

Committee on Development and Intellectual Property (CDIP)

Twenty-Third Session
Geneva, May 20 to 24, 2019

MEMBER STATES ADDITIONAL INPUTS ON THE WAY FORWARD ON THE MODALITIES AND IMPLEMENTATION STRATEGIES FOR THE ADOPTED RECOMMENDATIONS OF THE INDEPENDENT REVIEW

prepared by the Secretariat

1. The Committee on Development and Intellectual Property (CDIP) at its 22nd 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 documents CDIP/21/11 and CDIP/22/4 Rev., decided that "...interested Member States may provide additional inputs to the Secretariat by January 31, 2019. The inputs, if any, should be compiled in a single document for information of the 23rd session of the Committee..."

2. The Annexes to this document contain two submissions on the above-mentioned subject, submitted by the Delegations of South Africa and the Republic of Uganda.

3. *The Committee is requested to take note of the information contained in the Annexes to the present document.*

[Annexes follow]

INPUT RECEIVED BY THE SECRETARIAT FROM THE DELEGATION OF SOUTH AFRICA

South Africa has given consideration to the recommendations from the Independent Review and hereby makes suggestions for how the recommendations could be best implemented.

RECOMMENDATIONS	REQUESTED ACTION		
<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>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>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>Recommendation 6: Member States are encouraged to enhance coordination between Geneva-based Missions and</p>	<p>An excerpt from Strategic Goal III: Facilitating the Use of IP for Development reads as follows:</p>		
	Expected Result	Performance Indicator	Responsible Program
	<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>
		<p>No. of countries that have adopted national IP strategies</p>	<p>Program 9 Program 10</p>
		<p>No. of countries having developed national IP strategies or IP plans, dovetailed with national development goals</p>	<p>Program 10</p>
		<p>No. of countries which are revising their IP strategies</p>	<p>Program 9</p>
<p>The above table is not exhaustive nor inclusive nor does it enable an assessment of whether the DARs are actually having an impact and hence there is an advancement.</p>			

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.

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.

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

South Africa thus requests as follows:

- (a) In the absence of an established link between the 45 Development Agenda Recommendations and an expected result (even though it will now be “reported” in in the DG’s report), 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.

11 years after the implementation of the Development Agenda, no indicators have been developed.

REQUEST: South Africa requests that the Secretariat develop indicators for assessing the impact of the Development Agenda Recommendations. These draft indicators can be prepared for presentation to the Committee for consideration at CDIP/24.

agencies and other entities to enhance the effectiveness, comprehensiveness and sustainability.	
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[Annex II follows]

INPUT RECEIVED BY THE SECRETARIAT FROM THE DELEGATION OF THE REPUBLIC OF UGANDA

The Committee on Development and Intellectual Property (CDIP) at its 22nd session, while discussing the Compilation of Member States' Inputs on the Modalities and Implementation Strategies of the Adopted Recommendations of the Independent Review contained in documents CDIP/22/4 Rev. and CDIP/21/11, decided that:

- (i) interested Member States may provide additional inputs to the Secretariat... The inputs, if any, should be compiled in a single document for information of the 23rd session of the Committee;

The republic of Uganda is please to submit the following inputs.

Independent Recommendation	Review	Suggested modality for implementation
<p>RECOMMENDATION 1:</p> <p>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>	<ul style="list-style-type: none"> - For a higher level debate to be successful, the CDIP will need inputs not just from national delegates at WIPO or from the Secretariat, but also from leading academics, civil society and other United Nations Agencies and expert bodies such as the UN Secretary-General's High Level Panel on Access to Medicines, the Secretariat of the Convention on Biological Diversity and FAO, among others. - Involving other UN agencies at the highest levels, could be the avenue through which a more robust development paradigm is brought into the global IP discourse at WIPO and beyond. Through these interactions, WIPO would operate, more consistently in line with the development norms informing the work of the UN generally. 	
<p>RECOMMENDATION 2:</p> <p>Member States should take measures to resolve the outstanding issues related to the mandate of the Committee and the implementation of the Coordination Mechanism.</p>	<ul style="list-style-type: none"> - All relevant WIPO committees - the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), the Standing Committee on the Law of Patents (SCP), the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), and, the Standing Committee on Copyright and Related Rights (SCCR), should comply with the decision of the General Assembly (GA) on the coordination mechanism. Each committee, in a session preceding the GA, should submit a report to the General Assembly indicating activities undertaken to implement relevant development agenda recommendations. 	

