

Status of the Development Agenda Implementation

**WIPO Interregional Meeting on South-South Cooperation on IP
Governance; Genetic Resources, Traditional Knowledge and
Folklore; and Copyright and Related Rights**

9 August 2012

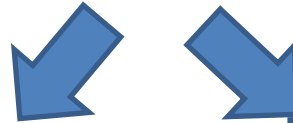
Brasilia



International Centre for Trade
and Sustainable Development

Development Agenda Recommendations

Two different aspects



USE OF IP FOR DEVELOPMENT

- Use of IPRs for economic development
- IP administration
- Infrastructure supporting the use of the IP system

DEVELOPMENT ORIENTED IP

- Balanced IP regimes
- Development oriented
- Use of flexibilities, limitations and exceptions in IP rules
- Ensuring that IP is supportive of public policy objectives
- Development oriented technical assistance

Development Agenda Recommendations (2)

- Example of development oriented IP: DA recommendation 15

Norm-setting activities shall take into account **different levels of development** take into consideration **a balance between costs and benefits**

- Example of IP for development: DA recommendation 11

To assist Member States to **strengthen national capacity for protection of domestic creations, innovations and inventions** and to support **development of national scientific and technological infrastructure**

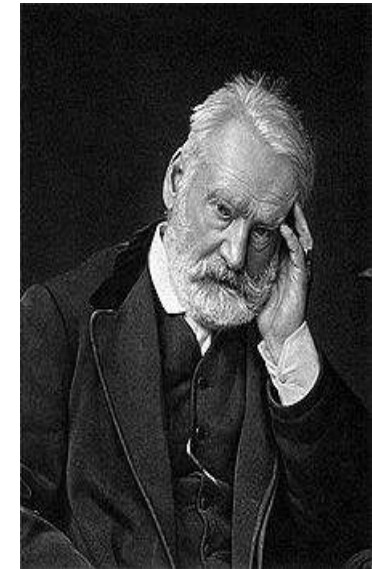
The public interest and copyright

"The book, as a book, belongs to the author, but as thought it belongs --the word is not too big -- to the human species. Any intelligent being has a right to it. **If one of the two rights, that of the writer and that of the human spirit, must be sacrificed, then certainly it should be the right of the writer, as the public interest is our sole preoccupation, and everyone, I declare, should come before us" –**

Victor Hugo (1878)

It should be remembered that limits to absolute protection are rightly set by the **public interest**.

Numa Droz, Swiss delegate to Berne Convention (1886)



The importance of balance for creativity

Balance of **A** + **B** = **Creativity**

A

Copyright

Rights of authors

Related rights

B

Public domain

Dissemination of
knowledge

Limitations/exceptions



Achievements

- Shift to innovation promotion
- Building national IP capacity
- Integrating DA in WIPO Strategic Framework and Program and Budget
- DA dimension present in different aspects of the organization work

DA and norm-setting

Beijing Treaty on Audiovisual Performances (2012)

“The Contracting Parties,

- Desiring to **develop and maintain the protection of the rights of performers** in their audiovisual performances **in a manner as effective and uniform as possible,**

- Recalling the importance of the Development Agenda recommendations,** [...] which aim to ensure that development considerations form an integral part of the Organization’s work”

Start-Up National IP Academies

EXPECTED RESULTS

Establishment of “Start- Up” National IP Academies.

CDIP 9 agreed to next phase of the Project, giving priorities to the needs of least developed countries and those countries already involved in phase I to the extent possible

MAIN ACHIEVEMENTS

- A total of four national “Start-Up” IP academies have been launched in the framework of this project.
- WIPO received 20 official requests from Member States to participate in this project.

Innovation and Technology Transfer Support Structure for National Institutions

EXPECTED RESULTS

Setting up innovation and technology transfer support structure for national institutions.

MAIN ACHIEVEMENTS

- Launch of a first prototype of the ITTS Portal;
- Training tools were tested in in-situ seminars and events;
- Six Technology Transfer Guides/Manuals are under development, namely:
 - 1) Patent Drafting Exercise Book,
 - 2) Practical Guide for Valuing Intangible Assets in Research Institutions,
 - 3) IP Valuation Training Kit for Academic Institutions,
 - 4) Training Kit on Models of IP-Related Contracts for Universities and Publicly Funded Research Organizations,
 - 5) Trademark Licensing Guide
 - 6) Guide on the Strategic Management of Open Innovation Networks.

Creative Industries and Copyright Collective Management Organizations

EXPECTED RESULTS

Strengthening the capacity of national IP governmental and stakeholder institutions to manage, monitor and promote creative industries, and to enhance the performance and network of Copyright Collective Management Organizations.

MAIN ACHIEVEMENTS

- Completion of the design part of the WIPOCOS Software re-engineering.
- The software development is divided into 12 'work packets' to ease development planning, monitoring and integration.
- Work has commenced on the first two work packets.

Improvement of National, Sub-Regional and Regional IP Institutional and User Capacity

EXPECTED RESULTS

Improvement of national, sub-regional and regional IP institutional and user capacity.

Improve the capacities of national institutions, including IP Offices, to handle efficiently the procedures for registration and examination of trademarks and geographical indications.

