



Internal Audit and Oversight Division

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Evaluation Section

Draft Evaluation Seminar Report “ Learning from Existing Evaluation Practices on the Impacts and Effects of Intellectual Property on Development”

October 27, 2011

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Background and Objectives

The IAOD Evaluation Section has planned as part of its 2010-2011 Biennial Evaluation Plan a series of workshops and seminars aimed to raise awareness of the evaluation function among WIPO staff and stakeholders.

As part of its plan a two – day Evaluation Seminar has been held on Thursday 6th and Friday 7th October 2011 at WIPO headquarters in Geneva, Switzerland.

The topic of this year's seminar was "Learning from Evaluations of the Impacts and Effects of Intellectual Property (IP) on Development".

Since the introduction of the Development Agenda in WIPO the organization has raised it's attention to the impact and effects of it's activities, projects and programs on development.

The main focus of the 2011 Evaluation Seminar was sharing good practices in Evaluation of Intellectual Property outcomes in a development context.

IAOD Evaluation Section has launched a call for papers on issues related to the effects and impacts of intellectual property and selected 8 presentations and invited 2 keynote speakers to present and share their experiences during the two days.

The main objectives were to share good practices in evaluation of the impacts of Intellectual Property on development which still is a very specialized field of work. Hence the aim of the workshop was to allow for some focused learning about the successes and weaknesses of this type of evaluation. On the practical side, an additional objective of seminar was also about allowing exchanges between IP and evaluation experts with the view to be a starting point for allowing to broaden the expertise in that particular field of work.

Introduction

Opening Speech Francis Gurry, Director General of WIPO

Mr. Francis Gurry was appointed Director General of the World Intellectual Property Organization (WIPO) and Secretary-General of the International Union for the Protection of New Varieties of Plants (UPOV) on October 30, 2008.

Chair of the Seminar Nick Treen, Director Internal Audit and Oversight Division
WIPO

Mr. Nick Treen has been the Director of IAOD for nearly 4 years.

The Director General of WIPO opened the Seminar. He welcomed the participants to the Evaluation Sections first organized seminar. He reported that WIPO is keen on identifying key lessons from its common practice in the various fields of IP e.g. from Self-Evaluation to benchmarking and from Econometric Models to Structured Interviews and Surveys. His Expectation is that there will be an exchange of views between IP and Evaluation experts and that this may be the kick-off of building up an expertise to cover this new field of work. He is expecting that in particular Senior Managers may gain understanding in the potential of the evaluation as learning and accountability mechanism.

The Evaluation Section introduced and talked about its work in the last 3 years since its establishment. Then Mrs. Carolyn Deere Birkbeck, an external expert to talk about the independent review of technical assistance recently completed at the request of WIPO Member States in the context of the activities implemented under the development agenda. The Chair of the Seminar had been Nick Treen, Director of the Internal Audit and Oversight Division of WIO.

WIPO Evaluation Section lessons learned and future work

Speakers: Mrs. Julia Flores Marfetàn, Senior Evaluation Officer and Mr. Claude Hilfiker, Head of Evaluation Section

Mrs. Julia Flores is a Senior Evaluator at the World Intellectual Property Organization and has been in IAOD since May 2008.

Mr. Claude Hilfiker is the Head Evaluation Section in the WIPO Internal Audit and Oversight Division and has been with the WIPO since July 2011.

The WIPO Internal Audit and Oversight Division (IAOD) Evaluation Section presents the history of evaluation in WIPO in the last ten years, the time it has taken to set up the unit and to draft, consult and adopt the Evaluation Policy and Strategy which defines the main characteristics and functions of evaluation:

- The objectives, types, uses and users of evaluation
- The relation to higher guidance and policy such as the Audit and Oversight Charter, the United Nations evaluation Group (UNEG) Norms and Standards to which the Evaluation Function conforms
- The institutional embedding with direct reporting to the Director General and the governing bodies of WIPO: General Assembly, Program and Budget Committee and the Independent Advisory Oversight Coommittee

The Evaluation Section also presents the main current work: process and status report of the Country Portfolio Evaluation in Kenya, currently at the end of it's inception phase (final report before end of 2011), the Validation of the Program Performance Report of WIPO (against the 29 program objectives which contribute to 9 strategic objectives) and the creation of a common understanding of WIPO's evaluation function which is at the core of the organization of this Seminar which the section hopes to repeat if there is enough interest inside and outside WIPO.



Issues presented:

- Activities by the Evaluation Section from prior to 2007 until now and planned activities for the coming months
- The Evaluation Policy and Strategy
- The reporting structures and institutional embedding of evaluation function in WIPO
- The ongoing Kenya Country Portfolio Evaluation with some initial impressions from the inception mission
- The current and future work plan, including Country Portfolio, Thematic, Program and Strategic Evaluations

Questions Raised:

- Choice of evaluation team and country (criteria);
- Kenya CPE is at the level of IP policy and system for a country;

- Involvement of the Independent Advisory Oversight Committee (IAOC) during the framing of the ToR;
- Preliminary findings from Kenya CPE inception mission;
- Kenya baseline information (from IP Audit)

“External Review of WIPO Technical Assistance in the Area of Cooperation for Development”

Speaker: Dr. Carolyn Deere Birkbeck, Senior Researcher, University of Oxford

Dr. Carolyn Deere Birkbeck is a Senior Researcher at the University of Oxford’s Global Economic Governance Programme where she directs its Global Trade Governance Project and its Expert Taskforce on Global Knowledge Governance.

In November 2009, the Committee on Development and Intellectual Property (CDIP), at its 4th Session in Geneva, approved the “Project on Enhancement of WIPO’s Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of the Impact of the Organization’s Activities on Development” which includes the implementation of Development Agenda Recommendation 41, namely to conduct an independent extend review of WIPO technical assistance activities in the area of cooperation for development.

Deliberations on WIPO’s development cooperation activities have been a central component of WIPO discussions since the proposal for the establishment of a Development Agenda for the organization was put forward in 2004. Over the past six years, discussions on the WIPO Development Agenda have highlighted the importance of ensuring that WIPO’s development cooperation activities have a clear development-orientation and that they are grounded in national development priorities and needs. The Development Agenda discussions have also revealed a shared interest among the diversity of WIPO’s Member States and stakeholders in ensuring the development impact, cost-efficiency, management, coordination, and transparency of WIPO’s development cooperation activities.

