

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP)

Second Session
Geneva, July 7 to 11, 2008

INITIAL WORKING DOCUMENT FOR THE COMMITTEE ON
DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP):
REVISED TEXT IN RESPECT OF RECOMMENDATIONS CONSIDERED
IN THE FIRST SESSION OF THE CDIP

prepared by the Secretariat

1. At the first session of the Committee on Development and Intellectual Property (CDIP), held from March 3 to 7, 2008, Member States adopted document CDIP/1/3 as a working document of the CDIP and considered the information provided therein for implementation of the adopted recommendations.
2. The CDIP considered recommendation 1 in Annex III of document CDIP/1/3 and requested the Secretariat to furnish a progress report, in line with any suggested changes and/or new activities, for the July 2008 session of the CDIP. The information provided earlier for implementation of this recommendation has been revised in accordance with the discussions held in the first session and attached as Annex I of this document.
3. The CDIP also considered recommendations 2, 5, 8, 9 and 10, in Annex V of document CDIP/1/3 and broadly agreed that the proposed activities, as suitably modified following the discussions, would be sent to the Secretariat to assess the human and financial resource requirements before the July 2008 session of the CDIP. Accordingly, the activities proposed earlier for implementation of these recommendations, have been revised, following the discussions, and are attached as Annex II of this document with the human and financial resource requirements.

The human and financial resource requirements indicated are *per annum*, except where otherwise stated. Finally, it be may be noted, particularly with respect to adopted recommendation 10, that the human and financial resource requirements indicated to implement these recommendations will also be used to implement some of the other adopted recommendations.

4. *The CDIP is invited to note the contents of the attached document.*

[Annex I follows]

ANNEX I

**WIPO Development Agenda
Preliminary Implementation Report in Respect of 19 Adopted Recommendations¹**

| | <p><u>CLUSTER A:</u></p> <p>TECHNICAL ASSISTANCE AND CAPACITY BUILDING</p> | <p style="text-align: center;">INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF ADOPTED RECOMMENDATIONS</p> |
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| 1. | <p>WIPO technical assistance shall be, <i>inter alia</i>, development-oriented, demand-driven and transparent, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion. In this regard, design, delivery mechanisms and evaluation processes of technical assistance programs should be country specific</p> | <p><u>Overall Strategy</u></p> <p>WIPO's technical assistance programs and activities are undertaken at the request of Member States and are designed, formulated and implemented in close consultation and cooperation with the countries concerned in order to respond to their specific needs, and dovetailed with their development priorities.</p> <p>WIPO has been reorienting its programs and activities by consistently and comprehensively taking into account country specific needs, priorities and the level of development, particularly the special needs of Least Developed Countries (LDCs). In line with the Program and Budget document for 2008/09, this is increasingly done by assisting countries to formulate nationally focused intellectual property plans and strategies, after a careful assessment of their specific needs and taking into account the particular development requirements of each country and involving all stakeholders. The assessment of needs and country demands will be reviewed with the country and the plan updated every biennium. Mechanisms will be developed to dovetail and integrate them with national plans. Over time, project design frameworks will be standardized for WIPO to ensure full project definition and description, quality control and approval processes, objective setting and monitoring activities, risk identification and management, performance and results definition and appraisal. Program evaluation will be undertaken in line with the recently approved WIPO Evaluation Policy (presented at the 2007 session of the WIPO General Assembly).</p> <p>In order to ensure greater transparency in the field of technical assistance, the organization would work on making more information on technical assistance activities readily available to Member States. This would be done, <i>inter alia</i>, through the database described under recommendation 5.</p> |

¹ Recommendations adopted by the General Assembly for immediate implementation

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| | | <p><u>Mainstreaming principles</u></p> <p>In order to ensure that the principles contained under this and other recommendations (e.g. recommendations 13 and 15) are adequately mainstreamed into the activities of the organization, it is proposed:</p> <ul style="list-style-type: none">(a) To issue an office instruction to all WIPO staff and consultants advising them to adhere to the general principles contained in this and other similar recommendations;(b) To ensure that adequate consideration is given to the introduction of these principles into future policy documents designed to establish the strategic direction of the organization in the short, medium and long term (e.g., program and budget document, vision and strategic direction papers, etc.); and(c) To ensure that any new guide or manual on technical assistance that may be developed in the future will also incorporate the principles contained in this recommendation. <p>The Secretariat will also endeavor to include information on the Development Agenda and the core principles contained therein (including under this recommendation) in other publications and information materials describing the work of the organization (e.g., the next edition of publication No. 1007E “WIPO: An Overview”).</p> |

[Annex II follows]

