

Committee on Development and Intellectual Property (CDIP)

Twenty-Second Session
Geneva, November 19 to 23, 2018

MEMBER STATE INPUTS ON THE WAY FORWARD ON THE MODALITIES AND IMPLEMENTATION STRATEGIES OF THE ADOPTED RECOMMENDATIONS OF THE INDEPENDENT REVIEW RECOMMENDATIONS

prepared by the Secretariat

1. The Committee on Development and Intellectual Property (CDIP) at its 21st session, while discussing the Compilation of Member State Inputs on the Modalities and Implementation Strategies of the Adopted Recommendations of the Independent Review contained in document CDIP/21/11, decided that “interested delegations may submit additional inputs to the Secretariat before September 10, 2018. Member States which provided inputs contained in the said document were encouraged to discuss the matter among themselves with the view to reconciling their proposals.”

2. The annexes to this document contain two submissions on the above-mentioned subject from the Delegation of Switzerland on behalf of Group B and, the Delegation of South Africa.

3. *The Committee is requested to consider the information contained in the annex to the present document.*

[Annexes follow]

INPUT RECEIVED BY THE SECRETARIAT FROM THE DELEGATION OF SWITZERLAND
ON BEHALF OF GROUP B

The Way Forward with the Member State Inputs on the Modalities and Implementation Strategies of the Adopted Recommendations of the Independent Review contained in document CDIP/21/11

Group B submission

1. The Committee on Development and Intellectual Property (CDIP) at its 21st session, while discussing the compilation of Member State inputs on the modalities and implementation strategies of the adopted recommendations of the independent review contained in document CDIP/21/11, decided that “Member States which provided inputs contained in the said document were encouraged to discuss the matter among themselves with the view to reconciling their proposals.”
2. Accordingly, the annex to this document contains a possible way forward based on the three submissions from: (i) Group B; (ii) the Delegation of Mexico; and (iii) the Delegation of Peru.
3. The Committee is requested to consider the information contained in the annex to the present document.

The Way Forward with the Member State Inputs on the Modalities and Implementation Strategies of the Adopted Recommendations of the Independent Review contained in document CDIP/21/11

1. The recommendations of the Independent Review are, by their very nature, subject to different modalities and implementation strategies. The recommendations are directed to three different groups: (i) to individual Member States; (ii) to the CDIP; and (iii) to the WIPO Secretariat.
2. For the already adopted recommendations, we present, where appropriate, the following specific proposals to the CDIP for consideration.

RECOMMENDATIONS	RECONCILIATION OF PROPOSALS
<p>Recommendation 1: The good progress made in the CDIP needs to be consolidated by introducing a higher level debate to address emerging needs and to discuss the work of the Organization on new emerging issues related to IPRs. The Committee should also facilitate an exchange of strategies and best practices from Member States on their experiences addressing IP and Development Concerns.</p>	<p>The recently established Agenda Item “Intellectual Property and Development” provides a good platform for a high level debate on emerging issues and an opportunity for Member States to exchange their strategies, best practices and experiences in addressing IP and development concerns.</p>
<p>Recommendation 2 MS should take measures to resolve the outstanding issues related to the mandate of the Committee and the implementation of the Coordination Mechanism.</p>	<p>Resolved; See Appendix to CDIP/19/SUMMARY.</p>
<p>Recommendation 3: WIPO should continue to ensure an effective coordination, monitoring, reporting, evaluation and mainstreaming of the implementation of the DARs. The role of the DACD in coordinating the DA implementation should be strengthened.</p>	<p>Agree that it is important for WIPO to continue to ensure the effective coordination, monitoring, reporting and evaluation of the DARs. The DACD should continue to build on its valuable work and, where appropriate, adopt an approach that involves greater coordination in the implementation of projects to meet specific objectives; the implementation of monitoring, accountability and evaluation of results; and the multiplier effect of projects.</p>
<p>Recommendation 4: The CDIP, in implementing the DARs, should consider how best to respond to evolving circumstances and to the emerging development challenges being faced by the IP system. This should be combined with an active involvement with other UN development agencies to benefit from their expertise for the DARs implementation and in advancing the implementation of the SDGs.</p>	<p>The CDIP should continue its work already underway to implement the DARs and advance the SDGs and, where appropriate, involve other UN development agencies.</p>

