

## **WIPO General Assembly**

### **Thirty-Ninth (20<sup>th</sup> Extraordinary) Session Geneva, September 20 to 29, 2010**

#### **REPORT OF THE COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP)**

*prepared by the Secretariat*

1. The Committee on Development and Intellectual Property met twice since the Forty Seventh Series of Meetings of the Assemblies of the Member States of WIPO held in September/October 2009, namely the Fourth Session from November 16 to 20, 2009, and the Fifth Session from April 26 to 30, 2010.
2. At both these Sessions, the Committee decided that the Summary by the Chair will constitute the CDIP's report to the General Assembly.
3. Accordingly, the said summaries are reproduced below:

FOURTH SESSION, GENEVA, NOVEMBER 16 TO 20, 2009

1. The fourth session of the CDIP was held from November 16 to 20, 2009. 89 Member States and 36 Observers participated in the meeting.
2. The session was chaired by Mr. Mohamed Abderraouf Bdioui, Counsellor, Permanent Mission of Tunisia, Vice-Chair of the Committee, in the absence of Ambassador Trevor C. Clarke of Barbados.
3. The CDIP decided to admit, on an ad hoc basis, three non-governmental organizations (NGOs), namely, Creative Commons (CC), the University of São Paulo's Research Group on Access to Information (GPOPAL) and the British-Swiss Chamber of Commerce without implications as to their status for future CDIP meetings, for a period of one year.
4. At the invitation of the Chair of the CDIP, the Director General addressed the Committee. The Director General expressed his cautious optimism on the progress being made in the implementation of the Development Agenda. He noted that with the adoption of the project-based methodology, an important impetus had been provided to the implementation of the Development Agenda. He recalled that nine projects were already under implementation and a further three had received preliminary approval at the third session of the CDIP. The Director General also noted that three important project documents on technology transfer, access to patent information and enhancement of WIPO's results-based management framework, respectively, were to be discussed at the present session of the CDIP. The Director General stressed the importance of continuing to mainstream the Development Agenda into the work of the Organization and informed the Committee that financial resources had been allocated in the Program and Budget for 2010-2011 to commence implementation of any projects that might be approved by the fourth and fifth sessions of the CDIP.
5. The CDIP adopted the Revised Draft Agenda as proposed in document CDIP/4/1 Prov. 2, and the Revised Draft Report of the third session, contained in document CDIP/3/9 Prov. 2, with amendments by a few delegations to their own statements.
6. Under Agenda Item 4, the Committee reviewed the project documents prepared by the Secretariat for the implementation of Recommendations 9 and 10 contained in document CDIP/3/INF/2; the progress report on the implementation of Development Agenda Recommendations 2, 5, 8, 9, and 10 contained in CDIP/4/2; and the progress report on Recommendations for immediate implementation contained in document CDIP/3/5.
7. Under Agenda Item 5, the CDIP adopted three projects earlier discussed and broadly agreed upon at the third session of the CDIP, namely, the Project on Intellectual Property and Competition Policy contained in document CDIP/4/4; the Project on Intellectual Property, Information and Communication Technologies (ICTs); the Digital Divide and Access to Knowledge contained in CDIP/4/5 and some components of the Project on Intellectual Property and the Public Domain contained in document CDIP/4/3. Modifications were introduced to document CDIP/4/3 with the need for CDIP/5 to continue discussions on certain elements of this project.

8. Under the same Agenda Item the Committee discussed and adopted the Project on Developing Tools for Access to Patent Information contained in document CDIP/4/6. The Committee also discussed the Project on Intellectual Property and Technology Transfer: Common Challenges - Building Solutions contained in document CDIP/4/7 and decided that discussions on that document would continue at the fifth session of the CDIP. A group of "like-minded delegations" would submit a document containing comments on the implementation of the relevant recommendations before the end of 2009. Other Member States would be invited to respond to that document until January 31, 2010. The Secretariat would then prepare a non-paper for discussions at the fifth session of the CDIP.
9. The CDIP also discussed document CDIP/4/12. The Committee decided that the proposal presented by the Government of Japan should be implemented as part of the Organization's ongoing activities. Any Delegation wishing to add elements to this activity may do so during the next sessions of the CDIP. As regards the proposals made by the Republic of Korea, the Committee decided that the Secretariat will prepare project documents based upon the two proposals and comments made by a number of delegations and present them to the fifth session of the CDIP. In the meanwhile, the Secretariat will undertake the implementation of the first component of the two proposals as mentioned in CDIP/4/12.
10. The Committee also discussed the Project on Enhancement of WIPO's Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities contained in document CDIP/4/8 and adopted the project with certain amendments to the project document.
11. Under Agenda Item 6, discussions were held in various formal and informal sessions of the CDIP. It was decided to continue further discussions on this subject as the first substantive agenda item in CDIP/5.
12. Under Agenda Item 7, the Chair highlighted the need for continuing with the project-based methodology and to review two or three new projects; to review the elements of projects carried over from the current session; and to continue with reviewing progress reports. The Chair also attached great importance to the matter of the coordination mechanism and the need to apply a rigorous time management to the work of the Committee.
13. The CDIP noted that the Draft Report of the fourth session would be prepared by the Secretariat and communicated to the Permanent Missions of the Member States, and would also be made available to Member States, IGOs and NGOs, in electronic form, on the WIPO website. Comments on the Draft Report should be communicated in writing to the Secretariat as soon as possible, preferably eight weeks before the next meeting. The revised Draft Report would then be considered for adoption at the beginning of the fifth session of the CDIP.
14. This Summary will constitute the CDIP's report to the General Assembly.

FIFTH SESSION, GENEVA, APRIL 26 TO 30, 2010

1. The fifth session of the CDIP was held from April 26 to 30, 2010. 107 Member States and 44 Observers participated in the meeting.
2. The CDIP unanimously elected Ambassador Md. Abdul Hannan, Permanent Representative of Bangladesh, as Chairman, and Mr. Mohamed Abderraouf Bdioui, Counsellor, Permanent Mission of Tunisia, and Luis Vayas, Counsellor, Permanent Mission of Ecuador as Vice Chairmen.
3. The CDIP adopted the Revised Draft Agenda as proposed in document CDIP/5/1 Prov.3.
4. Under Agenda Item 4, the CDIP decided to admit, on an ad hoc basis, one non governmental organization (NGO), namely, Friedrich Ebert Stiftung, without implications as to its status for future CDIP meetings, for a period of one year.
5. Under Agenda Item 5, the Committee adopted the Revised Draft Report of the fourth session, contained in document CDIP/4/14 Prov., with amendments by a few delegations to their own statements.
6. Under Agenda Item 6, the Committee considered document CDIP/5/2 entitled Director General's Report on Implementation of the Development Agenda and listened to a large number of general statements. In presenting the report, the Director General explained the approach taken to implement the WIPO Development Agenda. He noted that the introduction of the project-based methodology had provided some momentum to implementation and offered some concrete content for getting implementation underway, as well as a means for monitoring implementation that is concrete and measurable. He further noted that a key part of implementation was the mainstreaming of the Development Agenda, so that each and every unit of the organization integrated development into its activities. With respect to the implementation of the Development Agenda by other bodies, in particular the norm-setting committees, the Director General pointed out that the Secretariat would continue to facilitate the work of the Committees but that the normative agenda of the Organization is driven by its Member States, who would be responsible for ensuring the implementation of the Development Agenda in the relevant Committees. The Director General's report is annexed to this Summary.
7. Under Agenda Item 7, the Committee agreed on the Coordination Mechanisms and Monitoring, Assessing and Reporting Modalities, which is annexed to this document.
8. Under Agenda Item 8, the Committee considered document CDIP/4/3/Rev. on Intellectual Property and the Public Domain. The copyright and patent components of this project had already been approved at CDIP/4. In relation to the patent component, the Secretariat was requested to prepare a new project proposal for a future session, which, inter alia, undertakes a study that would cover the following three elements: (1) the important role of a rich and accessible public domain;(2) the impact of certain enterprise practices in the field of patents on the public domain; and (3) possible norm-setting

activities at WIPO on the public domain. The trademarks component of that project was agreed with some modifications.

9. The Committee approved the project on Intellectual Property and Socio-Economic Development contained in document CDIP/5/7, the project on Intellectual Property and Product Branding for Business Development in Developing Countries and Least-Developed Countries (LDCs), contained in document CDIP/5/5, with some modifications to the French and Spanish versions, and the project on Capacity-Building in the Use of Appropriate Technology-Specific Technical and Scientific Information as a Solution for Identified Development Challenges contained in CDIP/5/6, with some modifications.
10. With respect to the project on Intellectual Property and Technology Transfer: Common Challenges – Building Solutions contained in CDIP/4/7, the CDIP agreed to task the Secretariat with the preparation of a revised project proposal, taking into consideration the discussions held on this matter as well as the agreed elements from the Non-Paper, to be submitted for consideration at CDIP/6.
11. Under Agenda Item 9, the Committee discussed document CDIP/5/3, entitled Report on WIPO's Contribution to the United Nations Millennium Development Goals (MDGs), noted its contents, and requested that the report be revised and re-submitted to the CDIP at a future session.
12. Under the same Agenda Item, the CDIP discussed document CDIP/5/4 on Patent-Related Flexibilities in the Multilateral Legal Framework and their Legislative Implementation at the National and Regional Levels, noted its contents as a preliminary document, with the understanding that the Secretariat will revise it to reflect the comments from Member States and include new flexibilities. The Secretariat would submit to the CDIP a proposed program of work on flexibilities in other areas, avoiding duplication of work with other Committees of WIPO.
13. Under Agenda Item 10 on Future Work, a number of suggestions were made during the discussions. In view of the large number of requests, and the comments in favor as well as the concerns expressed by delegations with regard to certain proposals for future work, the Chair concluded that he would provide guidance to the Secretariat as it endeavors to meet the requests.
14. The CDIP noted that the Draft Report of the fifth session would be prepared by the Secretariat and communicated to the Permanent Missions of the Member States, and would also be made available to Member States, IGOs and NGOs, in electronic form, on the WIPO website. Comments on the Draft Report should be communicated in writing to the Secretariat as soon as possible, preferably eight weeks before the next meeting. The revised Draft Report will then be considered for adoption at the beginning of the sixth session of the CDIP.

