

Committee on Development and Intellectual Property (CDIP)

Twenty-Seventh Session
Geneva, November 22 to 26, 2021

REVISED PROJECT PROPOSAL BY BRAZIL ON EMPOWERING SMALL BUSINESSES THROUGH IP: DEVELOPING STRATEGIES FOR SUPPORTING GEOGRAPHICAL INDICATIONS OR COLLECTIVE MARKS IN THE POST-REGISTRATION PERIOD

prepared by the Secretariat

1. The Committee on Development and Intellectual Property (CDIP), at its twenty-sixth session, discussed document CDIP/26/9 on the *Project Proposal Submitted by Brazil on Empowering Small Businesses Through IP: Developing Strategies for Supporting Geographical Indications or Collective Marks in the Post-registry Period*. The Committee “discussed the project proposal and requested Brazil to develop the proposal further based on the comments by Member States and with the assistance of the Secretariat, for its consideration at the next session”.

2. The Annex to this document contains a revised project proposal by Brazil, prepared with the support of the WIPO Secretariat.

3. *The CDIP is invited to consider the Annexes to the present document.*

[Annexes follow]

DEVELOPMENT AGENDA RECOMMENDATIONS 1, 4, 10 and 11

PROJECT DOCUMENT

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| 1. SUMMARY | |
| <u>Project Code</u> | DA_1_4_10_11_01 |
| <u>Title</u> | Empowering small businesses through IP: developing strategies for supporting geographical indications or collective marks in the post-registration period |
| <u>Development Agenda Recommendations</u> | <p><i>Recommendation 1:</i> WIPO technical assistance shall be, <i>inter alia</i>, development-oriented, demand-driven and transparent, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion. In this regard, design, delivery mechanisms and evaluation processes of technical assistance programs should be country specific.</p> <p><i>Recommendation 4:</i> Place particular emphasis on the needs of small and medium-sized enterprises (SMEs) and institutions dealing with scientific research and cultural industries and assist Member States, at their request, in setting up appropriate national strategies in the field of intellectual property.</p> <p><i>Recommendation 10:</i> To assist Member States to develop and improve national intellectual property institutional capacity through further development of infrastructure and other facilities with a view to making national intellectual property institutions more efficient and promote fair balance between intellectual property protection and the public interest. This technical assistance should also be extended to sub-regional and regional organizations dealing with intellectual property.</p> <p><i>Recommendation 11:</i> To assist Member States to strengthen national capacity for protection of domestic creations, innovations and inventions and to support development of national scientific and technological infrastructure, where appropriate, in accordance with WIPO's mandate.</p> |

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| <p><u>Brief Description of Project</u></p> | <p>The objective of this project is to develop capacity buildings tools and initiatives to empower users or right holders of geographical indications (hereinafter: "GIs") or collective/certification marks from developing countries in the post-registration period to effectively use their IP right.</p> <p>While focusing on specific geographical indications or collective/certification marks in the participating developing countries, the project will produce strategies/plan and tools that could be replicated by other users or right holders of geographical indications or collective/certification marks and mainstreamed by relevant authorities and stakeholders in a national or regional context.</p> |
| <p><u>Implementing Sector</u></p> | <p>Brands and Designs</p> |
| <p><u>Links to other related Sector(s)/ DA Project(s)</u></p> | <p>Sectors: Regional and National Development; IP and Innovation Ecosystems</p> <p>Projects: DA_1_4_10_01 Registration of the Collective Marks of Local Enterprises as a Cross-Cutting Economic Development Issue DA_4_10_01, IP and Product Branding for Business Development in Developing and Least Developed Countries; DA_4_10_02 Pilot Project on Intellectual Property (IP) and Design Management for Business Development in Developing and Least Developed Countries (LDCs); DA_1_10_12_01, Intellectual property and gastronomic tourism in Peru and other developing countries: promoting the development of gastronomic tourism through intellectual property; DA_1_10_12_40_01, Intellectual Property, Tourism and Culture: Supporting Development Objectives and Promoting Cultural Heritage in Egypt and other Developing Countries</p> |
| <p><u>Links to Expected Results in the Program and Budget</u></p> | <p><i>Expected Result 4.1:</i> More effective use of IP to support growth and development of all Member States and their relevant regions and sub-regions, including through the mainstreaming of the Development Agenda Recommendations.</p> <p>Expected Result 4.3: Increased IP knowledge and skills in all Member States.</p> <p><i>Expected Result 4.4:</i> More innovators, creators, SMEs, universities, research institutions and communities leverage IP successfully</p> |
| <p><u>Project Duration</u></p> | <p>36 months</p> |

