

Committee on Development and Intellectual Property (CDIP)

Eighth Session Geneva, November 14 to 18, 2011

SUMMARY BY THE CHAIR

1. The eighth session of the CDIP was held from November 14 to 18, 2011. The session was attended by 95 Member States and 31 Observers.
2. The session was chaired by Ambassador Md. Abdul Hannan, Permanent Representative of Bangladesh, Mr. Garikai Kashitiku, First Secretary, Permanent Mission of Zimbabwe, Vice-Chair and Ms. Alexandra Grazioli, Senior Legal Advisor, Swiss Federal Institute for Intellectual Property (IPI), who was elected as Vice-Chair during the session.
3. The Committee adopted the Draft Agenda as proposed in document CDIP/8/1 Prov. 2, with some amendment.
4. Under Agenda Item 3, the Committee considered document CDIP/8/2, entitled Progress Reports, and took note of two completed projects and progress reports on 16 projects under implementation. The Committee also took note of progress reports on the implementation of 19 recommendations for immediate implementation, and appreciated the improved structure of the document. While taking note of the tabulated paper on Progress Reports, the Committee stressed the need for timely completion of all the ongoing projects and optimal utilization of resources allocated. The Secretariat was also requested by the Delegations of Japan and the Republic of Korea to provide progress reports at the next session on activities funded from their respective Funds in Trust (FIT).
5. With respect to document CDIP/8/6, entitled Description of the contribution of the relevant WIPO Bodies to the implementation of respective Development Agenda Recommendations, the Committee agreed to continue discussion on the document in its next session. Member States may make comments on the document CDIP/8/6. Such observations will be compiled by the Secretariat and presented as a formal document at the next session of the Committee. The Committee also agreed to continue consultations on the Coordination Mechanism at the level of Group Coordinators and interested delegations in the intervening period before its next session.

6. Under Agenda Item 4, the Committee considered document CDIP/8/3, a project proposal on Intellectual Property and the Informal Economy, and adopted the project as amended taking into account the comments of various delegations. The Secretariat should make the revised project document available after the session.

7. With respect to document CDIP/8/4, the Committee took note of a report on Assessing WIPO's Contribution to the Achievement of the Millennium Development Goals (MDGs) and requested that, based upon the comments of the Committee, the report be further revised and presented to a future session.

8. The Committee considered document CDIP/8/5, entitled Future Work Program on Flexibilities in the Intellectual Property System, and agreed that the Secretariat should implement the activities suggested in the document taking into account the comments of Member States. The Secretariat was requested to submit a document containing a compilation of new elements suggested by various Member States for consideration by the Committee at its next session.

9. The Committee considered document CDIP/8/7, entitled Project on Intellectual Property and Technology Transfer: Common Challenges – Building Solutions (Recommendations 19, 25, 26 and 28), and approved the terms of reference, composition criteria with respect to the regional consultation meetings and the experts tasked to elaborate the various studies, as well as the provisional model program for these regional consultation meetings. The Secretariat should provide a revised project paper with redistributed budget and updated timeline for the next session of the Committee.

10. With respect to document CDIP/8/INF/1, the Committee considered An External Review of WIPO Technical Assistance in the Area of Cooperation for Development, and agreed to discuss this document at its next session. The Committee agreed to establish an *ad hoc* working group on the External Review of Technical Assistance (CDIP/8/INF/1) with the following modalities:

(i) The *ad hoc* working group will be open to regional coordinators and other interested delegates, and facilitated by the Secretariat. The setting of this *ad hoc* working group will not set any precedent;

(ii) There will be no budgetary implications associated with the *ad hoc* working group;

(iii) The work of the Secretariat in the form of the management response as directed by the project (CDIP/4/8, Section 2.3, Component 2, paragraph (c), at p.10), and its accompanied terms of reference, can feed in the work of the *ad hoc* working group. The Secretariat shall ensure the early completion of its response;

(iv) The *ad hoc* working group will commence its work after the current session, with the commitment to present a report on its findings to the ninth session of the Committee. If the Committee deems that it is necessary to extend the *ad hoc* working group, it should do so by consensus at its ninth session.

