

Committee on Development and Intellectual Property (CDIP)

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MANAGEMENT RESPONSE TO THE EXTERNAL REVIEW OF WIPO TECHNICAL
ASSISTANCE IN THE AREA OF COOPERATION FOR DEVELOPMENT
(DOCUMENT CDIP/8/INF/1)

Document prepared by the Secretariat

1. At the Eighth Session of the CDIP, held from November 14 to 18, 2011, the Committee requested the Secretariat to submit a Management Response to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development.
2. Accordingly, the attached document provides the Management Response.
3. *The CDIP is invited to take note of the information contained in the Annex to this document.*

[Annex follows]

AN EXTERNAL REVIEW OF WIPO TECHNICAL ASSISTANCE

IN THE AREA OF COOPERATION FOR DEVELOPMENT

MANAGEMENT RESPONSE

EXECUTIVE SUMMARY

I. INTRODUCTION

In November 2009, the Committee on Development and Intellectual Property (CDIP) at its 4th session, approved the “Project on Enhancement of WIPO’s Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of the Impact of the Organization’s Activities on Development”. One component of this project was an External Review of WIPO technical assistance activity in the area of cooperation for development.

The Review was conducted by Dr. Carolyn Deere Birkbeck and Dr. Santiago Roca, and their Report was delivered to the 8th session of the CDIP, in November 2011.¹

The CDIP at its 8th session agreed to establish an ad hoc working group composed of Member States to consider the Report and thus serve to expedite the discussions within the CDIP. As provided by the Summary of the Chair, the ad hoc working group was tasked with reviewing the report “with the emphasis on identifying recommendations that are redundant or no longer relevant, without any prioritization of recommendations.” The Secretariat was also required to submit a Management Response to the Report to the ad hoc working group to assist in its work.

II. MANAGEMENT SYNOPSIS

The terms of reference for the Review were to conduct “a macro level assessment of WIPO’s technical assistance activities to ascertain their effectiveness, impact, efficiency and relevance”. Improving the delivery of WIPO’s technical assistance activities and services may be seen as the thrust of this review process.

The Report makes a significant number of broad-ranging observations and recommendations, at both macro and micro levels of detail, which are addressed to the various sectors of the Secretariat delivering development-related assistance, as well as to WIPO Member States. The Report took into account the circumstances existing between 2008 and 2010, during the same period as WIPO was undergoing major operational change and reform through the Director General’s Strategic Realignment Program, and the mainstreaming of the WIPO Development Agenda across the Organization’s programs. As a result, the Authors of the Report acknowledge that some of the recommendations were of limited applicability by the time of writing, and others would be superseded by the Organizational reforms then taking place or foreseen to be implemented.

The Report recommendations cover five key areas, namely; relevance and orientation, impact, management, cost-efficiency, and coordination. A summary of the key content of each area is set out below.

¹ The Report is available at http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=182842.

a) Relevance and orientation

The Report acknowledges WIPO's increased focus on integrating the Development Agenda recommendations into the Organization's development cooperation activities, citing the improvements that have resulted from these recommendations being reflected in WIPO Program and Budget documents since the 2008-2009 biennium. At the same time, the Report emphasizes the need for a stronger and more cohesive development orientation in WIPO's activities, manifest in;

- (i) Better use of resources allocated to development activities balanced among the various areas of IP;
- (ii) Transparent, systematic and needs-based planning and programming processes; and
- (iii) Greater adherence to international principles and best practices of development assistance.

The Report also raised questions about the rationale, purpose and meaning of development assistance as it is being delivered by WIPO, and suggests the need for a clearer definition of "development orientation" in theory and in practice.

b) Impact

The Report recognizes that planning of development-oriented activities at WIPO has reached a reasonable level of sophistication from a results-based management perspective, but notes that consequent aspects of the program management cycle, namely monitoring and assessment of implementation, still require further strengthening across the Organization. The Report suggests the need for longer-term planning, and assessment of cumulative impact of development assistance activities. It proposes the adoption and deployment of tools and processes that will address these gaps as well as tools and processes to improve institutional learning and staff accountability for development activities.

c) Management

The Report focuses on management issues in the context of both governance and delivery of development-related assistance, which are addressed by a strategic organizational perspective. The recommendations focus on issues that arise from the aforementioned lack of effective reporting, monitoring and evaluation mechanisms, and highlight the need for more efficient information management systems to report on results of technical assistance activities. At the same time, the Report acknowledges that "important efforts to improve the results-based management framework and its implementation were underway", representing a significant step towards meeting the concerns. Other management issues relate to human resource management, organizational structures, and the need for guidelines to ensure transparency in the selection of external experts and consultants. The Report recognizes the importance of a Code of Ethics for staff and consultants, and this Code, under consultation at the time of the review, has now been issued as an Office Instruction to provide the values-based framework of ethics suggested by the Report (the Code of Ethics is reproduced at Appendix III).

d) Cost efficiency

The Report acknowledges the finite resources (time, human and financial) available to support the Organization's development assistance activities. The Report identifies areas where improvements could be made to contain the cost of these development activities, including better use of project planning tools, greater attention to cost-considerations by project managers, better coordination and communication to reduce duplication of activities, streamlining of institutional procedures and access to qualified staff or consultants. Recommendations also targeted improvements to sources of funding, such as through more cost-sharing partnership arrangements.

e) Coordination

The Report discussed both internal and external coordination. Recommendations concerning internal coordination focused on the need to clarify the roles and responsibilities of the various organizational units delivering development services, with a view to achieving coherence and unity of purpose, and avoiding duplication. Issues relating to external coordination related to WIPO's engagement or contact with Member States and their institutions, other international organizations, donors and stakeholders, as well as with the general public.

III. IMPLEMENTATION

The Report was presented to the CDIP for its consideration, and the Member States will in turn determine how to address the Report, and its recommendations. This management response was requested by the CDIP with a view to assist the Member States in their deliberations on the Report, in both the CDIP and ad hoc working group.

As a preliminary step in addressing the Report, WIPO has identified the following:

Three key messages on implementation

1. The Report recommendations should not be considered as any substitute to, or reinterpretation of, the WIPO Development Agenda, as agreed by the Member States and currently being implemented and integrated as a priority into the mainstream of the Organization's development assistance activities. The 45 recommendations of the Development Agenda are considered to be the best response to a significant number of concerns identified in the Report, and WIPO is working closely and seriously with Member States in order to ensure the implementation of all of the Development Agenda recommendations in an effective and sustainable manner. Indeed, many of the Report's recommendations are already being implemented within the framework of the Development Agenda and through the evolving technical assistance activities of WIPO.
2. The Report's recommendations were drafted in 2011, before the outcomes of the fundamental organizational reforms being undertaken by WIPO, including the Strategic Realignment Program, as agreed by the Member States and reflected in the Program & Budget for 2012-13. In many respects, the Report acknowledges the current efforts being made at WIPO in the development context, to which the Organization fully subscribes, and which will continue to be pursued to ensure a consistent strategic approach to all WIPO's development cooperation activities.

Many of the recommendations are already being implemented through the WIPO Strategic Realignment Program launched in late 2008, and its various initiatives, notably:

- a. Strengthening of the results-based management framework to address issues related to results orientation and the evaluation of short-term and cumulative impact;
 - b. Launch of the Enterprise Resource Planning system, which will allow planning and reporting on development activities to become fully integrated into the financial and management systems of the Organization thus increasing transparency of budgeting and expenditures
 - c. Formulation of a Medium Term Strategic Plan which defines the higher level strategic outcomes and indicators of development activities;
 - d. Strengthening of internal and external coordination, including through a WIPO Partnerships and Resource Mobilization Strategy;
 - e. Establishing a comprehensive ethics system, including a Code of Ethics for staff; and
 - f. Developing WIPO organizational design.
3. Those recommendations which address the “development orientation” of WIPO’s activities and suggest improvements in planning and programming, are already being implemented, including in two key developments:
- a. The two current WIPO projects directed at development of national IP strategies and policies are being mainstreamed into the Organization’s work. The ensuing national IP strategies will provide the comprehensive framework for IP assistance to countries to ensure alignment with national development goals and accountability, as recommended in the Report.
 - b. The Country Plans launched by WIPO in 2012, as a planning and delivery tool for development cooperation activities provide a strategic assistance framework developed and agreed between WIPO and the country concerned. The Country Plans implement the recommendations of the Report in so far as they provide a methodology which addresses the need for a specific plan that takes account of a country’s level of development, circumstances, needs, and priorities based on national development goals. The Country Plans also meet the Report’s recommendations, by ensuring that ‘demand-driven’ assistance is coherently and effectively aligned with national development needs, and boosts country ownership. The Report’s rejection of a ‘one-size-fits-all’ approach has long been accepted as a guiding principle in WIPO’s activities.

IV. RESPONSE TO RECOMMENDATIONS

The Report is very thorough and contains detailed analysis and many recommendations. Taking into account the separate proposals under each general recommendation, there are some 89 principal recommendations and 396 different measures recommended by the Report. A detailed response to these recommendations grouped by theme is set out below, however, the Organization has also considered the overall impact of the Report on improving the quality of our services. In this context, WIPO has identified the following:

Four important directions

1. The Organization views the Report as an endorsement of the direction established by the current organizational reforms, including the Strategic Realignment Program and the Results-Based Management program, with its emphasis on monitoring, evaluation and accountability. WIPO will continue on this path of reform, as agreed by the Member States.
2. The Organization should continue to adhere and deepen the 'demand-driven' foundation of its development cooperation activities, and should endeavor to improve the application of this concept in dialogue with the Member States partnering in such activities. The Organization's current work on development and design of IP strategies and Country Plans is geared to address this need.
3. It is important that the Organization continually examine and improve the manner in which it engages with external stakeholders. WIPO recognizes the importance of an effective and responsive communications interface between the Organization, its Member States and all stakeholders. The means by which WIPO presents itself to the world and makes its resources available is an important component of this engagement and, in this context, the WIPO website is under review for transformation. Also under this Program, the service-orientation of the staff and Organizational culture is currently a focus of internal reforms. WIPO accepts the need to reach out to and include a broad range of stakeholders in the Organization's activities, and the draft Partnerships and Resource Mobilization Strategy and national IP strategies programs are focused on maximizing the involvement of a broad range of external entities with diverse perspectives on IP in the planning, delivery and implementation of technical assistance.
4. The mainstreaming of the Development Agenda is fundamental to integrating development orientation in all WIPO's work. In order to achieve this, the role of the Regional Bureaus is changing to serve as primary focal points for coordination between WIPO and its Member States, as holders of the Country Plans, and as coordinators of the delivery of development cooperation. The integration of development orientation is also important in WIPO's human capacity building activities. Finally, the activities of the sectors dealing with copyrights, patents and trademarks, and the WIPO Academy, are also increasingly development-oriented.

Cost and priority setting exercise

A number of the Report's recommendations suggest the need for further studies, as well as numerous mapping exercises, strategic reviews, and gap analyses. These recommendations for additional discrete activities bear implications in terms of costs and resources required, including; two mapping studies, three further studies, 14 strategic reviews, three independent evaluations and one gap analysis. While many of the individual activities suggested appear reasonable and some are intuitively low-cost (e.g., the recommendation that each program should prepare a breakdown of partners and providers), the cumulative effect in terms of costs and overheads from these proposals would be significant.

An assessment of these recommendations would necessitate a rough costing and priority setting exercise, together with dialog between the Secretariat and Member States, and strategic decision-making in line with Member State needs in terms of development assistance.

Categories of recommendations

The Organization has embraced the opportunity presented by the Report, which has been reviewed critically at sector and Organizational levels through a process of internal consultation. Taking those consultations into account, the Report's recommendations are grouped in the following categories;

- (A) Recommendations which are already reflected in WIPO activities, or ongoing reform programs;
- (B) Recommendations which merit further consideration; and
- (C) Recommendations which raise concerns as to implementation.

It should be noted that, in many cases, the recommendations fit into more than one of the above categories, such as where a recommendation is already reflected in ongoing activities but where further improvements could be envisaged along the lines suggested, or where a recommendation is already reflected in ongoing activities and is therefore redundant. In addition, the recommendations are often repeated in different contexts in the Report and have multiple parts, so that while one part of a recommendation may be already implemented or merit future implementation in one or all contexts, other parts of the recommendation may raise concerns in some or all contexts. Further, while some recommendations would be possible to implement, their implementation would require changes to be made by the Member States to the negotiated and agreed priorities for the implementation of program activities.

The Organization has provided background information in response to many of the recommendations grouped by theme and then by category, below. This information does not exhaustively address every recommendation, but provides relevant information where available at this time. Further, the list of recommendations contained at Appendix II indicates against each recommendation the category into which it may potentially be placed. The Secretariat is prepared to further elaborate these categorizations upon the request of the Member States.

The ad hoc working group was mandated to identify, in particular, recommendations that were redundant or no longer relevant (the ad hoc working group's mandate is set out at Appendix I). These recommendations may be found, in particular, in categories (A) and (C) as listed below, and at Appendix II.

(A) Recommendations which are already reflected in WIPO activities, or ongoing reform programs

1. The Report recommends that WIPO should incorporate a sufficiently clear and broad understanding of the overall purposes of its development cooperation activities.
 - The mandate and purposes of the WIPO's development cooperation activities were discussed and expressed in the context of the Medium Term Strategic Plan, which provides the basis for the projects and actions presented in the Program & Budget for 2012-13, and three subsequent biennia. In future planning processes, the Organization will further develop its understanding of "development orientation".
2. The Report posits that the broader intent of the Development Agenda is to render WIPO a more effective multilateral forum for discussion and problem-solving on issues at the intersection of IP and development, and a source of assistance to countries in the context of a balanced framework at the global, regional and national level.
 - In the last four years, WIPO has undergone significant changes, including the establishment of new programs to address emerging issues where IP is situated at the crux of important technical, social and cultural developments. New services have been designed in response to Member States' demands for increased dissemination of knowledge and information, and the need for more people in developing countries to be able to use the IP system. The Organization has organized events in collaboration with other national and international institutions, to introduce the subject of IP to debates on climate change and sustainable development, public health, and food security among others.
 - WIPO has innovated and implemented new services such as WIPO Re:Search and is working on development of other projects such as WIPO Green, and will continue to encourage their uptake and facilitate their use. Numerous economic research activities are being undertaken to with a view to assessing the impact of innovation policies and the use of IP in economic development (e.g., current studies in Brazil, Mexico and Chile).
3. The Report recommends that there should be greater guidance and leadership from the Secretariat that the Development Agenda and "associated demands for shifts in the orientation of development cooperation activities" go beyond 'IP for development'.
 - While the Report does not define what is "beyond 'IP for development'", the Secretariat plays a facilitative role and, where appropriate, exercises leadership on the orientation of its development cooperation activities.
4. The Report recommends that the scale and intensity of WIPO's development cooperation activities should properly reflect the priority that developing countries accord to them. For example, it is suggested that greater emphasis should be given to activities that directly contribute to reducing the knowledge gap.
 - Many of the Report's recommendations are already being implemented either within the framework of the Development Agenda, or through WIPO's regular technical assistance activities. For example, WIPO's development cooperation activities are currently geared to reducing the knowledge gap, such as Technology and Innovation Support Centers (TISCs), Start-up Academies, PatentScope and the Global Brand Database. All such activities are demand-driven, and follow upon dialogue to identify the specific needs of each particular country.

- The emphasis currently given at WIPO to work on methodologies to design national IP strategies (described in more detail below) and the Regional Bureaus' work on IP strategies and Country Plan reflect the priorities accorded to these issues by the Member States.
 - WIPO's External Offices work closely with national and regional governments in their vicinity to ensure that their IP services closely address appropriate priorities.
5. The Report recommends that, in the context of internal and external coordination, the Director General's consultation process on the WIPO External Offices should include a review and clarification of their role in the design and delivery of development cooperation activities.
- The Director General's consultation process is intended to address this point.
6. The Report calls upon WIPO to adopt principles of aid/development effectiveness: country ownership, alignment (coordination), results focus and mutual accountability.
- The ongoing management reforms are geared towards enhancing the effectiveness and efficiency of the Organization, including its development-oriented activities, in accordance with the principles of the Paris Declaration on Aid Effectiveness.
 - These principles also apply to effective resource mobilization, as a prerequisite to support being provided by the donor community, which is a key theme underlying development of the WIPO Partnerships and Resource Mobilization Strategy, a draft of which is currently under internal consultation. The goal of this Strategy is to increase resources for IP and development, and expand the scope and impact of WIPO's development cooperation in meeting the growing needs of developing countries, least developed countries and countries with economies in transition.
7. The Report makes recommendations aimed at improving the concept of 'demand-driven' technical assistance, and at improving demand management. The Report also suggests that dialogue should take place between national beneficiaries and the Secretariat about national development strategies, priorities and needs, and WIPO's obligations to advance the Development Agenda.
- WIPO acknowledges the importance of a clear and common understanding of the term 'demand-driven' throughout the Organization, and is taking steps to ensure this is achieved. A key part of this strategy involves adopting a more strategic approach to identifying needs through such tools as national IP strategies and Country Plans.
 - The Secretariat conducts its development cooperation activities in a focused manner, based on interaction and systematic consultation with the Member State(s) involved. This includes regular consultations with national authorities, as well as relevant stakeholders in the context of developing national IP strategies. The Country Planning process currently underway at WIPO also aims at improving the Organization's understanding of the needs of the Member States.
 - The External Offices of WIPO are in constant and direct contact with stakeholders in their country and region, including in the preparation of Work Plans.

- With the mainstreaming of the Development Agenda recommendations in all the programs and activities of the Organization, in particular into the work of the Regional Bureaus, all program managers are now aware of the need to inform their collaborators of the role of the Development Agenda, and its relevance to national development goals.
 - In addition, the Development Agenda Coordination Division conducts national and regional seminars with the goal of raising awareness of the Development Agenda, and the possibilities for Member State engagement as proponents or beneficiaries of Development Agenda projects. The Committee on Development and Intellectual Property (CDIP) and the WIPO website on IP for Development,² also serve as avenues to inform stakeholders and advance the Development Agenda.
8. The Report recommends that improvements be made in the prioritization and balance of development and cooperation activities undertaken.
- The Organization-wide exercise in priority-setting and balancing of resources is currently being done in the context of the preparation and implementation of the biennial Program & Budget. The Secretariat is continually working to improve this process, in particular through the implementation of the Strategic Realignment Program.
9. The Report recommends that Member States should be provided with an adequate strategic overview of WIPO's development cooperation activities, priorities and budget allocation.
- This strategic overview is provided in the context of the Medium Term Strategic Plan, Program & Budget, Program and Performance Reports and Annual Report to the General Assembly of Member States.
10. The Report makes a number of recommendations directed towards improvement of the results-based management (RBM) framework, and aimed at strengthening tools and processes for measuring, assessing and reporting on the impact of development cooperation activities. In this context, a number of recommendations are also directed at improving the cost-efficiency of activities, integrating development cooperation activities into the regular Program & Budget process, and strategic prioritization of goals, priorities and expected results. The recommendations also suggest the need to implement an effective evaluation framework for WIPO's development cooperation activities, and to ensure that progress achieved in integrating Development Agenda principles at the planning level should translate to better results at the implementation level.
- These recommendations point to the Report finding that, whereas planning has reached a reasonable level of sophistication from a results-based management point of view, other parts of the program management cycle, namely monitoring and assessment of implementation, still require strengthening throughout the Organization in the coming biennia. Close cooperation with managers throughout the Organization, including in the area of development cooperation, is a prerequisite

² Available at <http://www.wipo.int/ip-development/en/>

for making steady progress in achieving these goals. This entails the following implementation activities:

- (i) Development of automated systems and tools to support managers in managing their programs and to provide the information/capability to aggregate/analyze information and data from an overall organizational strategic point of view. This will be done in close cooperation with the managers of the Enterprise Resource Planning (ERP) System Project to ensure that final solutions suit their needs.
- (ii) Development of better performance data collection tools and strategies for monitoring results at the national and regional levels. The gathering of performance data at the national and regional level is at the heart of a results-based approach and, although not cost neutral, may be seen as an investment in better understanding what works well and how, casual relationships and impacts, including in the area of development cooperation, and strengthening accountability to Member States. The collection and analysis of performance data in the area of development cooperation requires horizontal communication and cooperation among the Regional Bureaus, the specialized sectors and the Member States.
- (iii) Strengthening of the results-based culture throughout the Organization to ensure the best use of the information generated for managing programs, including for learning about what works well and why. The grounding of a results-based culture will be pursued through developing better project planning tools and enhancing project/program management capacities throughout the programs delivering development cooperation through the facilitation of targeted workshops and continuous coaching.
- (iv) Consolidation of various sources of information in a central business intelligence capability. This would enable the Organization to streamline reporting to various stakeholders, including on results, and to improve institutional memory about the work of the Organization, including development cooperation.
- (v) Enhancement of the capabilities of the Organization, through the Enterprise Resource Planning project, to better track actual expenditure based on a set of predefined reporting parameters. In addition, to better satisfy reporting requirements, this will enable the Organization to better understand the underlying cost-structures for implementing activities and achieving results, enhance its capacity to better identify duplications (during the P&B planning and work plan processes) and enhance cost efficiencies. The Regional Bureaus will have an important role to play as coordinating entities for development cooperation activities in WIPO Member States.
- (vi) Continuation of current efforts to further enhance the planning framework of the Organization, including the refinement of expected results and indicators (e.g., including those for the provision of legislative advice), mainstreaming development and pursuing results-based budgeting efforts. The country needs assessments, as part of the Country Planning exercises, will increasingly inform the

Organizational biennial planning, complementing the Program & Budget questionnaire responses from Member States. In addition, efforts will focus on further strengthening the performance indicators ensuring that they measure achievement of results (outcomes) rather than activities/outputs (i.e., number of people trained).

- (vii) Continuation of current integration of all initiatives (i.e., projects, activities, etc.) into the results framework of the Organization (i.e., strategic goals and expected results), irrespective of the source of funding, to ensure that all activities/initiatives undertaken by the Organization are complementary in contributing to the set goals (including Development Agenda projects). Such efforts were started in the 2010-11 biennium with the approval of Member States in 2010, of the Mechanism for Integrating Development Agenda Projects into the program and budgetary cycle of the Organization. The Program & Budget for 2012-13 includes additional information on Funds in Trusts (FIT) by program. Further, as of 2012, all initiatives/activities in the work plans are linked to the organizational results framework, including those funded by the reserves or extra-budgetary sources of funds.
- (viii) Identification and removal of institutional bottlenecks or procedures is being addressed on a continuous basis in particular, but not exclusively, through the implementation of the Enterprise Resource Planning project.
- (ix) A WIPO-commissioned study was prepared, at the request of the Committee on Development and Intellectual Property (CDIP), on 'Assessing WIPO's Contribution to the Achievement of the Millennium Development Goals (MDGs)'. The study contains a section on 'Enhancing WIPO's Contribution and Reporting on MDGs', which makes recommendations for improving WIPO's contribution to the MDGs, including through improvements in the results-based management framework and performance reporting. The CDIP is currently considering the report, and the Organization will work with the Committee to address and implement the recommendations as agreed by the Member States.

11. The Report makes recommendations aimed at diversifying and strengthening collaborations with donors, particularly through the Funds in Trust (FIT) programs.

