

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP)

First Session
Geneva, March 3 to 7, 2008

INITIAL WORKING DOCUMENT FOR THE COMMITTEE ON
DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP)

*prepared by the Chair of the Provisional Committee on
Proposals Related to a WIPO Development Agenda (PCDA)*

1. In a communication dated February 29, 2008, Ambassador C. Trevor Clarke, Permanent Representative, Permanent Mission of Barbados to the United Nations and other international organizations at Geneva, circulated a document for the CDIP as mandated by the WIPO General Assembly in October 2007, for consideration by Member States at the first session of the CDIP, to be held in Geneva from March 3 to 7, 2008.

2. The said working document is annexed.

3. *The CDIP is invited to note the contents of the attached document from the Chair of the PCDA.*

[Annexes follow]

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***Permanent Mission of Barbados to
the United Nations Office and other
International Organisations at Geneva***

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February 29, 2008

Chairman
Committee on Development and Intellectual Property (CDIP)
World Intellectual Property Organization
Geneva

Excellency,

Kindly refer to the decision of the WIPO General Assembly, in its session held in September-October 2007, to establish a Committee on Development and Intellectual Property (CDIP). The General Assembly had also requested me, in my capacity as the Chair of the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA), to prepare the initial working documents, including a draft work program, in consultation with Member States and the Secretariat. The draft work program was required to address, *inter alia*, the financial and human resources requirements for inclusion in WIPO's budgetary planning process.

Accordingly, I had a few meetings with Member States and the Secretariat in order to facilitate the preparation of these documents. The documents have since been prepared and are attached as follows:

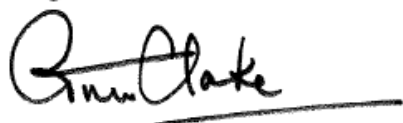
- (a) Preliminary Implementation Report with respect to the 19 proposals identified for immediate implementation by WIPO; and
- (b) Initial Working Document regarding the implementation of the 26 agreed proposals.

With regard to (a) above, it may be noted that with the approval of the Report of the WIPO General Assembly in mid-November 2007, the Director General of WIPO issued instructions to the sectors concerned to start implementing these proposals. Since then, WIPO has initiated activities for implementing these proposals. The Secretariat has prepared some information on the activities, which have been implemented/planned in respect of these 19 proposals. Another detailed report will be submitted for the July 2008 Session of the CDIP.

With regard to (b) above, the document contains a list of activities proposed to be taken up by WIPO to implement the remaining 26 proposals. The information provided relates to the nature of the activity and its objectives etc. A detailed assessment has not yet been made in respect of additional requirements of human and financial resources to implement these activities. It is expected that such an assessment will be completed by the July 2008 Session of the CDIP.

I will request you to submit these documents to the CDIP for its consideration.

With regards

A handwritten signature in black ink, appearing to read "C. Trevor Clarke", is written over a horizontal line.

C. Trevor Clarke
Ambassador and Permanent Representative

[Annex II follows]

**WIPO Development Agenda
Preliminary Implementation Report in Respect of 19 Proposals¹**

The WIPO General Assembly reviewed the discussions during the two sessions of the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA), in February and June 2007, noted the spirit of engagement and cooperation demonstrated by Member States during the meetings of the PCDA, expressed satisfaction at the consensus reached on the proposals submitted by Member States on the establishment of a development agenda for WIPO and decided, *inter alia*, to adopt the recommendations for action in the 45 agreed proposals contained in Annex A of document A/43/16.

The Assembly also decided to immediately implement the recommendations contained in the list of 19 proposals in Annex B of the same document. The Member States, however, stressed that it did not, in any way, imply that these proposals had been accorded a higher priority than the others or that their implementation, or aspects of it, would not be discussed in the Committee on Development and Intellectual Property (CDIP), in coordination with relevant WIPO bodies. The set of 19 proposals was identified by the Chair of the PCDA in consultation with the Group Coordinators and the Secretariat and other interested members. The broad guidelines that were followed in identifying these proposals were as follows:

- (i) WIPO is already implementing related activities which could be appropriately modified or strengthened to meet with the specific concerns;
- (ii) It is not considered necessary, at this stage, to develop a detailed work program before initiating implementation of the proposal;
- (iii) The proposal does not require the engagement of additional human resources at this stage and the activity can be implemented with the existing staff; and
- (iv) Finally, the proposal does not require the allocation of additional financial resources at this stage, and the activity can be implemented with the existing allocations.

With the approval of the Report of the WIPO General Assembly in mid-November 2007, the Director General of WIPO issued instructions to the sectors concerned to start implementing these proposals. Since then, WIPO has initiated activities for implementing these proposals.

The 19 proposals fall in the following clusters:

1. Technical Assistance and Capacity Building
2. Norm-Setting, Flexibilities, Public Domain and Public Policy
3. Assessment, Evaluation and Impact Studies
4. Institutional Matters including Mandate and Governance

¹ Proposals adopted by the General Assembly for immediate implementation

The Secretariat has prepared some information on some of the activities which have been implemented/planned in respect of these proposals which are contained in Annex III. Another detailed report will be submitted for the July 2008 Session of the CDIP.

[Annex III follows]

ANNEX III

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
1.	<p>WIPO technical assistance shall be, inter alia, 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.</p>	<p>WIPO's technical assistance programs and activities are undertaken at the request of Member States and are designed, formulated and implemented in close consultation and cooperation with the countries concerned in order to respond to their specific needs, and dovetailed with their development priorities.</p> <p>WIPO has been reorienting its programs and activities by consistently and comprehensively taking into account country specific needs, priorities and the level of development, particularly the special needs of Least Developed Countries (LDCs). This is done by assisting the countries to formulate nationally focused intellectual property (IP) plans and strategies after a careful assessment of their specific needs and taking into account the particular development requirements of each country and involving all stakeholders. The overall objective of these programs is to contribute to the economic, social, cultural and technological development of beneficiary countries, with particular emphasis on LDCs, by effectively using IP.</p> <p>The primary responsibility for the process as well as the plans, programs and activities rests with the countries concerned, with WIPO's full commitment in providing all necessary technical assistance and cooperation in an efficient, timely and cost effective manner.</p> <p>A few programs and activities planned / implemented since the adoption of the Development Agenda are as follows:</p> <ol style="list-style-type: none"> 1) A High Level Forum on Intellectual Property for the Least Developed Countries: Building Capacity and a Knowledge Base for Wealth Creation, Social and Cultural Development was organized in Geneva, on December 12, 2007. The recommendations of the Forum will be developed and implemented in various LDCs, subject to available resources. 2) Inter-regional forum on Service and Development-oriented IP Administrations, June 2008. 3) IP national strategies and IP development plans adopted in a number of countries. IP strategies are

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<p>preceded by needs assessment through a national audit exercise conducted in cooperation with COMESA and CEMAC. IP strategy and development plans are being implemented in Ethiopia, Kenya, Mozambique, Uganda, Rwanda and Nigeria. Short-term to medium-term IP development plans have also been elaborated in keeping with needs and priorities reflected in national development plans and/or any other policy framework such as Rwanda's Vision 2020 Plan and the Liberian Poverty Reduction Strategy.</p> <p>4) Arab IP offices have been encouraged to undertake a SWOT analysis with the aim of assessing their needs and for achieving a comprehensive approach to the development of IP.</p> <p>5) Special national projects for Democratic People's Republic of Korea (DPRK), Maldives and Nepal are under development, in order to assist these countries in addressing their specific needs and requirements taking into account their level of development of IP.</p> <p>6) A comprehensive three-year national project on the modernization of the IP system of Bangladesh developed and formulated in close consultations with the national authorities concerned, will be jointly implemented by the European Commission and WIPO. It is expected that the project will enter into the implementation phase in early 2008, once the administrative preparations and necessary agreements between the parties are finalized.</p> <p>7) Sub-regional Seminar on the Methodologies, Best Practices and Lessons Learnt from Development of National IP Strategies, Cluj-Napoca, Romania, in April 2008.</p> <p>8) The business modernization assistance to IP Institutions, which is directly aimed at enhancing the efficiency of IP registration activities in a country, already follows the guidelines and specific criteria outlined in this proposal and will be further refined and improved to comply with it. Modernization assistance services includes technical guidance, needs analysis, simplification of business procedures, infrastructure upgrade, customized automation systems, IP databases, training, technical support and impact evaluation. This Program takes into account the requesting institutions priorities, needs and level of development to prepare and execute a customized assistance project with clear roles</p>

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<p>and responsibilities of the parties concerned. Extra assistance is included wherever appropriate for requesting institutions from LDCs.</p> <p>9) In the copyright field, work on the creation and strengthening of collective management of copyright in recent years in Central American and Caribbean countries takes into account the size of the market and the resources available.</p> <p>10) In 2008, WIPO will prepare/coordinate/commission a document containing a description of legislative assistance as regards public policy and development. The document will discuss the modalities, principles and format of assistance provided, as well as the various options of flexibilities available under the TRIPS Agreement and the Paris Convention.</p> <p>11) WIPO has designed and implemented a three year demonstration project which consists of development, testing and evaluation of a model based on the creation of two networks of R&D institutions in the health sector (tropical diseases) with an IP shared service (IP Hub) each. This model (R&D Network with IP Hub) has been implemented in 6 Central African countries (Cameroon, Chad, Equatorial Guinea, Republic of Congo, Republic of Central Africa and Gabon) and in Colombia taking into account country and sector specific needs and priorities. The objective of the project was to support the creation of networks of developing country research institutions in the health field provided with IP hubs (Shared Technology Transfer Units), as a strategy to build local IP capacities, expertise and infrastructure to protect, own and commercialize local research results through the use of patents and other types of IP. The model will be presented to Member States from LDCs in an International Seminar on IP Networks which is scheduled to be held in Rio de Janeiro. The project is available for immediate customization and implementation, upon request from Member States.</p> <p>It is proposed to develop a consolidated strategic work plan for each country, based on an effective needs-assessment process carried out in cooperation with the country. The assessment of needs and country demands will be reviewed with the country and the plan updated every biennium. Mechanisms for strategic level and program level to be properly integrated and coordinated with the country planning will be developed. Project design frameworks will be standardized for WIPO to ensure full project definition</p>

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<p>and description, quality control and approval processes, support objective setting and monitoring activities, risk identification and management, performance and results definition and appraisal. More use to be made of log frame techniques for planning at the project level. Evaluation by programs of performance, verifiable outcomes and impacts will be assessed by managers for each program, country and project annually.</p> <p>12) Inter-regional forum on technical assistance for IP capacity building: needs assessment to capacity development and benefit realization.</p> <p>IP strategy and development plans are also being implemented in several other countries including Ghana, Sierra Leone, United Republic of Tanzania, Nigeria, Democratic Republic of Congo and Côte d'Ivoire.</p> <p>13) Special IP development plans formulated for a number of countries in Asia, such as Afghanistan, India, Iran (Islamic Republic of), Pakistan, and Sri Lanka, are under implementation.</p> <p>14) WIPO is currently implementing national projects in Brazil, Colombia, Mexico (CR), Peru, Costa Rica, Uruguay, and Barbados, incorporating the particular needs, and resources of the offices of the region.</p> <p>15) WIPO designs plans or cooperation projects on IP regional and sub-regional levels aiming at accomplishing common objectives or satisfying common needs of several countries (LATIPAT project: patent examination manual for the IP office of the Central American Isthmus "countries" and the Dominican Republic).</p> <p>16) Specific activities for the benefit of LDCs will be enhanced and expanded, such as:</p> <ul style="list-style-type: none"> - Establishment of Intellectual Property Advisory Services and Information Centers. - Training Program on the use of IP for economic growth and development.

