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Committee on Development and Intellectual Property (CDIP)

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UPDATE ON THE MANAGEMENT RESPONSE TO THE EXTERNAL REVIEW OF WIPO TECHNICAL ASSISTANCE IN THE AREA OF COOPERATION FOR DEVELOPMENT

prepared by the Secretariat

1.   The Fifteenth Session of the CDIP, held from April 20 to April 24, 2015, while discussing the matter of *An External Review of WIPO Technical Assistance in the Area of Cooperation for Development*, requested the Secretariat to update the Management Response to the said Review presented to the Ninth Session of the CDIP (document CDIP/9/14).

2.   It is recalled that the above-mentioned Management Response grouped the recommendations contained in the External Review in the following three categories;

   (A)   Recommendations which are already reflected in WIPO activities, or ongoing reform programs;

   (B)   Recommendations which merit further consideration; and

   (C)   Recommendations which raise concerns as to implementation.

3.   Accordingly, the annex to this document provides an update on the recommendations under categories A and B of the Management Response.

> *4.   The CDIP is invited to take note of the information contained in the Annex to this document.*

[Annex follows]

I.   INTRODUCTION

In November 2009, the Committee on Development and Intellectual Property (CDIP) at its 4th session, approved the *Project on Enhancement of WIPO's Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of the Impact of the Organization's Activities on Development".* One component of this project was an External Review of WIPO Technical Assistance in the area of Cooperation for Development.

The External Review was conducted by Mr. Carolyn Deere Birkbeck and Mr. Santiago Roca, and their report (hereinafter the Report) was presented to the 8th session of the CDIP held in November 2011 (document CDIP/8/INF/1[1]).

The Committee established an *ad hoc* working group to *inter alia* review document CDIP/8/INF/1, *"with the emphasis on identifying recommendations that are redundant or no longer relevant, without any prioritization of recommendations"* (paragraph 10 of the Summary by the Chair refers). The Secretariat was also requested to provide a Management Response to the Report to assist the work of the *ad hoc* working group which was also considered by the Committee (document CDIP/9/14).

At the 11th session of the Committee, the Secretariat presented the Status of Implementation of Certain Recommendations extracted from the report on the external review of WIPO Technical Assistance in the Field of Cooperation for Development (CDIP/11/4), considering all the recommendations placed wholly or partially in Category A in the Management Response, and in some cases the initial categorization was revised to reflect the current circumstances at that time. The Committee requested the Secretariat to continue its work and take further actions on the proposals made by the Member States, such as the elaboration of the Manual on the Delivery of WIPO Technical Assistance (document CDIP/12/7), as well as the restructuring of the WIPO website and updating the Intellectual Property Technical Assistance Database (IP-TAD).

At its 15th session the CDIP requested the Secretariat to update the Management Response contained in document CDIP/9/14. In responding to the Committee's request, the Secretariat considered and updated the recommendations placed in Category A (Recommendations which are already reflected in WIPO activities or ongoing reform programs) and Category B (Recommendations which merit further consideration), while the recommendations in Category C (Recommendations which raise concern as to implementation) have been kept as presented originally.

The recommendations are reproduced below in the same order as presented in document CDIP/9/14. Each recommendation is followed by an updated response, and the Secretariat has also taken the initiative to propose the status of each recommendation to facilitate Member States consideration.

For the sake of brevity, the information provided under each recommendation has not been repeated elsewhere, though it might apply to multiple recommendations.

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[1]   The Report is available at http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=182842.

II.   UPDATED RESPONSE TO THE RECOMMENDATIONS

(A)   Recommendations which are already reflected in WIPO activities, or ongoing reform programs

1.   The Report recommends that WIPO should incorporate a sufficiently clear and broad understanding of the overall purposes of its development cooperation activities.

-   WIPO continues to give priority to the development objectives of Member States in planning its technical cooperation activities, in the context of the biennial Program and Budget (P&B) as well as the annual work plans. The planning process of the WIPO cooperation activities carried out each year is a collaborative process undertaken in close consultation with Member States. The Regional Bureaus in WIPO ensure that the objectives of all activities are fully understood and agreed, and that the principles of the Development Agenda (DA) Recommendations are fully incorporated in the various projects and activities envisaged in the work plans.

    The technical assistance and capacity building activities carried out by the Organization have therefore been development-oriented and demand-driven, taking into account the specific needs of the countries.

    This recommendation may be considered as implemented.

2.   The Report posits that the broader intent of the Development Agenda is to render WIPO a more effective multilateral forum for discussion and problem-solving on issues at the intersection of IP and development, and a source of assistance to countries in the context of a balanced framework at the global, regional and national level.

-   WIPO continues to be proactive in supporting multilateral efforts for development where IP plays a role. The two multi stakeholder platforms WIPO Re:Search, launched in 2011, and WIPO GREEN launched in 2013, are two examples of WIPO's contribution to the policy debate and an approach to address solutions to research into neglected tropical diseases, malaria and tuberculosis and to catalyze innovation and diffusion of green technologies. WIPO's participation and contribution to other fora such as the post Millennium Development Goals (MDGs) Development Agenda is yet another effort by the Organization to respond to the needs of its Member States.

    This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

3.   The Report recommends that there should be greater guidance and leadership from the Secretariat that the Development Agenda and *"associated demands for shifts in the orientation of development cooperation activities"* go beyond 'IP for development'.

-   While the Report does not define what is "beyond 'IP for development'", the Secretariat plays a facilitative role and, where appropriate, exercises leadership on the orientation of its development cooperation activities, while respecting the Member State driven nature of the Organization.

    This recommendation may be considered as implemented.

4.   The Report recommends that the scale and intensity of WIPO's development cooperation activities should properly reflect the priority that developing countries accord to them. For

example, it is suggested that greater emphasis should be given to activities that directly contribute to reducing the knowledge gap.

- WIPO continues to focus on activities that seek to reduce the knowledge gap. A key example is the creation of Technology and Innovation Support Centers (TISCs) as a response to DA recommendations on facilitating the access to and the use of technological information contained in patent and non-patent literature. TISCs marked a significant milestone of 50 participating Member States up to now and the number of national TISCs networks is approaching 40, while the total number of established TISCs is approaching 400 in those countries. This growth is supported by WIPO's continuous activities for capacity building and transfer of knowledge, for instance, by organizing onsite training events which were complemented by online e-tutorials, webinars and eTISCs (i.e. online platform currently used by more than 1,300 officials of TISCs around the world to share knowledge and experiences and promote collaboration and networking), all of which contributed to a cost-effective high quality delivery of services of stronger impact and long-term sustainability. A link between TISCs and a new program called Inventor Assistance Program was created in April 2015 with a view to offering *pro bono* assistance from IP professionals to inventors in eligible developing countries who are users of TISCs.

  WIPO is firmly committed to narrowing the knowledge gap, and to providing free-of-charge or affordable access to databases of technology to researchers. WIPO is managing two programs of international public and private partnerships. The first one is the Access to Research for Development and Innovation (ARDI) program. WIPO joined the United Nations PPP program, Research for Life (R4L) to integrate ARDI therein in 2011, and since then has significantly expanded ARDI to offer free or affordable access to scientific and technical journals in developing countries and LDCs. Its content has significantly expanded in recent years and the number of users also grew from 300 to over 500 institutions from 72 countries. The second one, the Access to Specialized Patent Information (ASPI) program, which is designed to provide users in LDCs and lower-income developing countries with access to commercial potential databases, doubled its user from 20 institutions to over 40 in 2015.

