

MAIN PROGRAM 12

Cooperation with Developing Countries

12.1 Effective Utilization of the Intellectual Property System for Economic, Social and Cultural Development

12.2 Special Focus Areas

12.3 PCT, Madrid and The Hague Systems Cooperation

12.4 Intellectual Property Office Automation

Summary

185. The development cooperation activities of WIPO are geared to assisting developing countries to effectively utilize the intellectual property system for economic, social and cultural development.

186. In the 2000-2001 biennium, the broad thrusts of this Main Program were: to increase awareness of the salience of intellectual property issues in achieving development objectives; upgrade national legislative frameworks in accordance with international requirements and obligations; and strengthen the institutional infrastructure to address intellectual property issues. The activities undertaken in these areas are producing tangible results, especially in enabling developing countries to revise their legislative frameworks, and, more generally, in assisting them to meet their international obligations in the field of intellectual property.

187. A number of activities initiated in the 2000-2001 biennium remain relevant, and should thus be continued. These include assistance to formulate intellectual property laws and regulations, and to strengthen the capacity to effectively administer and enforce intellectual property legislation. This is of particular importance to the Least Developed Countries (LDCs) which would need to comply with their international obligations in the coming years.

188. The need for developing countries and LDCs to participate and benefit from the rapid expansion of the world economy has become an urgent concern. In this regard, enhancing national and regional capacities to use the intellectual property system for economic development is clearly the overriding objective. This would require a considered strategy that should ensure:

- ◆ concerns for intellectual property protection are fully integrated into economic, social and cultural development policies;

- ◆ the institutional capacity to address intellectual property issues is further strengthened, primarily through widening of partnerships in intellectual property administration and making optimal use of information technology whenever possible;
- ◆ national groups concerned with intellectual property issues, including the private sector, particularly SMEs, the legal community, research institutions, and academia, are systematically empowered through the intellectual property infrastructure to acquire greater understanding of the issues involved, and are able to participate in an informed manner in the formulation of intellectual property policies;
- ◆ that positive links between intellectual property and key areas such as innovation, technology diffusion, competitiveness, and investment promotion are clearly demonstrated, and the mechanisms that would strengthen these links are identified;
- ◆ the ability of developing countries and LDCs to appreciate the intellectual property aspects of emerging issues such as traditional knowledge and folklore, biotechnology, biodiversity and e-commerce is enhanced through effective demystification efforts.

189. The activities that flow from the above strategy should meet the operational criteria of sustainability, specificity and cost effectiveness. Sustainability is a major challenge to ensure that cooperation for development activities are designed and implemented in a manner that ensures continued impact. Specificity implies that the particular needs of individual countries are identified and clearly addressed. In this regard, WIPO's NFAPs has proved to be useful, enabling the identification of priority needs and appropriate activities for individual countries. Cost effectiveness would ensure that activities lead to quality outputs and outcomes at the least possible cost, by focusing on carefully selected priority areas, thereby avoiding diffused and over-extended activities.

190. The overall strategy and the three operational criteria should be complemented by a constant review and evaluation of the most effective modalities for development cooperation. The use of expert missions, specialized seminars and workshops, expert meetings, policy level consultations and assistance directed to modernizing the administration of national and regional intellectual property systems, would continue to be fine-tuned in accordance with the requirements of individual countries.

191. Activities will be identified in consultation with the concerned entities of the government, the relevant cooperating institutions or organizations and the intended beneficiaries. Policy inputs will also be drawn from the WIPO Policy Advisory and Industry Advisory Commissions. Special activities or projects will be identified for sub-regional and regional economic or political groupings. Experts, consultants, lecturers and other resources from the developing regions will continue to be utilized to the maximum extent possible.

192. The Permanent Committee on Cooperation for Development Related to Intellectual Property (PCIPD) shall continue to serve as the main forum for identifying new, and reviewing on-going activities. The Committee is expected to meet once in the 2002-2003 biennium.

193. The development of human resources is a fundamental aspect of the strengthening of national intellectual property systems. Therefore, this Main Program will be implemented in

close coordination with Main Program 14. Activities would also be undertaken in close coordination with other main programs, particularly Main Program 09 (Global Communications). It is expected that the Main Program will continue to attract extrabudgetary resources made available to WIPO including by Member States, international funding agencies and recipient countries through cost-sharing and similar arrangements. Contributions in kind will continue to be sought from organizations with special expertise in certain specialized areas of intellectual property.

