



First Annual Conference on South-South Cooperation on Intellectual Property (IP) and Development

Conference
Geneva, September 28, 2012

REPORT

prepared by the Secretariat

The First Annual Conference on South-South Cooperation on IP and Development was held in Geneva as part of the implementation of the Development Agenda Project on *Enhancing South-South Cooperation on IP and Development among Developing Countries and Least Developed Countries (LDCs)*.

OPENING

1. Held at the World Intellectual Property Organization (WIPO) headquarters, the meeting was opened by Mr. Geoffrey Onyeama, Deputy Director General, Development Sector, WIPO.

In his opening statement, Mr. Onyeama welcomed the participants, on behalf of the Director General of WIPO, to the First Annual Conference on South-South Cooperation on IP and Development organized in the framework of the Development Agenda (DA) Project on *Enhancing South-South Cooperation on IP and Development among Developing Countries and LDCs*. This project, he stressed, aimed to promote and harvest the sharing of experiences and best practices in the field of IP through the organization of interregional expert meetings, annual conferences, and other deliverables such as a forthcoming webpage and platform for South-South cooperation. Pointing out the fact that the concept of South-South cooperation was within the United Nations (UN) mandate and had been a long-standing priority of the UN and a standing item of the UN General Assembly agenda, Mr. Onyeama highlighted the fact that South-South cooperation had long been recognized as a key means of effecting technical cooperation with the adoption, in 1978, of the *Buenos Aires Plan of Action for Promoting and*

Implementing Technical Cooperation among Developing Countries, and with the adoption of the UN General Assembly Resolution 33/134 stressing the key role to be played by the UN and its specialized agencies as promoters and catalysts of such cooperation. South-South cooperation, he added, had to be seen as another important stream of international cooperation running in parallel, rather than as a substitute, to North-South and triangular cooperation. As an important vector for the exchange of valuable knowledge, experiences and lessons learned to help developing countries and LDCs identify how best to use the IP system as a tool for achieving broader public policy and development objectives, South-South cooperation, he stressed, was particularly relevant for countries facing similar challenges and at similar levels of development. Referring to the First WIPO Interregional Meeting on South-South Cooperation which had been held in Brasilia, Brazil, from August 8 to 10, 2012, and which had focused on exchanges of national and regional experiences in the fields of traditional knowledge, traditional cultural expressions or folklore, genetic resources, IP governance, and copyright and related rights, Mr. Onyeama highlighted the fact that the report of the meeting was available and that a number of areas with great potential to benefit from enhanced South-South cooperation had been identified, including in particular: the use flexibilities, exceptions and limitations, collective management of copyright and related rights, innovation promotion, including partnerships between universities, research and development institutions and businesses in developing countries and LDCs, as well as trans-boundary and shared traditional knowledge, cultural expressions and genetic resources. South-South cooperation, he underlined, could play a catalytic role in these areas and in particular in achieving development goals. Mr. Onyeama also pointed out to a number of successful examples of South-South cooperation at the international level such as the WIPO Friends of Development Group which had led to the adoption of the DA, as well as the cooperation between India, Brazil and South Africa in the context of IBSA to pursue goals of common interest. South-South cooperation, he added, had been a successful mechanism for horizontal cooperation, and in this context, he also pointed out to the recent signature of a Memorandum of Understanding (MoU) between WIPO and the Government of Brazil for the promotion of South-South cooperation in the field of IP through a partnership program that would aim to provide technical assistance to developing countries and LDCs. This MoU, he stressed, was a clear and concrete example of a country that was putting into place a mechanism to promote, in partnership with WIPO, South-South cooperation, and this was indeed a very important initiative. Mr. Onyeama concluded his opening statement by highlighting the fact that a report of the conference would be prepared by the Secretariat and that the event would also be webcasted live and video recorded to ensure an as wide dissemination of the conference as possible.

TOPIC 1: PRESENTATION OF THE WORK UNDERTAKEN IN THE FRAMEWORK OF THE FIRST INTER-REGIONAL MEETING ON SOUTH-SOUTH COOPERATION ON TRADITIONAL KNOWLEDGE, TRADITIONAL CULTURAL EXPRESSIONS AND GENETIC RESOURCES

1. Mrs. Natasha Pinheiro Agostini, Secretary, Intellectual Property Division (DIPI), Ministry of External Relations, Brasilia, Brazil, introduced the first topic stressing the fact that the First Interregional Meeting on South-South Cooperation had been very fruitful and that many ideas and inputs had been discussed and presented. The Annual Conference was an opportunity to take stock of this work and to identify how this process could be taken further in the spirit of enhanced South-South cooperation. The issues of the protection of traditional knowledge (TK), traditional cultural expressions (TCEs) and genetic resources (GRs) were at the heart of developing countries' interests and the traditional framework of protection of IP rights, she stressed, did not take into account the role that IP systems could play in protecting TK and TCEs from misappropriation and in generating and equitably sharing benefits from their commercialization, nor did it take into account the role of IP in access to and benefit-sharing in the field of GRs. For a long time, Mrs. Agostini highlighted, international discussions had been centered on the preservation, or the safeguarding, of TKs, TCEs, and GRs in order to ensure their maintenance and viability, with the objective to make sure that they did not disappear.

Today, she added, countries were facing a different challenge, namely the development of models of protection. In Brasilia, representatives from developing countries had discussed the use of IP tools and principles to prevent the unauthorized or inappropriate use of TK and TCEs by third parties, in order to ensure that the intellectual innovation and creativity embodied in TK and TCEs are not wrongly used. Two approaches to the IP system were deemed important, both positive and defensive approaches. On one hand, participants acknowledged the importance to enable holders to acquire and assert IP rights in their TK and TCEs to allow them to prevent unwanted, unauthorized or inappropriate uses by third parties and to exploit TK and TCEs commercially as a contribution to their economic development, with the objective to ultimately empower communities. On the other hand, experiences regarding the prevention of illegitimate acquisition or maintaining of IP rights by third parties were also discussed. The participants recognized the need for mechanisms to stop people outside the communities from acquiring IP rights over TK and TCEs. With regard to the protection of GRs, discussions were also held on the implementation of obligations derived from the Convention on Biological Diversity (CBD) related to prior informed consent, mutually agreed terms, fair and equitable benefit-sharing, and the disclosure of origin. Pointing out the fact that some of the most comprehensive and innovative legislations on the protection of TK, TCEs and GRs could be found in developing countries, Mrs. Agostini stressed the fact that the First Interregional Meeting in Brasilia had provided an opportunity to review some of the policies and actions that were being implemented by Member States on the subject and underlined the fact that this area would greatly benefit from enhanced South-South cooperation.