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| <u>Project Budget</u> | 592,300 CHF (non-personnel) |
| 2. PROJECT DESCRIPTION | |
| 2.1. <u>Introduction to the issue</u> | |
| <p>Small businesses and producers in developing countries are increasingly relying on intellectual property rights, such as GIs or collective/certification marks, to protect and promote the specific characteristics of certain local products. The place of origin of a product may be linked to quality attributes and specific characteristics that can be harnessed to improve market access for local communities, enhancing revenues for producers and promoting the development of rural areas. IP protection may also encourage producers to define and safeguard common quality standards, as well as traditional methods of production, thus protecting and promoting local culture and history.</p> <p>The geographical indication or collective/certification mark registration is only the first step in the successful development and implementation of a geographical indication or collective/certification mark and their related quality scheme. Numerous challenges faced by producers in developing countries lie in the post-registration period. Those challenges may involve, in particular:</p> <ul style="list-style-type: none"> - lack of knowledge of the operation and potential benefits of the respective IPR; - lack of sufficient involvement of producers during the development and registration of the IPR; - the absence of control and certification systems; - issues related to internal governance of producers groups and collective management of the IPR; - need to improve or adjust the code of practice relating to the use of the IPR; or - enforcement issues: producers may suffer from unfair competition and usurpation of the geographical name. <p>In order to obtain success with their geographical indication or collective/certification mark, it is important that producers are organized, committed and equipped with the relevant knowledge to benefit from their IP right. Moreover, in many developing countries, institutional mechanisms, such as regulations, control and certification systems and enforcement mechanisms, may not be in place to support those producers in their business goals. Therefore, strategies and tools to support a geographical indication or collective/certification mark in these settings should take into account the institutional environment and its constraints.</p> | |

2.2. Objectives and outcomes

Overall objective:

To empower users or right holders of geographical indications or collective/certification marks from developing countries in the post-registration period to effectively use their IP right.

Outcomes:

1. Increased awareness among national and regional authorities and relevant stakeholders about the potential benefits of the role of GIs or collective/certification marks among local producers as an IP tool to improve market access for local products while safeguarding common quality standards and traditional methods of production.
2. Increased capacity of the local participants on the collective management of geographical indications and collective/certification marks and related quality schemes.
3. Small local businesses (users or right holders of geographical indications or collective/certification marks) are more empowered to make the best use of their IP right, in particular by the establishment of control and certification schemes, by strengthening the internal governance of producers groups that use or own a geographical indication or collective/certification mark and by the development of commercialization strategies.

2.3. Delivery Strategy

A. Scope

The project will be implemented in Brazil and three other beneficiary pilot countries.

B. Selection criteria for beneficiary countries

The actual selection of the three other pilot countries will be based on, *inter alia*, the following criteria:

1. appointment of a national coordinator who will act as the country's institutional representative;
2. local expertise availability: the assessment of beneficiary countries will also include the need for recruiting and availability of local expertise.
3. existence of protected or registered domestic geographical indications or collective/certification marks and related institutional and legislative framework;
4. existence of association or other organization or group of local producers that are and could be users or right-holders of GIs or collective marks and related institutional and legislative framework;
5. actual need to support local businesses in implementing collective management and use of geographical indications and collective/certification marks;
6. expression of interest by the Member State's intellectual property bodies and other relevant authorities in charge of agriculture, handicraft, certification and trade;

7. commitment of the country to dedicate the necessary resources for the effective implementation of the project and its sustainability;
8. geographical diversity;
9. cost efficiency; any economies in terms of project administration, consultant profile (including language skills) and travel will also be considered.

Member states interested in participating in the project should complete the template for submission of requests, contained in Annex II of this document.

C. Detailed delivery strategy

The project implementation will consist of three phases:

Phase 1: Identification in each of the beneficiary countries of protected (registered) GIs or collective/certification marks that could benefit from the collective implementation of the related quality scheme and selection of a final geographical indication or collective/certification mark, and analysis of the challenges faced by local producers, users or owners of a geographical indication or a collective/certification mark, in general, and for local producers of the selected geographical indication(s) or collective/certification mark(s), in particular, to effectively implement and use their IPRs in the post-registration period.

