

Committee on Development and Intellectual Property (CDIP)

Sixth Session

Geneva, November 22 to 26, 2010

REPORT

adopted by the Committee

1. The sixth session of the CDIP was held from November 22 to 26, 2010.
2. The following States were represented: Afghanistan, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Finland, France, Gabon, Germany, Greece, Guinea, Guinea-Bissau, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kenya, Lao People's Democratic Republic, Latvia, Lithuania, Madagascar, Malaysia, Mexico, Monaco, Myanmar, Nepal, Netherlands, Niger, Nigeria, Norway, Oman, Panama, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, The Former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Zambia and Zimbabwe (106).
3. The following intergovernmental organizations (IGOs) took part as observers: United Nations Conference on Trade and Development (UNCTAD), Food and Agriculture Organization of the United Nations (FAO), United Nations Educational Scientific and Cultural Organization (UNESCO), Association of Southeast Asian Nations, European Union (EU), African Regional Intellectual Property Organization (ARIPO), Eurasian Patent Organization (EAPO), World Trade Organization (WTO), South Centre, African Union (AU), and the Organization of Eastern Caribbean States (OECS) (11).

4. Representatives of the following international non-governmental organizations (NGOs) took part as observers: American Intellectual Property Law Association (AIPLA), Association IQSensato, CropLife International, Chamber of Commerce and Industry of the Russian Federation (CCI RF), Electronic Information for Libraries (eIFL), European Law Students' Association (ELSA International), Free Software Foundation Europe (FSFE), Ibero-Latin-American Federation of Performers (FILAIE), International Bar Association (IBA), International Centre for Trade and Sustainable Development (ICTSD), International Federation of Film Producers Associations (FIAPF), International Federation of Pharmaceutical Manufacturers Associations (IFPMA), International Federation of the Phonographic Industry (IFPI), Ingénieurs du Monde (IdM), International Literary and Artistic Association (ALAI), International Intellectual Property Institute (IIPI), International Publishers Association (IPA), International Trademark Association (INTA), International Video Federation (IVF), Knowledge Ecology International (KEI), Library Copyright Alliance (LCA), Médecins Sans Frontières (MSF), Medicines Patent Pool Foundation (MPPF), Third World Network (TWN) and the World Women Inventors and Entrepreneurs Association (WWIEA) (25).
5. Ambassador Md. Abdul Hannan, Permanent Representative of Bangladesh chaired the session.

Agenda Item 1: Opening of the Meeting

6. The Sixth Session of the Committee on Development and Intellectual Property (CDIP) was declared open by the Chair who welcomed the delegations and all other participants, and noted that their abiding interest in the work of the CDIP had been central to the considerable progress that had been made since the Committee's establishment in 2007. The Chair also noted that the CDIP had helped deepen participants' understanding of intellectual property (IP) as a strategic tool for development and had further strengthened WIPO's commitment and engagement in that regard. He called on delegations to continue to work in an open and constructive spirit to sustain the momentum. The Chair also recalled with appreciation the cooperation and understanding shown by all delegates in reaching important decisions at the Fifth Session of the CDIP in April 2010. At that meeting, the Committee had adopted the coordination mechanism and the monitoring, assessing and reporting modalities, which were subsequently approved by the WIPO General Assembly in September 2010, and had also agreed on a number of projects with a positive impact on the implementation of the WIPO Development Agenda recommendations. The Chair further recalled that at the previous session, the CDIP had received useful suggestions from the delegates regarding its future work; accordingly, a number of documents had been presented before it that corresponded to those suggestions. He particularly drew attention to the revised and new project proposals, the two discussion papers and the proposed work program on flexibilities, and also noted that there was agreement on a number of other issues which would be taken up at future sessions when the conditions for their appropriate consideration were fulfilled. There was a fairly heavy agenda in front of the Committee but with proper management, the meeting should be able to conclude its work in time. He therefore urged all delegates to be focused and constructive in their interventions. He would shortly announce an indicative work plan for the session, and for the sake of inclusiveness and transparency, he intended to conduct the proceedings of the session in the plenary format as much as possible. The Chair acknowledged the valuable advice and support that he continued to receive from the Director General, Mr. Francis Gurry, in taking forward the work of the Committee. He also acknowledged the support given to him by Mr. Geoffrey Onyeama, the Deputy Director General, Mr. Irfan Baloch, Acting Director of the Development Agenda Coordination Division (DACD), and other colleagues from the Secretariat who had been instrumental in preparing for the Sixth Session. The Chair recalled that at the Committee's previous session, he had underscored the need for creative consensus to reach agreement on issues of critical importance for all delegations. He was deeply encouraged by the efforts made by the delegations to achieve that objective and hoped that the same spirit of confidence, understanding, engagement and creativity would prevail in the current session as well. The Chair thereafter invited the Director General to address the Committee.

7. The Director General joined the Chair in welcoming all delegates to the Sixth Session of the CDIP. He observed that over the course of the previous two years, the Committee had made significant progress towards the implementation of the Development Agenda and more generally, towards the mainstreaming of development into the work of the Organization. Since the last meeting of the Committee, progress had been made particularly in two significant ways which reflected the general tendency of mainstreaming development into the work of the Organization. Firstly, the Director General noted the progress being made towards the mainstreaming of the Development Agenda projects as part of the budgetary process, which would become more evident in the following months when Member States and the Secretariat began examining the Program and Budget for the next Biennium. He emphasized that Development Agenda projects would feature as part of the regular budgetary cycle and that the time lag between consideration of projects by the CDIP and thereafter by the PBC would be eliminated. Secondly, the Director General referred to the progress achieved with the establishment of the coordination mechanism approved at the last session of the CDIP and subsequently by the General Assembly. The coordination mechanism offered an opportunity for a robust evaluation and assessment mechanism which, together with a number of other initiatives, most particularly the results-based management framework (RBM) for the Development Agenda, provided an effective monitoring tool for the Member States as well as a management tool for the Secretariat. It was hoped that the new reporting mechanism would be rationalized in the Organization, whereby an appropriate balance would be struck between, on the one hand, delivery, and on the other, reporting. He further informed the Committee that at the Sixth Session, progress reports on 14 Development Agenda projects as well as the 19 Recommendations for immediate implementation would be considered. In closing, the Director General joined the Chair in expressing the wish that participants would be able to achieve the work of the Committee successfully during the week in a timely manner.
8. The Chair thanked the Director General for his pertinent remarks and hoped that his words of insight would set the tone for the discussions during the week. The Committee was then requested to address Agenda Item 2 and consider the draft agenda as contained in document CDIP/6/1 Prov.2 for adoption.

Agenda Item 2: Adoption of the Agenda

9. The Delegation of Brazil made two suggestions in connection with the adoption of the Agenda. The first to delete the current language of agenda item 5 in the draft agenda which read "Review of progress on recommendations under implementation" and to replace it with "Monitor, assess, discuss and report on the implementation of all adopted Development Agenda recommendations", and then continue as originally worded to mention documents CDIP/6/2 and CDIP/6/3. The Delegation explained that the new language was proposed to better reflect not only the original mandate given to the CDIP by the General Assembly in 2007 but also the decisions of the last session of the Committee on the coordination mechanism. The suggested language was drawn entirely from the mandate given to the Committee by the General Assembly. The second suggestion was to add a new agenda item entitled "Intellectual Property and Development", taking into account the original mandate given to the Committee by the General Assembly in 2007. It recalled that the original mandate had three points, the third of which mentioned the discussion of IP and development-related issues. Following the approval at the previous Committee session of the coordination mechanisms and monitoring, assessing and reporting modalities, the time had come for the Committee to start discussing how to implement the third pillar of its mandate. The Delegation had requested the Secretariat to circulate to Member States an informal paper on ideas that had been developed in the Development Agenda Group in order to give substance to the discussion of that item, and was prepared to engage in discussions on the new item.
10. The Delegation of France, speaking on behalf of Group B, stated that with regard to the proposals tabled by the Delegation of Brazil, on Agenda Item 5, its Group could accept the new language. However, as the existing focus of Agenda Item 5 was to review the progress on recommendations under implementation, references to documents CDIP/6/2 and CDIP/6/3 should remain. That review remained the vital part of work under Agenda

Item 5. With respect to the second proposal by the Delegation of Brazil, Group B had not yet had time to consider it. Group B was therefore prepared to adopt the agenda with the amended Item 5, while the new issue should be considered under Agenda Item 7: Future Work.

11. The Delegation of Bangladesh, speaking on behalf of the Asian Group, expressed support for adopting the revised language proposed by the Delegation of Brazil for Agenda Item 5. The Delegation also thanked Brazil for presenting a paper on the proposal to include a new agenda item on IP and Development. It stated that the Asian Group members would need more time to consider the paper, and suggested that the proposal be taken up for consideration under the Agenda Item on Future Work.
12. The Delegation of Mexico, speaking on behalf of the Group of Latin American and Caribbean countries (GRULAC), stated that the Group could accept the proposed amendments from the Delegation of Brazil and adopt the agenda with those amendments.
13. The Delegation of Angola, speaking on behalf of the African Group, suggested adoption of the agenda with the amendments proposed by the Delegation of Brazil and by Group B as a sign of flexibility on that issue. The paper to be circulated by Brazil should be considered under Future Work, the Delegation added.
14. The Delegation of China, in principle, supported the proposals made by the Delegation of Brazil concerning Agenda Item 5 and expressed support for the new wording. It also agreed with the proposal by Brazil relating to IP and Development, and suggested that the issue be considered under Future Work.
15. The Delegation of Brazil, responding to the statements made by delegations, thanked Members for their support for the new language on Agenda Item 5 and agreed with the suggestion to consider the new item under Future Work for discussion at the appropriate time.
16. The Chair noted that there were two elements to the proposal made by the Delegation of Brazil. With respect to the proposal to amend Agenda Item 5 to “monitor, assess, discuss and report on the implementation of all adopted Development Agenda recommendations, with reference to documents CDIP/6/2 and CDIP/6/3”, the Chair expressed the hope that that would be acceptable to all groups. With respect to the proposal on Intellectual Property and Development, the Chair appreciated the flexibility that all Members had shown by agreeing to discuss it under Agenda Item 7 on Future Work. Prior to that discussion, delegations were urged to examine the proposal and hold informal consultations with its proponents for any necessary clarifications.
17. The Delegation of Egypt expressed appreciation for the consensus reached on the two items relating to the agenda. It informed the Committee that it had sent a Note verbale to the Secretariat requesting that a document containing a proposed project for the implementation of certain recommendations of the Development Agenda be made an official document of the Sixth Session of the CDIP, and hoped that its document would be presented to the Committee under Agenda Item 6, although that could be discussed and decided upon later.
18. The Chair understood that the Secretariat had received that document that morning and that it would be submitted to the Committee. Noting that the Committee had adopted the agenda with the revisions approved, he then suggested an indicative program for the Committee’s work during the week: dealing with Agenda Items 1 to 5 during the first two and half days, comprising five working sessions, thereby allocating sufficient time for the discussions and the monitoring, assessing and reporting aspects of the CDIP, in line with the coordination mechanism. Subsequently, Agenda Item 6 could be dealt with from the afternoon of the third day to the afternoon of the fifth day, comprising four working sessions. Finally, Items 7 and 8 could be considered at the last session on the fifth day. If the proposed timetable was acceptable to the Committee, the Secretariat would circulate an informal note on the timetable. The Chair then opened discussions on

Agenda Item 3: Accreditation of Observers, and invited the Secretariat to introduce document CDIP/6/7 Rev.

Agenda Item 3: Accreditation of the observers

19. The Secretariat introduced document CDIP/6/7 Rev. and informed the meeting that it had received a request for *ad hoc* accreditation from two non-governmental organizations (NGOs), namely, the Institute for Trade, Standards and Sustainable Development (ITSSD) and the Medicines Patent Pool Foundation (MPPF). In accordance with the Rules of Procedure of the Committee and in conformity with Rule 8.2 of the WIPO General Rules of Procedure, upon request and subject to the approval of the Committee, those NGOs might be granted *ad hoc* observer status with the CDIP for a period of one year.
20. The Chair invited delegations to consider granting observer status to the NGOs concerned, and noted that as there were no objections to the proposal, the two NGOs were thereby given *ad hoc* accreditation to the CDIP for a period of one year and invited them to join the meeting. The Chair then opened discussions on Agenda Item 4: Adoption of the Draft Report of the CDIP fifth session, and invited the Secretariat to introduce document CDIP/5/10 Prov.

Agenda Item 4: Adoption of the draft report of the Fifth Session of the CDIP

21. The Secretariat stated that the Draft Report for the Fifth Session of the CDIP, contained in document CDIP/5/10, had been issued in July 2010 and made available to Member States for comments. Prior to the Sixth Session, the Secretariat had received comments from one delegation, namely, the United States of America on September 27, 2010, suggesting mainly editorial changes to its own statement. Any other delegations wishing to suggest amendments or corrections were invited to provide their suggestions to the Secretariat in writing. The final version of the adopted Report would then be issued after the Sixth Session.
22. The Delegation of Egypt suggested that an editorial modification be made with regard to its own statement in paragraph 370 of the Draft Report, and agreed to submit the modification to the Secretariat in writing.
23. The Chair noted that there was agreement on including the two editorial modifications proposed by the Delegation of the United States of America and by the Delegation of Egypt in the text of the report. He then noted that the Committee had adopted the Report of the Fifth Session of the CDIP with the understanding that the proposed changes and modifications presented in writing or orally would be incorporated into the final Report to be published after the meeting. The Chair opened the floor for general statements, noting as indicated during the open-ended informal consultations held on November 5, 2010, in the interests of allowing time for discussion on the substantive agenda items, general statements should if possible be limited only to groups operating in the context of the CDIP. Delegations wishing to make their own statements were requested to provide a copy of their statements to the Secretariat in written form so that those could be reflected in the Committee's Report. The Chair thanked all of the delegations for their understanding while noting that any delegation still wishing to make a national statement would be able to do so but should limit such statements to three minutes.

General Statements

24. The Delegation of France, speaking on behalf of Group B, stated that the Group was pleased to engage with the Chair and all delegations during the Sixth Session of the CDIP, following the positive steps taken at the last General Assembly with the adoption of coordination mechanism and monitoring, assessing and reporting modalities, as well as a budgetary process for projects proposed by the CDIP. The Delegation thanked the Secretariat for the new documents produced for the Sixth Session, and looked forward to substantive discussions regarding the progress made on recommendations currently under implementation as well as on the revised and new project proposals. With respect

to the Committee's work program, the Delegation called for caution in order to keep it balanced and not excessive while making sure to identify systemic issues in project implementation. It welcomed the adoption of the coordination mechanism, which provided the meeting with the framework to avoid duplication of work among all relevant bodies in WIPO while preserving the principle that all committees stood on an equal footing. Group B was ready to discuss in the Committee the implementation of the coordination mechanism, including through informal discussions during the course of the week, noting that any formal decision in that regard would have to be adopted by the General Assembly. It commended the significant amount of progress that had been made to date in mainstreaming the Development Agenda in WIPO, which had been further enhanced in the Medium Term Strategic Plan (MTSP). Group B looked forward to constructive exchanges and work during the week under the Chair's wise and constructive guidance.

25. The Secretariat informed the Committee of an invitation by the Director General to a reception in the evening and requested delegations to register at the registration desk in the lobby, and for delegates from the Permanent Missions to send Note Verbale nominating delegates, noting that it relied on that information when preparing the Report for the session. The Secretariat further informed that during the afternoon session, there would be a demonstration given in Room B on the IP technical assistance database (IP-TAD) developed under Recommendation 5 of the Development Agenda. The following day also, there would be a presentation of the Scoping Study on Copyright and Public Domain undertaken within the framework of the project on IP and Public Domain, by the author of the study.
26. The Delegation of Angola, speaking on behalf of the African Group, congratulated the Chair for the efforts made at the Fifth Session of the CDIP to arrive at an agreement on the comprehensive coordination and monitoring mechanism for the implementation and follow-up of the CDIP projects and the 45 WIPO Development Agenda Recommendations. The African Group shared the view of the majority of developing countries and LDCs that the CDIP was an important WIPO body mandated to develop the work program for implementation of the adopted Development Agenda Recommendations approved by the WIPO General Assembly in 2007. The CDIP was also mandated to monitor, assess, discuss and report on the implementation of all recommendations adopted, and for that purpose should coordinate with the relevant WIPO bodies. In that regard, the African Group welcomed the adoption of the coordination mechanism and monitoring, assessing and reporting modalities, and requested that discussion be initiated on its implementation without further delay at the present session. It further sought the rapid implementation of paragraphs 2 and 3 of the General Assembly decision on the coordination mechanism and monitoring, assessing and reporting modalities, which requested the establishment of a CDIP standing agenda item dealing with monitoring, assessing, discussing and reporting on the implementation of all recommendations. The Group also wished to request an extension of the duration of the Seventh Session of the CDIP, in order to discuss the review of the implementation of the Development Agenda Recommendations and the modality or the format of the coordination mechanism in accordance with paragraphs 2(b) and 5 of the General Assembly decision on the coordination mechanism and monitoring. It further noted that the mandate of the CDIP entailed a third element, providing an opportunity to discuss IP and development-related issues, and in that regard encouraged Member States to undertake such discussions. In addition, the Group suggested introducing an item related to IP and development after Agenda Item 5, to discuss *inter alia* how WIPO would address Development Agenda Recommendation 40, which requested WIPO to intensify its cooperation on IP-related issues with other United Nations Specialized Agencies such as WTO, WHO, UNCTAD, UNEP and others in order to strengthen coordination for maximum efficiency in undertaking development programs. With regard to the budgetary procedure applied to projects proposed by the CDIP for the implementation of the Development Agenda Recommendations, as approved by the PBC, which contained a temporary solution for the financing of the Development Agenda projects in 2011, the Group reaffirmed its position that the implementation of the Development Agenda projects and activities should be financed out of the regular budget of the Organization. In that regard, the Group thanked the Director General for his proposal to establish a

mechanism for allocating resources in the budget to carry out the projects and activities relating to the Development Agenda. The Group also commended the Secretariat for preparing the revised project document on Intellectual Property and Technology Transfer: Common Challenges-Building Solutions contained in documents CDIP/4/7 and CDIP/6/4, as well as the projects on Intellectual Property and Public Domain contained in the documents CDIP/4/3 Rev. and CDIP/6/5. It further commended the Secretariat for preparing the thematic project proposal on Open Collaborative Project and IP-Based Models contained in document CDIP/6/6, which addressed Development Agenda Recommendation 36, and the concept paper on IP and Brain Drain. In addition, it thanked the Secretariat for preparing and presenting the conceptual non-paper on IP and Informal Economy, which laid out some of the key issues associated with Development Agenda Recommendation 34. The Group further commended the Secretariat on the proposed Future Work Program on Flexibilities in the Intellectual Property System. In that respect, it would request WIPO to further revise document CDIP/5/4 Rev. so as to adequately reflect the substantive comments made by the Member States, particularly on issues concerning practical implementation and full use of flexibilities in critical development areas such as public health, food security and agriculture. The study should address, in accordance with the real purpose of Recommendation 40, how flexibilities could be used by developing countries and LDCs in keeping with their development and public policy objectives. The work should also tackle other critical problems related to flexibilities which were not yet addressed in the report, such as pre-grant and post-grant opposition, and the definition of patentability criteria. The Group also requested the Secretariat to submit at the Seventh Session of the CDIP the detailed report on the work done on other flexibilities, particularly transitional periods, patentability of substances existing in nature, disclosure related to flexibility, and the examination system. With respect to technical assistance and the use of flexibilities, the African Group welcomed the proposed strategy for WIPO technical assistance in the area of flexibilities, and was of the view that it should be incorporated not only into technical assistance in the area of flexibilities but also into WIPO's legislative assistance through advice on national IP strategies and into its capacity-building activities. The Group also reiterated its request made at the Fifth Session of the CDIP on the report concerning the contribution of WIPO to the UN Millennium Development Goals (MDGs), contained in document CDIP/5/3, with respect to the inviting the UN Special Rapporteurs on the Right to Food, the Right to Health and the Right to Education to the CDIP for an interactive dialogue with them on those particular issues. The African Group noted with deep concern that the report presented at the time did not adequately assess the impact of WIPO's work on the MDGs, and requested WIPO to revise the report to include concrete activities with measurable indicators to help achieve the MDGs. Finally, the Group welcomed the project proposal presented by the Delegation of Egypt entitled "Enhancing Cooperation in the Area of IP and Development among Developing and LDCs" towards the implementation of Development Agenda Recommendations 1, 10, 11, 13, 19, 23 and 32. The African Group was particularly encouraged to see a project proposal from an African country being presented as a contribution towards implementation of the Development Agenda recommendations, and encouraged all Member States to lend their support to the project, which aimed to assist developing countries and LDCs in benefiting from each other's experiences in IP and development. The African Group also hoped that the Secretariat would remain engaged with the implementation in the coming months of the LDC Ministerial Declaration on WIPO issues published in 2009, which contained important recommendations for the benefit of the LDCs, including the submission of an annual report on the implementation of the Declaration and the creation of the LDC platform. The Group expressed its appreciation to WIPO and in particular, to the Director General for convening the high-level meeting for the preparation of the UN LDC Forum scheduled for December 13 and 14, 2010. It remained committed to working constructively towards reaching a successful outcome in the coming days.

27. The Delegation of Bangladesh, speaking on behalf of the Asian Group, expressed hope that under the Chair's leadership, the CDIP would make further strides in achieving its mandate. The Group also thanked the Chair for his guidance in developing the Agenda for the current session and hoped that the Committee's future work would continue to pave the way for mainstreaming the Development Agenda into all aspects of WIPO's work, including the area of standard setting. The Asian Group members looked forward

to working closely with other Groups with a view to achieving their shared objectives. The Delegation thanked the Director General, the Secretariat and especially the Development Agenda Coordination Division (DACD) for the preparatory work done for the Sixth Session and expressed appreciation for the progress report on the implementation of specific Development Agenda recommendations, as suggested by the Asian Group at the previous CDIP session. It was hoped that such progress reports would be presented to the CDIP on a regular basis in order for the Committee to fulfill a core mandate of its monitoring, assessing and reporting function. The Group further welcomed the approval by the WIPO General Assembly of the coordination mechanism and the monitoring, assessing and reporting modalities adopted at the last CDIP session. The instructions given by the General Assembly to the CDIP and other relevant WIPO bodies were quite clear and should not lead to further issues of interpretation. However, the present CDIP session should create an opportunity for open and constructive discussions on certain implementation issues of the coordination mechanisms, especially those pertaining to CDIP coordination with other relevant WIPO bodies. The Group believed that without compromising their equal footing with the CDIP, all WIPO substantive committees should find the appropriate way within their respective contexts to comply with the instructions of the General Assembly. The Group emphasized that while those instructions were incumbent upon all relevant WIPO bodies, there was enough scope for flexibility for each WIPO committee to decide on its own way of dealing with the issues of mainstreaming of Development Agenda Recommendations into its work. The reporting modalities to the General Assembly could also be determined by each committee according to its mandate and at its convenience. The Asian Group took note of the revised project proposal on IP and Technology Transfer: Common Challenges-Building Solutions. The informed debates held on the project document at the last two CDIP sessions reflected the significance attached to the project by Member States. The Group felt that there was room in the proposal for further improvement, especially in clarifying some of the details in the project. The project delivery strategy outlined a number of suggested activities which would need to be revisited in terms of their sequencing and expected outcomes. The Group felt, however, that some of the suggested activities that were generally agreed by the Committee could be identified for early implementation without prejudging their outcomes and determining their linkages with the other activities proposed. The project should aim at delivering on all the relevant Development Agenda Recommendations without being selective in its approach. The Asian Group also welcomed the two new project proposals from the Secretariat on Patents and Public Domain and Open Collaborative Projects and IP models. It supported in principle the general thrust of those projects, but noted that the scope and design of the projects should not be limited so as to exclude the possibility of consideration of specific practices or collaborative projects that could be particularly relevant in the context of IP and development. The two discussion papers on IP and Branding and IP and Informal Economy provided useful analysis on IP implications relating to those two critical issues for most developing countries. The Group noted, however, that the analysis in the discussion papers appeared to have been conducted mainly through the prism of IP use and protection. In order for the papers to be balanced and more comprehensive, it would have been useful to have the issues addressed from the development perspective as well as in line with the corresponding Development Agenda Recommendations. As for the proposed future work programs on flexibilities, the Group underscored the importance of maintaining transparency and the development-oriented focus in the process of promoting flexibility by WIPO. It reiterated that the project-based methodology was only one aspect of implementing the Development Agenda Recommendations and should not be seen as an end in the process. The CDIP should encourage Member States to develop and submit project proposals to ensure that the projects reflected the demand-driven nature of WIPO's technical assistance. The Group also believed that regular progress updates on the two approved projects originally proposed by the Republic of Korea could serve as an incentive for Member States to submit their own proposals. It further looked forward to the upcoming release of the WIPO-commissioned study on the economics of intellectual property in the Republic of Korea as well as the recent launch of the IP technical assistance database on WIPO's Web site, which was pursuant to Development Agenda Recommendation 5. It was the Group's view that the database needed to be more comprehensive in terms of the information furnished and also to be made more user-friendly. The Group looked forward to the demonstration that evening on the

prescribed methods for navigating that database and the database containing the roster of consultants. As stated earlier, it looked forward to the report of the independent external review of WIPO's technical assistance, as agreed to by the CDIP. Finally, the Asian Group would appreciate receiving more information from the Secretariat on its plans for organizing an international conference on integrating development into IP policy-making, as envisaged in the Program and Budget for the current Biennium.

28. The Delegation of Mexico, speaking on behalf of GRULAC, expressed its pleasure to see the Chair once again presiding over the meeting of the Committee, whose work was of priority for that region. The Delegation also thanked the Chair for the constructive way in which he had directed the debates at the Committee's last session. GRULAC was ready and willing to collaborate with the Chair during the week, and was grateful to the Secretariat for drafting projects and studies to implement the recommendations adopted for the WIPO Development Agenda in which the comments of Member States had been incorporated. It was of great importance for GRULAC that proper coordination with other important bodies of WIPO be achieved with regard to monitoring, assessing and reporting, as they pertained to the implementation of the Development Agenda. The Delegation observed that one of the main challenges in implementing the Development Agenda was integrating it into the regular work program of WIPO. It therefore hoped that at the present session of the CDIP, progress would be made in developing a coordination mechanism that would be effective and would keep WIPO Member States informed of progress made in implementing the Development Agenda through concrete activities. It also pointed out that GRULAC recognized that significant progress had been made in the Committee's work. However, it deemed it necessary to speed up the global implementation work of the Development Agenda, and to achieve that goal, Member States should continue to work to ensure that the implementation and its activities formed a true part of the ongoing work of WIPO so that it did not remain as merely something temporary. Finally, the Delegation pointed out that for GRULAC, it would be vital to guarantee transparency and equity in the implementation of projects emerging from the Committee, in terms of both the selection of beneficiary countries and the budget used.
29. The Delegation of China expressed its sincere thanks for the efforts that the Chair and the Secretariat had made to ensure the smooth convening of the session. It was convinced that under the Chair's able guidance, the session would achieve positive progress. The Delegation noted that since 2004, Development Agenda had been under discussion and consultation in WIPO. During that entire process, the sincerity and spirit of inclusiveness demonstrated by all sides had enabled the achievement of substantive progress and enhanced the pace of implementation. As a developing country, China, together with other countries, was very much pleased at the progress made. The Delegation commended WIPO and all its Member States on the efforts made to that end. It especially thanked the Director General for the high importance he attached personally to the Development Agenda and the Secretariat for its hard work in preparing the very informative documents for the session, which had provided a sound foundation for all discussions. What was particularly worth mentioning according to the Delegation was that the Sixth Session had supplied documents in all six official languages, thus providing a good basis for all Member States to take part in in-depth discussions on the items. It went without saying that development was one of the most important issues facing developing countries, a major issue of universal concern to the international community and a practical issue to which all UN agencies devoted their attention. The Delegation recalled that at the high-level conference on MDGs held in September 2010, all countries had noted that over the past decade since the beginning of the implementation of the MDGs, progress had been made in all aspects. However, the Delegation noted that the implementation of the MDGs had not been balanced in all the different regions and in different areas. There was still a long way to go to attain the MDGs and to ensure that intellectual property rights (IPRs), as an important part of the realization of the UN MDGs, had a key role to play in the realization of many of the specific goals in particular, by using science, innovation and technology development to strengthen countries' capacity to achieve various goals. The Delegation considered that the efforts being made to mainstream development issues into the various WIPO programs was undoubtedly an outstanding effort made by the Organization for the realization of the MDGs. The Delegation was also pleased to note that at previous CDIP sessions, all sides had made

efforts and demonstrated a spirit of sincere cooperation and inclusiveness. It therefore hoped that at the Sixth Session, Member States would continue to carry forward that spirit and make joint efforts by seeking common ground while putting aside differences so that, guided by the coordination mechanisms and the monitoring, assessing and reporting modalities, the Committee could move forward towards the implementation of the various recommendations of the Development Agenda, thus laying a sound foundation for the realization of the MDGs. Finally, the Delegation said that it would, as always, adopt a constructive approach and take an active part in the discussions on the relevant issues.

30. The Delegation of Slovenia, speaking on behalf of the Regional Group of Central European and Baltic States, congratulated the Chair and the Vice-Chairs and assured that the Group remained committed to the ongoing work within the framework of the Committee and assured them of its continuing support. The Delegation also thanked the Secretariat for the documents it had prepared for the session, especially the two new discussion papers on Intellectual Property and Brain Drain and Intellectual Property and Informal Economy, as well as the future work program on flexibilities. The Delegation found it very useful to have a progress report on the Development Agenda projects and recommendations for their immediate implementation. The Group acknowledged the recommendation of the PBC adopted at the current year's General Assembly on Budgetary Mechanism for Development Agenda Projects and Activities, which provided a transitional clause for the year 2011 in a proper formula for the forthcoming biennium. According to the mandate given at the last General Assembly, the Committee was entitled to address the coordination mechanism under a standing agenda item. The Delegation acknowledged the merit of such a mechanism, which needed to be properly shaped and discussed within the Committee. Taking into account the cross-cutting issue of the Development Agenda recommendations, the Delegation suggested that the mechanism apply the horizontal approach, which should avoid duplication of WIPO's governance arrangements. It also believed that the coordination mechanism should monitor, discuss and report on the implementation of recommendations adopted, without prejudice to substantive work done by other relevant WIPO bodies, since all WIPO committees stood on an equal footing. Bearing in mind that coordination mechanism should be pragmatic, flexible, efficient, effective and transparent, it should not shift the focus of WIPO bodies from their usual deliberations towards procedural discussions on how the mechanism should apply or produce reports to the General Assembly. It should facilitate the work of the CDIP and the respective WIPO bodies. The Delegation then reassured the Chair that it would participate constructively in tackling each agenda item, depending on the direction and depth of anticipated discussion.
31. The Delegation of Nepal, speaking on behalf of the Group of Least Developed Countries (LDCs), expressed great pleasure at seeing the Chair presiding over the Sixth Session of the CDIP and expressed confidence that with his wisdom, experience and leadership, the session would achieve concrete outcomes. The Delegation assured the Chair of the Group's full support in the discharge of his mandate. It also expressed sincere appreciation to the WIPO Secretariat for preparing all relevant documents and for its hard work. It particularly wished to place on record the Group's appreciation to the Director General for his strong and sustained commitment to promoting and protecting the interests of LDCs. The Delegation was pleased to see that activities were expanding in the area of intellectual property. It noted that WIPO, under the Director General's leadership, had been able to launch some landmark projects to facilitate LDC access to technology and capacity-building. Projects on access to research and development and innovation, access to specialized patent information and capacity-building in the use of appropriate technology-specific technical and scientific information as the solution for identified development challenges, were some cases in point. Those projects had been launched in 2009 and 2010 to help the LDCs access scientific and technical information for development free of charge and to build their human and institutional capacity in the technology sector. The Delegation was confident that the Director General would continue to provide enhanced support to LDCs in developing their human and institutional capacity and IP system automation in coming years. It further noted the steady progress that WIPO was making towards more effective implementation of the Development Agenda Recommendations in its thematic approach. However, it expressed a note of caution that, in view of the requirements of developing countries and in particular the

acute needs of LDCs with regard to the development of their IP sector, progress made was not sufficient and more concrete support would have to be provided in coming years to assist them in building their human and institutional capacity and IP system automation. The Delegation suggested going beyond a mere project-based approach to adjusting the structural weaknesses inherent in LDCs in order to improve their IP infrastructure. In the Delegation's view, the knowledge industry was fast emerging as a crucial sector at the global level, and the development of IP was closely linked to the creation of knowledge and information infrastructure. In that context, the Delegation welcomed Brazil's suggestion to include IP and development in the agenda. It noted that LDCs were lagging far behind in the development of the IP sector, and believed that IP could play an important role in the overall development of a knowledge-based economy. As such, LDCs needed to put more emphasis on developing a sound and balanced IP system to benefit from the growing role of IP in economic, technological and social development. However, their poor technical and financial resources did not allow them to do so. The Delegation believed that WIPO would be able to contribute significantly in supporting LDCs through technical assistance and capacity-building. It noted further that the session would continue to discuss the project proposal on technology transfer but that it might be difficult to find consensus on all components of the project despite the subsequent revisions. However, in view of the importance of the project for LDCs in particular, the Delegation was in favor of an early harvest of the agreed components of the project. Regarding the coordination mechanism, the Group was satisfied with the General Assembly decision and believed that it would be useful to develop a standard approach for reporting to the General Assembly on the implementation and mainstreaming of the Development Agenda Recommendations by all relevant WIPO committees. The Delegation was ready to engage to work towards a common understanding in that regard. It also drew the attention of the Committee to the 2009 LDC Ministerial Declaration on WIPO Issues that contained important recommendations for the benefit of LDCs, namely, the submission of an annual report on the implementation of the Declaration, the creation of an LDC Trust Fund, the establishment of an LDCs division with sufficient human and financial resources and, finally, the creation of a separate Program and Budget for the LDCs. The Delegation hoped that the Secretariat would continue to work towards the implementation of the Declaration in the coming months. In less than six months, the fourth United Nations Conference on Least Developed Countries (LDC-IV) would be taking place in Istanbul, Turkey. That meeting was very important for the LDCs: it came once in every decade and would be exclusively devoted to the development aspirations of the LDCs. It would be a major undertaking of the United Nations and other international organizations. The Delegation was engaged in the preparatory process for the Conference, which would aim at evaluating the achievements made during the last decade with regard to the implementation of LDC-III recommendations or the Brussels Program of Action. On the basis of that evaluation, and considering the evolving global economic and social context, LDC-IV would come out with some concrete solutions with the objective of eliminating poverty and fighting under development in LDCs that would be implemented in the next decade 2011 to 2020. In that regard, the role of IP would be crucial and the LDC Group, in collaboration with WIPO, would be suggesting some very important IP deliverables and inputs for the Conference. The Delegation urged all the Member States to create an environment conducive to the implementation of those deliverables, expressing in that context its sincere appreciation to WIPO in particular and to the Director General for convening a high-level forum for the preparation of LDC-IV on December 13 and 14, 2010. That event would identify WIPO deliverables for LDCs during the next decade, based on the inputs received from the three LDC regional meetings held in Uganda, Benin and Bangladesh. The Delegation would seek the support of Member States in organizing a dedicated thematic session as part of LDC-IV with a view to adopting the WIPO deliverables for LDCs. It looked forward to working together with all groups to achieve those common objectives.

32. The Delegation of Brazil, speaking on behalf of the Development Agenda Group, reiterated the Group's firm commitment to the work of the Committee and to helping the Chair in conducting another successful session, as he had done in April at the Fifth Session. The Delegation recalled that the Development Agenda Group had been launched at that Fifth Session of the CDIP and was now six months old. Its rich

experience over that period had served to confirm that the Development Agenda Group had come to occupy a space that was open and that there was indeed a need for a cross-regional coordinating body among developing countries in pursuing their development-oriented approach to IP matters at WIPO in particular and the mainstreaming of the Development Agenda across all areas of WIPO's work. The Delegation reaffirmed its firm intention to continue to play a constructive role in the overall debate at WIPO by engaging positively in standard-setting activities and by presenting papers, submissions and proposals on different matters as might be required. It also reaffirmed the Development Agenda Group's guiding principles that could be found in the document that it had submitted officially at the Fifth Session of the CDIP. One of the key guiding principles of the Development Agenda Group was its openness, not only to pursue dialogue with all WIPO groups and individual members but also to expand the Group's membership to all those countries that needed to subscribe to the Development Agenda Group's platform. The Development Agenda Group had been created in order to become a permanent element of the WIPO landscape, a permanent instrument for helping to bridge gaps and bring about consensus. The Delegation also cited the single most important result of the last session of the CDIP as the approval of the coordination mechanisms and monitoring, assessing and reporting modalities, the negotiation of which had taken up a lot of the Committee's time, not only at the Fifth Session but also at previous sessions. The Delegation said the Group was ready to engage in fruitful discussions at the current session on how best to put the mechanism into practice. It also wished to thank the Secretariat for the two reports presented under Agenda Item 5 containing documents CDIP/6/2 and CDIP/6/3. It appreciated the good deal of work that had gone into those reports, which were comprehensive and detailed and seemed to cover all activities undertaken by WIPO in order to implement the Development Agenda Recommendations. The extremely diversified scopes as well as the sheer number of initiatives reported in both documents, combined with the fact that those initiatives were being pursued at different WIPO bodies, might be taken as an indication that things were moving positively in the right direction. The reports also showed that WIPO and its members were undertaking substantial efforts to mainstream the Development Agenda recommendations into the work of all bodies within the Organization. It would be fair to say that there was an overall movement in the right direction and that there was undeniably some progress towards the effective implementation of the Development Agenda. In the view of the Delegation, that much was evident, but there should be no room for any complacency at the present stage. It noted that three years after the adoption of the Development Agenda, the results that had been achieved so far should not lead to the conclusion that the complex process of implementing the Development Agenda recommendations and promoting a culture of change in WIPO had been completed. There was still a long way to go, and the two reports prepared by the Secretariat, albeit an important contribution, lacked qualitative analysis. While there was nothing wrong with that, the reports were certainly intended as no more than an input or as a background material for the Committee to discuss. In that respect, they were extremely useful, but it remained the responsibility of Member States to engage in an exercise of qualitative analysis on implementation of the Development Agenda, which should include for example discussions on (1) the impact of the recommendations that have already been implemented; (2) the remaining obstacles to the effective implementation of the Recommendations; and (3) how the development dimension was being incorporated into ongoing standard-setting activities. Any good qualitative analysis on the implementation of the Development Agenda could hardly do without the full engagement of the Committee membership. It was therefore important that not only group coordinators but also national delegations be allowed to continue to express their views on the matter. They should also be given an opportunity to make general statements. The Delegation further stated that under Agenda Item 6, the Development Agenda Group would make separate comments on each of the documents to be examined. At the present stage, however, the Development Agenda Group would like to support a project proposal which would be presented by the Delegation of Egypt and which was entitled "Enhancing Cooperation on IP and Development among Developing Countries and LDCs". That project was intended for implementation of Development Agenda Recommendations 1, 10, 11, 13, 19, 25 and 32. The Delegation was glad to see a project proposal being presented by a Member State, particularly a developing one, and would therefore encourage all Members to lend their support to the project which would

aim to support South-South cooperation in the field of IP and development. The Delegation reminded the meeting that WIPO's Program and Budget for the 2010 and 2011 Biennium contained, in the section on the Development Agenda Coordination Division, a reference to the organization of a major international conference on integrating development into IP policy-making. It was time to start discussing the date, the venue and most importantly, the agenda for that event. The Delegation stated that the conference would call for substantive and detailed preparation requiring background studies of high quality, and suggested that it might perhaps be a good idea to hold the Conference in a developing country. It further suggested that the CIDP handle the Conference preparation process and that a one-day informal consultation be held in Geneva before the next session of the CDIP to start discussing the matter. The Delegation thanked the Chair and stated that it had a national statement to deliver on behalf of Brazil, which it would do later with his permission.

33. The Delegation of Oman, speaking on behalf of the Arab Group, first paid tribute to the Chair for his skill in guiding the Committee and expressed confidence that the efforts he was making would lead to the achievement of very positive results, thus completing the mandate of the Committee. The Delegation also thanked the WIPO Secretariat headed by the Director General, which had prepared very well for the session. It further expressed thanks to the Secretariat and the DG for their efforts at preparations to implement the recommendations of the Development Agenda. The Arab Group had taken positive note of the proposal for the coordination mechanism, and was awaiting the implementation of that mechanism in a very effective and transparent way. It also welcomed the support by the CDIP for proposals from many Member States, and encouraged Member States to make any proposal that would help to effectively implement the Development Agenda. The Group would support the project submitted by Egypt on enhancing cooperation in IP and development among developing countries and LDCs, and hoped that it would be discussed effectively at the present session. It looked forward to achieving positive results.
34. The Delegation of Belgium, speaking on behalf of the European Union (EU) and its 27 Member States, thanked the WIPO Secretariat for the documents prepared for the Committee session. The EU wished to voice the opinion that the possible directions of a CDIP project should, in the future, attempt to avoid duplicating the work of other WIPO bodies or international organizations, including other relevant United Nations bodies. Later in the week, the Delegation would provide specific comments on the other documents. It further stated that the EU noted with satisfaction the approval, by the last WIPO General Assembly, on the basis of a recommendation of the Program and Budget Committee of the budgetary mechanism for Development Agenda projects and activities using a phased approach consisting of a transitional solution for the year 2011 and a fully integrated solution for the Biennium 2012/2013. That approval usefully complemented the decision at the last CDIP session on the coordination mechanisms and monitoring, assessing and reporting modalities, which was adopted by the last WIPO General Assembly. More precisely, such a mechanism was useful because it would avoid a situation where each relevant WIPO committee would function in isolation and would duplicate work done elsewhere, and would also avoid additional financial obligations for the Organization. The EU looked forward to discussing the coordination mechanism in the CDIP again, and reaffirmed that all WIPO committees stood on an equal footing and that no single committee took precedence over another. In the expectation that the Committee would achieve the objectives of its mandate, the EU stood ready to engage actively and constructively in the forthcoming discussions on all items of the agenda.
35. The Delegation of Egypt congratulated the Chair on his election and paid tribute to the remarkable work that he had done so far in that very important Committee, and associated itself with efforts contributing to the success of the session. In addition, the Delegation wished to thank the two Vice-Chairs and also the International Bureau for their efforts in preparing documents for the session. It also supported the statement by Angola on behalf of the African Group, the statement by the Sultanate of Oman on behalf of the Arab Group, and that by Brazil on behalf of the Development Agenda Group. Indeed, it supported the vision described in all the priorities put forward by those three Groups. The Delegation recalled that in his report on progress achieved in the implementation of the

Development Agenda at the Fifth Session of the CDIP in April 2010, the Director General had said that “any proposal from a Member State should contribute considerably to the implementation of the Development Agenda so as to strengthen implementation by Member States which would allow the projects and programs to freely respond to the problems dealt within recommendations”. That was something that the Delegation of Egypt had defended all along, namely, that the implementation of the Development Agenda should proceed according to the proposals by Member States. In that context, it wished to put forward a project paper entitled “Enhancing Cooperation in the Area of IP and Development among Developing and LDCs” towards the implementation of Development Agenda Recommendations 1, 10, 11, 13, 19, 23 and 32, respectively. The proposal was aimed at maximizing the benefits that had been derived in developing countries and LDCs in the last few years in using IP for development. Those were skills that took into account the social and economic characteristics of the countries in question and their needs. Secondly, the project was in the context of South-South Cooperation as one of the main thrusts of international cooperation, and the Delegation called on Member States to support the project because it gave added value and would enable countries to implement the goals of the Development Agenda and respond to the needs of the developing countries and the LDCs. In that context, the Delegation noted with great appreciation that the project had so far received strong support from the countries of the African Group and the Arab Group, and explained that it had requested the Secretariat to distribute the project as an official document for discussion. It observed that the real implementation of the Development Agenda was an objective that applied to all WIPO bodies and that the CDIP should therefore draw up a plan of action for the implementation of all Development Agenda Recommendations to ensure effective follow-up, monitoring and assessment; prepare reports in cooperation with the various parties involved; and study all issues connected to IP and development. That, therefore, was a comprehensive mandate that covered all the Organization’s activities in that area. Moreover, the implementation of the Development Agenda went far beyond the mere adoption of project proposals, although that was an important activity. In that respect, the Delegation expressed appreciation for the progress made at the last session, marked by the adoption of the coordination mechanisms and monitoring, assessing and reporting modalities which should be an effective independent instrument leading to the efficient implementation of the Development Agenda. Finally, the Delegation expressed the hope that the Committee would soon start setting up that mechanism.

36. The Delegation of Chile commended the Chair on his leadership of the Committee and underscored its active participation in the Committee and its early contribution to the Development Agenda. It had very high expectations as to the full and effective implementation of the 45 Recommendations approved by the General Assembly, as well as the projects which were currently being implemented. The Delegation further expressed pleasure at seeing the rate of progress made within the framework of the CDIP over the past year and in particular the solutions that had been reached in order to include the Development Agenda projects and programs in the WIPO budget. It believed that incorporating the Development Agenda into the framework of the Organization’s work marked an essential step forward. Likewise, the recently agreed coordination mechanism and assessing, monitoring and reporting modalities represented an essential tool for assessing the proper implementation of the 45 Recommendations. It hoped that at the Sixth Session, progress towards the appropriate implementation of that mechanism would be made in an efficient and effective manner. The Delegation urged all Members to continue to work constructively by taking into account the various needs and sensitivities of other members but keeping as an essential objective progress made in the substantive part of work. As experience had shown at the meetings of other committees that had taken place recently at WIPO, considering the interests of all members was the key to making headway towards the implementation of the 45 Recommendations. Lastly, the Delegation thanked the Secretariat for preparing the documents, in particular documents CDIP/6/2 and CDIP/6/3, which contained the progress reports on the implementation of the projects approved to date as well as the progress report on the Recommendations for immediate implementation. Its comments on that document as well as the remaining documents for the meeting would be made under the corresponding agenda items. Finally, the Delegation expressed its willingness to work

constructively over the course of the week in the format that the Chair had announced in order to reach an agreement on the future work of the Committee.

