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COMPILATION OF WIPO'S EXISTING PRACTICES, METHODOLOGIES AND TOOLS FOR PROVIDING TECHNICAL ASSISTANCE

prepared by the Secretariat

1. The Committee on Development and Intellectual Property (CDIP) at its eighteenth session held from October 31 to November 4, 2016, approved a six-point proposal which *inter alia* requested the Secretariat to "compile its existing practices, tools and methodologies for providing technical assistance" [1]. This document seeks to respond to the above request.

OVERVIEW OF WIPO TA DELIVERY

2. WIPO technical assistance (TA) activities are guided by the recommendations contained in Cluster A of the WIPO Development Agenda (DA) dedicated to "technical assistance and capacity building". These recommendations, *inter alia*, call for TA to be "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"[2].

3. Bearing the above recommendations in mind, WIPO maintains regular dialogue with its Member States through relevant government institutions, notably the national IP offices, and sub-regional and regional IP organizations with the view to ensuring their ownership and active

[1] Appendix I of the Summary by the Chair of the seventeenth session of the CDIP is available at http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=335277
[2] The WIPO Development Agenda Recommendations are available at: http://www.wipo.int/export/sites/www/ip-development/en/agenda/recommendations.pdf

participation in the entire cycle of TA delivery, and at the same time ensuring the sustainability of the results of these activities.

4. TA is delivered in a comprehensive manner, involving all the relevant Divisions / Sectors within the Organization. Depending upon the nature of activities (bilateral, multilateral, regional) TA may be provided either directly by WIPO or in cooperation with other Member States, IGOs and / or regional organizations.

5. The general approach taken by WIPO for its TA activities is structured around four main steps which represent a full implementation cycle, namely: (i) *Needs assessment*, (ii) *Planning and design*, *(iii) Implementation* and (iv) *Monitoring and evaluation*. These four steps guide the processes of TA, based on a range of internal practices, methodologies and tools, used at different stages. These steps were discussed at length in the Roundtable on Technical Assistance and Capacity Building: Sharing Experiences, Tools and Methodologies, held in Geneva on May 12, 2017 (for more information on the Roundtable, see document CDIP/20/3). The following is the summary of those discussions.

Needs Assessment

6. This process is based on a comprehensive knowledge and understanding of the socio-economic, cultural, technological, legal and political conditions of countries. Needs assessment is conducted primarily by the Regional Bureaus in collaboration with the relevant substantive Divisions / Sectors in WIPO, who engage in dialogue with the requesting countries to clearly identify their needs, based upon their national priorities. The needs assessment process is sought to be most neutral and impartial, consistent with WIPO's mandate.

Planning and design

7. Planning and design is conducted within the framework of the national IP strategies / development plans. It identifies a coherent set of activities, with clearly defined objectives, roles and responsibilities, implementation plan and time frame, expected results, risks and mitigation strategies, etc. to meet the identified needs. Planning and Design is informed of the previous intervention(s) / activities undertaken in a country, their achievements, challenges and lessons learned. The fundamental principle is to be coherent with the country's development objectives, seeking to achieve maximum efficiency and sustainability. For this purpose, WIPO also organizes annual planning processes to identify the available technical and financial resources and the contribution of the partners in its cooperation activities, based on the results of the needs assessment.

Implementation

8. The implementation phase is based on a partnership between WIPO and the recipient Member States, and any other partner(s), with a clear definition of roles and responsibilities of the parties identified in the Planning and Design phase. Through a dynamic process, this phase benefits from the previous lessons learned and at the same time contributes to the knowledge base on new challenges that may not be identified in the risk register. The implementation is undertaken in a transparent and inclusive manner. In conclusion of the implementation phase, the recipient country / organization is expected to ensure the sustainability of the benefits of the activities undertaken.

Monitoring and evaluation

9. Monitoring and evaluation of the implementation of activities critically reviews the achievement of the results and goals. It helps taking decisions on how to improve efficiency and to draw lessons that can be applied during the implementation and for future activities. In addition, periodic evaluations conducted with the active participation of the Member States involved allows for gathering useful information on the performance and impact at different times of the implementation. The final evaluation feeds into the needs assessment process for future activities.

CATEGORIES OF TA ACTIVITIES

10. The following categories of TA activities have been taken into consideration in defining the practices, methodologies and tools included in this document:

(a) National IP Strategies and development plans;
(b) Technical and Administrative Infrastructure (solutions for IP offices, databases);
(c) Capacity Building;
(d) Legislative Assistance;
(e) Development Agenda-related projects; and
(f) Public-Private partnerships (multi-stakeholder platforms).

National IP Strategies and development plans

11. A national IP strategy is a set of measures formulated and implemented by a government to encourage and facilitate the effective creation, development, management and protection of IP at a national level. It outlines how all policy developments related to IP, and the implementation of these developments, should take place in a coordinated manner within a national framework. Development plans are detailed road maps for the implementation of prioritized projects and activities, which lay out specific timelines, key performance indicators, baselines, risks and assumptions. They are useful tools for both the Member State concerned and WIPO to monitor and evaluate implementation of technical assistance projects and activities, whether they stem from adopted national IP strategies or mutual assessment of IP needs and priorities that are to be addressed over a given period of time.

Practices

12. Upon the request by Member States, the development of national IP strategies and development plans is an open, transparent and participatory process. Stakeholders' participation is assured through various meetings and consultation sessions, from high-level regional, ministerial-level meetings, to national and sectoral stakeholder consultation sessions. WIPO provides technical guidance and expertise to Member States in the preparation of national IP strategies and development plans, through its Regional Bureaus or the Department for Transition and Developed Countries. Within WIPO, close coordination with various Divisions / Sectors is undertaken in order to ensure across-the- board inputs in the formulation process. In addition, WIPO collaborates with the Geneva-based Member State representatives to facilitate the information flow as well as, to get all parties concerned to contribute to the process.

Methodology

13. WIPO has developed a consolidated methodology which provides a coherent approach and includes a set of tools and mechanisms. The methodology is designed and developed to serve as a guide and is customized, adapted and used in accordance with the specific needs

and circumstances of individual countries concerned. During the formulation process, all relevant stakeholders, both from public and private sectors, have several opportunities to provide inputs, review, discuss and consolidate strategic orientations with regard to the use of the IP system, from their respective perspectives, to support the achievement of national development goals. Local experts are trained to use the tools so that they could play a key role in formulating national IP strategies for their own countries, while contributing to building a pool of local expertise.

14. This methodological approach provides a framework for going through the formulation process with the appropriate tools, that is: (i) to determine the current state of the national IP system; (ii) to determine and assess needs at the levels of policy and strategy and at the level of institutional / organizational change; and (iii) to develop an IP strategy and plan in a systematic and integrated way. It also presents alternatives and options available to policy related issues or organizational modernization.

15. The general steps in formulating a national IP strategy include, but not be limited to, the following:

(i) *Initial assessment*: WIPO prepares the ground for the national IP strategy development process, and meets with the national authorities concerned and stakeholders related to the formulation of the IP strategy at the national level in order to explain the scope, methodology and requirements for a successful IP strategy formulation process as well as to secure political will and commitment of the national authorities;

(ii) *Project team*: A project team, comprising suitable and qualified national experts, and international consultant(s), is identified by the country concerned and WIPO, to undertake an initial fact-finding exercise, carry out a comprehensive IP audit, and develop a strategy document and country action plan;

(iii) *Desk research*: The project team carries out desk research in order to review existing national policy documents, enabling a comprehensive assessment of the country's national development objectives, strategies and policies, and also to identify how best to align the national IP strategy with the country's existing national development priorities;

(iv) *Data and information*: The project team, using an integrated tool of WIPO such as, the Baseline Survey Questionnaire, collects data and information to obtain a clear picture of the current IP situation in the country (IP audit), its weaknesses, strengths and potential, and, on the basis of analyzing the collected data and information, to realistically assess what issues need to be considered during the formulation of the national IP strategy;

(v) *National consultation meetings and interviews*: Individual national consultations are held to enable national authorities concerned and stakeholders to actively participate in the validation of the IP audit findings and the formulation of the national IP strategy. These consultations and interviews are enables the gathering of additional data and information and enhance ownership of the development of a national IP strategy by a wide range of IP stakeholders;

(vi) *Drafting the strategy*: Based on the suggestions, inputs and recommendations received during the above-mentioned national consultation process, the project team is then entrusted with the task of formulating the national IP strategy and related action plan;

(vii) *Validating the strategy*: A second round of national consultations is organized in order to validate the draft strategy, and also to ensure that all suggestions, inputs, recommendations and concerns raised during the first round of consultations have been taken into account the document is then submitted to the national authorities for consideration and approval; and

(viii) *Implementing the adopted strategy*: Once the national IP strategy has been approved and / or adopted by the national authorities, the strategy is implemented through a project-based country action plan for the first initial five to six years in order to address the prioritized areas of implementation. This implementation cycle is repeated. The national IP strategy needs to be periodically updated or even replaced in order to remain responsive to the national needs.

16. Member States have the primary responsibility of finding suitable national institutions and individuals, to act as national counterparts and / or consultants / experts for collaborative implementation of the various stages of the project. They also mobilize resources to arrange the in-country activities and ensure participation by all relevant stakeholders. The steering committee and project team play the key roles in the process.

Tools

17. Specific tools have been developed to guide governments and stakeholders throughout the process of development of national IP Strategies and development plans. These tools are used and adapted appropriately to specific national circumstances and requirements. The following are the existing tools:

(i) A methodology handbook describing the various stages of the national IP strategy formulation process, providing advice on how to involve and mobilize stakeholders and guide them through the consultative process leading to the strategy approval and adoption, available at http://www.wipo.int/ipstrategies/en/methodology/ in English.