The purpose of the review as stated in the terms of reference (TOR) was: “to conduct a macro level assessment of WIPO’s technical assistance activities in the area of cooperation for development to ascertain their effectiveness, impact, efficiency and relevance.” In addition, the review sought to determine the adequacy of existing internal coordination mechanisms for WIPO’s delivery of technical assistance for development, while acknowledging that the review was being conducted during a time when the Organisation is undergoing major changes in the way it operates and delivers services as articulated in the Director General’s Strategic Realignment Program (SRP).”

The main objective of the review was stated in the TOR as follows: “within the context of the WIPO Medium Term Strategic Plan 2010-15 (MTSP), the SRP and taking duly into account the WIPO Development Agenda (DA) Recommendations, to identify ways to improve WIPO’s technical assistance activities in the area of cooperation for

development including ways to develop WIPO's RBM framework to facilitate the monitoring and evaluation of the impact of WIPO's activities on development.”

This presentation summarizes the Review process, and some of the challenges that arose in the course of conducting the Review. The focus of the presentation will be on identifying lessons that may be useful for WIPO staff and consultants, WIPO Member States, and external or independent experts as they embark on future evaluations of WIPO development cooperation activities.



Issues Presented:

- Need for framework / definitions on how to measure the outcomes on development with different views from Member States
- Broad scope of ToR
- Need for evaluation culture
- Mixed quality of data
- Level of support by key stakeholders (e.g. Member States)

Outcomes:

1. Many lessons learned for similar future Evaluations:
 - Adopt a realistic time frame
 - Better involve key users / stakeholders
 - Define intended use / follow-up, products, packaging of recommendations *before* the evaluation starts
 - Need for methodological tools to assess short and longer term impacts

2. Recommendations:
 - Invest more in data gathering
 - Need for a RBM framework and baseline information on IP
 - Need to link evaluation framework with existing mechanisms / frameworks (needs assessments, development strategies, national IP policies)
 - Invest in methodological tools
 - Engage key stakeholders more broadly in the design phase (development of ToR)

Questions Raised:

- Selection of countries for case studies by groupings
- Survey process with Member States

Keynote Presentations: Lessons learned from the European Commission (EC) and the International Centre for Trade and Sustainable Development (ICTSD)

Moderator: Mr. Claude Hilfiker Head WIPO IAOD Evaluation Section

I) “Lessons learned from the European Commission”

Speaker *Mr. Kamil Kiljanski, European Commission*

Mr. Kamil Kiljański has been heading the unit in charge of economic analysis and evaluation at European Commission's DG for Internal Market and Services since April 2011.

The presentation gave an overview on the Policy assessment over the legislative cycle, Methodology and institutional set-up and Experience in IP impact assessments and evaluations of the European Commission. The Policy Cycle is a rotating system in which Policy Design (Impact Assessment), Monitoring and Evaluation consistently flow into another and after the Evaluation, it starts again. In the key assessment there are four key- analytical steps; firstly making trade- off apparent, secondly to not just tick “off” boxes, but to “rule of reason”, as well as thirdly to focus on evidences and fourthly to be transparent. The institutional set- up at the European Commission is with the centralised review through an impact assessment board by the Secretary General, as well as with a decentralised “production” which is undertaken individually by every Directorates General and in a broader context by the European Parliament. The Trademark Study undertaken by the European Commission and the Max Plank Institute in 2011 had been the example of the practice of the European Commission. It represented a hybrid approach with the help of interviews with national patent offices and user organizations, user group surveys and econometric analysis.



Themes Presented:

- Methodology and institutional set-up of policy assessment at the European Commission.
- Distinction between impact assessments (ex ante/design) and evaluations (ex post/effects).
- Evaluation mandate and key analytical steps.
- Commission's evaluation experience in IP so far.
- Case study: Overall Functioning of the European Trade Mark System.
- IP impact assessments and evaluations in the pipeline.

Issues Discussed:

- Positioning of Impact Assessment in the political decision-making process (Policy Design)
- Institutional set-up for production (decentralized) and reviewing (Impact Assessment Board)

- Transparency of process and products
- Processes and criteria for ex-post evaluations

Outcomes: One case study on the functioning of the EU Trademark System in collaboration with Max Planck Institute (methodologies used: semi-structured interviews with key IP offices, surveys, econometric model):

- Coexistence between Community Trademark and national systems
 - Cooperation with national trademark offices
 - Harmonization
 - Genuine use
 - Enforcement
 - Usage of fees
- ➔ overall there has been a drop of applications and revenues due to a substitution effect of community vs. national trademarks

Lessons Learned:

- Policy design is gradual process which uses ex-ante impact assessment to help evidence-based decision making... but there is no guarantee that the decision makers will follow the recommendations of the impact
- assessment; but there is pressure on the commission to deliver IAs!

II) “Evaluating the impact of IP: The ICTSD experience”

Speaker: Mr. Christophe Bellmann, ICTSD Programmes Director

Mr. Christophe Bellmann is the Programmes Director at ICTSD.

The International Centre for Trade and Sustainable Development is an independent non-partisan and non-profit NGO based in Geneva (1996). Its mission is to empower stakeholders to promote sustainable development in the international trade and in the intellectual property system through: Non-partisan reporting, Multi-Stakeholder Dialogue, Well-targeted Policy Research and Capacity Building. ICTSD engages with a broad range of stakeholders, including governmental, non-governmental and inter-governmental actors. The general challenges in Evaluating the Impact of IP are firstly the Basic Assumption of the need for evidence-based policies and secondly the General challenge in assessing the impact of IP like the lack of evaluation ‘culture’, the Lack of research methodologies and measurement tools, the Challenges in obtaining reliable data, as well as the Difficulty in carrying out cross regional comparisons and getting the Significant expertise and resources required. ICTSD has undertaken several evaluations like the Evaluation of the Impact of patent on transfer of clean energy technologies, an Evaluation of the Impact of IP standards in FTAs on public health and prices of medicines and it had been evaluating the needs of LDCs in the areas of IP technical assistance and capacity building. Some key findings had been e.g. the Dominance of OECD countries in CET patenting as well as that there is a Coherence between IP laws and development objectives (including public health, agriculture, technology transfer, education etc.). Key Lessons learned from their experience are that Evaluation is not an end in itself but for advancing policy

processes and to assist policy makers in making more informed decisions. Partnerships are an important factor to ensure diversity and complementarity of perspectives, expertise and resources. Consultations with relevant stakeholders help to ensure ownership. A Development of tailor made tools and methodologies is needed. Their elaboration should go through a sound peer review process which incorporates a diversity of views on the topic. Evaluation is foremost a knowledge building and learning exercise.



