

Committee on Development and Intellectual Property (CDIP)

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EVALUATION REPORT ON THE PROJECT ON THE USE OF INFORMATION IN THE
PUBLIC DOMAIN FOR ECONOMIC DEVELOPMENT

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1. The Annex to this document contains an external independent Evaluation Report on the Project on the Use of Information in the Public Domain for Economic Development, undertaken by Mr. Glenn O'Neil, Founder, Owl RE, Geneva.

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

[Annex follows]

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List of acronyms used

CDIP	Committee on Development and Intellectual Property
DA	Development Agenda
IP	Intellectual Property
LDCs	Least Developed Countries
TISCs	Technology and Innovation Support Centers
WIPO	World Intellectual Property Organization

EXECUTIVE SUMMARY

1. This report is an independent evaluation of the Development Agenda Project (DA_16_20_03) on the Use of Information in the Public Domain for Economic Development. The project duration was from April 2016 until June 2019, including a six months extension.
2. This project aimed to facilitate access to knowledge and technology for developing countries and least developed countries (LDCs) and to assist interested Member States in identifying and making use of subject matter in the public domain within their jurisdictions, through enhanced services of Technology and Innovation Support Centers (TISCs). Key outputs included the creation of practical guides on the identification and use of inventions in the public domain; documentation of experiences and best practices; new and enhanced training materials; a roster of core experts; and an improved legal status portal.
3. The aim of this evaluation was to learn from experiences during project implementation. This included assessing the project management and design including monitoring and reporting tools, as well as measuring and reporting on the results achieved to date and assessing the likelihood of sustainability. The evaluation utilized a combination of methods including a document review and interviews with 11 staff at the WIPO Secretariat and telephone interviews with 13 stakeholders including thematic experts, consultants and academics involved in the project, a representative of patent users, and focal points and staff of TISC networks.

Key findings

Project design and management

4. **Finding 1:** The project document was found to be sufficient in guiding the overall implementation and assessment of progress. Given the seven outputs of the project, additional documentation and guidance was developed to facilitate the implementation of the project.
5. **Finding 2:** The project monitoring tools were appropriate for reporting to Member States at the CDIP on the overall progress of the project, notably through the Project Progress reports. Several observations were made about the reporting and analysis tools, notably the development of several monitoring tools, including: piloting of the guides; feedback surveys of training workshops; online statistics; and a project timeline. The project team were not yet able to measure the project's objective, but rather progress towards it.
6. **Finding 3:** The activities of this project were managed by the Technology and Innovation Support Division of the Innovation and Knowledge Infrastructure Department of the Global Infrastructure Sector with the support of other entities within the Secretariat, notably the Patent Law Section, Web Communications Section, Information Security Section, Standards Section, Office of the Legal Counsel, the Regional Bureaus and the Department for Transition and Developed Countries.
7. **Finding 4:** The initial project document identified one risk for the project. This risk did not materialize to any significant extent, also considering the mitigation strategies that were documented and adopted by the project.
8. **Finding 5:** the evaluation identified two external factors that that project had to respond to: The diverse capacities of the TISC networks and the use of maps within WIPO online tools. These factors were taken into account by the project team and solutions found.

Effectiveness

9. **Findings 6-9:** The two guides were piloted in nine countries with the support of country-experts and TISC networks. Through this process, practical examples were collected that were incorporated into the final versions of the guides. The consultative process considerably strengthened the guides and increased their potential usefulness for TISCs. The guides were seen as being comprehensive and filling a gap that existed, even potentially for use in developed countries. The effectiveness and usefulness of the guides for supporting new services of selected TISCs would appear promising although it is not yet evident at this stage.

10. **Findings 10-12:** The training material based on the guides was developed by the lead experts (authors) with the support experts (associate and country) and were delivered in a series of two day workshops in the nine pilot countries (with the exception of Cuba and the addition of India). Some 500 participants, TISC staff and other potential users, were reached by the workshops. In their feedback surveys, virtually all workshop participants (99.6%) confirmed that the workshops were successful in building their knowledge and skills in the public domain area and 98% responded that the guides will be useful for their daily work. However, the training and the materials was optimal for participants that already had experience in this field (i.e. patent searching) and was less suitable for those less advanced.

11. **Findings 13-14:** Through the creation of the two guides, a roster of 14 core experts was developed. These experts were key in the development and testing of the guides. The core experts are yet to be involved in developing new services for TISCs in the public domain area and TISC staff were not all aware of this potential role.