(ii) A baseline survey questionnaire intended to assess the status of the national intellectual property system and its links with national development priorities, available at: http://www.wipo.int/ipstrategies/en/methodology/ in English.

(iii) A companion handbook to the Baseline Questionnaire designed to support the collection of baseline survey data, providing an in-depth analysis explaining the benchmarking indicators used in the assessment of the national IP system, available at: http://www.wipo.int/ipstrategies/en/methodology/ in English.

(iv) National IP Strategies Online Platform – an online database designed to capture data collected at country level through the baseline surveys exercises, enabling the storage of data and making such information accessible to selected users, available at: http://www.wipo.int/ipstrategies/en/methodology/nips_survey.html in English.

(v) Studies and documents commissioned by the WIPO[3].

(vi) WIPO Roster of Consultants, containing information on consultants engaged by the Organization to undertake specific IP technical assistance activities at the national level in developing countries, LDCs and countries in transition, available at: http://www.wipo.int/roc/en/.

[3] WIPO Publications such as: Country Report, World IP Indicators, Global Innovation Index and others are available at: http://www.wipo.int/publications/en/ .

Technical and Administrative Infrastructure (solutions for IP offices, databases)

Practices

18. Technical and administrative infrastructure solutions for IP offices are provided mainly through the *WIPO IP Office Suite* and, the *Technology and Innovation Support Centers* (TISCs) program.

19. The *WIPO IP Office Suite* is a group of software applications that IP offices can use to support the processing of applications for IP rights by establishing an e-registry, controlling workflow processes and business rules, and providing online services to local and international users. The overall objective is to deliver operational efficiencies and improve quality of service. The WIPO IP Office Suite is developed and owned by WIPO and is offered to IP offices of WIPO Member States free of charge. It is provided on a project based methodology, initiated based on a request by the IP office concerned.

20. The TISCs program provides a diverse range of services, such as access to locally based, high quality technology information and related services, helping inventors, researchers and entrepreneurs to exploit their innovative potential and to create, protect, and manage their IP rights. Practices applied in the context of the TISCs program, include regular discussions with project focal points, designated by the respective Member State, and stakeholder consultations to ensure that projects are adapted to the priorities, needs, and capabilities of affected stakeholders. Independent project evaluations are also carried out in selected cases in cooperation with the respective Member States, to complement the self-evaluations done by the Member States and documented in project reports. Experiences gathered and lessons learned are disseminated through regional conferences, bringing together participating Member States with similar national situations, and the online eTISC platform.

Methodologies

21. The WIPO IP Office Suite is made up of three complementary systems: WIPO File, WIPO IPAS and WIPO Publish, supported by a Central Services component that provides for efficient and reliable data exchange to interconnect IP offices with global IP systems and data (a graphical representation is contained in Annex I). Before starting a WIPO IP Office Suite project, WIPO and the IP Office (or responsible Ministry) sign a cooperation agreement that sets out the shared responsibility for implementation, terms and conditions for the use of WIPO software systems, confidentiality and other provisions. Projects are organized according to a shared responsibility model, with the aim of assisting IP offices to increase their capacities as much as possible using WIPO software solutions and to create projects with long-term sustainability. After the request is received, an assessment of the needs, capabilities and suitability of WIPO software solutions for the IP offices is undertaken. If both parties agree to initiate the project, a project plan is created to clarify the roles and responsibilities, resource requirements and expected outcomes. WIPO provides resources for the development, maintenance and support of the software solutions. WIPO also has a network of experts in all regions of the world and in Geneva, to provide on-site assistance, advice and project management services to offices. WIPO transfers knowledge to the IP office to the extent possible, through on-site training of users and technical staff and through regional workshops that are organized according to demand and available resources.

22. National TISCs projects are based on a service-level agreement (SLA) between WIPO and the beneficiary, based on a project document, containing an activity schedule and a plan of

action. A Results Based Management (RBM) and Logical Framework Approach (LFA) are used to monitor the objectives, outcomes and outputs according to their indicators. A Monitoring Report is received annually from the national partners. Participant self-evaluations and seminar evaluations are made after the implementation of activities to ensure the latter fit their needs. A progress and needs assessment questionnaire is sent to all National TISCs and an assessment of the outcomes is done periodically based on the replies. The TISC program is defined in three levels of sustainability: (i) institutionalizing a TISC; (ii) starting its operations; (iii) providing value-added services. The TISCs are complemented by the eTISC platform that is a social network which enables the global TISC community to collaborate, exchange information and access new learning opportunities.

Tools

WIPO Industrial Property Administration System (IPAS)

23. The WIPO Industrial Property Administration System (IPAS) is the core of the WIPO Suite. It supports the processing of patents, trademarks and industrial designs from filing through to the grant of rights and post-grant processes. IPAS is a workflow-based system which is fully customizable to the requirements and legal framework of each IP office (a graphical representation is contained in Annex II).

24. Main features include:

(a) Customizable workflows to automate the legal and administrative processes of the IP office.

(b) Configurable to support all incoming requests for services (new application, subsequent documents, renewal, assignment, amendment, etc) and all outgoing notifications and certificates.

(c) Publication management function for controlling and formatting official Gazette/Journal.

(d) Flexible and powerful search tools including phonetic, text and classification-based searches (using Nice, IPC, Vienna or Locarno classification systems).

(e) Integrated with global IP systems (Madrid and PCT) for the reception and processing of notifications or national phase entries.

(f) Support for fully electronic records management, or paper-based file tracking.

(g) Support for multiple languages and language scripts (including right-to-left scripts) for both data storage and display.

(h) Security model to control access to functions or actions by user role.

(i) Fully document application programming interface so that local software developers can implement their own modules or interface with local systems for payment, online services, etc.

WIPO File

25. WIPO File is the software application that enables IP offices to offer full online services to applicants and agents. It supports the filing of new applications for patents, trademarks and industrial designs as well as submission of subsequent transactions such as renewals, amendments, assignments, etc. The system speeds up the process of filing applications and subsequent transactions for both the applicants and the IP office. It can eliminate manual reception processes and improve quality by capturing IP data once only at the source.

26. The main features include:

(a) Filing of new applications for patents, trademarks and industrial designs.

(b) Configurable fee calculation module.

(c) Optional payment gateway interface. The payment gateway must be implemented for each IP office according to the local banking and payment systems.

(d) Optional manual validation process at the IP office to check submissions before formal reception.

(e) Portfolio management functions to allow applicants to see their portfolio of IP files at the office, receive notifications online, and view file status information.

(f) Fully configurable for legal and administrative requirements (e.g. mandatory data, rules checking).

(g) Secure architecture and options for secure configuration.

(h) Support for multiple languages and language scripts (including right-to-left scripts) for both data storage and display.

27. WIPO File is constantly being enhanced and will be extended to include enhanced drafting features, improvements to the portfolio management functions, ability to retrieve historical actions and documents and direct interaction with global IP systems such as PCT and Madrid.

WIPO Publish

28. WIPO Publish is the software application that enables IP offices to disseminate official publication information and related IP information online to users and to global IP databases and platforms ((a graphical representation is contained in Annex III). The system connects to WIPO IPAS or another IP administration system and extracts and formats IP data according to WIPO standards. The data is then made available for online search, for online official publication, and for exchange with global IP databases.

29. Using WIPO Publish, IP offices can easily provide powerful online search services for their published IP rights, including information about legal status and access to documents (if permitted by the legal framework). IP offices can also move from paper-based publication to fully electronic publication that meets the requirements of the local legal framework. WIPO Publish also facilitates data sharing and integrations with global IP databases and platforms such as PATENTSCOPE, Global Brand Database and WIPO CASE.

30. The main features include:

(a) Powerful search engine for field-based or full-text search on all published IP records.

(b) Publication function to enable fully online publication of official Gazette / Journal.

(c) Fully customizable according to the local language, terminology and branding (office names, logos, color preferences, etc).

(d) Option to configure as a regional database by aggregating national IP databases into a single regional service.

(e) Extraction, formatting and storage of IP data according to WIPO standards.

(f) Simplified data exchange for regional and/or international IP databases such as WIPO PATENTSCOPE, Global Brand Database.

31. WIPO Publish is not dependent on WIPO IPAS. It can be installed and connected to any existing IP administration system at an IP office and used to provide online services to users or to integrate with global databases and platforms. The system will be further extended to take advantage of the WIPO Central Services component, for example to integrate patent family data into patent searches, image search for trademarks and links to other WIPO services.

WIPO Central Services

32. The Central Services component is a new system which is designed to provide efficient and reliable communications between IP offices and global systems. The system currently supports a small number of data exchanges:

(a) Classification services, to provide automated updates of Nice, Vienna, IPC and Locarno classification schemas.

(b) Reception (by the IP office) of notifications and data for Madrid and PCT designations.

(c) Transmittal (by the IP office) of notifications for Madrid designations.

33. The system will be progressively updated to support more transactions and services including, inter alia, data exchange for global databases and statistics, access to centralized data resources such as patent family data, support for PCT receiving office and Madrid office of origin transactions, etc.

Technology and Innovation Support Centers (TISCs)

34. Tools used in the context of TISCs include templates for: (i) Service Level Agreements (SLAs) signed between WIPO and participating Member States, clarifying roles within TISC projects; (ii) project documents, detailing objectives, outcomes, and outputs, related indicators, and planned activities for such projects; and (iii) project reports, documenting results and experiences gathered through the projects. The templates are accompanied by a TISC Implementation Guide, annotations within the templates to explain the purpose and possible contents for each template section, and sample SLAs and project documents from previous projects, allowing Member States to benefit from the experiences gathered by other Member States in implementing such projects. More information on TISCs is available at:

http://www.wipo.int/tisc/en/ in English, French, Spanish, Arabic, Chinese and Russian. The eTISC platform is available at: http://etisc.wipo.org/ .

