

Second WIPO Annual Conference on South-South Cooperation on Intellectual Property and Development

Conference
Geneva, November 22, 2013

SUMMARY OF THE REPORT

prepared by the Secretariat

The Second WIPO Annual Conference on South-South Cooperation was held in Geneva as part of the implementation of the Development Agenda Project on *Enhancing South-South Cooperation on Intellectual Property and Development among Developing Countries and Least Developed Countries (LDCs)*.

1. Presided over by His Excellency Mr. Mohamed Siad Doualeh, Ambassador, Permanent Representative, Permanent Mission of the Republic of Djibouti to the United Nations Office and other international organizations in Geneva, the Second WIPO Annual Conference on South-South Cooperation aimed to review the work undertaken during the *Second WIPO Inter-Regional Meeting on South-South Cooperation on Patents, Trademarks, Geographical Indications, Industrial Designs and Enforcement* held in Cairo in May 2013 and to stimulate a discussion on the way forward as far as South-South cooperation in the field of intellectual property (IP) was concerned. As pointed out by H.E. Mr. Mohamed Siad Doualeh, the conference was the final opportunity under the Development Agenda Project on South-South Cooperation to identify how to take the process further, concretize the lessons learned, and identify how to further use South-South cooperation as a mechanism to help all Member States reap the benefits from the IP system. Born out of shared experiences, similar socio-economic circumstances, common developmental needs and objectives, South-South cooperation had, he added, become an increasingly significant vector in recent years for sharing knowledge,

experiences, know-how, solutions and technologies, and the exchanges of experiences and lessons learned witnessed during the first and second WIPO inter-regional meetings on South-South cooperation had clearly demonstrated the need and potential for enhanced cooperation among developing countries and LDCs in all areas of IP. In his opening remarks, Mr. Geoffrey Onyeama, Deputy Director General, Development Sector, WIPO, also pointed out the fact that the South-South Project fell within the broader United Nations (UN) framework and contributed to some extent to achieving the objectives set out by the UN General Assembly which had called on all funds, programs, specialized agencies and other entities of the UN system to strengthen their support to South-South and triangular cooperation and to help developing countries develop capacities to maximize the impact and benefits of South-South and triangular cooperation in order to achieve their national development goals and priorities. From investment in infrastructure to the sharing of technological advances and best practices, South-South cooperation was now widely recognized as a key mechanism for achieving the development agenda of countries of the South and it was in this spirit that the WIPO South-South project had been initiated in 2011, namely with the objective to stimulate exchanges among developing countries and LDCs and support them, through such exchanges, in developing an efficient and accessible IP system that would contribute to their development objectives and address their specific needs. In line with the first Recommendation of the Development Agenda stipulating that technical assistance activities shall be development-oriented and demand-driven, South-South cooperation, he concluded, ought, equally, to be a development-oriented and demand-driven process with Member States in the driving seat.

2. Introducing the report of the *Second WIPO Inter-Regional Meeting on South-South Cooperation on Patents, Trademarks, Geographical Indications, Industrial Designs and Enforcement* (Topic 1) organized in cooperation with the Ministry of Foreign Affairs of the Arab Republic of Egypt and the Egyptian Academy of Scientific Research and Technology, the Secretariat highlighted the fact that the meeting, held in Cairo from May 6 to 8, 2013, had provided an opportunity to share national and regional experiences in the fields of patents, trademarks, GIs, industrial designs and enforcement, and to identify special needs of developing countries and LDCs, including opportunities for cooperation, in these areas. An overview of the main ideas and proposals put forward during the meeting had highlighted the need for enhanced cooperation and experience sharing in many areas, including in the formulation and implementation of national IP and innovation strategies, the development of science and technology parks and innovation hubs, the use of flexibilities and utility models, the use of GIs and branding strategies to empower local communities, and the need for enhanced collaboration among local, national and regional enforcement authorities.

