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EVALUATION REPORT OF THE PROJECT ON INTELLECTUAL PROPERTY, INFORMATION AND COMMUNICATION TECHNOLOGIES (ICTS), THE DIGITAL DIVIDE AND ACCESS TO KNOWLEDGE

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1. The Annex to this document contains an external Independent “Evaluation Report of the IP, Information and Communication Technologies (ICTS), the Digital Divide and Access to Knowledge Project” (CDIP/4/5 Rev.) undertaken by Professor Tom P. M. Ogada, T&P Innovation and Technology Management Service, Nairobi, and Glenn O’Neil, Founder, Owl RE, Wise Research & Evaluation, Geneva.

2. *The CDIP is invited to take note of the information contained in the Annex to this document.*

[Annex follows]

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LIST OF ACCRONYMS USED

ARIPO	African Regional Intellectual Property Organization
CDIP	Committee on Development and Intellectual Property
DA	Development Agenda
LDCs	Least Developed Countries
ICTS	Information and Communication Technologies
IMD	Infrastructure Modernization Division
IP	Intellectual Property
IPOs	Intellectual Property Offices (national)
SLA	Service Level Agreements
WIPO	World Intellectual Property Organization

EXECUTIVE SUMMARY

1. This report is an independent evaluation of the Development Agenda Project related to WIPO Development Agenda Recommendations 19, 24 and 27: Intellectual Property (IP), Information and Communication Technologies (ICTS), the Digital Divide and Access to Knowledge Project. The project was approved during the fourth session of the Committee on Development and Intellectual Property (CDIP) in November 2009. The project implementation started in January 2010, and was completed in December 2011.
2. The aim of the evaluation was to learn from experiences during project implementation. This included assessing the project management and design including monitoring and reporting tools, as well as measuring and reporting on the results achieved to date and assessing the likelihood of sustainability. The evaluation utilized a combination of methods including a document review, interviews with 12 staff at WIPO Secretariat and feedback from three national IP Offices (IPOs).

KEY FINDINGS

Project design and management:

3. Finding 1: The project document was assessed as being sufficient for launching of the two components of the project. This initial document described the objectives and implementation steps. However, the evaluation noted some few shortcomings and/or challenges.
4. Finding 2: The reporting tools were adequate and useful in providing information on the general progress of the project. The copyright component had limited need for monitoring and reporting tools given that, even if the Study was completed, the Member States had not addressed and discussed this item. For the digitization component, it was challenging for WIPO to collect and compile monitoring data from all 17 participating IPOs. No standardized assessment criteria were used nor was a broader assessment of development capacities of IPOs undertaken.
5. Finding 3: For both components, collaboration was assessed as being sufficient to enable an effective and efficient project implementation.
6. Finding 4: Most of the risks that were envisaged during the implementation of the project did not occur or were minimized through incorporation of lessons learned from other projects.
7. Finding 5: The copyright component took into consideration emerging trends, technologies and other external forces given that the component itself was a study of trends in current practices and policies in the copyright field. The digitization component had to respond to both the high demand for the project and factors within IPOs that impacted on the project's success including management commitment and support.

Effectiveness

8. Finding 6: The copyright component has made limited progress towards raising Member States awareness in this area due to its preliminary status. The project has completed the research and consultation stage but its findings, in the form of three studies, have not yet been discussed amongst Member States, as the discussions have been postponed to the tenth session of the CDIP scheduled for November 2012.

9. Finding 7: The copyright component has made limited progress in creating a forum to discuss possible new engagements as this phase of the project is yet to be implemented. According to WIPO staff and based on the three studies produced, sound propositions exist for new engagement in the copyright area.

10. Finding 8: The digitization component has been implemented to varying degrees in 17 IPOs. Given that these IPOs were at different stages of the project, the capacity developed to digitize and update databases varied. Direct feedback from three participating IPOs and WIPO reporting indicated that IPOs did in the majority of cases progress in digitizing their existing patent records. In the cases of six IPOs and ARIPO, these records were then made available (or will be shortly) on PATENTSCOPE®, the global patent platform. This implies that there are a remaining 11 IPOs to complete the project. Although the project focused on the existing patent records, the training, equipment and software provided by WIPO would allow the use of the system for continuing to digitize patent applications and other IP records, such as trademarks.

11. Finding 9: The project combined two distinct components that aimed to mitigate the digital divide for IP systems. Concerning the copyright component, this evaluation found that it was too early to determine the contribution of the project. Concerning the digitization component, this evaluation found that the project had made progress to varying degrees in digitizing existing patent records in 16 countries and for one regional organization.