Acknowledging the participation of the representatives from developing countries and speakers who contributed to the topic by sharing their national and regional experiences on the protection of TK, TCEs and GRs, Mrs. Agostini focused her presentation on four areas: legislative developments, trans-boundary issues, regional frameworks and international negotiations. Referring first to legislative developments in the field of GRs, Mrs. Agostini pointed out the fact that many developing countries had created and improved institutional bodies responsible for elaborating and executing public policies for the protection of GRs in their countries (such as for instance the Biopiracy Prevention Commission in Peru, the Genetic Resources Council in Brazil, the Biodiversity Commission in India, and the National Council for Genetic Resources in Costa Rica). Developing countries had also put into place mechanisms that provide for a defensive protection of GRs based on the IP system (including Brazil, the Andean Community, Costa Rica, India, Indonesia, Panama and China). The most modern schemes for access and benefit-sharing (ABS), she added, had been elaborated by developing countries. In light of this, it made no doubt that cooperation on implementing ABS mechanisms could be a very fruitful path for developing countries. Using a national example, she pointed out that Brazil had started to implement its national framework on the protection of GRs over ten years ago. The logic of Brazilian ABS legislation was similar to that already established in other countries. It involved issuing permits of access to activities of scientific research or bioprospecting to user institutions. To receive a permit, applicants had to prove that they complied with ABS requirements. In the Brazilian case, the link with the IP system was very clear: every patent applicant had to declare, at the time of the patent application, whether or not it had been obtained due to access to GRs and whether it was in compliance with the law of access, in which case it would have to provide the number and date of the relevant authorization. The connection between the laws of access and IP was not intended to injure the granting of patents or to inhibit technological innovation; rather, the use of the IP system as a checkpoint was deemed appropriate in a way that it converged with the ABS system and both could benefit by improving their implementation and reliability. A number of developing countries, Mrs. Agostini pointed out, had already visited Brazil to learn from its model. The current legislation, she added, was under discussion and in this context, Brazil was also very interested in learning from other experiences to improve its national system. Comparative studies and exchanges of information on the interface between ABS and IP systems were a great field of opportunity for South-South cooperation. In this regard, a challenge that had been noted by some participants in Brasilia was the need for a truly

common approach to ABS, an approach that would facilitate the international application of ABS requirements, as well as trans-boundary cooperation.

With regard to trans-boundary issues, Mrs. Agostini pointed out that the discussions in Brasilia had also focused on the difficulties to protect shared TK, TCEs and GRs. Representatives in Brasilia had agreed that this was an issue that had not yet been adequately tackled at the international level. To the extent that contract based solutions were largely domestic strategies and that IP rights were traditionally territorial rights, the use of TK, TCEs and GRs with an international dimension called for sui generis and innovative solutions. Taking for example a situation where resources were found in more than one country, there was a potential danger of companies playing indigenous communities against each other to attract the lowest prices. An international or regional arrangement, she added, could discourage this by coming up with a predetermined formula for allocating benefits that resulted from the exploitation of such common resources. One of the voiced solutions in Brasilia had been the development of an international access scheme which would impose responsibilities on the provider and the user countries in terms of cooperation, enforcement, and allocation of benefits. Such a solution, she stressed, would improve considerably the regulatory environment on TK, TCEs and GRs. Another idea that had been presented in the meeting was the application of the reciprocity principle through Mutual Recognition Agreements (MRAs). MRAs, which had been used particularly in cases where the harmonization of different trade international standards had proven to be difficult, allowed for the entry and sale of products or services without requiring fundamental regulatory convergence, and this could form the basis of an international agreement open to other countries. With no clear conclusions regarding the possible and most effective forms of implementing trans-boundary protection, it was however clearly identified that South-South cooperation could play an important role in the development of schemes for protection in situations where GRs, TKs and TCEs were shared between two or more countries.

With regard to regional frameworks, Mrs. Agostini referred to the point made by the representative of Jamaica highlighting the importance of regional cooperation in the framework of the Caribbean Community (CARICOM) and in particular the Revised Treaty of Chaguaramas, under which Member States shall put into force mechanisms to ensure the preservation of indigenous Caribbean culture and the legal protection of expressions of folklore, TK and national heritage particularly of indigenous populations in the Community. In this context, CARICOM had established a working group on TK, TCEs and GRs which had prepared a policy paper to be reviewed by the Ministers responsible for IP issues in a meeting scheduled to be held in 2012, and the outcome of the meeting was expected to lead to an agreement to proceed to a legal instrument, possibly a regional treaty, on how to treat the subject area. The representative of the African Regional Intellectual Property Organization (ARIPO) had on the other hand provided information on the development and adoption of the Swakopmund Protocol on Traditional Knowledge and Expressions of Folklore. The 2010 Protocol, Mrs. Agostini highlighted, was a comprehensive treaty defining TK, folklore and beneficiaries; it also established positive or exclusive rights for holders, provided for prior informed consent and mutually agreed terms, including IP clauses; and indicated National Competent Authorities for implementation of the Protocol. Both CARICOM and ARIPO, she added, were carrying out important work in parallel to the negotiations taking place in the framework of the WIPO Intergovernmental Committee (IGC) on the subject, and other regional groups were also producing relevant work in this area of GRTKF protection. In this context, the strengthening and development of regional as well as interregional agreements were also a promising field of cooperation for developing countries. With regard finally to the question of international negotiations, representatives from developing countries in Brasilia had supported the position that an international treaty with clear provisions on the protection of TK, TCEs and GRs was strongly needed and had expressed their desire to conclude negotiations in the IGC and reach an agreement. To ensure a truly inclusive IP system, she underlined, it was necessary to find solutions that benefited all countries and not just the most innovative economies. Participants in Brasilia had agreed that it was time to renew efforts and political will in order to conclude negotiations. There was indeed an urgent need for well-established, culturally appropriate and

predictable rules at the international level. With this objective in mind, it was paramount to strengthen coordination efforts between developing countries and LDCs in the context of the negotiations at the IGC.

In conclusion, Mrs. Agostini pointed out the fact that many good ideas on South-South cooperation had been proposed during the First Interregional Meeting and that it was essential to continue this work and take into account the suggestions made during the meeting. The protection of GRTKF was a very important area for developing countries and LDCs, and in this context, it was indeed fundamental to strengthen South-South cooperation in this area.

DISCUSSION

1. In the context of the discussion on topic 1, the Delegate of Zambia pointed out that a major problem faced by developing countries and LDCs, in addition to the issue of adequate protection of TK, TCEs and GRs, was the fact that the communities often did not reap the benefits of the resources that belonged to them and asked how this issue had been tackled in the First Interregional Meeting.
2. In response, Mrs. Agostini pointed out the fact that the issue of benefit-sharing had indeed been discussed in Brasilia, as highlighted under the first point of her presentation on legislative developments and that, indeed, this had been identified as an important area for further cooperation. Many developing countries had put into place mechanisms to allow for benefit-sharing taking into account the interests of the communities, providing for prior informed consent as well as for mutually agreed terms. With regard to South-South cooperation, Mrs. Agostini added the fact that the question of how various national legislations and mechanisms had been put into place and how communities had benefited from these mechanisms until now was also an important topic to address. The exchange of national experiences and trans-boundary cooperation in the context of shared TK, TCEs and GRs were particularly important.
3. The Ambassador of Costa Rica then took the floor to stress the value of South-South cooperation as one important technical cooperation option. Given that technical cooperation resources at world-level had been reduced, he pointed out the fact that South-South cooperation or triangular cooperation were indeed very necessary. All countries could learn from each other, and this is why the WIPO South-South initiative was particularly important. In this regard, it was also important to identify and work on a number of concrete projects to add value and importance to this mechanism.
4. The Ambassador of Egypt took the floor to highlight the fact that Egypt was in the process of drafting a national law on IP for the protection of GRTKF, with the legislative advice and support of WIPO, and that the sharing of experiences and lessons learned with countries which already had national laws in this area would be most welcome, in order, in particular, to exchange information on the challenges that had been encountered and the benefits of implementing such laws. In this regard, the Ambassador added that it would also be useful if WIPO could prepare a comparative legal study on national laws implemented in developing countries in the area of GRTKF.
5. Supporting the proposal made by Egypt, the Delegate of Nigeria added that such an exercise could be done in the context of South-South cooperation or with the support of WIPO and that it was indeed important for developing countries and LDCs to be aware of the various opportunities and options available to them, taking into account the fact that no one size fits all.
6. Mr. Wend Wendland, Director of the Traditional Knowledge Division, WIPO, brought to the attention of the participants the fact that there was already on the WIPO website a database of all national laws dealing with GRs, TK and folklore, which all countries could access and search

freely. It also contained summaries of the different laws, comparing them across various issues. These summaries, he pointed out, had been prepared some years ago (2003-2004) and the Secretariat confirmed its willingness to expand upon these summaries and update them accordingly. No State opposed the idea.

