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WORLD
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ORGANIZATION

Committee on Development and Intellectual Property (CDIP)

Nineteenth Session
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REPORT ON THE RECOMMENDATIONS OF THE INDEPENDENT REVIEW

prepared by the Secretariat

1.   At its eighteenth session, held from October 31 to November 4, 2016, while discussing the Report on the Independent Review of the Implementation of the Development Agenda (DA) Recommendations (document CDIP/18/7), the Committee on Development and Intellectual Property (CDIP) "requested the Secretariat to provide at its next session a report on the recommendations addressed to it. It was also decided that Member States should provide to the Secretariat written contributions on any of the recommendations contained in the report by February 28, 2017. The Secretariat's report should include the submissions received from Member States."

2.   Accordingly, the annexes to this document contain the response of the Secretariat on the recommendations addressed to it and a contribution received from the Delegation of Turkey on behalf of Group B.

> 3.   *The CDIP is invited to consider the information contained in the Annexes to this document.*

[Annexes follow]

Report on the Recommendations of the Independent Review addressed to the WIPO Secretariat

Recommendations	Addressed to	Secretariat Response
Recommendation 1: The good progress made in the CDIP needs to be consolidated by introducing a higher level debate to address emerging needs and to discuss the work of the Organization on new emerging issues related to IPRs. The Committee should also facilitate an exchange of strategies and best practices from Member States on their experiences addressing IP and development concerns.	CDIP	
Recommendation 2: Member States should take measures to resolve the outstanding issues related to the mandate of the Committee and the implementation of the Coordination Mechanism.	Member States	

Recommendation 3: WIPO should continue to ensure an effective coordination, monitoring, reporting, evaluation and mainstreaming of the implementation of the DARs. The role of the DACD in coordinating the DA implementation should be strengthened.	Secretariat	Background With the guidance and approval of the Member States, WIPO has progressively introduced measures for the coordination, monitoring, reporting, evaluation and mainstreaming of the implementation of the Development Agenda (DA) Recommendations. These measures aimed at internal coordination as well as at providing information to the Member States at multiple levels, namely, the CDIP, Program and Budget Committee and the WIPO General Assembly (GA). Soon after the adoption of the DA, in 2007, the Development Agenda Coordination Division (DACD) was created. The Division acts as the Secretariat of the CDIP, facilitates the implementation of its decisions and coordinates the work of reporting to the Committee. Internally, the Division coordinates all aspects of DA implementation across the various sectors in WIPO, including the implementation of DA projects. The Division works on the basis of established procedures to undertake these responsibilities under the direct supervision and with an active support of the Deputy Director General for the Development Sector. In order to facilitate the work of the CDIP, the Committee is provided with multiple reports prepared by the Secretariat. These *inter alia* include: (1) an Annual Report by the Director General on Implementation of the Development Agenda. This Report contains an overview of the work of the entire Organization that contributes to the objectives of the Development Agenda; (2) an annual Progress Report which provides an update on the implementation of DA projects and "recommendations for immediate implementation"; (3) evaluation reports of the concluded DA projects; and (4) reports on other subjects such as those on SDGs and flexibilities upon request by the Committee.

| | | The DA has been fully embedded in the Organization's Results-Based Management (RBM) Framework. The Organization's Program and Budget (P&B) and the Program Performance Report (PPR) contain comprehensive information on the implementation and mainstreaming of the DA. The P&B provides information about the budget for DA projects and estimated development expenditure by Program and Expected Result. Moreover, since 2015, the assessment of the implementation of the DA has been mainstreamed and fully integrated in the PPR.

The GA at each session considers a Report from the CDIP. In addition, in accordance with the Coordination Mechanisms and Monitoring, Assessing and Reporting Modalities, relevant WIPO bodies include in their annual report to the GA, a description of their contribution to the implementation of the respective DA Recommendations.

Details of the above information were shared with the Review Team which endorsed the Organization's approach and recommended its continuation.