- WIPO is keen to encourage multidonor and thematic funding wherever possible. However, this should not be at the expense of the work already done within existing FIT arrangements. The Program & Budget for 2012-13, demonstrated a further step in the integration of FITs in the regular budget, as well as planning and reporting. In future budgetary cycles, the Organization will explore ways to further integrate voluntary contributions into the regular budget.
- The Organization recognizes that there are different kinds of donors, and flexibility is required to deal appropriately with each. For example, the agreement that forms the basis of the FIT-Brazil aims at promoting the use of the IP system by institutions and individuals in Brazil, and developing countries with whom Brazil has cooperation activities. As such, the FIT-Brazil differs from most other funds because it was not established as a donation to developing countries at large.

- Following the convening of the WIPO Conference on Building Partnerships for Mobilizing Resources for Development (November, 2009), the project performance indicators and targets were mainstreamed into the program and Budget 2010/11. WIPO has taken steps to implement the next steps identified at the Conference; activities included the development and submission of a project to support the establishment of technology transfer organizations in the Arab region to the African Development Bank: outreach to, for example, USAID, the World Bank, the Asian Development Bank, the Islamic Development Bank, the Executive Coordinator of the UN Multi-Donor Trust Funds, InfoDev (World Bank), the UN Office for Partnerships, the UN Foundation, the Gates Foundation, the Rockefeller Foundation, AusAid, DFID and others; the Secretariat also organized the second WIPO FIT donors meeting aimed at improved sharing of information.
 - The Secretariat developed a draft Partnerships and Resource Mobilization Strategy in 2011. The strategy is currently being reviewed internally and will shortly be more widely available. On private sector partnerships, the approved Program & Budget 2012-13, included the development and approval of guidelines for private sector partnerships. A draft was developed using the UN Business Partnering Guidelines and Member States will be consulted on this issue in 2012. Finally, WIPO's resource mobilization activities have included support to the development of the WIPO Matchmaking Database, along the lines of Development Agenda Recommendation 9.
12. The Report recommends that more systematic and regular reporting, monitoring, evaluation and reporting on follow-up is needed to focus on long-term results and cumulative impact of development cooperation activities.
- Such systematic monitoring and reporting, with a long-term perspective is already being done in relation to certain FIT-funded activities, and it is proposed to continue this practice.
13. The Report makes a number of recommendations concerned with governance, including a review of Organizational structures for oversight and management, (e.g., the need for independent monitoring/evaluation mechanisms to ensure that WIPO's technical assistance serves development). Other recommendations are also addressed to the delivery model for development cooperation activities, and to the need to clarify the roles and responsibilities of the various service providers in the Organization.
- In terms of delivery of development assistance, one of the objectives of the 2012-13 biennial planning process has been the mainstreaming of development across all Strategic Goals and all relevant programs of the Organization in line with the Development Agenda recommendations. In particular, this has entailed the two expected results; (i) strengthening IP institutions (IP office modernization, Technology and Innovation Support Centers (TISCs) and Technology Transfer Offices (TTOs) and, (ii) integrating legislative advice into the specialized sectors (Programs 1, 2, 3, 14 and 15).
 - A new planning and delivery model has been established following the mainstreaming and in order to ensure a consistent and coherent delivery of development cooperation services to developing countries, least developed countries and countries with economies in transition. The delivery model implies the following distribution of roles and responsibilities:
 - (i) The Regional Bureaus, the Certain Countries in Europe and Asia and the Least Developed Countries Divisions are responsible for

coordinating the planning, implementation, monitoring and assessment of all development cooperation activities and are the custodians of the Country Plans;

(ii) The specialized sectors are responsible for the delivery of services, in close coordination with the Regional Bureaus, and Divisions for Certain Countries in Europe and Asia and Least Developed Countries, in accordance with national IP strategies and Country Plans; and

(iii) The Regional Bureaus, and the Divisions for Certain Countries in Europe and Asia and Least Developed Countries remain primarily responsible for the two expected results related to national IP strategies and capacity building.

- The delivery model for development cooperation activities will continue to be fine-tuned and formalized based on experiences gained in implementation, including through the Strategic Realignment Program Organizational design initiative.
- According to this delivery model, the role of the Regional Bureaus will continue to be enhanced in their capacity to formulate national IP strategies, their ownership of Country Planning processes, and the building of substantive knowledge of countries' political and legal systems relevant to national development policies. In turn, the substantive sectors will also need to systematically inform the Regional Bureaus about new challenges, available options and trends in the global IP system that would have an impact on development cooperation activities. It is foreseen also to enhance cooperation between Bureau staff and Development Agencies for the benefit of recipient countries.

14. The Report recommends that greater discussion should take place between the Secretariat and Member States on risks associated with activities, or local conditions that would facilitate/constrain the success of activities.

- WIPO is currently working on strengthening its risk management framework and risk mitigation strategies as an integral part of Organizational performance management, and the focus on risk has already been strengthened to some extent in the Program & Budget for 2012-13. The Organization is working to ensure that risk management is an integral part of its Organizational performance management system.

- WIPO currently focuses its preparatory work in technical assistance activities on establishing the prerequisites to achieving sustainable results, and exploring alternative solutions to mitigating risks.

- For example, the signing of agreements between WIPO and its Member States recipients of office automation support currently addresses this issue. This risk management component could be introduced more systematically into all areas of WIPO's provision of technical assistance.

15. The Report recommends that WIPO should broaden stakeholder engagement to ensure a balance of perspectives and, in this context, should support countries' efforts to establish national committees on development and IP.

- The WIPO programs for assisting with development of national IP strategies provide for the creation of national steering committees for the implementation of the

strategies. In some cases, these steering committees have evolved into a national advisory body on IP. While it is desirable that this should be systematic, the institution and success of such national committees will depend upon the support of the national authorities.

16. The Report recommends increased efforts to mobilize voluntary contributions, including from mainstream donors and philanthropic foundations.
 - There is an ongoing effort to increase voluntary contributions to support WIPO's development assistance work, and the draft WIPO Partnerships and Resource Mobilization Strategy, described above, also proposes a series of objectives and implementation actions, along with measureable indicators which will further this objective.
17. The Report recommends that WIPO should more actively identify partners, in particular international intergovernmental organizations (IGOs), as collaborators in its development cooperation activities. The Report further recommends that WIPO should undertake more partnering with national institutions at the local level.
 - The draft WIPO Partnerships and Resource Mobilization Strategy addresses the role of the Regional Bureaus in working with countries to mobilize these resources in collaboration with other IGOs.
 - WIPO systematically reaches out to other international intergovernmental organizations, as collaborators in its projects. For example, WIPO has collaborated with positive results in joint activities conducted with the World Trade Organization (WTO) and World Health Organization (WHO), including short-term projects such as seminars and meetings, and long-term projects such as the trilateral cooperation program. WIPO also reaches out to other collaborators, including NGOs and the private sector (e.g., in the patent field, meetings have taken place during 2011, with PhRMA, IPFMA, CROPLIFE and GPhA).
18. The Report recommends greater integration of regular and donor-funded technical assistance to support improved measurement of development impact, and transparency for donors, beneficiaries and other stakeholders.
 - The integration of regular and donor-funded technical assistance into the Program & Budget began with the Program & Budget for 2012-13, and it is proposed to further develop this integration in the Program & Budget for
 - 2014-15.
19. The Report recommends that staff should be more cautious in attributing success or failure to their development cooperation activities when assessing impact and results.
 - It is recognized that objective assessments and evaluation of the Organization's development cooperation activities will enhance understanding about the effectiveness of its technical assistance activities, including results chains, attribution, external factors and risks. The Organization is progressively strengthening objectivity in this context through systematic monitoring and assessment of all program activities.
20. Some of the Report's recommendations are also addressed to the strategic decision-making and planning of CDIP projects, and to ensuring evaluation of such projects before their expansion or renewal.

- In the Program & Budget for 2012-13, Development Agenda projects have been integrated in line with the Mechanism for Integrating Development Agenda Projects into the program and budgetary cycle of the Organization, as approved by the Member States in 2010. All Development Agenda project documents also currently contain linkages to the organizational results framework.
 - All Development Agenda projects are subject to evaluation upon completion. The final evaluation reports will be submitted to the Committee on Development and Intellectual Property (CDIP). Any extension of Development Agenda projects is subject to the evaluation findings.
 - Transforming Development Agenda principles into better results at the national level is at the heart of the Development Agenda. This concerns the content and quality of the implementation of development cooperation activities. WIPO's Administration and Management Sector is continuously working to facilitate the learning process through provision of systems and tools for managing development cooperation activities, and this effort will continue throughout the 2012-13 biennium.
21. The Report recommends that a strategic review should be undertaken of WIPO's internal organizational structure to ensure alignment with organizational goals and development-related priorities.
- The suggested review was commenced in 2009, and continues as part of the Strategic Realignment Program and Organizational Design initiative, in order to determine what structure will best facilitate the implementation of WIPO's work program and in order for the Organization to be more effective and to achieve its specified results.
22. The Report recommends that an adequate definition should be developed as to what counts as 'development cooperation activity' for Program & Budget purposes, and to be used in estimating the proportion of staff time used on delivery of development cooperation activities. At the same time, the Report also acknowledges that; "Compared to earlier years, the proposed 2012-13 Program and Budget better defines what is counted as development expenditure."
- The planning process for the Program & Budget for 2012-13, encompassed a bottom-up estimation of development expenditure at the level of high-level activities proposed for the biennium based on the following definition: "Expenditure is qualified as development expenditure, only where the beneficiary is a developing country and the equivalent expenditure is not available for developed countries".³ The estimation included both non-personnel and personnel costs, the latter estimated as a percentage of staff time used on proposed activities, and represents a significantly more detailed estimation than in previous biennia. Considerations in further fine-tuning the estimation need to be based on determining added-value versus increased overhead.
 - A revised definition of "development expenditure" for Program & Budget purposes is under development. In this context, it is notable that the Member States, during the 18th session of the Program and Budget Committee (PBC) in September 2010, requested that the following footnote be added in the Program & Budget for 2012-13:

³ Consistent with past practice, development expenditure also includes expenditure for countries with economies in transition.

“Following concerns expressed by several delegations during the 18th session of the PBC, this definition is considered as an interim definition for purposes of the 2012/13 biennium Program and Budget. This definition would be refined further, in informal consultations convened by the Chair of the PBC, with a view to evolving a more precise definition of ‘development expenditure’ in the context of the WIPO Program and Budget. The revised definition should be submitted to the 19th session of the PBC for consideration and recommendation for approval by the General Assembly. The revised definition would be used for the preparation of the Program and Budget for the next biennium 2014/15.”

23. The Report recommends that better assistance be given to developing countries to assess their development needs, IP capabilities and appropriate strategies. The Report also suggests the need for a satisfactory methodology for assisting developing countries to assess their development needs, IP capabilities and appropriate strategies.
- The task of needs assessment is an integral part of the Country Planning process. The Country Plans launched by WIPO in 2012, as a planning and delivery tool for development cooperation activities, aim to provide a strategic assistance framework developed and agreed between WIPO and the country concerned. Once implemented, the Country Plans should address the recommendations of the Report in so far as they provide a methodology which addresses the need for a specific plan that takes account of a country’s level of development, circumstances, needs, and priorities based on national development goals. The Country Plans will also meet the Report’s recommendations, by ensuring that ‘demand-driven’ assistance is coherently and effectively aligned with national development needs, and boosts country ownership.
 - WIPO is currently undertaking two projects directed at improving the Organization’s assistance in the development of national IP strategies and policies. While recognizing that there are inherent limitations in any attempt to design a standard methodology to assess “development needs” in general, the following two projects aim to assist developing countries to assess their development needs, and thereby to determine the most effective IP strategy to address those needs:
 - (i) The Development Agenda Project (DA_10_05): Development of National Intellectual Property Strategies; and
 - (ii) The WIPO project on a Framework for Designing National Intellectual Property Strategies for Development (“IP Strategies Framework Project”).
 - The Development Agenda project contains a set of tools that can be used to develop a methodology to assess a country’s development needs in the IP context, including an IP Audit Tool. The IP Audit Tool is being refined and improved through its employment in six pilot countries involved in the project. An external consultant has been engaged to independently review the IP Audit Tool, Questionnaire and methodologies used to inform the IP strategies being developed in the context of the Development Agenda Project, and evaluate their consistency and suitability for purpose.

- The methodology of the IP Strategies Framework Project ensures that the first step in the process of enquiry is to understand national development strategies and priorities in any given country, before identifying the most appropriate tools in the IP system to address those priorities. The framework approach links IP-policy development to a broader development-oriented public policy framework.
 - WIPO systematically includes monitoring and evaluation mechanisms into the development of national IP strategies with which it is involved. The methodology of the IP Strategies Framework Project, in addition, includes a results-based approach and is foreseen to include a component on monitoring and evaluation mechanisms as an integral part of any national IP strategy.
 - The outcomes of these projects are being mainstreamed into the Organization's work, in collaboration with the Regional Bureaus, and will be further developed and implemented through the Regional Bureaus' work. The ensuing national IP strategies will provide the comprehensive framework for WIPO's IP-related technical assistance to countries to ensure alignment with national development goals and accountability, as recommended in the Report.
 - Pending finalization of the abovementioned projects related to IP strategy development, WIPO continues to provide assistance to developing and least developed countries, and countries with economies in transition, to develop their national IP strategies and policies. Key to this process is a policy dialogue and consultation process involving a broad range of stakeholders, in close consultation with each national government, as recommended by the Report.
24. The Report recommends that the two WIPO national IP strategy projects should have active engagement with a diversity of external stakeholders and experts, and consistent internal coordination.
- The managers and teams involved in both WIPO IP strategy projects have maintained regular coordination channels, including internal meetings and communications, sharing of documents, involvement in planning and project management, inclusion in expert meetings of relevant WIPO colleagues and experts involved in both projects in order to share experiences, and incorporation of lessons learned in the Development Agenda project into the preparatory stages of the IP Strategies Framework project.
 - With respect to the need to link and coordinate with external processes, the IP Strategies Framework project will involve in each expert working group advisors from each of the relevant external organizations (WHO, WTO, UNCTAD, UNESCO, FAO, etc) and a research component has been built into the project plan to identify and incorporate information on flanking policies and strategies taking place in other international organizations and NGOs that should inform the IP Strategies Framework project (e.g. World Bank Poverty Reduction Strategy Papers, UNCTAD work on national development strategies, OECD programs on national innovation systems, International Center for Trade and Sustainable Development (ICSTD) programs on national development strategies, etc.). In addition, the research being undertaken in the Development Agenda project also takes into account the IP interface with national development policies based on the Millennium Development Goals. It is also foreseen to link the IP Strategies Framework Policy and its publication to research on implementation of national IP strategies, including policies developed within IP Offices and at the cross-ministerial level; in this context,

research on existing national IP strategies has already been undertaken within the context of the Development Agenda project on national IP strategies.

25. The Report recommends that WIPO should expand the range of non-government stakeholder collaborations to help sustain results and promote diversity of perspectives.
 - WIPO promotes and arranges external partnerships that best further the development goals outlined by the Member State in question, based on an assessment of the context of the technical assistance activity in question.
 - For example, ensuring civil society's engagement and participation in WIPO's work remains a critical objective, in line with Development Agenda Recommendation 42. In 2011, the Assemblies of the Member States of WIPO decided to grant observer status to five international non-governmental organizations (NGOs) and to five national NGOs. Moreover, representatives from NGOs have increasingly been invited to participate in a wide range of WIPO activities, including, in particular, activities relating to the WIPO Development Agenda and briefings on WIPO activities. WIPO has also participated actively in meetings organized by other institutions. For example, on November 18, 2011, the Secretariat organized a briefing session for NGOs in the margins of the CDIP.
26. The Report recommends that WIPO should improve collaboration with the United Nations family and development agencies, and in particular the WTO.
 - In line with the Development Agenda recommendations, notably 30 and 42, and in line with WIPO's mandate, the Organization is actively increasing its outreach and participation across a wide range of United Nations processes and inter-agency collaborations. At the international level, this includes the UNFCCC process, Rio +20, the Millennium Development Goals and Post-2015 Development Agenda.
 - WIPO's relationship with the WTO is also another key area of work. WIPO participates in and contributes to the work of the TRIPS Council and reports on WIPO's IP-related technical assistance to developing countries. WIPO has also increased its effort to work more closely with the WTO in relation to the WTO LDC Needs Assessment process. A number of joint activities were organized as part of WIPO's trilateral cooperation with the World Health Organization (WHO) and the World Trade Organization (WTO) for the implementation of the 'Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property'. On public health issues WIPO contributed to the UN inter-agency process on non-communicable diseases, led by the WHO. The WIPO Re:Search project also benefits greatly through its partnership with the WHO.
 - At the regional level, for example, WIPO participated in the work of the WIPO-UN Economic and Social Commission for Asia and the Pacific (UNESCAP) in the context of its Committee on Trade and Investment. At the national level, an example is the cooperation between WIPO, UNIDO and the ITC on an EU funded Trade Related Technical Assistance project in Pakistan. WIPO recognizes that more needs to be done in terms of cooperation at the national level in terms of collaboration with other United Nations organizations and development agencies. It would be useful to explore the means to achieve this goal within the United Nations Development Assistance Frameworks.

27. The Report recommends that WIPO should boost its external coordination to devise methodologies for development of national IP strategies, and at the country level during elaboration of those strategies.
- The WIPO IP Strategies Framework project actively engages with other international intergovernmental organizations in developing the conceptual tool to guide countries in designing their national IP strategies. The Development Agenda project on national IP strategies involves non-governmental organizations and intergovernmental organizations through the processes instituted by national authorities and the teams of experts working on the IP audit and drafting of the national IP strategies.
 - At the country level, WIPO should continue its work guided by the Member State in question in order to decide, if appropriate, when and how to engage external stakeholders.
28. The Report recommends that focus should be on longer-term or cumulative impacts of development cooperation activities, rather than short-term projects.
- The Organization recognizes the need to pay increased attention to the longer-term impact of WIPO's activities, and this is a focus of the ongoing Country Planning exercises. WIPO will further increase this element in consultation with the Member States.
 - WIPO's budget and resource allocation policy could be reviewed to allow for budgeting of longer-term projects in consultation with Member States.
29. The Report recommends that priority should be given to South-South cooperation and sharing of experiences, partly as a more efficient means of delivery of technical assistance.
- The Secretariat acknowledges the efficacy of South-South cooperation as a mode of enhancing delivery of development cooperation. Various programs within WIPO use South-South cooperation as an effective mode of providing technical assistance. The Regional Bureaus have encouraged South-South cooperation by exchanging experts and arranging study visits among developing country IP Offices. The Secretariat prioritizes engagement of South-South experts where possible (e.g., the Division for Least Developed Countries has recently engaged an Ethiopian expert for an IP branding project in Uganda, Tanzania and Mali, and a Malaysian expert for an appropriate technology project in Bangladesh, Nepal and Zambia).
 - The Organization will implement the South-South Cooperation Project approved by the Member States in the CDIP. In this context, an agreement between WIPO and the Government of Brazil, for the establishment of a Funds in Trust (FIT) dedicated to promotion of South-South cooperation between Brazil and other countries is under consideration for 2012.
 - WIPO utilizes the Roster of Consultants (ROC) Database to facilitate South-South cooperation. The ROC Database contains information on consultants engaged by the Organization to undertake specific IP technical assistance activities at the national level in developing countries, least developed countries and countries in transition in the field of IP.

30. The Report contains a number of recommendations aimed at infrastructure building.
 - While many of the recommendations are acceptable in principle, a priority-setting exercise would need to be conducted to determine which recommendations should be implemented and in what order. Elements of these recommendations have already been implemented in practice, such as the development of WIPO's internal management tool to monitor the progress of the Industrial Property Automation System (IPAS) deployment on a country-by-country basis.

31. The Report makes a number of recommendations in the field of IP Office modernization. For example, in the patent area, the Report recommends that countries should be provided with greater assistance to review international search and examination reports and reports by other national Patent Offices in light of national legislation.
 - The Organization is addressing the need to reinforce technical assistance to national Offices of developing countries that are PCT Member States, to enable them to more effectively make use of PCT international work products (international search reports, written opinions and international preliminary reports on patentability). The PCT International Cooperation Division work plan for 2012, envisages the organization of a regional workshop on the effective utilization of PCT international work products for staff from certain national Offices of developing-country PCT Member States, jointly organized with national Offices which act as PCT International Authorities. Funds from the Program & Budget for 2012-13 have been allocated to implementation of this activity, and an additional proposal has been submitted to support this activity through the Funds in Trust made available by Japan. In the future, WIPO envisages integrating the experiences gained from the workshop into its technical assistance activities.

32. The Report makes a number of recommendations aimed at boosting the transparency and evaluation of legislative advice. In particular, it suggests that an in-depth review of legislative assistance should be conducted by a team of external legal experts.
 - The Organization has planned a meeting on Patent Policy and its Legislative Implementation to be held in Geneva in the second quarter of 2013, and resources of 80,000 Swiss francs have been allocated for this purpose in the Program & Budget for 2012-13. The meeting will involve eight prominent IP lawyers, 10 self-financed experts from IP Offices, eight regional experts and four WIPO staff. The purpose of the meeting is to analyze and study the current legal texts, in particular the model patent laws, used by WIPO to provide legislative advice, address their policy implications, and to elaborate proposals for future action.

33. The Report recommends that Senior Management should ensure that all sectors/programs submit full information on their legislative activities to the Technical Assistance Database.
 - Under Organizational procedures currently in place, information related to legislative and policy advice on patents, utility models, trade secrets and integrated circuits is uploaded in the Technical Assistance Database (TAD). Under the future Enterprise Resource Planning (ERP) system, the link between the TAD and the Organization-wide information reporting system will be addressed to ensure that comprehensive data is systematically inputted to the TAD from all programs, including the specialized sectors.

34. The Report recommends that country needs assessments and IP strategies should inform legislative and regulatory advice before responding to a request for legislative assistance, and that WIPO should work with a country to investigate its development priorities, sectoral needs and relevant international commitments.
- The sectors of the Organization providing legislative advice currently take into account the IP strategies and IP plans prepared by external experts when providing legislative advice. Moreover, the practice of the Regional Bureaus of submitting the drafts of IP strategies or IP plans for internal comments to the specialized sectors, particularly with respect to the legal framework component, allows staff working on legislative advice to become acquainted with the documents before, or in parallel to, the legislative advice process. Examples of countries where this process has been applied include Sierra Leone, Nigeria, Bhutan and the Maldives.
 - The internal consultation process between the Bureaus and the legislative assistance areas results in improvements of IP strategies and plans under preparation and provides a key resource for the provision of legislative and policy advice. This relatively new administrative arrangement resulted in comments being provided by the legislative advice section to a number of countries; some recent examples include advice given by the Asia Bureau on the IP policies of the Republic of the Maldives and the Kingdom of Bhutan during 2011.
35. The Report recommends that the Organization should adopt a proactive approach to flexibilities, and present developing countries with the range of options and flexibilities available in international laws. Further, it is suggested that WIPO should explain how different options may hinder or advance countries' pursuit of development targets.
- The Organization currently ensures that every document prepared and submitted as legislative advice to Member States presents the range of options and flexibilities applicable under international law. In the course of providing such technical assistance, the Organization explains the implications of different policy choices on development. For this purpose, the Organization undertakes regular missions to national IP Offices, hosts many study visits and official consultations on legislative processes at WIPO Headquarters, organizes regional meetings on the effective implementation and use of flexibilities, and provides resource persons to participate in meeting in this field at the request of national authorities and other IGOs. The Organization fully utilizes available human and financial resources to respond to as many requests for such assistance as possible.
 - In response to Member States requests, commencing at the 4th session of the CDIP, the Secretariat is undertaking a work program on flexibilities in the IP system. In the context of patent-related flexibilities, WIPO has produced a document (CDIP/5/4 Rev.) which provides detailed information on the implementation in national laws of five patent-related flexibilities, namely: compulsory licenses and government use, exhaustion of rights, research exemption, regulatory review exception, and utility models. At the fourth session of the CDIP, Member States requested WIPO to prepare a document (CDIP/7/3) on a further five patent-related flexibilities: transition periods left to WTO Member countries in order to implement the TRIPS Agreement, namely; transitional periods, the patentability of substances existing in nature, disclosure-related flexibilities, substantive examination systems, and ex-officio IP Office control of contractual anti-competitive practices. This document is being revised to incorporate Member States' comments for the CDIP's further consideration.

