

Committee on Development and Intellectual Property (CDIP)

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IMPACT EVALUATION REPORT OF THE PROJECT ON INTELLECTUAL PROPERTY AND SOCIO-ECONOMIC DEVELOPMENT

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1. During the twenty-ninth session of the CDIP, while considering the Adopted Recommendations of the Independent Review – Updated Proposal by the Secretariat and Member States Inputs (document CDIP/29/6), the Committee adopted a number of implementation strategies of those recommendations (paragraph 6.2 of the Summary by the Chair), which, *inter alia*, requested the Secretariat to undertake an impact evaluation of a completed Development Agenda (DA) project every year.
2. The Annex to the present document contains an external independent Impact Evaluation Report of the DA project on “*Intellectual Property and Socio-Economic Development*” (phases I and II), undertaken by Mr. Keith Child, Impact Evaluation and Monitoring Specialist, from Quebec, Canada.

3. *The Committee is invited to consider the information contained in the Annex to this document.*

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LIST OF ACRONYMS

ASEAN	Association of Southeast Asian Nations
CDIP	Committee on Development and Intellectual Property
CHF	Swiss Franc
DA	WIPO's Development Agenda
DACD	Development Agenda Coordination Division
DGIP	Directorate General of Intellectual Property of Indonesia
ENPI	National Intellectual Property Strategy (Estratégia Nacional de Propriedade Intelectual)
EQ	Evaluation Question
FGD	Focus Group Discussion
GIPI	Inter-Ministerial Group on Intellectual Property
IES	Innovation Economy Section
IOD	Internal Oversight Division
IP	Intellectual Property
IPEA	Institute of Applied Economic Research of Brazil (Instituto de Pesquisa Economica Aplicada)
KI	Key Informant
KII	Key Informant Interview
MEL	Monitoring, Evaluation and Learning
MTSP	Medium-Term Strategic Plan
OECD	Organisation for Economic Cooperation and Development
INPI	National Institute of Industrial Property (INPI) of Brazil
ROA	RAPID Outcome Assessment
ToC	Theory of Change
ToR	Terms of Reference
UNEG	United Nations Evaluation Group
WIPO	World Intellectual Property Organization

1. EXECUTIVE SUMMARY

1. This independent evaluation report covers two phases of the Development Agenda (DA) project on *Intellectual Property and Socio-Economic Development* (hereafter the “project”), implemented between 2012 and 2018 (DA_35_37_01 and DA_35_37_02). Adopted respectively during the fifth and fourteenth sessions of the Committee on Development and Intellectual Property (CDIP), both phases of the project sought to narrow the knowledge gap faced by policymakers in designing and implementing a development-enabling IP regime. This evaluation focuses on the project’s long-term impacts and complements two previous evaluations conducted in 2014 and 2018 (documents [CDIP/14/3](#) and [CDIP/22/9 Rev.](#)).

2. The evaluation was guided by the Terms of Reference (ToR) dated February 15, 2023, and was closely coordinated with the Development Agenda Coordination Division (DACD) and the Evaluation Section of the Internal Oversight Division (IOD). Data collection was conducted in June and July 2023.

(A) CONCLUSIONS

3. The evaluation resulted in the following conclusions:

Conclusion 1: The project achieved long-term positive impacts in the beneficiary countries.

4. Evaluative evidence indicates the achievement of WIPO’s relevant expected results¹ in some countries. Due to limitations of the evaluation, impacts could not be confirmed for all countries; however, key informant (KI), focus group discussion (FGD), survey data and document reviews, in general, paint a convincing portrait of an impactful project. Contribution to impacts are identified throughout the evaluation report. Primary impacts include, but are not limited to, the following:

- Promotion of the DA Recommendations 35² and 37³ increased within the beneficiary countries;
- Capacity-building for individuals was sustained and developed over time, contributing to the achievement of impacts after the completion of the project implementation cycle;
- Research on IP issues became more multidisciplinary, notably including economists;
- IP Offices and other beneficiary institutions established enduring networks, and increased priority given to IP issues;
- Databases at the national level improved in overall quality and availability of data, thereby promoting the use of economic data for policymaking;

¹Expected results of the Program and Budget for the 2014/15, 2016/2017, 2018/19 bienniums, namely, V.1: wider and better use of WIPO IP statistical information and V.2: wider and better use of WIPO economic analysis in policy formulation.

² Recommendation No. 35: To request WIPO to undertake, upon request of Member States, new studies to assess the economic, social and cultural impact of the use of intellectual property systems in these States.

³ Recommendation No. 37: Upon request and as directed by Member States, WIPO may conduct studies on the protection of intellectual property, to identify the possible links and impacts between intellectual property and development.

- Conceptual change in the knowledge, understanding and attitudes of researchers and policymakers with regard to the economic benefits and importance of innovation for socio-economic development;
- Analytical capacity built at the country level informed decision-making and policy formulation;
- Increased investments in IP regulation and use by government authorities and private sector.

Conclusion 2: The project implementation context was complex.

5. The project was conducted in a large number of countries with diverse needs and implementation contexts. While the project ownership appeared to be high in the beneficiary countries, feasibility/needs assessments to inform nested country-level theories of change (ToC) might have facilitated a more strategic approach to capacity building, management and setting of impact targets. Furthermore, while project impacts are significant, the project may have been even more impactful had it developed a formalized management response to previous evaluation recommendations (documents CDIP/14/3 and CDIP/22/9 Rev.).

Conclusion 3: Impacts occurred after the project implementation cycle was completed, often through a process called impact tracking (IT).

6. IT is an approach to scaling innovations in complex contexts over a prolonged period of time, during which senior researchers and knowledgeable stakeholders use their professional networks to bring innovations to scale by taking advantage of windows of opportunity through behaviors that resemble “product championing”. Here, the pathway to impact is not through the project *per se*, but rather scaling and influencing is targeted at bringing about a desired impact when and where an opportunity presents itself, aligning advanced pipeline research activities, capacities and professional networks to a concrete demand from next-users (*e.g.*, governments, private sector, international non-governmental organizations (INGOs), *etc.*).

Conclusion 4: Capacity development was more successfully targeted at individuals.

7. While IP Offices and partner institutions benefited from research outputs (*e.g.*, datasets, policy analysis, recognition of the importance of IP issues, *etc.*), only a few individuals in each implementing country benefited in a significant way (*e.g.*, research data required to complete a PhD). A capacity development strategy that is aligned with the project ToC would help to ensure that capacity development activities are appropriate to the achievement of desired impacts (*e.g.*, follow-up support over a prolonged period is more likely to help individuals change practices and employ new skills over a longer term).

(B) RECOMMENDATIONS

8. The project concluded in 2018, and during the intervening years, WIPO has grown as an institution and has undergone many changes. Based on information gathered from KIs, the evaluator understands that some of the recommendations below have already been implemented in whole or in part. Nevertheless, based on the above conclusions, the evaluation makes the following recommendations to WIPO and, specifically, to the Office of the Chief Economist for the use of future projects with similar high-level objectives.

1. Plan to achieve context-specific impacts.

- (a) During the project inception phase, conduct a feasibility study for each country to identify risks and mitigation measures;

- (b) Based on the feasibility study and input from stakeholders, develop nested country-level theories of change (ToCs) with context-specific impact targets;
- (c) Aligned with country-level ToCs, create a capacity development strategy to ensure that capacity development activities can achieve desired outcomes and impacts.
- (d) Recognizing that impacts may occur long after the project implementation cycle, invest in the sustainability of results (e.g., product champions, institutional capacity development, sustainable funding for research activities).

