

Committee on Development and Intellectual Property (CDIP)

Eleventh Session
Geneva, May 13 to 17, 2013

SUMMARY BY THE CHAIR

1. The eleventh session of the CDIP was held from May 13 to 17, 2013. The session was attended by 94 Member States and 37 Observers.
2. The Committee re-elected Ambassador Mohamed Siad DOUALEH, Permanent Representative of Djibouti as Chair, and elected Mrs. Ekaterina EGUTIA, Deputy Head, National Intellectual Property Center (SAKPATENTI), Georgia, as Vice-Chair.
3. The Committee adopted the Draft Agenda as proposed in document CDIP/11/1 Prov. 2.
4. Under Agenda Item 4, the Committee adopted the draft report of the tenth session of the CDIP (CDIP/10/18 Prov.).
5. Under Agenda Item 5, the Committee listened to general statements from Group Coordinators. Individual delegations were requested to submit their statements in writing.
6. Under Agenda Item 6, the Committee considered document CDIP/11/2. The Director General introduced his Report on the Implementation of the Development Agenda during 2012. Delegations appreciated the commitment of the Director General in providing annual reports. A number of observations were made on the Report and clarifications were sought, in particular with regard to Country Plans and WIPO's participation in the Rio+20 process and the MDGs Task Force. The Deputy Director General, Mr. Geoffrey Onyeama, and Director of the WIPO New York Office, replied to the observations and agreed to introduce enhancements in future reports. It was agreed that the Secretariat would organize briefings to the Member States on WIPO's contribution to the work of other United Nations entities.
7. Under Agenda Item 7, the Committee considered a work program for the implementation of some adopted recommendations, as follows:

(a) The Committee took note of the report on the Feasibility of Integration of Millennium Development Goals (MDGs) Related Needs/Outcomes into WIPO's Biennial Results Framework (CDIP/11/3), prepared by the Evaluation Consultant, and the additional clarifications provided by the Secretariat on this matter. The Committee recognized that WIPO should contribute to the implementation of the MDGs, but expressed different views on whether further steps were needed to further integrate the MDGs into the objectives of the Organization. Some delegations proposed developing specific indicators to measure WIPO's contribution to MDGs, while other delegations did not support this proposal. The Secretariat was requested, using existing internal resources, to prepare a compilation of the practices by which other United Nations agencies, in particular the other specialized United Nations agencies, measure their contribution to the MDGs, and to provide a brief report to the next session of the Committee as to how WIPO has contributed to the MDGs to date, drawing upon the existing studies commissioned on this matter including, but not limited to, document CDIP/11/3. This brief report could include information on WIPO's contribution to the six targets under MDGs 1, 6 and 8, using the methodology provided in document CDIP/11/3, and should also include an assessment in narrative form as to how WIPO is contributing to the other five MDGs, although at this time not necessarily using the methodology used in document CDIP/11/3.

(b) The Committee discussed the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (CDIP/8/INF/1) and a number of related documents, namely:

- (i) Management Response to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (CDIP/9/14);
- (ii) Report of the *Ad Hoc* Working Group of an External Review of WIPO Technical Assistance in the Area of Cooperation for Development (CDIP/9/15);
- (iii) Joint Proposal by the Development Agenda Group (DAG) and the Africa Group on WIPO's Technical Assistance in the Area of Cooperation for Development (CDIP/9/16); and
- (iv) Status of Implementation of Certain Recommendations Extracted from the Report on the External Review of WIPO Technical Assistance in the Field of Cooperation for Development (CDIP/11/4).

Recognizing the Secretariat's ongoing work on the recommendations, and the need to take further actions, the Committee requested the Secretariat to continue its work and take further actions on the following three proposals, taking into account the comments made by the delegations, and provide a report to the next session of the CDIP:

- (i) To compile existing materials into a comprehensive Manual on the delivery of technical assistance, in line with recommendation A(2)(a) in document CDIP/9/16;
- (ii) To ensure that WIPO's website is upgraded to serve as a more effective, accessible and up-to-date resource for communicating information about development cooperation activities, in line with recommendation F(1)(a) and (b) in document CDIP/9/16; and,
- (iii) To examine the Technical Assistance Database (TAD) with a view to facilitate searching capabilities, and ensuring the regular updating of the TAD with information on technical assistance activities, in line with recommendation G(1) in document CDIP/9/16.