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<p>- The 10 points agenda of the High-level Forum on IP for LDCs in Geneva will be implemented in the LDCs as of 2008.</p> <p>Preparation of training tools on specific sectors of the creative industries: The tools will first be published and then presented as training documents in national/regional workshops. The objective will be to assist managers and creators in both developed and developing countries in setting up a viable business enterprise in specific creative sectors (i.e. design, film, music, publishing), and to raise public awareness on creative industries.</p> <p>Publication on IP Issues in the Publishing Industry: to stimulate and encourage greater awareness of the importance of IP in the business of publishing. The Publication (tool) has already been used in workshops held in Jamaica, Trinidad & Tobago, India and Sudan. This has established close working relations with regional publishers organizations e.g., African Publishers Network (APNET), Caribbean Publishers Network (CAPNET). Planned activities under this program are:</p> <ul style="list-style-type: none"> (i) a sub-regional workshop jointly organized by WIPO-APNET-GBPA (Ghana Book Publishers Association) to be held in Accra, Ghana, in March 2008; (ii) Publication on Managing of Creative Enterprises; (iii) Publication on Making a Living From Music: To be used as a basis for workshop in Jamaica; (iv) Publication on IP management in Film Production: To be used as a basis for training in Mexico; and (v) Publication on Managing IP Assets in the Design Industry. <p>The publication on the Publishing Industry will be published in the first quarter of 2008. Other publications will be ready by the end of 2008 or early 2009.</p> <p>In the field of human resource development, the following activities are planned:</p>

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<ul style="list-style-type: none"> - Strategic IP Management Executive Program: The objective is to provide an opportunity for Executives to improve their skills in IP management especially in developing countries and to share ideas on the best strategies to generate economic growth using IP. The target audience is executives from all over the world, in particular from Africa. In order to assist participants from developing countries, WIPO will offer a 25% reduction of the total cost for their participation. - International Conference on IP Management Education and Research; the principal objective of the program is to foster the development of IP management education and research around the world especially in developing countries and provide an opportunity to participants from developing countries to create networks with their counterparts in other regions of the world. It will also enhance international cooperation, in the emerging area of IP management education and research all over the world. The targeted participants are academics and IP professionals. - Joint programs on copyright and related rights with the Swedish government will continue to be offered in 2008. The main objective of these courses is to enhance skills of decision-makers in the field of intellectual property and to provide a forum for discussion of intellectual property issues related to development. These programs are targeted to policy makers from developing and least developed countries. - General Academy sessions and Special Academy sessions will be organized at national, regional and interregional levels in 2008 for decision makers, policy advisers, judges and other senior officials from developing countries and LDCs. The objective is to provide them a forum for debate and exchange views and experience in the protection, administration and enforcement of intellectual property rights. The target audiences are decision makers, policy advisers, judges and senior government officials. - Distance Learning Program will offer six new courses in Trademarks, Patents, Patent Information Search, Patent Drafting, WIPO Arbitration and Mediation Procedures, and IP Valuation courses starting in May 2008. The aim of the courses is: first, to create free access to educational material and knowledge to developing countries through a strategic use of information technology; second, to provide course material accessible to universities teachers in developing countries; third, to meet the demand by developing countries to increase not only their general knowledge but specific skills in the area of IP they wish to deepen their knowledge and use. In order to assist IP Offices and

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<p>government officials in developing countries and countries in transition, the Academy has established a scholarship procedure to address their needs effectively.</p> <ul style="list-style-type: none"> - In response to demand from two developing countries, the General Course on IP (DL-101) will be offered in Turkish and Thai, in collaboration with the IP Offices. The course teaches about the basics of intellectual property and covers the main international treaties. The aim of translating the course in more languages is to disseminate as basic knowledge to IP Office personnel, government officials and university students. This brings the number of languages in which the DL-101 is offered to 10 (English, Spanish, French, Portuguese, Arabic, Chinese, Russian, Ukrainian, Thai and Turkish) -
3.	<p>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.</p>	<p>Raising awareness among all sectors of the society regarding the important role that intellectual property plays in national development, and promoting an informed and balanced discussion and dialogue about IP issues, continue to be an integral part of WIPO program and activities. As part of the process of imparting a development-oriented IP culture, WIPO promotes involvement of all national stakeholders through various programs and activities. Specific programs are tailored for public institutions, IP stakeholders and users, and are targeting different sectors of society, including universities and research centers, SMEs, cultural industries, judiciary and the civil society. Increasing human and financial allocation for technical assistance programs and activities is essential if the increasingly complex and urgent demands and diverse needs of the member states are to be met in the context of a dynamic and fast changing IP environment.</p> <p>A brief description of the main programs and activities undertaken recently and those initiated or planned in various regions, is given below:</p> <ol style="list-style-type: none"> 1) Demystification and inculcating IP culture in general: developing training courses in the Arabic language; and reinforcing the integration of IP in the Curricula of Universities and professional Institutions (judges, lawyers, diplomats, journalists). 2) Activities pertaining to IP and pharmaceuticals: various seminars on the enhancement of the

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<p>market value for SMEs and on the value of IP assets (Egypt, Mauritania); the assessment of the industrial property legislation with regard to the patents and public health (Morocco); and a national seminar on IP and technology transfer (Saudi Arabia).</p> <p>3) WIPO Sub-regional Colloquium on IP education, training and research organized in Ho Chi Minh City, Viet Nam in January 2008 in order to provide guidelines and information for designing IP curricula in the universities. Reprinting of translated IP publications was done in Indonesia and translation and printing of two WIPO publications in the Myanmar language is for implementation in 2008.</p> <p>4) Joint LL.M. program with the University of Turin will continue to offer 20 scholarships to participants from developing countries. The main objective is to increase human resources capacity in IP in developing countries and in countries in transition and LDCs.</p> <p>5) Training of Trainers' Program (Master in IP Studies) in cooperation with the African Regional Intellectual Property Organization (ARIPO) and Africa University will be launched in 2008 in Mutare, Zimbabwe. Its objective is to address the critical shortage of human resources in intellectual property in Africa, and in particular, the ARIPO member States. The target audience are students, young professionals and participants from IP offices who would teach IP in their countries upon successful completion of the program.</p> <p>6) Post-Graduate Program in IP Management for Lusophone countries will be launched in 2008 jointly by WIPO, INPI Portugal and Lisbon School of Economics and Management (Lisbon, Portugal). The main purpose is to develop human resources in IP in Lusophone countries and in Portugal. The participants will be students, young professionals from Lusophone countries.</p> <p>7) A Colloquium for Teachers of Intellectual Property will continue to be offered in 2008 jointly with the World Trade Organization (WTO) for professors and teachers from developing countries and countries with economies in transition. The main objectives of the Colloquium are to update the academics on recent developments and policy issues under debate in the field of intellectual property at</p>

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<p>the two organizations. The Colloquium is also aimed at enhancing the capacity of academics and universities in developing countries to develop national expertise for teaching and training in the field of intellectual property.</p> <p>8) The Distance Learning Program will offer its courses to University Professors under a Training of Trainer's Program which will be supported by face-to-face training. The aim of this program is to respond to the demand of professors in various faculties to teach IP. As a result, WIPO's General Course on IP (DL-101) and other advanced courses will be offered as core subjects in various faculties. This Program has been piloted by University of Khartoum, Sudan in 2007-2008 and will be launched in other Universities in developing countries.</p> <p>9) Distance Learning Tutors from several developing countries will be trained on how to use the WIPO DL courses to teach on-line. The main objective is to teach large groups of students; professionals from IP offices and government ministries and IP stakeholders. This project has been piloted with the Korean IP Office and has produced excellent results. In 2008 tutors from other developing countries will undertake this exercise in order to teach both the international and national aspect of IP. The aim of this program will also be to customize the courses by including more cases from developing countries. The end result is to create a better understanding of IP for the regions concerned. The target groups would be students, professionals, IP stakeholders and general public.</p> <p>10) An International Conference on IP and the Creative Industries, will be organized in Geneva in October 2008 to provide a forum for discussion on the concept and application of creativity in the creative industries, with a clear focus on the IP rights component in them. Participants for the conference would be creators, stakeholders in the creative industries and the general public.</p> <p>11) With specific regard to Small and Medium Sized Enterprises, the following activities were planned/implemented:</p> <p>1. Two workshops in Geneva on IP for Business for visiting BA and MBA students from the Indian</p>

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<p>Institute of Planning and Management (IIPM), New Delhi;</p> <p>2. Concluded agreements to translate and/or customize WIPO IP for Business guides with Bulgaria, Laos and Sri Lanka;</p> <p>3. National Seminars on IP in franchising in Mongolia and Pakistan;</p> <p>4. Asian Regional Meeting on Using IP PANORAMA for Building Capacity of SMEs for Strategic IP Management, Republic of Korea;</p> <p>5. Workshop on the National Chapter on the Legislative, Regulatory and Institutional Mechanisms in Support of Technology Licensing for Nepal to be added to “Exchanging Value, Negotiating Technology Licensing Agreements – A Training Manual in Nepal”; and</p> <p>6. Workshops on the Role of Intangibles as a Tool for Raising Financing, Ljubljana and Geneva and on Accessing Capital Markets in Panama.</p> <p>12) WIPO has continued to contribute to human resources development and IT equipment in the two African Regional IP Institutions, OAPI and ARIPO. Fostered exchanges of information among national stakeholders.</p> <p>13) Specific programs are being tailored for public institutions, IP stakeholders and users such as Parliamentarians, Broadcasting Organizations as content owners, users and publishers.</p> <p>14) A national Seminar was organized on IP for Judges and an inter-regional colloquium for the judiciary in Sudan.</p> <p>15) A Seminar on IP for journalists in Qatar, Seminar on IP for Bahrain University, two national seminars for members of the judiciary and public prosecutors in Jordan.</p> <p>16) The organization, in cooperation with the Moroccan national IP offices, of a thematic Regional Caravan on IP.</p> <p>17) Production of an audiovisual documentary (DVD) in the Philippines: (i) to communicate real-life</p>

