

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

PROVISIONAL COMMITTEE ON PROPOSALS RELATED TO A WIPO DEVELOPMENT AGENDA

Third Session
Geneva, February 19 to 23, 2007

WORKING DOCUMENT FOR THE PROVISIONAL COMMITTEE ON PROPOSALS
RELATED TO A WIPO DEVELOPMENT AGENDA (PCDA)

Document prepared by the Chair of the General Assembly

1. In a communication dated January 26, 2007, Ambassador Enrique Manalo, Permanent Representative, Philippine Mission to the United Nations and other international organizations in Geneva, circulated a working document for the PCDA as mandated by the WIPO General Assembly in October 2006, for consideration by Member States at the third session of the PCDA, to be held in Geneva from February 19 to 23, 2007.

2. The said working document is annexed to this document.

3. *The PCDA is invited to note the contents of the attached working document from the Chair of the General Assembly.*

[Annexes follows]

ANNEX I



MISYON NG PILIPINAS SA MGA NAGKAKAISANG
BANSA AT IBA PANG SAMAHANG PANDAIGDIG

PHILIPPINE MISSION TO THE UNITED NATIONS
AND OTHER INTERNATIONAL ORGANIZATIONS

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26 January 2007

Excellency,

I have the pleasure to attach a working document for the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA), as mandated by the WIPO General Assembly in October 2006. I have already conducted consultations with the various regional groups to discuss the draft document, which I had circulated in November 2006.

As you may recall, the General Assembly had reviewed the positive discussions during the two sessions of the PCDA, emphasized the need to continue discussions on the proposals submitted, and decided, *inter alia*, that in order to facilitate the task and streamline the process for detailed examination of all proposals in an inclusive manner, the PCDA would undertake an exercise:

- (i) to narrow down the proposals, in order to ensure that there is no repetition or duplication;
- (ii) to separate the proposals, which are actionable, from those which are declarations of general principles and objectives; and
- (iii) to note those proposals, which relate to existing activities in WIPO and those, which do not.

The President of the General Assembly was entrusted with the task of producing, in consultation with Member States, the initial working documents.

In accordance with the above-mentioned decision, I analyzed the proposals, as required in sub-paragraphs (i) and (ii), and prepared a draft document, which was circulated in November 2006 to the Group Coordinators. The document has been modified on the basis of consultations with the groups, as referred to above. The exercise requested in the two sub-paragraphs is reflected in the respective columns of the tables – separately for Annex A and Annex B.

Column (i) provides information on proposals which are similarly worded or have similar goals and objectives. All such proposals are cross-referenced, as indicated in the appropriate cells. It is felt that the ideas contained in each of these sets of proposals can be captured in a single proposal or single cluster of proposals for each set, thereby providing a basis for eliminating repetitive or duplicative ones, as appropriate, and thus reducing the total number of proposals in the two annexes which are to be considered by the PCDA.

Column (ii) specifies whether a proposal is 'actionable' or is a 'declaration of general principle or objective'. As observed by a number of delegations during my consultations, I recognize that there is a fine line between what can be considered actionable and a declaration of principle. In this regard, much depends on how a proposal is drafted and interpreted.

I would also like to clarify that my characterization of a proposal as 'actionable' or 'declaration of general principle or objective' is based on the proposals as they are presently drafted, and my effort to fulfill the mandate in the aforementioned General Assembly Resolution. It is not intended to determine or imply any order of priority of the proposals nor is it intended to suggest how each proposal is to be considered, which would be entirely up to the PCDA. It is also my understanding that when the PCDA takes up individual proposals for consideration, it will examine each proposal comprehensively, taking note of all the factors previously presented by the respective proponents, in the different sessions of the IIM/PCDA.

With reference to sub-paragraph (iii), the information contained in column (iii) has been provided by the International Bureau of WIPO, on my request, and in that regard seeks to relate the information on existing WIPO activities to the proposals.

I wish you all success in the forthcoming discussions in the PCDA.

Sincerely yours,


ENRIQUE A. MANALO
Permanent Representative

Enclosure: As stated.

[Annex A follows]

CLUSTER A TECHNICAL ASSISTANCE AND CAPACITY BUILDING		SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION) (i)	ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES (ii)	INFORMATION ON EXISTING RELATED WIPO ACTIVITIES * (iii)
1.	To make technical assistance development-oriented and demand-driven. Furthermore, it should be targeted at specific areas and include timeframes for completion.	Annex A: 1 Annex B: 12	General principle/ Objective	Technical assistance programs and activities are conducted upon request from Member States and agreed with governments through bilateral discussions or during regional consultations. They are undertaken in pursuit of the broad policy objectives for economic development of concerned countries. In most instances, they are result-oriented and are implemented through time-bound national projects, with provisions, <i>inter alia</i> , for monitoring, reporting and evaluation of results. For example, WIPO is currently implementing national projects in Brazil, Colombia, Ethiopia, Mexico, Pakistan, Panama, Sri Lanka, United Republic of Tanzania and Uruguay; a sub-regional project in the Caribbean region and the Member States of OAPI, regarding the promotion of geographical indications, as well as the collective management of copyright and related rights in Africa.
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.	Annex A: 2, 3, 8	Actionable	WIPO manages eight Funds-in-Trust arrangements for developing countries. Activities in Africa are currently financed through budgetary and extra-budgetary resources.
3.	To establish a Trust Fund within WIPO to provide specific financial assistance for least developed countries (LDCs).	Annex A: 2, 3, 8	Actionable	Although there are no Funds-in-Trust arrangements at present to specifically meet the needs of LDCs, the FIT arrangements currently in force provide funding for technical assistance programs in LDCs. The FIT arrangement with the Republic of Korea (ROK), refers in particular to LDCs. The FIT from the Swedish International Development Agency

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			(SIDA) has a project specifically for LDCs.
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.	Actionable	FIT arrangement between WIPO and ROK provides resources for national offices of developing countries to gain access to specialized patent-search databases. In the LAC region, WIPO assists National IP Offices to access specialized databases on patent information owned by private enterprises, through the negotiation of special (preferential) fees for the purchasing of patent collections and for on-line databases. Four countries currently benefit from this cooperation. At the regional level, WIPO is implementing, with the European Patent Office and the Spanish Patent and Trademark Office, the LATIPAT project in order to make available all the information linked to patent applications in Spanish and/or granted in the Latin American countries.
5.	To expand WIPO's advice and technical assistance provided to SMEs and sectors dealing with scientific research and cultural industries.	Annex A: 5 Annex B: 2	Actionable WIPO develops a wide range of activities targeting SMEs in the scientific research and cultural industries. For example, specific technical assistance programs and advice have targeted SMEs in sectors involved in scientific research and cultural industries in Bangladesh, Bhutan, Brunei Darussalam, Cambodia, India, Malaysia, Nepal, the Philippines and Sri Lanka. Activities have been tailored to promote the strategic use of IP rights and patent information for SMEs in Guatemala, Dominican Republic, Uruguay, Jamaica, Saint Kitts and Nevis, Saint Vincent and the Grenadines and Trinidad and Tobago, in Latin America and the Caribbean, and in Mauritius, Nigeria, Rwanda, South Africa, United Republic of Tanzania,