Sustainability

12. Finding 10: The likelihood for continued work in the copyright component is unknown at this stage given that the studies have yet to be formally discussed with Member States. If the recommendations of the studies are accepted and developed further into new activities for WIPO in the copyright area, it is likely that work will continue in this area.

13. Finding 11: Within the digitization component, it is foreseen that the Infrastructure Modernization Division (IMD) will continue ongoing support for the project through its regular budget, albeit it at a reduced rate given that the additional funds provided during this project will no longer be available. However, the ability to continue the digitization of IP records using the system installed by WIPO will largely depend on the commitment and resources provided by IPOs.

Implementation of Development Agenda (DA) Recommendations

14. Finding 12: This evaluation has found that the project has responded to the DA recommendations 19, 24 and 27, although in many aspects it is still too early to define the precise contribution.

CONCLUSIONS AND RECOMMENDATIONS

15. Conclusion 1 (Ref: Findings 1): The project was comprised of two components that in fact did not have any organizational or operational connections aside from contributing to the same long term goal (bridging the digital divide). This created confusion around the project and its components.

16. Conclusion 2 (Ref: Findings 2): Although planning and project management tools were used, for future development projects of this nature, modifications in assessment criteria, monitoring tools, reporting by IPOs and improved procurement procedures would be advisable.

17. Conclusion 3 (Ref: Findings 2): The digitization component was noticeable by the absence of any mandatory responsibility for IPOs to report back on project implementation. In comparable development projects involving international-national collaboration, there would normally be a clear reporting schedule for the national partners to ensure that they fulfill their responsibilities, have implemented the project as planned and provide a written and scheduled feedback on results seen to date. If this existed, this would have facilitated the monitoring and decision-making for next steps from WIPO.
18. Conclusion 4 (Ref: Findings 6-7): The ability for this evaluation to comment on and evaluate the copyright component was limited given that what is possibly the most crucial phase – the discussion with Member States and shaping of new activities for WIPO – is yet to take place. However, a reading of the studies and its recommendations do indicate interesting and worthwhile suggestions that deserve consideration by Member States, according to the authors of this evaluation.
19. Conclusion 5 (Ref: Findings 8): The digitization component was successful in supporting IPOs in digitizing patent records. However, the choice of patent records would not necessarily have been the priority for IPOs given that patents are some 10% of their workload. The digitization of trademark records, which make up the large part of the remaining 90% of their workload and consequent records, would have been their priority. Evidently, WIPO gave a priority to patent records given their desire to have these national records integrated within PATENTSCOPE® and the international demand for global patent records.
20. Conclusion 6 (Ref: Findings 8): The IMD increased initial support from six to 17 IPOs and in the majority of cases, managed to progress in digitizing patent records while remaining cost-effective and under budget. Positively, this increased the reach of the project but at the same time made it even more challenging for WIPO to follow all developments with IPOs, encourage their participation and conclude the project in the timeframe.
21. Conclusion 7 (Ref: Findings 10): The sustainability of the copyright component is largely dependent of the interest and support of Member States in WIPO developing new activities in this area. Therefore, their input will be key for the future of the project. The long term success of this component will also depend upon the implementation of outreach and awareness raising activities to expand the audiences beyond the CDIP to copyright experts and other targeted professionals.
22. Conclusion 8 (Ref: Findings 11): The sustainability of the digitization component is largely dependent upon the resources and commitment of IPOs. A more significant contribution to bridging the digital divide would be if the participating IPOs continue to use the scanning equipment for new patent applications and scan existing trademark records. It would be advisable that WIPO continues to support this through ongoing technical advice and follow-up, given that budgets are unlikely to be available for any large scale support (such as funding the outsourced scanning of trademark records).
23. Recommendation 1 (Ref: Conclusion 1, Findings 1): For future projects of this nature containing two distinct components, consider creating two separate projects.
24. Recommendation 2 (Ref: Conclusion 2 & 3, Findings 2): It is recommended to the WIPO Secretariat to modify the project document, for use in implementation of similar development projects in the future.
25. Recommendation 3 (Ref: Conclusion 4 & 7, Findings 6, 7, 10): It is recommended that Member States consider the studies and recommendations of the copyright component and provide a substantive feedback to WIPO.
26. Recommendation 4 (Ref: Conclusion 4, Findings 6, 7): Considering that a key component of the copyright component, the possible creation of new activities for WIPO has yet

to be defined through a feasibility assessment, consider how the Copyright Law Division will be supported for this assessment and funded in implementing any new activities including outreach and awareness-raising.