35. WIPO has developed a number database to support its technical assistance and capacity building activities. The databases are available for use on WIPO's website[4].

Databases

(a) *WIPO Match* is an online tool, matching seekers of specific IP-related development needs, with potential providers offering resources. The platform amplifies WIPO's resources and multiplies existing partnerships (public-private, public-public, and private-private). Stakeholders from developed countries can join the platform as "Supporters" and "Providers" of IP-related Technical Assistance offers / projects, and match them with seekers from developing countries, countries in transition, or LDCs. The WIPO Match is made available at: https://www3.wipo.int/match/search in English.

(b) *WIPO Technical Assistance Database (IP-TAD)* provides information on technical assistance activities undertaken by WIPO where the beneficiary countries were either a developing country, a LDC, or a country in transition. The database was developed within the framework of the CDIP in response to DA Recommendation 5. Facilities offered by the above database are used for different purposes, such as: annual reports, specific information on technical assistance activities by region, topics at a specific time. The database provides (i) institutional knowledge of all technical assistance activities, available for use by WIPO and other interested parties, and for designing and implementing future technical assistance activities; and (ii) transparency on WIPO's technical assistance activities. The database is available at: http://www.wipo.int/tad/en/ in English, French and Spanish.

(c) *IP Advantage Database* provides a one-stop gateway to case studies that chronicle the IP experiences of inventors, creators, entrepreneurs and researchers from across the globe. The case studies offer insight into how IP works in the real world and how its successful exploitation can contribute to development. It is made available at: http://www.wipo.int/ipadvantage/en/ in English, French and Spanish.

(d) *Database on Flexibilities* contains data drawn from WIPO documents on Patent Related Flexibilities in the Multilateral Legal Framework and their Legislative Implementation at the National and Regional Levels and allows searches for implementation of flexibilities in national IP laws in selected jurisdictions. It is a tool used for capacity building activities and legislative and policy advice. It can be accessed at: http://www.wipo.int/ip-development/en/agenda/flexibilities/database.html in English, French and Spanish.

(e) *WIPO Lex is a global database that provides free of charge access to legal information* on IP such as *treaties* administered by WIPO, other IP-related treaties, and laws and regulations of the Members States of WIPO, the United Nations and the World Trade Organization. It is a tool used for capacity building activities and legislative and policy advice. WIPO Lex can be accessed at: http://www.wipo.int/wipolex/en/ in English, French, Spanish, Arabic, Chinese and Russian.

[4] The databases are available across the entire WIPO website, at: http://www.wipo.int/portal/en/, mainly under the headings "Cooperation" and "Knowledge".

(f) *WIPO Economics Literature* is a database that provides an overview of key academic literature that has influenced thinking in the field of the economics of IP and, is a convenient starting point for researchers, policy-makers, and anyone interested in the economics of IP. It is available at: http://www.wipo.int/econ_stat/en/economics/econdb/ in English.

(g) *WIPO Pearl* is a multilingual terminology portal that gives access to scientific and technical terms derived from patent documents. It helps promote accurate and consistent use of terms across different languages, and makes it easier to search and share scientific and technical knowledge. A user guide is provided in Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian and Spanish at: http://www.wipo.int/reference/en/wipopearl/guide.html.

(h) *WIPO PANENTSCOPE Database* provides access to international Patent Cooperation Treaty (PCT) applications in full text format on the day of publication, as well as to patent documents of participating national and regional patent offices. The information may be searched by entering keywords, names of applicants, international patent classification and many other search criteria in multiple languages. The database is available at: https://patentscope.wipo.int/search/en/search.jsf .

(i) *WIPO Global Brand Database* performs a trademark search by text or image in brand data from multiple national and international sources, including trademarks, appellations of origin and official emblems. It is available at: http://www.wipo.int/branddb/en/ in English, French and Spanish.

(j) *WIPO Global Design Database* provides a world-wide collection of industrial designs data; including WIPO Hague registrations and information from participating national offices. It is available at: http://www.wipo.int/designdb/en/index.jsp in English, French and Spanish.

Capacity building

Practices

36. WIPO capacity building activities include trainings in numerous legal, technical and practical aspects of IP, covering subjects such as Copyright, Patents, Trademarks, Industrial Designs, Geographical Indications, Genetic Resources (GRs), Traditional Knowledge (TK) and Traditional Cultural Expressions (TCEs), Building Respect for IP, SMEs as well as, the use of the PCT, Madrid Hague and Lisbon systems, and the WIPO's alternative dispute resolution services.

37. Similar to the other types of TA activities, capacity building activities are coordinated by the Regional Bureaus and the Department for the Transition, and run in close cooperation with various Divisions / Sectors of WIPO. All capacity building activities are developed at the request of, and in consultation with, Member States, ensuring a better reflection of the national social, economic, cultural and political contexts, and enabling participation of nationals of the respective Member States.

38. IP education programs are delivered through the programs run by the WIPO Academy. Training programs in IP skills are offered through patent drafting trainings and technology licensing and IP asset management program. Other capacity building areas include innovation

support[5], traditional knowledge and building respect for IP. In addition to trainings, capacity building activities also take form of seminars, workshops, international, national and regional conferences, study visits, fellowship programs, and awareness-raising activities.

39. Capacity building activities are often based on an extensive list of guides and economic studies developed by WIPO and these developed in collaboration with external experts and members of academia. Capacity building activities are held at the national, sub-regional and regional levels, with the aim to share knowledge about the use of IP and help countries build and develop skills and institutional capacity they need to administer and manage their IP systems.

40. WIPO capacity building activities are planned in advance and included in the WIPO's yearly work plan though some activities are organized on an *ad hoc* basis. WIPO prioritizes the requests for these activities and their selection is made by the Regional Bureaus in consultation with the requesting country, taking into consideration: (i) the justification of the activity that is provided by the requesting Member State; (ii) its level of commitment; (iii) the capacity and readiness of its relevant training institutions to participate in the events. All capacity building activities are published on WIPO's website under the page dedicated to "Workshops and Seminars"[6], the webpage dedicated to "Conferences, Meetings and Seminars"[7] and the WIPO Academy.

Methodologies

41. The following are the steps used by WIPO to provide most of the capacity building activities:

(i) Upon request from Member States, the International Bureau of WIPO, in coordination with all relevant Sectors / Divisions, develops a provisional program of the capacity building activity based on the outcomes of the dialogue with the requesting country or countries.

(ii) Most of the capacity building seminars / workshops have duration of 1 to 2 days, though some of them could be for five days and the IP educational programs could span over weeks.

(iii) Target audience is identified for each activity, in order to make sure that the assistance is tailored to participant's needs and backgrounds. Training activities are delivered to representatives of public institutions as well as private sector representatives. In the case of trainings for IP systems, assistance to countries considering accession to WIPO treaties and to new contracting states is also provided, followed by a post-accession training program.

(iv) The venue of the event is identified by WIPO and the promotion of the activity among the targeted audience is done mostly by the requesting country.

(v) The supporting material such as guides, studies and presentations are made available by WIPO to beneficiaries and the general public.

[5] Innovation support refers to the Technology and Innovation Support Center (TISCs) described under "Technical and Administrative Infrastructure (solutions for IP offices, databases, etc.).
[6] The list of upcoming events is available at: http://www.wipo.int/meetings/en/topic_type.jsp?group_id=242
[7] WIPO Conferences, Meetings and Seminars list is available at: http://www.wipo.int/meetings/en/

(vi) Training courses are developed and taught with the support of external experts and IP professionals from the IP Offices of WIPO's Member States. Other capacity building experts usually include international and national experts from the countries involved and, WIPO Staff members. WIPO assists in the selection of the participating experts.

(vii) WIPO gathers feedback from its capacity building activities, based on evaluation questionnaires to ensure constant improvement of its activities.

42. WIPO's capacity building activities cover a wide spectrums and the specificity of any activity depends, most of the time, on the subject matter. The topics of these activities often differ in order to respond to the rising social, economic and political challenges at the international, national and regional levels. Below are some examples of areas where a more defined methodologies exists when delivering capacity building activities.

WIPO Academy

43. WIPO provides capacity building through its IP educational programs delivered by the WIPO Academy. The Academy creates partnerships with various IP offices and universities with regard to the following educational programs:

(a) Professional Development Training[8], covering around 22 courses per year on different subjects of IP. The courses for this program are designed and organized in partnership with Member States and in partnerships with IP offices, particularly those in the South.

(b) Distance learning (DL) courses, covering various IP subjects at both basic and advanced levels and available in all UN languages. These courses are developed and taught with the support of external academic experts and IP professionals from the IP offices of WIPO's Member States.

(c) Academic Institutions Program, developed in cooperation with universities and associations of IP academics, etc and achieved through the WIPO Joint Master's Degree Programs. In response to Member State requests, the WIPO Academy works with a limited number of universities to develop jointly the postgraduate course program and the related logistical and organizational aspects.

(d) WIPO Summer Schools, organized every year in different locations around the world. It targets young professionals working in the private sector and in the legal provision, recent graduates and postgraduates, and junior to mid-level government officials. WIPO offers scholarships to participants of the Summers School, particularly those coming from developing countries and LDCs.

Traditional knowledge (TK), genetic resources (GRs) and traditional cultural expressions (TCEs)

44. In the field of *traditional knowledge (TK), genetic resources (GRs)* and traditional cultural expressions (TCEs), the methodology used when delivering capacity building activities is summarized as: *Facilitate, Inform and Train*. WIPO facilitates the dialogue between governments and regional organizations in the field of TK, TCEs and GRs and provides information on relevant policy issues, options and experiences, rather than advice *per se*.

