

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTER-SESSIONAL INTERGOVERNMENTAL MEETING ON A DEVELOPMENT AGENDA FOR WIPO

Second Session
Geneva, June 20 to 22, 2005

PROPOSAL BY THE UNITED KINGDOM

Document prepared by the Secretariat

1. In a communication dated June 13, 2005, the International Bureau received a proposal from the United Kingdom relating to Intellectual Property (IP) and Development for consideration by Member States at the Inter-Sessional Intergovernmental Meeting (IIM) on a Development Agenda for WIPO, to be held in Geneva from June 20 to 22, 2005. The United Kingdom has stated that the paper contains the elaboration of proposals, including actionable and operational language as requested in the Chair's Summary of the First Session of the IIM held from April 11 to 13, 2005, and requested that the proposal be translated and circulated among Member States and other participants.

2. The said proposal is annexed to this document.

3. *The IIM is invited to note the contents of the attached proposal of the United Kingdom.*

[Annex follows]

IP and Development

Building on the UK's observations, including actionable and operative language

Introduction

At the Inter-sessional Intergovernmental Meeting on a Development Agenda for WIPO (IIM), which was held on 11 to 13 April 2005, the UK presented its observations on intellectual property and development. This document now seeks to expand on what was set out in document IIM/1/5 and also to provide suggestions on moving forward in the context of WIPO's work on IP and development.

Document IIM/1/5

This document covered some background on the UK's interest in intellectual property and development issues and the role science and technology plays in sustainable development. It discussed WIPO's role in IP and development issues, emphasising the need for WIPO to act within wider poverty reduction or development strategies. On the issue of technical cooperation, the view was put forward that the Permanent Committee on Cooperation for Development related to Intellectual Property should play a stronger role in defining, coordinating and evaluating WIPO's technical cooperation activities. The UK also proposed that this body should play a more active role in the wider IP and development debate. The UK's views on patent harmonisation were set out, including the important observation that further harmonisation can benefit developing and developed countries and that all Member States of WIPO should engage in the debate so as to achieve a positive outcome acceptable to all. Finally, turning to technology transfer, the paper pointed out that this is a wide ranging topic and that WIPO should make its contribution to the IP-related issue without attempting to go beyond its expertise or duplicating work done in other fora.

Proposal

Building on the comments already made by the UK and taking into account the debate so far, it is our view that WIPO can improve the effectiveness of its work in the field of IP and development. We set out below a proposal for consideration which we believe will make an important and positive contribution towards our goal, which we hope is one that can be shared by all Member States, of ensuring that the international IP system functions for the good of all, with benefits outweighing any costs and in a way which encourages, and does not hinder, sustainable economic, social and cultural development. We propose that the Permanent Committee on Cooperation for Development related to Intellectual Property be reinvigorated. We believe that the effects of this proposal will significantly improve the way that WIPO looks at IP and development.

The secretariat, at the first IIM, confirmed that this committee has a broad mandate. Additionally, all Member States of WIPO are also members of this committee. Therefore, this committee is the ideal forum in which to consider the full range of IP and development issues. This would include, as far as WIPO is competent, the development-related aspects of the work of other WIPO bodies and the IP-related development aspects of the work of non-WIPO bodies on request by these bodies. We are not proposing that this committee becomes an isolated body where IP and development related issues can be limited or contained. Rather, we very much see a reinvigorated committee playing an active role by contributing to development-related discussions across WIPO and by being a resource of development expertise on which other bodies can draw. This would enable all WIPO bodies to play their proper role, in an informed manner, in the realisation of development goals.

We believe that as a first step the WIPO Conference should explicitly confirm the breadth of the PCIPD's mandate and task this committee to consider any issue related to IP and development and transmit its findings to any relevant WIPO body for consideration (if possible the committee could also transmit its reports to other UN bodies and agencies where its discussions are relevant to their work and competences). It should of course continue to report to the WIPO Conference but should also report to the General Assemblies if it has considered issues of relevance to the General Assembly. Additionally, other WIPO bodies should be encouraged to refer issues to the committee for opinion where this would help inform their deliberations.

The committee should, as a priority, discuss and decide on its own future work program, which should be well structured with clear output expectations.