  WIPO continues to work with Member States, IGO's, and NGO's in the provision of analytical tools such as patent landscape reports that facilitate the use of patent information and demonstrate the contribution of the system to global issues such as public health, food and agriculture, assisted devices for visually impaired persons and persons with printing and hearing disabilities, amongst others.

  This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

5.   The Report recommends that, in the context of internal and external coordination, the Director General's consultation process on the WIPO External Offices should include a review and clarification of their role in the design and delivery of development cooperation activities.

- Regarding possible future External Offices, including issues related to possible processes or concerning guidelines, the Member States have assumed responsibility for determining matters in this regard.

  It should be noted that WIPO's five External Offices (e.g. in Brazil, China, Japan, Russia and Singapore) are fully integrated into the Organizational results framework. As such, their annual work-planning is coordinated with the Regional Bureaus and other areas in Headquarters to ensure that there is targeted program delivery that is not duplicative and which makes full use of the advantages of the Organization having a field presence.

These considerations equally apply to the development cooperation activities undertaken by the External Offices. In 2015, the Program Performance and Budget Division worked intensively with External Offices to improve and ensure coordinated work-planning in the context of the preparation for the Program and Budget 2016/17.

Overall coordination of the five External Offices was assumed by the Chief of Staff of the Office of the Director General in December 2014. Commencing in January 2014, a range of concrete initiatives were launched and designed to improve the productivity and efficiency of the External Offices, such as streamlining their coordination with all Sectors and Programs at Headquarters, including with respect to development cooperation, and to enhance the coherence of their overall management. These initiatives have included: (i) the institution of a comprehensive IT program to equip the External Offices with the same IT functionality and security as exists at Headquarters; (ii) the holding of the first coordination meeting between External Offices Heads in Geneva; (iii) the institution of regular video conferences between Sectors and Programs at Headquarters and External Offices; (iv) the institution of regular bi-monthly reporting from External Offices to the rest of the Organization, and (v) the establishment of working groups to examine various critical issues (i.e., from human resources to IT, premises and security) and streamline policies and procedures concerning the functioning of the External Offices. This has resulted in improvements in the coordination and coherence of the planning and monitoring of activities, including development cooperation activities, by External Offices as well as in terms of their functioning.

This recommendation may be considered as under implementation.

6.   The Report calls upon WIPO to adopt principles of aid/development effectiveness, country ownership, alignment (coordination), results focus and mutual accountability.

-   The design, development and establishment of a coherent results based management (RBM) framework, to support the monitoring and evaluation of the impact Organization's activities on development, as well as the implementation of the Development Agenda Recommendations, and the strengthening of capacity for objective development impact assessments of the activities was adopted by the organization. The RBM framework ensured, *inter alia,* that the development-oriented activities of the Organization contributed to the achievement to the millennium development goals (MDGs) and were in accordance with the principles of the Paris Declaration on Aid Effectiveness. In addition, assistance in developing the National IP Strategies on the basis of an inclusive process of national consultation continues to address the specific needs of each country in order to achieve its development objectives.

    This recommendation may be considered as implemented.

7.   The Report makes recommendations aimed at improving the concept of 'demand-driven' technical assistance, and at improving demand management. The Report also suggests that dialogue should take place between national beneficiaries and the Secretariat about national development strategies, priorities and needs, and WIPO's obligations to advance the Development Agenda.

  -   WIPO's development cooperation activities are based on a systematic interaction with recipient countries through a permanent dialogue with competent national authorities in order to identify needs, set priorities, and agree on the implementation of technical assistance and capacity building activities, in line with the national development strategies of each country and taking into account the socio-economic realities of Member States.

This is a development-oriented and demand-driven process aimed at implementing the Development Agenda Recommendations in all WIPO cooperation activities.

As an example, cooperation for the assistance in the establishment of national IP training academies is carried out based on national requests and following national needs and priorities in IP training. All activities related to the cooperation are consulted and agreed to by national focal points and jointly implemented with them. Master's programs offered jointly by the WIPO Academy and national universities are designed in consultation and agreement with the universities, and with the support from their respective Governments. Summer Schools are developed upon request from Member States, and jointly designed with national focal points according to national needs in IP training for social and economic development. The Distance Learning program of the WIPO Academy has assisted seven Member States in the customization of WIPO Distance learning courses (basic and advanced) according to the national language and scenario, upon request from the respective Member States and according to national strategies in IP-awareness. The program for training of Government officials has initiated a consultation process with National IP Offices from all WIPO Member States for the assessment of national needs in terms of IP-education. The WIPO Academy catalogue of courses for government officials will be redesigned taking into account the results of this exercise.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

8.   The Report recommends that improvements be made in the prioritization and balance of development and cooperation activities undertaken.

  - The Organization's biennial development cooperation program is considered and approved by Member States during the P&B process. The biennial program is then further itemized in terms of specific development cooperation activities in annual work plans which are anchored in the National IP Strategies, if available, and/or in country plans developed and agreed with specific beneficiary Member States.

    The methodology for developing National IP Strategies was developed and tested through the relevant DA project. Following the completion of the project, the methodology has been mainstreamed in the work of all Regional Bureaus. The above approach seeks to fully satisfy the recommendation under reference.

    This recommendation may be considered as implemented.

9.   The Report recommends that Member States should be provided with an adequate strategic overview of WIPO's development cooperation activities, priorities, and budget allocation.

  -    The strategic overview of WIPO's development cooperation priorities, activities, and budgetary allocations is addressed in the Program and Budget Committee (PBC).

    This recommendation may be considered as implemented.

10.   The Report makes a number of recommendations directed towards improvement of the RBM framework, and aimed at strengthening tools, and processes for measuring, assessing and reporting on the impact of development cooperation activities. In this context, a number of recommendations are also directed at improving the cost-efficiency of activities, integrating development cooperation activities into the regular P&B process, and strategic prioritization of goals, priorities and expected results. The recommendations also suggest the need to

implement an effective evaluation framework for WIPO's development cooperation activities, and to ensure that progress achieved in integrating DA principles at the planning level should translate to better results at the implementation level.

-   All program management phases have been considerably strengthened within the Organization as part of the RBM system. The first emphasis was on improving the planning as it provides the foundation for the subsequent phases. Emphasis in the biennium 2014/15 has moved to monitoring of implementation and performance assessment, thus completing the performance cycle. While planning, monitoring of implementation, and performance assessment have been considerably improved across the Organization since 2008/09 and are currently supported by robust processes, tools and systems, the further enhancement of RBM remains a dynamic process.

    WIPO's RBM system is being complemented by independent evaluations conducted by the Internal Oversight Division (IOD). DA project evaluations and country evaluations have been particularly useful in identifying areas where the Organization's development cooperation activities could be improved.

    This recommendation may be considered as implemented.

11.   The Report makes recommendations aimed at diversifying and strengthening collaborations with donors, particularly through the Funds in Trust (FIT) programs.

-   In the period January 2013 to June 2015, new Fund-in-Trust (FIT) Agreements have been established with the Republic of Korea and Brazil. Since 2010, there has been a steady increase in extra budgetary resources available for program activities.

    This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

12.   The Report recommends that more systematic and regular reporting, monitoring, evaluation and reporting on follow-up is needed to focus on long-term results and cumulative impact of development cooperation activities.

-   The RBM system, the P&B process and the annual work planning process are being used to strengthen the focus on results, monitoring and evaluation.

    This recommendation may be considered as implemented.

13.   The Report makes a number of recommendations concerned with governance, including a review of organizational structures for oversight and management, (e.g., the need for independent monitoring/evaluation mechanisms to ensure that WIPO's technical assistance serves development). Other recommendations are also addressed to the delivery model for development cooperation activities, and to the need to clarify the roles and responsibilities of the various service providers in the Organization.