12. **Findings 15-17:** The legal status portal was identified in the initial project documentation as being a key support tool for the public domain area. Based on research and feedback, a new portal, the Patent Register Portal, was developed and launched in November 2018. The portal contains a new portal interface with additional functionalities. The new portal has seen a 500% increase in views compared to the previous version and was a significant improvement in terms of user friendliness and the completeness of content. An issue raised was locating the portal on all relevant patent and TISC pages of the WIPO website.

Sustainability

Findings 18-20: The two guides and the new Patent Register Portal, are (or will be) publicly available and are a significant contribution to supporting the use of information in the public domain. Given the mainstreaming of the project within the Global Infrastructure Sector, it is anticipated that WIPO will continue its support activities. Given the maturity level needed of TISCs to develop and offer services in this area, WIPO would have to be selective about the services offered. Sustainability of the project's achievements is also dependent on the TISCs, their networks, host institutions, national IP offices and supportive Member States.

Implementation of Development Agenda (DA) Recommendations

13. **Findings 21-22:** The project has made a significant contribution to achieving recommendation 16, concerned with the preservation of the public domain within WIPO's normative processes and deepening the analysis of its benefits and recommendation 20, concerned with promoting activities that support the public domain including possibly preparing guidelines to identify subject matters that have fallen into the public domain.

Conclusions and recommendations

14. **Conclusion 1 (Ref: Findings 1-17).** The project has successfully delivered the key outputs of the project, notably the two guides and a new and improved legal status portal. These outputs were developed in a collaborative manner incorporating feedback and input from potential users, increasing their potential for effectiveness and usefulness. For the portal, there is already evidence, based on visit statistics that it is proving to be more used and useful than the previous version. For the guides, the reaction from TISCs and other users has been positive and welcome addition for an area where they were lacking comprehensive and substantial information.

15. **Conclusion 2 (Ref: Findings 6-9, 18-20).** The project showed positive progress towards achieving its objectives, although it was unrealistic to expect that TISCs would develop additional services in the public domain area within the timeframe of the project and with the support provided to date. It is also probable that the development of services in this area would be limited to those TISCs that were at a relatively mature level; an indication of where future support from WIPO should be focused. The roster of core experts would have a role to play in the development of services for TISCs. It was also felt important that all TISCs should know and understand the role of the public domain area for their work, even if not able to offer services yet in this area.

16. **Conclusion 3 (Ref: Findings 6-17, 21-22).** The guides show potential for use beyond the TISC networks and will be an important resource in general for the public domain area. The portal was conceived not only as a support for TISCs and has the potential to be of considerable use for those working in the patent field, if it is visible, disseminated and known.

17. **Conclusion 4 (Ref: Finding 2).** The actual achievement of the project's objectives, i.e. the establishment of new TISC services in the public domain area and their use, will only be known over time as the guides are made available and support provided. In this regard, the project's objectives and indicators should be continued to be monitored.

18. **Recommendation 1 (Ref: Conclusion 1-4, Findings 1-22).** It is recommended to the Technology and Innovation Support Division of the WIPO secretariat in their mainstreaming of this project that it considers:

- (a) Focusing on support to select TISC networks (maturity level 3) in developing their services in the public domain area including how TISCs will move from being aware of the guides' content to offering a new service;
- (b) Defining further the role of the roster of core experts and informing TISC networks of their possible support role;
- (c) Including information on the public domain area drawn from the training materials in the standard TISC training briefings/workshops;
- (d) Reviewing the feasibility of creating an e-learning module/course based on the guides with the WIPO Academy;
- (e) Updating of content of the Patent Register Portal regularly (based on user input) and reviewing/updating the jurisdiction files annually or every two years;
- (f) Working with the Web Communications Section to ensure that the Patent Register Portal is visible on the WIPO website;
- (g) Working with the Publications Division on visibility for the guides beyond TISC networks;
- (h) Ensuring that the outcome-level indicators continue to be monitored in the regular monitoring/reporting from the TISCs networks to the WIPO secretariat.

19. **Recommendation 2 (Ref: Conclusion 1-4, Findings 1-22).** It is recommended to Member States, their national IP offices and other entities that host TISCs and their networks to

provide the necessary support in order to encourage TISCs to reach a level of maturity where they can offer services in the public domain area.

I. INTRODUCTION

20. This report is an independent evaluation of the Development Agenda Project (DA_16_20_03) on the Use of Information in the Public Domain for Economic Development. The project was approved during the seventeenth session of the Committee on Development and Intellectual Property (CDIP) (document CDIP/16/4 REV), held in Geneva, in April 2016. The project duration was from April 2016 until June 2019, including a six months extension (approved by Member States at CDIP/22).