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			<p>and the Member States of OAPI in Africa. Special studies on the use of IP by SMEs were conducted in a number of countries. Business friendly guides for SMEs have been developed on patents, trademarks, designs and copyright and customized in various countries. Studies have been undertaken on university industry relations, innovation and cultural industries, and various events have been organized on the relevance of IP for the scientific community, SMEs, research centers and on commercialization of research results.</p>
6.	<p>To request WIPO to assist Member States in setting-up national strategies in the field of intellectual property.</p>	Actionable	<p>Extending assistance to countries to formulate national IP strategies is a priority in the current work program of WIPO. Many countries have requested WIPO's assistance to develop IP strategic plans, including a prior IP audit. WIPO is currently providing assistance to several countries in Africa, the Arab region, Asia and the LAC region. WIPO has also provided, on request, material for use in national strategies regarding protection of traditional knowledge (TK) and traditional cultural expressions (TCE) / expressions of folklore.</p>
7.	<p>To increase financial resources for technical assistance for promoting an IP culture with an emphasis on introducing intellectual property at different academic levels.</p>	Actionable	<p>The WIPO Worldwide Academy is devoted to the development of human resources and promotes the teaching of IP in developing countries, organizes diplomas and degree programs jointly with educational institutions with WIPO's financial assistance to students, or other special programs tailor-made for teachers of intellectual property law. The WIPO Distance Learning courses (currently six courses in seven languages with four more courses in 2007) provide basic and advanced IP education with a</p>

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			<p>special fee waiver or discount scheme for participants from developing countries. To date, over 61,000 registrations have been received from 175 countries for WIPO's distance learning courses.</p> <p>WIPO also assists universities in the development of curricula for the teaching of IP and provides reading and teaching material for use by teachers. Specific activities have already been undertaken by WIPO in India, Indonesia, Iran, Myanmar and the Philippines (in the Asia and Pacific region); Argentina, Brazil, Colombia, Jamaica, Mexico and Peru (in the LAC region); Egypt, Jordan, Sudan and Tunisia (in the Arab region) and South Africa (in the Africa region). Of increasing importance is the celebration of the international IP Day by many countries during which awareness raising activities are carried out.</p>
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.	Annex A: 2, 3, 8	Actionable Please see information provided for proposals 2 and 3 in Annex A.
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	Annex A: 9 and 11 Annex B: 65	Actionable WIPO and donor countries and institutions have started initial consultations designed to establish a framework to improve information exchange (web-based database, virtual platform for dialogue) between WIPO and donor countries and institutions and among donors with a view to improving the mobilization of IP technical assistance both in the form of

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	bringing together all stakeholders to match specific IPR-related development needs with available resources, thereby amplifying the impact of intellectual property development assistance.			funds and in kind and facilitating the matching of developing countries' needs and donors resources.
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 should aggressively seek out potential partners to assist countries making the transition to or competing more effectively in the knowledge-economy.		Actionable	Please see information provided for proposal 9 in Annex A.
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.	Annex A: 9 and 11 Annex B: 65	Actionable	WIPO's technical assistance programs for the past five years are summarized on the Internet site of WIPO. Furthermore, WIPO submits to the General Assembly each year a program performance report on technical assistance carried out in the preceding year. Please see information provided for proposal 9 in Annex A.
12.	To take into account the different levels of			Activities are carried out only with the full consent and at the request of the

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	development of various countries in designing, delivering and evaluating technical assistance.	Annex A: 12 Annex B: 8 and 15	General principle/ Objective	beneficiary countries or institutions. Underlining the importance of such assistance, since 1997 WIPO has introduced the concept of “Nationally Focused Action Plans” (NFAPs). For example, in the Central American region, WIPO contributes to the production of a patent examination manual, which incorporates the particular needs, and resources of the offices of the region. Similarly, in the copyright field, work on the creation and strengthening of collective management of copyright in recent years in African, Asian and the Caribbean countries takes into account the size of the market and the resources available.
13.	To establish a Code of Ethics for the Secretariat technical assistance staff and consultants.	Annex A: 13, 15	Actionable	With the approval of the WIPO Coordination Committee, the UN Standards of Conducts for the International Civil Service were incorporated in the WIPO staff regulations and rules in 2002, and is therefore binding on all WIPO staff members and consultants.
14.	To make publicly available roster of consultants for technical assistance.		Actionable	
15.	To ensure that WIPO technical assistance staff and consultants are fully independent and avoid potential conflicts of interest.	Annex A: 13, 15	General principle/ Objective	Please see information provided for proposal 13 in Annex A.

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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.	Annex A: 16 and 28 Annex B: 6 and 16	Actionable	WIPO legislative assistance provides for suggestions as regards anti-competitive practices, not only in the context of repressing those practices by means of compulsory licenses but also as regards their prevention through administrative monitoring of contracts. Two studies have been commissioned on the interface between intellectual property and competition law.

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<p><u>CLUSTER B</u></p> <p>NORM-SETTING, FLEXIBILITIES, PUBLIC POLICY AND PUBLIC DOMAIN</p>	<p>SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION) (i)</p>	<p>ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES (ii)</p>	<p>INFORMATION ON EXISTING RELATED WIPO ACTIVITIES * (iii)</p>
<p>17. Consider the protection of the public domain within WIPO's normative processes.</p>	<p>Annex A: 17 and 32</p> <p>Annex B: 23 and 32</p>	<p>General principle/ Objective</p>	<p>Recent introduction of traditional knowledge in the International Patent Classification and in PCT minimum documentation are important steps in this respect. Further initiatives are under way to reduce the likelihood of illegitimate patents on traditional knowledge.</p> <p>In the draft SPLT, the definition of prior art and patentability standards seek to avoid encroachment on the public domain.</p> <p>WIPO's legislative advice to developing countries takes into account the public domain, e.g. when defining the scope of exclusive rights and the exceptions and limitations thereto.</p> <p>Within the Standing Committee on the Law of Trademarks, the relevant documents are: "Marks and International Nonproprietary Names for Pharmaceutical Substances" (SCT/16/3); "Article 6ter of the Paris Convention: Legal and Administrative Aspects" (SCT/15/3); Communication by Brazil concerning Customary names Used in Brazil Associated with Biodiversity, and "Trademark Opposition Procedures" (SCT/16/4)</p>
<p>18. 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</p>		<p>Actionable</p>	<p>Revised draft basic proposal on broadcasting treaty (SCCR 15/2Rev) is based on submissions received from 20 Member States. Principle of inclusiveness prevails as regards the nature of the working document.</p>

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	<p>negotiation of international treaties and norms.</p>		<p>In the Standing Committee on Patents (SCP) any major project is undertaken only after discussion with Member States. An Open Forum was held in March 2006 and an informal session of the SCP in April 2006 to discuss work program of the SCP. The Chair of General Assembly will hold consultations in the first half of 2007 with Member States on work program of the SCP.</p> <p>In the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), draft objectives and principles for protection of TK and TCEs are based directly on Member State proposals, and revised exclusively through commentary processes created by Member States.</p> <p>The future work of the SCT is established on the basis of Member States' proposals (please see document SCT/15/2 on "Compilation of Proposals for Future Work of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications").</p>
19.	<p>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</p>	<p>Annex A: 19 and 21 Annex B: 25 and</p>	<p>Actionable</p> <p>A certain number of proposed provisions in the Broadcasting Treaty provide flexibility for Member States in implementation. These include:</p> <ul style="list-style-type: none"> – Public interest clauses such as access to knowledge, cultural diversity, defense of competition – Provisions on exceptions and limitations

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<p>developing countries.</p>	<p>27</p>		<ul style="list-style-type: none"> - Duration of rights which imposes a minimum period of protection, which Member States are free to extend in their national legislation, structure of the rights, where Member States could opt either for an exclusive right or for a right to prohibit unauthorized use (two tier approach) <p>In the field of patents, many discussions were held in the SCP on a balance of all interests. In addition:</p> <ul style="list-style-type: none"> - Rule 8 of the PLT allows contracting parties to go to full electronic filing as from June 2, 2005. However, Member States are obliged to continue accepting paper documents for the purposes of obtaining a filing date and for complying with a time limit, thus taking into account the different levels of development of Member States in terms of electronic filing of documents. - In the PLT, Agreed Statement No. 4 provides for technical assistance (to meet their obligations under the PLT) and for financial cooperation for developing and least developed countries and countries in transition, attempting to balance the obligations these countries would have to accept if adhering to the PLT. - Four studies were undertaken in 2003 by external experts from developing countries on the effect of the patent system on developing countries. - A series of Colloquia on Selected Patent Issues are being organized to explore patent-related topics of interest to policy-makers, such as