Feasibility of Implementation

The implementation of this recommendation is ongoing. |

Recommendation 4: The CDIP, in implementing the DARs, should consider how to best respond to evolving circumstances and to the emerging development challenges being faced by the IP system. This should be combined with an active involvement with other UN development agencies to benefit from their expertise for the DARs implementation and in advancing the implementation of the SDGs.	CDIP	
Recommendation 5: WIPO should consider linking DARs to Expected Results contained in the Program and Budget, wherever it is possible. Expected Results may be modified or new Expected Results may be introduced so as to ensure the integration of DARs into WIPO's work more effectively and in a sustained manner.	Secretariat	Background Since 2010/11, the P&B makes specific references to the DA Recommendations which guide the implementation of work under its 31 Programs. An organizational results framework was introduced, for the first time, in the biennium 2012/13 with each of the Programs making specific contributions to the organizational expected results. From a Program planning perspective therefore, the combination of the expected results to which it contributes and the DA Recommendations which guide its work provides a bespoke and comprehensive and holistic planning matrix linking the DA Recommendations to the results but from the specific substantive perspective of the individual Programs. Feasibility of implementation In the Secretariat's view, the approach currently in place satisfies the intent behind this recommendation.

Recommendation 6: Member States are encouraged to enhance coordination between Geneva-based Missions and their IP offices and other authorities in capitals in order to have a coordinated approach in dealing with the CDIP and raising awareness about the benefits of the DA. Higher level participation of national based experts should be enhanced in the work of the Committee. CDIP should consider modalities related to the reporting on what has been done at the national level towards the implementation of the DARs.	Member States & CDIP	
Recommendation 7: Member States are encouraged, in light with their national needs, to formulate new project proposals for the consideration of the CDIP. They should consider the establishment of a reporting mechanism on the lessons learned and best practices from successfully implemented DA projects and activities. This reporting mechanism should include a periodical review of the sustainability of completed and/or mainstreamed projects, as well as the impact of these projects on the beneficiaries. WIPO should establish a database of the lessons learned and best practices identified in the course of DA projects implementation.	Member States & CDIP & Secretariat	<u>Background</u> Evaluation reports often contain information on the lessons learned from the implementation of DA projects which are taken into account in designing and implementing other projects and activities. However a tool such as a database which compiles this information in a systematic manner does not exist. <u>Feasibility of implementation</u> The Secretariat's actions on the possible establishment of the database depend upon the Committee's decision on the preceding part of this recommendation.

Recommendation 8: Future work related to the development of new projects should be modular and customizable and should consider the absorption capacity and the level of expertise of the beneficiaries. In the implementation of projects at the national level, WIPO should explore close partnerships with UN agencies and other entities to enhance the effectiveness, comprehensiveness and sustainability.	CDIP & Secretariat	Background As regards the first part of this recommendation, as the scope of DA projects is limited to a small number of countries, their implementation strategy has been customized to the needs of each recipient country. Projects such as "Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries" - Phase I, the Pilot Project for the Establishment of "Start-Up" National IP Academies (Phase I and II), and IP and Product Branding for Business Development in Developing Countries and Least-Developed Countries (LDCs) are some examples of those where implementation has been tailored to suit the needs of each beneficiary country. This can be seen in the relevant Project Documents, Progress Reports and Evaluation Reports. Furthermore, it may be noted that most of the recent project proposals submitted to the Committee, where necessary, foresee criteria for the selection of beneficiary countries. These criteria include certain pre-requisites such as the presence of the necessary infrastructure / institutions / legal framework / level of expertise, etc. to be available in the beneficiary countries. This approach was introduced to ensure that the recipient countries have the necessary absorption capacity and are able to derive long-term benefits from the project. The Review Report listed a number of projects where the absorption capacity and pre-existing expertise contributed to their success, namely, Specialized Databases' Access and Support, Smart IP institutions, Pilot Project for the Establishment of "Start-Up" National IP Academies (Phase I and II), Developing Tools for Access to Patent information. The Secretariat took note of these examples.

