

## **Patent Cooperation Treaty (PCT) Working Group**

**Fourth Session  
June 6 to 10, 2011, Geneva**

The PCT's Aims of Disseminating Technical Information, Facilitating Access to  
Technology and Organizing Technical Assistance for Developing Countries

*Document prepared by the International Bureau*

### **BACKGROUND**

1. The Working Group at its third session held in 2010 endorsed a series of recommendations to improve the functioning of the PCT system. The Working Group recommended, *inter alia*, that a study be conducted by the International Bureau to review and assess how well the PCT system has been functioning in terms of realizing its aim of disseminating technical information and facilitating access to technology as well as organizing technical assistance for developing countries, for consideration at the fourth session of the PCT Working Group.

### **CDIP REVIEW OF WIPO'S TECHNICAL ASSISTANCE IN THE AREA OF COOPERATION FOR DEVELOPMENT**

2. Prior to the third session of the Working Group, the Committee on Development and Intellectual Property (CDIP), at its fourth session held in Geneva in November 2009, had approved a "Project on Enhancement of WIPO's Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of the Impact of the Organization's Activities on Development" (see document CDIP/4/8/Rev., project code DA\_33\_38\_41\_01). That Project, which concerns the implementation of

Development Agenda Recommendations 33<sup>1</sup>, 38<sup>2</sup> and 41<sup>3</sup>, is composed of two inter-dependent components:

- (a) Component 1: The design, development and establishment of a coherent results-based framework to support the monitoring and evaluation of the impact of WIPO's activities on development, as well as the implementation of the Development Agenda Recommendations and the strengthening of capacity for objective development impact assessments of the Organization's activities.
- (b) Component 2: Review of WIPO's technical assistance in the area of cooperation for development.

#### **EXTENSION OF CDIP REVIEW TO CONTRIBUTE TO PCT STUDY**

3. So as to conduct the study requested by the Working Group in the most efficient and cost effective manner, the International Bureau considered it to be prudent to request the external team of consultants which had been hired by WIPO to carry out the review of WIPO's technical assistance in the area of cooperation for development under Component 2 of the CDIP Project (Dr. Carolyn Deere Birkbeck, University of Oxford, and Dr. Santiago Roca, Universidad ESAN, Peru) to extend their work to also contribute to the study requested by the PCT Working Group.
4. The Terms of Reference (TOR) for the review under Component 2 of the CDIP Project (as proposed by the Secretariat and circulated for comments by Member States (C.N. 3137-3132)) were drafted accordingly; in particular, the TOR included the following with regard to the scope and the key questions to be addressed by the review (see document CDIP/4/8/Rev/TOR, page 4, footnote 7):

"Taking into account the recommendations by the third session of the PCT Working Group numbered 204*bis* and 211*bis* as quoted in the report of the meeting (paragraph 129 of document PCT/WG/3/14 Rev.), the review shall seek to address the "key evaluation questions" in this Terms of Reference with a view to reviewing and assessing how well the PCT system has been functioning in terms of realizing its aims of organizing technical assistance for developing countries, disseminating technical information and facilitating access to technology."

5. As to the expected outputs and timeline, the TOR for the review under Component 2 of the CDIP project state (see document CDIP(4/8/Rev/TOR, page 7):

"The review is expected to be undertaken during the period June to November 2010. A first draft report with preliminary findings and recommendations will be made available by the review team to the Secretariat by mid-September 2010. A final report will be submitted by the review team to the Secretariat by the end of November 2010.

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<sup>1</sup> Recommendation 33: To request WIPO to develop an effective yearly review and evaluation mechanism for the assessment of all its development-oriented activities, including those related to technical assistance, establishing for that purpose specific indicators and benchmarks, where appropriate.

<sup>2</sup> Recommendation 38: To strengthen WIPO's capacity to perform objective assessments of the impact of the Organizations' activities on development.

<sup>3</sup> Recommendation 41: To conduct a review of current WIPO technical assistance activities in the area of cooperation for development.

“The review team will present its preliminary findings, conclusions and recommendations to Member States at the 6<sup>th</sup> session of the CDIP in November 2010. The final report, together with the comments of the Secretariat, will be submitted to Member States at the first session of the CDIP in 2011.”

## PROGRESS

6. Given this original timeline, the International Bureau had envisaged to prepare the study requested by the Working Group on the basis of the findings made by the external consultants, and to present that study, as had been requested by the Working Group, to the present (fourth) session of the Working Group, after the final report on the review under Component 2 of the CDIP Project had been submitted to, and discussed by, the May 2011 session of the CDIP.
7. However, due to circumstances outside the control of the International Bureau, the review by the external consultants under Component 2 of the CDIP Project has been delayed. While, at the time of writing of the present document, work on the review has well advanced (based on a desk review of WIPO documents and reports, a survey of WIPO's developing country members, interviews with WIPO staff in Geneva, and a sample of six country studies, involving field visits to national intellectual property offices and other relevant national government and non-government stakeholders, and public consultation<sup>4</sup>), a draft report under Component 2 of the CDIP Project has not yet been submitted to the Secretariat, and the final report, together with the comments of the Secretariat, has not yet been submitted to, nor discussed by, Member States in the context of the CDIP.
8. Unfortunately, the International Bureau is thus not in a position to present the study on how well the PCT system has been functioning in terms of realizing its aim of disseminating technical information and facilitating access to technology as well as organizing technical assistance for developing countries to the present session of the Working Group.
9. At the time of writing of the present document, it was envisaged that the final report under Component 2 of the CDIP Project will be submitted to Member States, in the context of the CDIP, during the month of June 2011, for discussion at the next session of the CDIP in the fall of 2011. Based on the findings of that report, the International Bureau will prepare the study requested by the Working Group and submit it for discussion at its next session. In the meantime, the International Bureau will, of course, seek to further improve the delivery of its technical assistance in line with the actions noted in document PCT/WG/4/3, especially paragraphs 93 to 101.

10. *The Working Group is invited to note the contents of this document.*

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<sup>4</sup> See the following documents:  
(i) A Survey of Developing Countries on World Intellectual Property Organization (WIPO) Technical Assistance in the Area of Cooperation for Development (available on WIPO's website at [http://www.wipo.int/export/sites/www/ip-development/en/agenda/doc/survey\\_dcgovs.doc](http://www.wipo.int/export/sites/www/ip-development/en/agenda/doc/survey_dcgovs.doc))  
(ii) External Review of WIPO Technical Assistance in the Area of Cooperation for Development: Public Consultation, available on WIPO's website at:  
[http://www.wipo.int/ip-development/en/agenda/doc/public\\_consultation\\_questionnaire.doc](http://www.wipo.int/ip-development/en/agenda/doc/public_consultation_questionnaire.doc)