Case Studies Presented:

- 1: Impact of Patents on Clean Energy Technologies (CET)
- 2: Impact of IP standards in Free Trade Agreements (FTA) on public health and prices of medicines
- 3: Evaluation of needs of Least Developed Countries (LDC) in the area of technical assistance and capacity building

General Issues Discussed:

- Need for evidence-based policy as a basic assumption
- Challenges: lack of evaluation culture, research methodologies, measurement tools, reliable data, regional comparisons, expertise and resources
- Methodologies used involved a high variety ranking from mapping, landscaping, survey of licensing practices, aggregation / disaggregation, needs assessments, diagnostic toolkits

Outcomes:

- From Study 1: There is a dominance of OECD countries in the patenting of CET (with increasing activities in China and Korea); There is an untapped licensing potential in developing countries
- From Study 2: Significant impacts have been identified e.g. on the increases of market prices and decreases of the market share for generics
- From Study 3:
- Generic lessons: Evaluations are not an end in itself but a means to inform policy making! Building of partnerships, ownership and stakeholder consultations are key; evaluations are used as means of knowledge building and learning; tools need often to be tailor-made

Questions Raised (on both presentations):

- Costs of “big” Impact Evaluations / Assessments (min 200'000€ up to 1.5 M€)
- Evaluation criteria (OECD) assessed and indicators monitored
- Distinction between ex-ante and ex-post
- Means to assess social impacts (often no clear limits to economic impacts)
- Limits in the availability of baseline information.... and the use of (econometric) models to supply information

- Risks of politicizing evaluation vs. the requirement to be objective and non-partisan

Panel 1: Lessons learned from Impact Evaluations

Moderator: Mr. Carsten Fink, Chief Economist of the Economics and Statistics Division

Mr. Carsten Fink is the Chief Economist of WIPO based in Geneva.

“Assessing the Impact of Intellectual Property Rights in Agriculture in Asia“

Speakers *Dr. Jane Payumo and Prof. Keith Jones, Washington State University, United States of America*

Dr. Jane Payumo is a Postdoctoral Research Associate of Washington State University's (WSU) Office of Research.

Dr. Keith Jones is the Director of Office of Intellectual Property and Executive Director of WSU Research Foundation.

Better understanding of intellectual property rights (IPR) is indispensable to informed policy making in all areas of development, including agriculture – the backbone of economy of majority of developing countries. For this reason, IPR and its impact to the future of agriculture and public agricultural research – the linchpin of agricultural development in developing countries should gain priority in public discussions. As our contribution to the IP debate, we used two evaluation tools to analyze the impact of the expansion of IPR to agriculture, and determine how national research institutions in developing Asia have responded to the IPR paradigm. Specifically, we used an econometric approach to demonstrate that expansion of IPR in agriculture can positively impact agricultural development not only of developed countries, as critics would claim, but also of developing countries. Second, we used web-based survey to generate quick, reliable, and cost-effective measure of the attitudes and perspectives of public sector personnel on the importance of the concept of IP and the implications of the rapid emergence of IPRs in agriculture to public agricultural research especially on agricultural biotechnology in developing countries. Overall, the use of these two approaches have enhanced our impact evaluation study on IPRs as they affect agriculture and public agricultural research in developing countries.



Issues discussed by the Panel:

- Presentation of two evaluation tools / methodologies to assess the impact of IP Rights in Asia: econometric model and web-based survey
- Key Questions were if IPR was a positive or negative factor for development and if public research institutions in Asia are ready to embrace IPR

Outcomes:

- There is a positive correlation between agricultural GDP and measures of strengthened IPR protection

- Public research institutions, at least in developing Asia, have realized the importance of IP and its management
- Econometric tools are useful to extract and infer useful information to determine impact of IPR to agriculture
- There is a need for more evaluation and research in this domain, particularly on the impact of TRIPS on development
- The main challenge is how to learn from and share research with developing countries in order to design better programs
- Methodological Challenges raised in the questions session: how to delineate the impact of patents (or IPR more generally) vs. other impacts (TRIPS and other WTO agreements)

Questions Raised:

- Discussion on whether it is good enough to identify correlation or if there is a need to establish the causalities! Depending on the quality of the data, causalities can be established even with econometric models.
- Why do patents matter? Which patents (Agriculture machinery, irrigation, plant variety protection) were picked for the econometric study?
- How to determine the degree to which IPR protection has been strengthened (e.g. through the use of indexes)
- An open question remains on how to establish similar correlations (or causalities?) or how to measure strengths / impacts of copyright laws, given that there are no registrations

“Using Systems Analysis to Assess the Impact of Intellectual Property Rights in Innovation Systems “

Speaker Mr. Sebastian Derwisch, Central Advisory Service on Intellectual Property of the Consultative Group on International Agricultural Research (CGIAR), Norway

Mr. Sebastian Derwisch is a Phd candidate at the University of Bergen, Norway since 2009.

One of the main research areas of the Consultative Group on International Agricultural Research (CGIAR) is crop genetic improvement. Genetic resources are hereby shared among the CGIAR centres as well as with an extensive network of private and public partners. Our aim is to assess the impact of intellectual property rights (IPR) in this network. We use dynamic modelling to account for the systemic linkages between actors of germplasm development in this innovation system and the dynamic nature of resource development. Our focus is on resources, decision processes and actors that are necessary for research and development of new seed varieties as well as for seed adoption. We see IPR as being embedded in this innovation system and identify the spots of the innovation system that are influenced by IPR. As a case study we use the commercial seed value chain in various African countries and focus specifically on the role of IPR in the process of research and development (R&D) and seed adoption. We formalize empirical data from the South African and the Malawian seed industry in simulation models to grasp the dynamics of seed sector development and assess the role of IPR in these dynamics. To assess

the impact of IPR on the R&D capacity of domestic and multinational actors we test the effect of different technology transfer policies that depend on different IPR scenarios on the South African seed industry. The results of the simulation show the importance of policies that aim to enhance spillover on the development path of the domestic seed sector. Our results for the adoption part of the seed value chain show that effective adoption stimulation policies need to focus on measures that build trust in improved maize seed varieties and in this way contribute to food security. Overall, the dynamic modelling approach represents an adequate methodology to assess the impact of IPR on the evolution of an innovation system.