37. The Delegation of Panama commended the Chair and underscored the constant work undertaken by the Secretariat to prepare such valuable documentation, including on issues which were of particular interest to the Delegation. It acknowledged the leading role played by the Director General in his capacity as head of the Organization, who had shown an interest in the challenges which countries were experiencing in their efforts to raise their levels of economic development and growth. The Delegation also expressed its gratitude to the Secretariat for the comprehensive and exhaustive reports submitted on the progress made in the Development Agenda implementation under the leadership of the Director General. That reflected his decisive commitment to the Development Agenda and the implementation of the Recommendations, thereby mainstreaming the development dimension into all spheres of WIPO's work. Since WIPO was a Member-driven Organization, the Delegation wished to derive full benefit from the outcomes under the IP system. Collective responsibility was required in order to incorporate those efforts into all areas of the Organization. In Panama, close attention was paid to following up the progress made during the implementation of the Development Agenda process, which had enabled the country to satisfactorily recognize the specific outcomes achieved which reflected its interest. The Delegation also reiterated its commitment to support all of the efforts made, especially those in harmony with its needs, so that it could make a constructive and positive contribution to the discussions. It would follow very carefully the details of the reports that would be submitted and the results of discussions, which were always enriching. It was in favor of the several proposals made, and welcomed the development of new projects aimed at the implementation of the Development Agenda. The Delegation acknowledged the ever-increasing role of Members in taking initiatives to create new draft proposals. It further underscored WIPO's contributions in the midst of global challenges related to such topics as climate change and public health issues as well as food security. Those were issues in which the Delegation was greatly interested. In addition, there were the initiatives to coordinate the Development Agenda, such as transfer of technology and innovation, which it deemed essential in the light of the problems raised by development. It also noted the existence of databases, flexibilities and the strengthening of capacities. In general terms, it supported the projects submitted for the Committee's consideration, which it believed were very useful, and many of the topics submitted added value to the Development Agenda. The Delegation hoped that the meeting agenda would guide the Committee's work, and expressed the belief that the reports submitted underscored the hard work carried out that would enable delegations to obtain valuable information on the activities to be developed. That should be reflected in a proactive role to recommend and encourage the approval of new initiatives. Finally, the Delegation expressed support for the statement made by the Delegation of Mexico on behalf of GRULAC.
38. The Delegation of the Islamic Republic of Iran congratulated the Chair, expressing its confidence that the Committee would have a constructive discussion on the extensive agenda with a view to achieving tangible results. It expressed its appreciation to the WIPO Secretariat for its valuable efforts in preparing documents and reports for the meeting. The Delegation endorsed the statements by Bangladesh and Brazil on behalf of the Asian Group and the Development Agenda Group, respectively. It was essential for WIPO as a United Nations Specialized Agency to be guided by the broad development goals of the United Nations. In that context, it took note with appreciation of the report on WIPO's contributions to the MDGs. It observed that since that report needed some improvements to cover the suggestions and observations made by a number of delegations, including that of the Islamic Republic of Iran, it shared the decision of the CDIP at its Fifth Session which had been adopted by the General Assembly as well, based on which it was requested that the report be revised and resubmitted to the CDIP, something which, as it noted, had yet to be done. The Delegation believed that the very important agenda of CDIP was to request the Member States, the Secretariat and all other relevant WIPO bodies to implement the Development Agenda. It should also ensure that implementation was immediately and effectively fulfilled. It was obvious that ensuring effective implementation required an effective mechanism on coordination so that the outcome of the process could be independently verified. In that regard, the

Delegation welcomed the agreement reached at the Fifth Session of the CDIP and adopted by the General Assembly on coordination mechanisms and monitoring, assessing and reporting modalities, whereby all WIPO committees would, on an equal footing, report on the implementation and mainstreaming of the Development Agenda to the WIPO General Assembly. The Delegation believed that all WIPO committees were considered relevant in mainstreaming the Development Agenda and should therefore report to the General Assembly, a task that was based on the Assembly's mandate. In that regard, it saw the coordination mechanisms as an essential tool for the CDIP to play its role in monitoring and assessing the work done in other committees. It would thus be quite reasonable to expect that this should be the first substantive item on the agenda of the CDIP and that sufficient time be allocated to its consideration. The Delegation appreciated the two reports prepared by the Secretariat and presented under Agenda Item 5, contained in documents CDIP/6/2 and CDIP/6/3. Those reports presented the positive message that things were moving forward. At the same time, the results that had been achieved so far should not lead to the conclusion that there were no flaws in the progress reports, most of which were lacking in qualitative and quantitative analysis of the implementation of the Development Agenda. In conclusion, the Delegation considered that there was a need for a comprehensive approach leading to the mainstreaming of development across the various WIPO bodies. While the project-based methodology constituted a conceptual component in that system, there was a need for other approaches, according to which the results of the studies and concluding recommendations of the projects could be regarded as a basis for the subsequent first practical steps. It thus deemed it imperative for the CDIP to work on setting standards and developing concrete solutions for IP-related challenges through the establishment of relevant guidelines and instruments.

39. The Delegation of Brazil noted that, as time was short and there was a very extensive agenda before the Sixth Session of the CDIP, it would not repeat the very pertinent points already made by Mexico on behalf of GRULAC and by Brazil on behalf of the Development Agenda Group. The Delegation, however, fully endorsed those statements and wished to add the following: firstly, since its approval in 2007, the Development Agenda had added a new dimension to WIPO that called for empirical learning methods and flexible implementation methodology, in addition to budgetary resources commensurate to its importance. In that light, the Delegation considered that the integration of the CDIP projects into WIPO's regular budget was an important step in the process of mainstreaming the Development Agenda into all WIPO activities, and recalled that the necessary flexibility needed to be maintained in order to ensure that development objectives were met without further constraints. Secondly, the Development Agenda demanded a change in WIPO's organizational culture, a change that should also be extended to the atmosphere in which intergovernmental negotiations process took place. In that regard, the approval of a comprehensive work program on exceptions and limitations to copyright at the recently concluded session of the SCCR was a landmark achievement, and an example that the cultural change was starting to take place. It showed that dialogue and resolve could overcome any obstacle and had also set an example for all WIPO committees. Thirdly, the culture of change should also promote greater transparency and accountability across WIPO, giving Member States greater control over the activities of the Organization. As Brazil and other countries had stressed at the last meeting of the PBC, WIPO should increase its efforts to make available to Member States the said information and data on the programs and projects related to the implementation of the Development Agenda. It was important to have a very clear picture of what was being included under that chapter, which should then supposedly amount to an estimated 19 per cent of WIPO's budget. Finally, the Delegation of Brazil wished to mention that 9 out of the 19 Recommendations for immediate implementation belonged to Cluster A, which related to technical assistance and capacity-building. Given that more than two years had passed since the adoption of the Development Agenda, it would like once again to suggest the holding of an open-ended stocktaking meeting to assess the status of the implementation of Cluster A and evaluate the impact of projects under way. That meeting should be open to civil society organizations. The Delegation believed that such an exercise would be useful in guiding future work on the implementation of Cluster A Recommendations.

40. The Delegation of Angola, speaking in its national capacity, said it supported the statement made by the Ambassador of Nepal on behalf of the LDC Group. It was very important to know that the African Group had within its members 38 or 39 Least Developed Countries. The Delegation noted with satisfaction the good progress and effort that WIPO was making in implementing more effectively the Development Agenda Recommendations through the thematic project approach. It believed that, bearing in mind the requirements of developing countries, there was also a need to recognize while simultaneously addressing the specificity and singularity of the LDCs, particularly in the CDIP and also in other relevant WIPO committees. The Committee needed to go beyond the simple project-based approach to address structural weaknesses inherent in the LDCs with a view to improving their IP infrastructure. The Delegation also noted that the knowledge industry was fast emerging as a crucial sector at the global level and that the LDCs were lagging far behind in the development of that sector, and shared the view of many LDCs that IP could play an important role in the overall development of the knowledge-based economy. As such, LDCs needed to put more emphasis on developing a sound and balanced IP system to benefit from the growing role of IP in economic, technological and social development. The Delegation stressed that the LDCs should also be actively engaged by presenting and defending their specific and particular interests in the Organization's standard-setting activities. It recalled a discussion of the LDC Ambassadors on the Group's activities in the United Nations system, and said it was ready to help the Group in such initiatives. The Delegation further emphasized that the LDC Group would need to be engaged and to work together with other developing countries in order to contribute more actively to the process of finding more active and practical solutions to WIPO's work and activities. It reiterated that the LDC Group was not a regional grouping as such, a platform for the countries classified as such and recognized by the United Nations in order to join forces and participate actively toward building a consensus in the United Nations while at the same time safeguarding their specific interests. The Delegation also supported the statement by the African Group, and said that it would remain engaged with the implementation of the LDCs' Declaration on WIPO Issues of 2009. It noted that the Declaration contained a very important recommendation for the benefit of LDCs, particularly concerning the submission of annual reports on its implementation, as well as other provisions such as the creation of the LDCs platform, the strengthening of the WIPO LDC Unit with adequate human and financial resources, and the creation of the separate program and budget for LDCs in the Organization. Finally, the Delegation expressed its sincere appreciation to WIPO and in particular to the Director General for convening the high-level meeting for the preparation of LDC-IV.
41. The representative of the Library Copyright Alliance (LCA), who spoke on behalf of over 139,000 academic, research and public libraries in the United States, providing library services and promoting the public interest, said the LCA appreciated the Chair's continued leadership of the CDIP. As the Committee continued its implementation of the work program, the LCA urged Member States to incorporate the important conclusions reached in the Twenty-first Session of the SCCR into the projects being conducted and those that were yet to be formulated. It cited the agreements reached by Member States on November 12, 2010, for a work plan and copyright limitations and exceptions, persons with print and other reading disabilities, for libraries and archives and for educational, teaching and research institutions and persons with other disabilities, and the allocation of considerable time for discussion of those issues in the next two years. In the view of the LCA, the Development Agenda offered a timely opportunity to explore the realities of copyright limitations and exceptions in developing and least developed nations, with an aim toward addressing gaps and furthering the work of the SCCR during the period. That could be accomplished within the terms of document CDIP/6/10 on future work on flexibilities in the IP system. Examining in detail the existence, role, and successes and failures of limitations and exceptions in developing countries and LDCs and providing comprehensive objective knowledge of copyright flexibilities would offer a basis for progress in both the CDIP and the SCCR. The LCA expressed its support to the work that would strengthen limitations and exceptions within developing nations and across all Member States, mainstreamed into the activity of the SCCR. It also believed that the most important responsibility of both committees at the present time was the establishment of copyright limitations and exceptions to enable those with print disabilities

and other disabilities to read; to create an environment where libraries and archives could fulfill their responsibility to society for collecting, organizing, preserving and making available information, a responsibility that right holders did not fulfill; and to enable educational, teaching and research institutions to perform their lawful activity without fear and doubt. That was a reasonable expectation in a global information society, and it was critical to the future of developing countries and LDCs.

42. The representative of the Medicine Patent Pool Foundation (MPPF) thanked the CDIP for having granted it *ad hoc* observer status earlier that day. The Medicine Patent Pool, a UNITAID initiative, had been established in the course of 2010 to facilitate access to affordable and adapted medicines for the treatment of HIV/AIDS in developing countries. The Medicine Patent Pool had benefited from collaboration with WIPO since 2009 and wished in particular to thank WIPO for the technical support it had provided over recent months, including through the joint organization, with UNITAID, of a brainstorming session which had brought together a group of international experts to discuss details of Medicine Patent Pool licenses. The representative looked forward to continued cooperation between WIPO and the Medicine Patent Pool in the context of the Development Agenda, and also looked forward to participating as an observer in the deliberations of the Committee.

Agenda Item 5: Monitor, assess, discuss and report on the implementation of all adopted Development Agenda recommendations

43. The Chair asked the meeting to proceed to the consideration of Agenda Item 5. He noted that there were two documents under the agenda item: documents CDIP/6/2 and CDIP/6/3, and before taking up those two documents that he would like to make some announcements. He understood that there was an interest among delegations to discuss the implementation by the relevant WIPO bodies, of the General Assembly instructions on the coordination mechanisms. He observed that a number of delegations had expressed their preferences for having a discussion in that regard in the current CDIP session. The Chair suggested setting up an informal working group to have some open and frank discussions on that matter. The working group could include the regional coordinators plus other interested delegations. He would request the CDIP Vice-Chair, Mr. Abderaouf Bdioui, to conduct those informal consultations. The consultations should preferably be convened in a way as to avoid overlapping with the plenary sessions. The Chair requested Mr. Bdioui to announce the time for the first session of the informal consultations towards the end of the afternoon session. The Secretariat would make the necessary logistical arrangements for the consultations. The Chair of the informal consultations would report to the plenary in its fifth session on Wednesday or at another, suitable time, when the working group would be in a position to report on its work. At that point, the Chair noted, the meeting would take up the issue in the plenary for further discussions under the same agenda item. Accordingly, a synopsis of the discussions would be reflected in the Chair's Summary, to be adopted at the end of the session. If the proposal was acceptable to all delegations, the Chair suggested that the Committee await the outcome of the work done by the informal working group.
44. The Delegation of Tunisia thanked the Chair and stated that since it was taking the floor for the first time, it would like to express its heartfelt appreciation for the excellent way in which the Chair was conducting the work of the Committee. The Delegation also expressed its thanks to the Secretariat for the preparatory work and the quality of documents made available by it. In its capacity as Vice-Chair of the Committee, the Delegation would be honored and happy to conduct informal discussions on the coordination mechanism issue by the following day, tentatively between 2 p.m. and 4 p.m., if that were suitable to the coordinators and the Member States, and hoped that the discussions would be within that time limit. It was sure that the discussions would be constructive, frank and open.
45. The Chair thanked the Vice-Chair and noted that the two of them were in the same boat in terms of the efforts being made. He said, however, that he had some discomfort with the time frame proposed by the Vice-Chair for the following day between 2 p.m. and 4 p.m. He believed the Vice-Chair had something to do from 3 p.m. onwards, and asked

whether he would like to reschedule the time and inform the meeting participants at the end of the day's session. The Chair asked if there was any other opinion in that matter.

46. The Delegation of Tunisia replied that the proposal that it made was tentative and that the informal consultations could be held as from 3 p.m. or even throughout the whole day, but said that it would see and discuss the matter with the coordinators as to when exactly the informal discussions would be arranged.
47. The Chair asked for any other opinion; otherwise, he suggested that the issue could wait until the Vice-Chair came back with a concrete timetable. He then said the meeting could proceed to take up the discussions on the document CDIP/6/2, and requested the Secretariat to introduce the document.
48. The Secretariat stated that document CDIP/6/2 under consideration was a progress report on 14 Development Agenda projects, which were at different levels of implementation since their adoption from the Third Session of the CDIP onwards. During the consideration of the document, project managers would be called to the podium to facilitate discussions on the progress report. The Secretariat announced that two errors had been noticed since the publication of the document. The first pertained to Annex IV, page 3. The project implementation rate on that page read as 46.7 per cent, whereas the actual project implementation rate was 24.6 per cent. The second correction related to Annex IX, page 5, where, again, the implementation rate should read 16 per cent and not 18.8 per cent. Both mistakes were due to the fact that the cost of internally redeployed project personnel had erroneously been added to the non-personnel costs. The Secretariat regretted those errors. The other matter that the Secretariat wished to bring to the notice of the Committee and seek its approval was the project on the Conference on Mobilizing Resources for Development that had been completed. A project completion report on the project was contained in Annex I of document CDIP/6/2. The Secretariat said that an unspent balance of CHF 42,000 remained from that project and that the Committee would recall that the project belonged to the set of nine projects developed on Recommendations 2, 5, 8, 9 and 10 and was financed from the amount of 8 million Swiss francs which now resided in the Reserve Funds of the Organization. After undertaking a review of the projects which fell into the same category and looking at the needs based on the request received from Member States, the Secretariat proposed to transfer the unspent balance to the project on the establishment of national IP academies. As those two projects came under discussion, the Secretariat said it would remind the Committee of that aspect. Turning to the document itself, the Secretariat stated that the first project was on the Conference on Mobilizing Resources for Development. Unfortunately, the Project Manager, Mr. Joe Bradley, was unavailable due to official travel outside Geneva. The Secretariat therefore requested the Committee to defer consideration of that progress report to Wednesday afternoon, and suggested starting the consideration of the progress report from the second report contained in Annex II of the said document.
49. The Secretariat introduced the project on the IP Technical Assistance Database (IP-TAD) as contained in document CDIP/6/2 Annex II, and recalled the live demonstration of the database in action held during the afternoon which had been attended by many delegations. At present, the Secretariat had implemented the project to the best of its ability; so far, according to the Internet monitoring of its use, around 200 to 300 hits per day were being received at the Web site, which was quite high, but then again, it was quite new as well. The Secretariat hoped that people would remain interested in the web site. It further stated that quite a number of comments had been made during the presentation and asked the delegates to repeat those at the plenary, as it would be interesting for everyone to hear them; the Secretariat would, of course, take note officially, as part of the meeting.
50. The Delegation of Spain, referring to document CDIP/6/2 Annex II, requested clarification from the Secretariat concerning the project budget. The Delegation asked whether the personnel costs had been way above the cost of projects. Secondly, referring to the initial date of the project, the Delegation asked whether it meant that in August 2010 the

project was not concluded or whether it had actually concluded but only 85.4 per cent had been spent.

51. The Delegation of Brazil stated that the Development Agenda Group appreciated the efforts put by the Secretariat in having prepared that document. The report showed that numerous activities had been conducted in order to ensure that the mainstreaming of the Development Agenda recommendations into all WIPO bodies was moving on. The Delegation added that it had specific questions and comments on several projects. Regarding the IP assistance database, it would have been very useful for the database to have included all relevant documentation such as the agenda of the meeting, the program, the documentations and the presentations, as well as written reports. The Delegation also suggested that there could have been an audio version of the presentations or maybe webcasting made available after the Secretariat had concluded its information gathering process. It would have also been important to have the progress of Members using that tool assessed, through a questionnaire in the future, in addition to a breakdown of consultancy fees that would show which division had the service commissioned.
52. The Secretariat, in response to the question raised by the Delegation of Spain, explained that the amount of 300,000 Swiss francs did not include personnel costs. It noted, however, that there was a project team of four people working on that project and that the amount of 490,000 Swiss francs was in fact staff costs as required by the Program and Budget level. It further explained the distinction between non-staff and staff categories. The Secretariat also observed that the project in question did not require any additional licensing costs or software costs, since internal resources and freeware available from Internet providers had been used. With respect to the project starting date of April 2009 and its expected duration of 12 months, the Secretariat acknowledged that there was indeed about a three-month delay. It further noted that the project incorporated Recommendation 6 of the Development Agenda, and that those two databases were linked since there were consultants who carried out activities and Member States were interested to see the roster of consultants and the activities carried out. Therefore, the integration of the two systems had caused the slight delay, meaning that it had gone live on July 1, 2010. The Secretariat went on to say that it had received quite a number of suggestions from Member States that would be included in the database, adding that there was money left over from the 300,000 Swiss francs and the team was still in place to carry out those improvements. Referring to the comments made by the Delegation of Brazil, the Secretariat confirmed that a number of suggestions had been made during the presentation and that attaching documents was not a problem, since the Secretariat was already doing that on the internal system, and that could certainly be achieved on the external system as well as any further assessment for improvement which included how well the systems were used, because that was one of the performance indicators. It added that it was possible to see which Division within the Organization had commissioned it, by having a look at the details of the activity. With regard to some other points that had come up during the discussion, the Secretariat noted that the system interface would all be in the six official UN languages despite the fact that it was only available in English at the moment. However, it confirmed that work was under way on the other languages. The Secretariat further informed the participants that documents would be entered into the system in their original language, stating that it would possibly translate some of the texts from the original language if it was not English so that people would find it in their own working languages.
53. The Delegation of Egypt supported the statement made by the Delegation of Brazil on behalf of the Development Agenda Group, adding that there was the issue of the type of information available on the database about experts and the type of advisers in addition to technical assistance experts who were on the roster of consultants. It pointed out that the value of the database lay in it being a comprehensive database as such, and put forward two suggestions in order to deal with legitimate issues of privacy of information. The first was that when new consultants were hired, a clause would be inserted into their contracts with the Organization that would inform them as well as receive their consent for that particular information to be made available on that database. Secondly, for the part of that information they did not wish to divulge publicly, they could have a two-track

system with some limited information being made available to the public while more detailed information would be made available under a key access that would be available to Member States, delegations and government authorities only. The suggested system had already been tried in a number of organizations, including the World Trade Organization (WTO), and would overcome issues of privacy in order to ensure that the information was as universal as possible. The Delegation added that notwithstanding its appreciation of the user-friendliness of the system interface and its availability in the six official languages, it would nevertheless be appreciated if a particular activity affecting a particular region were available in the official UN language used in that region. For example, if a particular activity was undertaken in Egypt or any other Arab country, the countries concerned would request that the information be made available in Arabic as well. The Delegation added that it would appreciate some clarification on the definition of a technical assistance activity, having understood that it had been established as any activity that involved developing countries' participation, and emphasized the need to narrow down its definition in the near future.

54. The Delegation of Bolivia endorsed the statement made by the Delegation of Brazil on behalf of the Development Agenda Group and the statement made by the Delegation of Egypt. It reiterated that the information contained in the database would be very important to countries. In relation to seminars and activities, there were four essential elements to be included in the meeting agenda; first, the number of experts; second, the presentations and the documents circulated by those experts; third, the ones circulated by WIPO; and fourth, the contacts of the focal point in the country. As far as the Delegation was concerned, it was especially important that such activities be supervised and coordinated by the Ministry of Foreign Affairs. Concerning the experts, the Delegation noted that there were three points of information they believed to be important. First of all, the organization or association with which they were working; secondly, their curriculum vitae; and thirdly, their declaration of interest. It also added a secondary issue - the timeline within which that additional information was expected to be received by Member States.
55. The Delegation of Algeria expressed its support for the statements made by the Delegation of Brazil on behalf of Development Agenda Group and also the statements made by the Delegations of Egypt and Bolivia. It believed that the number of activities from which countries would have benefited was artificial because the participation of those countries in a seminar organized by WIPO had been included. Accordingly, it deemed it important to distinguish between the activities from which the countries benefited under proper technical assistance, as opposed to their participation in the various activities organized by WIPO.
56. The Delegation of Panama joined other delegations in echoing the statements made, and noted that the driving force in that matter was transparency. It was important that WIPO be able to facilitate the flow of as much information as possible in the field of technical assistance to Member States. However, the Delegation was not sure whether a donor could request that disclosure take place under its name, and if that would amount to a lack of transparency. It further added there was some information missing with regard to the current number of donors, and pointed out that the link inserted in the document was not working, as the Delegation had not been able to access its content.
57. The Delegation of Azerbaijan, speaking on behalf of Certain Countries in Eastern Europe, Central Asia and South Caucasus, reported that several countries from the region had requested assistance from WIPO in developing national IP strategies, which were perceived to be of utmost importance. In that regard, those countries would need to obtain all the necessary support from the Secretariat and were hoping to be assisted in terms of assessment and expert missions, guidelines, methodologies and best practices, as well as the exchange of experience between sub-regions and also with countries that have already developed national IP strategies and were implementing them. In particular, the regional group members needed to link the design and implementation of national IP strategies to the overall objectives and governmental strategies for sustainable social and economic development. The countries in the region were counting on the Secretariat's support for such activities, including the allocation of sufficient funds.

The Delegation concluded by welcoming the establishment of the Development Agenda Coordination Division, from which it expected appropriate support to develop WIPO activities in the region.

58. The Delegation of Pakistan, taking the floor for the first time, thanked the Chair for his able stewardship of the Committee, and the Secretariat for the presentation made during the lunchtime break, which had been quite informative and had provided a wealth of information about the operation of the system and its stability. The Delegation observed that the Secretariat had mentioned post-implementation improvements in the system, and asked whether the issues requiring immediate support and attention in the following year would be explained. It further stated that there was no mention of any urgent need to create an interface between the DSS and the AIMS. The Delegation therefore wished to know what timeline was required to achieve progress on that issue and also whether that was covered by the 15 per cent of the improvement cost that was left in the budget year.
59. The Delegation of Brazil expressed support for the statement by the Delegation of Bolivia, as the suggestions made by that delegation were very relevant and should be taken note of and included in the project. The Delegation also added a procedural suggestion with reference to the lunchtime presentation stating that it would perhaps be preferable if such presentations took place during plenary sessions or even at the start of such sessions or half an hour earlier, so that the presentations and questions could take place simultaneously.
60. The Secretariat thanked Member States for their questions and the interest shown in the presentation. First, referring to the comments made by the Delegation of Egypt, the clause to allow the Secretariat to publish the information on consultants was now included in all SSA contracts, and the Secretariat had written to all the SSAs engaged since January 2009 asking them to give their consent as well answers were now coming back to the Secretariat and most of them were quite positive. The password access for Member States only was not a difficult option to put in place, so Member States could look forward to being contacted by the Secretariat in due course requesting assistance from their respective offices when asked for focal points. The system could cater for all six languages of the UN, and of course documents would be uploaded into the system as original documents which should be made available in the language of the meetings if they were carried out in a particular region. The Secretariat could be expected to improve the system on a monthly basis, and most of the comments/suggestions made could certainly be taken care of with the remainder of the budget. It added that resources for the offshore programming which would continue through to June 2011 had been retained as well so that there was still a few thousand francs left, meaning that everything could be done with the project's existing resource pool. It further noted that the definition of technical assistance activity had been brought up earlier and qualified as a policy question. At the moment, attendance at meetings of standing committees was included, because Member States could be sponsored to come to those meetings and partake in the normative work. Without such assistance, they might not be able to attend those meetings. It concluded by remarking that very important assistance was given to LDCs and developing countries and that it was not for the Secretariat to say whether or not that qualified as technical assistance, but admitted that a key definition was needed, perhaps at the policy level.
61. The Deputy Director General of the Cooperation for Development (CFD) Sector commented on that point, which he regarded as difficult insofar as the position taken by the Secretariat was that any activity for developing countries and LDCs that was provided for, because they qualified as such, was considered as technical assistance. Consequently, that covered not only training programs but also funding of WIPO-attended events or any other events organized by the Organization.
62. The Secretariat, referring to the comments made by the Delegation of Bolivia on the need to attach documents and information about the numbers of experts, confirmed that that could all be done probably in the coming segment after the next release. With regard to focal points, at the moment, there was the concept of a co-organizer, which was the party with which the Secretariat dealt at the national level that assisted the Secretariat in

organizing the events, as well as the concept of 'requested by' which sometimes meant they were the same. It could be requested by a government ministry, but co-organized with the IP office for example. The Secretariat added that, in relation to experts providing their CV and declaration of interest, it was not sure what declaration of interest was and could take that offline and make sure that all understood the same thing, which would then be made available to national offices through the codified access. Referring to the comments made by the Delegation of Algeria and the need for a distinction between the different types of technical assistance activities, it stated that proper technical activities searchable by type in the system would be implemented so that Member States could search by study visits, or attendance at a WIPO Standing Committee, etc. It also pointed out that Member States' feedback would be needed regularly for updating the system. The Secretariat recalled that the Delegation of Panama had mentioned the issue of transparency, which meant that the more information was made available, the more transparent WIPO activities would be. Referring to Project 9, it stated that the number of donors should be discussed in another report, and apologized to Member States that the link given in that document was incorrect and did not work. The Secretariat said it had rectified that shortcoming by placing the link on the front page at the bottom of the screen, so that Member States could access that system on the WIPO homepage. Responding to the issues raised by the Delegation of Azerbaijan, the Secretariat fully supported those general observations which had also been made by other delegations. Taking the last point from the Delegation of Pakistan, the Secretariat noted that one of the issues faced in that system which had come up at lunchtime was that it was incomplete. It acknowledged that there were some activities that were missing, but said it did not put those in. It had 35 assisting focal points throughout the Organization who were doing that, and the Secretariat had set up a separate project now which was just starting to take the information from the Finance system, because nothing happened in that Organization unless it went through the Finance system. It further stated that the Secretariat was going to build an interface there so that data would initially be transferred into their system, first in a skeleton form which could later be updated. It assured that no other aspect would be neglected, and in that respect the team could run reports to remind people to complete inputting of information. That would deal with the missing items and also deal with the integrity of the system, ensuring that data was up to date and as complete as possible.

63. The Delegation of Brazil referred to the observation by the Delegation of Bolivia on the issue of focal points. That concept was an important element, which needed to be integrated before events took place as opposed to *ad hoc* appointments. One problem that sometimes arose was that WIPO approached some Ministries for the sake of time and also on occasions the IP offices, and the Delegation reiterated that sometimes more than the IP office was needed to have coordination with other Ministries and that it would be useful to have a focal point established beforehand so that when the Secretariat contacted a country, the Secretariat would know whom it should be contacting. For example, the Permanent Mission in Geneva or the Ministry of Foreign Affairs could be focal points. Moreover, it would be very relevant if the events were co-organized by other Ministries or the IP office, for instance.
64. The Secretariat agreed with the suggestion and said that it was something it would share on that system with Member States. It expressed doubts, however, with regard to the focal points' willingness to have their names published all over the world, unless that would be comprised in the closed system.
65. The Delegation of Oman thanked the Chair and Secretariat for the presentation conducted during the lunch break. Although the presentation had been very useful, it had difficulty accessing the Web sites in question, as there was always a window showing an 'ERROR' message. In addition, with regard to technical assistance, the Delegation wished to know whether such assistance was financed by WIPO or by the recipient countries themselves. It further inquired whether that would be spelled out on the Web site or in the database.
66. The Secretariat apologized for not having the correct link in the document which had been prepared a couple of months previously, and confirmed that if Member States were

to go to www.wipo.int, the correct link would be found at the bottom of the page with the graphic in the middle. All WIPO technical activities would appear there, whether financed by WIPO or by other means, because the database was more about knowing what was happening in countries and not about who was financing those activities. With regard to the second part of the question by the Delegation of Oman, the database would show all technical assistance activities, whether funded by WIPO or through Fund-in-Trust, as well as those supported by Governments.

67. The Delegation of Oman stated that it would submit a proposal that would consist of opening a window or portal so that countries could insert their comments and provide updates on their activities currently not referred to in the database.
68. The Secretariat replied that that was an interesting concept, and added that Member States' contributions were more than welcome in an effort to populate the database. The tool currently catered exclusively for WIPO activities, but countries which were running their own initiatives were welcome to submit and share their information and experiences. That would entail some modifications to show the country's ownership of the relevant activity. The Secretariat did not see anything wrong with the suggestion, since the idea of showing what was happening in countries was consistent with the important purpose of that database. As far as the WTO G-TAD database was concerned, it was a possible source of inspiration since the purpose of that assistance was to make information available, and that was something that most likely would be accommodated in the future if countries wanted to put in their activities.
69. The Chair expressed the hope that the Secretariat's responses had satisfied the Delegation of Oman, observing that if there were no other comments he would proceed to the next project.
70. The Secretariat introduced the project relating to Recommendation 8 "Specialized Databases Access and Support" with the code DA_08_01 under Annex 3 of document CDIP/6/2. It reported that the project had five main components: the first was a needs analysis and database review study; the second was access to specialized and technical journal databases; the third was access to specialized patent databases; the fourth was the establishment of technology innovation support centers; and the fifth was training and awareness-raising. According to the progress report that had been prepared for the current session of the CDIP, the project was on track and the study papers reviewing the most important patents and non-patent databases had been prepared, as well as another more technical and detailed guide to databases. The Secretariat added that the guide had been developed based on the study paper, and was already available for IP offices and users in general on the WIPO Web site. It further reported that the public-private partnerships and WIPO on Access to Research for Development and Innovation or aRD_i had been launched in 2009, followed by WIPO's Access to Specialized Patent Information or ASPI program, launched in September 2010. The Secretariat explained that the fourth component was related to the establishment of Technology and Innovation Support Centers (TISCs), and that the training regarding the establishment of TISCs and three regional conferences held during the current year were on track. It said the project had been delayed a bit in the conclusion of service level agreements (SLAs), which provided a framework for activities to be carried out in developing countries wishing to establish TISC. That delay was mainly due to the need for extensive preparatory work in developing SLAs in cooperation with target countries. It noted that the number of institutions participating in the aRD_i program remained low, and explained the need for an active promotion campaign, at least for the LDCs, which had been given free access to the facility. Such campaigns would be undertaken during the last phase of the project implementation schedule. The Secretariat had managed to add three additional journals to the aRD_i program, but wished to draw the attention of Member States to the fact that implementation of the project was somewhat restricted by the lack of staff. Only non-personnel costs were allocated to the project, it noted. Internal redeployment at the beginning of the year had mitigated the initial difficulty but had not provided sustainability, requiring further additional project personnel to be deployed. Referring to the implementation of that project, the Secretariat reported that the latest statistics showed that up to 14 SLAs across all regions had been signed, namely, four each in Africa, the

Arab region and Latin America, and two in Asia, respectively. It also informed the participants that since the launch of the project, three regional symposiums on that project had been carried out; more than 30 assessment missions covering 10 countries had been carried out, while further requests were in the pipeline to create those TISCs and proceed with implementation of the project.

71. The Delegation of Senegal endorsed the statements made by the African Group, the Development Agenda Group as well as the one by the LDC Group, and expressed concern with respect to the project on specialized database access and support. It pointed out that approximately 33 percent of the total budget had been used up, and given the fact that almost two-thirds of the budget needed to be spent for the second period of the program, it wished to know how a project mechanism could be set up making it possible to achieve all of the scheduled activities despite the lack of personnel. The Delegation added that the increase in the number of requesting countries, particularly given the success of the project, was noted in the report. In conclusion, it thanked the Committee for the importance attached to that program, particularly for developing countries, because it gave them access to information that was extremely useful for drafting research projects and for limiting claims in the field of patents.
72. The Delegation of the United States of America, taking the floor for the first time, thanked the Chair for his continued able stewardship of the Committee as well as the Secretariat for its meticulous preparation of the progress report on that project. The report indicated that significant progress had been made since the previous year. The Delegation noted as one example that 25 assessment missions had been carried out in preparation for the establishment of technology and innovation support centers, whereas only five had been conducted the previous year at the same time. It further noted that it appeared that more than 30 other countries had requested to benefit from those centers and that further assessment missions were therefore under way. The Delegation observed that those numbers showed that the project met a hitherto unmet need in many countries, and therefore applauded WIPO's efforts in that area. There were still a few questions about the project, which were touched upon in the introductory remarks, but a few more details were perhaps needed. The Delegation expressed its curiosity about, firstly, why the number of institutions participating in the aRD_i program still remained low, even though the service had been launched in July 2009. Secondly, the Delegation sought clarification as to why only non-personnel costs were allocated for the project, when it was clear that the project's personnel would be needed to support in-country TISCs.
73. The Delegation of India, referring to a point raised in the presentation on the need for additional project personnel, asked the Secretariat how it intended to tackle that issue and what plan was to be followed in order to meet those requirements. The Delegation welcomed the fact that three additional journals had been included in the aRD_i project and also believed that the project was very useful as well as aiming in the right direction. It requested further clarifications on the paper presented, and noted that the launch of the ASPI providing access to specialized patent information had shown in its indicators full achievement of the expected result of providing specialized patent databases to IP offices. In that regard, the Delegation asked for information on how that database had been reviewed and updated and how many IP offices currently had access to it. The Delegation pointed out from the report that strong progress had been shown in the completion of the needs analysis and basic training for each TISC, adding that although that was a positive and indeed welcome development, it still wished clarification on what exactly the TISCs were doing at present. The Delegation understood that the TISCs were still in a nascent stage, and reminded the Committee that it was the one that had proposed that instrument at the CDIP a couple of sessions ago. It further explained that what had been proposed was really a technology and innovation hub to foster domestic innovations in developing countries. The Delegation asked for clarifications about the current functions of the TISCs, and whether or not there were plans to expand them. With regard to the training seminars held, the Delegation requested additional details as to who were the faculty for those and whether all were WIPO Secretariat staff; whether the Secretariat was looking at train-the-trainer kind of programs and at sustainable models for the TISCs. It would have perhaps been useful to share the findings of the needs analysis and the general terms of the SLAs signed between the TISCs and WIPO,

not in detail but just to give an idea of how those were working out in practical terms. Similarly, it might be useful to hear about how many additional TISCs were planned for the coming two years and their locations. The Delegation of India noted from the report in CDIP/6/2 that although the subject of specialized patent and non-patent services at WIPO had not been included in the study paper, the Secretariat intended to propose new WIPO services by the end of 2010. The report also indicated that there had been some progress in that regard. The Delegation pointed out that since the Sixth Session was the last session of the CDIP in 2010, it would probably have been useful to hear what kind of progress had been made and where the Committee stood in that respect. Finally, the Delegation asked how far the evaluation had gone, noting that evaluation forms were to be circulated after every training seminar in order to assess in quantifiable terms the increase in awareness of IPRs.

74. The Delegation of Panama asked a question about the examples of achievements and lessons learned and whether or not at some point the Secretariat had thought about encouraging the work that would be undertaken by the TISCs, because there was a reference to a network of TISCs that was not located within the intellectual or industrial property offices, but rather would have included academic institutions as well as research institutions. With regard to universities where transfer of technology and research institutions were located, the Delegation wondered what the chances were of truly researching and investigating the possibility of coordination with those offices in order to encourage efforts being undertaken through the initiatives in that project. Finally, the Delegation asked whether the Secretariat had any knowledge as to when the guide would be available in Spanish.
75. The Delegation of Cuba endorsed the statement made by the Delegation of Brazil on behalf of the Development Agenda Group and welcomed the results achieved through the aRD_i project as well as the TISCs. The Delegation believed that it was important for the Secretariat to continue efforts aimed at increasing the number of developing countries that would benefit from the ASPI project for access to specialized patent information.
76. The Delegation of France, speaking in its national capacity, stated that while it was pleased to see the specialized databases access and support being concluded, it was also very pleased to witness the progress made in that project. It believed that the database guide and access to it which was technical and scientific in nature, and the specialized patent database, as well as the setting-up of TISCs, would all substantially contribute to knowledge dissemination as well as better use of the patent system.
77. The Delegation of Pakistan believed that much progress had been made with specific reference to the TISCs, judging by the fact that more than thirty countries had requested the opening of such centers. That showed progress and a move forward in that direction. One point which still needed clarification was the role and scope of those TISCs. By their name, they encompassed a huge area of work, but it appeared that that was limited to databases and their accessibility only. The Delegation ended by asking the Secretariat to clarify that point.
78. The Secretariat began by responding to the concern expressed by the Delegation of Senegal's with regard to financial expenses. It explained that so far, one-third of the budget had been used and since it was a three-year project, it all seemed to be well on track despite the human resources issues. In answer to the Delegation of the United States, the Secretariat said that it had noted its remarks concerning the increase in demand for the services. It confirmed its commitment to attempting to meet that demand. There was a great deal of interest because it was a question of not only giving access to those databases but also providing support to help countries and interested parties use those databases effectively. Therefore, capacity-building was important, which was why aRD_i had been launched in July 2009. The Secretariat observed that it was very much along the same framework as Hinari of WHO, Agora of FAO and Awari of UNEP. It explained that the project was very much dependent on contacts with the publishers, who really gave WIPO access to their publications and journals, through their own generosity. For a bit over six months, the Secretariat had felt that it was very close to a break-through in having at least one major set of publications. The Secretariat further explained that

there were other journals waiting to be added, and that it would continue to do so as more publications came to its possession. Initially, it had wanted to make a big impact by adding fifty new journals. However, as that had not been the case, it would no longer keep waiting for that to happen and would merely keep adding others as they came. The original group or set of journals added for the PCT minimum non-patent literature journals, some of which were rather difficult to access. The Secretariat observed that it might perhaps take a different approach and certainly broaden the scope to move beyond the PCT minimum non-patent literature journals that were offered, so that many publications would be added as quickly as possible. In reference to the query by the Delegation of India regarding the lack of staff, that it was an issue which was currently under internal review in order to respond to that underestimated demand. The Secretariat added that even events needed to make an effective project had been underestimated, as well as the human resources element involving regular training. Projects like aRDi and ASPI were very much based on what the commercial patent database providers had offered to the Secretariat, and it was up to them to decide who the eligible countries were. Moreover, WIPO had good relations with the commercial patent databases and was much closer to them than to the international publishers, and was hoping that things could move much more quickly perhaps, to get the commercial patent databases to offer more and in that way to also reflect on aRDi so that more publications could be brought onboard. In relation to ASPI, it had just been started at the end of September 2010 and had received at least three requests, one rather persistent, and the Secretariat deeply regretted not being able to satisfy them by opening the system. It further stressed the need to formalize the institutional user license. It was slightly different from the aRDi because instead of the publishers, the Secretariat had to deal with commercial patent databases, so there were slight differences, and it was necessary to ensure agreement among all six commercial patent databases provided. The Secretariat said that the most important difference, also with ASPI as compared to aRDi, was that in ASPI it would just be an initial filter agreement. For ASPI in any case, all users would have to sign the terms and conditions of the commercial patent databases. However, there was still a bit of a hold-up, and the Secretariat had just received feedback from one of the commercial patent database providers. It hoped to pass their comments on to the Office of Legal Counsel so as to get feedback very soon, and to give access or ensure that the commercial database providers were given answers in the next week or so. The Secretariat added that in relation to the number of aRDi users, much more promotion seemed to be needed, with regard to access to scientific and technical journals, particularly for LDCs, where they could be accessed free of charge. It said that the human capacities needed and the human resources efforts in particular would be for someone to be actively involved in such promotion. It went on to cite an example from Mozambique, where there were 38 universities out of which none had heard of aRDi, even though the program had been running for one year. In theory, all of those universities could access aRDi free of charge, whereas subscribing to those databases would cost the Secretariat close to half a million dollars. The Secretariat therefore, stated that more efforts were really needed to promote both aRDi and ASPI. It explained that the TISCs should offer basic services, that is, how users could access technology. It was really not as simple as sitting down at the computer and Googling a few words in relation to patent databases, but that one should know which database to search. If one wished to search full text U.S. documents, then one would not go to WIPO's Patentscope or the European Patent Offices, rather, the USPTO was the place to start. Knowing which database to search was the starting point; subsequently, it was necessary to know how that search should be done, provided the user knew about search strategies using key words, using classification and the IPC, which meant that all of those steps had to be taught. It was very important for the Secretariat to start off with that and that was very much dependent on the needs and the resources available at any center of any country. The network would decide what else could be offered, and what else was needed. Subsequently, the Secretariat would provide that training, using professional staff from different departments in WIPO, as well as external experts giving support in order to ensure completion of the necessary training. The Secretariat reported that the initial seminars were two and a half to three days long, and that five international experts including WIPO experts had run a theoretical session, followed by a practical session on, for example, searching Patentscope and the USPTO databases. Having both theoretical and practical sessions had proved to be very important, but that was just

the tip of the iceberg as two or three days were not enough, a factor which underscored the importance of having regular training as well. The Secretariat then explained that the needs analysis could be found in the study paper, which in turn could be found on the CDIP/3 Web pages alongside all other details of the study paper, including the needs analysis. Upon request, the Secretariat confirmed that examples of the SLAs were available and that it was a very standard document. There were also Web pages for TISCs, but if users went to Patentscope and followed the link for patents in the left-hand column, there was a link for projects where TISCs could also be found. The Secretariat concluded by stating that four people were working on that project and that the project budget permitted the creation of 12 TISCs by the third year of implementation. However, demand was more than double of what had been expected. That implied that some internal redeployment was needed in terms of human resources in order to cope with the demand, bearing in mind that the project in question was not going to be completed since it was an ongoing process. To answer the question of Panama, the Secretariat said it was creating a coordinating TISC within the IP offices but the ultimate goal was that the TISCs would be created where the users of the information were for example in universities, R&D institutions, industry associations, etc. It noted, however, that TISCs set up in the IP office had the main role of coordinating the national network being established in a certain country, and of partnering therewith in order to establish plans and training programs as well as evaluating the services provided by them. As regards the last question concerning the kind of other services to be provided by WIPO in relation to search and examination included in the project document, the Secretariat said that WIPO was providing a service called International Cooperation for Search and Examination of Inventions (ICSEI), which was being repackaged and would henceforth be called International Cooperation for Examination (ICE). The Secretariat was in the process of establishing the platform and defining the products and the services that would be mainly offered under the new repackaged ICE program and platform, and it would mainly be helping offices from developing countries in order to provide search and examination of inventions, on how to use the result or the work done by other offices in the examination process in order to avoid duplication of efforts and reduce the operating costs of the IP office.

79. The Delegation of Chile inquired as to the terms and conditions under which LDCs would be able to access the private databases. It wished to know the level of risk and the measures found in the document, since the Secretariat had pointed out there was clearly a lack of staff to effectively implement the project. The Delegation requested the Secretariat to ensure that the report reflected that point.
80. The Delegation of India said that it still had one unanswered question concerning the circulation of evaluation questionnaires. It asked for more details on the stage reached so far in the evaluation, and added a second query in relation to the conversion of ICSEI into the ICE. The Delegation asked whether the project would be presented to the CDIP before its start, since the expected commencement date mentioned in Annex 3 CDIP/6/2 was at hand. If that was not the case, the Delegation wished to know whether it would be presented at the next session of the CDIP in 2011.
81. The Secretariat first answered the question from Chile concerning the terms and conditions under which LDCs could access those commercial databases, and stated that LDCs' access to the databases would not entail any costs at all. It further stated that under the ASPI program, the Secretariat classified countries into three categories namely, those countries that would be granted access free of charge; those that would be charged a low cost to gain access; and the third group of those that would be charged a slightly higher cost than the second category of countries. The Secretariat went on to say that so far, there were five commercial databases in the program which operated on a type of public-private partnership that would be maintained for the time being so that access would not be cut when the project was completed. In response to the question posed by the Delegation of India concerning the ICSEI, the Secretariat said it was to be presented the following year, when the platform and the services for providing those kind of new services for developing countries would be more defined, but it was still not clear whether that would be at the first or the second session of the CDIP in 2011. An evaluation would probably be made at the Committee's next session. The Secretariat

also offered clarifications in relation to the evaluation forms for any training that was carried out, explaining that they were given out so that participants could provide feedbacks and ideas on their future needs. In that respect, the evaluation forms were submitted periodically every six months after the first training sessions, and included detailed customer service-oriented questions to assess training quality.