15. This Summary and the Summary of the Fourth Session of the CDIP will constitute the CDIP's report to the General Assembly.

*The General Assembly is invited to:*

- (i) take note of the information contained in this document; and*
- (ii) approve the Coordination Mechanisms and Monitoring, Assessing and Reporting Modalities contained in Annex II to the Summary by the Chair of the Fifth Sessions of the CDIP.*

[Annexes follow]

## DIRECTOR GENERAL'S REPORT ON IMPLEMENTATION OF THE DEVELOPMENT AGENDA

1. At the Third Session of the Committee on Development and Intellectual Property (CDIP), held from April 27 to May 1, 2009, the Director General of WIPO expressed his commitment to reporting annually to the CDIP on the implementation of the Development Agenda (DA) recommendations<sup>1</sup>. The present report presents highlights in implementation during 2009.
2. The report is divided into three parts. The first part reports on efforts undertaken to mainstream the WIPO Development Agenda into the regular program activities of WIPO, including in relevant WIPO committees. Part two focuses on projects underway to implement the recommendations of the DA and presents some of the key highlights on those projects. Part three concludes with an outlook on the future of DA implementation. In addition, Appendix I provides an overview of the status of implementation of the recommendations with references to the relevant CDIP documents and Appendix II provides an overview of the 14 Development Agenda projects that have been approved by the CDIP and are currently under implementation.

### PART ONE: MAINSTREAMING THE WIPO DEVELOPMENT AGENDA

#### Development Agenda Mainstreaming into WIPO's Regular Program Activities

3. Mainstreaming the WIPO Development Agenda and development considerations into WIPO's regular program activities is one of the central challenges in DA implementation, which is explicitly mentioned in recommendation 12 and permeates a number of other recommendations. A first challenge in this regard is to ensure that the principles and guidelines contained in the Development Agenda recommendations are effectively applied in all the relevant activities of the Organization. This has required an important effort of identifying ways in which the recommendations apply to different areas of work of the Organization and, wherever necessary, adapting or re-designing activities with a view to ensuring that they take into consideration the guidance provided by Member States with the adoption of the DA recommendations during the formal sessions of the CDIP. In this respect, an important ongoing task that is carried out by the Development Agenda Coordination Division is to work closely with all programs in the Organization to ensure that the DA is being implemented and integrated wherever required. While important progress has been made in this respect, it is expected that this task will continue throughout this biennium.
4. A key step in mainstreaming the Development Agenda has been to adequately reflect the DA recommendations in the design of the WIPO programs themselves in the revised Program and Budget for the 2008/09 Biennium and in the Program and Budget for the 2010/11 Biennium. The aim has been to integrate Development Agenda concerns into the expected results, performance indicators and strategic approaches taken by the various programs. In addition, a separate section under each program indicates the Development Agenda Links, which provide information on which programs contribute to the implementation of which recommendations. The purpose of the section is not just to

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<sup>1</sup> CDIP/3/9.

recognize those linkages but also to help in monitoring the implementation of all recommendations by the programs concerned.

5. It is clear, however, that in order to effectively mainstream development considerations into WIPO's results-based management framework there is a need to think further on the nature of the expected results and performance indicators being included in the Program and Budget documents and in the ways in which program managers will be able to monitor, evaluate and report on program implementation in a manner that will also provide relevant information on implementation of the DA recommendations. It is for this very reason that the Project on Enhancement of WIPO's Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities (DA\_33\_38\_41\_01) has been proposed to Member States at the Fourth Session of the CDIP and its implementation began in January 2010. It is hoped that this project will contribute significantly to the process of DA mainstreaming and to ensuring that WIPO's RBM framework adequately reflects development considerations. The project will also include a review of WIPO's technical assistance in the area of cooperation for development in order to help establish baselines for further work, as required under recommendation 38.
6. The establishment of new Strategic Goals, Programs and Sections that seek to directly address some of the concerns raised by the DA recommendations has been an important step that will enhance the capacity of the Secretariat to respond to some of those concerns. This has included the creation of a new program devoted to Economic Studies, Statistics and Analysis, which focuses *inter alia* on empirical economic analysis and impact studies on IP and development for use by policy makers, and will play a leading role in the implementation of a number of recommendations in Cluster D. Further, the program on IP and Global Challenges seeks to enhance WIPO's contribution to addressing a range of global development challenges including, for example, climate change, food security and public health and will be instrumental to WIPO fulfilling its mandate as a member of the UN system and contributing to the achievement of the Millennium Development Goals.<sup>2</sup> Third, the establishment of a program on the Coordination and Development of Global IP Infrastructure is central to the implementation of a number of DA recommendations, including, for example, recommendations 8, 10, 30 and 31, through a number of activities and projects that will seek to enhance access to, and the capacity to use, technological information that may be of strategic interest to developing countries and LDCs. Fourth, the establishment of the Innovation and Technology Transfer Section will contribute to addressing a number of recommendations in Clusters A and C (e.g. Recommendations 4, 10, 11, 25, 26 and 28). Finally, the strengthening of the Organization's work for small and medium-sized enterprises (SMEs) will contribute to responding to the specific needs and constraints faced by SMEs in using the IP system (Recommendation 4).
7. In the Development Sector, progress has been made in shifting the Organization's focus towards the development and implementation of national IP strategies for innovation in order to ensure that WIPO's technical assistance activities remain consistent with countries' development plans and strategies and contribute to the goals and targets established by Member States themselves (Recommendations 1, 4 and 10). In this respect, the Secretariat is working on the development of a framework that would support

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<sup>2</sup> In this regard, reference is made to document CDIP/5/3 on "WIPO's Contribution to the Millennium Development Goals".



interested countries in the development of national IP strategies for innovation that would be sufficiently flexible to ensure that it is suitable for countries with different levels of economic and technological development. Efforts are also being made in moving increasingly towards the provision of technical assistance through projects with established timeframes, clear and measurable objectives and built-in evaluation mechanisms (Recommendation 1). In time, this would enable the Secretariat to undertake better assessments of the impact of its technical assistance work, as required under Recommendation 38.

8. Further, a process has been initiated to better integrate the Development Agenda into the distance learning programs of the WIPO Academy, as requested by Member States at the Third Session of the CDIP. The issue and the modalities have already been discussed in detail at the WIPO Workshop for Distance Learning Tutors and Administrators and implementation will begin during the first half of this year.
9. With respect to the Code of Ethics for WIPO staff and the more general concerns on potential conflicts of interests, as outlined in Recommendation 6, important progress has been made over the past year. The new Code of Ethics for United Nations personnel was approved by the UN General Assembly at its 64<sup>th</sup> session in September 2009. At the invitation of the UN, WIPO provided comments and inputs to the Code during the drafting stage. The Code will be presented to the WIPO Coordination Committee for its adoption. Together with the Standards of Conduct for the International Civil Service, the Code should serve as guidelines in promoting a culture of ethical service and responsibility, individually and collectively, within the Secretariat and would form an integral part of the WIPO Staff Regulations and Staff Rules. In addition, WIPO standard Special Service Agreements (SSAs) were revised during 2009 to ensure that reference is made to the need to comply with the Standards of Conduct for the International Civil Service. Further, the WIPO Declaration of Interest Form was issued in September 2009 pursuant to WIPO Staff Regulation 1.6(i) as a first step towards the development of a full financial disclosure program in the Secretariat. With reference to the roster of consultants requested under Recommendation 6, a first draft of which had been presented at the Third Session of the CDIP, its structure has been revised and is currently being updated to be re-issued shortly.
10. WIPO has also been making efforts to strengthen its cooperation with other inter-governmental organizations (IGOs), particularly in the UN system, as requested by Recommendations 30, 39 and 42. This includes both, supporting the work of other organizations on issues related to IP (for example, implementation of WHO's Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property) as well as exploring collaboration with other Organizations in the implementation of WIPO's programs and activities, particularly in the implementation of the WIPO Development Agenda. With respect to the latter, the first Information and Consultation Meeting with IGOs on Implementation of the WIPO Development Agenda was held in February this year and WIPO intends to continue such meetings regularly in order to ensure better coordination among agencies and in order to benefit from the complementary expertise of different IGOs.
11. Civil Society participation has also been enhanced in several of our meetings (Recommendation 44). In 2009, a total of 44 non-governmental organizations (NGOs) requested and received *ad hoc* accreditation to participate in the various WIPO committees. In addition, 2 IGOs, 3 International NGOs and 3 national NGOs obtained permanent observer status at WIPO giving them the opportunity to participate in meetings of all relevant WIPO bodies. Moreover, representatives from NGOs have increasingly

been invited to participate in a wide range of WIPO activities, including, in particular, activities relating to the WIPO Development Agenda. WIPO has also participated actively in meetings organized by other institutions on issues relating to the Development Agenda and welcomes the interest that the issue has raised among a wide range of civil society institutions, including many that have not traditionally participated in WIPO activities.

