Regional Seminar for Certain Latin American and Caribbean Countries on the Implementation and Use of Several Patent-Related Flexibilities

Topic 1: WIPO’s Technical Assistance and the Development Agenda

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WIPO’s Legal and Technical Assistance and the Development Agenda

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WIPO’s Legal and Technical Assistance

Mandate

Article 4 of WIPO Convention provides that WIPO shall, \textit{inter alia}, “offer its cooperation to States requesting legal-technical assistance in the field of intellectual property.”
Main Types of Assistance

Legal
- Legislative and Policy advice and assistance

Technical
- Institution building
- Human resource development
- Awareness raising
WIPO´s Legislative and policy Advice

- Upon request, legal advice and assistance are provided strictly on bilateral and confidential basis. They are also neutral and non-binding.

- Two broad types: (i) Advice on substantive standards of patent law including flexibilities; and (ii) Drafting or revising patent laws/regulations/manuals.

- How?
  - Written advice/comments
  - Preparation of draft patent laws and regulations
  - Face-to-face consultations/meetings, in capitals or Geneva
Technical Assistance

- **Strengthening infrastructure**: Customized automation solution to streamline patent administration processes

- **Human resource training**: Specialized knowledge and technical skills to enable effective patent examination

- **Awareness building/outreach**: Programs and activities to enhance knowledge and understanding about the issues related to patents
Principles, Modalities and Target Groups

■ **Approach/guiding principles**: country-specific, demand-driven, result-oriented, cost-effective, coordination and partnerships at various levels

■ **Tools of delivery**: special country/regional projects, focused/interactive workshops/seminars, training programs, fellowships, expert/advisory missions, studies, provision of equipment and materials, automation tools, etc.

■ **Target groups**: IP administrators, policy makers, enforcement officials as well as user community such as inventors, creators, SMEs, academia and R&D institutions, etc.
Development Agenda

HISTORY OF THE PROCESS

- First proposal made in October 2004 by 13 developing countries
- Fifteen papers containing 111 proposals by Member States
- Consideration by the WIPO General Assembly, Inter-sessional Intergovernmental Meetings (IIMs), Provisional Committee on Proposals Related to WIPO Development Agenda (PCDA)
- October 2007: A milestone agreement.
  - The GA established the WIPO Development Agenda to mainstream development into all areas of activity of the organization
  - Adoption of 45 recommendations
  - Establishment of the Committee on Development and Intellectual Property (CDIP)
THE WIPO DEVELOPMENT AGENDA

A Member States-driven process which seeks to place the “development dimension” at the core of the global IP system through for example:

- Making the global IP system development friendly by taking into consideration the specific needs and challenges faced by developing countries and LDCs
- Ensuring a balance between the rights of IP holders and public interests
- Ensuring that development considerations become integral to WIPO’s work
The 45 recommendations are grouped into 6 clusters:

- Technical Assistance and Capacity Building (14 recommendations)
- Norm-setting, Flexibilities, Public Policy and Public Domain (9 recommendations)
- Technology Transfer, Information and Communication Technologies and Access to Knowledge (9 recommendations)
- Assessment, Evaluation and Impact Studies (6 recommendations)
- Institutional Matters (6 recommendations)
- Other Issues (1 recommendation)
DA RECOMMENDATIONS – THE CLUSTERS

- Tech Assistance: 14
- Norm Setting: 9
- Tech Transfer: 9
- Assessments and Studies: 6
- Institutional Matters: 6
- Others: 1
CDIP mandate:
- Develop a work-program for implementation of the 45 adopted recommendations;
- Monitor, assess, discuss and report on the implementation of all recommendations adopted, and for that purpose it shall coordinate with relevant WIPO bodies; and
- Discuss IP and development related issues as agreed by the Committee, as well as those decided by the General Assembly
- The CDIP reports and makes recommendations annually to the General Assembly.
IMPLEMENTATION

- Mainstreaming of Development Agenda principles in the work of WIPO
- Organization-wide implementation through linkages in Program and Budget
- Project based methodology for implementation (19 projects so far approved now at different stages of implementation)
- Designated Project Managers taking charge of formulation of project proposals and implementation based on the DA recommendations
- Provision of funds for DA implementation - Approximately 20 million Swiss francs committed so far to various projects
SOME DEVELOPMENT AGENDA PROJECTS

- Intellectual Property Technical Assistance Database (IP-TAD)
- Specialized Databases’ Access and Support
- A Pilot Project for the Establishment of “Start-Up” National IP Academies
- Innovation and Technology Transfer Support Structure for National Institutions
- Intellectual Property and Socio-Economic Development
- IP and Technology Transfer
- Intellectual Property and the Public Domain
- Intellectual Property and Competition Policy
- Developing Tools for Access to Patent Information
DEVELOPMENT AGENDA and the work on Patent Related flexibilities

- CDIP Sessions 3 and 4. A request from a group of Countries (in LA, Argentina, Brazil, Ecuador, Caribbean and Central America Ministerial Meetings)
- CDIP Session 5. Document CDIP/5/4 on five flexibilities
- CDIP Session 6. CDIP/5/4 Rev (discussions and approval)
- CDIP Session 7. Document CDIP/7/3 (on new five flexibilities) Discussions where not finished during the session
- CDIP Session 8. February 15, 2012 as a deadline for comments on document CDIP/7/3
- CDIP Session 9. May 7 to 11, 2012 (CDIP/7/3 Rev for discussion)
- Future work: other IP areas, new patent related flexibilities and a database on flexibilities
THANK YOU

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