82. The Chair thanked the Secretariat for its detailed responses and said that given the short time left, the Committee could only consider one more project, and therefore called for the introduction of the next document.
83. The Secretariat introduced the next project on Development Agenda 10_02, Annex 6 of CDIP/6/2, which covered the deployment of components of business solutions, customized for the modernization of IP infrastructure of national and regional institutions. The main objective of the project was to assist Member States in improving national IP institutional capacity through further development of the technical infrastructure with a view to making it more efficient. There were four components to the project, namely, a pilot project to deploy an ICT infrastructure; the customized E-communication system in OAPI in addition to a project similar to that which would have to be undertaken for ARIPO as well; then a project to deploy comprehensive customized automation solutions in three more LDCs; and finally, automation workshops to facilitate sharing and exchange of experiences and best practices. The Secretariat observed that up until the present, that project had been delayed mainly due to the preparations required to start its implementation. It noted that the first component, the OAPI project, had begun, and provided OAPI with an ICT infrastructure that was now in place, as a result of which the Office was equipped to host its own Web site and email services. The next phase of the project would be defined shortly and would focus on automation services at a regional networking that offered a solution to help such offices process patent and trademark cooperation, provided to the Member States for some kind of on-line electronic services regarding communication, consultation of databases as well as publications. As far as the ARIPO project was concerned, the trial data exchange mechanism had been set up between ARIPO, WIPO and the Korean Intellectual Property Office Institute (KIPO), which was assisting the Secretariat with the implementation of those projects. It added that the next phase had already been defined; its purpose would be to enable ARIPO to develop its own mechanism from where the main operations would be undertaken. With regard to the LDCs, a set of assessment mission had taken place in order to identify three of the countries where the automation solution would be set up. In that respect, one regional workshop in the Arab region had been held in Cairo in July 2010, and had been attended by all the representatives of the sixteen offices. At the workshop, the main solution had been discussed, and best practices in IPO automation had been exchanged. Those discussions had resulted in the formulation of the business model that had to be followed in order to deal with the project and be able to deliver in a quick way and make faster progress. The Secretariat noted further that that goal would be reached by making dedicated staff available in the selected regions or sub-regions to speed up delivery and knowledge transfer to the two main regional offices and two other member countries of those offices. In that regard, the Secretariat was experiencing some internal delays that were mainly due to the recruitment of the additional project staff. That had been an unforeseen factor in the planning phase with regard to the absorption of technical assistance by those regional organizations.
84. The Secretariat presented progress on the IP and Development Matchmaking Database for feedback by Member States. It was explained that the project was a system which allowed States to do two things: first, to document their needs and record them in the system, and second, to attract responses from potential donors in terms of services, or assistance from other Member States. As a matchmaking system, it was designed to bring together parts of a common cause for productive purposes. The prototype of the database, expected to go live in January 2011, was demonstrated and feedback was invited from Member States. The system had been developed with reference to other systems used in the UN system and elsewhere, with a straightforward design that also met standards for access by visually impaired persons and others with reading disabilities. The system had five options. The first option demonstrated examples of partnerships in previous projects or other projects within the Organization, including

stories and videos to help promote the system. The second option allowed users to search for partnership opportunities, including donors wishing to see what other Member States had requested or Member States looking to see whether donors were offering something of interest. The third option allowed users to state their ideas or what they could do as a donor, and enabled Member States to express their needs. The fourth option enabled a straightforward donation of money, while the fifth option was a subscription service allowing users to request to be informed by email alert when a need or donation meeting certain criteria was uploaded to the system. The project progress report drew attention to some of the issues faced in terms of setting up the guidelines and operation of practices which underpinned the IP system. It was important to ensure that proper guidelines were implemented and approved by the Member States before the system was fully operational. The IP Advantages system, developed with WIPO's Japan Office and using the Japanese Funds-in-Trust, provided an example of a system which hosted success stories achieved by the Organization or Member States on how others had partnered. The IP Matchmaking Database would host such success stories within the system. With respect to the second option, it was important to ensure that users could see what opportunities were available for partnering with a Member State or with WIPO. Search facilities enabled users with needs to search for offers, and enabled donors to see what needs had been expressed by Member States. It was noted that only Member States could express needs within the system. Searches could also be conducted on criteria such as type of activities, including training activities or workshops, as well as the type of institution which posted its requirement and the type of need, such as IT equipment. Moreover, searches could also be based on an area of interest, such as teaching of copyright, or by reference to region or country. The system was designed to ensure that all information could be reached within three clicks. Input from Member States expressing needs had been sent to the Secretariat for processing and validation, and user focal points might have been contacted to obtain more information, before posting on the Internet. Member States were also invited to subscribe to a newsletter and alert service for items of interest. The system employed a similar function for users seeking or providing offers, and also allowed users to inform the Secretariat of their views. Finally, the system would in due course allow for the donation of money, once the guidelines and procedures had been finalized. The system would be available in six languages.

85. The Delegation of Spain welcomed the platform to match needs and recipients with donors, and expressed an interest in wide dissemination of the system, which it noted was available in six official languages. Clarification was sought for the delay of some 10 months, and whether the budgetary implementation figures described in the progress report as 24.7 per cent were still current and in line with what had been anticipated.
86. The Secretariat responded on the issue of dissemination, noting that the platform would be made available on WIPO's Web site for Member States and donors. With respect to the issue of delay, it was noted that the Secretariat was using the same technical team for all three projects under Development Agenda Recommendations 5, 6 and 9, which were implemented consecutively. It was necessary to first establish an important platform underpinning the project, and for budgetary reasons, care was needed with the management of resources because the project under Recommendation 9 had a non-staff budget of only 190,000 Swiss francs. The project was developed in series; project 5 was done first, after which project 9 could commence. As noted by the Delegation of Spain, work had advanced faster than noted since the progress report, first because of the pressure to deliver progress to the Committee, and second because two further offshore contractors had been engaged in November 2010, to assist with software development. Having the guidelines and procedures in place was as important as developing the software and work was ongoing to bring both aspects of the project into alignment. It was noted that the budget was in order, and that funding had been allocated for 2011 for two reasons; firstly, to secure the technical resources until June 2011, using the same team as for the project under recommendation five; and secondly, to promote the system in regional meetings where donors might attend in order to ensure that content was available for the system.

87. The Delegation of the United States of America expressed appreciation for the way in which the project, which had originally been a proposal by the United States of America, was unfolding, in particular its design and aesthetic presentation. It asked whether any progress had been made in defining and approving the business rules and procedures for system operation that would normally underpin the project, as the progress report had stated that that was essential to avoid further delay. If no progress had been made, clarification was sought as to what obstacles there were to progress.
88. The Delegation of Oman noted that the project would assist in promoting partnership between all countries and enable the sharing of experiences. It asked whether there was a connection between the use of the database and other WIPO databases and technical assistance activities, in light of the commonalities between the areas. Given that the program would be available in the six official languages, it was also asked how data would be entered into the system, whether it would subsequently be translated, whether there would be a common language across the system, or whether data would be retained in the original language only.
89. The Delegation of Chile requested clarification as to the security and confidentiality of data. It was noted that access to data would be in line with WIPO requirements, but clarification was sought as to what measures would be put in place in that specific project to ensure the integrity of data and to prevent persons making improper use of the data by pretending to be an organization or government or similar entity.
90. The Secretariat thanked the Delegation of the United States of America for its encouragement and for its original project proposal. The issue of rules and procedures would be responded to later in the Committee meeting by Mr. Joe Bradley, who was then meeting with the Heads of IP Offices in Africa to discuss resource mobilization. It was noted that the Secretariat was researching the guidelines and procedures used by other UN agencies, and sought to adopt a simple approach examining each issue on a case-by-case basis. With respect to the questions posed by the Delegation of Oman, the point was made that connections could be made between WIPO's database projects and technical assistance activities, which could be included in the database. It was noted that if an IP Office needed computer equipment, that need could be met in due course either by WIPO or by a private sector supplier in a full private-public partnership scenario. With respect to the issue of translation, it was noted that the front pages of the database, the summary and template would be translated into the six official languages, whereas long and detailed documents might not be translated due to budgetary constraints. With respect to the issue of data security, when offers or requests were entered into the database, the information would be checked by the Secretariat using a control procedure to verify the validity of the company, and focal points to verify the validity of government data. Once data was verified as valid, it would then go to a review team, to ensure that it fitted into the normal work program. Finally, the data would pass to a decision board, probably at the level of the Senior Management Team or the Director General's Cabinet, to determine that it fitted in with the WIPO work program. Such a system of review was similar to that employed by other UN agencies, and would ensure that only valid requests and valid offers were included in the system. Once published on WIPO's Web site, the data would be protected by firewalls, managed by WIPO's IT Security team at the same level of security as PCT documentation. Finally, communications would be directly between the people managing the system and the focal points nominated by the IP offices to deal with the system, to ensure maximum data security.
91. The Secretariat reported on the Pilot Project for the Establishment of "Start-Up" National IP Academies, approved by the CDIP at the meeting held in Geneva from April 27 to May 1, 2009. The objective of the project was to test a new model to help developing countries and LDCs establish an IP training institution with minimum resources to meet the increasing demands from IP specialists, professionals, government officials and other stakeholders. The project had initially been foreseen to extend to four pilot countries for the Biennium 2010-11. However, requests had been received from countries to join the project as from July 2010, with only one request having been received in mid-2009. It was assumed that the delay was due to countries needing to hold internal discussions with respect to sustainability prior to submitting an official request to the Secretariat.

Official requests had been received from nine countries, with three from Latin America, one from the Caribbean, one from the Eurasian region, one from Asia and three from the Arab countries. At the same time, discussions were being held with six other countries, two from Africa, three from Latin America and one from the Arab region, of which five were expected to send official requests to join the project. With respect to implementation, the project was in the preparatory phase with respect to the nine countries that had submitted official requests, and that phase was considered concluded upon agreement with the requesting country for a detailed implementation plan for cooperation. It was stated that more funds would be needed to respond to all the requests for assistance that had been received, in view of the fact that funds had initially been foreseen for only four countries.

92. The Delegation of Spain noted that the initial start date for the project was April 2009, and while the project was still in the preparatory phase with only five per cent of the budget spent, that represented a considerable delay. Clarification was sought as to when project implementation would begin and conclude, and why, if the project was only in its preparatory phase, 10.5 per cent of the budget had been spent.
93. The Delegation of Brazil suggested that, once the IP academies were established, their programs and lectures could be included in the technical assistance database.
94. The Secretariat, in response to the various comments and questions from delegations, noted that the delay in the project was not due to the Secretariat, given that in 2009, only a single country had expressed an interest in benefiting from the project. The remaining beneficiary countries had only requested to join the project in July 2010, and a large number of requests had then been received in the few months prior to the Sixth Session of the CDIP. It was explained that the project had entered the implementation phase, when a country that had originally expressed interest in being a beneficiary was sent a questionnaire to assess its needs for training in the area of intellectual property. Representatives of the Secretariat then visited the country together with an IP training expert to meet with the authorities, Government and interested sectors in the country to discuss their needs, after which a report was drafted by the expert to be sent to the Government with a list of priorities for implementing the project and establishing the IP academy or training centre. With respect to the nine countries mentioned, the project was at the phase of concluding the report establishing priorities and drawing up the implementation plans. It was clarified that the delay in implementing the project was due to the fact that requests from interested countries had been received late and that there was a much higher number of requests than had initially been planned. It had originally been foreseen that four countries would benefit from the project, whereas nine countries had requested to join and a further six had expressed an interest, giving a total of 15 potential beneficiary countries. It was noted that the Delegation of Brazil's suggestion to include the training material in the database was a useful proposal.
95. The Delegation of Egypt noted that the project under consideration was one of the most popular of the 14 projects under review, and offered significant potential for developing countries and sought clarification as to the amount of additional resources required and/or the adoption of follow-on projects on the same theme.
96. The Delegation of Chile stressed the need for the Secretariat, together with interested countries, to develop and strengthen IP education in developing countries. Training of human resources in the use of IP was essential, and represented one of the main points of the Development Agenda. The Delegation noted that Mr. Di Pietro had only recently taken over leadership of the WIPO Academy, and expressed confidence in the execution of the project as Member States sent in requests. With respect to the issue of risk, it noted that the project document had identified one risk - the lack of human and material infrastructure in the country selected, and asked whether any solution had been foreseen to address that risk and overcome the identified obstacle.
97. The Delegation of Senegal noted that most requests to join the project were from countries, and sought clarification as to whether the Secretariat would enter discussions with regional organizations, such as OAPI in Africa. It was noted that such an approach,

which allowed for grouping of countries in some parts of the world, could address the difficulty of the lack of high-quality human resources to lead national IP academies, making it easier to establish such academies.

98. The Delegation of Spain expressed the hope that Mr. Di Pietro would be confirmed shortly as Director of the WIPO Academy and noted that the project entailed a great deal of work, and it was hoped that a broader project would eventually be developed. The Delegation asked whether, as a pilot project, conclusions could be drawn from initial experiences that might lead to future changes in the direction of the project. The project could be adapted to each country, based on an analysis of the needs of countries that might be interested in the WIPO Academies' programs, and the project could be tailored to fit those needs rationally so as to derive maximum benefit from the investment. The project would not be the same in the Caribbean as in Central Asia. More countries could then benefit from a project that was more rational, and adjusted to actual needs.
99. The Secretariat stated that there were four pilot countries in the project and that nine real requests had been received. Project delivery had been delayed by late receipt of the requests, and it was foreseen that execution of the implementation phase of the project would take place in 2011. As the project would not be concluded in 2011, it was foreseen that the project would be renewed with a new vision and new input in the next Biennium. The Secretariat should take up all requests by Member States to join the project, as the decision to accept or reject requests was for the Member States and not the Secretariat. With respect to the comment made by the Delegation of Chile, it had been acknowledged in the progress report that in certain potential beneficiary countries, there was a lack of local infrastructure, particularly IT infrastructure, whereas the objective of the project and of the WIPO Academy was to provide training to trainers. A further reason for the delay in project implementation in 2009 was because the first pilot country had not been in a position to provide the necessary physical infrastructure so further assistance had been given with respect to the facilities needed to set up an IP academy. It was an important concept that the academies were national academies set up by Governments whereby WIPO provided technical assistance to develop programs, curricula, teaching material and training for trainers. With respect to the intervention by the Delegation of Senegal, it was noted that the decision to set up a training centre, whether national or regional, was for the Government and not the Secretariat. In the case of OAPI, an expression of interest could be submitted on behalf of different countries in the region. With respect to the comment by the Delegation of Spain, it was noted that the project was in a pilot phase and required sustainability as a basic criteria. To achieve sustainability, the beneficiary country had to commit human resources, infrastructure and a legal framework to make the training center viable and sustainable. Those challenges had become evident in the first pilot phase, which had proceeded slower than planned and improved criteria were foreseen for the second phase of the project in 2012-13, to ensure a more effective project.
100. The Delegation of Venezuela reiterated the hope that Mr. Di Pietro would be confirmed in his post at the WIPO Academy, in order to ensure diversity of vision in a multilateral institution such as WIPO. With respect to the project, it was emphasized that the training work undertaken by the WIPO Academy to strengthen IP capacity should be based on the needs and realities of developing countries. No attempt should be made to simply transfer systems from developed countries such as the United States of America and Europe. It was important to understand that IP was a tool and not an end in itself, and that priority should be given to collective interests over private ones in order to achieve a balance which had not been evident in the history of the IP system. The declaration and implementation of the Development Agenda sought to achieve that balance, which was also sought through diversity in the Secretariat.
101. The Secretariat clarified that the methodology of the start-up academy projects comprised various progressive elements; the first element was a needs questionnaire to be filled out by the beneficiary country; the second was an assessment mission carried out by the Secretariat jointly with an expert in IP education meeting with the authorities in the beneficiary country; while the third element was a project document based on the two initial inputs to decide the needs of the country, from which a list of priorities could be

drawn up. The documents prepared were discussed with the authorities of each country to enable each authority to set its national priorities and, on the basis of their decision, the requested activities were then carried out.

102. The Chair noted that the Committee needed to take a decision with regard to transferring the unspent balance of 42,000 Swiss francs from the project on Conference on Mobilizing Resources to the Pilot Project for the Establishment of "Start-Up" National IP Academies. It was noted that the Committee had agreed accordingly, and the Secretariat was asked to reflect that decision in the Summary of the Chair.
103. The Secretariat introduced the next report contained in Annex 7 of document CDIP/6/2 with the project title "Innovation and Technology Transfer Support Structure for National Institutions". It stated that the project under discussion aimed to create, update and improve a series of modules and materials relating to the management of IP by universities and research institutions. At the end of the project, the Secretariat planned to establish a digital portal where the training modules, guides and tools would be available through one entry point on WIPO's Web site. As already reflected in the progress report submitted at the Fourth Session of the CDIP, the project start date was in November 2009 and the first step, namely, establishing a project paper within six months, had been completed in early 2010. The document had then been submitted for review to two external experts, whose task was to identify missing elements from the document and to suggest improvements to its contents from their perspective. Their comments had been received in the second half of September 2010 and incorporated in October, after which the document had been published on the Web site. From now on, the project would advance more quickly as a number of modules, tools and other materials had already been identified by the Secretariat, by the experts and in the project paper, and implementation of the full project, including the design of the various elements planned, had already begun.
104. The Delegation of Spain thanked the Secretariat for its explanations on that project and expressed its surprise at the situation relating to the project. The Delegation said it would tackle the issues in steps. First of all, it noted that the progress report indicated that the project had started in April 2009, whereas the Secretariat had said that it had started in November 2009. However, the fact was that, so far, the use of the budget was zero per cent. The Delegation wished to know if the project had indeed started in November 2009 how it was possible that nothing had been spent on it. It also noted that under the risk mitigation section, the Secretariat had stated that the late start of project was "due to unforeseen reasons". The Delegation asked for more details as to those unforeseen reasons. The fact was that at present, 17 months out of the period foreseen for the project had gone by, and in that time, only the project document had been drawn up, and even that could not be found on the Web page as indicated in the program. The Delegation's second comment concerned the deadline; it asked when it would be reached in view of the fact that the Biennium was drawing to a close and nothing had been done yet. Thirdly, the Delegation referred to the additional human resources that would mean additional costs, noting that the project as designed initially had not been carried out at all nor had any provision been made for those additional human resources. The Delegation wanted to know what had changed since the project had originally been drafted. It said realistic projects were needed with more detailed budgets that were transparent, and that included a breakdown of the costs, not only because of budgetary considerations but also because of the activities planned for the project. The Delegation of Spain reiterated that it could not find the project paper at the place indicated. Finally, the Delegation observed that with the Biennium almost over and the project not yet started, that would be a serious problem, as that project according to the report provided had blocked funds that could have been used for another project that could have been implemented. The Delegation said that overall, the information provided on the project had led to even more confusion than had already been created by reading the report, and asked the Secretariat for clarification.
105. The Delegation of Venezuela also thanked the Secretariat for its presentation. It wished to address a general request to the Secretariat on all of the projects, not just the one under consideration. It said the previous project document on the Academy and all of the

other projects should be published and made public. That would be good for transparency, and it would also be good for the civil society to give its opinions, which were important to ensure that delegations could have management of those projects. The Delegation wished to know clearly what WIPO had been doing, especially for the Development Agenda.

106. The Secretariat in answering to the questions raised by the Delegation of Spain, said that the original starting date had indeed been set for April 2009. The start date had been shifted to November 2009, simply because there were unforeseen issues with human resources as some of the human resources that had been allocated to the project on whom the task had been based upon establishment of the project had left the area where they were and were no longer available to work on the project. Accordingly, adequate replacements had to be sourced before starting with the project. Regarding the question concerning the use of the budget, it said that clearly one of the reasons was that the project had to start a few months later because the project was basically divided into two main areas or phases: one was the project paper. Once that had been done, the real activities would start and that would be where the money would be spent. However, with regard to the late start of the project, the Secretariat was in the timetable of the six months for establishing the report and then for consulting the expert, which had been done. With regard to the question on the additional human resources, the Secretariat stated that that was indeed something that had been planned. However, since it had been trying to be economical with the resources, it had requested a common resource for both technology transfer project, which was under discussion and not been approved yet and the one under discussion. And since the other one had not been approved yet, the human resources have not been guaranteed yet, so as soon as the resources for the other project were provided, the Secretariat would have enough human resources to continue with it. As regards the implementation of project activities, the Secretariat stated that it was already in the phase where it was testing many of the training modules and the instruments that would be put forward in the full project, and was therefore confident that it would continue in good shape.
107. The Secretariat wished to make a brief clarification regarding the project document, and stated that the project paper on innovation and transfer of technology was indeed available on the Web site. However, according to the recently approved language policy by the Assembly, it was available in only one language for the time being. The Secretariat would soon be providing a summary of the paper which would be duly translated into all other official languages and posted on the Web site.
108. The Delegation of Spain while thanking the Secretariat for its explanation stated that it still had some doubts as to the implementation of the project. First, if the concept paper had been submitted to external consultants, did they do that work free of charge? The Delegation wished to know how those consultants would be paid. Second, the Delegation wished to reiterate that whenever a project required additional resources or an additional budget, the Committee should be consulted as to the way in which the funds should be provided, according to the decisions taken by the PBC. And finally, in the progress report it was stated that the next step would be to define the digital portal. Notwithstanding, the Delegation had some doubts as to the planned time line, because the creation of the portal, according to the project as originally approved, would be carried out after the review and improvement of all the tools for IP management.
109. The Delegation of Germany thanked the Secretariat for its explanations and noted that the present project had been agreed and implemented without any personnel costs. The Delegation therefore, did not understand as to why other projects had split the cost of non-personnel and personnel, but the present project did not have any personnel costs. Accordingly, its question was the same as the one put by Spain, that is to say, had work already started on the project, and if so, why it had that not been charged to the budget? The Delegation further noted that there were two sources - external consultants and internal WIPO staff - and stated that it had raised that issue at the PBC previously. In that connection, it asked whether WIPO staff costs were charged to the programs? Otherwise, a few million might be added to the overall amount of 16 million Swiss francs. The question was therefore, in what cases were WIPO staff costs charged to the budget,

and in what cases were they not charged, and was there was any policy in that regard, the Delegation added.

110. The Secretariat replied that concerning the two external consultants, it could give a few details. The Secretariat had asked the Government of Chile to give its comments and also the Licensing Executive Society International to look at the project. They had both agreed to do that free of charge, so they had not been paid. On the next steps for the digital portal, the Secretariat tended to agree that the timetable was quite thin. It wished, however, to point out that for some time it had been testing and improving the modules and tools already in place. A large part of the tools but not all that would be provided were already being used on a day-to-day basis in innovation and technology transfer work. With regard to the question of the Delegation of Germany relating to personnel costs, the Secretariat explained that, as already mentioned, the additional person that was requested was supposed to be used half for the present project and half for the other one. That person had been requested under the other project but actually additional resources had been requested. The Secretariat observed further in regard to the question put by the Delegation of Germany that the project was one of nine projects developed for Recommendations 2, 5, 8, 9 and 10, and that at the time it had been decided that the project personnel resources would be secured through internal redeployment. Obviously, more staff was needed to undertake the project, and the Project Manager who had been requested at that time to develop two projects, one on transfer of technology and the other being the one under consideration, had chosen to include the costs of additional human resources in the other project. Unfortunately the other project had not yet been approved, and that was what had clearly put some pressure on the project team. The Secretariat hoped that the transfer of technology project, once approved, would enable the Project Manager to utilize some of the resources from there for the project under consideration. The reason why it appeared only as non-personnel costs was that the human resources used for the project were internally redeployed. On top of that, the person who had been redeployed had moved out to another area within WIPO, and once a replacement had been provided, it had obviously taken some time for the new person to understand and start the project. That, in effect, had also contributed to delay in the project.
111. The Chair thanked the Project Manager and his team for joining the meeting and presenting the progress report and providing clarifications in response to the queries from the floor. He then moved on to the next project and requested the Secretariat to introduce the project document.
112. In its introduction, the Secretariat noted that the project was linked to WIPO Programs 3, 9, 15 and others. It had two main components. The first component was related to creative industry, while the second component was related to collective management. The implementation of the part of the project related to creative industry had been successfully completed through a combination of sub-regional seminars, workshops and studies on related topics and subjects undertaken during the course of the year. As for the collective management activities, implementation of that part of the project had led to further examination of the project plan of the West Africa Copyright Network. The examination which had been conducted through a combination of meetings and consultation with a stakeholder, potential international panels and the WIPO internal IP department had led to the recognition of the need for prior enhancement of the WIPOCOS software under a related project with the performer's umbrella organization. The enhancement had taken longer than expected, mainly due to the complexity in the business logic design and the software implementation, which had been identified as the main cause of the delay. The examination had also indicated that in order to help WIPOCOS meet emerging business requirements in a very complex online music world, there would be a need for the use of a more efficient database, for example, Oracle, and Web-based technologies to facilitate the interconnection of WIPOCOS users to each other and the necessary international systems. Another issue that had also emerged was that Internet connectivity in some of the cities involved in the pilot was less than satisfactory, and therefore solutions to that challenge were being studied through a collaborative effort between WIPO and collective management organizations (CMOs) participating in the project. The Caribbean Copy Link (CCL) project was a supplementary

component of the above-mentioned copyright or collective management project. It focused on linking aspects of the member society work which was currently being managed separately. That included a regional sampling module system for works used in the Caribbean region and the promulgation of harmonization distribution rules for collective royalties. Advice on the scope of the project had been provided by the President of CCL, for which the Secretariat was extremely grateful. Several components had so far been completed as part of the project, and it was estimated that the project could be completed by the end of November 2010. As for the planned way forward, the Secretariat said that since the part of the project concerning creative industry had been successfully completed as reported earlier, more focused action would be undertaken in follow-up events and in organizing similar events in other countries and regions in 2011. With respect to the collective management part of the project, the way forward would be the development and completion of the sub-regional database and the Web-based IP platform to link the participating CMOs with the aim of delivering the wide area network (WAN) database and projects in 2011. For the CCL project, the focus would be on the completion of the harmonization and distribution rule for the collective royalty sampling system and on the production and testing of the rules and system in the operational environment.

113. The Delegation of Spain while thanking the Secretariat for the explanation sought further details as to the use of the 268,000 Swiss francs for the additional personnel costs in terms of the project initiation dates. The Delegation understood that the project had begun in April 2009, had been planned to cover an 18-month period and ought to have concluded in October 2010. It further noted that at the 14-month stage in August 2010, only 37.4 per cent of the total budget had been utilized, in other words a little over one-third, when only four months remained until project completion. The Delegation asked if further details could be provided as to the situation considering the fact that a great deal of time had passed and the budget had been spent.
114. The Delegation of Brazil wished clarifications and details as to the follow-up events mentioned in the project such as the seminars and workshops on creative industries and similar events planned in other regions. It asked the Secretariat to explain what kinds of events were planned and also to provide information on the participants in those events.
115. The Secretariat responding to the questions raised by the Delegation of Spain, particularly regarding the disbursement of 37 per cent of the budget stated that a part of the project, particularly the West African Copyright Network component, had been delayed for a number of reasons, mostly due to the need to enhance the WIPOCOS system. As a result, some of the expected expenditure was not being used. Concerning the 37 per cent disbursement, the Secretariat reminded the Delegations that 240,000 Swiss francs had been allocated for the creative industry and that part of the project had been completed. Therefore, the Secretariat would expect that from now until the end of the current year, it would be having more expenditure in terms of that project in the area of the Web project and that by the end of December 2011, the project would have been completed and the budget expenditure would fall in line with what it was supposed to be. With regard to the question raised by the Delegation of Brazil on the events undertaken in 2009, the Secretariat said that seminars had taken place in the Philippines and also in the Dominican Republic. All those sub-regional seminars and workshops had been attended by different groups of people involved in the creative industry, and showed great appreciation and deemed the events very useful. Based on the Secretariat's post-meeting survey, up to 76 per cent of the participants had found the events very valuable and had said that they wanted to have a further discussion or maybe even an enhanced event on current developments. Accordingly, that was the focus for 2011.
116. The Delegation of Spain asked for further clarifications on whether the completion period of the project would be December 2010 or 2011. Secondly, the Delegation said that the Project Manager did not provide an answer concerning the additional personnel costs amounting to some 260,000 Swiss francs, and requested the Secretariat to provide further details.

117. The Secretariat apologized for having missed the question by the Delegation of Spain and stated that the additional personnel costs were specifically related to the redeployment of personnel to the project and that was where the 260,000 Swiss francs came from. Regarding the project completion date, the Secretariat was committed to finishing the project by December 2011 at the latest. It acknowledged that there had been a delay which it planned to rectify in order to avoid holding the project up any more.

118. The Secretariat introduced the next progress report in the sequence, the project on "Improvement of National, Sub-regional and Regional IP Institutional and User Capacity" contained in Annex 9 of document CDIP/6/2. It briefly recapped the objective of the project, stating that it was aimed at strengthening national IP institutional capacity, through a standard methodological and integrated approach to IP policy, strategy and institutional reform and modernization. Although the project involved a standardized methodology, the Secretariat was perfectly aware that that approach would have to be flexible enough to allow for adaptation and customization of the methodology to each national context. The project's objective was very wide, as could be appreciated, and under the project there had been three different components, or a set of subprojects that had been developed. The first component of the project dealt with testing a proposed methodology for the development of national IP strategies. And it was on that component that the focus of the report would be in particular. The Secretariat mentioned briefly the two other components of the project indicated in the report. One covered the regional and sub-regional aspects, as mentioned in the title of the project, dealing in particular with the improvement of sub-regional IP institutional capacity. In that respect, the Secretariat referred to the work done to establish a Caribbean Regional Patent System, an example of the improvement of sub-regional institutional capacity. The establishment of such a regional patent system had been adopted and approved by CARICOM, and the system had been established and would be implemented by the Member States of that body. The third component was the work being done with regard to SMEs and the development of a methodology for national surveys and studies on IP and SMEs, but the core of the report dealt with the work being done to test the proposed methodology for the development of national IP strategies. Under that component, the project had been launched and was currently under way in three countries, and the additional three pilot countries would experience the project launch phase in the first quarter of 2011. The process that had been adopted for the project consisted of four basic steps: the first step in each country consisted of assessing the state of the national IP system using a set of tools provided by WIPO. In the process, the project would look at the legal policy framework, the broader economic environment of the country, and the state of its infrastructure. That assessment of the state of the national IP system or IP audit was carried out using a set of tools that WIPO had provided and which it was currently testing through that exercise. The second step was to identify and mobilize the relevant stakeholders involved in IP strategy formulation, and to identify in each country the key sectors that would benefit from strategic use of IP. In the third step, consultations were held with stakeholders to determine the strategic IP objective in the priority areas of the strategy. Then of course, the process concluded with the formulation of a strategy that would be proposed for discussion and adoption by Government. So far, the Secretariat reported, the first assessment missions had been carried out in three countries to seek the active cooperation of the main stakeholders and secure the highest political commitment to carrying out the process and developing the strategic framework for the national IP strategy. National consultants had been appointed in the countries to carry out the exercise; the data collection for the IP audit exercise was under way; and data was also being analyzed. A methodology for data collection had been proposed which was based on primary research and which was done through interviews and surveys with appropriate relevant stakeholders. In addition, secondary research based on the analysis of legislation and policy documents was being conducted; already, reports had been received from one country where the process was well ahead; another country had provided some intermediary findings; while a third country was still collecting data. With regard to lessons learned so far from the present stage of implementation, the Secretariat would focus in particular on the importance of input from national consultants. They were fully aware of the political and economic circumstances in the environment of the country and quite familiar with the legislation and overall institutional environment. At the same time, it was realized that in some cases, the process could be conducted by a larger team

where the national group of experts could also be supported by an international consultant. That approach featured the additional advantage of developing in-country capacity to carry out the exercise and also offered the necessary training and guidance to the consultants to conduct the exercise. Based on the initial experience that had been gained from the project in a number of other countries which had not been included in the initial group of six countries selected to take part in the project, broad interest had been expressed in using that methodology. It would now be in the interest of WIPO to validate the project through the pilot exercise, refine the methodology itself, refine the questions which were used in the questionnaires and in the tools, and thus refine the tools that would be offered with the hope that that would yield a methodology which would be validated and useful enough to other countries wishing to embark in the process of developing a national IP strategy. WIPO could offer an integrated and coherent approach to national IP strategy development.

119. The Delegation of the Philippines thanked the Secretariat for the excellent presentation and requested information on the specific tools that were currently provided by WIPO in helping a country in its internal IP stocktaking or self-assessment as mentioned by the Project Manager. More importantly, it wished to know how those tools were developed to begin with.

120. The Delegation of the Dominican Republic expressed its pleasure at seeing the Chair presiding over the session of CDIP and wished him every success in his work. It was convinced that with his supervision, the Committee's ship would be steered in the right direction, and assured the Chair that he could count on the full cooperation of that Delegation. It also wished to thank the Secretariat for the high quality of the documentation supplied, noting that the information shared had been very useful and had enabled the Delegation to engage in proper analysis. Within project DA-10-05 contained in document CDIP/6/2 Annex 9 entitled "Improvements of National Sub-regional and Regional IP Institutional and User Capacity", and with regard to the use thereof, the Delegation was pleased to note that the Dominican Republic had been chosen as a pilot country for the development of national IP systems, with a view to setting up a strategic national framework. That initiative was driven forward by WIPO within Development Agenda Recommendation 10, and through that project, a national consultant had been appointed to implement the project in the country. With regard to the document in particular, the Delegation wished to stress the positive impact on the country of the appointment of a national consultant who was familiar with the political and infrastructural situation of the country. With regard to the Dominican Republic in particular, the Delegation wanted to share some key details in relation to the way in which the pilot project had been rolled out. The project had been intended to take place in three phases on the basis of the terms of reference as follows: the initial phase had involved data collection and statistical data gathering on the current situation of the IP system within the Dominican Republic. Secondly, it had identified those sectors, which had involved sharing the country's trade and development potential through the IP system. Also, it had involved data gathering and knowledge sharing amongst the interested sectors. In the third phase, a national strategy had been drawn up taking into account the first two phases of the project. That had led to a nationwide consultation with interested parties to enable the draft to be discussed. In the course of implementation of the pilot project, WIPO had supplied two of the consultants together with questionnaires to enable the exercise to gauge the necessary *modus operandi* on the basis of the existing Dominican Republic IP system. At the same time, an assessment of the system had been supplied. WIPO had been provided with two documents in line with the country's commitment to enable the pilot project to go ahead. The first document, covering the first phase, had been submitted in May 2010, while the second, relating to Phase 2, had been submitted in August 2010. At the moment, national consultations with interested parties were being finalized to enable discussion of the initial draft of the strategy paper so that the pilot program could be brought to a close. The Delegation wished to express its appreciation for having been chosen for the pilot project. It further wished to thank the Secretariat for its contribution to the project, which it hoped would have positive local effects for other developing countries.

121. The Delegation of Brazil thanked the Secretariat for its presentation and said that on behalf of the Development Agenda Group, it would like to request clarifications on two project topics: first, as the Delegation of the Philippines had already raised the question regarding the work on national IP strategies, the Delegation requested more information on the benchmarking tools that had been developed and were being used, and on how those tools had been determined. Second, the Delegation requested more information on which stakeholders should be consulted to ensure feedback from the pilot countries.
122. The Delegation of Oman said it was very interested in the project and that the country had started a self-assessment on the subject and sent it to WIPO. The Delegation would like to know what tools were being used by WIPO in making the assessment. It further noted that it had received a self-assessment tool in Arabic and had completed the corresponding study, and would like more information on the subject.
123. The Delegation of Panama noted the progress being made under that project and congratulated the Secretariat on the major efforts under way. As already stated on another occasion, Panama had started to design a national IP strategy with its own funding, and maintained an open and permanent communications channel with WIPO in that regard. In Panama, each IP project undertaken at the initiative and with the funding of the country involved WIPO as a strategic partner, using its technical assistance and cooperation in general. That helped enhance local capacities, thereby guaranteeing not only the achievement of competitive advantage but also the endorsement of WIPO as the world's lead agency in that field. And it had been shown that such cooperation created added value for the project. Moreover, access to the methodology being used in selected IP offices was also important, and the Delegation was very grateful for all the support in that area given to Panama.
124. The Delegation of Trinidad and Tobago thanked the Chair for the able manner in which he had conducted the work of the Committee and the Secretariat for the excellent and informative presentations made before the Committee. The Delegation had a special interest with respect to the Caribbean Regional Patent System. According to the project report, a technical working group had met in September 2010. The Delegation had taken note thereof and requested additional information as to the outcome of that particular meeting, if the Secretariat had any idea about it, as well as the estimated time it would take for the Caribbean Regional Patent System to be up and running.
125. The Secretariat thanked all the Delegations for their comments and expressions of support for the project. With regard to the question regarding the specific benchmarking tools that had been used, WIPO had used a variety of tools for the national IP strategies and to support countries in that process. The Secretariat further noted that the reason why the project had come into being was precisely to harmonize a range of existing tools. Therefore, two consultants had been entrusted with the task of developing a set of benchmarking tools which WIPO had proposed for use in the pilot countries. Therefore, what was offered under the project was a set of tools which somehow summarized the tools that had existed before in WIPO. However, the Secretariat wished to point out that the current use of that set of tools which WIPO had given to the countries had enabled it to gather very important information on additional questions that had to be asked, and to identify existing gaps which were not covered in the tools proposed by WIPO. The Secretariat added that it was precisely that pilot project approach which had given WIPO the necessary information and taught the necessary lessons. Until now, it had used tools which were, of course, useful and valid, but they were perhaps a bit abstract or theoretical, and it was precisely the present use of those tools in the different countries that had enabled it to gather the necessary inputs. Only when the exercise in the six pilot countries had been conducted would WIPO really have enough information to formalize a comprehensive set of tools. In fact, on the basis of the excellent work done by the national consultant in the Dominican Republic, which the Secretariat commended, WIPO was able to complement the tools made available to its consultants. In fact, from the experiment in the Dominican Republic and in the second country, Mongolia, where the exercise was currently ongoing, WIPO was already receiving those additional questions and would be able at the end of the project to really analyze all of the inputs and truly validate a methodology from the ground up. Moreover, with regard to methodology,

those experiments had shown that if WIPO really wanted to have not only tools but also processes which were to be validated, it would be possible for other countries not covered by the project to use the methodology. If that result could be secured, the projects would have managed to achieve results. Finally, in answer to the question on the Caribbean Regional Patent System, the Secretariat was not in a position to give the Delegation of Trinidad and Tobago any more details at the present stage. But certainly through the Bureau for Latin America and the Caribbean, more updated information on the results could be furnished to the Delegation. What was known for a fact was that Trinidad and Tobago had offered to host the institution for that system.

126. The Delegation of Brazil thanked the Secretariat and the Project Manager for the presentation, and noted that in view of the interest some delegations had expressed in obtaining additional information on the benchmarking tools, an annex to the project could perhaps be created with that kind of information for submission to the CDIP at its next session. In addition, it reminded the Secretariat that it had asked which stakeholders would be consulted.
127. The Secretariat stated that with regard to the stakeholders, they would of course consist of all government institutions involved as well as R&D facilities, universities, the private sector, plus all sectors that had already been identified as key in clusters that also featured a competitive advantage. As a result, in the countries it would of course be known where in the private sector such questions were to be asked, and the data collected. In practice, that would embrace a wide range of both public and private institutions, as envisaged in the project. Responding to the suggestion made by the Delegation of Brazil on the Development Agenda portion of the WIPO Web site, the Secretariat confirmed that there was indeed a link to the Development Agenda project status. The Secretariat suggested that, instead of making it a part of a progress report which of course would disappear from the Web site with the document, any study or document pertaining to what would be prepared by the Project Manager and detailing the methodology and tools used, as well as any additional information that might be required, could be put on that Web site so that it would stay there, for consultation by any delegation or Member State.
128. The Chair noted that under Agenda Item 5 and with document CDIP/6/2, there were still four projects to be examined, starting with the document on Intellectual Property and Public Domain, and gave the floor to the Secretariat to present the document.
129. The Secretariat presented the progress report on IP and Public Domain, referred to as project DA/1620/01, contained in Annex 10 of CDIP document CDIP/6/2. The project had three main components: the copyright and related rights component; the patent component; and the trademark component. In relation to the component on copyright and related rights, there were four subcomponents: the first was the scoping study on copyright and the public domain; the second related to the survey on voluntary registration on the depositary system; the third consisted of the survey on private copyright documentation systems and practices; while the fourth was the Conference on Copyright Documentation and Infrastructure. The Secretariat pointed out that the scoping study on copyright and the public domain had been finalized and published in the six languages, and placed on the WIPO Web site. The patents and trademark components had been formally approved in the Fifth Session of the CDIP held in April 2010, following the discussions on both topics which had begun in 2009, and the Secretariat added that those two components were on track and would be presented in 2011. With regard to the patent component, Member States were informed that another feasibility study aimed at investigating the availability of national patent register and legal status data could be available. At that point, the Secretariat introduced Professor Dussolier, Doctor of Law and Professor of Law at the University of Namur, Belgium, who would be presenting the scoping study on copyright and related rights in the public domain.
130. Professor Dussolier presented the conclusions of the study, which stemmed from two recommendations contained in WIPO's Development Agenda, Recommendations 16 and 20; both of which were aimed at promoting a rich and robust public domain. The study looked at the public domain from the perspective of something having its own value, and

did not consider it as something adversary to intellectual property. The aim was to try and lay the groundwork for parallel work on the public domain and on copyright. The study examined the way copyright holders perceived the laws of 15 States in relation to the role of the public domain, its history, and justification. She noted that there were limitations on the public domain which included legal and non-legal mechanisms that often contradicted free use of materials in the public domain by exclusivities and limitations and restrictions. Different mechanisms had been implemented, such as licenses for free access to works, which fell strictly under the terms of public domain. Some articles that the study had looked at gave a more positive status to the public domain, because it was often perceived to be the reverse of copyright protection. In that way, the public domain could be defined as being that part which was not protected by copyright or was no longer protected by copyright. Professor Dussolier further explained that the public domain approach was often very varied because there were a variety of ways of interpreting copyright or the regulation of copyright, and the approach chosen could reduce the scope of public domain. The final recommendation of the report was to give a more solid basis to the public domain. Professor Dussolier broke that down into five sectors of varying importance. The most important part of the public domain was the temporal public domain, namely, public domain items arising from the expiration of the copyright duration, and it was clear that that part was quite hard to identify and define because it was regulated by the rules of territoriality, of national sovereignty, given that the rules for protection were determined by the country where the request for protection was made, as stated in the Berne Convention. That was often a problem when the original petition was filed in another country, because people were unaware of the rules. There was a grey area as to whether their copyright had expired in the country in which they wished to use the work in the public domain or in the country in which the original filing for copyright protection had been made. In addition, there were cases where copyright was extended, which meant that works which would have fallen into the public domain due to expiration of copyright were then entered back into copyright protection. The relevant rules were often unclear, and it was not always the country where the user of the public domain was based that had extended the copyright. The study highlighted those difficulties and suggested that the rules be simplified. The final part that the study looked at was voluntary public domain by copyright holders who decided voluntarily to give up copyright or not to have their work protected by copyright. There were licenses which made it easier for the author or for the copyright holder to do so, but that relinquishment of copyright had led to questions about its legality. The question was, could one give up one's copyright, or could one give up one's moral right to be identified as the author? Would that be something that one could legally do? That had led once again to uncertainty and to a varied approach, a varied reaction. That brief overview or chart of public domain in the different elements of public domain had made it clear that it was a shifting environment, whose different constituent factors would be very difficult to determine and to identify very clearly. The study called for a stronger identification of the public domain and rules that protected it more robustly so that it would be possible to identify what fell into the public domain, and make it clear that once a work was in the public domain it remained in that domain, free from any sort of re-appropriation by legal mechanisms, contractual mechanisms or technological mechanisms. Professor Dussolier listed a range of recommendations which had been divided between three goals. The first was to ensure greater certainty in the identification of the public domain as a result of legal activity and legislation, but also to make sure that the relative databases were in place, for example. The second objective was to ensure greater availability and sustainability of what was in the public domain and that would bring the subject out of the copyright fields and lead into the field, for example, of cultural heritage protection or environmental protection. It was important to ensure that those were addressed so that, for example, digital libraries would be made available, accessible and sustainable to the public under the public domain. The third objective was to ensure that the public domain was something positive, and to ensure that the resources in the public domain, which were of the common good, could resist any exclusivity and appropriation. The full study therefore put forward practical and normative recommendations to guarantee the status enjoyed by the public domain.

131. The Secretariat stated that the component on copyright and related rights of the project on IP and Public Domain was composed of different, interconnected initiatives. All of

them were ongoing and ran in parallel towards a concluding stage at the Conference on Copyright Documentation and Infrastructure that was expected to take place at the end of 2011. It proceeded to briefly report on some of the developments in that ongoing process in the different initiatives and focused on one of them specifically, the second survey on voluntary registration and deposit systems. The Secretariat went on to say that in 2005, WIPO had developed a survey of copyright registration which had covered 12 countries and had been published at the time. The current survey aimed to enlarge that existing survey by looking at not only 12 countries but rather at the entire constituency of WIPO, not only focusing on copyright registration but also looking at legal deposit as another way of providing information on documentation regarding creativity. The survey also looked at the adaptation of public registries to the digital environment and to areas such as orphan works and public domain materials. The study had already yielded some provisional results on the basis of the 79 responses to a 50-question questionnaire that had been received so far, and all those questions from Member States were available on the WIPO Web site. Overall, the survey represented the greatest effort to date to produce information on public registration and public documentation, including in areas such as orphan works. A list of contact information for all public registration systems and legal deposit systems was provided to facilitate contacts with those institutions, and in certain cases online searches by means of providing the Web address of the respective registration and legal deposit systems. At the next CIDP session, the Secretariat would aim at providing a summary of all those replies, including graphics and tables for a more detailed analysis. With regard to the rest of the initiatives relating to the component on copyright and related rights, work was ongoing and the Secretariat had commissioned the necessary studies, such as the survey on private copyright documentation system and practices, so all the results on the project on IP and Public Domain would be presented at the previously mentioned Conference on Copyright Documentation and Infrastructure scheduled for the end of 2011.

132. The Delegation of the United States of America supported the scoping study on copyright and related rights in the public domain that compared national legislation and surveyed technical and legal tools that promoted access to and identification of public domain material. It also thanked Professor Dussolier for preparing that study on the public domain, and welcomed the practical approach adopted by the Secretariat in commissioning such a study. The Delegation was pleased with much of the study, and hailed such a document exploring the many facets of the public domain via the examination of the laws of a representative number of countries in the Berne Convention that had shaped a country's public domain and that would allow others to engage in a more comprehensive discussion of the topic. The Delegation added that it was concerned by certain recommendations suggesting the amendment of the 1996 WIPO Internet Treaties, and believed that it was possible to have a robust public domain while adhering to the existing texts of the WIPO treaties. In that respect, amendments did not seem necessary in order to safeguard access to the public domain. Moreover, technological protection measures would present several obstacles to productive discussions on that topic. Accordingly, the Delegation felt that it would be more productive for the Committee to explore other steps suggested in the study with a view to preserving and strengthening the public domain. Commenting on a section of the report that addressed trademark law (page 46) where it was stated that the registration of a trademark should be denied on public interest grounds when it would amount to reviving an exclusive right similar to copyright, the Delegation recalled that trademark law provided for the grounds to refuse protection to trademarks, particularly when a sign would be generic or lack distinctiveness. Trademark law had been narrowly construed to prevent such registration from occurring because protection was limited to the nature of the goods or services as an indicator of source, which was totally different from the copyright protection. As such, any eligible sign which complied with national trademark laws should be entitled to trademark protection.
133. The Delegation of Brazil thanked Professor Dussolier for the presentation of the study and stated that the item in question was most important for Brazil, and due to some technical problems in accessing the document earlier that day, the Delegation requested that the document be reviewed in the next CDIP session, adding that there would be an opportunity at the next meeting to deliberate on new activities in that area. Referring to

the unavailable document on the WIPO Web site, the Delegation suggested that all links mentioned in the document be inserted into that report. It requested that the terms of reference and the names of the consultants for the next two studies that were to be carried out be provided to the CDIP and that the questionnaire on patent register and legal status be submitted to the CDIP as an information document. It further stated that it was not only talking about copyright components but also about trademarks and patents.

