

# WIPO



PCDA/2/3

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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

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## PROVISIONAL COMMITTEE ON PROPOSALS RELATED TO A WIPO DEVELOPMENT AGENDA

**Second Session**  
**Geneva, June 26 to 30, 2006**

PROPOSAL ON RECOMMENDATION TO  
THE GENERAL ASSEMBLY OF WIPO

*Document prepared by the Secretariat*

1. In a communication dated June 29, 2006, the International Bureau received a proposal from the Kyrgyz Republic, entitled "Recommendation to the General Assembly of WIPO", for consideration by Member States at the Provisional Committee on Proposals Related to a WIPO Development Agenda, to be held in Geneva from June 26 to 30, 2006.

2. The said proposal is annexed to this document.

3. *The PCDA is invited to note the contents of the attached proposal from the Kyrgyz Republic.*

[Annex follows]

ANNEX I

**КЫРГЫЗ РЕСПУБЛИКАСЫНЫН  
ЖЕНЕВА ШААРЫНДАГЫ  
ТУРУКТУУ ӨКҮЛДҮГҮ**



**THE PERMANENT MISSION OF THE  
KYRGYZ REPUBLIC  
IN GENEVA**

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**Ref. No. 194/011/117**

The Permanent Mission of the Kyrgyz Republic to the United Nations Offices in Geneva presents its compliments to the International Bureau of World Intellectual Property Organization and in relation to the Second Meeting of Provisional Committee on Proposals related to a WIPO Development Agenda (PCDA) held in Geneva from June 26 to 30, 2006, has the honor to enclose a proposal in the form of recommendation to the General Assembly of WIPO.

The Permanent Mission of the Kyrgyz Republic hereby requests the International Bureau to distribute the attached paper as an official document of the Second Meeting of the PCDA, under item 6 (adoption of the draft PCDA Report to the General Assembly) of the Draft Agenda (PCDA/2/1Rev).

Permanent Mission of the Kyrgyz Republic to the United Nations Offices in Geneva has the honor to take this opportunity to reiterate to the International Bureau of World Intellectual Property Organization the assurances of its highest consideration.

Geneva, June 29, 2006

**The International Bureau of  
World Intellectual Property Organization  
Geneva**

Enclosure: As Stated, Four Pages.

The Second Session of the PCDA was held from June 26 to 30, 2006. The PCDA based its discussions on Annex 1 of document PCDA/1/6 Prov.2. The PCDA also took note of the proposal contained in document PCDA/2/2.

Bearing in mind the crucial importance of a Development Agenda for WIPO and taking into account the fruitful and positive discussions during its two sessions in February and June 2006, the PCDA recommends for the consideration of the General Assembly and its possible decision, that:

- 1) without prejudice to any proposals submitted during the IIM/PCDA process, the future discussions would consider and build upon the proposals which received emerging consensus support during the PCDA process, notably, those contained in the Annex;
- 2) intergovernmental discussions on a proposed Development Agenda for WIPO would be continued in an appropriate forum or body of WIPO;
- 3) the choice of the forum or body, the frequency and duration of the sessions of the said forum or body, as well as facilitating the participation of developing and transition countries would be determined, bearing in mind budgetary implications;
- 4) the future discussions would be structured along the following six thematic clusters, which were identified during the PCDA process:
  - A. Technical Assistance and Capacity Building
  - B. Norm-Setting, Flexibilities, Public Policy and Public Domain
  - C. Technology Transfer, Information and Communication Technology (ICT) and Access to Knowledge
  - D. Assessments, Evaluation and Impact Studies
  - E. Institutional Matters, including Mandate and Governance
  - F. Other Issues
- 5) the future discussions would continue to deal with all the proposals, which had been taken up by the PCDA, and listed in Annex 1 of document PCDA/1/6 Prov 2;
- 6) the outcome of the future discussions, with recommendations, if any, would be reported to the General Assembly at its September 2007 session.

[Annex II follows]

## ANNEX II

<b>CLUSTER A - TECHNICAL ASSISTANCE AND CAPACITY BUILDING</b>	
Proposal	Proposal number as contained in Annex I to document PCDA/1/6 Prov. 2.
1. To make technical assistance development-oriented and demand-driven. Furthermore, it should be targeted at specific areas and include timeframes for completion.	1
2. To provide increased assistance to WIPO through donor funding, so as to enable the organization meet its commitments in regards to technical activities in Africa.	4
3. To establish a Trust Fund within WIPO to provide specific financial assistance for least developed countries (LDCs).	5
4. Development of agreements between WIPO and private enterprises, allowing the national offices of developing countries to access specialized databases for the purposes of patent searches.	6
5. To expand WIPO's advice and technical assistance provided to SMEs and sectors dealing with scientific research and cultural industries.	7
6. To request WIPO to assist Member States in setting-up national strategies in the field of intellectual property.	8
7. To increase financial resources for technical assistance for promoting an IP culture with an emphasis on introducing intellectual property at different academic levels.	9
8. To request WIPO to establish a voluntary contribution fund to promote the legal, commercial and economic exploitation of intellectual property rights in developing countries and LDCs.	10
9. WIPO Partnership Program Database: Create a WIPO Partnership Program Database, an Internet-based tool to facilitate the strategic use of intellectual property by developing countries by bringing together all stakeholders to match specific IPR-related development needs with available resources, thereby amplifying the impact of intellectual property development assistance.	11
10. Competing in the Knowledge Economy: Recognizing the importance to the economic and cultural development of effectively participating in the "knowledge economy," the WIPO Partnership Office (described more fully below under cluster E) should aggressively seek out potential partners to assist countries making the transition to or competing more effectively in the knowledge-economy.	12
11. To create a web page containing technical assistance information provided by WIPO and other relevant international organizations, in order to enhance transparency, by including, for example, requests of technical assistance made by Member States.	14
12. To take into account the different levels of development of various countries in designing, delivering and evaluating technical assistance.	17
13. To establish a Code of Ethics for the Secretariat technical assistance staff and consultants.	22
14. To make publicly available roster of consultants for technical assistance.	23
15. To ensure that WIPO technical assistance staff and consultants are fully independent and avoid potential conflicts of interest.	24
16. To provide technical cooperation to developing countries, at their request, in order to better understand the interface between intellectual property rights and competition policies.	25