- WIPO also continues to implement a number of activities, as agreed by the Member States, aimed at raising awareness of the practical implementation of flexibilities at the national level. In this context, a website⁴ has been established in the six official languages which provides a roadmap to the work on flexibilities taking place across WIPO, and also provides links to literature and resources on flexibilities produced by other international intergovernmental organizations. The website makes available a database enabling users to search for information about the implementation of IP flexibilities in national laws: at present, the database contains information about the five patent-related flexibilities which have been agreed by the Member States (see document CDIP/5/4), and is scalable to introduce further data on different flexibilities, and to include material such as case studies submitted by States, illustrating their experiences in using flexibilities to achieve public policy objectives. In accordance with the agreed work plan, the Organization has briefed colleagues involved in the provision of technical assistance and legislative advice on the issues related to flexibilities before the CDIP, and continues to explore possibilities, at the request of Member States, to hold national and regional seminars with a view to enable the practical exchange of experiences among countries on the implementation of flexibilities.
36. The Report recommends the publication of a series of development-oriented framework documents on legislative issues on which the Organization provides advice.
- WIPO has prepared a number of development-oriented framework documents dealing with IP legislative issues. For example, as mentioned above, two documents on patent-related flexibilities have been prepared (CDIP/5/4 and CDIP/7/3) at the request of the CDIP. Further, an expert working group on revision of the WIPO Patent Model Law has been included in the Program & Budget for 2012-13. At the same time, however, it should be noted that legislative and policy advice, in order to be effective, must be customized and tailored to respond to the actual needs of Member States upon individual request.
37. The Report recommends that WIPO should increase support for analysis of the impact of new international IP agreements on national development and public policy goals, and promote information-sharing among countries, including developed countries, about their experiences with IP legislation and development outcomes.
- WIPO currently conducts activities designed to support countries in their analysis of the costs and benefits of acceding to new IP treaties and agreements. In the patent field, for example, WIPO conducted regional meetings on flexibilities in the patent area, and commissioned regional experts' papers on the implementation of patent-related flexibilities at the regional and national levels in the course of 2011:
 - (i) The first regional meeting on patent-related flexibilities took place in Bangkok, Thailand, in March 2011, and enabled practical experience-sharing among countries, where aspects such as the understanding of multilateral legal texts, the use of some flexibilities based on successful real-life cases and best practices, as well as some constraints that developing countries might face in implementing them, were appropriately covered. The second regional meeting on patent-related flexibilities took place in Bogotá, Colombia,

⁴ Available at <http://www.wipo.int/portal/index.html.en?code=500>.

in February, 2012. Two more such regional meetings are planned in 2012, and 2013.

- (ii) Four regional experts from Argentina, Philippines, Singapore and Venezuela have been commissioned by WIPO to prepare papers that describe the implementation of patent-related flexibilities in their regions (Asia and Latin America). In terms of future work, four more regional experts will be commissioned from the African Region and one more region to be determined.

- In the context of the recommendation to support analysis of the impact of new international IP agreements on national development and public policy goals, the Secretariat currently undertakes such studies at Member States' request in the context of its specialized committees. In the trademark field, for example, the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Locations decided, at its 26th session (October 24 to 28, 2011, and February 1 to 3, 2012) to request the Secretariat, with the involvement of the Chief Economist, to prepare a study to address the impact of the draft Articles and draft Rules on Industrial and Design Law and Practice⁵ on developing countries, and the Secretariat is currently preparing this study. In the copyright field, at the request of the Standing Committee on Copyright and Related Rights, the Secretariat commissioned and published a three-part Study on the Socio Economic Dimension of the Unauthorized Use of Signals (Part I: Current Market and Technology Trends in the Broadcast Sector, Part II: Unauthorized Access to Broadcast Content – Cause and Effects: A Global Overview, and Part III: Study on the Social and Economic Effects of the Proposed Treaty on the Protection of Broadcasting Organizations.)

38. The Report recommends that WIPO should make available its various databases on legislation and regulatory practices through a common portal.

- The Organization currently consolidates all IP legislation and makes these resources available through the portal of WIPO Lex.⁶ WIPO Lex is a one-stop search facility for national laws and treaties on IP of WIPO, WTO and United Nations Members. It also features related information which elaborates, analyzes and interprets these laws and treaties, and provides streamlined access to reference material of key importance for optimal information on the global IP System.

- WIPO has also developed and made available a database allowing users to search for information on the national implementation of patent-related flexibilities in the IP system.⁷

39. The Report recommends that WIPO's website should be upgraded to better communicate with stakeholders, donors and beneficiaries about WIPO activities, and improved searchability of information.

- WIPO's Communications Division is currently implementing a project under the auspices of the Strategic Realignment Program, which includes the reconfiguration of WIPO's web presence and continual improvement of the accessibility and usability of WIPO's resources made available on its web site.

⁵ Documents SCT/26/2 and 3, available at <http://www.wipo.int/sct/en/meetings/>.

⁶ Available at <http://www.wipo.int/wipolex/en/>.

⁷ Available at <http://www.wipo.int/ip-development/en/agenda/flexibilities/>.

- The WIPO Technical Assistance Database⁸ and IP-Development Matchmaking Database,⁹ were developed and made available via WIPO's website to improve the searchability and accessibility of information relating to WIPO's development cooperation activities.
 - (i) The Technical Assistance Database contains information on technical assistance activities undertaken by the Organization where one or more of the beneficiary countries were either developing or a least developed country, or a country in transition. The database was developed in response to Development Agenda Recommendation 5.
 - (ii) The IP-Development Matchmaking Database offers a user-friendly process to match Member States' IP-related development needs with available resources. It was developed in response to Recommendation 9 of the WIPO Development Agenda: "Request WIPO to create, in coordination with Member States, a database to match specific intellectual property-related development needs with available resources, thereby expanding the scope of its technical assistance programs, aimed at bridging the digital divide." In future, further work is planned to promote the use of the IP-Development Matchmaking Database to national IP Offices.
40. The Report recommends that attention should be paid to lessons-learned from other technical assistance databases, such as the WTO's Global Trade-Related Technical Assistance Database, to ensure the usefulness of the IP-Development Matchmaking Database.
- The WIPO IP-Development Matchmaking Database was developed with considerable scrutiny given to comparable databases operated by other international organizations. WIPO closely cooperates with the WTO, and systematically provides data on WIPO's technical assistance activities to the WTO for uploading into their database.
41. The Report makes a number of recommendations aimed at integrating development-orientation into human resources management of staff and consultants, including the applicable selection process, and ensuring transparency in these procedures. The recommendations also address the need for aligning recruitment and Performance Management and Staff Development System (PMSDS) processes with development goals, and the need for a Code of Ethics.
- To better align human resources management processes with the work of the Organization, the Secretariat is currently looking into aligning job descriptions with the work planning processes, including in the area of development cooperation. Individual work objectives defined in the PMSDS are also being linked, as of January 2012, to the expected results of the Organization. With respect to new recruitments and engagement of temporary staff, the Secretariat will look into the possibility of defining a basic set of skills required for development-oriented job profiles to include in job advertisements.

⁸ Available at <http://www.wipo.int/tad/en/>.

⁹ Available at <http://www.wipo.int/dmd/en/>.

- The Secretariat is also currently addressing the possibility of defining competitive selection processes for short-term staff/consultants, and examining the possibility of extending similar selection processes to other types of service providers including under Special Service Agreements.
- The introduction of procedures to improve the assessment of work delivered by service providers would also be an important measure to ensure that only high quality providers are re-engaged. Such assessments could be made accessible to staff at large, for example through the Roster of Consultants (maintained by the Development Sector).
- The Secretariat endeavors to build local expertise and capacity through priority given to engaging local consultants and experts for national and regional technical assistance activities.
- The focus of the PMSDS is work plan-based performance and personal staff development. Where the work of any particular staff member is related to development, directly or indirectly, then development-related factors are already integrated into the PMSDS based on the relevance of the work to development and the Development Agenda as described in the Program & Budget.
- A Code of Ethics has been developed as part of the Strategic Realignment Program, as a component of a comprehensive ethics and integrity system at WIPO. The Code of Ethics, containing core values and principles, was drafted through an internal consultative process and established for all WIPO personnel as of February 1, 2012.¹⁰

(B) Recommendations which merit further consideration

1. In various different contexts, the Report makes recommendations suggesting the need for more internal coordination within WIPO on issues related to development cooperation.
 - The Organization acknowledges that its technical cooperation activities would benefit from improved and systematic internal coordination on development-related issues. The Administration will examine the best means to achieve this coordination, including through a more specific and permanent structure, such as regular periodic meetings at the Director/Section Head level. Part of this process involves internal discussions on the demarcation of mandates of the various units and programs in the Organization providing technical assistance.
 - Currently, improved internal coordination is being effected through the work plan formulation exercise. The sharing of work plan information in the Wiki space is producing positive results, together with construction of performance indicators that help to delineate the various sectors' mandates and responsibilities.
 - In the context of recommendations concerning internal coordination on legislative advice, the Organization acknowledges that there is room for continued improvement in communication and collaboration among staff in different sectors responsible for legislative assistance. While the realignment of responsibilities on matters of legislative advice is relatively recent in the patents and copyright areas,

¹⁰ The WIPO Code of Ethics is available at Appendix III.

and remains ongoing in the trademark area, coordination among sectors remains an important procedural issue. Most important in this context is that staff responsible for legislative advice should be aware, through communication with Regional Bureaus, of the existence of broader IP strategies and policies in the countries requesting assistance, and of relevant policy debates, local expertise, stakeholder consultations and inter-ministerial processes.

2. The Report recommends that improvements should be made to the accessibility of research and evidence as a basis for development cooperation activities.
 - The Office of the Chief Economist of WIPO continues to develop and extend the research base for development-oriented activities in the IP field. The WIPO Seminar Series on the Economics of IP,¹¹ the World IP Report,¹² and the various economics working papers and publications produced by WIPO¹³ and freely available through the WIPO website are aimed at increasing this research base.
 - In addition, initiatives have also been taken to develop IP research capacity at the national and regional levels, for example, among ASPAC countries.
3. The Report makes recommendations on the relevance and orientation of the Organization, and in particular on the need for all staff and consultants involved in development cooperation activities to be informed about widely accepted principles and practices.
 - The Organization acknowledges the need for all staff to be informed about and follow, where appropriate, widely-accepted principles and guidelines in the field of development cooperation, as adopted by other international organizations. WIPO is committed to an ongoing program of staff training to enable them to keep up with the evolving nature of development cooperation, based on the Development Agenda principles. The mainstreaming of the Development Agenda is focused on integrating these principles into the daily activities of all WIPO staff.
4. The Report makes a number of recommendations to the effect that WIPO's activities and budget allocations are greater for industrial property than for copyright and related rights "despite the strong potential development of creative and cultural industries", and that IP strategies should include greater attention to issues of creativity and cultural industries.
 - The Organization attaches equal importance to all fields of IP, and any disparity in budget allocations should not be taken as evidence of an imbalance in attention or priority. While the copyright and the industrial property sectors of trademarks and patents within WIPO undertake similar activities
 - (e.g., maintenance of the respective standing committees), the Secretariat is also responsible for administering many industrial property treaties regarding the acquisition of various industrial property rights and, in some cases, the maintenance and management of those rights. In addition, the infrastructure needed at the national, regional and international levels and the nature of examination needed is greater for industrial property rights than that needed for copyright and related

¹¹ See http://www.wipo.int/econ_stat/en/economics/seminars.html.

¹² Available at http://www.wipo.int/econ_stat/en/economics/wipr/.

¹³ Available at http://www.wipo.int/econ_stat/en/economics/publications.html.

rights, and accordingly requires more assistance from the Secretariat. As a consequence, industrial property management requires greater resources in terms of Secretariat activities and in terms of technical assistance provided to developing countries for the registration and management of industrial property rights, than for copyright and related rights.

- The Organization is aware of the growing importance of copyright and the creative industries, and in its structural reorganization is devoting increased resources to these activities. The WIPO program which supports the preparation of National Studies on Assessing the Economic Contribution of the Creative Industries,¹⁴ has provided support to enable countries to measure the economic contribution of their creative industries, and there is potential for more follow up with concrete deliverables to these countries to stimulate their cultural and creative industries.

- Greater resources are also being devoted to copyright-related activities at the Regional Bureau level. For example, the Division for Least Developed Countries has expanded its copyright activities in its 2012 work plan, to include copyright-related activities in both the African and Asian regions, and also to provide technical assistance for the establishment of collective management organizations in at least three least developed countries in Africa and Asia.

- In the context of development of national IP strategies, the IP Strategies Framework Project addresses the following six development-related sectors with equal importance:

- (i) Public Health and IP
- (ii) Agriculture, Rural Development and IP
- (iii) Industry Development, Trade and IP
- (iv) Environment, Energy and IP
- (v) Education, Science and IP
- (vi) Culture and IP

- It is observed that this is a reflection of the demands of Member States, who to date have more consistently focused on technological innovation as a driver of economic growth and improvements in productivity.

5. The Report recommends that, in order to broaden stakeholder engagement, WIPO should more systematically monitor the diversity of stakeholders and experts involved in providing assistance, so as to ensure a balance of perspectives.

- The Organization adheres to the principle of engaging consultants and experts with a broad range of perspectives on the role of IP, to ensure critical thinking and objective analysis in its delivery of technical assistance. In this context, consistent efforts are made to ensure geographical diversity and balance, as well as gender representation, in the appointment of experts to WIPO projects and activities.

- The Roster of Consultants (ROC),¹⁵ contains information on consultants engaged by the Organization to undertake specific IP technical assistance activities at the national level in developing countries, least developed countries and countries

¹⁴ See http://www.wipo.int/sme/en/documents/guides/copyright_industries.htm.

¹⁵ Available at <http://www.wipo.int/roc/en/>.

in transition. In view of the Report's findings, it is agreed that the updating of detailed profiles of consultants in the ROC could be more systematically maintained, in order to facilitate accurate information about WIPO's partners in the provision of development cooperation.

6. The Report recommends that consideration should be given to reorganizing WIPO's development cooperation activities to address the needs of particular categories of countries. The Report further suggests that countries should be grouped for the purposes of delivery of technical assistance on the basis of their structural commonalities, such as nature and size of the economy, or IP Office capabilities.
 - In the context of the Strategic Realignment Program, consideration will be given to the best means to address the needs of countries, including whether any groupings of countries into categories according to capacity would provide improvements in terms of delivery of development cooperation.
7. The Report recommends that a mapping be undertaken of other inter-governmental initiatives and non-governmental efforts to promote innovation, creativity, technology transfer and access to knowledge.
 - While WIPO regularly undertakes research and enquiry aimed at situating its work among the work taking place in other organizations in the context of particular projects, a systematic mapping would facilitate the identification of WIPO's strategic niche and relevant partnerships with a range of external actors.
8. The Report recommends that WIPO should make available a 'menu' or catalog of development cooperation activities.
 - The Organization agrees that a catalog, or 'menu' describing its development cooperation activities could be prepared and made available to Member States via the WIPO website, to enhance transparency, and assist in country ownership of development cooperation and in the current Country Planning exercise. To some extent, this recommendation is addressed through WIPO's current activity of publishing on its website activities undertaken in coordination with relevant countries, which is designed for use as a tool for both the Organization and Member States in identifying and prioritizing technical assistance projects.
9. Many of the recommendations are addressed to cost-saving and efficiency measures, including avoiding duplication and making better use of technological resources.
 - The Organization agrees that cost savings can be made by further use of technological resources such as video-conferencing, webcasting and use of Skype. While the Organization has already implemented the use of such information and communication technologies in its training and consultation activities, it would be beneficial to explore options for expanding their use. For example, the WIPO Regional Offices use Skype to communicate with Headquarters, and video conference facilities are being installed in the Offices to increase the number of training programs that can be offered to local and regional users, and to improve communication between the Offices and Headquarters.
 - However, it should be noted that dependence on remote communications such as Skype for delivery of training could pose a challenge and be counter-productive for prospective beneficiaries from least developed countries, due to lack of necessary facilities in the country concerned. Alternate modes of training and

participation should always be provided for participants from least developed countries.

10. The Report addresses the training activities conducted by WIPO, and makes particular recommendations concerning the work of the WIPO Academy. The Report recommends that more strategic and specific goals, priorities and expected results for training should be set, that training should focus on building a critical mass of substantive, politically-informed expertise within developing countries on IP and development, and that reporting on training should focus on how training was used to contribute to development goals.
 - The WIPO Academy is led by a set of guidelines stemming from the decisions taken by Member States at the General Assembly level including, in particular, the Development Agenda, the Medium Term Strategic Plan and the Program & Budget.
 - The WIPO Academy is making concerted efforts, mainly through targeted questionnaires, to verify that training provided is actually contributing to development goals. Steps are being taken to improve the evaluation tools, in order to ensure that training services are effectively targeted at meeting the needs of beneficiary countries and other stakeholders and to ensure the best use of resources, and to reorient training content and methods where necessary.
 - In various sectors of the Organization, WIPO is already implementing targeted training activities with evaluations geared to determine how effective the training activity was in contributing to development goals. In the Division for Least Developed Countries, for example, targeted training and skills development programs have been established to create a pool of IP resource persons from government, business, industry and the judiciary. This training program facilitates national implementation of the theoretical and practical WIPO training. Participants are required to prepare specific projects under the guidance of international experts in their area, and subsequently participants work at their national level to implement the project.

11. The Report recommends that IP training should be development-oriented, and that IP education should be linked with other public policy issues.
 - The WIPO Academy, in line with the mainstreaming of the Development Agenda, has introduced components on IP and development to its curricula, including; the Professional Development Program, the Academic Institutions Program, the Distance Learning Program, the Executive Program, and the Summer Schools Program – all of which substantially focus on development-related issues. In its capacity-building and knowledge-generating role, the WIPO Academy is playing a role in the development of national IP strategies, development-oriented regulatory frameworks and institutional and technical infrastructure. Through interactive, dynamic and empirical approaches, participants in Academy program gain specialized knowledge and, most importantly, the capacity to apply that knowledge to contribute to their own national and regional development.
 - The Organization acknowledges that, while steps have been taken to orient the WIPO Academy's activities towards development, through changes to its structure, work methods, materials and curricula, there is still more to be done and these needs are being addressed through concurrent internal and external review processes.

12. The Report recommends that WIPO should undertake an in-depth and critical review of the strategic niche of its training activities particularly of the WIPO Academy, in the context of other training initiatives worldwide.
 - From its inception, the WIPO Academy has been a leading center for training and research on IP for developing and least developed countries, and countries in transition, but its activities as well as the field in which it operates are changing. Under the auspices of a Development Agenda project adopted in 2009, the WIPO Academy is also establishing Start Up National IP Academies in a number of developing countries. The target recipients of the Academy's services have also expanded to cover, in addition to staff of national IP Offices, judges, law enforcement officers, policy makers, diplomats, innovators, business managers and IP professionals, creators and academics. New thematic areas have also emerged of direct relevance to the field of IP, such as the global challenges of climate change, food security and public health. At the same time, throughout the world, new IP institutions are being established as providers of IP-specific training.
 - In this context, WIPO has commissioned an external review of the WIPO Academy, to be conducted by Professor Joseph Straus and Dr. Carolyn Deere-Birkbeck, to examine the training activities implemented by WIPO (mainly through the Academy) in the biennia 2008-9, and 2010-11, and on the activities approved in the Program & Budget for 2012-13. The results of the external review of the WIPO Academy will be reflected in the WIPO Academy for 2013, and in preparations for the Program & Budget for 2014-15. The external review also meets the recommendations of the WIPO Internal Audit and Oversight Division.
13. The Report makes a number of recommendations aimed at cost efficiency in the provision of WIPO training activities.
 - WIPO training activities are conducted in large part by the WIPO Academy, while the specialized sectors, Regional Bureaus and the Division for Least Developed Countries also provide specialized training activities, awareness-raising activities, case studies, manuals and other training and teaching tools on a diverse range of IP subjects. The Program & Budget for 2012-13, demonstrates the Organization's effort to streamline planning and clarify the roles and responsibilities of the various sectors in achieving expected results of each program, and contribute in turn to the Strategic Goals of the Organization.
 - However, the Organization recognizes that further clarity is needed as to the definition of 'training' and 'training-related activities', as well as on the role and responsibilities of the WIPO Academy on the one hand, and the specialized sectors on the other hand, in the context of the overall objective of fostering human capital in the developing world.
 - In this respect, the external review mentioned above will, according to its terms of reference, map the training and human capacity-building activities implemented respectively by the WIPO Academy and other sectors of the Organization, and make recommendations on the roles and responsibilities of these various areas with a view to:
 - (i) Improving internal coordination;
 - (ii) Avoiding possible duplication and overlap;

- (iii) Maximizing cost efficiency and synergies among activities;
 - (iv) Improving linkages between WIPO Academy activities in beneficiary countries and national needs assessments; and
 - (v) Improving linkages between WIPO Academy activities and the development objectives established by the Development Agenda, the Program & Budget and the Medium Term Strategic Plan.
14. The Report suggests that the Technical Assistance Database should be redesigned to facilitate internal and public searchability of WIPO programs according a numerous criteria, and to make the results of internal and external evaluations publicly searchable. Further, it is recommended that the Database should be more systematically updated by all programs, and be integrated into the Enterprise Resource Planning (ERP) System.
- While the WIPO Technical Assistance Database is internally and externally searchable, many but not all of the recommended criteria for searching and displaying data are available. While the Database could be redesigned to a certain extent, many of the requirements stipulated in the Report go well beyond the scope of the original Development Agenda project agreed by the Member States.
 - Currently, the Database is systematically updated manually by the Database team. For the future, the new ERP System will provide some of the data suggested by the Report to be integrated into the Technical Assistance Database. In turn, the Database team is currently collaborating with and giving input and requirements to the ERP System team, and will monitor the deliverables of the ERP project and determine whether any information gaps remain to be addressed.
 - The Development Agenda project that established the Technical Assistance Database is currently undergoing an evaluation review, and the results of the evaluation will be communicated to the CDIP. This review will, inter alia, determine whether the Database has been developed according to Member State guidelines.

(C) Recommendations which raise concerns as to implementation

1. Some recommendations suggest that the Organization should shift from an 'IP-centric' to a 'development-oriented' perspective, particularly in its dealings with other United Nations organizations. The Report also states that WIPO should not seek to establish itself as *the* United Nations voice on IP.
- As established through its constituent convention and Agreement with the United Nations, WIPO is the United Nations specialized agency with a mandate to promote the protection of IP for cultural, economic and social development. The Program & Budget for 2012-13, further recognizes WIPO's potential to serve as the leading intergovernmental forum for addressing the intersection between IP, innovation and global public policy issues.¹⁶ As the specialized United Nations agency for IP, WIPO endeavors to facilitate international policy dialogue on the intersection between innovation, IP and global public policy issues, recognizing that

¹⁶ See Program & Budget, 2012-13, at p.128-9.

