IP protection and its business strategy. In Morocco, the closing event took place in May 2016, during the Casablanca IP week and was followed by the African Design Days Awards founded by one of the Ambassadors. Participants were now introducing IP protection in their business strategy and perceive IP protection as a necessity rather than a formality or something unnecessary. Communication between SMEs and national IP institutions had also been reinforced. Early multiplying effects were also identified as a result of the project network approach. To achieve results, the intervention used rigorous project monitoring and evaluation and notably required solid expertise in systemic change management with the high level of satisfaction of both pilot countries about the project and its novel approach for sustainability. Results also showed that the project effectively mainstreamed gender equality since its initial phase. The project data collection in 2016, showed an increase of IP applications by beneficiary SMEs after the project intervention with 275 applications in total, including 164 industrial designs and 111 trademarks. The Secretariat also measured the level of companies on the design ladder, a model of the Danish Design Center that illustrated to what extent a company integrated design in its business thinking. Climbing the design ladder required a cultural shift in acquiring new business and IP skills to engage fully with the economy of design. The data collected showed a majority of companies standing now on level four were using design and design protection as a strategy. Considering the growing interest of other countries in the project, the pilot project was presented to Member States at a side event at the 34<sup>th</sup> session of the Standing Committee on Trademarks, Industrial Designs and Geographical Indications (SCT) in December 2015. The project also organized an inter-country knowledge sharing workshop and a design exhibition during the SCT. Since May 2016, both countries had been implementing their strategies and discussions took place regarding a potential phase II of the project. In order to communicate at the largest scale about the design and other programs, promotional materials including videos were created. The Namadish Program was also presented through a video during the event organized at WIPO in October 2016, for the 100 years of IP in Morocco. In the manual on the design program with case studies and more detailed results would be soon published by the *Instituto Nacional de la Propiedad Industrial* (INPI) Argentina. More information could be found in an article on the project in the WIPO magazine with codes of participants as well as project brochures in six languages. In the context of initial lack of national culture and design protection, the project was considered a driving force of change, growing awareness in supporting the development of design industries and the National IP System contributing to an environment respect of IP for all.

88. The Delegation of Argentina supported the statement made by the Delegation of Chile on behalf of GRULAC. It addressed the document CIDP/18/2, specifically the completion report on the pilot project on IP and Design Management for Business Development in Developing and LDCs which was approved in the meeting of the Committee and for which Argentina was selected as a pilot country together with Morocco. It thanked the Secretariat for its presentation in the framework of this project which was coordinated by INPI. The Delegation of Argentina promoted the use of IP, particularly the rights regarding industrial design in SMEs, by providing support during the process of request for protection. The experience appeared in a manual which would hopefully be made available soon. The Delegation thanked WIPO and more particularly the team responsible for the project implementation for the support provided during its implementation which made SMEs more aware of IP issues.

89. The Republic of Korea expressed its gratitude to Member States and the WIPO Secretariat for successful completion of the project proposed by the Republic of Korea. Moving

forward and using the studies it would continue to discover and propose projects that would provide support for developing countries and the LDCs.

90. The Secretariat (Ms. Zarraga) confirmed that the manual of Argentina was intended to be made available to interested Member States. Both countries were interesting case studies where concrete results could be seen.

91. The Chair closed the discussion on the Part II of the Progress Report given that there were no further observations from the floor. He then invited the Secretariat to introduce the third part of the document.

92. The Secretariat (Mr. Baloch) stated that the third part of document CDIP/18/2 referred to the implementation of the 19 recommendations. Often, delegations that did not remember the history of the DA wondered what those 19 recommendations were. At the outset of the CDIP, the Committee had identified 19 recommendations which were seen as requiring no human or financial resources for their implementation. Most of those recommendations were primarily principles that the Organization was supposed to adhere to while doing all its work, in particular while delivering technical assistance. In document CDIP/18/2, the Annex VIII showed on the left-hand side the implementation strategies and on the right-hand side achievements. The implementation strategy was again defined by the Committee for the Secretariat to make achievements in those areas. Hence, it started with the recommendation 1. These were all the recommendations which, as mentioned, were identified requiring no additional human and financial resources, such as Recommendations 1, 3 and so on. The update for each achievement was based upon inputs received from all the colleagues in the Organization. The DACD synthesized that information and put it together. That was the background of the 19 recommendations of the Progress Report contained in part 3 of the document. The Secretariat then recalled that there was a DA project adopted by the Committee at its 3<sup>rd</sup> session on trying to facilitate match-making between the donor countries and the recipient countries. Over a period of time, the database had acquired a new name, WIPO Match Platform. The Secretariat invited Mr. Marcelo Di Pietro, Director of the Division on Special Projects, to brief the Committee on the platform, before consideration of the document just presented.

93. The Secretariat (Mr. Di Pietro) stated that the platform was an output of a DA project which created a framework where different stakeholders could meet on a voluntary basis in a creative way, trying to establish different cooperation links. Currently WIPO was working with three platforms: WIPO Green, WIPO Research and ABC Consortium. It focused on the main field of expertise, knowledge and practice of the WIPO Technical Assistance activities. WIPO had been consistently providing technical assistance for the last three decades. It achieved enormous experience and knowledge. WIPO Technical Assistance was provided on three layers; (i) with its regular budget approved biannually; (ii) through financing, called Funds-in-Trust (FITs), which were essentially funds provided by Member States to jointly organize activities with WIPO in connection with technical assistance activities mostly in European countries. This layer was new; and (ii) the matching between the providers of technical assistance and the beneficiaries who were not financed by WIPO. It enlarged the possibilities of delivering technical assistance. In 2011, the CDIP approved a project to create an online exchange mechanism that was called IP Development Match Database (DMD). The project was evaluated in 2012 and certain recommendations were proposed. On the basis of the initial project, the IP-DMD was revamped enlarging the relationship with all the stakeholders and enlarging the IT platform. It was now called "WIPO Match". Due to security reasons there was no access to the entire platform. Mr. Bajoe Wibowo was invited to explain how the platform worked in practice and how to make a match making request for technical assistance.

94. The Secretariat (Mr. Wibowo) stated that WIPO Match provided an opportunity to interact among all regions in the world. IP was part of everyone's daily life and growing demands were coming from everywhere requesting more IP technical assistance not only related to financial

support but also for specific projects with a development dimension. There were certain projects which required a lot of financing. WIPO Match was also used to find potential financial donors. The Secretariat mentioned that the Government of Spain was considering joining the platform and using it as a means to display what type of technical assistance it was doing over the past thirty years. The platform enabled interaction between regions. The Secretariat also planned to organize meetings with the private sector in the United States of America with companies such as Facebook, Google, but also companies from Japan, Korea, China and hopefully Eurasia. The platform developed a link between IP and technical assistance. NGOs and IGOs could join the platform as well.

95. The Delegation of the United States of America appreciated the successful matches presented by the Secretariat. The Delegation was a strong supporter of the WIPO Match project. It could strengthen WIPO's development efforts. WIPO devoted over 20 per cent of its budget to IP related development activities for developing countries, LDCs and countries in transition. It already partnered with a multitude of entities in the delivery of technical assistance, capacity building, training and education and other activities. The efforts could be improved with technology and internet tools like WIPO Match to multiply the availability of IP related development assistance to help countries achieve benefits from the IP system. The Delegation was willing to see WIPO developing the WIPO Match into a high profile platform that had dynamic, updated and reliable information for both providers and recipients of technical assistance and could become an evolving platform with new features based on stakeholders inputs.

96. The Delegation of Tunisia stated that the Database was very important. It allowed those asking for technical assistance and those who potentially could provide assistance to connect and to avoid a double use or overlap in terms of technical assistance. The Delegation expressed its hope that the system could be improved in the future and could be translated into Arabic for the Arab community to be able to participate in the system.

97. The Secretariat (Mr. Di Pietro) addressed the comment made by the Delegation of Tunisia. The Secretariat planned to translate the Database into other UN official languages. The platform was currently in a construction phase. The Secretariat mentioned that in the beginning of the coming year it would be available in Arabic as well.

98. The Chair closed the discussion on the Part III of the Progress Report given that there were no further observations from the floor. He invited members to make general comments on document CDIP/18/2.

99. The Delegation of Turkey, speaking on behalf of Group B, stated that the comprehensive report reiterated the significant amount of the work conducted by WIPO devoted to development. The Group welcomed the analytical description of each project and the self-evaluation exercise. The elements contained in the Annexes of document CDIP/18/2 as well as the Report on the Independent Review of the implementation of DA Recommendations (document CDIP/18/7) indicated that the DA had continued to be successfully and meaningfully implemented in the development activities of WIPO through the implementation of the respective DA Recommendations. The Group reiterated its strong position that WIPO should continue to lead development of a balanced and effective international IP system. A system that enabled innovation and creativity to the benefit of all, respecting its main objective which was to promote the protection of IP throughout the world and noting that development considerations were an integral part of its work. It would enable Member States to use IP as a positive development tool.

100. The Delegation of Iraq stated that a lot of progress had been made in terms of IP with the support of WIPO. The Iraqi population had been suffering through years of dictatorship and since then it had been gone through wars and international terrorism. It had a huge impact on

the structures of economic, social and cultural sectors in the country. The latest stage of confrontation with international terrorism was threatening international peace and stability. The Delegation presented the victory over the terrorist group and recalled that Iraq had been the birthplace of civilization of humanity. It made great humanitarian and social progress over the centuries and it wanted to rediscover the identity it was deprived of. WIPO could help through its programs to strengthen capacities and develop projects in the economic, social and cultural sectors in order for Iraq to reach once again its creative capacity. This would fall within the realization and achievement of the noble objectives of WIPO. The Delegation expressed its desire to collaborate with WIPO in all areas of its work.

101. The Delegation of Slovakia, speaking on behalf of the EU and its member states, welcomed the completion report on the Pilot Project on the IP and Design Management for Business Development in Developing and Least Developed Countries which had been carried out in two selected countries, namely, Argentina and Morocco. They noted that the Report mentioned that 117 industrial designs had been filled or were in progress of filling as a result of the project. It was a very tangible outcome of the project. The EU and its member states welcomed the information presented in document CDIP/18/2, particularly the used strategies and reached achievements as well as detailed analysis of each project. It demonstrated WIPO's significant work in implementing the DA as well as strong engagement of the DG and his staff in the process of continuous materialization of the DA Recommendations.

102. The Delegation of Latvia, speaking on behalf of CEBS Group, considered that the six progress reports regarding the ongoing projects covered a wide range of DA Recommendations in various contexts. The Group was pleased to note the advancement of different project implementation. It looked forward to receiving the final reports once the projects would be completed. It commended the excellent management and successful conclusion of the pilot project on Intellectual Property and Design Management for Business Development in Developing and Least Developed Countries. Finally, the Group appreciated the report on the strategies adopted to address each DA Recommendation and the main achievements.

103. The Delegation of Nigeria, speaking on behalf of the African Group, took note of the different stages of the Progress Report. It thanked the Secretariat for the capacity building and technical assistance activities that it continued to engage in Africa and other developing regions. The Group looked forward to continue to work with the Secretariat to ensure that the projects were implemented in the best possible way.

104. The Chair closed the discussion on document CDIP/18/2 given that there were no further comments from the floor.

#### Consideration of document CDIP/18/3 – Report on the International Conference on Intellectual Property and Development

105. The Secretariat (Mr. Baloch) introducing the document CDIP/18/3 stated that the International Conference on IP and Development was held at the headquarters of WIPO from April 7 to 8, 2016. The Conference was convened in accordance with a decision taken by the Committee at its 14<sup>th</sup> session. The decision was contained in paragraph 16 of the Summary by the Chair and also included an element with regard to the list of speakers. The Secretariat received a large number of contributions from delegations and Permanent Missions in Geneva. It drew up a speaker's list based on those contributions and on the list previously drawn when the Conference was supposed to be held in 2013. The Secretariat then recalled that during its 11<sup>th</sup> session while considering the document CDIP/11/5, the Committee had approved other logistical and substantive issues on the Conference. Hence in convening and organizing the Conference, the Secretariat took due note of that guidance and acted in accordance with it. The decision *inter alia*, requested the Secretariat to present a factual report to the CDIP. Document CDIP/18/3 contained that factual report.

106. The Delegation of Chile, speaking on behalf of GRULAC, welcomed the report contained in document CDIP/18/3. It would allow delegations to incorporate the discussions carried out at the event in their future deliberations and proposals. The Group considered the activities to be a contribution to the inter-sectoral dialogue around IP issues and development. It expressed its hope to continue having such conferences.

107. The Delegation of Nigeria, speaking on behalf of the African Group, welcomed the report on the International Conference on IP and Development. It focused the discussion on the role of IP in development at the national, regional and international levels, sharing experiences and exploring future perspectives. The Group believed that the successful Conference provided a useful forum for sharing experiences, ideas, opportunities and knowledge on flexibilities that existed in the international IP system. The Conference was enhanced by the focused case studies from Ethiopia, Jamaica, Moldova and Pakistan. The Group believed that the Conference highlighted barriers and inherent difficulties in the international IP system that could inhibit knowledge driven growth in developing countries and the LDCs, as eloquently encapsulated in his keynote address by Mr. Rob Davies, Minister of Trade and Industry of South Africa. Recognizing the various thoughts and provoking ideas emanated from the Conference and the impact it could realistically have on policy initiatives and IP promoting activities of countries in need, the Group considered that the Conference should form an important part of the work of the CDIP. The African Group proposed that the CDIP held a biannual conference on IP and development proceeding the 1<sup>st</sup> session of the CDIP in the year. To ensure more exhaustive discussion on identified subject areas, future conferences may focus on no more than three themes. The Group believed that the practice of future conferences would continue to provide useful opportunities for sharing experiences and ideas from a rich resource of stakeholders, Member States, academia, judiciary, IGOs and NGOs. It would provide networking opportunities to match needs and develop cooperation activities and contribute to the implementation of the DA Recommendations. Furthermore, a considerable recurring thread at the Conference was the unavailability of adequate information on the relationship and/or impact of IPRs on innovation and creativity in the global South. The Group proposed an independent study on the relationship and impact of IPRs on innovation and creativity in developing countries and the LDCs with a development perspective. The Group expressed its belief that such a study could be submitted to the 20<sup>th</sup> session of the CDIP for consideration. In concluding, the Group encouraged the Committee to consider both proposals and the merits and value addition that the work would bring to the CDIP and to the growth of initiatives from developing countries and the LDCs.

108. The Delegation of Turkey, speaking on behalf of Group B, noted that the Conference and the report were already available to the public through webcasting and therefore, interested stakeholders were also able to benefit from the discussions.

109. The Delegation of Slovakia, speaking on behalf of the EU and its member states, noted that the Conference offered interesting presentations of speakers from different countries, professional backgrounds and addressed a wide range of topics such as patents, access to medicine and copyright. All the presentations and information provided was a good overview and better look inside various topics. The discussion focused on social, economic and cultural aspects on the role of IP and at the same time it addressed the current and future challenges of the IP. The EU and its member states welcomed the side events and case studies presented. It demonstrated the role that IP could play in spreading innovation and creativity worldwide. The Conference emphasized the implication and exploitation of IP in different areas and the necessity for raising the awareness about IP. It demonstrated that each state was capable of designing its own IP regime in compliance with its national conditions and specificities.

110. The Delegation of Latvia, speaking on behalf of CEBS, stated that the speakers represented all regions and addressed different challenges linked to IP and development. The

question of IP and development was discussed in all its aspects. Social, economic and cultural facets of development were taken into account. Designing an IP system based on the needs of each country was one of the themes of the Conference, as was the global cooperation and IP for development. Presentations were based on experiences of individual Member States enabling the audience to have evidence-based discussions. The Conference successfully covered a wide range of IP topics such as geographical indications, patents and copyright. It demonstrated that IP was an effective tool to enhance the social, economic, and cultural development and could be adapted to Member States' needs.

111. The Delegation of China noted the importance of the Conference after the WIPO DA entered into a new phase. It had speakers from different backgrounds and regions who had fruitful brainstorming on IP and development and injected new dynamism to the global IP system. The Conference was attended by over 400 participants including Member States representatives, experts, scholars, governments, IP right holders, industry, associations, universities, IGOs and NGOs. The Delegation attached great importance to the Conference and expressed hope that all parties would absorb and utilize the results of the Conference.

112. The Delegation of Brazil noted that in his opening statement, Mr. Francis Gurry recalled that the Conference had the purpose of investigating connections between IP in contemporary economy and imperative on development. The Delegation agreed with the statement and highlighted the necessity of continuously addressing this imperative of development across WIPO. Another important highlight of the opening ceremony was the statement made by Ambassador Alberto D'Alotto. WIPO as part of the UN system must make its best to actively support the implementation of the 2030 Agenda. The Delegation agreed with the view that the SDGs should guide common efforts of the international community for many years to come and that due attention should be given to it by all stakeholders. In his keynote address, Mr. Rob Davies emphasized different paths that countries took to pursue their economic development. The use of IP to spur development changes across countries. Many countries had various ways of integrating IP in national strategies. Members should assess the costs and benefits of IP rights in specific contexts through a careful analysis based on robust evidence. The topics of the Conference led to the discussion of the one-size-fits-all approach. The notion was widely mentioned by speakers with different backgrounds, all reaching the conclusion that in the execution of IP policies the approach was undesirable and ultimately inefficient. Mr. Henning Grosse Russe-Khan mentioned that as a general principle in designing a national IP system one size did not fit all. Examples from history showed that all countries attempted to tailor the IP system to the domestic development needs. It was also highlighted in the conclusion of the Conference when it was agreed that one-size-fits-all was not a correct approach in making IP work for development. The Delegation emphasized the quality of the discussions held during the Conference. Professor Keith Maskus spoke about the important concept of social development. Socio-economic factors had strong influence on the effectiveness of IPRs and in light of that fact governments should consider broader development goals in order to integrate IP in their strategies. However, relatively little was known about the relationship between IPRs and innovation and creativity in developing countries due to the difficulty to quantify its impact on economies with different levels of complexity. It meant that much work remained to be done in WIPO in order to illuminate these aspects. Improving the understanding of IP and development was one of the central issues of the CDIP. Regarding the use of exceptions and limitations for the public interest, Professor Maskus noted that developing countries should take advantage of available flexibilities in the design and scope of IP areas in order to encourage domestic innovators to use the expanded system. Mr. Michaly Fiscor underlined that well-defined exceptions and limitations were an important aspect of social, cultural and economic development. Therefore, exploring the possibilities offered by the international legal framework for exceptions and limitations was said to be important for public interest and development. Mr. Fiscor positively referred to the proposal made by GRULAC to the SCCR, as a vehicle for exploring the possibilities. Professor Andrew Christie discussed the ways in which social factors were in a separate part of the IP regime. Those factors related to how private entities and

individuals engaged with the IP regime and showed that the IP regime was a dynamic and complex system. Those observations were heavily complimented by Mr. Maximiliano Santa Cruz, who also stressed the importance of a modern IP office to actively participate in the national efforts to encourage innovation and to defuse knowledge and technology transfer. The Delegation highlighted the point made by Mr. Esteban Burrone representing Medicines Patent Pool. Public health oriented licensing was only one part of access to medicines. The access to medicine pools should take into consideration challenges such as prices, research for medicines for all kinds of diseases and local manufacturing issues. Those were all topics to which WIPO could give substantial contribution and were discussed in the substantive committees of the Organization such as the CDIP and Standing Committee on the Law of Patents (SCP). The International Conference offered an opportunity for the exchange of different points of view regarding the international IP system in an open and frank environment. It pointed to the fact that much was needed to be explored in the relation of IP and development from the perspective of economic research - a task the CDIP was entitled to continue to execute. Considering its success, the Delegation expressed its hope that the spirit of the Conference was preserved in the activities of the 18<sup>th</sup> session of the CDIP and that the reflections brought back would be part of the substantive work of WIPO. As stated by many speakers, it was difficult to discuss broad and encompassing issues such as IP and development in a single setting. The great number of participants underlined the interest the debate attracted. The Delegation therefore supported the proposal made by the African Group, recommending a biennial event. WIPO and its Member States had much to gain from the discussions of dynamic and contemporary events on IP.

113. The Delegation of Ecuador stated that the Conference offered a privileged space allowing Member States to share experiences and present alternative views to the traditions that sought to find a better protection of IPRs and of industrial development. The Delegation encouraged the Secretariat to plan similar activities and related events which would provide relevant inputs to the debates that were in the CDIP as well as other committees.

114. The Delegation of Chile, speaking in its national capacity, stated that the Report on the International Conference was a very valuable tool for guiding the Committee's future discussions on the relations between IP and development. Chile was significantly guided by the principles established at the Conference. The need to have IP systems that could be adapted to the needs of every country and to ensure that the systems could become tools that would foster socio-economic development, a balance between IP rights and public interest was needed to be established. Chile participated actively in international exchanges and was aware that despite the differences that every IP system might adopt, countries should continue to be able to discuss issues amongst themselves. For this to be possible, practical solutions could be enriched by conferences such as the one on IP and development. The Delegation noted the different projects and experiences that were shared during the Conference. It showed the need to continue to work on the relationships between IP and development in a cross-cutting and dynamic way. Chile was represented by the Mr. Maximiliano Santa Cruz, Director of the National Industrial Property Institute (INAPI), who was able to share his experiences with the hope that it could serve as an example for offices in the region as well as offices of a similar size. In his presentation he noted the importance of a dynamic IP system. It was necessary to make progress towards building local capacities which allowed for a connection between norms, infrastructure, technology, agencies and the increasing number of stakeholders in the IP system. The Delegation expressed its hope that the initiative would be repeated in the future.

115. The Delegation of Canada found the Conference a valuable initiative. It believed that the International Conference illustrated concrete examples of how IP could be used as a tool for development. Raising awareness of the benefit of IP, particularly for SMEs was an important step towards recognizing IP and utilizing its strategic management to create economic benefits for development.

116. The Delegation of Iran (Islamic Republic of) welcomed the discussion held during the Conference. It provided different approaches about the role of IP and development. The presentations and speeches were informative for all Member States. The Conference was a good precedent, therefore it was expected that similar initiatives concerning different aspects of IP and development in a more specialized manner to be organized in the future.

117. The Delegation of Indonesia noted that many elements discussed during the Conference should be explored further to guide Member States on how to implement the WIPO DA Recommendations. Among many important takeaways, the Conference highlighted the importance of different approaches and policies for each country in developing its own IP systems. The Conference also noted the importance of effectively utilizing the TRIPS flexibilities especially for developing countries. It brought forward alternate perspective relating to IP and its implication for development. The perspective should be reflected in the WIPO discourse, including the design and delivery of respective WIPO assistance programs. The Delegation supported the statement made by the Asia and the Pacific Group in its opening remarks on a wider dissemination of presentations and proceedings from the Conference.

118. The Delegation of India, speaking in its national capacity, stated that the Conference allowed participants to hear from a diverse area of speakers with different backgrounds. It presented an alternate view of how development aspects of IP could be used in furthering the varied needs of development for countries that were at different levels of development. The Delegation reiterated what it stated on behalf of the Asia and the Pacific Group, requesting the Secretariat to make available the presentations made at the Conference.

119. The Delegation of Turkey, speaking on behalf of Group B, stated that different views were expressed at the Conference by academics, representatives of IGOs, IP practitioners from the private and public sectors. The discussions made it clear that IP played an important role in development with countries with various levels of development. It was clear that one size did not fit all when it came to integrating IP in national development policy. The Group believed that the highlights of the Conference were the case studies that presented concrete projects where IP was used to revitalize industries, to create new products, jobs and contributed to the cultural, social and economic development of the country. The case studies demonstrated the importance and value of IP at various levels of development. The Group took note of the two proposals raised by the African Group during its intervention. The proposals were new and had implications on the budget, the CDIP Agenda and had a variety of pragmatic ramifications. Therefore, the Group required the proposal to be presented to the CDIP in a written form for its review and consideration.

120. The Secretariat (Mr. Baloch) stated that it made its best effort to adhere to the guidance provided by the Member States in organizing the Conference. It was satisfied with the outcomes. One of the decisions taken by the Committee at its 11<sup>th</sup> session was that the information from the Conference should be made available. The Secretariat referred to paragraph 14 of the document CDIP/18/3. The footnote provided a hyperlink where videos and all the presentations were made available. Paragraphs 4, 20, 21 and others reflected specific interventions by the Ambassador of Argentina, the Keynote Speaker, Minister Rob Davies, etc. Therefore, all of the information related to the Conference, including the Conference Program, list of speakers, their profiles and all presentations, were available on WIPO's website.