Issues discussed by the Panel:

- Impact of IPR, contract law and regulatory frameworks on commercial seed sector development
- System dynamics modeling for a simulation based assessment tool
- Showing the long term impact of past and future policies
- Implications of seed development as an innovation system
- Seed development requires resources that change over time

Outcomes:

- There is a need for systemic and dynamic evaluation, i.e. taking the evolution of the whole system into account
 - There is a need to formulate hypothesis about causalities
 - One of the key evaluation questions was: are Intellectual Property Rights hindering access to genetic resources for the public or the local private sector?
 - Insights into how IPR affect the R&D process and dissemination of seed varieties in African countries were gathered
- Reports are publicly available at (University of Rome and CGIAR websites) <http://www.uib.no/persons/Sebastian.Derwisch>
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1729142
<http://ageconsearch.umn.edu/bitstream/100463/2/9-Derwisch.pdf>
<http://www.systemdynamics.org/cgi-bin/sdsweb?P1226+0>

Questions Raised:

- What were the hypothesis relating to IPR that were used in the model?
- Analysis of the robustness / sensitivity of the model and how to test it?
- Applicability to other crops (test case was run with maize)

“Benchmarking and Evaluating Intellectual Property Rights Support Services for Small and Medium Enterprises”

Speaker: Mr. Alfred Radauer, Technopolis Group, Austria

Mr. Alfred Radauer holds the position of a senior consultant at Technopolis Group, a consultancy firm with nine offices in Europe specialized in evaluations and evaluation-related analyses in the field of R&D and innovation policy.

This presentation outlines a methodology to comparatively benchmark and in this sense evaluate business support services that aim to assist small and medium-sized enterprises (SMEs) in the field of intellectual and industrial property rights. The methodology was developed first time for a corresponding benchmarking study of the European Commission, DG Enterprise as part of its PRO Inno Europe initiative. The study asked to map all available support services in the EU, the U.S., Canada, Japan and Australia, benchmark their performance and identify best practices. We used a three stage approach: In a first stage, we applied desk research with a semi-standardised identification guideline to identify relevant services and enter key data in a database. In the second stage, we used an expanded semi-standardised benchmarking guideline and had interviews (self assessments) with representatives of offerings that were promising enough to be potential good practices. In a third stage, we analysed the 15 most promising services in greater detail, with a standardised survey among 630 SME users and additional open interviews with stakeholders and IP experts.

The overall result is that despite of having singled out 279 support services, good or even best practices were hard to spot. Key challenges encountered were, amongst others, a lack of evaluation culture especially among patent offices as main institutions providing services to SMEs, a high focus on patents (where it would have been desirable to instead focus on broader management of IP rights), a lack of collaboration between patent offices and other type of organisations active in national innovation systems and – more generally – a bottleneck regarding IP expertise on relevant labour markets. The recommendations were able to focus on a set of elements of good practice which are sufficiently generic to be considered in the design of such services. However, in practice, hardly any service was able to showcase all desirable good practice elements in one offering. The methodology was developed further and applied to other national and international assessments of IPR support services for SMEs.



Issues presented and discussed by the Panel:

Some of the key questions for the evaluation:

- What constitutes the best performing services which could serve as role models for implementation in other countries?
- Which are better performing services and how do they perform?

Some of the key methodological challenges:

- How do you identify, define and measure the relevant success factors (benchmarking indicators)?

- How do you determine which activities constitute an IPR support service for SMEs and which not?
- How do you ensure equal quality of research in different states and broad acceptance of results?

Outcomes:

- Good practices are hard to spot ...but there were plenty of elements of good practice
- Lack of thought on existing market failures
- Lack of collaboration between patent office world and other actors of the innovation system
- High value of using several quantitative and qualitative methods at the same time
- Challenge of dealing with insufficient data in a world not used to evaluations...whereby it was said that this was a result in itself
- There may be an extension of this study to Eastern Europe and Central Asia

Questions Raised:

- On the existence of evaluation mechanisms within support programs
- On the criteria for good / bad practice
- On elements of good practice (quantity and quality of IP expertise pooling; diversity and know-how of service providers)
- On the lack of logic models and the attribution problem

Panel 2: Evaluation Approaches for Intellectual Property

Moderator: Mr. Marcus Höpperger, Director Trademark and Design Law Division (WIPO)

Mr. Marcus Höpperger is Director of the Trademark and Industrial Design Law Division, Brands and Designs Sector of the World Intellectual Property Organization (WIPO).

“Impacts of Geographical Indications – Review of Methods and Empirical Evidences”

Speaker Dr. Dominique Barjolle, Swiss Federal Institute of Technology, Switzerland

Dr Dominique BARJOLLE is agro-economist and held a Master Degree and a PhD of AgroParisTech (ex. INA P-G).

Dr. Marguerite PAUS is agro-economist at AGRIDEA, the Swiss Association for the Development of Agriculture and Rural Areas.

Mrs. Anna PERRET is an environmental scientist and holds a M.Sc. in Environmental Sciences from the Swiss Federal Institute of Technology Zurich (ETHZ).

This presentation focuses on methods for assessing the territorial impact (economic, social and environmental) of geographical indication systems. First, in a review of methods, methodological difficulties and choices are discussed and major studies are briefly presented. We highlight that it is necessary to identify a clear reference point and a relevant set of indicators and that this question has led to an active and rich research corpus. In a second part, we present some of the results of a recent European research program, SENER-GI. We analyze the impacts of 14 case studies in a common methodology. The results show significant differences of the priorities of the stakeholders between established geographical indications and geographical indications in progress. For a first group of geographical indications in progress, which we called “enthusiasts”, the most important expected impacts are the market stabilization or increase, the value added in the region, but also the preservation of local breeds or varieties. For a second group of geographical indications in progress, that we called “socio-environmentalists”, the expectations on economic issues are less important than the social and the environmental ones. Finally, for a third group of geographical indications in progress, that we called “undecided”, we find that the highest scores are given to the expected economic impacts.

We can conclude that in general, observed or expected impacts of geographical indication systems are mainly linked with economic or economic-related issues. But the review of the 14 case studies also shows that if the economic concerns are the only motives in the implementation of the GI protection schemes, there are some crucial risks.