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			<p>flexibilities in the patent system, national strategies and innovation policies, patents and transfer of technology.</p> <p>In the Singapore Treaty on the Law of Trademarks, the Resolution Supplementary to the Singapore Treaty specifically addresses this issue.</p>
20.	<p>To preserve the interests of the society at large, and not only those of IP owners in norm-setting activities.</p>	<p>Annex A: 20 Annex B: 39</p>	<p>Norm-setting activities seek to promote a wide range of public interest objectives and ensure that interests of society at large are taken into consideration. For example, in the context of the proposed Broadcasting Treaty:</p> <ul style="list-style-type: none"> – New approach proposed by Colombia deals with interplay between limitations and exceptions and technological protection measures to safeguard user’s interests. – The issue of exceptions and limitations to copyright and related rights for the purposes of education, libraries and disabled persons included in the current agenda of the SCCR with a view to strengthening international understanding and exploring existing and proposed models of protection, and moving towards agreement regarding these specific exceptions – A Study on national legislation regarding copyright limitations and exceptions for the visually impaired is under preparation. – Two information meetings on Digital Content for the Visually Impaired, and on Educational Content and Copyright in the Digital Age were organized in 2005

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			<p>In the field of trademarks, please see documents SCT/15/3, SCT/16/3 and SCT/16/4 as cited under proposal 17, as well as document SCT/16/5, which deals with the relationship between trademarks and artistic and literary works, with particular emphasis on scope of and rational for protection.</p> <p>The IGC has accredited over 150 organizations, all those which have applied, the majority representing indigenous and local communities, has implemented a Voluntary Fund to support the active participation of such communities, and commences each session with a panel of indigenous community representatives.</p>

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<p>21. To reflect the priorities of all WIPO Members, both developed and developing countries, in all norm-setting activities</p>	<p>Annex A: 19 and 21</p> <p>Annex B: 25 and 27</p>	<p>General principle/ Objective</p>	<p>In the proposed Broadcasting Treaty:</p> <ul style="list-style-type: none"> - Scope of the treaty narrowed at the request of developing countries: webcasting and simulcasting have been put on separate track of negotiations; - Large part of the discussions are focussed on limitations and exceptions and public interest principles, such as access to knowledge, cultural diversity, national education and research, etc. which are of major interest to developing countries. <p>The development of draft objectives and principles for protection of TK and TCEs respond directly to priorities of many developing country members.</p> <p>In the draft SPLT, beyond the discussions held on broad exceptions requested by developing countries, several of the items included in the draft provisions are in the interest of developing countries, such as a broad definition of prior art allowing to avoid patenting existing prior art, such as known TK, for example.</p> <p>For the SCT, please see reference to document SCT/15/2 provided in proposal 18 in Annex A.</p>

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CLUSTER C		SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION) (i)	ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES (ii)	INFORMATION ON EXISTING RELATED WIPO ACTIVITIES * (iii)
22.	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).		General principle/ Objective	WIPO conducted an Online Forum on Intellectual Property in the Information Society, from June 1-15, 2005, as a thematic meeting which was a part of its contribution to the World Summit on the Information Society. The Online Forum received some 52,000 visits, and 374 comments from a wide variety of participants in different countries. The discussions were focused on ten themes, relating to intellectual property and the Information Society, and was designed as a means to raise awareness of intellectual property and creativity as a tool to assist in bridging the digital divide. The final report, including thematic papers, is available at www.wipo.int/ipisforum/en
23.	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.		Actionable	On flexibilities, please see information provided for proposal 17 in Annex B On support for SMEs, please see information provided for proposal 5 in Annex A
24.	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.	Annex A: 24 and 27	Actionable	

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<p><u>CLUSTER C</u></p> <p>TECHNOLOGY TRANSFER, INFORMATION AND COMMUNICATION TECHNOLOGY AND ACCESS TO KNOWLEDGE</p>	<p>SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION)</p> <p>(i)</p>	<p>ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES</p> <p>(ii)</p>	<p>INFORMATION ON EXISTING RELATED WIPO ACTIVITIES *</p> <p>(iii)</p>
<p>25. 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.</p>		<p>Actionable</p>	<p>SCIT Plenary meetings have provided a forum for discussions on IP-related aspects of ICT since its reform in 2001. The next Plenary is planned to be convened in June/July 2007. The role of ICT in development particularly in modernization of IP institutional framework and IP office has been annually reported and analyzed by a number of Member States in the form of Annual Technical Reports (ATR) and published on the SCIT web page, which have helped Member States to find the right approach and to seek for WIPO's assistance and international cooperation from other Member States.</p>
<p>26. To explore policies, initiatives and reforms necessary to ensure the transfer and dissemination of technology to the benefit of developing countries.</p>	<p>Annex A: 26</p> <p>Annex B: 19, 45 and 46</p>	<p>General principle/ Objective</p>	<p>WIPO supports its Member States by providing capacity building programs, offering sustainable training programs and serving as a discussion forum on technology transfer topics. Training programs on licensing and technology transfer have been conducted in a large number of countries. WIPO also works with universities and research institutions to develop their IP policies and enhance their ability to transfer technologies for its distribution/commercialization. In addition, national versions of the training manual on negotiating technology licenses providing information on local laws, regulations, policy, infrastructure and experiences in the area of technology licensing have been prepared for some countries.</p> <p>WIPO also develops patent information tools relating to life sciences</p>

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<p>CLUSTER C</p> <p>TECHNOLOGY TRANSFER, INFORMATION AND COMMUNICATION TECHNOLOGY AND ACCESS TO KNOWLEDGE</p>	<p>SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION) (i)</p>	<p>ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES (ii)</p>	<p>INFORMATION ON EXISTING RELATED WIPO ACTIVITIES * (iii)</p>
			<p>technology in areas of policy priority.</p> <p>In April 2005, WIPO conducted a Seminar on Copyright and Internet Intermediaries as a forum to explore issues and policies, including those necessary to ensure that concerns relating to liability of intermediaries who provide access to content and services over the Internet does not act as a barrier to transfer of information and technology to developing countries.</p> <p>WIPO has observer status in initiatives undertaken by a number of standard setting organizations, such as ITU, ETSI, DMP, to develop open, interoperable ICT standards, especially in the field of digital rights management.</p> <p>WIPO has contributed to a joint study with the CBD Secretariat and UNCTAD concerning technology transfer under the Convention on Biological Diversity.</p>
<p>27.</p>	<p>To debate on supportive IP-related Policies and measures industrialized countries could adopt for promoting transfer and dissemination of technology to developing countries.</p>	<p>Annex A: 24 and 27</p>	<p>Actionable</p>
<p>28.</p>	<p>To promote measures that will help countries combat IP related anti-</p>	<p>Annex A: 16 and 28</p>	<p>General principle/ Objective</p>

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	competitive practices.		Annex B: 6 and 16