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<p>stories on IP that can serve as models and inspiration to other would-be innovators and creators in developing countries; (ii) to put a human face on IP by introducing individual creators/inventors to a wider audience; (iii) to foster greater respect and encouragement for creators/inventors by increasing understanding of their work and its value to society; and (iv) to increase awareness of the IP system as an essential component of human development.</p> <p>18) Regional workshop for Latin American universities on the creation of IP management units (San Jose, Costa Rica, November 10, 2007)</p>
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.	<p>WIPO has been extending technical assistance to enhance the capacity of SMEs and SME-support institutions in various regions and countries and will continue to focus on concrete and practical activities involving the enterprise sectors, particularly SMEs with high potential for generating and exploiting intellectual property assets. A particular effort will be made to support developing countries forging stronger links among research institutions, local industry and SMEs so as to develop partnership among the public and private institutions in maximizing the value of IP assets and develop synergies between science, business, cultural and government support agencies. Development of national strategies for SMEs is an integral part of national IP development plans.</p> <p>WIPO has responded to Member States' requests for the design of IP National Strategies. In many cases, the design of strategies focused on IP management by universities and research centers, especially on the establishment of technology transfer offices. One important methodology which has already been applied as a first step in the process of constructing strategies is the IP Audit Tool. In 2008, WIPO will start to work on requests from Zambia and Uganda and will continue to collaborate with Mozambique and Barbados on the design of their national IP strategies.</p> <p>Studies were taken up on the Economic Contribution of Copyright-Based Industries. The main objective of the studies is to enable countries to identify copyright based industries and make a comparative analysis of economic contribution of such industries vis-à-vis other sectors of the economy or similar industries in other countries. In addition, the studies would enable policy makers to identify policy</p>

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<p>intervention points in the development of these industries. The countries where they are currently being implemented/planned are: Bulgaria, Brazil, Croatia, Jamaica, Mexico, Philippines and Russia, China, Colombia, Kenya, Lebanon, Malaysia, Morocco, Nigeria, Pakistan, Peru, Romania, Sudan, Tanzania, South Africa and Ukraine.</p> <p>A brief description of the main programs and activities undertaken recently and those initiated or planned in various regions, is given below:</p> <ol style="list-style-type: none"> 1) An awareness raising program for Managers of SMEs in Harare, Zimbabwe; 2) A program on the use of patent information and documentation and business oriented IP management techniques and methods to increase the value of indigenous products created and owned by SMEs; 3) WIPO/IDB Sub-Regional Meeting IP and Competitiveness of SMEs will be organized in 2008, in Dakar, Senegal; 4) A national Seminar for SMEs, (Mauritania), a seminar on IPR and the enhancement of the market value (Mauritania), a seminar on the value of IP assets (Tunis), WIPO/IDB Seminar on IP and transfer of Technology (Casablanca); a national successful Licensing Technology Meeting (Egypt); and a national seminar on IP and technology transfer (Saudi Arabia); 5) Creation of materials and guides in Arabic covering various IP assets for use by Arab SMEs, particularly those dealing with research and development and creative industries; 6) Building partnership within the chambers of commerce and industry in the organization of activities for SMEs; 7) A guide for SMEs on effective use of IP in the franchising sector is currently in the development

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<p>phase;</p> <p>8) Interregional Symposium on the Use of Intellectual Property Rights Involving Modern Management Methods, Tashkent, Uzbekistan, January 22 to 24, 2008;</p> <p>9) National Seminar on the Promotion and Use of IPRs for Improved Entrepreneurship by SMEs, Tallinn, Estonia, April 2008;</p> <p>10) National Seminar on the Promotion and Use of IPRs for Improved Entrepreneurship by SMEs, Ljubljana, Slovenia, June 2008;</p> <p>11) Regional Seminar on Technology of Inventive Activities and Interaction between Inventiveness and Market Requirements, Tashkent, Uzbekistan, November 2008;</p> <p>12) International Conference on IP and the Competitiveness of SMEs in the Fashion Industry (Brazil);</p> <p>13) For Least Developed Countries:</p> <ul style="list-style-type: none"> - Establishment of IP Advisory Services and Information Centers in LDCs; - Making available IP materials, books, computers etc., to the centers and other organizations engaged in IP promotion; - Skills development training program for various national organizations: industries, chambers of commerce and industries, research and development institutions, universities and government agencies; and - Preparation of IP materials/training manual for the use of SMEs. <p>14) Proposal for a national project on integrating IP for Enterprise Development provided to India and discussed in November 2007.</p>

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
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.	<p>The UN Standards of Conduct for the International Civil Service 2001 were adopted by the Member States and incorporated in the WIPO Staff Regulations and Staff Rules, and are considered binding on all WIPO employees. The same standards are also applied to consultants hired by WIPO. Further steps are being considered in this regard.</p> <p>Consultants are selected on the basis of their proven expertise and experience and are closely evaluated with regard to their performance and the results of their assignments.</p> <p>A roster of consultants is under preparation.</p>
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.	WIPO provides, on request, legislative assistance and advice aimed at preventing and/or resolving IP-related anti-competitive practices. This comprises consideration of the proper scope of exclusive IP rights, including appropriate exceptions and limitations to those rights, as well as the use of legal options such as compulsory licenses and other measure allowed under international norms. Advice is also provided, on request, on matters related to business-restrictive clauses and other contents of IP licensing contracts that may have an adverse effect on competition. This will be continued on request.
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.	<p>WIPO supports developing countries to help their local scientists and research institutions in protecting their research results and to own them through customized training programs, such as patent drafting, Successful Technology Licensing (STL), IP marketing and IP valuation. It also supports the structuring of technology transfer offices. WIPO's experience with the establishment of IP Hubs demonstrates that the different modalities of IP training and IP management may be highly optimized if the use and implementation of strategies are organized following the collaborative model of IP Networks. In 2008, in response to formal requests, WIPO will publish a guide on IP Institutional Policy for Universities and Research Centers and will organize training in some of the mentioned topics in the following countries: Nigeria, Hungary, Egypt, Indonesia, Argentina, Mexico, Brazil, Ecuador, Cuba, Dominican Republic, Tunisia, Morocco, Trinidad and Tobago, Jordan, Zimbabwe, Barbados, Malaysia and Vietnam.</p> <p>An Expert Mission was taken up in connection with a proposed pilot project in Uruguay on Enhancing Export Competitiveness of Selected Agro-based Industries by using the tools of the IPR system, especially geographical indications, collective marks and/or certification marks. Follow-up action will be</p>

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<p>taken according to the findings of the Mission.</p> <p>Studies will be taken up on the Economic Contribution of Copyright-Based Industries and training workshops organized on using tools developed for specific sectors of the creative industries.</p> <p>A brief description of the main programs and activities undertaken recently and those initiated or planned in various regions on the subject, is given below:</p> <ul style="list-style-type: none"> - An International Symposium on Innovation and Valuation of Research Products in Dakar; - An assessment of the national innovation system on the basis of IP tools (in Morocco); - A sub-regional workshop on the toolkit for the promotion of innovation in selected OIC member States (Saudi Arabia); - The possible creation of an innovation center in Sudan; - A seminar to explore and discuss how to manage, protect and exploit copyright works in the publishing industry in November 2007, in Pakistan; - A national seminar on the protection of industrial designs was held in November 2007, in Indonesia, with the objective to sensitize new amendments of legislation on industrial designs which aim to increase national capacity to protect domestic ornamental creations and designs; - Participation of countries from Asia and the Pacific region to the Fourth International Forum on Creativity and Inventions, which was held in Costa Rica, in November 2007; - An advisory Mission to Pakistan to conduct a feasibility study on the establishment of a collective management organization (CMO) was undertaken in November 2007;

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<ul style="list-style-type: none"> - In 2008, the areas covered by such training courses include examination practice of industrial property, use of information technology, administration of industrial property, patent examination in the field of pharmaceutical technology and computer programs; - National Conference about Protection on Intellectual Property as a Condition for Woman's Success in Science and Business in Warsaw, Poland, March 2008; - Modern Management of IPRs for Economic, Social and Cultural Development, Baku, Azerbaijan, April 2008; - National Workshop on Capacities for Use of IPRs, Podgorica, Montenegro, September 2008. - WIPO is supporting a project by the governments of Bolivia and Guatemala to carry out a preliminary diagnostic of the existing Traditional Cultural Heritage (TCH), with a view to developing an appropriate legislation for its protection; - Development of a Practical Guide for the creation of IP management units in Latin American universities; - Establishment of IP Advisory Services and Information Centers; - Undertaking Studies for identification, valuation and intellectual property protection of the Traditional Cultural Expressions of some least developed countries; - Skills development training program for stakeholders who will be closely involved in the management, promotion and use of IP system at the national level; - Provision of material, books, CDs, computers for IP related organization of the country;

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<ul style="list-style-type: none"> - Distance Learning modules for Kids in 2008. The main objective is to create a culture of IP in many countries where IP is taught only at graduate and undergraduate levels or not taught at all; - Distance Learning Advanced Course on Patents, Patent Search, Patent Drafting, Trademarks, Arbitration and Mediation and IP Valuation aim to provide a more practical and in depth understanding of how IP is used to benefit domestic creations and innovations as well as use how technology transfer mechanisms by national research institutions and universities can support national development. The target audience is university students, law offices, SMEs and R & D institutions. All the stated Distance Learning courses will be launched in 2008 – 2009; - Five Summer Schools will be offered in 2008 in Croatia, Thailand, Republic of Korea, Mexico and Geneva. The objective is to provide an opportunity for senior students and young professionals to acquire greater knowledge of international intellectual property issues, and to gain an appreciation of intellectual property as a tool for development; - Intermediate and Advanced Professional Training Programs in Industrial Property and Copyright: In order to assist IP offices of Member States to render better services, WIPO continues to offer in 2008 training programs to professionals working with IP offices. These programs are offered jointly with a number of partner institutions. The main target audience is government officials; - Seminars and workshops for heads of copyright offices and collective management societies. The objective is to teach them better ways to administer copyright and related rights and promote creativity of authors which will contribute to cultural prosperity. The target audience is professionals from IP offices and Collective Management Societies; and - Three courses in April, September and November 2008. In order to enhance the capacity of senior managers and executives in business organizations and R&D institutions to generate wealth from an astute management of IP. The courses would include IP management case study projects that would

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<p>focus on the special needs and conditions of firms in the developing countries.</p> <p>WIPO programs and activities will continue to support and strengthen regional and national capacities and supportive legal, administrative, scientific and technological infrastructure for protection and promotion of domestic innovations and creations.</p> <p>In support of promoting innovation and creativity, focus is being put, among other things, on special programs for inventors and creators, strengthening scientific, research and academic institutions, access to patent information, strengthening public-private partnerships, the use of distinctive signs and branding, collective management of copyright, for the promotion of trade in the domestic and export markets.</p> <ul style="list-style-type: none"> - WIPO/FIT/France Enforcement Conference, Moscow, Russian Federation, 2008. - Workshop on Patent Drafting (Argentina), and the regional adaptation of the relative Patent Drafting Training Manual. - Workshop on Successful Technology Licensing (Cuba). - Development of a Practical Guide for the creation of IP management units in Latin American universities. - Regional workshop for Latin American universities on the creation of management units, San José, Costa Rica, November 2007. - Establishment of IP Advisory Services and Information Centers in LDCs. - Undertaking Studies for identification, valuation and intellectual property protection of the Traditional Cultural Expressions of some least developed countries.