IP is not an end in itself, but a tool to achieve socio-economic and development objectives.

- It is suggested that WIPO should continue to develop its specific expertise in the field of IP, and offer its 'voice' as the specialized agency of the United Nations with the primary mandate in the field of IP, in the same way that the World Health Organization speaks as the United Nations voice on health, and the Food and Agriculture Organization speaks as the United Nations voice on agriculture. This does not exclude other United Nations agencies from involvement in the field of IP.
2. The Report makes some recommendations concerning the Medium Term Strategic Plan, and agreements reached by the Member States on coordination between the Program & Budget Committee and CDIP, and at the General Assemblies in 2011.
 - Agreements reached at the CDIP, the Program & Budget Committee and the General Assemblies, including the coordination between those bodies, should not be revisited or reopened for further discussions. In those bodies, the Member States reached agreement after careful consideration and discussion, and their carefully constructed agreements should not be reopened for further possibly counterproductive discussions.
 3. The Report makes a number of recommendations which are particularly directive at level of detail (e.g., prescribing the specific content of questionnaires), and which reflect only one perspective as to how an activity should be undertaken.
 - The degree of specificity and detail in the recommendations is not beneficial in some cases, because it deprives the Organization of the dynamic flexibility which is necessary to balance different, often conflicting, interests and priorities in constantly evolving situations. Where recommendations are very specific in some aspects of an area, they overlook other aspects, and the result is unrealistic and impractical, particularly when politically-sensitive issues are involved.
 4. The Report recommends that WIPO should explore ways to devote greater attention to advising and informing countries on IP negotiations and treaties, and their potential effects. Further, it is suggested that WIPO should give greater support to development-oriented advice on the negotiation and implementation of bilateral, regional and South-South IP arrangements, negotiations, dialogue and cooperation.
 - The Organization takes the position that it should not intervene in the negotiation of IP at the bilateral or regional levels. However, with respect to the implementation of bilateral and regional IP agreements, the Organization continues to provide assistance to Member States. For example, WIPO has provided advice to the Central American countries in the framework of the Free Trade Agreement with the United States of America (CAFTA) and to Colombia and Peru in the framework of their United States of America and European Union Free Trade Agreements. WIPO also provides assistance to countries in the implementation of the TRIPS Agreement, in the context of the Agreement between WIPO and the WTO.¹⁷
 5. The Report recommends that WIPO should provide grants to Member States to implement their own activities, to reduce WIPO staff costs and build national capacity.

¹⁷ Available at http://www.wipo.int/treaties/en/agreement/trtdocs_wo030.html.

- A number of development cooperation activities involve WIPO providing support to financing an international expert identified by a Member State, or financing consultancy services designed by a national institution. However, it is suggested that this recommendation represents a false economy, as it would substantially reduce the Organization's ability to monitor the implementation and evaluate the results, and quality of service, which is also a key thrust of the Report.
6. The Report recommends that the role of Regional Bureaus in the provision and implementation of activities should be limited to regional and sub-regional activities on issues cutting across the expertise of specialized sectors.
- It is not sustainable to restrict the Regional Bureaus to only regional and sub-regional activities where crosscutting IP issues are involved. Moreover, the Regional Bureaus are the repositories of country-specific expertise in the field of IP.
7. The Report makes recommendations as to the content and purposes of legislative advice given by WIPO to Member States.
- The Report suggests that legislative advice provided by the Secretariat should always include strategies designed to introduce greater use of flexibilities and 'alternative' forms of IP such as traditional knowledge. While the legislative advice provided by the Secretariat always contains information on the breadth of applicable IP issues, including flexibilities in the IP system, in most cases the emphasis suggested by the Report does not accord with the request of the Member States and their particular needs for legislative advice.
 - Similarly, the Report proposes that WIPO, when providing legislative advice, should take into account "the needs of a diversity of potential users and stakeholders at the national level, and to strategic prioritization among them". However, the requests for advice received by WIPO from Member States are not framed in this way, and the issues are so intensely political and local that it would not be appropriate or effective for WIPO to address them.
8. The Report makes a number of recommendations suggesting that WIPO's activities should be 'development-driven' (also 'demand-driven', 'Member States driven', or 'country-enhanced ownership'), and suggests that the Organization should direct its activities so as to promote the 'development-driven' approach.
- WIPO's development cooperation activities follow the mandate set out by the Member States in the biennial Program & Budget, and all recommendations in the Report should be guided by the Program & Budget, as agreed by the Member States. While the Report suggests that the Secretariat has discretion in interpreting and implementing this mandate, the Program & Budget provides clear objectives that the Member States want to achieve; for 2012-13, one such objective is the empowerment of developing countries and least developed countries to use IP for economic growth, and achieve their national development objectives. WIPO's development cooperation activities have been tailored to achieve this objective, in particular, by helping to implement:
 - (i) National IP strategies and policies aligned with national development goals;
 - (ii) IP regulatory frameworks that promote creativity and innovation;

- (iii) Effective IP infrastructure that is service and development-oriented;
and
 - (iv) Enhanced capacity to benefit from the knowledge economy through the use of IP.
9. The Report recommends that the development-orientation of WIPO's activities could be improved by enhanced transparency, in particular by publishing for external review all IP strategies, policies and plans supported by WIPO in draft form prior to completion.
- The publication of internal draft government policy documents is a question solely for the Member State involved to determine, while WIPO is ready to facilitate the publication and review of such documents upon request.
10. The Report suggests that a special body in the CDIP can play a role in identifying and proposing projects and activities.
- The Regional Bureaus exercise the necessary oversight and coordination in initiating and proposing development-oriented projects and activities, while the CDIP provides the body through which the Member States can propose and agree to adopt Development Agenda projects and activities for implementation by the Secretariat.
11. The Report makes recommendations referring to the impact of WIPO's development cooperation activities, and suggests that the Organization should expand the range of non-governmental stakeholders with which it collaborates in the planning and delivery of development cooperation.
- While WIPO is expanding and reforming its strategies of outreach to all external organizations, including non-governmental organizations, caution needs to be exercised, and careful scrutiny given in order to ensure the neutrality of non-governmental organizations, so as to avoid working with entities acting in their own self interest, where the focus must be on providing a development cooperation activity based on the Member States' needs and development goals.
42. The Report makes a number of recommendations concerning the role of WIPO's External Offices, in the context of internal/external coordination.
- The role of WIPO's External Offices needs to be reviewed taking into account the political issues involved and the diverse roles performed by each External Office. The concerns identified by the Report should be identified as issues on which further consultation should be conducted by the Secretariat with Member States. In this context, the Director General is currently conducting a consultation process with Member States on the issue of WIPO External Offices.
43. The Report discusses the relationship between Regional Bureaus and External Offices as one unified arrangement. However, this discussion is not accurate, because each External Office has a unique approach and degree of involvement in development cooperation activities.
- For example, the WIPO Singapore Office is not a merely logistical contact but executes a significant number of substantive work activities that obviate the need to

send colleagues from Headquarters to the region, implying considerable cost-savings. Among these activities, the WIPO Singapore Office disseminates WIPO treaties in a balanced manner, enhances IP and innovation support activities, extends IP asset management and networks, promotes arbitration and mediation services, supports the Access to Research for Development and Innovation (aRD_i) program, and works to establish and strengthen collective management organizations in the Asian region.

44. The Report recommends improved collaboration with other United Nations organizations and development agencies, and specifically that WIPO's development cooperation activities should be conducted within the framework of United Nations country-based Development Assistance Frameworks.
 - WIPO should endeavor to associate its activities with United Nations Development Assistance Frameworks, however, the Frameworks at present do not at present are not well adapted to such efforts. WIPO should further explore how this goal might be achieved.
45. The Report recommends, in the context of human resources management, that contracts for external experts and consultants should be awarded through open bidding practices.
 - It is not considered advisable to hold open bidding for recruitment of consultants for technical assistance projects, because such requirements would detract from the Organization's flexibility to employ external consultants in the most efficient and responsive manner, and impose a cumbersome administrative procedure that would not be justified in all circumstances.
46. The Report suggests that the IP-Development Matchmaking Database should be linked to WIPO's Technical Assistance Database.
 - While the IP-Development Matchmaking Database and the Technical Assistance Database are linked at the data level once any projects are completed, there is no benefit in integrating the software of the two databases. The technical requirements of the two databases are independent, and they each serve different purposes.
47. The Report recommends that all WIPO technical assistance on TRIPS-related issues, including budgetary information, should be reported to the WTO for integration in the Global Trade-Related Technical Assistance Database.
 - Although WIPO systematically provides the WTO with information on its technical assistance activities to be inputted in the WTO's Global Trade-Related Technical Assistance database, it is not proposed that budgetary information should be given. In this context, the WTO itself removed budgetary information from their database as it was judged to have raised too many issues and misunderstandings.
48. Some of the Report's recommendations as they refer to WIPO's infrastructure-related programs, oversimplify or over-generalize solutions to be adopted.
 - For example, some recommendations refer to IT outsourcing as a preference, or golden rule. By contrast, WIPO practice is to seek to identify best practices in industry ('right sourcing'), since outsourcing may not be more cost-effective of

strategically beneficial from a risk management perspective, and in-sourcing may be a better alternative in some circumstances.

- Similarly, the Report recommends the adoption of open source software. Whereas WIPO practice is to prefer open source when it is deemed advisable in a given situation, following a cost-benefit analysis.

- The Report also recommends the decentralization of IT support services, whereas WIPO's approach, based on experience, is that decentralization is not always the right approach. The best approach is a combination of centralized control and decentralized regional support, both of which work to complement the other.

- The Report recommends a one-size-fits-all model for IP Office business solutions. However, business solutions vary from one Office to another, and WIPO's approach needs to be customized to specific Member State needs in this respect.

- While the Report recommends that PATENTSCOPE be subject to a detailed risk assessment in view of the existence of other public/private patent search services, PATENTSCOPE is not subject to choice as against publicly available databases, and this recommendation is not advisable. It had been agreed that it should be developed as WIPO's strategic asset to promote its goal of narrowing the knowledge gap.

12. The Report recommends that the content of legislative advice to countries should be publicly available, with Member State consent, to facilitate review and debate by external experts and national stakeholders.

- The drafts and comments prepared by the WIPO Legislative and Policy Advice Section are shared by the recipients of that legislative and policy advice with all national stakeholders that the recipients consider appropriate, within their own network of national and international stakeholders and according to their own interests. The level of confidentiality is assigned by Member States according to their own criteria. Accordingly, the Organization takes measures to ensure that only the requesting authority and their Mission in Geneva obtain access to the documents. The current practice meets with Member States' approval.

[Appendices follow]

APPENDIX I

MANDATE OF THE AD HOC WORKING GROUP

Committee on Development and Intellectual Property (CDIP)

Eighth Session

Geneva, November 14 to 18, 2011

Extract from the Summary by the Chair

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:

1. 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;
2. There will be no budgetary implications associated with the *ad hoc* working group;
3. 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;
4. 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.
5. 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;
6. 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
7. 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.

APPENDIX II

LIST OF RECOMMENDATIONS

The list of recommendations from the External Review Report, prepared by the Secretariat, is grouped in the following sections following the structure of the Report:

- (I) General Observations
- (II) Relevance and Orientation
- (III) Impact
- (IV) Management
- (V) Cost-efficiency
- (VI) Internal and External Coordination
- (VII) IP Strategies and Policies
- (VIII) Legislative and Regulatory Assistance
- (IX) IP Office Modernization
- (X) Training and Human Resource Capacity Building
- (XI) User-Support Systems
- (XII) Promotion of Innovation, Creativity, Access to Knowledge and Technologies
- (XIII) [Recommendations for WIPO's Member States]¹⁸

The list of recommendations also indicates against each recommendation the category into which it may potentially be placed according to the following categories:

- (A) Recommendations which are already reflected in WIPO activities, or ongoing reform programs;
- (B) Recommendations which merit further consideration; and
- (C) Recommendations which raise concerns as to implementation.

The Secretariat is prepared to provide further elaboration of these categorizations upon the request of the Committee.

I. GENERAL OBSERVATIONS

1. Incorporate a sufficiently clear and broad understanding of the overall purposes of WIPO's development cooperation (DC) activities.¹⁹ (Category (B))
2. Develop an adequate definition of what 'development-oriented' assistance, as per the Development Agenda recommendations, actually means.²⁰ (Category (B))
3. Should be greater guidance and leadership from [WIPO Member States and] the Secretariat that the Development Agenda and associated demands for shifts in the orientation of DC activities include, but go beyond 'IP for development'.²¹ (Category (A))

¹⁸ Note: square brackets denote recommendations directed at Member States.

¹⁹ Executive Summary p. iv

²⁰ Executive Summary p. iv and External Review Report p. 38

²¹ Executive Summary p. v and External Review Report p. 41

4. The broader intent of the DA is to render WIPO a more effective multilateral forum for critical discussion, debate and problem-solving on issues at the intersection of IP and development, and a source of greater assistance to countries in designing, implementing and benefiting from a more balanced framework at the global, regional and national level.²² (Category (A))
5. The range and intensity of activities in industrial property, and budgetary allocations, are greater than for copyright and related rights despite the strong development potential of creative and cultural industries.²³ (Category (A))
6. The scale and intensity of WIPO DC activities on global public policy issues, rebalancing the IP system to reflect development priorities, research on IP and development, and reducing the knowledge gap through technology transfer and access to knowledge should properly reflect the degree of priority that developing countries accord to them.²⁴ (Categories (A) and (C))
7. Greater overall emphasis should be given to DC activities that would directly contribute to the goal of reducing the knowledge gap, such as activities to help countries to:²⁵ (Categories (A) and (B))
 - a) attract, absorb, learn from and produce technologies and/or promote affordable access to knowledge that could contribute to local innovation processes;²⁶
 - b) promote coherence of IP policies and other areas of national public policy;²⁷
 - c) make practical use of exemptions or *sui generis* legal/policy options to improve access to foreign technologies or manage the degree of protection they receive;²⁸
 - d) support developing countries to protect their knowledge, creative products or technologies in international markets and enforce their rights in other jurisdictions; and
 - e) establish and use mechanisms that could improve balance in national IP systems such as those related to pre and post-opposition patents.²⁹
8. Confusion should be remedied among Member States and within Secretariat as to meaning of 'demand-driven':³⁰ (Categories (A) and (B))
 - a) Development-oriented demand-driven assistance is that which is aligned with national development needs).³¹ (Categories (A) and (B))
 - b) Dialogue should take place between national beneficiaries and the Secretariat about national development strategies, priorities and needs and WIPO's obligations to advance the Development Agenda.³² (Categories (A) and (B))

²² Executive Summary p. v and External Review Report p. 61
²³ Executive Summary p. v and External Review Report p. 119
²⁴ Executive Summary p. v and External Review Report p. 61
²⁵ Executive Summary p. xiii and External Review Report p. 42
²⁶ External Review Report p. 42
²⁷ External Review Report p. 42
²⁸ External Review Report p. 42
²⁹ External Review Report p. 42
³⁰ Executive Summary p. vi and xiv, and External Review Report p. 62
³¹ Executive Summary p. xiv and External Review Report p. 62
³² Executive Summary p. xiv and External Review Report p. 62

9. Greater discussion should take place between WIPO staff and Member States on risks associated with activities or the local conditions and requirements that would facilitate or constrain the success of activities.³³ (Categories (A) and (B))

10. Need for transparency about the origins of Secretariat proposals at the regional level, clear relationship to broader strategic planning, results-management and priority-setting processes at the country and organization-level, and opportunities for Member States and stakeholders to provide input to ensure the appropriate development-orientation of activities.³⁴ (Category (A))

11. Need for a satisfactory methodology for assisting developing countries to assess their development needs, IP capabilities and appropriate strategies.³⁵ (Category (A))

12. The two IP strategy projects will demand active engagement with a diversity of external stakeholders and experts, including IGOs, development agencies and NGOs, and consistent internal coordination on the substantive and procedural aspects of each project.³⁶ (Category (A))

13. With respect to activities to enhance support systems for users of the IP system, greater attention should be given to activities that might help governments and other stakeholders to address the challenges of ensuring a balanced and development-oriented IP legislative, regulatory or policy framework.³⁷ (Categories (A) and (C))

a) Greater attention should be paid to assessment of the needs of a diversity of potential users and stakeholders at the national level, and to strategic prioritization among them based on development priorities.³⁸ (Categories (A) and (C))

14. An assessment of the impact of WIPO's activities was hindered by the absence of systematic monitoring, reporting and evaluation of the impact of WIPO's DC activities against their expected results by category of activity or by country.³⁹ (Category (A))

a) And by the absence of a systematic information management system where detailed information on the content of projects is provided.⁴⁰ (Categories (A) and (B))

15. Need for clarity within WIPO about what 'development impact' means at different levels and for the diverse range of activities in which WIPO is involved.⁴¹ (Category (B))

16. WIPO lacks the diversity of methodologies and tools to help countries measure the impact of changes in IP policies and laws on development and other strategic objectives, or to properly assess how its DC activities may influence the achievement of such impacts.⁴² (Category (A))

³³ Executive Summary p. x and External Review Report p. 63
³⁴ Executive Summary p. x and External Review Report p. 63
³⁵ Executive Summary p. vii and External Review Report p. 87
³⁶ Executive Summary p. vii and External Review Report p. 63
³⁷ Executive Summary p. vii and External Review Report p. 139
³⁸ Executive Summary p. vii and External Review Report p. 139
³⁹ Executive Summary p. viii and External Review Report p. 75
⁴⁰ Executive Summary p. viii and External Review Report p. 75
⁴¹ Executive Summary p. viii and External Review Report p. 74
⁴² Executive Summary p. viii and External Review Report p. 72

17. Professional training and activities should be properly adapted to the specific needs of recipients, and follow-up should be employed to ensure usefulness and exploitation of any benefits:⁴³ (Category (A))

a) Development impact of WIPO's training activities should be monitored.⁴⁴ (Category (B))

18. Ensure an adequate definition of what counts as a 'development cooperation activity' for Program and Budget purposes.⁴⁵ (Categories (B) and (C))

19. All programs should have appropriate expected results and adequate data gathering at national and institutional levels, so as to strengthen reporting, monitoring and evaluation, and thereby transparency and accountability:⁴⁶ (Category (A))

a) RBM frameworks should be developed for WIPO DC activities at the country and regional level.⁴⁷ (Category (B))

20. Member States should be provided with an adequate strategic overview of WIPO's DC priorities, activities and budget allocation.⁴⁸ (Category (A))

21. Focus should be on longer-term or cumulative impacts of DC activities, rather than short-term projects.⁴⁹ (Categories (A) and (B))

22. To maintain cost efficiency of WIPO's DC activities:⁵⁰ (Categories (A) and (B))

a) Adequate use should be made of project planning tools;⁵¹

b) Attention should be given to cost considerations;⁵²

c) Duplication should be avoided;⁵³

d) Institutional bottlenecks or procedures should be removed,⁵⁴ and

e) Adequate access should be ensured to qualified staff and consultants.⁵⁵

23. Internal coordination of the diversity of DC activities undertaken by different sectors and programs should be improved:⁵⁶ (Categories (A) and (B))

a) Avoid duplication and better exploit synergies.⁵⁷ (Categories (A) and (B))

⁴³ Executive Summary p. ix and External Review Report p. 74
⁴⁴ Executive Summary p. viii and External Review Report p. 74
⁴⁵ Executive Summary p. ix and External Review Report p. 166
⁴⁶ Executive Summary p. ix and External Review Report p. 147
⁴⁷ Executive Summary p. ix and External Review Report p. 147
⁴⁸ Executive Summary p. ix and External Review Report p. 168
⁴⁹ Executive Summary p. viii and External Review Report p. 75
⁵⁰ Executive Summary p. xi and External Review Report p. 171
⁵¹ Executive Summary p. xi and External Review Report p. 171
⁵² Executive Summary p. xi and External Review Report p. 171
⁵³ Executive Summary p. xi and External Review Report p. 171
⁵⁴ Executive Summary p. xi and External Review Report p. 171
⁵⁵ Executive Summary p. xi and External Review Report p. 171
⁵⁶ Executive Summary p. xi and External Review Report p. 173
⁵⁷ Executive Summary p. xi and External Review Report p. 173

24. Implement adequate strategic thinking on the part of [Member States and] the Secretariat on the diversity of external partnerships and collaborations needed to fulfill the Development Agenda mandate.⁵⁸ (Categories (A) and (B))

- a) Greater effort should be made to learn from other assistance providers at international and national levels.⁵⁹ (Category (A))

II. RELEVANCE AND ORIENTATION

4. Integration of Development Agenda principles, guidelines and best practices.⁶⁰
(Category (A))

- a) Progress achieved in integrating DA priorities and principles at the planning level should be translated into better results at the implementation level.⁶¹ (Category (A))

5. Improve the development-orientation of activities:⁶² (Category (A))

- a) WIPO's activities should adhere to widely accepted principles, guidelines and best practices in the broader field of DC (e.g., OECD's Paris Principles).⁶³ (Categories (A), (B) and (C))
- b) All staff and consultants involved in DC activities should be informed about and follow these principles and best practices, and engage in ongoing training on key developments in development assistance.⁶⁴ (Category (B))
- c) WIPO should devise 'Development Guidelines' on how to plan and implement development-oriented assistance in terms of substance and process based on DA principles.⁶⁵ (Categories (A) and (B))
- d) Guidelines should be supplemented by a manual to detail best practices and content for each of main topics and modes of delivery of IP-related cooperation.⁶⁶ (Category (B))
- e) Guidelines should be used by all stakeholders including consultants engaged in DC activities along with a Code of Ethics for individual providers and experts (staff, consultants or unpaid speakers/experts).⁶⁷ (Categories (A) and (B))
- f) Expected results in the P&B should be refined to explicitly address how the different components of development orientation are integrated across WIPO's programs, and activities.⁶⁸ (Category (A))

⁵⁸ Executive Summary p. xi and External Review Report p. 186
⁵⁹ Executive Summary p. xi and External Review Report p. 186
⁶⁰ Executive Summary p. xiii and External Review Report p. 59
⁶¹ Executive Summary p. xiii and External Review Report p. 59
⁶² Executive Summary p. xiii and External Review Report p. 61
⁶³ Executive Summary p. xiii and External Review Report p. 61
⁶⁴ Executive Summary p. xiii and External Review Report p. 61
⁶⁵ Executive Summary p. xiii and External Review Report p. 61
⁶⁶ Executive Summary p. xiii and External Review Report p. 61
⁶⁷ Executive Summary p. xiii and External Review Report p. 61
⁶⁸ Executive Summary p. xiii and External Review Report p. 61