2. Develop a more strategic approach to sharing of results.

- (a) A future project should take steps to ensure wider dissemination (at national and global levels) of results through social media, webinars, blogs, newspaper articles, and academic journals.⁴

3. Require a formal management response to all evaluation recommendations.

- (a) WIPO should require a formal evaluation Management Response to all evaluation recommendations whenever practical. If a formal Management Response is not practical, evaluative recommendations should be considered during a formal learning and reflection process during the Design Phase of carry-over projects. Progress toward implementing the recommendations should be included as part of project reporting. Learning from evaluations is an important step toward achieving impact.

⁴ The outputs of all DA Projects are reported in the [DA Catalogue](#).

2. INTRODUCTION

9. This impact evaluation report presents the findings from an evaluation of the Project on “*Intellectual Property and Socio-Economic Development*”.

10. The report is commissioned following the request by the WIPO’s Committee on Development and Intellectual Property (CDIP) and was conducted in accordance with the evaluation terms of reference (ToR) dated February 15, 2023. Data was collected between June 6 to July 7, 2023, by an external evaluator who worked closely with the WIPO’s Development Agenda Coordination Division (DACD) and the Evaluation Section of the Internal Oversight Division (IOD).

11. This impact evaluation aims to look at the long-term developments of the project’s deliverables and to provide evidence-based evaluative information to support the Committee’s decision-making processes for ongoing and future projects with similar high-level objectives.

(A) PROJECT BACKGROUND AND DESCRIPTION

12. The Project on “*Intellectual Property and Socio-Economic Development*” (hereafter the “project”) aimed to narrow the knowledge gap faced by policymakers in designing and implementing an IP regime and to contribute to better-informed decision-making on IP policies at the national and international levels. Approved at the fifth session of the CDIP in April 2010, the project completed two implementation phases between 2012 and 2018, guided by two different WIPO Medium-Term Strategic Plans (MTSP 2010-2015 and MTSP 2016-2021). Specifically, the project aimed to implement WIPO’s Development Agenda (DA) Recommendations 35 and 37 and to contribute to WIPO’s Expected Results V.1 and V.2, as reflected in Text Box 1. The second Phase (DA_35_37_02) of the project (2016-2018) continued as an “umbrella” project, sustaining the research initiated in Phase I (DA_35_37_01) and extending the implementation to a larger number of beneficiary countries and topics.

Text Box 1: Project’s Link to the DA Recommendations and WIPO’s Expected Results

Development Agenda Recommendations

35-To request WIPO to undertake, upon request of Member States, new studies to assess the economic, social and cultural impact of the use of intellectual property systems in these States.

37-Upon request and as directed by Member States, WIPO may conduct studies on the protection of intellectual property to identify the possible links and impacts between IP and development.

WIPO’s Expected Results⁵

V.1 -wider and better use of WIPO IP statistical information.

V.2 -wider and better use of WIPO economic analysis in policy formulation.

13. The project conducted economic studies focused on the relationship between IP protection and economic performance to enhance the knowledge-policy interface in developing countries and to contribute to better-informed decision-making on IP policies. The project conducted original research on multiple themes upon request of the beneficiary countries and

⁵ Expected results of the Program and Budget for the 2014/15, 2016/2017, 2018/19 bienniums.

strengthened their analytical capacities and data sources. Activities undertaken by the project included high-level briefings, meetings, workshops and seminars with stakeholders to disseminate findings and build capacity. Appendix I lists a summary of project deliverables by implementation phase and location.

14. Project outputs were targeted primarily at policymakers and their advisors, though other potential beneficiaries included non-governmental organizations (NGOs), academic economists and the public at large. The project was managed by WIPO's Office of the Chief Economist and implemented in collaboration with international and local experts and researchers. The project resulted in building internal capacity and expanding the Office of the Chief Economist.

15. All project activities were designed for developing countries and countries with economies in transition. Expected positive impacts fell entirely within a policy or capacity development impact pathway. In both cases, the implementation context is characterized as complex, and causal pathways from activities to impact are long-term. The project document ([CDIP14/7](#)) outlines the objectives, delivery strategy and links to related WIPO programs and DA projects. Appendix II outlines a reconstructed project ToC summarizing the implementation logic, impact pathways and expected outcomes.⁶ Text Box 2 provides a concise summary statement of the project ToC.

Text Box 2: Concise Summary of Project Theory of Change and Expected Impact

Developing the capacity and knowledge of decision-makers to use research evidence will lead to evidence-based policy decisions that improve the socio-economic development of the beneficiary countries.

16. The total budget for both phases of the project was CHF 2,292,700. The budget and number of countries increased significantly in the Phase II of the project. Table 1 summarizes each project phase's objectives, budget, duration, and beneficiary countries.

⁶ The reconstructed project ToC was developed by the Evaluation Section of the IOD, in collaboration with the DACD and the IP and Innovation Ecosystems Sector.

Table 1: Summary of the Implementation Phases of the Project

Phase	Objective	Implementation	Budget (CHF)	Duration
1	Contribute to narrowing the knowledge gap faced by policymakers in developing countries through economic studies on the relationship between IP protection and the various aspects of economic performance; these studies prioritized three broad themes: domestic innovation, international and national diffusion of knowledge, and institutional features of the IP system and its economic implications.	Brazil, Chile, China, Egypt, Thailand, and Uruguay	1,491,700	Jul.12 – Dec.13
2	Promote the sustainability of the research initiated in the project's first Phase and extend the study work to new countries and regions as well as to new topics not covered in Phase I. Creation and maintenance of analytical capacity in countries where little economic studies work on IP had been undertaken.	Colombia, Chile, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Indonesia, Nicaragua, Panama, Philippines, Poland, Thailand and Uganda	801,000	Jan.15 – Jun.18
Total		20 countries	CHF 2,292,700	6 years

(B) PURPOSE, METHODOLOGY AND LIMITATION OF THIS EVALUATION

17. The object of this impact evaluation is the project, comprising two complementary phases of implementation between 2012 and 2018, with due consideration to the effective completion date of the project and the context of each beneficiary country.

18. The ToR identifies four focus areas for evaluation. Based on consultation with the Evaluation Manager and following the WIPO Evaluation Policy, the evaluator refined the focus areas into six evaluative questions corresponding to the Organisation for Economic Cooperation and Development (OECD)/Development Assistance Committee (DAC) evaluation criteria, with the majority related to impact, as reflected in Table 2.

Table 2: Evaluation Questions and Criteria

EQ	Lines of inquiry	Criteria
1	Are the project's approach and deliverables still relevant?	Relevance
2	Are the project's results sustainable?	Sustainability
3	What are the intended and unintended impacts of the project in beneficiary countries?	Impact
4	What are the intended and unintended impacts of the project within WIPO?	Impact
5	What conditions have enabled or hindered the achievement of intended impacts?	Impact
6	What lessons can be learned to inform future projects within WIPO on how to make progress toward the desired impact?	Impact

19. Overall, the evaluation was guided by the evaluation matrix shown in Appendix IV. The evaluation used judgement criteria, sources of information and analytical techniques described in the evaluation matrix to arrive at evaluative judgements.

20. The evaluation drew upon qualitative and quantitative data sources and analysis methods to elicit evaluation questions (EQ) answers. Data was collected from a mix of primary and secondary sources using the following methods: case study analysis, structured document analysis, a survey of beneficiaries; key informant interviews (KIIs); and focus group discussions (FGDs).⁷ Data collection was tailored to be most appropriate for specific groups (Table 3). Qualitative and quantitative sources were purposefully selected based on their strengths and used to triangulate findings and mitigate against biases.

