

MAIN PROGRAM 08

**COOPERATION WITH DEVELOPING
COUNTRIES**

08.1 Empowerment for Development

08.2 Special Support Areas

Summary

154. This Main Program will support developing and least developed countries (LDCs) in their initiatives to maximize the use and effectiveness of IP as a tool for economic, social and cultural development.

155. The development of these countries' resources and infrastructure, and their capacity to benefit from the rapid growth of IP as a valuable economic asset in the world economy remains an urgent concern. The strategy shaping this Main Program is based on the insights of research that illustrates how both nations and individual enterprises can develop and promote the use of IP as an economic asset and develop national intellectual property assets. This requires proactive policies beyond the creation of the legal and administrative infrastructure for IP protection. For WIPO to implement this strategy effectively, it will need to tailor its activities to the diverse needs of developing countries and LDCs, and the different requirements and priorities they specify in their cooperation with WIPO. This is a consequence of the significant differences in their existing IP infrastructures, and the diversity of their economic, legal, cultural and technological backgrounds.

156. Many developing countries, particularly LDCs, are only beginning to address the challenge of reaping the economic, social and cultural benefits of upgrading and modernizing their IP infrastructure. WIPO's cooperation with these countries will continue to focus on demystifying IP, promoting understanding of the policy options the IP system offers, and building capacity in the form of an essential IP infrastructure.

157. Many other developing countries have already made significant progress in establishing the IP system. Recent legislative developments have updated their IP

laws and given effect to TRIPS standards, and IP infrastructures have been modernized. Their intellectual property offices (IPOs) are well established and service the essential requirements of IP users. Enforcement officials are receiving critical training; and some countries have established excellent outreach programs for potential and actual users of the IP system. These countries are continuing to broaden and deepen this core set of activities, but they are also taking up the challenge of developing and nurturing the institutions, laws and systems that support and sustain inventiveness and creativity, promote productive investment, and ensure that the IP system is used effectively and skillfully to realize its latent potential for economic and social development.

158. Certain developing countries which have started to strategically use IP are increasingly requesting WIPO to assist them in deriving value from their adoption of IP systems, especially in the area of protecting and valorizing their national and regional inventions and creative works in such a way as to promote economic and cultural development objectives. This task of assisting Member States in optimizing the economic and cultural value of IP is an important undertaking, calling upon WIPO to provide new, highly effective, practical services with clear deliverables designed to support the efforts of Member States.

159. Given these countries' diverse needs, WIPO will continue to consult them closely to tailor its assistance to meet their specific needs. This dialogue will be shaped by various tools such as Nationally (or Regionally) Focused Action Plans ("NFAPs") and other consultative processes. The broad thrust of current program activities remain relevant and will continue through the 2004-2005 biennium. But greater effort will be needed to respond to a more diverse array of requests from Member States, especially those requests arising from national policymakers' growing interest in finding practical answers to strategic questions about how IP functions as a policy tool for economic, social and cultural development. This Main Program will respond to these needs in coordination with Main Program 10 for the development of human resources and Main Program 12 for the creation of an IP culture. It will also dovetail with Main Program 11 which has been more recently designed as a specific response to Member States' growing interest in empowering a wider range of constituencies to use their IP effectively. Capacity-building and IP policy dialogue will more directly reinforce one another, making further use of existing strong links with other program areas concerned with substantive IP legal issues.

160. Planning for this Main Program has taken account of discussions at the Permanent Committee on Cooperation for Development Related to Intellectual Property (PCIPD), and recommendations made at the Forum on Strategic Issues for the Future held under the auspices of that Committee in October 2002. They include:

- developing networks to build synergistic relationships among those sectors of the civil society and government that are acknowledged as the catalysts for developing and sustaining intellectual asset development and management on a national scale;

- mobilizing SMEs to increase their competitiveness through the use of IP, given the vital role that these enterprises can play as an engine of economic growth;
- using WIPONET as a powerful tool for South-South knowledge transfer, supporting IPOs in using WIPONET to its maximum, developing a collection of relevant material, preparation of a database for the South-South Learning Network, and organizing an electronic forum for sharing best practices in the use of IP by governments, enterprises and academia in developing countries and LDCs;
- continuing to support creators and owners of copyright and related rights, with a special emphasis on developing collective management organizations in certain regions where the institutional framework is still relatively weak as compared with other parts of the world.