- g) WIPO [and Member States] should refine and reorient the Strategic Goals, outcomes and outcome indicators of the MTSP to reflect a comprehensive conception of development-orientation, in particular to better reflect the two core objects of DC activities (i.e. reducing the knowledge gap and increasing participation of developing countries in the benefits of the IP system, and reducing its costs):⁶⁹ (Categories (B) and (C))
- i) Importance of programs/activities devoted to these two objectives should be more visible within the organizational hierarchy and budget and in activities at country/regional level;⁷⁰ and (Categories (B) and (C))
- ii) A Working Group could be established to elaborate a paper on strategies to advance progress in these two areas.⁷¹ (Categories (B) and (C))
6. Improve prioritization and balance of activities undertaken:⁷²
- a) WIPO [and Member States] should devise clearer objectives and priorities for DC activities, a process for prioritization of activities, and criteria for determining what activities fall within those priorities.⁷³ (Categories (A) and (B))
- b) Internal processes for prioritization of activities by program, expected results and country and allocation of regular funds in the P&B process should be more transparent.⁷⁴ (Category (A))
- c) Greater attention should be given to integrating and streamlining development goals and priorities across WIPO's programs top down through the P&B process and bottom-up by ensuring that overarching WIPO-wide programs, DC activities and priorities are informed by and aligned with country needs and priorities.⁷⁵ (Category (A))
- d) Integrate five potential sources of input in prioritization and planning of DC activities:⁷⁶
- i) Country needs assessment and planning processes should bring a 'bottom-up' perspective including priority-setting for P&B processes;⁷⁷ (Category (A))
- ii) P&B process should focus more on identification of core priorities and their integration into programs;⁷⁸ (Category (A))
- iii) Incorporate the DA vision about the role of WIPO in IP and development;⁷⁹ (Category (A))
- iv) Incorporate lessons learned about priorities and successful activities from the improved evaluation processes into future planning;⁸⁰ and (Category (A))

⁶⁹ Executive Summary p. xiii and External Review Report p. 61
⁷⁰ Executive Summary p. xiii and External Review Report p. 61
⁷¹ Executive Summary p. xiii and External Review Report p. 61
⁷² Executive Summary p. xiii and External Review Report p. 61
⁷³ Executive Summary p. xiii and External Review Report p. 61
⁷⁴ Executive Summary p. xiii and External Review Report p. 61
⁷⁵ Executive Summary p. xiii and External Review Report p. 61
⁷⁶ Executive Summary p. xiii and External Review Report p. 61
⁷⁷ Executive Summary p. xiii and External Review Report p. 61
⁷⁸ Executive Summary p. xiii and External Review Report p. 61
⁷⁹ Executive Summary p. xiii and External Review Report p. 61
⁸⁰ Executive Summary p. xiii and External Review Report p. 61

- v) CDIP can play a role in identifying and proposing projects/activities (e.g., CDIP could establish an expert group on development issues to advise WIPO and Member States on cross-national initiatives to promote a more balanced IP system and complement country-based demand-driven proposals).⁸¹ (Categories (A) and (C))
7. Integrate budgets and planning for all DC activities into the regular P&B process:⁸²
(Category (A))
- a) Funds in Trust (FITs) supported activities should be reflected in WIPO's regular budget, programming and reporting processes, and into country planning processes;⁸³
(Category (A))
- b) Guidelines should be adopted to ensure alignment of FITs activities with development goals, priorities and expected results of the P&B process and RBM framework;⁸⁴
(Categories (A) and (C))
- c) Need greater Member State oversight of FITs workplans and evaluation;⁸⁵
(Category (A))
- d) Consider creation of multi-donor funds, rather than individual funds for each donor;⁸⁶ and
(Categories (B) and (C))
- e) Greater reflection should be given to WIPO's comparative advantage among the community of donors and providers of IP-related development assistance, the strategic role of WIPO and modalities it is best positioned to use.⁸⁷ (Category (A))

Questions include:

- i) How much should WIPO's focus be on implementation of activities at the national level versus facilitating coordination of activities among many donors or brokering access to new resources at the request of Member States?⁸⁸ (Category (A))
- ii) To what extent should WIPO serve as a training institute and where should its priorities lie?⁸⁹ (Category (A))
- iii) To what extent can/should WIPO build and diversify its in-house expertise to address the expanding range of demands it faces?⁹⁰ and
- iv) To what degree should WIPO's work be outsourced to consultants or conducted via institutional partnerships?⁹¹

⁸¹ Executive Summary p. xiv and External Review Report p. 61
⁸² Executive Summary p. xiv and External Review Report p. 61
⁸³ Executive Summary p. xiv and External Review Report p. 61
⁸⁴ Executive Summary p. xiv and External Review Report p. 61
⁸⁵ Executive Summary p. xiv and External Review Report p. 61
⁸⁶ Executive Summary p. xiv and External Review Report p. 61
⁸⁷ Executive Summary p. xiv and External Review Report p. 62
⁸⁸ Executive Summary p. xiv and External Review Report p. 62
⁸⁹ Executive Summary p. xiv and External Review Report p. 62
⁹⁰ Executive Summary p. xiv and External Review Report p. 62
⁹¹ Executive Summary p. xiv and External Review Report p. 62

8. Improve demand management, partnership and outreach for DC:⁹²
(Categories (A) and (B))

- a) DC activities should be conceived as a partnership between WIPO and Member States. Governments should communicate their preferences as to key focal points for DC activities.⁹³ (Category (A))
- b) [The role of Geneva-based missions in process of communicating national needs and priorities and liaising with WIPO on details of assistance warrants more careful definition by countries.⁹⁴]
- c) WIPO should improve outreach and guidance to Member States on range of DC activities offered.⁹⁵ (Category (A))
- d) A menu/catalogue of DC activities should be made available on WIPO's website to help countries determine which DC activities might feature in their country plans.⁹⁶
(Categories (A) and (B))
- e) The guide should be reviewed and updated annually, and should detail:⁹⁷
(Categories (A) and (B))
 - i) Kinds of DC activities provided by region/program;
 - ii) Process for requesting assistance;
 - iii) Time frame for receiving requested assistance;
 - iv) Possible modes of cooperation;
 - v) Focal points within WIPO;
 - vi) Whether assistance can be at regional, national, district or city level;
 - vii) Kinds of national stakeholders that can request assistance and through what channels;
 - viii) Process of engaging other providers, donors, experts in activities;
 - ix) Process for monitoring/evaluating country-level activities;
 - x) Considerations re country-preparedness such as absorptive capacity, risks and matching resources; and
 - xi) Processes by which Member States can guide overall planning and prioritization of WIPO DC activities.
- f) Clarify the term 'demand-driven'. The focus of DC activities should not be on responding to requests, but on promoting a dialogue with/among Member States about

⁹² Executive Summary p. xiv and External Review Report p. 62

⁹³ Executive Summary p. xiv and External Review Report p. 62

⁹⁴ Executive Summary p. xiv and External Review Report p. 62

⁹⁵ Executive Summary p. xiv and External Review Report p. 62

⁹⁶ Executive Summary p. xiv and External Review Report p. 62

⁹⁷ Executive Summary p. xiv and External Review Report p. 62

needs/priorities and appropriateness of different types of DC given a country's level of development, preparedness, absorptive capacity and risks, and the competing demands on WIPO's resources and obligations to advance the DA.⁹⁸

(Categories (A) and (B))

- g) Staff should address obstacles/risks frankly with national authorities to ensure realistic expected outcomes/results.⁹⁹ (Categories (A) and (B))
- h) Stronger efforts should be made to identify options and discuss alternatives, and to identify alternative providers where activities are beyond WIPO's scope.¹⁰⁰
(Categories (A) and (B))
- i) Consideration should be given to whether DC activities need to be altered, supplemented or complemented to address the needs of categories of countries among whom lessons can be learned and shared (e.g., small/large IP offices, with/without search and examination capabilities, large emerging countries/middle income developing countries). Some larger emerging developing country Members may not be requesting DC assistance as defined, but have strategic needs/interests to which WIPO should respond.¹⁰¹ (Categories (A) and (C))
- j) Priority should be given to DC activities that enable South-South cooperation, and enhance sharing of experiences/expertise among developing countries.¹⁰²
(Categories (A) and (B))

9. Boost country ownership:¹⁰³

- a) Improve efforts to better tailor DC activities to national development objectives/circumstances, consistently integrating the social/economic context, national development goals/priorities, and broad regulatory and institutional environment of the country.¹⁰⁴ (Category (A))
- b) WIPO should assist Members to undertake/update national needs assessment for IP-related DC activities:¹⁰⁵ (Category (A))
 - i) Needs assessments should be informed by national IP and Development policies and strategies formed with input from government departments and stakeholders; (Category (A))
 - ii) Needs assessments should be used to improve country-level planning of DC activities linked to clear expected results, targets and performance indicators; and (Category (A))
 - iii) WIPO and Member States should be informed of concurrent efforts by other providers to develop/use toolkits for such assessments and coordinate or complement them. (Category (A))

⁹⁸ Executive Summary p. xiv and External Review Report p. 62

⁹⁹ Executive Summary p. xv and External Review Report p. 62

¹⁰⁰ Executive Summary p. xv and External Review Report p. 62

¹⁰¹ Executive Summary p. xv and External Review Report p. 62

¹⁰² Executive Summary p. xv and External Review Report p. 62

¹⁰³ Executive Summary p. xv and External Review Report p. 63

¹⁰⁴ Executive Summary p. xv and External Review Report p. 63

¹⁰⁵ Executive Summary p. xv and External Review Report p. 63

- c) WIPO should continue to refine and deploy a flexible template for preparation of multi-year country plans for DC:¹⁰⁶ (Category (A))
 - i) Templates should be used together with national IP policies/strategies and needs assessment tools to prioritize WIPO assistance; (Category (A))
 - ii) Country plans should be the focal point for dialogue with Member States and staff planning activities in a country to enhance coordination, prioritization and efficient use of resources; (Category (A))
 - iii) Country plans should be compatible with DA recommendations, strategic goals, RBM framework and WIPO's financial and human resources; (Category (A))
 - iv) Plans should map activities of other donors and actors and specify appropriate niche for WIPO's interventions; and (Category (B))
 - v) WIPO should encourage Member States to implement a strategy for soliciting and managing assistance received, and assist them to identify/facilitate access to other sources of assistance. (Category (A))
 - d) WIPO and beneficiaries should pursue a more meaningful dialogue on preparedness, challenges and risks:¹⁰⁷ (Categories (A) and (B))
 - i) Greater up-front efforts should be made to inform countries of the demands DC activities may place on national resources (institutional, human and financial) from needs assessment phase through to design and implementation of country plans; (Category (A))
 - ii) Tailor/adjust or postpone activities based on assessment of internal resources available in beneficiary countries; and (Category (A))
 - iii) Use the country planning process as a tool for building mutual understanding of resource constraints and the need for priority-setting. (Category (A))
 - e) WIPO [and Member States] should devise processes to boost oversight of its DC activities at the regional level:¹⁰⁸ (Category (C))
 - i) WIPO should review its DC activities for regional IP Offices, including by consulting with Member States on how to improve development-orientation of these Offices and bolster the national expertise necessary for them to provide oversight of regional IP arrangements. (Category (C))
10. Broaden stakeholder engagement, and ensure balance of perspectives and boost transparency:¹⁰⁹ (Category (A))
- a) WIPO should support countries' efforts to establish national committees on development and IP involving the full range of relevant government agencies working on public policy

¹⁰⁶ Executive Summary p. xv and External Review Report p. 63

¹⁰⁷ Executive Summary p. xv and External Review Report p. 63

¹⁰⁸ Executive Summary p. xv and External Review Report p. 63

¹⁰⁹ Executive Summary p. xv and External Review Report p. 63

impacted by IP reforms (health, education, culture, agriculture, industry), and non-government stakeholders;¹¹⁰ (Category (A))

- i) Include support for public consultation and engagement in forming country plans and delivering IP-related development assistance.¹¹¹ (Category (A))
- b) WIPO should more systematically monitor the diversity of stakeholders/experts involved in providing assistance (consultants, speakers, trainers etc.), to ensure balance of perspectives:¹¹² (Category (A))
 - i) Each WIPO program should prepare a breakdown of partners/providers used in development activities according to category actor (NGO, developed/developing country government agency, research institute, industry association, company etc.);¹¹³ and (Category (B))
 - ii) There is a need for stronger institutional culture towards engaging with and learning from a diversity of stakeholders, to a media relations designed to open dialogue about challenges faced in development cooperation, and to substantive debates on IP and development.¹¹⁴ (Categories (A) and (B))
- c) Improvements should be made to the development-orientation and accessibility of research and evidence-base for DC activities (internal and external peer-review, quality, communication strategy, and availability of research and studies conducted by WIPO).¹¹⁵ (Category (A))

III. IMPACT

1. Strengthen tools and processes for measuring impact:¹¹⁶ (Category (A))
 - a) WIPO should devise and deploy tools/processes to better measure the *impact* of DC activities at country, sectoral and institutional level.¹¹⁷ (Categories (A) and (C))
 - b) The section on Economic Analysis and Statistics should take the lead to devise a set of rigorous methodological papers and comparative studies of practices in other fields of development assistance.¹¹⁸ (Category (A))
 - c) An Expert Group of WIPO staff and external experts should be established to help review the tools for measuring impact, and WIPO's RBM tools more broadly.¹¹⁹ (Categories (A) and (C))
2. Processes should be strengthened to boost institutional learning, follow-up and accountability for the impact of activities:¹²⁰ (Category (A))

¹¹⁰ Executive Summary p. xv and External Review Report p. 63
¹¹¹ Executive Summary p. xv and External Review Report p. 63
¹¹² Executive Summary p. xvi and External Review Report p. 63
¹¹³ Executive Summary p. xvi and External Review Report p. 63
¹¹⁴ Executive Summary p. xvi and External Review Report p. 63
¹¹⁵ Executive Summary p. xvi and External Review Report p. 63
¹¹⁶ Executive Summary p. xvi and External Review Report p. 74
¹¹⁷ Executive Summary p. xvi and External Review Report p. 74
¹¹⁸ Executive Summary p. xvi and External Review Report p. 74
¹¹⁹ Executive Summary p. xvi and External Review Report p. 74
¹²⁰ Executive Summary p. xvi and External Review Report p. 74

- a) WIPO should develop tools/processes to improve institutional learning, monitoring, follow-up, institutional memory and staff accountability for development activities, including to:¹²¹ (Category (A))
 - i) Improve horizontal communications between WIPO sectors/programs to generate ideas and share experiences;¹²² (Categories (A) and (B))
 - ii) Ensure systematic electronic-based collection of information about activities by topic, country and expected results in a format accessible to colleagues;¹²³ and (Categories (A) and (B))
 - iii) For each topic there should be a general overview of the issue or activity, previous experiences, constraints, limitations and evaluations of outcomes.¹²⁴ (Category (B))
 - b) Processes are needed to keep staff informed about the latest developments in their given area, and incorporate most recent knowledge and lessons learned on effective assistances both internally and externally, even if on different issues or regions.¹²⁵ (Categories (A) and (B))
3. Support should be given to data-gathering, analysis and lessons learned about intersection of IP and development:¹²⁶
- a) WIPO should support efforts to build knowledge/expertise internally and externally on the relationship between various IP systems, rules, policies and practices and their development impacts at varying levels and for different sectors:¹²⁷ (Category (A))
 - i) To help understand the degree to which DC activities contribute to particular development outcomes.¹²⁸ (Categories (A) and (B))
 - b) Efforts should be strengthened at the national level to gather data to assist evaluation of the impact of IP systems on national development goals:¹²⁹ (Category (B))
 - i) Such data can also be used to inform the definition and monitoring of baselines/performance indicators of DC activities.¹³⁰ (Category (B))
4. Strengthen results and impact monitoring, evaluation and reporting:¹³¹ (Category (A))
- a) WIPO's RBM framework should be applied consistently to emphasize the importance of results and impacts (rather than inputs or number of DC activities):¹³² (Category (A))

[Footnote continued from previous page]

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¹²² Executive Summary p. xvi and External Review Report p. 74
¹²³ Executive Summary p. xvi and External Review Report p. 74
¹²⁴ Executive Summary p. xvi and External Review Report p. 74
¹²⁵ Executive Summary p. xvi and External Review Report p. 74
¹²⁶ Executive Summary p. xvi and External Review Report p. 74
¹²⁷ Executive Summary p. xvii and External Review Report p. 75
¹²⁸ Executive Summary p. xvii and External Review Report p. 75
¹²⁹ Executive Summary p. xvii and External Review Report p. 75
¹³⁰ Executive Summary p. xvii and External Review Report p. 75
¹³¹ Executive Summary p. xviii and External Review Report p. 75
¹³² Executive Summary p. xviii and External Review Report p. 75

- i) Reporting on impact, and challenges in doing so, should be integrated into tools for reporting to the GA and CDIP on DC activities.¹³³ (Category (A))
 - b) More systematic and regular monitoring, evaluation, reporting and follow-up is needed to focus on long-term results and cumulative impact of DC activities, particularly those aimed at improving long-term institutional capacity:¹³⁴ (Category (A))
 - i) Systematic ex-post evaluations should be conducted of expected results of DC at program/activity level over a 5-10 year period (Note: WIPO Evaluation Strategy foresees completion of 10 country and 5 program evaluations in the next 4-5 years).¹³⁵ (Category (A))
 - c) Staff should be more cautious in attributing success/failure to their DC activities when assessing impact/results:¹³⁶ (Category (A))
 - i) Greater attention should be paid to devising realistic expected results and up-front acknowledgement of risks, to address the challenges of accurate attribution.¹³⁷ (Category (A))
 - ii) Senior Management should ensure incentives for realistic indicators of performance and expected results, and accurate reporting.¹³⁸ (Category (A))
5. Expand range of non-government stakeholder collaborations to help sustain results and promote diversity of perspectives:¹³⁹ (Category (A))
- a) Expand the range of non-government stakeholders for collaboration/consultation in planning/delivery of DC activities, to diversify the perspectives of the IP system and development that inform WIPO's work.¹⁴⁰ (Category (A))
 - b) To enhance sustainability of results, pursue greater collaboration with a broader range of durable local actors in countries (e.g., NGOs, research centers in developing countries, local chambers of commerce, SMEs, Global inventors' associations) by co-organizing events, research, technical assistance activities and training).¹⁴¹ (Category (A))
6. Adopt a WIPO policy of external partnerships and stakeholder engagement:¹⁴² (Categories (A) and (B))
- a) Establish an Organization-wide policy and strategy on outreach, engagements and partnerships with IGOs and non-government stakeholders (NGOs, industry, academia, IP practitioners) for Member State approval.¹⁴³ (Categories (A) and (B))

¹³³ Executive Summary p. xviii and External Review Report p. 75
¹³⁴ Executive Summary p. xviii and External Review Report p. 75
¹³⁵ Executive Summary p. xviii and External Review Report p. 75
¹³⁶ Executive Summary p. xviii and External Review Report p. 75
¹³⁷ Executive Summary p. xviii and External Review Report p. 75
¹³⁸ Executive Summary p. xviii and External Review Report p. 75
¹³⁹ Executive Summary p. xviii and External Review Report p. 75
¹⁴⁰ Executive Summary p. xviii and External Review Report p. 75
¹⁴¹ Executive Summary p. xviii and External Review Report p. 75
¹⁴² Executive Summary p. xviii and External Review Report p. 75
¹⁴³ Executive Summary p. xviii and External Review Report p. 75

- b) Include guidelines for engagement with stakeholders in planning, implementation and evaluation of DC activities (e.g., through P&B process and in forming country plans), engagement in joint events and DC activities, financial support for participation in meetings/ seminars.¹⁴⁴ (Category (A))
- c) Give regular briefings to a broad range of stakeholders to boost accountability and understanding of WIPO's work.¹⁴⁵ (Category (A))
- d) Include guidelines for involvement of private sector in DC activities, ensuring disclosure of conflicts of interest.¹⁴⁶ (Category (B))

IV. MANAGEMENT

- 1. Review Organizational structures for oversight and management:¹⁴⁷ (Category (A))
 - a) Improve the process for Member State review and guidance on DC activities:¹⁴⁸ (Category (A))
 - i) Decide on the most appropriate focal point for that review (P&B Committee, CDIP or other body), taking into account the overall reporting burden on the Secretariat.¹⁴⁹ (Categories (B) and (C))
 - ii) IAOD Country Portfolio Evaluations of WIPO assistance will also need to be discussed by the appropriate Member State body.¹⁵⁰ (Category (B) and (C))
 - b) An independent monitoring/ evaluation mechanism is required to ensure that WIPO's technical assistance serves development.¹⁵¹ (Categories (A) and (B))
 - i) Such mechanism should be independent of the Secretariat, reporting directly to Member States, and funded through the WIPO budget (such a mechanism is common in all other IGOs);¹⁵² and
 - ii) Should receive feedback from stakeholders and take appropriate action following investigation of complaints.¹⁵³
 - c) WIPO's Organizational structure for delivery of development assistance should be given in-depth consideration by Secretariat [and Member States]:¹⁵⁴ (Category (A))
 - i) DC activities should be insulated from debates about fees for treaty-related services and use of resources generated, and from pressure from normative

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¹⁴⁶ Executive Summary p. xviii and External Review Report p. 75

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¹⁴⁸ Executive Summary p. xviii and External Review Report p. 167

¹⁴⁹ Executive Summary p. xviii and External Review Report p. 167

¹⁵⁰ Executive Summary p. xviii and External Review Report p. 167

¹⁵¹ Executive Summary p. xviii and External Review Report p. 168

¹⁵² Executive Summary p. xviii and External Review Report p. 168

¹⁵³ Executive Summary p. xviii and External Review Report p. 168

¹⁵⁴ Executive Summary p. xix and External Review Report p. 168

negotiations of new treaties (including use of assistance to advance agendas/interests in norm-setting processes).¹⁵⁵ (Categories (B) and (C))

- ii) Options should be explored to make capacity-building activities organizationally separate from WIPO's other activities, policy debates in Committees, and services provided under treaties (e.g., collection of payments from right-holders under PCT and Madrid).¹⁵⁶ (Categories (B) and (C))

2. Strengthen RBM framework:¹⁵⁷ (Category (A))

- a) Continue to improve RBM framework to facilitate better planning, monitoring of impact of WIPO's activities on development;¹⁵⁸ (Category (A))
 - i) Refine definition of appropriate targets, results, performance indicators, and continuing to improve baselines for each.¹⁵⁹ (Category (A))
 - ii) There should be commitment of consistent leadership from senior management to motivate staff engagement at planning and implementation phases.¹⁶⁰ (Category (A))
- b) An Expert Review Team should be established to review/elaborate the RBM framework.¹⁶¹ (Categories (A), (B) and (C))
 - i) The team should be comprised of senior internal staff and external experts in IP, development and RBM;¹⁶²
 - ii) To assist Organization in developing/refining meaningful baselines, targets, expected results and indicators;¹⁶³ and
 - iii) Include ongoing consultation and interaction with other multilateral and development agencies on practices/experiences.¹⁶⁴
- c) Secretariat should invest greater attention to its gathering and systematization of data used to measure its performance:¹⁶⁵ (Categories (A) and (B))
 - i) Support should also be given for Member States to gather data for measuring the relationship between IP policy, legal and regulatory frameworks and development outcomes, and the impact of WIPO's DC activities;¹⁶⁶ and (Category (A))
 - ii) At the outset of major activities, WIPO staff and local authorities should agree on how to measure success/progress, and the process for gathering data to make the assessment.¹⁶⁷ (Categories (A) and (B))

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¹⁵⁷ Executive Summary p. xix and External Review Report p. 168

¹⁵⁸ Executive Summary p. xix and External Review Report p. 168

¹⁵⁹ Executive Summary p. xix and External Review Report p. 168

¹⁶⁰ Executive Summary p. xix and External Review Report p. 168

¹⁶¹ Executive Summary p. xix and External Review Report p. 168

¹⁶² Executive Summary p. xix and External Review Report p. 168

¹⁶³ Executive Summary p. xix and External Review Report p. 168

¹⁶⁴ Executive Summary p. xix and External Review Report p. 168

¹⁶⁵ Executive Summary p. xix and External Review Report p. 168

¹⁶⁶ Executive Summary p. xix and External Review Report p. 168

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3. Improvements should be made to measurement/monitoring of DC activities, expenditures and results.¹⁶⁸ (Categories (A) and (B))