ANNEX II

Initial Working Document for Implementation of Adopted Recommendations

| No. | <u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING | PROPOSED ACTIVITIES | ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY | |
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| | | | HUMAN | FINANCIAL |
| | Provide additional assistance to WIPO through donor funding, and establish Trust-Funds or other voluntary funds within WIPO specifically for LDCs, while continuing to accord high priority to finance activities in Africa through budgetary and extra-budgetary resources, to promote, inter alia, the legal, commercial, cultural, and economic exploitation of intellectual property in these countries | <p>Some developed and developing countries have already made voluntary financial contributions to WIPO to administer programs for the benefit of developing and least developed countries (LDCs). WIPO would welcome additional donor funding for this purpose, including trust funds or other voluntary funds specifically for LDCs, while according high priority to finance activities in Africa, in order to enhance the level of assistance provided.</p> <p>As a first step towards implementing this recommendation, and following discussions during the first session of the CDIP, the Secretariat will prepare a paper for the second session of the CDIP providing additional information and exploring options. The paper will be divided into three sections. The first section will update and enhance the information available in the Program and Budget document for 2008/09 on existing voluntary funds and FITs and the manner in which the Secretariat currently manages extra-budgetary resources. The second section of the paper will report on existing efforts to coordinate WIPO's work in this area and to mobilize further voluntary resources through discussions with bilateral donors, multilateral donors and charitable foundations. The third section of the paper will elaborate on proposals for future activities aimed at increasing the availability of voluntary funding.</p> <p>The paper will also consider the possible scope and format of a donor conference, which could be organized in 2008-2009 and represent an opportunity to apprise donors about the adopted recommendations under the WIPO Development Agenda. It will also analyze current consultation mechanisms with donor agencies to discuss funding and formulate</p> | | <p>Missions to donor countries and organizations CHF 50,000</p> <p>Donor Conference: CHF 140,000 (which includes financing the participation of a</p> |

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| | | <p>programs and projects on a regional, sub-regional or national level, and consider ways of improving them, if necessary. The paper will consider the possible establishment of monitoring mechanisms for the management of voluntary funds, bearing in mind that such mechanisms and principles do not themselves deter donor funding.</p> <p>The focus of the paper will not only be on the possibility of creating new voluntary funds at WIPO, but also working with current donors, partner countries and international and regional organizations, as well as the World Bank and regional banks to implement special technical assistance and capacity building projects for Member States, in line with the principles adopted under the WIPO Development Agenda.</p> | | number of developing country representatives (see CDIP/2/INF/2) |
| 5. | WIPO shall display general information on all technical assistance activities on its website, and shall provide, on request from Member States, details of specific activities, with the consent of the Member State(s) and other recipients concerned, for which the activity was implemented | <p>It is proposed to initiate work on a project to design and develop a consolidated database for all such activities and to update the same regularly. General information will be available on the WIPO website, while more detailed information will be made available on specific activities, based on appropriate authorizations. The new database will build on the existing information already provided by WIPO (http://www.wipo.int/export/sites/www/ip-development/en/pdf/wipo_eds_inf_1_rev.pdf) on its development cooperation activities. Information will be available on names of donors, consultants and project costs (with the appropriate authorizations). The project will be guided by the principle of transparency and donors and recipients will be encouraged to authorize WIPO to provide as much information as possible on technical assistance activities.</p> | <p>2 consultants to undertake the project</p> <p>1 Professional to maintain and update the database</p> | <p>CHF 300,000 (one time expenditure)</p> <p>Standard cost*</p> |

* Calculated at an average cost of CHF 178,000 per annum.

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| 8. | Request WIPO to develop agreements with research institutions and with private enterprises with a view to facilitating the national offices of developing countries, especially LDCs, as well as their regional and sub-regional IP organizations to access specialized databases for the purposes of patent searches | <p><u>Conduct of a Study for Implementation of the Recommendation</u></p> <p>Presently, WIPO provides patent information through PATENTSCOPE®, which is a fully searchable database of international patent applications, as well as through WIPO's Patent Information Services for Developing Countries and LDCs. In order to explore the different options available for implementation of this recommendation, it is proposed to initiate a study to identify the relevant databases and other resources, consider the property rights associated with specialized databases and propose options for licensing or otherwise providing access to those databases for IP offices and/or for the general public, particularly in developing countries.</p> <p>Other issues to be considered by the study include the possibility of developing model contracts for access to patent databases by IP offices, ways of making the WIPO databases more broadly available (including through the inclusion in popular Internet portals), organizing a forum with database owners and enhancing PATENTSCOPE® to include further information on PCT applications in the national phase. The study would also include an assessment of the potential human and financial resource implications of the different options for access to public and private specialized patent databases by IP offices, paying particular attention to copyright issues. The Secretariat will prepare the terms of reference of the study for the July 2008 Session.</p> <p><u>Strategies to Enhance Access to and Use of Patent Databases</u></p> <p>It is also proposed to enhance and develop new approaches for spreading the use of IP information, in particular patent information and documentation, for the benefit of the creative sector, R&D and academic institutions and SMEs. Some of the key strategies being considered in this regard are:</p> | <p><u>Patent Information and IP Statistics Service</u></p> <p>Consultant to prepare the paper</p> | <p>CHF 40,000</p> <p>Travel budget to prepare the paper CHF 50,000 (See CDIP/2/INF/3)</p> |