<p>RECOMMENDATION 3:</p> <p>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>	<ul style="list-style-type: none"> - The Independent Review does not indicate which areas of the Development Agenda Coordination Division (DACD) should be strengthened. The DACD may submit a report on its role to the CDIP, and its interface with other substantive WIPO Programs and regional bureaus to enable member states identify how it should be strengthened. - The evaluation of WIPO activities should be conducted in a holistic and balanced approach. WIPO's development paradigm should not only promote an understanding and protection of IP rights in accordance with international obligations but also provide an appreciation of the challenges of access to knowledge and technology in the developing world. - Questions that should be answered include how WIPO's technical assistance contributes to development (instead of measuring the contribution of technical assistance to the application of international IP standards); whether technical assistance includes training on how to use the flexibilities of the international IP system; whether technical assistance provides support to help member states understand both the positive and negative impacts of IP as a policy instrument; what alternatives exist to help member states develop innovation capacity; what kind of anti-competitive activities IP rights may incur; and, how to prevent abuse of IP rights? From these questions, a number of quantitative indicators can be developed to measure the effect of technical assistance, including with/without and before / after scenarios.
<p>RECOMMENDATION 4:</p> <p>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>	<ul style="list-style-type: none"> - The consolidation of informal and formal partnerships with the family of international agencies and inter-governmental processes will help WIPO identify how the Organization and the Development Agenda can contribute to the achievement of overarching UN priorities, such as the Sustainable Development Goals. WIPO could also take a more active role within the UN system by co-convening and participating in policy debates on the global IP system and its relevance to a broad range of issues, including innovation, access to knowledge, development, trade, energy, climate, environment, agriculture, and public health.

<p>RECOMMENDATION 6:</p> <p>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>While this is addressed specifically to member states, it is important to ensure that the Secretariat continues and strengthens its collaboration with Geneva-based Member States' representatives, particularly, in planning and delivering of technical assistance and other activities.</p>
<p>RECOMMENDATION 7:</p> <p>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>	<ul style="list-style-type: none"> - Usually, a member state approaches the Secretariat for technical assistance in a particular field. The Secretariat should advise the requesting member whether such requested assistance should best be delivered in a CDIP project or a regular WIPO program. - CDIP projects are formulated by member states in consultation with the WIPO Secretariat. When presenting a new project to the CDIP, the Secretariat should include a statement on the suitability of the chosen modality of delivery of a technical assistance program.
<p>RECOMMENDATION 8:</p> <p>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</p>	<ul style="list-style-type: none"> - The provision of technical assistance and capacity building should be linked to diagnostic studies that assess the needs in light of national development and poverty alleviation goals and that draw on consultative processes at the national level. The process would also involve participation of other UN agencies working on other aspects of the country's development needs as well as stakeholders at the national level.

<p>explore close partnerships with UN agencies and other entities to enhance the effectiveness, comprehensiveness and sustainability.</p>	<ul style="list-style-type: none"> – Technical assistance projects should, where necessary, include a component on capacity building to enhance the absorption capacity of recipient countries.
<p>RECOMMENDATION 9:</p> <p>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>	<ul style="list-style-type: none"> – WIPO Secretariat strengthen its practice of recruiting experts who are well versed and knowledgeable about the socio-economic conditions of recipient countries. Experts should demonstrate capacity to replicate knowledge through beneficiaries. – Where applicable, and depending on the reach of a particular activity / project, relevant national departments besides the IP office maybe consulted in the design and implementation of projects.
<p>RECOMMENDATION 10:</p> <p>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>The progress reports should demonstrate efficient utilization of budgetary and human resources involved in project implementation</p>
<p>RECOMMENDATION 12:</p> <p>Member States and the Secretariat should consider ways and means to better disseminate information about the DA and its implementation.</p>	<ul style="list-style-type: none"> – Strengthen existing methods deployed by the WIPO Secretariat to disseminate information about the DA. – Another way of dissemination of information about the DA within the UN would be through WIPO's report on implementation of the DARs to Economic and Social Council (ECOSOC).

[End of Annex and of document]