- a) Continue efforts to improve measures for estimating personnel and non-personnel budgets for DC activities, and improve information systems for estimating/tracking actual expenditures.¹⁶⁹ (Categories (A) and (B))
- b) Future P&Bs and PPRs should supplement reporting on development activities by programs with a section summarizing the expected and actual results of development activities across the Organization as a whole.¹⁷⁰ (Category (B))
- c) Establish (urgently) an electronic information management system for managing monitoring/evaluation, sharing information and coordination on plans and status of DC activities:¹⁷¹ (Category (B))
 - i) Inputs, outputs, baselines, expected results and performance indicators should be included to facilitate ex-post tracking.¹⁷² (Category (B))
- d) Future P&Bs should include a new budget category reporting on budget allocations by 'mode of delivery'.¹⁷³ (Category (B))

4. Devise and implement an effective evaluation framework for WIPO's DC activities:¹⁷⁴ (Category (A))

- a) Devise a more comprehensive, systematic framework for monitoring and evaluating WIPO's DC activities, to deliver greater benefits and value for money:¹⁷⁵ (Category (A))
 - i) Employ a relevant and publicly-available set of qualitative and quantitative indicators and development benchmarks, based on principles/guidelines reviewed through consultations with international experts;¹⁷⁶ (Categories (B) and (C))
 - ii) Indicators and benchmarks should be built into country-level needs assessment and country planning processes (to ensure they are designed with results/evaluation in mind);¹⁷⁷ and (Category (B) and (C))
 - iii) A useful tool to evaluate DC activities is a table that lists WIPO's performance indicators and enables comparison with different types/levels of development outcomes.¹⁷⁸ (Category (A))
- b) Core focus of evaluation should be to facilitate learning about where/how activities are successful, what factors impact the degree of success, where progress is being made or not, and how improvements could be made:¹⁷⁹ (Category (A))

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- i) Evaluations processes should trigger decision-making about future program activities and priorities;¹⁸⁰ (Category (A))
 - ii) Evaluations should take place at various levels of the Organization (program-level, country-level, project-level) according to expected results;¹⁸¹ (Category (A))
 - iii) Focus of evaluations should be on development-orientation, development-impact, management, cost-efficiency and coordination;¹⁸² (Category (A))
 - iv) Type of evaluations should include:¹⁸³ (Category (A))
 - (1) Internal evaluation within program to promote learning/improve activities, and Organization-wide self-reporting on program performance;¹⁸⁴
 - (2) Independent internal evaluation at country, program, sectoral and project level undertaken by independent WIPO staff or IAOD;¹⁸⁵
 - (3) Joint internal/external evaluations;¹⁸⁶ and
 - (4) Independent external evaluations.¹⁸⁷
- c) All evaluations should seek to use/build on WIPO's evolving RBM framework:¹⁸⁸ (Category (A))
- i) Results of evaluations should be reflected in PPRs;¹⁸⁹ and (Category (A))
 - ii) PPRs should be improved to ensure that progress in defining expected results, targets and performance indicators is translated into improved monitoring, evaluation and reporting.¹⁹⁰ (Category (A))
- d) Piloting and review of the Country Portfolio Evaluation (CPE) framework should be treated as a top Organizational priority:¹⁹¹ (Category (A))
- i) The country evaluation framework should build on resources invested in the RBM framework, strategies on IP and development, and country planning, and research by the Chief Economist;¹⁹² (Category (A))

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- ii) The final framework and pilot country studies should be reviewed by an external group composed of internal and external experts on evaluation, IP and development;¹⁹³ and (Categories (A) and (B))
 - iii) The Development Agenda evaluation framework should be made available for public comment.¹⁹⁴ (Category (A))
5. More strategic decision-making and planning of CDIP projects:¹⁹⁵ (Category (A))
- a) Ensure that the process for reviewing, possibly extending and/or mainstreaming existing CDIP projects is also properly integrated into future P&B processes, and is aligned with strategic planning at the Organizational, program and country level.¹⁹⁶ (Category (A))
 - i) Clarify the roles of Member States and WIPO in elaboration of CDIP projects, and the process for identifying beneficiary countries and priorities.¹⁹⁷ (Category (A))
 - b) Pending review of the Coordination Mechanism and implementation of Development Agenda (2012-13), there should be no automatic extension of CDIP projects without evaluations upon completion, particularly for pilot projects and projects to test methodologies:¹⁹⁸ (Category (A))
 - i) Following evaluations, Member States and Senior Management should ensure that successful CDIP projects (where consistent with strategic goals, organizational capacities and Members' interests) are mainstreamed into the Organization's DC programming.¹⁹⁹ (Category (A))
6. Improve transparency, reporting and communication of DC activities:²⁰⁰ (Category (A))
- a) DC activities should be more effectively reported/communicated to Member States, major stakeholders and staff, and donors and providers active in the field;²⁰¹ (Categories (A) and (B))
 - i) An integrated information system should (urgently) be established to generate timely management reports to assist managers in effective decision-making and coordination, facilitate access to systematic and consolidated information on the content of DC interventions at activity and country levels, enable internal/external monitoring and evaluation, and facilitate external partnerships; and (Category (B))
 - ii) WIPO's Enterprise Resource Planning System should provide opportunities for more systematic monitoring of DC activities in program workplans.²⁰² (Category (A))

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- b) [Member States should] clarify/broaden their Development Agenda recommendation with respect to purpose/nature of WIPO's Technical Assistance Database so that the Database can.²⁰³
- i) Serve as a vehicle for critical review of DC activities for relevance and effectiveness;²⁰⁴
 - ii) Enable structured evaluation of the implementation of DA recommendation 1 on development-orientation;²⁰⁵ and
 - iii) Facilitate comparison of activities on offer especially by potential recipients and donors.²⁰⁶
- c) Technical Assistance Database should be redesigned to:²⁰⁷
- i) Facilitate internal and public searching of activities according to WIPO program, region, country, expected results, type of activity, time-frame, categories of beneficiary and modes of delivery, with associated information about resource-allocation and expenditures;²⁰⁸
 - ii) Make results of internal/external independent evaluations of activities publicly available in an accessible and searchable format,²⁰⁹ and
 - iii) Better-align with the overarching RBM framework and PPR process.²¹⁰
- d) There should be more systematic and regular updating of The Technical Assistance Database content by all programs:²¹¹ (Category (A))
- i) The Database should be integrated into WIPO's Enterprise Resource Planning System, but should also remain separate as a tool for public transparency.²¹² (Category (B))
- e) WIPO's website should be upgraded to serve as a more effective vehicle for communicating with stakeholders, beneficiaries and donors about DC activities.²¹³ (Category (A))
- i) Immediate measures should be taken to improve accessibility and searchability of information, research and statistics;²¹⁴ and (Category (A))
 - ii) Narrative sections should be updated to accurately describe DC activities as approved in the P&B.²¹⁵ (Category (B))

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7. Better integrate development-orientation into human resources management of staff and consultants:²¹⁶ (Category (A))

- a) A gap analysis of staff skills/competencies should be undertaken to identify shortage of expertise relevant to improving orientation, impact, and management of DC activities.²¹⁷ (Categories (A) and (B))
- b) Recruitment and PMSDS processes should be used to align HR management with development goals.²¹⁸ (Category (A))
 - i) Attention to the Development Agenda should be integrated in hiring processes, including recruitment advertisements;²¹⁹ (Category (C))
 - ii) Recruitment should be targeted to candidates beyond traditional IP experts to other fields (development economists, business development, politics, and non-IP fields of law, health, agriculture etc);²²⁰ (Category (A))
 - iii) PMSDS process should be used to boost staff incentives for maximizing the development-orientation, impact and efficiency of DC activities;²²¹ (Category (A))
 - iv) Instructions for staff/consultants with respect to Development Agenda principles should be more binding (linking employment incentives and professional rewards to development-oriented performance indicators) with clear metrics for monitoring/evaluation;²²² (Categories (A) and (B))
 - v) Systems should be improved for tracking staff time devoted to development activities;²²³ (Category (C))
 - vi) The PMSDS system should be used to monitor/gather data on the proportion of time staff budget and spend on contributing to achievement of expected results;²²⁴ and (Category (C))
 - vii) One suggested option is to incorporate into all job descriptions and annual workplans an estimate of the anticipated proportion of time allocated to expected results with a development component, using the PMSDS (not timesheets).²²⁵ (Category (C))
- c) Adopt a Code of Ethics for staff/consultants reflecting Development Agenda principles, including provisions on conflict of interests.²²⁶ (Category (A))
 - i) All staff should be required to read/sign the Code of Ethics, complete conflict of interest disclosure statements, and review Development Agenda principles;²²⁷ and (Category (B))

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- ii) Development Agenda principles should be included as an amendment to all contracts.²²⁸ (Category (C))
- d) Adopt Guidelines to ensure transparent processes for selecting external experts/consultants:²²⁹ (Category (B))
 - i) Contracts should be awarded through open bidding processes; (Category (C))
 - ii) Consultants should be evaluated after each assignment and reports made available to other WIPO staff for review before re-engagement; (Categories (A) and (C))
 - iii) A multidisciplinary approach should be adopted to engage professionals from different backgrounds/disciplines and different views of the IP system; (Categories (A) and (B))
 - iv) Local expertise should be harnessed and built through consulting assignments; (Category (A))
 - v) The Roster of Consultants should be enhanced to include full CVs of consultants and disclosure of conflicts of interest, and entry on the Roster should be a condition of entering a contract; and (Category (B))
 - vi) The Roster should include links to outputs of consultants' work and any WIPO evaluations/reports on results of activity. (Category (B))
- e) Broaden the program for secondments to/from the Organization, and prioritize secondments to/from other UN agencies, development donors, government agencies, and IP Offices, so as to enhance development expertise within WIPO and build links to the broader international development community.²³⁰ (Category (B))
- 8. Review modes of delivery activities and functional expertise:²³¹ (Category (A))
 - a) WIPO should undertake assessments of various modes of delivery for DC activities to establish lessons learned and best practices for future planning, design and implementation:²³² (Category (B))
 - i) Possibly include an assessment of various tools used for needs assessment, strategic planning and evaluation, and cross-cutting activities such as conferences, online course, seminars, study visits, provision of equipment, etc;²³³ (Category (B))
 - ii) Establish how effective the design/implementation of WIPO conferences and meetings are in yielding results in terms of follow-up actions, new expertise or new collaborations;²³⁴ and (Categories (A) and (B))

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- iii) Review both Conference Services Section and programs responsible for planning the substance, agenda and participation in meetings.²³⁵
- b) Explore ways to build functional expertise, including by clearly designating internal staff as focal points or experts on various modes of delivery such as training, public outreach and design of workshops/conferences, seminars, etc.:²³⁶ (Category (A))
 - i) For example, establish an in-house focal point on effective design and use of questionnaires;²³⁷ and (Category (A))
 - ii) Enhance the Communication Division's role as focal point for public outreach and publications of research/studies.²³⁸ (Category (A))
- 9. Adopt a more structured, project-management approach to development activities:²³⁹ (Category (B))
 - a) Adapt 'paper-based' project document templates currently being used for CDIP projects to implement a project-based approach to negotiations with recipients on the content of activities, and for improved monitoring/evaluation (until a more effective electronic information management system is developed, such as the Enterprise Resource Planning System).²⁴⁰ (Category (B))
- 10. Ensure that processes are in place to learn from DC activities and projects:²⁴¹
 - a) Particular efforts should be made to review success/failure of Development Agenda activities where demand for projects often exceeds original intended scale of projects and many projects were launched as 'pilots' for testing/refining before expansion. This will ensure realistic expectations and preparedness of countries requesting participation in projects.²⁴² (Categories (A) and (B))

V. COST-EFFICIENCY

- 1. Review internal cost efficiency:²⁴³
 - a) Reduce duplication and overlap of activities within WIPO and with other providers.²⁴⁴ (Category (A))
 - b) Improve transparency of the cost and resource allocation associated with DC activities.²⁴⁵ (Category (A))

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- c) Conduct a review of cost-efficiency to help identify opportunities for cost savings:²⁴⁶
(Category (A))
- i) Consider costs according to 'mode of delivery', appropriateness of staff in terms of qualifications, institutional bottlenecks/procedures that unduly raise costs of activities;²⁴⁷ and (Category (A))
 - ii) Consider whether resources are adequate for achieving/sustaining expected results.²⁴⁸ (Category (A))
- d) Greater use should be made of South-South cooperation as a basis for learning, and exchange of experiences as a source of cost-efficiency;²⁴⁹ (Category (A))
- e) Cost-efficiency could also be gained by:²⁵⁰
- i) Greater diversity of regional and local experts/consultants as providers of technical assistance;²⁵¹ (Category (A))
 - ii) Outsourcing IT functions;²⁵² (Categories (A) and (C))
 - iii) Use of open-source software;²⁵³ (Categories (A) and (C))
 - iv) Use of video-conferencing for training activities;²⁵⁴ (Categories (A) and (C))
 - v) Webcasting WIPO events at global/regional/national levels;²⁵⁵ (Categories (A) and (C))
 - vi) Use of Skype and VOIP tools;²⁵⁶ and (Categories (A) and (C))
 - vii) More use of training of trainers at country/regional levels.²⁵⁷ (Category (A))
- f) Improved attention should be given to sustainability and long-term impact of activities at country and program level to boost cost-efficiency:²⁵⁸ (Category (A))
- i) Employ a planning horizon of 3-5 years, rather than biennial cycles, to focus attention on medium and long-term results.²⁵⁹ (Categories (A) and (B))
2. Improve the predictability of DC budgets and activities.²⁶⁰ (Category (A))

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- a) Resources for DC activities should at least be maintained at current levels and increased for activities where needs/impact are greatest:²⁶¹ (Categories (A) and (C))
 - i) Effective multi-year planning for DC requires predictability of resources over time,²⁶²
 - ii) Member States should be encouraged to make decisions on program goals/strategies beyond a two-year biennial budget cycle;²⁶³ and
 - iii) Definition of multi-year programs/activities would facilitate contributions by external donors.²⁶⁴
 - b) Efforts should be sustained to:²⁶⁵
 - i) Broaden the base of donors for DC activities beyond IP Office partners;²⁶⁶ (Category (A))
 - ii) Facilitate Member State access to funding/technical support from other inter-governmental, bilateral or independent sources;²⁶⁷ and (Category (A))
 - iii) Help countries access/leverage resources for implementation of IP and development strategies and policies at the national level.²⁶⁸ (Category (A))
 - c) A policy should be developed, together with Member States, to guide negotiations for additional external resources, including FITs: (Category (B))
 - i) Flexible arrangements must be maintained for the management/administration of donor resources, to ensure program support costs are adequately recovered and financed.²⁶⁹ (Category (A))
3. Cost-sharing and grants:²⁷⁰
- a) Cost-sharing partnerships, collaborations and in-kind arrangements should be pursued to reduce exposure to transaction and administrative costs which are unrecoverable for externally-financed projects;²⁷¹ (Category (A))
 - i) It is important to ensure a diversity of collaborations and guard against undue influence of powerful stakeholders.²⁷²
 - b) Consideration should be given to greater cost-sharing (counterpart funding or 'matching commitments') with higher-income developing countries, also to secure a higher degree of ownership/engagement by beneficiaries, and impact.²⁷³

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- c) Consideration should be given to providing grants to Member States to implement activities themselves, to reduce institutional staff costs to WIPO and help build national capacity.²⁷⁴ (Category (C))

VI. INTERNAL AND EXTERNAL COORDINATION

- 1. Clearer definition should be given to the roles and responsibilities of sectors and their subdivisions.²⁷⁵ (Category (A))

- a) A strategic review of WIPO's internal organization structure should be undertaken to ensure alignment with organizational goals and development-related priorities as per the MTSP (and associated Member State comments), P&B and Development Agenda;²⁷⁶ (Category (A))

- i) Access to resource planning, budget and seniority of staff should be aligned to the Organizational structure.²⁷⁷ (Category (A))

- b) The roles and responsibilities of Regional Bureaus, including role/functions of desk officers, should be better defined.²⁷⁸ (Category (A))

- c) Substantive responsibility of Regional Bureaus should be enhanced for:²⁷⁹ (Categories (A) and (B))

- i) Formulation of national IP strategies;
 - ii) Country-level planning;
 - iii) Coordination, monitoring/evaluation;
 - iv) Mapping of donors;
 - v) Donor coordination at Member State request;
 - vi) Local intelligence; and
 - vii) Collaboration with other donors/local stakeholders.

- d) Bureau staff should be required to have political knowledge of the country as well as substantive knowledge of IP systems and policy issues relevant to national development policies:²⁸⁰ (Categories (A) and (B))

- i) Elaboration/updating of country plans, together with staff appraisal processes and job descriptions should support this shift;²⁸¹ and (Category (A))

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- ii) FITs might remain under Bureau coordination, but resources for activities should be allocated to relevant programs/sectors responsible for achieving expected results.²⁸² (Category (C))
- e) Role of Regional Bureaus in direct provision and implementation of activities should be limited to regional/sub-regional activities on issues cutting across expertise of substantive sectors.²⁸³ (Category (C))
- f) The Director General's consultation process on WIPO External Offices should incorporate a review and clarification of their role in design/delivery of DC activities.²⁸⁴ (Category (A))
 - i) No compelling cost-benefit case can be made for establishing greater WIPO presence in any country/region for provision of DC activities;²⁸⁵ (Category (C))
 - ii) External offices are not generally perceived as a substantive resource for work, but rather as logistical contacts;²⁸⁶ and (Category (C))
 - iii) More strategic guidance should be given on the role of External Offices in advancing the goals of the Development Agenda.²⁸⁷ (Categories (A) and (B))
- g) Consideration should be given to decentralizing DC activities/services, such as IT support services;²⁸⁸ (Category (B))
 - i) A 'WIPO desk' could be established in key regional centers where development-related strategic planning occurs, to provide an opportunity to gather regional intelligence and build external collaborations with stakeholders and other donors.²⁸⁹ (Category (B))
- 2. Improve internal communication about development cooperation:²⁹⁰ (Category (A))
 - a) There should be increased transparency, coordination and communication within WIPO on what activities the Organization is undertaking in each country;²⁹¹ and (Category (A))
 - b) The P&B process should be used as a mechanism for improving coordination and strategic prioritization across WIPO;²⁹² (Category (A))
 - i) Clear mechanisms are needed for programs to exchange information and collaborate on achievement of joint expected results in the 2012-13 P&B.²⁹³ (Category (A))

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3. Improve collaboration with the UN family and development agencies:²⁹⁴ (Category (A))
 - a) Collaboration should be improved with the UN family and development cooperation agencies, and modalities should be defined for that collaboration:²⁹⁵ (Category (A))
 - i) The Secretariat should participate in and provide input to processes seeking to establish a coherent framework for development assistance from a range of donors at country level;²⁹⁶ (Categories (B) and (C))
 - ii) WIPO's DC activities should be conducted within the framework of UN country-based Development Assistance Frameworks;²⁹⁷ and (Categories (B) and (C))
 - iii) Regular reports should be made to the UN system on how WIPO DC activities contribute to achievement of UN priorities for development.²⁹⁸ (Categories (A) and (B))
 - b) A key goal of external coordination should be for WIPO to integrate its activities into a broader view of IP and development.²⁹⁹ (Category (B))
 - c) The challenge is to improve the quality, nature and content of WIPO's collaboration with the UN family:³⁰⁰
 - i) Such collaboration should be approached from a development-oriented rather than an IP-centric perspective;³⁰¹ and (Category (C))
 - ii) The objective of collaboration should not be to coordinate a uniform view of IP-related DC across the UN, or establish WIPO as *the* UN voice on IP.³⁰² (Categories (A) and (C))
 - d) WIPO should make its expertise available to other organizations, but other UN agencies should not be encouraged to defer to WIPO on IP issues on the grounds they are 'technical', and it should be recognized that other agencies may have superior specialized sector-specific knowledge of IP issues.³⁰³ (Category (A))
4. Diversify and strengthen collaborations with other donors:³⁰⁴ (Category (A))
 - a) Collaboration and outreach should be improved with a diversity of development-oriented partners across WIPO's Pillars of development activities:³⁰⁵ (Category (A))
 - i) Focus should extend beyond resource mobilization to identifying new expertise, perspectives and experiences, as well as partners for building synergies on broader development activities underway with developing countries.³⁰⁶ (Category (A))

²⁹⁴ Executive Summary p. xxiv and External Review Report p. 187

²⁹⁵ Executive Summary p. xxiv and External Review Report p. 187

²⁹⁶ Executive Summary p. xxiv and External Review Report p. 187

²⁹⁷ Executive Summary p. xxiv and External Review Report p. 187

²⁹⁸ Executive Summary p. xxiv and External Review Report p. 187

²⁹⁹ Executive Summary p. xxiv and External Review Report p. 187

³⁰⁰ Executive Summary p. xxiv and External Review Report p. 188

³⁰¹ Executive Summary p. xxiv and External Review Report p. 188

³⁰² Executive Summary p. xxiv and External Review Report p. 188

³⁰³ Executive Summary p. xxv and External Review Report p. 188

³⁰⁴ Executive Summary p. xxv and External Review Report p. 188

³⁰⁵ Executive Summary p. xxv and External Review Report p. 188

³⁰⁶ Executive Summary p. xxv and External Review Report p. 188

- b) An Annual Roundtable of IP-related donors should be established to boost information-sharing, synergies and coordination:³⁰⁷ (Categories (A) and (B))
 - i) Involving major IP Offices, bilateral, multilateral and non-State actors involved in delivery of IP-related development assistance activities.³⁰⁸ (Category (B))
 - c) A guide should be created on how potential partners can engage with WIPO.³⁰⁹ (Category (B))
 - d) Management of FITs will need to become multi-donor if new donors are attracted.³¹⁰ (Categories (A) and (C))
 - e) Attention should be paid to lessons-learned from other technical assistance databases (such as the WTO's Global Trade-Related Technical Assistance Database, and US Government's IP assistance database), to ensure the usefulness of the IP-Development Matchmaking Database:³¹¹ (Category (A))
 - i) The IP-Development Matchmaking Database should be linked to WIPO's Technical Assistance Database.³¹² (Category (C))
 - f) Consideration should be given to the proposal to pool capacity building resources from a number of donors, including WIPO, into a joint fund (either general purpose or focused on a specific issue), managed by an executive director appointed by a board of internationally recognized experts, or a board of developed and developing country governments, with which developing countries could negotiate packages of support.³¹³ (Category (C))
5. Strengthen WIPO-WTO collaboration:³¹⁴ (Category (A))
- a) Coordination between WIPO/WTO in existing cooperation agreement for provision of technical assistance related to the TRIPS Agreement should be improved:³¹⁵ (Category (A))
 - i) Information sharing, joint planning, collaboration on needs assessments so as to avoid duplication and maximize potential for synergies, learning and cost-efficiency;³¹⁶ (Category (A))
 - ii) WIPO, WTO and Member States should collaborate on needs assessments for LDCs;³¹⁷ and (Category (A))
 - iii) All WIPO technical assistance on TRIPS-related issues, including budget information, should be reported to the WTO Global Trade-Related Technical Assistance Database.³¹⁸ (Category (A))