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| | | <p>(a) Undertake pilot initiatives to enhance access to, and sharing of patent and other IP commercial and technical information by research institutions and industry groups. For example, such a project is currently undertaken in selected OAPI Member states and could also be developed in other regions;</p> <p>(b) Envisage the possibility of launching pilot project(s) in selected country(ies) with the aim of fostering the establishment of IP information centers in their scientific and research institutions, for better protecting the results of their research and benefiting from their commercial income;</p> <p>(c) Promote the establishment of sub-regional, regional or inter-regional IP Search Databases. This would facilitate the search and examination process of granting of IP rights and improve regional, sub-regional and national capacity building;</p> <p>(d) Provide necessary specialized training, through regional, sub-regional and national workshops on the use and search strategies of patent databases in developing countries and LDCs; and</p> <p>(e) Establish mechanisms for sharing access and search results from the use of patent databases, particularly for LDCs.</p> <p>To establish IP Advisory Services and Information Centers, particularly in LDCs.</p> | <p><u>Technical Assistance and Capacity Building Sector</u></p> <p>1 Professional 1 General Service Staff 1 Consultant</p> | <p>Standard cost Standard cost**</p> <p>CHF 150,000</p> <p>Activities: CHF 700,000</p> |

** Calculated at an average cost of CHF 116,000 per annum

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| 9. | Request WIPO to create, in coordination with Member States, a database to match specific IP-related development needs with available resources, thereby expanding the scope of its technical assistance programs, aimed at bridging the digital divide | It is proposed to establish an effective diagnostic tool for assessing the IP-related development needs of countries, in conformity with the development agenda proposals, and setting up match-making and clearing house mechanisms. It is also proposed to establish collaborative mechanisms for regular collection of information on potential donors and partners, as well as their available funds and expertise for WIPO to match with specific needs. This would also include the establishment of a system to monitor and assess progress. | Coordinator / Consultant (12 months) 1 Professional | CHF 190,000 (one time expenditure) Standard cost |
| 10. | To assist Member States to develop and improve national IP institutional capacity through further development of infrastructure and other facilities with a view to making national IP institutions more efficient and promote fair balance between IP protection and the public interest. This technical assistance should also be extended to sub-regional and regional organizations dealing with IP | In continuing to strengthen national IP institutional capacity, WIPO will focus on improving efficiency through specific training in corporate governance, streamlining of administrative procedures and business tools in industrial property and collective management organizations as well as office automation through the use of AFRICOS software, for copyright collective management and IPAS software for industrial property administration. In future, WIPO activities in this area shall pay greater heed to the need to take into account the interests of the general public. | | |

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| | | <p>WIPO will also continue to provide specialized training to staff of IP offices in order to enhance their ability to perform their tasks, through intermediate and advanced training programs of the WIPO Academy. In particular, training courses for patent and trademark examiners include practical training sessions in national and regional IP offices with a view to improving the quality of patent and trademark examination. WIPO will also continue to promote the teaching and training of IP at universities and other relevant institutions.</p> <p>In addition, WIPO will continue to provide sustained support to national IP offices, as well as regional and sub-regional IP Organizations, in the provision of value-added services to users, including efficient services relating to grant of IP rights, creation and commercial exploitation of IP assets, IP information, resource networks, consulting services, outreach programs and training programs, forging links with the user and professional community.</p> | <p><u>WIPO Academy</u></p> <p>3 Professionals 2 General Service staff</p> | <p>Standard Cost Standard Cost</p> <p>Activities CHF 800,000</p> |
| | | | <p><u>Technical Assistance and Capacity Building Sector</u></p> <p>3 Professionals 3 General Service staff</p> <p>1 Consultant</p> | <p>Standard Cost Standard Cost</p> <p>CHF 150,000</p> <p>Activities CHF 1,500,000</p> |

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| | | <p>WIPO's institutional support will be extended not only to national IP offices, but also to other institutions that promote innovative and creative activities such as technology licensing offices in universities, technology promotion institutes, collective management societies and creative industries support institutions. In addition, activities are also aimed at strengthening the capacity of SME support institutions on IP (such as innovation center networks, business incubators, universities R&D institutions, professional associations, chambers of commerce, financial institutions and business angels and IP offices) through, in particular: (1) the creation of local awareness-raising and training materials and (2) human resource and capacity development (workshops, training).</p> <p>As requested in the March session of the CDIP, the Secretariat has compiled further information relating to this recommendation in document CDIP/2/INF/1 which provides additional information in the form of a "menu of options" of programs/activities that may be requested by Member States for the implementation of this recommendation.</p> | <p><u>Patent drafting, valuation, national IP strategies, licensing, marketing and IP policies for universities</u></p> <p>1 IT specialist (consultant, one time expenditure)</p> | <p>CHF 84,000</p> <p>Activities CHF 518,000</p> |
| | | | <p><u>Creative Industries</u></p> <p>1 General Service staff</p> | <p>Standard Cost</p> <p>Activities CHF 240,000</p> |
| | | | <p><u>SMEs:</u></p> <p>1 Professional 1 General Service staff</p> | <p>Standard Cost Standard Cost</p> <p>Activities CHF 400,000</p> |

[End of Annexes and of document]