Table 3: Summary of Stakeholder Data Collection

	Key Informant Interview	Focus Group Discussion	Online survey
WIPO Secretariat	X		X
National IP Offices, national and international experts and other stakeholders		X	X

21. Two case studies provided an extra layer of illustrative and explanatory depth (*e.g.*, *how*, *why* and *for whom* questions) to help illuminate evaluative findings. Case studies were built using outcome trajectory evaluation (OTE) (Douthwaite et al., 2023). The approach involves selecting a significant project impact and then backcasting to describe the patterned set of interactions between actors, knowledge, technology and institutions that generated the impact and the project's contribution to the impact. As an approach, OTE borrows from contribution analysis (Mayne, 2012), outcome harvesting and process tracing. The key assumption upon which OTE is based is that the evaluand has contributed to significant policy-related change. The approach is particularly suitable for analyzing the impact of research for development projects with long causal chains (Child et al., 2021), which is relevant to the object of evaluation in question.

⁷ The online survey of stakeholders was available in English, French and Spanish.

22. In consultation with the Evaluation Manager and following selection criteria outlined in the evaluation ToR, case studies were purposefully selected to be representative of positive project impacts over both phases of implementation (Brazil and Indonesia).

23. For this evaluation, the focus was on policy-related impacts, including the following (Renkow, 2018):

- Changes in laws and regulations governing economic incentives;
- Creation and strengthening of institutions;
- Changes in government and private sector investment priorities and budget allocations;
- Innovations to the operation and management of government and private sector agencies and programs;
- International treaties, declarations, or agreements among parties reached at major policy conferences.

24. Policy-related impacts are the main focus of case studies as they tend to emerge first and have the potential to bring significant benefits on a large scale, even though they often require a long causal pathway. Also, given its goals and implementation strategy, they are impacts that the project was most likely to generate.

(C) KEY PURPOSE OF THE METHODOLOGY

25. The impact evaluation builds upon and adds to existing evaluations conducted in 2014 and 2018. Of most interest here, the Phase II evaluation (CDIP22/9) noted:

It is early in general to assess the impact of the work carried out in Phase II of the project, but there are significant signals that the work carried out in the context of the umbrella project is bringing about a much better understanding of the role of IP and the pioneering work done in “cleaning” the existing data and building new datasets that link traditional IP statistics with economic general information is a great step forward.

26. The evaluation was tasked to look beyond implementation effectiveness and consider longer-term impacts in multiple country contexts (Text Box 3).

Text Box 3: Terminology Clarification

In accordance with the ToR, the evaluation employs the following definitions of impact:

Secondary Impacts: the high-level aspirations of the project’s implementers and stakeholders (*i.e.*, the project’s “North Star”).

Primary Impacts: the project’s accountability ceiling takes into account that its activities and deliverables are research focused. Primary impacts are those that the project can plausibly contribute to but cannot directly bring about by itself.

27. The specific objectives of the evaluation are threefold:

- a) Provide evidence of impact over two phases of project implementation.
- b) Provide evaluation evidence and generalized learning to inform ongoing and future projects with similar high-level objectives within and outside WIPO.
- c) Provide project accountability to Member States at the CDIP on the project’s long-term impact.

3. MAIN LIMITATION OF THIS EVALUATION

28. The evaluation occurred roughly five years after the Phase II of the project was completed (eight years after the completion of Phase I). The context of the project implementation was complex (Text Box 4), and data collection was limited due to time and budget constraints. All of these factors combine to pose challenges for the evaluation:

- a) Staff turnover, retirements, and a reluctance from people no longer on the project payroll to answer evaluative questions limited the potential number of stakeholders to those who were available and willing to be interviewed.
- b) Due to time and budget constraints, the evaluation focused on only two case studies. Case study selection was intentionally biased toward those likely to demonstrate positive change. Consequently, it is possible that the case studies were not representative of the beneficiary countries in general.
- c) No field visits were conducted. Data collection was limited to known stakeholders and did not include a broader range of stakeholders who might have identified or expanded upon impacts.
- d) An online survey was sent to stakeholders in three languages (English, French and Spanish). Stakeholders were sent two follow-up reminders to complete the survey during a two-week window (June 21 to July 7). In total, 23 stakeholders took the survey, as reflected in Appendix V.

4. FINDINGS AND ASSESSMENT

29. The evaluation findings are presented below, organized according to the six evaluation questions in Table 2.

(A) ARE THE PROJECT'S APPROACH AND DELIVERABLES STILL RELEVANT?

30. The project aimed to support developing and modernizing IP Offices in beneficiary countries in line with their national priorities and strategies. According to previous evaluation reports, the project was highly valued and appreciated by the beneficiary IP Offices, who demonstrated a strong sense of ownership and commitment throughout the implementation process. This suggests that the project responded effectively to the needs and objectives of the beneficiary countries and aligned with their IP policies and plans. Survey respondents and KIIs strongly affirmed the project's continued relevance and importance (Figure 1). Most significantly, stakeholders found that the project strengthened their organization (Figure 2); noted impacts include increased responsiveness to stakeholders, improved research capacity, more development-oriented goals and increased priority given to IP issues within the organization.⁸ While positive news in itself, it should be noted that KIIs also expressed the continued need for research and capacity building on how IP can foster socio-economic development through evidence-based policy, the continued need to improve statistical data and the need to renew and build human resource capacity.

⁸ Findings of the survey of stakeholders.

Figure 1: Majority of Participants Agree Project Goals Are Aligned with of Beneficiary Organizations

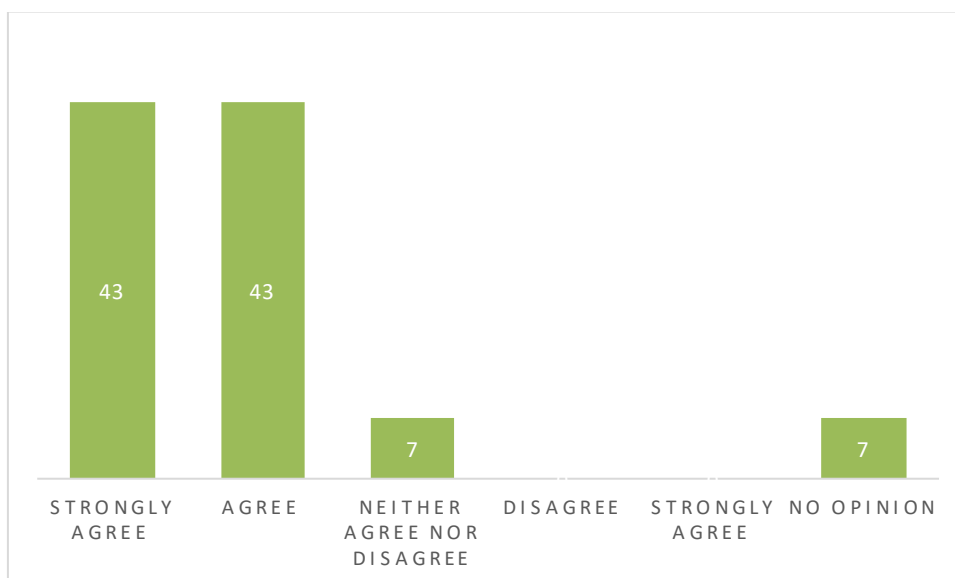
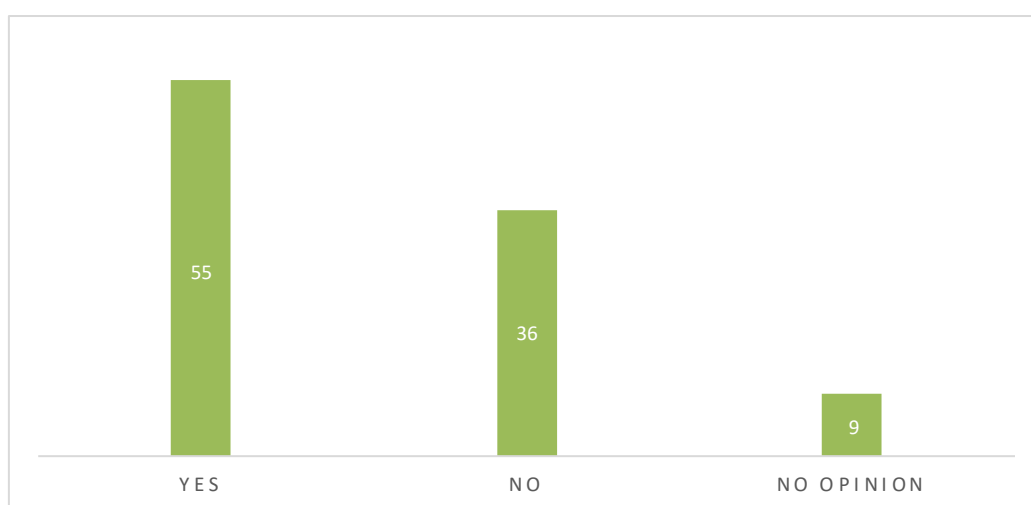