12. A central element of the mandate of the CDIP is to monitor, assess, discuss and report on the implementation of all recommendations adopted, and for that purpose coordinate with relevant WIPO bodies. During 2009, discussion started within the CDIP on coordination mechanisms and monitoring, assessing and reporting modalities and Member States have positively engaged in defining the necessary mechanisms and modalities. Proposals were submitted from Member States to the CDIP on this issue and negotiations will continue at the Fifth Session of the CDIP. It is believed that the mechanisms and modalities, once agreed, would also contribute to mainstreaming the Development Agenda across the Organization.

#### Development Agenda Mainstreaming in the Work of other WIPO Bodies

13. With the adoption of the WIPO Development Agenda in October 2007, the WIPO General Assembly called upon “all the Member States, the Secretariat and *other relevant WIPO bodies* [emphasis added] to ensure the immediate and effective implementation”<sup>3</sup> of the 19 recommendations that were considered to be for immediate implementation, as they required no additional human or financial resources or did not require the elaboration of a detailed work plan for implementation. The 2008 General Assembly extended this call to all adopted recommendations, including those pertaining to norm-setting activities.<sup>4</sup>
14. During 2009, efforts were made to ensure that the work of the relevant WIPO bodies, particularly the norm-setting committees, follow the principles laid out in recommendations 15, 17, 21, 22 and 44 of the WIPO Development Agenda. The Secretariat has kept the Development Agenda in mind while preparing the studies and documents for the various committees and in facilitating negotiations between Member States. It is important to point out that Member States, through their participation in those Committees and the establishment of the respective agendas and work programs, also play a critical role in ensuring that they are implemented. The following presents a brief summary of ways in which the Development Agenda has been addressed by the relevant WIPO bodies during 2009:
  - (a) The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC): The new mandate provided by the WIPO General Assembly in 2009 indicates that the Committee would “undertake text-based negotiations with the objective of reaching agreement on a text of an international legal instrument (or instruments) which will ensure the effective protection of genetic resources, traditional knowledge and traditional cultural expressions”. This is considered to be the strongest mandate the IGC has had to date and constitutes important progress towards the implementation of DA recommendation 18. The IGC has, from its inception, been an inclusive and participatory process, with unique mechanisms specifically to ensure that a broad range of interests and priorities are taken into account. The issues under

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<sup>3</sup> A/43/16

<sup>4</sup> WO/GA/36/4 Rev.

discussion in the IGC are directly related to development and are of particular interest to developing countries, LDCs and their communities.

- (b) The Standing Committee on the Law of Patents (SCP): Several papers prepared for the 13<sup>th</sup> session of the SCP, held from March 23 to 27, 2009, had direct relevance to the WIPO Development Agenda and explicit references have been included in document SCP/13/5 on “Dissemination of Patent Information”, which included a section on the public domain (Recommendation 16). In addition, a paper was presented on one of the issues mentioned in Recommendation 22 (exceptions and limitations) and it was agreed to continue working on that issue and to prepare a preliminary study on one other substantive issue mentioned under that recommendation, namely Transfer of Technology.
- (c) The Standing Committee on Copyright and Related Rights (SCCR): Consistent with DA recommendations 21 and 44, the SCCR has continued to hold information meetings with the participation of experts from all regions on the first day of the Committee. During 2009, information meetings were organized on “Developments in Broadcasting” and on “Limitations and Exceptions for Educational Activities”, two of the substantive issues that are currently in the Committee’s Agenda. Further, discussions on exceptions and limitations have also made explicit reference to the WIPO Development Agenda (e.g. Document SCCR/18/5). The Committee has also initiated discussions and implementation of practical measures aimed at providing better access to copyright-protected works by the blind, visually impaired (VIP) and other reading-disabled persons. This includes establishment of a stakeholders’ platform with the central aim of developing solutions that make published works available in accessible formats.
- (d) The Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT): The SCT has continued to work in a member-driven manner in line with the Development Agenda recommendations, in particular recommendation 15. For example, during 2009, the SCT agreed on *Areas of Convergence on the Representation of Non-traditional Marks*, and on *Areas of Convergence on Trademark Opposition Procedures*, which were noted by the WIPO General Assembly at its 38<sup>th</sup> session and published in the WIPO/STrad/INF series. Agreeing on those areas of convergence, the SCT developed a set of references, which take into account different levels of development, as well as a balance between costs and benefits. They are the result of a participatory process, which takes into consideration the interests and priorities of all Member States and the viewpoints of other stakeholders, including accredited IGOs and NGOs.
- (e) The Advisory Committee on Enforcement (ACE): Development Agenda Recommendation 45 was formally discussed at the Fifth Session of the ACE, held from November 2 to 4, 2009, under an Agenda item entitled: “Contribution of Right Holder to Enforcement and the Cost thereof, taking into consideration recommendation No. 45 of the WIPO Development Agenda.”
- (f) PCT Working Group: At its second session, held in Geneva from May 4 to 8, 2009, the PCT Working Group considered proposals for the future development of the PCT system. The meeting agreed that work in this area should take into account the recommendations contained in the WIPO Development Agenda and extensive references to the DA have been included in the Questionnaire circulated to Member States for the preparation of an in-depth study requested by the Working Group (PCT/WG/2/13).

## PART TWO: DEVELOPMENT AGENDA PROJECTS

15. In order to give impetus to the implementation of the Development Agenda, provide Member States with more structured information on activities for implementation and facilitate the evaluation of impact of DA implementation, a project-based methodology was adopted in 2009 for implementation of recommendations (or part of recommendations) which can be implemented in that manner. The Committee agreed that "recommendations that dealt with similar or identical activities would be brought under one theme"<sup>5</sup> in order to enhance efficiency in implementation and avoid overlap or duplication. Finally, the Committee also agreed that implementation would be structured in the form of projects and other activities, as appropriate, with the understanding that additional activities may be proposed.
16. In early 2009, implementation began for nine projects on the basis of the activities that had been decided by the CDIP in 2008. In addition, five new projects were approved during the Third and Fourth Sessions of the CDIP, addressing 13 recommendations, for which implementation commenced in January 2010, namely:
  - (a) Project on Intellectual Property and the Public Domain (Recommendations 16 and 20);
  - (b) Project on Intellectual Property and Competition Policy (Recommendations 7, 23 and 32);
  - (c) Project on Intellectual Property, Information and Communication Technologies, the Digital Divide and Access to Knowledge (Recommendations 19, 24 and 27);
  - (d) Project on Developing Tools for Access to Patent Information (Recommendations 19, 30 and 31); and
  - (e) Project on Enhancement of WIPO's Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities (Recommendations 33, 38 and 41).
17. Annex II of the present report provides a brief summary/overview of the approved Development Agenda projects and a full description can be found in the relevant CDIP document referred to in that Annex.
18. The non-personnel financial resources devoted to the implementation of the 14 approved projects amounts to 11,595,000 Swiss francs. In addition, the estimated personnel costs for implementing the projects is 4,457,000 Swiss francs, adding up to a total of 16,052,000 million Swiss francs. This includes the resources required for the implementation of the Development Agenda projects that were approved during the Fourth Session of the CDIP for which start-up funds have already been allocated, pending their inclusion in the Revised Program and Budget for the 2010/11 Biennium, as agreed by the Program and Budget Committee. Similarly, any projects that receive approval at the Fifth Session of the CDIP would also be allocated start-up funds in order to ensure that implementation can begin immediately following their approval.

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<sup>5</sup> Summary by the Chair, CDIP 3.

19. A Progress Report on the implementation of projects was presented to the Fourth Session of the CDIP (document CDIP/4/2) and similar reports will continue to be submitted in the future. A few project implementation highlights for 2009 are provided below:
- (a) The Conference on Mobilizing Resources for Development was held in November 2009, and follow-up activities are currently underway to mobilize additional extra-budgetary resources. These include, for example, supporting countries to develop project proposals for presentation to targeted donor institutions; enhanced cooperation with other IGOs following the Conference to develop joint projects; annual meetings of WIPO's current donors; development of an outreach program with the donor community to increase their understanding of IP and of WIPO's work (DA\_02\_01);
  - (b) The Intellectual Property Technical Assistance Database (Project DA\_05\_01) and the IP Development Matchmaking Database (Project DA\_09\_01) are in the process of being prepared and should be completed in the course of this year;
  - (c) In July 2009, the aRDi program was launched providing IP offices and other institutions in developing countries and LDCs with free or low-cost access to scientific and technical journals. The program was developed in close cooperation with similar programs already established by other UN agencies in their respective field of activity and aims to increase the availability of scientific and technical information in developing countries and LDCs. Currently, through the aRDi program, 12 publishers provide access to over 50 journals for 107 developing countries and LDCs (Project DA\_08\_01);
  - (d) Twelve assessment missions were conducted to developing countries and LDCs with a view to establishing Technology Innovation Support Centers (TISCS). The TISCS will support local stakeholders such as researchers, entrepreneurs, SMEs, inventors and other interested parties by enhancing their access to patent information and related services. Following the assessment missions to the countries, Service Level Agreements (SLA) are being developed between WIPO and the institutions hosting the TISCS with a view to establishing approximately 10 TISCS in the course of this year (Project DA\_08\_01);
  - (e) Negotiations with commercial patent database providers are well advanced and launch of the program for access to commercial patent databases is expected in the second half of this year. The aim of this new program is to provide access to commercial patent databases to patent offices in developing countries and LDCs free-of-charge or at negotiated rates (Project DA\_08\_01);
  - (f) The Needs Assessment and Situation Paper for the establishment of the first pilot start-up IP Academy have been finalized and the training of trainers' component is scheduled for April 2010. The "Start-Up" National IP Academy project is aimed at assisting developing countries and LDCs to establish their own specialized training institutions, with the minimum resources in order to meet an increased demand for IP professionals in these countries. Following the pilot phase, the second phase of the project is to establish one such an Academy in each region and for that purpose, the first needs' assessment mission has been conducted in one country (Project DA\_10\_01);
  - (g) Technical assistance has been provided to OAPI for the establishment of a modern network infrastructure, and to ARIPO for the digitization of patent documents. In addition, a pilot data exchange system has been configured and tested between ARIPO and the Kenya Industrial Property Institute. This is part of a project that aims to deploy ICT infrastructure and customized e-communication systems for ARIPO, OAPI and selected member countries of those regional organizations to