<p>Recommendation 6: Member States are encouraged to enhance coordination between Geneva-based Missions and their IP Offices and other authorities in capital in order to have a coordinated approach in dealing with the CDIP and raising awareness about the benefits of the DA. Higher level participation of national based experts should be enhanced in the work of the Committee. CDIP should consider modalities related to the reporting on what has been done at the national level towards the implementation of the DARs.</p>	<p>Recommendation 6 directly involves Member States and indicates the need for better coordination between permanent missions in Geneva, IP offices and authorities in capitals. Member States should consider opportunities where they could provide reports, on a voluntary basis, on their actions taken at the national level to implement the DA. Member States are encouraged to consider the active participation of capital-based experts. This would add practical perspective and pragmatic value to the discussions, notably on topics under the new agenda item “IP and Development”.</p>
<p>Recommendation 7: Member States are encouraged, in light with their national needs, to formulate new project proposals for the consideration of the CDIP. They should consider the establishment of a reporting mechanism on the lessons learned and best practices from successfully implemented DA projects and activities. This reporting mechanism should include a periodical review of the sustainability of completed and/or mainstreamed projects, as well as the impact of these projects on the beneficiaries. WIPO should establish a database of the lessons learned and best practices identified in the course of DA projects implementation.</p>	<p>The implementation of projects in the best way to achieve concrete results in the use of IP for development. It would be useful to have thematic areas that combine the interest of Member States with WIPO’s knowledge and experience. The present practice of sharing information on the lessons learned and best practices from successfully implemented DA projects should be strengthened. This includes, when appropriate, a more systematic treatment of existing information on projects that have been completed and/or mainstreamed into the Committee’s work. Noting that the database format has shown to carry some weaknesses and significant costs in the past, the Secretariat should first elaborate on how the office address issues identified during the evaluations and tailor WIPO’s future interventions to address these in the context of specific needs identified in a country.</p>
<p>Recommendation 8: Future work related to the development of new projects should be modular and customizable and should consider the absorption capacity and the level of expertise of the beneficiaries. In the implementation of projects at the national level, WIPO should explore close partnerships with UN agencies and other entities to enhance the effectiveness, comprehensiveness and sustainability.</p>	<p>Existing approaches to coordinate and set up partnerships with other relevant UN agencies and other entities should be strengthened to enhance the effectiveness, comprehensiveness and sustainability of DA projects. In addition, it is also very important that beneficiaries should be able to replicate project results not only at national level, but also through triangular cooperation activities.</p>
<p>Recommendation 9: WIPO should pay more attention to recruiting experts that are very well versed and knowledgeable about the socio-economic conditions of the recipient countries. Beneficiary countries should ensure a high degree of internal</p>	<p>WIPO’s practice of recruiting experts well versed and knowledgeable about the socio-economic conditions of the recipient countries should be strengthened. Therefore, where appropriate and feasible, project managers should team up with local</p>