Figure 2: Majority of Participants Agree Project Strengthened Organizational Capacity



31. The project supported Member States in providing accurate and timely data on their IP activities, which is essential for the WIPO Secretariat to produce reliable and comprehensive statistics (e.g., World Intellectual Property Indicators (WIPI)). The project thus aligned with the Secretariat's objective of delivering high-quality data to inform policymaking and public awareness. Because the WIPI remains a key resource for policymaking, the project can be said to contribute to impacts that are derived from them.⁹

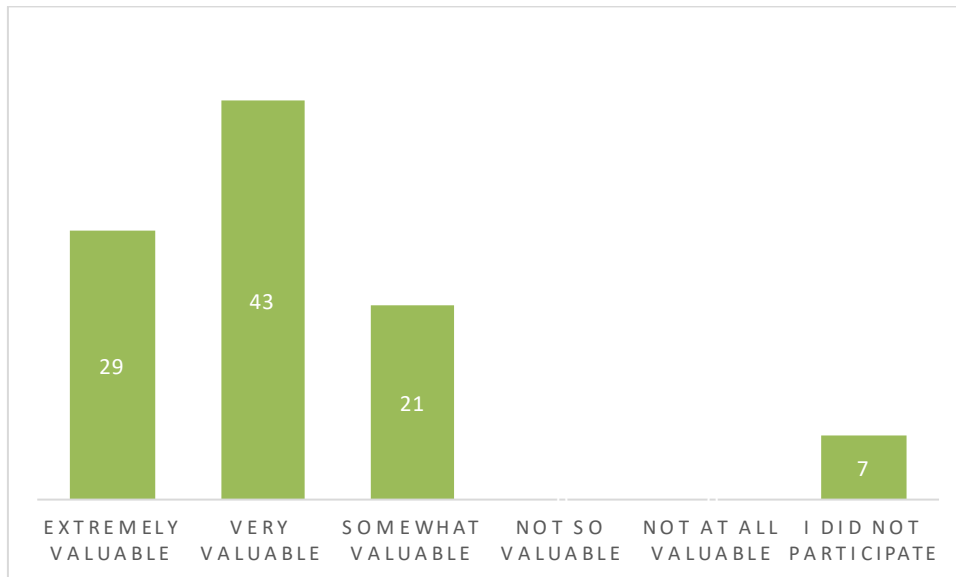
Individual Level

32. Survey respondents overwhelmingly found that the project helped develop their capacities (92 per cent found the capacity development activities valuable), which they have carried forward as their careers advanced (Figure 3). While triangulating this information with key informants, several KIs noted that the project functioned as a “launching pad” for their research careers in IP, which might not have occurred given the relatively low profile of IP in their countries before the project. To the extent that individual capacity building has been sustained

⁹ The *World Intellectual Property Indicators* are published annually to function as a tool for policymakers and other stakeholders.

and expanded upon over time, the project can be said to have had an impact by contributing to the necessary body of skills and expertise required to conduct high-quality IP research.

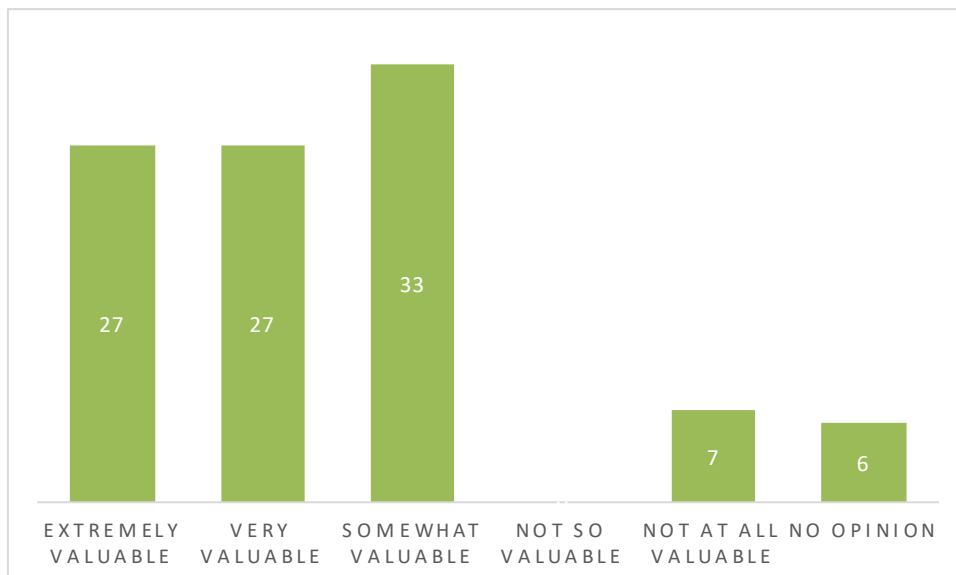
Figure 3: Most Participants Valued Capacity Development Activities



Organizational Level

33. The project activities positively impacted the organizations of the survey respondents and KIs, as shown in Figure 4. Most stakeholders reported that the project helped them increase their awareness of IP and improve their efficiency and responsiveness. KIs also mentioned that the project succeeded in helping to build awareness among policymakers on how to use economic data for policymaking. Project participants who found little or no benefit to their organizations belonged to large universities in which the publication of research is a normal activity with no expected impact on the university.

Figure 4: Research Outputs Where of Value to Most Organizations



34. One of the challenges faced by the project was the dependence on external consultants for research and analysis. A key informant explained that “our office needs some support from external parties so that we can produce this kind of work ... we do not really have the capacity

to do it.” This approach may have enhanced the research output of beneficiary organizations in the short term, but it also minimized the long-term impact of capacity development since consultants tend to be highly mobile and leave with valuable institutional knowledge acquired during the project implementation (excluding long-term consultancies).