enable them to electronically manage, access and exchange IP information amongst themselves and internationally (DA\_10\_02);

- (h) Project for enhancement of the performance of Collective Management Organizations (CMOs) in the Africa region has taken off with the design of the nine national organizations common repertoire publishing system which will form the infrastructure to be built in the context of this project (Project DA\_10\_04);
  - (i) The Creative Copyright Link project in the Caribbean region has moved to its next phase with the recruitment of a local team of consultants to prepare a common system of royalty distribution and implementation of a cost-effective sampling system, which takes into consideration the operating peculiarities of each territory (Project DA\_10\_04);
  - (j) Four sub-regional and national seminars/workshops were organized targeting the creative industries under Project DA\_10\_04 for which a number of follow-up activities are being developed; and
  - (k) An Expert Group Meeting for Defining the Scope and the Methodology for National Surveys/Studies on IP and SMEs was held in September 2009, as foreseen in Project DA\_10\_05.
20. The above highlights are presented for illustrative purposes and do not reflect the full range of activities that were undertaken in the course of last year on DA projects, which may be better visualized in document CDIP/4/2. Activities for implementation have begun according to schedule. An example was the Brainstorming Session with Member States which was held in January 2010 as part of the needs assessment exercise in the context of the Project on Enhancement of WIPO's Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities (DA\_33\_38\_41\_01).
21. In addition to the above-mentioned approved projects, initial discussions have also been held at the Fourth Session of the CDIP on one more project proposed by the Secretariat, namely the Project on Intellectual Property and Technology Transfer (addressing Recommendations 19, 25, 26 and 28), on which discussions will continue at the present session. Three proposals from Member States have also been discussed by the CDIP<sup>6</sup>, one of which is to be integrated into WIPO's current work (Proposal from Japan). The proposals made by the Republic of Korea will be further discussed at the present session of the CDIP on the basis of project documents that have been prepared by the Secretariat.
22. When considering the Development Agenda projects it is important to bear in mind that in many cases they represent initial steps in addressing a given issue, which may require follow up in the future depending on Member State decisions. In a number of cases, recommendations require the Organization to explore, initiate discussion on, or consider, a given issue and the approved projects will help to provide information on that issue and to propose specific actions that may be taken by the Organization in the future, if Member States so desire. In other cases, projects focus on the development of a tool or methodology, which is to be tested in a limited number of countries. Implicit in that approach is the understanding that if the methodology proves to be useful/successful,

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<sup>6</sup> Contained in documents CDIP/3/7 and CDIP/3/8

Member States may request the scaling up of such initiatives so that other countries may benefit.

### PART THREE: OUTLOOK FOR THE FUTURE

23. Implementation of the Development Agenda is a far-reaching endeavor that seeks to transform the way the Organization operates ensuring that development considerations form an integral part of all the work it undertakes. Achieving that requires commitment and action both from the Secretariat and the Member States, as well as the support from a wide range of other stakeholders. In this respect, it may be useful to conceptualize the Development Agenda as a Global Partnership from which all countries should benefit according to their specific goals, needs and priorities<sup>7</sup>.
24. An important concern in implementing the Development Agenda is to ensure that projects and activities developed to address the concerns behind the recommendations adequately reflect the ground reality and respond to the real needs and interests of Member States. Close interaction with Member States and the full commitment from national partners will be critical to achieving this to ensure the sustainability of projects and activities. At the international level, it will be important that WIPO continues its efforts to partner with other institutions, in particular IGOs, with complimentary expertise to ensure the relevant development perspectives are integrated into WIPO's activities and projects. Similarly, at the national level, coordination between the various organs within national governments will also be important, as the Development Agenda goes beyond the traditional IP stakeholders to address issues that are at the interface between development and IP.
25. The Secretariat will continue to propose activities or projects for the implementation of recommendations. In that respect, efforts are made to ensure that proposed projects respond to the sometimes divergent, needs of various Member States and other stakeholders. Specific proposals from Member States that could contribute to DA implementation may also be of immense value to the process, in order to enhance the member-driven nature of the implementation phase and ensure that activities and projects respond to the real concerns behind the recommendations.
26. Finally, the Secretariat looks forward to the ongoing discussions on the coordination mechanisms and monitoring, assessing and reporting modalities. It is believed that the mechanisms and modalities, once agreed, would also contribute significantly to mainstreaming the Development Agenda across the Organization.

[Appendix I follows]

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<sup>7</sup> This is consistent with Goal 8 of the UN Millennium Development Goals which is "Develop a Global Partnership for Development".

STATUS OF IMPLEMENTATION OF DEVELOPMENT AGENDA RECOMMENDATIONS

	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
1.	WIPO technical assistance shall be, <i>inter alia</i> , development-oriented, demand-driven and transparent, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion. In this regard, design, delivery mechanisms and evaluation processes of technical assistance programs should be country specific.	Discussed. Activities agreed (CDIP/2/4)	Under implementation since adoption of the Development Agenda in October 2007. This recommendation is being addressed by one Development Agenda project.  Relevant Progress Report: CDIP/3/5		Background documents: CDIP/1/3; CDIP/2/2
2.	Provide additional assistance to WIPO through donor funding, and establish Trust-Funds or other voluntary funds within WIPO specifically for LDCs, while continuing to accord high priority to finance activities in Africa through budgetary and extra-budgetary resources, to promote, <i>inter alia</i> , the legal, commercial, cultural, and economic exploitation of intellectual property in these countries.	Discussed. Activities agreed (CDIP/2/4 and CDIP/3/INF/2)	Under implementation since early 2009. This recommendation is being addressed by one Development Agenda project.  Relevant Progress Report: CDIP/4/2	Project DA_02_01: "Conference on Mobilizing Resources for Development" (contained in CDIP/3/INF/2)	Background documents: CDIP/1/3; CDIP/2/INF/2; CDIP/2/2



	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
3.	Increase human and financial allocation for technical assistance programs in WIPO for promoting a, <i>inter alia</i> , development-oriented IP culture, with an emphasis on introducing intellectual property at different academic levels and on generating greater public awareness on IP.	Discussed. Activities agreed (CDIP/2/4)	<p>Under implementation since adoption of the Development Agenda in October 2007</p> <p>As per the Program and Budget for the 2010/11 Biennium approved by the General Assembly of WIPO, the total resources devoted to development-oriented activities amounts to CHF 118,548,000 (a 0.9% increase on the revised figures for the previous biennium, page 23). However, that information does not include the resources set aside for the implementation of the fourteen Development Agenda projects, namely, 16,052,000 million Swiss francs (of which 11,595,000 Swiss francs for non-personnel costs and 4,457,000 Swiss francs for personnel costs). This may be further supplemented by resources for any project to be approved in the Fifth Session of the CDIP. This has resulted in a marked increase in the resources devoted to activities that contribute to a development-oriented IP culture.</p> <p>As for activities for introducing IP at different academic levels, a wide range of activities are ongoing, particularly under the WIPO Academy. One important initiative is the integration of the Development Agenda into WIPO's Distance Learning programs, which are used by several academic institutions.</p> <p>Relevant Progress Report: CDIP/3/5</p>		Background documents: CDIP/1/3; CDIP/2/3
4.	Place particular emphasis on the needs of SMEs and institutions dealing with scientific research and cultural industries and assist Member States, at their request, in setting-up appropriate national strategies in the field of IP.	Discussed. Activities agreed (CDIP/2/4)	<p>Under implementation since adoption of the Development Agenda in October 2007. Recommendation would be addressed by one Development Agenda project which is currently for consideration of the CDIP.</p> <p><u>SMEs</u></p>	Proposed Project DA_04_10_01: "Project on Intellectual Property and Product Branding for Business Development in Developing Countries and LDCs" *	Background documents: CDIP/1/3; CDIP/2/3  Relevant Progress Report: CDIP/3/5