27. Recommendation 5 (Ref: Conclusion 5, 6 & 8, Findings 8, 11): For the ongoing sustainability of the digitization component, it is recommended that the WIPO Secretariat should complete delivery of the project.

INTRODUCTION

28. This report is an independent evaluation of the Development Agenda Project related to WIPO Development Agenda Recommendations 19, 24 and 27: Intellectual Property (IP), Information and Communication Technologies (ICTS), the Digital Divide and Access to Knowledge Project. The project was approved during the fourth session of the Committee on Development and Intellectual Property (CDIP) in November 2009. The project implementation started in January 2010, and was completed in December 2011.

29. The project had two components, one on copyright and access to knowledge, and the other on the digitization of IP records. The copyright component aimed to provide Member States with a source of relevant and balanced information on the opportunities provided by new models of distributing information and creative content, focusing on the areas of education and research, software development and e-information services. The main activity of this component was the commissioning of an academic study with three components for presentation to Member States for consideration that would lead to recommendations for future possible activities for WIPO.

30. The second component of the project aimed to assist Member States in digitizing paper based documents of IP records as a first step, to improve the digital divide, and to gain skills for creating a national IP database, which would provide users with easy access to IP information. The main activities of this component was the digitization of existing patent records involving a combination of various activities including the supply of scanners, software (WIPOScan), creation of databases to stock electronic records, training of staff, technical advice and contracting external providers to undertake the scanning of records.

DESCRIPTION OF THE PROJECT

Objectives:

31. The project document set out the following specific objectives for this project:

1. The copyright component aimed to gather information and explore the potential of the copyright system, its flexibilities and different models for managing copyright, in addition to a complementary objective to conduct an interdisciplinary evaluation of opportunities for WIPO.
2. The digitization component aimed at contributing to the reduction of the knowledge gap between industrialized and developing countries, especially least developed countries (LDCs) through the digitization of IP data.

Deliverables:

32. The project was expected to deliver the following improvements to the target beneficiaries:

1. The copyright component will lead to the creation of new WIPO activities that will support Member States in achieving their development goals through enhanced access to knowledge.
2. The digitization component will lead to increased availability of technological knowledge through the digitization of documents in developing countries, especially LDCs; increased capacity of IP Offices (IPOs) to effectively create and provide access to databases; and increase awareness of the benefits of IP rights.

Delivery strategy:

33. The project document described the following steps of the delivery strategy:
1. The copyright component consisted of three steps: (i) research and information gathering leading to the drafting of study with three separated components; (ii) a workshop devoted to collective analysis and evaluation of the studies; and (iii) finalization and delivery of the study, including recommendations for the future.
 2. The digitization component consisted of five steps: (i) selection of the project countries; (ii) development of the project; (iii) project implementation; (iv) deployment of the equipment and facilities; and (v) delivery of the digitization services.

Achievements:

34. The main achievements of the project are described as follows:
1. The copyright component: Preparatory steps were completed and the study was released for discussion to Member States. The final phase of discussion and consideration by Member States is foreseen for November 2012.
 2. The digitization component: This component was implemented to varying degrees in 17 IPOs including the African Regional Intellectual Property Organization (ARIPO). The majority of IPOs progressed towards the digitization of their patent records with six IPOs and ARIPO fully completing the project.

OVERVIEW OF EVALUATION CRITERIA AND METHODOLOGY

35. The aim of the evaluation was to assess the project's performance including project design, project management, coordination, coherence, implementation and results achieved. The evaluation also aimed to provide evidence-based evaluation information to support the CDIP's decision-making process.
36. The evaluation was organized around eleven evaluation questions split into four themes: Project design and management, Effectiveness, Sustainability and Implementation of Development Agenda (DA) Recommendations. These questions are responded to directly in the section "Key findings" below.
37. The evaluation utilized a combination of methods for this evaluation. In addition to a review of all relevant documentation, interviews were conducted with 12 staff at the WIPO Secretariat in Geneva. Feedback on the digitization project was requested from all participating national and regional IPOs of which three IPOs responded. A list of persons interviewed or consulted is found at Annex 1. A list of documents consulted is found at Annex 2. The inception report which guided this evaluation is found at Annex 3.

KEY FINDINGS

38. This section is organized on the basis of the four evaluation areas. Each evaluation question is answered directly under the headings of each area.