[8] Full details of each of the programs and courses offered can be found in the WIPO Academy Education and Training Programs Portfolio – 2018, available at: http://www.wipo.int/edocs/pubdocs/en/wipo_pub_467_2018.pdf

WIPO provides accessible, accurate and up-to-date information on key issues related to IP, TK, TCEs and GRs through different media (films, online distance learning courses accessible to all on the WIPO Academy website[9], a wide range of publications starting from background briefs[10] to guides[11] offering in-depth analysis of the issues, case studies, regular e-updates and a repository of national experiences[12], to list only a few). In addition, WIPO also organizes a series of seminars on IP, TK, TCEs and GRs to build regional and cross-regional knowledge and consensus with a focus on unresolved issues. WIPO provides hands-on practical training and support on selected topics to interested stakeholders. Among various practical activities, WIPO regularly organizes multi-stakeholder practical workshops, aimed at building capacity and raising awareness amongst representatives of indigenous peoples and local communities, as well as key government agencies, and reinforcing national policy dialogues and processes around the interface between IP and TK, TCEs and GRs.

Building Respect for IP

45. In the field of *Building Respect for IP*, all capacity building activities address WIPO's Strategic Goal VI and the concept of Building Respect for IP. A representative of WIPO contextualizes the phenomenon of the infringements of IP rights, and in particular trademark counterfeiting and copyright piracy, within the broader context of social and economic development, and emphasizes that efforts towards building respect for IP are guided by Recommendation 45 of WIPO's DA. An important pillar in guiding the substantive content of the capacity-building programs in this field is information sharing and national experiences exchange, in particularly within the framework of the Advisory Committee on Enforcement (ACE). An appropriate balance, that combines repressive and preventive measures, is critical in building respect for IP policy, to achieving outcomes that respond to the diverse needs and interests of Member States and stakeholders to strengthen the IP-legitimate market and to improve IP-compliance. This integrated approach is reflected in the design of capacity-building programs and takes into consideration the following: (i) the need to take into account the prevailing socio-economic circumstances in the country or countries concerned, including consumer perceptions and attitudes; (ii) the balance between the interests of rights holders and the public interest; (iii) the need to complement enforcement efforts with alternate models and other possible options from a socio-economic welfare perspective, including efforts aimed at awareness-raising. These items are not limited to a mere presentation on one topic, but rather inform the whole of the program of the capacity-building activity. In addition, strategic coordination and cooperation with right holders, and their role and contribution in the field of Building Respect for IP is also highlighted in capacity building activities[13].

[9] The description of the Distance Learning Course on TK, TCEs and GR is available at: https://welc.wipo.int/acc/index.jsf?page=courseCatalog.xhtml&lang=en&cc=DL203E#plus_DL203E
[10] A series of ten Background Briefs covering IP, TK, TCEs and GRs is available at: http://www.wipo.int/publications/en/series/index.jsp?id=144
[11] The guides are numerous and include: 'Protect and Promote Your Culture: A Practical Guide to Intellectual Property for Indigenous Peoples and Local Communities' available at: http://www.wipo.int/publications/en/details.jsp?id=4195; 'Documenting Traditional Knowledge – A Toolkit' available at: http://www.wipo.int/publications/en/details.jsp?id=4235; 'Key Questions on Patent Disclosure Requirements for Genetic Resources and Traditional Knowledge' available at: http://www.wipo.int/publications/en/details.jsp?id=4194; 'Intellectual Property and the Safeguarding of Traditional Cultures: Legal Issues and Practical Options for Museums, Libraries and Archives' available at: http://www.wipo.int/edocs/pubdocs/en/tk/1023/wipo_pub_1023.pdf.
[12] The repository of national experiences is available at: http://www.wipo.int/tk/en/resources/tk_experiences.html
[13] A document, highlighting the main features of the capacity-building activities in the area of Building Respect for IP was presented to the Advisory Committee on Enforcement at its eleventh session as is contained in document WIPO/ACE/11/10, available at: http://www.wipo.int/edocs/mdocs/enforcement/en/wipo_ace_11/wipo_ace_11_10.pdf .

Patent Drafting

46. Patent drafting trainings focus on "technology intermediaries" who assist inventors[14] to adequately protect their inventions, such as, staff of technology management offices in universities and public research institutions, technology and innovation support centers (TISCs) and public innovation support bodies. On-site workshops for acquiring theoretical knowledge and conducting practical drafting exercises are organized by WIPO, in close coordination among relevant sectors of WIPO. Additional 'take home' patent drafting exercises are conducted via email communications with tutors in order to concretize the theoretical knowledge acquired during the on-site workshop and strengthen the practical drafting skills. A team of national / regional / international experts contribute to the trainings so that both national patent practices and international diversities can be addressed. Materials, in addition to the WIPO Patent Drafting Manual, are developed by tutors at each training course in order to respond to the specific needs of the participants and the recipient countries. Evaluation of relevance, quality and utility of the trainings as well as knowledge enhancement of participants at each training session is conducted by WIPO at the end of the training.

Technology licensing and IP asset management program

47. The technology licensing program covers the creation, protection, management and exploitation of IP assets. It targets professionals in developing and transition countries seeking to build practical skills in IP licensing or valuation. It is structured to: (i) explain the fundamental notions of licensing, how it should be used in business, and differences with other IP-related contracts (development collaboration, sponsored research, material transfer or service research agreement); (ii) teach the key terms of a licensing agreement, the mechanics of a negotiation and guidelines for drafting; and (iii) include practical exercises in the negotiation and drafting of licenses. The program is based on a series of guides on IP assets management published by WIPO.

Small and Medium Size Enterprises (SMEs)

48. In the field of SMEs, WIPO bases its capacity building activities on business friendly IP materials including a multimedia story based e-learning tool which forms the foundation for the learning in capacity building programs implemented for the benefit of SME intermediaries. SMEs are too numerous and dispersed to target training programs. Accordingly, WIPO takes an approach that they would be best served by IP trained intermediaries that they could rely on for IP support. A dedicated website is made available, with IP for business material, case studies of successful use of IP by businesses and good practices by policy makers to support SMEs that would be accessible to SMEs.

Creative industries

49. WIPO capacity building activities for creative industries are mainly delivered through trainings and conferences. The training activities are based on national economic studies and a series of publications entitled "How to make a living"[15] targeted for people working in different creative industries, such as: music; film; publishing; advertising; creative firms; and video games. WIPO also collaborates with public and private partners to implement technical cooperation projects in the field of creative industries in coordination with other relevant entities.

[14] Inventors, in this case, are considered scientists and researchers.
[15] This series of publications explain simply and clearly how copyright helps creative people to earn money from their original works. More information of the publications is available at: http://www.wipo.int/publications/en/details.jsp?id=4166 .

IP system-related capacity building activities

50. WIPO capacity building activities that have direct bearing on the use of IP systems are mainly organized through trainings for officials of an IP offices, private sector users, and assistance to countries considering accession to WIPO treaties and to new contracting states. A post-accession training program for those countries is also provided by WIPO.[16] The tannings are organized in Geneva or, at a request of an office in the country concerned. Information activities related to IP systems are provided through general and more detailed seminars held, on average, twice per year or at the request of a Member State. The aim of these seminars is to increase awareness and practical knowledge of the IP systems among existing and potential users, whether in industry or in private practice. The programs of these seminars reflect the latest changes that have been introduced in the IP system regulations and examine the changes in the application procedure following the accession of new countries, when the case.

51. The general IP systems Related Information activities organized by WIPO involve provisions of information on IP protection and the international IP systems in general, covering events where talks are delivered on aspects of IP systems such as PCT[17], Madrid[18] and Hague[19]. These activities include: (i) introductory material on IP systems on how to apply for patent, register a trademark or an industrial design; (ii) the main legal requirements for an invention to be patentable, a trademark and / or industrial design to be registered; (iii) the benefits of Patent protection and possible alternatives, such as, utility models and safeguarding confidential business information as a trade secret in the case of inventions; (IV) overview of Trademark law and practice, basic concepts, criteria and scope of protection; (V) overview of the protection of well-known Marks, collective Marks and certification Marks; (VI) overview of Industrial Designs law and practice; basic concepts, criteria and scope of protection. Other subjects include national and regional patent, trademarks and industrial design systems; the importance and role of patent information including initiatives to facilitate access to technical information; patent drafting; trademark licenses; trademark coexistence; and protection of marks, and other industrial property rights in signs, on the Internet.

52. The Detailed IP systems Related Information activities organized by WIPO additionally include seminars on the use of WIPO available databases such as the PATENTSCOPE database, the WIPO Global Brand Database, the WIPO Global Design Database, as well as description of services available through ePCT, Madrid e-services and the Hague e-filing portfolio manager. These seminars provide detailed information on the management and maintenance of the international registrations such as, making priority claims, corrections, withdrawals, rectifications, extensions, or any changes.

Tools

WIPO Academy

(i) The WIPO Academy Education and Training Programs Portfolio for 2018 is available at: http://www.wipo.int/publications/en/details.jsp?id=4242 in English, French, Spanish, Arabic, Chinese and Russian.

[16] In addition to that, upon Member State's request, WIPO organizes periodically study visits in Geneva.
[17] A detailed document on Coordination of WIPO Technical Assistance under the PCT was presented to the PCT Working group in 2017. The document is available at: http://www.wipo.int/edocs/mdocs/pct/en/pct_wg_10/pct_wg_10_19.pdf . The list of PCT Seminars is available at: http://www.wipo.int/meetings/en/topic.jsp?group_id=132 .
[18] More detailed information about the content of the Madrid System Seminars is available at: http://www.wipo.int/meetings/en/topic.jsp?group_id=239.
[19] More detailed information about the content of the Industrial-Design Related Seminars is available at: http://www.wipo.int/meetings/en/topic.jsp?group_id=154 .