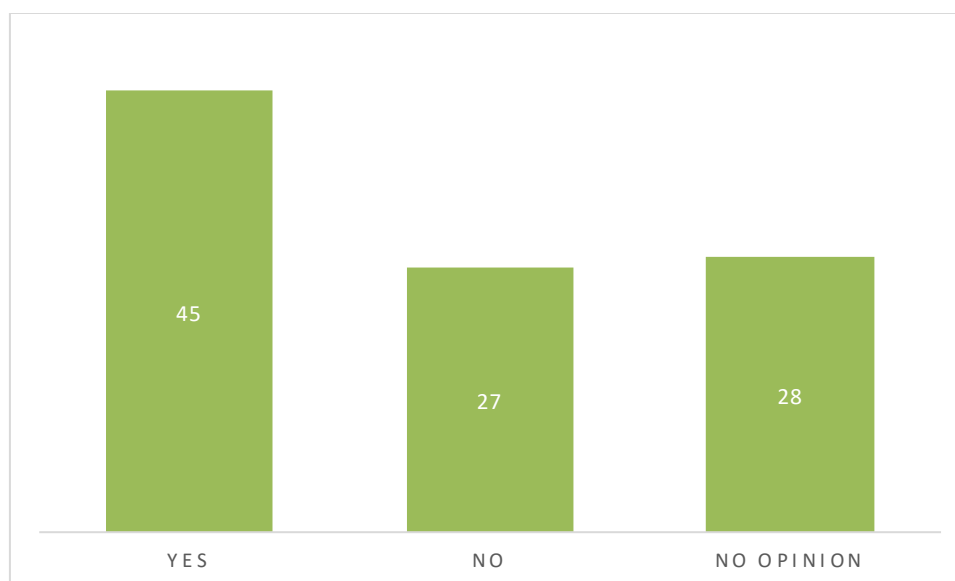
(B) WHAT ARE THE INTENDED AND UNINTENDED IMPACTS OF THE PROJECT IN THE BENEFICIARY COUNTRIES?

35. At the country level, the project contributed to a number of impacts. However, in most cases, the level of contribution cannot be rigorously tested, given the limitations of the evaluation.

36. A common outcome of IP research, as reported by the survey respondents and KIs, is a conceptual impact on the knowledge, understanding and attitudes of researchers and stakeholders with regard to the economic benefits of innovation. This impact reflects the growth of multidisciplinary IP research that requires large-scale collaborations across different research frameworks, methods and perspectives, as well as different individuals, institutions and funding sources. While the project cannot claim direct attribution for this impact, it is clear from stakeholders that it significantly contributed to this change.

37. A sizable number of survey respondents (45 per cent) noted that the project contributed to government or private sector investment priorities (Figure 5). Specifically, the research outputs and increased capacity of beneficiary countries to report on IP issues helped to convince private sector actors of the economic importance of IP regulation. The project, therefore, can be said to have contributed to a positive feedback loop in which increased awareness of IP issues contributed to increased investment in innovation and IP registration, leading to even more awareness and investment. Other impacts noted during the evaluation include a contribution toward the increased use of utility models by national authorities.

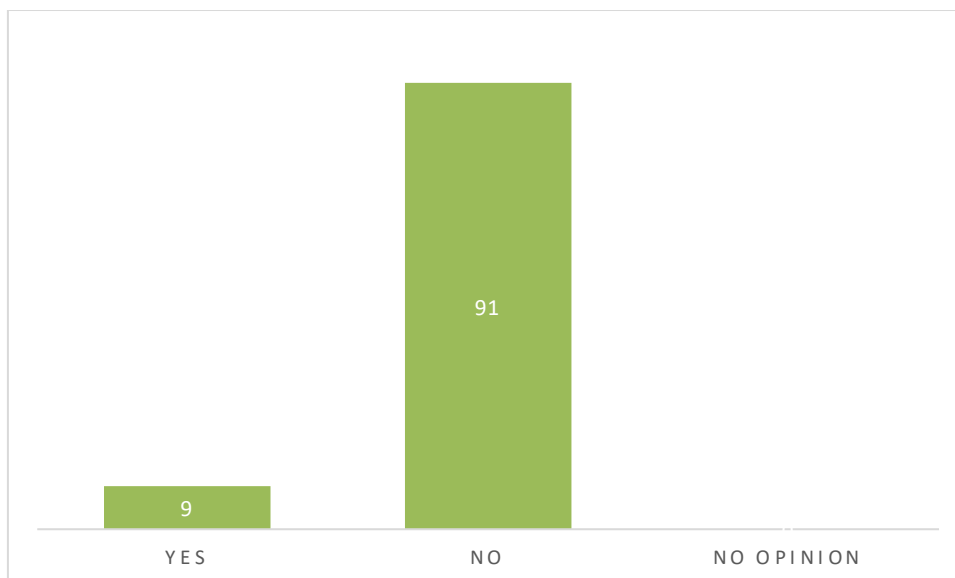
Figure 5: Majority of Participants Agree that Project Contributed to Increased Government or Private Sector Investment



38. There was little evidence that the project contributed to a change in the management of IP Offices or other organizations. However, there is evidence from the Brazil case study that the

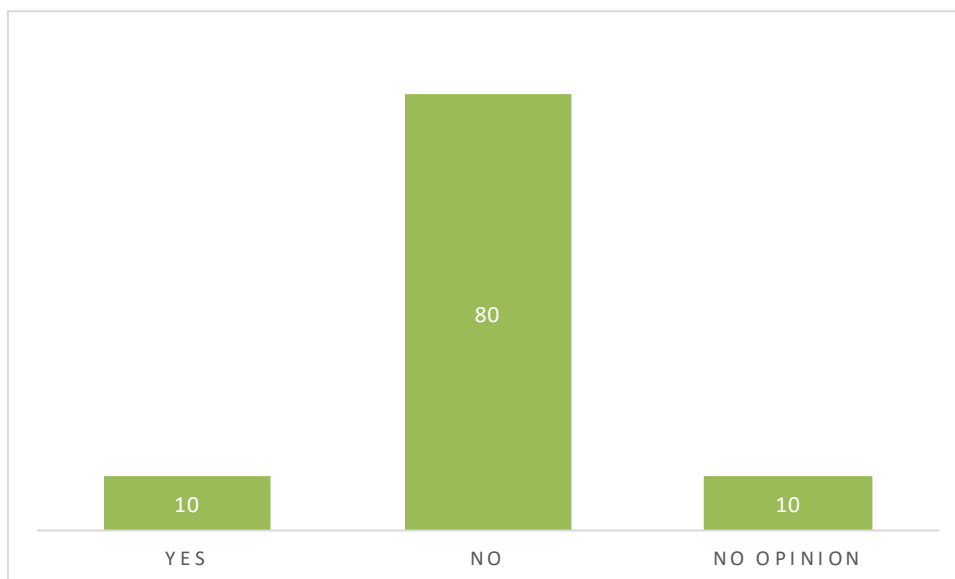
availability of data produced by the project contributed to more evidence-based decision-making.¹⁰

Figure 6: Most Participants Indicate the Project Had No Impact on the Management Practice at Their Organization



39. The project did not produce any measurable outcomes related to an international agreement, treaty or declaration (Figure 7). This is consistent with the project's main objectives of conducting IP research and strengthening IP capacities.

Figure 7: Majority of Participants Indicate the Project Did Not Contribute to Decision to Sign a Treaty, Declaration or Agreement



(C) WHAT ARE THE INTENDED AND UNINTENDED IMPACTS OF THE PROJECT WITHIN WIPO?

40. The project contributed to expanding the Office of the Chief Economist and building internal capacity to undertake empirical economic analysis on IP and development for use by

¹⁰ Brazil and Indonesia case studies can be found on page 19.

policy makers. Despite such contribution, the project did not plan for this role and influence in those processes. Moreover, WIPO has made several other adjustments to its leadership and governance during this period.

(D) ARE THE PROJECT'S RESULTS SUSTAINABLE?

