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STATUS UPDATE ON THE IMPLEMENTATION OF WIPO'S DEVELOPMENT AGENDA RECOMMENDATION 14 CONCERNING ITS PROVISION OF TECHNICAL ASSISTANCE TO DEVELOPING COUNTRIES AND LEAST DEVELOPED COUNTRIES

Document prepared by the Secretariat

I. INTRODUCTION

1. At its thirty-sixth session, held in Geneva from October 14 to 18, 2024, the Standing Committee on the Law of Patents (SCP) agreed that the Secretariat would provide a status update on the implementation of the World Intellectual Property Organization's (WIPO) Development Agenda Recommendation 14¹ as it relates to WIPO's provision of technical assistance to developing countries and least developed countries (LDCs), at its thirty-seventh session.²

¹ WIPO Development Agenda Recommendation 14 falls under *Cluster A: Technical Assistance and Capacity Building* and states: "Within the framework of the agreement between WIPO and the WTO, WIPO shall make available advice to developing countries and LDCs, on the implementation and operation of the rights and obligations and the understanding and use of flexibilities contained in the TRIPS Agreement." WIPO Development Agenda Recommendations are available at: <https://www.wipo.int/ip-development/en/agenda/recommendations.html>.

² See the Summary by the Chair, document SCP/36/12, paragraph 33(b), under "Patents and Health".

2. Pursuant to that agreement, this document provides the requested status update in the field of patents and related forms of intellectual property (IP).³

3. WIPO's technical assistance, capacity building, and legislative support activities are guided primarily by Development Agenda Recommendations 1, 12, 13, 14, and 45. In general, these Recommendations call for such assistance to be, *inter alia*, development-oriented, demand-driven, and tailored to the specific needs and priorities of developing countries and LDCs, taking into account their different levels of development. Accordingly, support is provided to the extent relevant to the national context and priorities of the Member State, and upon its request. In general, such support aims to ensure both substantive and procedural legal clarity and coherence, enhance consistency with international treaty obligations, and enable the effective incorporation of flexibilities derived from international, regional, and national legal frameworks.⁴ In practice, this goes beyond treaty-related assistance and may include support in analyzing policy options consistent with national development priorities and international commitments, reviewing legislative drafts to promote clarity and coherence, and, where appropriate and upon request, providing drafting inputs.

4. While Development Agenda Recommendation 14 focuses on technical assistance and capacity-building activities in relation to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement),⁵ in practice, the support provided by WIPO in the field of patents and related forms of IP is often implemented through a broader, integrated approach. This includes not only assistance related to the TRIPS Agreement, but also activities that promote the effective use and implementation of patent-related treaties administered by WIPO, namely the Patent Cooperation Treaty (PCT), the Paris Convention for the Protection of Industrial Property, the Patent Law Treaty (PLT), the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, and the Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge (GRATK Treaty).⁶ Therefore, to support a comprehensive understanding of WIPO's assistance to developing countries and LDCs, this document also

³ Related forms of IP are layout designs (topographies) of integrated circuits, utility models, and undisclosed information (trade secrets and test data protection).

⁴ An overview of the framework, scope and content of the legislative assistance provided by WIPO in the area of enforcement of IP rights is explained in document WIPO/ACE/12/14 and is therefore not reproduced here. With respect to guiding principles of such assistance, the document concludes: "*Utmost care is taken in ensuring that the legislative assistance in the field of IP enforcement be useful, informed, neutral and objective. It is based principally on Part III of the TRIPS Agreement, which is still the only multilateral treaty in force which contains detailed rules on IP enforcement with minimal obligations as well as flexibilities and options. The legislative assistance is tailor-made to meet the needs of the requesting Member State, taking full account of human and financial constraints, and of the necessity to ensure compliance with the Member State's international obligations. It is specifically demand-driven and provided with a view to protecting the general public interest (State, consumers) as well as the right holders, in a balance of rights and obligations in line with Recommendations 13, 14 and 45 of the Development Agenda.*" Document WIPO/ACE/12/14 is available at: www.wipo.int/edocs/mdocs/enforcement/en/wipo_ace_12/wipo_ace_12_14.pdf.