Issues discussed by the Panel:

- Objective of the study (conducted between 2006 and 2008) was to assess territorial impact of GI. The background is the increasing interest of LDC to create laws for GI.
- The focus was on (existing and) expected impacts of GI systems on sustainable development and the assessment of the reasons / factors that led to these impacts
- The impacts were assessed for the domains of the economic (market stabilization, prices) and social development as well as for the environment (breed variety, extensive farming, protection of natural resources) and food safety
- Definition of actors / stakeholder groups (e.g. farmers, processors, sellers,...) is important at the beginning
- The evaluation contains ex-post assessment of the impact of 3 existing GI and ex-ante assessment of the impact of a series of potential GI in developing countries
- Both diachronic (time series) and synchronic (cross-section at a given time) approaches have been used
- Definition of causalities
- Use of surveys (Likert Scales) and participatory approaches
- Importance of the availability of quality data

Outcomes:

- The assessment of existing GI systems has identified impacts on the economy and local employment
- The ex-ante assessment of potential GIs has identified three types of users and uses /effects (enthusiasts, socio-environmentalists and undecided)
- There is a need to define the legitimate owners of the rights (e.g. through delimitation of the area of origin) and to assess the impact also on those excluded from the GI
- There is the need to install M&E systems and pursue efforts to monitor and evaluate (see pipeline evaluation projects by the EC)

Questions Raised:

- Limits of the method regarding statistical correlation and evidence-based causalities
- What is causing the impact within the GI system? The system itself or it's protection?
- What are the interfaces with other domains of IP protection?
- Are there any specific differences between (groups of) countries dependant on their law regime (civil law as in most European countries or common law as in most Anglo-Saxon countries)?

“Monitoring and Evaluation of the Effects of the Protection of Geographical Indications”

Speakers Prof. Andrea Marescotti and Prof. Giovanni Belletti, Department of Economics, University of Firenze, Italy

Mr. Giovanni Belletti is associate professor of Agricultural Economics as well as Agro-Environmental and Rural Policies in the Department of Economics, University of Florence (I).

Mr. Andrea Marescotti is associate professor of Agricultural Economics and Food Economy in the Department of Economics, University of Florence.

It is often assumed that the protection of GIs, according to some national or international rules, is a means for achieving success in the marketplace and generating economic benefits for local producers and other economic, social, and environmental benefits for local communities. However, little has been done to evaluate the many types of effects from the legal protection of GIs, and no comprehensive methodology for evaluating those effects has been developed.

This study provides a general methodology for monitoring and evaluating the effects of introducing a “GI framework”, a legal and institutional framework for the recognition, registration, protection and management of all GIs in a given country.

Besides, the study seeks mainly to provide a general methodology for monitoring and evaluating the effects that protecting a GI may have on the “GI system” (that system being the socio-economic network associated with the supply chain of one particular GI product) and, more in general, on the territory the GI product comes from.

A comprehensive map and an illustration of expected effects of a GI registration are presented, considering economic, social, and environmental dimensions. Some indicators are proposed for each considered effect.



Issues discussed by the Panel:

- Evaluation approach: diachronic and participatory
- Evaluation sequence: building phase (aims, causalities, indicators); Survey phase (at two times t_0 and $t_1=t_0+5$ years); Evaluation / Analysis (what happened, why and what role has the GI system played?)
- Differentiation between 1st, 2nd and 3rd order Outputs, Outcomes and Impacts respectively
- Use of mind-mapping methodology to determine the chain of causalities and the indicators

Outcomes:

- Value of participative methods (information, empowerment and inclusion of all stakeholders)
- Use of flexible tools (adaptation to very different GI situations)
- Comprehensive mind map of (potential) effects and their relationship within the GI system (also applicable for the GI system);

- This model has been tested in the case of Jamaica for 3 products: Blue Mountain Coffee, Rum and Jerk (spice mix)
- At General level, the evaluation provides stakeholders with reliable information on the economic, social and environmental impacts of GI protection
- At National level it offers the opportunity for improving the legal framework (at national level)
- At single GI level it helps to avoid negative effects and improve positive ones, and to fine-tune both individual and collective strategies: ex-ante e.g. by whether to apply for GI and if so how to define the “code of practice”; ex-post on the correction of rules and strategies
- There is a need to explore ways to evaluate the impact of GI at the policy level (on top of GI legal frameworks)

Questions Raised:

- How to take into account external factors (e.g. evolution of coffee prices on the international market)?
- How to feature social system (e.g. influence of power structures) into the model?
- Identification of counterfactuals / comparators (e.g. Hawaiï coffee)
- The need to include local stakeholders when doing the interpretation of the effects of the “fine factors”
- Environmental impacts of GIs and impacts in terms of sustainability: most GI products exist for a very long time, hence the need to look at longer term impacts and strategies to respect the basis for the production
- In fact the definition of the potential impact of GIs on intensification should be the starting point of the reflection on GI
- In the future one may also look at the impact of foreign GI on producers of similar products in one country

Belletti G., Marescotti A., Paus M., Reviron S., Deppeler A., Stamm H., Thévenod Mottet E. (2011), The Effects of Protecting Geographical Indications. Ways and Means of their Evaluation, Publication No 7, Swiss Federal Institute of Intellectual Property, Bern (<http://www.ige.ch>)

Panel 3: Lessons Learned / Experiences in Implementing Various Types of Evaluation of IP

Moderator: [Mr. Wend Wendland, Director Traditional Knowledge Division](#)

Mr. Wend Wendland joined WIPO in 1997 and is founding member of and currently Director of WIPO's Traditional Knowledge Division.

“Fakes and Counterfeits: Evaluation of Information and Education Programs in Philippines”

Speaker

Prof. Romeo Santos, Workland Institute, Philippines

Mr. Romeo Santos practices evaluation and research in socio-urban development, sustainable environment and building technology and industry, among other fields.

The Philippines is struggling hard to shake off a bad reputation for Intellectual Property Rights (IPR) violations. While recent studies show notable accomplishments in the country's legal, policy, and institutional initiatives, however, cases of piracy and counterfeiting, among many others, seem to remain serious. It appears that the programs in support of IPR hardly make a big dent in the deeply-rooted infringement culture.