<b>CLUSTER B - NORM-SETTING, FLEXIBILITIES, PUBLIC POLICY AND PUBLIC DOMAIN</b>	
Proposal	Proposal number as contained in Annex I to document PCDA/1/6 Prov. 2.
1. Consider the protection of the public domain within WIPO's normative processes.	8
2. To ensure member-driven procedures in which the WIPO's Secretariat does not play a role by endorsing or supporting particular proposals, particularly in the negotiation of international treaties and norms.	12
3. To ensure that norm-setting activities recognize the different levels of development of Member States and reflect a balance between benefits and costs of any initiative for developed and developing countries.	13
4. To preserve the interests of the society at large, and not only those of IP owners in norm-setting activities.	15
5. To reflect the priorities of all WIPO Members, both developed and developing countries, in all norm-setting activities.	16

<b>CLUSTER C – TECHNOLOGY TRANSFER, INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) AND ACCESS TO KNOWLEDGE</b>	
Proposal	Proposal number as contained in Annex I to document PCDA/1/6 Prov. 2.
1. To request WIPO to expand the scope of its activities aimed at bridging the digital divide in accordance with the outcomes of the World Summit on the Information Society (WSIS) in its future activities, especially in respect of existing proposals within the context of the development agenda that should also take into account the significance of the Digital Solidarity Fund (DSF).	6
2. To devise innovative ways and means, including the fostering of transfer of technology, to enable SMEs take better advantage of flexibilities as provided by relevant international agreements.	7
3. To request developed countries to encourage their research and scientific institutions to enhance cooperation and exchange with research and development institutions in developing countries and LDCs.	8
4. Facilitating IP-related aspects of ICT for growth and development: Provide for a forum in WIPO Standing Committee on Information Technologies (SCIT) for discussion focused on the importance of IP-related aspects of ICT and its role in economic and cultural development, with specific attention focused on assisting Member States to identify practical strategies to use IP/ICT for economic, social and cultural development.	9
5. To explore policies, initiatives and reforms necessary to ensure the transfer and dissemination of technology to the benefit of developing countries.	11
6. To debate on supportive IP-related Policies and measures industrialized countries could adopt for promoting transfer and dissemination of technology to developing countries.	14
7. To promote measures that will help countries combat IP related anti-competitive practices.	15

<b>CLUSTER D - ASSESSMENTS, EVALUATION AND IMPACT STUDIES</b>	
Proposal	Proposal number as contained in Annex I to document PCDA/1/6 Prov. 2.
1. To request WIPO to develop an effective review and evaluation mechanism, on an annual basis, for the assessment of all its development-oriented activities.	1
2. To conduct a study in developing countries and LDCs on obstacles to intellectual property protection in the informal sector, with a view to creating substantial programs, including the tangible costs and benefits of IP protection with regards to generation of employment.	3
3. To request WIPO to undertake studies to demonstrate the economic, social and cultural impact of the use of intellectual property systems in Member States.	4
4. WIPO should deepen the analysis of the implications and benefits of a rich and accessible public domain.	9
5. To continuously evaluate WIPO's technical assistance programs and activities to ensure their effectiveness.	14
6. To establish Indicators and benchmarks for evaluation of technical assistance.	15

<b>CLUSTER E - INSTITUTIONAL MATTERS INCLUDING MANDATE AND GOVERNANCE</b>	
Proposal	Proposal number as contained in Annex I to document PCDA/1/6 Prov. 2.
1. To request WIPO to assist African countries, in cooperation with relevant international organizations, to create, as appropriate, legal and regulatory framework in order to reverse brain drain into brain gain.	1
2. To request WIPO to intensify its cooperation with all UN agencies, in particular UNCTAD, UNEP, WHO, UNIDO, UNESCO and other relevant international organizations, especially WTO in order to strengthen the coordination and harmonization for maximum efficacy in undertaking development programs.	2
3. Stocktaking of WIPO Development Activities: Conduct a quantitative and qualitative stocktaking of current WIPO development cooperation activities with a longer-term view of developing a statement of core policies and objectives in the area of cooperation and development activities.	5
4. To undertake measures to ensure wider participation of civil society and public interest groups in WIPO's activities.	7
5. To adopt UN system criteria regarding NGO acceptance and accreditation.	8

<b>CLUSTER F – OTHER ISSUES</b>	
Proposal	Proposal number as contained in Annex I to document PCDA/1/6 Prov. 2.
1. To approach intellectual property enforcement in the context of broader societal interests and development-related concerns, in accordance with <i>Article 7</i> of the TRIPS Agreement.	3