

Committee on Development and Intellectual Property (CDIP)

Twenty-Third Session
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COMPLETION REPORT OF THE PROJECT ON COOPERATION ON DEVELOPMENT AND INTELLECTUAL PROPERTY RIGHTS EDUCATION AND PROFESSIONAL TRAINING WITH JUDICIAL TRAINING INSTITUTIONS IN DEVELOPING COUNTRIES AND LEAST DEVELOPED COUNTRIES

prepared by the Secretariat

1. The Annex to the present document contains the completion report of the Development Agenda (DA) project on Cooperation on Development and Intellectual Property (IP) Rights Education and Professional Training with Judicial Training Institutions in Developing Countries and Least Developed Countries (LDCs). The project implementation has concluded in December 2018 and has been evaluated for the current session of the CDIP. The completion report represents the final comprehensive report on the entire period of the project implementation, presented to the Committee before consideration of the Evaluation Report.

2. *The CDIP is invited to take note of the information contained in the Annex to this document.*

[Annex follows]

PROJECT SUMMARY	
<u>Project Code</u>	DA_3_10_45_01
<u>Title</u>	<i>Cooperation on Development and Intellectual Property Rights Education and Professional Training with Judicial Training Institutions in Developing and Least Developed Countries</i>
<u>Development Agenda Recommendation</u>	<p><i>Recommendation 3:</i> Increase human and financial allocation for technical assistance programs in WIPO for promoting, inter alia, a development-oriented intellectual property culture, with an emphasis on introducing intellectual property at different academic levels and on generating greater public awareness on intellectual property.</p> <p><i>Recommendation 10:</i> To assist Member States to develop and improve national intellectual property institutional capacity through further development of infrastructure and other facilities with a view to making national intellectual property institutions more efficient and promote fair balance between intellectual property protection and the public interest. This technical assistance should also be extended to sub-regional and regional organizations dealing with intellectual property.</p> <p><i>Recommendation 45:</i> To approach intellectual property enforcement in the context of broader societal interests and especially development-oriented concerns, with a view that “the protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations”, in accordance with Article 7 of the TRIPS Agreement.</p>
<u>Project Budget</u>	Total non-personnel costs: 500,000 Swiss francs.
<u>Project Duration</u>	<p>24 months</p> <p>Most deliverables were completed in July 2018, as planned. However, a 5-month extension was deemed necessary in order to undertake necessary testing and reviewing activities and to ensure that the quality of the project’s outcomes was optimal.</p>
<u>Key WIPO Sectors Involved and Links to WIPO Programs</u>	Programs 9, 10 and 17.

<p><u>Brief Description of Project</u></p>	<p>The project, as detailed in the project document CDIP/16/7 REV.2, aimed at enhancing the capacity of judicial training institutions to deliver continuing education programs on intellectual property rights (IPR) and to consequently develop the capacity and skills of judges for adjudicating IP disputes efficiently.</p> <p>Four pilot countries, namely Costa Rica, Lebanon, Nepal and Nigeria participated in the project. They represented the following regions respectively: Latin America and the Caribbean, the Arab region, Asia and the Pacific and Africa. Nepal also represented the group of Least Developed Countries (LDCs).</p> <p>The project focused on the development of customized modules and manuals and the offering of comprehensive face-to-face and Distance-Learning (DL) continuing education programs. The project also permitted the establishment of online networks for information sharing and peer-to-peer learning and provided access to a selection of reference material and to a specialized database of court cases.</p> <p>The project was fully implemented and concluded in December 2018, in close coordination with the pilot countries and taking into consideration their identified priorities and needs.</p> <p>All project objectives have been fully achieved as substantiated by very positive indicators of success.</p>
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<p><u>Project Manager</u></p>	<p>Mr. Mohamed Abderraouf Bdioui, Senior Counsellor, WIPO Academy</p>
<p><u>Links to Expected Results in the Program and Budget</u></p>	<p><i>Expected Result III.2:</i> Enhanced human resource capacities able to deal with the broad range of requirements for the effective use of IP for development in developing countries, LDCs and countries with economies in transition.</p>
<p><u>Summary overview of Project implementation</u></p>	<p>I. MAIN CONTRIBUTORS</p> <p>1. National institutions</p> <p>The project was implemented in close cooperation with the national institutions responsible for providing continuing education programs for judges in the pilot countries, namely:</p> <ul style="list-style-type: none"> - The Judicial Power of Costa Rica through the Edgar Cervantes Villalta School of the Judiciary, Costa Rica - The Ministry of Justice of the Lebanese Republic, Lebanon - The National Judicial Academy, Nepal - The National Judicial Institute of the Federal Republic of Nigeria in collaboration with the Nigerian Copyright Commission, Nigeria <p>2. National project consultants</p> <p>Each pilot country appointed a national project consultant to facilitate the substantive implementation of the project at the national level. The consultants played a key role in ensuring that the designed continuing education program was suitable for the beneficiary judges, tailored to their exact needs and in line with national priorities. They participated in all phases of the project: assessing the needs, designing the training programs, developing and customizing the training contents, participating in the continuing education sessions, and making evaluations and assessments on the project implementation and progress.</p> <p>3. National focal points</p> <p>Judges and senior officials designated by the national authorities acted as national focal points to ensure that all planned activities were effectively coordinated and implemented.</p> <p>4. International project consultant</p> <p>An experienced IP professor and judge from Egypt was invited to develop, in close collaboration with the Panel of judges listed below, the content of the distance learning modules on intellectual property.</p> <p>5. Panel of judges</p> <p>In preparation for the design and implementation of the project, the</p>