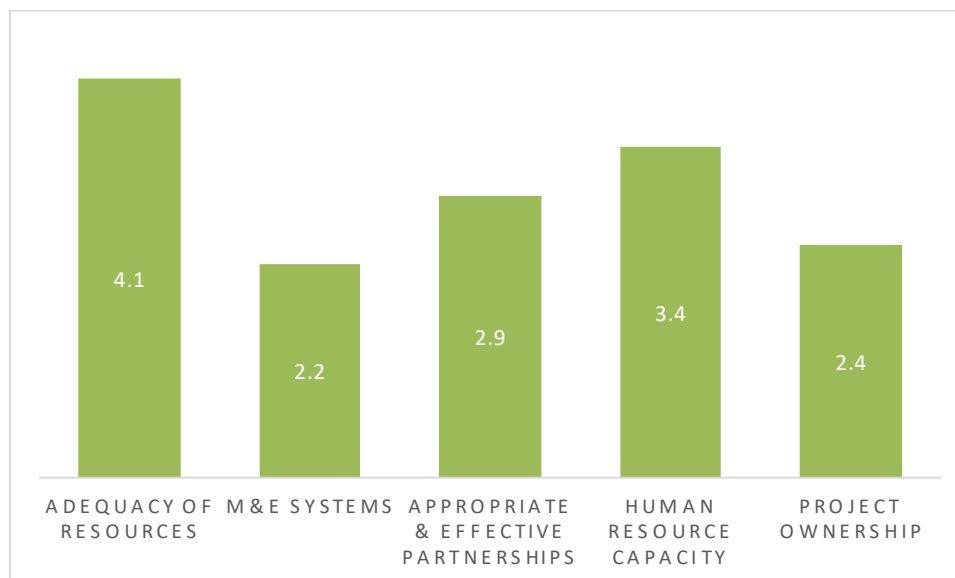
41. The project achieved sustainable impacts by training and guiding IP Offices on how to conduct economic analysis using IP data. This remarkable impact occurred in parallel to a shift in disciplinary focus from legal scholars and lawyers in the first phase of the project to a more diverse group of researchers, including those in the field of economics. The project cannot claim attribution, but it can reasonably claim to have contributed to developing a more multidisciplinary approach to IP research in beneficiary countries.

42. In terms of knowledge production, the project achieved two main outcomes: i) a comprehensive documentation of the data sources, methods, and indicators used to analyze the patterns and features of IP use in different contexts; and ii) a reliable and relevant data set to assess the impact of IP on various aspects of society and the economy in the beneficiary countries. The project documentation can serve as a reference and a template for future studies using similar data and approaches and is thus largely replicable. The dataset can enable a better understanding of the socio-economic implications of IP and their use by stakeholders. The Indonesia case study illustrates this latter impact.¹¹

(E) WHAT CONDITIONS HAVE ENABLED OR HINDERED THE ACHIEVEMENT OF INTENDED IMPACTS?

43. Survey respondents highlighted three critical conditions that enabled the achievement of impacts: 1) the provision of adequate resources (including budgetary considerations) to enable high-quality research; 2) appropriate and effective partnerships; and 3) buy-in and ownership of Member States participating in the project. KIs and qualitative survey responses also emphasized the importance of recruiting high-quality researchers with an established publication record and a deep, contextual knowledge of country-specific IP issues (Figure 8).

Figure 8: Adequacy of Resources is the Most Important Enabling Condition to Achieve Impact



¹¹ Brazil and Indonesia case studies can be found on page 19.

44. The reconstructed project ToC outlines 15 enabling conditions that the project beneficiaries regarded as necessary to achieve impact. While evaluative evidence is insufficient to validate each hypothesis, survey results (both quantitative and qualitative data) support the following:

- The project team had sufficient resources and autonomy to implement the project in the selected countries effectively and efficiently.
- The project proposal adopted had the buy-in of all Member States, particularly those in which the project was conducted.
- The project's objective and activities were aligned with and contributed to the beneficiary countries' priorities on socio-economic development.

45. KIs also emphasized a fifth enabling or strategic approach, namely, the ability of researchers to "take advantage of political interest and windows of opportunity" to pursue the achievement of impacts. These "windows of opportunity" were evident in both the Brazil and Indonesian case studies in which IP research advanced rapidly as a subject of study across academic disciplines (e.g., economics, law, business studies, etc.).

46. KIs repeatedly mentioned two factors as hindering the achievement of country-level impacts: 1) the lack of rigorous country assessments that anticipated risks associated with structural bottlenecks, implementation capacity and readiness; 2) the lack of country-specific implementation strategies and impact targets. Foundationally, both factors result from the complex and diverse implementation contexts in which the project operated. To this extent, needed recognition and planning for project implementation in complex settings emerged as a point of agreement among KIs.

47. Finally, the project has undergone two previous evaluations leading to project recommendations. While recommendations may have been implemented to some extent, the project did not require a formal "Management Response" to document follow-up actions. To help ensure that WIPO project managers learn from and use evaluative recommendations from independent, external evaluations, an evaluation Management Response could be standard practice whenever practical. If a formal Management Response is not practical, an alternative approach is to develop a formal process of learning and reflection from evaluations during the Design Phase of carry-over projects (e.g., during the design of Phase II of the project).

(F) WHAT LESSONS CAN BE LEARNED TO INFORM FUTURE PROJECTS WITHIN WIPO ON HOW TO MAKE PROGRESS TOWARD THE DESIRED IMPACT?

48. The following four key lessons can guide the design and execution of similar projects in the future. These lessons are especially important for ensuring that the projects have a positive and lasting impact.

- a) Planning for impact: Aligned to the overall goals of the project and nested within a high-level ToC, country-specific ToCs should be created to set outcome and impact targets and facilitate more strategic interventions. These country-level ToCs should provide tangible outcomes and impact targets, testable ToC assumptions, key agents/actors, and potential/real positive feedback loops indicative of the complex and adaptive systems (Text Box 4) in which the project is implemented.
- b) Timing of Impacts: Project impacts (primary and secondary) occurred after the completion of the project implementation cycle. This implies that more attention should be paid to improving the sustainability of project outcomes (e.g., targeting capacity development at the institutional level and grooming project "champions" within them, building enduring

professional networks, etc.). An explicit “sustainability” objective should be built into the achievement of project outcomes.

- c) Windows of Opportunity: Impacts are most likely when: 1) decision-makers agree upon a clearly defined problem; 2) an innovation is available to address the problem; and 3) there is political willingness to employ the proposed solution (Figure 9). This hypothesis suggests three foundational assumptions that should be made explicit in a project ToC.
- d) Sharing of results: The project generated significant research outputs, as reflected in Appendix I. Project papers are published by WIPO.¹² However, the need to share results more widely was a frequent comment from KIs who noted that more effort should be made to disseminate research results, including through social media, conferences, and journal publications.

Text Box 4: Characteristics of a complex adaptive system

Emergence: Patterns emerge from self-organization among interacting agents. What emerges is beyond, outside of, and oblivious to any notion of shared intentionality. Each agent or element pursues its own path, but as paths intersect and elements interact, patterns of interaction emerge, and the whole of the interactions becomes greater than the separate parts.

Nonlinearity: Sensitivity to initial conditions; small actions can stimulate large reactions, thus the butterfly wings (Gleick 1987) and black swans (Taleb 2007) metaphors, in which highly improbable, unpredictable and unexpected events have huge impacts.

Dynamical: Interactions within, between and among subsystems and parts within systems are volatile, turbulent, cascading rapidly and unpredictably.

Uncertainty: Under conditions of complexity, processes and outcomes are unpredictable, uncontrollable and unknowable in advance.

Co-evolutionary: As interacting and adaptive agents self-organize, ongoing connections emerge that become co-evolutionary as the agents evolve together (co-evolve) within and as part of the whole system over time.

Adaptive: Interacting elements and agents respond and adapt to each other so that what emerges and evolves is a function of ongoing adaptation among both interacting elements and the responsive relationships interacting agents have with their environment.

Source: Patton 2010.