	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
			<p>During 2008/09, WIPO conducted a major Needs Assessment exercise on SMEs and IP, which should help in planning future activities.</p> <p>For the 2010/11 biennium, a new program will be devoted entirely to SMEs. Implementation of the SME component of project DA_10_05 is also contributing to implement this recommendation.</p> <p><u>Creative Industries</u> In 2009, WIPO continued to assist Member States in surveying the economic contribution of those sectors of the economy operating on the basis of copyright protection. 3 national studies were completed, 4 new studies were launched and work continued on the implementation of 4 national studies. The geographical scope of the studies was extended and research parameters were further elaborated. New projects were also launched on the performance of specific creative industries and the role of copyright in this process. One component of project DA_10_04 is devoted to creative industries.</p> <p><u>National IP Strategies</u> This is an area on which WIPO is stepping up its efforts as a means to structure its technical assistance in the future. Supporting countries in the formulation of national IP strategies has been included in the Expected Results for various components of Programs 9 and 10 in the Program and Budget for the 2010/11 Biennium. Relevant Progress Report: CDIP/3/5.</p>		

	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
5.	WIPO shall display general information on all technical assistance activities on its website, and shall provide, on request from Member States, details of specific activities, with the consent of the Member State(s) and other recipients concerned, for which the activity was implemented.	Discussed. Activities agreed upon (CDIP/2/4 and CDIP/3/INF/2)	Under implementation since early 2009. This recommendation is being addressed by one Development Agenda project.  Relevant Progress Report: CDIP/4/2	Project DA_05_01: "IP Technical Assistance Database (IP-TAD)" (contained in CDIP/3/INF/2)	Background: documents: CDIP/1/3; CDIP/2/2
6.	WIPO's technical assistance staff and consultants shall continue to be neutral and accountable, by paying particular attention to the existing Code of Ethics, and by avoiding potential conflicts of interest. WIPO shall draw up and make widely known to the Member States a roster of consultants for technical assistance available with WIPO.	Discussed. Activities agreed upon (CDIP/2/4)	Under implementation since adoption of the Development Agenda in October 2007.  The recently-approved Code of Ethics for United Nations personnel, to which WIPO contributed, would be equally applicable to the WIPO Secretariat. This Code, together with the Standards of Conduct for the International Civil Service (2001), should serve as guidelines in promoting a culture of ethical service and responsibility, individually and collectively, within the Secretariat. The new Code will be submitted to the Coordination Committee for its approval.  As a first step towards the development of a full financial disclosure program in the Secretariat, the WIPO Declaration of Interest Form was issued in 2009 pursuant to WIPO Staff Regulation 1.6(i)  The first draft of the roster of consultants for technical assistance was presented at CDIP/3. The roster is now being re-structured to include comments from Member States and integrated with Development Agenda project DA_05_01 (implementing Recommendation 5).  Relevant Progress Report: CDIP/3/5		Background: documents: CDIP/1/3; CDIP/2/3;  Document implementing part of the recommendation: CDIP/3/2 (Roster of Consultants)

	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
7.	Promote measures that will help countries deal with IP related anti-competitive practices, by providing technical cooperation to developing countries, especially LDCs, at their request, in order to better understand the interface between intellectual property rights and competition policies.	Discussed. Activities agreed upon (CDIP/2/4 and CDIP/4/4)	Under implementation since adoption of the Development Agenda in October 2007. This recommendation is being addressed by one Development Agenda project.  Relevant Progress Report: CDIP/3/5	Project DA_7_23_32_01: "Intellectual Property and Competition Policy" (CDIP/4/4)	Background documents: CDIP/1/3; CDIP/2/3; CDIP/3/4
8.	Request WIPO to develop agreements with research institutions and with private enterprises with a view to facilitating the national offices of developing countries, especially LDCs, as well as their regional and sub-regional IP organizations to access specialized databases for the purposes of patent searches.	Discussed. Activities agreed upon (CDIP/2/4 and CDIP/3/INF/2)	Under implementation since early 2009. This recommendation is being addressed by one Development Agenda project.  Relevant Progress Report: CDIP/4/2	Project DA_08_01 entitled "Specialized Databases' Access and Support" (contained in CDIP/3/INF/2)	Background documents: CDIP/1/3; CDIP/2/2; CDIP/2/INF/3
9.	Request WIPO to create, in coordination with Member States, a database to match specific IP-related development needs with available resources, thereby expanding the scope of its technical assistance programs, aimed at bridging the digital divide.	Discussed. Activities agreed upon (CDIP/2/4 and CDIP/3/INF/2)	Under implementation since early 2009. This recommendation is being addressed by one Development Agenda project.  Relevant Progress Report: CDIP/4/2	Project DA_09_01: "IP Development Matchmaking Database (IP-DMD)" (contained in CDIP/3/INF/2)	Background documents: CDIP/1/3; CDIP/2/2

	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
10.	<p>To assist Member States to develop and improve national IP institutional capacity through further development of infrastructure and other facilities with a view to making national IP institutions more efficient and promote fair balance between IP protection and the public interest. This technical assistance should also be extended to sub-regional and regional organizations dealing with IP.</p>	<p>Discussed. Activities agreed upon (CDIP/2/4 and CDIP/3/INF/2)</p>	<p>Under implementation since early 2009. This recommendation is being addressed by five Development Agenda projects. In addition recommendation would be addressed by one Development Agenda project which is currently for consideration of the CDIP.</p> <p>Relevant Progress Report: CDIP/4/2</p>	<p>Project DA_10_01: "A Pilot Project for the Establishment of "Start-Up" National IP Academies" (CDIP/3/INF/2)</p> <p>Project DA_10_02: "Smart IP Institutions Project: The Deployment of Components and Business Solutions Customized for Modernizing IP Infrastructure of National and Regional IP Institutions" (CDIP/3/INF/2)</p> <p>Project DA_10_03: "Innovation and Technology Transfer Support Structure for National Institutions" (CDIP/3/INF/2)</p> <p>Project DA_10_04: "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" (CDIP/3/INF/2)</p> <p>Project DA_10_05: "Improvement of National, Sub Regional and Regional</p>	<p>Background documents: CDIP/1/3; CDIP/2/INF/1; CDIP/2/2</p>

	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
				IP Institutional and User Capacity” (CDIP/3/INF/2)  Proposed Project DA_04_10_01: “Project on Intellectual Property and Product Branding for Business Development in Developing Countries and LDCs” *	
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, where appropriate, in accordance with WIPO’s mandate.	Discussed. Activities agreed (CDIP/2/4)	Under implementation since adoption of the Development Agenda in October 2007  This recommendation is being addressed by several WIPO Programs, including Programs 1, 3, 9, 14, 18 and 30 and indirectly by a number of DA projects addressing recommendations 8 and 10.  Relevant Progress Report: CDIP/3/5		Background documents: CDIP/1/3
12.	To further mainstream development considerations into WIPO’s substantive and technical assistance activities and debates, in accordance with its mandate.	Discussed. Activities broadly agreed upon (CDIP/3/3)	Under implementation since adoption of the Development Agenda in October 2007  Mainstreaming of the Development Agenda into the Revised Program and Budget for 2008/09 and the Program and Budget 2010/11 has enabled a better integration of the DA across relevant programs of the organization. It is expected that project DA_33_38_41_01 (on Enhancing WIPO’s RBM Framework to Support the Monitoring and Evaluation of Development Activities) will provide a good foundation for a more rigorous integration of the Development Agenda into the Strategies, Expected Results and Performance indicators of the various programs.  Relevant Progress Report: CDIP/3/5		Background documents: CDIP/1/3; CDIP/3/3

	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
13.	<p>WIPO's legislative assistance shall be, <i>inter alia</i>, development-oriented and demand-driven, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion.</p>	<p>Discussed in context of progress report (document CDIP/3/5)</p>	<p>Under implementation since adoption of the Development Agenda in October 2007</p> <p>During 2009, WIPO provided legislative assistance to 34 countries in response to requests from the relevant Member State authorities. The content of the assistance remains confidential. Special attention is given to providing options and, wherever requested, advice on provisions that may be suitable given a country's development goals and policy, taking into account the flexibilities available under international IP agreements and the transitional arrangements for LDCs.</p> <p>Relevant Progress Report: CDIP/3/5</p>		<p>Background document: CDIP/1/3</p>
14.	<p>Within the framework of the agreement between WIPO and the WTO, 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.</p>	<p>Discussed in context of progress report (document CDIP/3/5)</p>	<p>Under implementation since adoption of the Development Agenda in October 2007</p> <p>WIPO regularly provides legislative 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. The document on "Patent Related Flexibilities in the Multilateral Legal Framework and their Legislative Implementation at the National and Regional Levels" (CDIP/5/4) contributes to addressing this recommendation.</p> <p>In addition, WIPO regularly contributes to the WTO Trade Policy Courses and to national or sub-regional workshops on issues relating to TRIPS implementation, flexibilities and public policies to support countries in the implementation of the TRIPS.</p> <p>Relevant Progress Report: CDIP/3/5</p>		<p>Background document: CDIP/1/3</p> <p>Document implementing part of the recommendation: CDIP/5/4</p>