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		- Skills development training program for stakeholders who will be closely involved in the management, promotion and use of IP system at the national level.
12.	To further mainstream development considerations into WIPO's substantive and technical assistance activities and debates, in accordance with its mandate.	<p>In accordance with the mandate given by the Member States, WIPO has been consistently and methodically orienting its technical assistance programs and activities including legislative advice to incorporate development considerations and priorities in close consultations with the Member States. High level and specialized fora are organized at the international, regional and national levels to promote dialogue and deliberation on further mainstream development considerations in WIPO's programs and activities.</p> <p>Specific programs have been initiated to mainstream development considerations into WIPO debates and programs. In the years 2006 and 2007, WIPO organized a series of seminars entitled "WIPO International Seminar on the Strategic Use of Intellectual Property for Economic and Social Development" to facilitate dialogues at the inter-regional level to debate issues of common concern and develop cross regional synergies. In order to enhance the capacity of policy-makers to take decisions on IP matters, WIPO will continue to organize such programs for policy-makers to discuss different policy options and their potential impact on economic development. The thrust will be on imparting the message that IP is an effective tool, partly because of its adaptability and flexibility, and is most productive when adapted to specific needs and applied with skill and judgment. The Seminars organized in 2006 and 2007 will be continued in 2008 with specific consideration on some of the issues raised in ongoing debates on IP and development.</p> <p>Legislative assistance on the use of flexibilities to implement public policies focuses on specific public policies designated by Member States, such as access to pharmaceutical products, promotion of a competitive environment, encouragement of small, incremental inventions, etc.</p> <p>Sectoral development-oriented activities address a number of priorities set by African leaders under MDG and NEPAD such as the Libreville IP health and Traditional Medicine in Mali (<i>initiative de Libreville</i>) and Niger and cooperation with UPOV in the field of plant varieties in agriculture.</p>

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<p>Future activities will involve enhancing cooperation with Regional Integration/Economic Groupings in IP trade and development matters such as IP aspects of EPA.</p> <p>This issue was also addressed in the Resolution by the Diplomatic Conference Supplementary to the Singapore Treaty on the Law of Trademarks and the Regulations Thereunder (“the Singapore Resolution”).</p> <p>WIPO has also organized the following activities:</p> <ul style="list-style-type: none"> - WIPO Inter-Regional Forum on Leveraging Intellectual Property (IP) for Knowledge-Based Development and National Wealth Creation was organized in India, in November 2007; - An IP forum was held in Singapore from December 4 to 6, 2007 where more than 50 heads and senior representatives of national IP offices from 29 countries in Asia and the Pacific; - National Seminar on IP as a Tool to Enhance Competitiveness of the Economy based on Knowledge, Minsk, Belarus; - National Seminar on IP and Economic Development (linked to the 15th Anniversary of the national IP system), Bishkek, Kyrgyzstan, June 2, 2008; and - Organize high level national, regional and international policy fora to assist the LDCs in mainstreaming development considerations in to their national policies and strategies.

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
13.	<p>WIPO's legislative assistance shall be, inter alia, 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>WIPO's legal and legislative assistance continues to be provided on specific request, and in confidence, through various means: high level consultations and discussions; preparation of draft laws; review of, and advice on, draft laws and regulations; participation in meetings; expert missions; study visits; training of negotiations and draftsmen, etc. All requests for legal advice are treated on an urgent basis, within the constraints of resources. Such assistance enables policy-makers and legal experts from developing and least developed countries to make informed decisions on the use of legal options and flexibilities, available in the international legal framework, including the TRIPS Agreement, in their national laws. Countries are also advised, on request, with regard to accession to and implementation of international treaties, including regional agreements, taking into account their development priorities and objectives. Particular provisions applicable to LDCs and their special needs are given full consideration.</p> <p>Legislative assistance on flexibilities is always demand-driven, and takes into account the priorities and needs designated by requesting countries.</p> <p>The following activities are planned/implemented:</p> <ul style="list-style-type: none"> - Legislative advice to Botswana, Djibouti, Ethiopia, Ghana, Malawi, Rwanda and Zanzibar. - Workshops on TRIPS flexibilities planned for the East African Community (EAC) Member Countries. - At the request of Caribbean countries, WIPO commissioned a Feasibility Study on a Regional Framework for Patent Administration, including Search and Examination. The project involves a prior close analysis of the patent examination systems in place in several Caribbean countries. - Forum on Public Policies on the implementation of bilateral treaties (Ecuador, November 2007). - Facilitated for a number of least developed countries, upon their requests, legislative advice, model laws, legal and legislative recommendations in 2007 and will continue to provide the same assistance in 2008.

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
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>WIPO provides assistance on flexibilities under various modalities:</p> <ul style="list-style-type: none"> (a) organization of and participation in meetings; (b) preparation of draft laws; (c) elaboration of comments on drafts prepared by Members; (d) technical visits to capitals; and (e) technical visits of government officials from capitals. <p>In 2008, WIPO will organize meetings to deal specifically with flexible implementation of TRIPS obligations.</p> <p>Within the framework of the WIPO/WTO Agreement, WIPO, on a confidential and neutral basis, provides technical cooperation and legal and legislative advice to developing countries and LDCs for the implementation of the TRIPS Agreement, taking into account the available legislative options. In this context, joint meetings and joint consultations have been held with WTO to strengthen mutual cooperation. WIPO provides information, discussion and advice on the legal options provided under the TRIPS Agreement, with a view to furthering their understanding and informed implementation by the competent national authorities. Advice is provided on the operationalization of the TRIPS Doha Declaration on Public Health, as well as in relation to ongoing discussion on various TRIPS related matters in WTO.</p> <p>WIPO will continue to provide advice and organize, or contribute to, courses, seminars and other training and public outreach activities, as programmed in nationally-focused action plans or on special request from governments or WTO, to make available advice to developing countries and LDCs, on the operation and implementation of the rights and obligations under the TRIPS Agreement.</p> <p>A brief description of the main programs and activities undertaken recently and those initiated or planned is given below:</p>

No.	<u>CLUSTER A:</u> TECHNICAL ASSISTANCE AND CAPACITY BUILDING	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<ul style="list-style-type: none"> - An advisory mission on legal options and flexibilities under the TRIPS Agreement to advise the various IP stakeholders in Pakistan was undertaken in November 2007, followed by a national seminar on the same subject; - Joint activities with WTO specially focused on the needs of LDCs; - Advice to LDCs in the implementation of Doha Declaration on Public Health, on request; - Meeting on the use of IP to implement public policies, in Panama on how to use IP, as framed by international agreements, to implement various national public policies; including access to pharmaceuticals, promotion of a competitive business environment, fostering the generation and use of certain technologies, etc; - Meeting on TRIPS Agreement and flexibilities, in Rio de Janeiro on TRIPS flexibilities and access to essential products, control and prevention of anti-competitive practices. - Meeting on TRIPS Agreement and flexibilities, in Singapore on TRIPS flexibilities in the context of access to pharmaceuticals; - Meeting on TRIPS Agreement and flexibilities, in Quito on TRIPS flexibilities and access to health; and - Meeting on IP in the context of trade-related bilateral agreements in Port of Spain.

No.	<p><u>CLUSTER B:</u></p> <p>NORM-SETTING, FLEXIBILITIES, PUBLIC POLICY AND PUBLIC DOMAIN</p>	<p style="text-align: center;">INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL</p>
15.	<p>Norm-setting activities shall:</p> <ul style="list-style-type: none"> - be inclusive and member driven; - take into account different levels of development; - take into consideration a balance between costs and benefits; - 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 - be in line with the principle of neutrality of the WIPO Secretariat. 	<p>Norm-setting activities are generally characterized by these features and further attempts will be made in the future to adhere to these principles. Some specific information relating to the main norm setting processes at WIPO is provided below:</p> <p>SCT: Work of the SCT is Member driven. The work plan is decided by the SCT (see document SCT/15/2). Specific examples for the consideration of the balance between costs and benefits is SCT/17/2, paragraph 69 onwards (i.e., one of the issues that was raised during sixteenth session of the Standing Committee, in connection with the representation and description of new types of marks, was the possibility of additional costs that those types of marks could potentially cause, particularly in developing countries). Currently, the SCT is conducting a universal survey on design law and practice to serve as a basis for the determination of possible future work in that area.</p> <p>SCCR: WIPO's normative activities in the field of copyright and related rights (CRR), which take place primarily under the framework of the SCCR, are characterized by the following:</p> <p>Member-driven process: WIPO's objective is to support its constituents – whether they be creators, businesses or consumers – but its duty is to ensure that Member States' national interests fit within the global agenda.</p> <p>Balance-oriented process: WIPO's CRR normative processes aim at balancing the interests of producers and users, and the broad objectives of development. This is not a straightforward process when it comes to digital uses of works. This concern is reflected by the inclusion of the issue of exceptions and limitations to copyright and related rights for the purposes of education, libraries and disabled persons, in the current agenda of the SCCR, with a view to strengthening international understanding of the need for adequate limitations, exploring existing and proposed models of protection, and moving towards agreement regarding these exceptions.</p> <p>Flexible process: Since 1996, international copyright policy making has considerably evolved and the digital environment requires both speed and flexibility. This implies that while legal and normative activities remain crucial to the work of the Organization in the copyright area, soft law approaches, the development of new business models and flexible licensing practices will have to be increasingly explored where appropriate.</p>

No.	<u>CLUSTER B:</u> NORM-SETTING, FLEXIBILITIES, PUBLIC POLICY AND PUBLIC DOMAIN	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<p>Inclusive process: WIPO processes include Governments but also academics, the civil society, and the private sector. WIPO acts as a facilitator helping to maintain an ongoing dialogue between all stakeholders.</p> <p>SCP: In the SCP, the main norm-setting body in the area of patents, any major project is undertaken only after consultation of Member States. After the holding of various open and inclusive Member States consultations with a view to discussing the future work program of the SCP, the Secretariat was mandated, by the 2007 General Assembly, to prepare a Report on the International Patent System. This report is in preparation and will be submitted to Member States in spring 2008. It will address, among others, topics such as the Economic Rationale for Patents and Different Interests and Needs in the International Patent System, Technology Disclosure through the Patent System, Licensing and the Transfer of Technology, Collaborative Research Projects, or The Innovation Incentive in the Context of Public Policy Objectives. It will be up to Member States to decide whether and to what extent this report should be used as a basis for further work in WIPO.</p> <p>IGC: The IGC has progressed towards the formulation of draft provisions for the protection of TK and TCEs against misappropriation and misuse, which may be used as material for specific international instruments if Member States so wish. The texts of the draft provisions have already been used in international, regional and national legal and policy processes. The draft provisions are based directly on Member State proposals, and revised exclusively through inclusive commentary processes created by Member States. The WIPO IGC has accredited around 200 organizations, all those which have applied, the majority representing indigenous and local communities, has implemented a Voluntary Fund to support the active participation of such communities, and commences each session with a panel of indigenous community representatives. WIPO has also organized several meetings at the regional and interregional levels to facilitate the discussions at the IGC.</p>
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	WIPO has been actively monitoring developments in the area of the public domain, including public and/or private initiatives, with the particular aim of analyzing the possible benefits of "a rich and accessible" public domain. In November 2005, WIPO submitted to the SCCR a Survey of National Legislation on Voluntary Registration Systems for Copyright and Related Rights. Among other findings,