SUB-PROGRAM 12.1

Effective Utilization of the Intellectual Property System for Economic, Social and Cultural Development

Objectives:

- ◆ To strengthen the capacity of developing countries to fully utilize the intellectual property system for economic, social and cultural development, including by focussing on the interrelationship between intellectual property and competitiveness, technology, investment, and trade.
- ◆ To support the formulation of policies, by developing countries, on intellectual property issues of emerging concern.
- ◆ To assist developing countries in the establishment and modernization of systems for the administration and enforcement of intellectual property rights, including through automation.

Background

194. Building upon the rich experience in cooperation for development activities in the last few years, and reflecting on the continuing needs and obligations as well as newly emerging demands from developing countries and LDCs for modern and more effective intellectual property systems in the face of the rapidly growing world economy, this sub-program will focus on three areas.

195. The first area is the intellectual property infrastructure, loosely defined to be the national IPO and all of its partner organizations in both the public and private sectors, including the ministries of justice, trade, science and technology and other relevant agencies of the government, private industry, the academe and associations of intellectual property professionals and users. The objective in this regard is to rapidly upgrade institutional capacities to participate in the administration of the intellectual property system. Being often a capital intensive undertaking, WIPO will continue to use its resources as "seed money" and mobilize funding by national and international financial institutions, thus inducing a multiplier effect. WIPO will, thus, leverage its finite resources to obtain greater commitments from

relevant organizations to strengthen the intellectual property infrastructure in developing countries.

196. The second area is the dissemination and transfer of working knowledge and skills relevant for the exploitation of the intellectual property system. In this regard, practical workshops would be organized that are more interactive and structured to fully engage participants. Case studies, success stories and simulation exercises will be developed and used to complement lectures and presentations.

197. The third area concerns practical and more useful documentation. Efforts will be taken to develop more user-centric documentation and literature, tailored to the requirements of specific groups such as business enterprises, lawyers, scientists, authors, and performers would be promoted and used for policy advocacy and training programs.

198. Within the foregoing overall framework, specific activities will be implemented under four Regional Bureaus (for Africa, the Arab States, Asia and the Pacific, and Latin America and the Caribbean).

| Expected Results | Performance Indicators |
|--|---|
| 1. Efficient utilization by developing countries users' communities of the benefits of the intellectual property system. | ☐ Number of meetings, expert missions and nature of information provided to users' communities to benefit from intellectual property system and feedback thereon. |
| 2. Developing countries' policy-makers are in a position to formulate informed and timely policies, particularly in response to emerging intellectual property issues. | ☐ Number of fora for policy-makers at the national, regional and international levels to exchange views and deliberate on policy issues. |
| 3. Developing countries are equipped with modern structures for the administration and enforcement of intellectual property rights. | ☐ Number of projects undertaken by WIPO for modernization and automation of IPOs. |

Activities

- ◆ Meetings of policy-makers at national, sub-regional and regional levels, for consideration of, and exchange of views on, critical policy issues, and consultations with WIPO on such issues, when requested.
- ◆ Assistance for the establishment, modernization and automation of intellectual property offices including through expert advice, preparation of work manuals, automation projects and human resource development (in collaboration with Sub-program 12.4)
- ◆ Specialized practical workshops for user communities such as industry (particularly SMEs), R&D institutions, artists, university, trade associations, attorneys, associations of intellectual property rights owners and consumer associations, to enable them to effectively use intellectual property systems.

- ◆ Assist in examining the intellectual property implications of electronic commerce, biotechnology, traditional knowledge and role of intellectual property in enhancing SMEs competitiveness in cooperation with other relevant main programs and activities of the International Bureau.
- ◆ Dissemination of background papers and other information and reference material related to policy issues.
- ◆ Dissemination of best practices on relevant issues such as experiences in modernization of intellectual property administration and realization of benefits in the areas of competitiveness, investment, trade and technology through optimal utilization of intellectual property systems.
- ◆ Assistance for the establishment and development of intellectual property institutions that would facilitate commercialization of the results of the research carried out by research institutions and universities.
- ◆ Assistance in developing national capacities to effectively negotiate agreements for the transfer of technology, including through programs for negotiators and provision of model contracts.
- ◆ Promotion of, and support to, sub-regional and regional cooperation activities to strengthen capacity to address intellectual property issues.
- ◆ Assistance in strengthening capacities to enforce intellectual property rules and laws, especially through programs for judges, customs and policy officials, and sharing of best practices on enforcement matters.
- ◆ Assist in the development of national capacities to undertake training of intellectual property officials, lawyers and other practitioners, with a focus on training of trainers.
- ◆ Assistance in the establishment and development of societies for the collective management of copyright and related rights.
- ◆ Advising on advantages of, and accession to, WIPO-administered treaties, and assisting in the post-accession phase, as requested.