WIPO Academy convened a Panel of renowned judges to receive their advice and insight on the most effective manner to attain the objectives of the project. The Panel of judges was composed of judges from Australia, Belgium, China, Egypt, Peru, Philippines and South Africa. Following a meeting held in Geneva from July 17 to 19, 2017, the Panelists made substantive recommendations on the methods to be developed for the proposed continuing education programs under the project. They also participated actively in the elaboration of the form and content of the DL course that was developed.

6. Instructors

About 35 national and international tutors and instructors (judges and professors) actively participated in the different continuing education activities. Priority was given to local instructors in order to utilize national skills and expertise in placing emphasis on country specific situations in each pilot country.

II. PROJECT INITIATION

1. Briefings and preliminary contacts

At the initial phase, the Secretariat held group and bilateral meetings with representatives from the Permanent Missions in Geneva of the pilot countries, briefed them on the project's scope and objectives and discussed with them the expected contribution from each pilot country and the proposed implementation steps.

The Secretariat also, upon agreement with the Permanent Missions in Geneva, established direct channels of communication with the judicial training institutions through the designated national project consultants and national focal points.

2. Needs-assessment

As provided for in the project document, the needs of each pilot country were assessed independently through needs-assessment questionnaires and missions. The combined measures permitted not only to comprehend the national priorities, needs and requirements but also to clarify further the project's components to the relevant national authorities and to agree on the objectives to be jointly attained and the implementation modalities to be followed.

3. Formal commitments

In order to cooperate within structured and well-planned frameworks, the cooperation agreements, the project documents and the implementation timeframes as well as the Terms of Reference of the national project consultants were discussed and finalized with each pilot country. Those instruments, together with the overarching project document, constituted the main framework for the implementation process.

III. PROJECT IMPLEMENTATION

1. Guiding principles

All through the implementation process, the WIPO Academy gave utmost importance to certain fundamental principles, including (i) close planning, coordination and consultation with the beneficiary countries, (ii) meeting their self-identified needs and priorities, (iii) using national talent and expertise whenever available, and (iv) ensuring the sustainability of the project at the national level.

Preparing the ground for the sustainability of the project, the Secretariat focused on the following:

- Developing generic and adjustable deliverables in order to quickly respond to new requests for assistance that could be made by other countries in the future;
- Selecting the train-the-trainer approach which promotes local talent and allows cascading the knowledge received.

2. Implementation timeframe

The implementation of the project started in July 2016, following the designation of the pilot countries by the regional groups in Geneva, and was concluded in December 2018.