-   The IOD has, since January 2013, delivered seven evaluation reports. Out of these, four address technical assistance issues. Evaluation work is governed by the Internal Oversight Charter and the Evaluation Policy 2010-2015 currently under revision: provisions for independence as well as for assessing the relevance of the Secretariat's work to development are described in these respective documents.

    This recommendation may be considered as implemented.

14.   The Report recommends that greater discussion should take place between the Secretariat and Member States on risks associated with activities, or local conditions that would facilitate/constrain the success of activities.

-     As noted in the PPR for 2014, a number of documents were developed that established a formalized and coherent risk management and internal controls framework for the Organization, including WIPO's Accountability Framework, WIPO's Risk Appetite Statement, establishment of the Risk Management Group (RMG), the Risk Management Policy, and the Risk Management and Internal Controls Manual. WIPO's Accountability Framework and WIPO's Risk Appetite Statement were reviewed and endorsed by Member States at the end of 2014.

   In order to facilitate real-time access to risk and control information, support proactive risk and control management, as well as to render efficient responses to audit bodies, an Enterprise Risk Management (ERM) tool was implemented in the second half of 2014 and used to support the 2015 work planning process. The processes of monitoring and reporting risks were also strengthened, with the (i) introduction of semi-annual risk reviews, which also form the basis for (ii) the semi-annual risk management reports reviewed by the RMG, as well as (iii) the continued strengthening of the integration of risk management within the program performance management processes.

   In assessing performance, the impact of risks identified in the P&B 2014/15 was duly taken into consideration, and as in previous biennia, the proposed Program and Budget for 2016/17 includes the risks identified in respect of the achievement of expected results under the presentation of each program.

   This recommendation may be considered as implemented.

15.   The Report recommends that WIPO should broaden stakeholder engagement to ensure a balance of perspectives and, in this context, should support countries' efforts to establish national committees on development and IP.

-     WIPO works closely with national authorities with the objective to promote broad participation of relevant stakeholders in all cooperation activities, ensuring a balanced approach to IP and supporting the country's efforts for establishing and strengthening collaborative schemes on development and IP.

   The Regional Bureaus advise and support the establishment of national steering committees in the field of IP in Member States, as an integral part of the process of formulation, adoption and implementation of national IP Strategies, while respecting the sovereign decisions by Member States.

   This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

16.   The Report recommends increased efforts to mobilize voluntary contributions, including from mainstream donors and philanthropic foundations.

-     As a matter of routine, the WIPO Secretariat promotes efforts to increase voluntary contributions from mainstream donors and from philanthropic foundations. Since 2013, much of the focus of this effort has been to mobilize resources for specific WIPO projects e.g. WIPO GREEN, WIPO Re:Search and the ABC Consortium. Since 2014, resource mobilization advisory services have been provided to WIPO project managers to support them in their project-based resource mobilization efforts.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

17.   The Report recommends that WIPO should more actively identify partners, in particular international intergovernmental organizations (IGOs), as collaborators in its development cooperation activities. The Report further recommends that WIPO should undertake more partnering with national institutions at the local level.

-    In the context of the WIPO-WTO Agreement, WIPO collaborates with the WTO in both national and regional training and capacity building activities. The trilateral cooperation program with the WTO and WHO has also addressed development cooperation. In addition, since 2013, WIPO has partnered in development cooperation activities with United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Department of Economic and Social Affairs (UN-DESA), International Telecommunication Union (ITU), Food and Agriculture Organization (FAO), United Nations Environment Programme (UNEP), United Nations Conference on Trade and Development (UNCTAD), United Nations Framework Convention of Climate Change (UNFCCC), International Trade Center (ITC), United Nations Industrial Development Organization (UNIDO), Office of the High Commissioner for Human Rights (OHCHR), International Atomic Energy Agency (IAEA), International Renewable Energy Agency (IRENA), World Customs Organization (WCO) and the European Patent Office (EPO).

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

18.   The Report recommends greater integration of regular and donor-funded technical assistance to support improved measurement of development impact, and transparency for donors, beneficiaries and other stakeholders.

-    The integration of regular and donor-funded technical assistance into the Program and Budget (P&B) was done for the first time in the P&B 2012/13. In 2014/15, the donor-funded technical assistance was also mainstreamed into the annual work planning process.

This recommendation may be considered as implemented.

19.   The Report recommends that staff should be more cautious in attributing success or failure to their development cooperation activities when assessing impact and results.

-   The RBM system, the P&B process, and the annual work plan preparation process are being used to continuously strengthen the focus on monitoring, results and evaluation.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

20.   Some of the Report's recommendations are also addressed to the strategic decision-making and planning of CDIP projects, and to ensuring evaluation of such projects before their expansion or renewal.

-    WIPO has put in place an effective system for the planning, monitoring and evaluation of the implementation of DA recommendations and projects. The project based methodology foresees an independent external evaluation mechanism after the completion of each project. The decision to renew, discontinue or mainstream a project is

taken by Member States during the CDIP based on a recommendation made by the external evaluator.

This recommendation may be considered as implemented.

21.   The Report recommends that a strategic review should be undertaken of WIPO's internal organizational structure to ensure alignment with organizational goals and development-related priorities.

- An Organizational Design initiative commenced in 2010 as part of the Strategic Realignment Program. This was complemented by the introduction of workforce planning in the biennium 2014/15 which is currently fully integrated within WIPO's RBM system.

This recommendation may be considered as implemented.

22.   The Report recommends that an adequate definition should be developed as to what counts as 'development cooperation activity' for P&B purposes, and to be used in estimating the proportion of staff time used on delivery of development cooperation activities. At the same time, the Report also acknowledges that; "Compared to earlier years, the proposed 2012-13 P&B better defines what is counted as development expenditure."

- Discussions on the definition of development expenditure within the context of the Program and Budget are currently ongoing in the PBC.

This recommendation may be considered as under implementation.

23.   The Report recommends that better assistance be given to developing countries to assess their development needs, IP capabilities, and appropriate strategies. The Report also suggests the need for a satisfactory methodology for assisting developing countries to assess their development needs, IP capabilities, and appropriate strategies.

- WIPO is continually assisting Member States in the assessment of their IP-related development needs, IP capabilities and institutional frameworks, in order to clearly define priorities. Assistance is also provided in establishing result-based and development-oriented objectives through the formulation of national IP strategies following the use of the appropriate methodology and tools developed under a DA Project.

For example, all programs developed by the WIPO Academy take into consideration the use of IP for a promotion of fair balance between IP protection and the public interest. Training contents are continuously updated taking into consideration new issues of IP for social and economic development. The Academy also offers two specific training programs for officials from developing countries and LDCs in which they are expected to develop and implement at a national level projects on the use of IP for national social and economic development.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

24.   The Report recommends that the two WIPO national IP strategy projects should have active engagement with a diversity of external stakeholders and experts, and consistent internal coordination.

- A methodology on national IP strategy formulation was produced under a DA Project on Improvement of National, Sub-regional and Regional Institutional User Capacity. This

strategy includes tools for needs assessment, benchmarking and guidelines for an iterative process of multi-stakeholder consultation and validation. The Regional Bureaus are using this methodology to support the IP strategy formulation of countries in their respective regions with inputs from relevant Sectors, particularly in the implementation phase.

This recommendation may be considered as implemented.

25.   The Report recommends that WIPO should expand the range of non-government stakeholder collaborations to help sustain results and promote diversity of perspectives.

