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COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP)

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**PROJECT ON INTELLECTUAL PROPERTY, INFORMATION AND
COMMUNICATION TECHNOLOGIES (ICTS), THE DIGITAL DIVIDE
AND ACCESS TO KNOWLEDGE
(RECOMMENDATIONS 19, 24 AND 27)**

Document prepared by the Secretariat

1. At the third session of the Committee on Development and Intellectual Property (CDIP), held from April 27 to May 1, 2009, the Committee discussed Recommendations 19, 24 and 27, in the context of the “Project on Intellectual Property, Information and Communication Technologies (ICTs) and the Digital Divide”, and requested the Secretariat to update the information in the project so as to reflect the discussions in the Committee.
2. The Annex to this document provides the updated text as requested.
3. *The CDIP is invited to take note of the contents of this document and its Annex.*

[Annex follows]

ANNEX

DEVELOPMENT AGENDA RECOMMENDATIONS NOS. 19, 24 AND 27

PROJECT DOCUMENTS

1. SUMMARY	
Project Code:	DA_19_24_27_01
Title:	Intellectual Property, Information and Communication Technologies (ICTs), the Digital Divide and Access to Knowledge
Development Agenda Recommendation(s):	<p>Recommendation No. 19 (Cluster B): To initiate discussions on how, within WIPO's mandate, to further facilitate access to knowledge and technology for developing countries and LDCs to foster creativity and innovation and to strengthen such existing activities within WIPO.</p> <p>Recommendation No. 24 (Cluster C): To request WIPO, within its mandate, to expand the scope of its activities aimed at bridging the digital divide, in accordance with the outcomes of the World Summit on the Information Society (WSIS) also taking into account the significance of the Digital Solidarity Fund (DSF).</p> <p>Recommendation No. 27 (Cluster C): Facilitating IP-related aspects of ICT for growth and development: Provide for, in an appropriate WIPO body, discussions focused on the importance of IP-related aspects of ICT, and its role in economic and cultural development, with specific attention focused on assisting Member States to identify practical IP-related strategies to use ICT for economic, social and cultural development.</p>
Project Budget:	<p>Non-personnel costs: Sfr.1,305,000</p> <p>Personnel costs: Sfr.418,000</p>
Project Duration:	24 months
Key WIPO Sectors Involved and Links to WIPO Programs:	<p>Copyright, E-Commerce, Technology and Management Division; and Global IP Information Services and IP Office Modernization Division, in cooperation with Technical Assistance and Capacity Building Sector.</p> <p>Links to WIPO Programs 3, 9, 14 and 15.</p>
Brief Description of Project:	<p>The project will have two components, one on copyright and access to knowledge, and the other on the digitization of industrial property rights.</p> <p>As part of the infrastructure for achieving the goals of digital inclusion, the copyright system, including its flexibilities, may play an important role in enabling access to ICTs and to information and knowledge, thus helping to bridge the "Digital Divide." The first component of the project regarding copyright aims at providing Member States with a source of relevant and balanced information on the opportunities provided by new models of distributing information and creative content, focusing on the areas of education and research, software development and e-information services (e.g., e-journals and public-sector information).</p>

	<p>The second component of the project on the digitization of national industrial property documents to create a database will enhance public access to digital content, generated by the industrial property system for enriching and empowering innovation stakeholders, with the power of knowledge. It aims to assist Member States in digitizing paper-based documents of IPRs as a first step, to improve the digital divide, and to gain skills for creating a national IP database, which would provide users with easy access to intellectual property information.</p>
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2. PROJECT DESCRIPTION