A. Project design and management

Appropriateness of the initial project document for implementation and assessment of results:

39. Finding 1: The project document was assessed as being sufficient for launching of the two components of the project. This initial document described the objectives and implementation steps. However, the evaluation noted some few shortcomings and/or challenges:

1. Two separate projects: As the two components were not interrelated in any way, they actually represented two separate projects that were managed independently by the two concerned Divisions (the Copyright Law Division and the Infrastructure Modernization Division).
2. Assessment of results: For assessment of the results of the project, the documentation detailed project outputs and outcomes. However, the tools to measure the impact of the project were not part of the project documentation.
3. Last phase of copyright component: The project documentation was not precise in regard to the last phase of the project, i.e., after completion of the study. As following the discussion with the CDIP in November 2012, it is foreseen that a feasibility assessment on the role of WIPO in these areas will be undertaken. The project documentation did not contain information concerning such assessment nor concerning further steps in the implementation.

Adequateness and usefulness of the project monitoring, self-evaluation and reporting tools in providing relevant information for decision-making purposes of the project team and key stakeholders.

40. Finding 2: The reporting tools were adequate and useful in providing information on the general progress of the project. The copyright component had limited need for monitoring and reporting tools given that the final study has not been discussed yet by Member States. Specifically, the evaluation observed:

1. In the assessment phase of the digitization component, the main assessment tool was onsite visits that were summarized in mission reports. Based on a selection of mission reports, no standardized assessment criteria was used nor was a broader assessment of development capacities of IPOs undertaken (i.e., level of commitment, ownership, technical skills). Although responsible project managers did mention considering these aspects, it was not found to be documented.
2. For the digitization component, it was challenging for WIPO to collect and compile monitoring data from all 17 participating IPOs (i.e., number of documents scanned, quality of data collated, extent of capacity to digitize records, etc.). This was due to both not having a standard reporting system available and the ability of IPOs to report back on progress made.
3. Project managers also reported that they faced challenges in monitoring all aspects of the digitization component, such as the scanning of IP records when undertaken by external providers.

The extent to which other entities within the Secretariat have contributed and enabled an effective and efficient project implementation.

41. Finding 3: For both components, collaboration was assessed as being sufficient to enable an effective and efficient project implementation. For the copyright component, collaboration

was undertaken with the Development Sector in relation to progress of the component with the CDIP. Collaboration with other entities was limited due to the narrow focus of this component. For the digitization component, collaboration was undertaken mainly with the Development Sector, Brands, Patent Information, PCT, ICT, Procurement and the relevant Regional Bureaus. The WIPO procurement procedure for contracting external providers for the scanning activity of the digitization component was lengthy and cumbersome according to WIPO staff (i.e., need for potential supplier to provide all documentation in English and in printed format to be sent to WIPO HQ by registered post).

The extent to which the risks identified in the initial project document have materialized or been mitigated.

42. Finding 4: Most of the risks that were envisaged during the implementation of the project did not occur or were minimized. The project document identified three risks for the project:

1. Lack of examples from Africa, Latin America and Asia of practice and public policies (copyright component): This risk did not materialize as in all three studies, examples were found from these regions that proved integral to the studies.
2. Lack of minimum equipment of ICT and internet access required for digitization (digitization component): This risk was mitigated by including within the project a possibility to provide IPOs with a minimum set of hardware and software. According to WIPO staff and their reporting, this proved sufficient to avoid this risk impending on the project's progress.
3. Potential risks in sustainability, in particular, retention of trained staff who have the acquired skills and knowledge for the continued operation of the digitization (digitization component): It was planned to mitigate this risk by concluding Service Level Agreements (SLA) to clarify the responsibilities for the longer term with respect to the allocation of resources and the appointment of permanent staff who would be responsible for the project. As far as this evaluation is aware, no SLAs were established. However, the project managers of WIPO built in a training component for IPOs, and where possible trained multiple staff to avoid the skills resting with only one person. For example, 15 staffs were trained in Kenya. Responsibilities for the project were also detailed in documentation, such as in system deployment plans that were shared with the IPOs. To date, retention of trained staff has not been an issue for the project, for example, all staff trained in the six Latin America IPOs were still in place, according to WIPO staff. Broader issues with sustainability of the project are discussed in section C below.

The project's ability to respond to emerging trends, technologies and other external forces.

43. Finding 5: The copyright component took into consideration emerging trends, technologies and other external forces given that the component itself was a study of trends in current practices and policies in the copyright field. This component had to consider the external issue of maintaining a consistent quality of the research undertaken by the academics within the three areas. Based on the research reports delivered, the Copyright Law Division believed that this quality was maintained. The digitization component had to respond to both the high demand for the project and factors within IPOs that impacted on the project's success. For the high demand, the IMD increased the number of IPOs supported from six to 17 but could not respond to all requests within the given budget. Factors within IPOs that were external to the project were identified as management commitment and support for the project that varied from country to country and impacted on its success and sustainability, according to staff of WIPO and IPOs.