-    WIPO is consistently engaged in dialogue and consultations with a wide variety of external stakeholders, including NGOs working in the field of IP. Such a dialogue aims at promoting partnership and benefiting from a range of perspectives. The organization is continuously facilitating a number of different fora through which it sought the cooperation with non-governmental stakeholders, including workshops and seminars, consultations on specific projects, and side-events.

The Director General hosts a yearly meeting exclusively for accredited NGOs, continuing a valuable tradition of open, transparent and responsive interaction with external stakeholders on WIPO's work and achievements.

WIPO will continue to pursue initiatives that encourage and facilitate the active and meaningful participation of civil society, to promote a diversity of perspectives, in its activities.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

26.   The Report recommends that WIPO should improve collaboration with the United Nations family and development agencies, and in particular the WTO.

-    In addition to the information provided under Recommendation No. 17, it may be noted that the WIPO Secretariat regularly reports to the UN system on the contribution of its activities to development. For example, in January 2013 and 2014, the Director General wrote to the UN Secretary General transmitting the WIPO Program and Performance Report 2010/11 and the Director General's Report to the CDIP. WIPO is increasingly recognized as a valuable source of information, assistance, and support across a broad range of IP issues that arise in other fora.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

27.   The Report recommends that WIPO should boost its external coordination to devise methodologies for development of national IP strategies, and at the country level during elaboration of those strategies.

-    As mentioned before, WIPO has developed a conceptual tool to guide countries in designing their national IP Strategies. This tool specifies that the process of formulation and implementation of a national IP Strategy necessitates the enrollment of all relevant stakeholders, including the UN entities, Intergovernmental Organizations and Donors. Cooperation is taking place accordingly with other International Organizations in many cases. The degree of "external consultation" continues to be guided by the will of Members States concerned.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

28.   The Report recommends that focus should be on longer-term or cumulative impacts of development cooperation activities, rather than short-term projects.

-    Over the last few biennia, WIPO has reoriented the focus of its technical assistance and capacity building activities towards long-term sustainable projects, aimed at delivering tangible results and providing meaningful cooperation in benefit of the overall IP systems of developing countries and LDCs. For instance, a long term initiative to create IP hubs in developing countries to accelerate technology innovation is currently formulated. This initiative will run for two biennia and bring together the activities of WIPO's various Programs to benefit a target stakeholder group and build the institutional capacity of the entities they represent.

      This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

29.   The Report recommends that priority should be given to South-South cooperation and sharing of experiences, partly as a more efficient means of delivery of technical assistance.

-    Sharing of experiences is expected to be enhanced by the use of functionality for interactive dialogue among interested parties, which has been made available on the WIPO South-South website, the flexibilities database and tech transfer platforms.

      This recommendation may be considered as implemented.

30.   The Report contains a number of recommendations aimed at infrastructure building.

-    WIPO continues to enhance its technical and knowledge infrastructure for IP Offices and other IP Institutions, by providing a wide range of high quality services to their stakeholders (Industrial Property Administration System (IPAS), the WIPO Copyright Connection (WCC), WIPO Digital Access Service (DAS), WIPO Centralized Access to Search and Examination (CASE)).

      This recommendation may be considered as implemented.

31.   The Report makes a number of recommendations in the field of IP Office modernization. For example, in the patent area, the Report recommends that countries should be provided with greater assistance to review international search and examination reports and reports by other National Patent Offices in light of national legislation.

-    WIPO has increased its support to IP offices for the improvement of their business systems using modern IT systems. Since 2011, the number of IP offices using WIPO supplied systems for reception, administration, examination and dissemination of IP rights has increased by nearly 50 per cent from 48 to 70 offices. Projects are initiated after an assessment which includes an understanding of priorities, available resources, management commitment and readiness for the project. Based on the priorities expressed by Member States, WIPO has expanded its technical assistance program for IP offices to include assistance with online filing and online publication. To improve sustainability and quality of delivery, a dedicated support team ("IPAS helpdesk") has been implemented.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

32.   The Report makes a number of recommendations aimed at boosting the transparency and evaluation of legislative advice. In particular, it suggests that an in-depth review of legislative assistance should be conducted by a team of external legal experts.

- The need for appropriate expected results and indicators for results of legislative assistance was addressed in the P&B process. The P&B for 2014/2015 contained an expected result on "Tailored and balanced IP legislative, regulatory and policy frameworks". However, it should be noted that the advice provided bilaterally by the WIPO Secretariat to a Member State is only disclosed or publicized as a result of the decision by the concerned Member State.

    It is worth mentioning that in relation to this recommendation, an external assessment of the legislative assistance on enforcement of Intellectual Property rights took place in the framework of the Evaluation of Strategic Goal VI. Interviews with a sample of beneficiary countries confirmed the high quality and neutrality of advice, which was considered as unbiased.

    This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

33.   The Report recommends that Senior Management should ensure that all sectors/programs submit full information on their legislative activities to the Technical Assistance Database.

- The synchronization of the IP-TAD with the Enterprise Resource Planning (ERP), currently underway, will ensure that all technical assistance activities, including those on legislative assistance, are properly included in the IP-TAD.

    This recommendation may be considered as under implementation.

34.   The Report recommends that country needs assessments and IP strategies should inform legislative and regulatory advice before responding to a request for legislative assistance, and that WIPO should work with a country to investigate its development priorities, sectoral needs and relevant international commitments.

- The WIPO Secretariat currently employs the practice of using country needs assessments and IP strategies to inform its provision of legislative advice in countries where these tools exist or are being implemented. The provision of legislative assistance is routinely preceded by requests for information sent by the Secretariat to the relevant country, and a liaison with contact persons in the requesting Government is also established. In addition, internal consultation and verification procedures are followed (i.e. IP strategies are systematically sent to the Patent Law Division for comments on patent-related issues).

    In the area of legislative and policy advice on trademark, industrial design and geographical indication law for Member States, the Law and Legislative Advice Division of the Brands and Designs Sector has introduced a feed-back collection system, by which States who have been provided legislative advice are invited to feed back to the Secretariat information about their satisfaction with the advice received.

    This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

35.   The Report recommends that the Organization should adopt a proactive approach to flexibilities, and present developing countries with the range of options and flexibilities available in international laws. Further, it is suggested that WIPO should explain how different options may hinder or advance countries' pursuit of development targets.

- The WIPO Secretariat systematically provides developing countries with the range of options and flexibilities available in the context of giving legislative advice. Legislative advice submissions always provide for reasoned and justified solutions; in many cases, the WIPO Secretariat also provides alternative solutions to meet the same need.

  For example, in the field of enforcement, the attention of the developing countries to whom advice is being provided is systematically drawn to Articles 7-8 and the flexibilities and options contained in Part III of the TRIPS Agreement. Similarly, legislative advice in the area of patents always makes reference to, and presents to the national authorities concerned, the flexibilities available in the International Patent System. Four documents on Patent-Related Flexibilities in the Multilateral Legal Framework and their Legislative Implementation at the National and Regional Levels were discussed in the context of the CDIP illustrating the issues related to a number of flexibilities and the different approaches that have been adopted at national and regional levels to address them(http://www.wipo.int/ip-development/en/agenda/flexibilities/).

  This recommendation may be considered as under implementation.

36.   The Report recommends the publication of a series of development-oriented framework documents on legislative issues on which the Organization provides advice.

- In the context of legislative advice provided by the Secretariat, the needs of users of the IP system are habitually taken into account by the Secretariat, although it is for the relevant authorities and policy-makers to lead consultations undertaken in the framework of any legislative advice process. For example, in the Building Respect for IP Division, a TRIPS Questionnaire is sent to the Member States that request legislative assistance in order to verify the legal framework in the country concerned as to the compliance with the obligations and options of Part III of the TRIPS Agreement before providing any legislative assistance.