134. The Secretariat confirming that all links mentioned in the document were accessible, noted that it would have been better for interested delegations to provide their respective input so that those could be consolidated with the others. It further stated that two different authors for the two different parts of those series of surveys had been selected. The first one was for a private documentation related to collective management; Mr. François Savie Lutan had been selected for his insight into all the related documentation in the world of collective management. The second issue covered private registration systems for which the Secretariat had identified a team led by a Professor Ricolfi of the University of Turin, composed of researchers from different regions including Africa, Latin America and Asia. Their respective roles were to conduct the survey on private copyright documentation systems and practices, which was designed to complement the survey on copyright on public registration systems. The Secretariat added that document CDIP/3/4 contained very descriptive information on those studies and represented the terms of reference (TOR). It nevertheless reckoned that in practice, there was a need to go beyond in making public the TOR for the studies on the copyright environment, and requested further guidance on that issue. The Secretariat pointed out that a certain margin of discretion was needed to maneuver in order to have an academic approach to the issue so the mandate received from the CDIP would be reflected in that very specific document described as thematic projects and the basis for commissioning the studies, as instructed by the Member States prior to publication of the report and results. In conclusion, the Secretariat explained that there were different ways to access that study, either through the Copyright section of the Web site or the Development Agenda section, the option chosen for that example. However, for those who chose to access it through the Copyright section, they would have to go to Copyright, then choose Current Topics and then Public Domain, from where other registration activities that had just been described before on the Registration Survey, could be found under the descriptive narrative before, then go to the Survey linked to the Development Agenda part of the Web site. The Secretariat had to take into consideration the fact that it was sometimes difficult to find information; in the recent past, however, great efforts had been made to structure and better organize the information regarding Copyright and its interface with the Development Agenda. The Secretariat concluded by expressing the hope that a positive result would be produced in that regard.
135. The Delegation of Brazil expressed its appreciation for the clarification on the document location, adding that an easier option would have been for that study to be included in the agenda of the Sixth Session of the CDIP. It further noted that not knowing that the study was available had prevented it from going through it in a timely manner, and would therefore have requested to have that document added to the next CDIP meeting as an official CDIP/7 item to be discussed.
136. The Delegation of Chile agreed with the Delegation of Brazil, pointing out that there had been some confusion with respect to the study contained in document CDIP/6/2. The document reported that the study was being translated, but the Delegation noticed that it was already available in Spanish. The Delegation pointed out that its capital had not had an opportunity to look through the document, which was why it would have been preferable to have it included for the following session as an important agenda item that required further discussion. The second point it wished to make was in relation to the study and the questionnaire on voluntary registration and deposit systems. The Delegation stated that for the purposes of that meeting's records, Chile had sent its replies back in July 2010, and in that respect would request the Secretariat to update that information so that it could be reflected in that report. Finally, to conclude, in respect to the Patent component, despite the massive delays encountered, the Delegation confirmed its commitment to send its replies to that questionnaire shortly.

137. The Chair thanked the Delegation of Chile and said as no other Delegation had any more comments to make, he thanked the Secretariat for its well-prepared presentation and invited the Committee to examine the remaining four projects that were before it. In that respect, the Chair indicated that he would start with the project on IP and Competition Policy, and gave the floor to the Secretariat.
138. The Secretariat presented the report on the implementation of the project on IP and Competition Policy contained in Annex 11, stating that as it reflected the status of its implementation as of August, it was already a bit outdated. It went on to give a briefing first on the updates to that report then on the outcome of the global meeting on emerging copyright licenses. It noted that the first update on page 2 of Annex 11, in the penultimate line, where it said that the budget utilization rate as per the end of August 2010 was 13.2 per cent, should in rough numbers mean that by now the utilization rate was 85 per cent for 2010 and 40 per cent of the total of non-personnel resources. On page 3, as regards the Regional or Sub-regional Meetings, the tentative date of December 2010 was indicated for holding the next regional seminar. It therefore confirmed that the next Regional Seminar on IP and Competition Policy would be held in Pretoria, South Africa. The Secretariat was organizing it in coordination with the Competition Commission of South Africa. On page 4, the first row on Geneva-based Symposium on IP and Competition Policy, the Secretariat confirmed that on October 25, the second Geneva-based Symposium on IP and Competition Policy had been organized. The Secretariat reminded the Committee that there were two surveys, one on compulsory licenses and the other on the interface between franchising and anti-trust. Unfortunately, it had not been possible to report on a large number of responses received since the Secretariat had so far received only 35 responses to the questionnaire on compulsory licenses and 27 responses to the questionnaire on franchising and anti-trust. Regrettably so, one of the studies that had been identified to submit and to prepare that project would consist of a survey or at least a stocktaking on the relationship between national agencies involved with IP and anti-trust. Moreover, the data for use in developing the study would be obtained through the answers to one of the questions in the questionnaire on compulsory licenses, and only very few answers to that part of the question had been received. So when the final report would be prepared next year, Member States would be requested to possibly renew that exercise. The Secretariat then explained how the Global Meeting on Emerging Copyright Licensing Modalities had taken place on November 4 and 5, 2009, at WIPO Headquarters in Geneva. It had been very well attended, with over 350 participants, and had featured 40 different speakers. It had provided an impressive opportunity for the exchange of experiences and information on the interplay between copyright and competition policies and on the interplay between traditional licensing models and emerging new licensing modalities. All of the presentations were available online, as well as podcasts with their respective speakers' oral presentations, on the WIPO Web page. There had been very interesting discussions on issues such as access to knowledge, business modalities in the LDCs environment, orphan works, software licensing and also infrastructure services providing metadata identifying works, right holders and licensing mandates. The Secretariat concluded by saying that the Global Meeting had also showcased the dialogue on the connections between different thematic projects, because it had revealed an emphasis on infrastructure services in the field of copyright that would be the focus of the global conference scheduled for the end of next year under the thematic project on IP and Public Domain.
139. The Chair thanked the Secretariat for its presentations and updates, and added that the Member States also needed to help the Secretariat by for example by responding to questionnaires when they were requested from the Secretariat. In that connection, he hoped that Member States would re-examine the possibility to answer those questionnaires.
140. The Delegation of Spain commented on the questionnaire distributed on compulsory licensing *vis-à-vis* anti-competitive practices in the exercise of IP rights. It explained that although it was in favor of the idea that the questionnaire should be distributed once again, something that could perhaps help in extending the number of responses and also the type of responses provided was that together with the specific mechanism on

compulsory licenses in that case, the Member States could report on other measures that would have had an equivalent effect. For instance in some countries where there was a national competition authority and where the use of IP rights might have had an effect and anti-competitive effect, those authorities would therefore have the power and the competence to establish the fact that the IP owner in question would have to provide the licenses to its competitors. These measures of equivalent effect would be very interesting and it would be good for them to be included in the questionnaire if they were in fact to be circulated once again and would therefore generate additional replies.

141. The Delegation of Brazil in reference to the presentations and the program which were all available online as well as the PowerPoint observed that in some of those presentations and some of the seminars, speaker participation seemed a bit restrictive because, for instance, there was no mention of the possible participation of members of generic industry and SMEs, and currently there were more significant participants from big countries and competition authorities. The Delegation informed the Committee that it had also participated, and suggested that at present only a few developing countries had a competition authority, which might be a problem. However, that should not prevent the Committee from trying to broaden participation to other relevant actors.
142. The Secretariat, in relation to broadening the questionnaire, confirmed its ability to satisfy that request provided it did not exceed its mandate, and requested the Chair's guidance on that point. It further stated that Member States would be requested to pay attention to the questionnaire on compulsory licenses, which had deliberately been drawn up in very broad terms. It included an explanatory footnote covering all measures that could lead to the possible exploitation of exclusive rights by third parties, even when those licenses were negotiated by the authority. Areas stated in the footnote consisted of those that were very close to voluntary licenses but nevertheless were voluntary licenses that were monitored by an authority. The Secretariat stated that there was no objection to having those questionnaires redistributed but that it had to wait for the guidance of the Committee in that respect. Likewise, it agreed with the observation of the Delegation of Brazil with reference to the Rio de Janeiro Regional Seminar organized in June, explaining that representatives of generic companies had been in attendance and had been given an opportunity to speak. It further confirmed that there had been representatives from consumer organizations, developed countries, and multilateral organizations. That was indeed the mandate received, and the Secretariat intended to follow suit every time there was an opportunity to make it possible to share experiences and views in order to better understand that interface. With regard to the seminar that would take place in Pretoria, the Slovakian Government had invited consumer organizations, because in Slovakia they had been very actively involved in trying to use anti-trust law to reduce prices of pharmaceutical products; that dovetailed with the comments made by the Delegation of Brazil and confirmed that Member States' consideration and concerns were taken on board.
143. The Chair thanked the Secretariat for answering questions and suggested that the questionnaires be sent out again but as a reminder for Member States.
144. The Delegation of the United States of America acknowledged that it had missed part of the discussion but still wished to make a brief intervention on the project. It congratulated the Secretariat and its staff on the recent Global Meeting on Emerging Copyright Licensing Modalities, and observed that many enthusiastic comments had been heard about the event. It also commended WIPO in particular for organizing two recent Symposia on IP and Competition Policy, on May 11 and October 25, 2010. The United States officials who had participated in the said Symposia had found them very useful, and two anti-trust agencies in the United States, the Federal Trade Commission and the Department of Justice, were following the implementation of the project with great interest. The Delegation then noted that a few minor questions about the progress report remained unanswered. The first was that in the project description, it was stated that WIPO Licensing Training Programs would include a component on the Pro-Competitive aspects of Licensing and Anti-Competitive Licensing Practices. That training was also mentioned in the project outputs section of the report. The Delegation wished to know about when and where those training programs would take place, who would conduct

them and what materials would be used. It further pointed out that IP licensing in the United States of America was generally recognized to be pro-competitive because it could facilitate integrating factors of production with IP rights, clear blocking positions among IP holders and allow for the efficient use of IP rights by allocating fields of use. Its third and last comments related to the progress on the project section that stated "as regards outcomes it can be concluded that the project has already started contributing to an enhanced cooperation and coordination of activities between national IP and competition authorities in a number of Member States". The Delegation requested a fuller explanation on how that enhanced cooperation was being measured.

145. The Secretariat thanked the Delegation of the United States of America and with regard to the first question, stated that the Patent Division was in charge of organizing those courses on licensing and training on licensing, and that the Project Manager was only coordinating among the various Sectors, as a result of which the question could only be partly answered. As far as the Management was concerned, the Secretariat said it was directly involved with the preparation of the sixth language to be introduced into the course materials, which drew the attention of negotiators in developing countries mainly to the possible anti-trust implications of licensing agreements. It had been generally agreed that licensing of IP rights including patent rights tended to be pro-competitive, but that that was not necessarily the case, because from the point of view of consumers, if a patent owner licensed someone and maintained a situation of "collusion", then for consumers nothing had changed. The Secretariat stressed the need to bear in mind that many licensing agreements were mere inducements that patent owners paid to prospective or potential challengers to their patent rights, and in practice, it appeared that some developing countries maintained activities of monitoring licensing agreements to see whether they detected anti-competitive clauses in their contract or not. Whether that was good or bad of course was something that only experience could show. But the main objective of that text to be used in that training exercise was merely to draw attention; it was not to teach negotiators about anti-trust law but rather to raise awareness that some anti-trust concerns might arise from licensing agreements. In terms of outcomes, the Secretariat was in the process of implementing the project and was therefore far from the end. The project was expected to end in 2011, and was being implemented in phases. The Secretariat further pointed out that something that had been omitted in the report was, in order to get concrete results, the opening of a dedicated page on the WIPO Web site with the full report of the activities of the components being implemented concerning the seminars and the symposia, where Member States could find the transcription of some reports, presentations and so on.
146. The Chair announced the program for the following day and referred to additional project reports that needed to be reviewed in document CDIP/6/2 as well as in document CDIP/6/3, which was also a document dealing with very important issues that needed to be analyzed and examined. He expressed the hope that he would be able to conclude deliberations on the following morning, enabling the Committee to get back on track with the program of work he had outlined at the beginning of the session. That would mean hopefully that by the following afternoon, the Committee would move on to Agenda Item 6 and look at such key issues as the projects on transfer of technology, patents and public domain and others. Before closing the session, the Chair reiterated his thanks to the Delegations present that day, for the very friendly and positive atmosphere in which they had worked, which he noted as very constructive, especially in their interactions with the Secretariat that had really reflected their enthusiasm to get more deeply involved in the work of the Committee and to really listen to what had to be said and taken on board.
147. The Secretariat introduced the progress report on the project on IP, Information and Communication Technologies (ICT) the Digital Divide and Access to Knowledge, contained in document CDIP/6/2, Annex 12. The project had two parts: one on copyright and access to knowledge, and the other on digitization of IP rights. The copyright component of the project was based on the rationale that the copyright system including its flexibility could play an important role in enabling access to information and communications technologies and to information and knowledge, thereby helping narrow the digital divide. The project aimed at providing Member States with a source of relevant and balanced information on opportunities opened up by new models of distributing

information and creative content that emerged from public policy, that is to say, the policies of States, and focused on three exemplary areas, namely, education and research; software development; and what are called e-information services, which specifically refer to e-journals and public sector information. The project consisted of three studies that would survey legislation, public policies and government strategies, with examples taken from Africa, Latin America and Asia. The interim report would be ready for review by the Secretariat in December 2010 and would be presented at the workshop to be held in Geneva in February 2011, following which the studies would be finalized and made available to the Member States in early May 2011. The Secretariat further clarified that when reference was made to public policies, the fact-finding that was being undertaken was horizontal in nature, looking at ways in which Governments used policies like tax incentives, incubators, public-private funding, and software incubators in the area of software for example, to make available public sector information more widely to the public. It was an attempt to show where the links either already existed or could exist in the policies of Member States, between content protected by IPRs and making that content available more broadly through incentives, subsidies and policies that might come from other parts of Government infrastructure. Thus, it was an effort to understand where policies that promoted access to content could come from, including but not limited to intellectual property copyright policy. The second component of the project was the digitization component, the purpose of which was to assist Member States in digitizing paper-based documents and to transfer the knowledge and skills for the creation of national digital IP databases. The Secretariat informed that the project had started in eight countries in 2010 and would commence in another nine countries in 2011. It further confirmed that both components were on track.

148. The Delegation of Mexico requested for the names of the eight countries in which the project had already commenced.
149. The Delegation of Panama informed the Committee that it had been working on the digitization of documents through software tailor-made for its needs, and sought the view of the Secretariat as to whether there was a possibility of using WIPO Scan to make compatible what had already been done in Panama so that it could also use that methodology.
150. The Secretariat in response informed the Committee that the countries in which such digitization projects were being carried out were the Dominican Republic, Colombia, Argentina, Guatemala, Vietnam, Kenya, Zambia and Namibia as well as ARIPO. It further reported that the whole automation system for the operation of Marks and Patents of ARIPO had also been set up. As for the compatibility of the software that was used in some countries and that of WIPO, the Secretariat confirmed that it would be prepared to work with Panama to see how that could be done.
151. The Secretariat then introduced the project "Developing Tools for Access to Patent Information" DA_19_30_31_01 Annex 13 of document CDIP/6/2. The main objective of the project was to provide developing countries including LDCs with tools that would facilitate not only the use of and access to patent information on specific technologies but also the capacity to analyze such information. The project had three main components. The first component entailed the preparation of 12 patent landscaping reports that would exploit the vast resources of patent information and provide an analysis of all specific technologies and related existing IP-rights for selected areas. Consultations were being held in that regard with several IGOs, including WHO, UNITAID, FAO, ITU, UNIDO, and UNDP. So far, the Secretariat had been working on the patent landscape of the antiretroviral drugs "Ritonavir", and "Atazanavir", both of them in cooperation with UNITAID. Within the framework of the WHO Initiative for Vaccine Research, work had also been done with one vaccine manufacturer and other projects had been carried out with FAO and other organizations. The procurement process had commenced, and expressions of interest had been invited for the landscape report. To date, 33 potential contractors had been pre-qualified to undertake that work. The other important subcomponent regarding the project was the e-tutorial which would provide training on using and exploiting patent information and patent analysis in particular. The process of procurement for outsourcing the preparation of the e-tutorial had also begun, and it was

expected that the 12 patent landscape reports as well as the e-tutorial would be completed and published by the end of 2011.

152. The Delegation of Panama expressed its support for the project, which in its view would facilitate access to knowledge and to technology in Member States, thereby promoting research, development and local innovation. It took that opportunity to introduce to the Committee the information center called "UROKA" established at the University of Panama, which undertook that kind of work and which already had a Management of Knowledge Unit. The Delegation acknowledged that there were risks in such a project such as low demand and lack of competition, but steps could be taken to deal with those problems by, *inter alia*, providing incentives for creating demand. It concluded by commending Strategic Program 18.
153. The Delegation of India also expressed its appreciation for the project and noted with satisfaction that 12 patent landscaping reports (PLRs) were expected to be produced by the end of 2011, and that the findings of the health-related PLRs were expected to be unveiled at the trilateral symposium in January 2011. It noted from document Annex 13 of CDIP/6/2 that there was little demand from developing countries or LDCs and that the interest was primarily from the IGOs and NGOs. The Delegation expressed the hope that there would be more engagement by national authorities in that area of work, and felt that a notification to all Member States through the Geneva-based missions could be helpful in generating awareness. With regard to the lack of expertise cited by the Secretariat, the Delegation sought clarification as to where the expertise was being sourced. Finally, with respect to the Symposium to be held in January 2011, the Delegation was of the view that the findings of the PLRs would be presented initially at the CDIP for discussion, in such a way the comments and insights from Member States and observers could enrich the presentation that WIPO could make to outside forums.
154. The Secretariat, in response to the questions raised by the Delegation of Panama, clarified that once the e-tutorial was ready, there would be a decisive campaign to create capacity and awareness through the support centers, technological and innovation centers; subsequently, during the second phase of training, there would be a specific component for an analysis of the information regarding patents that would mitigate the risk of little or no demand. With respect to the issue of expertise raised by the Delegation of India, the Secretariat referred to the progress report where it was stated that expressions of interest were called from around the world through the procurement process and that 36 expressions of interest had been received. Out of that total, 32 had been selected, providing for 32 potential contractors for the preparation of those PLRs. As regards the suggestion of sending a notification to all Member States, the Secretariat responded positively, stating that a standard circular could be sent out requesting comments and inputs. The Secretariat further clarified that the project was closely related to the one approved at the Committee meeting earlier in 2010 on appropriate technologies. Thus, the capacity and expertise created during the implementation of that project would be used in the implementation of other projects, which dealt with providing assistance to LDCs, in particular the preparation of PLRs in specific areas of concern to them.
155. The Delegation of Cuba suggested that taking into account the diversity of patent databases available on the Internet, thought should be given to the possibility of creating a computer tool which would enable the mapping of technology in all the databases and which would be capable of handling the different database formats through the creation of a matrix.
156. The Secretariat stated that it would seek the guidance of the Committee on the proposal from Cuba, as it had not been foreseen within the framework of the approved project. It further stated that it was possible to consider developing such a tool and that numerous similar tools already existed on the market.
157. The Secretariat introduced the progress report on project DA_33_38_41_01 related to the strengthening of the WIPO results-based management framework to support the monitoring and evaluation of the impact of its activities on development. It recalled that

the project had two components; one which dealt with the strengthening of the results based framework; and the second which concerned the independent review of WIPO technical assistance in the area of cooperation for development. Since the preparation of the progress report, there had been some further developments, which could be summarized as follows: with regard to the strengthening of the results-based management (RBM) framework, significant preparatory work had been undertaken, specifically in the context of the preparation of the Program and Budget 2012/13. That had included a stocktaking exercise to review the appropriateness of the current results framework as it related to development and the mainstreaming of development considerations and Development Agenda projects and recommendations. In addition, two high-level experts had provided an assessment on the implementation status of RBM within the Organization, including as it related to development, and had recommended certain improvements for the Biennium 2012/13. In addition, eight practical RBM workshops for each of the Organization's sectors had been held where program managers and directors had engaged in preparing draft results frameworks for the Program and Budget 2013, bearing in mind the contribution of each Program to development and the mainstreaming of the Development Agenda recommendations and projects. As far as project component 2 was concerned, a draft TOR for the review had been circulated to Member States in July 2010, and a revised TOR incorporating the comments received from Member States had been posted on the WIPO Web site under the project with the reference CDIP/4/8/Rev/TOR. An expression of interest had been launched on an international evaluation network, and from around 30 expressions of interest two consultants had been selected through an internal selection process. The consultants picked were Mrs. Caroline Deere, Senior Research and Director, Global Trade Governance Project, University of Oxford, and Mr. Santiago Roca, Professor of Economics at the Graduate School of Business, ESAN University in Lima (Peru) and former President of the Board of Directors at INDECOPI. One of the selection criteria, apart from possessing the required expertise, was to have a balanced review team, with both a developing country and a developed country representative. The consultants had begun their work in early October 2010, and a review was expected to be completed by mid-March 2011 in time for the next CDIP session. Furthermore, the questionnaire referred to in the TOR would be sent out to Member States and posted on the WIPO Web site. In addition, six country visits would be conducted by the consultants once the criteria for the selection of country case studies had been finalized and the choice of the six countries had been determined. The Secretariat concluded by informing the Committee that the project budget utilization was on track and the project was expected to be completed as planned at the end of 2011.

158. The Delegation of India thanked the Secretariat for its detailed and comprehensive update on the project and noted that much progress had been made, particularly with regard to the RBM framework. It recalled that substantive discussions on that issue had taken place in other WIPO committees and meetings, and expressed the hope that those comments would be taken on board during project implementation. Furthermore, the Delegation noted with satisfaction the workshops that had been conducted for Program Managers on mainstreaming the Development Agenda. It raised the question as to whether, given that RBM was being introduced across the UN system, there had been a corresponding UN-wide system review. As regards the independent review by external experts of WIPO technical assistance, the Delegation expressed its satisfaction at the considerable progress made and the appointment of the two external experts. It believed that that represented a balanced team and looked forward to the report. The Delegation confirmed that it had seen the original TOR but had not seen the revised version on the Web, and sought clarification as to whether, as part of the TOR provided for the external experts, they would be in a position to make suggestions and recommendations for the consideration of the Committee.
159. In its response to the Delegation of India, the Secretariat confirmed that to its knowledge, there had been two system-wide RBM reviews. One had looked at both Specialized Agencies as well as the UN Secretariat, and had tried to identify key success factors for well-functioning RBM. Some of the review findings were still relevant. The second review had been conducted by John Mayne, a public sector RBM specialist, who had looked at the implementation of RBM in the UN Secretariat but had also tried to define

what worked well and what had not worked, based on his experience with the implementation of RBM in national public sectors. With regard to the question of whether the consultants would be in a position to make recommendations to the Committee, the Secretariat answered in the affirmative. The Secretariat clarified that its role was one of coordination and facilitation of the work of the external consultants, and in that capacity any recommendations made by the experts for the Committee would be presented to the Committee.

160. The Delegation of Panama expressed its appreciation for the complete progress report that had been presented. It voiced concerns with the risks as stated in the project document concerning an eventual perception by program managers that the strengthening of the WIPO RBM framework, including in relation to development results, would be seen as an exercise of strengthening accountability rather than learning. To mitigate that risk, the Delegation stressed the need for employing as many participatory methods as possible – a lesson learned from the national level. It would therefore follow the project closely, because in terms of RBM that could also be applied at the domestic level.
161. The Secretariat stated that it believed that both the learning and accountability aspects were very important and that the learning aspect should not be underestimated. That had been one of the main underlying reasons for conducting the RBM workshops. It stressed that the workshop approach was the first step in the planning process for preparing the Program and Budget for 2012/13 because program managers needed to have a wide ownership of the result framework and that ownership could only be achieved by employing as many participatory processes as possible. That would later be followed up with the required support throughout the Organization and further planning process.
162. The Delegation of Egypt referred to document CDIP/4/8/Rev/TOR and to the issues of effectiveness and impacts under the section on key questions. The first bullet in that section referred to a potential shift in the focus of WIPO technical assistance for development during the period of review, and the Delegation sought clarification as to whether there had been any such shift in the WIPO approach. The Delegation also stressed that in order to examine the effectiveness of technical assistance, all technical assistance activities carried out throughout the Organization, including for example the Copyright Division, should be examined. Referring to the third bullet point that mentioned the role of WIPO stakeholders in achieving results and what general risks could be identified, the Delegation was of the view that there should be a mechanism for capturing the views of the various stakeholders. Furthermore, with regard to the heading of efficiency, there was a reference to the resources for technical assistance for development being used in a more cost-effective manner, and the Delegation sought clarification as to what cost-efficiency measures could be introduced without impeding the achievement of results. Moreover, it stressed the need to clearly reflect the resources used for technical assistance and the sources of those resources. Finally, the Delegation pointed out that the reference within the context of Development Agenda Recommendation 1, as to which aspects of national IP and innovations strategies, socio-economic objectives and development priorities WIPO technical assistance activities had been aligned with and how those were selected, was an important part of the review. It further stressed that information collected by the review should be made available to the Member States.
163. The Secretariat explained that the review was expected to cover all technical assistance activities not only those by the Development Sector, but throughout the whole Organization. As to the soliciting of stakeholder views, the Secretariat confirmed that the intention was to consult with as broad a group of stakeholders as possible. It clarified that the review was an independent review and that consultants would be using a questionnaire and would consult broadly during the country visits. The question of cost efficiency would be dealt with by the review as well as the identification of the source of funding for technical assistance activities. The Secretariat also confirmed that information solicited by the review would be made available to Member States while at the same time ensuring that confidentiality issues were respected.

164. The Chair invited the Committee to consider and comment on the progress report on “Recommendations for Immediate Implementation” contained in document CDIP/6/3. He reminded the Committee that the report pertained to the Development Agenda recommendations which, at the time of adoption of the Development Agenda by the WIPO General Assembly, had been identified as requiring no additional human or financial resources for implementation. Once the comments were received, the relevant Program Managers would be invited to respond to those comments.
165. The Secretariat confirmed that the recommendations were those requiring no additional human and financial resources. It clarified that a previous report based on these recommendations had been provided at the Third Session of the CDIP, consideration of which had been completed at the Fourth Session. As for the structure of the report and its implementation strategies, the CDIP had at its First Session discussed the implementation strategies for seven of the recommendations, whereas the rest were contained in a previous document and implementation had been based on those strategies. The Secretariat also stated that the report provided examples of activities and that the full list of activities could be found in the technical assistance database that was available online.
166. The Delegation of Brazil, on behalf of the Development Agenda Group, reiterated its appreciation for the efforts made by the Secretariat in preparing document CDIP/6/3 which showed that a number of activities were being conducted in order to ensure the effective mainstreaming of the Development Agenda recommendations into all WIPO bodies. Specifically referring to Recommendation 1 in Cluster A, the Delegation sought clarification from the Secretariat as to how the activities undertaken under those recommendations were in accordance with the principle that technical assistance should be development-oriented, demand-driven and transparent. For example, the Delegation inquired, which criteria or monitoring mechanisms were used by the Secretariat to ensure that those activities were in accordance with Recommendation 1. With respect to Recommendation 3, the Delegation affirmed that the thrust of that Recommendation was not so much increasing human and financial resources but rather promoting a development-oriented IP culture. In order to assess the implementation of that Recommendation, more information was required on how WIPO had reshaped its technical assistance activities to ensure that they were development-oriented and tailored to national development goals and that they took into account the different levels of national development. It would be useful if the report were to contain more substantive details of the activities. With regard to Recommendation 6, the Delegation highlighted the importance of a neutral and accountable technical assistance staff and consultants, and requested further information on changes made to ensure such goals. As for the roster of consultants, the Delegation further inquired as to whether it included all consultants used by WIPO or only those who were under a special services agreement, and if so, the reason for that. With regard to Recommendation 7, the Delegation was of the view that there was much work to be done to effectively implement it and that could be verified in CDIP/6/3 through activities that were undertaken under those recommendations. It was of utmost importance for countries to have effective measures to deal with IP-related anti-competitive practices, as those were necessary to guarantee that the IP system was working in a balanced manner. Today, the Delegation noted, only a few countries had competition authorities. Moreover, it viewed improving the understanding of the interface between IPRs and competition policies as one of the main objectives of the Recommendation. In that regard, other initiatives should be taken under the Recommendation in order to give effect to its mandate. The thematic project on IP and Competition should be considered as one of those activities but not the only one. As for legislative assistance and advice offered by WIPO on that issue, the Delegation requested the Secretariat to supply additional information on the content of the advice that was being provided to Member States. The same comments that had been made with respect to Recommendation 1 could be applied to Recommendation 13, the Delegation opined. In order to effectively demonstrate how that Recommendation was being implemented, it would be important to receive information on the template or orientation to the advice provided by WIPO, particularly with respect to flexibilities, limitations and exceptions in national legislation. Finally, with regard to activities reported

under Cluster D specifically in Recommendations 35 and 37, the Delegation asserted that WIPO should continue to strengthen its internal capabilities in economic studies and undertake the necessary work in order to produce those studies. It further suggested that the TORs for those studies should be prepared in consultation with Member States. As had been stated previously, the Delegation pointed out the necessity of improving how the Committee monitored and coordinated the implementation of the Development Agenda Recommendations, especially those for immediate implementation. With regard to the efforts made by the Secretariat to implement those as expounded in document CDIP/6/3 containing a consolidated list of activities undertaken by WIPO, the Delegation requested that it be accompanied by a discussion on the implementation of the overall Development Agenda. However, the Delegation urged that the monitoring and coordination of the implementation of the Recommendations should go further, and proposed that the Committee discuss how those activities had contributed to the implementation of the Development Agenda. By way of example, the Delegation pointed to such areas as the impact of activities already implemented; the obstacles for effective implementation; and the new strategies that would need to be considered by WIPO for the implementation of such analysis. Finally, the Delegation requested the Secretariat to submit at the next session of the CDIP the information requested pertaining to certain recommendations which had the objective of facilitating such qualitative analysis.

167. The Delegation of Bolivia associated itself with the statement by the Delegation of Brazil on behalf of the Development Agenda Group. It attached great importance to examining the application of the Development Agenda to all WIPO activities, and it was therefore vital to have detailed qualitative information on the changes that had taken place. From that point of view, it recognized the work done by the Secretariat to update the progress report on Recommendations for immediate implementation. At the same time, it considered that further improvements could still be made to the document and that given the importance of the exercise, it would be important, at the next session, to have more detailed information on projects being implemented. For example, it noted that the information on the implementation of Recommendations 1 and 13 on technical assistance and legislative assistance lacked some qualitative details and that it was not clear from the document whether they were being implemented or not. Those Recommendations, it further noted, had to do with the quality and content of technical assistance and legislative assistance by WIPO, which had to become more favorable to development and more transparent, based on the demands of Member States in accordance with their needs. The assistance provided should focus on not only the benefits of IP but also its costs and problems. The report provided a listing of the activities undertaken but information on the content of those activities was lacking, specifically whether those activities fulfilled the requirements of the Development Agenda or not. Furthermore, the Delegation stated that with respect to Recommendation 42 on the involvement of civil society, it welcomed the Secretariat's efforts but noted that the information provided was confined to the number of NGOs accredited, whereas a basic criteria for assessing progress in the implementation of the Development Agenda and achievements would be the involvement of civil society in consultations, events and WIPO-organized seminars. That concerned not only the public but also experts and consultants. In other words, Recommendation 42 implied not only the right to participate but also the right of civil society to be heard and have its views taken into consideration. On the understanding that the reference to civil society included those representing public interests whether they were consumer societies and indigenous peoples' associations and not just representatives of industry in the private sector, the Delegation concluded by stating that it would like all those aspects to be reflected in the report.
168. The Delegation of India aligned itself with the statement made by the Delegation of Brazil on behalf of the Development Agenda Group and stated that it wished to comment from a national perspective on the implementation of Recommendations 3 and 4. With regard to Recommendation 4, which placed particular emphasis on the needs of SMEs, the Delegation informed the Committee that WIPO was implementing a Development Agenda project for building technical capacity in the SME sector in India. The project had three components. The first component was a national study on IP and SMEs. The second component related to the customization or translation of four IP booklets for SMEs. The third component concerned a five-day training of trainer's program on IP and SMEs. The

second and third components had already been implemented. Five participants from the SME sector in India had been short-listed by WIPO for advanced training on IP issues in Geneva and Bonn. The national study on IP and SMEs was in the process of being commissioned, and the Delegation hoped that WIPO would assist in building on the study once it was completed, by providing support for formulating and implementing interventions on the basis of issues identified by the study. In that regard, the Delegation thanked the WIPO Secretariat for the inclusive and participatory manner in which that project was being implemented, with the Permanent Mission of India in Geneva being kept informed at various stages of the project. With regard to Recommendation 3, the Delegation informed the Committee that India was in the process of developing a national institute for IP management in Nagpur, which was envisaged as a national center of excellence for management education in the field of IP by the Government of India. The main objectives of the Institute were to cater for the training needs of officials of the IP office, IP professionals and IP managers. The aim was also to address the needs of various stakeholders with respect to the creation, commercialization and management of IP rights. In that regard, the Delegation was interested in developing a project under the CDIP which would be of assistance to India in enhancing skills and talent in the area of IP and infrastructure support for developing the institution.

169. The Delegation of China thanked the Secretariat for the detailed information that it had provided and expressed its appreciation for the efforts made by the Secretariat in implementing the projects under the Development Agenda. It took that opportunity to share with the Committee that in March 2010, it had hosted in Chengdu a regional seminar on the Development Agenda, which had contributed to improving the participants' understanding of the various problems and achievements under the Development Agenda.
170. The Delegation of Japan stated, with respect to Recommendation 11, that the effective exploitation of IPRs was crucial, not only for developed countries but also for developing countries and LDCs as far as achieving sustainable development was concerned. The Delegation expressed its appreciation for the approval, at the Committee's Fourth Session, and the implementation of the "WIPO Experience-Sharing on IP Exploitation for Economic Development" or WIPO E-SPEED database, an initiative proposed by Japan and now linked to the IP-Advantage Database that had been launched in September 2010. In such cases, the Delegation was of the view that the utilization of the IP was to be stored by the WIPO Japan Office under the Japan Funds-in-Trust program. Finally, the Delegation considered that sharing such best practices would contribute to economic development in developing countries and hoped that the Member States would also use the database. It also took that opportunity to thank the Secretariat for utilizing that database in ongoing projects such as DF91, IP Development Matchmaking Database and IPGMB.
171. The Secretariat noted that many suggestions had been made, and particular note had been taken that the report of activities should be more qualitative as opposed to quantitative. Responding to the issues raised by the Delegation of Brazil, on the criteria of the monitoring mechanism for the activities that were undertaken, it stated that the activities implemented were demand-driven and when the technical assistance programs were designed with respect to any particular country, due consideration was given to the country's needs. The Secretariat stressed that no activity would be imposed by the Organization. With respect to Recommendation 3 and the issue of ensuring that the development goals were met, one of the pillars of the WIPO Development Cooperation Strategy was the development of IP strategies. The Secretariat went on to say that WIPO worked with the countries to develop an IP strategy and that those strategies were linked to and flowed from the countries' larger economic development goals. As to the neutrality of the Organization, in particular with regard to consultants, the Secretariat confirmed that the database on the roster of consultants that was being developed would contain a list of all consultants, not just consultants engaged under an SSA. The issue of anti-competitive practices was an important one, especially for developing countries, and many developing countries did not have the necessary institutions and mechanisms to deal with anti-competitive practices. Accordingly, a division had been established within the Organization that would essentially address the issues of anti-competition and would

also provide advice and support to developing countries in putting in place appropriate legislative and other infrastructure mechanisms to address those issues of IP and competition and in particular anti-competitive practices. With respect to flexibilities available to developing countries, that was made clear in the legislative advice provided by WIPO to developing countries. No imposition was made as to particular measures and regulations that might be put in place, but countries were made aware of the flexibilities available. With reference to Recommendation 35 in the context of building skills and preparing studies with Member States, the Secretariat confirmed that Member States were involved as much as possible in the preparation of studies. It also informed the Committee that WIPO, in its efforts to continue to strengthen its economic analysis skills, had put in place an Economics and Statistics Division run by the Chief Economist, and that the issue of economic analysis was one of the areas to which the Director General had attached particular importance with a view to demonstrating empirically the impact of IP on the various Member States. The Secretariat further stated that that was a work in progress, and said that it had taken note of the comment that TORs for studies should be prepared in consultation with Member States; indeed, the views of Member States were taken into account in developing TORs. Moreover, WIPO was prepared to intensify its actions in that area. Referring to the point made that more analysis should be conducted of the impact of activities implemented under the Development Agenda and on identifying obstacles to implementation, the Secretariat took note of the suggestion, adding that independent consultants had been engaged to help with the evaluation and monitoring of the impact of those activities and that the results of those efforts would be made available to the Committee at its next session in 2011. In summary, the Secretariat noted the suggestion that the impact of activities implemented should be reported as opposed to a mere listing of activities, and that the report should attempt to show as much as possible the very concrete and measurable developments and improvements that had taken place as a result of the activities, rather than merely providing information on the quantity of activities implemented. That it would not be an easy task, but with the help of external consultants, the Secretariat was developing methodologies to do just that. Finally, addressing the issue raised with respect to civil society and the need for the report to provide additional information, a department existed that dealt exclusively with relationships with NGOs and civil society, and programs were being developed to promote their engagement in the work of the Organization so that rather than participating as mere observers at meetings, they could also make a substantive input to program development.

172. The Delegation of the Democratic Republic of Congo referred to Recommendation 11 and sought clarification as to the type of participants that could benefit under the training courses referred to in that Recommendation.
173. The Secretariat replied by reiterating the demand-driven approach to technical assistance and explained that the country should by and large identify its priorities and its needs and approach the Secretariat with initiatives to promote innovation, creativity and also respect for IP and to put in place an appropriate infrastructure, an administrative structure, as a third pillar for capacity-building. In that context, each country should identify the creative elements, such as inventors and the scientific community, research and development institutions, which should benefit from capacity-building and training programs. Thus, the point that was being made was that it was a partnership and the Secretariat tried to develop and put in place responsive tools, mechanisms, systems and help with policies, while the country for its part should also sensitize the various domestic elements and institutions and help to promote coherence within the country because of the cross-cutting nature of IP, with a view to ensuring that all appropriate stakeholders were engaged in that partnership. Within that context, the Secretariat would certainly try to engage with all of the necessary stakeholders with an interest in the IP system.
174. The Chair thanked the Secretariat for those detailed clarifications, adding that if there were no other requests from the floor, he would conclude the discussions on document CDIP/6/3. He reiterated his appreciation to the Deputy Director General for joining that session and clarifying all those elements raised by the distinguished delegates. The Chair went on to say before adjourning the session that the discussions on documents CDIP/6/2 and CDIP/6/3 had been very useful and constructive, and thanked all of the

delegates. He hoped that the same spirit of dialogue and understanding would prevail through the remainder of the session. In addition, he pointed out that the informal working group set up under Agenda Item 5 on the previous Monday, whose mandate was to discuss any suggestions for the implementation of General Assemblies instructions to other relevant WIPO bodies in order to mainstream respective Development Agenda recommendations into their work, had met under the chairmanship of the Committee Vice-Chair the previous day. It had been understood that the working group had had some useful exchanges of views; however, it still did not have anything concrete to report to the plenary at that stage. The Chair recommended that consultations continue with the Vice-Chair to consider the possible way forward on that matter in order to better understand delegations' views and positions in that respect. Accordingly, that topic would be kept open for further discussion.

175. The Secretariat introduced the project related to Development Agenda Recommendation 2 on the convening of a Conference on Building Partnerships for Mobilizing Resources for Development in November 2009. The Conference had taken place at the start of November, and at the CDIP meeting which had convened later that month, an oral presentation on what the Conference had achieved and what the various outcomes and next steps would be had been provided at that session. Prior to the Fifth Session of the CDIP in April 2010, a version of that oral report had been published on the WIPO Web site in all six languages. Various follow-up activities and those emanating from the Conference had been mainstreamed into the Program and Budget document. A look at the progress report revealed a number of project outputs. The Secretariat explained that project outputs themselves were relatively short term in the sense that what was required was to convene a conference, to do it on time, to do it on budget and to get donors in the room and to have an awareness-raising discussion amongst the donor community. All of those objectives and outputs had been achieved, and the longer-term project objectives were framed over a longer period of time. Member States would be able to see from the progress report that the point of assessment for each of those project objectives was at the end of the 2010/2011 Biennium. In other words, when the program performance report was prepared and reports in relation to that project was prepared in early 2012, it would be reviewing the various targets and reporting on the various targets contained in that document. Referring to Program 20 in the Program and Budget document, the Secretariat stated that it appeared that the targets set in the project document had been translated into the Program and Budget documents. Those were essentially the increases in the amount of resources available through funds-in-trust, increases in access to funding for developing countries to resources that were available for IP projects, and the establishment and funding of funds-in-trust for LDCs. Following the Conference and the outcomes in November, work had been undertaken in the course of 2010, to follow up on each of the seven outcomes covered during the oral presentation at the CDIP. The Secretariat further explained that the reason for the absence of the Program Manager earlier in the week was that he had been away to attend the meeting of the ARIPO Administrative Council, where a briefing had been made on resource mobilization strategy and the work that WIPO was looking to do in that area. The corresponding work had commenced, and the timeline for having a resource mobilization strategy that was referred to in the report as Number 6 was to be ready in the first quarter of 2011. The Secretariat further addressed the issue of guidelines for partnership with the private sector, which it saw as somewhat related to the development of the resource mobilization strategy. There were the UN Business Guidelines, which other UN organizations used for the purposes of partnerships with the private sector. In addition, there were examples of other Specialized Agencies which had used and adapted those Guidelines. Similarly, WIPO was currently reviewing practices in other UN bodies and looking at the UN Business Guidelines to see what it might develop in that area and present to Member States. Moreover, outreach to donors had continued and there had been a number of donor-related events in which the Secretariat had participated, where discussions with donors such as the World Bank and some of the regional development banks had taken place. At such events, WIPO had continued to try to raise awareness and understanding and to sensitize international financial institutions to the role of IP and development as well as helping them understand the priority for their funding processes. One of the key messages or learning points from the preparation of the Conference itself was the need for projects to be country-driven or country-owned. Accordingly, a large

part of what was looked at was to provide a service to developing country Member States so that projects could be presented to donors with WIPO support but with ownership by the beneficiary countries and the countries doing the presentation. The Secretariat noted that one particular regional project was under development at the moment relating to technology transfer offices, and it was planned to have an event in December to promote the project to the donor community. Those were just some of the examples of the existing work plan that was being implemented in 2010, and a work plan for 2011 had been prepared to address all of the seven outcomes that had been presented at the Fourth Session of the CDIP and published prior to the Fifth Session.

176. The Delegation of Brazil thanked the Secretariat for the presentation and inquired as to what percentages of WIPO's resources actually came from donors and trust funds. It also wanted to know whether the contributions from countries were earmarked for specific projects or whether it was left up to WIPO to decide how to use those funds. The Delegation further inquired as to which projects were currently financed by that sort of resource. Finally, it asked what amount of resources was involved and whether as a result of the Conference there had been an increase in the amount generated. The Delegation said the Secretariat's clarification on those elements would help it understand better the role of trust funds in WIPO.
177. The Delegation of Spain expressed its agreement with collecting voluntary donations with a view to mobilizing resources for development as per the Conference objectives. As previously stated, development was a holistic issue that could not be limited because wealth and poverty went beyond national borders. Consequently, the Delegation believed that a different and a more open-ended approach was required. It further stated that it did not understand why regions other than Africa were excluded from the scope of that Conference, and wished to underscore the fact that, at the time, the Conference did not seem to have had the necessary and expected effects and outcomes. In that respect, the Delegation asked as to how the Secretariat was able to assess what had been achieved as a result of the Conference, that is, how much had actually been mobilized in terms of funds as a result of that Conference. Secondly, an interesting factor was the fact that it was not really clear why the beginning of the project was April 2009, whereas information on the following page indicated that it had begun in January 2009. The Delegation ended its intervention by requesting the Secretariat to provide some clarification on those issues.
178. The Delegation of the Russian Federation sought further clarification on whether some countries were receiving contributions for technology transfer, since that was a particularly sensitive issue for a number of countries.
179. The Secretariat first took up the question from the Delegation of Brazil. It explained that for purposes of extra-budgetary resource mobilization in terms of funds-in-trust at WIPO, it was defined as funds received from a country to undertake activities in third countries. On that basis, the Program and Budget for 2010/2011, as referred to in Annex 5, provided a table which listed all WIPO's current funds-in-trust donors as defined by WIPO, thereby giving an indication of what the balance held in each of those funds had been at the end of 2009 for the anticipated contributions. The Secretariat wished to stress the fact that anticipated contributions were subject to decisions by the Governments concerned and would be in the 2010/2011 period of programming. The figure that had been anticipated in terms of contributions in 2010/2011 was 11.3 million Swiss francs, and those funds were managed separately and outside the Program and Budget itself. The regular budget was in the neighborhood of 600 million Swiss francs for the Biennium, whereas funds-in-trust amounted to a separate 11.3 million Swiss francs. Each of the funds-in-trust had been allocated to the focal point within the Organization, who managed that particular donor fund or project and program activities which were using those funds in consultation with the donors and in synergy with the programs that was being run by them. As a result, they would fund a variety of different types of activity. For example, in the area of copyright, there were funds-in-trust from Finland, France, Japan, and the Republic of Korea and the United States of America that were copyright-focused. There were also some funds-in-trust on SMEs and Enforcement and Industrial Property and some had a regional focus, but the actual programming of the activities was

part of the activities of the sectors concerned. One of the things that the Conference was intended to do was to say that traditionally, donors to WIPO had provided voluntary contributions that came from IP offices. The Secretariat had a limited amount of partnerships or funds coming from the mainstream multilateral or bilateral donors' institutions like the World Bank and the regional development banks, which meant that the Secretariat did not have systematic funding from those institutions. In that respect, part of the exercise was to look and see what existing financing mechanisms WIPO could have tapped or where Member States could have identified suitable pockets for intellectual property projects within those funds, for example on trade-related or technical assistance. The Secretariat was undertaking some projects in that area and gave one example, the ongoing discussions with the European Union on a project in Pakistan. With regard to LDCs and their access to funds, a priority topic for the Secretariat, there were also other mechanisms such as the enhancement of a greater framework at WTO which provided a mechanism to work towards. In that respect, the approach that had been followed to enhance a greater framework relevant for IP projects was another entry point for resource mobilization activities. The Secretariat said that one of the exercises which was being carried out with the development of the resource mobilization strategy was to look across all those different funding mechanisms to see how it would best be able to help the Member States access those funds. For instance, when there was a regional project, the Secretariat was given money by donors to Regional Economic Communities (RECs), and within those amounts, there might be IP-related allocations. The important point was how the Secretariat would know where the money was and how to access it, and how the Secretariat could help its developing country Member States access such funds. Also, in response to the comments and questions from the Delegation of Spain, the Secretariat recalled that the Conference itself had been developed on the basis of Development Agenda Recommendation 2 in terms of its scope and purpose. Leading into the issue of how much had been raised, the Secretariat said that the only answer that could be given was that it was contained in the project document covering the period for assessing that question at the end of the 2010/2011 Biennium, by which time the Secretariat would have had an opportunity to stage the Conference and complete the necessary follow-up activities; subsequently, at the end of that period, an answer to that question should be formulated as stated in the project document. In response to the question from the Delegation of the Russian Federation, there was one specific project that was currently under way related to technology transfer offices and the establishment of such offices in research institutions or universities. Initially, there had been a project developed or about to be developed for Tunisia, which the Secretariat thought would make an ideal project to take up on a regional basis, present to donors in that specific region, and expand into four other countries. Discussions were still open on the project with a view to scheduling an event in Tunis in December 2010 for promoting the project to donors and trying to access funding for it, since it was related to the establishment of technology transfer offices in the country.