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<p>CLUSTER D</p> <p>ASSESSMENTS, EVALUATION AND IMPACT STUDIES</p>	<p>SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION)</p> <p>(i)</p>	<p>ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES</p> <p>(ii)</p>	<p>INFORMATION ON EXISTING RELATED WIPO ACTIVITIES *</p> <p>(iii)</p>	
<p>29.</p>	<p>To request WIPO to develop an effective review and evaluation mechanism, on an annual basis, for the assessment of all its development-oriented activities.</p>	<p>Annex A: 29, 33 and 34</p> <p>Annex B: 54, 60, 61 and 63</p>	<p>Actionable</p>	<p>The WIPO Strategic Evaluation Framework provides the current framework for evaluation at WIPO. To strengthen WIPO's internal evaluation function, the drafting of a WIPO Evaluation Policy is currently under way. The WIPO Evaluation Policy, which would bring WIPO in line with UN and other international evaluation standards, is expected to be finalized in 2007 and submitted to Member States for review and approval. The policy would complement the WIPO Internal Audit Charter. In March 2006, a Workshop on Evaluation and Impact Analysis was held to provide an insight into international development evaluation best practices.</p>
<p>30.</p>	<p>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.</p>		<p>Actionable</p>	
<p>31.</p>	<p>To request WIPO to undertake studies to demonstrate the economic, social and cultural impact of the use of intellectual property systems in Member States.</p>		<p>Actionable</p>	<p>WIPO's <i>Guide on Surveying the Economic Contribution of the Copyright-Based Industries</i> is a tool used to assess the contribution of the copyright-based industries to the national economy. The guide is being used in several countries as the basis for national studies.</p> <p>In addition, WIPO has undertaken a wide range of studies looking at how IP is being used and managed in various sectors in different countries. These</p>

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			<p>include a set of studies on the use of IP by SMEs in a number of countries; a series of studies on university-industry technology transfer; studies on developing a nation-branding strategy; four studies by external experts from developing countries on the effect of the patent system on developing countries; and a number of sector specific studies.</p> <p>WIPO Publication No. 988 (“The Intellectual Property-Conscious Nation; Mapping the Path from Developing to Developed”), published in 2006, includes information on the impact of intellectual property systems in different countries.</p>	
32.	<p>WIPO should deepen the analysis of the implications and benefits of a rich and accessible public domain.</p>	<p>Annex A: 17 and 32</p> <p>Annex B: 23 and 32</p>	Actionable	Please see information provided for proposal 17 in Annex A.
33.	<p>To continuously evaluate WIPO’s technical assistance programs and activities to ensure their effectiveness.</p>	<p>Annex A: 29, 33 and 34</p> <p>Annex B: 54, 60, 61 and 63</p>	Actionable	
34.	<p>To establish indicators and benchmarks for evaluation of technical assistance.</p>	<p>Annex A: 29, 33 and 34</p>	Actionable	

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		<p>Annex B: 54, 60, 61 and 63</p>	

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CLUSTER E		SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION)	ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES	INFORMATION ON EXISTING RELATED WIPO ACTIVITIES *
INSTITUTIONAL MATTERS INCLUDING MANDATE AND GOVERNANCE		(i)	(ii)	(iii)
35.	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.		Actionable	
36.	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.		Actionable	WIPO currently cooperates with many international organizations, including UNCTAD, UNEP, WHO, UNIDO, UNESCO and WTO on matters of common concern.
37.	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.	Annex B: 11	Actionable	Please see information for proposal 11 in Annex A.

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CLUSTER E INSTITUTIONAL MATTERS INCLUDING MANDATE AND GOVERNANCE		SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION) (i)	ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES (ii)	INFORMATION ON EXISTING RELATED WIPO ACTIVITIES * (iii)
38.	To undertake measures to ensure wider participation of civil society and public interest groups in WIPO's activities.	Annex A: 38, 39 Annex B: 20	Actionable	Any interested public interest NGO that applies is given observer status to participate in relevant WIPO subsidiary bodies. National NGOs are also now admitted to permanent observer status in WIPO. A Voluntary Fund has been established to support participation of indigenous and local communities in the IGC.
39.	To adopt UN system criteria regarding NGO acceptance and accreditation.	Annex A: 38, 39 Annex B: 20	Actionable	Please see information provided for proposal 38 in Annex A.

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<u>CLUSTER F</u> OTHER ISSUES	SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION) (i)	ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES (ii)	INFORMATION ON EXISTING RELATED WIPO ACTIVITIES * (iii)
40. 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.		General principle/ Objective	At the second session of the Advisory Committee on Enforcement (ACE), this topic had been suggested as a theme for the ACE's third session. However, it did not find sufficient support among the other members of the body (please see paragraph 20 of document WIPO/ACE/2/13).

[Annex B follows]

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CLUSTER A TECHNICAL ASSISTANCE AND CAPACITY BUILDING		SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION) (i)	ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES (ii)	INFORMATION ON EXISTING RELATED WIPO ACTIVITIES * (iii)
1.	To develop and improve national institutional capacity through further development of infrastructure and other facilities with a view to making national intellectual property (IP) institutions more efficient and ensuring a fair balance between IP protection and safeguarding public interest. This technical assistance should be extended to sub-regional and regional organizations dealing with IP		General principle/objective	One of the priorities of WIPO's technical assistance activities is to support the modernization of the technical infrastructure of industrial property offices and copyright administrations so as to enhance their efficiency and improve service delivery. Such assistance in the recent past involved, <i>inter alia</i> , IP office automation, streamlining and simplification of office procedures, projects on information technology such as the Industrial Property Automation System (IPAS) for countries in the Latin America and Caribbean region, a computerized information system to support the registration of works, artistic performances and contracts in Chile, Colombia, Costa Rica, Ecuador, Honduras, Nicaragua, Panama and Paraguay; and the simplification of office procedures. Technical assistance has also aimed at capacity building activities for the benefit of a wide spectrum of industrial property and copyright specialists and users in the public and private sectors. It has also been extended to sub regional organizations such as ASEAN, BIMST-EC, SAARC and Forum Island countries in the Asia and Pacific region; ARIPO, CEMAC, ECOWAS, OAPI and SADC in Africa the Africa region; AIDMO, ALESCO, ESCWA, IDB, ISESCO and OIC in the Arab region. Furthermore, WIPO has provided legislative advice to countries requesting it, on issues like exceptions and flexibilities to safeguard public interests in the countries concerned.
2.	To strengthen national capacity for protection of local creations, innovations and inventions in order to develop	Annex A: 5	General principle or objective	Promotion of creativity and innovation is another major area of activity. In this respect, increasing attention has been paid to promoting the use of patent information as a tool for technological development, strengthening

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	<p>national scientific and technological infrastructure</p>	<p>Annex B: 2</p>	<p>university-industry partnerships, assisting in the development, management and commercialization of intellectual property assets, including workshops on licensing negotiation in various countries in different regions. Projects for the creation of IP Networks in the field of public health were implemented in Latin America and in the CEMAC sub-region in Africa. Other activities carried out include seminars, workshops and advisory missions.</p> <p>A number of studies have been undertaken, such as the ASEAN study on establishing a network of business development service (BDS) hubs designed to strengthen the network infrastructure for the provision of IP business development services to potential users of IP in ASEAN, particularly in the areas of patenting and commercialization. Studies on University-Industry technology transfer in seven Asian countries were also prepared, which led to the development of a checklist for policy-makers on the development of frameworks to promote university-industry technology transfer.</p> <p>Capacity-building activities and norm-building work on TCEs/folklore and TK also aim at supporting the promotion of creativity and innovation in traditional, local and other distinct cultural contexts</p> <p>In addition, the program of recognition of creativity and innovation through the organization of contests, and granting of WIPO's medals and award certificates is also important to promote innovation and creativity in developing countries.</p>

