

## **Committee on Development and Intellectual Property (CDIP)**

### **Seventh Session**

**Geneva, May 2 to 6, 2011**

### **PROJECT PROPOSAL FROM THE AFRICAN GROUP ON ENHANCING SOUTH-SOUTH COOPERATION ON INTELLECTUAL PROPERTY (IP) AND DEVELOPMENT AMONG DEVELOPING COUNTRIES AND LEAST DEVELOPED COUNTRIES**

1. By way of a communication dated April 13, 2011, addressed to the Secretariat, the Permanent Mission of South Africa in its capacity as the Coordinator of the African Group, has submitted a project proposal entitled "Project on Enhancing South-South Cooperation on IP and Development among Developing Countries and LDCs", on behalf of the African Group, for consideration by the Seventh Session of the Committee on Development and Intellectual Property (CDIP).
2. The above-mentioned communication from South Africa together with its enclosures are contained in the Annex to this document.
3. *The CDIP is invited to take note of the information contained in the Annex to this document.*

[Annex follows]



**PERMANENT MISSION OF SOUTH AFRICA TO  
THE UNITED NATIONS AND INTERNATIONAL ORGANIZATIONS**

Ref. 424/2011

The Permanent Mission of the Republic of South Africa to the United Nations Office in Geneva and other International Organisations in Switzerland presents its compliments to the International Bureau of the World Intellectual Property Organisation, and has the honour to inform that South Africa in its capacity as the Coordinator of the African Group, submits on behalf of the African Group, the document entitled "*Project on Enhancing South-South Cooperation on IP and Development among Developing Countries and LDCs*" for the consideration of the seventh session of the Committee on Development and Intellectual Property (CDIP) scheduled to take place in Geneva, from 2 to 6 May 2011.

The Permanent Mission of South Africa avails itself of this opportunity to renew to the International Bureau of the World Intellectual Property Organisation the assurances of its highest consideration.



Geneva, 13 April 2011

International Bureau of the World Intellectual Property Organisation

**DEVELOPMENT AGENDA RECOMMENDATIONS 1\_10\_11\_13\_19\_25\_32  
PROJECT ON ENHANCING SOUTH-SOUTH COOPERATION ON IP AND  
DEVELOPMENT AMONG DEVELOPING COUNTRIES AND LDCS**

<b>1. SUMMARY</b>	
<b>Project Code:</b>	<b>DA_1_10_11_13_19_25_32_01</b>
<b>Title:</b>	Project on Enhancing South-South Cooperation on IP and Development among Developing Countries and LDCs
<b>Development Agenda Recommendation(s):</b>	<p><b>1, 10, 11, 13, 19, 25, 32</b></p> <p><b>Cluster A: Technical Assistance and Capacity Building:</b></p> <p><b>Recommendation 1:</b> WIPO technical assistance shall be, inter alia, development-oriented, demand-driven and transparent, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion. In this regard, design, delivery mechanisms and evaluation processes of technical assistance programs should be country specific.</p> <p><b>Recommendation 10:</b> To assist Member States to develop and improve national intellectual property institutional capacity through further development of infrastructure and other facilities with a view to making national intellectual property institutions more efficient and promote fair balance between intellectual property protection and the public interest. This technical assistance should also be extended to sub-regional and regional organizations dealing with intellectual property.</p> <p><b>Recommendation 11:</b> To assist Member States to strengthen national capacity for protection of domestic creations, innovations and inventions and to support development of national scientific and technological infrastructure, where appropriate, in accordance with WIPO's mandate.</p> <p><b>Recommendation 13:</b> WIPO's legislative assistance shall be, inter alia, development-oriented and demand-driven, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion.</p> <p><b>Cluster B: Norm-Setting, Flexibilities, Public Policy and Public Domain:</b></p> <p><b>Recommendation 19:</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><b>Cluster C: Technology Transfer, Information and Communication Technologies (ICT) and Access to Knowledge:</b></p> <p><b>Recommendation 25:</b> To explore intellectual property -related policies and initiatives necessary to promote the transfer and dissemination of technology, to the benefit of developing countries and to take appropriate measures to enable developing countries to fully understand and benefit from different provisions, pertaining to flexibilities provided for in international agreements, as appropriate.</p>