161. There is no “one-size-fits-all” model for the IP infrastructure and systems within developing countries and LDCs confronted with different challenges and diverse needs. WIPO will therefore continue to assist Member States in identifying and customizing the elements they need in their national strategy and policies. This Main Program will seek to ensure that:

- national, regional and international policies emphasize the need to develop and use all forms of IP as an economic asset for developing countries, and there are practical strategies in place to realize this policy goal;
- supporting universities and other educational and research institutions in implementation of IP;
- private sector enterprises, including SMEs, policy makers, the legal profession and related professions, research institutions, and academia and non-governmental organizations, are systematically empowered by the IP infrastructure, by networks, and by other effective frameworks to acquire greater understanding of IP, to promote IP as a tool for economic development, to achieve practical results through collaboration, and to contribute in an informed manner to policy formulation at national, regional and international levels;
- positive links are identified between IP and key areas such as science and technology, education, trade and commerce, food policy and agriculture, public health, the environment, competitiveness, and investment promotion, and other relevant areas, and the mechanisms that strengthen these links are also identified;
- the institutional capacity to address IP issues is strengthened by widening stakeholders’ participation in the benefits of IP systems;
- the role of inventors and creators of IP in technological and cultural development and wealth creation is recognized and supported;
- human resource development in IP and related disciplines is promoted and

supported as a fundamental aspect of the strengthening of national IP systems;

- collaboration and synergies with other international and regional organizations, banks and commissions, are promoted in order to raise awareness of IP as an essential component of economic development policy and to enhance opportunities for practical and results based projects;
- networks of collaboration including South-South cooperation and resource sharing are vital and effective in realizing the promise of IP as a tool for economic development;
- laws and legislative frameworks provide effective protection for IP protection, and facilitate the development, ownership and management of IP; and
- appropriate technologies, including information technology, are used to promote efficient user service in IP administration, networks of communication, outreach programs, and other services that promote IP asset development and management.

162. The activities that flow from this strategy are designed to meet the operational criteria of sustainability, specificity and cost effectiveness. Sustainability is a major challenge to ensure that this Main Program and all WIPO activities are designed and implemented so as to ensure continued impact. An essential part of sustainability is engagement and training of persons to carry on and take ownership of the work, multiplying and sustaining its effect. Specificity implies that the particular needs of individual countries or regions are identified and clearly addressed. Cost effectiveness ensures that activities lead to quality outputs and outcomes at the least possible cost, by focusing on coherent strategies and by identifying deliverables and measuring outcomes wherever possible.

163. The overall strategy and the three operational criteria (sustainability, specificity and cost effectiveness) will be complemented by using the most effective modalities for development cooperation for given activities: expert missions, interactive seminars, symposia, small group workshops, policy consultations, written guides, training programs, case studies and best practices, and interactive training programs in impact areas. Activities will be identified in consultation with Member State governments, including IPOs, the relevant cooperating institutions or organizations, and the intended beneficiaries. Experts, consultants, lecturers and other resources from the developing countries and relevant development and financing institutions will continue to be utilized to the maximum extent possible.

164. The PCIPD shall continue to serve as the main forum for identifying new, and reviewing on-going priorities. Policy inputs will be solicited from the WIPO Policy Advisory and Industry Advisory Commissions.

165. It is expected that the Main Program will continue to attract extra-budgetary 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. WIPO's effectiveness in promoting economic development has been substantially enhanced thanks to contributions from Multilateral Funds-in-Trust agreements with France and Japan, and an agreement to jointly organize and finance cooperation for development activities with Australia, Republic of Korea and Singapore.

**SUB-PROGRAM 08.1
EMPOWERMENT FOR DEVELOPMENT**

Objective: To empower Member States to develop, protect, enforce, manage, and commercially exploit IP as a tool for economic, social and cultural development.