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<p>3. To implement principles and Guidelines for technical assistance to ensure, <i>inter alia</i>: (a) transparency; (b) that flexibilities existing in international treaties are taken full advantage of; (c) that technical assistance is tailor-made and demand-driven</p>		<p>Actionable</p>	<p>WIPO's technical assistance programs have constantly followed demand-driven, country-specific and needs-oriented principles, and take into account the flexibilities contained in the TRIPS Agreement and in other WIPO administered treaties. Several activities focused on training, related to exceptions and flexibilities, available in international treaties and conventions on IP. With regard to transparency, the programs and terms of reference of all activities are agreed to with the host institutions and most information is available in open WIPO documents.</p>
<p>4. To make publicly available all information about design, delivery, cost, financing, beneficiaries and implementation of technical assistance programs as well as the results of internal and external independent evaluation</p>		<p>Actionable</p>	<p>WIPO's activities in support of development goals are guided by the strategic goals and objectives agreed by Member States in the Program and Budget documents. Detailed information on the implementation and results of development oriented activities is made available to Member States, on a regular basis, in the annual and biennial Program Performance Reports and Program Implementation Overviews prepared by the Organization, within its results-based management framework. With regard to development evaluation reports, a clear policy on the disclosure and dissemination of such reports is foreseen in the WIPO Evaluation Policy (referred to for proposal 29 in Annex A). Two external evaluations, one on the technical assistance programs and the other on the Worldwide Academy, were published and distributed by WIPO to Member States.</p>
<p>5. To establish in the Program and Budget Committee consistent pluriannual programs and plans for cooperation</p>		<p>Actionable</p>	<p>Several programs are designed to meet longer-term needs of national IP offices and are undertaken every year such as the "Professional Development Program" of WIPO Worldwide Academy for training new staff of intellectual</p>

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<p>between WIPO and developing countries aiming at strengthening national intellectual property offices, so that they may effectively become an acting element in national development policy. Those programs should be guided, moreover, by the principles and objectives as proposed in document WO/GA/31/11</p>			<p>property offices.</p>
<p>6. To expand the coverage of technical assistance programs to include matters related to the use of competition law and policy to address abuses of intellectual property and practices that unduly restrain trade and the transfer and dissemination of technology</p>	<p>Annex A: 16 and 28</p> <p>Annex B: 6 and 16</p>	<p>Actionable</p>	<p>WIPO legislative assistance provides for suggestions, as regards anti-competitive practices, not only in the context of repressing those practices by means of compulsory licenses but also of preventing them through the monitoring of contracts. Two studies were commissioned by WIPO (likely to be completed in early 2007) on the relationship between intellectual property and competition law. Depending on feedback from Member States to these studies, further work will be done.</p>
<p>7. To provide neutral technical assistance of an advisory nature based on actual and expressed needs. The assistance should not discriminate among recipients or issues to be addressed and should not be perceived as being a reward system for supporting certain positions in WIPO negotiations</p>		<p>General principle/objective</p>	<p>WIPO technical assistance programs are extended to all countries, including those, which are not members of the Organization. There is no discrimination whatsoever. More information is provided for proposal 1 in Annex B.</p>

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TECHNICAL ASSISTANCE AND CAPACITY BUILDING				
8.	To ensure that laws and regulations are tailored to meet each country's level of development and are fully responsive to the specific needs and problems of individual societies. The assistance should correspond to the needs of various stakeholders in developing and least developed countries and not just the intellectual property offices and right holders	Annex A: 12 Annex B: 8 and 15	General principle/ objective	Legislative advice is drawn up in consultation with the parties concerned. Laws and regulations are tailored to meet each country's level of development and respond to their specific needs and problems. However, it is the government which decides on the approach and content of the new laws. WIPO's advice takes into account obligations under international treaties, as well as the specific needs and characteristics of the receiving country. National authorities in charge of granting IP titles have been the traditional partners of WIPO. In order to reflect the growing complexity of the inter-connection between IP and economic and social development, WIPO has broadened its approach to take into account the views of policy makers, government officials of various ministries, industry groups, non-governmental organizations and civil society.
9.	To separate the norm-setting functions of the WIPO Secretariat from those of technical assistance		General principle/ objective	
10.	To ensure that legal-technical and technical assistance activities provided to developing and least developed countries are able to implement the pro-development provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), for example, <i>Articles 7, 8, 30, 31 and 40</i> , in addition	Annex B: 10, 17, 31 and 37	General principle/ objective	Since the MOU and the Joint Initiative Agreement signed by WIPO and WTO on technical assistance for LDCs, WIPO has been providing extensive technical assistance to developing countries and LDCs individually and collectively, on the various provisions of the TRIPS Agreement and their implementation. Numerous initiatives dealt with issues such as the formulation of national IP policies and strategies for development, taking into account the public policy dimension. They also addressed, among other things, issues relating to IP and public health, transfer of technology, copyright and public interest exceptions.

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	to subsequent pro-development decisions, such as the Doha Declaration on the TRIPS Agreement and Public Health		
11.	To mainstream development dimension into all of WIPO's substantive and technical assistance activities and debates, including the way in which the Organization deals with "enforcement" issues	Annex A: 37	General principle/objective As a principle, any technical assistance activity which WIPO undertakes in the field of IP enforcement in a Member State, for instance training or information exchange sessions, as well as legislative advice, is based on a request by the Member State concerned. Details are developed in close cooperation with the Member State, allowing to reflect the particular interests and concerns expressed by that Member State, including the development dimension in the field of IP enforcement.
12.	To ensure that technical assistance is demand-driven in the sense that it corresponds to the needs and global political objectives of developing and least developed countries, taking also into account the legitimate interests of various stakeholders and not only those of right holders	Annex A: 1 Annex B: 12	General principle/objective WIPO's technical assistance is demand-driven and aims to meet the overall policy goals of each country to foster its development in relevant sectors, benefiting the IP holders as well as other stakeholders at large.
13.	To orient technical assistance to ensure that national regimes are set up to implement international obligations in an administratively sustainable way and do not overburden scarce national		General principle/objective WIPO has been assisting IPOs in formulating automation plans to deal with the administration, acquisition and maintenance of IPRs, and providing necessary hardware and software to support the implementation of such plans in a cost effective manner. Moreover, WIPO's assistance in various aspects of modernization has been useful to the countries in maintaining

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<p>CLUSTER A</p> <p>TECHNICAL ASSISTANCE AND CAPACITY BUILDING</p>	<p>SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION)</p> <p>(i)</p>	<p>ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES</p> <p>(ii)</p>	<p>INFORMATION ON EXISTING RELATED WIPO ACTIVITIES *</p> <p>(iii)</p>	
	<p>resources that may be more productively employed in other areas</p>			<p>administratively sustainable IP offices. At all times, advice and support are given, bearing in mind the limited financial and manpower resources available, as this will have an impact on the organization of IP offices, the procedures and workplan. For the same reasons, WIPO also often encourages bilateral and sub-regional cooperation.</p>
<p>14.</p>	<p>To ensure that technical cooperation contributes towards maintaining the social costs of IP protection at a minimum</p>		<p>General principle/objective</p>	<p>In assisting developing countries with legal advice to modernize their legal framework, WIPO takes into account the flexibilities contained in the TRIPS Agreement and in other WIPO administered treaties on aspects such as limitations and exceptions in copyright, protection of test data, exclusions from patentability and compulsory license systems, among others, and has endeavored to preserve the space for public policy formulation. In providing assistance for the strengthening of capacity and modernization of IP infrastructure, WIPO has emphasized streamlining of operations of IP offices – namely patent, trademark and copyright registration and administrative procedures with a view to reducing their cost to a minimum.</p>
<p>15.</p>	<p>To ensure WIPO's legislative assistance tailors national laws on intellectual property to meet each country's level of development and is fully responsive to the specific needs and problems of individual societies</p>	<p>Annex A: 12</p> <p>Annex B: 8, 15</p>	<p>General principle/objective</p>	<p>WIPO legislative assistance is demand-driven and abides by specific requests. Please see information provided for proposals 8 and 14 in Annex B.</p>
<p>16.</p>	<p>To promote model approaches on how to implement the relevant provisions on anti-competitive practices of the TRIPS</p>	<p>Annex A: 16 and 28</p>	<p>Actionable</p>	

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CLUSTER A TECHNICAL ASSISTANCE AND CAPACITY BUILDING	SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION) (i)	ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES (ii)	INFORMATION ON EXISTING RELATED WIPO ACTIVITIES * (iii)
	Agreement	Annex B: 6 and 16	