121. The Delegation of Nigeria, speaking on behalf of the African Group, stated it would put forward its proposal in a written form at the following session of the CDIP.

122. The Chair closed the discussion on the document CDIP/18/3 given that there were no further comments from the floor.

Consideration of document CDIP/18/7 – Report on the Independent Review of the Implementation of the Development Agenda Recommendations

123. The Chair invited the Lead Evaluator of the Independent Review of the implementation of the DA Recommendations to introduce the document.

124. The Lead Evaluator Mr. V. K. Gupta recalled that the review was undertaken according to the 2010 GA decision. The Terms of Reference (ToRs) adopted at the 14<sup>th</sup> session of the Committee established the key questions to be addressed, namely, (a) relevance of WIPO's work and the results of its activities for the implementation of the DA Recommendations and how that work served the needs of Member States, stakeholders and other intended beneficiaries; (b) impact of WIPO's work in the implementation of the DA Recommendations at various levels and across WIPO's bodies and programs; (c) effectiveness of WIPO's work in the implementation of the DA Recommendations; (d) efficiency of WIPO in using human and financial resources in its work directed at the implementation of the DA Recommendations; (e) sustainability of the results of WIPO's work in the long term. The initial period of the review under the ToRs covered WIPO's work from 2008 to 2013. However, that period was extended to 2015, as proposed in the Inception Report and accepted by Member States. The purpose and objective of the review was to determine to what extent the needs of the Member States and stakeholders were being met. Moreover, it intended to ascertain to what extent the DA Recommendations had been integrated in WIPO's work. It aimed to assess the successes and shortcomings of the DA implementation in order to make suggestions for possible improvements of WIPO's performance. The review was conducted at various levels: (i) at the CDIP level, as the Committee monitored, assessed, discussed and reported on the implementation of the DA Recommendations. In this regard, the Evaluator pointed out that from the 3<sup>rd</sup> session onward, the CDIP followed a thematic project-based approach. The Committee had approved 31 projects with a budget of around 28 million Swiss francs. Twenty-five projects were completed and evaluated and 14 of them were mainstreamed; (ii) at the relevant WIPO bodies level, as they had been instructed to report their contribution on the implementation of the DA Recommendations; and (iii) at the organizational level, as WIPO established the Development Agenda Coordination Division (DACD) to assist CDIP in its functioning. WIPO had also established an Ethics Office, incorporating the UN Standards of conduct for the International Civil Service into the new staff Rules and Regulations of the Organization. The review also covered the DA implementation across all WIPO sectors and a comprehensive review of the 14 mainstreamed projects. It also comprised WIPO's interface with other international organizations including UN bodies. The methodological principles applied for the review included triangulation, cross-cutting validation, deductive reasoning and an iterative approach. The methodological tools included: (a) interviews to a total of 188 persons, including 124 Member States representatives, 44 WIPO officials and 20 IGOs and NGOs representatives, evaluators, academicians and industry; (b) a desk review of more than 200 documents, including project proposals submitted by Member States and by the Secretariat, progress reports and self-evaluation reports, evaluation reports, summaries by the Chair, CDIP reports, Program and Budget and Program Performance reports; (c) field visits in five countries, namely, Argentina, Egypt, Ethiopia, Moldova and Thailand. Those countries were identified on the criteria of geographical balance, level of development and whether they had been beneficiaries of WIPO Technical Assistance and capacity building; (d) a survey launched with the support of WIPO's Web Communication Section. More than 1700 individuals were invited to undertake the survey and an open public survey was also launched for the public at large. In total, 373 people responded to it, comprising Member State representatives, representatives of IGOs and NGOs, other stakeholders involved in the DA implementation and public in general. The Evaluator also referred to the number of limitations experienced during the review process. He noted that the Report contained findings, conclusions and recommendations. He also elaborated on the findings responding to the five aforementioned key questions. Under relevance, it was found that: (1) the implementation of the DA Recommendations had largely been consistent with expectations of Member States, stakeholders and other intended beneficiaries; (2) the project-

based approach had been creative to meet expectations of Member States in comparison with the earlier activity-based approach. Nonetheless, while some projects were well received, others made little impact. A concern was also raised on the fact that out of the 31 projects approved only six were based on Member State' proposals; (3) the DA Recommendations had been instrumental in instigating new work not foreseen in the past. New Divisions were created and WIPO had enhanced the interaction with other UN bodies, particularly with WTO and WHO. Under effectiveness, that: (4) the CDIP had been playing a major role in implementing and monitoring the DA Recommendations with the efficient support of the DACD. However, the implementation of the CDIP mandate and the implementation of Coordination Mechanisms had been long standing issues for the Committee. Besides that, the Committee did not devote adequate attention to discuss the sustainability of completed and mainstreamed projects; (5) the implementation of the DA Recommendations had been to a reasonable extent effective as they were incorporated in various levels of WIPO's work and across WIPO's bodies and programs. WIPO had conveyed that development considerations had to be a central stage for the activities relating to innovation and creativity. New activities related to IP and development had been also introduced in several WIPO programs; (6) the DA implementation at a national level had generally been successful and effective, to a larger extent when directly delivered to the national IP office than to other national institutions / ministries; (7) while the DA Recommendations had been mostly integrated in the Program and Budget cycle, the Medium Term Strategic Plan (MTSP) 2010-2015 did not include specific strategies related to their implementation. That MTSP included nine Strategic Goals, under which "challenges and opportunities" and "strategies" were identified, except those pertaining to the implementation of the DA Recommendations. Moreover, the DA Recommendations had not been directly linked to the Expected Results described in the Program and Budget for accomplishing those Strategic Goals. Under efficiency, that (8) the DA related projects had been generally adequately resourced. Nevertheless, some Member States found the approval processes relatively complex; (9) existing reporting mechanisms lack specificity, particularly with respect to actual utilization of actual costs. While some projects had been over budgeted, additional funds were needed for some others. Furthermore, out of the 25 completed projects, there had been multi-project assignments to individual project managers without a mechanism for them to report the utilization of resources under each project. Neither progress reports nor DG's reports provided actual utilization of personnel cost or non-personnel cost. Under impact, that: (10) the DA implementation was a work in progress and incumbent both the Secretariat and the Member States; (11) since the adoption of the DA Recommendations, positive changes and attitudes towards development issues were gradually emerging; (12) the thematic project-based approach to-date showed a measure of success. Under sustainability, that, (13) efforts were underway for mainstreaming CDIP projects and activities in the regular work of the Organization. However, the concept of mainstreaming and its implication was yet to be evolved; (14) the sustainability of the CDIP projects was due to the commitment and support of Member States, active involvement of stakeholders and beneficiaries and continued technical support by the Secretariat; and (15) there had been a limited involvement of competent national institutions other than national IP offices and of relevant international development institutions in the implementation of the DA Recommendations. Finally, the Evaluator listed some of the conclusions and recommendations contained in the report.

125. The Delegation of China considered the methodology adopted for the review as effective. The review covered all stakeholders in terms of target and scope and established objective and constructive findings, conclusions and recommendations. It endorsed the conclusions that the implementation of the DA Recommendations had been consistent with expectations of Member States, stakeholders and other intended beneficiaries, and that the thematic project-based approach was a useful modality to speed it up. It endorsed and commented on the following recommendations: Recommendation 1. With the adoption of the 2030 Agenda for Sustainable Development, the DA had entered a new historical period. The Organization was facing new emerging issues such as its interface with SDGs and the greater promotion of technology transfer. It was therefore necessary that the CDIP intensified its discussions in this respect;

Recommendation 6. Due to the highly specialized nature of IP, it was necessary to enhance the participation of national-based experts to the work of CDIP. This had also been a long standing practice for China. Since it joined WIPO, the State Intellectual Property Office (SIPO) coordinated the external IP affairs with the Geneva-based representatives; Recommendation 8. Making modular the future work related to the development of new projects would contribute to carry them forward. Adjustment could be made during the implementation phase according to actual situations. Depending on the projects' complexity, partnership with other UN agencies might be necessary; Recommendation 9. Different beneficiary countries could have very different national conditions, IP systems and development levels. Increasing recruitment of local IP experts for the project implementation would facilitate the internal coordination of the beneficiary country and better ensure the project sustainability. It would also contribute to solving the problems identified in findings 6 and 15; Recommendation 12. In comparison to the development frameworks of other UN agencies and organizations, the DA was not sufficiently disseminated at national levels. Therefore, WIPO should use various means, including surveys and translations of more project outcomes into the six UN languages, to increase the visibility of the DA's role and impact. It should also intensify the promotion and utilization of specific projects in countries worldwide.

126. The Delegation of Chile, speaking on behalf of GRULAC, considered that the report contained useful information and reflected issues raised by the Member States in various CDIP sessions. The review contributed to reflect on the aims of the DA and highlighted its linkages to the SDGs. The recommendations contained in the report should be a starting point for the future work of the Committee and the Organization in strengthening the DA and should be translated in concrete implementation proposals.

127. The Delegation of Indonesia noted that the implementation of the DA Recommendations had been largely consistent with the expectations of Member States and other intended beneficiaries, and that the thematic project-based approach was a useful modality to accelerate its implementation. The review also identified areas for improvement. The review's recommendations should be appropriately taken up and follow-up actions should be implemented. In particular, it highlighted the recommendation for WIPO to consider linking the DA Recommendations to the Expected Results contained in the Program and Budget, wherever possible. The current Expected Results might be modified or new Expected Results introduced so as to ensure the integration of the DA Recommendations into WIPO's work in a more effective and sustainable manner. This would institutionalize the mainstreaming process. In that context, it requested the Secretariat to produce a report for the 19<sup>th</sup> session of the CDIP on how to implement the improvements suggested in the document. Furthermore, recognizing the long-term nature of the DA implementation, it recalled that the 2010 GA decision provided for a possible further review.

128. The Delegation of Turkey, speaking on behalf of Group B, noted that the majority of the direct beneficiaries of DA related projects considered the implementation of the DA Recommendations successful. They were found largely consistent with the expectations of Member States, stakeholders and other intended beneficiaries. The important institutional measures taken by WIPO were also noticed, including the mainstreaming of the DA principles in its work. The thematic project-based approach was found useful in implementing the DA Recommendations and in translating them into actionable activities, as reflected in the survey results. Concrete actions were vital to further enhance the DA implementation and particularly to ensuring the sustainable impact of the projects. In that context, the Delegation encouraged the potential beneficiaries to present further project proposals reflecting their needs. The review found that the DA had brought more awareness on IP and development issues. In this regard, it welcomed that the understanding of the DA mainstreaming and its implications, as well as of the IP and development nexus were improved. It also welcomed that the DA implementation at the national level had generally been successful and effective, in particular when implemented with the direct involvement of national IP offices. However, it noted that the effectiveness was

directly linked to the development level of the beneficiary countries. It called upon the Committee and in particular upon beneficiary countries to explore how to enhance the project implementation for the benefits of low-income countries. It was a common duty to ensure that countries most in need of cooperation could best benefit from WIPO's activities. In summary, the report showed that the DA implementation was well on track. Many of the recommendations contained therein were practical in nature but some others raised concerns with respect to both practicability and implementation. Consequently, in order to effectively and efficiently address them, it suggested the following approach: (i) for those recommendations directed to the Secretariat, to request it to examine them and report back to the next session of the Committee, including an assessment of the underlying challenges and the way they could be addressed within the CDIP mandate; (ii) for recommendations directed to the CDIP, that CDIP members would carefully review them and present, when appropriate, proposals for the consideration of the Committee; (iii) for recommendations directed to the Member States, that they would review and discuss them with their respective capitals and consider appropriate actions for their implementation at the national level. For the sake of transparency, it would provide a written outline on the aforesaid proposal. The Group looked forward to further discussions on the issue.

129. The Delegation of Iran (Islamic Republic of) welcomed the findings and recommendations contained in the report. Member States and the Secretariat should engage in discussions and undertake actions on those recommendations in order to improve WIPO's performance on the DA implementation. In consideration of its important role in the DA implementation, it was expected from the Secretariat to take note of the review's recommendations and to prepare a report for the next session of CDIP on the means and methodology for their implementation. It emphasized the importance of Recommendation 5 considering linking the DA Recommendations to the "Expected Results" contained in the Program and Budget. Moreover, it underscored Recommendations 1 to 4 related to the improvement of the CDIP functioning. Lastly, as the DA implementation had a long-term nature, it was essential to conduct further reviews on a regular basis in accordance with the Coordination Mechanisms adopted by the GA.

130. The Delegation of Mexico referred to the different tools deployed for the review. The interviews and consultations carried out with different stakeholders were adequate to get a broader scope of opinions. It requested more information on the considerations taken into account for establishing the recommendations, particularly the actions foreseen by the Review Team for their implementation and/or follow-up. With regard to Recommendation 1, it requested further information on the way foreseen to conduct a higher level debate and the nature of the topics to be discussed therein. It was also important to identify the context to undertake that debate, whether it would be in the framework of the CDIP or in platforms such as the GA where relevant actors concurred. On Recommendation 4, it enquired if, on the basis of the consultations undertaken, elements to update the interaction between the DA and the SDGs were identified. On Recommendation 5, it queried if the Organization had provided information on the form in which the DA attempted to be reflected in the various WIPO programs. It also enquired if there was a need of additional resources for the DA implementation. It noted that WIPO had been already implementing the DA Recommendations for immediate implementation without any extra financial implication, as reflected in the Progress Report contained in document CDIP/18/2. With regard to Recommendation 6, it enquired on the reasons for suggesting enhancing the coordination between Geneva-based Missions and their IP offices and other capital-based authorities. In its understanding, this could have been a result of the interviews conducted. On Recommendation 8, it agreed that the implementation of projects needed to ensure their effectiveness, comprehensiveness and sustainability. It also considered that the project outcomes should be replicated by the beneficiaries, not only at a national level but also through triangular cooperation activities. It sought the Review Team's opinion and on any feedback received in that respect during the consultations undertaken for the review. On Recommendation 11, it considered highly pertinent to have an evaluation and follow-up

mechanism. The most important was not the implementation of a project *per se* but the lessons learned and the best practices resulted from it. It reiterated the importance of benefiting from and multiplying the outcomes of a project in order to achieve a real impact.

131. The Delegation of Ecuador considered it positive for Member States to examine how to improve the implementation of the DA Recommendations. The DA implementation was fundamental for the Organization to contribute concretely to the needs of developing countries on IP related issues. Despite the review's limitations, its findings, conclusions and particularly recommendations were extremely relevant for the Committee. Furthermore, three important issues were highlighted. Firstly, the report clearly established that the impact of the DA implementation, particularly at the national level, was still a work in progress. Accordingly, the DA implementation was a long-term task requiring different stages and a range of approaches. Secondly, although the report recognized that the DA implementation had largely been consistent with the expectations of Member States, stakeholders and other intended beneficiaries, it also concluded that the Secretariat, the Committee, the DACD and the Member States might actually improve it with concrete actions. Thirdly, while the review concluded that the thematic project-based approach was a creative attempt for meeting the expectations around the DA Recommendations, it had also identified its limitations. The effective implementation of the DA Recommendations required cross-cutting actions addressing the public policy space and the flexibilities needed by developing countries with regard to the international IP normative framework. Paragraph 168 of the report stated that its recommendations attempted to suggest possible improvement to WIPO's performance and its work in the future DA implementation. Consequently, it was necessary for the Member States to devote sufficient attention and time for discussing those recommendations in order to establish a clear line of action. A first step in that direction could be requesting the Secretariat to present at the next session of the Committee a report on how to implement the review's recommendations addressed to it.

132. The Delegation of Brazil recalled that the Independent Review had its origins in the 2010 GA decision on the Coordination Mechanisms. As described in the report, the implementation of the DA was a shared responsibility between Member States, the Secretariat and other stakeholders. The development concerns involved in the DA deliberation should continue to be translated into activities which reframed the IP and development approach. This would meet the expectations brought by the DA adoption. The report also highlighted that the DA implementation was a work in progress. Therefore, no DA Recommendation would be exhausted by the mere completion of a project, activity or study. It agreed with the statement underlining the need for a better understanding of the DA and its implications. Furthermore, the review stressed that the actual period of implementation was rather short and thus not sufficient to produce fundamental changes in WIPO's work. In spite of this, the "Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled" was a very relevant result that could be attributed to the DA whose importance was highlighted in its preamble. The economic studies produced by the Economics and Statistics Division were also a significant outcome of the DA. As pointed out at the International Conference on IP and Development, there was a lack of theoretical basis in the debate on IP and economic performance and WIPO had the resources and the technical capacity to overcome that gap. The report also established that the DA implementation had led WIPO to initiate relevant institutional reforms. WIPO should continue those reforms and upgrade its efforts in mainstreaming the DA across the Organization. As raised in the report, this reflected the continuous need for aligning WIPO's strategic planning to the DA through improving its linkage to the "strategic goals" reflected in the MTSP and the Project Performance Report. It also agreed that improvements could be made to the progress reports. Moreover, it reiterated that in its view the PBC was a relevant committee for the purposes of the Coordination Mechanisms. The Delegation fully endorsed Recommendation 1 on the need to introducing higher level debates addressing new emerging issues. This implied the need for a conceptual discussion on IP and development in line with the third pillar of the CDIP mandate. In its

understanding, the implementation of that Recommendation could offer an opportunity to reflect on the conceptual basis of the DA and could provide inputs for the continuation and further reinforcement of its mainstreaming. It also referred to the importance of advancing in the SDGs implementation, as mentioned in the report. As regards the impact of the thematic-project based approach, it urged to reflect on how WIPO could work with Member States and stakeholders towards achieving their concrete needs. Additionally, it referred to Recommendation 9 on the importance of recruiting experts well-versed about the socio-economic conditions of recipient countries. Nevertheless, the DA went beyond the implementation of projects. It was rather a process for bringing the focus of IP to contribute to the development of countries. Furthermore, it recalled that according to the 2010 GA decision, the CDIP might decide on a possible further review. Notwithstanding, it was timely to reflect on the results of this review and on how WIPO's bodies, in particular the CDIP, could improve the DA implementation and its mainstreaming in WIPO's work. The Delegation agreed on the request by other delegations to the Secretariat for a document on how to implement those review's recommendations addressed to it. Lastly, it considered that some particular recommendations might be implemented with low financial implications and would produce an immediate effect on CDIP activities.

133. The Delegation of Nigeria, speaking on behalf of the African Group, expected that the review would be a recurring practice, as foreseen in the Coordination Mechanisms. It enquired if the low level of responsiveness in the survey could have had an impact on the outcome of the review. It found similarities in Recommendations 1 and 4 in terms of recognizing and incorporating emerging issues such as the SDGs. It also considered that both Recommendations 2 and 3 addressed ongoing activities, encouraged prompt resolution to outstanding issues, and called for strengthening the role of the DACD. It requested further information on how this strengthening could be realized. On Recommendation 5, it agreed that WIPO should consider linking the DA Recommendations to the Expected Results in the Program and Budget. This would certainly institutionalize the DA Recommendations and ensure accountability and sustainability in their implementation. On Recommendation 6, it agreed that there should be better coordination between Geneva-based missions and relevant authorities in the capital, and considered that the Secretariat could contribute to that end. It noted that the Regional Bureau for Africa had already been in contact with the African Group members to institute a mechanism for a periodic briefing on developmental and technical assistance. Moreover, there should be a mechanism for the Secretariat to hold regional activities engaging Geneva-based experts and authorities in the capitals. On Recommendation 7, it agreed that Member States should be more active in developing proposals for the consideration of the CDIP. This fed into Recommendation 8 as demand-driven proposals would inherently be modular and customizable and would take into account the absorption capacity and level of expertise of the beneficiaries. It also encouraged WIPO to explore more partnerships with UN agencies to enhance effectiveness, comprehensiveness and sustainability of the DA implementation. It also agreed with Recommendations 9, 10, 11 and 12. Furthermore, in line with the Coordination Mechanisms, it was imperative to hold a continuous review process, as raised by other delegations. The Delegation also requested the Secretariat to provide at the next session of the Committee a plan for implementing the review's recommendations.

134. The Delegation of Latvia, speaking on behalf of CEBS, noted that WIPO's work in implementing the DA Recommendations corresponded to the needs of the Member States and direct beneficiaries. Additionally, the report provided a comprehensive view of the DA implementation and mainstreaming, including the work undertaken by different WIPO bodies and the use of financial and human resources. It was pleased to note that the said implementation had been largely consistent with the expectations of Member States and other beneficiaries.

135. The Delegation of Germany aligned itself with the statement made by the Delegation of Latvia on behalf of Group B. It enquired if there was evolution overtime in terms of number of project proposals made by Member States. It also inquired about the evidences for concluding that there was no special program dealing with the DA Recommendation 11.

136. The Delegation of Slovakia, speaking on behalf of the EU and its member states, referred to the manner and extent under which the DA Recommendations had been implemented and mainstreamed in WIPO's regular activities, including the work of different WIPO bodies and in particular the CDIP. They also referred to the field visits undertaken to gather relevant data for the review. They noted that the review's recommendations could influence the challenges faced by the IP system, WIPO's cooperation with other UN agencies, and the use of human and financial resources on the new or ongoing WIPO projects and activities. It would be appropriate also to consider how the recommendations could be implemented in practical terms.

137. The Delegation of Chile, speaking in its national capacity, recognized the suitability of the methodology and mechanisms used for undertaking the review. The diverse range of review tools had been pivotal in determining and underpinning its findings and recommendations. It would have been advisable to include in the report a brief reference to the possible avenues for addressing the constraints encountered. While recognizing its positive results, the Delegation considered that after seven years, the thematic project-based approach should be reviewed by Member States to determine its appropriateness in contrast to other mechanisms to be explored, as well as the possibilities for its improvement. It could also be complemented with other methodologies such as a program-based approach. It stressed on the fact that the DA Recommendations were born as a compromise of the diverse views of Member States. Hence, it sought to include on the Agenda an item that allowed them to share experiences and identify enhancement opportunities. It also deemed necessary to improve the transparency of the implementation of projects in order to ensure their sustainability. Moreover, the report did not refer to the influence of the DA implementation in the significant changes taken place over the last eight years in the IP system. In its opinion, the DA had had and would have a major impact on the international IP system. The report also mentioned WIPO's engagement with certain international organizations and UN agencies without referring to the relevance of the DA in this regard. In addition, as highlighted in the report, the Secretariat played an important role in the DA implementation. The "member-driven" principle would be meaningless without its support. The Delegation considered that the survey's results demonstrated that the DA was not a Geneva-based phenomenon and excluded the capitals. In fact, the respondents who considered that the expectations of the DA had been met to a high and moderate degree were in the greatest numbers from capital-based IP offices. The National Industrial Property Institute of Chile (INAPI) was not only highly satisfied with the DA implementation but had also incorporated its Recommendations and principles into its work. However, the recipients of the DA Recommendations were not only IP offices but also Member States. This entailed the involvement of a growing number of stakeholders at a local level. Chile was working through the General Directorate of International Economic Relations (DIRECON) and its Mission in Geneva, to ensure adequate coordination among all national agencies with competencies related to IP. The establishment of an inter-ministerial committee of experts on IP had made it possible to incorporate diverse perspectives on WIPO-related issues. The Delegation also considered that the report should have focused further on conclusions and proposals than on mere descriptions. Given their relevance, some elements contained in the annexes should have been included in the main body of the report. Additionally, the expertise of the reviewers should have been used to recommend how to implement coordination and evaluation mechanisms at the Committee. A second review could be conducted on the basis of the work undertaken for the first one. It also referred to the contribution of the DA to the implementation of new activities such as those currently carried out by the Economics and Statistics Division, as well as to WIPO's support for the formulation of IP strategies and policies in the IP offices. INAPI had benefited from both of them. The report identified specific situations that hampered the DA implementation and also proposed further actions to improve its achievements. That

information was particularly useful for improving the relevance, effectiveness, efficiency, impact and sustainability of WIPO's future work in implementing the DA. The review's recommendations did not refer to any mechanism for their implementation. Consequently, Member States, through the relevant WIPO bodies and with the assistance of the Secretariat, would seek and agree upon the most appropriate mechanisms to that end. Finally, the DA implementation lied not only with the Secretariat, but mainly with the Member States. They should adopt it and incorporate it in their internal bodies and different areas of action. A way forward could be to develop mechanisms for Member States to report on how they were implementing the DA. The Committee would be the appropriate forum to do so. To conclude, the Delegation emphasized that progress should be made towards implementing the DA Recommendations or revising them to reflect the changes in the IP arena in recent years.