3. Main outputs

The following main outputs were achieved:

3.1 Training material

- i. A Distance-Learning (DL) Course on IP for the Judiciary was developed by the Panel of judges with the professor and judge from Egypt taking the lead in preparing the course.
- ii. Based on the aforementioned DL Course, four national courses were customized, reviewed and translated for the benefit of the pilot countries. In order to take into account the national needs, priorities and judicial contexts of each country, the customization process was undertaken by national experts who were designated by the beneficiary countries;
- iii. Development of a generic Instructor's Manual to help trainers and instructors prepare and deliver continuing education courses;
- iv. Development of a customized Instructor's Manual for each pilot country in accordance with its customized DL course.

3.2 Access to reference material

- i. A selection of bibliographical material on IPR, together with

relevant WIPO publications, were acquired and dispatched to each judicial training institution. The publications were selected in full coordination with the pilot countries;

- ii. The Secretariat concluded a contract with a specialized service provider permitting the trained trainers to have free access, for three years, to a database of some 3.5 million court cases on IPR from more than 110 countries. As part of the contract, the judges in each pilot country also received a special training on the full use and utilization of the database (two to four days during the period of August to November 2018).

3.3 Electronic support

- i. Making available the WIPO Academy e-learning platform for continuing education sessions that the judicial training institutions would wish to organize for the judiciary in the future;
- ii. Establishment of four national secure fora on information sharing and peer-to-peer learning amongst the judiciary of each pilot country. The fora will remain open and accessible, following the conclusion of the project, at the discretion of the pilot countries;
- iii. Establishment of a worldwide open access network for judges comprising WIPO treaties, casebooks, and databases of national laws;
- iv. For the convenience of judges, the continuing education material, networks and databases were made mobile-compatible and therefore became easily accessible through smartphones and tablets;

All training and reference material mentioned above constitute the WIPO Toolkit for Continuing Education for Judges as described in the project document CDIP/16/7 REV.2.

Though all objectives were equally attained in all countries, the WIPO Academy adapted them to the specific needs, priorities and practices of each pilot country.

In addition to the outcomes listed above, the Secretariat presented during the 22nd session of the CDIP, the initial conclusions of a survey on existing judicial training institutions offering training in IPR for the judiciary.

4. Train-the-trainers

As planned and as concluded with the pilot countries, the Secretariat developed a train-the-trainer program for each country comprising special distance-learning and face-to-face continuing education sessions. The sessions were organized in coordination with the respective judicial training institutions and the assistance of experienced international and national judges and professors.

A total of 74 judges and other trainers, including 21 women, received an average of 120 hours of theoretical and practical continuing education sessions on IPR.

4.1 Costa Rica

As per the cooperation agreement which was concluded with the Edgar Cervantes Villalta School for the Judiciary, a special train-the-trainer program was implemented.

A group of 24 judges participated in the continuing education program and received substantive and practical online and face-to-face training with the participation of an eminent professor from Colombia and a senior judge from Spain. National professors and judges also acted as instructors and trainers in the program.

The following training sessions were organized:

- Distance-Learning: May 28 to July 31, 2018
- Face-to-face session: San José, Costa Rica: June 11 to 15, 2018
- Follow-up face-to-face session: San José, Costa Rica: October 31 to November 2, 2018
- Live online training on the use of the database of court cases (four sessions): October 10 and November 8, 15 and 19, 2018.

4.2 Lebanon

In accordance with the cooperation agreement concluded with the Ministry of Justice of the Lebanese Republic, a special train-the-trainer program was implemented.

A group of 20 magistrates participated in the continuing education program and received substantive and practical online and face-to-face training with the participation of experienced professors and judges from Egypt, Jordan and Syria as well as skilled judges and experts from Lebanon.

- 1st Distance-Learning (general): May 21 – July 18, 2018
- 2nd Distance Learning (customized): July 15 – November 10, 2018
- Face-to-face session: Beirut, Lebanon: July 2 – 4, 2018
- Follow-up face-to-face session: Beirut, Lebanon: November 9 and 10, 2018
- Live online training on the use of the database of court cases (four sessions): October 5 (2 sessions) and October 12, 2018 (2 sessions).