This study explored theoretical and methodological directions in evaluating the IPR protection paradigm that the Philippines is known to employ in implementing the global IPR treaties, namely; the Public Information and Education, Legal and Policy, and Enforcement and Adjudication Programs. In assessing the performance of the Philippine initiatives, the study argued that the present gains on IPR protection do not depend largely on information and educational programs, and that this thrust does not accomplish much in the current efforts to raise the awareness level on IPR. The results appear to show that, indeed, it does not cause substantial rise of awareness on IPR in the country.

The Philippine IPR Protection Program is evidently based on the conventional method of designing an intervention. However, by applying Results-Based approach and recreating the Theory of Change, which served as the basis in formulating the main evaluation questions, a better perspective in evaluating the performance of the key thrusts of the IPR Program was established. The theoretical merits of this study may have far reaching significance to evaluators, program managers and policy-makers, alike. The evaluation design, approach and the lessons learned have significant implications on the evaluation of IPR protection programs in other countries.



Issues discussed by the Panel:

- RBM based evaluation
- Based on a logic model / theory of change focusing on increased awareness of IPR protection

- Re-creation of the theory of change in a participatory way in the form of a design matrix

Outcomes:

- Need for built-in M&E systems in IPR programs
- Lack of baseline and targets
- Main challenge is building and maintaining enforcement and protection capacities system-wide (as the findings seem to suggest that phases of improvements are followed by decline in the state of IPR in the Philippines)

Questions Raised:

- Discussion on the rigor of the methodology and the level to which statements about “breaking the culture of counterfeiting are supported by the evidence shown in the evaluation (refer to the evaluation report)
- What about the status of other (than copyright) IP rights?
- There is agreement to the need to find ways / appeal for action to enforce and combat counterfeiting

“Key Lessons Learned from the Self-Evaluation of the Swiss Vietnamese Intellectual Property Project”

Speaker

Mr. Daniel Keller, Director, Swiss Consulting Co. Ltd., Viet Nam

Mr. Daniel Keller is the founder and President of Swiss Consulting Co, Ltd., a Hanoi-based provider of executive counseling services and venture opportunity screenings for Small and Medium Enterprises (SMEs).

Our presentation introduces the methodology applied as well as the key lessons learned from the facilitated self-evaluation of the Swiss-Vietnamese Intellectual Property Project (SVIP). We advocate for the use of facilitated self-evaluations as a tool of organizational learning in a more advanced development context, where project partners have a certain degree of experience and a successful track-record in technical cooperation. Self-evaluations respond well to the Paris Declaration on Aid Effectiveness, by increasing role (“ownership”) of partner countries, enhance “mutual accountability”, contributing to “managing towards results” and reducing transaction cost (“aid effectiveness”).

The three key lessons learned drawn by the self-evaluation included: Developing well-functioning IPR systems in developing countries calls for a comprehensive, coordinated support, addressing all subject matters in parallel and combining the strengthening of demand/supply side of IPRs in addition to the legal and regulatory framework.

Sustainability of capacity building requires institutionalizing training functions rather than only “train-the-trainers”. Follow-up trainings organized by training divisions of local counterparts contributed to strengthening staff training within institutions in a sustainable way. Projects should decisively shift away to provide direct training at the level of IPR users.

Effective and efficient project management requires decentralizing day-to-day

management to the field level, while strengthening financial and operational monitoring. Field presence of the executing agency is a crucial success factor. Conducting facilitated self-evaluations might be an alternative for smaller WIPO-projects, for which the cost of an external evaluation would not be commensurate to the overall project budget. They could be used instead of mid-term evaluations or final evaluations of projects that subsequently undergo an impact assessment.



Issues discussed by the Panel:

- Why and how to use facilitated self-evaluations
- Self-Evaluations as capacity building and ownership building processes
- Insights from within and cost-effectiveness (less than 10'000\$) are two of the major advantages of Self-Evaluation
- Some prerequisites regarding the development status of the project and it's built-in performance framework and measurement system need to be in place
- Good partnership within the project is also a key factor; it can be further strengthened through a good Self-Evaluation process
- Partners were provided with a simple evaluation framework for rating relevance, effectiveness, efficiency and sustainability for each of the expected outputs/outcomes (high/medium/low) on a scale plus a brief explanation for their assessment

Outcomes:

- Developing well-functioning IPR systems in developing countries calls for a comprehensive, coordinated support, addressing all subject matters
- Sustainability of capacity building requires institutionalizing training functions rather than only "train-the-trainers"
- Project management and technical cooperation capacities of implementing agencies are crucial
- Joint-implementation of technically complex projects allows the project partners to contribute what they are best at. This is a good way to ensure ownership, capacity building and sustainability without compromising on aid effectiveness
- There is a trend towards (real-time) monitoring of the effectiveness i.e. reaching of objectives and of their outcomes throughout the project (instead of ex-post!)

Questions Raised:

- How is the development of evaluation questions done? In a participatory way and with the validation through a steering committee (key stakeholders)
- SE is a cost-effective way to evaluate small or medium-size projects in which it can be built-in

“Effects of WIPO’s Creative Heritage Project on the Welfare of the Maasai Community”

Speaker *Mr. Eliamani Laltaika, Tanzania Intellectual Property Rights Network, United Republic of Tanzania*

Mr. Eliamani Isaya Laltaika is a Maasai lawyer from the Nainokanoka Village in Ngorongoro district, Tanzania and the first recipient of WIPO’s Indigenous Intellectual Property Law Fellowship inaugurated in 2009.

In 2006 the World Intellectual Property Organization (WIPO) was requested by the Maasai of Laikipya Kenya to assist in protecting the community’s cultural heritage. Two years later, WIPO’s Creative Heritage Project (CHP) sponsored training of two members of the community in among other things, digital archival methods, documentation techniques and database and website development, at the Center for Documentary Studies at Duke University in the USA. WIPO later on provided the community with a digital camera, sound recording equipments and a durable state-of-the-art laptop computer to document their cultural heritage. This paper attempts to evaluate social, economic and cultural impact of this programme on the Maasai and other local and indigenous communities in the light of intangible assets produced, available IPR instruments such as copyright and on going WIPO’s attempt to develop [sui generis] legal instrument(s) for protecting indigenous cultural heritage through the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Expressions of Folklore (IGC) The paper highlights, among other things, success in community sensitization, projects emanating thereon, policy makers awareness of IPR and indigenous heritage nexus and shortfalls of the current intellectual property system in protecting indigenous cultural heritage.