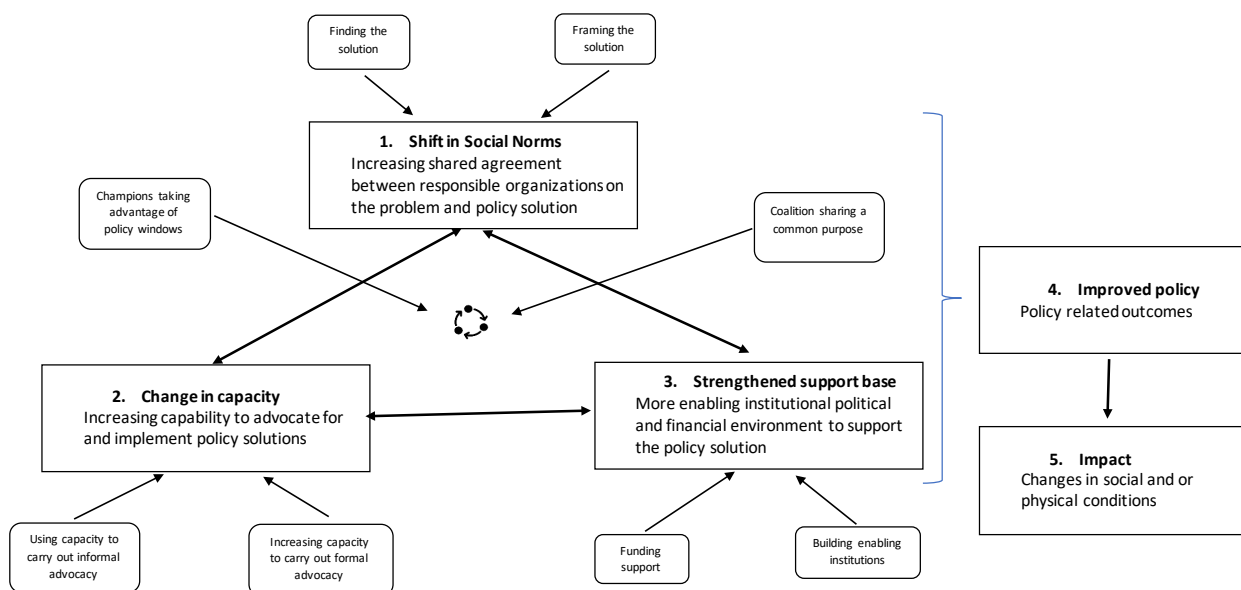
49. Finally, the project was premised on, among other things, the assumption that there are capacity gaps in beneficiary countries related to the effective use of evidence in policymaking. Consequently, capacity development activities largely targeted technical policy, research staff, and academics through meetings, workshops, and seminars. While these activities may have produced positive outcomes, one-off training events are unlikely to embed new skills at an institutional level. This was evidenced by several KIs who pointed to the continued need for capacity building within IP Offices.

¹² <https://www.wipo.int/publications/en/> and <https://dacatalogue.wipo.int/projects>

5. BRAZIL AND INDONESIA CASE STUDIES

50. The evaluation employed Kingdon and Stano's (1984) Policy Window theory as a shared framework to develop two case studies of IP policy influence in Brazil and Indonesia. Using a middle-range theory of policy change facilitates comparison and helps to provide an analytical focus. The theory uses the analogy of "policy streams" to describe how some policy ideas become a reality while others are ignored or forgotten. Kingdon and Stano argue that three policy streams are crucial for policy change: 1) the "problem stream", which refers to a social issue that demands action; 2) the "policy stream", which consists of possible solutions that are generated by policymakers and other actors; and (3) the "politics stream", which relates to changes in political factors, such as elections, public opinion, or interest groups. These streams are usually separate, but sometimes they converge and create a "policy window", a brief opportunity for policy change (Figure 9). Policy champions can influence the opening of policy windows by linking two or more streams together, either by anticipating events or by exploiting unexpected ones.

Figure 9: Policy Window Theory of Case Studies¹³



(A) SUMMARY OF THE IP SITUATION IN BRAZIL (2012 TO PRESENT):

51. While not a direct consequence of the project, IP regulation and use in Brazil have undergone significant changes in the last decade, reflecting the country's efforts to foster a culture of innovation and competitiveness. Brazil is a member of the major international treaties on IP law, such as the Paris Convention, the Patent Cooperation Treaty (PCT), the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), the Hague System, the Madrid Protocol, the Berne Convention and the Nagoya Protocol. IP rights in Brazil are constitutionally guaranteed and regulated by Federal Law #9,279/1996 (Brazilian Patent Statute), which covers patent, trademark, industrial design, geographical indications and unfair competition protection.

52. One of Brazil's most recent and relevant developments in IP regulation was the launch of the National Intellectual Property Strategy (Estratégia Nacional de Propriedade Intelectual (ENPI)) program in 2020, intending to create a balanced and effective national IP system that promotes creativity, investment in innovation and access to knowledge. The ENPI program

¹³ Adapted from Kingdon and Stano's (1984) model of policy change, adapted by Douthwaite *et al.* (2022).

involves several actions and goals to improve IP awareness, education, enforcement, management and international cooperation in Brazil. Some of the expected outcomes of the ENPI program are: increasing the number of patent applications and grants; reducing the backlog and pendency times at the National Institute of Industrial Property (INPI) of Brazil; enhancing IP protection for traditional knowledge, biodiversity and cultural expressions; strengthening IP dispute resolution mechanisms, and fostering IP-based partnerships and technology transfer.

53. Brazil also made progress in simplifying and modernizing its IP procedures and services. For instance, since 2019, Brazil has joined the Madrid Protocol, which allows applicants to seek trademark protection in multiple countries through a single application. Brazil also joined the Hague System in 2020, which enables applicants to register industrial designs internationally with one application. Moreover, Brazil implemented several cooperation agreements and pilot projects with other countries and organizations to expedite patent examination and harmonize patent standards. Additionally, Brazil recognized that royalties can be paid to unregistered IP rights since 2022, allowing for tax deductions where the contracts are registered with INPI.

54. In conclusion, IP regulation and use in Brazil have evolved considerably from 2012 to the present, reflecting the country's commitment to aligning its IP system with international standards and best practices. Brazil adopted several measures to improve its IP legal framework, infrastructure, enforcement and cooperation to stimulate innovation and development. In 2021, Brazil's patent office granted 31.7% more patents than in the previous year (WIPO, 2022). The project should be regarded as one of many contributing factors that played an important role in this transformation. However, there are still challenges and opportunities for further improvement in IP regulation and use in Brazil, such as increasing IP awareness among different sectors of society; enhancing IP protection for emerging technologies; addressing IP-related issues in e-commerce and digital platforms; and fostering a more balanced and inclusive IP system that respects human rights and social interests (Vasconcelos and Silva, 2019).

(B) SUMMARY OF THE IP SITUATION IN INDONESIA (2012 TO PRESENT)

55. IP regulation and use in Indonesia have significantly changed over the past decade. As with Brazil, the project was undoubtedly only one factor among many that contributed to this change. In 2012, Indonesia enacted a new IP law to harmonize its IP system with international standards and improve the protection and enforcement of IP rights. The law introduced new provisions on patentability, trademark registration, copyright protection, trade secrets, geographical indications, and plant variety protection. The law also established a specialized IP court and an IP Office to handle IP-related disputes and administration.

56. Since then, Indonesia has tried implementing and improving its IP regime by issuing regulations on IP licensing (*i.e.*, Government Regulation No. 36 of 2018 on the Recordal of Intellectual Property License Agreements), patent examination, trademark opposition, and online infringement. Indonesia also participated in various regional and bilateral IP cooperation initiatives, such as the Association of Southeast Asian Nations (ASEAN) Economic Community, the Regional Comprehensive Economic Partnership, and the Indonesia-Australia Comprehensive Economic Partnership Agreement. These initiatives aim to enhance IP cooperation and harmonization among the participating countries and to facilitate trade and investment.