II. DESCRIPTION OF THE PROJECT

21. **Objectives:** this project aimed to facilitate access to knowledge and technology for developing countries and least developed countries (LDCs) and to assist interested Member States in identifying and making use of subject matter that is in or has fallen into the public domain within their jurisdictions by fostering and providing:

- (a) Enhanced Technology and Innovation Support Center (TISC) services for identifying inventions in the public domain.
- (b) Enhanced TISC services for supporting the use of inventions in the public domain as the basis for developing new research outputs and new products and their further management and commercialization.
- (c) Improved legal status portal with greater user-friendliness and expanded content on how to get information regarding legal status in different jurisdictions.

22. **Outputs:** The project document set out the following seven main outputs of the project:

- (a) Practical guides on (a) the identification and (b) use of inventions in the public domain.
- (b) Documentation of experiences and best practices in the identification and use of inventions in the public domain.
- (c) New and enhanced training materials for TISCs based on the guides on the identification and use of inventions in the public domain
- (d) A roster of core experts (at least two per region) to act as resource people to support national TISC networks.
- (e) Improved legal status portal.
- (f) Above-mentioned guides in the six official languages.
- (g) Skills to administer and provide services related to inventions in the public domain.

23. Within WIPO, this project has been managed by the Technology and Innovation Support Division, Innovation and Knowledge Infrastructure Department, Global Infrastructure Sector. Following the completion of the project in June 2019, the project started being mainstreamed within the activities of the Technology and Innovation Support Division.

III. OVERVIEW OF EVALUATION CRITERIA AND METHODOLOGY

24. The aim of the evaluation was to assess the project's performance, including project design and management, coordination, coherence, implementation and results achieved. The evaluation also aimed to provide evidence-based evaluation information to support the decision-making process as a mainstream program of WIPO.

25. The evaluation was organized around 11 evaluation questions split into four areas: Project Design and Management, Effectiveness, Sustainability and Implementation of Development Agenda Recommendations. These questions are responded to directly in the section “Key findings” below.

26. The evaluation utilized a combination of methods. In addition to a review of all relevant documentation and available monitoring data, interviews were conducted with 11 staff at the WIPO Secretariat in Geneva and telephone interviews with 13 stakeholders including thematic experts, consultants and academics involved in the project, a representative of patent users, and focal points and staff of TISC networks.

IV. KEY FINDINGS

27. This section is organized on the basis of the four evaluation areas. Each evaluation question is answered directly under the headings of each area.

A. Project Design and Management

Appropriateness of the initial project document as a guide for project implementation and assessment of results achieved.

28. **Finding 1:** The project document provided a description of the delivery strategy, activities and schedule, budget and monitoring indicators. The project document was found to be sufficient in guiding the overall implementation and assessment of progress. As the project contained seven outputs, although interrelated, it was necessary to supplement the initial project document with additional documentation to facilitate the implementation of the project (for example, terms of reference for experts and tables of content for the guides).

The project monitoring, self-evaluation and reporting tools and analysis of whether they were useful and adequate to provide the project team and key stakeholders with relevant information for decision-making purposes.

29. **Finding 2:** The project monitoring tools were appropriate for reporting to Member States at the CDIP on the overall progress of the project, notably through the Project Progress reports. Several observations were made about the reporting and analysis tools:

- (a) The piloting of a key output, the guides, involved seven country experts testing them directly with potential users (i.e. TISC staff and inventors) in nine countries¹. Their feedback was documented systematically and used by the authors of the guides to improve their content.
- (b) Workshops were held to train TISC staff on the content of the guides in nine countries (in the above-mentioned countries with the exception of Cuba and the addition of India). A standardized feedback survey allowed the project to compare and collate information from the workshops with the aim of improving the training materials based on the guides.
- (c) The legal status portal and its predecessor could be monitored by online statistics measuring number of visits, their origin and documents downloaded. This provided the project team with up-to-date monitoring data on levels of activities

¹ Kenya and South Africa (Africa region), Morocco (Arab countries), Malaysia and the Philippines (Asia and the Pacific region), Argentina, Colombia and Cuba (Latin America and the Caribbean region), and the Russian Federation (Transition and Developed Countries).

and provided a comparison between the portal once launched and its predecessor.