³⁰⁷ Executive Summary p. xxv and External Review Report p. 188
³⁰⁸ Executive Summary p. xxv and External Review Report p. 188
³⁰⁹ Executive Summary p. xxv and External Review Report p. 188
³¹⁰ Executive Summary p. xxv and External Review Report p. 188
³¹¹ Executive Summary p. xxv and External Review Report p. 188
³¹² Executive Summary p. xxv and External Review Report p. 188
³¹³ Executive Summary p. xxv and External Review Report p. 188
³¹⁴ Executive Summary p. xxv and External Review Report p. 188
³¹⁵ Executive Summary p. xxv and External Review Report p. 188
³¹⁶ Executive Summary p. xxv and External Review Report p. 188
³¹⁷ Executive Summary p. xxv and External Review Report p. 188
³¹⁸ Executive Summary p. xxv and External Review Report p. 188

6. A policy guide should be adopted by WIPO [and Member States] as to WIPO's engagement with external stakeholders.³¹⁹ (Category (B))

VII. IP STRATEGIES AND POLICIES

1. Improve development orientation:³²⁰

- a) A consistent set of methodologies should be deployed that are evaluated, validated and refined over time so as to constantly assure and improve their development orientation.³²¹ (Category (A))
- b) Increased attention should be given in IP strategies to issues of creativity and cultural industries, in addition to innovation.³²² (Category (A))
- c) Any tools, such as questionnaires, used to inform the development of IP strategies should be refined to enquire about existing frameworks/systems for innovation, national development priorities/needs by sector and specific area of public policy, and economic sectors of priority.³²³ (Category (A))
- d) Efforts should first be made to understand national development strategies and priorities in a country and the aspects of the IP system that might yield the greatest benefits to a country, before asking questions about the type of IP system that is or should be in place.³²⁴ (Category (A))

2. Emphasize consultative processes for formulation of strategies.³²⁵ (Category (A))

- a) Support for IP strategies/policies should accompany efforts to support the emergence of national IP coordination/consultation mechanisms linking IP decision-making to a broader development-oriented public policy framework and the full range of stakeholders.³²⁶ (Category (A))

3. Boost external coordination:³²⁷ (Category (A))

- a) Greater efforts should be made to collaborate with other international organizations/stakeholders to devise methodologies and tools for development of national IP strategies:³²⁸ (Category (A))
 - i) Such collaboration should take place at the country level during elaboration of IP strategies, and in the process of refining the IP strategy tools used by WIPO.³²⁹ (Categories (A) and (B))

³¹⁹ Executive Summary p. xxv and External Review Report p. 188
³²⁰ Executive Summary p. xxvi and External Review Report p. 86
³²¹ Executive Summary p. xxvi and External Review Report p. 86
³²² Executive Summary p. xxvi and External Review Report p. 86
³²³ Executive Summary p. xxvi and External Review Report p. 86
³²⁴ Executive Summary p. xxvi and External Review Report p. 86
³²⁵ Executive Summary p. xxvi and External Review Report p. 86
³²⁶ Executive Summary p. xxvi and External Review Report p. 86
³²⁷ Executive Summary p. xxvi and External Review Report p. 86
³²⁸ Executive Summary p. xxvi and External Review Report p. 86
³²⁹ Executive Summary p. xxvi and External Review Report p. 86

4. Review, evaluate and coordinate WIPO's activities on IP strategies:³³⁰ (Category (A))
 - a) Ensure close coordination between the CDIP IP Strategies project and WIPO Framework for Designing National IP Strategies for Development project.³³¹ (Category (A))
 - b) An expert Review Team should be engaged to review the evolution of tools used to inform IP strategies, their suitability for purpose, their link to the work of other IGOs/NGOs, the quality and development-orientation of the strategies produced and the degree of their use by WIPO and Member States:³³² (Category (B))
 - i) The tools should be made publicly available on WIPO's website.³³³ (Category (A))
 - c) IP strategies should be used to help devise country needs assessments and as the basis for country plans for DC activities:³³⁴ (Category (A))
 - i) Tools and lessons from the IP Strategies projects should be integrated across future DC activities in the Development Sector and substantive sectors, and replace any ad hoc assistance;³³⁵ and (Category (A))
 - ii) Member States requesting assistance in forming IP strategies should be informed about tools/methodologies produced by WIPO and other actors in the field.³³⁶ (Category (A))
5. Enhance transparency:³³⁷
 - a) All IP strategies, policies and plans supported by WIPO should be made publicly available for external review by national/international stakeholders before completion.³³⁸ (Category (C))
 - b) All IP strategies, policies and plans should be made publicly available on the WIPO website following completion, with the concerned Member State's approval.³³⁹ (Categories (A) and (B))

³³⁰ Executive Summary p. xxvi and External Review Report p. 86
³³¹ Executive Summary p. xxvi and External Review Report p. 86
³³² Executive Summary p. xxvi and External Review Report p. 86
³³³ Executive Summary p. xxvi and External Review Report p. 86
³³⁴ Executive Summary p. xxvii and External Review Report p. 87
³³⁵ Executive Summary p. xxvii and External Review Report p. 87
³³⁶ Executive Summary p. xxvii and External Review Report p. 87
³³⁷ Executive Summary p. xxvii and External Review Report p. 87
³³⁸ Executive Summary p. xxvii and External Review Report p. 87
³³⁹ Executive Summary p. xxvii and External Review Report p. 87

VIII. LEGISLATIVE AND REGULATORY ASSISTANCE

1. Boost the transparency and evaluation of legislative advice:³⁴⁰
 - a) The content of legislative advice to countries should be made publicly available, with Member State consent, to facilitate review and debate by external experts and national stakeholders.³⁴¹ (Category (B))
 - b) A mechanism should be devised whereby, without abusing confidentiality assurances and in consultation with WIPO staff, an in-depth review of legislative assistance could be conducted by a team of external legal experts:³⁴² (Categories (A) and (B))
 - i) To evaluate its attention to the country's request, development priorities, country circumstances, flexibilities and options available to countries;³⁴³ and (Categories (A) and (B))
 - ii) The review should include an in-depth examination of the content of draft laws and comments on draft laws provided by WIPO, and content of seminars on legislative matters.³⁴⁴ (Categories (A) and (B))
 - c) Senior Management should ensure that all sectors/programs submit full information to the Technical Assistance Database on their legislative activities.³⁴⁵ (Category (A))
 - d) More appropriate expected results and indicators for results of legislative assistance should be established, so that these can be properly accounted for in PPRs.³⁴⁶ (Category (A))
2. Use country needs assessments and IP strategies to inform legislative and regulatory advice:³⁴⁷ (Category (A))
 - a) Before responding to a request for legislative assistance, WIPO should work with a country to investigate its development priorities, sector-by-sector needs and relevant international commitments (IP strategies and processes are a key resource).³⁴⁸ (Category (A))
3. Adopt a proactive approach to development priorities and flexibilities:³⁴⁹ (Category (A))
 - a) Developing countries should be presented with the range of options and flexibilities available in international laws.³⁵⁰ (Category (A))
 - b) WIPO should explain and share experiences of how different options may hinder/advance their pursuit of development targets:³⁵¹ (Category (A))

³⁴⁰ Executive Summary p. xxvii and External Review Report p. 101
³⁴¹ Executive Summary p. xxvii and External Review Report p. 101
³⁴² Executive Summary p. xxvii and External Review Report p. 101
³⁴³ Executive Summary p. xxvii and External Review Report p. 101
³⁴⁴ Executive Summary p. xxvii and External Review Report p. 101
³⁴⁵ Executive Summary p. xxvii and External Review Report p. 101
³⁴⁶ Executive Summary p. xxvii and External Review Report p. 101
³⁴⁷ Executive Summary p. xxvii and External Review Report p. 101
³⁴⁸ Executive Summary p. xxvii and External Review Report p. 101
³⁴⁹ Executive Summary p. xxvii and External Review Report p. 102
³⁵⁰ Executive Summary p. xxvii and External Review Report p. 102
³⁵¹ Executive Summary p. xxvii and External Review Report p. 102

- i) Technical capacity of countries should be built to pursue a coherent development-oriented approach to implementation of international IP commitments, to decide on use of flexibilities in international agreements to advance development policies, and to promote coherence and mutual supportiveness with other international agreements;³⁵² and (Category (A))
 - ii) Assistance should extend to options related to ensuring vibrant public domain, boosting access to essential technologies and knowledge, and different models for stimulating innovation and technology transfer.³⁵³ (Categories (A) and (B))
 - c) WIPO should publish, together with international experts/stakeholders, a series of development-oriented framework documents on legislative issues on which the Organization provides advice, setting out:³⁵⁴ (Categories (B) and (C))
 - i) Basic legal requirements for meeting international IP obligations;
 - ii) Range of relevant public policy goals and public interest considerations;
 - iii) Coherent set of definitions;
 - iv) Explanations of possible exemptions, exceptions and limitations to IP rights, implications for various stakeholder groups; and
 - v) Evidence of impacts and experience in other countries.
4. Promote impact analysis and information sharing:³⁵⁵ (Category (A))
- a) WIPO should increase support for analysis of:³⁵⁶
 - i) The positive and negative impacts on national development and public policy goals of new international IP agreements;³⁵⁷ and (Category (B))
 - ii) Opportunities/constraints provided by various exclusions, exemptions, flexibilities and options available under international laws.³⁵⁸ (Category (B))
 - b) WIPO should promote information-sharing among countries about their experiences with IP legislation and development outcomes, including historical analysis of developed countries when building their industrial base and development potential;³⁵⁹ (Category (A))
 - c) WIPO should support Members to evaluate the costs/benefits of acceding to WIPO treaties:³⁶⁰ (Categories (A) and (B))

³⁵² Executive Summary p. xxvii and External Review Report p. 102
³⁵³ Executive Summary p. xxvii and External Review Report p. 102
³⁵⁴ Executive Summary p. xxvii and External Review Report p. 102
³⁵⁵ Executive Summary p. xxviii and External Review Report p. 102
³⁵⁶ Executive Summary p. xxviii and External Review Report p. 102
³⁵⁷ Executive Summary p. xxviii and External Review Report p. 102
³⁵⁸ Executive Summary p. xxviii and External Review Report p. 102
³⁵⁹ Executive Summary p. xxviii and External Review Report p. 102
³⁶⁰ Executive Summary p. xxviii and External Review Report p. 102

- i) WIPO treaties and their implications should be presented to national stakeholders including parliamentarians.³⁶¹ (Category (B))
- d) The various WIPO databases on legislation and regulatory practice should be unified and accessible through one common portal:³⁶² (Categories (A) and (B))
 - i) Linked to legislative databases of tools hosted by other IGOs;³⁶³ and (Category (B))
 - ii) In collaboration with WTO, WIPO should provide a web-based tool for comparative cross-national search and analysis of legislation, including ability to compare national use of flexibilities and options.³⁶⁴ (Categories (A) and (B))
- 5. Improve internal coordination on legislative advice:³⁶⁵ (Categories (A) and (B))
 - a) There should be greater communication and collaboration among staff in different sectors responsible for legislative assistance:³⁶⁶
 - i) Regional Bureaus should play a stronger role in promoting collaboration and pooling of staff knowledge about national policy debates and priorities, lessons from legislative assistance in other IP areas, and experiences of countries with similar legal regimes and development challenges;³⁶⁷ and (Category (A))
 - ii) Regional Bureaus should ensure that staff/consultants providing legislative advice are aware of IP strategies/policies the country may have as well as relevant policy debates, local expertise, stakeholder consultations and inter-ministerial processes so as to ensure the advice reflects development considerations.³⁶⁸ (Categories (A) and (B))
- 6. Provide more assistance on emerging legal, regulatory and policy issues for developing countries:³⁶⁹ (Categories (A) and (B))
 - a) WIPO should explore ways to devote greater attention to advising and informing countries on IP negotiations/treaties, and their potential effects (positive or negative);³⁷⁰ (Categories (A) and (B))
 - i) For example, by organizing open seminars, preparing fact sheets or policy briefs.³⁷¹ (Categories (A) and (B))
 - b) Greater support should be given to development-oriented advice on negotiation and implementation of bilateral, regional and South-South IP arrangements, negotiations, dialogue and cooperation.³⁷² (Categories (A) and (C))

³⁶¹ Executive Summary p. xxviii and External Review Report p. 102

³⁶² Executive Summary p. xxviii and External Review Report p. 102

³⁶³ Executive Summary p. xxviii and External Review Report p. 102

³⁶⁴ Executive Summary p. xxviii and External Review Report p. 102

³⁶⁵ Executive Summary p. xxviii and External Review Report p. 102

³⁶⁶ Executive Summary p. xxviii and External Review Report p. 102

³⁶⁷ Executive Summary p. xxviii and External Review Report p. 102

³⁶⁸ Executive Summary p. xxviii and External Review Report p. 102

³⁶⁹ Executive Summary p. xxviii and External Review Report p. 102

³⁷⁰ Executive Summary p. xxviii and External Review Report p. 102

³⁷¹ Executive Summary p. xxix and External Review Report p. 103

³⁷² Executive Summary p. xxix and External Review Report p. 103

- c) Greater attention should be given to legal/regulatory challenges related to misappropriation and enforcement of developing country IP in the global arena, emerging issues of special interest to developing countries (TK, TCEs and genetic resources), and on practical regulatory and administrative issues relevant to promotion of a balanced IP system.³⁷³ (Categories (A) and (C))
 - d) Support should be given for mechanisms to help developing countries overcome legal, financial and practical barriers faced in challenging wrongful grant of IP rights or abuse of developing country IP rights in other rights, and boosting recognition/enforcement of their IP rights in developed countries.³⁷⁴ (Categories (A) and (C))
7. Improve collaboration with other actors with a diversity of views and expertise.³⁷⁵
(Categories (A) and (B))
- a) WIPO should boost collaboration with other IGOs and seek greater input from a diversity of stakeholders to guide its approach to provision of legislative and regulatory assistance.³⁷⁶ (Category (A))
8. Improve guidelines on participation and development-orientation of global and regional events:³⁷⁷
- a) Guidelines should be developed, in consultation with Member States, for selection of developing country nationals to participate in WIPO meetings:³⁷⁸ (Category (A))
 - i) Increase web-casting of events, and enable remote participation of speakers.³⁷⁹
(Categories (A) and (C))

³⁷³ Executive Summary p. xxix and External Review Report p. 103
³⁷⁴ Executive Summary p. xxix and External Review Report p. 103
³⁷⁵ Executive Summary p. xxx and External Review Report p. 103
³⁷⁶ Executive Summary p. xxx and External Review Report p. 103
³⁷⁷ Executive Summary p. xxx and External Review Report p. 103
³⁷⁸ Executive Summary p. xxx and External Review Report p. 103
³⁷⁹ Executive Summary p. xxx and External Review Report p. 103

IX. IP OFFICE MODERNIZATION

1. Improve support for IP Office modernization and broaden attention to emerging IP issues:³⁸⁰
(Category (A))
 - a) Devise and implement a process/criteria for detailed impact assessment of its activities for office modernization.³⁸¹ (Category (A))
 - b) Consider strategies for greater differentiation in kinds of modernization activities provided for larger/advanced offices compared to smaller/start-up offices.³⁸²
(Categories (A) and (B))
 - c) Explore aspects of modernization, digitization and automation of most benefit and priority to Member States (for example, creation/digitization of databases of traditional knowledge).³⁸³ (Categories (B) and (C))
2. Boost attention to the institutional aspects of IP Office modernization:³⁸⁴ (Category (A))
 - a) Greater attention should be devoted to studying/reporting on impacts of different approaches to the governance, structure, financing and scope of IP Offices.³⁸⁵
(Category (A))
 - b) WIPO should supplement its technical modernization work by documenting lessons-learned and commissioning comparative studies of different approaches to the institutional framework, governance and management of IP Offices. Issues to be addressed include:³⁸⁶ (Category (B))
 - i) Human resources management;
 - ii) Benefits/challenges of building a search/examination IP Office;
 - iii) Different institutional models;
 - iv) Benefits/trade-offs of combined national IP Offices; and
 - v) Issues in broadening/decentralizing IP Office functions.
3. Increase support for regional and South-South modernization priorities:³⁸⁷
(Categories (A) and (B))
 - a) Greater support should be offered to modernization activities designed to boost cooperation, facilitate exchanges and information-sharing between developing country IP Offices and related government agencies within/among regions.³⁸⁸
(Categories (A) and (B))

³⁸⁰ Executive Summary p. xxx and External Review Report p. 117
³⁸¹ Executive Summary p. xxx and External Review Report p. 117
³⁸² Executive Summary p. xxx and External Review Report p. 118
³⁸³ Executive Summary p. xxx and External Review Report p. 118
³⁸⁴ Executive Summary p. xxx and External Review Report p. 118
³⁸⁵ Executive Summary p. xxx and External Review Report p. 118
³⁸⁶ Executive Summary p. xxx and External Review Report p. 118
³⁸⁷ Executive Summary p. xxx and External Review Report p. 118
³⁸⁸ Executive Summary p. xxx and External Review Report p. 118

- b) Greater support should be given to enable South-South sharing of experiences in office modernization.³⁸⁹ (Category (A))
 - c) WIPO should commission a detailed study of various options, benefits/challenges with regard to different levels of regional cooperation in IP legal frameworks, institutional structures and administration.³⁹⁰ (Category (B))
4. Improve risk assessment and management:³⁹¹
- a) Greater attention should be paid to up-front assessment of risks and to dialogue with beneficiary countries on the conditions for success of IP Office modernization projects and ongoing follow up and commitment required by beneficiary countries.³⁹² (Category (A))
 - b) A detailed analysis and risk assessment should be conducted by WIPO of its activities to design and deploy various software and online services for developing countries, to address.³⁹³ (Category (A))
 - i) Synergies/coordination between various software packages under development; (Category (A))
 - ii) Challenges of delivering cutting-edge products/services in the context of rapid technological changes; (Category (A))
 - iii) How to adapt implementation of activities more swiftly as country needs evolve; and (Category (A))
 - iv) Which activities are best undertaken in-house, out-sourced, or conducted through regional experts. (Category (A))
 - c) A detailed risk assessment should be conducted of the comparative advantages and cost-effectiveness of PATENTSCOPE, where a number of other public/private patent search services exist.³⁹⁴ (Category (C))
 - d) Review should be undertaken of the Access to Research for Development and Innovation (aRDⁱ) program and Access to Specialized Patent Information (ASPI) program, to understand low rate of use by intended beneficiaries, and address risks that the business model may be unsustainable.³⁹⁵ (Categories (B) and (C))
5. Broaden range of assistance to national governments:³⁹⁶ (Category (A))
- a) There is a need in some countries to diversify national stakeholders trained to use databases and other outputs of modernization.³⁹⁷ (Category (A))

³⁸⁹ Executive Summary p. xxx and External Review Report p. 118
³⁹⁰ Executive Summary p. xxx and External Review Report p. 118
³⁹¹ Executive Summary p. xxx and External Review Report p. 118
³⁹² Executive Summary p. xxx and External Review Report p. 118
³⁹³ Executive Summary p. xxx and External Review Report p. 118
³⁹⁴ Executive Summary p. xxxi and External Review Report p. 118
³⁹⁵ Executive Summary p. xxxi and External Review Report p. 118
³⁹⁶ Executive Summary p. xxxi and External Review Report p. 118
³⁹⁷ Executive Summary p. xxxi and External Review Report p. 118

- b) There is a need for greater efforts to simplify procedures or boost training on use of international standards for classification of IP rights, in order to improve the rate of use of WIPO software.³⁹⁸ (Category (B))
- c) In patent area, countries should be provided with greater assistance to review international search and examination reports and/or reports by other national Patent Offices in light of national legislation, especially in areas of importance to national development goals.³⁹⁹ (Categories (A) and (B))
 - i) Better assist those countries keen to build and focus their expertise on particular areas of public policy concern, or where particular legal provisions are distinct from other countries.⁴⁰⁰ (Category (A))
- d) In copyright area, greater attention should be given to modernization of Copyright Offices and collective management societies.⁴⁰¹ (Category (A))
 - i) Studies should be initiated and activities continued to assist countries to review/select appropriate models for collective rights management, especially in the digital environment.⁴⁰² (Categories (A) and (B))

X. TRAINING AND HUMAN RESOURCE CAPACITY-BUILDING

1. Strategic Prioritization:⁴⁰³

- a) More strategic and specific goals, priorities and expected results should be set for WIPO's portfolio of training and human resource capacity-building activities.⁴⁰⁴ (Category (A))
- b) Focus of training should be on building a critical mass of substantive, politically-informed expertise within developing countries on IP and development through intensive capacity building and mentoring of experts.⁴⁰⁵
- c) Reporting on training should move from reporting number of individuals/type of beneficiaries, to how training was used in practice and contribution to development goals.⁴⁰⁶ (Categories (A) and (B))

2. Review development-orientation of training:⁴⁰⁷ (Category (A))

- a) An independent panel of leading academic authorities should review all WIPO training materials and curricula to ascertain/ensure development orientation. The review should;⁴⁰⁸ (Categories (A) and (B))

³⁹⁸ Executive Summary p. xxxi and External Review Report p. 118
³⁹⁹ Executive Summary p. xxxi and External Review Report p. 119
⁴⁰⁰ Executive Summary p. xxxi and External Review Report p. 119
⁴⁰¹ Executive Summary p. xxxi and External Review Report p. 119
⁴⁰² Executive Summary p. xxxi and External Review Report p. 119
⁴⁰³ Executive Summary p. xxxi and External Review Report p. 130
⁴⁰⁴ Executive Summary p. xxxi and External Review Report p. 130
⁴⁰⁵ Executive Summary p. xxxi and External Review Report p. 130
⁴⁰⁶ Executive Summary p. xxxi and External Review Report p. 130
⁴⁰⁷ Executive Summary p. xxxi and External Review Report p. 130
⁴⁰⁸ Executive Summary p. xxxi and External Review Report p. 130

- i) Focus quality, design, delivery and orientation of training by WIPO Academy and programs;⁴⁰⁹
 - ii) Focus on overall balance of training activities to ensure they reflect Development Agenda recommendations;⁴¹⁰ and
 - iii) Include an assessment of emerging best practices in development-oriented IP courses at IP universities worldwide (e.g., making curricular/course materials transparent, relying on open access learning materials to where possible, reflecting diverse range of views on public policy issues, and empowering participants to think critically/independently).⁴¹¹
- b) IP education should not be pursued in isolation, but linked to other areas of education and broader public policy issues such as innovation policy, science and technology, education, cultural industries:⁴¹² (Category (A))
- i) Support for IP-related capacity building in national academic contexts such as universities should be evaluated and reoriented;⁴¹³ and (Category (B))
 - ii) CDIP project on National Academies should be evaluated with an eye to learning lessons and ensuring consistency in approach/ type of training activities with a development-oriented approach to IP training.⁴¹⁴ (Category (A))
- c) The availability of development-oriented IP-related educational materials (and translations) on WIPO's website should be increased:⁴¹⁵ (Category (B))
- i) Should include an accessible online inventory of scholarly literature and teaching materials, multidisciplinary research publications and curricular materials on IP and development;⁴¹⁶ and (Category (B))
 - ii) All WIPO curricula should be distributed and publicly available free of charge to academics, especially those in developing countries facing constraints in updating/accessing relevant teaching materials.⁴¹⁷ (Category (B))
- d) Systems should be put in place to ensure all WIPO trainings are of highest possible pedagogical quality to maximize impact, are aligned with the Development Agenda, and are consistent with development-oriented results in the P&B and country plans.⁴¹⁸ (Categories (A) and (B))