3. As the host country of the Second WIPO Inter-Regional Meeting on South-South Cooperation, the Arab Republic of Egypt was then given the floor to present a detailed analysis of the meeting based on the report prepared by the Secretariat. Speaking on behalf of the Government of the Arab Republic of Egypt, Mr. Mohamed Gad, Counselor, Minister's Office, Ministry of Foreign Affairs, summarized the presentation of the meeting discussions into five clusters: IP strategies and competition (cluster 1), patents (cluster 2), trademarks and GIs (cluster 3), industrial designs (cluster 4) and enforcement (cluster 5). As far as cluster 1 was concerned, the discussions and experiences shared had highlighted, in particular, the importance of tailoring IP strategies to each country's development and public policy objectives and priorities and the need for coordination among national agencies as well as cooperation with industry, i.e. inclusion of all the main stakeholders in the IP strategy formulation process. With regard to the debate on IP and competition, the importance of cooperation between IP and competition authorities to address potential conflicts arising between IP protection and competition had been showcased by Peru's experience. The usefulness of compulsory licensing had also been highlighted in this context. In the area of patents (cluster 2), the discussion had focused on the issue of flexibilities and in particular the need for additional capacity-building and awareness-raising in developing countries on how to use them; the need for coherence of the patent system with public policies which, it had been stressed, was the

essence of a development-oriented patent policy; and the importance of integrating IP into the innovation ecosystem to encourage knowledge and technology transfer. As far as cluster 3 was concerned, the debate had focused on the question of trademarks and the preservation of the public domain, the need for better enforcement and awareness raising against counterfeit products, and the value of GIs and branding strategies as tools to promote community development in developing countries and LDCs, in line with their national development priorities. The fourth cluster had focused on current issues and trends in the area of industrial design protection and had showcased, through the example of the Republic of Korea in particular, the growing importance of design. With regard to enforcement finally, the debate had focused on how to achieve Recommendation 45 of the Development Agenda, the contribution of right-holders to enforcement, and the fight against piracy and counterfeiting. In this regard, awareness-raising and cooperation among all the stakeholders, including right holders, consumers and government agencies, had proven to be critical elements in any successful enforcement strategy. As highlighted in the report, a number of proposals had also been put forward during the meeting, including some addressed to WIPO and some to be addressed jointly by WIPO and Member States. In the first category, Mr. Gad pointed out, the proposal had been put forward to complete all the activities foreseen under the South-South project, including in particular the web portal, to pave the way for a second phase and future mainstreaming of South-South cooperation into WIPO's work, which also included the proposal to make sure that sufficient resources would be made available in the next Program & Budget for South-South cooperation and the proposal to strengthen WIPO's institutional capacity and structure in this regard. The importance of organizing further inter-regional meetings to continue to exchange experiences and network had also been underlined, as well as the need to further support the use of official languages of developing countries and LDCs to ease their access to knowledge, to WIPO databases, and to the IP debate in general. As far as the second group of proposals was concerned, Mr. Gad added, the proposals had included the need to further strengthen networking and matchmaking between developing countries and LDCs, the proposal to raise awareness of successful South-South cooperation initiatives, experiences, and lessons learned in the field of IP through case studies and other relevant materials, and the suggestion to use South-South cooperation as a vehicle to mobilize resources and incentivize grass root and community based innovation initiatives.

4. Introducing topic 2 entitled "*Evaluation of the Second Inter-Regional Meeting on South-South Cooperation on Patents, Trademarks, Geographical Indications, Industrial Designs and Enforcement*", the Secretariat provided a brief quantitative and qualitative analysis of the meeting before passing the floor on to the representatives of Cambodia, Cuba, Egypt and Peru to present their observations. The meeting, the Secretariat pointed out, had brought together over one hundred registered participants from thirty-two developing countries, five developed countries, four inter-governmental organizations and two non-governmental organizations with a good representation from all regions and a mix of officials from various authorities, albeit predominantly from IP offices. Taking into account the main objective of the meeting to provide a forum for fostering knowledge-sharing and to support developing countries and LDCs in identifying priorities and special needs in the fields of patents, trademarks, GIs, industrial design and enforcement, including opportunities for South-South cooperation, and taking into account the feedback gathered from participants, one could see that the meeting had indeed succeeded in achieving its objective and that participants had overall been very satisfied. While the meeting had indeed provided for a rich debate and exchange of experiences, future meetings, it had been put forward, would benefit from being more focused and thematic. As participants to the Second Inter-Regional Meeting on South-South Cooperation, the Delegates of Cambodia, Cuba and Peru were then given the floor to present, in a nutshell, their views on the meeting. Overall, all recognized the importance of South-South cooperation as one of the forums available to achieve the recommendations of the Development Agenda and as an invaluable opportunity for developing countries and LDCs to share their experiences and best practices, build networks and partnerships, and learn from each other's lessons. Meetings such as the two inter-regional meetings on South-South cooperation organized under the WIPO project