	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
15.	<p>Norm-setting activities shall:</p> <ul style="list-style-type: none"> <li>- be inclusive and member driven;</li> <li>- take into account different levels of development;</li> <li>- take into consideration a balance between costs and benefits;</li> <li>- be a participatory process, which takes into consideration the interests and priorities of all WIPO Member States and the viewpoints of other stakeholders, including accredited inter-governmental organizations and non-governmental organizations; and</li> <li>- be in line with the principle of neutrality of the WIPO Secretariat.</li> </ul>	<p>Discussed in context of progress report (document CDIP/3/5)</p>	<p>Under implementation since adoption of the Development Agenda in October 2007</p> <p>In October 2007, the GA requested all WIPO bodies, including the norm-setting committees to implement this recommendation (along with the remaining 19 for immediate implementation). Member States, through their participation in those Committees, play a crucial role in ensuring that they are implemented.</p> <p><u>Inclusiveness and viewpoints of IGOs and NGOs:</u> In 2009, 44 NGOs requested and obtained <i>ad hoc</i> accreditation in WIPO's committees. In addition, 2 IGOs, 3 International NGOs and 3 national NGOs obtained permanent observer status at WIPO given them the opportunity to participate in the relevant WIPO bodies.</p> <p><u>Member-driven:</u> Agenda and issues to be discussed at the committees were established by Member States in the previous session of the Committees or by the General Assembly.</p> <p><u>Different levels of development:</u> the issues currently being discussed in the committees reflect a wide variety of interests and were initially proposed by countries with very different levels of development.</p> <p><u>Balance between costs and benefits:</u> this issue has been raised at various stages of discussions in the committees.</p> <p><u>Principle of neutrality:</u> this is a central principle for the Secretariat as a whole and for the Secretariat staff as international civil servants.</p> <p>Relevant Progress Report: CDIP/3/5</p>		<p>Background document: CDIP/1/3</p> <p>Relevant Progress Report: CDIP/3/5</p>



	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
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.	Discussed. Activities agreed upon (CDIP/4/3)	Under implementation since adoption of the Development Agenda in October 2007. This recommendation is being addressed by one Development Agenda project.  In addition, in WIPO's norm-setting committees, the issue has received some attention. For example, a section on the public domain was included in document SCP/13/5.  Relevant Progress Report: CDIP/3/5	Project DA_16_20_01: "Intellectual Property and the Public Domain" (CDIP/4/3)	Background document: CDIP/1/3, CDIP/3/4
17.	In its activities, including norm-setting, WIPO should take into account the flexibilities in international IP agreements, especially those which are of interest to developing countries and LDCs.	Discussed in context of progress report (document CDIP/3/5)	Under implementation since adoption of the Development Agenda in October 2007  The document on "Patent Related Flexibilities in the Multilateral Legal Framework and their Legislative Implementation at the National and Regional Levels" (CDIP/5/4) contributes to addressing this recommendation  Relevant Progress Report: CDIP/3/5		Background document: CDIP/1/3  Document implementing part of the recommendation: CDIP/5/4
18.	To urge the IGC to accelerate the process on the protection of genetic resources, traditional knowledge and folklore, without prejudice to any outcome, including the possible development of an international instrument or instruments.	Discussed in context of progress report (document CDIP/3/5)	Under implementation since adoption of the Development Agenda in October 2007  In October 2009, the General Assembly of WIPO agreed on a new mandate for the IGC to "undertake text-based negotiations with the objective of reaching agreement on a text of an international legal instrument (or instruments) which will ensure the effective protection of GRs, TK and TCEs". This constitutes important progress towards the implementation of this DA recommendation.  Relevant Progress Report: CDIP/3/5		Background document: CDIP/1/3

	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
19.	To initiate discussions on how, within WIPO's mandate, to further facilitate access to knowledge and technology for developing countries and LDCs to foster creativity and innovation and to strengthen such existing activities within WIPO.	Discussed. Activities agreed upon (CDIP/4/5; CDIP/4/6). Further activities being discussed in context of CDIP/4/7	Under implementation since adoption of the Development Agenda in October 2007. The recommendation is being addressed by two ongoing Development Agenda projects and has been included in one more project, which is being considered by the CDIP.  Relevant Progress Report: CDIP/3/5	Project DA_19_24_27_01: "Intellectual Property ICTs, the Digital Divide and Access to Knowledge" (CDIP/4/5)  Project DA_19_30_31: "Developing Tools for Access to Patent Information" (CDIP/4/6)  Proposed Project DA_19_25_26_28_01: "Intellectual Property and Technology Transfer" (CDIP/4/7) *	Background documents: CDIP/1/3, CDIP/3/4, CDIP/3/4Add.
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	Discussed. Activities agreed upon (CDIP/4/3)	Under implementation since January 2010. The recommendation is being addressed by one Development Agenda project.	Project DA_16_20_01: "Intellectual Property and the Public Domain" (CDIP/4/3)	Background documents: CDIP/1/3; CDIP/3/3; CDIP/3/4
21.	WIPO shall conduct informal, open and balanced consultations, as appropriate, prior to any new norm-setting activities, through a member-driven process, promoting the participation of experts from Member States, particularly developing countries and LDCs.	Discussed in context of progress report (document CDIP/3/5)	Under implementation since adoption of the Development Agenda in October 2007  Examples of how this recommendation is implemented include:  The SCCR has continued its recent tradition of holding information meetings with the participation of experts from all regions on the first day of the Committee on the substantive issues that are		Background document: CDIP/1/3

	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
			<p>under discussion in the Committee.</p> <p>Since its seventh session in 2005, the IGC has been organizing half-day panel presentations immediately before the commencement of the sessions of the Committee, which are chaired by a representative from a local or indigenous community.</p> <p>Relevant Progress Report: CDIP/3/5</p>		
22.	<p>WIPO's norm-setting activities should be supportive of the development goals agreed within the UN system, including those contained in the Millennium Declaration.</p> <p>The WIPO Secretariat, without prejudice to the outcome of Member States considerations, should address in its working documents for norm-setting activities, as appropriate and as directed by Member States, issues such as: a) safeguarding national implementation of intellectual property rules b) links between IP and competition c) IP-related transfer of technology d) potential flexibilities, exceptions and limitations for Member States and e) the possibility of additional special provisions for developing countries and LDCs.</p>	Discussed. Activities broadly agreed upon (CDIP/3/3)	<p>Implementation will begin once activities have been agreed upon.</p> <p>The Report on the Contribution of WIPO to the Millennium Development Goals (CDIP/5/3) was requested in the context of discussions on the implementation of this recommendation (but is not limited to norm-setting activities).</p>		<p>Background documents: CDIP/1/3; CDIP/3/3</p> <p>Document implementing part of the recommendation: CDIP/5/3</p>

	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
23.	To consider how to better promote pro-competitive IP licensing practices, particularly with a view to fostering creativity, innovation and the transfer and dissemination of technology to interested countries, in particular developing countries and LDCs.	Discussed. Activities agreed upon (CDIP/4/4)	Under implementation since January 2010. Recommendation is being addressed by one Development Agenda project.	Project DA_7_23_32_01: "Intellectual Property and Competition Policy" (CDIP/4/4)	Background documents: CDIP/1/3; CDIP/3/3
24.	To request WIPO, within its mandate, to expand the scope of its activities aimed at bridging the digital divide, in accordance with the outcomes of the World Summit on the Information Society (WSIS) also taking into account the significance of the Digital Solidarity Fund (DSF).	Discussed. Activities agreed upon (CDIP/4/5)	Under implementation since January 2010. Recommendation is being addressed by one Development Agenda project.	Project DA_19_24_27_01: "Intellectual Property ICTs, the Digital Divide and Access to Knowledge" (CDIP/4/5)	Background documents: CDIP/1/3; CDIP/3/4
25.	To explore IP-related policies and initiatives necessary to promote the transfer and dissemination of technology, to the benefit of developing countries and to take appropriate measures to enable developing countries to fully understand and benefit from different provisions, pertaining to flexibilities provided for in international agreements, as appropriate.	Discussed at CDIP 4 (CDIP/4/7). Discussions to continue in CDIP 5.	Implementation will begin once activities have been agreed upon. Recommendation would be addressed by one Development Agenda project which is currently for consideration of the CDIP.	Proposed Project DA_19_25_26_28_01: "Intellectual Property and Technology Transfer" (CDIP/4/7) *	Background documents: CDIP/1/3; CDIP/3/4Add.
26.	To encourage Member States, especially developed countries, to urge their research and scientific institutions to enhance cooperation and exchange with research and development institutions in developing countries, especially LDCs.	Discussed at CDIP 4 (CDIP/4/7). Discussions to continue in CDIP 5.	Implementation will begin once activities have been agreed upon. Recommendation would be addressed by one Development Agenda project which is currently for consideration of the CDIP.	Proposed Project DA_19_25_26_28_01: "Intellectual Property and Technology Transfer" (CDIP/4/7)*	Background documents: CDIP/1/3; CDIP/3/4 Add.