No.	<p><u>CLUSTER B:</u></p> <p>NORM-SETTING, FLEXIBILITIES, PUBLIC POLICY AND PUBLIC DOMAIN</p>	<p style="text-align: center;">INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL</p>
	<p>domain.</p>	<p>the Survey revealed that national recordation systems often hold valuable information on creativity, not only from a legal and economic standpoint, but also by providing a repository of national creativity in the public interest, including works and other creative contributions that are part of the nation's cultural and historical heritage.</p> <p>In September 2007, WIPO organized an Information Seminar on Rights Management Information: Accessing Creativity in a Network Environment, which addressed crucial questions such as ownership, licensing and management of IP, as well as the tools used to manage creative content and identify users and owners. Emphasis was placed on the strategic importance of identifying, locating and accessing digital packages of information, both copyrighted and in public domain, and including the important role of search engines.</p> <p>WIPO is prepared to continue and intensify its work on these issues, as might be requested by the SCCR.</p> <p>There is ongoing work in the SCT on TMS and INNs (documents SCT/16/3 and SCT/18/6). Refer SCT document on a Non-Exhaustive List of Customary Names Used in Brazil Associated with Biodiversity (SCT/16/7)</p> <p>This aspect has also been given full consideration both in the SCP and in the IGC. WIPO will, on request by Member States, continue to work in areas such as a better access to patent information, improvement of the definition of prior art, adequate conditions of patentability at the international level, and improvement of the IPC and the PCT minimal documentation.</p>
17.	<p>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.</p>	<p>Flexibilities regarding the scope and exercise of copyright and related rights vary from one country to another. Being based on the particular social or economic needs of each country, the diversity of exceptions to copyright has been permitted, and even promoted at international level, notably by the standards provided under the Berne and Rome Conventions and, more recently, the WCT and the WPPT.</p> <p>The agreed statements to Articles 10 and 16 of the WCT and the WPPT, respectively, provide that national legislation may carry forward or extend the traditional limitations and exceptions, and even devise new</p>

No.	<p><u>CLUSTER B:</u></p> <p>NORM-SETTING, FLEXIBILITIES, PUBLIC POLICY AND PUBLIC DOMAIN</p>	<p>INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL</p>
		<p>ones, in the digital environment, subject to the three-step test provided for in those Articles, according to which limitations on or exceptions to rights can only be introduced in certain special cases, when they do not conflict with a normal exploitation of the work, performance or phonogram and they do not unreasonably prejudice the legitimate interests of right owners.</p> <p>Technological measures of protection, and limitations and exceptions of copyright and related rights in the digital environment, are two of the main issues under the WCT and the WPPT. As such, they have been the subject of thorough discussions in many different WIPO meetings, including the WIPO Workshop on Implementation Issues of the WCT and the WPPT, held in 1999, and the two WIPO International Conferences on Electronic Commerce, held in 1999 and 2001. In 2003, the Secretariat published a Survey on Implementation Provisions of the WCT and the WPPT and a Study on Limitations and Exceptions of Copyright and Related Rights in the Digital Environment. In 2006, a study on Automated Rights Management Systems and Copyright Limitations and Exceptions was published, and the most recent work in this area is a Study on Copyright Limitations and Exceptions for the Visually Impaired, published in 2007.</p> <p>In the framework of the SCCR, WIPO has organized information meetings on digital content for the visually impaired and for educational purposes in order to provide an overview of the present situation regarding the access to, and provision of works, taking into account the main interests at stake. This meeting contributed to a better understanding of the technical, economical and legal aspects of these issues, thereby promoting later substantive discussions in the SCCR with regard to the insertion of particular provisions for these beneficiaries in national copyright laws.</p> <p>WIPO has also fostered debate on a range of issues related to other aspects of limitations and exceptions of copyright and related rights, as well as technological measures of protection, particularly regarding the interests of certain beneficiaries such as libraries, educational institutions and users in general.</p> <p>The issue of limitations and exceptions to copyright and related rights, notably in relation to libraries, education institutions and the visually impaired persons is on the Agenda of the SCCR, at the request of, and as decided by Member States. WIPO will service these discussions and provide any such additional</p>

No.	<u>CLUSTER B:</u> NORM-SETTING, FLEXIBILITIES, PUBLIC POLICY AND PUBLIC DOMAIN	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<p>studies or other material that the SCCR may request. A WIPO workshop on Digital Preservation and Copyright is envisaged for summer 2008 in Geneva.</p> <p>WIPO will continue to address these issues in its norm-setting activities in the patent area too.</p>
18.	<p>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.</p>	<p>Member States taking part in the IGC have been informed that it is necessary to conclude (i) what should be the content of the outcome; (ii) what should be the nature, format or status of the outcome; and (iii) how the Committee should work towards the outcome. A comprehensive review of possible options informs the IGC of the following, and reviews the implications of each:</p> <ul style="list-style-type: none"> (i) a binding international instrument or instruments; (ii) authoritative or persuasive interpretations or elaborations of existing legal instruments; (iii) a non-binding normative international instrument or instruments; (iv) a high level political resolution, declaration or decision, such as an international political declaration espousing core principles, stating a norm against misappropriation and misuse, and establishing the needs and expectations of TCE/TK holders as a political priority; (v) strengthened international coordination through guidelines or model laws; and (vi) coordination of national legislative developments. <p>(source: document WIPO/GRTKF/IC/12/6)</p>
19.	<p>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.</p>	<p>As indicated for proposal 17, the issue of limitations and exceptions to copyright and related rights, notably in relation to libraries, education institutions and the visually impaired persons, is on the Agenda of the SCCR, at the request of, and as decided by Member States. The Secretariat will service these discussions and provide any such additional studies or other material that the SCCR may request. The report of the SCCR/16 session, to be held in March 2008, will contain recommendations on the way forward regarding the above matter.</p> <p>WIPO programs and activities support developing countries in determining, defining, and formulating their policy options in respect of knowledge based development and technology creators, transfer and management. WIPO has also promoted an exchange of experience between member states, and facilitates</p>

No.	<u>CLUSTER B:</u> NORM-SETTING, FLEXIBILITIES, PUBLIC POLICY AND PUBLIC DOMAIN	INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL
		<p>discussion between the public and private sectors and civil society on the role of intellectual property in the knowledge based economy.</p> <p>A number of programs and fora have been and will continue to be organized on current and emerging issues, including licensing and technology transfer arrangements, access to patent information, use of business identifiers, promotions of innovation and creativity, collective management of copyright, etc.</p> <p>Further activities in respect of this proposal are suggested in the list of 26 proposals.</p>
21.	<p>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.</p>	<p>WIPO finances the participation of nominated participants from developing countries for its norm-setting activities. These activities are generally member-driven process and the process is balance-oriented, flexible and inclusive.</p> <p>In the area of patents, before any new norm-setting activity is engaged, consultations take place. For example, debates were undertaken by the SCP before engaging in the SPLT discussions, for the preparation of the Open Forum in 2006 and preceding the decision of Member States to have the Secretariat prepare a Report on the International Patent System (please see comments on proposal 15). The Secretariat is committed to maintain and further strengthen such consultations in the future, for example, in the context of further work following the discussion of the mentioned Report on the International Patent System.</p>

No.	<p><u>CLUSTER D:</u></p> <p>ASSESSMENT, EVALUATION AND IMPACT STUDIES</p>	<p style="text-align: center;">INFORMATION ON ACTIVITIES FOR IMPLEMENTATION OF PROPOSAL</p>
35.	<p>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.</p>	<p>WIPO is prepared to undertake empirical research studies on IP, at the national and regional levels, upon request from Member States. Such studies would be important to catalyze more empirical research on IP in developing countries, which may provide valuable insights for policy-makers and help to understand the economic and social impact of IP on development.</p> <p>These studies would build on the activities presently organized by WIPO which are designed to encourage more empirical economic research on IP in developing countries and countries with economies in transition, in order to enhance understanding of the economic impact of IP and its link to development. The activities have been both national (India, South Africa, Mexico) and international in nature and will result in:</p> <ul style="list-style-type: none"> (1) a series of publications on the economics of IP; (2) enhanced capacity by national economists in developing countries and countries with economies in transition to undertake economic research on IP; and (3) increased understanding by policy-makers of how IP may have an impact on economic development. <p>Additional national or regional projects of this kind may be organized upon request from Member States.</p>
37.	<p>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.</p>	<p>Please see comments for proposal 35 above.</p>

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.	<p>Any interested public interest NGO that applies is given observer status to participate in the Assemblies of Member States and relevant WIPO subsidiary bodies. National NGOs are also admitted to permanent observer status in WIPO. A voluntary Fund has been established to support participation of indigenous and local communities in the IGC.</p> <p>The WIPO Voluntary Fund for Indigenous and Local communities forms part of a package of coordinated mechanisms to enhance the participation of local and indigenous communities and other holders of TK, TCEs and GR in the work of WIPO in this domain. Further initiatives will include close involvement of such communities in the development and application of practical capacity building tools in this domain, and continued practical support for active involvement in related WIPO policy and norm-setting discussions.</p>
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.	Noted by the Secretariat.

[Annex IV follows]

**WIPO Development Agenda
Initial Working Document for Implementation of Agreed Proposals¹**

The WIPO General Assembly reviewed the discussions during the two sessions of the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA), in February and June 2007, noted the spirit of engagement and cooperation demonstrated by Member States during the meetings of the PCDA, expressed satisfaction at the consensus reached on the proposals submitted by Member States on the establishment of a development agenda for WIPO and decided, *inter alia*, to adopt the recommendations for action in the 45 agreed proposals contained in Annex A of document A/43/16. The Assembly also decided to immediately implement the recommendations contained in the list of 19 proposals in Annex B of the same document.

The General Assembly also decided to establish a Committee on Development and Intellectual Property to:

- (a) develop a work-program for implementation of the adopted recommendations;
- (b) monitor, assess, discuss and report on the implementation of all recommendations adopted, and for that purpose it shall coordinate with relevant WIPO bodies; and
- (c) discuss intellectual property and development related issues as agreed by the Committee, as well as those decided by the General Assembly.

For the first meeting of the Committee, the then Chair of the PCDA was requested to prepare initial working documents, including a draft work program, in consultation with Member States and the Secretariat. The draft work program was required to address, *inter alia*, the financial and human resources requirements for inclusion in WIPO's budgetary planning process.