- (d) A project timeline (in Excel) format was used by the project team to track the progress of the different outputs, their related activities and budget allocations. This provided the project team with the ability to monitor the activities and their progress.
- (e) The project's objectives had indicators set at the outcome level, such as "*TISC services for identifying inventions in the public domain established by at least six TISCs across different national TISC networks.*" The project team were not yet able to measure this objective but rather progress towards it, such as TISC staff trained on the use of information in the public domain.

The extent to which other entities within the Secretariat have contributed and enabled an effective and efficient project implementation.

30. **Finding 3:** The activities of this project were managed by the Technology and Innovation Support Division of the Innovation and Knowledge Infrastructure Department of the Global Infrastructure Sector with the support of other entities within the Secretariat. Other entities within the Secretariat contributed to the project, notably: the Patent Law Section, Web Communications Section, Information Security Section, Standards Section and Office of the Legal Counsel. The majority of collaboration was in support of the creation of the new legal status portal. The Regional Bureaus in addition to the Department for Transition and Developed Countries contributed to the project in supporting collaboration with countries within their respective regions.

The extent to which the risks identified in the initial project document have materialized or been mitigated.

31. **Finding 4:** The initial project document identified one risks for the project. The project documentation described a mitigation response as listed below. This risk did not pose a significant barrier as described in the following table:

<i>Identified risk and mitigation response</i>	<i>Analysis</i>
<p><i>Risk 1: Insufficient capacity by TISC staff to understand and effectively use the information contained in the practical guides on the identification and use of inventions in the public domain</i></p> <p>Mitigation: The guides will be adapted to the assessed capabilities of TISC staff, and a roster of core experts will be established to offer interactive support on issues dealt with by the guide.</p>	<p>Piloting the guides in nine national TISC networks helped ensure they were adapted to a level appropriate for use by TISCs. In the training workshops the experience of participants varied, illustrating that the efficient use of the guides required a sound knowledge in patent information and search techniques. Country experts and authors of the guide supported the project.</p>

Table 1: Risks, mitigation and analysis

The project's ability to respond to emerging trends, technologies and other external forces.

32. **Finding 5:** The project had to respond to a number of emerging trends, technologies and other external forces. This evaluation identified the following factors and describes how the project team responded to them:

(a) *The diverse capacities of the TISC networks:* The nature of the TISC networks implies that the model and set-up vary from country to country, with the level of maturity of the TISC network dependent largely on contextual factors. Therefore, the project team had to select carefully participating TISC networks to ensure that they were at an appropriate level of maturity to pilot and potentially use the guides. Nevertheless, as reported by the country experts, variation was also seen within the TISC networks with some staff and users displaying the experience to be able to use the guides and others not.

(b) *Use of maps within WIPO online tools:* Usability research for the development of the improved legal status portal highlighted the advantage of using a world map to facilitate searching of legal-status-related information (e.g. a user would often search for information in neighboring countries or certain geographic regions). However, the use of maps on WIPO websites and tools was not encouraged internally given the political issues associated with maps (i.e. disputed borders and states). This issue was resolved at the initiative of the project team which resulted in the signature of an agreement with the United Nations Geospatial Information Section (UNGIS) on the use of official UN international boundary data that allowed the use of a world map for the improved portal in line with organizational policies.

B. Effectiveness of the project

The effectiveness and usefulness of the project's practical guides on the identification and use of inventions in the public domain as well as the documentation of experiences and best practices in those areas by selected TISCs, in particular in developing countries.

33. **Finding 6:** The two guides were drafted by a lead expert (author) per guide and five associate subject matter experts. The guides were piloted in nine countries (see footnote 1) with the support of country-experts and the collaboration of the TISC networks. The piloting process involved reviewing the guides with the staff of TISCs and other possible potential users, such as inventors. Through this process, practical examples were collected related to the public domain that were incorporated into the final versions of the guides, in addition to other suggestions from the country-experts, TISCs and potential users. Work began on the guides in October 2016 and were in a final design and proofreading phase in September 2019 (English version). Publication for both guides is foreseen before the end of 2019 with other language versions foreseen in 2020.

34. **Finding 7:** The three year timeline for the development of the guides, which was approximately a year longer than originally foreseen in the initial project document, was seen as necessary in order to develop the guides in consultation with their intended users, i.e. the TISC networks and their clients (e.g. inventors, researchers, etc.). There was consensus amongst the guides' authors, experts and TISC staff interviewed that the consultative process considerably strengthened the guides and increased their potential usefulness for TISCs.