MAIN ACHIEVEMENTS

- National IP strategies: Five out of the six pilot countries have formulated draft national IP strategies and action plans using the proposed WIPO methodology .
- Regional and sub- regional institutions: Work continued in 2011 toward the establishment of a Regional Patent Administration (RPA) for the Caribbean Region.
- IP and SMEs: National studies are underway or completed in six selected countries.

Challenges

- Moving forward discussions on public domain and flexibilities
- No decision on follow-up to technical assistance review
- Measuring impact of DA activities
- Coordination mechanism on DA
- Debate over standing agenda item on “IP and development”

Intellectual Property and the Public Domain

- **WIPO DA recommendation 16:**

- Consider the preservation of the public domain within WIPO's normative processes and deepen the analysis of the implications and benefits of a rich and accessible public domain.

- **WIPO DA recommendation 20:**

To promote norm-setting activities related to IP that support a robust public domain in WIPO's Member States, including the possibility of preparing guidelines which could assist interested Member States in identifying subject matters that have fallen into the public domain within their respective jurisdictions.

Intellectual Property and the Public Domain

EXPECTED RESULTS

Analysing the implications of a rich and accessible public domain, exploring the various tools available for identifying and accessing subject matter that has fallen into the public domain, and wherever possible, suggest or work towards the development of new tools or guidelines in this respect, in order to enhance access to the public domain and preserve knowledge that is already in the public domain.

MAIN ACHIEVEMENTS

- Copyright :Scoping Study on Copyright and Related Rights and the Public Domain, under discussion in the CDIP since its sixth session. Second Survey on Voluntary Registration and Deposit Systems and the Survey of Private Copyright Documentation Systems and Practices available on the WIPO website.
- Trademarks: Study on Misappropriation of Signs discussed in CDIP 9.
- Patent: A study on patents and the public domain and Feasibility Study on the Establishment of National Patent Register Databases discussed during CDIP 8

DA Implementation Activities: Challenges

- How to measure the impacts of the activities that are being implemented under the DA?
- Qualitative information?
- Impact analysis?

Coordination Mechanisms

The General Assembly decides:

To instruct the relevant WIPO bodies to include in their annual report to the Assemblies, a description of their contribution to the implementation of the respective Development Agenda Recommendations. The General Assembly shall forward the reports to the CDIP for discussion under the first substantive item of its Agenda. The General Assembly may request the Chairs of the relevant WIPO bodies to provide it with any information or clarification on the report that may be required.

2010

Coordination Mechanisms: Implementation Challenges

“In our view, the Coordination mechanism should not be seen as a problem, rather it should be seen as a solution, to eliminate duplication of the works among committees and enhance coordination among committees in the field of development activities.”

Asian Group, CDIP 9

Coordination Mechanisms: Implementation Challenges

- Report modalities:
 - Compilation of interventions of Member States
 - Qualitative evaluation?
- “Relevant bodies”
 - Which WIPO bodies are relevant? Debate on PBC

Coordination Mechanisms: Report Modalities

“On modalities of the coordination, monitoring, assessing and reporting mechanism for the Development Agenda, the Committee need to agree on the WIPO bodies that must report to the General Assembly on their contribution in implementing the Development Agenda recommendations.”

DAG, CDIP 9

Coordination Mechanisms: Report Modalities

“In the last session of CDIP, there were no consensus, in dealing with this matter and for this reason it is important to reach an agreement on overall functioning of the coordination mechanism including the modalities of reporting and improving the quality of the reports in order to facilitate discussion in CDIP. Without agreeing on the modalities, the discussions on coordination mechanism in CDIP would be more complex and it would be difficult to reach concrete results.”

Asian Group, CDIP 9

Coordination Mechanisms: Relevant Bodies

- General Assembly decision on the Development Agenda coordination mechanism “is not yet implemented when it comes to the Program and Budget Committee.”
- “Developing and least developed member states were surprised to see that the Committee on WIPO Standards was prevented from making any reference to the Development Agenda under the pretext that the WIPO standards are technical and therefore have no relevance to the WIPO Development Agenda”

African Group, CDIP 9

CDIP “Third Pillar”: Challenges

“Discuss intellectual property and development related issues as agreed by the Committee, as well as those decided by the General Assembly”

How?

- DAG proposal to insert standing agenda item on “IP and Development-Related Issues”?
- CDIP forum of discussion on IP-Development by its own nature?
- Discuss under *ad-hoc* items or adopt new projects?

CDIP “Third Pillar”: Challenges

“To ensure the complete implementation of the three pillars of the Committee, DAG reiterate its proposal to include an agenda item entitled “Intellectual Property and development” to the agenda of the CDIP. That agenda item will allow discussions on the important linkages between IP and development, inter alia, discussion on the WIPO seminar series on the economics of intellectual property; and WIPO's contribution to the UN MDGs.”

DAG Group, CDIP 9

CDIP “Third Pillar”: Challenges

“Out of the three elements of the mandate given to the CDIP by the WIPO General Assembly in 2007, two of the elements are currently reflected in the CDIP’s agenda. [...] However, the third element namely: (iii) “discuss IP and development related issues”, is yet to be addressed in this Committee, even though it has been mandated to do so, by the General Assembly. In the Asian Group’s view, therefore, the Committee would be remiss in complying with the General Assembly’s mandate if it does not address the key issue of ‘IP and development’ .”

Asian Group, CDIP 9

- Thank you
- Ahmed Abdel Latif
- aabdellatif@ictsd.ch