138. The Delegation of India, speaking in its national capacity, expected that the review's recommendations would be taken up appropriately to continuously improve WIPO's work. It requested the Secretariat to take note of them and to prepare for the 19<sup>th</sup> CDIP session a report on how it could make improvements in areas suggested therein. As an example it referred to Recommendation 5 on the linkage between DA Recommendations to the Expected Results in the Program and Budget. In its view, this was a timely recommendation as the Secretariat was in the process of developing the MTSP for 2016-2021. The Review's recommendations called for improvements in WIPO's performance and work on implementing the DA. This was a long-term process and therefore, possible future reviews would be undertaken in light of the 2010 WIPO GA decision. Lastly, it considered that the review would contribute to institutionalizing the mainstreaming of the DA in various WIPO's programs.

139. The Delegation of South Africa aligned itself with the statement made by the Delegation Nigeria on behalf of the African Group. The report revealed some progress and challenges in the DA implementation. The review's recommendations identified areas for enhancing efficiency and effectiveness, among others. It drew particular attention to recommendations 4, 7, 8, and 9. With respect to all recommendations, it requested the Secretariat to prepare for the 19<sup>th</sup> session of the Committee a detailed action plan for their implementation. In addition, it referred to the periodic reviews foreseen under the Coordination Mechanisms. Conducting such reviews would reflect on the success of the DA implementation and provide an opportunity for further considering any additional area of improvement in the next three to five years.

140. The Delegation of the Philippines enquired if there were any common reasons provided by the respondents who considered that the DA activities or projects did not meet their expectations. If that was the case, those reasons could be considered when formulating future activities or projects so as to avoid the same errors. It supported Recommendation 7 on the need for Member States to formulate project proposals in line with their national needs. It was also in agreement with undertaking periodic reviews on the DA activities and projects. Lastly, the report and its findings should guide the mapping out of the future CDIP work. The Member States and the Secretariat should formulate a roadmap for the upcoming years.

141. The Representative of TWN highlighted the importance for Member States to take action on the Review's recommendations. It recognized the long-term nature of the DA implementation and therefore the need for further reviews. While it appreciated the macro analysis of the DA implementation, a microanalysis would have been also useful given that this was the first review following its adoption. It noted that the evidence for the observations made in the report was not presented. The report pointed out that flexibilities represented new work for WIPO and reflected a change in attitude towards development. However, in its view, WIPO's understanding of flexibilities did not reflect a development orientation. The Review deemed the thematic project-based approach creative for implementing the DA but did not address its effectiveness or the need for its improvement. In fact, paragraph 27 underlined the divergent views as regards its appropriateness. It also referred to paragraph 135 on the need for a systematic and coordinated approach. In addition, it concurred that there was a lack of

clarity in the understanding of the mainstreaming concept and its implications. It also referred to the lack of transparency of the human and financial resources allocated for the mainstreaming of projects, as identified in the report. Furthermore, it noted that the review did not specifically address the DA Recommendations concerning WIPO Technical Assistance or the follow-up at the CDIP. In its view, improving the accountability and transparency of WIPO Technical Assistance was at the core of the DA. It underscored Recommendation 9 on the recruitment of experts that were knowledgeable of the socio-economic conditions of the recipient countries. This was in line with the recommendation of the External Review on WIPO Technical Assistance in the Area of Cooperation for Development which questioned WIPO's competence for the delivery of development-oriented technical assistance. Finally, it stated that the CDIP had significant work to do to enhance awareness and understanding of the linkages between IP and development, as well as to ensure that all WIPO activities in particular those on technical assistance were development-oriented.

142. The Chair invited the Lead Evaluator to respond to the questions and comments from the floor. He also suggested that all delegations which had expressed specific support to different review's recommendations submitted written proposals to be discussed at the next session of the Committee.

143. The Lead Evaluator concurred to the statement made by the Delegation of Turkey on behalf of Group B categorizing the recommendations according to their recipients. Addressing the observations on Recommendations 1 and 4, he pointed out that a higher level debate was needed to address new emerging issues and challenges faced by the IP system. He provided a non-exhaustive list of those new areas as: information and communication technologies (ICT), cybersecurity and cloud computing, research and development, the linkage between economic development and patents, climate change, agriculture, public health, access to medicines, affordability of medicines, genetic resources, traditional knowledge, access and benefit sharing, and enhancing capabilities for innovation and creativity. Addressing them through an approach similar to the thematic project-based methodology would be needed in order to produce more concrete results. Moreover, he was in agreement with the views expressed by the Delegation of Brazil that the mere completion of a project did not exhaust any recommendation, as reflected also in the report. In fact, the report established that the completion of a few projects was not sufficient to pass a definitive judgment on the entire impact of the DA. He referred to the need for additional human resources for the DACD. In response to the question raised by the Delegation of Germany, he noted that the project proposals were submitted by Member States in a uniform frequency but in a low number. In reference to the observation on the DA Recommendation 11, he clarified that the existing program did serve to strengthen national IP offices but not national scientific and technological infrastructure. Moreover, he considered it useful for the CDIP to setting-up a Database on best practices, experiences and lessons learned to be used for implementing new programs and projects. On the observation made by the Delegation of the Philippines, he noted that the DA had created expectations very difficult to meet. On the observations about sustainability, he stressed the need for Member States to own the DA with continued supported by the Secretariat. He pointed out that the findings on the thematic project-based approach were based on the results of the different methodological tools utilized for the review.

144. The Delegation of the United States of America sought further clarification with regard to the "higher level debate" mentioned in Recommendation 1.

145. The Lead Evaluator reiterated an illustrative list of some new emerging areas where a higher level debate would be needed, including ICT, cybersecurity and cloud computing, transfer of technology, and the creation of new technologies.

146. The Delegation of the United States of America enquired on the meaning of “high level forum”. It queried if it referred to the CDIP or to other entity where those new emerging issues should be discussed.

147. The Lead Evaluator clarified that the CDIP was the appropriate forum for discussing new emerging issues. He explained that it was the level of debate which should become higher.

148. The Chair suggested that the Committee took note of the report. He reiterated that interested delegations should submit written proposals on the recommendations addressed to Member States for consideration of the Committee at its next session. He also suggested that the Secretariat inform the Committee on the feasibility and manner to implement those recommendations addressed to it.

149. The Delegation of Nigeria, speaking on behalf of the African Group, agreed to take note of the report. However, it considered that the Secretariat should provide information on how it intended to implement the recommendations rather than the Member States identify proposals and put forward requests for the CDIP consideration. The review was not any ordinary study but part of the Coordination Mechanisms adopted by the GA. Hence, it merited a formal response by the Secretariat.

150. The Chair sought further clarification from the Delegation of Nigeria on the possibility for Member States to submit proposals in follow-up to the Review’s recommendations.

151. The Delegation of Nigeria, speaking on behalf of the African Group, stated that nothing prevented any Member State from pursuing further any of the Review’s recommendations and put forward a potential work plan. It would be acceptable for the Group to take note of the report and request the Secretariat to provide at the next session of the Committee its response to the Review’s recommendations.

152. The Chair restated his proposal and explained that the request for Member States was intended to provide them with an opportunity to formulate their proposals in appropriate and timely manner for the consideration of the Committee at its next session.

153. The Delegation of India, speaking in its national capacity, supported the proposal by the Delegation of Nigeria on behalf of the African Group. It also referred to the proposal for the Secretariat to prepare a report on the Review’s recommendations. Member States could also put forward concrete proposals based on those recommendations. Both proposals could be carried out together.

154. The Delegation of Turkey, speaking on behalf of Group B, requested time for consultation within its Group to consider the proposal by the Delegation of Nigeria.

155. The Chair felt that no consultations were needed. He highlighted the agreement of the Committee in taking note of the document. He inquired if Group B had any difficulty with his proposal on the report to be prepared by the Secretariat.

156. The Delegation of Turkey, speaking on behalf of Group B, agreed on the original proposal by the Chair.

157. The Delegation of Latvia, speaking on behalf of CEBS, supported the proposal to take note of the report. However, it requested a Group consultation to discuss the proposal for a report to be prepared by the Secretariat.

158. The Delegation of Nigeria, speaking on behalf of the African Group, was not in a position of taking note of the report without determining the future work in this regard.

159. The Chair sought clarification on the statement made by the Delegation of Nigeria.

160. The Delegation of Nigeria, speaking on behalf of the African Group, stated that if the Committee did not take note of the report, it remained on the Agenda for being considered at its next session.

161. The Chair requested the Regional Coordinators to discuss within their group on the following three possible alternatives: (i) to take note of the document; (ii) to take note of the document and request the Secretariat to prepare a report on the Review's recommendations; or (iii) to leave the document for the consideration of the Committee at its next session.

Consideration of document CDIP/18/8 – Description of the Contribution of the Relevant WIPO Bodies to the Implementation of the Respective Development Agenda Recommendations

162. The Chair invited the Secretariat to introduce the document.

163. The Secretariat (Mr. Baloch) recalled that the Coordination Mechanisms requested relevant WIPO bodies to present a report to the GA on the implementation of the DA. The document was based upon the submissions by to the 48<sup>th</sup> session of the WIPO GA by the IGC and the SCCR.

164. The Delegation of Indonesia, speaking on behalf of the like-minded countries in the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, mentioned that the DA Recommendation 18 urged the IGC to accelerate the process for the protection of the genetic resources, traditional knowledge and folklore without prejudice to the outcome including the possible development of international instruments. Substantial progress had been made within the IGC during its 29<sup>th</sup> and 30<sup>th</sup> sessions, regarding genetic resources and associated traditional knowledge related to genetic resources, as well as regarding traditional knowledge during its 31<sup>st</sup> session. The Group was hopeful that future sessions would continue to follow Recommendation 18 as well as continue to implement other relevant recommendations. The Group mentioned that the assistance provided by WIPO in IGC related topics had to be demand driven, development oriented, transparent and respond to the development needs of the demanding country. It was crucial that such engagements took into account the existing flexibilities in the international IP system. The Group supported more activities on South-South sharing of experiences on the protection of genetic resources, traditional knowledge and traditional cultural special expressions. It was important to remember that all communities had the right to maintain control, protect and develop the IP of their cultural heritage. Innovation and creation had no limits. There was a need to abandon narrow perspectives and push for greater recognition for both economic and moral rights of cultural heritage. The protection of GRs, TK and TCEs reflected the diversified aspirations of all countries and the balance between creativity and tradition. The normative agenda to conclude a legally binding instrument or instruments could not be stalled without strong reasons. Member States could not ignore the progress made since the establishment of the IGC. The work of IGC should result in legally binding instruments to protect and promote GRs, TKs and TCEs, thereby, addressing various DA Recommendations and particularly Recommendation 18. The text based negotiation on GRs, TKs and TCEs should be continued.

165. The Delegation of Nigeria, speaking on behalf of the African Group, mentioned that some Regional groups and Member States had expressed their views on the contribution of WIPO bodies to the implementation of the DA Recommendations. Recognizing that the DA was a consensus agreement of all WIPO Member States, the Group believed that the agenda item would benefit from a wider ownership and engagement in WIPO beyond developing countries and LDCs. The African Group had already expressed its thoughts on the subject. It commended WIPO for its many activities, tools and initiatives for facilitating the implementation

of the DA Recommendations. The Group reiterated its request that the assistance provided by WIPO continued to be demand-driven, development-oriented, transparent, responsive to the specific priorities and development needs of the demanding countries and reflective of the existing flexibilities in the international IP system. Specific to the committees mentioned in the report, the Group welcomed the notable progress of the SCCR through a number of important international instruments post adoption of the DA Recommendations in 2007. It urged accelerated efforts towards the protection of broadcast and cable casting organizations against signal piracy and transmitting of the Committee's work on exceptions and limitations which would facilitate access to knowledge and information for human and societal development. On the IGC and with reference to the DA Recommendation 18, the Group reiterated its view that the most resounding and unassailable contribution of the IGC and indeed WIPO to implementation of the DA Recommendations would be the early conclusion of the IGC negotiations with a minimum standard legally binding international instrument that enhanced the transparency and efficacy of the international IP system, promoted and protected traditional based knowledge, creation and innovation in the modern IP framework, and ensured equitable economic and moral rights for owners of such knowledge. The achievement would respond to a large number of the 45 DA Recommendations. As the DA Recommendations aimed at fostering an inclusive and balanced international IP system, taking due account of the different levels of development of WIPO's diverse membership, the Group encouraged all Member States and stakeholders to work together assiduously to accelerate WIPO's implementation of the respective DA Recommendations.

166. The Delegation of Turkey, speaking on behalf of Group B, noted that the document contained the relevant sections from the report on the IGC and the SCCR. The document presented useful information on how the relevant WIPO bodies contributed to the implementation of the respective DA Recommendations in a comprehensive and appropriate manner.

167. The Delegation of Brazil associated itself with the statement made by the Delegation of Indonesia on behalf of the like-minded countries. The report of the relevant bodies to the GA was an important mechanism for evaluating the implementation of the DA. The Delegation found regretful the fact that only two committees had provided individual reports. It expressed its hope that it could change in the following year. It was a matter of implementing the decision of the GA which provided the Coordination Mechanisms. As it had been previously stated, WIPO committees had to report on the implementation and mainstream of the DA. The Delegation further conveyed its expectations regarding the two committees that had reported. The committees could continue to progress in implementing the DA and to continue addressing the issue of importance to development, considering the relevance of mainstreaming the DA in WIPO.

168. The Delegation of Indonesia, speaking in its national capacity, stated that it had studied the document and took note on the contribution of IGC and SCCR to the implementation of the DA Recommendations. The Delegation took note that other relevant WIPO bodies such as the SCP and the SCT were not mentioned in the document. Both SCP and SCT should contribute towards the implementation of the DA Recommendations. The Delegation requested the CDIP to mention this in its review of the implementation of the DA Recommendations to the GA.

169. The Delegation of Iran (Islamic Republic of) supported the statement made by the Delegation of Indonesia on behalf of the like-minded countries. It welcomed the report of IGC and SCCR to the GA concerning their contribution to the implementation of the DA Recommendations. It was regrettable that only two committees had submitted a report. It was highly expected from other committees and bodies of WIPO to report to the GA concerning the contributions to the DA Recommendations.

170. The Delegation of India, speaking in its national capacity, aligned itself with the statement made by the Delegation of Indonesia on behalf of the like-minded countries. It noted with concern that the GA described only the contribution of IGC and the SCCR towards the implementation of the respective DA Recommendations. There was no contribution from the SCP and the SCT - the two most important committees with regard to the contribution towards implementation of the DA Recommendations. It was important for the CDIP to mention that in its review on the implementation of the DA Recommendations to the GA.

171. The Chair closed the discussion on the document CDIP/18/8 given that there were no further comments from the floor.

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

### Consideration of document CDIP/18/10 – WIPO General Assembly Decision on CDIP Related Matters

172. The Chair referred to WIPO General Assembly Decision on CDIP Related Matters. He recalled that a text on the issue (contained in the Appendix II of the Summary by the Chair of the 17<sup>th</sup> session) was discussed. Proposals by Regional groups and Member States along with his own proposal coexisted therein. Therefore, he considered necessary to hold informal consultations on the item before going further in the discussion.

### Consideration of documents CDIP/8/INF/1 - 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/16/6 – Update on the Management Response to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development

173. The Chair referred to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development. The Chair noted that although progress was made, the proposal by the Delegation of Spain (contained in the Appendix I of the Summary by the Chair of the 17<sup>th</sup> session) on the issue did not reach consensus. Accordingly, he required the Delegation of Spain to undertake informal consultations in order to achieve an agreement on the proposal.

### Consideration of documents CDIP/17/INF/2 - A Practical Guide for Valuing Intangible Assets in Research and Development Institutions; CDIP/17/INF/3 - Models of Intellectual Property (IP) Related Contracts for Universities and Publically-Funded Research Institutions; and CDIP/17/INF/4 - Intellectual Property Valuation Manual for Academic Institutions

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

175. The Secretariat (Mr. Napolitano) introduced the three guides contained in documents CDIP/17/INF/2, CDIP/17/INF/3 and CDIP/INF/4. It referred specifically to document number 2 and 4 as those were related to valuation of IP. It highlighted that the studies were currently used in capacity building and training activities. It mentioned that the activities were tailored depending on the needs and characteristics of the beneficiaries. The two manuals had a slightly different approach. CDIP/17/INF/2 developed a case study based on a situation where different possibilities that could happen were explored. It tried to identify all the things that could happen during negotiations with the possible solutions and their impact on technology transfer. That was not a model but a way to see how different ways of addressing issues would lead to different solutions. It was up to the beneficiary to decide which option would fit it best. The Secretariat summarized the document CDIP/17/INF/2 as a case study based on a fictional country but realistic solution. It then moved to the document CDIP/17/INF/4, stating that it had a

more academic approach, reviewing all the different methodologies. The Secretariat had tried to tailor the training depending on the needs and requests from Member States. Although it could look technical, the aim was to complement it with actual case studies. The third document CDIP/17/INF/3 referred to contracts for universities and publicly funded research institutions. It reviewed different models that had been adopted at the international level. The idea would be to provide all the different solutions that had worked well in the past and to find the good practices that could be implemented. It was a wide set of policies and implementation solutions. There had been efforts to make it practical by complementing it with direct experiences from experts.

176. The Chair stated that those documents were clearly guides and manuals. They were available to Member States which would then decide to what extent they could be useful. He invited the delegations to make comments on the Secretariat's presentation.

177. The Delegation of China highlighted that the three documents had provided useful information for universities, academia and publicly-funded institutions. It noted that those institutions were very important parts of its country's innovative system and the documents would serve them as good guides. China was implementing its national IP strategy on innovation for development. The said institutions had been a very important part of the strategy. The country had been strengthening its work in this area. As an example, the Delegation stated that it had been studying to formulate national standards on university IP management norms. Therefore the three documents would greatly facilitate the work in this area. The Delegation proposed that the Secretariat should translate the documents into all six official UN languages, to enable a better use globally.

178. The Delegation of Turkey, speaking on behalf of Group B, noted that the documents were long and a table of contents and executive summaries would be required for such type of documents. It underlined that the documents were useful and expressed hope that the stakeholders would benefit from them.

179. The Delegation of Chile, speaking in its national capacity, stated the documents were a huge contribution for the people in its area. It would enable them to better understand the importance of the valuation of intangible assets. It could play a role in the growth of universities or a research fund. It highlighted the importance of having laws and public policies that would provide incentives to the education sector to create clear roles that would enable the facilitation of technology transfer. It also pointed out the importance of having the documents in all the official languages. It would be especially important for the Delegation to have them available in the "INAPI Proyecta" platform, a special portal for education and technology transfer. "INAPI Proyecta" was said to be a portal where you could learn how to improve valuation. Finally the Delegation expressed its belief that it would be a good idea if technology transfer was done in the context of WIPO. The Delegation offered to provide a video summarizing the content of the documents which could be made available on WIPO's website. The Delegation thought it would be a good idea for WIPO to organize an international seminar on different techniques for the evaluation of technological assets.

180. The Delegation of South Africa noted that it was absolutely critical that IP from universities was identified and protected, utilized and commercialized for socio-economic good. In that regard it considered the guides in particular of great assistance. It agreed with the Secretariat's summary that the third document produced by Professor Ashley Stevens and was academic in nature, but was sufficient in supporting and enhancing the activities for a particularly advanced technology transfer office. It particularly welcomed the manner in which the first document was written with the fictional case study. It considered it hugely beneficial. The Delegation further made two comments. The first one referred to the second document and was around the collaborative agreement. It noted that from a developing country perspective it was increasingly important to have some criteria and guidelines for the determination of royalty free transactions. What kinds of terms and conditions should royalty free transactions from the public funds be,

given aside from the normal health requirements? The second point was around the important role of IP valuation. The Delegation believed IP valuation with a sector-based enhancement could be useful and discussions along those lines were being held with the Economics Division of WIPO. The Delegation was of the opinion that the documents added value.

181. The Delegation of Nigeria, speaking in its national capacity, believed the guides sought to address important cycles in the use of IP assets for knowledge institutions from conception, articulation and development including contracts and indeed implementation. It provided also a variety of options that would encourage the Secretariat to continue strengthening its work on that topic.

182. The Delegation of Brazil considered the documents to be very interesting. In recent years Brazil had been investing in the use of IP by universities. It encouraged WIPO to continue its work in that area.

183. The Secretariat (Mr. Napolitano) stated that the translation of the guides in other UN languages was always a possibility. The Secretariat would also see whether it would be useful to have a shortened version of some of the documents. WIPO had more practical booklets in different areas. It would certainly take that point into consideration and see which would be the best way forward. The Secretariat then referred to the summaries and tables of contents. It acknowledged that one document did not have it. The Secretariat would therefore make sure that all documents had both. Referring to the comments by the Delegation of Chile, it informed that the Secretariat was also working on the technology transfer portal. It hoped it would be finalized at the beginning of the coming year. Those documents and other information would be put on one webpage. The Secretariat recalled that a few months ago a WIPO webpage had been opened on IP policies for universities which had some elements such as some contracts between universities. However, another webpage would be specifically dedicated to knowledge transfer. As suggested by the Delegation of South Africa, it would expand the topic of royalty free transactions and would try to make it more practical and useful for Member States.

184. The Chair enquired if the Committee could take note of the documents CDIP/17/INF2, CDIP/17/INF3 and CDUP/17/INF4. This was agreed given that there were no objections from the floor.

#### Consideration of document CDIP/18/4 – Compilation of Member States Inputs on SDGs relevant to WIPO's Work

185. The Chair invited the Secretariat to introduce the document.

186. The Secretariat (Mr. Baloch) recalled that at the 15<sup>th</sup> session of the Committee, the Secretariat was requested to prepare an analytical document addressing the course of action in which WIPO could support Member States' efforts in achieving the Post 2015 DA. At its 16<sup>th</sup> session, the Secretariat presented a document entitled *WIPO and the Post-2015 Development Agenda* (document CDIP/16/8) which suggested that WIPO's work was directly related to two SDGs, namely, SDGs 9 and 17. There were other SDGs which were indirectly related and that was where the Organization could provide assistance to the Member States. At its 17<sup>th</sup> session the Committee discussed a mapping of WIPO's activities related to the SDGs. During that session, the Committee decided that Member States should provide inputs to the Secretariat. Hence, the document under consideration contained the compilation of their views as to which SDGs were relevant to WIPO's work and a justification of those views.

