

Committee on Development and Intellectual Property (CDIP)

Ninth Session
Geneva, May 7 to 11, 2012

WORK PROGRAM ON FLEXIBILITIES IN THE INTELLECTUAL PROPERTY SYSTEM – NEW ELEMENTS PROPOSED AT CDIP/8

prepared by the Secretariat

1. The Committee on Development and Intellectual Property (CDIP) at its eighth session considered and approved document CDIP/8/5, on a Future Work Program on Flexibilities in the Intellectual Property System. During the discussions on the document, some delegations suggested a number of new activities related to flexibilities. The Committee decided that the Secretariat should prepare “a document containing a compilation of new elements suggested by various Member States for consideration by the Committee at its next session”.
2. Accordingly, the following are the new proposed elements presented for the consideration by the Committee:
 - (a) To develop a technical and legislative assistance toolkit to address challenges faced by countries in implementing flexibilities, in order to provide assistance to countries at different stages of development on the effective implementation of IP flexibilities in various areas of public policy;
 - (b) To provide examples of how flexibilities have been implemented in industrialized countries, as well as additional information on national experiences, best practices, court cases interpreting legal provisions, and WIPO Academy training materials related to IP flexibilities;
 - (c) To prepare additional studies to extend the Secretariat's current work on patent-related flexibilities;

(d) To extend the Secretariat's work on flexibilities to other areas of IP contained in the TRIPS Agreement, while taking into account the work being undertaken in other WIPO committees so as to avoid duplication;

(e) To develop case studies on successful national experiences using flexibilities to achieve broader public policy objectives such as innovation, public health, food security, science and technological development, education, access to knowledge and access to culture, in line with Recommendations 1, 13, 14, 17, 22, 25 and 45. Such studies should focus not only on how Member States have implemented flexibilities in national laws, but also how those provisions were used to meet their national public policy objectives. The studies should identify legal, institutional and administrative constraints (challenges and barriers) in the implementation of flexibilities, including insufficient disclosure in patents, and the requirements for the creation of a conducive environment for the effective implementation of flexibilities to promote development and public policy objectives.

(f) To make available on the Flexibilities in IP webpage a database facility similar to IP Advantage, to allow Members to submit information documenting their practical experience in implementation of flexibilities;

(g) To prepare a presentation to promote better understanding of IP flexibilities, and to provide opportunities for civil society to provide inputs to the Organization's work in this area; and

(h) To organize further national and regional seminars, including national seminars on TRIPS flexibilities, to promote better understanding of the full and effective use of flexibilities in support of development objectives. Participants in such seminars should include representatives from IP authorities, development-related agencies including the ministries of health, agriculture, science and technology and research institutions. A webpage should be dedicated to making available information on such seminars, including video recordings, materials, presentations and seminar reports. A report could be produced on national experiences in the use of flexibilities based on information derived from such national and regional seminars.

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

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