35. **Finding 8:** Given the collaborative process used in their development and the range of experts involved, the guides were seen as being comprehensive on the identification and use of inventions in the public domain, filling a gap that existed, even potentially for use beyond TISCs and in developed countries.

36. **Finding 9:** The effectiveness and usefulness of the guides for supporting new services of selected TISCs (as per the project's objective) would appear promising although it is not yet evident at this stage, i.e. new services have not yet been launched by TISCs as far as this evaluation could determine. Experts and TISC staff interviewed indicated that offering of services in the public domain area would only be appropriate and possible by TISCs at a

relatively mature level of development². This was supported by the fact that in 2018, only 32% of TISCs reported that they offer Freedom to Operate searches, a key service of the public domain area³. Nevertheless, it was highlighted by interviewees that even if new services in this area are not offered by TISCs, they should all be aware of the importance of the public domain area in innovation and product development and be able to communicate this to clients.

The effectiveness and usefulness of the training material developed for TISCs based on the guides to help develop skills in providing services related to identifying and using inventions in the public domain.

37. **Finding 10:** The training material based on the guides was developed by the lead experts (authors) with the support experts (associate and country) and were delivered in a series of two day workshops in the nine pilot countries (with the exception of Cuba and the addition of India). Some 500 participants, TISC staff and other potential users, were reached by the workshops. The training material comprised of PowerPoints for each of the main content areas of the guides and practical exercises.

38. **Finding 11:** In their feedback surveys following the workshops, virtually all workshop participants (99.6%) confirmed that the workshops were successful in building their knowledge and skills in identifying and using inventions in the public domain and 98% responded that the guides will be useful for their daily work.

39. **Finding 12:** Feedback from workshop participants and the experts indicated that the training and the materials would be optimal for participants that already had experience in this field (i.e. patent searching) and it was less suitable for those less advanced.

The usefulness of the roster of core experts in supporting national TISC networks in the use of the guides and in developing new services for identifying and using inventions in the public domain in each region.

40. **Finding 13:** Through the creation of the two guides, a roster of 14 core experts was developed: the two lead experts (authors), the five associate experts and the seven country experts. These experts were key in the development and testing of the guides and their work contributed largely to the comprehensive nature of the guides.

41. **Finding 14:** The role of the core experts to date has been in the development of the guides and carrying out training in nine countries as described above. The core experts are yet to be involved in developing new services for TISCs in the public domain area. Further, TISC staff interviewed were not all aware that such a support of core experts was available to them.

The effectiveness and usefulness of the project's work on improving the legal status portal to achieve greater user-friendliness and expand content on how to get information regarding legal status in different jurisdictions.

42. **Finding 15:** The legal status portal was identified in the initial project documentation as being a key support tool for the public domain area (i.e. for users to determine the legal status of patents in the different jurisdictions). The existing portal was reviewed by a communications expert and feedback collected from some 200 users of 20 countries. Based on the research

² On the WIPO level of maturity scale, at the third and highest level of maturity. See WIPO (2019). *TISCs Annual Report 2018*, p 9.

³ *Ibid*, p. 5 (239 out of 750 TISCs).

and feedback, a new portal, the Patent Register Portal, was developed and launched in November 2018⁴.

43. **Finding 16:** The new portal contains information from over 200 jurisdictions that was updated as part of the project, an addition of some 25% of jurisdictions and patent information collections compared to the old version. In light of the feedback of users, a new portal interface was introduced with additional functionalities, such as the ability to combine search criteria and view information from either a world map or table view.

Finding 17: The new portal has seen a significant increase in visitors compared to the previous version: according to the website statistics, the old portal averaged some 333 views per month compared to 2,000 for the new portal, an increase of 500%. Interviewees who were familiar with both the old and new platform commented that the new portal was a significant improvement in terms of user friendliness and the completeness of content. An issue raised was locating the portal on all relevant patent and TISC pages of the WIPO website. For example, the portal was not visible/linked to on the following key pages where potential users would expect to find it:

- Main patent page: <https://www.wipo.int/patents/en/>
- Main Patentscope page: <https://www.wipo.int/patentscope/en/>
- Patent Legal Status page: https://www.wipo.int/patentscope/en/programs/legal_status/
- Main TISCs page: <https://www.wipo.int/tisc/en/>

C. Sustainability

The likelihood of the continuation of work on facilitating developing and least developed countries' identification and use of subject matter that is or has fallen into the public domain.