187. The Delegation of Brazil stated that it was fully committed to the implementation of the SDGs. The 11<sup>th</sup> Conference of Heads of State of the Community of Portuguese Language Countries (CPLP) chose the Agenda 2030 for the sustainable development as the main subject for the Group for the next biennium. Brazil created a National Committee for SDGs with the

purpose of elaborating and following the plan of action for the implementation of the 2030 Agenda in the country. The Committee was under the purview of the presidency of the republic and included representatives from six ministries, state and municipal governments, as well as civil society in order to have a comprehensive, inclusive and effective implementation of the SDGs in Brazil. The 2030 Agenda was built upon the work done by previous meetings and decisions of the international community. Paragraph 11 of the Resolution reaffirmed the outcomes of all major UN conferences and summits which had laid a solid foundation for sustainable development and had helped to shape the new Agenda. That included the declaration on environment and development and the UN Conference on Sustainable Development Rio+20. The Agenda also recognized the interdependence and linkage of the solutions necessary to address the challenges and commitments contained in those major conferences. The role of WIPO in the implementation of the SDGs had to be discussed under that framework. Unlike the Millennium Development Goals (MDGs), paragraph 5 of the Agenda 2030 stated that the SDGs were applicable to all countries taking into account different national realities, capacities, and levels of development. The preamble of the Agenda also stated that “all countries and all stakeholders acting in collaborative partnership will implement this plan”. It was an opportunity that WIPO members had to discuss a broad and encompassing plan of action to the benefit of all. As pointed out in its submission, the integrated approach was the lynch pin of the Agenda 2030. Such approach should lead to a cross-cutting understanding of the significant interlinkage across the 17 SDGs and their associated targets. The Delegation viewed all 17 Goals related to IP in view of its dissemination and wide-spread use in a contemporary society. The link between the various SDGs and the myriad relevant aspects of IP demanded a substantial participation of WIPO in the process. Given the legal status shaped by the UN-WIPO agreement in 1974, the Organization must bring inputs that enable the effective implementation of the objectives in collaboration with other relevant actors. WIPO therefore, had to cope with all of the goals under WIPO's mandate, considering that it had many complex relations with IP. The Delegation provided some examples listed in its submission. Under Goal 3, which had the objectives of ensuring the health of the population through access to medicine, WIPO had carried out activities and studies in the past. However, it still fell short of the potential contribution it could have for the SDGs. WIPO could help countries to combat hepatitis through deliberation of a Patent Landscape Report on the main medicines used for treating the disease. There was also a relationship between copyright and access to educational resources. Goal 4 aimed at the equitable and inclusive quality education and to promote learning opportunities throughout life for all. In this regard, WIPO should lead discussions in the SCCR regarding libraries and archives, research and educational institutes. The entry into force of the Marrakech Treaty also fell directly under the purview of that goal. Furthermore, Goal 7 on access to sustainable energy and Goal 13 on Climate Change could both benefit from WIPO's discussion and activities on the facilitation of technology transfer and the diffusion of green technology. In that sense, WIPO Match and WIPO GREEN could be further enhanced in order to integrate aspects of the SDGs. In conclusion, WIPO's activities had a thorough relationship with the SDGs. Those examples illustrated the broad and comprehensive contribution that WIPO could have to the implementation of the SDGs and could serve as a starting basis for the discussion on further activities. WIPO and its Member States should always take into consideration the integrated approach of the SDGs. The CDIP was the most appropriate Committee for dealing with the SDGs in a comprehensive and cross-cutting manner, without prejudice to activities or discussions that required the participation of other committees or WIPO bodies. It recalled that the mandate of CDIP involved the discussion of IP and development issues, matters which were intricately related to the SDGs. Therefore, the Delegation requested the Committee to include a permanent agenda item entitled “Implementation of the SDGs” on the Agenda of the CDIP. The SDGs were a long-term plan and the UN GA had set 2030 as the deadline for implementing the Goals. Inclusion of the agenda item would enable a comprehensive, periodic and continuous treatment of the subject by giving members the opportunity to discuss the many topics on the SDGs and present their specific proposals. It would also bring an opportunity for WIPO to periodically report to members on its actions regarding the implementation of the SDGs. The Delegation recalled

that the proposed agenda item had been presented at the 17<sup>th</sup> session of the CDIP and received support of several other countries reflecting the desire of a substantial part of the Member States which should be duly taken into account. The Delegation was thankful for the support already presented by the majority of members and Regional groups in the Plenary, including the African Group, the Asia and the Pacific Group, as well as Iran, Indonesia and Nigeria. The engagement required by WIPO and all of its Member States by their commitments under the Agenda 2030 reflected the importance and relevance of the subject. The Delegation expressed its hope that the discussions on the SDGs would turn into meaningful actions and that the 17 SDGs would translate into concrete measures that could change the lives of those who needed it most.

188. The Delegation of Nigeria, speaking on behalf of the African Group, reiterated its view that WIPO had a role to play in the implementation of all SDGs. The post-2015 SDGs represented a universal commitment to transform the world by 2030 in an integrated and collaborative manner using all efficient and effective mechanisms available to Member States and other stakeholders. The SDGs and the DA Recommendations shared the common burden of accelerating sustainable growth and development. Both agendas sought to transform the world socially, culturally, technologically, scientifically, environmentally and economically. Their objectives fell well into the African Union Agenda 2063. Innovation and creativity were said to be instrumental to surmounting challenges of life. At this point the interface between innovation, creativity and IP was inextricable. WIPO's role was fundamental in facilitating the achievement of the SDGs as it is the driver of global information, services, cooperation and policy on IP. The Group believed that a transparent, accountable and sustainable WIPO framework for achieving the SDGs as a stakeholder organization should be instituted. WIPO should be a leading voice with the input of Member States in the UN Interagency Expert Group on SDG Indicators on Science, Technology, and Innovation in the technology facilitation mechanism of the Addis Ababa Action Plan which was adopted at the third International Conference on Facilitating for Development in Ethiopia in July 2015. Cooperating with Member States to ensure a sustainable process, IP-related linkages to the SDGs should be clearly identified in WIPO. To contribute to identification of the interface between IP and the SDGs in a non-exhaustive manner, the Group adopted the approach of linkages with WIPO committees, technology transfer, capacity building and technical assistance. The CDIP was the Committee where programs could be developed to facilitate the technology transfer and the provision of capacity building and technical assistance to adapt sustainable technologies and activities in various sectors and livelihoods addressed in the 17 SDGs. The IGC had a linkage to SDGs 1, 10 and 15 on the need for rights to economic resources and ownership, control over funds of property, inheritance and national resources as well as the promotion of fair and equitable sharing of benefits arising from the utilization of Genetic Resources and the promotion of appropriate access to such resources. Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions were the main topics in the IGC. The Group also indicated the link between SCP and SDG 3 with the barriers of the Patent System in the face of increasingly dire public health challenges such as the epidemics of AIDS, TB, malaria, tropical diseases, waterborne and other communicable diseases and further on the support for the research and development of vaccines and medicines for communicable and non-communicable diseases which affected developing countries and LDCs. It mentioned the need for the provision of access to affordable and safe essential medicines. The Group also drew a linkage between SCCR and SDG 4. There was a need for Member States to accelerate Committee's work in the field of exceptions and limitations with the objective of facilitating access to knowledge and information and to promote life-long learning opportunities. The Group emphasized the importance of education and knowledge as the key to human and societal development. Further, it linked the Coordination Committee with the achievement of gender parity in WIPO and transparent systems. It referred concretely to SDGs 5, 8, 10 and 16. The CDIP was best equipped to hold cross-cutting discussions necessary to facilitate the achievement of the SDGs. The Group recalled that during the 17<sup>th</sup> session of CDIP, it had underlined that the discussion on SDGs would give impetus to the need to implement the third pillar of the CDIP mandate. In that context the Group reiterated its support to the proposal

made by the Delegation of Brazil to have a standing agenda item on the implementation of the SDGs. The Group anticipated meaningful dialogue on the SDGs following which the Secretariat would be equipped with adequate information to draw up a concrete plan on how the Organization could contribute to the achievement of the SDGs.

189. The Delegation of China attached great importance to the 2030 Agenda and had initiated SDGs implementation on all fronts. China's national plan for the implementation of the Agenda was announced at the last UN GA. The plan clearly reflected that in order to implement all SDG targets, in particular target 14 of the SDG 17, China supported the UN in playing an essential role in coordinating the work on sustainable development. The Delegation encouraged other international organizations to participate in that process. It believed that as one of the important specialized agency of the UN, WIPO was capable and responsible to actively participate in the implementation of the SDGs. In line with the decision taken at the CDIP/17, the Delegation had submitted its views about the relevance of the SDGs to WIPO's work. Furthermore, China had made preliminary explorations regarding the implementation of the SDGs and had obtained practical outcomes. It referred to the Study on Classification System of Green Patents and the Statistical Analysis of Green Patents conducted by the Chinese State IP Office. The scope of the study mainly compared, studied and analyzed efforts made by major countries, including China, regions and organizations in their studies, practices and policies concerning green technologies and green patents, defining the substance and extensions of it. It took into account the status of Chinese economic development and the special needs of its energy structure defining the scope of green technologies. It was building a specific patent classification system for green technologies based on the International Patent Classification (IPC). The study also identified statistical methods for green technologies in order to specifically analyze the creation of the Chinese green patents. It used multi-methods and combined theoretical studies, literature studies, practical research, evidence based analysis and expert consultations. It studied green technology, green patents and green policies of 16 countries, regions and organizations around the world including China. The study had three main outcomes. First was the implementation of China's green patent classification system. A three tier hierarchical green patent classification system was established. It covered alternative energy, eco materials, energy saving and emission reduction, pollution control as well as management and recycling technologies. Second, the study identified priority areas of the work related to Chinese green patents, including clean and high efficiency core utilization, air pollution detection, water pollution detection, air quality control and pollution mitigation which could serve to monitor the development of key Chinese green technologies in the industry. Third, a preliminary statistical analysis report of the China based green patents from 2010 to 2015 was compiled. Therefore, the study could be included to the implementation of SDG 12, target 8 and of SDG 17, target 19. The Delegation hoped to present relevant outcomes at the next CDIP session and looked forward to sharing the study's outcomes with all WIPO Member States. Finally, it supported the proposal made by the Delegation of Brazil to have a standing agenda item on the implementation of the SDGs.

190. The Delegation of Chile, speaking on behalf of GRULAC, pointed out that the SDGs represented the efforts to establish a plan of action for the next 15 years. It supported the objective of coordinating global efforts in order to implement the three dimensions of sustainable development: economic, social and environmental. WIPO as a specialized Agency of the UN had the appropriate technical capacity to be actively involved in discussions and to act. Taking into account its legal nature, reflected in the agreement between the UN and WIPO in 1974, the Organization should also actively participate in the implementation of the objectives and collaborate with other actors. The link between the SDGs and relevant aspects of IP required substantive participation of WIPO in the process of implementation. It thus believed that discussions had to continue in order to identify the relevance of IP to implementing the SDGs. These discussions would also determine the work of WIPO that would be carried out in order to make progress. The Group believed that the CDIP was the appropriate space for WIPO to share its contributions in the process. It suggested that the Secretariat prepared a periodic

report on the implementation of the SDGs. Incorporating a permanent agenda item on the subject would facilitate continuation of the discussions. The Group expressed its strong interest in continuing to look for the most appropriate form of making progress on the matter.

191. The Delegation of Indonesia stated that it had integrated SDGs and their targets into its national development plan. Together with all stakeholders it had been building strategic plans on the contribution of IP to the achievement of the SDGs. It agreed that the SDGs should be conceived as a global agenda with shared responsibilities for all countries. SDGs were universal and indivisible in nature. WIPO had a role to play in the achievement of all 17 Goals. It was in the position to build on the renewed global partnership for development while going beyond its present framework in order to make sure that the global IP system worked for development. It also played an important role in the Technology Facilitation Mechanism adopted at the Third International Conference on Financing for Development. Such mechanism should identify the needs of developing countries and encourage partnerships and facilitate development, including transfer and dissemination of relevant technologies for the SDGs in accordance with the rules of the multilateral trading system and IP. The Delegation supported the proposal made by the Delegation of Brazil to have a standing agenda item on the implementation of the SDGs.

192. The Delegation of Uganda aligned itself with the statement made by the African Group and those of GRULAC, Brazil and China. It recalled that Uganda chaired the UN GA when the SDGs were adopted. SDGs were built on the achievements of the MDGs and WIPO should enhance the work done under the MDGs. For a greater impact, SDGs must be implemented in an interrelated manner. The SDGs were integrated, universal and indivisible and, it balanced the three dimensions of sustainable development: economic, social and environmental. In that sense UN Member States recognized that a revitalized partnership was needed in order to achieve the ambitious goals and targets. The partnership brought together governments, civil society, private sector, the UN system and other actors. The revitalized global partnership was reflected in Goal 17. WIPO could play a role in the achievement of SDGs by mainstreaming the 17 Goals into WIPO's activities through its committees. The Delegation suggested WIPO to prepare a concrete document on how to mainstream SDGs into WIPO's work. The Delegation shared its inputs. On Goal 1, target 1.4., the IGC could take the lead using Genetic Resources as an economic resource. This was of great importance to many developing countries. The conclusion of negotiations in the IGC was critical to achieving the goal, particularly for the Indigenous peoples as well as IPRs such as copyright. WIPO's SMEs program should continue raising awareness and building capacity among SMEs and their support institutions to use IP as value generator. Although IPRs would not end poverty, it would provide an opportunity for the poor to participate in the economy through creativity and innovation and contribute to the achievement of this goal. On Goal 2, targets 2.3, 2.4 and 2.5., WIPO should enhance its work on patents landscape on technologies related to crops of particular interest to developing countries, as well as public forums on technology, analysis and dissemination of information on the use of IP as a public policy tool to address food security. Protection for certain IPRs such as geographical indications and trademarks played a vital role in securing the value of agriculture products. On the other hand, high standards of inventions in relation to agriculture sector were a barrier to investment necessary for enhancing agricultural productivity in the LDCs. Increasing productivity of the agriculture sector depended, among others, on adopting appropriate technologies and tools in production storage, transportation and the distribution of such products. In that sense, a WIPO DA project was welcome as it would contribute towards achieving this goal. On Goal 3, targets 3.3 and 3B there was a need for more policy space regarding flexibilities in the IP protection legal frameworks in order to reduce the impact of IP rights on the access and affordability of medicines. Patents on medicines impacted its prices and affordability. Some LDCs, including Uganda, were using the existing flexibilities in IP protection standards to support local pharmaceutical manufacturing capacity. On Goal 5, target 5C, WIPO should mainstream gender in all its programs and activities, particularly technical assistance and DA programs. On Goal 6, target 6.6. WIPO activities ranging from WIPO

GREEN to appropriate technology products should make an impact in facilitating technology transfers particularly for water sanitation. On Goal 7, targets 7.3 and 7A, the Delegation stated that this goal was already being undertaken by WIPO GREEN initiative and related programs. Through these platforms, the Organization was enhancing international cooperation, facilitating access to clean energy research and technology. However, the Delegation considered that more emphasis could be paid to the needs of developing countries to find an appropriate, clean and affordable alternative to existing energy sources. A large percentage of energy consumed in developing countries was biomass in forms of wood or crop residues. The cost of technologies to utilize the energy source hindered access to clean energy. WIPO's program on Climatic Change adaptability could go a long way in achieving that. Supporting technological development and scientific research in LDCs required development of the technical infrastructure. This would facilitate access to knowledge and information for development. WIPO's work on the TICSs, ARDI, ASPI and the International Cooperation for Patent Examination were therefore relevant. It was important for development of LDCs capacity towards achieving Goal 9. In this line WIPO should support Member States to build capacities to negotiate technological transfer licenses. It should be done while reflecting the development levels and needs of the Member States. On Goal 10, target 10.3., WIPO provided assistance to Member States and carry out other activities in order to realize the DA Recommendations. The goal made it clear that WIPO activities should reflect the development priorities of Member States. On Goal 15, target 15.6 sustainable use of biodiversity and safeguarding of Genetic Resources had long been associated with the wellbeing of local communities and Indigenous peoples. WIPO was said to be an important policy and information platform for IP to play a role in the sustainable management of biodiversity. On Goal 17, targets 17.9 and 17.6, WIPO should enhance its cooperation with other intergovernmental organizations, namely, WTO, UNIDO, WHO, UNCTAD and others.

193. The Delegation of Latvia, speaking on behalf of CEBS, reiterated the importance attached to the Agenda 2030 and the SDGs. It believed that the 2030 Agenda and its 17 Goals were integral and linked directly or indirectly one to another. The achievement of one goal could enhance the achievement of another. However, it believed that WIPO should focus on the areas of its competence, which were SDGs 9 and 17, as stated in document CDIP/16/8.

194. The Delegation of Slovakia, speaking on behalf of the EU and its member states, expressed their strong commitment to the SDGs. They considered that opinions of more Member States should be taken into account and the focus should lay on the SDGs that were directly relevant to WIPO's mandate. The SDGs were equally important to the developed as well as developing countries. Moreover, the EU and its member states had been for one more year, the world's largest provider of official development assistance with 68 billion Euros. With regard to WIPO's contribution, it needed to focus on those SDGs and targets which were of greatest relevance to the Organization's work. This had to be done in order to promote the protection of IP through the cooperation among states and with international organizations. They believed that the work of WIPO was most relevant to the implementation of SDGs 9 and 17. They reiterated that the achievement of the SDGs relating to innovation and technology depended primarily on Member States who were responsible for their own socio-economic development.

195. The Delegation of Turkey, speaking on behalf of Group B, noted that the adoption of the SDGs by the UN was a milestone. The Group was convinced that the protection of IP could contribute its part to help Member States to better achieve the SDGs. From an economic perspective, IPRs created a number of benefits. First, IPRs set incentives for innovation and creativity, thus encouraging investors to provide the necessary funding for developing new products and technologies. Second, IPRs such as patents, protected researchers and companies, and promoted technology transfer through licensing agreements. Third, the protection of brands benefited producers by increasing the added value of their products. In that sense, IP protection played an important role in the socio-economic development of

Member States. Although IP was only one factor among many, technology and innovation were important factors of development as stated in the Goal 9. The Group was of the view that it was difficult and not desirable to aim for an exhaustive list of SDGs relevant to WIPO's work. On one hand, IP was a horizontal topic that may be applied into various areas but, on the other hand, indicators to measure the implementation of the SDGs were still at an early stage. As agreed by CDIP/16, indicators should inform the discussions on the relevance of specific SDGs' targets for WIPO. The Group firmly believed that WIPO, as an UN-specialized Agency, should not attempt to do everything. WIPO's contribution to the SDGs must be in line with the Organization's mandate and focus on its area of expertise. That also entailed respecting the lead of other UN institutions in other areas of expertise. In its views, the Group proposed the following role to play for the WIPO Secretariat. Firstly, the WIPO Secretariat should support Member States in the implementation of the SDGs with a focus on WIPO's area of expertise. This should be done by putting special attention in technical assistance activities to SDG 9 and more specifically targets 9.4, 9.5, 9.A and 9.B. In this respect, the Group requested the Secretariat to present to the next CDIP a project proposal to support Member States in implementing the SDG 9. Secondly, the WIPO Secretariat should actively participate in UN processes regarding Agenda 2030 and should, upon request, cooperate with other agencies where WIPO's expertise was solicited. The Group encouraged the Secretariat to continue to follow the Interagency Expert Group on SDG indicators and the Interagency Taskforce of the UN Technological Facilitation Mechanism. Thirdly, the Secretariat should report to the UN system on its relevant activities following the process established for UN-specialized Agencies. The Group disagreed with the proposal made by the Delegation of Brazil to have a standing agenda item on the implementation of the SDGs. It considered that SDGs should be discussed within the existing agenda items as it was done since the beginning. Finally, the Group reiterated that the responsibility for achieving the SDGs ultimately lied with Member States.

196. The Delegation of Mexico took note of the contributions reflected in document CDIP/18/4, including the one from GRULAC. The Delegation highlighted the existing link between IP and development and acknowledged the link with the 17 SDGs adopted by the UN and its Member States. WIPO DA worked hand in hand with Member States for the dissemination of knowledge and promotion of IP as a tool for development. The Delegation noted that WIPO had mechanisms to give impetus to the use of patents and trademarks with a positive impact on development. In its views, the Agenda 2030 would help define and give impetus to national priorities and to carry out effective and coordinated actions in order to achieve its attainment. To this effect, commitment from Member States as well as support from other international agencies such as WIPO in conformity with its mandate would be crucial. Mexico was carrying out cross-cutting work in order to comply with the SDGs. Different actions were being carried out with local authorities to implement the objectives, targets and indicators so that communities could be informed of the 2030 Agenda. Many measures had been implemented in the country to promote collective trademarks and appellations of origin. While stimulating the economic development of communities, the rights of creators were protected through those mechanisms. On the other hand, patents were a mechanism to promote development. Therefore, Mexico had invested human and material resources for patents through the CADOPAC system. This system also provided cooperation to GRULAC countries and to the members of ARIPO. With regard to copyright, Indautor had created instruments that were shared within the region as a teaching tool. It helped children to understand the importance of their creations being respected through actions of WIPO. The Delegation noted that it was working to promote development through creativity and innovation. It was convinced that with practical measures such as those mentioned, countries could assist in combating poverty. However it pointed out that, governments had to have adequate public policies. In this regard, WIPO was doing invaluable technical work which could multiply the effect on development and on compliance with the SDGs if used appropriately.

197. The Delegation of South Africa aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group. It also supported the proposal made by the Delegation

of Brazil on having a standing agenda item on the implementation of the SDGs. Given the importance of innovation-led development, and of IP in the innovation value chain, the Delegation requested WIPO to present a comprehensive document detailing a set of concrete activities geared towards helping Member States to attain the Agenda 2030. The document should also identify the linkages and interactions between all SDGs and targets and WIPO's mandate and Strategic Objectives. The document should identify WIPO's role in the technological mechanism created within the SDGs.

198. The Delegation of India, speaking in its national capacity, took note of the document CDIP/18/4. SDGs were said to be universal, integral and indivisible in character. Hence, short-listing only those SDGs relevant to WIPO's work would not be in line with the realization of their objectives. In its view, all 17 SDGs should be mainstreamed into WIPO's work given that technologies were mentioned as having a main role in the achievement of the majority of the targets. It was clearly mentioned in SDGs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 14. WIPO had a mandate to work on the transfer of proprietary technologies. The CDIP had to be careful in following any fragmented methodology and stay away from a pick and choose approach. Discussions within the Committee should focus on identifying the IP issues pertaining to each SDG and its related targets. The Delegation strongly supported an integral, interdisciplinary and collaborative approach to WIPO's work in the implementation of the SDGs. Finally, it supported the proposal made by the Delegation of Brazil for including a standing agenda item on the implementation of SDGs.

199. The Delegation of Ecuador supported the statement made by the Delegation of Chile on behalf of GRULAC. With the adoption of the Agenda 2030, its country had engaged in implementing and achieving the SDGs. These objectives were gathered in the National Plan for Well-Being. In that line, the Delegation considered essential to promote mechanisms to implement the SDGs. WIPO, as an UN-specialized Agency had to work in support of the attainment of the objectives and sustainable development at large. The Delegation supported the proposal made by the Delegation of Brazil on the inclusion of a standing agenda item on the implementation of the SDGs.

200. The Delegation of Chile, speaking in its national capacity, highlighted the proposal submitted by GRULAC which called upon Member States to look at the SDGs in a holistic manner. Although aspects related to innovation were highlighted, aspects such as Public Health and Genetic Resources *inter alia* could not be overshadowed. It stressed that WIPO was not the only actor to work in the implementation of the SDGs but rather Member States had to internally implement an action plan for implementing the SDGs. The Delegation noted that its country had established a Committee of ministers to implement the SDGs whose main task was to design and implement the follow-up plan for the SDGs. This would determine their status of implementation in accordance with their respective targets and indicators. Moreover, the CDIP was the appropriate forum for exchanging experiences of members and to identify the various inputs from WIPO to this process. Thus, the Delegation joined GRULAC in the request to the Secretariat for a periodic and substantive report on WIPO's inputs to the implementation of the SDGs.

201. The Delegation of Nigeria, speaking in its national capacity, aligned itself with the statement of the African Group on the SDGs. It believed the SDGs were a collective call to action to succeed where the MDGs did not. The SDGs placed emphasis on the integrated and collaborative efforts in a sustainable manner. The Delegation counted on the Secretariat to develop a practical work plan for the consideration of Member States and reiterated its support to the proposal made by the Delegation of Brazil on a standing agenda item on the implementation of the SDGs.

202. The Delegation of Japan supported the statement made by the Delegation of Turkey on behalf of Group B and appreciated the approaches taken by WIPO to establish and achieve the

SDGs. The Delegation was of the view that WIPO should only focus on the SDGs directly relevant to WIPO's work in order to make a meaningful contribution.

203. The Delegation of Tunisia supported the statement made by the Delegation of Nigeria on behalf of the African Group and thanked the delegations for its submissions. The SDGs were indivisible and concerned all countries. WIPO, as an UN-specialized Agency, was among a number of organizations whose work was closely linked to the implementation of the SDGs. The Delegation fully supported the proposal made by the Delegation of Brazil to have a standing agenda item on the implementation of the SDGs.

204. The Chair summarized the discussions. The 2030 Agenda was clear in putting primary responsibilities on each Member State to implement the SDGs. Certainly, the Agenda foresaw that States, in order to fulfill their responsibilities, needed to cooperate among themselves and also required the assistance of bodies of the system. Those premises had no room for discussion as they were clearly established in the Resolution 70.1 of the UN GA which established the 2030 Agenda. Thus, any State had the possibility of approaching an international organization to seek assistance in the implementation of some of the Agenda 2030 goals with regard to specific type of cooperation within the framework of the mandate of the Organization. An interesting proposal that had emerged from the ongoing debate was not to request the Secretariat about the SDGs the Organization considered fell within its mandate, but rather ask the Secretariat to provide the Committee with a periodic report on the concrete requests for assistance in implementing the SDGs received from Member States. Discussions needed to look into practical concerns in order to express specific requests to the Secretariat with regard to the real needs. Based on those practical requests, the Secretariat would determine what was actually relevant and what was not. The Chair cautioned that no decision will be taken if arguments and counter-arguments about what fell under WIPO's mandate and what did not continued. The Committee should request the Secretariat on a case by case basis to be informed about the requests received and the way they were treated. The Secretariat would decide if the request fell within its mandate and competence and was therefore able to undertake a specific action in terms of helping and supporting that requesting State. Contrarily, the Secretariat would inform the Committee on the reasons why the specific request did not fall within the possibilities and competencies of WIPO and explained the concrete reasons for which WIPO was unable to help that State in a particular case. The Chair noted that the issue raised was a legitimate concern which needed to be kept under consideration. He proposed to keep that concern in mind not in an abstract or theoretical way, but looking at concrete situations. Therefore, it would not be prejudging WIPO's competencies and possibilities to provide some kind of cooperation.