⁵ See WIPO Development Agenda Recommendation 1 (Cluster A), adopted by the WIPO General Assembly in 2007 as part of the 45 Development Agenda Recommendations. It states: "*WIPO technical assistance shall be, inter alia, development-oriented, demand-driven and transparent, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion. In this regard, design, delivery mechanisms and evaluation processes of technical assistance programs should be country specific.*"

⁶ Requests for legislative assistance under the Genetic Resources and Associated Traditional Knowledge (GRATK) Treaty are handled by the Patent and Technology Law Division, while the Traditional Knowledge Division remains responsible for promotion and accession-related activities.

provides information on legislative assistance in the broader sense, including pre- and post-accession support activities undertaken in connection with these treaties.⁷

5. The status update covers activities undertaken from January 2020 to June 2025.

6. Section II of the document provides status update on legislative and policy advice delivered in a coordinated manner by two WIPO divisions: (i) the Patent and Technology Law Division (PTLD), which provides advice on legal frameworks relating to patents, utility models, trade secrets, and layout designs (topographies) of integrated circuits; (ii) the Building Respect for IP Division (BRIP), which provides advice on, *inter alia*, the same categories of IP, addressing enforcement-related aspects, including civil and administrative procedures and remedies, provisional measures, criminal procedures, and border measures. Section III outlines the methodological framework and procedural approach followed by PTLD in delivering its assistance. It describes the stages of engagement, including initial and comprehensive legal reviews, as well as post-review support. This section also highlights PTLD's preferred approach to the provision of legislative and policy advisory services, which emphasizes an iterative and interactive engagement with the Member States in the development of their legislative frameworks.

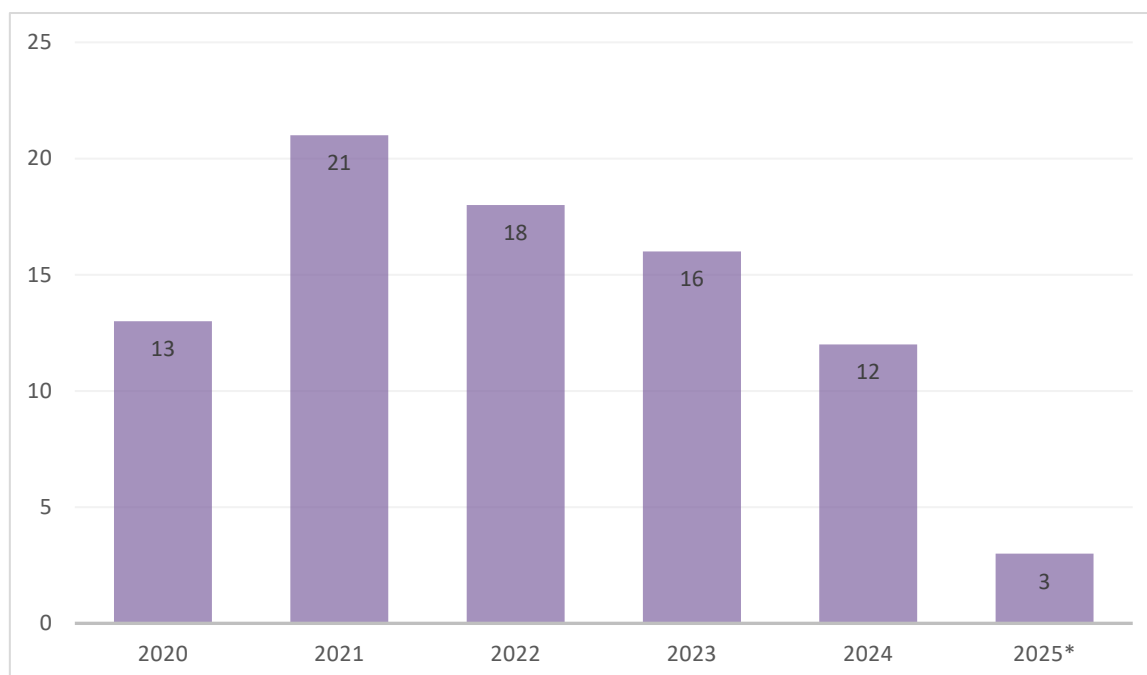
II. STATUS UPDATE REGARDING THE PROVISION OF LEGISLATIVE AND POLICY ADVICE TO MEMBER STATES

7. Between January 2020 and June 2025, PTLD provided legislative and policy assistance to 83 countries. This included both developing countries and LDCs. Based on the requests, the assistance took various forms, including:

- Reviewing and providing comments on existing or draft laws and regulations, including amendments foreseen by the Member State;
- Reviewing and revising existing or draft laws and regulations, and drafting new legal instruments;
- Preparing written remarks or providing advisory input on issues related to policy, law, or practices concerning patents and other technology-related areas of IP;
- Supporting the legislative or regulatory adoption process by facilitating consultations with Member States and stakeholders, and preparing explanatory memoranda, policy briefs, and other documentation to assist with legislative validation, stakeholder alignment, and formal enactment;
- Contributing legal input to the development or review of national IP strategies, with emphasis on legal feasibility and consistency with international obligations; and
- Contributing to awareness-raising and capacity-building activities *via* workshops, seminars, webinars, and expert meetings.