2.1. Introduction to the Issue/Concern

The Declaration of Principles of the WSIS encourages the development of a global Information Society, by harnessing the potential of ICTs, to promote the development goals of the Millennium Declaration. The Declaration recognizes that “education, knowledge, information and communication are at the core of human progress, endeavor and well-being” (*Article 8*); it emphasizes the importance of removing barriers to equitable access to information; of ensuring a rich public domain; and of raising awareness of different software models to ensure affordable access to software (*Articles 25 to 28*). In addition, Article 42 widely recognizes that: “*Intellectual Property protection is important to encourage innovation and creativity in the Information Society; similarly, the wide dissemination, diffusion, and sharing of knowledge is important to encourage innovation and creativity. Facilitating meaningful participation by all in intellectual property issues and knowledge sharing through full awareness and capacity building is a fundamental part of an inclusive Information Society.*” Finally, the WSIS Plan of Action, outlines goals which correlate directly to IP legislation, including that “Governments should foster a supportive, transparent, pro-competitive and predictable policy, legal and regulatory framework, which provides the appropriate incentives to investment and community development in the Information Society” (“Enabling Environment”, Action Line C.6).

The digital divide results from many reasons: lack of basic ICT infrastructure, lack of physical access to ICT, affordability for the acquisition of ICT equipment and facilities, lack of content made available in electronic form, and the lack of human capacity to use it. This project will particularly target the latter two issues, both in the field of industrial property and in the field of copyright and related rights. The project is complemented by projects in relation to Recommendations 8 and 10, as well as the thematic project on Intellectual Property and the Public Domain (implementing Recommendations 16 and 20), which address related issues.

The project could contribute to the objectives of the Global Digital Solidarity Fund (DSF), i.e., “to guarantee access to information and knowledge to everybody, contribute to the autonomy and healthy development of each individual, and strengthen the commitment of local collectivities at the social, political, economic and cultural levels,” *inter alia* through collaboration among WIPO, the WSIS, the DSF and other international governmental and non-governmental organizations dealing with development issues.

As concerns IP rights and IP contents, for which registration/grant are necessary for protection, namely industrial property such as patents, trademarks, and industrial designs, the lack of digitized databases makes it difficult for many stakeholders (including domestic and international businesses), particularly in developing countries, to identify holders of national IP rights, who are potential major players of innovation and business in the country. Nationals also have difficulties in understanding and benefiting from technologies disclosed in patents, if they are only available in the form of publications made by foreign IP Offices in foreign languages. The digitization of national IP filings and documents prepared in national or common languages, and their dissemination through publicly-available databases would significantly enhance access to knowledge created within the country and elsewhere, because they would be more easily searchable and retrievable to anyone, including those who reside in a region remotely removed from the IP Office.

Proper digitization of IP documents requires a special know-how and knowledge about WIPO standards and relevant technologies, in order to generate the electronic database which should be capable of being used for multiple purposes and, where necessary, be also shared with other intellectual property offices (IPOs) for possible regional and international collaboration. Validation and verification of the captured data are necessary for ensuring the quality, integrity and accuracy of the data and the database. WIPO and several IPOs have obtained enough experience to establish best

practices in this area, which would be the basis for this project.

In the field of copyright, there is a need to raise awareness of the opportunities provided by the copyright system, including copyright limitations and exceptions, to support new models of distributing information and creative content (e.g., open-access scientific publishing, free and open source software) and thereby helping to bridge the digital divide. The traditional model of returning value to creators and right holders is rapidly changing in light of the convergence of digital technology and the distributive power of the Internet. This may work to the disadvantage of the developing world, where creators and users do not have the same access to the Internet, bandwidth and alternate models for managing and distributing knowledge, as their counterparts in the developed world.

Governments have a leading role in developing forward-looking strategies at the intersection of copyright and ICTs; the private sector and civil society can also play crucial roles in promoting sustainable public sector information and IP policies. Thus, as recommended by the WSIS, a multi-stakeholder approach should be followed in addressing the issue.

2.2. Objectives

Component (1) Copyright

The copyright component of the project will aim to gather information and explore the potential of the copyright system, its flexibilities and different models for managing copyright for enhancing access to knowledge, with a particular focus on the following three areas: education and research; software development practices, including free and open source software; and e-information (e.g., e-journals and public sector information). In addition, in order to fully address Recommendation 24, a complementary objective is to conduct an interdisciplinary evaluation of opportunities for WIPO, within its mandate, to engage in new activities that help Member States achieve their development goals through enhancing access to knowledge.