205. The Delegation of Brazil noted that the high number of delegations who took the floor illustrated the importance of the subject. It agreed with the statement made by the Delegation of Nigeria that pointed out the linkage to various WIPO committees. WIPO had a very comprehensive treatment of IP and it had many interrelations with its activities. The integrated approach was raised by the African Group, Indonesia, Uganda and India. It represented a lynch pin of the Agenda 2030. The Delegation pointed out that the document discussed at the previous session did not reflect an agreement by the Member States and should not be considered as the view of the Organization regarding the SDGs relevant to WIPO's work. The Delegation agreed that participation should have been under WIPO's mandate and the activities of the Organization should not overburden the Secretariat. However, no SDGs should have been excluded *a priori* from having a link to IP. As an example, it mentioned SDG 5 which related to achieving gender equality and empowering women and girls. In the TRIPS session of the WTO held in February 2015, the delegations of the United States, the European Union, Japan and Turkey requested inclusion of a topic entitled "Women Innovation". Under that item, members described the benefits of gender equality for innovation and entrepreneurship. It was a very interesting discussion which illustrated how IP touched upon the myriad of the SDGs. The Delegation thanked the African Group, GRULAC, the delegations of China, Indonesia,

South Africa, India, Ecuador, Nigeria and Tunisia for supporting the proposal of having a permanent agenda item on the implementation of SDGs within the CDIP. The inclusion of a permanent agenda item would allow a continuous, substantive, periodic and focused discussion on the implementation of the SDGs. The Delegation also agreed that the provision of a substantive periodic report by the Secretariat would benefit Member States to have an informed discussion. However, it did not agree that the implementation of the SDGs related only to the request by members of cooperation activities. The implementation of the SDGs required a substantive and conceptual reflection as to how IP could be integrated into the SDGs. It was a long term relationship and it was the rationale of the Delegation's request for inclusion of the permanent agenda item.

206. The Representative of Innovation Insights stated that if looking at the SDGs overall, WIPO's work undoubtedly supported their achievement in a particular way given that one area of work centered on advancing enabling environments for innovation and technology diffusion. Technology innovation and diffusion were recognized as important contributors to the realization of the SDGs. Innovators from the private sector were committed to supporting the realization of SDGs, leveraging their knowledge and expertise, and were taking this commitment very seriously. In relation to the SDGs, as was the case for example in relation to the UNFCCC discussions, it would be critical to examine how technology developed and flourished in the real economy, in particular, what could be done to accelerate and improve those processes. Functioning IP systems that delivered quality IP rights on a timely basis and provided for their enforcement could have a positive impact in that respect. For instance, IP tools could be used to transform promising research into solutions that improved people's lives in developing and developed countries alike. It was not only a question of deriving value creation and economic growth. It was also a question of improving lives through innovation which was a key aspect of the SDGs. The representative gave the example of a company called Simpa Networks in India. It provided proprietary energy systems to people at the bottom of the pyramid. Access to energy had improved life immeasurably for Simpa's customers. One of Innovation Insights' member companies provided proprietary off-grid clean energy solutions that were helping to electrify Cambodian villages. There were many examples across fields of technology for improving people's lives through technology, innovation, and diffusion. The pressing question became how it would be possible to accelerate and broaden technology diffusion. It would be critical also to examine how absorptive scientific and ultimately innovative capacity evolved overtime in the real economy. One channel for this was collaboration, whether it was between research centers, research centers and companies, universities and companies, companies, etc. Collaboration and technology transfer were facilitated by IPRs which helped to clarify who brought what to the table. IP was just one factor contributing to technological advancement and it was just one possible tool to be used for the SDGs. It was where WIPO's expertise lied and it had a particular contribution to make. In processes like the Interagency Taskforce on Technology Transfer WIPO should continue to identify studies and raise awareness about IP and innovation policies that had been demonstrated to advance technology in its broad global diffusion.

207. The Delegation of Nigeria, speaking on behalf of the African Group, disagreed with the idea of absolving the Secretariat from the responsibility in playing a role towards achieving the SDGs. Member States should make concrete proposals to the Secretariat and the Secretariat would provide information periodically on those activities that had been identified by Member States. In adopting the SDGs it called on all countries and all stakeholders to act in a collaborative partnership to implement the plan. The scale and ambition of the new Agenda required a revitalized global partnership to ensure its implementation. The Group noted that it was clear from Member States' inputs that WIPO could have a role to play in the implementation of all SDGs. Although it was difficult to conclude the discussion at the current session, nothing prevented Member States from making concrete proposals to the Secretariat for Member States' consideration in the CDIP. The Group noted that members should pursue a parallel track of trying to identify how the Secretariat could contribute to achievement of the SDGs as

from Member State inputs and some innovative or creative thinking from the Secretariat while Member States still had the opportunity and freedom to request and make proposals that prioritized specific SDGs. The Group reiterated its support for the specific agenda item on implementation of the SDGs. It welcomed the periodic substantive report from the Secretariat on its activities and input from Member States. This could come after Member States had identified a clear path and the formal WIPO engagement in that field.

208. The Chair suggested exploring together with Regional Coordinators the way forward. In his view, a more dynamic format, with concrete discussion based on a text was needed. He suggested circulating a document proposing a wording based on the discussions that could guide Member States to a conclusion. He stressed that the positions were neither irreconcilable nor complex. The SDGs had been approved by Head of States and everyone had the obligation to respect what was agreed. With that in mind it was not difficult to find an agreement on how WIPO would be dealing with the issue. The Chair was confident about Member States cooperation and support in achieving concrete results and reasonable outcomes which would enable the Committee to continue considering that important issue. He recalled that everyone shared the same commitment with regard to development and the importance of IP in it. He suspended the discussions on the issue.

#### Consideration of document CDIP/18/6 Rev. – Compilation of Member States Inputs on Activities related to Technology Transfer

209. The Chair invited the Secretariat to introduce the document.

210. The Secretariat (Mr. Napolitano) introduced the proposals, namely, the Joint Proposal of the delegations of the United States, Australia, and Canada (the Joint Proposal), and the Proposal from the Delegation of South Africa. The Joint Proposal, based on the *Project on IP and Technology Transfer: Common Challenges - Building Solutions*, also referred to the activities carried out by the Organization in the area of technology transfer. It proposed, among others, to review and update the WIPO Technology Transfer webpage. The Secretariat recalled that it was developing a more comprehensive webpage including not only patent-based transfer but also a wider range of activities connected to knowledge transfer. It had also examined some related websites available in some Member States, in particular those of the proponents'. On the Proposal from the Delegation of South Africa, it underlined its wider scope. It was important to understand how a project could be complementary to the ongoing activities undertaken in Member States, in this case, in South Africa. That would enhance the ability of the project to have a long-term impact. Finally, it suggested that the delegations which submitted their proposals further elaborated on them.

211. The Delegation of Nigeria, speaking on behalf of the African Group, considered that technology transfer was a key component of capacity building for human development, industrialization, and promotion of global development. The DA Recommendations recognized its crucial role and significantly addressed it in its Cluster C. It took note of the Joint Proposal which highlighted WIPO activities on technology transfer and proposed a number of steps for the Secretariat to strengthen WIPO related-services. However, it was not in agreement to the market-based approaches suggested therein. In addition, it supported the proposal from the Delegation of South Africa and welcomed its general focus on the potential benefits of publicly funded research. Its objective was to build capacities of different stakeholders in the value chain of technology use and transfer. That proposal was the most immediate and actionable step the CDIP could take. Therefore, it counted on the support of Member States for the Proposal following the provision of related programmatic and budgetary information. It also urged the Committee to hasten the conclusion on the "Expert Thoughts", an outcome of the *Project on IP and Technology Transfer: Common Challenges - Building Solutions* which had been a subject of disagreement in the Committee. It was keen to hold progressive discussions on the issue. That would enable Member States and other stakeholders benefiting from the

information and ideas emerging from different outcomes of the said project. It also reiterated its previous proposal for a factual WIPO report, including inter-agency contributions on the promotion of technology transfer and development. Lastly, it underscored that the facilitation of technology transfer was a WIPO mandate, as reflected in Article 1 of the Agreement between UN and WIPO.

212. The Delegation of Australia introduced the Joint Proposal. The proposal targeted a number of key areas that built on the extensive amount of work already undertaken on technology transfer. Firstly, there could be improvements to the current WIPO Technology Transfer webpage to make it more robust and user-friendly. Secondly, there could be benefits through the Secretariat developing a roadmap on how the existing technology transfer resources were promoted. It also found valuable the continued engagement of WIPO in other technology transfer fora. A mapping exercise would inform Member States on the ongoing related-activities and the potential role of WIPO on them. Similarly, there could be benefits in the Secretariat investigating the existing market-based approaches to linking innovators and potential licensing opportunities. Furthermore, it considered that the future CDIP work should be based on concrete and practical projects. To that end, the Secretariat could undertake a gap analysis of WIPO's existing technology transfer-related services. It also explained that the Australian Government's initiative called "Source IP" referred in Item 5 of the Proposal aiming at promoting Australian researchers internationally by identifying collaborations and licensing opportunities. It was a digital marketplace for sharing information, indicating licensing preferences, and facilitating contact for IP generated by the public research sector within Australia. The Australian IP Institution (IP Australia) had engaged all 40 Australian universities, the full panel of Australian medical research institutes, and the cooperative research centers and business community to participate in the said initiative. IP Australia was also working with a number of other overseas websites, including that of the Danish Patent and Trademark Office, to promote the patents listed on "Source IP" internationally.

213. The Delegation of Canada referred to the international fora mentioned in Item 3 of the Joint Proposal. It noted that in addition to WIPO, technology transfer was being discussed in a number of international contexts such as the UN Technology Facilitation Mechanism and the UN Framework Convention on Climate Change. Mapping those initiatives at the international level would be useful to inform Member States. That would also inform WIPO's work leading to future activities mutually supportive and complementary to a broader international work. With respect to Item 6, the Secretariat could organize the Mapping of Activities Related to Technology (document CDIP/17/9) by type of technology transfer activities based on the DA Recommendations of Cluster C. Organizing the information thematically would serve to identify how existing activities might be helpful to fulfill those DA Recommendations. This might also contribute to identifying where further activities would be useful and to ensure that they were both complementary and non-duplicative.

214. The Delegation of Turkey, speaking on behalf of Group B, reiterated that technology transfer was by definition a complex subject matter. It highlighted the active involvement of the Organization in a wide range of technology transfer-related activities that benefit developed and developing countries, as described in the relevant WIPO documents. It referred to the result of the implemented activities and to the update of the WIPO Technology Transfer webpage. The Delegation supported the Joint Proposal and also, in principle, the Proposal from the Delegation of South Africa and looked forward to its revised version.

215. The Delegation of Latvia, speaking on behalf of CEBS, underlined that the technology transfer services provided by WIPO covered a wide range of activities such as enabling legal frameworks, establishing structures, building capacities, and a multitude of facilitation tools. WIPO collaborated and exchanged information with relevant organizations at national and international levels, providing services beyond the WIPO mandate. Moreover, it considered that

the activities outlined in the Joint Proposal would raise awareness and would enhance Member States to take advantage of the existing tools.

216. The Delegation of Slovakia, speaking on behalf of the EU and its member states, considered that more concrete elements should be further elaborated by the Secretariat as regards the proposal from the Delegation of South Africa. In addition, it supported the Joint Proposal. The activities suggested in Items 2, 4 and 6 would pave the way to a better understanding and a more efficient use of WIPO's existing resources. Similarly, the mapping exercise proposed in Item 1 could be considered as a basis for further discussion at the next session of CDIP. They reiterated that all the activities reflected in the Joint Proposal could improve and better inform CDIP's work on technology transfer.

217. The Delegation of Brazil stated that its experience as both recipient and provider of technology transfer proved that development activities benefit all participants. It highlighted the interaction with countries facing great challenges and the opportunity of sharing experiences and solutions. It noted that the Joint Proposal referred to Cluster C of the DA Recommendations which in its view related to a conceptual discussion on the role of IP in technology transfer. The Cluster also reflected on a number of issues, among others, the use of IP to attract foreign technology, the impact of the absorptive capacity of technology recipients, the costs of transferring technology through IP licensing agreements, and the situations where IP could act as a barrier to the transfer of technology. The Delegation stressed on the importance of exploring those issues in the Committee. In addition, it supported the proposal from the Delegation of South Africa. Brazil was undertaking many efforts to enable universities and public research organizations to benefit from the use of IP. However, those entities demanded assistance to build capacity on IP management, either as technology providers or receivers. The proposal from the Delegation of South Africa could further assist Member States in their efforts to support universities and public research organizations.

218. The Delegation of the United States of America thanked the delegations of Australia and Canada for working and presenting the Joint Proposal contained in document CDIP/18/6 Rev. It appreciated the support received from the Member States and hoped that the Committee as a whole could also support it. The Proposal built upon the previous CDIP work on technology transfer and was intended to ensure the sustainability of the results of the *Project on IP and Technology Transfer: Common Challenges - Building Solutions* which had been a subject of disagreement in the Committee. Without going over the Proposal as so was done by other delegations, the Delegation informed that it tried to be as detailed as possible when drafting the six elements of the proposal. It expressed the willingness of the proposers to answer any questions. It appreciated the project proposal submitted by the Delegation of South Africa on IP Management and Transfer of Technology: Promoting the Effective Use of Intellectual Property in Developing Countries. It also appreciated that the Delegation of South Africa as well as other delegations worked on the Joint Proposal and were open to suggestions. The Delegation had tried to introduce some additional elements to its proposal in order to make it more effective in achieving the stated objectives and to ensure its sustainability. It appreciated the opportunity for collaboration and Member States' openness and constructiveness. It supported in principle the proposal from the Delegation of South Africa and hoped to see its revised text and that the Member States would support that proposal as well.

219. The Delegation of South Africa provided a brief overview of its proposal which addressed the DA Recommendations 1, 10, 12, 23, 25, 31, and 40. It addressed technology transfer from publicly financed research institutions, not necessarily inbound technology transfer but an aspect of it. Publicly financed research institutions were conducting outstanding research. Hence, it was necessary to enhance their ability to get their research outputs into the public domain. A public good aspect was involved but also the possibility to enable public research institutions, specifically in developing countries and LDCs, to become increasingly relevant to the society. That was one of the major challenges in South Africa. The project took a fairly

holistic approach and WIPO relevant material could be pulled into it. It acknowledged that IP was a tool for development. Four different categories of players were included, namely, (i) funders of research commercialization who would move the research project along the innovation chain; (ii) IP developers, including researchers, who should develop IP management skills; (iii) IP managers, including individuals within technology transfer offices, who should also develop IP management and technology transfer capabilities; and, (iv) users, including SMEs. A clear understanding between all four players was critical to ensure a smooth transition across the innovation value chain. The project intended to put forward a series of value added activities. It had numerous engagements with a number of delegations which had provided valuable inputs. The proposal needed to be revised preserving the concept behind it.

220. The Delegation of Chile supported the work conducted by WIPO and welcomed the interest shown by Member States in the area. In particular, it was important to continue working to produce tangible results. It urged WIPO to continue, under the guidance of Member States, reviewing the IP policies and initiatives required to promote technology transfer in benefit of developing countries. It also urged the Organization to adopt appropriate measures for developing countries to understand and benefit from the various provisions relating to flexibilities provided in the international agreements.

221. The Delegation of Pakistan emphasized the importance to include all the outputs of the projects related to technology transfer rather than confining the discussion only to the “Expert Thoughts” emanating from the *Project on IP and Technology Transfer: Common Challenges - Building Solutions*. In the absence of any agreed definition by Member States on technology transfer, it was not possible to link materials, activities, and documents contained in the Mapping of Activities Related to Technology (document CDIP/17/9) on the WIPO Technology Transfer webpage. Moreover, it was important to ensure that any future activity on technology transfer was not limited to a mapping exercise by the Secretariat or a gap analysis of its activities. It supported the proposal from the Delegation of South Africa as it was aligned to the DA Recommendations. The proposal sought to identify existing and potential IP tools for capacity development, IP management commercialization and technology transfer. It also included relevant case studies relevant for socio-economic development.

222. The Delegation of China reiterated that with economic and technological globalization, technology transfer had become an important factor for the innovation activities. It had also become an important means to link technological innovation to corporate profits and to the overall economic and social development. It also served to connect innovation activities of both developed and developing countries. Therefore, establishing balanced, effective, and unhindered technology transfer rules would provide a legal framework and incentives to technological innovation and its dissemination. In that sense, strengthening technology transfer would naturally be conducive to the SDGs implementation. It highly appreciated the work undertaken by WIPO in that area. It expected that together with Member States, the Organization would step-up efforts to deploy its full potential. Moreover, it was willing to enhance cooperation on technology transfer with WIPO and all Member States. It supported the adoption of the project proposal from the Delegation of South Africa and highlighted that it would be conducive to the capacity building of developing countries and LDCs. It also welcomed the Joint Proposal and considered it helpful in enhancing WIPO's service level on technology transfer.

223. The Delegation of Chile, speaking in its national capacity, appreciated the common views expressed by delegations on the future CDIP work on technology transfer. The Joint Proposal and the proposal from the Delegation of South Africa could be implemented in a complementary manner. If approved and implemented effectively, they would contribute to move forward the future CDIP work in the area. The Joint Proposal would contribute to consolidate the valuable information produced by the Committee. That information could also be used in order to facilitate capacity building, guide policymaking, and disseminate platforms aimed at gathering

interested parties together. It was important to focus on disseminating to users the work already carried out by the Committee. The Proposal from the Delegation of South Africa invited the Committee to consider IP as an integral part of a wider system with many linked elements that made technology transfer possible. The partnerships that might be created between public, private and research institutions, as well as the technical and financial resources available were essential elements to encourage technology transfer. The proposal from the Delegation of South Africa would enable various institutions to learn from successful cases and develop useful and practical tools to bring technology developers into contact with markets. It expected to continue working on the elements of that proposal and expressed its interest in being one of the pilot countries for its implementation.

224. The Delegation of Australia welcomed the open approach of the Delegation of South Africa in being receptive and incorporating Member States' feedback into its proposal. It considered that the said proposal would address a number of specific needs related to technology transfer. It supported the concept outlined in the document. It expected that the existing gaps of the proposal would be addressed with the view to endorsing it at the next session of the Committee.

225. The Delegation of Japan supported the statement made by the Delegation of Turkey on behalf of Group B. It supported the Joint Proposal and considered that it would contribute to improve WIPO's activities on technology transfer. Describing therein the background of the activities undertaken by the CDIP in the area was also very informative and useful for future technology transfer initiatives.

226. The Delegation of Ghana supported the Joint Proposal and urged developed countries to share technology transfer practices with developing countries. It would be an instructive exercise.

227. The Delegation of Tunisia supported the statement made by the Delegation of Nigeria on behalf of the African Group. It welcomed the CDIP debate on IP and technology transfer. The growing interest within WIPO on the issue would generate tangible solutions and contribute to a more effective promotion at a global level. The Joint Proposal contained useful information on the activities already implemented by the CDIP. The Delegation was currently reviewing that proposal. It also supported the proposal from the Delegation of South Africa and expressed its interest in participating in the pilot phase. In addition, it attached great importance to the operationalization of the UN Technology Facilitation Mechanism which required the contribution of all WIPO stakeholders. In this regard, it requested the Secretariat to provide periodic reports on the contribution of the Organization to that end.

228. The Delegation of Nigeria, speaking in its national capacity, aligned itself with the statement of the African Group. In its view, technology transfer in the context of human capacity building was the most reliable means for supporting innovation and fostering sustainable work. It recognized the significant role of sustainable technology transfer in the implementation of the DA Recommendations. Therefore, it expressed its concern at the inability of the Committee to agree on the course of action on the "Expert Thoughts". It encouraged Member States to work together to reach consensus on the way forward in that regard. It recalled the importance of that outcome to meet the most enduring needs of a significant number of Member States. Finally, it expressed its support for the Proposal from the Delegation of South Africa.

229. The Chair noted a general interest in the substance of the proposals. There had also been requests for additional time in order to further consider them. He suggested that the proponent delegations carried out a round of consultations with interested delegations. Moreover, he enquired from the Delegation of South Africa if its proposal should be revised.

230. The Delegation of South Africa stated that, in its understanding, all the inputs received would be introduced, along with other elements such as the financial implications, in a revised project proposal to be presented by the Secretariat at the next session of the Committee.

231. The Chair noted that the discussion on the Proposal from the Delegation of South Africa would continue at the next session on the basis of a revised text. Furthermore, he requested to the proponent delegations to present, in consultation with other delegations, a text on the discussions to be reflected in the Summary by the Chair.

232. The Delegation of the United States of America sought clarification on the request by the Chair. It stated that the proposals were submitted in accordance to the CDIP decision at its 17<sup>th</sup> session. There were no disagreements but a general support expressed by a number of delegations for the Joint Proposal. The Proposal from the Delegation of South Africa was a complementary proposal in line with Item 6 of the Joint Proposal. Therefore, it proposed that the Committee adopted the Joint Proposal instead of continuing the discussions at its next session.

233. The Chair clarified that his request aimed at defining the decision to be adopted by the Committee on the consideration of the document. In his understanding, the proposal from the Delegation of South Africa should be still revised and discussed at the next CDIP session. In the case of the Joint Proposal, there had been expressions of support but also requests for further discussion on it. Consequently, he reiterated his request to the proponents to undertake informal consultations on the said decision to be adopted by the Committee.

234. The Delegation of Nigeria, speaking on behalf the African Group, supported the Chairs' proposed way forward. In its view, there was no consensus on adopting the Joint Proposal. This was also reflected in its statement and those by other delegations. It referred to the statement made by the Delegation of Pakistan. It recalled that the Committee did not reach an agreement on the "Expert Thoughts", issue that was still open for deliberation.

235. The Delegation of Australia was keen to undertake informal consultations as proposed by the Chair.

236. The Chair invited the Secretariat to take the floor for making a clarification.

237. The Secretariat (Mr. Baloch) stated that, in its understanding, there were some elements in the proposal from the Delegation of South Africa to be still negotiated and agreed. The Secretariat expected an agreed text of the proposal to take it forward.

238. The Chair suspended the discussion.

#### Consideration of document CDIP/18/5 – Revised Proposal for a Mechanism for Updating the Database on Flexibilities

239. The Chair invited the Secretariat to introduce the document.

240. The Secretariat (Mr. Aleman) stated that the document under consideration responded to the request made by the Committee at its 17<sup>th</sup> session to revise document CDIP/17/5 entitled "Mechanism for Updating the Database on Flexibilities". The request was to include the financial implications of the two options contained therein and to explore the possibility of a third option in light of the observations made by Member States. The document under discussion was divided in two parts. In the first part, the document described the background of the Database on Flexibilities, highlighting its current content. The second part described the three different options proposed as mechanism for updating the Database, including their financial implications.

241. The Delegation of Turkey, speaking on behalf of Group B, noted that experience had shown that maintaining the Database updated and feeding it with accurate and useful content was a challenging task requiring significant investment of resources and attention to detail. The efforts deployed by the Secretariat in this regard had been instrumental for the Database to continue to be useful for Member States, stakeholders and the general public. In this context, the Delegation enquired on how it would be ensured that the information received through an official communication was notified by an authorized representative of a Member State. To its understanding, similar tools in other areas used authentication procedures. Therefore, it sought clarification from the Secretariat on how that issue was envisaged in the context of the Database on the Flexibilities.

242. The Delegation of Chile, speaking on behalf of GRULAC, pointed out that flexibilities were an integral part of the IP system. They reflected the public policy space existing in different countries and enabled to adapt general principles to the technological change, increasingly unpredictable and more rapid. In that context, it supported the establishment of a Database on Flexibilities in the IP system. However, the Database did require an updating mechanism to achieve its objectives of contributing to the access to knowledge and the progress of public policies. Therefore, it expressed its hope to reach an agreement during the course of the session on a mechanism for updating the Database. In view of the Group, the fastest updating mechanism was reflected in option one of the documents. It also called for the improvement of the dissemination of the Database on WIPO's website, as well as for any other dissemination mechanism that Member States might implement in their national capacity.