  This recommendation may be considered as under implementation.

37.   The Report recommends that WIPO should increase support for analysis of the impact of new international IP agreements on national development and public policy goals, and promote information-sharing among countries, including developed countries, about their experiences with IP legislation and development outcomes.

- WIPO continually conducts activities designed to support countries in their analysis of the costs and benefits of acceding to new IP treaties and agreements. In the field of Building Respect for IP, for example, the Advisory Committee on Enforcement (the 9th session of the Advisory Committee on Enforcement (ACE) provides a forum for exchange of information among WIPO Member States. The work of the ACE is largely guided by Recommendation 45 of the Development Agenda and, hence, implies the taking into account of broader societal interests and development-oriented concerns.

  WIPO also conducted regional meetings on flexibilities in the patent area, and commissioned regional experts' papers on the implementation of patent-related flexibilities at the regional and national levels.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

38. The Report recommends that WIPO should make available its various databases on legislation and regulatory practices through a common portal.

- The Organization maintains a global database of IP legal information through the WIPO Lex portal (http://www.wipo.int/wipolex/). WIPO Lex has become the world reference source for IP information with a remarkable collection of IP laws, regulations and treaties of 196 countries of the world. The database functions in the six UN official languages and makes freely available to its audience nearly 13,000 legal documents, in the original version of the legal texts (81 national languages featured) and with translations where possible. WIPO Lex has a rapidly expanding audience, reaching 1.5 million users annually from every continent and country in the world. It is interesting to point out that the growth of the WIPO Lex audience in developing countries is steadily outpacing the progress in industrialized states, helping to bridge the legal information divide. It also displays key information concerning the laws and treaties in the collection alongside appropriate insights into the international IP system, which assist countries in the development of their national IP legal systems.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

39. The Report recommends that WIPO's website should be upgraded to better communicate with stakeholders, donors and beneficiaries about WIPO activities, and improved search ability of information.

- The Secretariat carried out a complete restructuring and redesign of the WIPO website, designed to better serve users' needs and to support WIPO's strategic goal of being the world reference for IP information. The new website, launched in November 2013, drew overwhelmingly positive feedback from users, and the redesign was cited as an example of excellence at a top international web conference. The project included a site-wide content clean-up; a major expansion in the availability of key content in six languages (all top level pages were introduced in six languages); the development of a new user-experience strategy; the comprehensive review and restructuring of the information architecture of the website in line with the needs of different stakeholder groups; and a "responsive" web design, which optimizes the content display for the user according to the screen size of the device s/he is using to access the website. Popular content improvements included the new WIPO Country Profile pages, which pull together dynamic content for over 190 countries from some 20 underlying WIPO databases.

Work on Phase Two of the website project continued in 2014 and 2015, with systematic clean-up, improvement and redesign of lower level pages; the creation of a new calendar (meetings) page, a new recruitment page, new services landing page, new FAQs pages; and the addition of "related links" to the bottom of many pages. A new landing page for WIPO's external offices – as well as separate pages for each external office – were launched in April 2015 to highlight activities of the offices. A new streamlined e-newsletter subscription platform launched on the site in June 2015, providing an easy means for stakeholders to choose and manage which WIPO news they wish to receive, from some 23 offerings. Further translation of lower level pages into six languages continues.

Significant improvements to website search functionality were achieved and are continuing. A new, more user-friendly search interface based on Google Custom Search

was created; the Accessible Books Consortium (ABC) and WIPO GREEN websites were added to the site search; and news feeds on wipo.int are now searchable. A new web application search facility (Solr), which will improve the relevance of search results for, e.g., WIPO publications, meetings, and meeting documents, and provide more detailed filtering and categorization of results, is planned for implementation by year-end 2015.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

40.   The Report recommends that attention should be paid to lessons-learned from other technical assistance databases, such as the WTO's Global Trade-Related Technical Assistance Database, to ensure the usefulness of the IP-Development Matchmaking Database.

-    The WIPO Secretariat continues to strengthen and improve its collaborations with other development-oriented partners, particularly through the External Relations Division and the Regional Bureaus. This is part of WIPO's overall approach to partnerships and resource mobilization. WIPO Re:Search and WIPO Green are one type of example of such partnerships. In specialized programs within the Secretariat, such collaborations are undertaken in the interests of improving work activities: the WIPO Regional Workshop on the Environmentally Safe Disposal of Intellectual Property Infringing Goods, jointly organized with the United Nations Economic and Social Commission for Asia and the Pacific (UN ESCAP), the Asia-Pacific Research and Training Network on Trade (ARTNeT) and the United Nations Environment Programme (UNEP).

The IP-Development Matchmaking Database developed as an online tool for matching specific IP related development needs with resources offered by potential donors continues to be under used by Member States.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

41.   The Report makes a number of recommendations aimed at integrating development-orientation into human resources management of staff and consultants, including the applicable selection process, and ensuring transparency in these procedures. The recommendations also address the need for aligning recruitment and Performance Management and Staff Development System (PMSDS) processes with development goals, and the need for a Code of Ethics.

-    WIPO continues to ensure the alignment of its human talent with program needs. To this end, periodic review of the organizational design is carried out. Effective workforce planning is now fully institutionalized through systems integration with the Program and Budget cycles, reflecting involvement of managers at all levels. Development orientation, including the principles outlined in the WIPO DA, is appropriately reflected in the job descriptions of the relevant WIPO Secretariat staff.

The Performance Management and Staff Development System (PMSDS), directly references development-oriented considerations where the work of the staff member concerned is related to the achievement of development-oriented outcomes. Evaluation of human resources, including staff evaluation take also into consideration development objectives that is relevant to development issues where staff are involved in provision of technical assistance and development cooperation.

With respect to the integration of ethics considerations into the WIPO Secretariat's human resources management practices, a Code of Ethics was developed as part of the

Strategic Realignment Program, as a component of a comprehensive ethics and integrity system at WIPO. The Code of Ethics, containing core values and principles, was drafted through an internal consultative process and established for all WIPO personnel as of February 1, 2012. It contains principles relating to impartiality and accountability. Mandatory ethics and integrity training, including on the WIPO Code of Ethics, for all WIPO personnel was launched in December 2012, and continues to be provided.

The International Civil Service Commission (ICSC) Standards of Conduct for the International Civil Service 2001 were formally incorporated into the WIPO regulatory framework with the adoption of the revised Staff Regulations and Staff Rules, effective January 1, 2013. They are expressly incorporated by reference in the model Special Services Agreement used for engagement of external experts and consultants.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

(B)   Recommendations which merit further consideration

1.   In various different contexts, the Report makes recommendations suggesting the need for more internal coordination within WIPO on issues related to development cooperation.

-     The Program and Budget for 2016/2017, contained in the document WO/PBC/24/11 stresses that, in addition to National IP Strategies and country plans, WIPO continues strengthening cooperation mechanisms and programs tailored to the needs of developing countries, LDCs and countries with economies in transition. WIPO also continues strengthening the development of human and professional skills, facilitate the modernization of IP infrastructure and the development of appropriate IP legal and regulatory frameworks, taking into account the specific commitments and national development objectives of the recipient countries, and promoting accessions to WIPO administered treaties and conventions. In these undertakings Regional Bureaus have a pivotal role as overall coordinators to ensure efficient and effective planning and implementation of coherent and concrete deliverables in Member States.

    Paragraph 9.14 of the Program and Budget 2016/2017 illustrates the collaboration of Development Sector with other programs/sectors.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

2.   The Report recommends that improvements should be made to the accessibility of research and evidence as a basis for development cooperation activities.