Traditional Knowledge, Genetic Resources, Traditional Cultural Expressions

(i) Indigenous Peoples Fellowship. The fellowship responds to the reciprocal needs for strengthening capacities in the rapidly growing domain of indigenous IP law and for strengthened capacity on IP law and policy for indigenous lawyers and policy advisers. This Fellowship program typically lasts from one to two years, and is open to all active members of an indigenous community. More information is available at: http://www.wipo.int/tk/en/indigenous/fellowship/ in English, French, Spanish, Arabic, Chinese and Russian.

(ii) WIPO hands-on training program. More information is available at: http://www.wipo.int/tk/en/resources/training.html

(iii) Surveys of Existing Practices, Protocols and Policies and standard agreements relating to the safeguarding of, access to, ownership of and control over cultural heritage**,** available at: http://www.wipo.int/tk/en/resources/surveys.html in English.

Patent drafting

(i) WIPO Patent Drafting Manual is available at: http://www.wipo.int/publications/en/details.jsp?id=297 in English, French, Spanish and Arabic.

Technology licensing and IP asset management

(i) Successful Technology Licensing guide, available at: http://www.wipo.int/edocs/pubdocs/en/licensing/903/wipo_pub_903.pdf in English.

(ii) IP Audit Tool available at: http://www.wipo.int/edocs/pubdocs/en/intproperty/927/wipo_pub_927.pdf in English.

(iii) IP Asset Development and Management: A key Strategy to Economic growth guide, available at: http://www.wipo.int/edocs/pubdocs/en/intproperty/896/wipo_pub_896.pdf in English.

(iv) A training manual on Exchanging of Value, available at: http://www.wipo.int/edocs/pubdocs/en/licensing/906/wipo_pub_906.pdf in English.

SMEs

(i) IP PANORAMA training program based on “Storytelling” for SMEs. Available thought the Distance Learning Program of the WIPO academy. Summaries of the topics covered under the IP PANORAMA are available at: http://www.wipo.int/sme/en/multimedia/ .

IP system-related capacity building activities

(i) PCT applicant’s guide, available at: http://www.wipo.int/pct/en/appguide/ in English, French Spanish, Chinese and Russian.

(ii) The Madrid System for the International Registration of Marks: Objectives, Main Features, Advantages brochure, providing a brief overview of the Madrid System for the

international registration of marks. Available at: http://www.wipo.int/publications/en/details.jsp?id=4045 in English, French, Spanish, Arabic, Chinese, Russian, Portuguese and Japanese.

(iii) Guide to the International Registration of Marks under the Madrid Agreement and the Madrid Protocol, available at: http://www.wipo.int/madrid/en/guide/ in English, French and Spanish.

(iv) Practical guide Preparing and Providing Reproductions in Order to Forestall Possible Refusals on the Ground of Insufficient Disclosure of an Industrial Design by Examining Offices available at: http://www.wipo.int/export/sites/www/hague/en/how_to/pdf/guidance.pdf in English.

Guides and publications

(i) Making a Mark - An Introduction to Trademarks for Small and Medium-Sized Enterprises, available at: http://www.wipo.int/publications/en/details.jsp?id=4208&plang=EN in English, French, Spanish, Arabic, Chinese, Russian, Italian and Portuguese.

(ii) Inventing the Future - An Introduction to Patents for Small and Medium-sized Enterprises, available at: http://www.wipo.int/publications/en/details.jsp?id=132&plang=EN in English, French, Spanish, Russian and Chinese.

(iii) Looking Good: An Introduction to Industrial Designs for Small and Medium-sized Enterprises, available at: http://www.wipo.int/publications/en/details.jsp?id=113&plang=EN in English, French, Spanish, Arabic, Chinese, Russian, Italian and Portuguese.

(iv) Creative Expression: An Introduction to Copyright and Related Rights for Small and Medium-sized Enterprises http://www.wipo.int/publications/en/details.jsp?id=152&plang=EN in English.

(v) In Good Company: Managing Intellectual Property Issues in Franchising http://www.wipo.int/publications/en/details.jsp?id=271&plang=EN in English.

(vi) Making Intellectual Property Work for Business - A Handbook for Chambers of Commerce and Business Associations Setting Up Intellectual Property Services http://www.wipo.int/publications/en/details.jsp?id=295&plang=EN in English.

(vii) WIPO Guide on Surveying the Economic Contribution of the Copyright-based Industries, available at: http://www.wipo.int/publications/en/details.jsp?id=259 in English, French and Spanish.

(viii) National studies (prepared by local researchers with the assistance of WIPO experts). National studies available by countries and are available at: http://www.wipo.int/copyright/en/performance/#size in English. The summary of the guides is available in English at: http://www.wipo.int/copyright/en/performance/#size.

(ix) Copyright income studies: (a) Study on the publishing industry in Mexico available at: http://www.wipo.int/export/sites/www/copyright/es/creative_industries/pdf/publishing_mexico.pdf in Spanish. (b) Study on the impact of enhanced copyright protection on the development of the textile market industry in Nantong, China available at: http://www.wipo.int/export/sites/www/copyright/en/performance/pdf/impact_textile_market.

pdf in English. (c) Study on the economic contribution of the software industry in Lebanon. The study is available at: http://www.wipo.int/export/sites/www/copyright/en/performance/pdf/econ_contribution_lb.pdf in English. (d) Study on the economic, social and cultural impact of IP in the creative industries. The study is available at: http://www.wipo.int/export/sites/www/copyright/en/performance/pdf/impact_creative_industries.pdf in English.

(x) Draft guidelines on Assessing the Economic, Social and Cultural Impact of Copyright on the Creative Economy available at: http://www.wipo.int/export/sites/www/copyright/en/performance/pdf/escia.pdf in English.

(xi) WIPO Handbook available at: http://www.wipo.int/about-ip/en/iprm/ in English.

(xii) More WIPO Publications, available at: http://www.wipo.int/publications/en/ in different languages.

Other tools

(i) The Portal on Technology Transfer and Open Collaboration that presents information on meetings held, and documents, studies and other material prepared, in the context of three DA projects on technology transfer and open collaboration (the projects on Innovation and Technology Transfer Support Structure for National Institutions; Intellectual Property and Technology Transfer: "Common Challenges – Building Solutions"; and Open Collaborative Projects and IP-Based Models). The Portal also provides a web forum for receiving feedback from project users as well as sharing potentially-useful experiences on the topics of technology transfer, open collaborative innovation and capacity building. More information about the portal is available at: http://www.wipo.int/ip-development/en/agenda/tech_transfer/index.html in English, French, Spanish, Arabic, Chinese and Russian. The web forum can be accessed at: https://www3.wipo.int/confluence/display/TTOC/DA+Web+Forums+Home in English.

(ii) WIPO's Data for Researchers page, a portal that provides links to various databases containing innovation-related statistics that are frequently used in economics studies. Available at: http://www.wipo.int/econ_stat/en/economics/research/ in English, French and Spanish.

(iii) Other WIPO Fellowship programs: WIPO provides monetary grants to qualified individuals for the purpose of fulfilling special learning objectives.

Legislative Assistance

Practices

53. WIPO's legislative assistance is provided only at the request of a Member State or a regional intergovernmental organization. WIPO pays careful attention to informing Member States of the policy options and choices available in an objective and interactive manner. In compliance with DA Recommendation 13, WIPO tailors its assistance to the requestor's specific needs, level of socio-economic development and human and financial constraints, largely on the basis of information provided to WIPO by the requestor. In addition, it structures the sequence of its work according to the priorities expressly agreed with the requestor.[20] The

[20] In the areas of GRs, TK and TCEs, WIPO encourages the country / Organization to set a policy and/or a strategy as a first step before deciding whether legislation is needed.

assistance provided is, in all cases, strictly bilateral and confidential and consistent with the requestor's international legal obligations, taking flexibilities into account. Furthermore, it is typically provided in the areas of Copyright, Patents, Trademarks, Industrial Designs, Geographical Indications, Genetic Resources (GRs), Traditional Knowledge (TK) and Traditional Cultural Expressions (TCEs), and Building Respect for IP in relation to: (i) the revision / update of an existing law or regulation in its entirety or in part; (ii) the drafting of a new law or regulation; (iii) the ratification or accession process for becoming a member of an existing treaty; (iv) the implementation and enforcement of a new law, regulation or treaty (including assistance in informing relevant stakeholders); (v) national compliance with international treaty obligations or with negotiated bilateral or regional agreements; and (vi) the implementation of flexibilities contained in the international treaties in accordance with the DA Recommendation 14. Moreover, in accordance with DA Recommendation 45, WIPO maintains a balanced approach between the general public interest (state, consumers and innovators/creators) and the rights and obligations of IP holders. In this context, it provides advice tailored to the national situation, which frequently involves providing information about various legal and policy options, rather than a standardized unique model.[21] The entire process involves both the Regional Bureaus and the substantive areas acting in close and regular interaction with national authorities and coordination with Geneva-based representatives if needed, in order to ensure: (a) the relevant expertise; (b) knowledge about the particular local / regional conditions; (c) the participation of the key authorities and stakeholders when decided by the local authorities; and (d) a shared understanding of the goals, expected results and timeline. When possible, WIPO legislative assistance takes account of other types of work such as economic impact analyses since certain policy choices might have an important impact on the local economy. Finally, WIPO seeks to draft its advice in gender-inclusive language consistent with the WIPO Policy on Gender Equality and relevant guidelines in the United Nations system and WIPO.

Methodologies

54. The following are the steps of the methodology used by WIPO to provide legislative assistance:

(i) Legislative assistance is initiated in all cases by the reception of a formal, written request from a national or regional authority.