Expected Results	Performance Indicators
1. Propagation of IP as a tool for economic development.	Number and nature of initiatives undertaken at the national level.
2. Developing countries' policy-makers are enabled to formulate policies, particularly in response to emerging IP issues.	Number of fora for policy-makers at the national, regional and international levels and feedback on policy formulation.
3. IPOs cooperate with federations of industries, chambers of commerce, academic and research institutions, including universities, and SMEs to develop linkages and programs directed to a sustained use of the IP system for economic growth.	Number of linkages and programs with the objective of developing and supporting national IP asset development, protection and management.
4. Enhanced knowledge by policy makers, academics, inventors, research institutions, cultural institutions, and private enterprises of how to manage intellectual assets for economic benefit.	Number of human resource development and capacity building programs and effectiveness of such programs.

166. Building upon the rich experience in Cooperation for Development activities in the last few years, and reflecting the new strategic needs of developing countries and LDCs for modern and more effective development, protection and management of IP assets in the knowledge economy, this sub-program will focus on assistance activities aimed at empowering Member States to create, own and exploit IP as well as to strengthen IP administration, protection, and enforcement.

167. Empowerment is achieved through a variety of distinct but interrelated approaches building on the strategies set out in the Main Program description:

- Providing support and expertise to policy-makers in Member States who request assistance in IP policy development and strategy formulation in related fields such as science and technology, economic development, education, agriculture, food policy, commerce, culture, finance, and other relevant fields;
- providing support and expertise for initiatives of Member States designed to promote the development, protection and management and the use of national IP assets;
- engaging a wide variety of stakeholders in civil society in the development, exploitation and protection of IP, permitting optimal developmental benefits from IP, promoting linkages among the various parties involved in inventive activity, and building the synergetic relationships among those sectors of the civil society and the government structure;
- promoting and sustaining support to outreach programs on IP to users and new constituencies, including research institutions and universities, traditional knowledge holders, and especially to SMEs to build strategic bridges to this important sector of developing countries' economies;
- promoting and sustaining support to IPOs in their provision of value-added services to users, including services relating to marketing and commercial exploitation of IP assets, IP information, resource networks, consulting services and training programs;
- assisting implementation of national and regional human resource development and capacity building programs in the field of IP and related disciplines with a view to enhancing the capacity of developing countries to develop, protect, and manage IP;
- offering expert legal advice and other types of professional advice on emerging IP issues and policy development that are critical to assisting developing and least developed countries to participate fully in the international consideration of IP-related issues;
- advising developing countries on the benefits of adherence to WIPO-administered treaties, including the global protection systems and providing national administrations and user groups with information and advice on how to take advantage of the potential offered by these systems in order to build a solid infrastructure of IP administration and protection;
- supporting IPOs in streamlining their administration and other functions, by use of information technology, and developing national capacity in terms of professional and administrative skills, including provision of support for technological improvements to make the IP system user-friendly, efficient, and affordable;

- upgrading the institutional capacity of the IP infrastructure to administer IP systems;
- collaborating with regional and international organizations in order to support development cooperation, including raising awareness of IP, stimulating funding for Research & Development (R&D) protected by IPRs, supporting regional networks on information-sharing, and enhancing opportunities for practical and results based projects on IP and economic development.

168. Within the foregoing overall framework, responsibility for program design, coordination and implementation will continue to be under the four Regional Bureaus (for Africa, the Arab States, Asia and the Pacific, and Latin America and the Caribbean) in collaboration with units undertaking activities under sub-program 8.2 and Main Programs 10, 11 and 12.