4.3 Nepal

As per the cooperation agreement concluded with the National Judicial Academy, Nepal (NJA, Nepal), a special train-the-trainer program was implemented.

A group of 14 high court and district court judges as well as government attorneys participated in the online and face-to-face continuing education program. An experienced judge from the Philippines and IP law professors from India and the United Kingdom participated in the program and interacted with the participants on a selection of IP cases. Two Supreme Court justices and other experts from Nepal made lectures and presented practical national experiences.

- Distance-Learning: May 28 – August 3, 2018
- Face-to-face session: Kathmandu, Nepal: July 30 – August 1, 2018
- Follow-up face-to-face session: Kathmandu, Nepal: December 2 and 3, 2018
- Training on the use of the database of court cases. As it was difficult to organize group online sessions for judges due to their heavy schedules, a dedicated webpage containing the relevant didactic material was created for their use and consultation at their convenience.

4.4 Nigeria

As per the cooperation agreement concluded with National Judicial Institute (NJI) and the National Copyright Commission (NCC), a special train-the-trainer program was implemented.

A group of 18 law professors and practitioners participated in the online and face-to-face training program. Experienced law professors from Kenya and Ethiopia provided assistance and expertise for the delivery of those training activities. Nigeria opted for strengthening the capacity of experts in IP who would later be in charge of sharing their knowledge with the judges at the national level.

- Distance-Learning: May 28 – August 3, 2018
- Face-to-face session: Abuja, Nigeria: July 17 – 19, 2018
- Follow-up face-to-face session: Abuja, Nigeria: November 26 and 27, 2018
- Live online training on the use of the database of court cases (4 sessions): August 23, 24, 27 and 28, 2018

IV. REGULAR MONITORING

While implementing the project, each component thereof was regularly monitored for progress against the implementation milestones contained in the initial and the national project documents and the cooperation agreements. The monitoring was conducted at all phases of the project: planning, design, implementation and evaluation.

The monitoring was helpful for ensuring the following: understanding better the needs and expectations of the pilot countries; providing additional clarifications, when required, to certain elements of the

project; fine-tuning the planned implementation activities; adapting to real conditions and circumstances; adjusting the implementation approaches and timelines when necessary; closely monitoring deliverables and potential risks; and improving the cost-effectiveness and quality of the project's outcomes.

A very close monitoring was essential considering the diversity of activities that the project involved and the distinctiveness of experiences, needs and specificities of each pilot country. Considering the uniqueness of each pilot country, some degree of flexibility in implementing the project was necessary, without, of course, losing sight of the project's final objectives and its timespan.

Different tools were utilized to ensure regular monitoring of the project implementation:

- (i) Progress reports: three progress reports were presented for consideration of the CDIP. The first report was contained in document CDIP/18/2, Annex VI; the second was contained in document CDIP/20/2, Annex VI and the third was contained in document CDIP/22/2, Annex III. Oral reports were also presented to the 18th, 20th and 22nd sessions of the CDIP.
- (ii) Evaluation forms: at the end of each training session, and following completion of the project, the participants were requested to complete evaluation forms and to provide comments and suggestions.
- (iii) Regular contacts: formal and informal meetings, conference calls and exchange of emails facilitated the daily management of the project.

V. GENDER PARITY

Specific provisions relating to encouraging equal participation of male and female trainers were included in the project documents as agreed and concluded with the pilot countries.

VI. PRELIMINARY FEEDBACK AND FOLLOW-UP

The initial reports received by the Secretariat from the pilot countries were very positive. Some of them found that the benefits of the project surpassed their expectations.

All beneficiary judicial training institutions indicated that they would include IPRs in their regular continuing education programs using the recently developed modules for this purpose. The Edgar Cervantes Villalta School for the Judiciary, Costa Rica, launched as early as in October 2018 a new training program for judges using the customized Modules and Instructor's Manuals. Such a commitment is a strong assurance of the sustainability of the project at the national level.