B. Effectiveness

The effectiveness and usefulness of the project in raising Member States' awareness of the potential of the copyright system to enhance access to information and creative content (copyright component).

44. Finding 6: The copyright component has made limited progress towards raising Member States awareness in this area due to its preliminary status. The project has completed the research and consultation stage but its findings, in the form of the final study, has not yet been discussed amongst Member States. These studies were presented in draft form at a workshop during the eighth session of the CDIP in November 2011, where Member States were present, and were then finalized following input received. It was foreseen that the studies would be discussed formally at the ninth session of the CDIP in May 2012. However, this discussion was postponed due to lack of time within the CDIP agenda and was rescheduled for the tenth session of the CDIP of November 2012.

The usefulness of the project in creating a forum to discuss and evaluate possible new engagements of WIPO to enhance access to information and creative content (copyright component).

45. Finding 7: The copyright component has made limited progress in creating a forum to discuss possible new engagements as this phase of the project is yet to be implemented. According to WIPO staff and based on the three studies produced, sound propositions exist for new engagement in the copyright area. However, these possibilities are yet to be discussed by Member States (planned for November 2012) and their success will depend upon their viability and interest of the Member States. There is increasing interest in the areas presented in the study, notably in open access policy for education; transparency and accessibility of data and information managed by public administrations; and the protection and development of software. If policies are adopted in these areas, it is envisaged that they could have broader impact on social and economic development.

The usefulness of the project in creating increased capacity in developing countries and LDCs allowing them to digitize documents and to update IP information databases (digitization component).

46. Finding 8: The digitization component has been implemented to varying degrees in 17 IPOs (as listed in the table below). Given that these IPOs were at different stages of the project – from initial assessment (e.g. Kuwait) to full completion (e.g. Vietnam), the capacity developed to digitize and update databases varied. Direct feedback from three participating IPOs and WIPO reporting indicated that IPOs did in the majority of cases progress in digitizing their existing patent records. In the cases of six national IPOs and ARIPO, these records were then made available (or will be shortly) on PATENTSCOPE®, the global patent platform. This implies that there a remaining 10 IPOs to complete the project. Although the project focused on the existing patent records, the training, equipment and software provided by WIPO would allow the use of the system for continuing to digitize patent applications and other IP records, such as trademarks. It was not possible for this evaluation to determine to what extent individual IPOs would continue the digitization process following project completion. The following table summarizes the progress made to date:

Implementation of Development Agenda (DA) Recommendations

The extent to which the DA Recommendations 19, 24 and 27 have been implemented through this project.

50. Finding 12: This evaluation has found that the project has responded to these recommendations as following:

1. *DA Recommendation 19:* This recommendation promoted the fostering of creativity and innovation of developing countries and LDCs through access to knowledge and technology and consequent WIPO activities. The copyright component was focused on supporting this recommendation. However, as mentioned above, this component is yet to be fully implemented.
2. *DA Recommendation 24:* This recommendation promoted the expansion of WIPO activities that are aimed at bridging the digital divide. The digitization component did contribute to supporting this recommendation in a precise and limited manner – digitization of patent records in 16 countries and for one regional organization. It is envisaged that once fully implemented, the copyright component will also support this objective.
3. *DA Recommendation 27:* This recommendation promoted assisting Member States in identifying practical strategies to use ITC for economic, social and cultural development. The copyright component supported this recommendation, in particular through the study on the role of education and research in enabling the creation, access and use of information, knowledge and culture for human development. However, the copyright component would have to be fully implemented to provide full support for this recommendation.

CONCLUSIONS

A. PROJECT DESIGN AND MANAGEMENT

51. Conclusion 1 (Ref: Findings 1): The project was comprised of two components that in fact did not have any organizational or operational connections aside from contributing to the same long term goal (bridging the digital divide). This created confusion around the project and its components.

52. Conclusion 2 (Ref: Findings 2). Although planning and project management tools were used, for future development projects of this nature, the following modification should be considered:

1. a more uniform assessment criteria integrating development aspects (level of commitment, organizational structure, skills available, etc.);
2. monitoring tools that would lead to more effective implementation and a better ability to monitor progress;
3. improve on reporting by IPOs; and
4. simplify the procurement procedure for external suppliers.

53. Conclusion 3 (Ref: Findings 2): The digitization component was noticeable by the absence of any mandatory responsibility for IPOs to report back on project implementation. As

far as this evaluation could see, monitoring and documenting progress was largely undertaken by WIPO. In comparable development projects involving international-national collaboration, there would normally be a clear reporting schedule for the national partners to ensure that they fulfill their responsibilities, have implemented the project as planned and provide a written and scheduled feedback on results seen to date. If this existed, this would have facilitated the monitoring and decision-making for next steps from WIPO.