Action 1.1: Selection of one geographical indication or collective/certification mark in each beneficiary pilot country for which cost effective control and certification schemes, as appropriate, will be developed and implemented, and establishing or strengthening the internal governance of local producers groups.

Action 1.2: Study on the challenges faced by local producers, that are users or owners of a geographical indication or a collective/certification mark, in general, and, in particular, for the local producers of the selected geographical indication(s) or collective/certification mark(s), in particular, to effectively implement and use their IPRs following in the post-registration period.

Action 1.3: Information events for national and local authorities, producers groups and other interested stakeholders of the selected countries on the potential benefits of the collective management of quality schemes for origin products related to protected geographical indications or collective/certification marks.

Phase 2: Development of strategies, tools and initiatives to tackle the challenges identified in Phase 1.

Action 2.1: Elaboration of strategies, guides or training material with regard to the collective management of geographical indications or collective/certification marks and related quality schemes.

Action 2.2: Workshops and training for relevant authorities and local actors contributing to rural and local development initiatives in the selected countries on the collective management of quality schemes for origin products protected by a GI or a collective/certification mark.

Action 2.3: Workshops and trainings with the selected groups of producers on the collective management of the quality scheme for origin products.

Phase 3: Implementation of the geographical indication or collective/certification mark development strategies and tools, building on the results achieved in Phase 2.

Action 3.1: Organizing workshops and training to strengthen internal governance of selected producers groups.

Action 3.2: Supporting the development and implementation of cost-effective control and certification systems, as appropriate, with the selected groups of producers.

Action 3.3: Elaborating and implementing a branding and commercialization strategy, including e-commerce and export, with the selected groups of producers.

Action 3.4: Organization of raising awareness activities in the beneficiary countries, and in particular with the selected producers groups, about potential benefits of the collective management of geographical indications or collective/certification marks for local development and preservation of traditions and culture; and production of awareness raising material.

2.4. Potential risks and mitigating measures

Risk 1: Resistance by some local producers and producers groups to change their production and commercialization practices to implemented to collective quality scheme for origin product.

Mitigation 1: Conduct high-impact information and awareness-raising drives on the comparative advantages of using geographical indications and collective/certification marks and related collective quality scheme.

Risk 2: Possible conflicts within producers group, which could delay action to properly implement the collective management of the geographical indication or collective/certification mark and related quality scheme.

Mitigation 2: Initiate action to build local authorities' and local producers' awareness of the effects of organizational weakness on the formulation of collective initiatives.

Risk 3: Limited institutional capacity of producers groups to establish and implement the collective scheme of management of the geographical indication or the collective/certification mark.

Mitigation 3: Undertaking of institutional assessment of the potential beneficiary groups prior to selection.

Risk 4: Limited intuitional and legal framework and investment by national authorities.

Mitigation 4: Undertaking of thorough assessment prior to the selection of beneficiary countries.

Risk 5: Possibility of recurrence of Covid-19 crisis and, consequently, lockdown and other restrictive measures that hamper the project's implementation.

Mitigation 5: Close following-up of the sanitary situation in each beneficiary country in coordination with national coordinators; adaptation of the modalities of implementation of activities (virtual meetings prioritized, travel minimized), where feasible.

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| 3. REVIEW AND EVALUATION | |
| 3.1. <u>Project Review Schedule</u> | |
| <p>A yearly progress report will be presented for the consideration of the CDIP.</p> <p>A final self-evaluation will be carried out upon project completion and will be submitted to the CDIP.</p> <p>A final independent evaluation report will be prepared by an external consultant upon project completion and will be submitted to the CDIP.</p> | |
| 3.2. <u>Project Self-Evaluation</u> | |
| <u>Project Outputs</u> | <u>Indicators of Successful Completion (Output Indicators)</u> |
| All project deliverables completed | <ul style="list-style-type: none"> ▪ Three beneficiary countries selected (based on selection criteria outlined above) and national coordinators appointed ▪ Country-level project plans approved ▪ Information events held ▪ Studies on challenges post registration developed and validated by WIPO Project Management Team and national coordinator in each beneficiary country ▪ Geographical indication or collective/certification mark selected in each beneficiary country ▪ Strategies, guides or training material developed to strengthen the collective management of GIs or collective/certification marks ▪ Workshops and training activities carried out with relevant stakeholders and local actors contributing to rural and local development initiatives ▪ Workshops and training activities carried out with selected group of producers on collective management of the quality scheme for origin products and the strengthening of internal governance ▪ Control and certification systems developed and implemented ▪ Branding and commercialization strategy prepared and implemented ▪ Awareness raising activities carried out ▪ Awareness raising material produced |