TOPIC 2: PRESENTATION OF THE WORK UNDERTAKEN IN THE FRAMEWORK OF THE FIRST INTER-REGIONAL MEETING ON SOUTH-SOUTH COOPERATION ON COPYRIGHT AND RELATED RIGHTS

1. Mr. Mihály Ficsor, Chairman of the Central and Eastern European Copyright Alliance (CEECA), Budapest, took the floor to present the work undertaken in the framework of the First Interregional Meeting on South-South Cooperation with regard to the discussions related to copyright and related rights. Pointing out the success of the First Interregional Meeting, Mr. Ficsor stressed the fact that the meeting had benefited from both a very active participation and a number of interesting inventive ideas, including the initiative taken by the Secretariat to introduce each topic discussion with video statements from relevant WIPO officials.

Quoting Mr. Paulo Mesquita, Head of the Economic Department, Ministry of External Relations, Brazil, stating that “the Development Agenda had a very short history and was still a learning process both for WIPO as well as for its Member States”, Mr. Ficsor stressed the fact that the success of the meeting should be viewed in this context, as part of the learning process of implementing the DA in a way that it fits into the general objectives of WIPO and into development considerations with less abstract ideology and a more results-oriented pragmatic approach. Reiterating the fact that South-South cooperation was an important stream of international IP cooperation, but not a substitute to multilateral and North-South cooperation, Mr. Ficsor underlined the fact that IP may only serve development if the IP system itself was development-oriented. A key concept implied there under was the idea that developing countries and LDCs should get special treatment, as recognized by WTO in the context of the obligations contained in the TRIPS Agreement, and as present in the Appendix to the Berne Convention and the WIPO Internet Treaties with regard to compulsory licenses for educational research purposes in the form of translation reprints. A development-oriented IP system should of course guarantee sustainable creation and production but also ensure well-balanced access. Another important aspect that transpired from the discussions was the fact that while developing countries should be open to cooperation and mutual understanding, they should not buy into ready-made ideas and solutions but have their own positions, which, he stressed, was a very important *raison d'être* for South-South cooperation. In the field of copyright which was very much ideology-stricken, he added, developing countries should adopt positions based on development considerations following a concrete, issue-oriented, practical and pragmatic approach.

With regard to copyright, Mr. Ficsor pointed out the fact that it had become clear from the discussions in Brasilia that all the basic objectives were the same but that the development-oriented aspect may prevail differently in the field of copyright and related rights than in the field of industrial property rights. There were significant differences both from the viewpoint of levels of development and with regard to areas of special conditions and interests. In the formation and operation of the copyright system, he noted the fact that cultural productions were of a double nature. Indeed, although they are goods and services to which certain general rules apply, they also embody cultural values and are important from the viewpoint of the protection of cultural identity and diversity. Copyright was also closely related to human rights such as free speech and access to knowledge and culture. Turning to the concrete copyright issues which had been discussed in Brasilia, Mr. Ficsor pointed out the success of the Beijing Diplomatic Conference which had taken place in June 2012 and which had been both a success of multilateralism and a success of a spirit of compromise. The Treaty, he stressed, included many principles of the DA and clarified the relationship with the TRIPS Agreement emphasizing

the development-oriented aspects and other aspects of the TRIPS Agreement, and confirmed the principles and basic provisions of the WIPO Internet Treaties, in particular the WIPO Performances and Phonograms Treaty (WPPT). It also solved the problem of transfer of rights with a flexible compromise solution on the issue. As far as exceptions and limitations were concerned, the Treaty, he added, guaranteed flexibility with the application of the “three-step test”, and although the Treaty recognized the necessity of applying certain so-called technological protection measures on the basis of the experience obtained in the application of the two Internet Treaties, it also clarified that there must be a possibility for the contracting parties to guarantee in an efficient way the applicability of exceptions and limitations justified by public interests under the control of the three-step test.

With regard to the issue of balancing of interests, Mr. Ficsor referred to the first of the three diplomatic conferences (which had led to the adoption of the basic Copyright Treaty, i.e. the Berne Convention in 1886) during which the Chairman, Mr. Numa Droz, had stated that the copyright system should not just serve the interests of the right owners but that it should also be well balanced and that it should take into account the public interest, in particular interests in the field of education. The three-step test had been introduced for the first time in Stockholm in 1967 with regard to the right of reproduction and had been extended in the TRIPS Agreement (Article 13), in the WPPT, as well as for industrial design and patent rights. While Articles 7 and 8 of the TRIPS Agreement relating to flexibilities concerned mainly industrial property rights, the basic principles such as the fact that the IP system should be well-balanced were also very much applicable to copyright. Mr. Ficsor also pointed out to the fact that there were currently some debates in the academic world with regard to how the three-step test should be applied, with one position advocating that the three conditions should be mixed together and another position advocating that they should be applied step by step. The discussions in Brasilia on the topic highlighted the fact that what was in fact important was not whether the three conditions of the test were considered, in principle, step by step or together, but the fact that the three conditions should be applied appropriately, in other words in accordance with the purpose of the test to establish appropriate balance. Turning to the Appendix to the Berne Convention, Mr. Ficsor stressed the fact that while the Appendix was clearly out of date (in the case of reprint compulsory licenses, 3 years – sometimes 5 or 7 years after publication – had to elapse before compulsory licenses may be granted, which had become irrelevant with the apparition of Xeroxing photocopying, the Internet and digital technology), the important principle that some countries needed special treatment, especially in the field of education and research, was already well established in the Appendix. Last but not least, the issue of collective management had also been extensively discussed in Brasilia, with the understanding that collective management organizations do not just collect and distribute money but also promote creativity, and this area was in fact identified as an important area for enhanced South-South cooperation.

2. Mr. Joseph Fometeu, Professor at the Faculty of Legal and Political Sciences, University of Ngaoundéré, Cameroon, then took the floor to focus more specifically on the work undertaken in Brasilia on the protection of broadcasting organizations and on copyright limitations and exceptions for libraries, archives, educational and research institutions, and visually impaired persons (VIPs). With regard, first, to the protection of broadcasting organizations, Mr. Fometeu noted that several countries in the South had put in place systems that protect radio broadcasting organizations, such as Kenya for instance (Copyright Act of 2001, which protects the content), or Ghana (Copyright Act of 2005, which covers a wider protection of both the content and the signal). A review of various national legislations had drawn attention to the fact that different terminologies were being used and encountered. In the case of Cameroon for instance, the focus was on the protection of programs, i.e. the images and sounds to be broadcasted, while in Brazil there were several legal texts governing broadcasting, including for instance Law 9.610 from 1998 which states that radio broadcasting organizations have the right to authorize or prohibit the transmission of the signal but that this legal provision does not exist to benefit the actual broadcasters who have a user pay system nor those who web broadcast. In the case of Brazil, he pointed out, broadcasting organizations

