

Committee on Development and Intellectual Property (CDIP)

Nineteenth Session
Geneva, May 15 to 19, 2017

PROGRESS REPORT ON NEW WIPO ACTIVITIES RELATED TO USING COPYRIGHT TO PROMOTE ACCESS TO INFORMATION AND CREATIVE CONTENT

prepared by the Secretariat

1. The Annex to this document contains a progress report for the period from June 2015 to February 2017 on the *New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content*, described in its Implementation Proposal document (CDIP/13/11).
2. By way of background, it is recalled that at its fourteenth session, the Committee took certain decisions with regard to the implementation of the activities contained in the above-mentioned document.
3. *The Committee is invited to take note of the information contained in the Annex to this document and to take a decision regarding the way forward.*

[Annex follows]

SUMMARY	
<u>Title</u>	New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content
<u>Development Agenda Recommendation</u>	<p>Recommendation 19: To initiate discussions on how, within WIPO's mandate, to further facilitate access to knowledge and technology for developing countries and LDCs to foster creativity and innovation and to strengthen such existing activities within WIPO.</p> <p>Recommendation 24: To request WIPO, within its mandate, to expand the scope of its activities aimed at bridging the digital divide, in accordance with the outcomes of the World Summit on the Information Society (WSIS) also taking into account the significance of the Digital Solidarity Fund (DSF).</p> <p>Recommendation 27: Facilitating intellectual property-related aspects of ICT for growth and development: Provide for, in an appropriate WIPO body, discussions focused on the importance of intellectual property-related aspects of ICT, and its role in economic and cultural development, with specific attention focused on assisting Member States to identify practical intellectual property-related strategies to use ICT for economic, social and cultural development.</p>
<u>Start Date</u>	June 2015
<u>Duration</u>	<p><i>Activity 1</i>¹ (decision on implementation pending): 24 months from the selection of target countries</p> <p>Activity 2: 24 months</p> <p>Activity 3: 12 months</p> <p>Activity 4: 24 months</p> <p>Activity 5: 12 months</p> <p>Activity 6² (decision on implementation pending): 9 months</p>
<u>Key WIPO Sectors Involved and Links to WIPO Programs</u>	<p>Communication Division Copyright Law Division Division for Least-Developed Countries Office of the Legal Counsel WIPO Academy</p> <p>Links to WIPO programs: 3, 9, 11, 19, 21</p>

¹ Pilot project on creation of a centralized database in order to make IP-related education and research resources available on an open access basis.

² International conference for Least-Developed Countries (LDCs) on copyright and the management of public sector information.

<p><u>Links to Expected Results in the Program and Budget 16/17</u></p>	<p>I.1. Enhanced cooperation among Member States on development of balanced international normative frameworks for IP and agreement on specific topics on which international instruments are agreed;</p> <p>IV.2. Enhanced access to, and use of, IP information by IP institutions and the public to promote innovation and creativity;</p> <p>III.2. Enhanced human resource capacities able to deal with the broad range of requirements for the effective use of IP for development in developing countries, LDCs and transitional economy countries;</p> <p>VIII.1 Enhanced and effective communication with the broad public on intellectual property and WIPO's role; and</p> <p>VIII.5 Further interaction and partnerships, on processes and negotiations, between WIPO and other UN agencies and IGOs.</p>
<p><u>Progress in Implementation</u></p>	<p><i>Activity 2: <u>Applicability of open licensing to education and research resources produced by international organizations</u></i></p> <p>Creative Commons (CC) licenses tailored to IGOs (international governmental organizations) were adopted in December 2013 by CC with the collaboration of WIPO and 13 other IGOs.</p> <p>The goal of this activity is to facilitate the implementation process of copyright policies of IGOs that have decided to implement an open access policy and to use the new CC IGO licenses.</p> <p><u>Outcomes:</u></p> <p>(a) Establishment of a WIPO internal working group comprised of the Office of Legal Counsel, Communications Division, and Copyright Law Division.</p> <p>(b) Launch of WIPO Open Access policy on November 15, 2016 (http://www.wipo.int/tools/en/disclaim.html#open_access) and its implementation.</p> <p>(c) Exchange of experiences and best practices with IGOs through an online platform and through meetings at the Frankfurt Book Fair (October 19-23, 2016), at WIPO Headquarters in Geneva (December 12, 2016), and at the London Book Fair (March 16, 2017).</p> <p>Continuing dialogue with other IGOs is also planned at:</p> <p>(i) Re:publica digital conference (May 8-10, 2017); and</p> <p>(ii) Frankfurt Book Fair (October 11-15, 2017).</p>

Activity 3: Development of a training module on licensing and open source software development

The objective of this activity is to develop a training module on IP issues, related to software licensing, that could be used by the WIPO Academy and other units providing training and capacity building in the area of copyright.