(v) The *ad hoc* working group should strive to review CDIP/8/INF/1, with the emphasis on identifying recommendations that are redundant or no longer relevant, without any prioritization of recommendations. The *ad hoc* working group may also choose to discuss the other elements of the study in an effort to save time for discussions during the ninth session of the Committee;

(vi) The report to be presented shall not duplicate the work of the Committee, nor direct the Committee to take action, but only serve as a tool to expedite the discussions within the Committee; and

- (vii) At least one day should be set aside during the ninth session of the Committee to discuss the *ad hoc* working group's report, the management response of the Secretariat and CDIP/8/INF/1.
11. With respect to document CDIP/8/INF/2, the Committee took note of the Feasibility Study on the Establishment of National Patent Register Databases and Linkage to PATENTSCOPE, and various delegations made comments that were responded to by the Project Manager.
12. With respect to document CDIP/8/INF/3, the Committee noted the Study on Patents and the Public Domain and requested the Secretariat to prepare a more substantive summary of the document to be made available in all official United Nations languages.
13. The Committee discussed document CDIP/8/INF/4, entitled Interaction of Agencies Dealing with Intellectual Property and Competition Law: Summary of Replies by Member States; document CDIP/8/INF/5, entitled Interface between Exhaustion of Intellectual Rights and Competition Law; and document CDIP/8/INF/6, entitled a Report on the Analysis of the Economic/Legal Literature on the Effects of Intellectual Property (IP) Rights as a Barrier to Entry, and made suggestions for their improvement. The Secretariat would provide the Members with an Executive Summary of the studies, except for the Report on the Analysis of Economic/Legal literature, and these summaries would be made available in all official United Nations languages. Upon distribution of these summaries, the Member States will provide written comments and suggestions to the Secretariat within two months. The Secretariat will endeavor to incorporate all comments and suggestions into the documents for consideration by the Committee at its next session.
14. With respect to document CDIP/8/INF/7, the Committee considered the Taxonomy-Analytical Study for the Project on Open Collaborative Projects and IP-Based Models. The Committee decided that interested Member States should send their written comments to the Secretariat by January 31, 2012, enabling the Secretariat to finalize the study and further implement the project.
15. With respect to document CDIP/8/8, the Committee considered a new project proposal from the Delegation of Burkina Faso for the strengthening and development of the audiovisual sector in Africa for the implementation of certain recommendations relating to the Development Agenda. The Committee agreed to discuss the project at its next session.
16. With respect to document CDIP/7/5, the Committee considered the Revised Project on Patents and the Public Domain and adopted the project with the amendments agreed by the Members.
17. With respect to document CDIP/7/INF/2, entitled Scoping Study on Copyright and Related Rights and the Public Domain, the Committee agreed that the Secretariat would prepare an information document clarifying the scope and possible implications of the implementation of recommendations 1(c), 1(f) and 2(a) for discussion at the next session. The Committee agreed that the remaining recommendations would remain open for further discussion at its next session.
18. With respect to document CDIP/6/12 Rev., on a Proposal for a CDIP New Agenda Item on Intellectual Property (IP) and Development, the Committee decided that the issue should remain on the agenda for discussion at its next session, and that informal consultations should continue during the intersessional period. The Committee decided that sufficient time should be allocated during its next session including to discussion of preparations for the International Conference on IP and Development.

19. Under Agenda Item 5 on Future Work, the Committee considered a number of suggestions, and broadly agreed upon the issues to be included in the draft agenda for the next session.

20. The CDIP noted that the Draft Report of the eighth session would be prepared by the Secretariat and communicated to the Permanent Missions of the Member States, and would also be made available to Member States, IGOs and NGOs, in electronic form, on the WIPO website. Comments on the Draft Report should be communicated in written form to the Secretariat, preferably eight weeks before the next meeting. The Draft Report will then be considered for adoption at the ninth session of the CDIP.

21. This Summary will constitute the Committee's report to the General Assembly.

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