180. The Delegation of Spain wished to make a general comment on the exercise that had been carried over the last few days in reviewing progress made in projects that had already been adopted for implementation. Several lessons had been learned from the work carried out over the last couple of days, and it was important to highlight and cluster such lessons so that delegations could benefit from them in the future. Firstly, there was a clear need to improve the formulation and template for the presentation of some projects, particularly in terms of their time frame and budgets. It had been understood that many of the problems that had cropped up during the project implementation phase were due not to the implementation itself but rather to the fact that they had not been properly designed or formulated. The Delegation would have also liked to see the budgets include more details, taking into account all activities undertaken within the projects. It understood that the kind of budget included by the Secretariat could normally help when it came to project management, enabling the CDIP to fulfill its task of analyzing and monitoring projects and making recommendations or amendments as need be. That would be helpful in producing disaggregated data and promoting a more specific understanding of how the budget had been spent and allocated. To achieve that, there would need to be a substantive revision of the current reporting format or at least the reporting format that had been used to date, so that tangible results could be obtained in addition to an understanding of the way financial resources were allocated. That would

provide an asset in view of the current financial situation around the world, and would enable Member States to support budgets, understanding where the money was being spent and lending their support when necessary.

181. The Chair thanked the Delegation of Spain for its general comments and assured that the Secretariat would take due note of them. He added that there was still scope for improvement and thanked the Secretariat for making such a detailed presentation and for clarifying the positions and issues raised by the distinguished delegates.
182. The representative of the Third World Network (TWN) thanked the Chair for the opportunity to take the floor. Implementation of the Development Agenda was a major step forward in addressing the concerns of developing countries for an equitable international IP regime, and the progress report on the implementation of the 14 projects showed that there had been incremental and significant progress in implementing the Development Agenda compared to what was expected. While the report contained good quantity information, the quality and user-friendliness of information could have been considerably improved. That would have enabled more informed deliberations on the report and helped Member States, the Secretariat and other stakeholders to move forward in the right direction. On several occasions, the report did not provide full information on progress as well as outcomes of the projects. For instance, the report did not provide the name of the consultant or consultants who had been commissioned to carry out the studies. Similarly, it would have been helpful if the progress report had provided hypertext links to all documents referred to in the report. TWN would also have also liked to see the implementation of the projects happening in a transparent manner, fully capturing the spirit and objectives of the Development Agenda. The point should be made that the review of technical assistance was an important aspect of the successful implementation of Development Agenda. The review should have contained a set of suggestions and recommendations to enable Member States to restructure the WIPO technical assistance program so as to serve the purpose of development. Moreover, the studies conducted under various projects should be open for comments, not only from Member States but also from other stakeholders, including civil society organizations. The review team needed to consult with IGOs that were engaged in technical assistance in the field of IP, such as UNDP or WHO, and with civil society organizations working in the area of IP rights. Such consultations should not have been limited to the six countries that the consultants were supposed to visit. In that regard, TWN welcomed the suggestions to have a Web-based consultation and a facility to upload all views on WIPO's technical assistance. Lastly, regarding document CDIP/6/3, the representative urged the Secretariat to focus on the quality of implementation along with quantity. In other words, without any indications on quality, no one could have really assessed the implementation of those recommendations. It was therefore important for the Secretariat to provide information which enabled Member States and other stakeholders to find out whether the Development Agenda really brought any change indeed in the activities of WIPO.
183. The representative of the Free Software Foundation (FSF) Europe, wished to comment on the project concerning IP and Competition Policy. She expressed appreciation for all the efforts made by WIPO in exploring that very important topic and was glad to see the rate of progress made. Competition policy was crucial to maintaining open and competitive markets, as it provided an important element of balance to the exclusivity created by copyright and patents. Moreover, it was a valuable project to investigate the complex relationships between copyrights, patents and competition policies. Referring to past work done under that project, the representative pointed out that, with regard to the Seminar organized by WIPO within the framework of that project on October 25, 2010, in Geneva with the title "Enforcing Antitrust Law with Reference to Intellectual Property Assets: New Developments and Perspectives", the agenda comprised a session on institutional perspectives and one on business perspectives. She expressed surprise that the event agenda had not included the perspectives of the third set of stakeholders in competition policies, namely users and consumers. The industry perspective had been provided by Microsoft, Boehringer Ingelheim, Philips and Quantum. Speaking from the background of software, it had been noted that Microsoft in particular had been convicted of anti-competitive practices in a vast number of antitrust law cases in the United States

of America and Europe. While that would have certainly endowed the company with some experience on the subject, it seemed inappropriate to place it as the sole source of input on the intricacies of competition policy in the software markets. The representative said that would clash directly with Recommendation 23 of the Development Agenda, which called for the promotion of pro-competitive licensing policies. She further hoped that a broader sense of perspectives had been taken into account in organizing the Seminar, and encouraged Member States to obtain from the Secretariat assurances that the project as a whole indeed factored in the perspectives of users and consumers. Moreover, the representative hoped that user and consumer stakeholders would be invited to provide their perspectives during the future course of the project, and concluded by stating that FSF would be very happy to support WIPO by providing experts and inputs and to assist WIPO and its Member States in exploring that very important issue.

184. The representative of Knowledge Ecology International (KEI) stated that with respect to Annex 11 of the progress report and document CDIP/6/2 on Intellectual Property and Competition Policy, its comment referred to the WIPO symposium on "Enforcing Anti Trust Law with Reference to IP assets, held in Geneva on October 25, 2010. KEI objected to the fact that the symposium had not included any consumer voices, which appeared to be contrary to the initial aspirations of the Development Agenda, particularly as there was no shortage of consumer perspective on the topic. For example, the Treatment Access Campaign in South Africa had used competition law to address excessive pricing of HIV/AIDS medicines. Civil society groups in Thailand had used competition law to challenge the withdrawal of drug registration by others, following the issuance of compulsory licenses in that country, while Brazilian civil society groups had raised competition concerns in drug patent issues. A number of public health development and consumer groups had expressed concerns about the use of exclusionary licenses in practices for patents on AIDS drugs and the use of contracts with suppliers of active ingredients of pharmaceutical drugs to cut off supplies from generic producers. The Representative further declared that KEI and Richard Stallman had asked the United States Department of Justice and the European Union to block a merger involving a leading free software platform for database services. Consumers Union, Consumers Federation of America, PIRG, Public Citizen and KEI had been involved in numerous disputes involving the licensing-in practices of information and medical technologies. Concerns had also been raised over refusals to license *Retronavir* for co-formulated versions of AIDS drugs. KEI was further concerned that the four private companies WIPO had invited to participate in the seminar represented companies on the receiving end of anti-trust queries and sanctions in various jurisdictions, including the European Union, the United States of America and South Africa. In contrast, companies that had successfully made efforts to ensure compliance with competition rules and had worked proactively with anti-trust authorities to resolve anti-trust concerns were not represented, as was the case with representatives from the overwhelming majority of industries which had never come into conflict with competition law. The Representative concluded by reiterating that the International Bureau's implementation of the Development Agenda's mandate on IP and competition policy should take into account the views of consumers and more diverse industry perspectives.
185. The Representative of the Ibero Latin-American Federation of Performers (FILAI), representing artists and performers from Latin America, Spain and Portugal, noted that the work of the Committee was interesting and useful and stated that the projects currently under way needed to focus on copyright and related rights under systems that would improve the implementation of legislation, and result in improved technologies for collection and management of rights in developed and less developed countries. It was important that NGOs participate not only in information-sharing sessions but also across the board, in order to contribute to the development and implementation of the projects.
186. The Representative of the Library Copyright Alliance (LCA) stated that WIPO was engaged in an impressive number of programs within the framework of the Development Agenda. Appreciation was expressed for the efforts being made to make CDIP-related information more accessible, including the technical assistance database and a range of technical assistance programs being offered for the benefit of developing nations. However, there were still concerns that many of those efforts reflected traditional WIPO

activities, and it was hoped that in future such information would extend to more substantive content and results showing how the Development Agenda was making a change in human and social development. In the copyright sphere, for example, a qualitative change was needed in levels of protection to enable broader access to information in the interest of intellectual development. In support of document CDIP/6/10, concerning the implementation of Recommendation 35 and the future work program on flexibilities in IP systems, and in agreement with comments made by other delegations, the Representative suggested the addition of a project to assess national legislative change in the area of flexibilities, towards the use of information for the purpose of development in the original spirit of the Development Agenda. The LCA appreciated the notable efforts being made in the work program, and reiterated that more was needed in order to address specifically excessive levels of copyright protection in developing nations and LDCs and to remedy the situation with concrete legislative advice leading to changes in laws that would make a difference in libraries, archives, educational institutions and for the public in general.

Agenda Item 6: Consideration of work program for implementation of adopted recommendations

187. The Chair opened discussions on Agenda Item 6 for consideration of the work program for the implementation of adopted recommendations. Six documents were presented under that particular agenda item. The Chair invited the Secretariat to introduce for consideration the first document, CDIP/6/4, on Intellectual Property and Technology Transfer.
188. The Secretariat recalled that the project in question had first been submitted to CDIP at its Third Session and discussed at its Fourth and Fifth Sessions. At its Fifth Session, it had been decided on the basis of the non-paper prepared by the Secretariat that the project document should be revised to reflect the agreed or non-controversial elements. The Secretariat added that it would introduce the project document to inform the Committee of the key changes made in the revised project proposal. The first change was to the order of the phases or activities, such that the regional consultation meeting was held first before the study and the High-Level Forum, as requested by the Member States. The second change was to include some explanations as to the terms of a new platform that had been developed, as well as various elements related to technology transfer. The third change was to add a study of alternatives for research and development efforts and support to innovation apart from the existing patent system. In addition, a number of elements had been included in the revised project document, including international IP standards pertaining to technology transfer, a literature review, a database of research and development technology transfer possibilities from developed countries, a review of patent landscaping reports, a study on research and development policies found in the public and private sectors of developed countries and their impact on enhancing research and development capacity in developing countries, a debate on technology transfer supportive IP-related policies in developed countries, and a working document on IP-related policies and initiatives. With respect to the budget of the revised project, it was noted that the Secretariat had one member of personnel at the P3 level working at 50 percent who should be changed to 100 percent in order to be able to work on other technology transfer activities as well.
189. The Delegation of Angola, speaking on behalf of the African Group, thanked the Secretariat for the revised version of the project on IP and technology transfer, contained in document CDIP/6/4. The African Group welcomed some changes in the new project as compared to the previous project set out in CDIP/4/7. However, the Group also noted that the project remained largely unchanged and had not taken into account the Group's concern presented at the previous two sessions of the CDIP. The Delegation nevertheless wished to move forward with the project without any controversial elements, which should be discussed further and amended by Member States and the Secretariat at a later stage. The African Group expressed its willingness to present that proposal seeking to modify the project and encouraged Member States to approve it at the current session. The Delegation added that it was still not entirely clear what the term "new platform for technology transfer and IP collaboration" referred to. In that regard, the

reference to an integrated set of realistic, non-controversial, mutually accepted and favorable concrete measures had not helped resolve that lack of clarity. The African Group suggested that it would be better to delete the reference to the “new platform for technology transfer and IP collaboration” from the project and replace it with input received from regional consultation meetings, the outcome of the various studies and the Web forum. After further discussion in the CDIP, an agreed recommendation could be sent to the Secretariat for approval and incorporation into the WIPO work program. The Group welcomed the organization of the regional consultation meeting on technology transfer but felt that the terms of reference and participants should have been arranged in consultation with the Member States. The African Group also welcomed the analytical study, which should be developed in consultation with Member States. It wished to see references to the series of inputs presented on the initial project contained in document CDIP/4/7, under paragraph 2 of section 2.1. With reference to the organization of the High-Level Forum, the Delegation suggested that the event be held in Geneva and attended by relevant UN agencies, as an international conference focused on and limited to needs in the area of the technological framework. The outcome of that activity would then be presented for consideration to the CDIP, and recommendations would be submitted to the General Assembly for incorporation into the WIPO work program. Finally, it was noted that recommendations in that area should take into account the different levels of development.

190. The Delegation of Mexico stated that the project contained in CDIP/6/4 had been well designed, although the first step was to examine it and incorporate activities that had already been organized by WIPO in terms of technology transfer. The Delegation welcomed the proposal of a new platform for technological transfer, in addition to the selection criteria for the experts who would participate in the high-level expert forum and the regional consultation at the beginning of the project, and the review of existing literature in the field. It was noted that technology transfer was one of the most crucial elements to achieve within the Development Agenda, and support was expressed for commencing the project, as contained in its present form in document CDIP/6/4, as quickly as possible.
191. The Delegation of Japan expressed its appreciation for the hard work done by the Secretariat to prepare the working documents, particularly as the project in question had been discussed at several CDIP meetings. The Delegation referred to working document CDIP/6/4, page 2, in the first page of the Annex, in the bottom column under the title of ‘brief description of the project’ in the second paragraph: “This still associates concrete measures with the new platform for technology transfer and IP collaboration about which there was a debate in the previous committees”. The Delegation expressed its concerns with regard to the possibility that such wording be misinterpreted to imply that WIPO had to prejudge and take necessary new concrete measures for technology transfer as a result of some research or studies, or the results of the discussions at the WIPO high-level international expert forum. In order to minimize the possibility of such misinterpretations, the Delegation suggested that it would be better not to prejudge the directions at that stage. In that respect, it suggested one small change to replace “concrete measures” with “function”. With that replacement, specific characteristics needed for fostering international technology transfer and IP collaboration and the platform could be interpreted in a neutral way.
192. The Delegation of Brazil, speaking on behalf on the Development Agenda Group, thanked the Chair and the Secretariat for preparing the revised version of that project, which had been discussed under different document numbers. In November 2009, at the Fourth Session of the CDIP, it had been discussed as CDIP/4/7; at that time, a group of like-minded delegations had made extensive comments from the floor on the proposed Secretariat project, and it had been decided to request Member States to submit written comments for consideration at the following Fifth Session of the Committee in April 2010. Extensive comments had been made on the project, with a submission presented by a group of like-minded delegations comprising the African Group, the Arab Group, Brazil and Pakistan as well as seven separate missions from seven Member States. Extensive formal and informal consultations had taken place at that CDIP session, and it had been agreed that the Secretariat would revise the project, taking all comments into account.

The Development Agenda Group acknowledged the changes in the revised document but noted that some other changes were still needed. If an agreement on a final text could not be reached at that CDIP session, the Development Agenda Group considered that the Committee could move forward in approving and launching specific and non-controversial aspects of the project, while the remaining aspects would then be considered at the next session of the CDIP. As the Delegations of Angola and Japan had mentioned, the Development Agenda Group was still not comfortable with the notion of a new platform for technology transfer and IP collaboration. The definition still did not resolve the problem and probably could be eliminated in order to avoid talk of a platform. Another major concern was to ensure that Member States had a greater say in preparing the regional consultations, studies and seminar. In that way, the Development Agenda Group could provide specific suggestions as to how to achieve greater participation at a later stage of the discussion. Other UN agencies relevant to IP should also be involved in the project. One important concern was that the outcome of all activities foreseen in the project should be presented to the CDIP for consideration and possible recommendation to the General Assemblies for incorporation into the WIPO work program. The Development Agenda Group was not favorable to the seminar and the high-level meeting, and it preferred that those recommendations be submitted to the Committee so that Member States could adopt whatever they considered appropriate. Recommendations in that area should take into account the different realities of developing countries. The Committee should not be looking at harmonized standards or best practices, but at better practice that could be tailor made to developing countries and LDCs, specifically.

193. The Delegation of Belgium, on behalf of the European Union and its 27 Member States, thanked the Chair and the WIPO Secretariat for the preparation of the revised project proposal on IP and technology transfer, taking into consideration the discussions held at the last session of the Committee as well as the agreed elements from the non-paper dated March 12, 2010. The EU reiterated its support for the development of technology transfer, a key Committee objective. The revised project proposal had the potential to significantly shape the debate and to indicate the way forward in resolving that complex issue. However, a small amount of work was still needed on some elements of the project as well as clarifications of the intended outcome. Despite a considerable improvement to the timeline of the project, there were still concerns regarding the timing of the development of studies, case studies, and papers in the area of IP and technology transfer, and the preparation of a concept paper on building solutions. The Delegation added that the concept paper should reflect input from the analytical studies in question. For that reason, the concept paper should be prepared in the second quarter of 2012, after finalization of the analytical studies. Furthermore, plans called for a series of studies looking at alternatives for research and development efforts and supports to innovation aside from the currently existing patent system. The Delegation further stated that in order to avoid potential duplication of efforts, these studies should not involve issues surrounding open source models and their contributions to technology transfer, or other models addressing the problems of brain drain as addressing discussion paper CDIP/6/8. Concerning the analytical studies, the Delegation wished to underline that their preparations required neutral, balanced approaches identifying both the positive and negative impacts on developing countries, taking into account work done by WIPO committees such as the SCT, and other international bodies such as UNCTAD, UNIDO and WTO. Finally, the Delegation noted that the project, as proposed, consisted of five progressive phases and a new developing platform for technology transfer and IP collaboration. However, the legal status and form of such a platform still required more detailed explanations.
194. The Delegation of Spain endorsed what had been said by the Delegation of Belgium on behalf of the European Union and its Member States. The Delegation was strongly in favor of a new project on technology transfer of IP, and at its Fourth Session the Committee had stressed the importance of technological transfer as part of the Development Agenda, as it was a key element in ensuring new technological openings for enterprises and disseminating know-how and technology worldwide. It was therefore important that on the basis of those proposals, constructive work should take place in the Committee with a view to achieving approval for all or part of that project, without

prejudice to other comments that would be made thereafter. First, various parts of the proposal were missing significant information, including contributions made by Member States at the time of the informal document presented at the Committee's Fifth Session concerning the use of the platform for technology transfer. The Delegation did not fully understand what the use and functionality of that platform would be, and felt that in view of its potential, it would be useful to discuss it further. The Delegation could accept the suggestion by some other delegations that the platform be deleted, but if that were to be the case then some of the functionalities of other project parts would have to be reviewed because they would be dependent on the platform. The Delegation of Spain had similar comments in relation to other specific parts of the proposal as they related to the preparation of a future concept paper. With respect to the implementation of projects, the Delegation would have liked to see a detailed proposal, not only for the concept but for each of its activities. It asked whether the Secretariat could prepare such detailed documents, so that when a proposal was discussed by the Committee, its breakdown would have been so detailed that it would facilitate discussions towards its adoption. Concerning other specific aspects of the project proposal, the Delegation indicated that with regard to the regional consultations, it was not clear whether those would be open, whether they would take place in different geographical regions, whether they would take place in parallel, what the budget was for them, and how the Secretariat would provide details of the regional discussions. It was not clear whether they were additional rounds of consultation or whether the Secretariat was going to ensure that they took place at the same time as other regional discussions. The Delegation requested the Secretariat to clarify the timeline in that respect. Finally, the Delegation emphasized that in the course of the consultations, there was a need to include the actual stakeholders involved in the technology transfer, such as research centers, public and private enterprises, owners or right holders of the technology, as well as the enterprises that might want to exploit the technology. That would help establish the favorable environment needed for technology transfer within States with respect to policy-making and legislation. In terms of analytical studies, the Delegation supported the statement made by the Delegation of Belgium, speaking on behalf of the European Union and its 27 Member States. The format of the high-level expert forum should enable the results to trickle down to other WIPO programs. As indicated by the Delegation of Brazil, the Committee should avoid such meetings and outcomes being fed directly into the design of WIPO policy-making programs. With respect to potential risk, reference was made to participation by stakeholders directly involved in technology transfer in order to avoid a purely theoretical academic exercise and ensure that stakeholders were provided with the information and conditions necessary to ensure technology transfer. The Delegation concluded by stressing the importance of the possible participation of stakeholders when considering assessment criteria for the project.

195. The Delegation of the United States of America thanked the Secretariat for preparing a revised project document based on the discussions of the last meeting and the various Member States' submissions, stating that it supported the original project proposal despite its flaws as a good point of departure for launching a range of activities designed to identify IP-related policies that could be used to promote the transfer and dissemination of technology to developing and least developed countries. Nonetheless, the Delegation had a few comments and questions about the revised project proposals. First, it noted that the document called for the project to be stage one in a more comprehensive undertaking by WIPO on issues of technology transfer and the implementation of Cluster C of the Development Agenda. It agreed that once the project had been completed follow-up activities might be warranted, but committing to a multi-stage project without defining the subsequent stages seemed unwise and represented commitment without content. As an alternative, the Delegation said it would suggest a statement along the following lines, "That the Committee may decide on follow-on projects based on the results of this project" or words to that effect. Second, the project stated that the new platform referred to an integrated set of realistic, non-controversial, mutually acceptable and favorable concrete measures needed for fostering technology transfer and IP collaboration. Elsewhere in the document, the phrase "substantial measures" was used instead of "concrete measures". As stated in the Delegation's original submission to the Committee, any technology transfer project should be faithful to the emphasis found in the agreed recommendations to initiate discussions and explore

IP-related policies that promoted technology transfer as a prelude to the development of any substantive recommendation. Concrete measures might be indicated by the various discussions to take place, but the new platform should not be limited exclusively to concrete measures or concrete actions to be taken. The Delegation agreed with the intervention by the Delegation of Japan on that point. Third, the project included modifications to the five originally proposed studies as well as two new proposed studies. The study on existing IPR-related policies that exist in various countries to promote technology transfer, including international IP standards pertaining to technology transfer such as the use of flexibilities in international IP agreements, had a new element, the Delegation noted. The flexibilities component of the study would consider “patentability, exceptions to exclusive rights, disclosure requirement, compulsory licenses, and anti-competitive practices”. The Delegation noted that, as stated in its submission of March 1, 2010, the Standing Committee on Patents (SCP) was studying those particular topics and therefore did not see the need to study them in the CDIP. The Delegation further noted that case studies on cooperation between research and development institutions in developed and developing countries also had a new element. With respect to a database of research and development technology transfer possibilities from developed countries, WIPO should not be preparing lists of private sector technology transfer possibilities, and the Delegation could not support that new element. As an alternative, the Delegation suggested investigating the possibility of having WIPO create a database with links to institutions that already offer technology transfer opportunities such as Government institutions or SME assistance centers. The study on emerging issues in the technology transfer area had been expanded in the revised project to include issues of traditional concern to developing countries and LDCs, and clarification was requested as to what those issues of traditional concerns were. A series of studies looking at alternatives for research and development efforts and support to innovation aside from the currently existing patent system was also proposed. Additional information on the new element was requested, such as what alternatives would be studied, how many studies would be in the series, and how the proposed activities would relate to the new project on open collaborative projects and IP-based models (CDIP/6/6).. Finally, the Delegation supported a literature review of existing work on technology transfer by other international organizations, although it was important to ensure that the review took full account of the work done by other WIPO committees such as the SCP.

196. The Delegation of Egypt fully endorsed the statement of the Delegation of Angola on behalf of the African Group and of the Delegation of Brazil on behalf of the Development Agenda Group. On the issue of technology transfer, if a scan were to be done of the implementation to date of the Development Agenda recommendations, it might seem that Cluster C was taking the longest to implement, perhaps for two reasons. Primarily, the issue went to the core of the Development Agenda. Technology transfer and efforts to tackle the disequilibrium in the global technology order were perhaps the key driving force behind the WIPO Development Agenda. The second point, related to the first, was that Member States had very high expectations as to what Cluster C could and should provide. Further details had been provided by the above-mentioned Delegations. The document could be pursued as modified, or perhaps on a reduced level of ambition to launch some of the least controversial or some of the non-controversial elements in the project. The Delegation noted a number of governance issues. Contrary to what had been included in CDIP/4/7, the new program referred to the implementing program as Program 18 under the Global Challenges Division. The Delegation was pleased to see Mr. Baechtold, who represented Program 1, presenting the project and stated that it would be comfortable in having Mr. Baechtold lead the program because it believed that the project pertained specifically to the Innovation and Technology Transfer Section, located under Program 1. However, the Delegation also noted that Program 18 as well Programs 8, 9, 10 were relevant, and requested further elaboration as to who would be implementing the program. With regard to the links to expected results in the Program and Budget, the Delegation noted that it referred to expected results under Program 18, whereas expected results under Program 1 as well Programs 8 and 9 should also be included. Referring to Program 1, the Delegation added the following expected results: “Greater awareness of the legal principles and practices of the patents system, including the flexibilities existing in the system, and enhanced understanding and further clarifications of current and emerging issues that arise in relation to patent related

matters". The Delegation wished to include in Program 8 specifically "Development Agenda principles further mainstreamed"; it believed that that process went to the heart of Cluster C, and should therefore be reflected together with three more expected results under that program. Finally, Program 9 also had expected results that should be included. The Delegation was encouraged that the project could be launched at that time with a reduced level of ambition, because it did not share some of the concerns expressed by various delegations, such as those voiced by the Delegation of Japan, which had expressed concerns about some of the issues under the new platform. Support was indicated for relevant comments made by the Delegations of Spain and the United States of America, such as the notion of stage one, which, it was agreed was perhaps not clear. It was stated that any Member State was free to present another project that dealt even with the very same Development Agenda recommendation, and it was not incumbent on delegations in the CDIP to specify or assume that it was stage one. It was a principle of the Development Agenda, as adopted by the Committee, that any delegation had the right to submit any project. The Delegation looked forward to the Chair's guidance as to how to proceed on the project, and was open to a first reading of the document or informal consultations, as proposed by the Chair.

197. The Delegation of Chile stated that, in general terms, CDIP/6/4 was a balanced document which took into account the interests and sensitivities that had been expressed by various countries at recent CDIP sessions. While any program could still be improved, as it was often said in Chile, "perfectionism can be counter-productive". It was noted that more than a year and a half had elapsed without real outcomes on the project, which was unfortunate given the importance of the issue of technology transfer. It was recalled that within the Development Agenda, the project programs were dynamic, so that no single program could rest on one single recommendation. Therefore, the Delegation of Chile believed that the project proposal provided a sound basis for a future project with regard to Recommendations 25, 26, 27, 28. The Delegation took on board the proposals and suggestions made by various other delegations that had spoken earlier, which were in general valid. In view of the importance of the issue, it trusted that the Chair would be able to take necessary steps and guide the discussions during the week to enable the Committee to approve the project at the current CDIP session. Finally, with regard to implementation of the project, the Delegation was grateful to the Secretariat for taking into account its concerns as to the organization of regional consultations prior to the high-level global consultation.
198. The Delegation of the United Kingdom stated that the current project proposal took into account most of the points of clarification raised at previous CDIP sessions. In particular, it was pleased to see more detailed elaboration of the analytical studies and case studies which were proposed for input for the high-level forum, as well as recognition of the complementary work that was already occurring in other WIPO committees. However, as several of the other delegates had noted, further clarification was required with respect to the new platform for technology transfer and IP collaboration. The Delegation was prepared to explore some of the options that had been raised for amending that particular aspect of the proposal, with a view to finding a way forward at the present CDIP session.
199. The Delegation of Canada stated that many of its comments had been covered by other delegations, but emphasized that it was important for any project to avoid duplicating the work that was being done in other committees. A further point, as indicated by the Delegation of Brazil, was that recommendations should be submitted to Member States before being mainstreamed them into the work of the Organization, rather than doing so automatically. Finally, as the Delegations of the United States of America and Egypt had commented, reference should be made to the first phase of the project, and support was expressed for the US project proposal for the changes in drafting. The Delegation was not entirely happy for the Committee to discuss the initial phase while other phases had not been actually included in the project. It trusted that the project could be adopted at the present session of the CDIP, and remained open to suggestions in that regard.
200. The Delegation of Indonesia aligned itself with the statement made by the Delegation of Brazil on behalf of the Development Agenda Group, and recognized that some improvements had been made to the project documents. It was noted, however, that

many Member States felt that comments made at the last Committee session had not been taken into account. Like many other delegations, the Delegation of Indonesia attached great importance to the project proposal in the area of IP and transfer of technology. It also acknowledged that differences and lack of clarity remained, particularly with respect to the new platform for technology transfer and IP collaboration, and in that respect the Delegation supported the proposal to delete the corresponding reference. It viewed the project as too important to be further delayed, and hoped that the Committee could agree on the project document at the present session or at least on an early harvest of some of its components.

201. The Delegation of El Salvador stated that the Chair could enjoy the full support of that Delegation as it sought to reach the goals planned for the meeting. As indicated at the previous session of the Committee, the Delegation again stressed the importance it attached to the issue of technology transfer, and in that regard, it very much welcomed the submission of the proposal under discussion. It agreed with other delegations that the issue was a highly important one, and wished to avoid further delay in implementing the project. It could be considered as an initial project whose implementation could begin, after which, depending on how the outcomes emerged, consideration could be given as to whether new elements might be incorporated or certain elements redesigned. It was hoped that the current session of the Committee would be concluded with the approval of the proposal and that there could be consensus amongst delegations to achieve that end.
202. The Delegation of India reiterated the importance it attached to the draft project and the recommendations it sought to implement. Those recommendations were the core of the Development Agenda, and the Delegation expressed thanks to the Secretariat for its consistent support in the long journey that the document had made so far. It also expressed appreciation for the new version out of the document, and agreed with several delegations that it was a fairly balanced document that reflected the concerns expressed by the various delegations at recent CIDP sessions. The Delegation reflected on comments made by other delegations at the meeting, which had been very constructive and balanced and, from the reactions it had heard from other delegations, it appeared that there was much common ground at the session. The Delegation further agreed that the Committee could go ahead on that basis of an early harvest approach and implement the project, reflecting elements that were acceptable to all. In that connection, the Delegation agreed with the remark by the Delegation of Chile that perfectionism could be counter-productive. It should be remembered that the project was a process and that there would be follow-up work, perhaps new issues and elements that delegations might wish to pursue, but a beginning had to be made and it was hoped that the beginning would occur at the current session. The Delegation stood ready to engage constructively to find a way forward on that very important issue.
203. The Secretariat sought to respond to the questions and issues raised and provide some clarifications, stating that it could not take a position on certain proposals that had not yet been discussed or agreed in the Committee. The Secretariat thanked the delegations for their remarks and requests and proposals for improvement of the document. It also thanked the delegations for their support in expressing at least some desire to continue with the project, or at least with part of it. With respect to the new platform, it was clarified that there was no proposal to introduce any kind of physical platform, but more of a compilation or collection of whatever mutually acceptable measures or recommendations came out of the whole process. It was noted that there was a widely shared position that the proposed platform might lead to confusion and might be deleted, and from the Secretariat's point of view, there was certainly no problem with that. The Secretariat took note of the concern expressed by several delegations on the issue of the inclusion of Member States, and the utmost efforts would be made at various stages of the project, if it were adopted, to include Member States. The Secretariat also took note of several delegations' requests for more detailed information on several issues and agreed to provide such information. It was for that reason that the first step of the delivery strategy proposed a detailed project document or paper which would contain detailed descriptions of different stages for examination by Member States. With respect to the breakdown of the budget, the Secretariat agreed to resubmit a budget with the requested details before

the end of the Committee session. With respect to general consultations, the Secretariat had envisaged holding regional consultations in different regions of the world with a view to gathering experience from the different regions. The format had not yet been determined in detail, but that would be done and could be discussed, and the stakeholders suggested by delegations could be included, subject to the Member States' agreement. Such stakeholders could be included throughout in order to ensure that the process was more than an academic exercise. With respect to the round table, the Secretariat stated that it had been included because it had been proposed by the Like-Minded Group and included in the non-paper because it was considered to be non-controversial. The Secretariat also felt that references to stage one of the project could lead to misunderstanding, and references to 'stages' of the project could easily be deleted. Such references had resulted from the informal consultations held at the Committee's last session, and had been included to reflect the fact that the project proposal would be limited in scope and to ensure that Member States felt they could add additional elements to the project at a later stage. In addition, if requested by the Committee, any possible recommendations or measures that could result from process would be submitted for the consideration of Member States before being included in the WIPO work program. Finally, the Secretariat referred to the study on "Alternative research and development efforts" which, when it had been proposed by the Like-Minded Group in conjunction with the non-paper, had not seemed controversial. A similar exercise at the World Health Organization could provide an example for the work done by WIPO in that context. In response to the query by the Delegation of Nigeria for a response to the African Group's request for clearer wording to avoid ambiguity, the Secretariat noted that the African Group had referred to ambiguity in the context of the proposed platform and stated that the overall view of the Committee appeared to be that references to the platform were unnecessary and should be deleted, subject to full agreement by the Committee.

204. The Chair noted that there had been a very useful exchange of views on the project proposal on IP and technology transfer. The project had remained under consideration for three consecutive CDIP sessions, which reflected the importance the Member States attached to it. In view of its importance, however, the Chair noted that it would be useful to take the project forward towards implementation. The meeting had heard specific suggestions concerning the existing project proposal, and delegations needed to further consider those suggestions before they could take a decision on the proposal. The Chair suggested that some interested delegations might informally consult to see how those suggestions for modifications could be addressed in the context of the existing project, and offered the services of his delegation to coordinate those informal discussions if necessary. It was the Chair's view that if interested delegations could engage constructively in the exercise, it was possible that the meeting could come closer to adopting that important project document. As that suggestion appeared acceptable to Members, the Chair suspended discussion on document CDIP/6/4 until Friday morning, or as soon as the meeting reached the end of the consideration of Agenda Item 6.
205. The Delegation of Brazil referred to the project document and responded to the Chair's summary of the discussions. It would be useful if the text could be put up on the screen during consultations, so as to enable delegations to make those changes they deemed fit, with a view to moving forward with the project.
206. The Chair answered that the informal consultations he had proposed should go on while, if necessary, a suitable time for consulting on the text could be found. The Chair then invited the Secretariat to introduce document CDIP/6/5.
207. The Secretariat introduced document CDIP/6/5 on "Patents and Public Domain", and recalled that at its Fifth Session, the CDIP had considered the project on "IP and Public Domain" contained in document CDIP/4/3. It had decided that the Secretariat would prepare a project proposal which would, among other things, address three elements concerning patents and the public domain: first, the important role of a rich and accessible public domain; second, the impact of certain enterprise practices in the field of patents and the public domain; and third, possible standard-setting activities at WIPO on the public domain. That project should supplement the findings of the study on patents

and the public domain which had been undertaken under project DA_16_20_01. The proposed project included two phases; a first phase to undertake a micro-level study on patents and the public domain which would analyze in particular, the impact of certain enterprise practices in the field of patents on the public domain. The study would include case studies and empirical analysis which could be based on, for example, surveys. During the second phase of the project, taking into account the findings of the study on patents and the public domain and the earlier-mentioned study under phase one, Member States would explore possible consideration of the issues relating to patents and the public domain in standard-setting activities, with a view to supporting a robust public domain. Furthermore, it was proposed to organize an expert panel or a conference on patents and the public domain during the first quarter of 2013, after completion of the studies, and that event would further develop the findings of the studies and explore ideas and suggestions to promote standard-setting activities relating to patents in support of a robust public domain in WIPO's Member States. Depending on the findings and the conclusions of the study and that event, Member States might decide on additional activities that might be undertaken to implement the Development Agenda Recommendations.

208. The Delegation of Brazil, speaking on behalf of the Development Agenda Group, stated that the project was promising and hoped that it could be approved at the current session. It noted that document CDIP/6/5 complemented the activities provided in the patent component of CDIP/4/3 Rev., which had been approved at the Committee's last session. While that other document proposed studies to examine the patent system and its relationship to a rich and accessible public domain, at the macro level there was no document proposing a micro-level analysis combined with a concrete proposal on the implementation of Development Agenda Recommendation 20, which stated that WIPO should "promote norm-setting activities related to IP that support a robust public domain". The Group made some specific comments and suggestions to be incorporated in the revised version of the study. First, the micro-level study on patents in the public domain could include a section on national practices that had been successful in curbing enterprise practices that might have an adverse effect on the public domain. Second, with a view to promoting standard-setting activities related to IP and the public domain as dictated by Recommendation 20, a report on the findings and conclusions of the activities undertaken under the projects should be provided to the CDIP. Member States would then deliberate on additional activities that might be undertaken to implement the Recommendation, and would also discuss any possible standard-setting activities in that area.
209. The Delegation of Bolivia expressed appreciation to the Secretariat for drafting the project document, which complemented the patent component discussed in the document on IP in the public domain at the last CDIP session. The document tackled many of the concerns raised by many developing countries in general and by Bolivia in particular. The Delegation suggested some minor changes to increase the clarity and effectiveness of the project, beginning with the brief project description, which should explain that it would analyze the important role a rich and accessible public domain would play in improving access to knowledge and encouraging the transfer of technology. Second, it was important to indicate that standard-setting activities to be reviewed by WIPO were aimed at promoting and protecting the public domain. Those suggestions sought to clarify the brief description of the project, but could also be useful for improving the relevant portions of the main part of the document. Third, the translation into Spanish of the brief description of a project was incorrect and should read: "The impact of certain enterprise practices in the field of patents is "on" the public rather than "in" the public domain. The Delegation also suggested that the wording under "expected results" where it provided that "there is greater awareness of" etc, should include the following: "A greater awareness of a wide, rich and accessible public domain and its use to society, including the flexibilities that exist in the system" because, as far as the Delegation was concerned, analyzing the importance of an accessible and rich public domain should be the objective of the exercise and should be included in the list of expected results.
210. The Delegation of the United States of America had a number of concerns with the project document's proposal to undertake an analysis of the impact of certain enterprise

practices in the field of patents on the public domain. While the original thematic project focused on legal status information that could be used to identify off-patent technology, a fact-based study that promised to yield valuable and useful practical information, the present project objectives, methodology and practical applications were not clear. Nor had the “certain enterprise practices” referred to in the project descriptions been clearly identified. Therefore, the TOR was not clearly defined in the project document. The Delegation requested further information from the Secretariat on what exactly was to be studied and how, before it could support the project. Finally, the Delegation drew the Secretariat’s attention to a technical correction that was needed in the project document. In section 2.1, paragraph 2, referring to discussions at the Fourth Session of the CDIP, the document said that “The Delegation of the United States of America stated that a patent practice study would be best handled in the SCP, and suggested that a more extensive and elaborate consideration of trends be considered after the patent study under project DA_16_20_01 had been completed.” As reflected in the final report for CDIP/4, document CDIP/4/14, paragraph 431, page 124, the United States of America stated that it would favor a more extensive and elaborate consideration of trends after the study had been completed”. The Delegation noted that when it made that statement it was referring to the scoping study on copyright and related rights in the public domain, not the patent study on the public domain. Accordingly, it asked the Secretariat to amend the statement in the project document by deleting the phrase “and suggested that a more extensive and elaborate consideration of trends be considered after the patent study under project DA_16_20_01 had been completed”.

211. The Delegation of Japan voiced its concern, as expressed at previous CIDP sessions, about the particular project on the study on patents and public domain. It noted that such an expansion would cause an unnecessary increase in the cost of the project and that it would be preferable from the outset to have the study item covered by the SCP, the competent body for the patent regime.
212. The Delegation of Spain stated that the project document on patents and the public domain could contribute to the continued improvement of the relationship between the two areas mentioned, patents and public domain. It touched on the issues of the studies and the questions related to patents and patent-holders, which also needed to be analyzed by the SCP. Even if many of the activities proposed for that project had an impact on particular practices, the title of project document was much wider than the suggested activities. Links between certain practices by business and an attack on the public domain could be something that would be imbalanced. The Delegation therefore hoped that the proposed activities, particularly the studies, the micro-level study and the conference, would bear that in mind when carrying out a review. It also agreed with some of the comments made by Member States to the effect that not all of the conclusions of the conference would result in standard-setting activities. There might be recommendations and debates of another kind that were not resolved in standard-setting activities, and that the review of the next steps to be taken in that field needed to incorporate the WIPO programs and to be submitted to Member States for consideration before being adopted.
213. The Delegation of the United Kingdom recognized that the assurance that the patent system should strike a balance between the rights of patent holders and public access to information was an important topic for debate. It felt, however, that the direction of the project might be clearer once the outcome of the project on IP in the public domain outlined in document CDIP/4/3.rev had been reported. It also noted from the progress reports presented at the session that the patent component of the project was on track, with a study on patents in the public domain due to be finalized in January 2011. It did not wish to prejudge the outcome of that study. The Delegation reiterated that the CDIP should not duplicate the work done by other committees, and in particular, it considered that any standard-setting activities as suggested in phase 2 of the project should, rather, remain with the SCP.
214. The Delegation of India attached a great deal of importance to the recommendations, as stated in the lengthy discussions that had been held on them at previous CDIP sessions. Recommendations 16 and 20 captured the core of the Development Agenda, as they

aimed to strike a balance between right holders on the one hand, and users and consumers on the other hand. With reference to the work that had been done by the Committee, the Delegation was encouraged but believed that much work remained to be done. The current project before the Committee addressed only one partial aspect of Recommendation 20, namely, the possibility of preparing guidelines which could assist interested Member States in identifying subject matters that had fallen into the public domain within their respective jurisdictions. But it should be noted that that was only the latter half of Recommendation 20. Indeed, the references to standard-setting made in the project proposal came from the recommendations themselves. Recommendation 16 provided: "Consider the preservation of the public domain within WIPO's normative processes". In addition, Recommendation 20 provided: "To promote norm-setting activities related to IP that support a robust public domain in WIPO's Member States". The Delegation of India therefore believed that there was no ambiguity in those recommendations, which had previously been agreed by all Member States, and the Committee only needed to discuss how to implement them. The Delegation was open to discussion about any particular changes other delegations might wish to propose, but the draft project proposal as it stood was supported by the Delegation. Support was expressed for making certain clarifications, as proposed by some delegations. With respect to the timeframe for the implementation of the project, it was suggested that implementation of the new study should be taken up in the first quarter of 2011, without waiting for the current study to be finalized. The Delegation took the view that there was no direct linkage between those two projects and that there were indeed considerable differences between the scopes of the two studies, with the current study looking at a macro-level analysis of patents in the public domain. The areas targeted by those two projects with regard to the Recommendations themselves were completely different and had no inter-linkages. Therefore, it was proposed that the project be implemented without waiting for completion of the current project.

215. The Delegation of Cuba supported the statement made by Brazil on behalf of the Development Agenda Group, reiterating that the project on patents in the public domain was significant and crucial for Cuba, as was the project on IP and transfer of technology.
216. The Secretariat referred to the intervention concerning enterprise practices and the lack of clarity of the TORs and the details concerning enterprise practices. The Secretariat recalled that the term "enterprise practices" had been agreed at the last session of the CDIP, and in the document that was before the Committee, the Secretariat had given two examples of possible enterprise practices. Clearly, the aim of the study would be to explore, determine and identify those enterprise practices, and it was believed that they would be enterprise practices that would rather encourage a strong public domain, while there might also be practices that would least encourage a strong public domain. The Secretariat observed that those practices had not been listed, because one of the aims of the study was to identify the practices, and relatively broad wording had been chosen so as to include that particular aspect in the study.
217. The Delegation of Bangladesh, speaking on behalf of the Asian Group, stated that the Group attached great importance to Development Agenda Recommendations 16 and 20, pertaining to the public domain. In the Group's view, those Recommendations were at the core of bringing about the desired balance between right holders and users, between private profit and larger public interest. As such, it looked forward to the early implementation of all aspects of those Recommendations. The Delegation observed that that the current project on the public domain was very limited in scope and only partly addressed Recommendation 20 on the informative aspects of patent information and the identification of patent information that had fallen in the public domain. It also welcomed the present project proposal of the Secretariat. It was noted that the two projects were separate and distinct both in their scope of work and the aspect of the Development Agenda Recommendations 16 and 20 they sought to address. Therefore, it was considered that the present project proposal should be implemented without first waiting for the ongoing project to be completed.
218. The Chair noted that the Committee had heard many delegations expressing interest in taking that project proposal forward; however, some delegations had expressed

reservations in that connection. The Chair would engage the different delegations to agree on the possible way forward and would consult the group coordinators on the matter. The proposal should therefore be put aside and returned to after a round of informal consultations. The Chair then proposed to open discussions on the project document CDIP/6/6 on "Open Collaborative Projects and IP-Based Models", which was a new project proposal presented by the Secretariat, developed in line with Development Agenda Recommendation 36. The Secretariat was requested to introduce the project document.