Issues presented:

- Year 2006, Maasai of Laikipya Kenya approach WIPO for assistance in protecting their cultural heritage
- What assistance did WIPO provide?
- Sponsored training of two members of the community to study digital archival methods, documentation etc at Duke University in the USA. Provided the community with a digital camera, sound recording equipments and a durable state-of-the-art laptop computer to document their cultural heritage
- How has that impacted the community?
- What are the long term implications?
- Does this assistance narrow the conceptual divide between conventional IP and indigenous peoples’ and local communities’ paradigms?

Issues- Discussion by the Panel:

- Songs, photos, folk stories etc in recorded/digitized form...- increased vulnerability to misappropriation?
- “Going High Tech”: is the community prepared for such drastic changes in their TK/TCEs governance?
- Who “owns” such IPRs and in which terms?
- What is the role of customary law?

Outcomes (Impacts of WIPO Cultural heritage Project):

- Significant Awareness Raising (of communities and government of Tanzania)
- Motivation of Grassroots communities to protect TK/TCE
- Generation of projects
- Income generating activities of cultural expressions in the Ngorongoro area
- Branding and raising fees for taking pictures and films
- Spearheaded research and documentation of customary law and protocols related to TK/TCE

Questions Raised:

- International protocols for the protection of TK/TCE? There is a section on the protection of folklore (see ARIPO adopting a protocol at a diplomatic conference)
- Copyright protection can be complementary, but there is still a need for “sui generis” law on protection of TK/TCE
- Question on what are the economic expectations arising from the protection of TK/TCE in that case? No research done yet on this topic (WIPO/WTO?)

Overall Results

The seminar has been well attended by more than 80 participants over the two days. Presentations have all been of excellent quality and have produced lively discussions.

There has been an interest expressed by a large majority of participants in pursuing this initiative in the future. There has also been an interest in setting-up a platform for the exchange of information that has been presented during this seminar.

The IAOD Evaluation Section of WIPO is keen on setting-up and maintaining an internet page of the seminar where stakeholders will be able to consult all the relevant information, read the presentations, bios and abstracts and related literature as discussed during the seminar.

A very large spectrum of evaluation methods and approaches used for the evaluation of IP could be touched during the two days of the seminar: from ex-ante impact assessments to ex-post reviews of effects and outcomes. The use of econometric models to simulate and then test in reality the impacts of IP Rights on agriculture and development, as well as more pragmatic approaches to collect data through document review, semi-structured interviews or surveys and assess the outcomes of IP on economic, environmental and social development have been presented and discussed, all with their specific advantages and challenges.

A couple of recurrent findings on the methodological and substantive side were the lack of change-, logical- or other models that describe the anticipated changes a certain IP project or program is supposed to produce on development. Poor baseline and difficulties to find counterfactuals often make it difficult to assess real outcomes attributable to IPR. In this context also, there has been a wide debate whether it is sufficient to establish correlations between certain elements of a program and observed changes, or whether there is a need to represent causes and their effects in a way that the causalities are clearly defined and (potential) impacts represented. Such representations could be made through the use of a logic model, mind map or theory of change that would allow to precisely attribute the outcomes to their root causes.

In all cases it has been recognized that certain qualities are required in order to make good use of the evaluation as a tool for (institutional) learning and accountability:

- The existence of reliable data covering the period under evaluation with a solid baseline describing the situation at “t0”
- This implies that monitoring systems are in place from the beginning of programs and that it is clear which are the key indicators that would allow to measure progress and performance over time
- The importance of defining at the beginning of the evaluation processes the key stakeholders and users of the evaluation and to build ownership with them on the evaluation results and recommendations and their uptake
- The most successful evaluation processes are those that use participatory methods as they allow, similarly to what is the case (by

design) in self evaluations, to get insights from within a project or program

- The solidity of the evidence-base has been advocated for, especially when the results are used to inform policy-making or the building of new strategies
- There is a need for practical methodological tools to estimate and assess impact and a need for robust results based performance frameworks to better measure effectiveness

Assessment and Way Forward

The seminar has met its key targets as stated:

1. sharing of good practices of evaluation of IP impacts on development with a huge variety of approaches that have been presented and discussed for all domains and using most of the known methodologies
2. focused learning from practical examples from the whole world that have lead to very productive discussions and shown the importance of being able to relate evaluation findings and conclusions to the basis of knowledge
3. bringing together experts in IP and evaluation from various horizons and start to building a knowledge base in this domain

The participants at the seminar agreed that without exceptions the presentations and discussions were of high quality and that they were highly relevant to the topic. The seminar format and the logistical arrangements seem to have met the participant's expectations.

These assessments are corroborated by the results of the evaluation sheets returned.

This assessment is corroborated by the results of the seminar evaluation sheets returned.

It was stated that the information before and during the seminar had been successfully reached the participants. The participants also appreciated the two room solution via video- link, due to capacity problems of WIPO Conference rooms, which is recommended not to be chosen for upcoming events.

As a follow-up, the evaluation section of WIPO IAOD is keen on setting-up and maintaining an internet IP Evaluation resource page with the infrastructure page from the seminar where IP Evaluators and other interested stakeholders will be able to access all the relevant information, read the presentations, bios and abstracts and related literature as discussed during the seminar. The opening speech and introduction on WIPOs Evaluation Activities had been interpreted as short. Moreover, the participants understood the key- note speeches as excellent and they would have wished to have had more information about the practice of the European Commission and ICTSD. Panel one was successful as well and was described overall as interesting although sometimes econometrics were hard to understand. Concerning Panel 2, it was mentioned that the speaker gave a precious source of concrete information and methods which was very interesting especially for WIPO staff. Panel 3 was described as a real insight on how Evaluation in different types of Evaluation could be realized. The participants of the Seminar mentioned that for WIPO staff, the seminar had been stimulating and motivating to better perform and deliver. They would wish to be have more information about data collection problems. Other participants had the opinion that the diversity of different contributions was excellent. For researchers, the program and selection of the speakers had been a success and it was also stated that the content was excellent. Another Participant was mentioning that he/she is a graduate and that he/she hopes the information which was gathered will help to complete assignments and for future references at work place.