B. PROJECT EFFECTIVENESS

54. Conclusion 4 (Ref: Findings 6-7): The ability for this evaluation to comment on and evaluate the copyright component was limited given that what is possibly the most crucial phase – the discussion with Member States and shaping of new activities for WIPO – is yet to take place. However, a reading of the studies and its recommendations do indicate interesting and worthwhile suggestions that deserve consideration by Member States, according to the authors of this evaluation.

55. Conclusion 5 (Ref: Findings 8): The digitization component was successful in supporting IPOs in digitizing patent records. However, the choice of patent records would not necessarily have been the priority for IPOs given that patents are some 10% of their workload. The digitization of trademark records, which make up the large part of the remaining 90% of their workload and consequent records, would have been their priority. Evidently, WIPO gave a priority to patent records given their desire to have these national records integrated within PATENTSCOPE® and the international demand for global patent records.

56. Conclusion 6 (Ref: Findings 8): The IMD increased initial support from six to 16 IPOs and in the majority of cases, managed to progress in digitizing patent records while remaining cost-effective and under budget. Positively, this increased the reach of the project but at the same time made it even more challenging for WIPO to follow all developments with IPOs, encourage their participation and conclude the project in the timeframe.

C. SUSTAINABILITY

57. Conclusion 7 (Ref: Findings 10): The sustainability of the copyright component is largely dependent of the interest and support of Member States in WIPO developing new activities in this area. Therefore, their input will be key for the future of the project. The long term success of this component will also depend upon the implementation of outreach and awareness raising activities to expand the audiences beyond the CDIP to copyright experts and other targeted professionals.

58. Conclusion 8 (Ref: Findings 11): The sustainability of the digitization component is largely dependent upon the resources and commitment of IPOs. A more significant contribution to bridging the digital divide would be if the participating IPOs continue to use the scanning equipment for new patent applications and scan existing trademark records. It would be advisable that WIPO continues to support this through ongoing technical advice and follow-up, given that budgets are unlikely to be available for any large scale support (such as funding the outsourced scanning of trademark records).

RECOMMENDATIONS

59. Recommendation 1 (Ref: Conclusion 1, Findings 1): For future projects of this nature containing two distinct components, consider creating two separate projects.

60. Recommendation 2 (Ref: Conclusion 2 & 3, Findings 2): It is recommended that the WIPO Secretariat modify the project document, as follows, for use in implementation of similar development projects in the future:

- (a) To include standard assessment criteria for IPO participation that includes developments aspects.
- (b) To modify existing Cooperation Agreements between WIPO and the IPOs so that they provide incremental financial and human resources from WIPO based on the progress and commitment of IPOs during project implementation.
- (c) To include tools that can assist IPOs to monitor progress made and measure impact of the project.
- (d) To make progress reporting mandatory by IPOs.
- (e) To make the project distinct from the regular technical assistance activities of the IMD.
- (f) To simplify procurement procedures for external suppliers.

61. Recommendation 3 (Ref: Conclusion 4 & 7, Findings 6, 7, 10): It is recommended for Member States to consider the studies and recommendations of the copyright component and provide a substantive feedback to WIPO.

62. Recommendation 4 (Ref: Conclusion 4, Findings 1, 6, 7): Considering that a key component of the copyright component, the possible creation of new activities for WIPO has yet to be defined through a feasibility assessment, consider how the Copyright Law Division will be supported for this assessment and funded in implementing any new activities including outreach and awareness-raising.

63. Recommendation 5 (Ref: Conclusion 5, 6 & 8, Findings 8, 11): For the ongoing sustainability of the digitization component, it is recommended that the WIPO Secretariat should complete delivery of the project, specifically:

- 1. To find resources to complete the digitization component for all 16 participating IPOs.
- 2. To consider how support can be provided to ensure that the digital process is undertaken for all new patent applications of participating IPOs and to encourage the uptake of a similar process for trademark records and applications.