219. The Secretariat addressed the context and content of the project proposal described in document CDIP/6/6 with the title of "Project on Open Collaborative Projects and IP-Based Models". The project drew on Development Agenda Recommendation 36 in Cluster D, and concerned the so-called "exchange of experiences on open collaborative projects such as the Human Genome Project as well as on intellectual property models." The first step was to give a definition of "open collaborative innovation." Open collaborative innovation might be defined as the osmosis and reverse osmosis of knowledge across the porous membrane separating an organization or community and its environment. In an age of rapidly shifting technological landscapes and, in particular, in order to innovate a way out of the recent world crisis, competitiveness in a dynamic sense was of the essence. It had to do not only with responding to current consumer preferences, but also with anticipating evolving consumer needs. That competitive edge could be maintained through radical innovation springing from openness, connectivity, flexibility and cross-pollination of creative networks. If innovators could overcome their profession's inclination to indigenously determine all aspects of an innovation, they might be in a position to explore the promising ground beyond incremental innovation at a time when today's shortening of the product life cycle did not allow for the long lead-time for traditional research and development. "Open collaborative innovation" would then become the locus of a new strategy based on the constructive interference of discrete actors accelerating the tempo of innovation. Other Recommendations in addition to Recommendation 36 also dealt with studies which were relevant, in particular Recommendations 16 and 20 on Patents and the Public Domain. Those two Recommendations were discussed under the previous presentation in CDIP/6/5. Their correlation with the present Recommendation would need to be taken into consideration. The challenge involved in the present project would be to make the exchange of experience on open collaborative projects and IP-based models useful for fostering indigenous innovation capacity globally and particularly in developing countries. The project would need to draw on work and methodologies available in academic circles as well as work done by other organizations, NGOs and IGOs in the area of open collaborative innovation. The Secretariat's second point pertained to project content. Open collaborative innovation, whether it applied to products, processes or market structure, could be promoted through a variety of arrangements. Those might encompass more traditional models, such as IP licensing, subcontracting, research and development, collaborative contracts and joint ventures. Other options would include newer Internet-enabled trends that fostered interactive and user-centric innovation. The objective of the project was to establish an "interactive platform" to exchange information, experiences and existing best practices, as well as to enhance an understanding of the potential uses of IP models/procedures to stimulate home-grown innovation. The term 'interactive platform' referred to a two-way digital portal consisting of a Web site and a Web forum as the best channels for exchanging information and experiences. The Web site would be an intelligent repository reporting on studies/experiences in open collaborative projects and IP-based models. The Web forum would also be a recipient of feedback on such experiences. The project implementation process would consist of four steps leading to the establishment of the platform: one, mapping, clustering and analyzing different paradigmatic open collaborative initiatives through an analytical taxonomy study; two, charting a course of action in light of experience and best practice through meetings of Member States and of experts; three, integrating lessons learned into an in-depth evaluation study; and four, establishing the platform. Finally, after the establishment of the platform, the project would aim to be a useful building block for the development of collaborative networks for innovation. The project's outcomes would be integrated into relevant WIPO activities. It would be reasonable to expect that the "open collaborative project" approach would unleash further innovative potential, in particular in developing

countries where ICT development had been spectacular. In conclusion, open collaborative innovation had become coterminous with the ICT revolution, which was a challenge for developing countries to bridge the digital divide but also a historic opportunity to take a shortcut to developed status.

220. The Delegation of Spain thanked the Secretariat for drafting the document on the project which was fully consistent with the Recommendation 36 of the Development Agenda. With regard to the activities proposed under the project, the Delegation welcomed the approach of the analytical taxonomy study. While it did not believe that meetings of Member States were fully justified, at least in the *ad hoc* stage of the project, there could be consultations on the essence and logic of the phases of the project. In the Delegation's view, that was what the CDIP should be doing at the present time. It was not worthwhile to look at the project once again if it got under way carrying out the studies such as the analytical taxonomy study. The exchange of experience between Member States on open collaborative projects should take place at meetings of experts, and there should not be any judgment as to whether experts should come exclusively from the private sector or whether they could also come from the public sector, such as from universities. With respect to the practical results of the study, that should be left until all the projects were carried out. Representatives of Member States with direct experience of that type of project should take part in the meeting of experts on Objective A, as laid down in the project proposal. When reading the project document, the Delegation of Spain stated that a number of questions had come to mind with regard to the nature of the meeting of experts. First, the established objectives could be achieved by organizing a single meeting or conference. The Delegation did not believe in meetings of experts dealing with things gradually, which would result in the dispersal of information and partial use of that information with the added difficulty of coming to overall conclusions on the discussions. Second, clarification was sought as to whether the expression "promote" the experts meetings as compared with "organizing" meetings meant that WIPO was considering not being involved directly in organizing those meetings and that it might be considering asking other bodies to organize those meetings. With respect to the detailed study, there was a certain amount of overlap with the analytical text on the study, in particular with respect to identifying the benefits and challenges, and it was suggested that only the first of those should be carried out. The first study should incorporate consideration of favorable conditions and effective IP methods so as to strengthen its analytical nature and serve as a better point of departure for the meeting of experts. The final objective for the second study could be included in the conclusion adopted by the expert group, which could be taken up by the Chair with the participants at the meeting. Finally, the interactive platform for the exchange of experience was an interesting idea, but it would be important to know the purposes of the project and the media through which that would be publicized to users. As stated earlier, the possible incorporation of the results of those expert meetings into WIPO's work should not be done automatically but should first be submitted to the CDIP for consideration by the Member States.
221. The Delegation of China stated that in the implementation of the Development Agenda recommendations, the active exchange and sharing of information was very important for all Member States. Therefore, with respect to the current project on collaborative IP-based models, the conduct of studies and sharing of information would be helpful for the effective implementation of all related recommendations. The Delegation would support the project proposal, and hoped that the related results of studies and shared information would help the future study and the implementation of recommendations.
222. The Delegation of Bolivia stated that the exchange of experience on open collaborative projects was a very important aspect of the CDIP's work and therefore welcomed the new project drawn up by the Secretariat. It noted that the value of those projects lay in their collaborative aspects, because innovations arrived at in a cooperative way were things that should be reflected adequately in selective projects. However, another fundamental element of the Recommendation which the Delegation believed had not been sufficiently taken into account in the project was the open-ended aspect. The open-ended aspect of the results of innovation, and the main contribution of those projects, was that they offered alternative successful models for innovation based on an open exchange of ideas that did not lead to problems with respect to access to knowledge and technology. From

that perspective, in 2009 in the context of the World Health Organization, Bolivia together with Bangladesh, Barbados and Surinam, had submitted to the group of experts on the financing of research and development four proposals for alternative and innovative ways of funding research and development that would not run into problems with patents as regards access to knowledge. Those proposals had emerged from Bolivia's commitment to public health and access to medicines for the entire population, above all the poorest, because there were a number of articles in the country's Constitution enshrining the right of all citizens to health without any discrimination, and therefore the responsibility of the state was to guarantee access by the public to drugs without those being restricted by commercial or intellectual property criteria. The proposals submitted to the World Health Organization were aimed at covering fields ignored by the international community and finding innovative sources of funding to promote research and development in a way that would de-link the price of medicines from the cost of research and development involved in developing them. That was important, for instance, for Chagas' disease and tuberculosis, among other tropical diseases which, due to their nature, had not been attractive for normal research. The Delegation noted that there had been developments in other areas, such as in the field of copyright, where progress had been made on other successful innovative models for the free exchange of knowledge without the monopolistic aspect present in the patent system. By way of example, mention was made of the free software movement, which had been one of the precursors for the use of copyright to foster the free exchange of knowledge. It was important to learn from those experiences and not confine the discussions to the models mentioned in the project. From that point of view, the Delegation suggested that before carrying out an analytical study, and as an initial start, there should be an open-ended meeting at WIPO to exchange experience and criteria on open-ended collaboration.

223. The Delegation of Panama, referring to the innovative and new project for open collaboration, noted that it represented a great challenge to WIPO which, it said, was an institution which, apart from teaching people, also learned from them. The Delegation noted that examples of projects contained in the project document fell into the scientific category, and inquired whether there might be some socio-economic projects which, due to their nature, could be categorized as open collaborative projects and which might fall under the heading of genetic resources and traditional knowledge. It was well known that just because it was traditional did not mean that such knowledge was old, because there were many innovations there as well. The Delegation gave its firm support to the current project, which was very interesting and combined all those elements such as the interactive platform and its digital portal. In addition, the forum received information and shared it, providing feedback as a consequence of through the RSS service, which allowed users to receive a notice directly in their mailboxes and thereby monitor progress and remain up to date on all models. It could become a powerful tool for exchanging information and experience, owing to its function as an intelligent depositary for information received. The Delegation emphasized that the Recommendation corresponded to the country's needs and was an important Recommendation in the Development Agenda that could lead to greater development. The Recommendation also broadened the scope of the general technical assistance program as well by helping to promote and improve national institutions, because it would enable countries to analyze the implications of projects of great interest for them. The Delegation recalled that there was a request to prepare a rigorous study and practical tools with which to evaluate collective innovations, and give support to those adopting public policies in their countries. With reference to previous projects, such projects were helping countries to meet the challenge of keeping up with technological events and economic situations. It was evident that countries were departing from traditional ideas and, as such, the project should be supported because it had much added value, which meant that the knowledge produced would complement other WIPO projects and its parameters could be used to measure the success of those projects. The project would enable an exchange of experience between interested parties and the creation of means to publicize the results. All that would lead to the conclusion that there could be new models of protection such as distinctive signs for prestigious marks going hand in hand with increased knowledge of innovative projects. Those would not be just the usual collective mark, but would reflect developments in the institutions that were working on those open collaborative projects. That would be in addition to the list of useful tools in the case of patents and

interoperability and cross fertilization of intellectual property. Another important element was the transfer of technology in the project, as had been made clear by the examples given of private companies on page 4(b), with references to some publicized practices resulting from the experiences of private enterprises such as InnoCentive, Merck, Gene Index and Natura. The Delegation further noted that the design of the implementation strategy appeared interesting, particularly under 1(c), which provided an atlas of different IP procedures based on various initiatives with their pros and cons. The Delegation expressed its appreciation for the design of such an intelligent project.

224. The Delegation of Brazil, speaking on behalf of the Development Agenda Group, welcomed the project proposal on open collaborative projects and IP-based models to implement Development Agenda Recommendation 36. The Group believed that in a globalized world characterized by interdependence and free flows of ideas, creativity would need innovation and new models of open innovation that went beyond conventional straight-jacketed IP paradigms. Open collaborative projects provided an innovative template in terms of bringing together synergies and innovative solutions by pooling the expertise and ideas of innovators, problem solvers, consumers and other entities all over the world. A meaningful and serious study on open collaborative projects was both necessary and timely at WIPO, and there was great merit and value in undertaking an in-depth study of current practices in that area leading eventually to identification of best practices that could be used profitably not only by WIPO but by research institutions, universities, governments, the private sector, other international organizations, individual innovators and others. In that spirit, the Group welcomed the broad structure of the proposed project and the six stages envisaged for its implementation. At the same time, concern was expressed about certain aspects of the project which should be taken into account. Underpinning those concerns was the fact that it was a completely new area of work for WIPO and an unfamiliar terrain for WIPO's main stakeholders. If a real understanding of that important and complex issue was to be achieved, with an understanding that would lead to tangible inputs to various work programs in WIPO, it would be critical to ensure that the project fostered the broadest possible exchange of experiences on open collaborative projects, including those related to patent pools, free software, creative commons and Wikipedia, for example. Second, the Group stated that the project description did not narrow down the scope of the project through a restrictive *ab initio* definition of what was meant by "open collaborative projects". A very broad definition should be retained. Third, the evaluation study proposed in point 4 of the delivery strategy might be premature and could lead to conclusions that might not be fully sound if not preceded by a comprehensive and in-depth understanding of open collaborative project. If not undertaken with due care, the evaluation and establishment of best practice could narrow down the debate and the learning process regarding the usefulness of such open and collaborative innovation models. For those reasons, the Development Agenda Group suggested a number of revisions to the proposed project. First, the Member States' meeting envisaged in the project should be open-ended and allow participation of various entities familiar with open collaborative projects. That would enable a broad-based discussion on a wide variety of experiences, including those that the Member States and the WIPO Secretariat might not be aware of. In the Development Agenda Group's view, such an inclusive and open-ended exchange of ideas would facilitate a useful exchange of views, experience and lessons learned from various quarters that would be enriching for all concerned and help guide the project in the right direction. Furthermore, the analytical report and taxonomy proposed at the first stage of the project should be based on a well-researched and comprehensive literature review of already existing studies and literature on the subject. While a reference to such a literature survey was made in paragraph 2.3(a) of the delivery strategy, there was no mention of it elsewhere in the document. It was suggested that those important starting points of undertaking a literature review should be included in the project description, and indicated explicitly as one of the initial steps of the project. The analytical taxonomy study should also examine open collaborative models, and find out how the models addressed the issues of IP. It was well known that there were different experiences in that area, and some models included protection by a fee while others did not. Both cases should be included in the study in order to provide a broader perspective of open collaboration. More consideration should also be given to the timeline and the modalities of the proposed in-depth evaluation study and its

outcomes in terms of identifying successful IP models for replication as best practices and ensuring that the study was not premature or rushed. In that context, clarification was sought regarding the manner in which the proposed evaluations should be undertaken. For instance, the Group asked whether the evaluations would be undertaken by the WIPO Secretariat, by individual scholars, external experts, or a panel of experts, and clarification was sought as to how the evaluation would be undertaken. The Development Agenda Group recognized the importance of an interactive Web-based platform in broadening the exchange of experiences. Two suggestions were put forward in that regard: (i) comments should be solicited not only on the project mentioned in the Secretariat's documents but also on all open collaborative projects through the Web portal; and (ii) in view of the reality of the global digital divide and the fact that users continued to have difficulties in accessing such Web-based platforms in many parts of the world, the project should consider including institutions that could facilitate such interactive platforms, for example universities, libraries, and research institutions, especially in developing countries and LDCs. With regard to page two of the annex of document CDIP/6/6, under "Links to Expected Results in the Program and Budget", the Development Agenda Group stated that it was important to include dissemination of technical information as one of the links, since the whole project was centered on the exchange of information and practices. It also noted that the Web forum and Web site served as a platform for the dissemination of such information, which was the central thrust of Development Agenda Recommendation 36 and consequently of the project itself. The project proposal had stated that technology transfer was one of the intended objectives of the project, and that should be reflected in the project objectives. Linkages to Cluster A and the Development Agenda Recommendations 24 to 32 relating to technology transfer should also be clearly indicated. Clarification was sought on the nature and format of the envisaged Member States' consultations, whether they would be formal or informal, how the deliberations would be captured, whether there would be a report to the CDIP, and the proposed timing of the meeting. It was asked whether such consultations would precede the CDIP or at what proposed times. Clarification was sought as to what was envisaged by the reference to the project facilitating the availability of IP tools and online training kits in paragraph 2.2, under project objectives. The Development Agenda Group welcomed the initiative by WIPO and the ten partner institutions in developing a model for research and development networks and IP hubs, and found the cited examples of six West African countries and Colombia to be useful and interesting templates. In that context, the Group sought clarification as to whether the 18 patent applications filed since the start of the program in September 2004 as a result of the project in Colombia were patent applications filed by Colombian nationals or by foreigners. That clarification would help in understanding the impact of the project in terms of fostering domestic innovation. Finally, the Group thanked the Secretariat for the well-prepared project proposal and looked forward to further discussions in the Committee with a view to finalizing the project.

225. The Delegation of the United States of America thanked the Secretariat for preparing the project document and stated that before providing full support for the current proposal, it would seek further clarification as to whether there was sufficient interest from a significant number of prospective users in creating, maintaining and using the interactive platform, and what they hoped to get from the exchange of experience.
226. The Delegation of India aligned itself with the statement made by the Delegation of Brazil as coordinator of the Development Agenda Group, and thanked the Secretariat for the well-drafted project proposal contained in document CDIP/6/6, which it warmly welcomed. In view of the rapidly growing global interdependence at various levels and the reality that today's complex global challenges required synergistic solutions based on a pooling of discrete capacities and skills, through open collaboration platforms, the Delegation believed that the project proposal was not only timely and useful but also necessary. Support was given for the broad structure of the project and the various elements proposed, while it was noted that some suggestions and queries in that regard had been voiced by the Development Agenda Group. The Delegation emphasized the need for an open and inclusive definition of open collaborative projects that allowed a wide coverage of all initiatives in that area. In that context, the Delegation hoped that other collaborative projects such as creative commons model for copyright licensing, open source in the area

of computer software, and initiatives such as online encyclopedias and libraries would also be included in order to allow a more holistic project with creative relevance and usefulness.

227. The Delegation of the United Kingdom welcomed the opportunity to discuss the topic on different types of collaboration and innovations, and supported the idea of WIPO undertaking research in that area. The Delegation thanked the Secretariat for its work on the initial draft proposal and made three suggestions with respect to the proposal: first, the taxonomy, the exchange of information amongst the Member States and experts, and a detailed evaluation study would be a useful contribution to that topic. Support was expressed for the recommendation by the Delegation of Brazil that the starting point for the work should be a comprehensive literature review on the topic. However, the Delegation was less clear as to the fourth point referring to the interactive platform, and asked whether it was a means for sharing information that would form part of the studies or whether it was intended to be a tool for fostering further collaborative research. If it were the latter, the Delegation preferred to see the outcome of the studies before deciding on the appropriate tools. Second, it was emphasized that the project should focus on the relationship between IP policy and open innovation, rather than being a study on open innovation in general. Finally, it was suggested that further work should be done to identify a broader selection of case studies, as had also been noted by some other delegations. Those could include examples from the agriculture sector, examples of product development partnerships from the health and pharmaceutical sector and also open source development in the ICT sector. The Delegation would welcome further discussion on the project.
228. The Secretariat first addressed the questions from the Delegation of Spain. The Member States' meetings would be needed to start a course of action in light of the first findings from the analytical taxonomy study, and the experts involved would be both from the public and private sectors. With respect to the terminology for promoting or organizing meetings with the Member States and the experts, the Secretariat stated that those meetings would be organized by WIPO. As for the interactive platform, the media on which that would be publicized would be on the WIPO Web site, but also on the sites of other stakeholders who would like to publicize the platform. The recommendations resulting from the project would be submitted to the CDIP before final approval. With respect to the questions raised by the Delegation from Bolivia, the example that had been mentioned was very interesting and would be included as an example of the non-IP based model. Another non-IP based model was the Human Genome Project, while the Merck and Gene Index models were based on an open domain model. In the area of tropical diseases and the health sector, the research and development networks and IP collaboration model developed by WIPO provided examples and included collaboration between research institutions where they agreed to common policies and procedures for sharing the cost of IP services. In the health sector in Africa as well as in Colombia, networks helped reduce the cost and optimize resource allocation through economies of scale. For example, a researcher who discovered a treatment for a tropical disease could go to the IP hub to have a patent drafted and could obtain advice on contracts and also advice for commercially exploiting his IP. Such research and development networks shared the results and increased the potential for more common inventions together. Therefore, the Secretariat believed that open-ended Member States' meetings could include examples such as those that had been mentioned by Bolivia and other Member States and WHO. With respect to the question from the Delegation of Panama concerning examples relating to genetic resources and traditional knowledge, the Secretariat stated that there were of course other examples that could be used and the examples that were listed in the project were only for illustration purposes. One example was that of Zambia, where open collaborative innovation had recently occurred when civil engineers and entomologists had collaborated to improve dirt roads in Zambia. The scientists had examined anthills, whose skyscraper structures kept completely dry in the wet season under torrential rains because ants had developed a technology of mixing earth with a mulched vegetable whose blending provided quasi-miraculous waterproofing of the interior of those structures. Those researchers investigating the waterproofing technique developed essentially by the ants had then developed the technology to build dirt roads free of potholes, and that technology had quite a large application in Africa,

especially in rural areas. With respect to the comments from the Delegation of Brazil, the Secretariat believed that the proposal of an open-ended Member States' meeting was a reasonable one, and making the literature review more explicit in the project document was a reasonable idea as well. The project could start with a comprehensive literature review before any steps was undertaken in the analytical taxonomy study. With respect to the other suggestions, the definition of "open collaborative innovation" could indeed be as broad as possible, and could include the suggestions that the Delegation had mentioned. It could also encompass those traditional models such as IP licensing including patents, trademarks, utility models, industrial designs, trade secrets, subcontracting, R&D collaborative contracts and joint ventures. Other options could include newer Internet-enabled trends that fostered customer-driven innovation such as crowd-sourcing, ideas competition, creative commons, and other initiatives such as Wikipedia as well as open source. The Member States' meetings that had been mentioned could be open-ended. The project description and the evaluation study would be as comprehensive and as broad as possible to include all the modalities and to make the project as wide as possible. In terms of the availability of tools and training kits, those capacity-building and training tools to be provided by WIPO would address open innovation and how to use open innovation on a tailored basis for individual stakeholders. With respect to the comments from the Delegation of the United States of America, which had requested further clarification on whether there was sufficient interest from prospective users in creating and maintaining such a platform, the Secretariat noted that at the end of November 2010, there would be an open innovation summit in Kenya, Africa, which would be attended by major Western companies such as Nokia as well as a number of Member States from the developing world which had shown a significant amount of interest. In particular, two examples were highlighted in northern Africa and southern Africa. One was the Desert Tech Consortium, which would propose a concept for the use of solar energy in the Sahara Desert with the potential of providing Continental Europe with 15 per cent of its energy needs. That project had an international network of scientists, experts and politicians from the field of renewable energies, which formed the core of the Desert Tech Network and would rely on technology breakthroughs in solar thermal concentrators as well as HVDC (High Voltage Direct Current Cables) to transport electricity with low attenuation across the Mediterranean Sea. The second example was from South Africa, the SKA project or the Square Kilometer Array project, a 2 billion dollar radio telescope project with a total collecting area of one square kilometer which would provide 50 times more sensitivity compared to other radio instruments. The SKA project would consist of 3,000 telescope dishes spread out over 3,000 kilometers distance across South Africa as well as neighboring countries, thus simulating a giant telescope and providing the highest resolution image of the universe. The SKA project was an example of open collaborative project, involving a global corporation of over 20 countries.

229. The Delegation of Spain thanked the Secretariat for its explanations, commending it on the originality and the clarity of its presentation because the project as submitted was very easy to understand. It was an excellent project, and it was hoped that the innovative way of presenting the project could be employed in presenting other programs.
230. The Delegation of Brazil also thanked the Secretariat for its clarifications and its thorough and well-prepared presentation. It noted that many of the comments and suggestions that it had presented would be taken on board, and was very happy to support the project which it believed was important, especially for developing countries.
231. The Delegation of the United States of America had followed with great interest the project and the many comments that had been made about it, and would prefer to see a revised project document if possible, since so many changes had been proposed. It was hoped that such revision would not delay the approval of the project, but it would request the revision.
232. The Chair noted that there was a wide range of convergence and that the meeting was proceeding towards a very positive result. As indicated by the Delegation of the United States of America, it was suggested that the Secretariat could quickly revise the document and circulate it among the delegates to look at the changes, possibly in the afternoon when the meeting returned to the topic. The Chair then opened discussions on

project document CDIP/6/8 on “Intellectual Property and Brain Drain”, and requested the Secretariat to introduce it.

233. The Secretariat noted that the two documents (CDIP/6/8 and CDIP/6/9) were discussion papers that had been decided on at the last session of the CDIP, and they dealt with two Recommendations under the Development Agenda, namely Recommendation 39 and Recommendation 34 respectively. The Secretariat noted that the two Recommendations concerned the brain drain and the informal economy. There were two main reasons why the Secretariat considered it important to obtain additional feedback from Member States on the substantive direction of the proposal. One reason was that upon reading those Recommendations, reasonable people would come to different conclusions as to the direction that any project would undertake. The second reason, which contained a notable difference with project CDIP/5/7, which had been approved at the Fifth Session of the CDIP and which dealt with IP and socio-economic development, and those two Recommendations, concerned data availability. Each Recommendation requested the conduct of studies, and from the Secretariat’s point of view, it was important to be clear as to the data underpinning any study. As far as both brain drain and IP and the informal economy were concerned, it was important that the approaches be very realistic as to the new empirical insights that could be obtained. The two discussion papers outlined possible substantive directions that a future project might adopt, as well as different types of projects. The Secretariat would listen to suggestions from the Member States as to what they thought should be done in the future. The substantive elements outlined in the two documents were the ones that seemed most obvious to the Secretariat, but there might be other elements that were not included there, and if Member States had their own views on what substantive elements should be included in a possible future project under those recommendations, they would be very much welcomed.
234. The Delegation of Brazil, speaking on behalf of the Development Agenda Group, welcomed the discussion on how to implement Development Agenda Recommendation 39, and recalled that it was in accordance with the first of the three golden rules that provided that each Recommendation be discussed first in order to agree on the activities for implementation. The Recommendation was particularly important for developing countries, which often invested considerable financial resources in developing skilled professionals who ended up migrating in search of a better standard of living in developed countries. Ironically, developing countries often had to pay high royalty rates for accessing the knowledge that was produced by the same professionals who had migrated. Regarding document CDIP/6/8, the Development Agenda Group requested to be presented with the studies and analytical research that supported the very questionable assertion in paragraph 5 that “IP protection may affect the decisions of scientists, engineers, information technology specialists and related professionals about where to exercise their profession with consequences for countries’ innovative capacity and the availability of knowledge, while market size will likely be the main variable affecting these decisions internationally. Difference in the levels of IP protection may well affect migration flows”. The Delegation stated that it could as well be conjectured that inappropriately high standards of IP, like those which many developing countries were compelled to adopt under free trade agreements, could create barriers to access to knowledge, thus inducing scientists and researchers to migrate to developed countries where those barriers did not exist. That could be the case, for instance, in countries which lacked a patent research exemption. Conjecture apart, the Development Agenda Group believed that discussions on brain drain needed to be supported by in-depth, good quality studies and analysis, as dictated by Recommendation 39.
235. The Delegation of Belgium, speaking on behalf of the European Union and its 27 Member States, stated that in deciding on the direction of future work related to IP and brain drain, Committee Members were invited to provide guidance to the Secretariat on the implementation of WIPO Development Agenda Recommendation 39. Under that Recommendation, WIPO had been requested to assist developing countries in cooperation with relevant international organizations by conducting studies on brain drain and by making appropriate recommendations. The EU acknowledged the relevance of brain drain and its consequences for innovative capacity and the availability of knowledge in developing countries. It shared the Secretariat’s view that future work in respect of IP

and brain drain should focus on the migration element and not specifically on the brain drain phenomenon. As regards IP-related aspects of migration, it stressed the importance of close cooperation with other international organizations, in particular the International Labor Organization (ILO) or the International Organization for Migration (IOM) and UNESCO, thereby avoiding any duplication of work which might be taking place within those bodies. Within that context, it recommended that the activities proposed by the Secretariat take place in close cooperation with the above-mentioned organizations. The Delegation also noted that those were initial comments made on behalf of the EU and its Member States and did not preclude any individual comments that Member States might add on that subject.

236. The Delegation of Angola, speaking on behalf of the African Group, stated that the Group attached great importance to the implementation of Recommendation 39 because its Members were the initiators of that Recommendation. The Group took note of what had been proposed in the document on the next CDIP project on IP and Brain Drain, and requested some indication as to the timetable for its implementation. It believed that the scope of the CDIP project was limited and that other activities needed to be incorporated so that the project could reach its objective, which was to enable developing countries to benefit from their national experts living abroad. With reference to paragraph 4 of the document on the measures that some Governments had taken to transform brain drain into brain gain, the Group recommended that WIPO drew up a case study on good practices in that area. Furthermore, it hoped that the project would provide solutions to getting skilled people to settle through 'funds of excellence'. It believed that a link between IP and brain drain could be put on the WIPO Web site, which could be used as a platform from which to consult WIPO's activities in that area and offer a forum for exchange and partnership. In addition, the Group recognized the importance of international cooperation between WIPO and other international organizations, such as IOM, UNESCO and others that dealt with brain drain, and proposed that the project analyze the role that should be played by WIPO in the initiatives undertaken by those other international organizations. The African Group reiterated that international cooperation should be supplemented by regional cooperation, for example between WIPO and Africa, through the African continent's structures and programs such as NEPAD. With regard to the mapping of the migration of scientists, the African Group considered that that would make it possible to clearly identify people from developing countries who had settled in developed countries and would then enable any developing country to receive royalties on any invention patented abroad where the patentee was a developing country national. Furthermore, a right to exploit the patents of the experts established abroad should go back to the developing country from where they came. Finally, concerning the link between paragraph 5 of the document on IP and brain drain which stated that skilled workers preferred to leave their regions where IP was strongly protected, the Delegation said it believed that was rather improbable. It noted that in spite of the standard of protection of IP in European countries, many research workers left their countries every day to go to Europe.
237. The Delegation of China stated that the challenges related to the brain drain in IP were extremely great. A detailed study was very important, particularly for developing countries, and that was why in principle the Delegation supported the project. In the context of the implementation of the project, it hoped that regional representation would be considered so that the needs of developing countries would be fully taken into account.
238. The Delegation of the United States of America stated its appreciation of the discussion paper, which began to outline some of the IP issues relating to the important development challenge of brain drain. Of the three project proposals discussed in the paper, the United States of America was most supportive of the proposal to organize an expert workshop with a view to developing a research agenda on IP migration and brain drain. That could then be the basis for a follow-up CDIP project consisting of research activities and the development of recommendations. In the Delegation's view, that option best fitted WIPO's mandate and Recommendation 39 to "conduct studies on brain drain and make recommendations accordingly". The Delegation also agreed that WIPO should

work with the relevant international organizations in that effort, including as mentioned in the paper ILO, IOM and the World Bank.

239. The Delegation of Canada noted that Recommendation 39 stated that “WIPO will assist Member States by conducting studies on brain drain and make recommendations”, and said it further noted that the third section of the concept paper stated that there was a relationship between IP and the brain drain phenomenon, but that the linkages were poorly understood. The Delegation therefore believed that the studies to be conducted under Recommendation 39 by WIPO should look at the interplay between IP policies and the brain drain phenomenon. Paragraph 11 was a good example of a study that could be conducted, of course working with relevant organizations in preparing those studies. The Delegation further noted that the concept paper included elements such as a seminar and a workshop, and stated that that might be premature at the present stage, given that the concept paper clearly indicated that the linkages were poorly understood. Accordingly, the Delegation believed that the focus for implementing the recommendation should begin with the initial conduct of studies.
240. The Delegation of Algeria aligned itself with the statements made by the Delegations of Angola and Brazil on behalf of the African Group and the Development Agenda Group, respectively. It noted that the statement made in paragraph 5 of the document, according to which the migration of qualified workers towards certain regions of the world was caused by strong protection of IP in those regions, was very hard to verify or substantiate. The Delegation said that that type of migration was mainly due to the socio-economic conditions that held sway in developing countries and their experts often deciding to migrate to wealthier countries in the hope of a better life. The link between brain drain and the IP system was based on the fact that IP was a vector for the transfer of knowledge, expertise and know-how, as well as the skill sets of those people who were expatriated who could make sure that their knowledge could be sent back home. The draft document to be prepared examining the question of IP and brain drain within the framework of the implementation of Recommendation 39 ought to focus on identifying ways and means that would make it possible for developing countries to benefit from the know-how of their experts who lived in industrialized countries. Furthermore, the Delegation had taken note of the various guidelines that were proposed by the Secretariat within the framework of the future CDIP project, and suggested that similar fields of action be explored. It was noted that paragraph 4 of the document underscored: “In addition, governments have instituted various policies to curtail economically harmful brain drain (or, at least, minimize associated losses) and to encourage “brain gain” outcomes”. It was very important to try to reverse that trend of brain drain and transform it into positive outcomes. The WIPO portal on that issue should be part and parcel of the CDIP project, and offered an opportunity to disseminate the work of WIPO in that field, and the exchange of best practices and for positive brain drain outcomes that would try to repatriate the research work of experts who had left their countries. The CDIP project should also look at the ways to keep research scientists in their home countries via the establishment of their start-ups and also the twinning of research institutes. Such a project would require cooperation between WIPO and other international bodies that worked on brain drain, especially IOM and UNESCO. The CDIP project should, inter alia, look into the role that WIPO could play within the framework of the various initiatives of those international organizations. The Delegation noted that Recommendation 39 made reference mainly to Africa, and noted that brain drain had in fact made it necessary for the African continent to pay a heavy price at the socio-economic level. Therefore, a partnership needed to be struck between WIPO and Africa via NEPAD, with the implementation of joint strategies to make better use of the knowledge of African experts, especially in the field of science and technology. The Delegation requested a timeline for the various guidelines proposed by the Secretariat within the framework of the CDIP project, including a seminar for sensitization and awareness-raising, and research projects for WIPO. The Delegation also requested information on the objectives of the migration mapping for the WIPO research project. Finally, support was expressed for the proposals made by the African Group regarding the objectives for such a mapping project.

241. The Delegation of Panama stated its support for the proposed project, which it found very interesting, and welcomed the document on IP and brain drain. On the basis of the initial guidelines and directives, the project should be expanded because of the specific nature of the recommendation. The Delegation noted that it was imperative to involve other specialized entities that worked on those themes, such as ILO, IOM and the World Bank. By way of sharing ideas with the Committee, the Delegation of Panama stated that the National Secretariat for Science and Technology of Panama had developed a program for the repatriation of talents in the area of research and development. The program tried to turn around or reverse brain drain by working to attract back to the country top-notch Panamanian research scientists who had succeeded in foreign countries. That was done by sharing the cost of repatriation with organizations that would receive the research scientists. Finally, it was very important to work on innovative mechanisms in order to try to at least alleviate and reverse the trend towards brain drain for the best scientists from the developing countries.
242. The Chair reiterated that the purpose of the discussions on the project document CDIP/6/8, the discussion paper on IP and brain drain, was to seek guidance from the Committee as to whether the Secretariat could translate that document into a project, and invited delegations to focus on the IP and the brain drain issue.
243. The Delegation of Chile noted that brain drain was a highly relevant issue to developing countries. While recognizing that the phenomenon went beyond purely IP issues, it pointed out that there were a number of factors which influenced it. Accordingly, the Delegation suggested that as an initial step in that area, the Secretariat undertake a study to assess empirically the role of IP in brain drain, since it was dependent on having concrete data to use in deciding how to address that issue in the future. In view of the limited information available and the need to avoid duplication of resources, the Delegation called on the Secretariat to cooperate with other bodies within the UN system to gather the necessary data and undertake such a study.
244. The Delegation of Switzerland thanked the Chair and the Secretariat for producing document CDIP/6/8, which would serve as a useful starting point for looking at potential means of implementing Recommendation 39. That Recommendation called for studies to be carried out and, as paragraph 6 indicated, the link between brain drain and IP was not entirely clear. At that stage, therefore, the Delegation stated that it would be useful to have the recommendation implemented in order to undertake a study to try to find links between IP and brain drain and to better understand any existing connection. On the basis of such a study, the Delegation would then be in a better position to forge an opinion on the objectives and the elements to be included within that project, and would then be able to decide on the launching of further projects such as workshops. It would also be appropriate and useful for WIPO to collaborate with other organizations, as stated in Recommendation 39.
245. The Delegation of Egypt supported the statement made by the Delegation of Angola on behalf of the African Group and the Delegation of Brazil on behalf of the Development Agenda Group, as well as the statement made by the Delegation of Algeria. Restricting its comments to Section 4 of the discussion paper on possible directions for a CDIP project, the Delegation welcomed the three ideas that were presented in the discussion paper. With regard to the first, however, the Delegation noted that raising awareness about the linkages of IP and brain drain and exploring how national and international IP policies could address the problem of brain drain, including through WIPO's technical assistance and research program, was an ideal objective but should be preceded by the generation of sufficient research on the linkages between IP and brain drain. As the discussion paper itself demonstrated, there was a lack of sufficient literature on the issue. Recommendation 39 recognized that and requested WIPO to conduct more studies on the issue of IP and brain drain, which could then be used in an awareness-raising seminar. The second suggestion was arguably a good way to proceed towards the work program, and particularly in implementing Recommendation 39. An expert workshop on the issue should perhaps have incorporated a stocktaking of the existing literature, defining specific problems and identifying topics to be studied further. In that respect, five elements could be included: the first was how IP protection created barriers to the flow of

knowledge necessary to develop skills, and how the IP-induced knowledge famine forced migration for learning higher skills to developed countries, leading to brain drain. Second was how inappropriately high levels of IP protection could have impeded freedom to operate for small research institutions and their personnel, and encouraged them to migrate. Third was whether any benefit-sharing arrangements could be developed to mitigate the effects of brain drain. For example, could a host country which had developed an IP asset using human resources from a developing country be required to share the benefits arising from that IP with the developing country? Fourth, could open-source innovation mitigate brain drain, and how could barriers to open-source innovation arising from IP be addressed? Fifth, how could commercial enterprises be made to improve the technology of their smaller local suppliers and subcontractors in developing countries, and contribute to the general development of technological knowledge? Finally, with regard to the third proposal for an expert workshop, the Delegation stated that patent mapping would not necessarily reflect the true extent to which patents impacted brain drain. For instance, it would not reflect the loss of human capital due to migration for higher education, induced by a lack of access to educational and research materials due to IP barriers in developing countries. The mapping exercise might possibly be a good way forward; however, the Delegation did not consider that too many resources should be devoted to it and suggested that it follow a preliminary development of the studies to enable a better grasp of the issues, which the Committee could then map at a later stage.

246. The Delegation of Norway supported the statement made by the Delegation of Belgium on behalf of the EU Member States, and understood that the Secretariat was seeking some guidance. In finding a direction for further work on Recommendation 39, it was of course essential to cooperate closely with other international organizations that had a great deal of competence on the issue of migration, and to secure activities which focused on IP-related aspects of the topic. Identifying a proper research agenda that would guide studies would be a constructive place to start. The Delegation concluded by supporting the suggestion made by the Delegation of the United States of America, which was described in paragraph 10 of that document.
247. The Delegation of France aligned itself with the statement made by the Delegation of Belgium on behalf of the EU and its 27 Member States, and supported the statement by the Delegation of Switzerland. In that respect, the Delegation argued that WIPO cooperation with other organizations on that issue, or even a study on the link between IP and brain drain, would be very useful, but in the absence of a full understanding of the link between those two issues, it felt that it would be premature to approve a broad-ranging program on the subject. It was for WIPO, as a specialized technical organization, to take the lead on development issues considered to be cross-cutting rather than as an end in themselves. Until proof to the contrary could be found, there would be no clear-cut relationship between brain drain and the mandate of WIPO.
248. The Delegation of Nigeria endorsed the statement made by the Delegation of Angola on behalf of the African Group, and reiterated that one way forward was for WIPO to collaborate with other sister UN agencies on that issue because other agencies might have carried out certain studies providing solutions to the issues at hand.
249. The Delegation of India emphasized that it was a potential area of work for the Committee, and added that the paper outlined the background to the interconnection that might exist between brain drain and IP. The Delegation referred to empirical studies that had been conducted establishing a relation and identifying several countries, including China and India, in paragraph 6, where reference was made not to brain drain but to brain gain, which was a matter of opinion. In that respect, the Delegation expressed its interest in pursuing a study on the topic to see in depth to what extent migrants did indeed contribute to innovation in foreign countries, thereby learning more about the interconnection between the issue of brain drain and IP. For all those reasons, the Delegation argued that WIPO was indeed the right forum to undertake the future work, as stated in paragraph 10 of the proposal.

250. The Secretariat thanked the Members for their rich and informative comments, noting that it would be difficult to reconcile all the different comments that had been made, which did not necessarily always coincide. In that respect, it would be important to emphasize the fact that, following discussions over the last decades, it had been generally accepted that brain drain challenges were important aspects of development challenges. A large number of academic studies existed on that issue, as well as studies done by international organizations such as ILO, UNDP and the World Bank. The purpose of the research to be carried out was to focus on the core expertise of the Organization, IP aspects, and in that regard it was possible to treat the topic as new territory because few people had thought rigorously about the relationship between IP and brain drain. Viewed from that angle, it seemed important to study the topic further. The next point was that there was a consensus on three things: one was that awareness-raising - mentioned on the discussion paper - would probably be premature insofar as at that stage, one could probably only raise awareness to the fact that there might be a linkage but there was not sufficient evidence to go beyond that. On the other hand, holding an expert workshop that would bring together the different organizations that had already worked on that topic seemed to be recognized by a number of delegations as being useful; subsequently, the question was determining whether that should be accompanied, preceded or followed by the study itself. Some delegations had mentioned that they would have first liked to see an expert workshop that set the research agenda which would then be followed by a study, whereas others had suggested first conducting a study then holding an expert workshop. The major challenge in order to better understand that linkage would be to gather credible data that could shed light on the issue. In that regard, preliminary investigations had been carried out, and it had been concluded that it was possible to develop a mapping. That was the third point described in the discussion paper, to establish who the inventors with a migrant background were, essentially by exploiting the information on nationality and residence found in patent documents. However, the information in the patent document itself was incomplete, so one would first need to be aware that even among inventors, that patent information would not be complete. As stated by the Delegation of Egypt, some relationships concerning brain drain essentially could not be mapped even if one had the perfect patent data. On the other hand, simple mapping was not that resource-intensive because it involved working with data that largely existed. Once such mapping had been done, the logical next step would be essentially to do an inventor survey. Such inventor surveys had already been carried out by various countries and organizations, and had in most cases revealed the contact details of the inventors who had submitted, or were responsible for a patent, hence allowing the exploitation of that information to essentially ask what had led them to migrate as well as a number of the policy questions that had been raised by Members. The question should be whether to begin with a mapping then hold an expert workshop guided by the experts involved in the other relevant organizations about the kind of questions asked in a similar survey, and subsequently implement it and even possibly have the projects adapted accordingly. Alternately, the idea could be to have a project primarily consisting of an expert workshop that would develop a research agenda which could then be brought back to Member States to decide on any future work that would need to be done. In conclusion, in relation to the issue of timing, the logical next step would be to prepare a project to present at the next CDIP session for the approval of Member States.
251. The Delegation of India thanked the Chair and Secretariat for their insightful comments and noted that the Secretariat had captured the salient points made by Member States. Support was expressed for the Secretariat's suggestion, to begin with a mapping exercise which was not resource-intensive and hold an expert workshop. The Delegation further supported the Secretariat's suggestion that perhaps the experts' workshop should outline areas for further research, since neither of those initiatives was too extensive in terms of resources or scope of activities. The Delegation argued that it was important for Member States to understand the intersection between IP migration and brain drain, and such a proposed plan of action would contribute to greater understanding of that complex intersection and establish a productive basis for moving forward.
252. The Secretariat thanked the Chair and noted that the comments by the Delegation of India precisely summarized the direction needed. The Secretariat would prepare a

project for the next CDIP which would consist of two components: one would be a mapping study which would use in-house resources and would not be very resource-intensive and, secondly, the Secretariat would organize a workshop bringing together international organizations working in the field of brain drain as well as academic experts that would aim to set a research agenda, specifically focusing on the linkage on IP and brain drain rather than brain drain questions more generally. That research agenda, together with the mapping exercise, would be the core output of the project, which would then guide the Secretariat on any further study work that the Membership would like to see conducted.

253. The Chair concluded that the Secretariat would translate the broad range of comments made by the delegations during those discussions into a project, for consideration at the next CDIP session. The Chair then invited the Secretariat to present document CDIP/6/9, the discussion paper on IP and the informal economy.
254. The Secretariat then introduced the discussion paper on IP and Informal Economy, recalling that initially, there had been two primary challenges; one concerned Recommendation 34, which dealt with the informal economy. Second, tremendous data challenges were faced, even more in that area than in the field of IP and brain drain, because by its nature the informal economy was not reflected in official statistical records and therefore left no statistical trace. As a result it was extremely challenging to bring new empirical insights to the topic. The discussion paper indicated two possible substantive directions; first was the recognition that firms in the informal economy behaved similarly to firms in the formal economy, which invested in similar intangibles to obtain good performances. The point was to ask the controversial question, as to how the performance of the firms in the informal sector would have differed had they accessed the formal IP system, and further, whether that would have translated into job creation. The second point raised was the recognition that activities in the area of counterfeiting and piracy often took place in the informal economy and did generate employment in the informal economy; at least anecdotally, there was evidence that stronger enforcement of IP rights might often have led to the displacement of jobs in the informal sector. It was possible that a more constructive approach would have assisted policy-makers in realizing that in order to have sustainable strategies towards counterfeiting and piracy, they needed to recognize that they had to go hand and hand with job opportunities for people who would otherwise lose their jobs. A better understanding of the kind of jobs that might be affected by enforcement activities in the area of IP was of prime importance, and Member States were encouraged to contribute ideas to those issues.
255. The Delegation of Brazil, speaking on behalf of the Development Agenda Group with a view to contributing to the implementation of the Recommendation on a possible CDIP project, commented on paragraph 10 of the discussion paper. It expressed concern in relation to the first question proposed by the document, noting that there was substantial direction for future work on Recommendation 34, which should have focused on informal intangible assets and access of informal firms to the IP system. Such an approach would have created a closer link to Recommendation 34. A number of additional questions should also have been answered by that study, including, first, how innovation occurred in the informal economy, and second, whether the assets were protected by models other than traditional IP rights. That study could also analyze whether registration and maintenance costs might have constrained those individuals from using the IP systems. In that respect, the second question raised by that document could have been a first phase. The Delegation added that it could serve as a basis for deliberation on activities that might be undertaken under Recommendation 34, and other studies could follow as a second phase.
256. The Delegation of Belgium, speaking on behalf of the European Union (EU) and its 27 Member States, recalled that the purpose of the meeting was to provide guidance to the Secretariat on the implementation of WIPO Development Agenda Recommendation 34. Under that Recommendation, a study was foreseen on constraints to IP protection in the informal economy, including the tangible costs and benefits of IP protection, particularly in relation to generating employment and assisting members in creating substantial national programs. Appreciation was expressed for the Secretariat's efforts to tackle the

extremely complex IP-related aspects of the informal economy. Nevertheless, the Delegation was aware of significant challenges such as the absence of credible and meaningful data on illicit activities and the identification of the role of IP within the informal economy. With respect to the focus of the planned study under Recommendation 34, a mere collection of case studies and anecdotal evidence could not serve as a substitute for a fully fledged investigation. Instead, a detailed inventory and analysis of successful enforcement operations carried out in the past five years could be undertaken to develop useful enforcement indicators, for example on techniques and approaches used to prevent and disrupt trafficking. Members might wish to provide the Secretariat with relevant input in that context. In order to avoid duplicating work, the study could be carried out within the Advisory Committee on Enforcement. With respect to the implications of IP protection on employment or informal intangible assets in the informal economy, it was underlined that those issues were only two of many segments connected to the problem. Other IP-related issues included risks to public health, food security, migration and losses to formal economies; moreover, damage to the innovative capacities of countries could also be listed among other linkages between IP and the informal economy. Even if reliable data were used as a basis, it would be an enormous task to elevate and address the issue of IP protection in relation to the informal economy in a meaningful manner. In that respect, the Delegation suggested postponing discussions on the substantive direction of future work on Recommendation 34 until the analysis and inventory of accessible enforcement cases were available. The outcomes of such analysis could serve as valuable reference material for Members' further deliberation in relation to future steps. The Delegation took that opportunity to inform Members about recent EU activities in the field of IP enforcement and the fight against counterfeiting and piracy. On April 2, 2009, the EU Observatory on Counterfeiting and Piracy had been established. That body served as a platform for Member States' authorities and private sector representatives to join forces with a view to exchanging experience and information and sharing best practices on enforcement. The Observatory would also function as a central resource for monitoring and reporting crucial information that would improve knowledge about the phenomenon of counterfeiting and piracy and would allow Member States to better target their enforcement resources. In December 2010, the European Commission commenced a contract for a comprehensive study that would define a methodology to qualify the scope, skill and impact of counterfeiting and piracy affecting European economies within the EU internal market. That contract was the first stage in a continuous effort to assess the problem and to develop evidence-based policies in the area of IP rights. The Delegation concluded by highlighting the importance of avoiding duplication of work with other WIPO bodies, in particular with the Advisory Committee on Enforcement or other international organizations, including relevant United Nations bodies such as ILO.