As a follow-up, the evaluation section of WIPO IAOD is keen on setting-up and maintaining an internet page of the seminar where stakeholders will be able to consult all the relevant information, read the presentations, bios and abstracts and related literature as discussed during the seminar. <http://www.wipo.int/about-wipo/en/oversight/evaluation/>

IAOD Evaluation Section also hopes to gather views on possible themes for a similar event within the time frame of one year. It has turned out that the date right after the GA has been positive, allowing some Member States and Observer Members Representatives from the Capitals and Headquarters to attend the seminar as well.

The information on plans for next year's seminar will be disseminated to all participants of this year's seminar in spring 2012 once this has been agreed by the Director General.

Evaluation Section
IAOD
October 27, 2011

Acknowledgements

We thank all key stakeholders and supporters to this initiative for their unique contributions to its success.

Particular thanks to

- **Mr. Francis Gurry**, Director General WIPO, for his continued support to this initiative and for his welcoming address
- **Mr. Nicholas Treen**, Director IAOD for supporting the design and financing of this seminar and for his competent chairing during the two days
- **Mr. Claude Hilfiker** for supervising and managing the preparation of the seminar and selecting the key-speakers.
- **Mrs. Julia Flores Marfetàn** for the conception and organization of the agenda and the hard work she has put into the selection and contacting of presenters and keynote speakers
- **Ms. Susann Winter** who's engagement allowed for a smooth operation of all logistics related to the seminar
- **Mrs. Silvia Nunez Giordano** who managed all administrative issues
- All WIPO internal and contractual services for registration, operation of the meeting rooms, translation of documents and catering services
- **All speakers** who came from far away to deliver excellent presentations and all participants for their active engagement and competent inputs.

ANNEX:

ANNEX I: The Agenda

Thursday, October 6, 2011

- 8:30 – 9:00 **Registration (New Construction Building (N.C. Building))**
- 9:00 – 9:30 **Opening Ceremony (Room NC 0.107 and NC 0.106/0.105)**
 Welcome addresses by:
 Mr. Francis Gurry, Director General, WIPO
 Opening addresses by the chair:
 Mr. Nicholas Treen, Director, Internal Audit and Oversight Division (IAOD)
- 9:30 – 10:15 **WIPO Evaluations**
- 10:15 – 10:45 Coffee Break
- 10:45 – 12:30 **Keynote speeches: Lessons learned from the European Commission (EC) and the International Centre for Trade and Sustainable Development (ICTSD)**
- 12:30 – 14:00 Lunch Break
- 14:00 – 15:30 **Seminar Panel 1: Lessons learned from Impact Evaluations**
- 15:30 – 16:00 Coffee Break
- 16:00 – 17:00 **Seminar Panel 1 (continued)**
- 17:00 – 17:15 **Wrap-up Day 1**
 Chair
- 17:30 **Reception (Arpad Bosch Building 13th floor)**

Friday, October 7, 2011

- 9:00 – 9:30 **Key Issues from Day 1 and Introduction Day 2**
 NC Building (Room NC 0.107 and NC 0.106/0.105)
- 9:30 – 10:30 **Seminar Panel 2: Evaluation Approaches for Intellectual Property**
- 10:30 – 11:00 Coffee Break
- 11:00 – 12:00 **Seminar Panel 2 (continued)**
- 12:00 – 13:30 Lunch Break

- 13:30 – 14:45 **Seminar Panel 3: Lessons Learned / Experiences in Implementing Various Types of Evaluation of IP**
- 14:45 – 15:15 Coffee Break
- 15:15 – 16:00 **Seminar Panel 3 (continued)**
- 16:00 – 16:30 **Final Wrap-up by Chair and Moderators/ Key Speakers**

Key Speakers and titles of presentations for the Seminar:

Introduction WIPO Evaluations

WIPO Evaluation Section lessons learned and future work

Speakers: Mrs. Julia Flores Marfetàn, Senior Evaluation Officer and Mr. Claude Hilfiker, Head of Evaluation

External Review of WIPO Technical Assistance in the Area of Cooperation for Development

Speaker: Dr. Carolyn Deere Birkbeck, Senior Researcher, University of Oxford

Keynote Lessons learned from the European Commission (EC) and the International Centre for Trade and Sustainable Development (ICTSD)

Speaker: Mr. Kamil Kiljanski, European Commission

Speaker: Mr. Christophe Bellmann, ICTSD Programmes Director

Moderator: Mr. Claude Hilfiker Head WIPO IAOD Evaluation Section Evaluation Section

Panel 1 Lessons learned from Impact Evaluations

Assessing the Impact of Intellectual Property Rights in Agriculture in Asia

Speakers: Dr. Jane Payumo and Prof. Keith Jones, Washington State University, United States of America

Using Systems Analysis to Assess the Impact of Intellectual Property Rights in Innovation Systems

Speaker: Mr. Sebastian Derwish, Central Advisory Service on Intellectual Property of the Consultative Group on International Agricultural Research (CGIAR), Italy

Benchmarking and Evaluating Intellectual Property Rights Support Services for Small and Medium Enterprises

Speaker: Mr. Alfred Radauer, Technopolis Group, Austria

Moderator: Mr. Carsten Fink, Chief Economist of the Economics

and Statistics Division

Panel 2 Evaluation Approaches for Intellectual Property

Impacts of Geographical Indications – Review of Methods and Empirical Evidences

Speaker: Dr. Dominique Barjolle, Swiss Federal Institute of Technology, Switzerland

Monitoring and Evaluation of the Effects of the Protection of Geographical Indications

Speakers: Prof. Andrea Marescotti and Prof. Giovanni Belletti, Department of Economics, University of Firenze, Italy

Moderator: Mr. Marcus Höpperger, Director Trademark and Design Law Division

Panel 3 Lessons Learned / Experiences in Implementing Various Types of Evaluation of IP

Fakes and Counterfeits: Evaluation of Information and Education Programs in Philippines

Speaker: Prof. Romeo Santos, Workland Institute, Philippines

Key Lessons Learned from the Self-Evaluation of the Swiss Vietnamese Intellectual Property Project

Speaker: Mr. Daniel Keller, Director, Swiss Consulting Co. Ltd., Viet Nam

Effects of WIPO's Creative Heritage Project on the Welfare of the Maasai Community

Speaker: Mr. Eliamani Laltaika, Tanzania Intellectual Property Rights Network, United Republic of Tanzania

Moderator: Mr. Wend Wendland, Director Traditional Knowledge Division

ANNEX II: List of Participants

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