(ii) Following this request, WIPO and the relevant authorities of the requestor are engaged in an initial dialogue to design an implementation plan. Upon the Member State's request, further field missions, bilateral meetings at WIPO headquarters and/or video conferences might be organized to finalize the plan which includes the following elements: (a) assessment of the country context and policy background; (b) identification of the needs and priorities; (c) agreement on the main goals; (d) national considerations such as the country's membership of international agreements, its participation in WIPO committees, its level of economic development, among others; (e) parameters of the advice to be provided; (f) a timeline; and (g) other particularities relevant for the delivery of the assistance.

(iii) The advice is drafted. During the drafting process, where possible, regular consultations are held to ensure the consistency of the work with the initial assessment. Sometimes, the advice is first shared with the requestor orally before it is prepared in formal, written form. This can speed up the provision of the advice and facilitate a more collaborative approach between WIPO and the requestor. In some cases, such informal

[21] This is especially the case in the areas of GRs, TK and TCEs, where information on issues, options and international, regional and national experiences is provided rather than advice as such.

and oral advice might be adequate to enable the requestor to move ahead to the next stage in its policy or legislative development. Subsequently, if so requested, draft advice is provided in written form. Depending on the agreement with the relevant authorities in the Member State it may include: (a) multiple legal and policy choices and strategic decisions; (b) an analysis of the compliance with international minimum standards noting if a provision is going beyond them; (c) detailed technical comments addressing (when applicable) internal legal, policy and language coherence to develop a more streamlined instrument; and (d) certain drafting suggestions if requested.

(iv) When requested, WIPO engages in continuous assistance throughout the legislative process.

(v) When requested, WIPO also provides assistance in the implementation and enforcement phases, including awareness raising and informative activities.

(vi) In due course, WIPO endeavors to receive feedback from the requestor on the utility and relevance of its assistance. This information may not always be available but it does help WIPO to assess the quality of its work and make improvements in future cases.

(vii) The entire outcome of the legislative exercise is kept confidential in WIPO archives and is not shared with third parties without the express agreement of the beneficiary. Member States are free to share the advice as they deem appropriate.

Tools

(i) WIPO Lex.[22]

(ii) WIPO's Database on Flexibilities.[23]

(iii) Other Databases, repositories of regional and national experiences and legal guides and studies published by WIPO.[24]

(iv) Where available, WIPO commentaries on the WIPO treaties[25].

Development Agenda Projects

Practices

55. DA projects are one of the channels to provide technical assistance. As agreed by the third session of the CDIP, they are implemented through a thematic project-based approach, grouping all the recommendations dealing with the same or similar subject matter and which could be implemented jointly under a single project. By adopting this approach, all aspects of the issue(s) addressed under the project are considered in a more holistic and efficient manner. In compliance with the DA Recommendation 1, DA projects are demand-driven, development-oriented and take into account the priorities, the different levels of development and the special needs of developing countries, especially LDCs. Likewise, WIPO also ensures that the absorption capacity and the level of expertise of the beneficiaries are addressed in the project design. All those elements are taken into consideration for ensuring a modular and country-

[22] Please refer to the chapter on "Databases". WIPO Lex is available at: http://www.wipo.int/wipolex/es/.
[23] Please refer to the chapter on "Databases". WIPO's Database on Flexibilities in the IP System: http://www.wipo.int/ip-development/en/agenda/flexibilities/database.html
[24] Legal related publications and studies commissioned by WIPO can be found at: http://www.wipo.int/publications/en/.
[25] Policy and legislative tools on GRs, TK and TCEs expressions are available at http://www.wipo.int/tk/en/.

specific design, implementation and evaluation of the project. When applicable, the Secretariat establishes certain criteria for the selection of beneficiary countries, in many cases related to the existence of particular prevailing conditions as to the subject-matter or area addressed by the project. The selection of the beneficiary countries is made on the basis of expression of interests made to the WIPO Secretariat. Geographical balance is also considered in the selection of countries, except when the project is specifically designed to be implemented in a given region.[26] Moreover, projects involve a number of key stakeholders relevant for the success of the implementation at a national level. Focal points are therefore identified at a national level to ensure the coordination of those stakeholders in each beneficiary country. Projects are managed by project managers who are regular staff members of the Organization with expertise in the respective subject and work in the relevant program areas. They are responsible of developing the project documents, overseeing the implementation of specific projects and reporting to the CDIP on the details of individual projects. In addition, WIPO ensures that projects are implemented in a transparent manner and within defined time frames. For this purpose, reporting mechanisms on the progress of project implementation include written documents and oral presentations before the Committee.[27] Likewise, projects are evaluated after their completion by an external expert selected specifically to undertake this task for a given project. The evaluation is guided by the WIPO's Evaluation Policy, which applies the general principles of the United Nations Evaluation Group (UNEG) Norms and Standards for Evaluation[28]. It actively involves those with a stake in the projects, notably the project team, partners, beneficiaries, and any other interested parties. To ensure the sustainability of the outputs of completed and evaluated projects, WIPO ensures its effective mainstreaming into the regular work of the Organization. Lastly, a close coordination is ensured between the Development Agenda Coordination Division (DACD), the Program Performance and Budget Division and the implementing sectors / divisions during the entire project life-cycle.

Methodologies

56. The project-based methodology was adopted by the third session of the Committee to implement the DA recommendations in an effective and coherent manner. It comprises the following phases carried out in accordance with the above mentioned practices[29]:

(i) *Project Design:* projects are proposed either by the Secretariat, by a Member State, by a group of Member States or by a regional group, taking into consideration the key areas of work, needs and priorities of developing countries and LDCs. In this early phase, relevant elements for the project implementation are defined and planned out in a project proposal. The proposal is submitted for the consideration of the Committee. Once approved by the Committee, it becomes the project document which will guide the implementation, monitoring and evaluation project cycle.

(ii) *Project Implementation:* the project is implemented by the project manager in accordance with the strategy set up in the project document approved by the Committee.

[26] E.g. The Project on "Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries" (Phases I and II), aimed at empowering the development of the African audiovisual sector through technical assistance and institutional capacity building activities in the area of copyright.
[27] The thematic-based approach, adopted by the third session of the Committee, recognizes the need of monitoring and evaluating the project implementation.
[28] The UNEG methodological framework refers to the key principles of the evaluation criteria and quality standards issued by the Development Assistance Committee of the Organization for Economic Co-operation and Development (OECD-DAC).
[29] The Proposed Methodology for Implementation of the DA Recommendations is contained in document CDIP/3/INF/1. The decision of the Committee is reflected in paragraph 8 of the Summary by the Chair of the 3rd CDIP session (document CDIP/3/SUMMARY).

The project activities are delivered and the resources are managed in pursuance with the project objectives and in accordance with the implementation timeline[30].

(iii) *Project Monitoring:* the monitoring of the project is undertaken through a self-evaluation process conducted by the project manager, in coordination with the DACD, during the implementation of the project. The project manager collects performance data in relation to the expected outputs foreseen under the delivery strategy, as well as with regards to the project objectives. In addition, the project manager establishes a number of indicators to assess the progress in completing the aforementioned outputs and achieving the project objectives. He or she further measures the progress using the data collected. The results of the self-evaluations are presented in both the progress report on the ongoing DA projects and the completion reports.

(iv) *Project Reporting*: the reporting to the Committee on the project implementation is done through the following tools: (a) progress reports on the ongoing DA projects; (b) completion reports; and (c) certain sections of the Director General's Report on the Implementation of the DA[31].

(v) Project Evaluation: an independent evaluator is hired to undertake the evaluation in accordance with the Terms of Reference (ToR) prepared by the Secretariat. In line with these ToR, the independent evaluator submits an Inception Report to the Secretariat. He or she undertakes the evaluation work in accordance with the ToRs and the tools, methods, work plan and other elements identified in the Inception Report. Subsequently, he or she prepares a Draft evaluation report with actionable recommendations deriving from the findings and conclusions. The Secretariat might make factual observations and corrections which might be incorporated in the Final Evaluation Report. The Final Evaluation Report is submitted by the Evaluator to the Secretariat, and upon its acceptance, published as a CDIP document. The Evaluator presents the report before the Committee which considers the information provided therein, notably, the findings, conclusions and recommendations. The Committee further agrees on the future actions to be undertaken on the basis of those recommendations.

(vi) Mainstreaming in WIPO's work: after the completion of a DA project and upon the decision of the Committee, the project is mainstreamed, both in terms of substance and resources, in each Program in line with the Budgetary Process for Projects Proposed by the CDIP for the Implementation of the DA recommendations approved by the WIPO Assemblies in 2010.

Tools

57. Different project tools are utilized under each phase. The following is a brief description of each of them:

I. Project design and implementation:

(i) *Project Template / Project Document*: is the document approved by the Committee to guide the project implementation. It contains the following: (a) a summary, including DA Recommendations dealing with the project, a brief description, the implementing program, the links to other related program(s) / DA project(s), the links to the expected

[30] Provided that no external factors might cause delays in the national implementation, when applicable.
[31] At the Third Session of the Committee, the Director General of WIPO expressed his commitment to reporting annually to the CDIP on the implementation of the DA recommendations. So far, nine reports were presented to the Committee since its 5th session. The report provides an overview of the implementation and mainstreaming of the DA recommendations and principles.

results in the program and budget, the project duration, and the project budget; (b) a project description, including the general and specific objectives, the delivery strategy which establishes the selection criteria for the beneficiary countries and lists the deliverables and the activities to be carried out, the identification of potential risks and mitigating measures, and (when applicable) the cooperation foreseen with other agencies; (c) a review and evaluation section, providing the project review schedule and a project self-evaluation template; (d) the implementation timeline, listing the activities and the timeframe; and, (e) the resources budgeted by results, detailing the personnel and non-personnel resources for each deliverable.