Where appropriate, the activities will be carried out in cooperation with activities in other Main Programs, including 05, 06, 07, 08, 09 and 10.

SUB-PROGRAM 12.2 Special Focus Areas

Objectives :

- ✦ To assist LDCs in elaborating policies, for effectively utilizing intellectual property for meeting their developmental needs.
- ✦ To assist developing countries to strengthen their intellectual property legislative framework.
- ✦ Analyze emerging trends, and identify possible programs and policy responses in the areas of innovation and collective management of copyright and related rights.

Background

199. Sub-program 12.2 will cover four special areas of focus, namely, assistance on intellectual property legislation, Least Developed Countries requirements, copyright collective management, and infrastructure services and innovation promotion. Separate units will take responsibility for implementation of activities in each area, and undertake as necessary the relevant analysis of emerging trends, assessment of policy options, development of case studies and identification of best practices, while operational activities in these areas will be carried out in cooperation with the four cooperation for development Bureaus.

| Expected Results | Performance Indicators |
|---|--|
| 1. Enhanced awareness of LDCs policy-makers and users' groups of importance of intellectual property issues and strengthened capacity of LDCs to benefit from the intellectual property system. | <ul style="list-style-type: none"> ❑ Number of guidelines, policy papers, country profiles and other reference material issued on intellectual property issues and LDCs. ❑ Inclusion of intellectual property considerations in programs of relevant regional and international organizations. |
| 2. Developing countries legislation is in consonance with international standards | <ul style="list-style-type: none"> ❑ Number of drafts laws and regulations, comments, advice on compatibility and other ad hoc legal advice provided by WIPO to requesting developing countries. ❑ Rate of utilization of WIPO-serviced collections of intellectual property law. |
| 3. Sustainable structures and programs in an increasing number of developing countries for promoting innovation and creativity through intellectual property. | ❑ Number and nature of projects, guidelines, services, reference and nature of information material developed by WIPO to promote the development of innovative and creative capacity in developing countries, and feedback thereon. |
| 4. Industrial property information is accessible and effectively utilized. | ❑ Number of new services for accessing technological information contained in patents and other intellectual property information, relevant to business enterprises and R&D institutions. |

| Expected Results | Performance Indicators |
|---|--|
| <p>5. Collective management of copyright and related rights in developing countries is strengthened and makes a fuller contribution to the social, economic and cultural developments of these countries.</p> | <ul style="list-style-type: none"> <li data-bbox="804 322 1350 427">❑ Number of programs developed for facilitating compatibility of rights management systems with international technical standards, databases and data distribution networks. <li data-bbox="804 450 1350 555">❑ Number and impact of analysis and policy papers on emerging issues in the area of collective management of copyright and related rights, and feedback thereon. |

Activities

Least Developed Countries

- ◆ Development of material for policy-makers and users' groups aimed at awareness building in the LDCs on the benefits of effective intellectual property systems for attaining development goals.
- ◆ Designing programs and developing guidelines to achieve cost-effective solutions for the administration and enforcement of intellectual property rights.
- ◆ Liaising with relevant regional and international organizations particularly to promote the contribution of intellectual property in the socio-economic development of LDCs.
- ◆ Development of intellectual property profiles of LDCs.

Infrastructure Services and Innovation Promotion

- ◆ Preparation of case-studies and guidelines pertaining to the effective use of intellectual property in the promotion of innovation.
- ◆ Development of information and training material on utilizing industrial property information services for promoting innovation.
- ◆ Development of database of associations of inventors, R&D centers and other innovation support centers in developing countries.
- ◆ Development of guidelines on the organization of exhibitions of inventions and new technologies.

Intellectual Property Law

- ◆ Advice on compatibility of existing legislation with relevant international treaties, including the TRIPS Agreement; advice on the preparation of new legislation and preparation of draft legislation.
- ◆ Translation of national laws and regulations into WTO working languages to facilitate the notification of national laws and regulations under Article 63.2 of the TRIPS Agreement,

and provision of other services provided for under the WIPO-WTO Cooperation Agreement.

- ◆ Maintenance and development of the WIPO Collection of Laws for Electronic Access (CLEA), and publication of legislative texts.
- ◆ Assist developing countries on issues emerging from the review of national intellectual property legislation including responses in relation to their international obligations in consonance with their developmental goals.

