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Committee on Development and Intellectual Property (CDIP)

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IMPLEMENTATION PROPOSAL ON POSSIBLE NEW WIPO ACTIVITIES RELATED TO USING COPYRIGHT TO PROMOTE ACCESS TO INFORMATION AND CREATIVE CONTENT

prepared by the Secretariat

1. The Committee on Development and Intellectual Property (CDIP) adopted the "Project on Intellectual Property, Information and Communications Technologies (ICTs), the Digital Divide and Access to Knowledge"¹ (hereinafter "The Project on IP, ICTs, the Digital Divide and Access to Knowledge") as part of the effort to implement Recommendations 19, 24 and 27 of the World Intellectual Property Organization (WIPO) Development Agenda.² Under the copyright component of the Project there were two objectives, namely to:

(a) Gather information and explore the potential of the copyright system, its flexibilities and different models for managing copyright for enhancing access to knowledge, with a particular focus on the following three areas: education and research; software development practices, including free and open source software; and public sector information.

¹ Available in document CDIP/4/5 Rev.

² The recommendations are as follows: Recommendation 19 (Cluster B): 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; Recommendation 24 (Cluster C): 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); and Recommendation 27 (Cluster C): 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.

(b) Conduct an interdisciplinary evaluation of opportunities for WIPO, within its mandate, to engage in new activities that help Member States achieve their development goals through enhancing access to knowledge.

2. In order to meet the first objective, the WIPO Secretariat commissioned the study "Using Copyright to Promote Access to Information and Creative Content" (hereinafter "Study on Copyright and Access") covering the aforementioned three areas (education and research, software, and public sector information).³ The study was discussed at the Tenth Session of the CDIP, held in November 2012, where Member States agreed⁴ that:

"(...). Taking into account the guidance given by the Member States, the Secretariat would arrange the preparation of an assessment of the feasibility for WIPO, within its mandate, to engage in new activities that could potentially assist Member States to achieve their development goals for submission to the next session of the Committee."

3. The "Feasibility Assessment on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content" (CDIP/11/6) was presented during the Eleventh Session of the CDPI, held from May 13 to 17, 2013. The document, prepared by an external consultant, contained a list of potentially appropriate activities that WIPO could undertake for each of the three areas previously identified. The document was discussed at the Session and Member States agreed⁵ on the following terms:

"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."

4. The present document and its annexes contain a detailed implementation plan of the six activities proposed in document CDIP/11/6, including an estimate of the human and financial resources required.

5. The Committee is invited to consider the information provided in the Annexes to this document.

[Annexes follow]

³ See document CDIP/9/INF/3.

⁴ See the document Summary by the Chair, page 3, paragraph 10(g), of the tenth session of the CDIP.

⁵ See the document Summary by the Chair, page 3, paragraph 7(d), of the eleventh session of the CDIP.

Title of Activity/Initiative	Pilot Project on Creation of a Centralized Database in order to make IP-Related Education and Research (E&R) Resources Available on an Open Access (OA) Basis	
Brief description of the Activity/Initiative	This activity aims at providing technical and legal information on how to make IP-related E&R resources available on an OA basis. It will provide an opportunity for WIPO and its Member States as well as other stakeholders to learn lessons and gain experience on strategies and approaches to OA with respect to IP-Related E&R resources.	
	To achieve this goal, a first phase of the activity would focus on selecting Member States that commit and express interest in participating in the project.	
	After the countries are determined, an external consultant should undertake:	
	 Research and analysis of the current copyright management policies in local institutions providing IP-related E&R resources; 	
	(b) Identify the nature and type of IP-related E&R resources that are produced by these institutions and those produced abroad but that could be freely used and distributed by them;	
	 (c) Assess how the identified IP-related E&R resources could be made publicly available in the selected Member States; 	
	(d) Propose cost efficient delivery strategies.	
	The proposed delivery strategies might require the involvement of further resources, such as the creation of a database with materials and information for technical and legal support and IP-related E&R resources.	
Target Beneficiaries	Member States; international organizations; education and research institutions; and civil society.	
Key WIPO Sectors	Copyright Law Division and Copyright Infrastructure Division.	
Involved and Links to WIPO Programs:	This activity/initiative links to a number of WIPO Strategic Goals, including Goal III – Facilitating the use of IP for development; and Goal V – World reference source of IP information and analysis.	
Steps	 (i) Identification and selection of interested Member States (up to three); 	
	(ii) Identification and selection of external consultant(s);	
	(iii) Agreement on Special Service Agreement (SSA) and	