	<p><b>Recommendation 32:</b> To have within WIPO opportunity for exchange of national and regional experiences and information on the links between IPRs and competition policies.</p>
<p><b>Brief Description of Project:</b></p>	<p>This project relates to optimizing the results from the implementation of certain recommendations of the WIPO Development Agenda. To this end, this project completes and reinforces, on the one hand the projects already developed for recommendations 10, 19, 25, and 32, and on the other hand effectuates recommendations 1, 11, and 13.</p> <p>To attain these objectives, this project aims to develop means to channel the efforts of different actors to promote South-South Cooperation in the area of intellectual property. The project aims to achieve tangible results in the following areas in developing countries and the LDCs:</p> <ul style="list-style-type: none"> <li>(a) promoting development-oriented IP technical and legal assistance (recommendations 1, 13);</li> <li>(b) IP institutional capacity building (recommendation 10);</li> <li>(c) domestic innovation capacity building (recommendation 11);</li> <li>(d) facilitating access and dissemination of knowledge and technology, and the use of IP flexibilities (recommendations 19, 25); and</li> <li>(e) Understanding the link between IP and competition policies (recommendation 32).</li> </ul>
<p><b>Implementing Program(s):</b></p>	<p>Program 9</p>
<p><b>Links to other related Programs/DA Projects:</b></p>	<p>Links to WIPO programs 1, 2, 3, 4, 5,6,7, 8, 11, 14, 15, 16, 18, 30.</p> <p>Links to DA projects: DA_05_01, DA_08_01, DA_09_01, DA_10_05, DA_7_23_32_01 and DA_35_37_01, DA_19_25_26_28_01.</p>
<p><b>Links to Expected Results in the Program and Budget:</b></p>	<p>National IP policies/strategies and country action plans that are in line with national development plans and priorities. (All Bureaus)</p> <p>Enhanced capacity of IP professionals and creation of a critical mass of IP specialists/experts. (All Bureaus)</p> <p>Modernized service-oriented IP administrations with strengthened infrastructure. (All Bureaus)</p> <p>National IP Legislation consistent with national development objectives as well with international IP treaties and agreements, where applicable, while taking into account available flexibilities for public policy.</p> <p>New or strengthened sub-regional IP cooperation programs.</p>

	<p>Enhanced institutional capacity of universities, R&amp;D centers and other private sector stakeholders in order to effectively manage IP.</p> <p>Greater awareness of the legal principles and practices, of the patent system, including the flexibilities existing in the system, and enhanced understanding and further clarification of current and emerging issues that arise in relation to patent-related matters.</p> <p>Increased awareness and capacity of Member States in copyright and related rights.</p> <p>Enhanced capacity at the regional, national and community levels to make use of IP principles and systems for the protection of TK and TCEs, and for management of the relationship between IP and genetic resources, for the economic and cultural benefit of communities and other TK and TCE holders and their countries.</p>
<b>Project Duration:</b>	24 months (first stage)
<b>Project Budget<sup>1</sup>:</b>	<p>Non Personnel Costs: 755,460 Swiss francs</p> <p>Personal Costs: 202,000 Swiss francs (including the appointment of a Focal Point for South-South Cooperation in the WIPO Secretariat)</p>

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<sup>1</sup> As provided by the WIPO Secretariat

## 2. PROJECT DESCRIPTION

### 2.1. Introduction

Developing countries, including LDCs, are increasingly using IP as a tool for economic development. In recent years, this has included innovative means of deploying IP in a balanced manner, conscious of their particular socio-economic conditions, while taking into account their different levels of development. As such, an independent body of knowledge and experience on the strategic use of IP for development has sprung up in the South. This project attempts to harvest and exchange this valuable knowledge and experience about IP and Development through enhancing cooperation in this area among developing countries and LDCs.

The project thus relates to specific DA recommendations in the areas of promoting development-oriented IP technical and legal assistance (1, 13), IP institutional capacity building (10), domestic innovation capacity building (11), facilitating access and dissemination of knowledge and technology, and the use of IP flexibilities (19, 25), and understanding the link between IP and competition policies (32).

The project is suggested under the consideration that South-South cooperation can play an important role in achieving the objectives described under the relevant DA recommendations above.

South-South cooperation is one stream of the broader avenues of cooperation, which runs in parallel to and is not a substitute for North-South Cooperation. Furthermore, the intersection of these two streams, the field of trilateral North-South-South cooperation should continue to be promoted in parallel. For this current project, South-South cooperation is particularly useful to achieving pro-development IP systems in developing countries and LDCs given the particular circumstances and challenges developing countries and LDCs face, and the ability to share information and promote understanding of the practical initiatives that developing countries and LDCs can and have utilized to link IP as a tool to broader public policies and development goals.