243. The Delegation of Brazil underlined the importance of the flexibilities topic and noted that this was a long standing issue for the Organization. It was directly linked to the core of the IP system which enabled countries to adapt the IP framework to their particular characteristics. Therefore, it fully supported the establishment and continued use of the Database to inform Member States. However, it reiterated its concern that TRIPS plus provisions were included as flexibilities. This reflected a flawed understanding of the term. The flexibilities provided under TRIPS and other multilateral IP treaties aimed to allow countries to adapt their legal system and procedures to their necessities. Moreover, TRIPS plus provisions reduced the policy space by imposing higher standards beyond the minimal requirements of TRIPS. Therefore, those TRIPS plus provisions should be excluded from the Database as they posed the risk of creating confusion regarding the definition of the term flexibilities. The Delegation also requested that WIPO increased its efforts to disseminate the Database and raised awareness of its content. In this context, the Delegation suggested that a link to the Database was placed on WIPO's initial home page. This would provide a clear and straightforward access to the Database and would respond to the concerns raised regarding its low number of viewers. It would also be in line with relevant DA Recommendations, such as Recommendations 14, 17, 22, and especially Recommendation 25, which stated that WIPO should take appropriate measures to enable developing countries to fully understand and benefit from different provisions pertaining to flexibilities provided for in international agreements. On the options provided in the document, the Delegation was not in favor of option two. While it highlighted the value of the Secretariat's technical expertise, that option would impose the Secretariat as the sole provider of information to the Database. Lastly, it noted that the Database was currently restricted to patent related flexibilities and stated that that it should be expanded in the future to include other types of IP.

244. The Delegation of Latvia, speaking on behalf of CEBS, noted that the Database was used as a useful compilation of information providing 1,371 provisions of national IP legislations. They reflected the room provided by multilateral agreements to Member States for basing their legislations on their national needs. However, the provisions contained therein could be considered neither recommendations to WIPO and WTO Member States nor an interpretation of the flexibilities in the TRIPS Agreement. It would otherwise fall outside the mandate of the Committee. The Group was of the view that the Database had to be updated on a regular basis

in order to be a useful source of information. It recalled the information provided by the Secretariat on the very low number of viewers of the Database and the short period they spent on the dedicated webpage. On that basis, the Group reiterated that increasing human and financial resources to complete the work suggested in the option two was excessive and not appropriate to the use of the Database. Consequently, the Group supported option one contained in the document under discussion.

245. The Delegation of China considered that the Secretariat's examination of the Database's content would contribute to ensuring its relevance and facilitating its use by national legislators and IP practitioners. Although it previously supported option two, it would accept option one in consideration of the related costs and the fact that Member States' updates could be reflected in the Database and visitors could use its content according to their own judgment and knowledge. Furthermore, it endorsed the idea expressed by the Delegation of South Africa at the previous session to increase the Database's accessibility on WIPO's website. WIPO could also consider including in its future dissemination activities information on the use of the Database so as to further increase the understanding of its content by the national legislators and IP practitioners.

246. The Delegation of Iran (Islamic Republic of) supported option one contained in the document under consideration. It did not support option two which involved the Secretariat to determine whether updates submitted by Member States were in accordance with the scope and criteria agreed by the CDIP. Concerning the content of the Database, it was in favor of the inclusion of the information on national experiences and case studies in implementing flexibilities at the national level.

247. The Delegation of Nigeria, speaking on behalf of the African Group, supported option one reflected in the document under discussion. Option two could impose the view of the Secretariat over that of Member States with no possibility of recourse. Option three would provide more information; however, there was a risk of possible contentions if there was not adequate consultation between the Secretariat and Member States during the examination. Therefore, the Group was flexible on option three if the concerns on the aforesaid did not raise any difficulty. Otherwise, the Group would fully support option one.

248. The Delegation of Mexico considered that the inputs from Member States were the most important source for updating the Database on Flexibilities. Member States were responsible for guaranteeing the validity of the information. Therefore, it was vital that Member States provided information in conformity with the relevant criteria mentioned in the document. This would avoid delaying the updating by submitting it for an assessment. Consequently, the Delegation suggested the implementation of accompanying actions by the Secretariat to support Member States which did not have the necessary technical capacity to assess the respective criteria reflected in the document. It was important to constantly update the Database to keep it attractive and useful. Furthermore, it noted that the mechanism for updating the Database should use appropriately the human and financial resources of the Organization. It finally expressed its preference for option two described in the document.

249. The Delegation of Ecuador considered that option one represented the most effective mechanism for achieving the intended purpose of keeping the Database updated. This was without prejudice of the adjustments that could be made to ensure the pertinence of the information provided.

250. The Delegation of Slovakia, speaking on behalf of the EU and its member states, stated that in order for the Database to serve its purpose, it was necessary to keep it up-to-date, accessible, and maintain accurate and factual information. They stated that the flexibilities presented in the document should be seen as an overview of options exercised by Member States under the objective of transparency and exchange of national experiences. They also noted that the interpretation of TRIPS flexibilities was outside the mandate of the Committee.

Taking into consideration the financial implications and the modest use and low rate of visitors, they preferred option one proposed by the Secretariat. They felt that contrary to option two and three, option one posed a realistic and proportionate burden on the limited resources of the Secretariat. They supported that a new field with updates by Member States clearly stated that the provisions had not been examined by the Secretariat to verify their conformity with the flexibility under reference.

251. The Delegation of Indonesia expressed its preference for option one contained in the document. It also recalled that the Database on Flexibilities should not only contain provisions on national legislation related to flexibilities in the IP system but also information on national experiences on its implementing. It noted that the Database on Flexibilities incorporated TRIPS plus provisions such as criminal sanctions for patent infringement. This undermined the spirit and intent of the DA Recommendation 14. The Database's approach to flexibilities was contrary to the common understanding of flexibilities related to enhancing policy space by removing IP barriers.

252. The Secretariat (Mr. Aleman) responded to the observations made by Member States. Addressing the question on how to ensure the quality of the Database, it recalled that 14 flexibilities were agreed by the Committee and documents were prepared in each one of those flexibilities in order to provide in a systematic manner the example of the meaning of flexibilities and their implementation in more than one hundred legislations. That information was the current source of the Database. It was classified and uploaded to make it accessible for researchers, professors, policymakers and lawmakers in Member States jurisdictions. Certainly, as those documents were discussed by the Committee, they underwent through a screening process where Member States were able to react and make clarifications and corrections to the draft presented by the Secretariat. Consequently, it concurred with request made by Member States to ensure that the information to be included in the Database was carefully considered in order to preserve its main purpose. It added that this could be ensured in any of the options presented in the document. In option one, a form might be provided for Member States to submit the information. That form could be available in the Database's webpage or through the Committee. However, first of all, the Secretariat should get instructions from the Committee on the option of its choice, in order to be able to move forward with its particular implementation, including the elements mentioned by the Delegation of Turkey.

253. The Chair pointed out the preference for option one of the document under discussion. He suggested that the Committee took note of the document and the proposals contained therein, expressing that preference. He also proposed that the Committee requested the Secretariat to undertake measures to ensure a better dissemination of the information contained in the Database and to inform the Committee at its next session on those measures.

254. The Delegation of the United States of America clarified that the question raised by the Delegation of Turkey on behalf of Group B referred to how the Secretariat would ensure that the submissions would be made by Member States. It enquired if there was any sort of authentication procedure that existed for other databases.

255. The Secretariat (Mr. Aleman) noted that as soon as the Committee took a decision on any of the options reflected in the document, implementing an authentication mechanism did not represent a difficult challenge. This could be implemented through the different existing technology means in order to ensure that only authorities were able to submit the information in the case of option one.

256. The Delegation of Turkey, speaking on behalf of Group B, enquired if the discussion would continue at the next session.

257. The Chair noted that there was no reason for leaving the discussion on the matter to the next session as there was no views opposing to choosing option one.

258. The Delegation of Switzerland echoed the statement made by the Delegation of Turkey on behalf of Group B. It took note of the response provided by the Secretariat. Nevertheless, it still found difficulties and uncertainties with regard to option one. In its view, the implementation of that option was not entirely clear. According to its understanding, other WIPO's tools enabled an authentication procedure to electronically provide information to databases. It enquired if that authentication procedure also existed for the Database on Flexibilities. It would be therefore useful to know in detail how they worked.

259. The Chair pointed out that the statements were related to a technical discussion on information security. Consequently, he proposed to request the Secretariat to provide to the next session of CDIP further information on the technical implementation of option one preferred by the Committee. The implementation of that option was a different discussion that could be addressed on the basis of the abovementioned information. However, leaving the issue open would not reflect the discussion that has taken place in the plenary.

260. The Delegation of Chile, speaking in its national capacity, stated that option one involved the facilitation of information by Member States through official channels. In its understanding, Member States would provide updated information through routine channels with the Secretariat to respond to questionnaires, to update other databases and to inform the participants financed by the Secretariat, among others. The mechanism described in option one was the same through which Member States communicate with the Secretariat in many instances. From that perspective, there was no technological issue as there would not be immediate connection between Member State and the Database. The option foresaw that Member States would provide the information through an official communication to the Secretariat which would not verify the information but include it directly to the Database. It was a normal practice to communicate with the Secretariat through the Missions and through other official mechanisms that Member States felt appropriate to use. That should be a guarantee of security for Member States.

261. The Delegation of Turkey, speaking on behalf of Group B, noted that it had not expressed its preference for any option. It thus requested a short consultation within its Group.

262. The Chair suspended the session to allow Group B to hold a consultation.

263. The Chair resumed the session and enquired the Delegation of Turkey about the outcome of its consultations.

264. The Delegation of Turkey, speaking on behalf of Group B, expressed its preference for option one provided that the relevant security measures would be discussed at the next session of the Committee.

265. The Chair considered that it was an understanding and agreement on the issue and reiterated his suggestion for the Committee to take note of the document, noting its preference for option one. In addition, he stated that the Secretariat should provide at the next session technical information about the security conditions in which the Database would work. Finally, he recalled the request by the Committee for the Secretariat to adopt appropriate measures to better disseminate the Database and to inform the Committee at the next session on those measures.

266. The Secretariat (Mr. Baloch) sought further clarification from the Delegation of Turkey on behalf of Group B as to the technical information to be provided at the next session of the Committee. It referred to the statement by the Delegation of Chile on paragraph 7 of the

document. Therefore, the Secretariat would receive updates through an official communication and would upload the information on the Database. There was no online uploading of information by the Member States where an authentication procedure might be required as mentioned by the Delegation of Switzerland. Moreover, it noted that as reflected in paragraph 12 of the document, the Database was intended to be migrated to a new platform, in coordination with the Web Communications Section. It reiterated that option under discussion did not entail any remote authentication. Consequently, it requested guidance on the issue to be able to respond to the request by the Committee in this regard.

267. The Chair requested the Secretariat to discuss with the Delegation of Turkey, in its Regional Coordinator capacity, on the particular issue raised by its Group. He reiterated his conclusion with regard to the preference by the Committee for option one.

268. The Delegation of Turkey, speaking on behalf of Group B, agreed with the proposal by the Chair.

#### Consideration of documents CDIP/8/INF/1; CDIP/9/16; CDIP/16/6 (continued)

269. The Chair invited the Delegation of Spain to inform about the outcome of the informal consultations that were being carried out at his request on the issue.

270. The Delegation of Spain stated that throughout the week it held several informal consultations with the Regional Coordinators and interested delegations. All interested delegations were able to participate in the consultations. The Delegation emphasized that the dialogue took place in a very constructive manner. An agreement on a final text and a final decision to be taken was achieved. The Delegation read out the text. The Secretariat was requested to distribute the text for its fine-tuning. The agreement represented the outcome of flexibilities shown by all delegations, particularly those who had positions that were more complicated at the outset. While concluding, the Delegation of Spain thanked those delegations for the availability and efforts made to ensure that an agreement was reached.

271. The Delegation of Nigeria, speaking on behalf of the African Group, believed that the document was a compromise as part of the discussion on all the existing documents under the agenda item. The Group looked forward to engaging constructively on the implementation of the six point plan.

272. The Delegation of Turkey, speaking on behalf of Group B, thanked the Delegation of Spain for its work on the issue.

273. The Delegation of Chile, speaking on behalf of GRULAC, stated that teamwork was very important and it should continue for the implementation of the six point plan.

274. The Chair stated that an agreement on such a sensitive matter would also generate a positive spirit for the consideration of other pending items. He then suspended the discussion on the issue.

#### Consideration of document CDIP/18/5 (continued)

275. The Chair invited the Delegation of Chile to make a presentation in the framework of the discussions on the issue of flexibilities.

276. The Delegation of Chile presented a tool developed by INAPI using the information contained in the Database on Flexibilities. The first testing was done in February of that year by the Director of INAPI at the Max Planck Institute in Lima, Peru. On that occasion, he used the material developed by the WIPO Secretariat in a presentation on the requirements for

patentability. To create the first demo, INAPI used the information contained in WIPO documents on Patent Related Flexibilities in the Multilateral Legal Framework and their Legislative Implementation at the National and Regional Levels (namely, CDIP/5/4 Rev., CDIP/7/3 Add and CDIP/13/10 Rev, and CDIP/15/6 Corr.). The platform was developed by using a software named “tableau” which allowed the connection, visualization and combination of data in an interactive and rapid way, enabling also to modify, mix and relate information. INAPI had used that software essentially for databases containing digital information but used it also for building the platform based on non-digital information. The tool enabled to make a number of combinations to understand the flexibilities incorporated in the different jurisdictions through their specific legal framework. The tool was in a demo version and did not reflect an exhaustive list. An updated version would be available for the public at large on INAPI’s webpage. It encouraged feedback from Member States for its improvement and would also make the tool available for WIPO if Member States considered it useful to visualize the flexibilities under discussion. The Delegation explained that the main page was divided into four parts. It contained a world map showing various countries whose names and information on flexibilities were accessible by clicking on them. It also included an option to select a number of different combinations from the countries’ list. Since it was a dynamic tool, it showed the flexibilities existing in each country and the related legislation. The tool was available in English as the source documents were also in English.

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

### Consideration of document CDIP/18/7 (continued)

277. The Chair resumed the discussions and informed that he had held consultations on the issue. A text which was displayed on the screen would be reflected in the Summary by the Chair.

278. The Delegation of Nigeria, speaking on behalf of the African Group, stated that it could adopt the proposed text. It sought clarification on the content of the report to be prepared by the Secretariat. In its understanding, the Secretariat would not provide a factual background report but its views on how to implement the Review’s recommendations.

279. The Chair noted that the aforementioned by the Delegation of Nigeria on behalf of the African Group was the understanding reached in the consultations. He invited the Secretariat to address this particular issue.

280. The Secretariat (Mr. Baloch) explained that a management response would include a factual background, its position on the review’s recommendations and a part addressing their future implementation.

281. The Chair concluded the discussion and adopted the proposed text given that there were no objections from the floor.

282. The Delegation of Turkey, speaking on behalf of Group B, agreed with the proposal by the Chair. However, the fact that the Secretariat would prepare a management response did not mean that Member States had agreed or not on each recommendation. Some recommendations raised concerns with respect to both practicability and implementation. It would have preferred the CDIP to consider each recommendation prior to requesting a report from the Secretariat. Nevertheless, in the spirit of flexibility, the Group would agree with the adopted proposal on the understanding that the Secretariat would take into account that recommendations had not been agreed by the Committee.

283. The Chair noted that the statement of the Delegation of Turkey on behalf of Group B would be reflected in the CDIP report.

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

### Consideration of documents CDIP/8/INF/1; CDIP/9/16; CDIP/16/6 (continued)

284. The Chair resumed the discussion and requested the Secretariat to project on the screen the text circulated by the Delegation of Spain.

285. The Delegation of India stated it could go along with the text. In the spirit of consensus building and compromise, it was a good way forward. The text was negotiated for a long time. The Delegation expressed its appreciation to the work and efforts of the Delegation of Spain. It also urged all delegates to respect the spirit of multilateralism and accept the text.

286. The Delegation of Brazil supported the text projected on the screen. It took a lot of hard work to reach an agreement. The Delegation looked forward to continue discussion of the External Review of WIPO Technical Assistance in the Area of Cooperation for Development including the African Group proposal and the Deere-Roca Report. With regards to the proposal on SDGs the Delegation was in the process of analyzing the proposal and required for more time for its due consideration.

287. The Delegation of Chile, speaking in its national capacity, stated that it agreed with the decision that was taken to move forward with the implementation of specific points that were agreed upon. It would enable the Committee to continue to give follow-up on WIPO Technical Assistance. It was fundamental to achieve the objectives that would be found in the DA.

288. The Delegation of Nigeria, speaking on behalf of the African Group, reiterated its appreciation to the comfortable solution reached to the issues that had been on the Agenda of the CDIP for a number of years. The Group looked forward to implementing the six point proposal led by the Delegation of Spain. It welcomed the fact that the preexisting documents included the Deere-Roca Report and the African Group proposal. The documents could still play a role in the future discussions.

289. The Delegation of Turkey, speaking on behalf of Group B, expressed its appreciation to the efforts made by the Delegation of Spain and its effective facilitation of the informal sessions. The Group welcomed the agreement reached on the path forward for addressing the important area of technical assistance and noted that the decision now triggered the implementation of the six point plan as presented in the revised Spanish proposal which was attached to the Appendix I of the Chair's Summary for the CDIP 17. The Group engaged in long consultations in the spirit of compromise. It used the finalized six point plan as a consensus basis for working together constructively on improving technical assistance. The decision confirmed that the six point plan would be the only focus of the CDIP's discussions under the new sub agenda item entitled "Technical Assistance in the Area of Cooperation for Development". The six point plan document would be the basis for consideration under that item. The Group was pleased that the decision also confirmed that the sub agenda Item 7 on the "External Review of WIPO Technical Assistance in the Area of Cooperation for Development" should be closed. The Group highlighted that with the closing of the agenda item on the External Review, the Committee did not end to the discussions on improving WIPO Technical Assistance. The current discussion set out a roadmap for the next sessions of the CDIP which would have consisted of discussions and actions on the six point plan contained in the Spanish proposal. The work would continue and Group B was ready to engage in it constructively. It also highlighted its understanding that the end of the succession or three-year period would bring the

Committee to the finalization of both, the implementation of the six point plan as well as all other documents related to the origination of the External Review. Although the Group would prefer to see the nearly six years old Review closed immediately, the endorsed decision reached showed compromise and demonstration of its flexibility as well as its great interest in seeing concrete and important actions to move forward on WIPO Technical Assistance. The insistence of some delegations to put form over substance in an “all or nothing approach” had unfortunately delayed the progress for several years. The Group believed that it was time to be forward looking and focus on the practical roadmap that would help the Committee to make tangible progress under the agenda item “Monitor, assess, discuss the report on the implementation of the DA Recommendations.”

290. The Delegation of China expressed its support to the proposed text. The Delegation was pleased to see that after many years of consultations the agenda item achieved major progress.

291. The Delegation of Slovakia, speaking on behalf of the EU and its member states, welcomed the overall consent reached on the basis of the revised Spanish proposal during the previous meetings of the Committee as a significant step forward in closing the discussion on the External Review. Many hours were devoted since 2011, discussing the Review and the subsequent Management Response and contributions of Member States and Regional groups. The EU and its member states believed that the revised Spanish proposal containing six points was the best agreement which was possible to reach. On one hand, they would prefer to see a formal adoption and the conclusion of the discussion related to the agenda item. On the other hand, they would stand ready to engage constructively in discussion about WIPO Technical Assistance in the future.

292. The Chair stated that the proposed text was adopted given that there were no objections from the floor.

#### Consideration of document CDIP/18/4 (continued)

293. The Chair informed the Committee on the results of the consultations on the SDGs. He circulated the drafted text in the Committee. The text reflected his best effort to try to find a consensus covering all of the aspects raised during the informal consultation. He proposed to replace “possibility of” by “request for”. The text was projected on the screen.

294. The Delegation of Brazil recalled that the proposal for the creation of a permanent agenda item had received great support in the Plenary. A majority of members of the Committee supported it. However, in a show of a great flexibility, the Delegation was ready to accept the text proposed by the Chair.

295. The Delegation of Iran (Islamic Republic of) noted that the SDGs were long-term in nature and the CDIP was going to discuss the issue in the next sessions. The Delegation underlined the need for a standing agenda item to discuss the SDGs for the coming years. The Delegation supported the text proposed by the Chair.

296. The Delegation of Nigeria, speaking on behalf of the African Group, stated that in the spirit of flexibility and in order to move the issue forward it agreed with the text proposed by the Chair. The Group pointed out that the SDGs were universal common goals that will be discussed until 2030. Therefore, it deserved a specific agenda item within the CDIP.

297. The Delegation of Indonesia noted that WIPO’s contribution to the attainment of the SDGs would bring benefit for all countries in the global economy. This was a global agenda agreed by Heads of States which called for a global partnership spirit. The Delegation therefore could go along with the text proposed by the Chair.

298. The Delegation of Chile, speaking on behalf of GRULAC, stated it agreed with the text proposed by the Chair.

299. The Delegation of India, speaking on behalf of the Asia and the Pacific Group, supported the proposal made by the Delegation of Brazil on having a permanent agenda item on the implementation of the SDGs. The text proposed by the Chair gave some hope that in the future it would be possible to have the agenda item. In that spirit, the Group agreed with the proposed formulation.

300. The Chair closed the discussion on the document CDIP/18/4 given that there were no further comments from the floor. The agreed proposed text by the Chair would be added to the Summary by the Chair.

301. The Delegation of Turkey, speaking on behalf of Group B, took note of the text proposed by the Chair. It expressed the position of the Group with regard to some points of the text. Although the Group considered that the addition of an Annual Report on SDGs was not the best use of the Secretariat's limited time and resources, it agreed considering that this would give better directions to the Secretariat. This was a major proof of compromise. Furthermore the Group requested the Secretariat to guarantee that the CDIP was the only competent Committee to discuss SDGs. It recalled that the CDIP mandate stated that the Committee was created to discuss IP and development-related issues as agreed by the Committee, as well as those decided by the GA. As far as the SDGs were concerned, the cross-cutting mandate of the CDIP corresponded to the best integrated nature of SDGs. With regard to the language, it noted that it was difficult to meet everyone's expectations when drafting a summary of such complex discussions. It however underlined that its Group considered it of utmost importance that the Chair's summaries continue to be factual in nature and fully reflective of the discussions. Therefore, Group B rejected the proposal of having a standing agenda item on this issue and its position was reaffirmed after the initiation of an annual report on the SDGs. It also noted that the CDIP sessions were the evidence that SDGs had consistently been discussed, and so since its thirteen session. This demonstrated that Member States were politically committed at a national level and that the CDIP was open for such discussion without requiring a standing agenda item.

#### Consideration of document CDIP/18/6 Rev. (continued)

302. The Chair resumed the discussion and requested the Delegation of Australia to inform the Committee on the status of the consultations conducted and the text reflecting the CDIP decision.

303. The Delegation of Australia informed that along with the delegations of Canada and the United States of America, it had undertaken consultations with interested delegations and reached an agreement on a number of items outlined in the Joint Proposal. The text was provided to the Secretariat for the consideration of the Committee.

304. The Delegation of South Africa noted that it was still in the process of receiving some inputs. Therefore, the proposed way forward was to submit a finalized document to the Secretariat for it to include the financial implications and present it to the 19<sup>th</sup> session of the Committee.

305. The Chair took note of the statement made by the Delegation of South Africa. In addition, he requested delegations to read a text displayed on the screen reflecting the agreement reached at the consultations undertaken by the delegations of Australia, Canada and the United States.

306. The Delegation of Australia clarified that the text displayed on the screen was not the correct one.

307. The Chair requested the Delegation of Australia to provide the correct text to be displayed on the screen.

308. The Delegation of Nigeria noted that, indeed, the text displayed did not reflect the agreement reached in the consultations. It looked forward to the updated text.