Such a dedicated module should provide useful information about alternative strategies of software development, as well as their related costs and implications.

Outcome:

Launch of WIPO Academy distance learning program, Software Licensing Including Open Source (DL511)
(https://welc.wipo.int/acc/index.jsf?page=courseCatalog.xhtml&lang=en&cc=DL511E#plus_DL511E).

The objective of this course is to enhance awareness of the possibilities and implications of proprietary and open source software; to create useful sources of information including concrete examples and bibliography on software licensing, whether proprietary or open source, with special emphasis on the needs of developing countries.

The course requires approximately 30 hours of study time over a period of 4 weeks, and comprises 4 modules:

- Module 1: IP regimes for software
- Module 2: Software licensing – traditional and open source
- Module 3: Benefits and risks of open source strategies
- Module 4: Public policy options to support wider access to software

Activity 4: Integrating open source licensing in WIPO copyright related courses and training programs

The objective of this activity is that WIPO programs on copyright licensing and related topics also raise awareness about open source software development in the context of the broader copyright system.

Outcomes:

The subject of open source licensing has been integrated into the following WIPO copyright related courses or training programs:

- (i) WIPO Academy Distance Learning “Advanced Course on Intellectual Property Management” (DL-450; Module 8: IP and Development - Open Source, Flexibilities and Public Domain);

(ii) WIPO/CEIPI Colloquium on Transfer of Technology and Licensing, "Copyright licensing, including Open Source: a practical approach" (Strasbourg, June 15 to 26, 2015);

(iii) Training Program on Intellectual Property for Digital Business (Medellin, November 16 to 20, 2015);

(iv) Regional Seminar on Building Awareness of the Principles and Functions of Copyright in Today's Changing Environment, Topic 5: Software Licensing: Navigating a Sea of Options (Singapore, April 27 to 29, 2016);

(v) WSIS Forum, Thematic Workshop "Software Licensing: Navigating a Sea of Options" (Geneva, May 2, 2016);

(vi) WIPO-UNIGE Summer School on Intellectual Property, Topic 11: Software Development: Patentability and Licensing options (including Open Source) (Geneva, June 27 to July 8, 2016);

(vii) Master of Laws (LLM) in intellectual property – University of Turin (October 11, 2016);

(viii) Master of Laws (LLM) in intellectual property – Autonomous University of Madrid (September 30, 2016)

Additionally, the following activities are currently under preparation:

(i) Public Domain and Open Source SW Conference (Pyeongchang, October 26, 2017 (prov.)); and

(ii) Meeting with Asia and Pacific countries (Tokyo, October 27, 2017 (prov.))

Activity 5: Development of model copyright policies and legal provisions for different copyright approaches to public sector information (PSI)

In light of the growing interest shown by governments and stakeholders, the objective of this activity is to strengthen the capacity and tools that WIPO could use when required to provide information and legal assistance on matters related to copyright and PSI. Model provisions and useful material for providing legislative advice would be created to address the requests of Member States.

Completion of informational document for WIPO internal use on copyright policies and legal provisions for different copyright approaches to PSI.

In order to capture legislative options in the context of the two major legal systems, this was commissioned to two qualified external consultants, one with extensive knowledge in the common law system, and the other in the civil law system.

<u>Risks and Mitigation</u>	None
<u>Issues Requiring Immediate Support/Attention</u>	None
<u>The Way Forward</u>	<ul style="list-style-type: none"> - <i>Activity 1:</i> The Secretariat may reinvite the Member States to voluntarily participate in the project aimed at creating a centralized database that will make IP related education and research resources, available on an open access basis. This would require active participation by several countries in the same language group. - <i>Activity 2:</i> The Secretariat may continue to facilitate the implementation process of the copyright policies of IGOs, who desire to implement an open access policy and to use the new CC IGO licenses. - <i>Activity 4:</i> The Secretariat may continue to integrate the subject of open source licensing in WIPO copyright related courses and training programs. - <i>Activity 6:</i> The Committee may agree on the organization of a global meeting, aimed at raising awareness to selected LDCs, on topics related to public sector information and copyright.
<u>Implementation timeline</u>	All project phases have been delivered on schedule and within the allocated budget.
<u>Previous Reports</u>	This is the first report submitted to the Committee.

[End of Annex and of document]