were dealt with under different laws depending on the categories they were being assigned to. In the case of Egypt on the other hand, the laws on broadcasting provided for a prohibition of wireless transmission without the authorization of the Radio and Television Union. The Egyptian law also clearly distinguished between signal and content. This diversity in the terms of protection in the various national laws and the different legislative approaches, he stressed, made it difficult to envisage further cooperation in this area. In order to close the gap and reduce these disparities, there was an urgent need for clarity and harmonization with regard to concepts. The term broadcast used by the Convention of Rome, he highlighted, could be interpreted in two ways. Firstly, the term could be understood as the dissemination of sounds and images, in which case the word broadcast referred to the fact of broadcasting, i.e. to the signal itself. A second interpretation of the term, he stressed, referred to broadcast as being the result of broadcasting, which implied that the word broadcast referred to the program being watched or listened to. In the first scenario, it was therefore the technical creation of the signal which was protected, whereas in the second scenario, the protected activity referred to a sequential series of operations. The issue of the protection of broadcasting organizations therefore had to tackle three aspects: the signal that carries the program; the program carried by the signal; and the content of the program which is at the same time the content of the signal, and which includes both protected as well as non-protected works. The discussions on the subject in Brasilia, he stressed, had concluded that it was not possible to separate content and signal and that a poor protection of the signal ultimately led to poor protection of the content. The rights of broadcasters should therefore not conflict with the rights that exist for the content of programs. Taking into account the current situation and lack of internationally legally binding text to protect the rights of broadcasters, participants in Brasilia had agreed that there was a need for a draft treaty on the subject.

With regard to copyright limitations and exceptions for libraries, archives, educational and research institutions, and VIPs, and in particular with regard to the issue of limitations and exceptions for libraries, Mr. Fometeu pointed out that while a number of countries did not have any exceptions and limitations for libraries, even in countries with exceptions for libraries, libraries were often subjected to the payment of royalties for the use of protected works. When no appropriate exceptions were provided for, the facilities offered by the Internet could not be used, which resulted in the impossibility to share resources among libraries for knowledge-sharing purposes and ultimately harmed developing countries and persons in rural zones or isolated areas. It was also noted that certain topics that had been discussed in the negotiations for a treaty for libraries and archives had not been addressed in national legislations, which had resulted in a situation whereby some libraries were not covered by appropriate limitations and exceptions. In this context, he stressed, the draft treaty currently under negotiation was indeed an important opportunity to overcome these gaps. With regard to limitations and exceptions for educational and research institutions, it was noted that most national laws provided for this type of exceptions and limitations and that it would be useful to analyze how these exceptions and limitations were being implemented at the national level. As far as VIPs were concerned, Mr. Fometeu highlighted the fact that VIPs did not currently benefit adequately from exceptions and limitations because the large majority of countries did not provide for any exceptions for the visually impaired. It was noted that only about eleven percent of all countries had such exceptions and limitations in place, with only two countries in the African region, Nigeria and Cameroon, which meant that an international instrument for the visually impaired would be truly a step forward.

Referring to South-South cooperation, Mr. Fometeu pointed out the fact that some fundamental principles of cooperation were already contained in international instruments, such as, in particular, the national treatment rule and principle of reciprocity. Exchanging experiences with other countries, as highlighted in Brazil, he stressed, was very beneficial, and the meeting in Brasilia had also provided an opportunity to recall the fact that South-South cooperation was a well established principle in the UN, which had adopted many resolutions and had encouraged its agencies to streamline South-South cooperation into all of their activities. Many interesting

proposals had been put forward in Brasilia which could be found in the detailed report of the First Interregional Meeting, including for instance, in the field of exceptions and limitations for VIPs, the proposal made by Brazil to exchange its large number of works in accessible format with other countries in the spirit of South-South cooperation. Mr. Fometeu concluded his presentation by emphasizing the fact that South-South cooperation was not a substitute to North-South cooperation but a complement to it and that it was in the interest of developing countries and LDCs to drive this process forward.

TOPIC 3: PRESENTATION OF THE WORK UNDERTAKEN IN THE FRAMEWORK OF THE FIRST INTER-REGIONAL MEETING ON SOUTH-SOUTH COOPERATION ON IP GOVERNANCE

1. Mr. Ahmed Abdel Latif, Senior Programme Manager, Programme on Innovation, Technology and IP at the International Centre for Trade and Sustainable Development (ICTSD), Geneva, took the floor to present a brief overview of the discussions on the broad issue of IP governance. He started his presentation by stressing the fact that he fully agreed with the assessment made by Mr. Ficsor that the First Interregional Meeting had been very successful, with a fruitful exchange of views on the topics related to IP governance and on how South-South cooperation could positively contribute to this area. Recalling the fact that South-South cooperation was a well established principle and priority in the UN system since 1974 with the first UN General Assembly Resolution on South-South Cooperation, Mr. Latif pointed out the fact that most UN agencies and programs had specific units and activities on South-South cooperation. While many WIPO activities may have been carried out in the past under the spirit of international South-South cooperation, these had not necessarily been labeled as such.

With regard to South-South cooperation in the field of IP and development, Mr. Latif stressed the fact that it was important to note that the issue of differences in levels of development was embedded in the DA. The DA, he stressed, emphasized the fact that differences in levels of development should be taken into consideration in IP governance, and the recommendations of the DA approved by all Member States on norm setting, delivery of technical assistance and building of IP institutions mentioned the need to take into account these differences. In this regard, he added, it certainly made sense for developing countries and LDCs with similar levels of development to seek to benefit from each others' experiences. In Brasilia, he added, an important point which had been made was the fact that innovation systems in developing countries and LDCs shared many common realities and many common features such as weak capabilities or lack of research and development investment in the private sector, which made it a very fertile ground for sharing experiences. In addition to the fact that South-South cooperation was already in some respect embedded in the DA, the changes which had occurred in recent years in the global IP landscape, such as increased applications in IP rights from developing countries and growing IP expertise in developing countries and LDCs with a growing regionalization of IP cooperation had provided further momentum for South-South cooperation in the field. In this regard, Mr. Latif pointed out to the de facto growth of South-South cooperation on IP in different fora such as in the context of IBSA, BRICS and BASIC countries, as well as in other regional fora and organizations such as ASEAN.

An important point to underscore when talking about IP and development was the fact that IP was not to be seen as an end in itself. The ultimate objective, he stressed, was to promote creativity, innovation, access to knowledge etc. Keeping this in mind, there were two distinct but complementary dimensions to take into account when talking about IP and development, namely the use of IP for development (i.e. how to use IP to promote innovation and economic growth, how to improve IP administration, how to strengthen the infrastructure supporting the use of the IP system) and development-oriented IP (i.e. the search for balanced IP regimes, the use of flexibilities, limitations and exceptions in IP rules, efforts to ensure that IP is supportive of public policy objectives, the interface between IP and competition policy, as well as the protection of TK, TCEs and GRs). South-South cooperation, he stressed, should embrace