44. **Finding 18:** Key outputs of the project, the two guides and the new Patent Register Portal, are (or will be) publicly available to all. According to interviewees, these outputs are a significant contribution to supporting the use of information in the public domain. In this respect, the work will continue alone based on the availability of these outputs. Further, as the support activities have started being mainstreamed within the WIPO budget of the Global Infrastructure Sector, sustainability is strengthened. This is also conditional on the required budgets being available to carry out the necessary support activities.

45. **Finding 19:** Given this mainstreaming, it is anticipated that WIPO will continue its support activities for the public domain area, notably using the roster of core experts to support TISC networks and keeping the portal content updated. At the same time, given the maturity level needed of TISCs to develop and offer services in this area as described above, interviewees commented that WIPO would have to be selective about the services offered (i.e. type and for whom). This is discussed further below in Conclusions and Recommendations.

46. **Finding 20:** Sustainability of the project's achievements is not only dependent on WIPO, but also the TISCs, their networks, host institutions, national IP offices and supportive Member States. Their interest and support for the public domain area will be important for sustainability of the project, according to interviewees.

D. Implementation of Development Agenda (DA) Recommendations

The extent to which the DA Recommendations 16 and 20 have been implemented through this project

⁴ Patent Register Portal: https://www.wipo.int/patent_register_portal/en/index.html

Finding 21: Recommendation 16 is concerned with the preservation of the public domain within WIPO's normative processes and deepening the analysis of its benefits. Recommendation 20 is concerned with promoting activities that support the public domain including possibly preparing guidelines to identify subject matters that have fallen into the public domain.

47. **Finding 22:** This project has made a significant contribution to achieving both of these recommendations. The project has deepened the analysis of the benefits of the public domain with the comprehensive guides produced and training carried out to date. The project also directly responds to recommendation 20 with the production of the guides, notably the first guide that focuses on how to identify subject matters that is in the public domain.

V. CONCLUSIONS AND RECOMMENDATIONS

48. **Conclusion 1 (Ref: Findings 1-17).** The project has successfully delivered the key outputs of the project, notably the two guides and a new and improved legal status portal. These outputs were developed in a collaborative manner incorporating feedback and input from potential users, increasing their potential for effectiveness and usefulness. For the portal, there is already evidence, based on visit statistics that it is proving to be more used and useful than the previous version. For the guides, the reaction from TISCs and other users has been positive and welcome addition for an area where they were lacking comprehensive and substantial information.

49. **Conclusion 2 (Ref: Findings 6-9, 18-20).** The project showed positive progress towards achieving its objectives, although it was unrealistic to expect that TISCs would develop additional services in the public domain area within the timeframe of the project and with the support provided to date. It is also probable that the development of services in this area would be limited to those TISCs that were at a relatively mature level; an indication of where future support from WIPO should be focused. The roster of core experts would have a role to play in the development of services for TISCs. It was also felt important that all TISCs should know and understand the role of the public domain area for their work, even if not able to offer services yet in this area.

50. **Conclusion 3 (Ref: Findings 6-17, 21-22).** The guides show potential for use beyond the TISC networks and will be an important resource in general for the public domain area. The portal was conceived not only as a support for TISCs and has the potential to be of considerable use for those working in the patent field, if it is visible, disseminated and known.

51. **Conclusion 4 (Ref: Finding 2).** The actual achievement of the project's objectives, i.e. the establishment of new TISC services in the public domain area and their use, will only be known over time as the guides are made available and support provided. In this regard, the project's objectives and indicators should be continued to be monitored.

52. **Recommendation 1 (Ref: Conclusion 1-4, Findings 1-22).** It is recommended to the Technology and Innovation Support Division of the WIPO secretariat in their mainstreaming of this project that it considers:

- (i) Focusing on support to select TISC networks (maturity level 3) in developing their services in the public domain area including how TISCs will move from being aware of the guides' content to offering a new service;
- (j) Defining further the role of the roster of core experts and informing TISC networks of their possible support role;

- (k) Including information on the public domain area drawn from the training materials in the standard TISC training briefings/workshops;
- (l) Reviewing the feasibility of creating an e-learning module/course based on the guides with the WIPO Academy;
- (m) Updating of content of the Patent Register Portal regularly (based on user input) and reviewing/updating the jurisdiction files annually or every two years;
- (n) Working with the Web Communications Section to ensure that the Patent Register Portal is visible on the WIPO website;
- (o) Working with the Publications Division on visibility for the guides beyond TISC networks;
- (p) Ensuring that the outcome-level indicators continue to be monitored in the regular monitoring/reporting from the TISCs networks to the WIPO secretariat.