[Appendixes follow]

PERSONS INTERVIEWED/CONSULTED

WIPO staff:

Maya Bachner (Ms.), Acting Head, Program Management and Performance Sector,
Administration and Management Sector

Gabriel Berlicki, Project Manager, Infrastructure Modernization Division

Trevor Clarke, Assistant Director General, Culture and Creative Industries Sector

Carole Croella (Ms.), Senior, Counsellor, Copyright Law Division, Culture and Creative
Industries Sector

Georges Ghandour, Senior Program Officer, Development Agenda Coordination Division,
Development Sector

Ilya Gribkov, Program Officer, Division for Central Europe and Balkan States

Paolo Lanteri, Assistant Legal Officer, Copyright Law Division, Culture and Creative Industries
Sector

William Meredith, Director, Infrastructure Modernization Division

Gregory Sadyalunda, Project Manager, Infrastructure Modernization Division*

Kifle Shenkoru, Director, Division for Least-Developed Countries, Development Sector

Yo Takagi, Assistant Director General, Global Infrastructure Sector

Michele Woods (Ms.), Director, Copyright Law Division, Culture and Creative Industries Sector

External:

Botswana:

The Registrar of Companies and Intellectual Property Office of Botswana

Timothy Leatile Moalusi, Chief Commercial Officer, Head of Industrial Property

Lillian Molefi, Principal Registration Officer, Trademarks Examiner

Keletso Linchwe-Systems Analyst, IT Division

Kenya:

Kenyan IP Institute

Henry Mutai, Managing Director

Silvance Sange, Principal Patent Examiner

David Njuguna, Senior Patent Examiner

Julius Marya, Senior Computer Analyst and Programmer

South Africa:

Companies and IP Commission

/Elena Zdravkova (Ms.), CIPC*

*Feedback received via written questionnaire.

[Appendix II follows]

DOCUMENTS CONSULTED

1. CDIP/4/5 Rev (2009), Project Document, IP, Committee on Development and Intellectual Property.
2. CDIP/6/2 (2010), Progress Reports on Development Agenda Projects, Committee on Development and Intellectual Property.
3. CDIP/8/2 (2011), Progress Reports on Development Agenda Projects, Committee on Development and Intellectual Property.
4. Mission Reports for the Digital Divide Project of Infrastructure Modernization Division (various)
5. Workshop on Using Copyright to Promote access to Information and Creative Content (Parts 1, 2 & 3)

[Appendix III follows]

INCEPTION REPORT

1. Introduction

The Declaration of Principles of the World Summit on the Information Society (WSIS) emphasised that IP protection is important to encourage innovation and creativity in the Information Society. Similarly, the wide dissemination, diffusion, and sharing of knowledge is important to encourage innovation and creativity. The WSIS Plan of Action encouraged governments to foster a supportive, transparent, pro-competitive and predictable policy, legal and regulatory framework, which provided the appropriate incentives to investment and community development in the Information Society. Two causes identified for the digital divide was the lack of content made available in electronic form and the lack of human capacity to use it.

The IP, ICTS, Digital Divide and access to knowledge project (“Digital Divide Project”) was initiated to address the above mentioned challenges and implemented during the period 2009/12. The Digital Divide Project comprised the following two components:

1. The copyright component including a study on “Using copyright to Promote Access to Information and Creative Content” and a “Feasibility of Assessment on Possible New WIPO Activities”.
2. The Industrial Property component included a “Project of Digitization of Industrial Property Data”.

Specifically, the main objectives of the project were:

- The copyright component of the project aimed to gather information and explore the potential of the copyright system, its flexibilities and different models for managing copyright for enhancing access to knowledge, in addition to a complementary objective to conduct an interdisciplinary evaluation of opportunities for WIPO.
- In the field of industrial property, the overall objective was to contribute to the reduction of the knowledge gap between industrialized and developing countries (especially LDCs) through the digitization of IP data.

2. Objectives and Scope of Evaluation

2.1. Objectives of the Evaluation

There are three main objectives of this evaluation. These are:

- i. **Learning:** Provide opportunity for learning from the existing experiences in order to improve future performance i.e., what worked well and did not work so well for the benefit of future project implementation. This include assessing the project design framework, project management including monitoring and reporting tools, as well as measuring and reporting on the results achieved to date and assessing the likelihood of sustainability of the results achieved.
- ii. **Participation:** The evaluation is intended to be a participatory evaluation. It should allow active involvement of all those with a stake in the projects: partners, customers (beneficiaries) and any other interested parties.
- iii. **Decision:** Provide evidence based evaluative information to contribute to the decision making process of the CDIP and its needs for information.

2.2. Scope, Focus and Criteria for this Evaluation

The project time frame is 28 months (January 2010, to April 2012). The focus is not to assess individual activities but rather to evaluate the project as a whole, its evolution over time, its performance including project design, project management, coordination, coherence, implementation and results achieved. Specifically, the evaluation will assess the extent to which the project has been instrumental in;

- a. Raising Member States' awareness of the potential of the copyright system to enhance access to information and creative content and thus contribute to development.
- b. Mitigating the digital divide among users of the IP system in developing countries and LDCs.