Component (2) Industrial Property

In the field of industrial property, the overall objective is to contribute to the reduction of the knowledge gap between industrialized and developing countries (especially LDCs) through the digitization of IP data, including national IP data. More specifically, the industrial property component of this project will aim to:

- Increase availability of technological knowledge for the digitization of documents in developing countries, especially LDCs;
- Increase the capacity of IP Offices, including regional and sub-regional organizations (hereinafter referred to as “IPOs”) to effectively create databases comprising of digitized data and provide access to the databases which contain IP information and knowledge, nationally/regionally, and internationally; and
- Increase awareness of the benefits of IPRs, and the value of IP information in particular.

Once the system is installed, IP office staff members should be able to maintain a sustainable operation and updating of data, on the basis of knowledge and skills transferred and developed during the pilot project.

2.3. Delivery Strategy

Component (1) Copyright and Access to Information and Creative Content:

A Study will be prepared on “Using Copyright to Promote Access to Information and Creative

Content”, which will consist of a survey of legislation, public policies and strategies of governments linked to the use of the copyright system in order to enhance access to knowledge, in three key areas: education and research (including issues such as open-access); software development practices, including free and open-source software; and e-information services (e.g., e-journals, public sector information). Emphasis will be placed on surveying existing government policies and strategies, and the relevant supporting legislation, which have proven effective and beneficial to a wide range of users in the three strategic areas. Consistent with the WSIS Outcomes and Plan of Action (e.g., that “Governments should foster a supportive, transparent, pro-competitive and predictable policy, legal and regulatory framework, which provides the appropriate incentives to investment and community development in the Information Society” (“Enabling Environment”, Action Line C.6)), the Study will provide analysis of which of the public policies and practices surveyed could deliver positive results, if implemented by other Governments, notably in LDCs and developing countries.

The Study will be conducted by a team of researchers and monitored by WIPO officials, in order to maintain a balanced and multi-stakeholder approach. The Study will be developed in three different stages:

- (i) Research, information-gathering and first draft of the individual contributions;
- (ii) A workshop, hosted at WIPO headquarters and open to the public, devoted to collective analysis and evaluation of individual contributions; and
- (iii) Finalization and delivery of the Study, which will include recommendations on future activities to be undertaken by WIPO.

The Study will constitute a first step towards implementation of Recommendations 19, 24 and 27, as far as copyright and ICTs are concerned, to provide Member States with a basic understanding of the issues under consideration. The Study will also facilitate an assessment of opportunities for WIPO, within its mandate, to engage in new activities that assist Member States to achieve the stated development goals, through the use of the copyright system, to enhance access to knowledge. In this regard, the Study would consider the possible establishment of a collaborative relationship between WIPO, the DSF and other international governmental and non-governmental organizations dealing with development issues.

Based on the findings and the conclusions of the Study and the assessment, Member States may decide on additional activities to meet the objectives of Recommendations 19, 24 and 27.

Component (2) A Project of Digitization of Industrial Property Data:

The steps to be taken to implement this component of the project will be as follows:

1. Selection of the Project Countries: For the duration of this project (the 2010-11 Biennium), WIPO will select six countries, as project countries on the basis of a preliminary assessment of needs for digitization of paper-based documents of industrial property data in that country.
2. Project Development: Preparing and customizing a plan for the digitization of paper documents will be drawn up in consultation with the beneficiary country and IP Office. At least one mission should be undertaken to ensure the feasibility of the implementation of the project, and inspection of the site of the digitization project.
3. Project Implementation: WIPO will assist the beneficiary country in setting up facilities and acquiring equipment needed for the digitization of industrial property data, where necessary, by engaging a local company. WIPO will discuss with DSF to explore possible cooperation in improving access to the Internet and ICT equipment in the beneficiary country for the implementation of the project. The IP Office would undertake to identify and classify in an orderly way, the paper documents to be converted into digitized data, for inclusion in a database in accordance with WIPO

standards, and following the best practices of other IP Offices. WIPO will also assist the beneficiary country in managing the project, checking the quality of deliverables, and evaluating the results of the project.