A Preliminary Implementation Report in respect of the 19 proposals for immediate implementation has been prepared separately. Annex V contains a list of activities proposed to be taken up by WIPO to implement the remaining 26 proposals. The information provided relates to the nature of the activity, its objectives, geographical focus and partners, wherever applicable. A detailed assessment has not yet been made in respect of additional requirements of human and financial resources to implement these activities. It is expected that such an assessment will be completed by the July 2008 Session of the CDIP.

[Annex V follows]

¹ The list excludes the 19 proposals identified for immediate implementation

ANNEX V

No.	<u>CLUSTER A:</u> <u>TECHNICAL ASSISTANCE AND CAPACITY BUILDING</u>	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
			HUMAN	FINANCIAL
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.	<p>Some developed and developing countries have already made voluntary financial contributions to WIPO to administer programs for the benefit of developing and least developed countries (LDCs). WIPO would welcome additional donor funding for this purpose, including trust funds or other voluntary funds specifically for LDCs, while according high priority to finance activities in Africa, in order to enhance the level of assistance provided.</p> <p>It is proposed to prepare a paper for the CDIP to update and enhance the information available in the 2008/09 Program and Budget on existing voluntary funds and FITs. Existing bilateral voluntary funds include, for example, Brazil, El Salvador, Costa Rica and Uruguay. Funds-in-trust resources are potentially available for programming in 2008/2009 from: Finland, France, Germany, Italy, Japan, Republic of Korea, Spain, USA and the EU. Cost sharing arrangements are in place with Australia and Singapore. Other countries and donors contribute on a case by case basis. The paper will also report on existing efforts to coordinate WIPO's work in this area and to mobilize further voluntary resources through discussions with bilateral donors (e.g. FIT Japan for Africa, discussions with Portugal, and with the Netherlands), multilateral donors (discussions and consultations with the World Bank, the EU, the African Development Bank (ADB), Africa Export Import Bank (Afrexim Bank), <i>La Francophonie</i>, the Commonwealth Secretariat) and charitable foundations, etc.</p> <p>The paper will also elaborate on proposals for future activities aimed at increasing the availability of voluntary funding; this will include a proposal to organize a donor conference in 2008/2009, which is intended to become a regular forum for consultations with donors. In this regard, focus will not be only on creating new voluntary funds at WIPO but also working with partner countries and international and regional organizations, as well as the World Bank and other regional banks to implement special technical assistance and capacity building projects for countries. In</p>		

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		<p>addition, it is proposed to establish consultation mechanisms with donor agencies to discuss funding and formulate programs and projects on a regional, sub-regional or national level, with provisions, inter alia, of reporting, monitoring and evaluation.</p> <p>With respect to new initiatives to mobilize and utilize donor funding, the following provides some examples of proposals currently under consideration which the paper would elaborate on:</p> <ul style="list-style-type: none"> - It is proposed to utilize FIT from USA and Finland to institute studies on the Economic Contribution of Copyright-Based Industries in selected African countries. The objective would be to enable countries to identify copyright based industries and make a comparative analysis of economic contribution of such industries <i>vis-à-vis</i> other sectors of the economy or similar industries in other countries. - Newly established Funds-in-Trust to develop new training courses focusing on protection and management of copyright and related rights, and to develop curricula and academic research activities with national universities in LDCs. - Funds-in-Trust could also be used to develop further a wide range of activities aimed at enhancing the understanding and use of IP by SMEs and SME support institutions in LDCs. These could include: commissioning national studies on IP for SME development, organizing awareness raising seminars as well as a more specialized sector specific events; developing new publications targeting specific issues of interest to LDCs; creating awareness and capacity building materials in local languages, taking into account the local legal, regulatory and infrastructural context of respective countries; conducting “training the trainers” programs; supporting the creation of IP information centers in chambers of commerce and SME development institutions, among others. - A new type of cooperation will be developed between WIPO, the European 		

No.	CLUSTER A: TECHNICAL ASSISTANCE AND CAPACITY BUILDING	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
			HUMAN	FINANCIAL
		Commission and the European Patent Office (EPO), as well as Member States concerned on the implementation of a technical assistance program on IPRs as a new Financing Instrument for Potential EU Member States.		
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.	It is proposed to initiate work on a project to design and develop a consolidated database for all such activities, including human resource development and to update the same regularly. General information will be available on the WIPO website, while more detailed information will be made available on specific activities, based on appropriate authorizations.		
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.	<p>Presently, WIPO provides patent information through PATENTSCOPE®, which is a fully searchable database of international patent applications, as well as through WIPO's Patent Information Services for Developing Countries and LDCs. It is proposed to initiate a study to identify the relevant databases and other resources, consider the property rights associated with specialized databases and propose options for licensing or otherwise providing access to those databases for IP offices and/or for the general public, particularly in developing countries.</p> <p>It is also proposed to enhance and develop new approaches for the use of IP information, in particular patent information and documentation, for the benefit of the creative sector, R&D and academic institutions, and SMEs. National and Regional Offices are an important player in this process but face constraints related to access to databases. WIPO's interface is crucial and will involve signing agreements with owners of these enterprises and institutions, for which significant, commensurate resources will be required. Some of the activities being considered in this regard are:</p>		

No.	CLUSTER A: TECHNICAL ASSISTANCE AND CAPACITY BUILDING	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
			HUMAN	FINANCIAL
		<ul style="list-style-type: none"> - Undertake pilot initiatives in selected OAPI Member States to enhance access to, and sharing of patent and other IP commercial and technical information by Research Institutions and Industry groups. On-going pilot scheme to interface ARIPO and its Member States could be extended to database owners. - Envisage the possibility of launching pilot project(s) in selected country(ies) with the aim of fostering the establishment of IP information centers in their scientific and research institutions, for example, in the framework of the WIPO Patent Information Services in Developing Countries, for better protecting the results of their research and benefiting from their commercial income. - Develop agreements with University research Institutes, which are specialized in patents-related databases, inventions and innovation in particular technologies such as agricultural and medical biotechnology, environment and technology transfer to access to such databases and important publications. - Negotiate preferential rates and access conditions for developing countries to specialized databases (e.g. Epoque, Chemical Abstract, STN, Derwent), not only for the purposes of patent examination, but also for patent mapping and other “added value” special patent information services. - Promote the establishment of sub-regional, regional or inter-regional IP Search Databases. This will facilitate the search and examination process of granting of IP rights and improve regional, sub-regional and national capacity building. - Provide necessary specialized training, through regional, sub-regional and national workshops, and WIPO training centers on the use and search strategies of such databases among the developing countries and LDCs. 		

No.	CLUSTER A: TECHNICAL ASSISTANCE AND CAPACITY BUILDING	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
			HUMAN	FINANCIAL
		<ul style="list-style-type: none"> - Establish mechanisms for sharing access and search results from the use of such databases and LDCs. - Expand WIPO's patent search and examination services for developing countries. - To include the participation of private companies (users and providers of patent information) in a range of WIPO training programs. 		
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.	<p>It is proposed to establish an effective diagnostic tool for assessing the IP-related development needs of countries, in conformity with the development agenda proposals, and setting up match-making and clearing house mechanisms.</p> <p>To establish collaborative mechanisms for regular collection of information on the potential donors and partners as well as their available funds and expertise for WIPO to match with the specific needs.</p>		

No.	CLUSTER A: TECHNICAL ASSISTANCE AND CAPACITY BUILDING	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
			HUMAN	FINANCIAL
10.	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>In continuing to strengthen national IP institutional capacity, WIPO will focus on improving efficiency through specific training in corporate governance, streamlining of administrative procedures and business tools in industrial property and collective management organizations as well as office automation through the use of AFRICOS software, for copyright collective management and IPAS software for industrial property administration. In future, WIPO activities shall pay greater heed to the need to take into account the interests of the general public. In this regard, the recommendations of the High Level Forum on Intellectual Property for the Least Developed Countries: Building Capacity and a Knowledge Base for Wealth Creation, Social and Cultural Development and the Interregional Forum on Service and Development Oriented IP Administrations will be kept in view.</p> <p>WIPO will also continue to provide sustained support to national IP offices, as well as regional and sub-regional IP Organizations in provision of value-added services to users, including efficient services relating to grant of IP rights, creation and commercial exploitation of IP assets, IP information, resource networks, consulting services, outreach programs and training programs, forging links with the user and professional community.</p> <p>WIPO's institutional support will be extended not only to national IP offices but also to other institutions that promote innovative and creative activities such as technology licensing offices in universities, technology promotion institutes, and collective management societies. Accordingly, the required administrative and institutional infrastructure entails forging functional linkages between IP administrations and other national institutions in several areas such as R&D, industry, commerce, finance, technology, environment, and enforcement. Efforts will also be made to strengthen the institutional framework and coordinating mechanisms for improved management and enforcement of IP rights with a view to capitalize on investment made, while ensuring that the institutional capacity to address IP issues is strengthened by widening stakeholders' participation in the IP system.</p>		

No.	CLUSTER A: TECHNICAL ASSISTANCE AND CAPACITY BUILDING	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
			HUMAN	FINANCIAL
		<p>WIPO will also organize regular consultations with regional and sub-regional organizations, such as ASEAN, APEC, ARIPO, BIMST-EC, CARICOM, ESCAP, GCC, MERCOSUR, OAPI, SAARC, etc., to review, discuss and plan cooperation programs and activities with a view to evolve and strengthen regional cooperation tools and mechanisms.</p> <p>Study the feasibility of establishing procedures for sharing the accomplishment of IP granting tasks, with a view to increasing efficiency and cost-effectiveness of services. This may result into new models of technical cooperation to be implemented on a sub-regional and regional level.</p> <p>Upgrade capacities toward a more vigilant and effective administration of IP, including the use of information already existing in the public domain, as well as the appropriate use of flexibilities, exceptions and limitations.</p> <p>At the request of Certain Countries in Europe and Asia, WIPO will coordinate and support the development of specific tools necessary for the current challenges of economic, social and cultural development.</p> <p>Continued focus will be also given to supporting LDCs in modernizing their IP systems so as to optimize their use of IP as a tool for economic development in ways that are geared to their developmental objectives.</p> <p>It is also proposed to commission a study on the efficiency of different institutional set-ups for IP offices (e.g. having two separate IP offices per country as opposed to having one centralized office).</p> <p>Strengthening the capacity of SME support institutions (such as innovation center networks, business incubators, universities R&D institutions, professional associations,</p>		

No.	CLUSTER A: TECHNICAL ASSISTANCE AND CAPACITY BUILDING	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
			HUMAN	FINANCIAL
		<p>chambers of commerce, financial institutions and business angels and IP offices) through: (1) the creation of local materials and (2) human resource and capacity development (workshops, training).</p> <p>Further, studies will be taken up to assess the economic contribution of copyright-based industries and training workshops organized for using tools developed for specific sectors of the creative industries.</p> <p>On the subject of human resource development, it is proposed to take up the following activities:</p> <ul style="list-style-type: none"> - To intensify assistance for institutional capacity in the field of IP research. In response to requests by Member States for tailor-made IP assistance in specific fields of their IP industry, WIPO will focus on research and regular publications which can be utilized by National IP Offices and academics, sub-regional organizations, and regional organizations. This will strengthen the knowledge base and infrastructure with which Member States support the demand for efficiency and promotion of IP. - To assist universities and relevant faculties in developing countries and LDCs on how to incorporate IP in Engineering, Medicine, Technology Management, Science and Social studies curricula. - To include more topics of IP protection together with public interest and other topical issues in training programs. The target audience will be decision makers, policy advisers and other senior officials at relevant national, sub-regional and regional institutions with a special focus on developing countries, including LDCs. - To increase offers of scholarship for IP education and degree programs at Master's level. The target audience will be trainers and lecturers of 		

No.	CLUSTER A: TECHNICAL ASSISTANCE AND CAPACITY BUILDING	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
			HUMAN	FINANCIAL
		<p>intellectual property in developing countries and LDCs. Partners: Regional IP organizations and universities.</p> <ul style="list-style-type: none"> - To include topics related to the interface between IP, and sciences, arts and social disciplines in the training programs offered under the Professional Development Program. - To organize more national Symposia on IP Education, Training and Research in developing countries and LDCs. The objective will be to exchange views on IP research and development. - To create and develop infrastructure for interdisciplinary training on IP under collaboration with IP Offices, the judiciary and national universities. 		

