

[Article 21]¹ [Resolution]²
Technical Assistance and Capacity Building

[Bearing in mind that the Design Law Treaty relates to formalities and procedures for seeking protection of industrial designs, and that the Treaty will provide benefits to applicants including small and medium-sized entities in all countries.]

Technical assistance under this Treaty shall be [development-oriented, demand-driven, needs-based and transparent] [targeted, appropriate and adequate for the strengthening of the capacity of beneficiary countries to implement the Treaty], take into account the priorities and the special needs of, in particular developing countries and LDCs [for enabling the domestic users to take full advantage of the provisions of the Treaty].

(1) Technical Assistance and Capacity Building (a) With a view to facilitating the implementation of the Treaty and in order to promote the use of the design system, the Organization [shall][shall subject to the availability of resources] provide technical assistance and capacity building, in particular, to developing countries and LDCs where requested

(b) Such technical assistance should take into account the level of technological and economic development of the beneficiary countries, and could include the following:

(i) assistance in establishing the required legal framework;

(ii) assistance in revising administrative practices and procedures of design registration authorities;

(iii) assistance in building up the necessary capacity of the Offices, including training of human resources and information and communication technology capacity, [such as providing appropriate equipment and technology as well as the required infrastructure]³ to effectively implement the Treaty;

[(iv) organizing and financing activities through meetings between the Contracting Parties in order to promote the exchange of experiences and good practices; and development and dissemination of documents on the successes in the implementation of the Treaty to serve as best practices.]

[(2) Financing of Technical Assistance (a) The Organization shall provide financing for activities and measures that are required to implement the Treaty in accordance with paragraphs (1), (3) and (5).]

(b) Option 1 The Organization shall seek to enter into agreements with international financing organizations and intergovernmental organizations in order to provide financial support for technical assistance pursuant to this [Article][Resolution].

Option 2 (PCT Article 51)]

¹ This draft Article is based on informal consultations that took place during SCT/30.

² Some delegations would prefer the subject matter of this draft Article to be covered by a Resolution.

³ Have text in (iii), or in note or footnote.

[(3) [Participation in Assembly] Option 1 [The expenses of each delegation shall be borne by the Contracting Party that has appointed the delegation. The Assembly may ask the Organization to grant financial assistance to facilitate the participation of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations or LDCs or that are countries in transition to a market economy.]

Option 2 [Contracting Parties that are regarded as developing countries or LDCs or that are countries in transition to a market economy shall be granted adequate financial assistance by the Organization to facilitate the participation of at least one delegate of such Contracting Party in all ordinary and extraordinary sessions of the Assembly, and any inter-sessional meeting, working group, revision conference or diplomatic conference in relation to the Treaty and the Regulations.]]

[(4) Fee Reduction⁴

To improve the ability of design creators (natural persons and small and medium enterprises (SMEs)) who are nationals of and reside in a developing country or an LDC to benefit from the design system, Contracting Parties shall apply a fee reduction of a least fifty per cent. [Applicants from LDCs shall benefit from a fee waiver.]]

(5) Exchange of Information⁵

The Organization [is urged to][shall] expedite the creation of a digital library system for registered designs. Contracting Parties shall endeavor to communicate published registered design information through such system. The Organization shall support CPs in their efforts to exchange information through this system.

(6) Monitoring

The Assembly shall monitor and evaluate at every ordinary session, the progress of the technical assistance provided under this [Article] [Resolution] and the benefits resulting from such implementation.⁶

⁴ The African Group proposes that this provision be the subject of a separate article. Some delegations oppose this provision.

⁵ The DAG and the African Group propose that this provision be the subject of a separate article.

⁶ The Assembly may request the Organization to submit an independent monitoring and evaluation report.