4. **Deployment of the Equipment and Facilities:** Where necessary, WIPO will also assist the beneficiary country in acquiring PCs and a digital scanner locally, as well as other equipment for the implementation of the project. WIPO will provide digitization software and advice compatible with WIPO standards for exchange of data. After integration of the digitized data into the national database, the beneficiary country would be expected to update the database with their continuous digitization work, based on the experience and knowledge transferred during the project.

5. **Delivery of the Service:** After digitizing paper documents and integrating them into the national database system or creating a new database, WIPO will assist the beneficiary country in creating searching facilities in order to provide public access to the database in a user-friendly manner. WIPO will use the platform and experience already gained in the creation of PATENTSCOPE®, in finalizing the delivery of services to the public. Where appropriate, a necessary hyperlink will be established between the national databases and PATENTSCOPE®.

6. Risks which could impede project delivery and how these risks may be mitigated

Concerning the risk of a lack of the minimum equipment of ICT and Internet access required for digitization, WIPO would provide a minimum set of hardware and software for implementation of the project, and also seek cooperation from other international organizations including ITU and DSF.

There are also potential risks in the sustainability in particular, of the retention of trained staff who have the acquired skills and knowledge for the continued operation of the digitization. At the commencement of the project, after selecting the beneficiary countries which have met the conditions, and assessed their needs, the risk could be mitigated, if the beneficiary countries and WIPO conclude Service Level Agreements, to clarify the respective responsibility for the longer term with respect to the allocation of resources and the appointment of permanent staff of the IP Office, who would be responsible for the project.

WIPO's regular remote monitoring, helpdesk services for technical troubles, and refresh training and development of more user-friendly software for digitization, would also enhance the sustainability and make it easier for IP Office staff to quickly develop the skills necessary for the project.

3. REVIEW AND EVALUATION

3.1. Project Review Schedule

(a) **Project Plan:** for the first component (industrial property), after identifying the pilot project countries, and undertaking a fact-finding mission to ensure the feasibility of the project proposal, a project plan will be prepared with a detailed implementation timetable, and statement of responsibility of the participating parties;

(b) For both components, a mid-term review will be undertaken after 12 months to examine progress made. If any milestones have not been reached on time, an analysis will be made on the reasons of difficulties and, where necessary, the project/plans would have to be revised accordingly; and

(c) **Self evaluation report:** a self-evaluation report will be prepared at the end of project implementation.

3.2. Project Self-Evaluation <i>In addition to the project self--evaluation, an independent evaluation may also be undertaken for the project</i>	
<u>Project Outputs</u>	<u>Indicators of Successful Completion</u> (Output Indicators)
1.1. Study on “Using Copyright to Promote Access to Information and Creative Content”	Completion of the Study within the established timeframe and the quality required by the TOR for presentation to the CDIP. Feedback from Member States on the Study when presented to the CDIP.
1.2. Feasibility Assessment on Possible New WIPO Activities	Completion of the paper within the established timeframe and the quality required by the TOR for presentation to the CDIP. Feedback from Member States on the paper when presented to the CDIP.
2.1 Project Plans	Timely preparation of the project plans and acceptance by the beneficiary countries.
2.2. Digitized data generated from paper-based documents of industrial property	Milestones are met according to a timetable and acceptance of the intermediate deliverables.
2.3. Creation of a new database, or integration of the digitized data into the existing databases	Milestones are met according to a timetable and acceptance of the intermediate deliverables.
2.4. Grounds laid for operation and updating of the databases by continuing digitization of new documents	At least for the next five years from the integration of the new data, the updating of the database by sufficient local staff trained in the project, and the provision of the WIPO PATENTSCOPE® Search Service to the public.
<u>Project Objective(s)</u>	<u>Indicator(s) of Success in Achieving Project Objective</u> (Outcome Indicators)
1.1. Raising Member States’ awareness of the potential of the copyright system to enhance access to information and creative content and thus contribute to development	Quality of discussion among Member States on the Study and its findings; Feedback, during CDIP sessions, on the extent to which the outputs have met the concerns addressed in the recommendations; Evaluation by Member States of the Study’s recommendations.
1.2. To discuss and evaluate possible new engagements of WIPO	Discussion and decision on whether new engagements are required to address the recommendations.