309. The Delegation of Australia requested some time to provide the Committee with the correct text.

310. The Chair accepted the request.

#### Consideration of document CDIP/18/10 (continued)

311. The Chair stated that the topic was discussed during the 17<sup>th</sup> CDIP session. Appendix II of the Summary by the Chair included six paragraphs among which there were different proposals for a language on the subject. The Chair held consultations on the matter during the week. It became clear that there was no option for continuing discussing the issue in the plenary. There was no political will and no significant development in positions with regard to the topic since April. It was difficult to initiate an attempt at drafting a text as there were too many different proposals. The Chair suggested two things. First was to postpone the discussion on this topic to the next session of the CDIP. However, priority would be given to it at the following session. The work would be organized in a manner to ensure that the Committee could concentrate its attention on the topic. The second proposal was to allow the Chair to rewrite the Appendix II. It would be an alternative proposal by the Chair which would serve as a basis for future discussions. A part of the problem was that there were too many different proposals on the table and Member States had to negotiate. However, there was no agreement on which of the proposals was the basis for the discussion. The Chair proposed to agree that he would draw up a new Appendix II, which would contain the proposals made by Member States in their existing form and separately, his own attempt to reconcile the various original proposals. Articles 1, 3 and 4 already contained proposals from the Chair. Item 2 did not cause difficulties for Member States, and proposals 4, 5 and 6 would be formulated by the Chair on the basis of the text that was already available in Appendix 2. The Chair urged Member States to reflect on their perspective positions and understand the positions of others and come to the next session with the disposition to discuss the issue and find a mutually accepted solution. In this regard, the Chair committed to present the alternative text ahead of time to give enough time to Member States to analyze his proposal in detail.

312. The Delegation of Nigeria, speaking on behalf of the African Group, stated that it accepted the proposal. It requested that the next CDIP dedicated adequate time for discussing the issue.

313. The Chair welcomed the confidence given by Member States and ensured to provide the revised Appendix II in a timely manner. He then resumed the discussions on document CDIP/18/10.

#### Consideration of document CDIP/18/6 Rev. (continued)

314. The Chair resumed the discussions on the item.

315. Delegation of Australia confirmed that the correct text was displayed on the screen.

316. The Chair clarified that there were two texts displayed on the screen. The first one was the proposed text to be reflected in the Summary by the Chair. The second one was the amended text of the Joint Proposal.

317. The Delegation of the United States referred to the amended text of the Joint Proposal, explaining that the Item 6 was amended as follows: “In line with the Committee’s decision reflected in the Summary by the Chair of CDIP/16 that invited interested Member States to submit proposals for discussion at the 18<sup>th</sup> session of the Committee, we encourage Member States to submit to the Committee concrete, practical projects that deliver tangible outcomes for Member States with the goal to promote international technology transfer, build capacity in least developed, developing and transitional countries to enable more effective technology transfer and improve collaboration between technology transfer participants. As a first step and in building on the valuable work of the recent mapping exercise in document CDIP/17/9, the Secretariat should undertake a gap analysis of WIPO existing technology transfer-related services and activities in respect of the WIPO Development Agenda “Cluster C” recommendations, in order to assist in the consideration and evaluation of any proposals and priority areas, going forward. The results should not preclude the provision of similar projects for different beneficiaries.” With respect to the Joint Proposal, the following text was proposed for the Summary by the Chair: “The Committee agreed to go forward with Items 1, 2, 3, 4 and 6 (as amended) of the proposal and to continue discussing the remaining Item 5 at the next session.”

318. The Delegation of South Africa referred to the suggested text for the Summary by the Chair as regards its proposal. It considered that it did not reflect the plenary-discussions which revealed a general support in principle for the proposal. Therefore, it read out a proposed updated text as follows: “The Committee supported the South African proposal in principle and will further consider this proposal at its next session based on a revised document.”

319. The Delegation of Nigeria, speaking behalf of the African Group, supported the text proposed by the Delegation of South Africa. It also explained that the reason for requesting the amendment of Item 6 of the Joint Proposal was not to impede interested Member States to benefit from CDIP projects already undertaken. It also aimed at encouraging Member States to submit proposals for the Committee to address more than merely project-based discussions. In that regard, it expected to continue discussing the Project on IP and Technology Transfer: Common Challenges - Building Solutions at the next CDIP session. It recalled that the Committee did not reach an agreement on the “Experts Thoughts”, one of the outcomes of that project.

320. The Chair stated that the proposed text was adopted given that there were no objections from the floor.

## **AGENDA ITEM 8: FUTURE WORK**

321. The Secretariat (Mr. Baloch) read out a list of work for the next 19<sup>th</sup> session. The list was as follows: (i) the DG’s Report on Implementation of the Development Agenda; (ii) the Report on the 18<sup>th</sup> session of the Committee; (iii) the project studies’ outputs; (iv) Evaluation Report of the Project on IP and Design Management for Business Development in Developing Countries and LDCs. The document, foreseen to be provided to the 18<sup>th</sup> session of the Committee, was not delivered by the Evaluator; (v) the Report on the Recommendations of the Independent Review; (vi) the Annual Report on WIPO’s contribution to the implementation of the SDGs; (vii) a document on WIPO and the Post 2015 DA, as requested at the 17<sup>th</sup> session of the Committee. This document was dependent upon the adoption of the SDGs indicators, as reflected in the Summary by the Chair of the 17<sup>th</sup> session. A discussion would need to take place in order to explore the possibility of merging the two previously mentioned documents;

(viii) the Annual Report on the dissemination of information contained in the Database on Flexibilities. The Secretariat would probably not be in a position to present the document to the 19<sup>th</sup> session but to the 20<sup>th</sup> or 21<sup>st</sup> session of the Committee. The topic would be included in the internal discussion on work plans and biannual budget and the Committee would be informed; (ix) the revised proposal from the Delegation of South Africa on Transfer of Technology. The Secretariat would provide assistance to that Delegation to present a project document at the next session; (x) the Joint Proposal by the delegations of the United States, Australia and Canada. The recommendations would be implemented but any progress on it would not be presented by the Secretariat to the next session but to a future session of the Committee; (xi) the WIPO General Assembly Decision on CDIP related matters. At the next session, two documents would be discussed, namely, the Proposal by the Chair on the issue and the General Assembly decision itself. The request made by the Delegation of Nigeria on the need to devote sufficient time to discuss the issue was noted; (xii) WIPO Technical Assistance in the area of development. The Secretariat would undertake actions according to the decision taken by the Committee on the implementation of the Revised Spanish Proposal; (xiii) a proposal made by the African Group on the Conference on IP and Development. The Secretariat would coordinate the proposal with the African Group; (xiv) the study on green patents to be presented by the Delegation of China at the 19<sup>th</sup> or 20<sup>th</sup> session; (xv) WIPO's activities related to South-South Cooperation, as reflected in the Summary by the Chair of the 18<sup>th</sup> session. Finally, any requests for accreditation by NGOs would be also brought to the Committee at its next session.

322. The Chair adopted the list of work proposed by the Secretariat for the next session given that there were no observations from the floor.

#### **AGENDA ITEM 9: SUMMARY BY THE CHAIR**

323. The Chair invited the Committee to consider the draft Summary paragraph by paragraph. He pointed out that the Summary contained seven points, each corresponding to one of the items on the Agenda. The decisions taken under each item had been reflected therein. The Chair opened the floor for comments.

324. The Delegation of China stated that it would present the study on green patents to the Committee at a future session. It stated that it needed some flexibility on the time to deliver the presentation. It requested this to be reflected in the Summary by the Chair.

325. The Chair recalled that it was acceptable for the Delegation of China to reflect its proposal in the Report. However, if there were no objections from the Member States, it could be included in the Summary by the Chair. He also recalled that the proposal by the Delegation of China for making available and presenting to the Committee a study on green patents was made in the framework of the discussion on SDGs.

326. The Delegation of China stated that after its discussion with the Secretariat it would like to withdraw its request.

#### **Closing statements**

327. The Delegation of Brazil underscored the efforts of the Chair and the Secretariat which enabled the Committee to reach important agreements. It also highlighted the opportunity offered by the CDIP session to discuss the SDGs topic. It believed that the issue deserved continuous, comprehensive and sustainable efforts of the global community. It recalled its proposal to include a standing agenda item on the SDGs but agreed to postpone the debate to the next session of the Committee in the spirit of compromise and with the goal of advancing the work on their implementation. It welcomed the agreement on an Annual Report regarding

the implementation of the SDGs by WIPO. It recalled that the provision of information in this regard was fundamental for a well-informed discussion in the Committee. It was also important for the scrutiny by Member States. In this line, it reiterated that the debate about the implementation of the SDGs did not fall under topics 6 and 7 of the Agenda but deserved a specific new agenda item. The reasoning was that agenda Items 6 and 7 referred respectively to the obligation of the Committee to develop a work program for the implementation of the DA Recommendations and its assessment, while the implementation of the SDGs referred rather to the discussion on IP and development. The Delegation would feel honored if the presentation of the SDGs report could be made by the DG in order to underline the commitment of the Organization with the SDGs. In addition, it noted that the Independent Review of the implementation of the DA Recommendations had provided initial reflections for the consideration of Member States. It affirmed that the issue was closely linked to the implementation of the Coordination Mechanisms adopted by the GA in 2010. The document to be discussed at the next session could offer further guidance to Member States on the recommendations contained in the Report. It noted that the development concerns, principles and objectives involved in the deliberation of the DA had to continue to be translated into activities. Furthermore, it supported the proposal made by the African Group for a biannual conference on IP and development and expected that the 19<sup>th</sup> session of the Committee could agree on it. Lastly, the Delegation referred to the aforementioned Coordination Mechanisms. The adequate implementation of the third pillar of the GA decision still remained an issue for the Committee which should reach an agreement in the near future. It also acknowledged that the Coordination Mechanisms involved every Standing Committee in WIPO, including the CWS and the PBC. Apart from the GA, the committees were considered as the most important bodies of WIPO since they advanced the mandate of the Organization through the discussions on the substantive aspects of IP.

328. The Delegation of Chile, speaking on behalf of GRULAC, thanked the Chair for his leadership to conduct the session. It highlighted the very comprehensive Agenda of the session and appreciated having achieved important decisions in most of the items listed therein. It also appreciated the support provided by the Secretariat and the interpreters. Concerning the Independent Review of the implementation of the DA Recommendations, it noted the devoted work undertaken by the Review Team and the agreement by the Committee on an action plan to further consider the recommendations included in the Report. It also underlined that GRULAC took part in the deliberations and consultations concerning the External Review of WIPO Technical Assistance. It appreciated the efforts made by the Delegation of Spain in reaching a consensus to implement its agreed six-point proposal. Moreover, it highlighted the agreement on a mechanism for updating the Database on Flexibilities and on giving it more visibility. Such agreements were fundamental to the Group in order to strengthen a balanced IP System. The proposals by Member States on technology transfer were also appreciated. The transfer of technology was an important tool for developing countries and the LDCs to create an appropriate infrastructure to promote industrialization and innovation. The Delegation also pointed out the importance of the SDGs for the Organization. The agreement achieved by the Group on preparing a periodic and substantive report was in line of the need for a long-term follow-up on the issue. It encouraged Member States to have a continued discussion about the topic, including the idea of having a specific standing agenda item on the SDGs. Lastly, it was regretful not having dedicated sufficient time to discuss the WIPO General Assembly decision on CDIP-related matters. It hoped that an agreement would be reached and that concerns of all Member States would be addressed. To conclude, it reiterated its appreciation on the results achieved in the session, wishing that further consensus on pending issues would be attained.

329. The Delegation of China welcomed the progress made on the discussions on WIPO Technical Assistance and congratulated the Delegation of Spain for leading the Committee to an agreement on the issue. It also highlighted the agreement on a mechanism for updating the Database on Flexibilities. In addition, it expressed its support for the proposals on technology transfer from the Delegation of South Africa and welcomed the Joint Proposal from the

delegations of the United States, Australia and Canada. It looked forward to seeing progress in the area. It also stressed that the Committee should be more focused on constructive and practical issues on the relationship between the 2030 UN DA and WIPO's work. It encouraged the Secretariat and Member States to make all their efforts to explore how IP could contribute to the implementation of SDGs. WIPO as a UN agency had the ability and responsibility to undertake the task. The Delegation hoped that China's preliminary study on green patents could be an inspiration for other Member States and the Secretariat on how to implement SDGs-related work. Finally, it expressed its willingness to make further contributions in the future.

330. The Delegation of Nigeria, speaking on behalf of the African Group, recognized the important strides taken by the Committee on crucial issues and looked forward to their respective follow-up. It reiterated the engagement of the Group in this regard. Finally, it thanked the interpreters for their support to the Committee.

331. The Delegation of Bangladesh, speaking on behalf of the Asia and the Pacific Group, appreciated the efforts and work of the Chair, the Secretariat and the interpreters during the session.

332. The Delegation of Turkey, speaking on behalf of Group B, thanked the Chair and Vice-Chairs as well as the Secretariat and interpreters for their work.

333. The Chair concluded the session by thanking the participants and coordinators for their hard work and flexibility. Satisfying results were attained and progress was made.

[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

Kerry FAUL (Ms.), Head, National Intellectual Property Management Office (NIPMO), Pretoria

ALBANIE/ALBANIA

Edmond AHMETI, Minister Adviser, Legal and Copyright Issues, Minister's Cabinet, Ministry of Culture, Tirana

Elona BANO (Ms.), Specialist, Legal Department, Ministry of Culture, Tirana

ALGÉRIE/ALGERIA

Sami BENCHIKH EL HOCINE, directeur général, Office national des droits d'auteur et droits voisins (ONDA), Ministère de la culture, Alger

Fayssal ALLEK, premier secrétaire, Mission permanente, Genève

ALLEMAGNE/GERMANY

Christian ZWICKEL, Expert, Division for Trade Mark Law, Law against Unfair Competition, Measures to Combat Product Piracy, Federal Ministry of Justice and Consumer Protection, Berlin

Pamela WILLE (Ms.), Counsellor, Economic Division, Permanent Mission, Geneva

ANGOLA

Gaspar Daniel FERNANDES, Legal Advisor, Angolan Institute of Industrial Property, Ministry of Industry, Luanda

ARABIE SAOUDITE/SAUDI ARABIA

Abdullah ALNAFISAH, Expert, General Directorate of Copyrights, Ministry of Culture and Information, Riyadh

ARGENTINE/ARGENTINA

Gonzalo LAVALLE, Director, Dirección de Asuntos Legales, Instituto Nacional de la Propiedad Industrial (INPI), Buenos Aires

María Inés RODRÍGUEZ (Sra.), Consejero, Misión Permanente, Ginebra

ARMÉNIE/ARMENIA

Armen AZIZYAN, Head, Intellectual Property Agency, Ministry of Economy, Yerevan

Kristine HAMBARYAN (Ms.), Head, Copyright and Related Rights Department, Intellectual Property Agency, Yerevan

AUSTRALIE/AUSTRALIA

Kieran POWER, Assistant Director, International Policy and Cooperation, IP Australia, Canberra

Felicity HAMMOND (Ms.), First Secretary, Permanent Mission to the World Trade Organization (WTO), Geneva

AUTRICHE/AUSTRIA

Charline VAN DER BEEK (Ms.), Attaché, Permanent Mission, Geneva

BAHAMAS

Bernadette BUTLER (Ms.), Minister Counsellor, Permanent Mission, Geneva

BANGLADESH

Md. Nazrul ISLAM, Deputy Permanent Representative, Permanent Mission, Geneva

BÉLARUS/BELARUS

Ivan SIMANOUSKI, Head, International Cooperation Division, National Center of Intellectual Property (NCIP), Minsk

BELGIQUE/BELGIUM

Sandrine PLATTEAU (Ms.), First Secretary, Permanent Mission, Geneva

### BÉNIN/BENIN

Osanne Marie-Christine AMOUSSOU AHOKIN (Mme), chef, Département de la promotion de la propriété industrielle, Agence nationale de la propriété industrielle (ANAPI), Ministère de l'industrie et du commerce, Cotonou

Mouïnatou IBOURAÏM (Mme), attachée de commerce, Direction des relations économiques et commerciales internationales, Ministère des affaires étrangères et de la coopération, Cotonou

Maurille BIAOU, conseiller, Mission permanente, Genève

### BHOUTAN/BHUTAN

Chhimi LHAZIN (Mrs.), Senior Intellectual Property Officer, Department of Intellectual Property, Ministry of Economic Affairs, Thimphu

### BOSNIE-HERZÉGOVINE/BOSNIA AND HERZEGOVINA

Josip MERDŽO, Director, Institute for Intellectual Property of Bosnia and Herzegovina, Mostar

### BRÉSIL/BRAZIL

Caue OLIVEIRA FANHA, Secretary, Permanent Mission to the World Trade Organization (WTO), Geneva

Adriana SOUZA DE SIQUEIRA (Ms.), Intern, Permanent Mission, Geneva

### BURKINA FASO

Wahabou BARA, directeur général, Bureau burkinabé du droit d'auteur (BBDA), Ouagadougou

Wennepousdé Philippe OUEDRAOGO, chef, Département de la documentation technique et de l'informatique, Centre national de la propriété industrielle, Ministère du commerce, de l'industrie et de l'artisanat, Ouagadougou

### CAMEROUN/CAMEROON

Beng NDJALI, sous-directeur de la propriété industrielle, Direction du développement technologique et de la propriété industrielle (DDTPI), Ministère des mines, de l'industrie et du développement technologique (MINMIDT), Yaoundé

### CANADA

Sylvie LAROSE (Ms.), Senior Trade Policy Officer, Intellectual Property Trade Policy Division (TMI), Global Affairs Canada, Ottawa

Saida AOUIDIDI (Ms.), Analyst, Policy, Planning, International Affairs and Research Office, Gatineau

Frédérique DELAPRÉE (Ms.), First Secretary, Permanent Mission, Geneva

### CHILI/CHILE

Felipe FERREIRA, Asesor legal, Dirección General de Relaciones Económicas Internacionales, Departamento de Propiedad Intelectual, Ministerio de Relaciones Exteriores, Santiago

Catalina OLIVOS (Sra.), Abogada, Departamento Internacional y de Políticas Públicas, Instituto Nacional de Propiedad Industrial, Santiago

Marcela PAIVA (Sra.), Consejera, Misión Permanente ante la Organización Mundial del Comercio (OMC), Ginebra

### CHINE/CHINA

XIANG Feifan (Ms.), Deputy Division Director, Copyright Administration Department, National Copyright Administration of China (NCAC), Beijing

ZHANG Yinghui (Ms.), Project Administrator, International Cooperation Department, State Intellectual Property Office of P.R. China (SIPO), Beijing

ZHONG Yan, Project Administrator, International Cooperation Department, State Intellectual Property Office of P.R. China (SIPO), Beijing

### CHYPRE/CYPRUS

Demetris SAMUEL, Counsellor, Deputy Permanent Representative, Permanent Mission, Geneva

Christina TSENTA (Ms.), Second Secretary, Permanent Mission, Geneva

### COLOMBIE/COLOMBIA

Beatriz LONDOÑO SOTO (Sra.), Embajadora, Representante Permanente, Misión Permanente, Ginebra

Juan Carlos GONZÁLEZ, Embajador, Representante Permanente ante la Organización Mundial del Comercio (OMC), Representante Permanente Adjunto ante la OMPI, Misión Permanente, Ginebra

Manuel Andrés CHACÓN, Consejero Comercial, Misión Permanente ante la Organización Mundial del Comercio (OMC), Ginebra

Juan Camilo SARETZKI FORERO, Consejero, Misión Permanente, Ginebra

## CONGO

Jacqueline KIABIA (Mme), chef, Service administratif et financier, Direction de l'antenne nationale de la propriété industrielle (ANPI), Ministère de l'économie, du développement industriel et de la promotion du secteur privé, Brazzaville

Bernard MBEMBA, conseiller, Mission permanente, Genève

## COSTA RICA

Elayne WHYTE GÓMEZ(Sra.), Embajadora, Representante Permanente, Misión Permanente, Ginebra

Marcelo VARELA-ERASHEVA, Embajador, Representante Permanente Alterno, Misión Permanente, Ginebra

Agustín MELÉNDEZ GARCÍA, Subdirector General, Registro Nacional, Ministerio de Justicia y Paz, San Jose

Juan Carlos MONTERO VILLALOBOS, Junta Administrativa, Registro Nacional, Ministerio de Justicia y Paz, San Jose

Maricela MUÑOZ ZUMBADO (Sra.), Consejera, Misión Permanente, Ginebra

## CÔTE D'IVOIRE

Anney Irène ASSA VIEIRA (Mme), directeur général, Bureau ivoirien du droit d'auteur (BURIDA), Abidjan

Kumou MANKONGA, premier secrétaire, Mission permanente, Genève

## CUBA

Madelyn RODRÍGUEZ LARA (Sra.), Primera Secretaria, Oficina Comercial, Misión Permanente, Ginebra

## DANEMARK/DENMARK

Mette Wiuff KORSHOLM (Ms.), Legal Adviser, Danish Patent and Trademark Office, Ministry of Business and Growth, Taastrup

## ÉGYPTE/EGYPT

Wafaa Mohy Eldin Soliman HAMED (Mrs.), Director General, Technical and Electronic Services Department, Egyptian Patent Office, Academy of Scientific Research and Technology (ASRT), Ministry of Scientific Research, Cairo

## EL SALVADOR

Katia María CARBALLO (Sra.), Ministra Consejera, Misión Permanente ante la Organización Mundial del Comercio (OMC) y la OMPI, Ginebra

## ÉMIRATS ARABES UNIS/UNITED ARAB EMIRATES

Shaima AL-AKEL (Ms.), International Organizations Executive, Permanent Mission to the World Trade Organization (WTO), Geneva

## ÉQUATEUR/ECUADOR

Juan Eduardo FALCONI PUIG, Embajador, Representante Permanente, Misión Permanente ante la Organización Mundial del Comercio (OMC), Ginebra

Byron Patricio ROBAYO ARROYO, Abogado Experto en Propiedad Intelectual, Instituto Ecuatoriano de la Propiedad Intelectual (IEPI), Quito

Vanessa Johana RODRÍGUEZ VILLALOBOS (Sra.), Especialista en Propiedad Industrial, Instituto Ecuatoriano de la Propiedad Intelectual (IEPI), Quito

Pablo ESCOBAR, Primer Secretario, Misión Permanente ante la Organización Mundial del Comercio (OMC), Ginebra

Ñusta MALDONADO SARAVINO (Sra.), Tercer Secretario, Misión Permanente ante la Organización Mundial del Comercio (OMC), Ginebra

## ESPAGNE/SPAIN

Eduardo ASENSIO LEYVA, Subdirector General Adjunto, Subdirección General de Propiedad Intelectual, Ministerio de Educación, Cultura y Deporte, Madrid

Lucía GUTIÉRREZ GARCÍA (Sra.), Jefa de Área, Subdirección General de Propiedad Intelectual, Ministerio de Educación, Cultura y Deporte, Madrid

Ana María URRECHA ESPLUGA (Sra.), Consejera Técnica, Departamento de Coordinación Jurídica y Relaciones Internacionales, Oficina Española de Patentes y Marcas (OEPM), Ministerio de Industria, Energía y Turismo, Madrid

Elena PINA MARTÍNEZ (Sra.), Técnica Superior, Departamento de Patentes e Información Tecnológica, Oficina Española de Patentes y Marcas (OEPM), Madrid

Oriol ESCALAS NOLLA, Consejero, Misión Permanente, Ginebra

## ESTONIE/ESTONIA

Veikko MONTONEN, Second Secretary, Permanent Mission, Geneva

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

Theodore ALLEGRA, Deputy Permanent Representative, Permanent Mission, Geneva

Marina LAMM (Ms.), Attorney Advisor, Office of Policy and International Affairs, United States Patent and Trademark Office (USPTO), Department of Commerce, Alexandria, Virginia

Debra LEE (Ms.), Attorney Advisor, Office of Policy and International Affairs, United States Patent and Trademark Office (USPTO), Department of Commerce, Alexandria, Virginia

Deborah LASHLEY-JOHNSON (Ms.), Intellectual Property Attaché, Permanent Mission, Geneva

Kristine SCHLEGELMILCH (Ms.), Intellectual Property Attaché, Permanent Mission, Geneva

Yasmine FULENA (Ms.), Intellectual Property Assistant, Permanent Mission, Geneva

ÉTHIOPIE/ETHIOPIA

Negash Kebret BOTORA, Ambassador, Permanent Representative, Permanent Mission, Geneva

Yidnekachew Takle ALEMU, Counsellor, Permanent Mission, Geneva

EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE/THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Ismail JASHARI, Patent Examiner, Patent Department, State Office of Industrial Property, Skopje

Zufer OSMANI, Patent Examiner, Patent Department, State Office of Industrial Property, Skopje

FÉDÉRATION DE RUSSIE/RUSSIAN FEDERATION

Petr KOSTIN, Deputy Head, Commercialization of Technology and Intellectual Property Division, Department of Strategic Development and Innovation, Ministry of Economic Development, Moscow

FRANCE

Francis GUÉNON, conseiller, Mission permanente, Genève

GAMBIE/GAMBIA

Abdoulie COLLEY, Senior State Counsel, Registrar General's Department, Ministry of Justice, Banjul