Activities

- Meetings of policy-makers at regional, sub-regional and national levels, for strategic consideration of critical policy issues related to use of IP as a tool for economic and cultural development;
- development of IP policies and their implementation frameworks on a national and regional basis to create synergy, linking the various stakeholders who contribute to economic and technological development through inventive and creative activities;
- interactive training programs and symposia designed to highlight the advantages of using the IP system and develop IP assets as a way to boost economic productiveness, competition, and poverty eradication, with practical modalities;
- human resource development in cooperation with other relevant main programs to provide expert advice to Member States concerning the relationship of IP with other fields, such as market development, competition, technology transfer and licensing, science and technology, education and trade;
- assistance in supporting the use of IP systems by SMEs through a variety of activities, including: promotional campaigns targeting Chief Executive Officers of SMEs concerning the benefits of IP as a business strategy; and expanding the use of trademarks and other forms of IP by SMEs as a tool for export competitiveness in regional and global markets;
- in consultation with other units concerned including services of sub-program 12.2, assistance in strengthening capacities to enforce intellectual property norms and laws, especially through programs for judges, customs and policy officials, and sharing of best practices on enforcement matters;

- assistance in policy-makers to formulate national IP policies and programs for developing, promoting and managing of IP rights as economic assets with a particular emphasis on local creation and ownership of these assets;
- education of user communities (such as business enterprises, R&D institutions, universities, trade associations, attorneys, associations of IP rights owners and consumer associations) to enable them to effectively use IP systems;
- promotion of, and support to, sub-regional and regional cooperation activities to strengthen capacities to address IP issues;
- support to copyright and related rights administrations at the national, sub-regional and regional levels to enable them to deal with emerging trends and issues;
- assistance in building up national capacities to effectively negotiate agreements for the transfer of technology, including programs for development of licensing and negotiation skills;
- advising on the advantages of, and supporting accession to the global protection system (PCT, Madrid, The Hague and Lisbon systems) and how these systems relate to the needs and developmental goals of Member States;
- training of officials, users and potential users in using the global protection systems, both when a Member State joins a system and through periodic refresher courses; and
- development and promotion of, and support to, national and regional initiatives and programs aimed at empowering rights owners to tap the potential of copyright and related rights protection, to secure circulation of copyrighted material, and to create an enabling market environment conducive to investment.

SUB-PROGRAM 08.2
SPECIAL SUPPORT AREAS

Objective: To facilitate, through special support areas, the attainment of IP goals and development objectives of developing countries and LDC Member States.

Expected Results	Performance Indicators
1. Information on IP legislation made available by WIPO is widely accessible.	Rate of utilization of WIPO-serviced collections and publications of IP law.
2. National legislation of developing countries and LDCs is in consonance with international standards and norms.	Number of draft laws and regulations, comments, advice on compatibility and other legal advice provided by WIPO.
3. Information technology is used as a tool to enhance the efficacy of IP offices.	Number of IPOs introducing new, or upgrading existing, automation systems.
4. Enhanced awareness of LDCs' policy-makers and users' groups of the importance of IP issues and strengthened capacity of LDCs to benefit from the IP system.	<ul style="list-style-type: none"> • Number of fora for policy makers and users' groups, and feedback received. • Number and nature of initiatives at the national level.
5. Increased use of collective management societies by creators and artists.	Number of collective management organizations created or strengthened.

169. This sub-program provides services that are of critical importance in ensuring that developing and least developed countries maximize the economic, social and cultural benefits derived from IP systems. Sub-program 8.2 covers four special support areas.

170. *Legal Services.* This sub-program provides legal services to developing countries and LDCs concerning IP and development, including legislative and legal frameworks. In light of the increasing importance and visibility of IP as a tool for economic, social and cultural development, this sub-program will provide, upon request, analysis and advice to countries concerning the design, effect and operation of international, regional and national IP laws and systems. Particular consideration will be given to providing legal services to respond to inquiries concerning how developing countries and LDCs can utilize and benefit from industrial property and copyright systems. In this connection, this sub-program will coordinate with Main Programs 3, 4 and 5.

171. *Support service for LDCs.* The sub-program will further help LDCs to elaborate national and regional strategies to optimize their use of IP as a tool for economic development in ways that are geared to their developmental objectives.

172. *Support Services for Collective Management of Copyright.* The sub-program assists policy makers and collective management organizations in addressing and facilitating the role of such organizations in ensuring the effective commercial exploitation of works, and the proper distribution of revenues from such works to creators and artists.