II. Project reporting:

(i) *Progress report on the ongoing DA projects:* presented by the project managers in the spring session of the Committee, they describe the program on the implementation of the project during the previous year. Where applicable, this description is made by countries / regions since the implementation is country-specific and the progress could be at a different stage given the particular circumstances of each beneficiary country. When the implementation is not limited to a number of beneficiary countries, the progress is reported by deliverables or in the most suitable manner depending on the information gathered. The report also provides examples of success / impact and key-lessons, based on the data collected from feedback in beneficiary countries (when applicable), or experts, consultants or and / or stakeholders involved in the project implementation. In addition, it includes information on the actual risks encountered during the reporting period and the strategies utilized or measures applied to mitigate those risks. Moreover, it also lists the issues requiring immediate support / attention, and identifies the way forward for the next reporting period. It also provides information on the advancement of the implementation according to the timeline, and the project implementation rate established in the project document approved by the Committee. It also lists previous related documents for reference. Finally, it contains a project self-evaluation explained separately above;

(ii) *Completion reports:* presented by the project managers upon the completion of the project, they contain a summary overview of the project implementation and the other elements contained in the project report as regards the entire implementation period. They are presented together with the progress reports on the ongoing DA projects in the spring CDIP session;

(iii) *Director General's Report on the Implementation of the DA:* presented in the autumn session of the Committee, it provides along its different sections, the following information in relation to projects: (a) information on the work related to the mainstreamed projects during the previous year further to their completion and independent external evaluation; (b) cumulative data (from the beginning of the implementation until the end of the previous year) on the total projects approved, the number of recommendations addressed, and the estimated financial resource approved for the implementation of those projects; (c) the number of projects evaluated in the previous year; (d) some highlights of the implementation of DA ongoing projects during the reporting period; (e) the status of implementation, main achievements and outputs of the ongoing projects; and
(f) an overview of completed and evaluated projects under the CDIP, including their main achievements and outputs and the main recommendations made by evaluators;

III. Monitoring and Evaluation:

(a) *Self-Evaluation:* it is a monitoring process to assess the extent to which the intended outputs / results have been achieved. The elements for the self-evaluation, as mentioned in the methodology, include the indicators of successful completion vis-à-vis

the expected outputs (outputs indicators) and the indicators of successful achievements in relation to the project objectives (outcomes indicators). It also includes the performance data to measure the progress in relation to the abovementioned indicators and a "Key to Traffic Light System" (TLS) establishing different progress levels, namely, *fully achieved*; *strong progress*; *some progress*; *no progress*; *not yet assessed* / *discontinued*.

(b) *Independent Evaluation*: it is undertaken by an external evaluator upon the project completion to determine the level of achievement of the project objectives. It aims at identifying lessons learned during the project implementation and providing evidence-based evaluative information to support the CDIP's decision-making process. The following tools are used in this process:

(i) Evaluator's Terms of Reference (ToR) including, among others, background information, key evaluation questions to be addressed, deliverables / services to be provided from the external evaluator and the time frame in this respect;[32]

(ii) Inception Report, containing a description of the evaluation methodology and methodological approach, data collection tools, data analysis methods, key stakeholders to be interviewed, additional evaluation questions, performance assessment criteria, and an evaluation work plan;

(iii) Draft evaluation report with actionable recommendations deriving from the findings and conclusions;

(iv) Final evaluation report which includes an executive summary and a description of the evaluation methodology used; key evidence-based findings centered on the key evaluation questions addressed under the categories specified in the ToR namely in general, relevance, efficiency, effectiveness and sustainability; conclusions drawn based on the findings; and, recommendations emanating from the conclusions and lessons learned.

Public-Private partnerships (multi-stakeholder platforms)

Practices

58. Creation of various partnerships through multi-stakeholder platforms is another practice undertaken by WIPO and used in technical assistance activities with the aim at reinforcing the capacities of developing countries to participate in the knowledge economy. Connections between stakeholders are done via available database as well as specific matchmaking events.

59. WIPO's multi-stakeholder platforms include WIPO Green, WIPO Re:Search, Accessible Books Consortium (ABC), the Access to Research for Development and Innovation (ARDI) program and the Access to Specialized Patent Information (ASPI) program. These platforms create the possibility for the enterprise sector and civil society to share their expertise and provide funding for the advancement of a number of important public policies that underline the WIPO's mission. They are used as tools for researchers in developed and developing countries, to create and develop new solutions to challenges faced on local and global levels.

[32] In practice, those deliverables include an inception report, a draft evaluation report and a final report.

Methodologies

60. Partnerships are done on a voluntary basis, following certain eligibility criteria describes below:

(i) WIPO Green provides the opportunity to join the platform as a partner, user and / or expert. Partners can be either from the public or private sectors, including IGOs, trade associations, companies, government institutions, financing institutions, SMEs and SME networks, universities, and consultancy firms, amongst others. A proposed contribution, together with a written acceptance of the WIPO GREEN Charter is needed to become a partner. For experts, WIPO Green provides the opportunity to register in the WIPO GREEN Experts Database. To become a user, a WIPO account is needed to register and acceptance the WIPO GREEN Terms and Conditions.

(ii) WIPO Re:Search provides the opportunity to join as a provider, user and supporter. Providers of WIPO Re:Search are academic institutions, NGOs, organizations wishing to contribute to IP know-how, expertise, materials, and other services. Users are typically organizations engaged in research and development for Neglected Tropical Diseases (NTDs), malaria and tuberculosis, willing to access the public database. Supporters are national patent offices, who normally encourage and provide meaningful guidance to WIPO Re:Search. In order to become a provider, user and / or supporter, an expression of interest is required and commitment to the guiding principles of WIPO Re:Search.

(iii) ARDI makes available its resources to local, not-for-profit academic and research institutions and national IP offices. Registration is possible only for institutions (individuals are not eligible to register) and is divided in two groups of countries, for which an online registration is required.[33] It is offered free of charge or at an annual fee, depending in the group of country. The groups of countries are generally based on three factors: gross national income (GNI) per capita, Human Development Index (HDI) figures, and United Nations Least Developed Country (LDC) status[34]. Only one registration is required per institution. An ARDI training guide is made available by WIPO.

(iv) ASPI program is open for patent offices or research and academic institutions in developing countries. To register an online form should be completed[35]. Only one registration is required per institution. Once the registration has been processed, user license agreements are sent to the requesting institution's director for the selected patent data services. Upon receipt of the signed agreements, login details for the patent data services are sent to the institution's director and chief librarian (if the case). In order to be acquainted and effectively use these services, a maximum of 2 services should be used concurrently.

61. In providing their services, WIPO Green, WIPO Re:Search and ABC follow some additional methodologies for delivering TA, such as:

(i) WIPO GREEN Licensing Checklist, designed as a basic reference for those involved in negotiating technology transfer licensing agreements. Available for free on the WIPO GREEN website, the Checklist provides a list of key issues which should be considered when negotiating and concluding licensing agreements.

[33] ARDI registration form is available at: https://registration.research4life.org/register/Default.aspx?language=EN in English, French and Spanish.
[34] The eligible country groups are available at: http://www.wipo.int/ardi/en/eligibility.html.
[35] The online registration form is available at: https://www3.wipo.int/forms/en/aspi/register_form.jsp in English, French and Spanish.

(ii) Pro bono IP advice, delivered through a WIPO GREEN partner, Public Interest Intellectual Property Advisors (PIIPA), pledges pro bono IP services for selected WIPO GREEN users from developing country SMEs and public sector institutes. These WIPO GREEN users received assistance with identifying the full range of IP options available, as well as alternatives in cases where there was no IP to protect, including information on how to protect other proprietary interests through a transaction contract.

(iii) The ABC is complimentary to, and assists in the implementation of, the Marrakesh Treaty. It provides trainings in the least accessible book production techniques to non-governmental organizations serving people with print disabilities, departments of education, and commercial publishers in developing countries and LDCs. As part of its services is the ABC Global Book Service, which is a global catalogue of books in accessible formats that provides libraries serving people who are blind, visually impaired or otherwise print-disabled with the ability to search and make requests for accessible books.

Tools

(i) WIPO GREEN is a collaborative platform that promotes innovation and diffusion of climate technologies by connecting those seeking environmentally sustainable technology with technology and service providers. More information about WIPO Green is available at: https://www3.wipo.int/wipogreen/en/ in English.

(ii) WIPO Re:Search is a platform that catalyzes the development of medical products for neglected tropical diseases (NTDs), malaria and tuberculosis through innovative research partnerships and knowledge sharing. More about WIPO Re:Search is available at: http://www.wipo.int/research/en/ in English.

(iii) The WIPO Re:Search fellowships (typically three to nine months) for high-level training in neglected disease product discovery and development for scientists from less developed countries at leading biopharmaceutical companies and universities worldwide. These fellowships are organized with the Funds-in-Trust from Member States. WIPO also organizes IP management training events, primarily aimed at developing country scientists.

(iv) WIPO's Access to Research for Development and Innovation (ARDI) program provides free or low-cost access to subscription-based scientific and technical journals, e-books and reference works to registered institutions in developing countries and LDCs through a public-private partnership with some of the world's leading publishers. ARDI is a member of the Research4Life partnership together with programs administered by the World Health Organization (WHO), the Food and Agriculture Organization (FAO) and the United National Environment Programme (UNEP) similarly offering content in their respective specialized fields. More information is available at: http://www.wipo.int/ardi/en/ in English, French and Spanish.