	Terms of Reference (TOR);	
	(iv) Delivery of the assessment;	
	(v) Analysis of the inputs of the external consultant;	
	(vi) Further steps as required by the delivery strategy.	
Overall duration	24 months from the selection of t	arget countries.
Budget:	REMARK: No financial or human resources have been allocated for this activity within the 2014/2015 Program and Budget. New resources would need to be identified accordingly. The budget estimate is made <i>per voluntary Member State</i> as described above.	
	Travel and Fellowships	
	Staff Missions	5,000 CHF
	Third-party Travel	10,000 CHF
	Fellowships	
	Contractual Services	
	Conferences	
	Experts' Honoraria	
	Publishing	
	Others 42,000 CHF	
	Equipment and Supplies	
	Equipment	
	Supplies and Materials	57 000 0115
	TOTAL 57,000 CHF	
	Personnel costs: The Copyright Law Division and the Copyright Infrastructure Division will coordinate and undertake the necessary actions. (D1/P5: 5%; P3/P2: 10%)	

[Annex II follows]

Title of Activity/Initiative	Applicability of Open Licensing to E&R Resources produced by International Organizations	
Brief description of the Activity/Initiative	Many international organizations have recognized the importance of taking advantage of the opportunities arising from the growth of ICTs and reach a broader global audience especially in developing countries. Indeed, they create, collect and hold substantial amounts of information, and wish to facilitate the creation of an environment promoting creative and innovative activities, provide stimulus to knowledge and enable the public, both professional and non-professional, to obtain easy access to data and research funded by them.	
	In this context, WIPO and 13 other intergovernmental organizations (IGOs) have been engaged in a working group since 2010 in order to harmonize their licenses policies for the distribution of their copyright content. WIPO coordinated the discussion and lead the drafting exercise in the Working Group. A decision was made to seek collaboration with Creative Commons (CC) in order to create an IGO-tailored CC license by adopting a new ported license. The final draft of the CC IGO license was discussed within the Working Group and it is currently entering the phase of implementation by the participants and potentially also by other IGOs.	
	The goal of the activity is to facilitate on demand assistance on the implementation of copyright policies of IGOs deciding to use the new CC IGO license. At the request of participating IGOs the consultative working group would remain active in order to follow and guide the implementation process. WIPO has been requested to keep its function of coordinator and facilitator of such process. This role entails an important engagement both in terms human and financial resources. Activities that WIPO might undertake could include: research, preparation of working documents, legal drafting, knowledge sharing, maintenance of a wiki, and organization of trainings.	
Target Beneficiaries	Member States; international organizations; education and research institutions; and civil society.	
Key WIPO Sectors Involved and Links to WIPO Programs:	Office of the Legal Counsel, Communications Division, and Copyright Law Division.	
	This activity/initiative links to a number of WIPO Strategic Goals including Goal III – Facilitating the use of IP for development; Goal VI – International cooperation in building respect for IP; and Goal VII – Addressing IP in relation to global policy issues.	

Steps:	(a) Make an inventory of categ	ories of convright material	
01003.	produced, owned and distributed by IGOs;		
	(b) Identify the categories of copyright material to be distributed under the IGO CC License;		
	(c) Establish a WIPO copyright policy implementing the CC IGO License;		
	(d) Upon request advise other IGOs on WIPO experience in implementing its copyright policy;		
	(e) Maintain an ongoing debate and exchange of experiences and best practices among participating IGOs;		
	(f) Raise awareness of the terms and implications of the use of the CC IGO License among stakeholders.		
Overall duration	24 months		
Budget:	New resources would need to be Non-personnel costs: <i>Travel and Fellowships</i> Staff Missions Third-party Travel Fellowships	e 2014/2015 Program and Budget.	
	Contractual Services Conferences Experts' Honoraria		
	Publishing Others Equipment and Supplies Equipment Supplies and Materials	10,000 CHF	
	TOTAL	30,000 CHF	
	Personnel costs: The Office of the Law Division and the Communica will coordinate and undertake the P3/P2: 20%)		

[Annex III follows]