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<p><u>CLUSTER B</u></p> <p>NORM-SETTING, FLEXIBILITIES, PUBLIC POLICY AND PUBLIC DOMAIN</p>	<p>SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION)</p> <p>(i)</p>	<p>ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES</p> <p>(ii)</p>	<p>INFORMATION ON EXISTING RELATED WIPO ACTIVITIES *</p> <p>(iii)</p>
<p>17. To request WIPO to examine the flexibilities under the TRIPS Agreement and Doha Summit decisions with a view to giving practical advice to developing and least developed countries on how to enable them gain access to essential medicines and food, and also to elaborate a mechanism to facilitate access to knowledge and technology for developing and least developed countries</p>	<p>Annex B: 10, 17, 31 and 37</p>	<p>Actionable</p>	<p>WIPO's legislative advice to developing and least developed countries takes into account relevant flexibilities, including those established at the Doha Summit. Please see information provided for proposals 10 and 14 in Annex B.</p>
<p>18. To request WIPO to adopt an internationally binding instrument on the protection of genetic resources, traditional knowledge and folklore in the nearest future</p>		<p>Actionable</p>	<p>The IGC has progressed towards the formulation of draft provisions for the protection of TK and TCEs against misappropriation and misuse, which may be used as material for specific international instruments if Member States so wish. The texts of the draft provisions have already been used in international, regional and national legal and policy processes.</p>
<p>19. To elaborate a mechanism to facilitate access to knowledge and technology for developing and least developed countries</p>	<p>Annex A: 26</p> <p>Annex B: 19, 45 and 46</p>	<p>Actionable</p>	<p>PatentScope provides access to the technological information available in international patent applications under the PCT. Patent information tools (such as patent landscapes) are also developed relating to life sciences technology in areas of policy priority.</p> <p>Under the WIPO Patent Information Services (WPIS), activities are conducted aiming to create Industrial Property Information Centres and training of personnel on how to access and make use of Industrial Property</p>

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			<p>Information Databases. The WPIS also provides Search Reports on patent information relating to all fields of technology to any developing country institutions requesting it.</p> <p>The International Cooperation for Search and Examination of Inventions (ICSEI) service is also available to national IP offices on request.</p> <p>The ongoing SCCR work on exceptions and limitations is also important in terms of facilitating access to knowledge.</p>
<p>20. To formulate and adopt measures designed to improve participation by civil society and other stakeholders in WIPO activities, relevant to their respective domains and interests</p>	<p>Annex A: 38 and 39</p> <p>Annex B: 20</p>	<p>Actionable</p>	<p>Any interested NGO that applies is given observer status to participate in relevant WIPO subsidiary bodies. For example, at the SCCR, all NGOs that requested observer status were granted <i>ad hoc</i> observer status. Subsequent to SCCR 14, all NGOs' statements which could not be delivered in session were compiled in specific documents translated in 3 languages (Document SCCR 15/4).</p> <p>The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) has specially accredited 150 observers, the majority representing indigenous and local communities. It has also enhanced procedures for their direct involvement, reflects their inputs directly in its working documents, and is implementing a Voluntary Fund to support participation.</p>

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			<p>A total number of 28 NGOs applied for and were granted <i>ad hoc</i> accreditation to attend the meetings of the IIM and PCDA on the Development Agenda.</p> <p>Another example of an initiative designed to improve participation of civil society was the Online Forum on Intellectual Property in the Information Society organized by WIPO from June 1-15, 2005, as a thematic meeting and part of its contribution to the World Summit on the Information Society. All stakeholders including civil society were encouraged to participate and engage in online discussions. The Online Forum received some 52,000 visits, and 374 comments from a wide variety of participants in different countries. The final report, including thematic papers, is available at www.wipo.int/ipisforum/en.</p>
21.	<p>Best Practices for Economic Growth: Compile and disseminate the “best practices” of Member States related to fostering the development of creative industries and attracting foreign investment and technologies based, at least in part, on the baseline national surveys for economic growth, which are discussed more fully below under cluster D</p>	Actionable	
22.	Increasing understanding of the adverse		In each session, the ACE identifies a subject of particular interest, which is

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	<p>effect of counterfeiting and piracy on economic development: Through the WIPO Advisory Committee on Enforcement (ACE), conduct analyses of the relationship between high rates of counterfeiting and intellectual property piracy and technology transfer, foreign direct investment and economic growth</p>	<p>Annex B: 22 and 58</p>	<p>Actionable</p> <p>then discussed in detail in the subsequent session. In that context, issues related to those mentioned in this proposal have been referred to and discussed in previous sessions of the ACE. However, in each case other themes were finally chosen. The fourth session of the ACE will deal with coordination and cooperation at the international, regional and national levels in the field of enforcement (please see Paragraph 12 of document WIPO/ACE/3/17).</p>
<p>23.</p>	<p>Draw up proposals and models for the protection and identification of, and access to, the contents of the public domain</p>	<p>Annex A: 17 and 32</p> <p>Annex B: 23 and 32</p>	<p>Actionable</p> <p>WIPO is studying uses of copyright works, in relation to the public domain, including ways to assist users to identify copyright and non-copyright protected works, particularly in a digital environment, and to facilitate authorized dealings with such works; including innovative licensing techniques, and the use of rights management information.</p> <p>PatentScope and the WPIS are useful to identify protected technologies (please see information for proposal 19 above). In addition, patent information tools (such as patent landscapes) are developed relating to life sciences technology in areas of policy priority.</p> <p>Further information provided for proposal 17 in Annex A.</p>
<p>24.</p>	<p>To establish in WIPO an area of analysis and discussion of incentives promoting creative activity, innovation and technology transfer, in addition to the</p>	<p>Annex B: 24, 33 and 38</p>	<p>Actionable</p> <p>The IGC has extensively reviewed and explored <i>sui generis</i> systems tailored to the needs of indigenous and local communities to sustain and protect their distinctive forms of collective innovation and creativity.</p>

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<p>intellectual property system, and within the intellectual property system, for example emerging exploitation models. This could be achieved through either of two mechanisms: (i) An electronic forum under the following sections: Tools within the intellectual property system (e.g. utility models, systems of free and open licenses and creative commons), and those complementary to the intellectual property system (e.g. subsidies, Treaty on Access to Knowledge, Treaty on Medical R&D). (ii) To include this issue as a permanent item in the agendas of the WIPO Committees.</p>			<p>The Colloquia on Selected Patent Issues currently being organized at WIPO are intended to provide information on different patent-related topics and to provide a forum for an exchange of information among participants on these topics. Some of the colloquia are directly relevant to the issues mentioned in this proposal.</p>
<p>25. To adopt development-friendly Principles and Guidelines for norm-setting activities</p>	<p>Annex A: 19 and 21 Annex B: 25 and 27</p>	<p>Actionable</p>	<p>Please see information provided for proposal 19 in Annex A.</p>
<p>26. To undertake debates on the feasibility and desirability of new, expanded or modified rules, prior to engaging in norm-setting activities, especially by</p>		<p>Actionable</p>	<p>The intergovernmental phase of WIPO's work on TK and TCE protection was preceded by fact-finding consultations with holders/bearers of TK and TCEs in many locations around the world.</p>

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<p>means of public hearings</p>			<p>The proposed Broadcasting Treaty was initiated in 1997 following a Forum organized at the invitation of the Philippines Government.</p> <p>Following the decision to have a 2-track approach on webcasting, analysis and consultations on the issue will be undertaken.</p> <p>Such debates were also undertaken by the SCP before engaging in the SPLT and during the Open Forum in 2006.</p> <p>The SCT devoted its 15th session to this issue (please see document SCT/15/2).</p>
<p>27. To pursue a balanced and comprehensive approach to norm-setting, emphasizing the design and negotiation of rules and standards that are guided by and fully address the development objectives and concerns of developing and least developed countries and of the international community</p>	<p>Annex A: 19 and 21</p> <p>Annex B: 25 and 27</p>	<p>General principle/ objective</p>	
<p>28. To ensure that norm-setting activities are fully compatible with and actively support other international instruments</p>		<p>General principle/ objective</p>	<p>The development of draft provisions on protection of TK and TCEs has been undertaken with a view to respecting human rights norms, and the content of these provisions in turn have provided content to international human rights</p>