Pilot countries requested that following the conclusion of the project,

	WIPO would continue to cooperate with them in order to consolidate the results that were achieved.
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<p><u>Results/impact of project and key lessons</u></p>	<p>KEY LESSONS LEARNED</p> <ol style="list-style-type: none"> 1. The design and implementation modalities of the project objectives were developed in close consultation with the concerned Member State and in conformity with the identified national priorities and needs of each pilot country. This facilitated the development of a common approach and agreed goals with each pilot country on the results to be attained from implementing the project; 2. Resorting to the expert advice and expertise of the members of the Panel of judges that came from different regions of the world and represented different legal systems and practices was extremely beneficial in identifying and designing the project deliverables and the methods to be used for providing continuous education programs for judges; 3. The design and development of reference and training material for judges by other judges, mainly the members of the aforementioned Panel, was a successful choice in addressing the specificities of the target beneficiaries and in meeting their required needs in the field of intellectual property; 4. Using blended training methods for achieving the learning objectives for the target audience was extremely useful and effective. Distance learning courses followed by face-to-face training and educational events were greatly appreciated by the participants in the project; 5. Using national skills and expertise to deliver activities ensured that the project content was always focused on national needs and priorities and promoted a greater ownership of the project and its deliverables; 6. The total commitment and support of the four Member States and their judicial authorities was the fundamental cornerstone for the successful and timely completion of the project.
<p><u>Risks and Mitigation</u></p>	<p>The risks were monitored on a regular basis and discussed in close collaboration with the partner institutions of the four countries. The risk assessment and mitigation analysis were essential in order to set a solid basis for the project.</p> <p>The main risks and mitigation actions envisaged were the following:</p> <p>Risk (a): Difficulties to organize continuous training for a busy judiciary. A key mitigation measure to counter such risks is to ensure having the full engagement and endorsement of the judicial training institution and/or the relevant authorities at all phases of the project.</p>

	<p>Mitigation (a): The implementation of the project received full support from the judicial training institutions and the relevant authorities of the respective beneficiary countries and therefore the envisaged risk did not materialize and had no negative impact on performance. Moreover, the use of the distance learning tools for continuous education allowed for a more flexible and personalized approach.</p> <p>Risk (b): Conditions in a selected pilot country may impede the project, in which case due discussions should be pursued. Should such discussions be unsuccessful, the project in the country may be suspended or postponed.</p> <p>Mitigation (b): The conditions in the selected countries were globally favorable for the implementation of the project. The support received from the partner institutions helped mitigate all risks that could have materialized. The risk was mitigated and had no negative impact on performance.</p> <p>Risk (c): The use of Information and Communication Technology (ICTs) may face limitations that exist in developing and least developed countries, such as absence or low-speed Internet. A key mitigation measure to counter this high risk would be to ensure the print-publishing of the Judges IP Toolkit.</p> <p>Mitigation (c): There were no serious limitations with respect to the use of ICTs in the beneficiary countries as training material was made available in easily accessible and printable formats. Regular electronic communications and planned online courses were organized without difficulty. Blended training (online and face-to-face) mitigated any risk of loss of information. The risk was therefore mitigated and had no negative impact on performance.</p>
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<p><u>Project Implementation Rate</u></p>	<p>The budget utilization rate as per December 31, 2018 was 90%. The project was implemented with less resources than originally budgeted.</p> <p>The project had no budgetary allocations earmarked for human resources. However, a number of WIPO staff and interns, particularly in the WIPO Academy, participated in the implementation of the project activities, in addition to their regular duties and assignments.</p>
<p><u>Previous Reports</u></p>	<p>This is the fourth report to the CDIP.</p> <p>The first report is contained in document CDIP/18/2, Annex VI, and has been submitted to the CDIP at its eighteenth session. The second report is contained in document CDIP/20/2, Annex VI, and has been submitted to the CDIP at its twentieth session. The third report is contained in document CDIP/22/2, Annex III, and has been submitted to the Committee at its 22nd session.</p>
<p><u>Follow-up</u></p>	<p>The following follow-up activities are suggested:</p> <ul style="list-style-type: none"> - Sustaining the results achieved in the pilot countries by providing them with some further assistance. - Meeting the needs of other countries, which requested to benefit from a similar assistance.