| <u>Project outcomes</u> | <u>Indicators of success (outcome indicators)</u> |
|---|---|
| <p>Increased awareness among national and regional authorities and relevant stakeholders about the potential benefits of the role of GIs or collective/certification marks among local producers as an IP tool to improve market access for local products while safeguarding common quality standards and traditional methods of production</p> | <p>At least 80% of participants in the information events, workshops and other project activities have demonstrated increased awareness on the potential benefits of the role of GIs or collective/certification marks to improve market access while safeguarding common quality standards and traditional methods of production</p> |
| <p>Increased capacity of the local participants on the collective management of geographical indications and collective/certification marks and related quality schemes</p> | <p>At least 80% of participants in the information events, workshops and other project activities have demonstrated increased knowledge and skills relevant for the collective management of their GI or collective/certification mark.</p> |
| <p>Small local businesses (users or right holders of geographical indications or collective/certification marks) are more empowered to make the best use of their IP right, in particular by the establishment of control and certification schemes, by strengthening the internal governance of producers groups that use or own a geographical indication or collective/certification mark and by the development of commercialization strategies</p> | <p>By the end of the project, at least 80% of users or right holders of the selected GI or collective/certification mark in each beneficiary country consider that the control and certification scheme developed, the strengthening of the internal governance of the producers' groups, and the commercialization strategy produced as part of the project's activities will allow them to make a better use of their IP right.</p> |
| <u>Project Objective</u> | <u>Indicators of success in achieving the project objective</u> |
| <p>To empower users or right holders of geographical indications or collective/certification marks from developing countries in the post-registration period to effectively use their IP right</p> | <p>At least 60% of users or right holders of the selected GI or collective/certification mark in each beneficiary country consider that they are better equipped to effectively use their IP right as a result of the project.</p> |

4. IMPLEMENTATION TIMELINE¹

| Deliverables | Quarters | | | | | | | | | | | |
|--|----------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| | 1st | 2nd | 3rd | 4th | 1st | 2nd | 3rd | 4th | 1st | 2nd | 3rd | 4th |
| Pre-implementation activities: - Selection of beneficiary countries - Appointment of national coordinators | | | | | | | | | | | | |
| Approval of country-level project plans | X | | | | | | | | | | | |
| Preparation of the studies on challenges post registration | X | X | X | X | | | | | | | | |
| Information events on the potential benefits of the collective management of the quality schemes for origin products related to protected GIs or collective/certification marks, in each beneficiary country | | X | X | X | | | | | | | | |
| Selection of one geographical indication or collective/certification mark, for which producers group, control quality scheme and commercialisation strategy will be strengthened, in each beneficiary country | | X | X | | | | | | | | | |
| Development of strategies, guides or training material with regard to the collective management of GIs or collective/certification marks and related quality schemes | | | X | X | X | X | X | X | | | | |
| Conduct of workshops and training activities for relevant authorities and local actors contributing to rural and local development initiatives on the collective management of quality schemes for origin products protected by a GI or a collective/certification mark, in each beneficiary country | | | | | | | X | X | | | | |
| Conduct of workshops and training activities with the selected groups of producers on the collective management of the quality scheme for origin products, in each beneficiary country | | | | | | | X | X | | | | |
| Conduct of workshops and training activities to strengthen internal governance of selected producers groups, in each beneficiary country | | | | | | | | | X | X | X | |

¹ Implementation will start once all beneficiary countries of the projects have been selected and focal points have been appointed in each of them.