(v) WIPO's Access to Specialized Patent Information (ASPI) program provides free or low-cost access to commercial patent search and analytical services to registered institutions in developing countries and LDCs through a public-private partnership with leading patent database providers. It is a partnership cooperation between WIPO, Minesoft, ProQuest, Questel, Thomson Reuters, and WIPS. More information is available at: http://www.wipo.int/aspi/en/ in English, French and Spanish.

(vi) The Accessible Books Consortium (ABC) is a partnership which groups authors, publishers, right-holders' organizations, libraries, the DAISY Consortium, the International

Council for Education of People with Visual Impairment, Sightsavers and the World Blind Union. More information on ABC is available at: http://www.accessiblebooksconsortium.org/portal/en/index.html in English, French and Spanish.

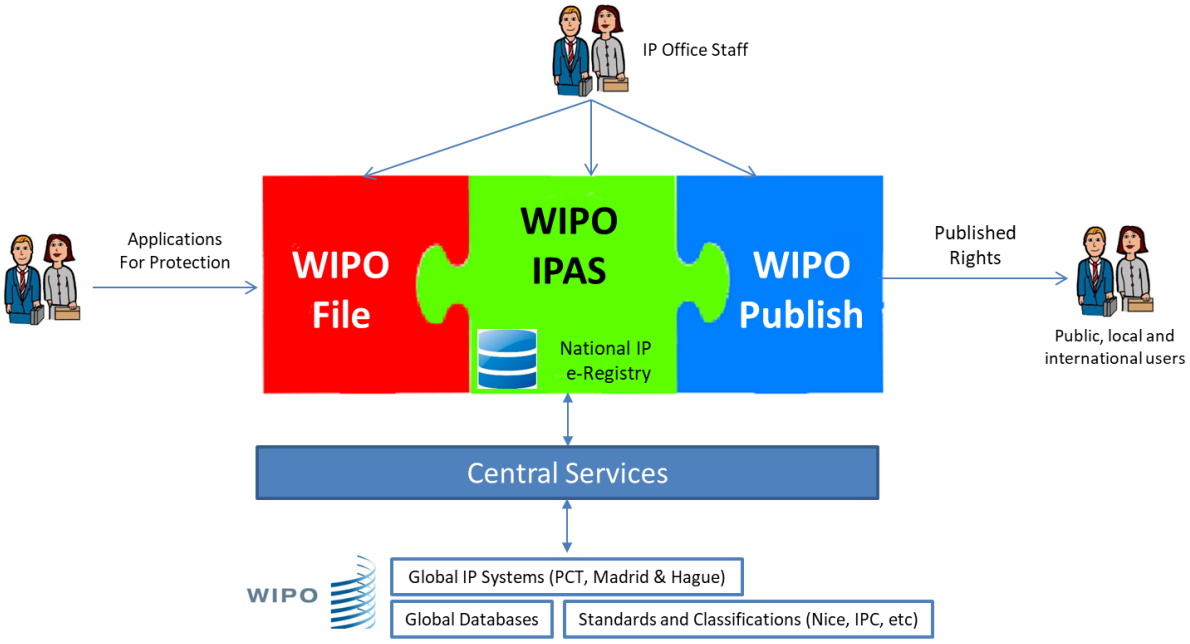
(vii) The ABC Global Book Service, an international library-to-library technical program is available at: http://www.accessiblebooksconsortium.org/globalbooks/en/ in English, French and Spanish.

(viii) The on-line catalogue that provides libraries for the blind with the ability to search and make requests for accessible digital books is available at: http://www.accessiblebooksconsortium.org/globalbooks/en/ in English, French and Spanish.

62. The CDIP is invited to take note of the information contained in this document.

[Annexes follow]

WIPO IP Sute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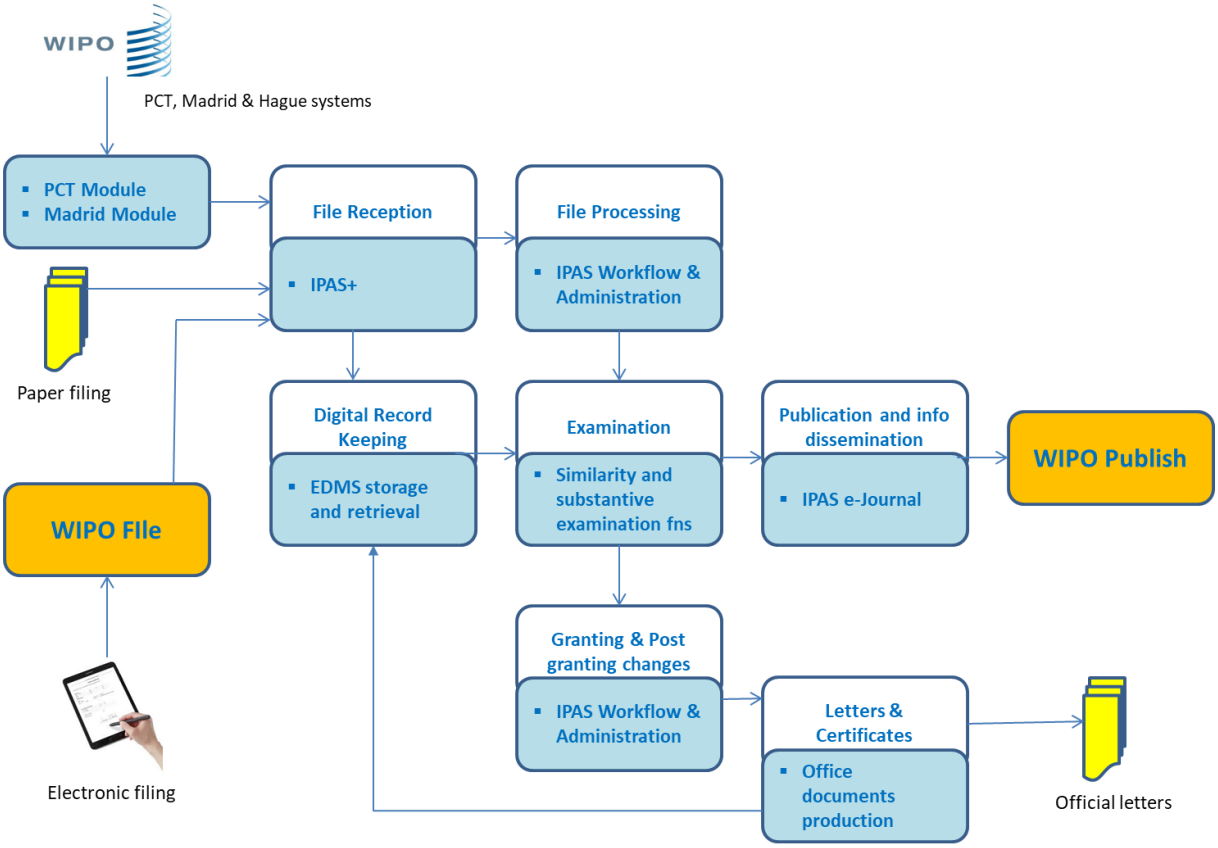
Global Databases
Standards and Classifications (Nice, IPC, etc)

WIPO Industrial Property Administration System (IPAS)



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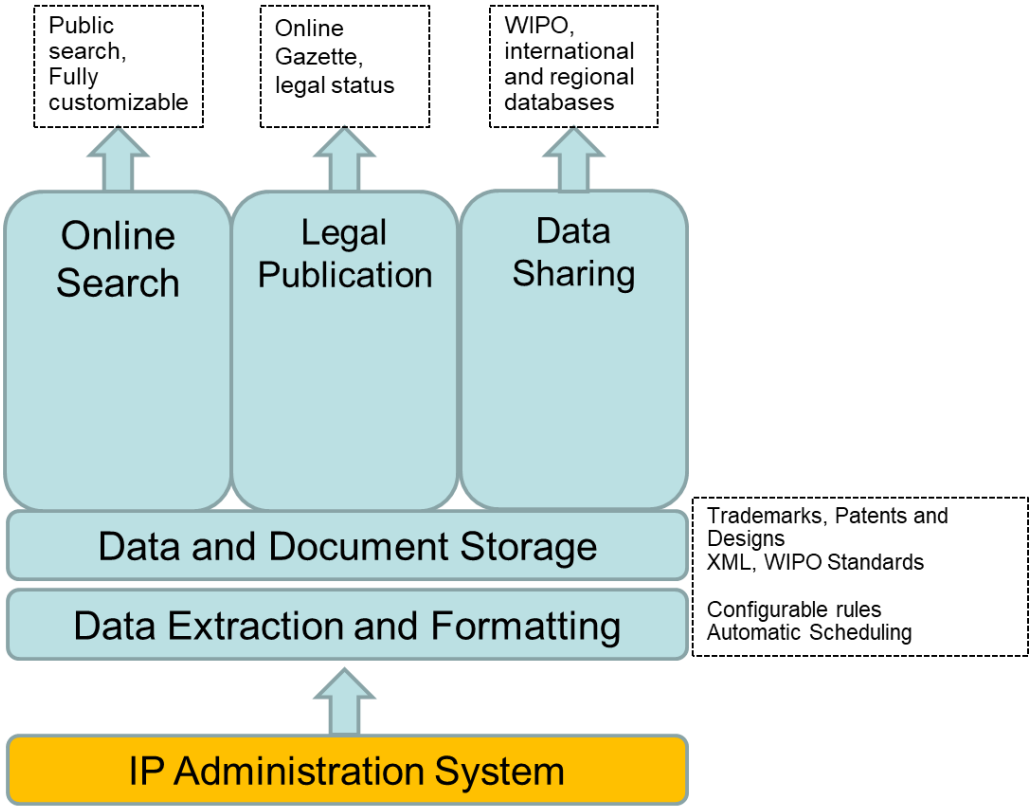

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