		As regards the second part of the recommendation, where appropriate, coordination and partnership with other UN agencies and other entities have been undertaken for the project implementation. Some examples of such cooperation are the following projects: IP and Brain Drain, Specialized Databases' Access and Support (Phase I and II), Developing Tools For Access to Patent Information – (Phase I and II). Feasibility of implementation As regards the first part of the recommendation, the Secretariat could ensure to deploy and strengthen the above-mentioned approaches in future projects. The second part of the recommendation could be implemented for projects where coordination and partnerships with other UN agencies and other entities is relevant.

| **Recommendation 9:**

WIPO should pay more attention to recruiting experts that are very well versed and knowledgeable about the socio-economic conditions of the recipient countries. Beneficiary countries should ensure a high degree of internal coordination amongst its various organs in order to facilitate the implementation and long-term sustainability of a project. | Member States & Secretariat | Background

The recruitment of experts well versed and knowledgeable about the socio-economic conditions of the recipient countries is taken into consideration by Project Managers who as a matter of principle team up local and international experts, where appropriate and feasible. Local experts are expected to bring to the project the specific knowledge of a country's socio-economic situation and priorities, knowledge of the IP system, etc. As examples and as reflected in the relevant Project Documents, Progress Reports and Evaluation Reports, different projects adhered to this principle, namely, Project on Improvement of National, Sub Regional and Regional IP Institutional and User Capacity; Project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries (Phase I and II); Project on IP and Socio-Economic Development (Phase I and Phase II); and, Project on IP, Tourism and Culture: Supporting Development Objectives and Promoting Cultural Heritage in Egypt and Other Developing Countries.

Feasibility of implementation

The implementation of this recommendation is feasible. The approach reflected therein could be strengthened further in future projects. |

Recommendation 10: The Secretariat's Progress Reports submitted to the CDIP should include detailed information about the utilization of financial and human resources related to the DA projects. Simultaneous assignment of the same project manager to multiple projects should be avoided.	Secretariat	Background As regards the first part of the recommendation, at present, Progress Reports provide budgetary information on the personnel and non-personnel costs as well as on the project implementation rate of each project. That information is also included in the Program and Budget approved by Member States. Both Progress Reports and the Program and Budgets are publicly available. Detailed budgetary and actual expenditure information is also made available, on a quarterly basis, to Member States in a members-only platform. As regards the second part of the recommendation, it may be noted that simultaneous assignment of the same project manager to more than one project occurred in the beginning of the DA implementation and at the time of the third session of the CDIP when a large number of projects was adopted. For example, document CDIP/3/INF/2 contained nine DA projects for approval of the Committee[1]. Due to the high demand for expertise in certain areas, in some cases, a project manager was assigned more than one project. This practice was however discontinued following the completion of the abovementioned projects. Feasibility of implementation The implementation of the first part of the recommendation is feasible. Detailed financial information can be included in the subsequent Progress Reports to be considered by the Committee.

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[1] The document is available at : http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=119552

		As regards the second part, as explained, there are no DA projects simultaneously assigned to the same project manager. The Secretariat could ensure the implementation of this recommendation in the future.
Recommendation 11: A mechanism should be put in place to report on the agreed recommendations contained in the evaluation reports and on the mainstreamed outcomes of the DA projects. The mainstreaming process should be aligned to the approved Expected Results.	Member States & Secretariat	Background As regards the first part of the recommendation, the Committee has not always taken clear decisions concerning the implementation of all the recommendations contained in the evaluation reports of DA projects. Consequently, the Secretariat has been implementing a number of those recommendations as appropriate in its DA related projects and activities. As regards the second part of the recommendation, it should be noted that following the introduction of RBM, including a results-based budget in the biennium 2014/15, all work of the Organization is linked to the organizational expected results. This implies that the DA projects which have been mainstreamed into the regular work of the Organization are automatically linked to the same results to which the original DA project contributed. This ensures consistence and coherence in the planning approach. It is worthwhile noting that all RBM processes in the Organization are supported by a suite of Enterprise Resource Planning (ERP) tools which are designed to reinforce the linkages between all activities and resources to the organizational results framework. Feasibility of implementation In the Secretariat's view, the approach currently in place satisfies the intent behind this recommendation.

| Recommendation 12:

Member States and the Secretariat should consider ways and means to better disseminate information about the DA and its implementation. | Member States & Secretariat | <u>Background</u>

The Secretariat has deployed multiple approaches for the dissemination of information about the DA, its implementation and other development related activities of WIPO. First, the DA has a robust presence on WIPO's website. A dedicated DA webpage provides information on the background of its adoption, the 45 recommendations, the establishment of the CDIP, the various sessions of the CDIP and documents considered by the Committee, the implementation of projects and their related outputs, other resources and activities and a "news" section. The web-presence is regularly updated. The Secretariat also uses the social media such as youtube.com and twitter to disseminate information about the DA and the CDIP. For example, for the last few sessions, video clips summarizing the Committee's work have been published on youtube.com. WIPO has also been using twitter to disseminate information about important DA related activities such as the International Conference on IP & Development held in April 2016. Twitter has also been used to flash information about the CDIP. It may be pertinent to mention here that events such as the CDIP and the above-mentioned Conference on IP & Development are accessible to all (government officials, NGOs/IGOs/civil society) through webcasting. As mentioned, in the Report on the Conference (document CDIP/18/3), some 600 individuals participated in the Conference through webcasting. An important channel of the dissemination of knowledge about the DA and IP & Development has been the WIPO Academy's training content which integrates development-related aspects of IP. In 2012, DA matters were introduced in the general course on IP in four languages and four advanced courses in overall six languages. Furthermore, at the national level, the implementation of the various DA projects as well as its outputs has automatically |

		spread information about the DA, both implicitly and explicitly. An example of the latter category, WIPO and Cambridge University Press co-published the book "The informal economy in developing Nations: Hidden engine of innovation?" in the context of the CDIP Project on IP and the Informal Economy topic in 2016. A similar book on the International Mobility of Talent and Innovation – building on the CDIP Project on IP and Brain Drain – was completed in 2016, and is expected to be published during the current year. Feasibility of implementation The implementation of this recommendation is feasible. The Secretariat seeks the Committee's guidance on how to improve the dissemination on the DA and its implementation further.

[Annex II follows]

Group B Contribution on the Recommendations Contained in the Report on the Independent Review of the Implementation of the Development Agenda Recommendations (document CDIP/18/7)

Group B appreciates the report's conclusion that "the implementation of DARs has largely been consistent with the expectations of Member States, stakeholders and other intended beneficiaries and that the thematic project-based approach was a useful modality to speed-up the implementation of the DARs." We appreciate the efforts of the Review Team and note the report's findings, conclusions and recommendations contained in the document CDIP/18/7. As our group stated at the 18th session of the Committee, the recommendations are directed to three different groups of "actors": (1) to individual Member States; (2) to the CDIP; and (3) to the WIPO Secretariat. Some recommendations contain elements directed to more than one group identified above. We believe that for those recommendations or elements of recommendations, directed to Member States – Member States should review and discuss these recommendations with their respective capitals and consider what actions are appropriate for implementation at the national level. For those recommendations or elements of recommendations, directed to the CDIP – CDIP members should carefully review these recommendations and present proposals to the CDIP for consideration. Finally, for those recommendations or elements of recommendations directed to the WIPO Secretariat – we look forward to comments by the Secretariat. CDIP should then discuss the comments and for those recommendations that the Committee agrees upon, the Secretariat should act upon and report on the implementation. In order to inform and further this discussion and as requested by the Chair at the 18th session of the Committee, Group B offers the following comments (in bold) on the 12 recommendations contained in the document CDIP/18/7:

Recommendation 1

The good progress made in the CDIP needs to be consolidated by introducing a higher level debate to address emerging needs and to discuss the work of the Organization on new emerging issues related to IPRs. The Committee should also facilitate an exchange of strategies and best practices from Member States on their experiences addressing IP and development concerns.

GROUP B COMMENTS

- **Group B supports an exchange of strategies and best practices among Member States on their experiences in addressing IP and development issues. Such sharing sessions should be conducted during Committee meetings, on a regular basis, as determined by the Members States.**
- **Group B understands "a higher level debate" to mean an increased focus to experiences in addressing IP and development issues at the Committee level[2]. We believe that such debate would be most useful if conducted with the participation of experts from capitals with direct knowledgeable and involvement in such emerging issues.**

Recommendation 2

Member States should take measures to resolve the outstanding issues related to the mandate of the Committee and the implementation of the Coordination Mechanism.