2.1. Mitigation of the digital divide among users of the IP system in developing countries and LDCs	Access by users to the newly created database containing digitized data.
2.2. Increased capacity to digitize documents and to update IP information databases	New or improved skills which enable the IP Office to operate IP databases and continuously update them with the minimum additional assistance of WIPO.

4. IMPLEMENTATION TIMELINE

ACTIVITY	QUARTERS											
	2009 ¹				2010				2011			
	1 st	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th
1.1. Project Planning and Preparation												
1.1.1. Recruitment of a consultant for assisting the project planning and implementation			X									
1.1.2. Preparatory meetings and at least one mission to a beneficiary country (x 2)			X									
1.2. Project Development												
1.2.1 Discussions with government officials and engagement of a local company for work of digitization			X									
1.2.2. Preparation of documents to be digitized				X								
1.2.3. Agreement on detailed implementation plan and the creation of a task force which should collaborate with the local company engaged for the project					X	X	X				X	X
1.3. Project Implementation												
1.3.1. Possible start of digitization and the evaluation of the quality of first deliverables						X	X	X				
1.3.2. Fine-tuning the process and possible reinforcement of the task force							X	X	X	X		
1.3.3. Preparation of a new database or the commencement of a process for possible integration of the digitized data into PATENTSCOPE®								X	X	X		

¹ Activities foreseen for 2009 are of a preparatory nature requiring no financial resources.

5. BUDGET

5.1. Project Budget for the 2010/2011 Biennium (non-personnel costs)

	TOTAL (Swiss Francs)
<i>Travel and Fellowships</i>	
Staff Missions	95,000
Third-party Travel	30,000
Fellowships	
<i>Contractual Services</i>	
Conferences	
Experts' Honoraria	575,000
Publishing	
Others	285,000
<i>Equipment and Supplies</i>	
Equipment	320,000
Supplies and Materials	
TOTAL	1,305,000

SUPPLEMENTARY INFORMATION FOR THEMATIC PROJECTS

Linkages to activities contained in Document CDIP/1/3 for Recommendations 19, 24 and 27

The copyright component of this project (a study on the use of Copyright to Promote Access to Information and Creative Content) is based on the activities suggested by the Secretariat for Recommendation 27 in Document CDIP/1/3 in which WIPO “proposed to conduct a major study that examines, *inter alia*, the following topics: digital right management tools and business models for online distribution of copyright content, including by collective management organizations; the impact on creativity of open access, open source and other emerging copyright licensing schemes; an overview of ICT standardization issues relevant to the availability of technologies needed to access digital content, including in alternative formats. Following completion of the study, an international, interdisciplinary meeting of experts can be convened to examine the results of the study and related issues.”

The industrial property component (a project of digitization) is also based on the activities suggested by the Secretariat for Recommendation 24 in document CDIP/1/3, which suggested that “within the framework of Modernization of IP Institutions, WIPO aims at reducing this digital divide by providing standard customized technological solutions, infrastructure upgrade and training to enable IP institutions to automate its business procedures, establish national IP databases, provide e-services to its stake holders and perform e-communication with international treaties.”

Parts of Recommendation 19 are also being implemented by the thematic projects on “Developing Tools for Access to Patent Information” and “IP and Technology Transfer”.

Other activities mentioned in CDIP/1/3 for implementation of recommendations 24 and 27 would be integrated in the regular activities of WIPO.

[End of Annex and of document]