Collective Management of Copyright and Related Rights

- ◆ Analysis of emerging trends and issues, at the international level, in the field of collective management of copyright and related rights, and identification of policy options to address those issues.
- ◆ Cooperation with relevant collective management organizations or federations of organizations at the national, regional and international level, to strengthen collective management systems in developing countries, particularly in light of the fast-evolving digital environment.
- ◆ Development of appropriate programs to: (i) facilitate compatibility of rights management systems in developing countries with international technical standards and systems; (ii) effectively integrate digital technologies in collective management operations in developing countries; and (iii) facilitate access to international databases and data distribution networks.
- ◆ Assess the need for effective mediation mechanisms to address issues arising in the context of collective management.
- ◆ Development of curricula for training in collective management and mechanisms for appropriate follow-up of training activities.

Where appropriate, the activities will be carried out in cooperation with activities in other main programs, including 05, 06, 07, 08, 09 and 10.

SUB-PROGRAM 12.3 PCT, Madrid and The Hague Systems Cooperation

Objectives:

- ◆ To increase the number of developing countries and countries in economic transition that become Contracting States to the PCT, Madrid and Hague, and to enlarge their participation in these systems.
- ◆ To enhance cooperation with developing countries and countries in economic transition on PCT, Madrid and Hague matters, with a view to increasing the efficiency of their systems.

Background

200. This sub-program deals with the legal and information services provided by the International Bureau for the PCT, Madrid and Hague systems in developing countries and countries in economic transition, including the promotion of these systems and training of the present and potential users.

| Expected Results | Performance Indicators |
|---|--|
| 1. Increase in the number of developing countries and countries in transition that become Contracting States of PCT, Madrid and Hague systems. | <input type="checkbox"/> Number of new Contracting States among developing countries and countries in transition. |
| 2. Greater reliance among developing countries and countries in economic transition on the PCT, Madrid and Hague, for their legal framework and in the processing of respective applications. | <input type="checkbox"/> Number of staff trained in Offices of developing countries and countries in economic transition. <input type="checkbox"/> Extent of integration of these systems into national and regional systems in developing countries and countries in transition. <input type="checkbox"/> Number of international applications originating in developing countries and countries in transition. |

Activities

- ◆ Discussions with and training of officials of present and potential Contracting States through missions by staff members and consultants or experts, as well as at the WIPO headquarters.
- ◆ Assisting new Contracting States in implementing their systems and obligations.

- ◆ Inclusion in NFAPs for interested governments of developing countries and countries in transition of a component on how to make best use of the PCT, Madrid and Hague systems, based on the collection of data on the actual use of these systems in such countries and on studies of the specific circumstances in particular countries and regions.
- ◆ Training of officials from developing countries and countries in economic transition that become Contracting States in procedures at the time of adherence and by periodic refresher courses thereafter.
- ◆ Training of users, potential users and their representatives on the value of use of the PCT, Madrid and Hague systems.

SUB-PROGRAM 12.4

Intellectual Property Office Automation

Objective:

To advise on and provide technical support to the information technology related projects in developing countries, Least Developing Countries (LDC) and countries in economic transition in the framework of the cooperation for development policies of WIPO.

Background

201. Intellectual property office automation has been handled in WIPO across several main programs, in particular under the Cooperation for Development Sector, the Information Technology Sector, and the PCT and Madrid Main Programs.

202. Through these different programs and following direct requests from developing country authorities, the International Bureau is carrying out tailor-made technical assistance projects for the design, development and implementation of automated information systems for national and regional IPOs. Such assistance is provided in order to satisfy the automation requirements in the framework of the modernization of the intellectual property system in the developing countries.

203. In the developing countries these projects are mostly carried out through local (national and/or regional) consultants, local sub-contracting of software development and local procurement of equipment for better cost-effectiveness and easier maintenance and servicing.