257. The Delegation of France endorsed the statement made by the Delegation of Belgium on behalf of the European Union and its 27 Member States, noting that the document as worded set out the subject in a complex way and only spoke to that part of Recommendation 34 that was concerned with studying obstacles to IP and the informal economy, including the tangible costs and benefits of IP protection. The Delegation suggested tackling the subject matter from the standpoint of the use of IP as a tool for developing employment and as forming part of the process of innovation. It further suggested that the Secretariat identify in several countries sectors with potential such as the agro-food sector, cinema or music sectors, where there could be experiments on better use of IP to develop those sectors.
258. The Delegation of India supported the statement made by the Delegation of Brazil on behalf of the Development Agenda Group. The implementation of Recommendation 34 required two essential components. The first component was a study by WIPO on constraints to IP protection and the informal economy, which included the tangible costs and benefits of IP protection, in particular in relation to the generation of employment. An additional dimension - the second component - should focus on the importance of establishing appropriate levels of IP protection at the national level to promote the development of local productive activity, including in the informal sector, which could eventually become integrated into the formal sector. The suggestion was presented in the context of viewing the informal sector in developing countries as on a scale and

promoting its incorporation into the formal sector, while continuing to allow economic activity in the informal sector as a crucial policy to ensure the livelihood of the poor in many developing countries. Perhaps a relevant IP question to be addressed in the work of WIPO would be how to ensure that the levels of IP protection that were afforded at the national level did not impede the creation of local innovation and imitation in the domestic economy. The Delegation noted that empirical work was required, and it was necessary to begin with the design of analytical methodology for the study of the issues that would also help to shed light on the clearly under-researched issue of counterfeiting and piracy.

259. The Delegation of Venezuela expressed the view that the informal economy was an isolated theme rather than a cause. It stated that it would be a good idea when starting to discuss that issue to avoid getting into statistics and studies of that kind but instead to assess the disproportionate profits on goods protected by IP and whether that lack of proportion was comparable to the cost of the product and why that situation arose in the poorest developing countries. To that end, a small sample could be taken in any countries in Latin America, Africa or Asia, analyzing the Gross Domestic Product (GDP) of those countries, the wage level and the cost of the product in those countries and how much the product sold for. Furthermore, it might be interesting to examine the connection between GDP and any product that might be counterfeited, and to examine how the formal sector and many of those protected products might have affected that informal economy product by using another channel to put it on the market. In conclusion, the Delegation stated that it would have been interesting to have that study carried out because from a theoretical perspective within developing countries it was not a matter of opinion but rather an economic factor which drove persons to buy pirated goods.
260. The Delegation of Brazil stated that a focus on counterfeiting and piracy would not reflect Recommendation 34, because the informal economy should not be confused with IPR violation. It was determined to be a much more complex structure that was produced by a combination of several socio-economic variables. In that respect, counterfeiting and piracy should be addressed at the Advisory Committee on Enforcement (ACE) in order to avoid duplicating efforts, and that Committee had adopted a comprehensive work program in its last session such that analysis regarding the informal economy and IPR violation was rightly covered by that work program.
261. The Secretariat stated that the discussions reflected the difficulty and complexity of the topic, and several new and interesting dimensions had been introduced. The Delegation of Brazil and the distinguished Representative from the EU had raised a concern about the link between counterfeiting and piracy and the informal economy. It was for Member States to decide as to whether the CDIP or the ACE would be the right forum. In that respect, there was a need to reflect on how to proceed and further consultation was required to determine whether the CDIP should go ahead with a project proposal on the issue.
262. The Delegation of India noted that the discussion was not essentially linked with enforcement, and if Members wished to discuss enforcement then the correct forum would be the ACE.
263. The Delegation of the United States of America noted that the issue of the informal economy and IP was a complex and important area of study. The Delegation was in favor of the Secretariat taking on the collection of case studies and anecdotal evidence in lieu of original survey work if that collection was done using a rigorous and balanced methodology attempting to look at all of the issues involved. Additionally, WIPO could refer to studies commissioned in the past by WIPO which, among other things, sought to identify some of the constraints faced by small and medium-sized enterprises (SMEs) in using the IP system. Many of the conclusions in those studies could also be considered valid for companies in the informal sector, as had been noted in one of the early CDIP documents, CDIP/1/3 Annex 5. With regard to the implementation of Recommendation 34, that early document stated that the study could analyze the types of constraints to IP protection in the informal economy and that such a study could partly rely on studies commissioned in the past by WIPO which, *inter alia*, sought to identify some of the constraints faced by SMEs in using the IP system, and noted that many of the

conclusions could also be considered valid for companies in the informal sector of the economy. The Delegation suggested that the CDIP project should include a look at both informal and tangible assets, and the lack of access of informal firms to the IP system as well as the effect on unemployment of counterfeiting and piracy. Both were critical questions in a discussion on IP in the informal economy.

264. The Secretariat stated that the issue was determining how to proceed on the recommendation in question, noting that the Committee's discussions had established that more elements were needed, such as a broad outline to go into project document along which something could be developed. To date, internal consultation had suggested that clear guidance on the matter was needed, and whereas divergent views had been expressed in many areas, they could not be put together to construct a project document. The Secretariat requested the Committee's guidance, in writing, to suggest how to proceed on that recommendation, and as to whether the same document should be considered in the next CDIP.
265. The Delegation of France suggested that, in light of the Secretariat's view that too divergent views had been expressed on the project document, it could be revised to include a broader perspective that would cover the various views. The Delegation concluded that moving directly to the project stage would provide a better idea of the document to be discussed.
266. The Delegation of Egypt suggested that Member States could have included the discussion in their informal consultations, because it welcomed the process of establishing issues for the Committee to consider; nevertheless, it was also conscious of the need to move to a quicker and more pragmatic implementation of those important Development Agenda recommendations. In that respect, the Delegation added that to delay the process by another six months and to produce yet another revised concept paper might not be the most effective use of the Members' time, and proposed that interested delegations consult on the issue. Ideally, the Delegation would have supported the development of a project document that could also have been the subject of discussions in the next session. However, presenting another informal or discussion paper was perhaps slowing down efforts to implement that Recommendation.
267. The Chair stated that it would be best to review the paper on IP and the informal economy at the next CDIP session.
268. The Delegation of France, speaking on behalf of Group B, considered that turning the informal economy document into a project document would be premature. It further stated that Group B would prefer that a revised paper be produced by the Secretariat for the next session of the CDIP. The Delegation did not see any point in engaging in informal consultations on the matter.
269. The Chair announced that the revised text of document CDIP/6/6 Rev. had been distributed and that the Secretariat was working on a revised version of document CDIP/6/4 regarding the project on IP and technology transfer to be circulated among all regional coordinators by that evening. The Chair recalled that there had been informal interactions in that regard to explore the possibility of arriving at a consolidated version of the project document based on the comments received on the document. The Chair suggested convening an informal consultation the following morning to discuss the consolidated revised version with a view to identifying grounds for convergence and if possible arriving at an agreement on the project document. The Chair then invited the Secretariat to introduce document CDIP/6/10, on a future work program on flexibilities in the IP system.
270. The Secretariat presented document CDIP/6/10 to the Committee and recalled that at its Fifth Session, the Committee had requested the Secretariat to prepare a work plan on the area of flexibilities. The Secretariat would submit to the CDIP a proposed program of work on flexibilities in other areas, avoiding duplication of work with other WIPO committees. The Secretariat would also revise the preliminary document's contents to reflect the comments from Member States and include new flexibilities. Accordingly,

document CDIP/6/10 provided the basis for discussions for a future work plan in the area of flexibilities. The document was in three parts. Part A dealt with flexibilities in the area of patents and referred to the revised document CDIP/5/4 Rev., describing the additional areas of patent-related flexibilities in IP. Part B presented a stock-taking of existing WIPO activities relating to flexibilities in the international IP system, and invited the Committee to begin by considering work on flexibilities which might be included in a future work program, and second, where any such work should take place within WIPO to make best use of available resources and avoid duplication of work. Finally, Part C presented a proposed strategy for WIPO technical assistance in the area of flexibilities.

271. The Delegation of Japan expressed its appreciation for the hard work on that issue conducted in the light of Recommendation 14 by the Secretariat. As the Delegation had stated at the previous session, Japan believed that WIPO should provide practical and concrete advice on the understanding and the use of flexibilities contained in the TRIPS Agreement so that developing countries and LDCs would be able to implement them easily in appropriate cases. From that standpoint, the Delegation stated that the compilation of relevant provisions of domestic laws of Member States would be a good means of providing advice to developing countries and LDCs that was also suitable for WIPO's neutral role, rather than execution of general and conceptual analysis in academic papers on the subject. Furthermore, flexibilities contained in the TRIPS Agreement should not be primarily recommended measures for each Member State, but rather alternatives which could be adopted upon the judgment of each Member State where appropriate. The Delegation of Japan remained concerned from the aforementioned viewpoint that the conceptual analysis introduced in working document CDIP/5/4 Rev. should lead Member States to misinterpret the fact that there were various interpretations on flexibilities contained in the TRIPS Agreement, and appear as though WIPO were supporting and recommending specific ones. The Delegation took note of the five patent-related flexibilities mentioned in working document CDIP/6/10, page 2, and the plan of developing Web pages on the WIPO Web site dedicated to flexibilities in the IP system whose databases would contain surveys of national legislation and experiences related to flexibility in the IP system. The Delegation of Japan expressed the same concern in relation to the five patent-related flexibilities, and suggested that WIPO avoid expanding unnecessarily the scope of the TRIPS flexibilities, which were not explicitly provided in the TRIPS Agreement to be within the scope of the flexibility simply because no provision referred to those items.
272. The Delegation of Belgium, speaking on behalf of the European Union and its 27 Member States, reiterated the view that the use of various options would be an important exercise for countries where the implementation of the TRIPS Agreement was still in progress. By doing so, the EU supported discussions at the regional level as a useful tool for examining how flexibilities worked in practice. The exchange of experience in the use of flexibilities could assist countries when they faced their own policy choices. Concerning a future work program on IP flexibilities in the area of patents, the Delegation took note of the revised document but stated that it could not support inclusion of the *ex officio* IP office control of contractual anti-competitive clauses within future work because it was not for the IP offices to deal with anti-competitive issues, as those were not matters related to the examination of patent applications. The Delegation requested clarification of transitional periods and the compatibility of substances existing in nature. With respect to a proposed strategy for WIPO's technical assistance in the area of flexibilities, incorporating information on IP flexibilities into the WIPO technical assistance program could be included. The Delegation added that the development of Web pages on the WIPO Web site dedicated to flexibilities in the IP system and ensuring awareness of the strategy on the use of flexibilities in IP across the relevant sectors of the WIPO Secretariat would probably be favorable. It also suggested that in order to maximize the resources and efficiency of the Organization, any duplication in the work of various WIPO bodies should be avoided, and that full consideration should be given to the objectives of each WIPO committee or working group before a particular subject was selected for future work.
273. The Delegation of Uruguay stated that the final outcomes of the Committee would be based on equity and balance, with proper inclusion of the Development Agenda and the

development intervention in all activities of the Organization through the 45 approved activities. The Delegation attached a great deal of importance to the Development Agenda and endorsed the statements made by the Delegation of Mexico on behalf of GRULAC and the Delegation of Brazil on behalf of the Development Agenda Group, which had been made at the Committee's session. The Delegation attached a great deal of importance to all of the issues discussed, particularly those related to access to knowledge in the public domain, technological transfer, national capacity-building and the use of TRIPS flexibilities, which were particularly noteworthy issues with respect to public policy-making at State level. In that regard, the work program relating to flexibilities on the basis of Recommendation 14 was of great importance when looking at the way in which such flexibilities could be used for health care, access to drugs and food supply. The Delegation noted some of the changes that have been made in CDIP/6/10, and pointed out that Utility Models in particular could be of use at local level in terms of assisting small and medium-sized enterprises, and had been used in Uruguay for more than 60 years. In addition, on the basis of Recommendation 14 and the use of flexibilities under TRIPS, it was considered that utility models were fully dealt with under existing provisions and therefore did not need further elaboration.

274. The Delegation of the United States of America expressed its appreciation to the Secretariat for its preparation of a proposed work program on flexibilities, and noted that the Annex, which took stock of the many activities and studies already undertaken by WIPO related to flexibilities, was particularly useful. With respect to element A of the proposed work program, work in the area of patents, the Delegation noted the fact that work on five additional patent-related flexibilities had significantly advanced and that such a revised study might be submitted to the Seventh Session of the CDIP. The Delegation was not familiar with the phrase “*ex officio* IP office control of contractual anti-competitive clauses”, which was an additional area earmarked for study. If that phrase referred to patent, copyright, or trademark authorities determining whether specific licensing terms were anti-competitive, then such action should be discouraged. Competition analysis should be carried out by competition authorities with anti-trust experience, not by IP authorities who lacked such experience. With respect to element B, the stock-taking component, the Delegation agreed with Member States' suggestions at the last meeting that other areas of IP under TRIPS, including enforcement, could be addressed, but it was imperative for the Committee to make use of the substantial work that had already been carried out by other committees in order to avoid duplication. In the area of copyright, the CDIP should defer to the work of the SCCR and not undertake separate studies, or parts of studies, on copyright-related rights flexibilities. There was no need for duplication of effort in that area when the SCCR was actively considering exceptions and limitations, and many other CDIP projects could use the Committee's attention and resources. However, support was given for including links to SCCR studies on a WIPO Web page collecting material on Member States' copyright laws, addressing exceptions and limitations, or a database organizing such information. In the area of trademarks, the Delegation sought clarification as to which flexibilities within the trademark system would be studied, and in the area of enforcement, more specific suggestions were sought as to how to include that element within the work program. With respect to element C, the Delegation supported incorporating information on IP flexibilities into WIPO's technical assistance programs, provided it was understood that development considerations formed only one part of WIPO's technical assistance, as was made clear in Recommendation 1, which noted that WIPO's technical assistance shall be *inter alia*, development-oriented, and with a further condition that all technical assistance activities be demand-driven, or requested by Member States. Support was also given to the development of Web pages dedicated to flexibility in the IP system under subparagraph (b) of item C. With respect to the proposal in element b(1) [under item C], to post a road map to the work of WIPO on flexibilities in the substantive sectors and Committees on a WIPO Web page, it was noted that the proposal might be useful, but further information was sought. With respect to element (b)(2), the development of a database organizing national law provisions, and experiences dealing with flexibilities, it was noted that the proposal appeared to be a constructive suggestion, but the Delegation would not favor additional surveys at that time, given the wealth of information already available to Member States. The Delegation also supported links to literature and resources on

flexibilities produced by the Secretariat and WIPO-commissioned experts, as well as links to resources produced by other relevant international organizations.

275. The Delegation of Brazil, speaking on behalf of the Development Agenda Group, welcomed document CDIP/6/10 and noted that flexibilities were important for guaranteeing a balanced IP system. Accordingly, the proposal could improve how WIPO dealt with the matter. Some suggestions were made to the work program proposal. First, it was suggested that the work program could usefully include case studies on successful national experiences on utilizing flexibilities to achieve broader public policy objectives, such as innovation, public health, food security, science and technological development, education, access to knowledge and access to culture. Those studies should focus not only on how Member States were implementing flexibilities in their national laws, but also on how they were using those provisions to meet the above-mentioned public policy objectives. The survey of national legislative experiences related to flexibilities in the IP system contained in item C could be a basis for gathering the information on the case studies, as suggested. Those studies should also be submitted to the CDIP for comments before publication, and comments provided by Member States could be included as an annex to the study. Second, the Web site dedicated to flexibilities suggested in item C should include an element similar to that developed in the IP Advantage Web site, where stories on the use of IP were presented. The case studies and successful examples suggested above could be included in the new Web site. Third, as previously suggested with respect to the case studies, the survey proposed in item C should focus not only on how Member States were implementing flexibilities in their national laws, but also on how they were using those provisions to meet broader public policy objectives. Such an exchange of practical experiences on how to use flexibilities would be very useful to Member States. Furthermore, the survey should be submitted to the CDIP for approval. Given that the survey would require the collaboration of different bodies of Member States, it should first be sent to the missions based in Geneva, which would be responsible for forwarding the survey to the competent parties in their capital so as to facilitate coordination with those competent bodies. Finally, WIPO should also organize an interregional level seminar that could take place in Geneva to provide an opportunity for a broader exchange of experiences among Member States, private sector and civil society. Member States should guide the content of all such meetings, and key information concerning the seminars should also be provided to CDIP, including the list of participants, documents and presentations distributed, outcomes and impacts.
276. The Delegation of Egypt endorsed the statement made by the Delegation of Brazil on behalf of the Development Agenda Group. The Fifth Session of the CDIP had discussed the report prepared by the Secretariat on patent-related flexibilities in the multilateral legal framework. The Committee took note of the report as a preliminary document, and it was decided that the Secretariat would revise the report to reflect the comments made by the Member States and include new flexibilities. The Secretariat was also requested to submit to the CDIP a proposed work program. The current program, document CDIP/6/10, addressed Recommendations 13, 14, 17, 22 and 25 of the Development Agenda, and in that regard it was divided into three elements of a possible future work program. For the element on the work on patents, it was noted that while document CDIP/6/10 stated that the report on patent flexibilities in document CDIP/5/4 Rev. had been revised by taking into account the comments of Member States made at the Fifth Session of the CDIP, they did not seem to have been reflected in the revised report. A comparison of document CDIP/5/4 with the revised report showed minor modifications that did not adequately reflect the comments made by Member States on document CDIP/5/4 at the Fifth Session of the CDIP. For instance, developing countries had stressed that the study should not limit itself to a factual reaffirmation of the available flexibilities but rather examine the difficulties countries faced in making full use of the flexibilities to promote their development priorities and needs. It had also been stated at the Fifth Session that the study should look at flexibilities from the perspective of public health, food security and agriculture. The Delegation asked the Secretariat to ensure that document CDIP/5/4 Rev. was further revised to adequately reflect the substantive comments made by the Member States on the reports, particularly on issues concerning practical implementation and full use of the flexibilities in critical development areas such as public health, food security and agriculture. The Delegation also asked the Secretariat

to submit a detailed report at the Seventh Session of the CDIP on the work done on other flexibilities, particularly transitional periods, patentability of substances existing in nature, disclosure-related flexibilities, *ex officio* IP office control of contractual anti-competitive clauses and examination systems. With regard to the second element on a stock-taking of WIPO activities on flexibilities, the annex to document CDIP/6/10 provided a general description of the activities undertaken by WIPO, the nature of outputs, and a general description of the impact of the activity. It did not, however, give any detailed analysis of how flexibilities had been addressed in the undertaking of such activities. As an example, the annex showed that WIPO had provided written comments to countries in different regions on patents, utility models, integrated circuits and undisclosed information, and that the comments had been used as inputs by the authorities in those countries in considering the revision or implementation of the legal framework. Moreover, information on how flexibilities had been addressed in seminars and workshops organized by WIPO did not reveal the outputs of those programs, such as presentations. It was regretted that such information did not enable any stock-taking of the extent to which the activities address the use of flexibilities, and the practical aspects of implementing them, while taking account of the needs and priorities and different levels of development of the countries. Without any knowledge of that crucial aspect, it was not possible to develop a work program on flexibilities because it did not shed light on areas where improvement was required. While the annex provided information on the studies conducted in other committees, such as the SCP, that information should not be considered as the view of those bodies. With the adoption of the coordination mechanism, the Standing Committees were required to report on the implementation of the Development Agenda in their work. The information given by the Secretariat should not be seen as a report of the Committee. One important issue that could arise in that regard was that of overlap with other committees, such as the SCP. It was emphasized that the studies being conducted in the SCP were of a factual nature, while the study on patents and other flexibilities in the CDIP was for the purposes of enabling developing countries to effectively make use of flexibilities in practice, and should therefore examine the problems faced by them in implementing flexibilities. While the studies in the SCP were intended to formulate a work program for the SCP, the studies in the CDIP should be meant to inform the technical assistance, capacity-building and standard-setting activities of WIPO. In that sense, the work in the CDIP would complement the work in the SCP and other committees. With regard to the third element, on technical assistance in the use of flexibilities, the proposed strategy on WIPO's technical assistance in the area of flexibilities was commendable. Flexibilities should be incorporated into not only technical assistance activities, but also WIPO's legislative assistance toolkit, its advisories on national IP strategy and its capacity-building activities. A key issue in the work of incorporating flexibilities into the technical assistance program would be ensuring transparency so that adequate focus on flexibilities was ensured. While the concept of a database was useful, WIPO should also make its training materials, presentations and workshops available through the database. A thorough analysis of how flexibilities could be better used in different contexts by developing countries and LDCs should also be used to formulate a manual for WIPO's technical assistance and capacity-building activities.

277. The Secretariat thanked all delegations who had provided such valuable and in-depth comments, demonstrating the great deal of consideration given to the issue of flexibilities, as put forward in the proposed work program contained in document CDIP/6/10. With respect to part A, which addressed future work in the patent area, clear and specific feedback had been received on areas where there was agreement for the Secretariat to proceed and where further clarification was required. Part B of the document described existing work at WIPO in flexibilities in all areas, asking where future work could be undertaken by the Secretariat and where any such work should take place within WIPO. In that respect, the Secretariat had received indications from various delegations of their understanding of the role of the CDIP *vis-à-vis* other WIPO committees. However, the Secretariat had not received clear indications of where new work could be undertaken in future in the areas beyond patents, in the fields of copyright, trademarks and enforcement, and further guidance would be required by the Secretariat if it had to develop an agreed work program that responded to Member States' needs. Finally, part C of the document proposed a strategy for technical assistance and WIPO activities in the area of flexibilities, and the Secretariat was grateful to have received clear guidance

on areas of common ground and agreement that would enable the Secretariat to proceed in that area.

278. The Delegation of Chile thanked the Chair and the Secretariat for document CDIP/6/10, stating that it was indisputable that flexibilities were part of the IP system as understood in many multilateral agreements administered by WIPO, including the Berne and Paris Conventions and even the TRIPS Agreement of the WTO, as well as different bilateral regional agreements, which included IP elements. In that context, the Delegation of Chile expressed its support for the document, and added a number of considerations. With respect to part A, on work in the area of patents, support was given for the inclusion of new flexibilities which could be submitted for the information of the CDIP. Part A(d), on *ex officio* IP Office control of contractual anticompetitive clauses, was considered to be highly relevant. However, further clarification was required on the point proposed under that project. With respect to part C, on technical assistance in the use of flexibilities, the comparative studies of legislation, and analysis of national experiences would be highly useful. Chile had promoted the carrying-out of studies within WIPO in the SCCR as well as in other international fora, such as the Economic Cooperation Forum of Asia-Pacific. However such new studies within WIPO should be carried out in areas that were still undeveloped, to avoid duplication of work in that field. Finally, the Delegation supported having links within the WIPO Web site to bibliographies, and resources on flexibilities, with links to other Web sites of relevant international organizations such as WTO, FAO, WHO and UNCTAD.
279. The Delegation of Panama reiterated what it had said at the previous Committee sessions with regard to the importance to developing in a legal instrument which a country could implement in accordance with its development plans and so as to fulfill its international commitments. The topic was of great value for developing national capacities, and for that reason, a sub-regional event would be held in Panama in December 2010 on IP laws and the impact of the TCE, which would bring together the directors of the IP institutes of Central America, Panama, and the Dominican Republic and provide an opportunity to discuss the topic of flexibilities.
280. The Secretariat thanked the Chair and all delegations for their contributions concerning both document CDIP/5/4 Rev. and future work on the issue of flexibilities. A number of comments had addressed document CDIP/5/4 Rev. and it was noted that the revised document reflected the comments made at the Committee's previous session. Those comments were of various types, with some relating to wording and mistakes, such as the comment made by the Delegation of Brazil in regard to footnote 24, and such changes were reflected in the revised document. All comments related to changes to the wording of the document had been implemented, as for example in paragraph 32, where new language had been introduced to reflect a different approach to the issue under consideration. In other cases, changes had been made to correct factual mistakes, such as the details of a legal provision that did not correspond with the article of the law, as requested by the Delegation of Canada. Further, the Delegation of Canada had requested the inclusion of other provisions of the law in document CDIP/5/4 Rev., which reflected all of the changes that had been requested at the previous session. While consideration had been given to other comments made during the previous session, particularly with respect to the constraints faced by developing countries in the effective implementation of flexibilities, many delegations had considered that the best way to approach that issue was through regional meetings in which delegates would be able to share experiences about those constraints and solutions that had been found in order to effectively implement flexibilities and also to identify the different policy options in the implementation of those flexibilities, according to the needs of the countries involved. In view of the interest expressed by several delegations in the issue of constraints in the implementation of flexibilities, the work was divided into parts; the first part was to continue to develop the documents with the same methodology, addressing how flexibilities had been effectively implemented at the national level. It was noted that flexibilities originated from the multilateral legal framework, and the first step for a country to benefit from the flexibility was to implement it in national law. Moreover, the issue of constraints on the effective use of flexibilities was a relevant one, so the Secretariat was giving consideration to organizing regional meetings at which the issue would be

discussed. The second part, with respect to future work on flexibilities, would take into account the comments made by Delegations at the current session. Clarifications were provided with respect to three of the five new flexibilities proposed to be developed in the new document, namely, flexibilities related to transitional periods, the patentability of substances existing in nature, and *ex officio* IP Office control of contractual anti-competitive clauses. As with the first document on patent-related flexibilities, the document presented a map of those five flexibilities but provided no academic discussion on the five flexibilities. The annex then reflected how those flexibilities had been implemented at the national level. The five flexibilities presented for Member States' consideration were flexibilities that had been taken from different areas of the patent field. For example, one of the flexibilities related to the patentability of subject matter had been included in response to comments from some delegations at the previous session. In that regard, the issue of patentability of substances already existing in nature was intended to reflect the fact that microorganisms were subject to protection under Article 27 of the TRIPS Agreement, while different approaches were taken in the laws of different countries in areas such as the purification, isolation or synthesis of substances that already existed in nature. The intention was to map the situation in different countries as far as patentable subject matter was concerned. With regard to the transition period, the intention had been to list countries in which the TRIPS Agreement was in force and to list countries in which, because of the transitional period, the entry into force of the Agreement had been delayed. Alternately, with respect to a specific subject matter, such as pharmaceuticals, information could be given as to how the country was using the transition period to delay the entry into force of the Agreement regarding that specific issue of patentability. With respect to the *ex officio* IP Office control of contractual anti-competitive clauses, the Secretariat had not sought to develop any particular position on the faculty or competence of the Office to deal with anti-competitive practices; to list or define anti-competitive practices; or to suggest that those competences should be in the hands of the IP Offices. In reality, however, the laws of some Members stipulated as one of the conditions of an IP licensing agreement that those agreements should not include anti-competitive clauses and where those licensing agreements needed to be registered with the IP office, in several cases the office had the competence to reject registration upon notification of anti-competitive clauses in the contract. The laws revealed different provisions; in some cases, a general statement as to the competence of the office was included in the law, while in other cases some anti-competitive IP-related clauses were identified such as the no-challenging clause or the obligation of the licensor to use any further improvement on the subject of the license. With respect to those specific flexibilities, the intention was to identify those countries in which the legislation gave competence to the office and those countries in which it did not.

281. The Chair thanked the delegates for the very useful exchange of views on document CDIP76/10 and noted that there was agreement on many areas, while there remained differences of opinion or more guidance required for other areas. Subject to the Committee's agreement, the Chair proposed that the Secretariat start implementing those activities where there was agreement, whereas for the other areas, the Committee might prefer to revisit the document for consideration at a future session.
282. The Secretariat thanked the Member States, which had provided such clear guidance in the field of the future work program on flexibilities, and noted that there were areas in which there was clear agreement on ways forward and other areas in which some further clarifications were required. There were certain principles that related to the issue of flexibilities on which Member States appeared to be in general agreement. First, there was general agreement that the issue of flexibilities was one of great importance and that there was a need for increased understanding among Member States of the issue and of awareness-raising both across the WIPO Secretariat and between the WIPO Secretariat and its Member States, to disseminate information on that important issue. There was also a need for WIPO to engage further and to extend its work in that area. In particular, there was a need for practical and concrete information to be given on flexibilities to assist countries in understand and using flexibilities in a practical manner, particularly those flexibilities enumerated in the TRIPS Agreement. Another area of agreement was that the Secretariat should be careful to avoid duplication in its work on flexibilities as

between the work of the CDIP and the work of its substantive Committees. In particular, it should be careful to avoid overlap in its selection of future activities in the patent, copyright and trademark fields, as the work done by the CDIP should complement the work on flexibilities being done in other committees. There was also agreement on the practical steps that WIPO could take to further increase understanding and awareness of the use of flexibilities, particularly in relation to its work in technical assistance. First, it was agreed that WIPO should establish dedicated Web pages on its public Web site devoted to the use of flexibilities; in particular, the Web page or pages should include a database of information, to make resources available on the use and implementation of flexibilities at the national level. In that respect, the Secretariat should compile relevant provisions in national laws that implemented flexibilities at the national level and experiences in implementing those flexibilities as provided by the Member States, which could take the form of case studies of national experiences in implementing flexibilities. It was requested that the information compiled be submitted to the CDIP before publication in the database. The database could usefully include links to literature on flexibilities produced by WIPO or commissioned by WIPO of its experts, as well as links to work on flexibilities by other relevant international organizations in the field, including WTO, UNCTAD, FAO and WHO. That database could also include information on WIPO materials used in training presentations and from its workshops, as well as output from national, regional or interregional seminars organized by WIPO with its Member States on the issue. WIPO should further include information on flexibilities throughout its technical assistance programs, bearing in mind Recommendation 1 of the Development Agenda, which provided that WIPO's technical assistance shall be, *inter alia*, development-oriented. That information should be demand-driven and requested by Member States. The Secretariat should moreover ensure that information on flexibilities was incorporated into advice provided by WIPO on national IP strategies and its capacity-building activities. WIPO should engage in activities designed to raise awareness across the WIPO Secretariat of the issue of flexibilities, and to sensitize programs to that issue. There was also general agreement that national and regional level seminars should be organized by the Secretariat to ensure or facilitate the exchange of practical experience among Member States in their implementation of flexibilities at the national level. Such an exchange of information would assist countries in making policy choices in the context of many of the issues and choices enumerated by delegations, including the Delegations of Brazil and Uruguay. There was also a proposal for an interregional level seminar to be organized in Geneva to enable an exchange of information on experiences of flexibilities among Member States, international organizations, national NGOs and civil society. As mentioned earlier, the information and output from any such seminars would be made available by the Secretariat to Member States through the dedicated Web page. Where any financial resources were required to implement such activities, the Secretariat would present such information to the CDIP for its approval. In two areas, further clarification was requested, in particular with respect to the road map that formed part of the strategy on flexibilities. It was explained that the road map was designed to provide users both from general public and from Member States with a visual description of links to the work taking place in WIPO in various sectors dealing with flexibilities. Many of those linkages were enumerated in the annex to document CDIP/6/10, showing the work taking place in the copyright, patent, trademark, designs and enforcement areas. In that respect, the Secretariat had suggested that it would be useful to users to be given pointers where such work was taking place and where possible to provide links to such information. The Delegation of the United States of America had also requested that links be provided to the work of the SCCR from the Web page on flexibilities, as well as to relevant parts of national copyright laws. Further information was required in the area of trademarks and enforcement, as to any work on flexibilities which could be included in a future work program in the field of flexibilities.

283. The Chair noted that a decision was required on two things; first, if the agreed position on the activities identified by the Secretariat was acceptable, and second, with regard to the areas where the Committee could not agree, whether the Committee would revisit the document under consideration in its future work.
284. The Delegation of Egypt thanked the Chair and the Secretariat for their extensive briefing and stated that there was general agreement upon the proposals to proceed. However,

in light of the discussions on the previous day and particularly with regard to the Development Agenda recommendations under discussion, there could be an added benefit for the Committee in requesting a revision of the report in CDIP/5/4 Rev. The Delegation noted that some elements discussed at the Fifth Session of the CDIP were not reflected in the revised report, and requested that the report be revised once again for submission at the Seventh Session of the Committee. That work was at the core of Development Agenda Recommendation 14, which stated how flexibilities could be used by developing countries and LDCs in keeping with their development and public policy objectives, and specifically mentioned flexibilities from the perspective of public health, food security and agriculture. A revised report would greatly enhance the ability to tackle those very important issues.

285. The Secretariat thanked the Chair and the Delegation of Egypt for their contribution and particularly for having reminded the Committee about the content of the report on the previous session. The Secretariat recalled the request made by several delegates that the work on flexibilities should also give consideration to specific issues such as health, food security and climate change. Clearly, flexibilities were extremely useful in those areas, and one good example of how the report had served that purpose was that WHO, in its report on the progress of the Innovation and IP program, had used the WIPO report as an instrument to measure the implementation of flexibilities health sector. With respect to the five new flexibilities being proposed, Member States would note that in the context of the transition period, there was a reference to the issue of patentability of pharmaceuticals. In the issue of patentability of material, and substances existing in nature in particular, there was a relation to biotechnology inventions, and some protection in the field was closely related to health. All progress made in the elaboration of a map on the implementation of flexibilities would be relevant to all the different sectors. The questionnaire and how it could be tailor-made was also a question for the Committee to decide. Members would decide how to proceed, where one possibility was to continue as had been done, identifying flexibilities for inclusion in the document, which would then make it easier to take into consideration how those flexibilities could be useful in specific areas like health or food security or other areas of concern.
286. The Chair noted that the Committee agreed that the Secretariat should proceed with the activities it had identified on which there was common agreement, and where there was no agreement, to revisit it at the next session. The Chair then recalled that the Committee had left open a discussion on the project on open collaborative projects and IP models, set out in document CDIP/6/6, and the Secretariat had been tasked with revising the project proposal based on the Committee's discussions. The revised project had been circulated, and the Chair invited discussions on the revised document and its possible adoption.
287. The Delegation of Brazil thanked the Secretariat for the revised version of the document and asked whether it included all of their concerns. Pointing to one small element that needed clarification, the Delegation reiterated that the relevant meetings and consultations should be open-ended, to include all relevant stakeholders, not only Member States.
288. The Delegation of Bolivia reiterated its proposal that, in the brief description of the project, in the last paragraph in the English version, after: "The European Commission's Open Living Labs Project" the following sentence should be added, "This proposal was submitted by the Governments of Bangladesh, Barbados, Bolivia and Surinam to the WIPO Expert Working Group on R&D Financing".
289. The Delegation of the United States of America requested clarification whether the phrase "open-ended" referred to the participants in the meeting or the duration of the meeting.
290. The Secretariat recalled the history of the proposal by the Delegation of Brazil on behalf of the Development Agenda Group to include the term "open-ended meeting" so as to include relevant stakeholders interested in the subject under discussion, as determined in consultation with Member States. The Secretariat stated that a reference would be

added in the document to the open-ended meeting, including a clarification in relation to all stakeholders, in consultation with Member States. The proposal from the Governments of Bangladesh, Surinam, Bolivia and Barbados concerning innovative sourcing of funding would also be added to the text.

291. The Chair noted that the Committee had adopted the project text in document CDIP/6/6, on Open Collaborative Projects in IP-based Models, with all of the minor amendments mentioned. The Chair then opened discussion on the proposal by the Delegation of Egypt contained in document CDIP/6/11, and invited the Delegation of Egypt to take the floor.
292. The Delegation of Egypt expressed its hope that the proposal would be received in the same way as its previous one. The proposal, submitted by the Government of the Arab Republic of Egypt, was now an official WIPO document, CDIP/6/11, on a proposal for a project for the implementation of certain Development Agenda recommendations. The Development Agenda was the product of an intensive process of Member States consultations that had managed, at the General Assembly of 2007, to result in 45 important recommendations which constituted the Development Agenda. The Delegation was reassured by the Director General's report at the Fifth Session of the CDIP that the Development Agenda Recommendations would benefit immensely from the proposals of Member States on their implementation. The Delegation welcomed the fact that, at the Third, Fourth and Fifth Sessions of the CDIP, the Delegations of Korea and Japan had of their own initiative taken the pioneering step of providing their own initial suggestions for implementation of certain recommendations of the Development Agenda that were finally approved as projects. It was considered that Member States should guide such implementation, and it was in that spirit that the Government of Egypt had decided to present its important project. The proposal essentially revolved around a project on enhancing cooperation on IP and development among developing countries and LDCs. Developing countries and LDCs were increasingly using IP as a tool for economic development. In recent years, that had included innovative means of deploying IP in a balanced manner, taking into account their particular socio-economic conditions and different levels of development. As a result, an independent body of knowledge and experience on the strategic use of IP for development had emerged in developing countries, including LDCs. The project was an attempt to harvest and exchange valuable knowledge and experience on IP and development through enhanced cooperation in that area among developing countries and LDCs. In that respect, reference was made to the particular Development Agenda Recommendations to which that knowledge and experience was connected. The Recommendations were from three particular Clusters of the Development Agenda: from Cluster A, Recommendations 1 and 3 both related to the important issue of promoting development-oriented IP technical and legal assistance. Reference was also made to Development Agenda Recommendation 10, on IP institutional capacity-building. Finally, under Cluster A, reference was made to Recommendation 11, which supported domestic innovation capacity-building. Under Clusters B and C, the project referred to Recommendations 19 and 25, and it was noted that they facilitated and promoted access and dissemination of knowledge and technology as well as the use of IP flexibilities. Finally, under Cluster C, reference was made to Recommendation 32, on understanding the link between IP and competition policies. The important aspect of the project which rendered it unique and at the same time quite valuable was its emphasis on South-South cooperation. The Delegation stated that such cooperation could play an important role in achieving the objectives described under the relevant Development Agenda recommendations. It noted that South-South cooperation was one path among broader avenues of cooperation, and ran parallel to North-South cooperation without substituting for it. The intersection of these two paths, the field of trilateral North-South South cooperation, would continue to be promoted in parallel. For the current project, South-South cooperation was particularly useful to achieving pro-development IP systems in developing countries and LDCs, given the particular circumstances and challenges that developing countries and LDCs were facing. The project would enhance the ability to share information and promote understanding of the practical initiatives that developing countries and LDCs could utilize to link IP as a tool to broader public policies and development goals. Member States were invited to review the delivery strategy of the project. Briefly, a key starting point was to designate a focal

point within the WIPO Secretariat to be responsible for the undertaking of South-South cooperation issues and of particularly relevance under this specific project. Specific activities were envisaged in section 2.3 of the project document, paragraphs (a) to (f). In line with the practice taken in the project proposals from the Republic of Korea and Japan, a number of areas needed the engagement of the Secretariat to produce and further elaborate aspects of the project. The Delegation would engage in consultation with the Secretariat to develop more detailed aspects of the section 3 on review and evaluation of the project, as well as section 4 on the implementation timeline, and finally on section 5 on the budget. It was hoped that the project document would be revised, taking into account any constructive suggestions and questions from the Member States at the current session, for presentation of a more complete project at the next session of the CDIP.

293. The Chair thanked the Delegation of Egypt for introducing its proposal and invited the Committee to comment on proposal CDIP/6/11.
294. The Delegation of Angola, on behalf of the African Group, welcomed the project proposal presented by the Government of the Arab Republic of Egypt in promoting cooperation on IP and development among developing countries and LDCs, for the implementation of Development Agenda Recommendations 1, 10, 11, 12, 19, 25 and 32. It was particularly encouraging to see a project proposal from an African country being present as a contribution to the efforts for the implementation of the Development Agenda recommendations. All Member States were encouraged to give their support to the project, which aimed to assist developing countries and LDCs in benefiting from each others' experience in IP and development.
295. The Delegation of Belgium, on behalf of the European Union and its 27 Member States, thanked the Delegation of Egypt for the proposal concerning a project to implement certain Development Agenda Recommendations and noted that, since the proposal had been submitted at the beginning of the present session of the CDIP and was not yet available in all official WIPO languages, the Delegation was not in a position to express final views on the proposal and needed more time to consult experts in capitals before discussion of the project at the next session of the CDIP. By way of preliminary comments, the Delegation pointed out that the project description and its objectives needed further clarification and precision.
296. The Delegation of Nepal expressed its appreciation to the Delegation of Egypt for putting forward the proposal in the interests of LDCs and developing countries. While its Group was not in a position to make a final comment, having not yet discussed the proposal, the Delegation generally considered the proposal to be very welcome. With respect to the proposal, it was difficult to compare developing countries and LDCs because they were all so diverse, and it was noted that perhaps a greater focus on comparing developing countries would be more beneficial.
297. The Delegation of Bangladesh, speaking on behalf of the Asian Group, expressed appreciation to the Delegation of Egypt for its project proposal, which was pertinent and deserved thorough consideration by the Committee. The Group expressed its views on the project in principle, and highlighted a few issues. First, the Group requested more detailed information regarding the timing and budget of the proposal, preferably at the next CDIP session because those aspects were probably still under development together with the WIPO Secretariat, as mentioned by the Delegation of Egypt. Second, emphasis was placed on the importance of proper coordination and synergy among different divisions in the Secretariat in order to deliver the project effectively. Third, the components of that project should be designed in such a way that the work done by other committees which were implementing the Development Agenda recommendations should not be duplicated.
298. The Delegation of Brazil thanked the Chair and expressed enthusiasm for the proposal by the Delegation of Egypt. The time had come for the Organization to be engaged in the promotion of South-South cooperation on IP and development among developing countries and LDCs. The Delegation shared the view expressed by the Delegation of

Egypt that developing countries, including LDCs, were increasingly using IP as a tool for economic development, and that an independent body of knowledge and experiences on the strategic use of IP for development had sprung up in the South. By exchanging these valuable experiences in knowledge about IP and development tools, South-South cooperation activities would certainly contribute to implementing the objectives described under the relevant Development Agenda recommendations mentioned in the proposal. The Delegation was ready to engage constructively in the project, which it believed reflected not only the Development Agenda recommendations mentioned but also the broader objectives of the Development Agenda itself. The final version of the document, which included information and budget, implementation timelines and review and evaluation, should be submitted at the Committee's next session so that Member States could deliberate on that item.

299. The Delegation of China expressed its appreciation and support for the proposal in principle, and thanked the Delegation of Egypt for preparing the proposal. It was hoped that through that project, South-South cooperation could be promoted in terms of IP and development so as to specifically promote IP in developing countries and LDCs. It was further hoped that the Organization would continue to support the project.
300. The Delegation of Canada thanked the Delegation of Egypt for its proposal but noted that, as a result of the delay in receiving the document, it was unfortunately not in a position to offer detailed comments at the current session of the CDIP. As mentioned by the Asian Group, further information was needed on sections 3, 4 and 5 on the reviewing, evaluation, implementation timeline and budget, before any views could be given on the document. The Delegation would offer detailed comments on the proposal at the next session of the CDIP.
301. The Delegation of the Republic of Korea thanked the Delegation of Egypt, welcoming its effort to enrich the activities of the Development Agenda and its recommendations. The proposal for South-South cooperation was necessary for the development of developing countries and LDCs. However, there was some concern over possible work duplication in the work of the CDIP and activities already taking place under other existing structures in the Organization. For example, the role of the focal point could duplicate the role of existing areas such as the Asian Division, the African Division and the Development Agenda Coordination Division. The proposal should be clarified with respect to its role and activities at the Committee' next session.
302. The Delegation of Guinea Bissau endorsed the statement made by the Delegation of Angola on behalf of the African Group and the Delegation of Brazil on behalf of the Development Agenda Group, and commended the Delegation of Egypt on its proposal. The Delegation expressed appreciation to the Secretariat and the CDIP for their efforts in holding the meeting, and noted its specific interest in the Development Agenda and proposals before the Committee.
303. The Delegation of the Russian Federation reserved its position on the proposal submitted by the Delegation of Egypt because it had not had sufficient time for careful review, and would wait for additional information to be provided.
304. The Delegation of Indonesia endorsed the statement made by the Delegation of Bangladesh on behalf of the Asian Group, and thanked the Delegation of Egypt for presenting the project proposal. The Delegation considered the project proposal to be an important contribution to the Committee's ongoing efforts to mainstream development into all WIPO activities, and therefore merited the consideration of Member States. The proposal aimed to enhance capacity for developing countries and LDCs to make the most effective use of IP for development through the establishment of South-South cooperation, and a focal point in WIPO to coordinate and strengthen cooperation among developing countries and LDCs in implementing Recommendations 1, 11, 13 19, 25 and 32. Those Recommendations allowed for sharing of experience and best practices among developing countries and LDCs in the area of IP and development, taking into account the different levels of socio-economic development. The Delegation of Indonesia

reiterated its support for the proposal and was prepared to engage in a discussion of the proposal in the future.

305. The Delegation of Japan thanked the Delegation of Egypt for its proposal, which was a welcome initiative, and requested more time to review the proposal and receive feedback from its capital. Further information was needed on sections 3, 4 and 5, as mentioned by the Delegation of Canada. The Delegation would engage in constructive discussions on the proposal, in the same way that the Delegation of Egypt and other delegations had engaged on the Japanese proposal at previous sessions.
306. Commenting on the availability of the document, the Secretariat explained that the proposal had been received from the Delegation of Egypt on Monday, had been posted on the Web site on Tuesday in English, and that translations into all official languages had been received and made available to the Committee on Thursday.
307. The Delegation of Egypt thanked the Committee, and supporting Member States in particular, for their intention to discuss the proposal at the next CDIP session. The Delegation added that its gratitude was specifically addressed to the Delegations of Angola on behalf of the African Group, of Bangladesh on behalf of the Asian Group, and to the Delegation of China and the Delegation of Brazil on behalf of the Development Agenda Group for their support of the idea of the project. South-South cooperation was an issue that needed to be included in all Specialized Agencies of the United Nations, specifically since the General Assembly of the United Nations had instructed its Specialized Agencies to undertake programs of work in that regard. The Delegation also expressed thanks to the Delegations of Nepal and of Guinea Bissau for their enthusiasm for the idea, and specifically to the Delegation of Nepal for its offer to work with the LDCs Group to help that Group make the most of the project, and the Delegation was very supportive of their proposals in that regard. The Delegation also thanked the Delegations of the Republic of Korea and Japan for their positive engagement with respect to the project, and noted that those two Delegations would appreciate the importance of Member States taking the lead in implementing the Development Agenda recommendations. Finally, thanks were expressed to the Delegation of Belgium for its initial comments, and for its clarification that, despite the fact that they were not available in all official EU languages the translations were at least available in the six UN official languages. The Delegation also thanked the Delegation of Canada for its willingness to consider the project further. Assurances were given that further information would be provided with respect to sections 3, 4 and 5, and the Delegation looked forward to intensive cooperation with the Secretariat in that regard.
308. The Chair thanked all delegations for their comments and noted that, as the proposal had been tabled at the beginning of the session, delegations needed more time to consider the proposal. It was suggested that the document be considered at the Seventh Session of the CDIP.
309. The Delegation of Egypt added that it should be noted that the document had initially been presented as a preliminary submission, and that it was clearly specified that further information would be presented.
310. The Chair invited the Committee to close the discussion on Agenda Item 6, and recalled that there were still two issues to be addressed under that Item. It was noted that revised project document CDIP/6/4 on technology transfer was available outside the room for interested delegates, and that the provisions in the text reflected the discussions in informal consultations held that morning. With respect to document CDIP/6/5 on patents in the public domain, informal consultations with some delegations had demonstrated that there was an interest in having a list of issues relating to certain enterprise practices impacting the public domain in the field of patents which were to be studied under that proposed project. At the request of the Chair, the Secretariat had prepared a list of issues which had been informally shared with interested delegations. The list was by no means exhaustive, and contained only some examples of certain enterprise practices. For the sake of transparency, the Chair requested the Secretariat to read out the list of identified issues.