No.	CLUSTER B: NORM-SETTING, FLEXIBILITIES, PUBLIC POLICY AND PUBLIC DOMAIN	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
			HUMAN	FINANCIAL
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	<p>To conduct a study on bad faith appropriation of distinctive signs and possibilities to prevent such practices. IP rights in distinctive signs, such as trademarks or geographical indications, confer exclusive rights over those signs, provided that particular conditions for protection are met. Problems can arise in situations where the appropriation of such signs occurred in an abusive manner. Examples for such practices are bad faith registration of trademarks incorporating signs that are considered to be in the public domain, such as descriptive terms, or the appropriation of signs that are part of a common communal heritage or patrimony, such as sacred signs or geographically descriptive signs. The study could research actual and potential problems as well as mechanisms for the prevention of such practices, and present conclusions.</p> <p>To initiate activities to promote deeper understanding of problems in the field of copyright and related rights related to identification of public domain material (e.g. orphan works, use of rights management technologies, the role of search engines). To support the development of a database containing the repertoire of national copyright and related rights protectable works, including those in the public domain.</p> <p>The activities could include a comparative analysis of existing legislative approaches adopted in Member States, and examination of areas where greater clarity and tools for identifying public domain subject matter, including subject matter placed in the public domain by its creators, would serve the public interest. This could be the first step towards development of possible guidelines.</p>		

No.	<u>CLUSTER B:</u> <u>NORM-SETTING,</u> <u>FLEXIBILITIES,</u> <u>PUBLIC POLICY AND</u> <u>PUBLIC DOMAIN</u>	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
			HUMAN	FINANCIAL
		<p>If requested by Member States, discussions in the SCP can focus more sharply on topics related to the safeguarding of the public domain. These may include the introduction of a worldwide definition of prior art that would prevent encroachments on the public domain (e.g. TK) or an adequate inventive step standard. Specific TK items have recently been introduced in the IPC and in the PCT minimum documentation. These activities will be continually updated and monitored in the future.</p> <p>To create practical tools to ensure that public domain traditional knowledge and genetic resources are not the subject of illegitimate or inaccurately granted patents, including through the development of practical guidelines and mechanisms to ensure that traditional knowledge – once disclosed with the consent of its holders – is fully taken into account by patent search and examination authorities.</p>		

No.	<u>CLUSTER B:</u> <u>NORM-SETTING,</u> <u>FLEXIBILITIES,</u> <u>PUBLIC POLICY AND</u> <u>PUBLIC DOMAIN</u>	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
			HUMAN	FINANCIAL
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. 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:</p> <p>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>	<p>Working documents in the norm-setting areas are prepared at the request of the competent Member States' bodies only, and follow the guidelines of Member States. The Secretariat will further explore the usefulness of holding open events, such as colloquia and open fora, in order to contribute to a better understanding of the various issues at stake. It is proposed to commission a series of studies on IP and competition issues (please also see comments for proposal 23). Studies on the other topics can also be initiated, as and when requested by Member States.</p>		

No.	<u>CLUSTER B:</u> <u>NORM-SETTING,</u> <u>FLEXIBILITIES,</u> <u>PUBLIC POLICY AND</u> <u>PUBLIC DOMAIN</u>	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
			HUMAN	FINANCIAL
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.	<p>WIPO will intensify its work on these issues, as and when requested by Member States. For instance, subject to availability of resources, a global meeting on emerging licensing issues and copyright can be organized in Geneva in 2008. In an effort to provide guidance and information on existing licensing practices for copyrighted works, WIPO has published a Licensing Guide on Copyright and Related Rights authored by various international experts. This publication provides a practical overview of commercial licensing of copyright and related rights in a global marketplace, for works such as literary, musical, graphic and pictorial works, motion pictures, multimedia entertainment and education products and computer software.</p> <p>It is also proposed to continue with awareness-raising activities concerning new approaches to copyright licensing, for example Creative Commons and open-source software, through which subject matter protected by copyright may be freely, or with few restrictions, disseminated for various purposes. In 2007, WIPO initiated a series of regional meeting on trends, issues and prospects regarding IP and software, that will continue through 2008.</p> <p>In addition, it is proposed to commission a series of studies on IP and competition issues (please also see comments for proposal 22) and to organize an international conference, in Geneva, on the interface between IP and competition law and policy.</p>		

No.	<u>CLUSTER B:</u> <u>NORM-SETTING,</u> <u>FLEXIBILITIES,</u> <u>PUBLIC POLICY AND</u> <u>PUBLIC DOMAIN</u>	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
			HUMAN	FINANCIAL
		<p>On request, WIPO can also provide legal and technical advice to promote pro-competitive provisions in IP licensing instruments.</p> <p>WIPO would also establish a technology transfer database and make available model licensing agreements relating to different technology transfer partners. The database will be available on the “STL Fellows Website”, as well as on hard copy for training purposes.</p> <p>It is proposed to also develop a guide on franchising and to organize a series of workshops on this issue.</p> <p>On activities relating to licensing and technology transfer more generally, please see comments for proposal 25.</p>		

No.	CLUSTER C: TECHNOLOGY TRANSFER, INFORMATION AND COMMUNICATION TECHNOLOGIES (ICT) AND ACCESS TO KNOWLEDGE	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
			HUMAN	FINANCIAL
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).	<p>WIPO will continue to work in partnership with other UN organizations involved in the WSIS follow-up process, in particular in relation to the Internet Governance Forum, the ITU and UNESCO.</p> <p>WIPO has been active in raising awareness on the relationship between the intellectual property system and the Information Society, including use of ICTs, eg. through the <i>Online Forum on Intellectual Property in the Information Society</i> (2005) where WIPO contributed to the outcome of the World Summit on the Information Society. WIPO can continue and upgrade its activities in this regard. Please see proposed activities under Proposal 27.</p> <p>Through the program for Business Modernization of IP Institutions, WIPO aims at reducing this digital divide by providing standard customized technological solutions, infrastructure upgrade and training to enable IP institutions to automate its business procedures, establish national IP databases, provide e-services to its stake holders and perform e-communication with international treaties. The scope of this program will be expanded with more human and financial resources to match with the growing expectations and requests for ICT based assistance by national IP institutions. The significance of the Digital Solidarity Fund (DSF) will be taken into consideration for this purpose, as appropriate.</p> <p>To bridge the digital divide that exists with regard to access to IP education, it is proposed to provide IP course content in as many languages as requested by Member States and make such course material as accessible as possible through mailing, distance learning and CD-ROM.</p>		

No.	<u>CLUSTER C:</u> <u>TECHNOLOGY</u> <u>TRANSFER,</u> <u>INFORMATION AND</u> <u>COMMUNICATION</u> <u>TECHNOLOGIES (ICT)</u> <u>AND ACCESS TO</u> <u>KNOWLEDGE</u>	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
			HUMAN	FINANCIAL
25.	<p>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.</p>	<p>To undertake empirical economic studies that seek to understand the role of IP rights in international technology transfer in different contexts, in particular focusing on areas that have received relatively limited attention in the existing economic literature. Studies could be conducted on issues such as: the role of IP on the mode through which technology is transferred to developing countries; the impact of IPRs on the content of technology contracts; the influence of changes in IP regimes on technology spillovers from FDI; how demand for technology is affected by IP; country-specific and industry-specific studies on the role of IP in technology transfer.</p> <p>To establish a study on IPR-related policies and initiatives relevant to the transfer of technology to the benefit of developing countries.</p> <p>To prepare a document, possibly in the form of a guide, which explains the flexibilities contained in international agreements on IP.</p> <p>In the context of promoting effective transfer of technology from developed to developing countries, it is proposed to organize regional workshops to discuss policies and measures to facilitate technological learning for the generation of indigenous knowledge and innovation by developing countries' enterprises and research centers.</p> <p>WIPO will conduct activities and initiatives to promote effective use of industrial property information (i.e. patent information) by national IP offices, research centers and academic institutions in the region.</p>		

No.	<u>CLUSTER C:</u> <u>TECHNOLOGY</u> <u>TRANSFER,</u> <u>INFORMATION AND</u> <u>COMMUNICATION</u> <u>TECHNOLOGIES (ICT)</u> <u>AND ACCESS TO</u> <u>KNOWLEDGE</u>	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
			HUMAN	FINANCIAL
		<p>Provide assistance and advice by exploring and explaining all legal and policy options available to each country under relevant international treaties, while keeping in view the country's international obligations and its national priorities.</p> <p>In order to intensify the training initiatives offered to developing countries, it is proposed to expand capacity building programs on negotiating technology licenses for universities and R&D institutions as well as for high-tech SMEs and tenants/clients of technology incubators, innovation centers and science and technology parks. This may also imply the development of country-specific or sector-specific training materials and guides. Capacity building programs on patent drafting, and public policies and strategies for IP and technology transfer could also be expanded.</p> <p>It is proposed to establish new training programs for technology managers such as IP valuation, IP marketing, and the use of patent information for business.</p> <p>Creation of an electronic forum to facilitate the exchange of experiences of technology transfer offices (TTOs) of universities, research centers and enterprises in topics such as licensing strategies, TTOs' structuring and functioning, valuation of technology, among others.</p> <p>It is proposed to assist countries in their initiatives to set up Technology Licensing Offices (TLOs)/Technology Management Offices (TMOs), and organize fora and hold consultations with countries on policies and initiatives for effective technology transfer and access to industrial property information.</p>		