-     The Office of the Chief Economist of WIPO continues to develop and extend the research base for development-oriented activities in the IP field. The results of new research investigations are regularly made available through the WIPO Seminar Series on the Economics of IP, the World IP Report, and numerous working papers freely available on WIPO's economics website. In addition, two new resources have recently been available on this website: an Economics Literature Database and a Data for Researchers page; these resources aim at improving the evidence base for IP policymaking as well as assisting researchers in under-resourced settings to conduct their own investigations."

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

3.   The Report makes recommendations on the relevance and orientation of the Organization, and in particular on the need for all staff and consultants involved in development cooperation activities to be informed about widely accepted principles and practices.

-     WIPO attaches importance to the need for all staff to be informed about and follow, where appropriate, widely-accepted principles and guidelines in the field of development cooperation, as adopted by other international organizations. In acknowledgement of this importance, WIPO ongoing programs of staff training and self-identified training needs of staff under the (PMSDS) system enable them to keep up with the evolving nature of development cooperation, which are also based on the Development Agenda principles. The mainstreaming of the Development Agenda is focused on integrating these principles into the daily activities of all WIPO staff.

     This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

4.   The Report makes a number of recommendations to the effect that WIPO's activities and budget allocations are greater for industrial property than for copyright and related rights "despite the strong potential development of creative and cultural industries", and that IP strategies should include greater attention to issues of creativity and cultural industries.

-     The most notable normative achievement in the recent years was the adoption of the text for two new copyright treaties: the Beijing Treaty on Audiovisual Performances (Beijing Treaty) and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (Marrakesh VIP Treaty). WIPO continues to strengthen its role in the field of copyright in the digital environment. Progress was made in establishing a new, voluntary, international quality assurance standard for collective management known as the "TAG of Excellence". In addition, WIPO developed a distance learning course that uses the full range of 21st century communications techniques to create a practical collective management tool for staff of CMOs, policy makers and legal practitioners. National studies on the economic contribution of copyright industries continues to be published by the Organization based on the WIPO Guide on Surveying the Economic Contribution of the Copyright Based Industries 2003. The Organization thus keeps a balanced focus on all areas of IP.

     This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

5.   The Report recommends that, in order to broaden stakeholder engagement, WIPO should more systematically monitor the diversity of stakeholders and experts involved in providing assistance, so as to ensure a balance of perspectives.

-     Efforts are continually made by the WIPO Secretariat, including through the Regional Bureaus, to broaden stakeholder engagement in a range of activities. For example, some initiatives in the field of traditional knowledge are aimed at enhancing the effective participation of representatives of indigenous peoples and local communities in WIPO's work. In a different context, in the Building Respect for IP Division, a balanced approach is adhered to in the Advisory Committee on Enforcement (ACE), including through capacity-building and awareness-raising activities.

     This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

6.   The Report recommends that consideration should be given to reorganizing WIPO's development cooperation activities to address the needs of particular categories of countries. The Report further suggests that countries should be grouped for the purposes of delivery of technical assistance on the basis of their structural commonalities, such as nature and size of the economy, or IP Office capabilities.

-    WIPO's development cooperation activities are targeted to the specific needs and priorities of countries in different regions and at different stages of development, and are tailored to meet those needs. The human and economic development status as well as the status of IP in the recipient country is always taken into consideration. Across the range of WIPO development cooperation programs, attention is given to capture the specific and differential needs and priorities of LDCs. The Organization is fully engaged towards the realization of relevant recommendations of the Istanbul Programme of Action (IPoA). A special focus is also given to Small Island Developing States (SIDS). For instance, the Caribbean Unit, established in 2010, under the Regional Bureau for Latin America and the Caribbean, to address the specific areas of priority needs for Caribbean countries, was upgraded to a Caribbean Section in 2014. The Regional Bureau for Asia and the Pacific is strengthening the sub-regional cooperation in the Pacific Island Countries (PICs) through meetings with the Heads of IP Offices in the region and links with other UN entities.

       This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

7.   The Report recommends that a mapping be undertaken of other inter-governmental initiatives and non-governmental efforts to promote innovation, creativity, technology transfer, and access to knowledge.

-    The WIPO Secretariat continues to inform itself of the relevant activities being undertaken in other organizations both at international and national levels, wherever such a mapping exercise is useful in the context of a given technical assistance activity. The following are a few examples where the Organization has been engaged and has made use of its engagements with other organizations / bodies that promote innovation, creativity, technology transfer, and access to knowledge.

     In the field of traditional knowledge, WIPO Secretariat coordinates closely and regularly with numerous other IGOs including the Secretariat of the Convention on Biological Diversity (CBD) on issues of biodiversity, Food and Agriculture Organization (FAO) on issues of agriculture, World Trade Organization (WTO) on trade-related issues, World Health Organization (WHO) on issues of public health, and UN Permanent Forum on Indigenous Issues (UN PFII) on issues related to indigenous communities.

     The Secretariat also continues to work to identify partners and extra budgetary financial support for its programs and projects. The outreach efforts were focused on partnerships to support WIPO GREEN, WIPO Re:Search and the ABC Book Consortium. The WIPO Secretariat was also closely involved in providing support to the UNFCCC in the implementation of the UNFCCC Technology Mechanism (i.e., the Technology Executive Committee (TEC) and the Climate Technology Center and Network (CTCN)). The Secretariat participated in meetings of the TEC and CTCN and the CTCN became a WIPO GREEN partner, and reciprocally WIPO became one of the first members of the CTCN Network.

     WIPO renewed its active participation in the Global Entrepreneurship Week (GEW), an international initiative that promotes entrepreneurship and innovation to young people

through local, national and global activities. In cooperation with UNCTAD, the United Nations Office in Geneva (UNOG), the International Trade Center (ITC), *Département du Développement Economique du Canton de Genève, Université de Genève* (UNIGE) and *Fédération des Entreprises Romandes* (FER), the Secretariat co-organized a week of events and training sessions for the GEW 2014. The focus was primarily on innovation promotion, youth entrepreneurship and the organization of IP capacity building sessions and patent information.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

8.   The Report recommends that WIPO should make available a 'menu' or catalog of development cooperation activities.

-    The Secretariat compiled materials on the delivery of technical assistance and presented a Manual on the Delivery of WIPO Technical Assistance during the twelfth session of the CDIP (document CDIP/12/7). The Manual seeks to serve as a portal to technical assistance activities and services offered by WIPO. It is addressed to Member States, institutions and individuals interested in WIPO technical assistance programs in developing countries, least developed countries and countries in transition. The Secretariat published the Manual in a form of a booklet and continues to update its content.

This recommendation may be considered as implemented.

9.   Many of the recommendations are addressed to cost-saving and efficiency measures, including avoiding duplication and making better use of technological resources.

-    The RBM framework has implicitly and explicitly helped in avoiding duplications of activities within the Organization and in making better use of the financial and human resources. In addition, the Organization continues to use technological resources such as video-conferencing and webcasting in its training activities.

This recommendation may be considered as implemented.

10.   The Report addresses the training activities conducted by WIPO, and makes particular recommendations concerning the work of the WIPO Academy. The Report recommends that more strategic and specific goals, priorities and expected results for training should be set, that training should focus on building a critical mass of substantive, politically-informed expertise within developing countries on IP and development, and that reporting on training should focus on how training was used to contribute to development goals.