PROJECT SELF-EVALUATION

Key to Traffic Light System (TLS)

****	***	**	NP	NA
Fully achieved	Strong progress	Some progress	No progress	Not yet assessed/discontinued

<p><u>Project Outputs</u>¹ (Expected result)</p>	<p><u>Indicators of Successful Completion</u> (Output Indicators)</p>	<p><u>Performance Data</u></p>	<p><u>TLS</u></p>
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¹ As per the original Project Document, Section 3.2.

<u>Project Outputs¹</u> (Expected result)	<u>Indicators of Successful Completion</u> (Output Indicators)	<u>Performance Data</u>	<u>TLS</u>
A mapping of IPR training institutions and other training initiatives for the judiciary existing worldwide	<ul style="list-style-type: none"> - Mapping completed; and - Preliminary analysis made. 	A survey was circulated to Member States and an analysis of the results obtained was presented to the 22 nd session of the CDIP.	****
Customized IP training modules for judges and magistrates for each pilot project.	<ul style="list-style-type: none"> - Modules completed and endorsed by the relevant national or regional authorities. - At least one training session (on-line, blended or on-site) organized in cooperation with each beneficiary training institution based on the newly developed modules, curricula and training technique for achieving the desired learning outcomes. 	<ul style="list-style-type: none"> - All Modules were customized, completed and endorsed by the national authorities of the four countries. - At least three training sessions (one online and two face-to-face) were organized for each pilot country in cooperation with the beneficiary judicial training institutions based on the developed modules. 	****
A group of judges, including potential trainer(s), trained based on the developed modules	Beneficiaries completed the training session	All judges and trainers from the four pilot countries completed the training sessions based on the developed modules.	****
A network connecting judicial training institutions established.	At least two judicial training institutions indicated their wish to establish contacts and cooperate more closely in the area of specialized training.	All judicial training institutions expressed their wish to establish contacts with other similar institutions and to cooperate more closely in the area of specialized training.	****
Project Objectives	Indicators of Success in Achieving Project Objectives (Outcome indicators)	Performance Data (based on the responses to the evaluations conducted)	TLS

<u>Project Outputs¹</u> (Expected result)	<u>Indicators of Successful Completion</u> (Output Indicators)	<u>Performance Data</u>	<u>TLS</u>
Enhanced capacity and skills of magistrates, judges and prosecutors in developing and least developed countries to adjudicate efficiently and effectively IP disputes in cohesion with the identified developmental needs and priorities of the country.	At least 50% of beneficiary judges, magistrates and prosecutors report they acquired new skills for adjudicating efficiently and effectively IP disputes.	100% of the respondents reported that they acquired new knowledge and skills for adjudicating efficiently and effectively IP disputes.	****
A development-oriented IP culture in the judiciary that encourages local innovation and creativity as well as improves the environment for international collaboration, technology transfer and investment.	At least 50% of beneficiary judges, magistrates and prosecutors acknowledge the relationship between effective and efficient adjudication and local innovation and creativity.	100% of the respondents reported that understood the relationship between effective and efficient adjudication and local innovation and creativity.	****
More efficient national IP dispute settlement institutions and fair balance between IPR protection and the public interest.	At least 50% of beneficiary judges, magistrates and prosecutors acknowledge the correlation between adjudication and public interest. At least 50% of beneficiary judges, magistrates and prosecutors indicate the training has improved their dispute settlement skills.	98% of the respondents acknowledged the correlation between adjudication and public interest. 100% of the respondents indicated that the training has improved their dispute settlement skills.	****

<u>Project Outputs¹</u> (Expected result)	<u>Indicators of Successful Completion</u> (Output Indicators)	<u>Performance Data</u>	<u>TLS</u>
A development orientation among the judiciary for creating a balanced, efficient and effective IPR dispute settlement system that supports local talent, innovation and creativity while incentivizing, rewarding and protecting, in an equitable, fair and balanced manner, the rights and interests of all IPR holders, IPR users and the public interest.	At least 50% of beneficiary judges, magistrates and prosecutors acknowledge the importance of balance between the rights and interests of IPR holders, IPR users and the public interest.	96% of the respondents acknowledged the importance of balance between the rights and interests of IPR holders, IPR users and the public interest.	****

[End of Annex and of document]