53. **Recommendation 2 (Ref: Conclusion 1-4, Findings 1-22).** It is recommended to Member States, their national IP offices and other entities that host TISCs and their networks to provide the necessary support in order to encourage TISCs to reach a level of maturity where they can offer services in the public domain area.

[Appendix I follows]

APPENDIX I: PERSONS INTERVIEWED/CONSULTED

WIPO Staff:

Maya Bachner, Director, Program Performance and Budget Division

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Cynthia Gallagher, Patent Information Users Group (PIUG), Project Leader, PIUG Patent Register Project, Pfizer

Paul Gerhard, Communications Consultant, Geneva, Switzerland

Lungelwa Kula, Deputy Director, NIPMO, Pretoria, South Africa

Guido Moradei, Patent Information Specialist, Italy, Member of the Board of the Confederacy of European Patent Information User Groups (CEPIUG), and Member of the Italian Association of Patent Information Users (AIDB)

Pablo Paz, Consultant, Buenos Aires, Argentina

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[Appendix II follows]

APPENDIX II: DOCUMENTS CONSULTED

Gerhard, P. (March 2016). *Optimization of the digital communication and web presence of the Access to Information and Knowledge Division services and tools "Gaps analysis and Recommendations"*

WIPO (2014), CDIP, *Project on the use of information in the public domain for economic development*, CDIP/16/4.

WIPO (2016), CDIP, Eighteenth Session, *Progress Reports*, CDIP/18/2.

WIPO (2017), CDIP, Twentieth Session, *Progress Reports*, CDIP/20/2.

WIPO (2018), CDIP, Twentieth-Second Session, *Progress Reports*, CDIP/22/2.

WIPO (2019), TISCs Annual Report 2018.

WIPO (2019), CDIP, *Completing report of the project on the use of information in the public domain for economic development*, CDIP/24/3.

WIPO (2019), *Guide on identifying inventions in the public domain* (draft).

WIPO (2019), *Guide on using inventions in the public domain* (draft).

WIPO (undated), *Project timeline - Project on the use of information in the public domain for economic development*.

WIPO (undated), *Pilot process – feedback on the guides*.

WIPO (2018-2019), *Evaluation form - Workshop on the Guides on Identifying and Using Inventions in the Public Domain* (various).

[Appendix III follows]

APPENDIX III: INCEPTION REPORT

1. Introduction

This document is an inception report for the evaluation of the Development Agenda Project on the Use of Information in the Public Domain for Economic Development. This document outlines the purpose, objectives, strategy, methodology and work plan of the evaluation. The final report will be based on this inception report, pending approval from WIPO.

2. Purpose and Objectives

The main purpose of this evaluation is to assess implementation of the project and its overall performance. This will feed into the decision-making process of the Committee on Development and Intellectual Property (CDIP).

The main objective of this evaluation is two-fold:

1. Learning from experience during project implementation: what worked well and what did not work well for the benefit of continued activities in the field. This includes assessing the project design framework, project management, including monitoring and reporting tools, as well as measuring and reporting on results achieved to date and assessing the likelihood of sustainability of results achieved.
2. Providing evidence-based evaluation information to support CDIP's decision-making process in developing this activity.

In particular, the evaluation will assess the extent to which the project has been instrumental in facilitating access to knowledge and technology for developing countries and LDCs and in assisting interested Member States in identifying and making use of subject matter that is in or has fallen into the public domain within their jurisdictions by fostering and providing:

- (a) Enhanced Technology and Innovation Support Center (TISC) services for identifying inventions in the public domain;
- (b) Enhanced TISC services for supporting the use of inventions in the public domain as the basis for developing new research outputs and new products and their management and commercialization; and
- (c) An improved legal status portal with greater user-friendliness and expanded content on how to get information regarding legal status in different jurisdictions.

3. Evaluation Strategy

- The evaluation will take a participatory approach and involve all relevant stakeholders in the different steps of the evaluation, as far as feasible.
- The information and data will be gathered from multiple sources using different research methods in order to be able to triangulate and cross-reference the results drawn.

- The evaluation will find a balance between questions of project design (“what worked”) and questions of effectiveness (“what was achieved”). This will directly support meeting the above-mentioned objectives.

