

DEPARTMENT OF INTELLECTUAL
PROPERTY
MINISTRY OF COMMERCE



Regional Seminar on the Effective Implementation and Use of Several Patent-Related Flexibilities

***Topic 1: WIPO's Legal and Technical Assistance in the Area
of Patents and the Development Agenda***

**Bangkok, Thailand
March 29 to 31, 2011**



WIPO's Legal and Technical Assistance and the Development Agenda

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**Bangkok
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2011**

Mandate for Extending Legal and Technical Assistance

Article 4 of WIPO Convention provides that WIPO shall, *inter alia*, “offer its cooperation to States requesting legal-technical assistance in the field of intellectual property.”

Evolution of Focus Areas

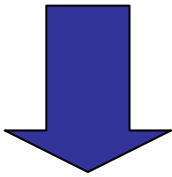
- Pre-TRIPS, emphasis was mainly on:
 - Establishment of national IP systems
 - Human resource development in IP

- After the TRIPS Agreement:
 - Implementation of the TRIPS Agreement
 - Upgrading/modernizing national IP systems

- In the late 90s:
 - Demystification of IP
 - Capitalizing on the assistance rendered in the past for more economic deliverables

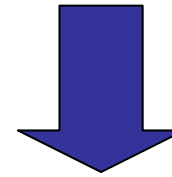
Main Types of Assistance

Legal



Legislative
advice and
assistance

Technical



- Institution building
- Human resource development
- Awareness raising

Legal Assistance

- Upon request, legal advice and assistance are provided strictly on bilateral and confidential basis. They are also neutral and non-binding.
- Two broad types: (i) Advice on substantive standards of patent law including flexibilities; and (ii) Drafting or revising patent regulations/manuals.
- How?
 - Written advice/comments
 - Preparation of draft patent laws and regulations
 - Face-to-face consultations/meetings

Technical Assistance

- Strengthening infrastructure: Customized automation solution to streamline patent administration processes
 - Advice and needs assessment
 - Infrastructure upgrade and tailor-made automation solution including training and technical support – WIPO IPAS/WIPOScan)

- Human resource training: Specialized knowledge and technical skills to enable effective patent examination
 - Training for patent examiners (focussed workshops, on-the-job training)
 - Study visits and orientation programs

- Awareness building/outreach: Programs and activities to enhance knowledge and understanding about the issues related to patents (e.g. seminars, policy fora, study visits, studies, information materials, etc)

New Strategic Partnership

- Carefully formulated national IP or innovation strategy commensurate with the country's existing development policies and objectives

- Benefits:
 - Better alignment of WIPO's assistance with countries' IP needs
 - Enable a careful assessment of the specific needs and development requirements of the countries
 - Better coordination, planning and integrated collaboration
 - Facilitate the assessment of progress in strengthening institutional, human and infrastructural capacities in IP
 - Optimal use of available resources and establish synergies

Principles, Modalities and Target Groups

- **Approach/guiding principles**: country-specific, demand-driven, result-oriented, cost-effective, coordination and partnerships at various levels
- **Tools of delivery**: special country/regional projects, focused/interactive workshops/seminars, training programs, fellowships, expert/advisory missions, studies, provision of equipment and materials, automation tools, etc.
- **Target groups**: IP administrators, policy makers, enforcement officials as well as user community such as inventors, creators, SMEs, academia and R&D institutions, etc.

Development Agenda

- Overall objective - Reinforcing and mainstreaming the development dimension of WIPO's programs and activities
- 2004: The first proposal for the establishment of a development agenda for WIPO by 14 developing countries
- 2005-2007: A series of meetings to examine the proposals to hold structured discussions on them
- 111 proposals came out of 14 proposal papers by various Member States
- Active participation of the Member States and NGOs in the discussions

Development Agenda (cont'd)

- September 2007: Agreement reached to adopt a Development Agenda for WIPO, containing 45 recommendations
- Established the Committee on Development and Intellectual Property (CDIP) – To develop a work program for implementation of 45 recommendations; to monitor, assess, discuss and report on the implementation; and to discuss IP and development related issues
- Six sessions of CDIP held – Next session in May 2011
- Speedy implementation in progress: Project-based implementation (19 projects: one completed and 18 at different stages of implementation) with a budget of approximately CHF20 million as well as mainstreaming of the Development Agenda into WIPO's program activities

Development Agenda (cont'd)

- Recommendation 14 of the Development Agenda – “...*WIPO shall make available advice to developing countries and LDCs, on the implementation and operation of the rights and obligations and the understanding and use of flexibilities contained in the TRIPS Agreement.*”
- Fourth session of CDIP (2009): WIPO was requested to prepare a study on patent related flexibilities in the multilateral legal framework and their legislative implementation at the national and regional levels (CDIP/5/4 Rev.)
- Fifth session of CDIP (2010): WIPO was requested to present a proposed work program on flexibilities (further work on patent flexibilities, stocktaking of WIPO’s activities relating to flexibilities, developing webpages on WIPO’s website dedicated to flexibilities, enhancing awareness about flexibilities through diffusion of information and organization of national and regional seminars)

- Tangible progress has been achieved but continuous efforts are made to deliver more effective legal and technical assistance
- No “one size does fit all” approach
- WIPO at the service of its Member States

Thank you for your kind attention

(<http://www.wipo.int>)