-    The WIPO Academy activities are focused on enhancing human resources capacities for the effective use of IP for development in developing countries, LDCs and countries with economies in transition. In order to achieve this result, the Academy has started the entire review of its portfolio of training courses for government officials, including the topics and contents of the programs, the learning objectives, the beneficiary target groups and the criteria for the selection of the partner institutions. Moreover, it has started the thorough external review and update of content of the Distance Learning courses, the enhancement of the IT learning platform, and increasing the availability courses in all UN languages on equal footing, as well as other languages. Also, it has enlarged the number of programs and increased access to higher education programs in universities, and continued the assistance in establishing national training centers and developing groups of local trainers with expertise in IP, development and teaching methodologies. A large

critical mass of experts in IP and development is now available, particularly, in beneficiary countries of the Start-up Academy projects, by offering special individual scholarships for Masters degree courses. Steps were taken to improve the evaluation tools, in order to ensure that training services are effectively targeted at meeting the needs of beneficiary countries and other stakeholders and to ensure the best use of resources, and to reorient training content and methods where necessary.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

11.   The Report recommends that IP training should be development-oriented, and that IP education should be linked with other public policy issues.

-    The WIPO Academy has introduced and keeps updating the components on IP and development in its curricula, related to the Professional Development Program, the Academic Institutions Program, the Distance Learning Program, and the Summer School Programs. Special attention has been given to the training of local trainers on subjects related to IP and development. Through interactive, dynamic and empirical approaches, participants in the Academy programs gain specialized knowledge and, most importantly, the capacity to apply that knowledge to contribute to their own national and regional development. Special new Distance Learning courses on IP and certain global challenges, like Public Health and Trade as well as Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources are made available.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

12.   The Report recommends that WIPO should undertake an in-depth and critical review of the strategic niche of its training activities particularly of the WIPO Academy, in the context of other training initiatives worldwide.

-    From its inception, the WIPO Academy has been a leading center for training and research on IP for developing and LDCs, and countries in transition. However, its activities as well as the field in which it operates are changing. In this context, based on an external review and internal audit reports, a mid-term plan for the reform and repositioning of the Academy is being implemented.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

13.   The Report makes a number of recommendations aimed at cost efficiency in the provision of WIPO training activities.

-    WIPO training activities are conducted in large part by the WIPO Academy, while the specialized sectors, Regional Bureaus and the Division for Least Developed Countries also provide specialized training activities, awareness-raising activities, case studies, manuals and other training and teaching tools on a diverse range of IP subjects. The Academy is working closely with all concerned sectors in WIPO to establish and implement processes for internal consultations, coordination, planning and information sharing for identifying and responding timely and efficiently to training needs and requests.

The Academy continues to make efforts in order to ensure a cost-effective development, administration and delivery of its programs, with a particular focus on developing National

expertise and long-term capacities. It also continues to extend its geographical and linguistic outreach, and to develop specific criteria and conditions for partnerships to help National training institutions to become sustainable.

This recommendation may be considered as implemented. Follow-up activities will continue to be implemented by the Secretariat.

14.   The Report suggests that the Technical Assistance Database should be redesigned to facilitate internal and public search ability of WIPO programs according a numerous criteria, and to make the results of internal and external evaluations publicly searchable. Further, it is recommended that the Database should be more systematically updated by all programs, and be integrated into the Enterprise Resource Planning (ERP) System.

-     A Project brief on integrating the Development Sector System (DSS) databases (comprising the IP-TAD and IP-ROC databases) into the Organization-wide Enterprise Resource Planning (ERP) System was jointly developed by the DSS and ERP teams.

-     The Project aims at upgrading the DSS into a fully robust and updated system which allows the automatic, electronic transmission of data from the ERP to the DSS, with minimal manual intervention. By integrating the two systems, and using the ERP as the source of electronic data, the possibility of errors or discrepancy of data among systems will be avoided and updates will be automatically included. The Project also addresses search ability criteria for documentation and reporting purposes.

      This recommendation may be considered as under implementation.

(C)   Recommendations which raise concerns as to implementation

1.   Some recommendations suggest that the Organization should shift from an 'IP-centric' to a 'development-oriented' perspective, particularly in its dealings with other United Nations organizations. The Report also states that WIPO should not seek to establish itself as the United Nations voice on IP.

-     As established through its constituent convention and Agreement with the United Nations, WIPO is the United Nations specialized agency with a mandate to promote the protection of IP for cultural, economic and social development. The P&B for 2012-13, further recognizes WIPO's potential to serve as the leading intergovernmental forum for addressing the intersection between IP, innovation and global public policy issues. As the specialized United Nations agency for IP, WIPO endeavors to facilitate international policy dialogue on the intersection between innovation, IP and global public policy issues, recognizing that IP is not an end in itself, but a tool to achieve socio-economic and development objectives.

      It is suggested that WIPO should continue to develop its specific expertise in the field of IP, and offer its 'voice' as the specialized agency of the United Nations with the primary mandate in the field of IP, in the same way that the World Health Organization speaks as the United Nations voice on health, and the Food and Agriculture Organization speaks as the United Nations voice on agriculture. This does not exclude other United Nations agencies from involvement in the field of IP.

2.   The Report makes some recommendations concerning the Medium Term Strategic Plan, and agreements reached by the Member States on coordination between the Program & Budget Committee and CDIP, and at the General Assemblies in 2011.

- Agreements reached at the CDIP, the P&B Committee and the General Assemblies, including the coordination between those bodies, should not be revisited or reopened for further discussions. In those bodies, the Member States reached agreement after careful consideration and discussion, and their carefully constructed agreements should not be reopened for further possibly counterproductive discussions.

3.   The Report makes a number of recommendations which are particularly directive at level of detail (e.g., prescribing the specific content of questionnaires), and which reflect only one perspective as to how an activity should be undertaken.

- The degree of specificity and detail in the recommendations is not beneficial in some cases, because it deprives the Organization of the dynamic flexibility which is necessary to balance different, often conflicting, interests and priorities in constantly evolving situations. Where recommendations are very specific in some aspects of an area, they overlook other aspects, and the result is unrealistic and impractical, particularly when politically-sensitive issues are involved.

4.   The Report recommends that WIPO should explore ways to devote greater attention to advising and informing countries on IP negotiations and treaties, and their potential effects. Further, it is suggested that WIPO should give greater support to development-oriented advice on the negotiation and implementation of bilateral, regional and South-South IP arrangements, negotiations, dialogue and cooperation.

- The Organization takes the position that it should not intervene in the negotiation of IP at the bilateral or regional levels. However, with respect to the implementation of bilateral and regional IP agreements, the Organization continues to provide assistance to Member States. For example, WIPO has provided advice to the Central American countries in the framework of the Free Trade Agreement with the United States of America (CAFTA) and to Colombia and Peru in the framework of their United States of America and European Union Free Trade Agreements. WIPO also provides assistance to countries in the implementation of the TRIPS Agreement, in the context of the Agreement between WIPO and the WTO.

5.   The Report recommends that WIPO should provide grants to Member States to implement their own activities, to reduce WIPO staff costs and build national capacity.

- A number of development cooperation activities involve WIPO providing support to financing an international expert identified by a Member State, or financing consultancy services designed by a national institution. However, it is suggested that this recommendation represents a false economy, as it would substantially reduce the Organization's ability to monitor the implementation and evaluate the results, and quality of service, which is also a key thrust of the Report.

6.   The Report recommends that the role of Regional Bureaus in the provision and implementation of activities should be limited to regional and sub-regional activities on issues cutting across the expertise of specialized sectors.

- It is not sustainable to restrict the Regional Bureaus to only regional and sub-regional activities where crosscutting IP issues are involved. Moreover, the Regional Bureaus are the repositories of country-specific expertise in the field of IP.

