Synergies between IP governance and South–South Cooperation on IP and Development

First WIPO Interregional Meeting on South-South Cooperation on IP Governance; Genetic Resources, Traditional Knowledge and Folklore; and Copyright and Related Rights

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WORKING PAPERS

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DEVELOPING COUNTRY COORDINATION IN INTERNATIONAL INTELLECTUAL PROPERTY STANDARD-SETTING

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South South Cooperation (SCC) is a well established principle and priority in the United Nations system of which WIPO is a member.

- **1974**: - First UN General Assembly resolution on SSC.
  - Establishment of UNDP special unit on SSC

- **2009**: - The High-level UN Conference on South-South Cooperation is held in Nairobi, Kenya.
  - Requires UN agencies to support and implement SSC

SCC is **not a substitute to North/South cooperation** but a complement to it.
South South Cooperation in IP: Why? (1)

- It makes sense for countries with similar levels of development and views on IP to seek to benefit from their respective experiences.

- This is a fundamental premise of the WIPO Development Agenda: IP should take into consideration different in levels of development:
  - DA recommendation 1: WIPO technical assistance shall be development-oriented, taking into account different levels of development of Member States.
  - DA recommendation 15: Norm-setting activities shall take into account different levels of development.
South South Cooperation on IP: Why? (2)

Changes in global geography/landscape of innovation provide further momentum to SSC on IP and development:

- Increase of IPRs applications from a number of emerging and developing economies
- Development of IP regimes in developing countries
- Increase of IP expertise in developing countries
- Regionalization of IP cooperation
- Increase of SSC on the ground and in different fora
SSC on IP and Development: What do we mean?

Two different aspects

**USE OF IP FOR DEVELOPMENT**
- Use of IPRs for economic development
- IP administration
- Infrastructure supporting the use of the IP system

**DEVELOPMENT ORIENTED IP**
- Balanced IP regimes
- Use of flexibilities, limitations and exceptions in IP rules
- Ensuring that IP is supportive of public policy objectives

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USE OF IP FOR DEVELOPMENT (1)

• IP policies and domestic coordination
  
  • **IP policies and strategies**: Elaboration and implementation of IP policies and strategies
  
  • **Domestic coordination on IP**: Need for an institutional inter-agency mechanism to coordinate domestic and international positions on IP (Brazil GIPI model)
USE OF IP FOR DEVELOPMENT (2)

- Use of IPRs for economic development
  - **Patents**: Use of patents by industry and public research institutions
  - **Copyright**: Creative industries more advanced in some developing countries than others
  - **GIs, Trademarks and Industrial designs**: Use by local industry and stakeholders
USE OF IP FOR DEVELOPMENT (3)

• IP administration

- **Patents**: Search and examination of patent applications (Pro Sur initiative, fast tracking of “green” patents)
- **Copyright**: Collective management
- **GIs, Trademarks and Industrial designs**: Processing trademark applications, Implementing GI regulations
USE OF IP FOR DEVELOPMENT (4)

• Infrastructure supporting the use of the IP system

  • Promoting innovation and technology transfer:
    • Elaboration and implementation of innovation strategies and plans
    • Different approaches: “frugal innovation” in India and “indigenous” innovation in China

  • Innovation and technology infrastructure:
    Strengthening scientific and R&D institutions
SSC on IP and Development: A mapping of issues

DEVELOPMENT ORIENTED IP (1)

• Aligning IP with development and public policy objectives

  • **IP/public policies:** Ensuring coherence and domestic coordination in formulation and implementation of IP/public policies
  
  • **Participation in international fora:** Ensuring coherence and coordination in (WTO/WIPO and IP fora/CBD, WHO, UNFCCC etc)
DEVELOPMENT ORIENTED IP (2)

• Use of flexibilities, limitations and exceptions
  • Sharing of experiences in using flexibilities and L&E: Some developing countries have more practical experience in this area (Brazil, India, China, Thailand, Malaysia etc.)
  • Reform of national IP laws: A number of developing countries have reformed/or are in the process of reforming their IP laws (India, Chile etc)
  • Public domain related issues
IP negotiations

- **International level**: better coordination at the multilateral level between developing countries
- **Regional level and bilateral level**: sharing of experiences in negotiating and implementing FTAs
DEVELOPMENT ORIENTED IP (4)

• Genetic resources, Traditional Knowledge and TCEs/Folklore
  • Genetic resources: implementing disclosure requirements in patent laws and use databases
  • Traditional knowledge and TCEs/Folklore: laws and regimes on TK protection
DEVELOPMENT ORIENTED IP (4)

- Genetic resources, Traditional Knowledge and TCEs/Folklore
  - Genetic resources: implementing disclosure requirements in patent laws and use databases
  - Traditional knowledge and TCEs/Folklore: laws and regimes on TK protection
Some suggestions

• Annual “thematic” meeting on SSC

• Further institutionalisation and mainstreaming of SSC throughout WIPO activities

• Consolidation of lessons learned and best practices
Thank you

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