⁷ In addition, it should also be noted that this update is limited to activities falling within the mandate of the SCP and/or relevant to Recommendation 14. Accordingly, this document excludes information on assistance provided, for example, in the areas of copyright, trademarks, geographical indications, or broader institutional capacity-building activities.

Fig.1: Number of PTLD Legislative Advice Projects for Developing Countries and LDCs (January 2020 - June 2025)



8. Geographically, during the reporting period, legislative and policy advice was provided to 83 developing countries and LDCs, distributed across four regions with diverse legal systems, institutional capacities, and development priorities. The distribution was as follows:

- Africa – 14 Member States
- Asia and the Pacific – 19 Member States
- Middle East – 9 Member States
- Latin America and the Caribbean – 41 Member States

Fig.2: Geographical Distribution of PTLD Legislative Advice Projects for Developing Countries and LDCs (January 2020 - June 2025)

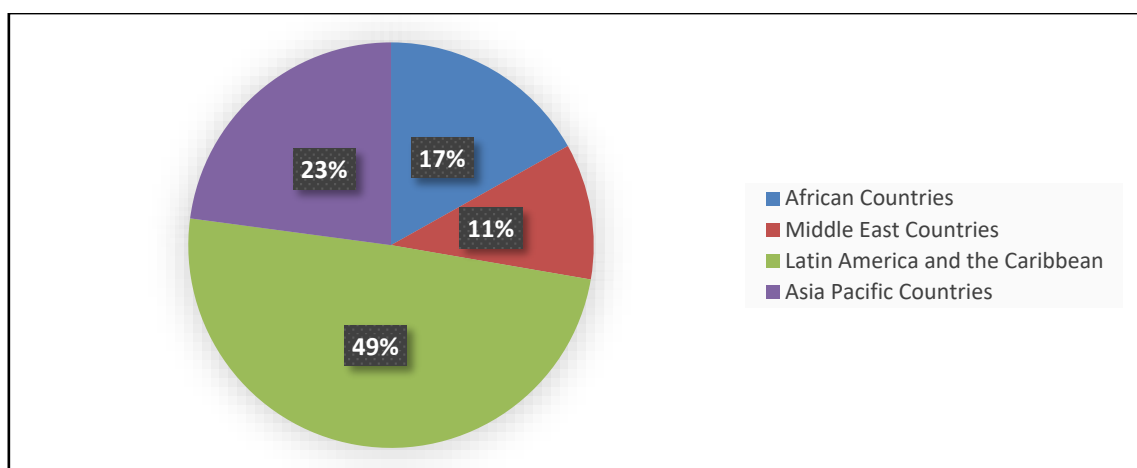
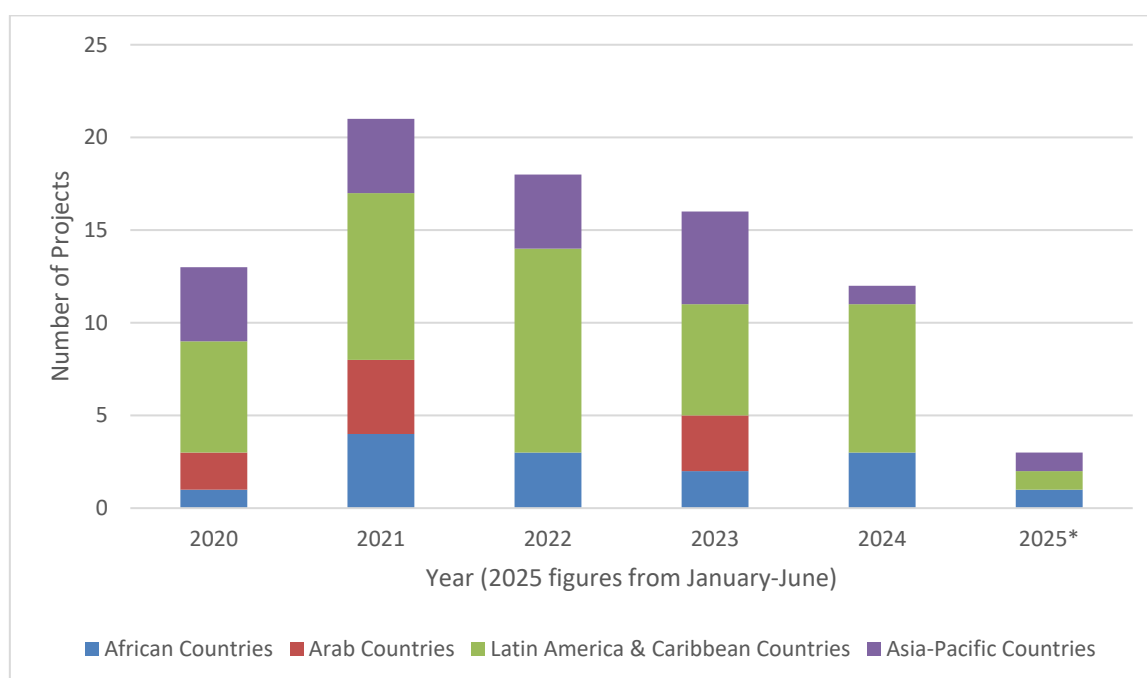