were very important activities which, they stressed, ought to be continued. By disseminating national experiences and lessons learned, such meetings indeed greatly contributed to reducing risks and challenges for other countries seeking to engage in similar processes or seeking to establish similar mechanisms, thereby positively affecting the learning curve. Consequently, and in order to showcase Peru's willingness to further cooperate as well as benefit from the cooperation of other countries of the South, the Delegate of Peru concluded his presentation announcing that the Government of Peru offered to host another inter-regional meeting on South-South cooperation. Presenting finally the host country's perspective, Mr. Gad reiterated the importance of such meetings for developing countries and LDCs and welcomed the variety of experiences which had been shared during the meeting and the concrete proposals which had emanated from it. There was now a need to take these proposals further and to achieve concrete results through action-oriented activities or projects. Egypt for instance had already used this networking opportunity to cooperate with India to learn from its experience in patenting and IP protection in the area of pharmaceuticals.

5. The third session of the conference (topic 3) consisted in presenting the progress achieved in the overall implementation of the Development Agenda Project on South-South Cooperation. After a brief review of the progress report submitted to the Twelfth Session of the CDIP, the Secretariat provided a detailed presentation of the work undertaken with regard to the development of South-South functionalities in the IP Technical Assistance Database (IP-TAD), the Roster of Consultants (ROC) Database, and the IP Development Matchmaking Database (IP-DMD), the work undertaken with regard to the development of a new dedicated web page on South-South cooperation, and a presentation of WIPO's cooperation with the United Nations Office for South-South Cooperation (UNOSSC) and main developments in the field of South-South cooperation UN system-wide. As far as the new South-South functionalities were concerned, these had been developed with the objective to a) provide information about specific South-South technical assistance activities undertaken with the support of WIPO, b) further increase the use of resource persons from developing countries and LDCs in technical assistance and capacity-building activities, and c) further enable South-South matchmaking. A live demonstration of the South-South functionalities highlighted the new search functionalities and user interfaces developed to achieve these objectives. The Secretariat also presented the structure and content of the new web page on South-South cooperation designed with the intention to provide a dedicated platform, on the WIPO website, on South-South activities in the field of IP, including information about the history of South-South cooperation and about WIPO's cooperation with UNOSSC. The web page included a dedicated space to highlight successful national and regional South-South initiatives in the field of IP which would be further developed on the basis of the questionnaires sent to Member States asking them to provide the Secretariat with such information. The Secretariat urged all developing countries and LDCs in this regard to complete the surveys which could now also be accessed on WIPO's South-South web page. Last but not least, the Secretariat presented the activities undertaken in partnership with UNOSSC and used the opportunity to highlight the main developments in terms of South-South cooperation UN system-wide. After a brief review of the institutional and legal framework for South-South cooperation in the UN system, including of the UNOSSC multilateral support architecture comprising four pillars (policy development, Global South-South Development Academy, Global South-South Development Expo, and South-South Global Assets and Technology Exchange Platform), the Secretariat highlighted the latest developments at the national, regional and international level, reflecting on the growing importance of South-South cooperation at all levels with an increase in South-South and triangular cooperation programs and dedicated units and funds, including among the so-called traditional donors. At the policy level, there had also been an increase in the number of policies and strategies devoted to South-South and triangular cooperation both at the national and international level. There was nevertheless still room for improvement including, *inter alia*, the need to better capture and disseminate experiences and good practices from the South, the need to strengthen resources and institutional frameworks for South-South cooperation, and the need to strengthen South-South cooperation management practices. The presentations were well received and a number

of Delegates took the floor to reiterate the importance of the web components of the project and of continued cooperation with UNOSSC and other existing South-South structures.