4. Evaluation Framework

Theme and questions	Proposed indicators	Data collection tools	Sources of information
Project design and management			
1. Appropriateness of the initial project document as a guide for project implementation and assessment of results achieved.	Modifications required during the implementation of the project	Document review Interviews	WIPO staff External stakeholders
2. The project monitoring, self-evaluation and reporting tools and analysis of whether they were useful and adequate to provide the project team and key stakeholders with relevant information for decision-making purposes.	Level of usefulness of monitoring and reporting tools	Document review Interviews	WIPO staff External stakeholders
3. The extent to which other entities within the Secretariat have contributed and enabled an effective and efficient project implementation.	Number of WIPO units involved in the project and their contribution	Document review Interviews	WIPO staff External stakeholders
4. The extent to which the risks identified in the initial project document have materialized or been mitigated.	Type of risks encountered during project implementation and how they were addressed	Document review Interviews	WIPO staff External stakeholders
5. The project’s ability to respond to emerging trends, technologies and other external forces.	Level of ability of the project to respond	Document review Interviews	WIPO staff External stakeholders
Effectiveness			
1. The effectiveness and usefulness of the project’s practical guides on the identification and use of inventions in the public domain as well as the documentation of experiences and best practices in those areas by selected TISCs, in particular in developing countries.	Extent to effectiveness and usefulness of the project’s practical guides	Document review Interviews	WIPO staff External stakeholders
2. The effectiveness and usefulness of the training material developed for TISCs based on the guides to help develop skills in providing services related to identifying and using inventions in the public domain.	Extent to effectiveness and usefulness of the training material used during the workshops on the guides	Document review Interviews	WIPO staff External stakeholders

3. The usefulness of the roster of core experts in supporting national TISC networks in the use of the guides and in developing new services for identifying and using inventions in the public domain in each region.	Extent to usefulness of the roster	Document review Interviews	WIPO staff External stakeholders
4. The effectiveness and usefulness of the project's work on improving the legal status portal to achieve greater user-friendliness and expand content on how to get information regarding legal status in different jurisdictions.	Extent to effectiveness and usefulness of the improved legal status portal	Document review Interviews	WIPO staff External stakeholders
Sustainability			
1. The likelihood of the continuation of work on facilitating developing and least developed countries' identification and use of subject matter that is or has fallen into the public domain.	Likelihood of continued work	Document review Interviews	WIPO staff External stakeholders
Implementation of Development Agenda (DA) Recommendations			
2. The extent to which the DA Recommendations 16 and 20 been implemented through this project.	Extent to which recommendation have been implemented	Document review Interviews	WIPO staff External stakeholders

4.1. Evaluation tools

The research tools will be used across the different themes and questions. The following table provides further information on these tools and how they will be deployed.

Tool	Description	Information source
<i>Interviews – internal</i>	Some 6 semi-structured interviews	<i>By telephone & in-person:</i> WIPO Secretariat staff, including: - Development Sector - Innovation and Knowledge Infrastructure Department/Technology and Innovation Support Division - Web Communications Section (WCS), Communications Division
<i>Interviews – external</i>	Some 10 semi-structured interviews	<i>By telephone & in-person:</i> -External consultants (portal, guides, training) -TISC focal points -TISC country experts
<i>Document review</i>	Review of main documentation	WIPO documentation including internal/external reports/publications, workshop feedback, draft guides and training material.

The list of persons to be interviewed will be agreed upon jointly with WIPO.

Data analysis methods: The quantitative and qualitative data collected will be analysed and compiled using comparative and statistical methods where appropriate. The data will be correlated and organised to respond to the evaluation questions. These findings will then be used to inform the conclusions and recommendations proposed.

5. Work Plan and Timetable

The proposed milestones and timelines are as shown here below:

Milestones/Deliverables	Key dates
Work starts	12 July 2019
Submission of inception report to WIPO	21 July 2019
Feedback from WIPO on inception report	27 July 2019
Submission of final inception report to WIPO	5 August 2019
Submission of draft report to WIPO	2 September 2019
Factual corrections from WIPO on draft report	6 September 2019
Submission of final report to WIPO	13 September 2019
Presentation of evaluation report at the CDIP	18-22 November 2019

6. Key Assumptions and Risks

It is assumed that the project team and the Development Agenda Coordination Division (DACD) will assist the consultant in identifying and accessing all key documents; informing key stakeholders about the evaluation, making necessary introductions, providing contact information and facilitating interviews as required; and providing consolidated timely feedback on deliverables. It is also assumed that the interviews to be undertaken will be successful and language will not be a barrier (the consultant speaks English and French). It is also assumed that the people to be interviewed will be available and willing to provide the required information.

[End of Appendix III and of document]