Fig 3: Annual Regional Distribution of PTLD Legislative Advice Projects for Developing Countries and LDCs (January 2020 - June 2025)



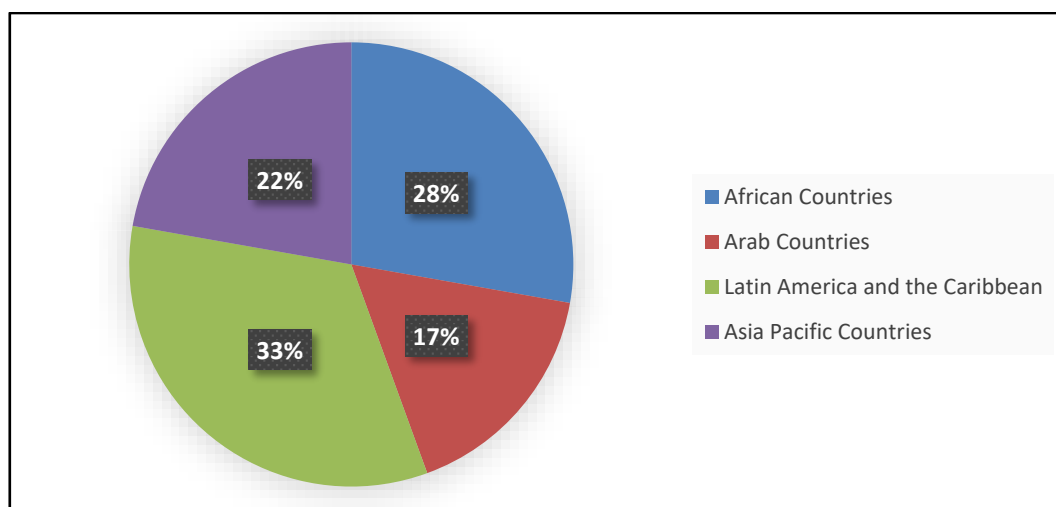
9. On legislative and policy advice regarding enforcement-related provisions of laws or draft laws and regulations in areas relevant to the SCP, the BRIP Division provided assistance to 18 Member States (developing countries and LDCs) between January 2020 and June 2025. This assistance included the review and the provision of comments relating to:

- enforcement-related provisions in laws and regulations relating to patents, utility models, layout designs (topographies) of integrated circuits, or trade secrets;
- broader IP or industrial property laws and regulations that include enforcement measures; and
- standalone laws or regulations on IP enforcement procedures.

10. The geographic distribution of enforcement-related legislative assistance during the period under consideration was as follows:

- Africa – 5 Member States
- Asia and the Pacific – 4 Member States
- Middle East – 3 Member States
- Latin America and the Caribbean – 6 Member States

Fig.4: Geographical Distribution of BRIP Legislative Advice Projects for Developing Countries and LDCs (January 2020 - June 2025)



11. Importantly, in 2023, PTLTD launched the Patent Law Helpdesk,⁸ a digital tool allowing government officials and representatives of regional IP organizations to consult directly with WIPO staff on patent-related legal and policy questions. Since its launch, the Helpdesk has provided tailored and timely support outside formal legislative assistance frameworks, further expanding WIPO's capacity-building offering and enabling more responsive technical guidance to Member States. Additionally, in 2025, the Division published the *Toolkit in Patent and Technology Law for Member States graduating from Least Developed Country status*. The Toolkit is intended to assist national policymakers in identifying legal gaps that may need to be addressed upon graduating from LDC status in relation to the protection and enforcement of patents, layout designs of integrated circuits, and undisclosed information (test data and trade secrets) under the TRIPS Agreement and the applicable international framework.