Title of Activity/Initiative	Development of a Training Module on Licensing and Open Source Software Development		
Brief description of the Activity/Initiative	The objective of this activity is to develop a training module on IP issues related to software licensing that could be used by the WIPO Academy and other units providing training and capacity building. A dedicated training module would facilitate useful information about alternative strategies of software development as well as their related costs and implications.		
	This activity would:		
	 (a) Enhance awareness of the possibilities and implications of proprietary and open source software; (b) Create useful sources of information including concrete examples and bibliography on software licensing, whether proprietary or open source, with special emphasis on the needs of developing countries. 		
	The development of this training module and related material would be undertaken by two external consultants with recognized expertise on the topic, ideally with specific knowledge of both proprietary and open source software.		
Target Beneficiaries	Member States; education and research institutions; and civil society.		
Key WIPO Sectors Involved and Links to	Copyright Law Division and WIPO Academy.		
WIPO Programs:	This activity/initiative links to a number of WIPO Strategic Goals, including Goal III – Facilitating the use of IP for development; and Goal V – World reference source of IP information and analysis.		
Steps and calendar	(a) Identification of two qualified external consultants with extensive knowledge on open source and/or proprietary software licensing;		
	(b) Agreement on SSAs and TORs;		
	(c) Drafting of the training module;		
	(d) Review the module for approval or amendment;		
	(e) Publication and release of the module;		
	(f) Launch and insertion of the module in trainings and other programs.		
Overall duration	12 months		
Budget:	REMARK: No financial or human resources have been allocated for		

	this activity within the 2014/2015 Program and Budget. New resources would need to be identified accordingly.		
Non-personnel costs:			
Travel and Fellowsh	ips		
Staff Missions	3		
Third-party Tr	avel		
Fellowships			
Contractual Services	3		
Conferences			
Experts' Hone	oraria 30,000 CHF		
Publishing	20,000 CHF		
Others			
Equipment and Sup	plies		
Equipment			
Supplies and	Materials		
TOTAL	50,000 CHF		
Academy will coordin	Personnel costs: The Copyright Law Division and the WIPO Academy will coordinate and undertake the necessary actions. (D1/P5: 5%; P3/P2: 10%)		

[Annex IV follows]

Title of Activity/Initiative	Integrating Open Source Licensing in WIPO Copyright-Related Courses and Training Programs		
Brief description of the Activity/Initiative	WIPO offers a number of trainings on copyright in the context of its general courses, advanced courses and executive programs.		
	In order to raise the awareness of open source software development in the context of the broader copyright system, it is important that programs on copyright licensing and related topics specifically incorporate this topic.		
	Additionally, experts on software included in suitable programs.	licensing could be invited and	
Target Beneficiaries	Member States; private sector; ed IP researchers; civil society orga	ducation and research institutions; nizations.	
Key WIPO Sectors	Copyright Law Division and WIPC) Academy.	
Involved and Links to WIPO Programs:	This activity/initiative links to a number of WIPO Strategic Goals, including Goal III – Facilitating the use of IP for development; and Goal V – World reference source of IP information and analysis.		
Steps and calendar	 (a) Identification of suitable programs for the inclusion of the target topic; (b) Inclusion of specific topics in training programs and events; (c) Once the training module, described in Activity III, is completed, insert it in the online course offerings. 		
Overall duration	24 months		
Budget:	REMARK: No financial or human resources have been allocated for this activity within the 2014/2015 Program and Budget. New resources would need to be identified accordingly. Non-personnel costs: Travel and Fellowships		
	Staff Missions	10,000 CHF	
	Third-party Travel	30,000 CHF	
	Fellowships		
	Contractual Services		
	Conferences		
	Experts' Honoraria		
	Publishing		
	Others Equipment and Supplies Equipment		

Supplies and I	Vaterials 40,000 CHF
Personnel costs: The	Copyright Law Division and the WIPO ate and undertake the necessary actions.