Alieu JALLOW, Acting Registrar General, Registrar General's Department, Ministry of Justice, Banjul

Yusupha M. CHAM, Senior Legal Clerk, Registrar General's Department, Ministry of Justice, Banjul

GHANA

Oladele KWAKU ARIBIKE, Principal State Attorney, Ministry of Justice, Accra

Alexander BEN-ACQUAAH, Minister Counsellor, Permanent Mission, Geneva

Joseph OWUSU-ANSAH, First Secretary, Geneva

GUATEMALA

Flor de María GARCÍA DIAZ (Sra.), Consejera, Misión Permanente ante la Organización Mundial del Comercio (OMC), Ginebra

HAÏTI/HAITI

Antoine Fresnel JEAN PIERRE, assistant directeur, Direction des affaires juridiques, Service de la propriété intellectuelle, Ministère du commerce et de l'industrie, Port-au-Prince

INDE/INDIA

Kamal Singh GOONDLI, Deputy Controller of Patents and Designs, the Patent Office, Intellectual Property Office, New Delhi

Sumit SETH, First Secretary, Permanent Mission, Geneva

INDONÉSIE/INDONESIA

Robert Matheus Michael TENE, Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva

Denny ABDI, Minister Counsellor, Permanent Mission, Geneva

Razilu RAZILU, Executive Secretary, Secretariat, Directorate General of Intellectual Property, Ministry of Law and Human Rights, Jakarta

Yuslianti IRNI (Ms.), Head, Section for Cooperation with International Organizations, Directorate of Cooperation and Empowerment of IP, Directorate General of Intellectual Property, Ministry of Law and Human Rights, Jakarta

Erry Wahyu PRASETYO, Third Secretary, Permanent Mission, Geneva

IRAN (RÉPUBLIQUE ISLAMIQUE D')/IRAN (ISLAMIC REPUBLIC OF)

Reza DEHGHANI, First Secretary, Permanent Mission, Geneva

IRAQ

Jaber AL-JABERI, Undersecretary, Ministry of Culture, Baghdad

Hind KHALEEL (Ms.), Director, Copyright Department, Baghdad

Aaisha HAJI (Miss), Chief Engineer, Industrial Property Division, Central Organization for Standardization and Quality Control (COSQC), Ministry of Planning, Baghdad

ISRAËL/ISRAEL

Judith GALILEE-METZER (Ms.), Counsellor, Permanent Mission, Geneva

Dan ZAFRIR, Adviser, Permanent Mission, Geneva

ITALIE/ITALY

Matteo EVANGELISTA, First Secretary, Permanent Mission, Geneva

Alessandro MANDANICI, First Secretary, Permanent Mission, Geneva

Carlo FAVARETTO, Intern, Permanent Mission, Geneva

JAPON/JAPAN

Tatsuo TAKESHIGE, Director, International Policy Division, Japan Patent Office (JPO), Tokyo

Hiroki UEJIMA, Deputy Director, International Policy Division, Japan Patent Office (JPO), Tokyo

Yui HAYASAKA (Ms.), Administrative Officer, International Policy Division, Japan Patent Office (JPO), Tokyo

Kenji SAITO, First Secretary, Permanent Mission, Geneva

JORDANIE/JORDAN

Abdel-Haleem Sarhad Khaled EL-JAMRAH, Head, Industrial Designs and Models Section, Ministry of Industry and Trade and Supply, Amman

KENYA

Howard OKIROR, Legal Counsel, Legal Department, Kenya Copyright Board (KECOBO),  
Nairobi

Peter KAMAU, Counsellor, Permanent Mission, Geneva

Stanley MWENDIA, Expert, Permanent Mission, Geneva

KOWEÏT/KUWAIT

Abdulaziz TAQI, Commercial Attaché, Permanent Mission, Geneva

LETTONIE/LATVIA

Janis KARKLINS, Ambassador, Permanent Representative, Permanent Mission, Geneva

Liene GRIKE (Ms.), Advisor, Permanent Mission, Geneva

LITUANIE/LITHUANIA

Renata RINKAUSKIENE (Ms.), Counsellor, Permanent Mission, Geneva

Donatas VAINALAVICIUS, First Secretary, External Economic Relations Department, Ministry  
of Foreign Affairs, Vilnius

MALAWI

Loudon Overson MATTIYA, Deputy Permanent Representative, Permanent Mission, Geneva

MALTE/MALTA

Edward GRIMA BALDACCHINO, Officer in Grade V, Industrial Property Registrations  
Directorate, Commerce Department, Ministry for the Economy, Investment and Small Business,  
Valletta

MAROC/MOROCCO

Asmaa BENNI (Mlle), conseiller (Droits de l'homme), Mission permanente, Genève

Mohamed Reda OUDGHIRI IDRISSE, conseiller (Droits de l'homme), Mission permanente,  
Genève

MEXIQUE/MEXICO

Mónica VILLELA GROBET (Sra.), Directora General Adjunta de los Servicios de Apoyo, Instituto Mexicano de la Propiedad Industrial (IMPI), Ciudad de México

Alma Elena DOMÍNGUEZ BATISTA (Sra.), Directora Divisional de las Oficinas Regionales, Instituto Mexicano de la Propiedad Industrial (IMPI), Ciudad de México

María del Pilar ESCOBAR BAUTISTA (Sra.), Consejera, Misión Permanente, Ginebra

MONACO

Gilles REALINI, premier secrétaire, Mission permanente, Genève

NAMIBIE/NAMIBIA

Immanuel AWENE, Executive, Finance and Administration Services, Business and Intellectual Property Authority, Windhoek

Hendrina Naufiku FILIPPUS (Ms.), Information Officer, Copyright Services, Ministry of Information and Communication Technology, Windhoek

NICARAGUA

Hernán ESTRADA ROMÁN, Embajador, Representante Permanente, Misión Permanente, Ginebra

Jenny ARANA VIZCAYA (Sra.), Primera Secretaria, Misión Permanente, Ginebra

Chloé MAURICE (Sra.), Pasante, Misión Permanente, Ginebra

NIGÉRIA/NIGERIA

Peters S.O. EMUZE, Chargé d'Affaires, Deputy Permanent Representative, Permanent Mission, Geneva

Jane IGWE (Ms.), Principal Assistant Registrar, Trademarks, Patents and Designs Registry, Commercial Law Department, Federal Ministry of Trade, Industry and Investment, Abuja

Ugomma Nkeonye EBIRIM (Ms.), Senior Lecturer, Global Policy Department, University of Nigeria, Nsukka

Chichi UMESI (Ms.), First Secretary, Permanent Mission, Geneva

OMAN

Mohammed AL BALUSHI, First Secretary, Directorate General of Organizations and Commercial Relations, Commerce and Industry, Permanent Mission to the World Trade Organization (WTO), Geneva

OUGANDA/UGANDA

Caroline Egesa TUSINGWIRE (Mrs.), Board Secretary, Uganda Registration Services Bureau (URSB), Ministry of Justice and Constitutional Affairs, Kampala

Christine KAAHWA (Ms.), Board Member, Uganda Registration Services Bureau (URSB), Ministry of Justice and Constitutional Affairs, Kampala

Maria NYANGOMA (Ms.), Senior Registration Officer, Uganda Registration Services Bureau (URSB), Ministry of Justice and Constitutional Affairs, Kampala

PAKISTAN

Tehmina JANJUA (Ms.), Ambassador, Permanent Representative, Permanent Mission, Geneva

Aamar Aftab QURESHI, Deputy Permanent Representative, Permanent Mission, Geneva

Fareha BUGTI (Ms.), First Secretary, Permanent Mission, Geneva

Syed Atif RAZA, Second Secretary, Permanent Mission, Geneva

Zunaira LATIF (Ms.), Third Secretary, Permanent Mission, Geneva

PÉROU/PERU

Luis Enrique CHÁVEZ BASAGOITIA, Embajador, Representante Permanente, Misión Permanente, Ginebra

Luis MAYAUTE VARGAS, Consejero, Misión Permanente, Ginebra

PHILIPPINES

Carmen PERALTA (Ms.), Director, Documentation, Information and Technology Transfer, Intellectual Property Office of the Philippines (IPOPIL), Department of Trade and Industry, Taguig City

Arnel TALISAYON, First Secretary, Permanent Mission, Geneva

Jayroma BAYOTAS (Ms.), Attaché, Permanent Mission, Geneva

POLOGNE/POLAND

Wojciech PIATKOWSKI, Minister Counsellor, Permanent Mission, Geneva

PORTUGAL

João FAUQUIER PINA DE MORAIS, First Secretary, Geneva

RÉPUBLIQUE ARABE SYRIENNE/SYRIAN ARAB REPUBLIC

Othman HAMED, Deputy Minister for Internal Trade and Consumer Protection, Directorate of Commercial and Industrial Property, Ministry of Internal Trade and Consumer Protection, Damascus

Adib AL ASHKAR, Second Secretary, Permanent Mission, Geneva

RÉPUBLIQUE DE CORÉE/REPUBLIC OF KOREA

PARK Da Hyun (Ms.), Assistant Director, Korean Intellectual Property Office (KIPO), Daejeon

YANG Dae Gyeong, Assistant Director, Multilateral Affairs Division, Korean Intellectual Property Office (KIPO), Daejeon

RÉPUBLIQUE DE MOLDOVA/REPUBLIC OF MOLDOVA

Andrei POPA, Deputy Director General, State Agency of Intellectual Property of the Republic of Moldova, Chisinau

RÉPUBLIQUE DOMINICAINE/DOMINICAN REPUBLIC

Narcis Georgina TEJADA CUELLO (Srta.), Encargada de la Academia Nacional de la Propiedad Industrial, Oficina Nacional de la Propiedad Industrial (ONAPI), Santo Domingo

RÉPUBLIQUE POPULAIRE DÉMOCRATIQUE DE CORÉE/DEMOCRATIC PEOPLE'S  
REPUBLIC OF KOREA

PANG Hak Chol, Director, International Cooperation and External Affairs Division, Invention Office, Pyongyang

JO Myong Ju, Executive Officer, International Cooperation Department, State Commission of Science and technology, Pyongyang

RÉPUBLIQUE TCHÈQUE/CZECH REPUBLIC

Evžen MARTÍNEK, Lawyer, International Department, Industrial Property Office, Prague

ROUMANIE/ROMANIA

Catalin NITU, Director, Legal and International Affairs, State Office for Inventions and Trademarks, Bucharest

Cristian FLORESCU, Head, International Relations Department, Romanian Copyright Office (ORDA), Bucharest

ROYAUME-UNI/UNITED KINGDOM

Francis ROODT, Senior Policy Advisor, UK Intellectual Property Office (UK IPO), London

RWANDA

François-Xavier NGARAMBE, Ambassador, Permanent Representative, Permanent Mission, Geneva

Myriam GATSIMBANYI (Ms.), Officer in Charge of Intellectual Property Policy, Ministry of Trade and Industry, Kigali

Edouard BIZUMUREMYI, Attaché, Permanent Mission, Geneva

SAINT-SIÈGE/HOLY SEE

Carlo Maria MARENGHI, attaché, Mission permanente, Genève

SÉNÉGAL/SENEGAL

Lamine Ka MBAYE, premier secrétaire, Mission permanente, Genève

SEYCHELLES

Cecile Philomena Juliana KALEBI (Ms.), Director General (Culture), Office of the Registrar of Copyrights, Department of Culture, Ministry of Tourism and Culture, Victoria, Mahe

Sybil Jones LABROSSE (Mrs.), Manager, Office of the Registrar of Copyrights, Department of Culture, Ministry of Tourism and Culture, Victoria, Mahe

Thelma Micheline COLLE (Ms.), Copyright Office Assistant, Office of the Registrar of Copyrights, Department of Culture, Ministry of Tourism and Culture, Victoria, Mahe

SLOVAQUIE/SLOVAKIA

Tomas KLINKA, Director, Legal and International Affairs, Industrial Property Office of the Slovak Republic, Banská Bystrica

Emil ZATKULIAK, First Secretary, Permanent Representation of the Slovak Republic to the European Union (EU), Ministry of Foreign and European Affairs of the Slovak Republic, Brussels

SLOVÉNIE/SLOVENIA

Jakub SLOVÁK, Third Secretary, Permanent Mission, Geneva

SOUDAN/SUDAN

Manahil Elamin ABUBKR IDRIISS (Ms.), Legal Advisor, Intellectual Property Office, Ministry of Justice, Khartoum

SRI LANKA

Ravinatha ARYASINHA, Ambassador, Permanent Representative, Permanent Mission, Geneva

Dilini GUNASEKERA (Ms.), Second Secretary, Permanent Mission, Geneva

SUÈDE/SWEDEN

Sofia JÖNSSON (Ms.), Intern, Permanent Mission, Geneva

SUISSE/SWITZERLAND

Marco D'ALESSANDRO, conseiller juridique, Division droit et affaires internationales, Institut fédéral de la propriété intellectuelle (IPI), Berne

Ursula SIEGFRIED (Mme), conseillère juridique, Division droit et affaires internationales, Institut fédéral de la propriété intellectuelle (IPI), Berne

Reynald VEILLARD, conseiller, Mission permanente, Genève

Alebe LINHARES MESQUITA, stagiaire, Division droit et affaires internationales, Institut fédéral de la propriété intellectuelle (IPI), Berne

TADJIKISTAN/TAJIKISTAN

Parviz EMONOV, Second Secretary, Permanent Mission, Geneva

### THAÏLANDE/THAILAND

Porsche JARUMON, Trade Officer, Intellectual Property Promotion and Development Division, Department of Intellectual Property, Ministry of Commerce, Nonthaburi

### TUNISIE/TUNISIA

Walid DOUDECH, ambassadeur, représentant permanent, Mission permanente, Genève

Nasreddine NAOUALI, conseiller, Mission permanente, Genève

Elyes LAKHAL, directeur adjoint, Direction générale des organisations et des conférences internationales, Ministère des affaires étrangères, Tunis

### TURQUIE/TURKEY

Gümüş İSMAIL, Senior Expert, International Affairs Department, Turkish Patent Institute, Ankarajachari

Osman GOKTURK, Second Secretary, Permanent Mission to the World Trade Organization (WTO), Geneva

### TUVALU

Losaline TEO (Ms.), Crown Counsel, Office of The Attorney General, Office of The Prime Minister, Funafuti

### UKRAINE

Nelia POLONSKA (Ms.), Director, Innovation and Information Development, Ministry of Economic Development and Trade of Ukraine, State Intellectual Property Service of Ukraine, State Enterprise, Kyiv

Inna KOSTENKO (Ms.), Head, Division of Events from Development of Intellectual Property, State Intellectual Property Service of Ukraine, State Enterprise “Ukrainian Intellectual Property Institute” (Ukrpatent), Ministry of Economic Development and Trade, Kyiv

Yurii KUCHYNSKYI, Head, Public Relations and Protocol Events Department, State Intellectual Property Service of Ukraine, State Enterprise “Ukrainian Intellectual Property Institute” (Ukrpatent), Ministry of Economic Development and Trade, Kyiv

### URUGUAY

Gustavo VANERIO BALBELA, Embajador, Representante Permanente, Misión Permanente ante la Organización Mundial del Comercio (OMC), Ginebra

Juan José BARBOZA CABRERA, Consejero, Misión Permanente ante la Organización Mundial del Comercio (OMC), Ginebra

VÉNEZUELA (RÉPUBLIQUE BOLIVARIENNE DU)/  
VENEZUELA (BOLIVARIAN REPUBLIC OF)

Gilberto Adolfo CAMPEROS QUINTERO, Director, Asesoría Jurídica, Servicio Autónomo de la Propiedad Intelectual (SAPI), Caracas

VIET NAM

NGUYEN Van Bay, Director, Research and Training Center, National Office of Intellectual Property of Vietnam (NOIP), Hanoi

MAI Van Son, Counsellor, Permanent Mission, Geneva

YÉMEN/YEMEN

Hussein Taher Ahmed AL-ASHWAL, Second Secretary, Permanent Mission, Geneva

ZAMBIE/ZAMBIA

Margret Mary Lungu KAEMBA (Ms.), Minister Counsellor, Permanent Mission, Geneva

ZIMBABWE

Taonga MUSHAYAVANHU, Ambassador, Permanent Representative, Permanent Mission, Geneva

Roda Tafadzwa NGARANDE (Ms.), Counsellor, Permanent Mission, Geneva

II. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/  
INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

CENTRE SUD (CS)/SOUTH CENTRE (SC)

Carlos M. CORREA, Special Adviser for Trade and Intellectual Property, Geneva

Viviana MUÑOZ TELLEZ (Ms.), Coordinator, Development, Innovation and Intellectual Property Programme, Geneva

Nirmalya SYAM, Programme Officer, Development, Innovation and Intellectual Property Programme, Geneva

HAN Bing (Ms.), Research Fellow, Geneva

CAI Yujiao (Ms.), Intern, Development, Innovation and Intellectual Property Programme, Geneva

FÉDÉRATION DES CONSEILS ARABES DE RECHERCHE SCIENTIFIQUE  
(FCARS)/FEDERATION OF ARAB SCIENTIFIC RESEARCH COUNCILS (FASRC)

Mubarak Mohamed Ali MAGZOUB, Secretary General, Khartoum

L'UNION AFRICAINE (UA)/AFRICAN UNION (AU)

Georges Remi NAMEKONG, Senior Economist, Geneva

OFFICE DES BREVETS DU CONSEIL DE COOPÉRATION DES ÉTATS ARABES DU  
GOLFE (CCG)/PATENT OFFICE OF THE COOPERATION COUNCIL FOR THE ARAB  
STATES OF THE GULF (GCC PATENT OFFICE)

Ahlam ALMUSALLAM (Ms.), Patent Examiner, Pharmaceutical, Riyadh

Alhanouf ALOSAIMI (Ms.), Accountant, Riyadh

ORGANISATION DE COOPÉRATION ISLAMIQUE (OCI)/ORGANIZATION OF ISLAMIC  
COOPERATION (OIC)

Aissata KANE (Mme), observateur permanent adjoint, Mission permanente, Genève

Halim GRABUS, conseiller, Mission permanente, Genève

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET  
L'AGRICULTURE (FAO)/FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED  
NATIONS (FAO)

Silvano SOFIA, Consultant, Partnerships and Communications, Liaison Office, Geneva

ORGANISATION EUROPÉENNE DE DROIT PUBLIC (EPLO)/EUROPEAN PUBLIC LAW  
ORGANIZATION(EPLO)

George PAPADATOS, Permanent Observer, Geneva

ORGANISATION MONDIALE DU COMMERCE (OMC)/WORLD TRADE ORGANIZATION  
(WTO)

Jayashree WATAL (Ms.), Counsellor, Intellectual Property Division, Geneva

WU Xiaoping (Ms.), Counsellor, Intellectual Property Division, Geneva

ORGANISATION RÉGIONALE AFRICAINE DE LA PROPRIÉTÉ  
INTELLECTUELLE (ARIPO)/AFRICAN REGIONAL INTELLECTUAL PROPERTY  
ORGANIZATION (ARIPO)

Christopher KIIGE, Director, Industrial Property, Harare

Emmanuel SACKY, Intellectual Property Development Executive, Harare

UNION ÉCONOMIQUE ET MONÉTAIRE OUEST AFRICAINE (UEMOA)/WEST AFRICAN  
ECONOMIC AND MONETARY UNION (WAEMU)

Iba Mar OULARE, ambassadeur observateur, Délégation permanente, Genève

Koffi Addoh GNAKADJA, conseiller, Délégation permanente, Genève

UNION EUROPÉENNE (UE)/EUROPEAN UNION (EU)

Margreet GROENENBOOM (Ms.), Legal and Policy Affairs Officer, Directorate General for  
Grow, European Commission, Brussels

Oliver HALL ALLEN, First Counsellor, Permanent Delegation, Geneva

Lucas VOLMAN, Intern, Permanent Delegation, Geneva

III. ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES/  
INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Asociación Argentina de Intérpretes (AADI)

Martín MARIZCURRENA, Consultor de asuntos internacionales, Buenos Aires

Association de gestion internationale collective des œuvres audiovisuelles  
(AGICOA)/Association for the International Collective Management of Audiovisual Works  
(AGICOA)

Vera CASTANHEIRA (Ms.), General Counsel, Geneva

Association européenne des étudiants en droit (ELSA International)/European Law Students'  
Association (ELSA International)

Felix MEYER, Representative, Brussels

Lydia BRUMMER (Ms.), Delegate, Brussels

Maria DROUNGELIDOU (Ms.), Delegate, Brussels

Zeynep KARAKAYA (Ms.), Delegate, Istanbul

Olga KOUMPOURI (Ms.), Delegate, Brussels

QINPEI Lin, Delegate, Brussels

Centre international pour le commerce et le développement durable (ICTSD)/  
International Center for Trade and Sustainable Development (ICTSD)

Pedro ROFFE, Senior Associate, Geneva  
Emily BLOOM (Ms.), Junior Project Officer, E15 Initiative, Geneva  
Jimena SOTELO (Ms.), Junior Programme Officer, Geneva

CropLife International/CropLife International

Tatjana SACHSE (Ms.), Legal Advisor, Geneva

Fédération internationale de l'industrie du médicament (FIIM)/International Federation of  
Pharmaceutical Manufacturers Associations (IFPMA)

Grega KUMER, Legal Manager, Geneva

Fédération internationale de la vidéo (IFV)/International Video Federation (IVF)

Benoît MÜLLER, Legal Advisor, Brussels

Health and Environment Program (HEP)

Madeleine SCHERB (Ms.), President, Geneva  
Pierre SCHERB, Legal Counsellor, Geneva

Ingénieurs du Monde (IdM)

François ULLMAN, président, Divonne les Bains, France

Innovation Insights

Jennifer BRANT (Ms.), Director, Geneva  
Ania JEDRUSIK (Ms.), Policy Advisor, Geneva

Knowledge Ecology International, Inc. (KEI)

Thiru BALASUBRAMANIAM, Representative, Geneva

MALOCA Internationale

Leonardo RODRÍGUEZ PÉREZ, Expert, Bogota, D.C.

Médecins sans frontières (MSF)

Rohit MALPANI, Director of Policy and Analysis, Paris  
HU Yuanqiong (Ms.), Legal and Policy Advisor, Geneva  
Claire WATERHOUSE (Ms.), Access Campaign Advocacy Officer, Johannesburg  
Rachael HORE (Ms.), Medical and Administrative Intern, Geneva  
Roz SCOURSE (Ms.), Policy and Analysis Intern, Geneva

Third World Network Berhad (TWN)

Mirza ALAS PORTILLO (Ms.), Researcher, Geneva

World Women Inventors and Entrepreneurs Association (WWIEA)  
HAN Mi Young (Ms.), President, Seoul

IV. BUREAU/OFFICERS

Président/Chair: Luis Enrique CHÁVEZ BASAGOITIA (Pérou/Peru)

Vice-Présidents/Vice Chairs: Kerry FAUL (Mme/Ms.) (Afrique du Sud/South Africa)

Osman GOKTURK (Turquie/Turkey)

Secrétaire/Secretary: Irfan BALOCH (OMPI/WIPO)

V. SECRÉTARIAT DE L'ORGANISATION MONDIALE DE LA PROPRIÉTÉ  
INTELLECTUELLE (OMPI)/SECRETARIAT OF THE WORLD INTELLECTUAL  
PROPERTY ORGANIZATION (WIPO)

Francis GURRY, directeur général/Director General

Mario MATUS, vice-directeur général/Deputy Director General

Irfan BALOCH, secrétaire du Comité du développement et de la propriété intellectuelle (CDIP) et directeur, Division de la coordination du Plan d'action pour le développement/Secretary to the Committee on Development and Intellectual Property (CDIP) and Director, Development Agenda Coordination Division

Georges GHANDOUR, administrateur principal de programme, Division de la coordination du Plan d'action pour le développement/Senior Program Officer, Development Agenda Coordination Division

Mihaela CERBARI (Mme), administratrice adjointe chargée de l'appui au programme, Division de la coordination du Plan d'action pour le développement/Associate Program Support Officer, Development Agenda Coordination Division

Maria Daniela LIZARZABURU AGUILAR (Mme), administratrice adjointe chargée de l'appui au programme, Division de la coordination du Plan d'action pour le développement/Associate Program Support Officer, Development Agenda Coordination Division

Luis Enrique CHÁVEZ PRADO, stagiaire, Division de la coordination du Plan d'action pour le développement/Intern, Development Agenda Coordination Division

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