173. *IP Office Automation Services.* The sub-program provides advisory and technical services to assist developing countries and LDCs in utilizing appropriate information technologies and other matters related to the automation of business processes and administrative work of IPOs. They include the promotion of the use of WIPO_{NET}, IP office automation systems, and other information technologies and services, to facilitate efficient administration of IP registration systems, networking, and other IP development and management goals as defined by the concerned Member States.

Activities

- Provision of legislative advice, in consultation with other units concerned, for the preparation of new, and modernizing of existing, legislation, in particular with a view to its compatibility with relevant international treaties, including the TRIPS Agreement;
- developing documentation on, and ensuring the publication of, legislative texts through, notably, the WIPO Collection of Laws for Electronic Access (CLEA) and providing other services under the WIPO-WTO Cooperation Agreement;
- support in elaborating and reflecting national and regional policies in their legislation and legal framework for Member States for effectively responding to emerging IP issues and utilizing the global protection system of WIPO, meeting their developmental needs as far as possible;
- in consultation with other units concerned, legal services upon request to developing countries and LDCs on topics emerging from the review of national intellectual property legislation and policies;
- preparation of case studies on how IP works in connection with marketing, education, science and technology, cultural institutions, research and development and other fields, to empower and promote LDCs to create sustainable solutions to pressing national problems;
- development of material for policy-makers and users' groups aimed at awareness building in the LDCs on the benefits of effective IP systems for attaining development goals;
- designing programs and developing guidelines to achieve cost-effective solutions for the administration and enforcement of IP rights;
- liaising with relevant sub-regional, regional and international organizations particularly to promote the contribution of IP in the development of LDCs;

- assistance in supporting and strengthening activities of existing collective management organizations (including in respect of information technology infrastructure) and in creating new ones, taking into account national and regional circumstances;
- cooperation with relevant collective management organizations and non-governmental organizations at the national, regional and international levels, to strengthen collective management systems in developing countries and LDCs, particularly in light of the fast-evolving digital environment;
- development of appropriate programs to: (i) facilitate compatibility of rights management systems in developing countries and LDCs with international technical standards and systems; (ii) effectively integrate digital technologies in collective management operations in developing countries and LDCs; and (iii) facilitate access to international databases and data distribution networks;
- provision of tailor-made training in collective management and mechanisms for appropriate follow-up activities with a view to augment revenues of artists and creators;
- ongoing development and enhancement of the automation systems for collective management organizations at the national and regional level for the management of copyright and related rights;
- consulting and expert technical assistance on IP office automation systems in IPOs to enhance effectiveness, timeliness, and outreach;
- installation of IP office automation systems in IPOs, including provision of cost effective technical advice and expertise, knowledge transfer for the execution and deployment of the automation projects, and training of IPO staff in all aspects of installed automation system, functional as well as technical;
- consulting and expert technical assistance on other information technology topics and projects, upon request, in consonance with national and regional IP development and management initiatives where information technology can serve as a useful tool;
- exploration and design of strategies and initiatives for national and regionally based application development for the WIPONET platform;
- assistance for the establishment, modernization and automation of IP offices including through expert advice, preparation of work manuals, automation projects and human resource development.

Where appropriate, the activities will be carried out in cooperation with other Main Programs including 03, 04, 05, 07, 10, 11 and 12.

Resource Description by Object of Expenditure

174. Total resources of Sfr55,583,000 reflect a program increase of Sfr556,000 or 1.0 per cent with respect to the corresponding amount in the 2002-2003 biennium.

175. For staff resources, an amount of Sfr30,148,000 is shown, a program increase of Sfr522,000 or 1.8 per cent. This includes resources of:

- (i) Sfr26,950,000 for posts, reflecting a reduction of one position, the reclassification of six posts and
- (ii) Sfr3,198,000 for short-term expenses.