7.   The Report makes recommendations as to the content and purposes of legislative advice given by WIPO to Member States.

-    The Report suggests that legislative advice provided by the Secretariat should always include strategies designed to introduce greater use of flexibilities and 'alternative' forms of IP such as traditional knowledge. While the legislative advice provided by the Secretariat always contains information on the breadth of applicable IP issues, including flexibilities in the IP system, in most cases the emphasis suggested by the Report does not accord with the request of the Member States and their particular needs for legislative advice.

     Similarly, the Report proposes that WIPO, when providing legislative advice, should take into account "the needs of a diversity of potential users and stakeholders at the national level, and to strategic prioritization among them". However, the requests for advice received by WIPO from Member States are not framed in this way, and the issues are so intensely political and local that it would not be appropriate or effective for WIPO to address them.

8.   The Report makes a number of recommendations suggesting that WIPO's activities should be 'development-driven' (also 'demand-driven', 'Member States driven', or 'country-enhanced ownership'), and suggests that the Organization should direct its activities so as to promote the 'development-driven' approach.

-    WIPO's development cooperation activities follow the mandate set out by the Member States in the biennial Program & Budget, and all recommendations in the Report should be guided by the Program & Budget, as agreed by the Member States. While the Report suggests that the Secretariat has discretion in interpreting and implementing this mandate, the Program & Budget provides clear objectives that the Member States want to achieve; for 2012-13, one such objective is the empowerment of developing countries and least developed countries to use IP for economic growth, and achieve their national development objectives. WIPO's development cooperation activities have been tailored to achieve this objective, in particular, by helping to implement:

     (i)   National IP strategies and policies aligned with national development goals;

     (ii)   IP regulatory frameworks that promote creativity and innovation;

     (iii)   Effective IP infrastructure that is service and development-oriented; and

     (iv)   Enhanced capacity to benefit from the knowledge economy through the use of IP.

9.   The Report recommends that the development-orientation of WIPO's activities could be improved by enhanced transparency, in particular by publishing for external review all IP strategies, policies and plans supported by WIPO in draft form prior to completion.

-    The publication of internal draft government policy documents is a question solely for the Member State involved to determine, while WIPO is ready to facilitate the publication and review of such documents upon request.

10.   The Report suggests that a special body in the CDIP can play a role in identifying and proposing projects and activities.

-    The Regional Bureaus exercise the necessary oversight and coordination in initiating and proposing development-oriented projects and activities, while the CDIP provides the body

through which the Member States can propose and agree to adopt Development Agenda projects and activities for implementation by the Secretariat.

11.   The Report makes recommendations referring to the impact of WIPO's development cooperation activities, and suggests that the Organization should expand the range of non-governmental stakeholders with which it collaborates in the planning and delivery of development cooperation.

-   While WIPO is expanding and reforming its strategies of outreach to all external organizations, including non-governmental organizations, caution needs to be exercised, and careful scrutiny given in order to ensure the neutrality of non-governmental organizations, so as to avoid working with entities acting in their own self-interest, where the focus must be on providing a development cooperation activity based on the Member States' needs and development goals.

12.   The Report makes a number of recommendations concerning the role of WIPO's External Offices, in the context of internal/external coordination.

-   The role of WIPO's External Offices needs to be reviewed taking into account the political issues involved and the diverse roles performed by each External Office. The concerns identified by the Report should be identified as issues on which further consultation should be conducted by the Secretariat with Member States. In this context, the Director General is currently conducting a consultation process with Member States on the issue of WIPO External Offices.

13.   The Report discusses the relationship between Regional Bureaus and External Offices as one unified arrangement. However, this discussion is not accurate, because each External Office has a unique approach and degree of involvement in development cooperation activities.

-   For example, the WIPO Singapore Office is not a merely logistical contact but executes a significant number of substantive work activities that obviate the need to send colleagues from Headquarters to the region, implying considerable cost-savings. Among these activities, the WIPO Singapore Office disseminates WIPO treaties in a balanced manner, enhances IP and innovation support activities, extends IP asset management and networks, promotes arbitration and mediation services, supports the Access to Research for Development and Innovation (aRDi) program, and works to establish and strengthen collective management organizations in the Asian region.

14.   The Report recommends improved collaboration with other United Nations organizations and development agencies, and specifically that WIPO's development cooperation activities should be conducted within the framework of United Nations country-based Development Assistance Frameworks.

-   WIPO should endeavor to associate its activities with United Nations Development Assistance Frameworks, however, the Frameworks at present are not well adapted to such efforts. WIPO should further explore how this goal might be achieved.

15.   The Report recommends, in the context of human resources management, that contracts for external experts and consultants should be awarded through open bidding practices.

-   It is not considered advisable to hold open bidding for recruitment of consultants for technical assistance projects, because such requirements would detract from the Organization's flexibility to employ external consultants in the most efficient and

responsive manner, and impose a cumbersome administrative procedure that would not be justified in all circumstances.

16.   The Report suggests that the IP-Development Matchmaking Database should be linked to WIPO's Technical Assistance Database.

-    While the IP-Development Matchmaking Database and the Technical Assistance Database are linked at the data level once any projects are completed, there is no benefit in integrating the software of the two databases. The technical requirements of the two databases are independent, and they each serve different purposes.

17.   The Report recommends that all WIPO technical assistance on TRIPS-related issues, including budgetary information, should be reported to the WTO for integration in the Global Trade-Related Technical Assistance Database.

-    Although WIPO systematically provides WTO with information on its technical assistance activities to be inputted in the WTO's Global Trade-Related Technical Assistance database, it is not proposed that budgetary information should be given. In this context, WTO itself removed budgetary information from their database as it was judged to have raised too many issues and misunderstandings.

18.   Some of the Report's recommendations as they refer to WIPO's infrastructure-related programs, oversimplify or over-generalize solutions to be adopted.

-    For example, some recommendations refer to IT outsourcing as a preference, or golden rule. By contrast, WIPO practice is to seek to identify best practices in industry ('right sourcing'), since outsourcing may not be more cost-effective of strategically beneficial from a risk management perspective, and in-sourcing may be a better alternative in some circumstances.

-    Similarly, the Report recommends the adoption of open source software. Whereas WIPO practice is to prefer open source when it is deemed advisable in a given situation, following a cost-benefit analysis.

-    The Report also recommends the decentralization of IT support services, whereas WIPO's approach, based on experience, is that decentralization is not always the right approach. The best approach is a combination of centralized control and decentralized regional support, both of which work to complement the other.

-    The Report recommends a one-size-fits-all model for IP Office business solutions. However, business solutions vary from one Office to another, and WIPO's approach needs to be customized to specific Member State needs in this respect.

-    While the Report recommends that PATENTSCOPE be subject to a detailed risk assessment in view of the existence of other public/private patent search services, PATENTSCOPE is not subject to choice as against publicly available databases, and this recommendation is not advisable. It had been agreed that it should be developed as WIPO's strategic asset to promote its goal of narrowing the knowledge gap.

19.   The Report recommends that the content of legislative advice to countries should be publicly available, with Member State consent, to facilitate review and debate by external experts and national stakeholders.

- The drafts and comments prepared by the WIPO Legislative and Policy Advice Section are shared by the recipients of that legislative and policy advice with all national stakeholders that the recipients consider appropriate, within their own network of national and international stakeholders and according to their own interests. The level of confidentiality is assigned by Member States according to their own criteria. Accordingly, the Organization takes measures to ensure that only the requesting authority and their Permanent Mission in Geneva obtain access to the documents. The current practice meets with Member States' approval.

[End of Annex and of document]