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[2] This understanding is consistent with the explanation provided by Mr. Gupta at the 18th session of the Committee.

GROUP B COMMENTS

- **We strongly support the Report's recommendation that outstanding issues related to the mandate of the Committee and the implementation of the Coordination Mechanism must be resolved. The report covers the CDIP mandate and coordination mechanism in Finding 4. In addition Conclusion 2 contends that "the principles and objectives of the DA have been guiding the work of WIPO through CDIP and other WIPO bodies", and Conclusion 3 is that the role of CDIP was efficient in implementing and monitoring of the DARs. Group B believes the report is clear that further expansion of the coordination mechanism to other bodies is neither helpful nor necessary to fulfilling the DARs.**
- **We strongly support the call to end further discussions on the Coordination Mechanism and heed the report's call in the final paragraph of Finding 4 to devote adequate time "to discuss the sustainability of the completed and mainstreamed projects".**

Recommendation 3

WIPO should continue to ensure an effective coordination, monitoring, reporting, evaluation and mainstreaming of the implementation of the DARs. The role of the DACD in coordinating the DA implementation should be strengthened.

GROUP B COMMENTS

- **We note the importance of continuing to ensure effective coordination, monitoring, reporting and evaluation of the implementation of the DAR and encourage the Secretariat to continue its efforts in this respect.**
- **We also note that these issues seem to be also addressed under Recommendations 6 and 7.**

Recommendation 4

The CDIP, in implementing the DARs, should consider how best to respond to evolving circumstances and to the emerging development challenges being faced by the IP system. This should be combined with an active involvement with other UN development agencies to benefit from their expertise for the DARs implementation and in advancing the implementation of the SDGs.

GROUP B COMMENTS

- **This recommendation covers work already underway in CDIP. In particular, and subsequent to the publication of the Report contained in the document CDIP/18/7, Group B would like to highlight that CDIP was able to agree, after many years of discussions, that the Secretariat would provide an annual report on its activities regarding the SDGs. We believe that this approach will move the Committee forward on this important issue.**
- **We also note that this recommendation overlaps with Recommendation 1.**

Recommendation 5

WIPO should consider linking DARs to Expected Results contained in the Program and Budget, wherever it is possible. Expected Results may be modified or new Expected Results may be introduced so as to ensure the integration of DARs into WIPO's work more effectively and in a sustained manner.

GROUP B COMMENTS

- **Group B does not support this recommendation, as DARs provide strategic guidance - guidance that is already systematically integrated in WIPO's work – they do not provide measurable results that would be required to give consideration to the viability of such a recommendation within the results-based management system.**
- **We note from Finding 7 that the DARs and their principles are already mostly integrated into the Programme and Budget cycle. In addition, Finding 7 underlines that the Programme Performance Report (PPR) already contains a section under each programme outlining the role and contribution to the implementation of the DA and that the DA was mainstreamed and integrated into the Overview of Progress. In particular, we note in Finding 10 that "The regular progress reports submitted to the CDIP provide good evidence of the involvement of the Secretariat in advancing the implementation of the DARs and opportunities to Member States to monitor and supervise this implementation".**
- **We note that the report does identify specific shortcomings in the 2010 to 2015 Medium Term Strategic Plan (MTSP). The MTSP 2016 to 2020, however, does integrate DA strategies, challenges and opportunities, namely under Strategic Objectives III, V and VI. The shortcomings identified for the MTSP 2010 to 2015 have thus already been addressed.**
- **Group B therefore believes that the findings and latest MTSP make it clear that Member States already have the necessary tools to monitor systematically the integration of the DARs in WIPO's work including programming and strategic planning, as outlined above.**

Recommendation 6

Member States are encouraged to enhance coordination between Geneva-based Missions and their IP offices and other authorities in capital in order to have a coordinated approach in dealing with the CDIP and raising awareness about the benefits of the DA. Higher level participation of national based experts should be enhanced in the work of the Committee. CDIP should consider modalities related to the reporting on what has been done at the national level towards the implementation of the DARs.