these two dimensions. With regard to the first dimension, Mr. Latif pointed out the fact that the wide range of issues related to IP governance included IP policies, and that many developing countries were developing and implementing IP policies, such as China for instance or Senegal. There was, in this particular area, a lot of room for exchanging experiences. Coordination on IP issues was another important area. In recent years, there had been a realization that IP touches upon many areas such as innovation, technological transfer, health, education, or agriculture, and many countries had realized that they needed, at the domestic level, an instrument or mechanism to help them coordinate their IP positions both domestically and internationally. Brazil, he pointed out, was one of the countries which had for the longest time had an effective domestic coordination mechanism on IP issues, and Egypt had also established, in 2006, an interesting coordination mechanism. With regard to the use of IP rights for economic development and innovation, Mr. Latif highlighted the fact that the use of patents by industry and public research institutions was a very important issue for many developing countries and that many countries were seeking to promote the use of IP by, *inter alia*, universities and publicly-funded institutions. Many interesting experiences in this field, he stressed, could be shared from countries such as Brazil, China, Egypt, India, or South Africa. In the field of copyright, creative industries, copyright administration and collective management, some countries were again more advanced than others and developing countries and LDCs would greatly benefit from further sharing of experiences in these areas. In the field of IP administration, the issue of search and examination of patent applications was also a common challenge for many developing countries because of limited capacities and the need for automation and other information technology. The PROSUR initiative was in this context a very interesting initiative to highlight. As a promising example of South-South cooperation in the field of IP administration, the PROSUR initiative was an initiative between the IP authorities of nine South American countries to cooperate on patent and trademark examinations. An integrated web portal with access to services in the nine countries had been developed and they were now looking at ways to institutionalize this collaboration further and offer regional IP rights. The promotion of innovation was also an important concern and challenge for developing countries and LDCs, and different approaches had emerged such as the concept of “frugal innovation” in India, the Chinese “indigenous” innovation model, or the innovation strategy of Brazil putting emphasis on the importance for instance of patents. How to attract research and development and encourage collaboration in this area was also an important area for the South, and again, a very fertile ground for the exchange of experiences and best practices.

Referring to the concept of development-oriented IP, i.e. how to ensure that IP is supportive of public policy objectives in areas such as health, agriculture or climate change, Mr. Latif pointed out that many countries were looking at ways to ensure consistency in these areas and to adopt coherent positions at the international level. The use of flexibilities, limitations and exceptions was also an area of growing interest for developing countries and some countries had more practical experience than others, in the field, for instance, of the use of compulsory licensing. An interesting example in terms of South-South cooperation in this area was the example of a number of East African countries which had used flexibilities in the field of public health and which had attracted investments from India to establish manufacturing capacities in the area of pharmaceuticals in these countries. Mr. Latif also pointed out the fact that a number of developing countries had reformed or were in the process of reforming their IP laws, which provided a lot of ground for exchanges, including in the field of GRTKF where some developments such as the Traditional Knowledge Digital Library developed by India had attracted the interest of many countries.

In conclusion, Mr. Latif reemphasized the fact that South-South Cooperation could clearly make a positive contribution to IP governance and that there were a wide range of areas of IP governance where South-South cooperation could be useful and add value, particularly in terms of development-oriented technical assistance and capacity building, and in the field of innovation promotion and collective management. Such sharing of experiences, as discussed in Brasilia, should however be seen as a first step only, and the next possible step, he stressed,

could be to draw lessons learned using specific tools such as case studies and best practices. In this regard, he pointed out the fact that some activities were already taking place within WIPO in the area of commercialization of publicly-funded research and IP with specific case studies showcasing successful country examples in this area. Such examples and best practices, he concluded, could for instance be addressed in the framework of the Second Interregional Meeting on South-South Cooperation.

DISCUSSION

1. The Delegate of Egypt took the floor to underline the fact that developing countries did indeed share many common challenges, expressing the hope that specific projects would be developed and implemented between developing countries with a view to sharing experiences and building capacities. Agreeing with the point made that certain countries had different capabilities and capacities and that these countries should join hands with other less developed countries, the Delegate of Egypt stressed the fact that this was the only way forward in terms of South-South cooperation and that an important activity to be carried out in this context should be to develop an online portal to highlight and showcase all the experiences of developing countries and LDCs with a view to identifying concrete cooperation projects on that basis.
2. Referring to the concept of using IP for development, the Delegate of ARIPO underlined the fact that there was indeed a strong need for exchange of knowledge in the field, in particular, of innovation and creativity promotion. Pointing out the fact that the past ten years had seen low levels of IP generation, an important question to address was how to draw on the experiences of the emerging countries to leverage IP for the economic, social and economic development of developing countries and LDCs. In this regard, the Delegate of ARIPO proposed that the Second Interregional Meeting on South-South Cooperation would look at concrete strategies and successful examples of innovation promotion, such as India or China for instance. To move forward, he added, there was a need to find mechanisms to ensure that developing countries and LDCs not only learn from each other but also adopt approaches that promote development and enhance innovation and creativity, such as for instance in the field of IP commercialization and monetization. He concluded by pointing out the fact that ARIPO, as a regional organization, had over the years pursued an approach of harmonization and putting resources together and that such regionalization could also be the basis for fostering South-South cooperation.
3. Reacting to the Delegate of ARIPO's comment, Mr. Latif pointed out the fact that most literature on innovation was about OECD countries and how they promote innovation. In the context of developing countries and LDCs, it was important for each country to analyze all the different solutions and to adapt and localize them to suit their own circumstances and levels of development.
4. The Delegate of South Africa pointed out the need to identify areas in which South-South cooperation can be used to promote development in developing countries and LDCs, after which there would also be a need to monitor and evaluate the effectiveness of such cooperation. Taking into account the fact that countries share many common challenges, he also pointed out the fact that policy solutions and approaches may differ in accordance with each country's circumstances and that these different realities had to be taken into account when developing solutions, sharing information and exchanging experiences.
5. In response to the question raised by the Delegate of the Philippines as to whether differences between developing countries and LDCs had also been discussed during the First Interregional Meeting on South-South Cooperation, Mr. Latif stressed the fact that the learning process also included looking at differences and not just at similarities between countries. What was important however was to look at the level of development of each country as there were

countries, across regions and with different socio-economic circumstances, that were at the same level of development and that could benefit from each other's experiences.

6. The Delegate of Algeria took the floor to underline the fact that South-South cooperation made indeed a lot of sense and could be particularly successful in the field of IP where concrete areas for cooperation could be much more easily identified than in other areas of South-South cooperation and where it was clear which institutions were concerned. South-South cooperation, she added, could take place gradually. Using the example of the Maghreb region, the Delegate of Algeria pointed out a cooperation initiative between the copyright offices of Algeria, Morocco and Tunisia for the sharing of experiences and expertise in the field of the management of copyright operations in the three countries. This type of experience and model, she added, could be applied and replicated in other countries and across regions, at the sub-regional, regional as well as international level.

TOPIC 4: EVALUATION OF THE FIRST INTER-REGIONAL MEETING ON SOUTH-SOUTH COOPERATION. GENERAL DISCUSSION

1. Taking into account the feedback gathered from the participants to the First Interregional Meeting on South-South Cooperation through an evaluation questionnaire which had been distributed at the end of the meeting, the Secretariat presented a brief overview of the results of the evaluation exercise carried out in Brasilia. As reflected and approved by Member States in the project document, the Secretariat pointed out that the main objectives of the First Interregional Meeting had been to provide a forum for fostering knowledge-sharing and dissemination of experiences, best practices and lessons learned among developing countries and LDCs on issues related to GRTKF, IP governance, and copyright and related rights. It had also intended to help identify priorities and special needs of developing countries and LDCs in these areas, including opportunities for enhanced South-South cooperation.