<p>coordination amongst its various organs in order to facilitate the implementation and long-term sustainability of a project.</p>	<p>and international experts. As far as possible, the training given by experts should be replicated through those who benefited from it. [...The updating of the expert database and training with a multiplier effect should be taken into account by the Secretariat in carrying out its work.</p>
<p>Recommendation 10: The Secretariat's Progress Reports submitted to the CDIP should include detailed information about the utilization of financial and human resources related to the DA projects. Simultaneous assignment of the same project manager to multiple projects should be avoided.</p>	<p>Regarding the first part, the Secretariat should be entrusted to assess which available financial information could be provided in order to enhance the transparency of the resources related to the DA projects. Regarding the second part, the assignment of projects should be guided by elements related to efficiency and the achievement of established goals. The assessment of the adequate workload for a project manager needs to be made on a case-by-case basis by competent staff within the WIPO Secretariat. An effort should be made to avoid assigning multiple cases to the same project manager (as suggested by the reviewers) whenever possible and practical.</p>
<p>Recommendation 12: Member States and the Secretariat should consider ways and means to better disseminate information about the DA and its implementation.</p>	<p>The approaches already deployed by the Secretariat for the dissemination of information about the DA should be advanced, for example, the use of social media and the WIPO's webpage, the transmission of DA related events by webcasting, the maintenance of development-related aspects of IP in the WIPO Academy's training and the support of publications related to the DA. The WIPO Secretariat should be entrusted to improve the tools – such as catalogues and platforms – that are already available to foster collaboration and stakeholder participation.</p>

3. The reporting and reviewing of progress in relation to the Independent Review should be included in the annual "Director General's Report on Implementation of the Development Agenda". This will allow Member States to have holistic and comprehensive review of the implementation of the Development Agenda in one single report.

[Annex II follows]

INPUT RECEIVED BY THE SECRETARIAT FROM THE DELEGATION OF SOUTH AFRICA

South Africa has given consideration to the recommendations not yet adopted and hereby presents a request for a constructive way forward to make progress in this regard.

Furthermore, consideration has been given to the adopted recommendations and proposals put forward as to how these adopted recommendations could be best implemented.

1. RECOMMENDATIONS NOT YET ADOPTED:

RECOMMENDATIONS	REQUESTED ACTION		
<p>Recommendation 5: WIPO should consider linking DARs to Expected Results contained in the Program and Budget, wherever it is possible. Expected Results may be modified or new Expected Results may be introduced so as to ensure the integration of DARs into WIPO's work more effectively and in a sustained manner.</p>	<p>Member states have reached an impasse as to whether this recommendation should be adopted, primarily because some groups are of the opinion that this approach is already been done by the Secretariat and hence the practice should continue.</p> <p>However, this recommendation does not relate to an existing practice by the Secretariat but instead relates to the fundamental integration of the DARs into the manner in which expenditure is allocated; which process requires the respective DAR to align to an expected result. In the event that one or more DAR is not linked to an expected result, then the recommendation is that the expected result is modified or new expected results introduced.</p> <p>An excerpt from Strategic Goal III: Facilitating the Use of IP for Development reads as follows:</p>		
	<p>Expected Result</p>	<p>Performance Indicator</p>	<p>Responsible Program</p>
	<p>III.1. National IP strategies and plans consistent with national development objectives</p>	<p>No. of countries that are in the process of formulating national copyright strategies as part of their national IP strategies</p>	<p>Program 3</p>
		<p>No. of countries that have adopted national copyright strategies as part of their national IP Strategies</p>	<p>Program 3</p>
		<p>No. of countries that are in the process of formulating national IP strategies</p>	<p>Program 9</p>
		<p>No. of countries that are in the process of implementing national IP strategies and IP development plans</p>	<p>Program 9</p>

		No. of countries that have adopted national IP strategies	Program 9 Program 10
		No. of countries having developed national IP strategies or IP plans, dovetailed with national development goals	Program 10
		No. of countries which are revising their IP strategies	Program 9
	<p>South Africa thus requests as follows:</p> <p>(a) Giving consideration to the manner in which the text is reflected in the program and budget, a mapping exercise is required to assess whether all 45 Development Agenda Recommendations are linked to an Existing Expected Result. South Africa kindly requests that the Secretariat conduct a mapping exercise in this regard.</p> <p>(b) Furthermore, in the absence of an established link between the 45 Development Agenda Recommendations and an expected result, and further in the absence of indicators that track implementation of the Development Agenda, it is impossible to assess whether the indicators reflected in the program and budget are relevant and able to track implementation of the Development Agenda Recommendations. 21 years after the implementation of the Development Agenda, no indicators have been developed. South Africa will thus be submitting a request for the development of indicators for assessing the impact of the Development Agenda Recommendations at CDIP23.</p>		
<p>Recommendation 11: A mechanism should be put in place to report on the agreed recommendations contained in the evaluation reports and on the mainstreamed outcomes of the DA projects. Mainstreaming process should be aligned to the approved Expected Results.</p>	<p>See proposed action set out under recommendation 5 above.</p>		