	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
27.	Facilitating IP-related aspects of ICT for growth and development: Provide for, in an appropriate WIPO body, discussions focused on the importance of IP-related aspects of ICT, and its role in economic and cultural development, with specific attention focused on assisting Member States to identify practical IP-related strategies to use ICT for economic, social and cultural development.	Discussed. Activities agreed upon (CDIP/4/5)	Under implementation since January 2010. Recommendation is being addressed by one Development Agenda project.	Project DA_19_24_27_01: "Intellectual Property, ICTs, the Digital Divide and Access to Knowledge" (CDIP/4/5)	Background documents: CDIP/1/3; CDIP/3/4
28.	To explore supportive IP-related policies and measures Member States, especially developed countries, could adopt for promoting transfer and dissemination of technology to developing countries.	Discussed at CDIP 4 (CDIP/4/7). Discussions to continue in CDIP 5.	Implementation will begin once activities have been agreed upon. Recommendation would be addressed by one Development Agenda project which is currently for consideration of the CDIP.	Proposed Project DA_19_25_26_28_01: "Intellectual Property and Technology Transfer" (CDIP/4/7) *	Background documents: CDIP/1/3; CDIP/3/4 Add.
29.	To include discussions on IP-related technology transfer issues within the mandate of an appropriate WIPO body.	Not yet discussed by the Committee	Implementation will begin once activities have been agreed upon.		Background document: CDIP/1/3
30.	WIPO should cooperate with other intergovernmental organizations to provide to developing countries, including LDCs, upon request, advice on how to gain access to and make use of IP-related information on technology, particularly in areas of special interest to the requesting parties.	Discussed. Activities agreed upon (CDIP/4/6)	Under implementation since January 2010. The recommendation is being addressed by one Development Agenda project. In addition, recommendation would be addressed by one Development Agenda project which is currently for consideration of the CDIP.	Project DA_19_30_31_01: "Developing Tools for Access to Patent Information" (CDIP/4/6)  Proposed Project DA_30_31_01: "Capacity-building in the use of appropriate technology-specific technical and scientific information as a solution for identified development challenges" *	Background document: CDIP/1/3; CDIP/3/4

	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
31.	To undertake initiatives agreed by Member States, which contribute to transfer of technology to developing countries, such as requesting WIPO to facilitate better access to publicly available patent information.	Discussed. Activities agreed upon (CDIP/4/6)	Under implementation since January 2010. The recommendation is being addressed by one Development Agenda project. In addition, recommendation would be addressed by one Development Agenda project which is currently for consideration of the CDIP.	Project DA_19_30_31: "Developing Tools for Access to Patent Information" (CDIP/4/6)  Proposed Project DA_30_31_01: "Capacity-building in the use of appropriate technology-specific technical and scientific information as a solution for identified development challenges" *	Background documents: CDIP/1/3; CDIP/3/4
32.	To have within WIPO opportunity for exchange of national and regional experiences and information on the links between IP rights and competition policies.	Discussed. Activities agreed upon (CDIP/4/4)	Under implementation since January 2010. The recommendation is being addressed by one Development Agenda project.	Project DA_7_23_32_01: "Intellectual Property and Competition Policy" (CDIP/4/4)	Background documents: CDIP/1/3; CDIP/3/4
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.	Discussed. Activities agreed upon (CDIP/4/8)	Under implementation since January 2010. Recommendation is being addressed by one Development Agenda project.	Project DA_33_38_41_01: "Enhancement of WIPO's Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities" (CDIP/4/8)	Background document: CDIP/1/3
34.	With a view to assisting Member States in creating substantial national programs, to request WIPO to conduct a study on constraints to intellectual property protection in the informal economy, including the tangible costs and benefits of IP protection in particular in relation to generation of employment.	Not yet discussed by the Committee	Implementation will begin once activities have been agreed upon		Background documents: CDIP/1/3

	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
35.	To request WIPO to undertake, upon request of Member States, new studies to assess the economic, social and cultural impact of the use of intellectual property systems in these States.	Discussed in context of progress report (document CDIP/3/5)	Under implementation since adoption of the Development Agenda in October 2007. In addition, recommendation would be addressed by one Development Agenda project which is currently for consideration of the CDIP. Relevant Progress Report: CDIP/3/5.	Proposed Project DA_35_37_01: "Project on Intellectual Property and Socio-Economic Development" (CDIP/5/7) *	Background document: CDIP/1/3
36.	To exchange experiences on open collaborative projects such as the Human Genome Project as well as on IP models.	Not yet discussed by the Committee	Implementation will begin once activities have been agreed upon.		Background document: CDIP/1/3
37.	Upon request and as directed by Member States, WIPO may conduct studies on the protection of intellectual property, to identify the possible links and impacts between IP and development.	Discussed in context of progress report (document CDIP/3/5).	Under implementation since adoption of the Development Agenda in October 2007. In addition, recommendation would be addressed by one Development Agenda project which is currently for consideration of the CDIP.  Relevant Progress Report: CDIP/3/5	Proposed Project DA_35_37_01: "Project on Intellectual Property and Socio-Economic Development" (CDIP/5/7) *	Background document: CDIP/1/3
38.	To strengthen WIPO's capacity to perform objective assessments of the impact of the organization's activities on development.	Discussed. Activities agreed upon (CDIP/4/8).	Under implementation since January 2010. Recommendation is being addressed by one Development Agenda project.	Project DA_33_38_41_01: "Enhancement of WIPO's Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities" (CDIP/4/8).	Background document: CDIP/1/3
39.	To request WIPO, within its core competence and mission, to assist developing countries, especially African countries, in cooperation with relevant international organizations, by conducting studies on brain drain and make recommendations accordingly.	Not yet discussed by the Committee	Implementation will begin once activities have been agreed upon.		Background documents: CDIP/1/3

	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
40.	To request WIPO to intensify its cooperation on IP related issues with UN agencies, according to Member States' orientation, in particular UNCTAD, UNEP, WHO, UNIDO, UNESCO and other relevant international organizations, especially WTO in order to strengthen the coordination for maximum efficiency in undertaking development programs.	Not yet discussed by the Committee	While activities for implementation are yet to be discussed by the Committee, in practice, the recommendation is already under implementation.		Background documents: CDIP/1/3
41.	To conduct a review of current WIPO technical assistance activities in the area of cooperation and development.	Discussed. Activities agreed upon (CDIP/4/8)	Under implementation since January 2010. Recommendation is being addressed by one Development Agenda project.	Project DA_33_38_41_01: "Enhancement of WIPO's Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities" (CDIP/4/8) *	Background document: CDIP/1/3
42.	To enhance measures that ensure wide participation of civil society at large in WIPO activities in accordance with its criteria regarding NGO acceptance and accreditation, keeping the issue under review.	Not yet discussed by the Committee	Under implementation since adoption of the Development Agenda in October 2007.  During 2009, two inter-governmental organizations (IGOs), three international non-governmental organizations (NGOs) and three national NGOs acquired observer status at WIPO. This brings the total up to 68 IGOs, 219 International NGOs and 52 National NGOs. In addition, a number of NGOs requested and obtained <i>ad hoc</i> observer status for participating in specific committees, as follows: - 5 at the Committee on Development and Intellectual Property (CDIP); - 20 at the Inter-governmental Committee on Genetic Resources, Traditional Knowledge and Folklore (IGC);		Background document: CDIP/1/3  Relevant Progress Report: CDIP/3/5



	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
			<p>- 1 at the Standing Committee on the Law of Patents (SCP); and - 18 at the Standing Committee on Copyright and Related Rights (SCCR).</p> <p>WIPO has also made efforts to include NGO participations in a number of activities it has undertaken (for example, 6 panelists from NGOs at the Open-Ended Forum on Proposed Development Agenda Projects, October, 2009).</p>		
43.	To consider how to improve WIPO's role in finding partners to fund and execute projects for IP-related assistance in a transparent and member-driven process and without prejudice to ongoing WIPO activities.	Not yet discussed by the Committee	Implementation will begin once activities have been agreed upon.		Background document: CDIP/1/3
44.	In accordance with WIPO's member-driven nature as a United Nations Specialized Agency, formal and informal meetings or consultations relating to norm-setting activities in WIPO, organized by the International Bureau, upon request of the Member States, should be held primarily in Geneva, in a manner open and transparent to all Members. Where such meetings are to take place outside of Geneva, Member States shall be informed through official channels, well in advance, and consulted on the draft agenda and program.	Not yet discussed by the Committee	Under implementation since adoption of the Development Agenda in October 2007.		Background document: CDIP/1/3  Relevant Progress Report: CDIP/3/5

	RECOMMENDATION	STATUS OF DISCUSSIONS AT CDIP	STATUS OF IMPLEMENTATION	RELEVANT DEVELOPMENT AGENDA PROJECTS	RELEVANT CDIP DOCUMENTS
45.	To approach intellectual property enforcement in the context of broader societal interests and especially development-oriented concerns, with a view that “the protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations”, in accordance with Article 7 of the TRIPS Agreement.	Not yet discussed by the Committee	While activities for implementation are yet to be discussed by the Committee, in practice, the recommendation is already under implementation.  One of the Agenda items in the Advisory Committee on Enforcement held in November 2009 was: “Contribution of, and costs to, right holders in enforcement, taking into consideration Recommendation No. 45 of the WIPO Development Agenda”.		Background document: CDIP/1/3

\* Draft Project. Yet to be approved by the CDIP.