WIPO can undertake specific activities to promote South-South cooperation in the areas described. This project suggests some activities in that direction.

### 2.2. Objectives

The objectives of this project are to contribute to the following:

- (a) Better understanding of IP and its potential contribution to development in the developing countries and LDCs;
- (b) Identifying of priorities and special needs of developing countries and LDCs in the area of IP and development including norm-setting at the national, regional, and international levels.;
- (c) Better-informed socio-economic context-sensitive decision-making on IP policies at the national and regional levels in the South;

- (d) Better protection of domestic creations and fostering innovation in developing countries and LDCs;
- (e) Promotion of the transfer and dissemination of technology;
- (f) Enhanced infrastructure and capacity for developing countries and LDCs to make the most effective use of IP for development bearing in mind their socio-economic conditions, and their different levels of development; and
- (g) Increased capacity of developing countries and LDCs to share their knowledge and experience in the area of IP and Development.

### 2.3. Delivery Strategy

The WIPO Secretariat, through establishing a South-South cooperation focal point, would undertake the following:

- (a) The Project will entail the organization of three-days inter-regional meetings among developing countries and LDCs to foster the sharing of national experiences, including historical experiences, and information on the process of design of national IP policy and legislation, and its implementation, and use of IP flexibilities. This will include the organization of a one-day Annual WIPO Inter-Regional Conference on South-South Cooperation on IP and Development to be held in Geneva immediately before the General Assembly. These meetings should also include participants from regional and international governmental organizations of developing countries. These meetings will be as follows:
  - (i) Spring 2012: First inter-regional meeting to discuss IP Governance; GRTKF; and Copyright and Related Rights;
  - (ii) September 2012: First Annual Conference to review the outcomes of the First inter-regional meeting, and provide guidance to the upcoming meetings;
  - (iii) Spring 2013: Second inter-regional meeting to discuss Patents; Trademarks, Industrial Designs, and Geographical Indications; and Enforcement; and
  - (iv) September 2013: Second Annual Conference to review the outcomes of the Second inter-regional meeting, and discuss the future of the Project on South-South Cooperation.
- (b) Support and assist developing countries and LDCs to provide training and capacity building activities to other developing countries and LDCs, including in the training of patent examiners, and other IP officials, judiciary, competition authorities, sharing of information among IP offices. This support and assistance will be initially made through introducing new functionalities in the existing WIPO IP Development Matchmaking Database (IP-DMD) to enable matchmaking on needs and offers of developing countries and LDCs<sup>2</sup>.
- (c) Increase the use in WIPO technical assistance and capacity building activities of resource persons and experience sharing from developing countries and LDCs. Better coordinate the work on South-South Cooperation with WIPO's regional Bureaus.
- (d) Dedicate a page on the WIPO website to South-South Cooperation on IP and Development.<sup>3</sup> The purpose of this dedicated page will be to present a one stop facility of all developing countries including LDCs and WIPO activities in the area of South-South Cooperation on IP.

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<sup>2</sup> These functionalities will be added upon the completion and review of the IP Development Matchmaking Database (IP-DMD)

<sup>3</sup> A good example in this regard is the UNEP dedicated page, to be found at the following address:  
<http://www.unep.org/south-south-cooperation/>.

- (e) Establishment of an interactive web portal/virtual network among IP offices, universities, public research institutions, and civil society organizations in developing countries and LDCs, to foster the building of institutional linkages and collaborative research projects, and enhance access to knowledge, and the transfer of technology. This would be part of the dedicated web page. The initial information to populate this network will be provided through a questionnaire that the Secretariat will circulate to developing countries and LDCs Member States.
- (f) The Secretariat will appoint a Focal Point on South-South Cooperation and establish links and coordinate with the UNDP Special Unit for South-South Cooperation, as the designated UN System focal point for such cooperation. The designated Focal point will follow-up on the abovementioned activities and coordinate with UN system-wide activities on South-South Cooperation.

### 3. REVIEW AND EVALUATION

#### 3.1. Project Review Schedule

- (a) A mid term review will be undertaken after one year; and  
 (b) An evaluation will be conducted upon completion of the first stage of the project offering and assessment of the project achievements.