With regard to the level of attendance, 85 participants from 32 developing countries and LDCs (with a wide range of participants from Brazil) had taken part in the meeting, in addition to representatives from 5 developed countries, 3 intergovernmental organizations and 2 non-governmental organizations. The meeting had been publicized on the WIPO website and via Twitter, with live webcasting and video recording of all the discussions. Based on the evaluation exercise and the feedback gathered, some important lessons were learned. In particular, participants confirmed the usefulness of South-South exchanges and the fact that the meeting had helped identify common trends and opportunities for enhanced South-South cooperation (including for instance on the issue of management of shared GRTKF, the establishment of efficient collective management systems, and the use of flexibilities, exceptions and limitations). Finally, it was generally agreed that more focused thematic meetings would be useful.

An analysis of 47 completed questionnaires focusing in particular on the overall rating of the meeting, the attainment of the meeting objectives, and the contribution of the meeting to the DA project's main objectives, highlighted the following: with regard to the overall rating of the meeting, it was noted that over 89% of the participants had rated the meeting as good, very good or excellent; with regard to the attainment of the meeting objective which was mainly to "foster the sharing of national experiences and information on the process of design of national IP policy and legislation, and its implementation, and use of IP flexibilities", the Secretariat pointed out that 80% of participants had been satisfied, very satisfied or totally satisfied. Turning to the contribution of the meeting to the project's main objectives such as, firstly, its contribution to a "better understanding of IP and its potential contribution to development in developing countries and LDCs", 53% of the participants had responded that the meeting fully contributed to this objective and 43% that it contributed at least partially to it. With regard to the contribution of the meeting to the objective of "identifying priorities and special needs of developing countries and LDCs in the area of IP and development", 33% of the respondents agreed that the meeting had contributed fully to this objective and 57% partially. Regarding the contribution of the meeting to the objective of "raising awareness of the strategic use of IP to

foster domestic creations and creativity in developing countries and LDCs”, 58% had responded totally and 37% partially; and finally, with regard to the objective of “increasing the capacity of developing countries and LDCs to share their knowledge, experiences and best practices”, 41% of the participants had responded that the meeting totally contributed to this objective and 57% partially.

2. Mr. José Estanislao do Amaral, Deputy Permanent Representative of Brazil to the WTO and other economic organizations in Geneva, taking into account the fact that Brazil had been the host of the First Interregional Meeting, took the floor to present the perspective of the host country on the subject. Mr. do Amaral started by pointing out the fact that a major challenge had been the selection of topics and structure of the meeting program, especially as it had been the first event within a wider process established under a completely new initiative in WIPO. The final structure of the meeting, he stressed, had been developed in close cooperation with WIPO, including with the WIPO Brazil Office. The meeting, which had been attended by close to 40 countries, had certainly provided a valuable opportunity for developing countries and LDCs to exchange experiences, and a reading of the full version of the report of the meeting confirmed that a very rich discussion had indeed take place. In this regard, the First Interregional Meeting had inarguably been a good start for the DA project.

The feedback gathered after the first meeting had shown on the other hand that, however rich the exchange of views which had taken place in Brasilia and however good the quality of the presentations, some developing countries present at the meeting had regretted the fact that there had been no concrete outcome of the meeting. A review of the concluding remarks made by some delegations during the meeting showed a clear degree of frustration over what had been perceived as a lack of outcomes or recommendations, which, he stressed, also transpired to some extent from the assessment presented by the Secretariat. Several of the participants, he added, had expressed the view that future meetings should be more strategic and focused; a view which the Government of Brazil also supported. The first meeting had been a kick-off event to broader South-South cooperation within WIPO, but that initiative, he stressed, would not be sustainable if it was going to be based only on exchanges of views and sharing of best practices, which, in some contexts, was almost a fiction. South-South cooperation, which had already been recognized as a strategic and effective tool in other areas, he underlined, had to be a priority for WIPO, and WIPO could and should play an important role in strengthening South-South cooperation on IP and development. For that to happen, concrete actions were needed, and in this context, it was essential to take into account the suggestions made during the First Interregional Meeting. The Second Interregional Meeting, he stressed, should play an important role in promoting the continuity of the project by providing a space, in addition to the exchange of experiences, for identifying key areas where cooperation could and should be developed concretely. More meetings dedicated to South-South cooperation should also be organized so as to follow up progress and strategies for future work. The process should be essentially Member State-driven, and developing countries should take responsibility for the success of the project for designing deliverables under the project. WIPO for its part, he added, had the credentials and the necessary expertise to provide support to bilateral or trilateral activities, and a work program should serve as an orientation to WIPO concerning its role in such activities. It was also important to guarantee that adequate human and financial resources were being dedicated to the promotion of South-South cooperation in WIPO. Brazil, he highlighted, had always been ready to be actively engaged in the development of South-South cooperation strategies in WIPO, including by committing resources. Other developing countries that were in a position to do so, he pointed out, should also be encouraged to contribute whatever resources they may have. During the First Interregional Meeting on South-South Cooperation, Brazil had signed an MoU with WIPO for the promotion of triangular technical cooperation in developing countries, with a view to contributing also to strengthening the role played by WIPO in the promotion of South-South cooperation. The executive agreement that gave implementation to the MoU had been signed two weeks before the Annual Conference on South-South Cooperation with the visit of the Director General to Brazil. The Government of

Brazil, he pointed out, was going to invest 1.1 million US dollars for this project within the next four years and the WIPO Brazil Office would be in charge of the activities under the new agreement. PROSUR, which had been developed by Brazil in cooperation with other countries, was another important South-South cooperation initiative in the field of IP. Focusing on cooperation among nine IP offices in South America, this initiative aimed, firstly, at establishing a forum for dialogue among IP offices; secondly, at creating a common portal in order to offer a set of services for the South American community such as centralized search in interconnected databases; thirdly, at promoting database interconnectedness; and fourthly, at encouraging the collaborative examination of patent applications. The cooperation agreement of PROSUR had been signed in July 2012 in Santiago de Chile.

In conclusion, Mr. do Amaral underlined the fact that the South-South cooperation project adopted in the CDIP aimed to “achieve tangible results” in a number of areas, and that, to meet this target, the work would have to be more focused, narrowing down choices offered by a necessary debate and exchange of views into a set of concrete deliverables. South-South cooperation was also an essential tool for an effective implementation of the DA and it provided the international IP system with an historic opportunity to integrate, on a global scale, persons, businesses, and countries into the knowledge economy and innovation. If the international IP system could live up to this challenge, he concluded, then it could become an instrument for cultural, social and economic development worldwide. A truly effective implementation of the DA, he underlined, remained the top priority for Brazil within the overall program of WIPO.