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	that reflect and advance development objectives, in particular Human Rights international instruments		policy processes.
29.	To include in treaties and norms provisions on, <i>inter alia</i> : (a) objectives and principles; (b) safeguard of national implementation of intellectual property rules; (c) against anti-competitive practices and abuse of monopoly rights; (d) promotion of transfer of technology; (e) longer compliance periods; (f) flexibilities and “policy space” for the pursuit of public policies; (g) exceptions and limitations	Actionable	<p>The Open Forum on the draft SPLT and the Colloquia currently being organized by the Patent Law Section address some of these issues.</p> <p>In the field of copyright and related rights, see discussed public interest principles proposed by Brazil and Chile on broadcasting public interest clauses such as access to knowledge, cultural diversity, defense of competition treaty.</p> <p>In the area of trademarks, please see the Resolution Supplementary to the Singapore Treaty on the Law of Trademarks (“the Singapore Resolution”).</p>
30.	To include in all treaties and norms operative and substantial special and differential treatment provisions for developing and least developed countries	Actionable	<p>Currently discussed in the ambit of the proposed Broadcasting Treaty and exceptions and limitations debate.</p> <p>In the field of trademarks, please see Singapore Resolution.</p>
31.	To ensure that norm-setting activities provide developing countries with policy space commensurate with their national development needs and	General principle/ objective	In the field of trademarks, please see Singapore Resolution.

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requirements			
32. To ensure that norm-setting activities help identify and maintain a robust public domain in all WIPO's Member States	Annex A: 17 Annex B: 23 and 32	General principle/ objective	Please see information provided for proposal 17 in Annex A.
33. To examine non-intellectual property type and/or non-exclusionary systems for fostering, creativity, innovation and transfer of technology (e.g., free software development and creative commons models)	Annex B: 24, 33 and 38	Actionable	Collaborative models of intellectual creativity are monitored by WIPO. Creative Commons invited to speak at SCCR information meeting on Educational Content and Copyright in the Digital Age. Many of the technical assistance activities and debates routinely cover such issues as open-source software, e.g., in the 2004 meetings of Heads of IP Offices of Latin American countries.
34. To ensure that new subjects and areas for norm-setting are identified on the basis of clear defined principles and guidelines and on assessment of their development impact		General principle/ objective	In the copyright field, informal and preliminary exchange of views and experiences are to be undertaken in what refers to the notion and treatment of webcasting. In relation to the protection of non original databases, in 2002, six economic impact assessment studies were commissioned to external consultants to look at the impact of the protection with particular focus on the impacts in developing, least developed and transition economies.
35. To establish a Treaty on Access to Knowledge and Technology		Actionable	
36. To develop an international framework to deal with issues of substantive law relating to anti-competitive licensing	Annex B: 36 and 47	Actionable	

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	practices, primarily those that adversely affect the transfer and dissemination of technology and restrain trade		
37.	To protect and promote in all negotiations the development oriented principles and flexibilities contained in existing Agreements, such as the TRIPS Agreement	Annex B: 10, 17, 31 and 37	General principle/objective Please see information provided for proposal 17 in Annex B.
38.	To promote models based on open collaborative projects to develop public goods, as exemplified by the Human Genome Project and Open Source Software	Annex B: 24, 33 and 38	Actionable
39.	To set objectives and issues to be addressed in each proposed treaty or norm based on the views of all stakeholders, with special emphasis on participation by public interest groups	Annex A: 20 Annex B: 39	General principle/objective WIPO norm-setting committees include the participation of a wide range of stakeholders including public interest groups. For example, the program on TK, TCEs and Genetic Resources was partly shaped by fact-finding consultations with many communities. Further, the draft IGC provisions reflect views and perspectives of indigenous and local communities, including specific drafting inputs.

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CLUSTER C		SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION)	ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES	INFORMATION ON EXISTING RELATED WIPO ACTIVITIES *
TECHNOLOGY TRANSFER, INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) AND ACCESS TO KNOWLEDGE		(i)	(ii)	(iii)
40.	To develop criteria and methodology to select essential technologies, monitor and facilitate the transfer and the diffusion of such technologies in accessible and affordable cost to developing countries and LDCs	Annex B: 40 and 43	Actionable	Patent information tools (such as patent landscapes) are developed relating to life sciences technology in areas of policy priority, and technical-level work has continued in collaboration with the CBD Secretariat and UNCTAD on technology transfer in fulfillment of the CBD.
41.	To contribute effectively to individual nation's self-reliance, including through relaxation of patent rules in the area of technology by facilitating access to foreign patented information on technology and technical resources		General principle/objective	PatentScope provides access to the technological information available in international patent applications under the PCT Further information provided for proposal 19 in Annex B.
42.	To create a new body for formulating, coordinating and assessing all transfer of technology policies and strategies	Annex B: 42 and 50	Actionable	
43.	To develop and maintain, in collaboration with other intergovernmental organizations, a list of essential technologies, know-how, processes and methods that are necessary to meet the basic development needs of African countries aimed at protecting the environment, life, health of human beings, animals and plants,	Annex B: 40 and 43	Actionable	Please see information provided for proposal 19 in Annex B.

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CLUSTER C TECHNOLOGY TRANSFER, INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) AND ACCESS TO KNOWLEDGE	SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION) (i)	ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES (ii)	INFORMATION ON EXISTING RELATED WIPO ACTIVITIES * (iii)
promoting education and improving food security			
44. To work on any initiative intended to facilitate the implementation of technology-related provisions of Multilateral Environmental Agreements (MEAs), so as to ensure that countries where biological, traditional or other environmental resources originate from, participate in the process of research and development		General principle/ objective	WIPO cooperates with the Convention on Biological Diversity (CBD) and UNCTAD on implementing the technology transfer provisions under the CBD. Studies on technology transfer under other MEAs are work in progress.
45. To adopt development-friendly principles and guidelines on transfer of technology	Annex A: 26 Annex B: 19, 45 and 46	General principle/ objective	Training programs on technology licensing and support provided to research institutions for developing their IP policy, seek to ensure that transfer of technology from research institutions takes place in a way that is most likely to have a positive impact on development.
46. To adopt specific measures that ensure transfer of technology to developing countries;	Annex A: 26 Annex B: 19, 45 and 46	General principle/ objective	WIPO supports its Member States by providing capacity building programs and serving as a discussion forum on technology transfer topics. Please see information under proposal 26 in Annex A.
47. To incorporate in intellectual property treaties and norms relevant provisions dealing with anti-competitive behavior or abuse of monopoly rights by rights	Annex B: 36 and 47	General principle/ objective	

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	holders		
48.	To devise a mechanism whereby countries affected by anti-competitive practices request Developed Countries authorities to undertake enforcement actions against firms headquartered or located in their jurisdictions	Actionable	
49.	To establish a special fee on applications through the Patent Cooperation Treaty, the revenues of which would be earmarked for the promotion of research and development activities in the developing and least developed countries	Actionable	Information on the costs of processing a PCT application is available in document A/42/10 para 15. The difference between the costs of processing an application and the international filing fee is currently used by WIPO, <i>inter alia</i> , for development cooperation activities.
50.	To establish a WIPO Standing Committee on IP and Technology Transfer and a dedicated Program on these issues, including related Competition Policies	Annex B: 42 and 50 Actionable	
51.	To adopt commitments like those contained in <i>Article 66.2</i> of the TRIPS Agreement, expanded to benefit all developing countries	Actionable	