The evaluation will be guided by the following four foci: Project design and management, Effectiveness, Sustainability and implementation of Development Agenda Recommendations as illustrated in the following evaluation grid:

Theme and questions	Proposed indicators	Data collection tools	Sources of information
Project design and management			
Appropriateness of the initial project document for implementation and assessment of results.	Lists of modifications undertaken during the implementation of the project documents and assessment of the results	Document review Interviews	Project team and DACD
Adequateness and usefulness of the project monitoring, self-evaluation and reporting tools in providing relevant information for decision-making purposes of the project team and key stakeholders.	Lists of additional M&E tools required/used during the implementation of the project documents and assessment of the results	Document review Interviews	Project team and DACD
The extent to which other entities within the Secretariat have contributed and enabled an effective and efficient project implementation.	Number of WIPO units involved in the project and their contribution	Document review Interviews	Project team, DACD and other WIPO staff

The extent to which the risks identified in the initial project document have materialized or been mitigated.	Report on risk encountered during the implementation of the project and how they were addressed	Document review Interviews	Project team and Beneficiaries
The project's ability to respond to emerging trends, technologies and other external forces.	Level of ability of the project to respond	Document review Interviews	Project team and Beneficiaries
Effectiveness			
The effectiveness and usefulness of the project in raising Member States' awareness of the potential of the copyright system to enhance access to information and creative content.	Extent to effectiveness and usefulness of project in raising awareness	Document review Interviews	Project team and Beneficiaries
The usefulness of the project in creating a forum to discuss and evaluate possible new engagements of WIPO to enhance access to information and creative content.	Extent to usefulness of project in creating a forum	Document review Interviews	Project team and Beneficiaries
The effectiveness and usefulness of the project in mitigating the digital divide among users of the IP system in developing countries and LDCs.	Extent to usefulness of the project in mitigating the digital divide	Document review Interviews	Project team and Beneficiaries
The usefulness of the project in creating increased capacity in developing countries and LDCs allowing them to digitize documents and to update IP information databases.	Extent to usefulness of the project in creating increased capacity	Document review Interviews	Project team and Beneficiaries
Sustainability			
The likelihood for continued work on access to information and creative content and Digitization of Industrial Property Data by WIPO and its Member States.	Likelihood of continued work on access	Document review Interviews	Project team and Beneficiaries

Implementation of Development Agenda (DA) Recommendations			
The extent to which the DA Recommendations 19, 24 and 27 have been implemented through this project.	Extent to which recommendations have been implemented	Document review Interviews	Project team and Beneficiaries

3. Description of the Proposed Methodology

The external evaluation consultant will use the following methodology for this exercise:

- a. **Desk Review:** The consultant will strive to get as much information as possible by using the documents available within WIPO. These will include the project document, the progress reports, monitoring information, mission reports and other relevant document. Appendix 1 gives the list of the documents to be reviewed.
- b. **Interview of WIPO staff:** This will involve interviewing the project team and other substantive entities contributing to the project. Appendix 2 gives the list of the names of officers to be interviewed.
- c. **Stakeholders Interview:** These will interviewing the beneficiaries, government ministries and institutions, universities and research institutions, civil society organizations, private sector representatives, UN agencies and bilateral donors. Appendix 3 gives the list of the institutions and contact details of officers to be interviewed.

A general data collection instrument has been prepared (see Appendix 4), which will be filled by the project team and the direct beneficiaries. Customized questionnaires will be prepared from the general questionnaire to target specific respondents. In this case the customized questionnaire will contain only those questions that are relevant to each of the respondents.

4. Workplan and Timetable

The proposed milestones and timelines are as shown here below:

Milestones/Deliverables	Revised dates (2012)
Work starts ²	June 20, 2012
Submission of inception report to WIPO	June 30, 2012
Feedback from WIPO on inception report	July 6, 2012
Submission of final inception report to WIPO	July 13, 2012
Submission of draft report to WIPO	August 31, 2012
Factual corrections from WIPO on draft report	September 7, 2012
Submission of final report to WIPO	September 15, 2012
Presentation of evaluation report at the CDIP	November 12-16, 2012

5. Key Assumptions and Risks

It is assumed that the project team and the DACD will assist the consultant in identifying and accessing all key documents; informing key stakeholders about the evaluation, making necessary introductions, providing contact information and facilitating interviews as required; and providing consolidated timely feedback on deliverables. It is also assumed that the interview to be undertaken by the focal points will be successful and language will not be barriers. It is also assumed that the people to be interviewed will be available and willing to provide the required information.

[End of Appendix III and of document]