GROUP B COMMENTS

- **Group B supports adopting modalities to ensure regular voluntary reporting by Member States on action taken at the national level to implement DARs.**
- **We also welcome the call for increased participation of the capital-based experts, in order to be able to benefit from their practical experience and expertise.**

Recommendation 7

Member States are encouraged, in light with their national needs, to formulate new project proposals for the consideration of the CDIP. They should consider the establishment of a reporting mechanism on the lessons learned and best practices from successfully implemented DA projects and activities. This reporting mechanism should include a periodical review of the sustainability of completed and/or mainstreamed projects, as well as the impact of these projects on the beneficiaries. WIPO should establish a database of the lessons learned and best practices identified in the course of DA projects implementation.

GROUP B COMMENTS

- **Group B supports the encouragement for Member States to formulate new project proposals for the consideration by the Committee and attributes great importance to the fact that these be based on national needs.**
- **Group B would also welcome sharing of experiences by beneficiary countries on lessons learned and best practices from the implementation of DA projects.**
- **Group B welcomes a discussion by CDIP of the best format for systematizing such reporting, noting that the database format has shown in the past to carry some weaknesses and significant costs.**

Recommendation 8

Future work related to the development of new projects should be modular and customizable and should consider the absorption capacity and the level of expertise of the beneficiaries. In the implementation of projects at the national level, WIPO should explore close partnerships with UN agencies and other entities to enhance the effectiveness, comprehensiveness and sustainability.

GROUP B COMMENTS

- **Group B notes the importance of duly taking into account absorption capacities and the level of expertise of project beneficiaries at every stage of the process – from the consideration of the project proposal to the implementation of the projects.**

Recommendation 9

WIPO should pay more attention to recruiting experts that are very well versed and knowledgeable about the socio-economic conditions of the recipient countries. Beneficiary countries should ensure a high degree of internal coordination amongst its various organs in order to facilitate the implementation and long-term sustainability of a project.

GROUP B COMMENTS

- **Group B fully supports merit based recruitment by WIPO.**
- **As the second part of the recommendation is addressed to Member States, we fully support it. However, we note that this element does not require any action from the Committee and should be addressed at the national level.**

Recommendation 10

The Secretariat's Progress Reports submitted to the CDIP should include detailed information about the utilization of financial and human resources related to the DA projects. Simultaneous assignment of the same project manager to multiple projects should be avoided.

GROUP B COMMENTS

- **In general, Group B supports transparency when reporting the use of project resources. However, with respect to Recommendation 10, it is not clear to us what additional information would be required to achieve this goal. Regarding the second part of the recommendation, Group B wishes to underscore that the assessment of the adequate workload for a project manager needs to be made on a case by case basis by competent staff within the WIPO Secretariat.**

Recommendation 11

A mechanism should be put in place to report on the agreed recommendations contained in the evaluation reports and on the mainstreamed outcomes of the DA projects. Mainstreaming process should be aligned to the approved Expected Results.

GROUP B COMMENTS

- **Group B does not support this recommendation as unduly burdensome and counterproductive.**
- **Group B continues to support the established and useful practice in this Committee, when project evaluation reports are discussed by the Member States, Member States provide their views with respect to the evaluation outcomes and let the Secretariat decide on the best and most practical way to take these outcomes and recommendations into consideration, but do not approve evaluation recommendations one by one. Discussing and approving evaluation recommendations one by one, would lead to prolonged and inefficient discussions, and would, in our view, complicate and/or impede the work of the Committee. It would also delay any possible improvements since Member States might not agree on the exact wording of the recommendations.**

Recommendation 12

Member States and the Secretariat should consider ways and means to better disseminate information about the DA and its implementation.

GROUP B COMMENTS

- **Group B is open to explore means to better disseminate information about the DA and its implementation, but sees this recommendation covered by action to be taken under Recommendations 6 and 7.**

[End of Annex II and of document]