No.	<u>CLUSTER C:</u> <u>TECHNOLOGY TRANSFER, INFORMATION AND COMMUNICATION TECHNOLOGIES (ICT) AND ACCESS TO KNOWLEDGE</u>	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
			HUMAN	FINANCIAL
26.	<p>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.</p>	<p>To undertake fact-finding missions, followed by case-studies, to identify and explore existing cases for such cooperation and develop options for further encouraging it. Developed Member States will be requested to encourage their research institutions to undertake exchange programs with students and scientists of developing countries.</p> <p>To establish a formal partnership with institutions such as AUTM (Association of University Technology Managers) and LESI (Licensing Executive Societies International) in order to promote interaction between technology transfer offices and IP organizations of developed and developing countries.</p> <p>In this context it is proposed to organize an “Expert Forum on Technology Transfer – Common Challenges, Common Solutions”, in Geneva.</p> <p>The MOU between WIPO and AUTM will seek to promote, among other initiatives, the training of IP managers from developing countries in Technology Transfer Offices of developed countries or of economies in transition. In the first year of the agreement, 5 managers would benefit from a three to six months internship in TTOs of Developed countries. In addition, Developing Countries would have the opportunity of participating in the regular training programs offered by AUTM.</p> <p>Under the existing MOU signed by WIPO and LESI, developing countries would have the opportunity of participating in training programs offered internationally by LESI.</p>		

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		<p>Some other activities are proposed as follows:</p> <ul style="list-style-type: none"> - Create collaborative networks of research institutions, representing both developing and developed countries, for the purpose of facilitating transfer of technology, transfer and/or sharing of research results, and comply with bilateral treaties obligations. - Develop guidelines for the preparation of collaboration agreements, by sector of technology. - Organize regional and national fora to bring the research and scientific institutions from both developed and developing countries to collaborate for mutual benefits. - Organize Executive and Research programs to focus on R&D and IP management which would create the conditions for furthering cooperation among R&D institutions in developed and developing countries. - Enhance cooperation and networking among technology transfer potential partners, in particular those who have already participated in WIPO capacity building programs such as STL, it is proposed to establish and manage an “STL Fellows Website”. 		

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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.	<p>In order to assist Member States to develop IP-related strategies for use of ICTs for economic, social and cultural development, deeper understanding of relevant issues in the field of copyright is needed, for example, to strike the correct balance between protection of copyrighted works and access to information and creative content in the digital environment. It is proposed to conduct a major study that examines, <i>inter alia</i>, the following topics: digital right management tools and business models for online distribution of copyright content, including by collective management organizations; the impact on creativity of open access, open source and other emerging copyright licensing schemes; an overview of ICT standardization issues relevant to the availability of technologies needed to access digital content, including in alternative formats. Following completion of the study, an international, interdisciplinary meeting of experts can be convened to examine the results of the study and related issues.</p> <p>In respect of activities related to human resource development, the following are proposed:</p> <ul style="list-style-type: none"> - Include the teaching of the interface between IP and ICT for growth and economic and cultural development in WIPO Academy Courses. - Offer advanced distance learning courses focusing on IP related aspects of ICTs and their use for economic social and cultural development. - Offer institutional training on the use of ICTs to disseminate IP education and offering support to national Universities, R&D institutions and public at large. In cooperation with some IP Offices which spear headed the use of ICTs in their training and in agreement with their national Universities, two pilot programs have been successful and will be intensified. 		

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		- Enhance capacity of public and private institutions to use ICT e.g. through E-commerce, E-filing, online content licensing and distribution mechanisms.		
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.	Similar to activities proposed for proposals 25 and 26		
29.	To include discussions on IP-related technology transfer issues within the mandate of an appropriate WIPO body.	Subject to agreement by Member States, include relevant discussions in existing WIPO bodies, such as CDIP, SCCR, SCP and/or other relevant bodies.		

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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.	<p>Under existing programs, WIPO has cooperated with the WHO, CBD, UNCTAD and the FAO on technology transfer and related issues, including public policy patent landscaping.</p> <p>On request of member states, and in cooperation with appropriate IGOs, patent landscapes can be developed to analyze the relevant technologies and related existing IP rights for selected areas of technology (for further details, please see comments for proposal 31).</p> <p>It is proposed to develop training programs, targeted at users in developing countries, on the effective use of IP information, particularly access to and use of freely-available patent information resources.</p>		

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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.	<p>To enhance the PATENTSCOPE® portal to provide free access to more patent information and related resources, taking into account the requirement of developing countries to identify technology transfer opportunities.</p> <p>To provide technical assistance to IP offices of developing countries to encourage the digitization and dissemination of patent information resources originating from those countries.</p> <p>Within existing approved programs and in partnership with other international organizations, WIPO has undertaken a range of preliminary patent landscaping activities designed to make available to policymakers more accessible, geographically representative and clearer patent information for public policymakers in the life sciences. Once the pilot phase of these activities is concluded, demand for comprehensive patent landscaping resources in these areas is expected to be very high. Further resources would enable major patent landscapes to be prepared for key areas of public health policy and other areas of policy concern such as agriculture and nanotechnology.</p>		
32.	To have within WIPO opportunity for exchange of national and regional experiences and information on the links between IP rights and competition policies.	Please see comments for proposal 22 and 23.		

\No.	CLUSTER D: ASSESSMENT, EVALUATION AND IMPACT STUDIES	PROPOSED ACTIVITIES	ADDITIONAL REQUIREMENTS OF RESOURCES, IF ANY	
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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.	<p>The WIPO Evaluation Policy, which provides for each program to be evaluated at least every 6 years, will be implemented.</p> <p>It is also proposed to prepare an annual Development Agenda Activities review.</p> <p>This will focus on indications of performance, outcomes and impacts.</p> <p>An annual summary of Development Activities Evaluation will also be prepared. The Development Agenda will be incorporated into the WIPO Strategic Goals framework and RBM system using log frame techniques for country and project level results and performance management. Organizational structures for development activities will be reviewed to ensure they reflect the WIPO Strategic Goals as part of Organizational Improvement Program.</p> <p>Please also see comments provided for proposals 38 and 41.</p>		
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.	<p>To prepare a paper, relying on available resources, with a view to analyzing the types of constraints to IP protection in the informal economy, analyzing the type of issues that could be studied in more detail at the country or sectoral level, and recommending ways in which those issues could be studied further. This paper could partly rely on studies commissioned in the past by WIPO which, among other things, sought to identify some of the constraints faced by SMEs (in some cases including micro enterprises) in using the IP system, and many of the conclusions could also be considered valid for companies in the informal sector of the economy. However, the specific constraints to IP protection in the informal economy have not been looked at by WIPO the in the past. Therefore, the paper would be important to frame the debates around this issue and enable Member States to decide how to pursue the issue further.</p> <p>To conduct a study on the Economic, Social and Cultural Impact of Intellectual Property in the Creative Industries. The study will examine specific cases, and describe</p>		

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		<p>how policies, administrative decisions and businesses have interacted to help support creativity and the creative industries. In addition, the tool will use cost-benefit analysis as one of its methodologies.</p> <p>Further studies on the measurement of the economic contribution of the copyright-based industries will also be instituted. Employment is one of the indicators used in the measurement process.</p> <p>It is also proposed to develop a pilot project to test the WIPO methodology on measuring copyright piracy.</p>		
36.	To exchange experiences on open collaborative projects such as the Human Genome Project as well as on IP models.	<p>To organize a two-day Forum on “Open Collaborative Projects and Intellectual Property-based Partnerships” in Geneva, which would focus on issues such as: (i) The scope and development of collaborative innovation and creativity; (ii) The economic rationale for open collaborative models and IP-based partnerships; (iii) Legal frameworks for collaborative projects: the role of intellectual property rights; (iv) Experiences in collaborative research and creativity from developed and developing countries; (v) Application of collaborative models and IP-based Partnerships to different sectors.</p> <p>The WIPO program on public policy and life sciences has undertaken preliminary studies on open collaborative structures in the life sciences, and has reviewed the array of possible mechanisms focused on life sciences innovation. This work will culminate in a factual issues paper, identifying the main structures under consideration in international discussion, and an associated policy symposium in the life sciences series.</p>		

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38.	To strengthen WIPO's capacity to perform objective assessments of the impact of the organization's activities on development	<p>The RBM system will be reviewed to make the Development Agenda more easily evaluated and objective self and independent assessments a reality. A needs assessment will be prepared for Member States' approval to ensure that adequate resources are provided for evaluation activity at the central, country and project level. "Self evaluation" will be built into all project and country plans.</p> <p>Please also see comments provided for proposals 33 and 41.</p>		

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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.	To undertake a study, possibly in partnership with other IGOs with experience in studying issues related to the brain drain, to analyze the areas in which there may be a connection between IP and the brain drain, and also to review existing evidence on the issue. The initial study would also propose specific empirical research projects that could be undertaken to deepen the analysis of the issue as well as suggest ways in which WIPO could work with other IGOs and Member States in this area.		
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.	<p>WIPO is already engaged in enhanced coordination with UN agencies and other international organizations. With WTO, on emphasis on TRIPS-related technical cooperation activities. With WHO, on the Intergovernmental Working Group (IGWG) on Innovation, Public Health and IP and on Pandemic Influenza Preparedness: sharing of influenza viruses and access to vaccines and other medicines and on the International Medical Products Anti-Counterfeiting Taskforce (IMPACT). With UNESCO, on IP-related matters on the Convention on Cultural Diversity, on the follow-up to the WSIS, and as a partner in the International Conference on Knowledge Parks (Doha, March, 2008). With UNCTAD, on the UN Creative Economy Report.</p> <p>It is proposed to consider the organization of an International Seminar on Technology Transfer, Intellectual Property and Climate Change in order to discuss the existing and the potential environmental implications of old and new technologies, especially in the area of energy. This would be done in cooperation with other relevant intergovernmental organizations (IGOs).</p>		

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41.	To conduct a review of current WIPO technical assistance activities in the area of cooperation and development.	To carry out a macro level review of WIPO technical assistance activities in the area of cooperation and development. The ToR for the review will be developed in consultation with Member States. Please also see comments provided for proposals 33 and 38.		
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.	Please see comments for proposal 2.		

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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.	<p>Member States may wish to choose one or several development-oriented concerns, exclusively or in combination with another theme, for analysis and discussion in one of the forthcoming sessions of the WIPO Advisory Committee on Enforcement (ACE), within the limits of the mandate of this body. Such concerns may address a range of issues related to the societal benefits of a well-respected intellectual property system, including with a view to the contribution of effective anti-counterfeiting measures to the health and safety of consumers; the possible impact of effective intellectual property enforcement mechanisms on foreign direct investment, job creation and technology transfer; and the benefits emerging from effective right holder cooperation. Development-oriented concerns may also be examined in the context of measures that aim to prevent abusive enforcement practices, contributing to a balance of rights and obligations. Such work of the ACE would be supplemented through the preparation of working documents and the undertaking of comparative studies of the issues at stake.</p> <p>Moreover, Member States may wish to identify particular development-oriented concerns in their requests for enforcement-related legal advice and/or technical assistance submitted to WIPO. Upon such a request, WIPO will prepare specific development-oriented features for integration in the respective activity.</p>		