Issues for inclusion in the initial work program could include:

- Overseeing research on IP and development issues. This may involve WIPO commissioning or undertaking new research but would also cover collating, disseminating and discussing research carried out elsewhere;¹
- Considering how WIPO and IP can best contribute to promoting and facilitating the transfer of technology;²
- More active management of WIPO technical cooperation and capacity building (TCCB) programs so as to avoid undesirable duplication and to achieve effective coordination with other bodies³

¹ Possible initial areas might include: Conducting impact assessments on further norm-setting initiatives; The importance of IP in open source models and the role of WIPO in this respect; The impact on development of GIs.

² As a first step WIPO should gather information from other relevant international bodies on their technology transfer activities and initiatives that involve IP.

³ For example by taking forward the US proposal on a partnership program and performing a stock-take including the exact amounts spent on technical assistance in specific countries and on specific activities and how these integrate with the activities of other bodies (e.g. UN bodies, EPO, national POs).

- Investigating the merits of further evaluation, including possible external evaluation, of WIPO's TCCB activities.⁴

This list is not intended to be exhaustive and we will consider these ideas further before making any formal proposals to the committee if it should be agreed that this is a suitable way to proceed. We believe that it is important, if we are to fulfil our hopes for the committee, that it attracts the active involvement of a wide range of participants including experts not just on IP but also on development.

The committee should also consider how it should manage itself to ensure that it is able to achieve its objectives. Given the desire to have more active participation from a wider range of experts both from international, regional, national government and non-governmental organisations the committee might consider whether the way in which it organises debate is really conducive to reaching consensus. The committee might wish to consider whether and how debates can be further progressed between meetings and how meetings could best be arranged to ensure that the benefits arising from each meeting more clearly outweigh the cost of staging that meeting. This is especially important if the committee is to be able to respond in a timely manner to requests for its opinion from other bodies both within and outside WIPO so as to positively influence the work in these other bodies.

In order to comply with the request made by the Chair at the first IIM, we include in annex A possible recommendations for consideration and adoption in the remaining IIMs. Additionally, annex B contains a suggested draft decision to be considered at the WIPO Conference.

Conclusion

In summary, we present an elaborated proposal which we firmly believe can enhance WIPO's effectiveness in addressing IP and development issues. We make this proposal in a positive spirit of cooperation, hopeful that others will be able to share our vision of ensuring that WIPO has the capacity to be an efficient, focussed and active player in development issues and is seen as an exemplary international body whose work makes an important and positive contribution towards achieving sustainable economic, social and cultural development for all.

⁴ This could include the elaboration and use of development indicators to assess TCCB activities and a critical assessment of the extent of the integration of WIPO's activities into broader poverty reduction or development strategies.

Annex A

Draft recommendations of the IIM

The Inter-sessional Intergovernmental Meeting on a Development Agenda for WIPO recommends that:

The PCIPD should consider and adopt a new work program covering the full range of IP and development issues in line with its broad existing mandate;

The PCIPD should be convened at the earliest convenience to determine its work plan and to consider how to progress this work plan efficiently and effectively;

The work plan of the PCIPD could include, as a priority, the following items:

An assessment of which areas should be priorities for further research;

An examination of the involvement of IP in current technology transfer activities of all relevant bodies;

A stock-take of WIPO's Technical Cooperation and Capacity Building activities and how these integrate with the activities of other bodies;

An investigation into the merits of further evaluation, including possible external evaluation, of WIPO's TCCB activities.

The PCIPD should report its progress to the WIPO Conference at the earliest opportunity and also transmit its findings to other WIPO bodies where and when appropriate.

Annex B

Draft decision for consideration at the 2005 WIPO Conference

Having regard to the General Assembly decision of September 2004;

Considering the importance of sustainable economic, social and cultural development;

Recognising the broad existing mandate of the Permanent Committee on Cooperation for Development related to Intellectual Property (PCIPD);

The WIPO Conference decides as follows:

To request the Director General to convene a meeting of the PCIPD at the earliest convenience;

To instruct the PCIPD to formulate a work program based on the recommendations of the IIM meetings and to consider how to progress this plan efficiently and effectively;

To instruct the PCIPD to report to the WIPO Conference on progress made on its work program; and

To instruct the PCIPD to report its findings to other WIPO bodies as appropriate.

[End of Annex and of document]