6. The final session (topic 4) provided an opportunity for participants to reflect on the way forward and engage in a general discussion on the future of South-South cooperation in the field of IP. A number of statements were delivered during the conference in this regard, including a statement by the Chairman of the Personal Representatives of the Group of Fifteen – a summit level group of 17 developing countries established in 1989 with the aim to foster and promote sustainable development through South-South and North-South dialogue –, underlining the importance of the WIPO Development Agenda and of the role of South-South cooperation in supporting the achievement of some of the objectives outlined in the recommendations of the Development Agenda, urging WIPO to take concrete measures and to act as a catalyst to support South-South initiatives in the field of IP. The Delegate of Nepal also took the floor to highlight a number of initiatives undertaken with the support of WIPO which, in the spirit of South-South cooperation, had also benefited a number of other developing countries and LDCs in the field, in particular, of the use of patent information and technology transfer. Presenting a statement on behalf of the Secretary of the International Treaty on Plant Genetic Resources for Food and Agriculture, the representative of the Food and Agriculture Organization also used the opportunity to highlight recent developments in the International Treaty which could be of interest to WIPO in the framework of its work on South-South cooperation. The system, he stressed, facilitated the transfer of about six to eight hundred samples of genetic material every day worldwide and a “Benefit Sharing Fund” had been developed to support projects in developing countries as well as several other initiatives to facilitate access to and transfer of technology to, especially, developing countries and countries in transition. The International Treaty therefore provided an important basis for several initiatives that aimed at strengthening cooperation among Contracting Parties, in the spirit of both North-South and South-South cooperation.

7. A number of Delegations also took the floor to contribute to the discussion and present their views on how to take the process forward, including the Commissioner for Human Resources, Science and Technology of the African Union and the Delegates of South Africa, Brazil, Azerbaijan, and Egypt. All reaffirmed their support to South-South cooperation and called on the strengthening of the process so that the proposals made could be turned into concrete activities. Brazil, as the host of the First WIPO Inter-Regional Meeting on South-South Cooperation, highlighted that it had already established a Funds-in-Trust (FIT) exclusively dedicated to the promotion of triangular cooperation in the field of IP with the support of the WIPO Brazil Office and that the Brazilian Government had already committed over one million US dollars under the FIT for the period 2012-2016. As a proven strategic and effective tool in many other areas, South-South cooperation also had to become a priority for WIPO, which, as a multilateral organization, had the credentials and necessary expertise to provide support to South-South initiatives. The process, the Delegate of Brazil concluded, ought nevertheless to be essentially Member States driven with developing countries taking primary responsibility for it and it would therefore be important to set up a clear work program to guide WIPO’s future work in this area. Speaking on behalf of the African Group, the Delegate of South Africa also highlighted the fact that the Group attached great importance to South-South cooperation and that it believed that WIPO could play an important role in acting as a focal point in sharing successful experiences of developing countries and LDCs in the field of IP. The Government of South Africa also supported the continuation of the project through a second phase following completion of the project’s evaluation and reiterated the importance it attached to the establishment of a dedicated focal point for South-South cooperation in WIPO, pointing to the fact that other organizations had already mainstreamed South-South cooperation into their activities and that WIPO should pursue the same path. For the Government of Azerbaijan, which shared its disposition to cooperate with other countries in the framework of future South-South initiatives, one of the main challenges remained access to information and knowledge in all working languages of the Organization. Echoing Azerbaijan’s offer to contribute to future

South-South cooperation initiatives, the Delegate of Egypt also called on Member States to present a clear roadmap for WIPO to take the South-South cooperation process forward and ensure its sustainability as an integral part of WIPO's work. In this regard, he pointed out to the JIU recommendations on South-South cooperation which were currently under consideration by the Organization and which recommended, in particular, the establishment of institutional structures for South-South cooperation and the allocation of a minimum of 0.5 per cent of core budget resources for the promotion of South-South cooperation.

8. In his concluding observations, the Chair provided a brief review of the four main sessions, highlighting the relevance of South-South cooperation as a complement to North-South cooperation and the added value of inter-regional meetings for experience-sharing, knowledge-sharing and networking among developing countries and LDCs. As far as the way forward was concerned, the Chair pointed out the need, as expressed by many, for a continuation of the project taking into account the ideas and proposals put forward during the two inter-regional meetings on South-South cooperation. In particular, he stressed, a number of Delegations had expressed the need to further disseminate best practices and lessons learned from developing countries and LDCs, the need to strengthen access to knowledge and resources in the main languages of developing countries and LDCs, and the need to reinforce WIPO's institutional structure for South-South cooperation, including through continued cooperation with UNOSSC. Recalling the Government of Peru's offer to host another inter-regional meeting on South-South cooperation, the Chair concluded by pointing out to the importance of strengthening networking and matchmaking among countries in the South through the further development of the WIPO South-South portal and through the organization of further thematic inter-regional meetings.

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