176. For travel and fellowships, an amount of Sfr15,906,000 is shown, a marginal program increase of Sfr7,000. This includes resources of:

- (i) Sfr5,712,000 for 1,100 staff missions,
- (ii) Sfr9,394,000 for 2,000 third party travel in connection with the holding of development cooperation activities and
- (iii) Sfr800,000 for fellowships.

177. For contractual services, an amount of Sfr7,079,000 is shown, a program increase of Sfr47,000 or 0.7 per cent. This includes resources of:

- (i) Sfr753,000 for conferences to cover interpretation and other costs of meetings in connection with development cooperation activities,
- (ii) Sfr4,975,000 for consultants services to cover the cost of headquarters and field consultants and experts,
- (iii) Sfr68,000 for publishing services to cover the printing cost of background papers and meeting publications and
- (iv) Sfr1,283,000 for other contractual services to cover development costs of cooperation projects.

178. For operating expenses, an amount of Sfr757,000 is shown, a program decrease of Sfr6,000 or 0.8 per cent. This includes resources of:

- (i) Sfr10,000 for premises and maintenance and
- (ii) Sfr747,000 for communication and other expenses.

179. For equipment and supplies, an amount of Sfr1,693,000 is shown, a program decrease of Sfr14,000 or 0.8 per cent. This includes resources of:

- (i) Sfr999,000 for furniture and equipment, including the provision of information technology hardware within the context of cooperation activities and
- (ii) Sfr694,000 for supplies and materials, including the provision of information technology software within the context of cooperation activities.

Table 9.8 Detailed Budget 2004-2005 for Main Program 08

A. Budget Variation by Sub-program and Object of Expenditure (in thousands of Swiss francs)

	2002-2003 Revised A	Budget Variation						2004-2005 Proposed E=A+D
		Program		Cost		Total		
		Amount B	% B/A	Amount C	% C/A	Amount D=B+C	% D/A	
I. By Sub-program								
08.1 Empowerment for Development	41,146	(1,770)	(4.3)	920	2.2	(850)	(2.1)	40,296
08.2 Special Support Areas	12,754	2,325	18.2	208	1.6	2,533	19.9	15,287
TOTAL	53,900	556	1.0	1,128	2.1	1,683	3.1	55,583
II. By Object of Expenditure								
Staff Costs	28,663	522	1.8	964	3.4	1,485	5.2	30,148
Travel and Fellowships	15,795	7	--	104	0.7	111	0.7	15,906
Contractual Services	6,988	47	0.7	44	0.6	91	1.3	7,079
Operating Expenses	758	(6)	(0.8)	5	0.7	(1)	(0.1)	757
Equipment and Supplies	1,696	(14)	(0.8)	11	0.6	(3)	(0.2)	1,693
TOTAL	53,900	556	1.0	1,128	2.1	1,683	3.1	55,583

B. Post Variation by Post Category

Post Category	2002-2003 Revised A	Post Variation B-A	2004-2005 Proposed B
Directors	12	(1)	11
Professionals	35	7	42
General Service	29	(7)	22
TOTAL	76	(1)	75

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

Object of Expenditure	Sub-program		Total
	1 ED	2 SSA	
Staff Costs			
Posts	18,649	8,301	26,950
Short-term Expenses	1,978	1,220	3,198
Travel and Fellowships			
Staff Missions	4,772	940	5,712
Third Party Travel	8,354	1,040	9,394
Fellowships	704	96	800
Contractual Services			
Conferences	692	61	753
Consultants	2,901	2,074	4,975
Publishing	57	11	68
Other	640	643	1,283
Operating Expenses			
Premises and Maintenance		10	10
Communication and Other	630	117	747
Equipment and Supplies			
Furniture and Equipment	720	279	999
Supplies and Materials	199	495	694
TOTAL	40,296	15,287	55,583

D. Funds-in-Trust by Object of Expenditure *(in thousands of Swiss francs)*

<i>Object of Expenditure</i>	<i>Sub-program 1 ED</i>
Staff Expenses	576
Travel and Fellowships	144
Contractual Services	10,793
Operating Expenses	288
Equipment and Supplies	2,590
TOTAL	14,391