III. METHODOLOGICAL APPROACH OF THE PATENT AND TECHNOLOGY LAW DIVISION TO LEGISLATIVE AND POLICY ASSISTANCE

12. The delivery of legislative and policy assistance related to patents and related forms of IP involves reviewing and revising primary legislation, providing policy advice on available options under the international legal framework, and, where necessary, such as when implementing regulations are required to complement the primary law reform or where national capacity is limited, drafting or refining implementing regulations. This advisory work is grounded in regular consultations and discussions with Member States to clarify the issues at hand, define the scope of assistance, agree on timelines and deliverables, and determine the appropriate delivery model. It is supported by tailored written outputs, which include: (i) written remarks, providing a structured analysis of the legislative text, identifying issues that require attention, and proposing appropriate measures; (ii) explanatory notes, interpreting and clarifying specific legal provisions; (iii) policy briefs, offering targeted analyses of legislative or policy issues and outlining reform options for consideration; and (iv) questionnaires, designed to gather contextual and institutional information to inform the advice. In addition, the assistance may be complemented by support in the implementation

⁸ The Patent Law Helpdesk can be found at: https://www.wipo.int/ip-development/en/policy_legislative_assistance/patent_law_helpdesk.html.

of the legal reforms, including awareness-raising and capacity-building activities to strengthen national understanding and application of the legal framework.

13. Legislative and policy advice is typically structured in three sequential phases that correspond to the lifecycle of an engagement cycle, adapted to each Member State's legal, institutional, and developmental context. They are as follows:

- (a) *Initial review phase:* This phase begins with a preliminary legal assessment of the submitted text and the drafting of a Project Brief that sets out the proposed scope, deliverables, and timeline. The draft is then transmitted to the Member State for consultation, during which the parameters are refined and mutually agreed. The approved Project Brief, endorsed by both WIPO Secretariat and the Member State, serves as the authoritative reference for the remainder of the engagement.
- (b) *Comprehensive review phase:* This phase involves substantive analysis and formulation of advice. The work products are iteratively reviewed with the Member State through consultations *via* e-mails, online meetings, and, where necessary and feasible given the timeline, in-person workshops in the Member State. As a result of such joint reviews, the deliverables are adapted. Each iteration is subject to the established internal clearance mechanism prior to external transmission, ensuring legal rigor, coherence with international obligations, and alignment with national objectives.
- (c) *Post-review assistance phase:* This phase provides further support at the request of the Member State to facilitate effective implementation of the advice. This may encompass drafting or refining secondary legislation and procedural instruments, offering clarifications, and delivering awareness-raising or capacity-building activities.

14. The provision of legislative and policy advice therefore follows a phased, modular method tailored to the specific legal, institutional, and developmental context of each Member State. The review process proceeds iteratively along three core analytical dimensions:

- (a) *Clarity and procedural coherence of draft texts:* This aspect involves assessing whether the legislative or regulatory text is clearly and precisely drafted, internally consistent, and procedurally sound. The analysis examines drafting quality, legal certainty, logical structure, and consistency with broader legislative frameworks, ensuring that the provisions are implementable in practice.
- (b) *Alignment with international obligations:* This dimension focuses on assessing the extent to which the draft text complies with relevant international treaties and standards, including the TRIPS Agreement, WIPO-administered treaties, and regional obligations, where applicable. It identifies potential areas of non-alignment or ambiguity and proposes adjustments to ensure treaty consistency while preserving flexibility.
- (c) *Identification of policy options and their consequences:* This aspect involves analyzing key policy choices embedded in the legal text, highlighting their legal and practical implications. The analysis explores alternative approaches, draws comparative insights where relevant, and considers how different policy configurations may affect national objectives, implementation capacity, access to technology, and innovation ecosystems.

15. The above approach enables progressive drafting, targeted policy input, implementation support, and coordinated awareness-raising. While fully preserving the full discretion of the Member State assisted to make their own decisions for their legal system and reinforcing national ownership of the process, the method provides deliverables in a structured way observant of the specific absorption rate of the information given, ensures the practical relevance of the advice, and promotes the development of coherent, context-specific legal frameworks.

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