It was agreed that the Committee would continue discussions at its next session on Member State proposals on this topic.

(c) The Committee considered document CDIP/11/5 on the organization of the International Conference on Intellectual Property and Development. It was agreed that the Secretariat would draw up a list of speakers for the Conference, and circulate it to Group Coordinators for endorsement.

(d) The Committee discussed the Feasibility Assessment on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content (CDIP/11/6). Some delegations expressed support for the proposals presented in the document and provided a number of comments and suggestions. Other delegations requested the Secretariat to prepare a more detailed implementation plan, including information on financial and human resource implications, to be considered at the next session of the Committee.

(e) The Committee considered a Project Proposal from the Republic of Korea on Intellectual Property (IP) and Design Creation for Business Development in Developing and Least Developed Countries (LDCs) (CDIP/11/7). Delegations expressed appreciation for the proposal and thanked the Republic of Korea for this initiative. The Republic of Korea was requested to work with the Secretariat to further develop the proposal into a CDIP project document, bearing in mind the observations made from the floor, including by the LDC Group, and present it to the next session of the Committee for consideration.

(f) The Committee discussed the Independent Review of the Implementation of the Development Agenda Recommendations as requested under the Coordination Mechanism and Monitoring, Assessing and Reporting Modalities. Recalling the related decision of the General Assembly, the Committee took note of the Joint Proposal on Terms of Reference and Methodology for the Independent Review of the Implementation of the Development Agenda Recommendations submitted by the African Group and Development Agenda Group. The Committee agreed to devote sufficient time for discussion on this matter at its next session with a view to implementing the General Assembly's decision that the Review should be undertaken by the end of the 2012/2013 biennium. To that end, the Committee agreed to hold one informal meeting prior to its next session.

(g) The Committee discussed the following documents and took note of their contents:

(i) Potential Impact of Intellectual Property Rights on the Forestry Chain in Uruguay (CDIP/11/INF/2);

(ii) Intellectual Property and Socio-Economic Development – Country Study Brazil (CDIP/11/INF/3);

(iii) Intellectual Property (IP) and Socio-Economic Development in Chile (CDIP/11/INF/4); and

(iv) Conceptual Study on Innovation, Intellectual Property and the Informal Economy (CDIP/11/INF/5).

Some delegations supported the proposal for a standing agenda item to address case studies on IP, while other delegations objected to the proposal. It was agreed that future studies under the project on Intellectual Property and Socio-Economic Development (CDIP/5/7) would be discussed by the Committee in its future sessions.

(h) The Committee continued discussions on Future Work on Patent-Related Flexibilities in the Multilateral Legal Framework (CDIP/10/11 and CDIP/10/11 Add.). The Committee requested the Secretariat to undertake work on the following flexibilities:

- (i) the scope of the exclusion from patentability of plants (TRIPS Art.27); and
- (ii) flexibilities in respect of the patentability, or exclusion from patentability, of software-related inventions (TRIPS Art.27).

The Secretariat should use existing internal resources to prepare a factual document on the implementation in national laws of these flexibilities and avoiding duplication with other work taking place at WIPO while building on work being undertaken by the Standing Committee on the Law of Patents. The document should be presented to a future session of the Committee. The Committee would continue discussions on further work on flexibilities at its next session.

(i) The Committee discussed a Proposal for a CDIP New Agenda Item on Intellectual Property (IP) and Development (CDIP/6/12 Rev.). Different views were expressed on the proposal. Member States were invited by the Chair to provide more details on the proposal to facilitate future discussions. The discussion on this agenda item will continue at the next session.

8. Under Agenda Item 8 on Future Work, the Committee discussed a number of proposals and agreed upon a list of issues/documents for the next session.

9. The Committee noted that the Draft Report of the eleventh session would be prepared by the Secretariat and communicated to the Permanent Missions of the Member States, and would also be made available to Member States, IGOs and NGOs, in electronic form, on the WIPO website. Comments on the Draft Report should be communicated in written form to the Secretariat, preferably eight weeks before the next meeting. The Draft Report will then be considered for adoption at the twelfth session of the Committee.

10. This Summary will constitute the Committee's report to the General Assembly.

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