5. TOTAL RESOURCES BY OUTPUT

| <i>(in Swiss francs)</i> Project Outputs | Year 1 | | Year 2 | | Year 3 | | Total |
|--|-----------|----------------|-----------|----------------|-----------|----------------|----------------|
| | Personnel | Non-Personnel | Personnel | Non-Personnel | Personnel | Non-Personnel | |
| Project coordination and implementation support | | 77.100 | | 80.100 | | 77.100 | 234.300 |
| 5 studies (one global and 4 at the national level) | | 24.000 | | | | | 24.000 |
| 4 information events | | 40.000 | | | | | 40.000 |
| 4 guides and training materials | | 6.000 | | 18.000 | | | 24.000 |
| 4 workshops for authorities and local actors (in each country) | | | | 40.000 | | | 40.000 |
| 4 workshops for selected groups of producers on collective management (in each country) | | | | 40.000 | | | 40.000 |
| 4 workshops to strengthen internal governance (in each country) | | | | | | 40.000 | 40.000 |
| 4 activities to support the development and implementation of cost-effective control and certification systems (in each country) | | | | | | 40.000 | 40.000 |
| 4 branding and commercialization strategies developed (one in each country) | | | | | | 40.000 | 40.000 |
| 4 awareness raising activities | | | | | | 40.000 | 40.000 |
| Awareness raising material | | | | | | 20.000 | 20.000 |
| Evaluation | | | | | | 10.000 | 10.000 |
| Total | - | 147.100 | - | 178.100 | - | 267.100 | 592.300 |

6. NON-PERSONNEL RESOURCES BY COST CATEGORY

| <i>(in Swiss francs)</i> Activities | Travel, Training and Grants | | | Contractual Services | | | | | Total |
|--|------------------------------------|---------------------------|---|-----------------------------|-------------------|--|-------------------------|-----------------------------------|--------------|
| | Staff Missions | Third-party Travel | Training and related travel grants | Conferences | Publishing | Individual Contractual Services | WIPO Fellowships | Other Contractual Services | |
| Project coordination and implementation support | | | | | | | 234.300 | | 234.300 |
| 5 studies (one global and 4 at the national level) | | | | | | 24.000 | | | 24.000 |
| 4 information events | 25.000 | | 5.000 | 10.000 | | | | | 40.000 |
| 4 guides and training materials | | | | | 4.000 | 20.000 | | | 24.000 |
| 4 workshops for authorities and local actors (in each country) | | 5.000 | | 10.000 | | 25.000 | | | 40.000 |
| 4 workshops for selected groups of producers on collective management (in each country) | | 5.000 | | 10.000 | | 25.000 | | | 40.000 |
| 4 workshops to strengthen internal governance (in each country) | | 5.000 | | 10.000 | | 25.000 | | | 40.000 |
| 4 activities to support the development and implementation of cost-effective control and certification systems (in each country) | | 5.000 | | 10.000 | | 25.000 | | | 40.000 |
| 4 branding and commercialization strategies developed (one in each country) | | | | | | 40.000 | | | 40.000 |

| <i>(in Swiss francs)</i> | Travel, Training and Grants | | | Contractual Services | | | | | Total |
|--------------------------------|-----------------------------|--------------------|------------------------------------|----------------------|--------------|---------------------------------|------------------|----------------------------|----------------|
| | Staff Missions | Third-party Travel | Training and related travel grants | Conferences | Publishing | Individual Contractual Services | WIPO Fellowships | Other Contractual Services | |
| Activities | | | | | | | | | |
| 4 awareness raising activities | 25.000 | | 5.000 | 10.000 | | | | | 40.000 |
| Awareness raising material | | | | | | 15.000 | | 5.000 | 20.000 |
| Evaluation | | | | | | 10.000 | | | 10.000 |
| Total | 50.000 | 20.000 | 10.000 | 60.000 | 4.000 | 209.000 | 234.300 | 5.000 | 592.300 |

[Annex II follows]

| TEMPLATE FOR THE SUBMISSION OF REQUESTS TO PARTICIPATE AS PILOT COUNTRY | |
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| Selection criteria | Brief description |
| 1. National coordinator | The requesting country should propose a person, indicating the position and the organization, who would act as national coordinator for the duration of the project, acting as the country's institutional representative. |
| 2. Institutions and legal framework | The requesting country should indicate the authority/ies or institution(s) in charge of the protection of GIs or collective/certification marks, as well as the applicable legislative framework. Links to the institution website and the legal texts should be provided, where possible. |
| 3. Association or organization of producers | Reference to existing associations, organizations or groups of producers that could benefit from this project. |
| 4. Need of support | Brief justification of the need of local business of the requesting country to receive support. |
| 5. Expression of interest | Confirmation that the relevant bodies and authorities (agriculture, handicraft, norms and certification bodies and trade) of the requesting country are interested in participating in the project. |
| 6. Commitment | Confirmation that the requesting country is committed to devote the necessary logistical support and resources for the effective implementation of the project and its sustainability. |

[End of Annex II and of document]