204. With the increasing demand for cooperation in this regard, there is now an urgent need for WIPO to strengthen the assistance being provided to IPOs in developing countries. In response, an Intellectual Property Office Automation Division (IPOAD) will be established within the International Bureau, aiming at providing, upon request, state-of-the-art technical advice and support. The value-added role of the newly-formed IPOAD will be to assist and

facilitate the sharing of best practices among IPOs and other government agencies and user organizations at national and regional levels, with a view to improving the performance of services and the assistance provided by WIPO in terms of cost and efficiency. This Division will work in close coordination and collaboration with other sections in the International Bureau which are concerned and those responsible for the implementation of the projects and other IT projects teams.

| Expected Results | Performance Indicators |
|---|--|
| 1. Demonstrable holistic approach taken in providing technical advice and expertise for the enhancement of automation systems in the relevant sectors of Member States. | <input type="checkbox"/> Feedback on user satisfaction with the advice provided and approaches taken. <input type="checkbox"/> Number of recommendations provided and implemented in the automation strategies of IPOs. <input type="checkbox"/> Number of automation solutions exchanged. |
| 2. Establishment of a database and a web site to serve as a knowledge repository for IPO automation related activities. | <input type="checkbox"/> Number of hardware, software and applications inventoried and included in the database. <input type="checkbox"/> Level of accuracy and reliability of data. |
| 3. Production of a policy paper on WIPO's objectives regarding IPO automation. | <input type="checkbox"/> Approval of the policy by the WIPO Member States. |

Activities

- ◆ Provision of technical advice and expertise arising from the analysis of defined user requirements for the implementation of automation projects.
- ◆ Creation of a database of hardware, software and applications.
- ◆ Monitoring of information technology state-of-the-art developments and provision of advice on best practices and strategies to the Sectors concerned.

**Table 11.12 Detailed Budget 2002-2003
Main Program 12
Cooperation with Developing Countries**

A. Budget Variation by Object of Expenditure
(in thousands of Swiss francs)

| Object of Expenditure | 2000-2001 | Variation | | | | | | 2002-2003 |
|------------------------|------------------------|--------------|------------|--------------|------------|--------------|-------------|-----------------------------|
| | Revised Budget A | Program | | Cost | | Total | | Proposed Budget E=A+D |
| | | Amount | % | Amount | % | Amount | % | |
| | | B | B/A | C | C/A | D=B+C | D/A | |
| Staff Expenses | 27,623 | 2,730 | 9.9 | 2,298 | 8.3 | 5,028 | 18.2 | 32,651 |
| Travel and Fellowships | 14,740 | 840 | 5.7 | 560 | 3.8 | 1,400 | 9.5 | 16,140 |
| Contractual Services | 8,030 | (328) | (4.1) | 278 | 3.5 | (50) | (0.6) | 7,980 |
| Operating Expenses | 662 | 74 | 11.2 | 26 | 3.9 | 100 | 15.1 | 762 |
| Equipment and Supplies | 1,200 | 442 | 36.8 | 58 | 4.8 | 500 | 41.7 | 1,700 |
| | 52,255 | 3,758 | 7.2 | 3,220 | 6.2 | 6,978 | 13.4 | 59,233 |

B. Budget Variation by Post Category

| Post Category | 2000-2001 | Variation | 2002-2003 |
|-----------------|------------------------|-----------|-------------------------|
| | Revised Budget A | B-A | Proposed Budget B |
| | Directors | 11 | 2 |
| Professionals | 34 | 6 | 40 |
| General Service | 35 | (1) | 34 |
| TOTAL | 80 | 7 | 87 |

C. Budget Allocation by Sub-program and Detailed Object of Expenditure
(in thousands of Swiss francs)

| Object of Expenditure | Sub-program | | | | Total |
|-------------------------------|---------------|--------------|--------------|--------------|---------------|
| | 1 | 2 | 3 | 4 | |
| Staff Expenses | | | | | |
| Posts | 24,797 | 1,012 | 4,562 | - | 30,371 |
| Short-term Expenses | 1,440 | 360 | 240 | 240 | 2,280 |
| Travel and Fellowships | | | | | |
| Staff Missions | 4,130 | 770 | 640 | 200 | 5,740 |
| Government Officials | 7,150 | 1,250 | 1,200 | - | 9,600 |
| Fellowships | 704 | 96 | - | - | 800 |
| Contractual Services | | | | | |
| Conferences | 692 | 88 | - | 50 | 830 |
| Consultants | 3,810 | 590 | - | 1,000 | 5,400 |
| Publishing | 57 | 93 | - | - | 150 |
| Other | 640 | 360 | - | 600 | 1,600 |
| Operating Expenses | | | | | |
| Premises and Maintenance | - | 10 | - | - | 10 |
| Communication and Other | 630 | 122 | - | - | 752 |
| Equipment and Supplies | | | | | |
| Furniture and Equipment | 720 | 180 | - | 100 | 1,000 |
| Supplies and Materials | 200 | 300 | - | 200 | 700 |
| Total | 44,970 | 5,231 | 6,642 | 2,390 | 59,233 |