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* *Column (iii) has been prepared by the Secretariat*

CLUSTER C TECHNOLOGY TRANSFER, INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) AND ACCESS TO KNOWLEDGE		SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION) (i)	ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES (ii)	INFORMATION ON EXISTING RELATED WIPO ACTIVITIES * (iii)
52.	To establish an intermediary conduit to reduce the asymmetric information problem in private transactions between technology buyers and sellers, for knowledge about successful technology-acquisition programs that have been undertaken by national and sub-national governments in the past		Actionable	
53.	To negotiate a multilateral agreement where signatories would place into the public domain, or find other means of sharing at modest cost, the results of largely publicly funded research. The objective would be to set out a mechanism for increasing the international flow of technical information, especially to developing countries, through expansion of the public domain in scientific and technological information, safeguarding, in particular, the public nature of information that is publicly developed and funded without unduly restricting private rights in commercial		Actionable	

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<u>CLUSTER C</u> TECHNOLOGY TRANSFER, INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) AND ACCESS TO KNOWLEDGE	SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION) (i)	ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES (ii)	INFORMATION ON EXISTING RELATED WIPO ACTIVITIES * (iii)
technologies			

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CLUSTER D ASSESSMENTS, EVALUATION AND IMPACT STUDIES		SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION) (i)	ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES (ii)	INFORMATION ON EXISTING RELATED WIPO ACTIVITIES * (iii)
54.	To establish an independent development impact assessment with respect to technical assistance, technology transfer and norm-setting on developing and least developed countries (LDCs)	Annex A: 29, 33 and 34 Annex B: 54, 60, 61 and 63	Actionable	
55.	Baseline National Surveys for Economic Growth: Provide assistance through the WIPO Secretariat to Member States requesting help to conduct base-line national economic surveys and make the results of such surveys available to other Member States	Annex B: 55 and 57	Actionable	
56.	Measuring the contribution of national creative and innovative industries: Expand the successful WIPO Guide for Surveying the Economic Contribution of the Copyright-based Industries to include the patent-based innovative industries		Actionable	
57.	Conducting Global economic surveys of the creative and innovative sectors: Explore the feasibility of WIPO	Annex B: 55 and 57	Actionable	National studies on the economic contribution of copyright-based industries (creative industries) have been commissioned in several countries.

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	conducting its own economic surveys on a regular basis to support the creative and innovative sectors with useful data			
58.	Collecting Data on Global IPR Piracy and Counterfeiting: The WIPO Secretariat should assist in the collection of data on global piracy and counterfeiting rates with a view toward making the information widely available	Annex B: 22 and 58	Actionable	A process has been initiated to develop an econometric model for measuring copyright piracy.
59.	Study to evaluate the appropriate levels of intellectual property, to identify the links between IP and development. For example, a study of a limited, but representative, number of countries, with participation on a voluntary basis, in specific areas of IP, such as patents, exceptions and limitations and institutional capacity to administrate the IP system, including costs to government, as well as to individuals (cost in GDP)		Actionable	
60.	To establish, through a member-driven process, an independent Evaluation and Research Office (WERO) that would be	Annex A: 29, 33 and 34	Actionable	

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<p>CLUSTER D</p> <p>ASSESSMENTS, EVALUATION AND IMPACT STUDIES</p>	<p>SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION)</p> <p>(i)</p>	<p>ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES</p> <p>(ii)</p>	<p>INFORMATION ON EXISTING RELATED WIPO ACTIVITIES *</p> <p>(iii)</p>
<p>responsible for, <i>inter alia</i>, evaluation of all WIPO's programs and activities and carrying out of "Development Impact Assessments" in norm-setting activities, and technical cooperation</p>	<p>Annex B: 54, 60, 61 and 63</p>		
<p>61. To undertake independent, evidence-based "Development Impact Assessments" with respect to norm-setting activities that could be carried out by the proposed WERO</p>	<p>Annex A: 29, 33 and 34</p> <p>Annex B: 54, 60, 61 and 63</p>	<p>Actionable</p>	
<p>62. To compile empirical evidence and carry out cost-benefit analysis that consider, <i>inter alia</i>, alternatives within and outside the IP system. These endeavors should form the basis of norm-setting activities that attain the objectives pursued with less monopoly of knowledge</p>		<p>Actionable</p>	
<p>63. To establish a mechanism, overseen by Member States, to ensure a continuous objective evaluation of the actual impact and costs of treaties that have been adopted, especially for developing countries</p>	<p>Annex A: 29, 33 and 34</p> <p>Annex B: 54, 60, 61 and 63</p>	<p>Actionable</p>	

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CLUSTER E		SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION) (i)	ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES (ii)	INFORMATION ON EXISTING RELATED WIPO ACTIVITIES * (iii)
INSTITUTIONAL MATTERS INCLUDING MANDATE AND GOVERNANCE				
64.	Proposal to reinvigorate the PCIPD		Actionable	
65.	WIPO Partnership Office: Establish within the WIPO International Bureau a Partnership Office staffed by WIPO personnel deployed for the purpose of evaluating requests by Member States for assistance related to IPR and development and actively seeking to find partners to fund and execute such projects	Annex A: 9 and 11 Annex B: 65	Actionable	
66.	To amend WIPO Convention, bringing it in line with WIPO's mandate as an UN-specialized agency		Actionable	
67.	To maintain the mandate of WIPO's Advisory Committee on Enforcement within the limits of a forum for exchange of information on national experience, excluding norm-setting activities. The ACE agenda of discussion should also tackle how to best ensure the implementation of all TRIPS-related provisions, including those that provide for exceptions and		Actionable	The mandate of the ACE, including the exclusion of norm-setting activities from this body, had been adopted by the WIPO General Assembly at its Twenty-Eighth (13th Extraordinary) Session, held from September 23 to October 1, 2002 (please see document WO/GA/28/7, paragraphs 114(ii) and 120). In the subsequent first three session of the ACE, no proposal to amend this mandate has been made. As to the agenda items discussed in the respective sessions of the ACE, please see information provided for proposal 22 in Annex B, namely that the ACE's members themselves, following a discussion of proposals submitted in each session, identify a subject of particular interest which will then be discussed in detail in the respective

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<p>CLUSTER E</p> <p>INSTITUTIONAL MATTERS INCLUDING MANDATE AND GOVERNANCE</p>	<p>SIMILAR PROPOSALS (WITH POSSIBLE REPETITION OR DUPLICATION)</p> <p>(i)</p>	<p>ACTIONABLE OR DECLARATIONS OF GENERAL PRINCIPLES / OBJECTIVES</p> <p>(ii)</p>	<p>INFORMATION ON EXISTING RELATED WIPO ACTIVITIES *</p> <p>(iii)</p>
	<p>limitations to the rights conferred</p>		<p>subsequent session. Any member is free to suggest the topic mentioned in the above proposal, and to try to find the support of the other members of the Committee.</p>
<p>68.</p>	<p>To reinforce WIPO's member-driven nature as a United Nation system organization. That would include, <i>inter alia</i>, that formal and informal meetings or consultations held between Members or organized by the International Bureau upon request of the Member States should be held in Geneva, in an open and transparent manner that involves all interested Member States</p>	<p>Actionable</p>	

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69.	To establish a working group on the Development Agenda to further discuss issues of the Development Agenda and the Work-Program for WIPO that were not subject of decision in the 2006 General Assembly		Actionable	
70.	To adopt measures that provide for membership and functions of the Policy Advisory Commission (PAC) and the Industry Advisory Commission (IAC) being determined by Member States		Actionable	
71.	To adopt a high-level declaration on intellectual property and development		Actionable	

[End of Annex B and of document]

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