57. However, Indonesia still faces challenges in ensuring adequate IP protection and use, such as low public awareness of IP rights, inadequate human and financial resources for IP administration and enforcement, high costs and delays in IP registration and litigation, and persistent issues of piracy and counterfeiting (European Commission, 2021). Indonesia needs

to address these challenges by strengthening its IP infrastructure, capacity, and coordination and fostering a culture of innovation and creativity among its people.

(C) LESSONS FROM CASE STUDIES

58. In Brazil and Indonesia, the project helped to create a multidisciplinary group of IP experts who increased the quality of IP data, thereby providing evidence-based data to policymakers. In both cases, individuals with expertise in IP were critical to achieving impacts; and in both cases, the primary impact occurred well after the project implementation cycle, suggesting the enduring impact of the project.

59. In Indonesia, the WIPO study on industrial design (also conducted in the Philippines and Thailand)¹⁴ showed that industrial design rights helped innovators recover their investment in the design process and played a supporting role in stimulating a form of innovation in middle-income country firms. The study also revealed that design innovation is key to increasing exports. The study used a rigorous survey method that improved the quality of the database for tracking industrial design applicants. As one KI put it, “before the survey, our database lacked basic information about applicants, including phone numbers and correct addresses.”¹⁵ An improved database, evidence-based conclusions and improved capacity strengthened the Directorate General of Intellectual Property (DGIP) in Indonesia.

60. Presently, Indonesia is revising its Industrial Design Law. A strengthened DGIP has played a significant role in the process by proposing to the parliament changes to Law no. 31 of 2000, reflecting the survey findings and applicant registration process. The proposed amendments to the industrial design law are intended to improve the registration of applicants and expand the means of protecting design rights.

61. In Brazil, project research outputs played a catalytic role by increasing the quality or relevant IP database and strengthening the broader network of institutions, academics and policymakers with an interest in IP regulation and use. According to one KI, “after this partnership between WIPO and the Institute of Applied Economic Research (Instituto de Pesquisa Economica Aplicada (IPEA)), including the participation of the Inter-Ministerial Group on Intellectual Property (GIPI), IP became a more relevant subject to be studied and analyzed.”¹⁶ In doing so, the project played a critical role in helping to develop multidisciplinary research capacity. One KI put it this way, “the main impact was making the IP topic relevant between economists. In Brazil, ten years ago, the subject was analyzed mainly by lawyers and research advocates in the health sector. After the project, other economic studies about IP were stimulated.”

62. In helping to broaden and deepen research into IP, the project increased the capacity of researchers in academia, the INPI and elsewhere. According to KIs, the skills generated by the project helped to make possible other significant studies; for example, a researcher engaged with the project later went on to help lead the WIPO Hotspots project.¹⁷ Today, researchers who were originally engaged in the project are actively involved in helping to develop the Brazilian government's ENPI.¹⁸

¹⁴ Understanding the Use of Industrial Designs in ASEAN Countries (2018), available at : <https://tind.wipo.int/record/29067>

¹⁵ KII, 03 July, 2023.

¹⁶ FGD, 26 June, 2023.

¹⁷ Global Innovation Hotspots, 2022, available at: <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-qih-brazil-en-global-innovation-hotspots-a-case-study-of-s%C3%A3o-paulo-s-innovation-ecosystem-local-capabilities-and-global-networks.pdf>

¹⁸ Survey of stakeholders.

6. CONCLUSIONS

63. **Conclusion 1: The project achieved long-term positive impacts in the beneficiary countries.**

64. Evaluative evidence indicates the achievement of WIPO's expected results (Text Box 1) in some countries. Due to limitations of the evaluation, impacts could not be confirmed for all countries; however, KIs, FGDs, survey data and document reviews paint a convincing portrait in general of an impactful project. Contribution to impacts are identified throughout the evaluation report. Primary impacts include, but are not limited, to the following:

- Promotion of the DA Recommendations 35 and 37 increased within the beneficiary countries;
- Capacity-building for individuals was sustained and developed over time, contributing to the achievement of impacts after the completion of the project implementation cycle;
- Research on IP issues became more multidisciplinary, notably including economists;
- IP Offices and other beneficiary institutions established enduring networks and increased priority given to IP issues;
- Databases at the national level improved in overall quality and availability of data, thereby promoting the use of economic data for policymaking;
- Conceptual change in the knowledge, understanding and attitudes of researchers and policymakers with regard to the economic benefits and importance of innovation for socio-economic development;
- Analytical capacity built at the country level informed decision-making and policy formulation;
- Increased investments in IP regulation and use by government authorities and private sector.

65. **Conclusion 2: The project implementation context was complex.**

The project was conducted in a large number of countries with diverse needs and implementation contexts. While the project ownership appeared to be high in the beneficiary countries, feasibility/needs assessments to inform nested country-level theories of change (ToC) might have facilitated a more strategic approach to capacity building, management and setting of impact targets.

66. Furthermore, while the project impacts are significant, the project may have been even more impactful had it developed a formalized management response to previous evaluation recommendations (documents CDIP/14/3 and CDIP/22/9 Rev.).

67. **Conclusion 3: Impacts occurred after the project implementation cycle was completed, often through a process called impact tracking (IT).**

68. IT is an approach to scaling innovations in complex contexts over a prolonged period of time, during which senior researchers and knowledgeable stakeholders use their professional networks to bring innovations to scale by taking advantage of windows of opportunity through behaviors that resemble "product championing". Here, the pathway to impact is not through the project *per se*, but rather scaling and influencing is targeted at bringing about a desired impact

when and where an opportunity presents itself, aligning advanced pipeline research activities, capacities and professional networks to a concrete demand from next-users (e.g., governments, private sector, INGOs, etc.).

69. Conclusion 4: Capacity development was more successfully targeted at individuals.

70. While IP Offices and partner institutions benefitted from research outputs (e.g., datasets, policy analysis, recognition of the importance of IP issues, etc.), only a few individuals in each implementing country benefited in a significant way (e.g., research data required to complete a PhD). A capacity development strategy that is aligned with the project ToC would help to ensure that capacity development activities are appropriate to the achievement of desired impacts (e.g., follow-up support over a prolonged period is more likely to help individuals change practices and employ new skills over a longer term).

7. RECOMMENDATIONS

71. The project concluded in 2018, and during the intervening years, WIPO has grown as an institution and has undergone many changes. Based on information gathered from KIs, the evaluator understands that some of the recommendations below have already been implemented in whole or in part. Nevertheless, based on the above conclusions, the evaluation makes the following recommendations to the Office of the Chief Economist, mindful that the object of evaluation is concluded and at this time that implementation of a similar, future project is speculative:

1. Plan to achieve context-specific impacts.

- (a) During the project inception phase, conduct a feasibility study for each country to identify risks and mitigation measures;
- (b) Based on the feasibility study and other input from stakeholders, develop nested country-level theories of change with context-specific impact targets;
- (c) Aligned with country-level ToCs, create a capacity development strategy to ensure that the right people and institutions can achieve desired outcomes and impacts.
- (d) Recognizing that impacts may occur long after the project implementation cycle, invest in the sustainability of results (e.g., product champions, institutional capacity development, sustainable funding for research activities).

2. Develop a more strategic approach to sharing of results.

- (a) A future project should take steps to ensure the wider dissemination (national and global levels) of results through social media, webinars, blogs, newspaper articles, and academic journals, thereby increasing their potential for impact.

3. Require a formal management response to all evaluation recommendations.

- (a) WIPO should require a formal evaluation Management Response to all evaluation recommendations whenever practical. If a formal Management Response is not practical, evaluative recommendations should be considered during a formal learning and reflection process during the Design Phase of carry-over projects. Progress toward implementing the recommendations should be included as part of project reporting. Learning from evaluations is an important step toward achieving impact.

[Appendixes are separately attached
(in English only)]