311. The Secretariat informed the Committee that the list that was not intended to be an official document but merely reflected a few ideas to be discussed informally. The Secretariat then read out a few possible practices of enterprises, namely, patent trolls, patent thickets and attempts to blur or change the scope of protection of a patent, as well as attempts to extend the term of patent protection by reclaiming substantially the same subject matter. The Secretariat further mentioned practices that had the effect of broadening the public domain, such as patent donations or the placing of patents in the public domain. Other practices that could be mentioned included the patent commons, defensive protection through the publication of patent applications, and patent pools. The Secretariat emphasized that those were only a few non-exhaustive indications in respect of issues that came to mind in the context of the issue under consideration.
312. The Delegation of the United States of America thanked the Chair for conducting the informal negotiations and sharing the list, and stated that it would like to take the list back to its capital-based experts and, if possible, provide more detailed comments on the project at the next session of the Committee.
313. The Delegation of India thanked the Secretariat for promptly producing the indicative list and stated that many issues that it had raised in earlier discussions under that theme were on the list. While the Delegation noted that the list was not exhaustive, it was a good basis to start the project. It would have liked for the project to be adopted at the current session, as those issues had already been raised in the Committee and the issues had also been debated in other contexts elsewhere at WIPO. The Delegation looked forward to a constructive dialogue on the issue at the next session, and hoped for an early adoption of the project.
314. The Delegation of Spain thanked the Secretariat for its speedy work in providing the revised version of the project, and noted with satisfaction that one of its concerns was reflected in the document. It could not, however, see any mention of its request that the budget should be broken down per activities in the revised document. The Delegation's other observation pertained to paragraph 2.2., Objectives, where it did not recall that the Committee had approved the deletion of the brackets in the proposal made by the Delegation of Mexico, which the Delegation of Spain had considered sound and accepted. The Delegation had understood that the Delegation of Mexico had not proposed the deletion of the brackets.
315. The Chair informed the Delegation of Spain that the project proposal under discussion was on patents and the public domain, not technology transfer, and that comments on the latter project would be invited later. The Chair then informed the Committee that, according to his understanding, at least one delegation needed more time to examine the project and suggested that the project be considered at the Committee's next session, together with the list of issues read out by the Secretariat.
316. The Delegation of Brazil stated that since the project would be considered at the next session, it would request the Secretariat to prepare a revised project document together with the comments that had been made.
317. The Chair requested the Secretariat to take note of the request from the Delegation of Brazil, reiterating the Committee's decision to consider that project at the next Committee meeting. The Chair then invited consideration of document CDIP/6/4 on the project on technology transfer, and requested delegations to examine the revisions made in the document in light of the discussions held in the informal consultation that morning.
318. The Delegation of Spain referred to its earlier intervention and noted with satisfaction that it had been decided that the project document on patents and public domain would be submitted at the next session of the Committee. The Delegation then resumed its observation, stating that under paragraph 2.2 on page 5, it fully agreed with the addition of accredited organizations and new partners but did not recall if the Delegation of Mexico had suggested the deletion of the wording in brackets, starting with "technology managers" and ending with "organizations". To the Delegation's recollection, the

proposal accepted in the informal session included what was in the brackets. Further, the Delegation did not see the reflection of its proposal that the budget should be presented in a form where it was broken down by activity.

319. The Delegation of Egypt stated that it had originally requested that the implementing program be Program 1, where the Innovation and Technology Transfer Section was located as part of the Patents and Innovation Division. An explanation was requested as to why the implementing program remained Program 18 rather than Program 1. The Delegation thanked the Secretariat for the draft proposal and expressed its satisfaction with the project as it stood, which was acceptable subject to the explanations of the Secretariat with regard to the implementing program.
320. The Delegation of Mexico, in response to the comments made by the Delegation of Spain, stated that it had proposed to add "accredited organizations" and then delete "civil society organizations", but if the entire text in the brackets was to be deleted, that would not be a problem for that Delegation, as it had been included elsewhere.
321. The Delegation of Brazil stated that it had two issues regarding that project. However, the compromise proposed in the text regarding the issue of accredited organizations and new partners, without mentioning the new partners, as well as the compromise in paragraph 2.3. (B), which stated "including international IP standards pertaining to technology transfer, such as the use of flexibilities in international IP agreements" together with the emphasis that the new studies should avoid duplication of work, were good compromises and were acceptable to the Delegation. It was hoped that other delegations would be prepared to approve the project. The Delegation then inquired as to when the Chair intended to invite consideration of the Agenda Item on Future Work, noting that the Development Agenda Group had a very important proposal on that Item.
322. The Delegation of Egypt suggested that, while the meeting awaited a response from some delegations, the Secretariat could provide a response with regard to the implementing program.
323. The Secretariat, answering the Delegation of Egypt, stated that the inclusion of Program 18 in the document was due to a number of factors. The innovation and technology transfer activities had been placed under Program 18 (Global Challenges) and sub-programs 18.1 and 18.2 for several reasons, including the fact that at the time of establishing the current Program and Budget, some delegations had discussed the matter, and also in light of their goal. However, administration within WIPO had been placed under the supervision of Mr. Pooley, who headed Innovation and Technology, the former Patents sector, which included Program 1 for patents in general, Program 5 for the PCT, and Program 18.2 on innovation and technology transfer. While the authority over all the resources and activities rested with Mr. Pooley and with that sector, because of the goal and the objectives of the program, it was felt that it should be placed within Program 18.
324. The Delegation of Egypt thanked the Secretariat and sought confirmation of its understanding that the substantive operational elements as well as administration of the project would be under Mr. Pooley's oversight.
325. The Secretariat replied in the affirmative, adding that it would be in cooperation with other relevant units.
326. The Delegation of Spain noted that the budget had changed from 160,000 to 298,000 Swiss francs, and requested a clarification for that change and an answer to its earlier question.
327. The Secretariat responded to the first question put by the Delegation of Spain concerning the deletion of the brackets, and stated that having heard the different opinions and views it was felt that including organizations in general and keeping new partners without defining them or limiting them would perhaps allow more flexibility. However, the Secretariat was obviously in the hands of the Committee in that respect. Concerning the

breakdown of the budget, the Secretariat stated that it had followed the approach used in all WIPO committees in terms of presentation of the budget, but could provide a detailed breakdown in the proposed project paper; if necessary, it could attempt to provide some details before the end of that day. With regard to the changes in the budget, the Secretariat explained that the revised figures included the cost of personnel resources that were needed, and had been obtained from the Controller's office.

328. The Delegation of the United States of America stated that the document was largely acceptable, but it would support the proposal made by the Delegation of Mexico that in Section 2.2, after the insertion of "accredited organizations", the bracketed material would be reinserted after "new partners", except for the words "and civil society organizations".
329. The Delegation of Egypt stated that the reason for including reference to civil society organizations was that in some developing countries, including LDCs, some civil society organizations and NGOs were involved in issues of technology transfer, particularly on issues such as developing technologies that could access water from wells. Those were very issue-focused civil society organizations, and most likely had neither had the capacity nor the interest to be accredited with WIPO. However, they contributed significantly at the local level to the issue of transfer of technology, and as such, the objectives of the project should be able to capture that important contribution from civil society. The Delegation added that it could accept the proposal of having accredited organizations and new partners without specifying them. If the Delegation of the United States of America's proposal was to retain the references within the brackets, the Delegation expressed its willingness to replace "civil society organizations" by "relevant NGOs". Alternatively, the reference to new partners could be deleted without any mention, it being understood that Member States would welcome the participation of their particular actors involved in those areas. The Delegation expressed its flexibility on that issue as long as the important contribution that civil society brought to the issue of technology transfer was captured.
330. The Delegation of India, referring to the statement made by the Delegation of Egypt, expressed its support for retaining the reference to civil society organizations. It was noted that, in the recommendations that the project sought to implement, the idea was to explore, share and move on that basis towards developing the project contours, and in that context civil society organizations had a role to play. In defining the new partners, the Delegation did not see how civil society organizations could be removed from the list. In India as well, there were home-grown civil society organizations, NGOs, that facilitated the diffusion of technology transfer in very localized ways, and those recommendations were inherently about bringing technology to developing countries and LDCs and ensuring that it reached the people on a grass-roots level. The Delegation thus preferred to retain civil society organizations in the list of new partners.
331. The Delegation of Brazil, referring to its earlier statement, said that it was a good compromise to include accredited organizations and delete the brackets when referring to new partners. Otherwise, the Delegation did not see why legal and business people and scientists and managers should be included and civil society organizations excluded. Each could make a different contribution to the matter, and there was no reason why some should be included and not others. It was important that civil society be part of that process, and the Delegation did not understand the difficulties.
332. The Delegation of Spain stated that it was in favor of keeping the first part of the text in brackets; however, if it could help achieve consensus, it could accept the deletion of the brackets and the addition of something like new partners involved in all aspects of the transfer of technology. That would include both civil society organizations and business people without mentioning literally each and every one of them. The Delegation thanked the Secretariat both for reducing staff costs and for the explanation given, and reiterated its request that in the future the budget should be broken down by activity.
333. The Delegation of Brazil expressed its acceptance of the suggestion made by Spain on the issue of the civil society.

334. The Delegation of Mexico thanked the Delegation of Spain for its proposal and expressed its acceptance of the proposal.
335. The Delegation of the United States of America requested that the Spanish proposal be repeated.
336. The Delegation of Spain stated that to get out of the deadlock, as some delegations did not want the first part and others did not want the second part, it suggested “new partners involved in all aspects of transfer of technology” or words to that effect. That would include everyone without actually mentioning them.
337. The Delegation of the United States of America expressed its agreement with the amendment.
338. The Delegation of Egypt indicated its acceptance of the amendment.
339. The Secretariat thanked all delegations in general and the Delegation of Spain in particular for their understanding on the budget matters, and stated that some further breakdown of details would certainly be presented in the near future. The Secretariat then said that the change discussed would be included in item 2.2, Objectives of the document where, according to the proposal by the Delegation of Spain, the bracketed text would be deleted and just before the bracketed text, the part of the sentence starting with new partners, would read “new partners involved in all aspects of technology transfer”. That was the change on which there seemed to be agreement.
340. The Chair thanked the Secretariat for identifying the changes made in the text and providing clarifications on the comments from the floor, and expressed the hope that with those changes, the project proposal contained in document CDIP/6/4 Rev.2 would be acceptable to all. He then expressed satisfaction with the understanding and flexibility demonstrated by delegations, and declared the project approved. Next, he invited consideration of Agenda Item 7 on Future Work.

Agenda Item 7: Future work

341. The Delegation of Brazil, referring to its proposal for the introduction of a new agenda item on IP and Development, stated that the mandate of the CDIP had three parts. The first was to develop a work program for the implementation of the adopted recommendations, which the Committee had been doing. The Delegation expressed its satisfaction with the progress made in that regard. The second part of the mandate concerned the coordination mechanism which had been adopted at the previous session, and its implementation was under discussion by the Member States. The third part of the mandate, which had not yet been addressed, stated that the CDIP would discuss IP and development-related issues as agreed by the Committee as well as those decided by the General Assembly. The Delegation believed that it was time for the CDIP to address the third part of its mandate. It recalled that when the CDIP had been created, the discussions about the way to implement the Development Agenda had led to the adoption of a project-based approach. While such an approach was a good thing, it did not capture all the elements, and that was why the Development Agenda Group felt that the Committee needed an agenda item on IP and Development to address issues that were not covered under the project-based approach. The Delegation suggested three issues which for the moment could be addressed under the new agenda item. The first would be a report and discussions on the series of seminars on Economics of IP organized by the Chief Economist of WIPO. Those seminars were very useful but, as they were sometimes held during lunchtime, delegations did not have the time to consider in depth the subjects of the seminars. In the Delegation’s view, it would be very useful if at the next session of the CDIP, the Chief Economist could present the discussions that had been conducted under those seminars. The second issue under that Agenda Item would be to discuss WIPO’s contributions to the United Nations Millennium Development Goals (MDGs). At its last session, the Committee had considered a report on WIPO’s contributions to the MDGs, and it seemed that there were some elements in that report which could be further discussed, and on the basis of that discussion the Committee

might derive some additional work that could be conducted under the CDIP. The third issue was the preparation of the upcoming Conference on IP and Development. The Conference had first been proposed by Brazil at the Second Session of the CDIP, and it had been approved and was already in the WIPO Budget for 2010/2011. The Development Agenda Group felt that Member States should be involved in the preparation of the event: they should choose the dates and venue, and discuss who the speakers would be and what the agenda would be. The Development Agenda Group believed that the CDIP was a good place to debate that issue, and for that reason there was a need to have an agenda item in order to hold such a discussion. Also, as the Conference was foreseen for 2011, the Delegation felt that it might also be useful to have informal consultations before the next session of the CDIP. The Delegation expressed the hope that its proposal would be accepted by all.

342. The Delegation of Angola, speaking on behalf of the African Group, reiterated that the African Group would like to suggest the introduction of an item related to IP and Development to discuss how WIPO would address Development Agenda Recommendation 40, which requested WIPO to intensify its cooperation on IP-related issues with other United Nations Specialized Agencies, such as WTO, WHO, UNCTAD and UNEP, in order to strengthen coordination for maximum efficiency in undertaking development programs. The Delegation therefore supported the proposal from the Delegation of Brazil to introduce an additional agenda item also to discuss the above recommendation.
343. The Delegation of France, speaking on behalf of Group B, thanked the Delegation of Brazil for the document entitled "New Agenda Item on IP and Development", and divided its comments on the document into two parts: first, the creation of a new Agenda Item entitled IP and Development-related Issues, and second, the content of the document. With respect to the idea of an additional standing agenda item, it was the position of Group B that it would be premature at that point to agree to that suggestion. The Group's view was that the entire work of the CDIP was related to IP and development, and as such, it was unclear what the purpose of such an agenda item would be. If the intent was to discuss additional CDIP projects, Agenda Item 7 entitled Future Work would seem to suffice in that regard. In terms of the content of the document, including the three issues listed, given the fact that the document had been circulated only that week, Group B Member States would need to consult their capitals on the suggestions contained therein. That having been said, if some Member States wished to advance those issues as project proposals in the future, that might be a more direct approach to delivering their ideas.
344. The Delegation of Belgium, speaking on behalf of the EU and its 27 Member States, thanked the Development Agenda Group for its proposal concerning a project on the implementation of certain Development Agenda recommendations. Support was expressed for the statement made by the Delegation of France. As the Group B Coordinator concerning the work in the CDIP, the Delegation recalled both ongoing and proposed projects within the scope of the mandate of the Committee, as decided in 2007, in particular, the discussion on IP and development-related issues. In that regard, each Committee Member was always free to suggest other specific projects which would be duly considered by the Committee. Furthermore, in any new proposal, attention should be paid to the budgetary implications. Given the fact that IP and development was part of the mandate of the CDIP, the Group considered that a separate agenda item on IP and development was not required.
345. The Delegation of Egypt suggested to the Chair that the Committee might discuss that issue in informal consultations, whereas the plenary might not be able to reach a compromise. It was an issue for which an agreement needed to be found in order to ensure a fruitful end to the present session.
346. The Delegation of Brazil clarified that, as stated earlier, the proposal did not pertain to three new projects, and it was not its view that the work of the Committee was confined to projects. The Delegation stated that the Committee should also have the capacity to discuss IP and development in a much broader context, and it was not contemplating

projects for the three proposed activities. The Delegation added that, for instance, it would make no sense to have a project for the Conference as it was already foreseen in the Program and Budget. The CDIP should only discuss how the Conference would be organized. The Delegation felt that it was useful that Member States participate in its organization, and agreed with the suggestion made by the Delegation of Egypt to discuss the issue further in informal consultations. The Delegation of Brazil stated that it would also like to submit that document as a formal proposal for the CDIP.

347. The Delegation of India, in reference to the proposal made by the Development Agenda Group and the reactions from the floor, wished to make a few points. First, discussions on IP and development-related issues were already mandated under the work of the Committee. The reason that that aspect had been put in the General Assembly decision as a particular mandate for the CDIP was because, when the Committee had been set up, there had been three levels of work envisaged for the Committee. The first level was the implementation of the adopted Development Agenda recommendations through appropriate work programs, and the Committee had been doing that using a project-based methodology. The second mandate given to the Committee was to monitor, assess and review how other WIPO bodies were implementing the Development Agenda in their areas of work so as to ensure that the Development Agenda was not confined to the Committee alone. The third aspect of the mandate was to discuss IP and development-related issues. The Delegation wished to underscore the word “discuss” and, in support of the point made by the Delegation of Brazil, stated that the role of the Committee was not to simply approve and implement projects. Moreover, there were several recommendations in the Development Agenda that did not lend themselves to projects, as Member States were aware. Similarly, there were issues beyond the scope of Development Agenda projects that the Committee was currently looking at, which were far more important in the breadth of their scope and their importance to developing countries. Those were the issues that the Delegation wished to discuss in the Committee. The Delegation expressed its surprise at the queries that had been raised, as such discussions did not have budgetary implications. Those were discussions meant to use the CDIP as a platform for an exchange of views on the issues related to IP and development mandated by the General Assembly. The Delegation requested that the matter be included in the informal session that day for discussion, and expressed its intention to pursue the matter between then and the next session, where it would be included in a formal document for discussion.
348. The Delegation of Angola thanked Group B and the European Union for their preliminary reactions, and intervened on the issue of a new agenda item to discuss IP and development. The Delegation stated that Recommendation 40 was important. While it might be difficult to accept that readily, in other organizations such as WHO, WTO and even UNCTAD, there was always a request that IP be discussed. The request always came from Group B. It was important to bear in mind that if Member States blocked discussions in WIPO, discussions would still take place in UNCTAD. It was therefore important to think of how to strengthen the cooperation between WIPO and other organizations and to have an Agenda Item for discussion here at WIPO. The Delegation added that sometimes capitals did not see the importance of that issue, but it was important to have an open mind in Geneva. The program and budget of UNCTAD was going to be discussed, and the Delegation stated that its position was that IP should not be discussed in UNCTAD. The Delegation invited discussions to find a solution to the issue, stating that if the Member States did not want an additional agenda item, a solution would still need to be found as to how WIPO was going to cooperate with other organizations.
349. The Delegation of Bangladesh, speaking on behalf of the Asian Group, stated that the Group would in principle like to see a new item on IP and development discussed in the Committee. That would provide an additional opportunity to discuss IP-related issues and a platform to exchange views, ideas and experiences. The modalities of how the matter should be brought to the Committee could be discussed, but in principle the Group would like to see that IP and development issues were discussed in the Committee.

350. The Delegation of Algeria, endorsing the statement made by the Delegation of Brazil on behalf of the Development Agenda Group and by the Delegation of Angola on behalf of the African Group, stated that since the beginning of the Development Agenda, Member States had been able to implement two pillars of the mandate of CDIP. However, there was a third pillar remaining, which was to start discussions on IP and its links with development. After three years of implementing the Development Agenda, it was time for the Committee to put that item on its agenda. Referring to the proposal from the Delegation of Brazil on behalf of the Development Agenda Group, the Delegation stated that there were no financial implications for the first two proposals: for the Chief Economist to report to the Committee about the seminars he had organized in the past few months; and for the Committee's review of the role of WIPO in achieving the MDGs. As for the third point, the Conference on IP and Development had already been foreseen in the budget for 2010/2011, and the Committee should commit itself to beginning informal consultations so as to look at the outline of that issue.
351. The Delegation of France stated that it had not fully understood the intervention by the Delegation of Angola, in particular concerning the link established with UNCTAD. As stated earlier, Group B was not ready to discuss the content of the proposal from the Delegation of Brazil, as its members needed to refer the content of the proposal to their capitals. It would be preferable not to include that issue in the informal consultations and to leave the discussion to the next session of the Committee.
352. The Delegation of Cuba expressed its full support for the statement made by the Delegation of Brazil on behalf of the Development Agenda Group with regard to the inclusion of IP and Development as a topic and as part of the Committee's mandate, as approved by the General Assembly.
353. The Delegation of Bolivia stated that the proposal made by the Delegation of Brazil on behalf of the Development Agenda Group was very timely, as all the elements of the Committee's mandate and the Development Agenda Recommendations were not captured by the project methodology, and a space for discussing those elements would be highly beneficial for all.
354. The Delegation of Brazil understood that there were some delegations that had difficulties with the proposal at that time. It wished to ask those delegations if they would have difficulties with the proposals to request the Chief Economist to give a briefing on the seminars he had conducted in the next session of the CDIP, and to request Member States to start looking into the preparation of the Conference on IP and Development, including agreeing to have informal consultations on the preparations for the Conference, as it was of interest to all Member States to take part in the preparation of that important event.
355. The Chair thanked the delegations for their useful submissions and trusted that the Secretariat had taken due note of the proposals and would pursue the ideas that seemed to enjoy general agreement within the Committee. The Chair then invited the Secretariat to summarize the issues that had been agreed by the Committee for its future work.
356. The Secretariat thanked all delegations for their very useful inputs and listed the elements for the future work of the Committee. First and foremost was the Director General's report, in keeping with the promise he had made at the Third Session of the CDIP. The report, like the one presented at the Fifth Session, would be a comprehensive report that would cover all areas of the Organization's work as regards the implementation and mainstreaming of the Development Agenda, together with annexes to provide an update to the Committee on the implementation of the various recommendations. The second item was that the Committee would resume discussions on the project on Patents and Public Domain. The third item, as agreed by the Committee in the context of its discussions on the work plan on flexibilities, was that the Secretariat would provide a document, similar to the one that had been provided at the last session, on five new patent-related flexibilities. The Committee had also agreed to revisit the document that had been presented at that session on the future work plan on flexibilities. In addition, as mentioned by the Delegation of Brazil, a presentation or briefing by the WIPO Chief

Economist on the recent series of seminars and other activities undertaken by him could also be included on the agenda of the next meeting. As regards the Conference on IP and Development, briefing meetings and informal consultations would be useful for the Secretariat to ascertain the wishes of Member States; on the basis of those informal sessions, it could potentially put together a concept paper for the next session of the CDIP.

357. The Delegation of France referred to the two requests from the Delegation of Brazil included in the summary given by the Secretariat and stated that, as the proposal had just been made, it had not had time to consult Group B. Accordingly, as with the informal discussions on the Conference on IP and Development, there was no agreement in the Committee on that point and the matter should be discussed at the next session of the CDIP. The intervention by the Chief Economist of WIPO could take the form of a side event carried out alongside the forthcoming Committee session.
358. The Delegation of Brazil referred to the last point made by the Delegation of France with respect to a parallel event, and stated that delegations already had a great deal of work to do during the substantive Committee meeting and, as a result, it would be difficult for them to attend any parallel event, while the real point was to have the Chief Economist reporting to the CDIP. For that reason, the Delegation had suggested giving the Chief Economist time to explain what was happening in those events, in what was already an informal and parallel process. The Delegation insisted that delegations would be too busy to attend another parallel event with the Chief Economist.
359. The Delegation of India inquired whether discussion would continue on the Development Agenda Group's proposal for an agenda item on IP and development. It was noted that a paper had been circulated during the session, and it was considered that there was sufficient time between then and the following CDIP session for delegations to consider the proposal and report back to the Committee on how they wished the proposal to be incorporated in discussions at the following CDIP session.
360. The Delegation of Egypt expressed support for the request put forward by the Delegation of Brazil on behalf of the Development Agenda Group, and noted that a request was in hand for the document to be made an official document of the current CDIP session. The Delegation wanted to ensure that the document had become an official document of CDIP with an associated number, and it believed that it would be useful to have a discussion on that important issue between the current session and the following CDIP session. Separately, the Delegation of Egypt noted that there had been no mention by the Secretariat in its summary of future work of the project contained in document CDIP/6/11, while it was understood that a decision had been taken to continue the discussion on that matter at the following session. It therefore sought clarification on that issue.
361. The Secretariat thanked Egypt for reminding it of the decision taken by the Committee regarding document CDIP/6/11 and apologized for the oversight.
362. The Delegation of Brazil pointed out another omission with respect to the scoping study on copyright and the public domain, and stressed that the issue should also be discussed at the next session and should have a proper number.
363. The Delegation of Switzerland requested clarification from the Secretariat regarding the document that the Secretariat would be preparing on flexibilities and patents, and specifically asked for clarification regarding the subjects that would be dealt with in the document.
364. The Delegation of India also requested clarification with respect to the Committee's discussions on IP and brain drain and on IP and the informal economy. The Delegation had understood that Delegations had intended to continue discussions on IP and the informal economy, and that a project proposal on IP and brain drain would be presented at the next session.

365. The Secretariat apologized for its omission of a few items. In response to the question by the Delegation of Switzerland on document CDIP/6/10, page 2, part A, it was noted that five areas of flexibilities in the area of patents had been identified and that it was the Secretariat's understanding that the Committee had agreed during consideration of the document that a document containing those flexibilities would be presented at the next CDIP session. The Secretariat added that the document would be similar to the one presented to CDIP at its Fifth Session. It also thanked the Delegation of India for its comment, stressing that a project document on IP and brain drain would indeed be prepared by the Chief Economist and presented at the next CDIP session. Similarly, it stressed that the Committee had also decided to consider the document on IP and the informal economy. It further noted that the scoping study on copyright and the public domain would be presented at the following session and that all the items that had been omitted would be reflected in the Chair's summary.
366. The Delegation of Uruguay stated that the Delegation of Brazil, on behalf of the Development Agenda Group, had made several proposals and that the Delegation thought it was particularly appropriate to enrich the debate on IP and development.

The Chair expressed the view that the Secretariat had duly captured the issues raised from the floor. He noted that the Committee might continue to have further consultations in future sessions on the solutions that did not enjoy a general consensus at the current stage and stressed that, as in the past, he would continue to advise the Secretariat when drafting the agenda for the Seventh Session of the CDIP. On that note, he concluded the discussion on that agenda item.

Agenda Item 5 cont'd:

Returning to Agenda Item 5 on the coordination mechanism, the Chair stated that the Committee had held some useful discussions and that Members had agreed to disagree, and that they would continue discussions through other means, thereby concluding the discussion on Agenda Item 5. The Chair then proposed a brief adjournment of the meeting to allow delegations to review the draft Chair's summary in respect of Agenda Item 8. The Chair's Summary was available outside the meeting room, minus only the last paragraph which would be read by the Secretariat. The Chair reminded delegates that a summary was just a summary, while details would be reflected in the Committee's report. He then invited the Secretariat to highlight some of the corrections proposed by some delegations.

Agenda Item 8: Summary by the Chair

367. The Secretariat acknowledged the fact that some precisions had been added by certain delegations and that the Secretariat had also identified a few shortcomings. With respect to the last sentence of paragraph 12 of the English version, which read "paper as well as the wide range of comments on the description paper", the Secretariat pointed out that the words "wide range" would need to be deleted, so the sentence would read: "paper as well as the comments on the description paper made by delegations". It further noted that a more substantive second correction was to be made in paragraph 13. Pointing to the second line of paragraph 13 stating that the "Committee requested the Secretariat to present a revised version of the description paper to be considered by...", the Secretariat stressed that the entire section from "requested" up to the word "by" would be deleted and replaced by "decided to have further discussions on this discussion paper during the following session of the CDIP". The entire paragraph would therefore be deleted. With respect to the discussion paper on IP and the informal economy contained in document CDIP/6/9, the Secretariat pointed out that the Committee had decided to have further discussions on that paper at the following CDIP session. It concluded by stressing that the next change was in paragraph 15, where the last sentence would also need to be deleted.
368. The Delegation of the United States of America sought clarification of the nature of the changes made to paragraph 13, stressing that the document in its possession already

had those corrections implemented and wondering whether it was looking at the right document.

369. The Secretariat thanked the Delegation of the United States of America for the comment and explained that there had in fact been a confusion as to the versions that had been distributed; that the version the Delegation had was indeed the revised version; and that the Secretariat had decided to read it out aloud for those delegates who did not have the right version.
370. The Secretariat, returning to paragraph 15, added that the last sentence which read: "and that the Secretariat would facilitate the further development of a proposal" would be deleted up to the end of that sentence. It stressed that the Delegation of Egypt would further elaborate the project document with input from the Secretariat and in consultation with other Member States. Lastly, it pointed out that it would read the entire paragraph 16 under Agenda Item 7 on Future Work which had been discussed after the summary had been sent for translation, and mentioned that a number of suggestions had been put forward during the discussions. The Secretariat further stated that it had listed the working documents to be provided for the Committee's following session and that the Chair had concluded that he would provide guidance to the Secretariat in view of the preparations of the draft agenda for the following session.
371. The Delegation of Brazil referred to Item 4 in the draft summary of the Chair, in which it had described the amendment to Agenda Item 5, and asked whether documents CDIP/6/2 and CDIP/6/3 were also mentioned as part of that amendment. It did not consider that those documents should be included there, adding that even though it seemed strange, it would not be against having them. Returning to Item 16, the Delegation believed there was a concrete proposal on future work which should be reflected, and that the number of documents should also be reflected.
372. The Delegation of France asked whether, given the fact that it was already late in the evening, delegations could send their comments on the Chair's summary in written form to the Secretariat, and stressed that getting feedback in that way would enable everyone to save time and to close the session on time.
373. The Chair responded that he believed that delegations would appreciate the fact that the document was a summary, and stated that unless there were fundamental differences, he would appreciate it if delegations would consider the Chair's Summary in a spirit of a summary report and not as a whole report, in order to finish the session.
374. The Delegation of Egypt supported the Chair's suggestion to proceed with the adoption of the Summary at that session, as it did not believe there were many fundamental issues of difference. Finally, the Delegation requested the additional part of paragraph 16 as had been read by the Secretariat, as well as paragraphs 17 and 18 to remain as they were.
375. The Secretariat, in response to the first point mentioned by the Delegation of Brazil, stressed that under Agenda Item 2, the Delegation of Brazil had read out the suggested modifications and that the reading itself had included the numbers of those two documents, but that they could be conveniently deleted and a solution could be found.
376. The Chair observed that items that gave rise to differences of view were usually avoided in the Chair's Summary, and requested that any fundamental differences of view be voiced.
377. The Delegation of Brazil did not consider that there were any divergences in terms of there being a concrete proposal for future work. It emphasized that only factual points should be reflected in the discussions under future work.
378. The Delegation of Switzerland commented with respect to paragraph 15 that the new sentence read out by the Secretariat should be added at the end of the paragraph replacing the current one. It was recalled that in earlier discussions, the Delegation of Egypt had said that it would further elaborate the project with the assistance of the

Secretariat. The Delegation of Switzerland did not recall mention being made of “with and in consultation with the Member States”, and it did not understand that that had been one of the conclusions that had been arrived at during the discussions. It therefore suggested that that part of the new sentence be deleted, with a full stop after “Secretariat”.

379. The Delegation of Egypt replied that the Delegation of Switzerland might not have heard its statement, and stated that it had specifically mentioned that it would be working with other delegations, and had also specifically mentioned the Delegation of Nepal and the Group of LDCs. It was stated that the reading of the Delegation of Switzerland was incorrect in that respect.
380. The Delegation of Switzerland thanked the Delegation of Egypt for that clarification, stating that as it now understood the context under which discussions would take place, it had no problem with the sentence that was drafted by the Secretariat.
381. The Delegation of France stated that it had not fully understood the Delegation of Egypt’s request to delete paragraphs 17 and 18, which appeared to contain standard language.
382. The Delegation of Egypt responded that it had simply requested the Secretariat to read out the last paragraph, which had led to the belief that paragraphs 17 and 18 would also be deleted.
383. The Delegation of India noted a couple of minor modifications to paragraphs 7 and 8, in particular paragraph 7, line 3 (sentence starting from line 2) which read: “the Committee took note of the information contained in the annexes to this document and engaged in an exchange of information with Project Managers”. The Delegation stressed that it wished to request two additional words to be added to line 3 so that the sentence would read: “engaged in an exchange of *views and* information with project managers”. It added that a similar addition of words was proposed in paragraph 8, line 3: “engaged in an exchange of *views and* information with the Secretariat”. The Delegation believed that the discussion held on those two documents had gone much further than a simple exchange of information. It also stated that as far as it was concerned, it had offered some views that had been discussed in a very constructive manner in the Committee, leading to the request to make the proposed modification to reflect its position.
384. The Chair agreed with those modifications.
385. The Delegation of Brazil stated that it understood that it was a factual report of what had happened and that there was a reference to all the documents that had been submitted and discussed. It failed to see why any delegation would have any difficulty in saying that a document had been presented and in giving a number and title, and therefore did not see any point in that discussion.
386. The Delegation of Australia pointed out that as long as it was the factual description of the document, it had no objection in terms of including that reference.
387. The Secretariat asked the Delegation of Brazil to propose a document with a number and to clarify the initial proposal on the number and the document it had been talking about in the first instance.
388. The Delegation of Brazil, in response to the Secretariat, stated that during the discussions on future work, it had mentioned that it had circulated outside the room a document that was a non-paper which it had hoped could serve as a basis for discussion. Since some delegations had requested time for further consultations and others had had some reservations, the Delegation had requested that the document be treated as an official document of the CDIP so that it would have a reference number. It added that it believed that the number would be CDIP/6/12.
389. The Delegation of France stated that it did not clearly understand the statement of the Delegation of Brazil regarding the document it had mentioned. The Delegation had

thought that the said document had been presented in an informal manner when first tabled, adding that, in order to be an official document, it would be a document for the following session and its number would therefore be CDIP/7 and not CDIP/6.

390. The Delegation of Canada stated that in order to make things clearer, it would be easier if all the documents listed by the Secretariat in the second sentence as working documents were all included under that paragraph and presented as bullet points. The document from the Delegation of Brazil would become a formal document to be studied at the next CDIP session. It pointed out that if they were to be listed, it would be clear to all delegations when looking at the summary as to what documents would be looked at during the following session, and that if they referred to one document, they should in fact refer to all documents.
391. The Secretariat noted that a number of additions had been introduced during the discussions under Agenda Item 7 on Future Work, including a proposal from the Delegation of Brazil with respect to future work, but it should not have been included. The Secretariat read from the beginning under Agenda Item 7 on Future Work the additions made during the discussions, including the proposal from the Delegation of Brazil, which should be considered as a working document for the Committee's next session. The working documents to be provided at the next session had been listed, and the Chair would provide guidance to the Secretariat as it endeavored to prepare the draft agenda for that session.
392. The Delegation of Brazil stated that it was important to mention that the proposal had been presented by Brazil on behalf of the Development Agenda Group, and that it was a proposal that had been submitted at that session. It understood that there was a deadline and a timeline in which countries were supposed to present documents to each Committee, which was 10 days before the session; however, it also understood that Member States had not strictly observed that rule, and noted that the Delegation of Canada generally considered proposals presented during the sessions. The Delegation of Brazil requested delegations to display the same good faith and good will when considering those documents, asking them to consider the proposal as a proposal presented at the current session.
393. The Chair stated that there had been sufficient discussion on the Chair's Summary with all the amendments, and declared it adopted.

Agenda Item 9: Closing of the session

394. The Delegation of Belgium, speaking on behalf of the European Union and its Member States, thanked the Chair for his able leadership throughout the Committee's session. The EU had welcomed the positive atmosphere that had prevailed in the Committee, which reflected important progress in the presentation of the Development Agenda. It considered that the current project-oriented structure of the Committee had proven that it was efficient and that there was no reason to change it. The EU also wished to comment on the informal discussion on the coordination mechanism that had taken place at the margins of the Committee. Despite the existence of much common ground, the Delegation expressed its regret that delegations had been unable to reach a shared approach on the Development Agenda coordination mechanism, adding that the Delegation of the European Union and its Member States remained committed to finding a solution as soon as possible and would continue negotiations within the CDIP.
395. The Delegation of Angola, speaking on behalf of the African Group, emphasized that it wanted to send a positive message despite the failure to reach an agreement on the coordination mechanism. It was important to highlight the positive outcome of the session, at which several projects had been approved, including a number of controversial projects, and particular mention had been made of the discussions on transfer of technology and IP at the Committee's Third Session. The Delegation also noted that the project on IP and open collaborative models had been approved and that several projects had received positive feedback, and it was hoped that those projects would be approved on the basis of feedback received during the following session. The

Delegation of Angola considered that the issue of brain drain and IP would need to be considered as a central issue at the following session. The Delegation nevertheless acknowledged that it had been important to have that discussion because it had allowed the African Group to contribute in a specific manner to a project with several interesting and pertinent points. It stated that, even though it had not been possible to compromise and achieve consensus on those issues, the continuing positive attitude and spirit made the Delegation believe, as the coordinator of the African Group, that agreements were possible. The Delegation was convinced that, as the Delegation of Belgium had mentioned, delegations were all committed to continuing the discussions in order to try and find a positive outcome and to try and reach consensus. The Delegation of Angola would continue to work for the African Group in the same spirit to find compromises and outcomes that would be mutually acceptable.

396. The Delegation of Brazil thanked all delegations on behalf of the Development Agenda Group for their work during the session, and emphasized how important it had been to approve projects that had been in the pipeline for a long time, such as the project on technology transfer and the project on open collaborative models, on which they would have a great deal of work. It was very positive indeed that another developing country had presented their project, and the Development Agenda Group was committed to trying to make that project better and more substantial so that it could be approved at the following session. With respect to the informal discussion on the coordination mechanism, it was noted that the CDIP was not a competent forum to discuss it, and they had only been trying to find a gentleman's or lady's agreement to facilitate their work in the other committees. The Delegation believed another committee was meeting the following week, the Advisory Committee on Enforcement, and because that Committee met only once a year, its members would have to discuss that issue during that session. While they had to discuss that issue, delegations also needed to engage constructively in trying to find the best solution for that matter. The delegation believed it had found common ground on several elements of that discussion, and would be more than happy to start discussing the matter again the following day.
397. The Delegation of Slovenia, on behalf of the Regional Group of Central European and Baltic States, thanked all delegations and members for their efforts and hard work. Without wanting to specifically refer to any of the unsolved issues, it stressed that the Regional Group of Central European and Baltic States sincerely hoped that a solution would be found in the near future and that the Regional Group would do its utmost to work constructively until all those issues had been resolved.
398. The Delegation of Egypt expressed its fear that tomorrow would never come. Despite the difficulties, it recognized the fact that the Committee, and in particular the current session, had been an achievement, partly due to the great effort and capacity of the Chair and of his entire team, and that they could really take a very significant accomplishment home with the adoption of the project on technology transfer. The Delegation noted that the CDIP had constructively engaged on two of the three elements of its mandate, stressing that it still needed to engage constructively on the third element of the mandate, namely the discussion on IP and development. In that regard, it said that the Development Agenda Group had put forward a proposal under Agenda Item 7 on Future Work and that it would like that to be carried forward. The Delegation of Egypt also stressed that the Group was satisfied with the Chair with regard to the second mandate on the coordination mechanism and, in particular, the fact that based on the mandate received from the Assemblies the previous September, they had at least inserted an agenda item as instructed by the General Assembly, which was a positive feat for the Organization. In that regard, he declared that the Group believed that the rest of the mandate of the General Assembly was now the preoccupation of the relative WIPO bodies and that it was up to them to execute the mandate given to them by the General Assembly. To conclude, the Delegation of Egypt expressed its appreciation for the positive responses and constructive engagements that the Committee had given to the proposal which the Delegation had presented on enhancing cooperation. As with the Delegation of Brazil's intervention on behalf of the Development Agenda Group, the Delegation of Egypt stated that it was an important step for the Committee and that it would certainly be engaged in constructive discussions with Member States that had indicated their willingness to do so.

399. The Delegation of Bangladesh, speaking on behalf of the Asian Group, thanked the Chair and his team for their efforts during the work of the Sixth Session of the CDIP, and was pleased to see that they had managed, under the Chair's stewardship, to keep a positive momentum throughout the session. The Group believed that the progress made during the current session would help them build future work. The Delegation took the opportunity to thank all the Member States for their positive efforts and contributions, and hoped that they would witness the same spirit at future sessions.
400. The Delegation of France, speaking on behalf of Group B, thanked the Chair for the work done by the Committee under his able guidance and stressed that Group B had been encouraged by the constructive discussions held during the week. It was clear that there was much common ground and a shared determination to implement the Development Agenda, and to implement the coordination mechanism as per the decision of the General Assembly. With respect to its last point, the Delegation stated that while significant progress had been achieved, it was clear that additional time would be needed to make further progress on that matter.
401. The Delegation of Mexico, speaking on behalf of GRULAC, thanked the Chair for his Chairmanship of the Committee and for his efforts in helping the delegations reach necessary agreements. Despite the fact that it had not been possible to reach a consensus on the item concerning the implementation of the Development Agenda, in view of a requirement with respect to the form, it was recognized that a few steps forward had been achieved and that substantial aspects would be dealt with in the various committees. The Delegation of Mexico stressed that it would be able to look at it item by item and see how far it could advance the agreement.
402. The Delegation of China noted that all delegations had worked very hard throughout the week and that it was the Delegation's hope that they would arrive at an agreement as soon as possible regarding the coordination mechanism. In particular, it hoped that there would be a fully fledged gentleman's agreement, or even a gentleman's consensus, and that they would be able to integrate all of the various elements into the Development Agenda for the benefit of the Agenda in future sessions.
403. The Delegation of Senegal thanked the Chair and his team for the work done and recognized the willingness to embrace consensus regarding the various projects that had been approved, especially the project on technology transfer, which was particularly important for developing countries. It was the Delegation's hope that the openness and willingness expressed by most of the Delegations would be reflected in and guide future work. Particular mention was made of the proposal by the Delegation of Egypt and the proposal for future work put forward by the Delegation of Brazil. Delegations should make it possible for the Committee to move into the third aspect of its mandate on IP and development. Delegations were thanked for having demonstrated a positive mindset, and it was hoped that that would continue in the future.
404. The Chair noted that they had come to the conclusion of yet another very constructive session of the CDIP. As Chair, he declared that it had been a rewarding experience for him to guide the work of the Committee over the past year, and he wished to thank all the delegates for their trust and confidence in him and their wholehearted cooperation in making the Committee a success. He added that what had been achieved at the Sixth Session of the Committee would definitely help them make further strides in implementing the Development Agenda recommendations, and he highlighted in particular the two important projects that had been adopted and which would have a significant impact on achieving the Committee's objectives. The biggest achievement of all, he continued, was that they had managed to finish their work within a reasonable time. The Chair took the opportunity to thank the Director General, Mr. Francis Gurry, the Deputy Director, Mr. Geoffrey Onyeama, the Director of the Development Coordination Division, Mr. Irfan Baloch, Mrs. Lucinda Longcroft and Mr. Georges Ghandour from the same Division, and all the other colleagues from the Secretariat for the tireless and reliable support throughout the week. The Chair also thanked the Vice-Chairs and the Group Coordinators for their outstanding support to the work of the Committee. In addition, he

thanked all of the Secretariat's technical staff and the interpreters. He hoped that the CDIP would continue to work towards achieving its mandate with a view to unlocking the development potentials of IP in a balanced and meaningful manner, and concluded by stressing that it had been an enriching experience for him to work with such a wonderful mix of delegates and members of the Secretariat and observers.

[Annex follows]

LISTE DES PARTICIPANTS/
LIST OF PARTICIPANTS

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(dans l'ordre alphabétique des noms français des États)/ (in the alphabetical order of the names in French of the States)

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TRINITÉ-ET-TOBAGO/TRINIDAD AND TOBAGO

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TUNISIE/TUNISIA

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INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

CONFÉRENCE DES NATIONS UNIES SUR LE COMMERCE ET LE DÉVELOPPEMENT
(CNUCED)/UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD)

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ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE
(FAO)/FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

Shakeel BHATTI, Secretary, International Treaty on Plant Genetic Resources, Plant Production and Protection Division, Rome

ORGANISATION DES NATIONS UNIES POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE
(UNESCO)/UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION
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UNION EUROPÉENNE (UE)/EUROPEAN UNION (EU)

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ORGANISATION RÉGIONALE AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE
(ARIPO)/AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

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ORGANISATION EURASIENNE DES BREVETS (OEAB)/EURASIAN PATENT ORGANIZATION
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ORGANISATION MONDIALE DU COMMERCE (OMC)/WORLD TRADE ORGANIZATION (WTO)

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ORGANISATION DES ÉTATS DES ANTILLES ORIENTALES (OEAO)/ORGANIZATION OF EASTERN CARIBBEAN STATES (OECS)

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III. ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES/
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American Intellectual Property Law Association (AIPLA)

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Association européenne des étudiants en droit (ELSA international)/European Law Students' Association (ELSA International)

Marzia Carla IOSINI (Ms.), Representative, Milan, Italy
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Association internationale du barreau (IBA)/International Bar Association (IBA)

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Association IQSensato (IQSensato)

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Association littéraire et artistique internationale (ALAI)/International Literary and Artistic Association (ALAI)

Victor NABHAN, président, Ferney-Voltaire, France

Centre international pour le commerce et le développement durable (ICTSD)/International Centre for Trade and Sustainable Development (ICTSD)

Pedro ROFFE, Senior Fellow, Geneva
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Chamber of Commerce and Industry of the Russian Federation (CCI RF)

Elena KOLOKOLOVA (Mrs.), Representative, Chamber of Commerce and Industry of the Russian Federation, Geneva

CropLife International

Tatjana R. SACHSE (Ms.), Counsel, Geneva

Electronic Information for Libraries (eIFL)

Teresa HACKETT (Ms.), Program Manager eIFL-IP, Rome

Fédération ibéro-latino-américaine des artistes interprètes ou exécutants (FILAIE)/
Ibero-Latin-American Federation of Performers (FILAIE)

Luis COBOS, Presidente, Madrid

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Fédération internationale de la vidéo (IVF)/International Video Federation (IVF)

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