DISCUSSION

1. The Delegate of Germany took the floor to ask the Secretariat whether it was planning on carrying out another evaluation of the First Interregional Meeting in the future as part of the project's review and evaluation process, since, with time, perceptions may have changed.
2. In response, the Secretariat highlighted the fact that the evaluation exercise conducted after the meeting had been a first step to provide some indication of its usefulness. When evaluating the overall project in the framework of the CDIP, other evaluation exercises and methods could of course be used to evaluate the impact of the project, and some resources, if available, could be devoted to carrying out an assessment of the impact of this process. The Secretariat also used the opportunity to point out the fact that the budget expenditures, as approved in the project document, fell within the scope of what had been foreseen for the First Interregional Meeting and for the Annual Conference, and that the Secretariat was striving to ensure an efficient use of resources taking into account the WIPO cost-efficiency measures regarding the organization of WIPO meetings. In this regard, the Secretariat had for instance taken the initiative to produce short videos of WIPO officials responsible for all the issues addressed in the First Interregional Meeting as it had not been possible for them to participate physically in the meeting in Brasilia, due to limitations in financial resources. Live webcasting of the meeting had also ensured access to the discussions to all, both from Geneva and abroad.
3. Referring to the preparations for the Second Interregional Meeting, the Delegate of Egypt pointed out the fact that it would be important to identify topics for discussion as early as possible to ensure concrete results for future South-South cooperation, and urged for a large number of consultations to take place in order to bring the agenda forward for the next meeting.
4. Pointing out the fact that the European Union (EU) had been represented in the First Interregional Meeting on South-South Cooperation by its Delegation in Brasilia, the Delegate of the EU noted that the quality of the exchanges of technical experiences as well the active participation of developing countries and LDCs in the meeting had been welcomed and appreciated. Nevertheless, the Delegate of the EU expressed some concerns with regard to a trend shown by some delegations in attempting to depart from the Terms of References (TORs) of the meeting, pointing out in particular to some protests voiced against the participation of

developed country representatives, which had in fact been agreed in the TORs, and the fact that some participants had tried to turn the meeting into a political platform, which, as the Secretariat had stressed on several occasions, had not been the objective of the meeting. Its purpose had been to share experiences and best practices, but in no case was it supposed to adopt recommendations. With regard to the discussions on the TORs for the Second Interregional Meeting, the Delegate of the EU noted that the process that had been followed in preparing the TORs for the First Interregional Meeting had been rather laborious in terms of bilateral exchanges with the Secretariat. For the next meeting, the Delegate stressed, a more inclusive and usual consultation process ought to take place, with meetings between Regional Coordinators in between sessions. Another possibility, the Delegate added, would be to have that discussion in the framework of the next CDIP session in November 2012 which would be an appropriate setting.

5. With regard to the consultation process with Regional Coordinators, the Secretariat clarified the fact that this was in fact how the Secretariat had proceeded when organizing the First Interregional Meeting on South-South Cooperation. In this regard, the Secretariat pointed out a condition which had been stipulated when approving the project document in the framework of the CDIP, which was that no work could be undertaken on the TORs for the meetings without consulting the Regional Coordinators. With regard to the preparations for the Second Interregional Meeting, the Secretariat had in fact already engaged such a process and would continue its work on that basis, in accordance with the project mandate.

TOPIC 5: PROGRESS REPORT ON THE IMPLEMENTATION OF THE DEVELOPMENT AGENDA PROJECT ON ENHANCING SOUTH-SOUTH COOPERATION ON IP AND DEVELOPMENT AMONG DEVELOPING COUNTRIES AND LDCS

1. Under this topic, the Secretariat presented a brief overview of the implementation of the project to date, which, as indicated, had started in 2012. In line with the project delivery strategy approved by Member States, it was noted that the Secretariat had undertaken the organization of the First Interregional Meeting and of the First Annual Conference and that it had also started working on the introduction of new functionalities in the WIPO IP Technical Assistance Database (IP-TAD) and the IP Development Matchmaking Database (IP-DMD), as well as on the design of a webpage on South-South cooperation. Initial contacts in this regard had been made with the Special Projects Division to identify how to include these new functionalities on South-South cooperation. Further contacts had been made internally with the Communications Division for the development of a webpage on South-South cooperation which would aim to present a one stop facility on all activities in the area of South-South cooperation on IP. This process had been started by addressing the question of the design and content of the webpage, which had to be closely linked to the development of the new functionalities. In this regard, the Secretariat had initiated a review of South-South platforms in other specialized UN agencies, including the UN Special Unit for South-South Cooperation and the United Nations Environmental Program (UNEP). The Secretariat had also attended the seventeenth session of the UN High-level Committee on South-South Cooperation with the purpose of gathering information on the current status of South-South cooperation in the UN and on other South-South initiatives at various national, regional, and international levels, as well as with the purpose of bringing to the attention of the High-level Committee on South-South Cooperation the fact that WIPO had launched a South-South initiative through the adoption of the DA project. This also provided an opportunity to establish links with the UN Special Unit for South-South Cooperation and to identify potential collaboration opportunities for the future.

The way forward, the Secretariat added, would be to organize, in spring 2013, the Second Interregional Meeting on South-South Cooperation which would focus on patents, trademarks, industrial designs, geographical indications, and enforcement issues. A questionnaire would also be prepared and circulated to all countries, mainly developing countries and LDCs, in due course to assist in the development of the platform for South-South cooperation with the aim to

gather initial information to populate the webpage. With regard to the activities foreseen under the project, the Secretariat pointed out the fact that the project was perfectly under schedule and that it would strive to complete all activities within the agreed timeframe and the agreed budget. The project, as indicated, had identified very concrete activities to be implemented and the Secretariat was following the delivery strategy, calendar and budget approved by Member States in carrying out its mandate.

DISCUSSION

1. Taking note of the preliminary nature of the discussions regarding the evaluation of the first Interregional Meeting and on the TORs for the Second Interregional Meeting, the Delegate of Belgium pointed out the fact that Belgium was fully in favor of a process that was as Member State-driven and as transparent and inclusive as possible. In this context, the Delegate of Belgium urged for a final evaluation and discussion of the TORs to take place at a later stage when all Member States would be present, in other words in the framework of the CDIP.
2. In view of the importance of the South-South issue in trade and in the economy today, the Delegate of France stressed the fact that this work should indeed be continued. What would be particularly useful however would be that participating and demanding States focus their exchanges and views on concrete projects. There were a number of items on the agenda to that effect, which France welcomed, and it was expected that another discussion for the formal adoption of the TORs for the Second Interregional Meeting would take place in the CDIP as the adequate forum. France, he added, would emphasize items on the agenda focusing on good practice and on concrete aspects of national, regional, or sub-regional practice to ensure real progress on the substance, the aim being to achieve discussions that would add value and differ from the political discussions on general themes held at WIPO headquarters. The initiative would only be applauded as long as it focused on exchanges of concrete experiences for the benefit of developing countries and LDCs.
4. Referring to the Second Interregional Meeting on South-South Cooperation, the Delegate of Egypt underlined the fact that it would not be a political forum. It would aim to focus on the sharing of experiences with a view to identifying how to further enhance cooperation between developing countries and LDCs, either trilaterally, or regionally, by sharing best practices. The proposed TORs and topics for the Second Interregional Meeting would be open for solicitation and different ideas from all Member States interested in joining and participating in the process, and in this regard, the Delegate of Egypt urged an inclusive rather than an exclusive approach.

TOPIC 6: SECOND INTER-REGIONAL MEETING ON IP AND DEVELOPMENT: PROPOSED TERMS OF REFERENCE (TORs) AND PROVISIONAL AGENDA

1. Introducing topic 6, the Secretariat pointed out that the Second Interregional Meeting would be devoted to industrial property issues, that the proposed TORs had already been shared on a preliminary basis with the Regional Coordinators, and that the aim of this exercise was to present the draft TORs to the Conference with a view to receiving comments and suggestions from the delegates.
2. The Delegate of Egypt used this opportunity to confirm the interest of the Government of Egypt to host the Second Interregional Meeting on South-South Cooperation. The Government of Egypt, he stressed, would do its utmost to provide the best facilities possible for making the event accessible to all, including through webcast streaming, as well as by ensuring appropriate consultations with Member States in concurring with the topics which had been agreed upon for this meeting. The Delegate of Egypt pointed out the fact that Egypt had no reservations on the proposed TORs and concluded by reiterating the fact that it would ensure a transparent and inclusive process in cooperation with the Secretariat in the preparation of the meeting.