#### 3.2. Project Self-Evaluation

Project Outputs	Indicators of Successful Completion (Output Indicators)
Annual Conferences and Inter-regional meetings	Level of attendance. Feedback from participants through a questionnaire.
South-South Training and Capacity Building activities	New functionalities introduced in the WIPO IP Technical Assistance Database (IP-TAD) and IP Development Matchmaking Database (IP-DMD).  Statistics on the use of the matchmaking feature and number of exchange visits/missions among developing countries and LDCs.
Increase the use in WIPO technical assistance and capacity building activities of resource persons and experience sharing from developing countries and LDCs	Annual periodic reports and review of the WIPO roster of consultants to identify the increase in the use of consultants from developing countries and LDCs.
WIPO Webpage on South-South cooperation	Webpage in place. Feedback from users and statistics on the use of the webpage.
Interactive web portal/virtual network	Interactive web portal/virtual network in place.  Feedback from users and statistics on the use of the virtual network as well as qualitative assessment to be sought from participants and output in the form of collaborative interaction.



<p><b>Focal Point on South-South Cooperation</b></p>	<p><b>Appointment of a Focal Point on South-South Cooperation in the WIPO Secretariat</b></p> <p>Periodic reports to be submitted by the Focal Point to Member States.</p>
<p><b>Project Objectives</b></p>	<p><b>Indicators of Success in Achieving Project Objective (Outcome Indicators)</b></p>
<p>(a) Better understanding of IP and its potential contribution to development in the developing countries and LDCs;</p> <p>(b) Identifying of priorities and special needs of developing countries and LDCs in the area of IP and development including norm-setting at the national, regional, and international levels.;</p> <p>(c) Better-informed socio-economic context-sensitive decision-making on IP policies at the national and regional levels in the South;</p> <p>(d) Better protection of domestic creations and fostering innovation in developing countries and LDCs;</p> <p>(e) Promotion of the transfer and dissemination of technology;</p> <p>(f) Enhanced infrastructure and capacity for developing countries and LDCs to make the most effective use of IP for development bearing in mind their socio-economic conditions, and their different levels of development; and</p> <p>(g) Increased capacity of developing countries and LDCs to share their knowledge and experience in the area of IP and Development.</p>	<p>Impact in Member States practices including in the design of national IP policy and legislation, and its implementation, and use of IP flexibilities. (Survey questionnaire)</p> <p>(a) Statistics on the use of the matchmaking feature;</p> <p>(b) Statistics and Feedbacks on the use of the webpage;</p> <p>(c) Statistics and Feedbacks use of the virtual network; and</p> <p>(d) Statistics on the use of consultants from developing countries and LDCs.</p>

#### 4. IMPLEMENTATION TIMELINE

ACTIVITY	QUARTERS							
	1st	2nd	3rd	4th	1st	2nd	3rd	4th
<b>1. Inter-regional meetings</b>								
1.1 First inter-regional meeting		X						
1.2 Second inter-regional meeting						X		
<b>2. Inter-Regional Conference on South-South cooperation on IP and Development.</b>								
2.1 First Annual Inter-Regional Conference			X					
2.2 Second Annual Inter-Regional Conference							X	
<b>3. New functionalities in IP-TAD and IP-DMD</b>								
3.1 Introducing new functionalities on South -South cooperation in IP-TAD and IP-DMD	X	X						
<b>4. WIPO Webpage on South-South cooperation</b>								
4.1 Launching of a WIPO website on South-South cooperation		X						
<b>5. Interactive Platform</b>								
5.1 Creation of a Platform for a virtual network among South-South institutions					X			
<b>6. Appointment of a Focal Point on South-South Cooperation in the WIPO</b>	X							
<b>7. Finalization of the Project (first stage)</b>								X
<b>REVIEW SCHEDULE</b>				X				X

## 5. BUDGET<sup>4</sup>

### Non-personnel resources

**Table 1 – Project Budget by Cost Category and Year**

Cost Category	Budget (Swiss Francs)			
	Year 1	Year 2	Year N	Total
<i>Travel and Fellowships</i>				
Staff Missions	24,300	21,370		45,670
Third-party Travel	247,500	232,290		479,790
Fellowships				
<i>Contractual Services</i>	60,000	70,000		130,000
Conferences	40,000	40,000		80,000
Experts' Honoraria	10,000	10,000		20,000
Publishing				
Others				
<i>Equipment and Supplies</i>				
Equipment				
Supplies and Materials				
<b>TOTAL</b>	381,800	373,660		755,460

### Personnel resources, where applicable

**Table 2 – Project Budget by Program and Year**

Cost Category	Budget (Swiss Francs)			
	Year 1	Year 2	Year N	Total
Program 9				
SLC P2 100%	101,000	101,000		202,000
<b>TOTAL</b>	101,000	101,000		202,000

[End of Annex and of document]

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<sup>4</sup> As provided by the WIPO Secretariat.