[Annex V follows]

Title of Activity/Initiative	Development of Model Copyright Policies and Legal Provisions for Different Copyright Approaches to Public Sector Information		
Brief description of the Activity/Initiative	Member States have approached the question of copyright policy to be applied to Public Sector Information (PSI) in different ways. In light of the growing interest shown by governments and stakeholders, WIPO could be required to provide information and legal assistance on matters related to copyright and PSI. Model provisions and material useful in providing legislative advice would be produced to address requests of Member States. This material would include and explain implications of legislative options in the context of the two major legal systems, i.e. civil and common law. Two external consultants, one expert in each legal system, would work jointly to prepare the material.		
Target Beneficiaries	Member States; and civil society.		
Key WIPO Sectors Involved and Links to WIPO Programs:	Copyright Law Division This activity/initiative links to a number of WIPO's Strategic Goals, including Goal I – Balanced evolution of the international normative framework for IP; Goal III – Facilitating the use of IP for development; and Goal V – World Reference Source of IP information and analysis		
Steps and calendar	(a) Identification of two qualified external consultants with extensive knowledge on Public Sector Information ;		
	(b) Agreement on SSAs and TORs;		
	(c) Draft of the information material and model provisions;		
	(d) Review the material for approval or amendment.		
Overall duration	12 months		
Budget:	REMARK: No financial or human resources have been allocated for this activity within the 2014/2015 Program and Budget. New resources would need to be identified accordingly.		
	Non-personnel costs: Travel and Fellowships		
	Staff Missions		
	Third-party Travel		
	Fellowships Contractual Services		
	Conferences		
	Experts' Honoraria 30,000 CHF		

Publishing	
Others	
Equipment and Supplies	
Equipment	
Supplies and Materials	
TOTAL	30,000 CHF
Personnel costs: Copyright Law Di undertake the necessary actions. (

[Annex VI follows]

Title of Activity/Initiative	International Conference for Least-Developed Countries (LDCs) on Copyright and the Management of Public Sector Information		
Brief description of the Activity/Initiative	This activity will consist of a global meeting aimed at raising awareness of selected LDCs on topics related to Public Sector Information and copyright. The meeting would also facilitate a forum for discussion and sharing of existing policies implemented by Member States.		
	The meeting would be tailored to best meet LDC objectives; therefore the participation of a number of LDC representatives would be financed by WIPO.		
Target Beneficiaries	Member States, especially LDCs;	and civil society.	
Key WIPO Sectors Involved and Links to WIPO Programs:	Copyright Law Division and Division for Least-Developed Countries This activity/initiative links to a number of WIPO's Strategic Goals, including Goal I – Balanced evolution of the international normative framework for IP; Goal III – Facilitating the use of IP for development; and Goal V – World Reference Source of IP information and analysis.		
Steps and calendar	 (a) Agreement on venue, budget, dates, host country and invited participants; (b) Draft program and selection of speakers; (c) Preparation of papers and material; (d) Create a dedicated webpage; 		
Overall duration	Nine months		
Budget:	REMARK: No financial or human resources have been allocated for this activity within the 2014/2015 Program and Budget. New resources would need to be identified accordindly.		
	Travel and Fellowships		
	Staff Missions 12,000 CHF		
	Third-party Travel 130,000 CHF Fellowships		
	Contractual Services		
	Conferences 15,000 CHF		
	Experts' Honoraria		
	Publishing		
	Others	10,000 CHF	
	Equipment and Supplies		
	Equipment		

Supplies and N	Materials
TOTAL	167,000 CHF
Least-Developed Cour	Copyright Law Division and the Division for ntries will coordinate and undertake the I/P5: 5%; P3/P2: 15%)

[Appendix follows]

Appendix

IMPLEMENTATION PROPOSAL ON POSSIBLE WIPO ACTIVITIES RELATED TO USING COPYRIGHT TO PROMOTE ACCESS TO INFORMATION AND CREATIVE CONTENT

	PROGRAM ACTIVITY						
	1*	2	3	4	5	6	
Non-personnel							
Travel and Fellowships							
Staff Missions	15,000*	20,000		10,000		12,000	
Third-party Travel	30,000*			30,000		130,000	
Fellowships							
Contractual Services							
Conferences						15,000	
Experts' Honoraria			30,000		30,000		
Publishing			20,000				
Others	126,000*	10,000				10,000	
Equipment and Supplies							
Equipment							
Supplies and Materials							TOTAL
Subtotal in Swiss francs	171,000*	30,000	50,000	40,000	30,000	167,000	488,000
Personnel							
D1/P5	5%	10%	5%	5%	10%	5%	40%
P3/P2	10%	20%	10%	10%	15%	15%	80%

* Cost estimate for three Member States participating in the activity.

[End of Appendix and of document]