⁴⁰⁹ Executive Summary p. xxxi and External Review Report p. 130
⁴¹⁰ Executive Summary p. xxxi and External Review Report p. 130
⁴¹¹ Executive Summary p. xxxi and External Review Report p. 130
⁴¹² Executive Summary p. xxxii and External Review Report p. 130
⁴¹³ Executive Summary p. xxxii and External Review Report p. 130
⁴¹⁴ Executive Summary p. xxxii and External Review Report p. 130
⁴¹⁵ Executive Summary p. xxxii and External Review Report p. 130
⁴¹⁶ Executive Summary p. xxxii and External Review Report p. 130
⁴¹⁷ Executive Summary p. xxxii and External Review Report p. 130
⁴¹⁸ Executive Summary p. xxxii and External Review Report p. 130

3. WIPO's niche and external partnerships: ⁴¹⁹

- a) An in-depth and critical review should be conducted of the strategic niche of WIPO's training activities, particularly of the WIPO Academy, in context of other training initiatives worldwide. The review should: ⁴²⁰ (Category (A))
 - i) Examine offerings of leading academic institutions on IP and related issues of technology, innovation and development; ⁴²¹ and (Category (A))
 - ii) Explore opportunities to reduce overlap with and improve collaboration/coordination with other training institutions on specific technical IP issues (e.g. EPO, USPTO, IP Offices in developing countries). ⁴²² (Category (A))
- b) Opportunities should be explored to support fellowships for courses run by leading international academic centers, to complement/replace fellowships in WIPO-run courses. ⁴²³ (Category (A))

4. Improve internal coordination on training: ⁴²⁴

- a) There should be stronger synergies and joint planning of professional training activities of the WIPO Academy and programs/sectors; ⁴²⁵ (Categories (A) and (B))
 - i) More transparent, better coordinated. (Categories (A) and (B))

5. Improve cost-efficiency: ⁴²⁶

- a) Cost-efficiency should be enhanced through greater use of online courses, partnerships with regional training centers, video-conferencing tools, training of trainers, and evaluation of where/how training is used by various stakeholders and to what practical effect. ⁴²⁷ (Categories (A), (B) and (C))

XI. USER-SUPPORT SYSTEMS

1. Review development-orientation and priorities for user support systems. ⁴²⁸ (Category (B))

2. An Organization-wide review should be undertaken by WIPO/Member States of current activities and future priorities in terms of support for users of the IP system: ⁴²⁹ (Category (B))

- a) As part of review, a mapping should be undertaken of all user-related services. ⁴³⁰ (Category (B))

⁴¹⁹ Executive Summary p. xxxii and External Review Report p. 130

⁴²⁰ Executive Summary p. xxxii and External Review Report p. 130

⁴²¹ Executive Summary p. xxxii and External Review Report p. 130

⁴²² Executive Summary p. xxxii and External Review Report p. 130

⁴²³ Executive Summary p. xxxii and External Review Report p. 130

⁴²⁴ Executive Summary p. xxxii and External Review Report p. 131

⁴²⁵ Executive Summary p. xxxii and External Review Report p. 131

⁴²⁶ Executive Summary p. xxxii and External Review Report p. 131

⁴²⁷ Executive Summary p. xxxii and External Review Report p. 131

⁴²⁸ Executive Summary p. xxxii and External Review Report p. 139

⁴²⁹ Executive Summary p. xxxii and External Review Report p. 139

⁴³⁰ Executive Summary p. xxxii and External Review Report p. 139

- b) Through the review, criteria should be developed for devising 'user support' priorities for WIPO that would yield greatest benefits for development.⁴³¹ (Category (B))
- c) Such criteria, together with country needs assessments, IP strategies and country assistance plans, to filter selection of activities and projects to be pursued.⁴³² (Category (B))

3. Promote greater development-orientation and balance in the range of user activities supported:⁴³³

- a) User support should consider the range of objectives/components of a development-oriented approach:⁴³⁴ (Categories (A) and (B))
 - i) Attention should be boosted to activities that would help reduce costs of participation in the IP system;
 - ii) Enlarge benefits for local creative and cultural industries; and
 - iii) Reduce knowledge/technology gap in terms of generation and access.
- b) WIPO should ensure a greater balance between its support for traditional users of the IP system (rightholders) and for users of IP-protected products and services (researchers, libraries, students, citizens seeking access to technology).⁴³⁵ (Category (B))
- c) The mapping exercise (abovementioned) should consider user groups or types of IP that warrant greater attention, so as to devise national IP strategies or advance innovation/creativity so as to support development:⁴³⁶ (Category (B))
 - i) Practical support may be indicated for initiatives related to indigenous or TK, TCEs, cultural industries or industrial designs; (Category (B))
 - ii) National user priorities may be identified that do not receive systematic attention from WIPO, such as helping IP Offices reach out to users in universities, industries or research institutes outside capitals; (Category (B))
 - iii) Consideration should be given to how to support the needs of developing country IP rightholders abroad, to protect/enforce their rights in international markets; and (Category (B))
 - iv) Consideration should be given to ensuring that balance of users who benefit from WIPO activities at national level are domestic as well as foreign. (Category (B))

4. Mapping of other donors and actors working to support user communities.⁴³⁷ (Category (B))

5. A systematic review should be undertaken of activities of other relevant actors, potential collaborators and competitors active in supporting stakeholders in developing countries on issues of IP and development, and related initiatives:⁴³⁸ (Category (B))

⁴³¹ Executive Summary p. xxxii and External Review Report p. 139

⁴³² Executive Summary p. xxxii and External Review Report p. 139

⁴³³ Executive Summary p. xxxii and External Review Report p. 139

⁴³⁴ Executive Summary p. xxxii and External Review Report p. 139

⁴³⁵ Executive Summary p. xxxii and External Review Report p. 139

⁴³⁶ Executive Summary p. xxxiii and External Review Report p. 139

⁴³⁷ Executive Summary p. xxxiii and External Review Report p. 139

- a) The mapping exercise should explore greater synergies between WIPO activities and those of other donors/stakeholders (e.g., support systems for creators, artists and performers on potential business, IP and licensing strategies, or models for engaging in entertainment and creative industry markets).⁴³⁹ (Category (B))
 - b) The mapping should include a careful review of SME-related activities of international development banks, philanthropic, NGO and academic initiatives to support indigenous communities in stewardship of TK.⁴⁴⁰ (Category (B))
6. Improve the management of WIPO's interaction with a range of stakeholders at the national level:⁴⁴¹
- a) There should be refinement of the mechanisms used by national governments and the Secretariat to manage and coordinate the planning, implementation and evaluation of WIPO's activities to support user groups:⁴⁴² (Categories (A) and (B))
 - i) Appropriate communication mechanisms and outreach strategies will need to be used to reach stakeholders beyond traditional focal points in IP Offices.⁴⁴³ (Categories (A) and (B))
 - b) WIPO should invest in improved tools for tracking and maintaining its internal databases with a diversity of national contacts at program/Organization-levels, as well as electronic and Internet-based communication tools for disseminating information and receiving feedback.⁴⁴⁴ (Category (A))
7. Ensure evaluation before expansion of activities and projects:⁴⁴⁵
- a) Success of pilot projects underway should be evaluated before expansion, regardless of high demand by Member States (e.g. for Technology and Innovation Support Centers (TISCS)). Evaluation can serve as:⁴⁴⁶ (Category (A))
 - i) Lessons learned for future work;
 - ii) Assessing how TISC activities could be mainstreamed/integrated into other DC activities;
 - iii) Prioritizing country requests in line with national IP strategies, needs assessments and country plans for WIPO assistance.

[Footnote continued from previous page]

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⁴³⁹ Executive Summary p. xxxiii and External Review Report p. 139
⁴⁴⁰ Executive Summary p. xxxiii and External Review Report p. 139
⁴⁴¹ Executive Summary p. xxxiii and External Review Report p. 139
⁴⁴² Executive Summary p. xxxiii and External Review Report p. 139
⁴⁴³ Executive Summary p. xxxiii and External Review Report p. 139
⁴⁴⁴ Executive Summary p. xxxiv and External Review Report p. 140
⁴⁴⁵ Executive Summary p. xxxiv and External Review Report p. 140
⁴⁴⁶ Executive Summary p. xxxiv and External Review Report p. 140

XII. PROMOTION OF INNOVATION, CREATIVITY, ACCESS TO KNOWLEDGE AND TECHNOLOGIES

1. Bolster activities to promote access to knowledge and technology transfer.⁴⁴⁷
(Category (A))
 - a) Activities in access to knowledge and technology transfer should be strengthened.⁴⁴⁸
(Category (A))
2. Integration across WIPO's DC activities:⁴⁴⁹
 - a) The promotion of access to knowledge and technology, innovation and creativity should be better integrated across the full range of WIPO's DC activities:⁴⁵⁰ (Category (A))
 - i) Greater effort should be made to ensure that research conducted at Member State request should be integrated into other DC activities such as legislative advice, regulatory assistance and development of IP strategies/policies;⁴⁵¹ and
(Category (A))
 - ii) Secretariat and Member States should identify/engage appropriate stakeholders on these issues at national level, including through support for inter-ministerial committees and stakeholder consultations in forming IP policies/strategies.⁴⁵²
(Category (A))
3. Place the IP dimension of innovation and creativity promotion in context:⁴⁵³
 - a) Activities on innovation and creativity must be informed by broader debates and experience on innovation systems, development strategies and public policy goals, such as access to knowledge.⁴⁵⁴ (Category (A))
 - b) WIPO's role should be to;⁴⁵⁵
 - i) Build understanding on where/how IP-related mechanisms and strategies may/may not assist developing countries to advance progress in these areas;⁴⁵⁶ and
(Categories (A) and (B))
 - ii) Place that analysis/assistance more firmly in context of range of other policy measures and institutional actions needed.⁴⁵⁷ (Categories (A) and (B))

⁴⁴⁷ Executive Summary p. xxxiii and External Review Report p. 143
⁴⁴⁸ Executive Summary p. xxxiii and External Review Report p. 143
⁴⁴⁹ Executive Summary p. xxxiv and External Review Report p.143
⁴⁵⁰ Executive Summary p. xxxiv and External Review Report p. 143
⁴⁵¹ Executive Summary p. xxxiv and External Review Report p. 143
⁴⁵² Executive Summary p. xxxiv and External Review Report p. 143
⁴⁵³ Executive Summary p. xxxiv and External Review Report p. 143
⁴⁵⁴ Executive Summary p. xxxiv and External Review Report p. 144
⁴⁵⁵ Executive Summary p. xxxiv and External Review Report p. 144
⁴⁵⁶ Executive Summary p. xxxiv and External Review Report p. 144
⁴⁵⁷ Executive Summary p. xxxiv and External Review Report p. 144

4. Identify WIPO's strategic niche:⁴⁵⁸

- a) The Secretariat should undertake a mapping of other inter-governmental initiatives and non-governmental efforts to promote innovation, creativity, technology transfer and access to knowledge.⁴⁵⁹ (Category (A))
- b) Secretariat should forge and help countries forge links with other relevant IGOs/stakeholders with expertise.⁴⁶⁰ (Category (A))
- c) The mapping would identify WIPO's strategic niche and relevant partnerships with a range of external actors with a stronger competitive advantage:⁴⁶¹ (Category (A))
 - i) Issues of innovation/creativity take WIPO beyond its traditional expertise on IP and into rapidly evolving areas of business and government practice on IP-related issues, and cutting edge debates on public policy issues (education, science, technology) and sectoral issues (public health, biotech), where its experience is weak and resources spread too thinly to make a difference.⁴⁶²

XIII. [RECOMMENDATIONS FOR WIPO'S MEMBER STATES]

1. Ensure clarity of objectives and needs assessment:⁴⁶³

- a) Countries requesting DC activities should carefully identify needs, determine objective and assess how possible outcomes of assistance could contribute to fulfillment of development goals.⁴⁶⁴
- b) Countries should identify priorities of categories of IP to be covered, the substantive/procedural nature of issues for consideration and sectors involved.⁴⁶⁵

2. Improve internal coordination and consultation:⁴⁶⁶

- a) Governments should give greater attention to formulation of national IP and development strategy to complement traditional emphasis on building administrative/technical capacity of IP Offices.⁴⁶⁷
- b) Greater internal coordination should be established to help ensure DC projects/objectives attract necessary broad government support.⁴⁶⁸
- c) WIPO's DC activities will more likely support development outcomes where there is effective inter-agency coordination and public consultation.⁴⁶⁹

⁴⁵⁸ Executive Summary p. xxxiv and External Review Report p. 144

⁴⁵⁹ Executive Summary p. xxxiv and External Review Report p. 144

⁴⁶⁰ Executive Summary p. xxxiv and External Review Report p. 144

⁴⁶¹ Executive Summary p. xxxiv and External Review Report p. 144

⁴⁶² Executive Summary p. xxxiv and External Review Report p. 144

⁴⁶³ Executive Summary p. xxxiv and External Review Report p. 54

⁴⁶⁴ Executive Summary p. xxxiv and External Review Report p. 54

⁴⁶⁵ Executive Summary p. xxxiv and External Review Report p. 54

⁴⁶⁶ Executive Summary p. xxxiv and External Review Report p. 54

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⁴⁶⁸ Executive Summary p. xxxiv and External Review Report p. 55

⁴⁶⁹ Executive Summary p. xxxiv and External Review Report p. 55

- d) Action should be at three levels:⁴⁷⁰
- i) IP Offices must be engaged in relevant strategic processes led by other government actors at national level;⁴⁷¹
 - ii) IP Offices should facilitate cooperation/communication among a broad range of government and non-government stakeholders;⁴⁷² and
 - iii) Geneva-based representatives of developing countries have an important role to play in bringing coherence to the country's representation at the international level, and acting as interlocutors with Secretariat on DC activities.⁴⁷³
3. Consultation and collaboration with national stakeholders:⁴⁷⁴
- a) Governments and donors should identify/consult groups potential affected by outcomes of development assistance activities (e.g. farmers, consumers, authors, SMEs, universities, education, business, finance, musicians, artists, scientists).⁴⁷⁵
 - b) Governments should adopt a multidisciplinary approach involving many stakeholders;⁴⁷⁶
 - i) Seek active participation of stakeholders in assessment of technical cooperation needs/priorities, and in appropriate design, delivery, outcomes and evaluation of DC activities.⁴⁷⁷
 - c) Governments should recognize that the degree of influence of some stakeholders does not necessarily match the importance they should have in determining appropriate development-oriented IP policy:⁴⁷⁸
 - i) Engagement of under-represented interest groups should be facilitated.⁴⁷⁹
4. Designate focal points for the coordination and oversight of DC activities:⁴⁸⁰
- a) Governments should reach clear decisions on how to manage their relationship with WIPO (including for DC activities) and other donors.⁴⁸¹
 - b) WIPO's diversified interactions at national level has implications for governments:⁴⁸²
 - i) Structured consultative processes and/or coordination mechanisms are required to ensure involvement of representatives of all relevant government agencies in design, implementation and review of DC activities;⁴⁸³ and

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⁴⁷¹ Executive Summary p. xxxiv and External Review Report p. 56
⁴⁷² Executive Summary p. xxxiv and External Review Report p. 56
⁴⁷³ Executive Summary p. xxxiv and External Review Report p. 56
⁴⁷⁴ Executive Summary p. xxxv and External Review Report p. 63
⁴⁷⁵ Executive Summary p. xxxv and External Review Report p. 63
⁴⁷⁶ Executive Summary p. xxxv and External Review Report p. 63
⁴⁷⁷ Executive Summary p. xxxv and External Review Report p. 63
⁴⁷⁸ Executive Summary p. xxxv and External Review Report p. 64
⁴⁷⁹ Executive Summary p. xxxv and External Review Report p. 64
⁴⁸⁰ Executive Summary p. xxxv and External Review Report p. 57
⁴⁸¹ Executive Summary p. xxxv and External Review Report p. 57
⁴⁸² Executive Summary p. xxxv and External Review Report p. 57
⁴⁸³ Executive Summary p. xxxv and External Review Report p. 57

- ii) IP Offices can no longer serve as interlocutors with WIPO on DC activities,⁴⁸⁴
- c) Governments should adopt guidelines/procedures for reviewing and ensuring development-orientation of technical assistance activities:⁴⁸⁵
 - i) Reviewing and intervening in the selection of staff/consultants for provision of technical assistance;⁴⁸⁶
 - ii) Encourage use of local /regional experts;⁴⁸⁷
 - iii) Require disclosure of potential conflicts of interest from providers;⁴⁸⁸
 - iv) Require consultants to comply with a code of ethics for technical cooperation providers;⁴⁸⁹ and
 - v) Request evidence of qualifications, prior work experience, evaluations of proposed providers of DC activities.⁴⁹⁰
- d) Ensure government commitment to partnership on DC activities:⁴⁹¹
 - i) Governments should be prepared to commit internal institutional and human resources, ensure appropriate political sponsorship from relevant government agencies and demand effective evaluation of projects;⁴⁹²
 - ii) Governments should carefully negotiate country plans and activities, and implementation plans, expected results and timeframes;⁴⁹³
 - iii) Countries should commit to formulating multi-year country plans for WIPO assistance including assessment of development needs, results, impact of proposed DC activities, taking into account national objectives;⁴⁹⁴
 - (1) Linked to efforts to develop national IP strategies;
 - iv) Governments should be responsible for identifying a team of development assistance providers with economic, legal and issue-specific expertise;⁴⁹⁵
 - (1) Including identifying in-country resources and expertise from local universities, research institutes, NGOs and experts.⁴⁹⁶

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5. Improve data-gathering at the national level:⁴⁹⁷

a) Greater attention should be given to establishing national-level baselines and benchmarks, and to systematic processes of data gathering and compilation:⁴⁹⁸

i) Governments should request assistance where resources/expertise are lacking.⁴⁹⁹

⁴⁹⁷ Executive Summary p. xxxv and External Review Report p. 74

⁴⁹⁸ Executive Summary p. xxxv and External Review Report p. 74

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WIPO CODE OF ETHICS

PREAMBLE

Reaffirming the purposes, values and principles of the World Intellectual Property Organization (WIPO), as enshrined in the Convention Establishing the World Intellectual Property Organization (WIPO), and the importance for the Organization of securing the highest standards of efficiency, competence and integrity;

Taking account of the Organization's core value of environmental, social and governance responsibility established under the Strategic Realignment Program, particularly with respect to acting and performing in an ethical manner;

Recognizing that it is imperative for the Organization to establish, cultivate, nurture and promote a culture of ethics, which enhances integrity and responsibility and thereby strengthens its credibility and that of the personnel working in the Organization;
Reaffirming the Standards of Conduct for the International Civil Service 2001, as it may be amended from time to time, as well as standards of conduct provided for in the relevant Staff Regulations and Staff Rules;

The present Code of Ethics sets out the values and principles to guide the conduct of personnel of the Organization.

VALUES

Independence

Personnel of the Organization shall maintain their independence and shall not seek or accept instructions, explicit or implicit, from any Government, or from any other person or entity external to the Organization, or work to promote the interest of any Government or external entity, and shall refrain from any action which might be reasonably considered to reflect negatively on their position as personnel of the Organization responsible only to the Organization.

Loyalty

Loyalty to the principles of the Organization as stated in the Convention Establishing the World Intellectual Property Organization (WIPO) is of fundamental importance to the discharge of their duties by all personnel. Personnel shall be loyal to the Organization and shall, at all times, undertake and perform their functions and regulate their conduct with the best interests of the Organization only in view.

Impartiality

Personnel of the Organization, in the performance of their official duties, shall always act with impartiality, objectivity and professionalism. They shall ensure that the expression of their personal views and convictions, including on the policies of particular Governments or external entities, does not compromise or appear to compromise in any manner the performance of their official duties or the interests of the Organization. They shall not act in a way that could lead to biased, or actual or perceived preferential treatment, for or against particular individuals, groups or interests.

Integrity

Personnel of the Organization shall maintain the highest standards of integrity, including honesty, fairness and incorruptibility, in all matters affecting their official duties and the interests of the Organization. They shall conduct themselves in a manner befitting their status as international civil servants.

Accountability

Personnel of the Organization shall be accountable for the proper discharge of their functions and for their decisions and actions. In fulfilling their official duties and responsibilities, personnel of the Organization shall make decisions only in the best interests of the Organization. They shall submit themselves to scrutiny as required by their position.

Respect for human rights

Personnel of the Organization shall fully respect the human rights, dignity and worth of all persons and shall act with respect for gender equality and for diversity, and without regard to ethnic origin, race, religion, political persuasion, sexual orientation and with understanding, tolerance, sensitivity and without any form of discrimination whatsoever.

PRINCIPLES

Conflict of interest

Personnel of the Organization shall arrange their private interests in a manner that will prevent actual, potential or apparent conflicts of interest from arising, but if such a conflict does arise between their private interests and their official duties and responsibilities, the conflict shall be disclosed immediately and resolved promptly in preserving the best interests of the Organization.

Personnel shall also ensure that in all matters internal to the Organization that they undertake and perform their functions and regulate their conduct so as to prevent actual, potential or apparent conflicts of interest between their private interests and their official duties and responsibilities. If such a conflict shall arise, they shall disclose it immediately and resolve it promptly in the best interests of the Organization.

Abuse of authority

Personnel of the Organization shall not use the authority entrusted to them, in particular by taking advantage of colleagues, beneficiaries or other individuals or groups, for financial, political, administrative, professional, sexual or other gain. Personnel shall in no case exercise any form of retaliation against colleagues, and in particular managers shall in no case exercise any form of retaliation against their subordinates.

Commitment to a respectful working environment

Personnel of the Organization shall conduct themselves in such a way as to ensure a safe working environment free of any form of harassment, including from allegations that are made maliciously or with reckless disregard as to their accuracy.

Gifts, honors, favors or other benefits

Personnel of the Organization shall not solicit or accept gifts, honors, favors and/or other benefits from sources external to the Organization that may bring into question their independence, impartiality, integrity, loyalty and objectivity, unless the acceptance of such gifts, honors, favors and/or other benefits is pursuant to applicable policies and regulations. Personnel of the Organization shall equally not solicit or accept gifts from sources within the Organization that may bring into question their independence, impartiality, loyalty and integrity in the performance of their functions, except in accordance with applicable policies and regulations.

Resources of the Organization

Personnel of the Organization shall use or allow the use of the tangible and intangible resources of the Organization, directly or indirectly, including its property, only for authorized purposes.

Confidentiality of information

Personnel of the Organization shall not use information that is not available to the public for private gain, financial or otherwise, to benefit themselves or others nor shall they disclose such information to the public without authorization. That duty continues to apply after separation from the Organization.

Post-employment

Personnel of the Organization shall not act in such a manner as to take improper advantage of their official functions and positions, including privileged information obtained from such functions and positions, when seeking employment or appointment after leaving their service with the Organization.

ADMINISTRATION OF THE CODE

The provisions of this Code of Ethics shall extend to all personnel of the Organization. For the purposes of this Code, personnel of the Organization includes staff members of the Organization and related personnel, such as individuals who have entered into agreements with the Organization as consultants, holders of Special Services Agreements (SSAs), Special Labor Contracts (SLCs), holders of short-term contracts (for general service) or as interpreters, translators or revisers, as well as individual contractors or experts on mission.

The values and principles contained in the present Code of Ethics shall be reflected in the applicable standards of conduct provided for in the relevant Staff Regulations and Staff Rules and other relevant issuances of the Organization.

[End of Appendix III and of document]