3. Taking note of the Government of Egypt's offer to host the Second Interregional Meeting and welcoming this offer, the Secretariat highlighted that it would continue consultations with the Regional Coordinators and the Government of Egypt in order to develop a full-fledged program for the Second Interregional Meeting based on these general topics, and that the program would be made available in due course.

4. Thanking the Government of Egypt for its offer to host the Second Interregional Meeting in Cairo, the Delegate of the EU stressed the fact that the EU had some comments on the proposed TORs but that it was still in the process of studying the document and that it would come back to the proposals and details of the proposed program at a later stage.

TOPIC 7: EVALUATION OF THE FIRST ANNUAL CONFERENCE. GENERAL DISCUSSION

1. Under this topic, the Secretariat pointed out that the aim of this exercise was to receive preliminary comments and feedback through a general discussion and via an evaluation questionnaire available in six languages on the conference, as well as for the planning of future events under the project. The main purpose of the Annual Conference, as outlined in the project document, had been to review the work undertaken in the First Interregional Meeting and to provide guidance to the upcoming meetings and conferences under the project. In this regard, any comments and suggestions would be welcome.

2. Mr. Riad Baazia, independent consultant, Geneva, took the floor to stress the importance of the South-South initiative as one of the most important initiatives undertaken in the framework of the CDIP. Pointing out the importance of LDCs and the question of preferential treatment for LDCs as an important issue for South-South cooperation, Mr. Baazia referred to the UN Conference on the Least Developed Countries in 2011 in Istanbul, Turkey, and in particular to point 8 of the Istanbul Declaration regarding differences and preferential treatment on IP for LDCs. Keeping in mind the importance of international trade and external relations in the field of technology and IP, Mr. Baazia also highlighted the fact that the Group of 77, as a group of countries of the South, could be a useful international negotiation platform to further promote the WIPO initiative on South-South cooperation.

CLOSING

1. In his closing statement, Mr. Yoshiyuki Takagi, Assistant Director General, Global Infrastructure Sector, WIPO, pointed out the merits of such meetings on South-South cooperation and underlined the fact that WIPO would strive to facilitate the continuation of this process. Referring to Mr. Onyeama's opening statement regarding the fact that developing countries and LDCs face similar, if not common, challenges, which may result in similar solutions, Mr. Takagi further emphasized the fact that, based on the experience in the area of infrastructure building, such exchanges of views, experiences and best practices were indeed the right way forward. As confirmed in the framework of the DA discussions, there was no "one size fits all" model and customized solutions should be explored through the exchange of experiences and lessons learned from other countries. This type of exchange on various subject matters and topics such as the ones that were going to be discussed in the framework of the Second Interregional Meeting on South-South Cooperation in the field of industrial property rights, he added, would allow to focus on specific examples based on concrete projects, practical experiences, and lessons learned emerging from the case studies of various countries. This, he stressed, would lead to a very good model of South-South cooperation on a semi-permanent or permanent basis rather than as a one-time meeting or as ad hoc cooperation. Thanking all the participants and speakers for their inputs, Mr. Takagi highlighted the fact that a report of the Annual Conference would be prepared by the Secretariat and that it would be made available to Member States in due course, including the video recording of the

conference. He concluded by welcoming the offer of the Government of Egypt to host the Second Interregional Meeting on South-South Cooperation, striving to provide all the necessary facilities, including webcasting of the meeting, to ensure access to all.

[Annexes follow]



CONFERENCE

**WIPO/SSC/GE/12/1
ORIGINAL: ENGLISH
DATE: JUNE 6, 2012**

**WIPO First Annual Conference on South-South Cooperation on
Intellectual Property (IP) and Development**

organized by
the World Intellectual Property Organization (WIPO)

Geneva, September 28, 2012

PROGRAM

prepared by the International Bureau of WIPO

Friday, September 28, 2012

- 9.30 – 10.00 Registration
- 10.00 – 10.30 Opening Ceremony
- Welcome address by:
- Mr. Geoffrey Onyeama, Deputy Director General, Development Sector, World Intellectual Property Organization (WIPO), Geneva
- 10.30 – 11.15 Topic 1: Presentation of the Work Undertaken in the Framework of the First Inter-regional Meeting on South-South Cooperation on Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources
- Speaker: Ms. Natasha Pinheiro Agostini, Secretary, Intellectual Property Division (DIPI), Ministry of External Relations, Brasilia
- 11.15 – 11.30 Coffee Break
- 11.30 – 12.15 Topic 2: Presentation of the Work Undertaken in the Framework of the First Inter-regional Meeting on South-South Cooperation on Copyright and Related Rights
- Speakers: Mr. Mihály Ficsor, Chairman, Central and Eastern European Copyright Alliance (CEECA), Budapest
- Mr. Joseph Fometeu, Professor, Faculty of Legal and Political Sciences, University of Ngaoundéré, Ngaoundéré, Cameroon
- 12.15 – 13.00 Topic 3: Presentation of the Work Undertaken in the Framework of the First Inter-regional Meeting on South-South Cooperation on Intellectual Property (IP) Governance
- Speaker: Mr. Ahmed Abdel Latif, Senior Programme Manager, Programme on Innovation, Technology and Intellectual Property, International Centre for Trade and Sustainable Development (ICTSD), Geneva
- 13.00 – 15.00 Lunch Break
- 15.00 – 15.45 Topic 4: Evaluation of the First Inter-regional Meeting on South-South Cooperation. General discussion
- Moderator: WIPO Secretariat
- Panelists: Representatives from Participating Countries
- 15.45 – 16.00 Coffee Break

- 16.00 – 16.15 Topic 5: Progress Report on the Implementation of the Development Agenda Project on Enhancing South-South Cooperation on IP and Development Among Developing Countries and Least-Developed Countries (LDCs)
- Speaker: WIPO Secretariat
- 16.15 – 17.00 Topic 6: Second Inter-regional Meeting on IP and Development: Proposed Terms of Reference (ToRs) and Provisional Agenda
- Speaker: WIPO Secretariat
- 17.00 – 17.30 Topic 7: Evaluation of the First Annual Conference. General discussion
- Moderator: WIPO Secretariat
- Panelists: Representatives from Participating Countries
- 17.30 – 18.00 Closure

[End of document]



CONFERENCE

**WIPO/SSC/GE/12/INF/1 PROV.
ORIGINAL: ENGLISH
DATE: SEPTEMBER 28, 2012**

**WIPO First Annual Conference on South-South Cooperation on
Intellectual Property (IP) and Development**

Geneva, September 28, 2012

LIST OF PARTICIPANTS AND SPEAKERS

prepared by the International Bureau of WIPO

I. STATES

(in the alphabetical order of the names in English)

ALGERIA (PEOPLE'S DEMOCRATIC REPUBLIC OF)

Warda BENMAMMAR ARKOUN (Mme), chef de département répartition, Office national des droits d'auteur et des droits voisins (ONDA), Alger

ARGENTINE REPUBLIC

Rodrigo BARDONESCHI, Primer Secretario, Misión Permanente, Ginebra

BELIZE

Koreen FLOWERS (Ms.), Senior Assistant Registrar, Belize Intellectual Property Office (BELIPO), Belmopan

BOTSWANA

Nnana MManyabela TSHEKEGA (Mrs.), Trade Attaché, Permanent Mission, Geneva

CANADA

Sophie GALARNEAU (Ms.), Second Secretary, Permanent Mission, Geneva

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