RECOMMENDATIONS	REQUESTED IMPLEMENTATION STRATEGY
<p>Recommendation 1: The good progress made in the CDIP needs to be consolidated by introducing a higher level debate to address emerging needs and to discuss the work of the Organization on new emerging issues related to IPRs. The Committee should also facilitate an exchange of strategies and best practices from Member States on their experiences addressing IP and Development Concerns.</p>	<p>The African Group proposal on a biennial “International Conference on IP and Development” [CDIP19/7 bears reference here] where a higher level debate will be had with experts from capital who are users of the IP system and understand the complexities in deploying IP for development and application. The inputs from these experts will assist to inform the Committee as to how IP is advancing and what the impacts are on the ground, especially with relation to hurdles that need to be overcome which are often developing context specific.</p>
<p>Recommendation 3: WIPO should continue to ensure an effective coordination, monitoring, reporting, evaluation and mainstreaming of the implementation of the DARs. The role of the DACD in coordinating the DA implementation should be strengthened.</p>	<p>See point (b) under recommendation 5 above</p>
<p>Recommendation 4: The CDIP, in implementing the DARs, should consider how best to respond to evolving circumstances and to the emerging development challenges being faced by the IP system. This should be combined with an active involvement with other UN development agencies to benefit from their expertise for the DARs implementation and in advancing the implementation of the SDGs.</p>	<p>See point (b) under recommendation 5 above and requested implementation strategy recommendation 1 above.</p>
<p>Recommendation 6: Member States are encouraged to enhance coordination between Geneva-based Missions and their IP Offices and other authorities in capital in order to have a coordinated approach in dealing with the CDIP and raising awareness</p>	<p>See requested implementation strategy under recommendation 1 above.</p>

<p>about the benefits of the DA. Higher level participation of national based experts should be enhanced in the work of the Committee. CDIP should consider modalities related to the reporting on what has been done at the national level towards the implementation of the DARs.</p>	
<p>Recommendation 7: Member States are encouraged, in light with their national needs, to formulate new project proposals for the consideration of the CDIP. They should consider the establishment of a reporting mechanism on the lessons learned and best practices from successfully implemented DA projects and activities. This reporting mechanism should include a periodical review of the sustainability of completed and/or mainstreamed projects, as well as the impact of these projects on the beneficiaries. WIPO should establish a database of the lessons learned and best practices identified in the course of DA projects implementation.</p>	<p>In order for the projects to comprehensively respond to the DAR and advance the achieve of the DAR and assess the impact thereof, indicators for the DAR are critical. See point (b) under recommendation 5 above</p>
<p>Recommendation 8: Future work related to the development of new projects should be modular and customizable and should consider the absorption capacity and the level of expertise of the beneficiaries. In the implementation of projects at the national level, WIPO should explore close partnerships with UN agencies and other entities to enhance the effectiveness, comprehensiveness and sustainability.</p>	<p>See point (b) under recommendation 5 above. The development of impact indicators will enable the tracking of country-specific projects, driven by on-the-ground needs.</p>

<p>Recommendation 9: WIPO should pay more attention to recruiting experts that are very well versed and knowledgeable about the socio-economic conditions of the recipient countries. Beneficiary countries should ensure a high degree of internal coordination amongst its various organs in order to facilitate the implementation and long-term sustainability of a project.</p>	<p>A local expert/ project owner should always be deployed in any project.</p>
---	--

[End of Annex II and of document]