[Appendix II follows]

OVERVIEW OF APPROVED PROJECTS FOLLOWING THE FOURTH SESSION OF THE CDIP

Projects for Recommendations 2, 5, 8, 9 and 10

REC.	PROJECT	BRIEF DESCRIPTION	STATUS
2	Conference on "Mobilizing Resources for Development" DA_02_01	The purpose of the project is to convene a conference aimed at providing additional extra-budgetary resources to WIPO for its work to help developing countries benefit from the IP system and to seek to establish Trust-Funds or other voluntary funds specifically for LDCs	Implementation started in early 2009
5	Intellectual Property Technical Assistance Database (IP-TAD) DA_05_01	Design and development of a consolidated database, with supporting software, for all technical assistance activities of WIPO and its regular update.	Implementation started in early 2009
8	Specialized Databases' Access and Support DA_08_01	Provision of access to technological knowledge, in the form of specialized patent databases and technical journals, for users in developing countries and LDCs in particular patent offices, to carry out more effective patent searches. The aRD <sub>i</sub> project, launched in July 2009, is part of this project  Another component of this project is to assist countries in establishing Technology and Innovation Support Centers (TISCs) together with a corresponding network.	Implementation started in early 2009
9	IP Development Matchmaking Database (IP-DMD) DA_09_01	Development of a database and software to establish an effective process for match-making between the IP-related development needs of countries and donors.	Implementation started in early 2009
10	A Pilot Project for the Establishment of "Start-Up" National IP Academies DA_10_01	Pilot project to set up "Start-Up" National IP Academies in developing countries and LDCs in the form of an IP training institution with minimum resources to meet their increasing demand for IP specialists, professionals, government officials and other stakeholders	Implementation started in early 2009

REC.	PROJECT	BRIEF DESCRIPTION	STATUS
10	Smart IP Institutions Project DA_10_02	Establishment of customized automation solutions for IP offices. Four components address: (1) ICT infrastructure and customized e-communication systems for OAPI; (2) ICT infrastructure and customized e-communication systems for ARIPO; (3) customized automation solutions in three LDC IP institutions; (4) Automation workshops to facilitate sharing and exchange of national experiences	Implementation started in early 2009
10	Innovation and Technology Transfer Support Structure for National Institutions DA_10_03	Preparation or updating/improvement of a series of modules and materials relating to managing IP rights by academic and research institutions, including on the setting up and running of technology transfer offices at public research organizations, exploring technology transfer mechanisms (in particular, licensing agreements) and enhancing the capacity to draft patents. Establishment of a portal with a range of materials, relevant training modules, best practices and case studies.	Implementation started in early 2009
10	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 DA_10_04	This project has two components. The first component seeks to assist in the improvement and strengthening of national institutions and stakeholder organizations dealing with and representing creative industries in enhancing their understanding of the role of IP for the effective management and development of creative industries. The second component aims to facilitate the establishment of regional or sub-regional networks for the collective management of copyright and neighboring rights.	Implementation started in early 2009
10	Improvement of National, Sub-Regional and Regional IP Institutional and User Capacity DA_10_05	<p>Establishment of a standard, methodological and integrated approach to IP policy, strategy and institutional reform and modernization that will be available in the form of tools for (a) assessing the current state of the national IP system; (b) undertaking a needs assessment at the levels of policy, strategy and institutional/organizational change; and (c) providing a framework (s) for addressing the needs that are identified in a systematic and integrated way, particularly in designing national IP strategies and plans</p> <p>Enhance the capacities of IP and SME support institutions in addressing the needs and challenges of SMEs in effectively utilizing the IP system by providing them with an enhanced factual understanding of the challenges and enabling appropriate policy responses and allocation of resources to respond to the problems/challenges, such as through nationally tailored material on print and digital media, including online content.</p>	Implementation started in early 2009

Thematic Projects

REC	PROJECT	BRIEF DESCRIPTION	STATUS
16, 20	Intellectual Property and the Public Domain DA_16_20_01	Recognizing the importance of the public domain, the project will comprise a series of surveys and studies that will analyze good practices and the currently available tools for identifying content that is in the public domain and to preserve such content from individual appropriation. The surveys and studies should facilitate the planning of the subsequent steps of possible preparation of guidelines and/or possible development of tools to facilitate the identification of and access to public domain subject matter. The project is divided into three components that will address the issue from the perspective of copyright, trademarks and patents. [Trademark component not approved yet. To be discussed further at CDIP 5]	Copyright and patent components approved and implementation started in January 2010.  TM component as well as additional aspects of patent component to be discussed further at CDIP 5.
7, 23, 32	IP and Competition Policy DA_7_23_32_01	In order to promote a better understanding of the interface between intellectual property and competition policy, particularly in developing countries, LDCs, and countries with economies in transition, WIPO would undertake a series of activities that would collect and scrutinize recent practices, legal developments, jurisprudence and legal remedies available in selected countries and regions. Those activities will consist of studies, surveys (including a Survey on the use of Compulsory Licenses to repress Anticompetitive Practices) as well as a series of sub-regional seminars and Geneva-based symposia which will be organized as fora for exchange of experiences in this field. WIPO's licensing training programs will include a component on the pro-competitive aspects of licensing and anti-competitive licensing practices, and a Global Meeting will be organized on Emerging Copyright Licensing Modalities. The studies and the proceedings of a number of meetings will be published. The WIPO's Guide on Franchising will also be revised and updated so as to reflect the eventual interaction between such a business model and antitrust law.	Approved. Implementation started in January 2010
19, 24, 27	IP, Information and Communication Technologies (ICTs), the Digital Divide and Access to Knowledge DA_19_24_27_01	<p>The first component of the project regarding copyright aims at providing Member States a source of relevant and balanced information on the opportunities provided by new models of distributing information and creative content, focusing on the areas of education and research, software development and e-information services (e.g., e-journals and public-sector information).</p> <p>The second component of the project focuses on industrial property data digitization and aims to assist Member States in digitizing paper-based documents of IPRs as a first step to improving the digital divide and to gain skills for creating a national IP database which would provide users with easy access to intellectual property information.</p>	Approved. Implementation started in January 2010

REC	PROJECT	BRIEF DESCRIPTION	STATUS
19, 30, 31	Developing Tools for Access to Patent information DA_19_30_31_01	This proposed project aims to provide developing countries, including LDCs, upon request, with services which will facilitate the use of patent information on specific technology for facilitating their indigenous innovation and R&D in cooperation with other intergovernmental organizations. Patent Landscaping Reports will be drafted which exploit the vast resources of patent information to provide an analysis of specific technologies and related existing IP rights for selected areas of technology; an e-tutorial available on DVD or on the internet will provide training on using and exploiting patent information; and conferences, including workshops and training courses, will be organized for users, in particular for staff of Technology and Innovation Support Centers.	Approved. Implementation started in January 2010
33, 38, 41	Project on Enhancement of WIPO's Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities DA_33_38_41_01	The project will seek to: (i) Design, develop and establish a sustainable and coherent results-based framework to support the monitoring and evaluation of the impact of the Organization's activities on development. (ii) Seek to strengthen the capacity for objective development impact assessments of the Organization's activities; and (iii) Conduct a review of WIPO's existing technical assistance activities in the area of cooperation for development to help establish some baselines for further work.	Approved. Implementation started in January 2010

[Annex II follows]

## COORDINATION MECHANISMS AND MONITORING, ASSESSING AND REPORTING MODALITIES

The General Assembly decides:

To adopt the following CDIP coordination mechanism principles:

- (a) The aim of the Development Agenda is to ensure that development considerations form an integral part of WIPO's work and the coordination mechanism should promote this aim;
- (b) CDIP, in accordance with its mandate, has the responsibility to monitor, assess, discuss and report on the implementation of all recommendations adopted;
- (c) All WIPO Committees stand on an equal footing and report to the Assemblies;
- (d) To avoid duplication of WIPO's governance arrangements the coordination mechanism should be consistent with, and where practical, use existing governance structures and procedures;
- (e) The coordination of the CDIP with other relevant WIPO bodies should be flexible, efficient, effective, transparent and pragmatic. It should facilitate the work of the CDIP and the respective WIPO bodies;
- (f) The coordination should be within existing budgetary resources of WIPO.

To establish a CDIP standing agenda item dealing with item (b)<sup>#</sup> of the CDIP mandate. The agenda item:

- (a) should be the first substantive item on its agenda; and
- (b) shall be allocated sufficient time to complete its deliberations within the meeting schedule.

To extend, on an exceptional basis, if a clear need is identified, the duration of CDIP sessions, subject to the agreement of all Member States. In addition, during discussion of future work the Committee may consider the duration of the next CDIP meeting.

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.

To instruct the CDIP to include a review of the implementation of the Development Agenda Recommendations in its report to the General Assembly, to be discussed in the General Assembly under the standing item of the Report of the CDIP, as a sub-item entitled Review of the implementation of the Development Agenda Recommendations.

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<sup>#</sup> monitor, assess, discuss and report on the implementation of all recommendations adopted, and for that purpose it shall coordinate with relevant WIPO bodies.

To instruct the relevant WIPO bodies to identify the ways in which the Development Agenda Recommendations are being mainstreamed in their work, and urge them to implement the Recommendations accordingly.

To urge the Director General to facilitate the coordination, assessment, and reporting of all the activities and programs undertaken by the Secretariat with respect to the Development Agenda, and to provide regular updates, through written submissions or oral briefings, on the progress of the implementation of the Development Agenda Recommendations to the CDIP, the General Assembly and relevant WIPO bodies. In particular, updates should focus on the work undertaken by other relevant WIPO bodies concerning implementation of the Development Agenda Recommendations.

To request the CDIP to undertake an independent review of the implementation of the Development Agenda Recommendations at the end of the 2012-2013 biennium. Upon consideration of that review, the CDIP may decide on a possible further review. The Terms of Reference and the selection of independent IP and development experts will be agreed by the CDIP.

To strengthen existing mechanisms within WIPO, such as the Internal Oversight Function, modalities for implementation of WIPO's Evaluation Policy and the Program Performance Reports, in order to effectively support the review and evaluation of the implementation of the Development Agenda Recommendations.

To include in the WIPO Annual Report to the UN, a report on the implementation of the Development Agenda, pursuant to the Agreement between the UN and WIPO.

[End of Annex II and of document]