

## Committee on Development and Intellectual Property (CDIP)

**Fourteenth Session**  
**Geneva, November 10 to 14, 2014**

### REPORT

*adopted by the Committee*

1. The fourteenth session of the CDIP was held from November 10 to 14, 2014.
2. The following States were represented: Afghanistan, Algeria, Angola, Argentina, Armenia, Australia, Austria, Belarus, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Comoros, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, France, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kenya, Latvia, Libya, Mauritania, Mexico, Monaco, Morocco, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Seychelles, Slovakia, South Africa, Spain, Sri Lanka, Suriname, Switzerland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom, United Republic of Tanzania, United States of America, Yemen (82).
3. The following intergovernmental organizations (IGOs) took part as observers: African Union (AU), European Union (EU), World Trade Organization (WTO), South Centre, African Intellectual Property Organization (AIPO), Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC Patent Office) and Organisation of Islamic Cooperation (OIC) (7).
4. Representatives of the following non-governmental organizations (NGOs) took part as observers: *Asociación Argentina de Intérpretes (AADI)*, *Cámara Industrial de Laboratorios Farmacéuticos Argentinos (CILFA)*, *Conseil national pour la promotion de la musique traditionnelle du Congo (CNPMT)*, CropLife International, European Law Students' Association (ELSA International), Friends World Committee for Consultation (FWCC), Health and Environment Program (HEP), Ibero-Latin-American Federation of Performers (FILAIE),

Ingénieurs du Monde (IdM), International Centre for Trade and Sustainable Development (ICTSD), International Confederation of Music Publishers (ICMP), International Federation of Film Producers Associations (FIAPF), International Federation of Pharmaceutical Manufacturers Associations (IFPMA), International Federation of Reproduction Rights Organizations (IFRRO), International Institute for Intellectual Property Management (I3PM), International Literary and Artistic Association (ALAI), International Network for Standardization of Higher Education Degrees (INSHED), International Publishers Association (IPA), International Society for the Development of Intellectual Property (ADALPI), International Video Federation (IVF), Knowledge Ecology International Inc. (KEI), Latin American Association of Pharmaceutical Industries (ALIFAR), *Maloca Internationale* and Third World Network (TWN) (24).

5. Ambassador Mohamed Siad Doualeh, Permanent Representative of Djibouti, chaired the session.

### **AGENDA ITEM 1: OPENING OF THE SESSION**

6. The Chair opened the 14<sup>th</sup> session noting that after seven years and 13 sessions, the CDIP had earned its role as an important committee within the Organization as a result of its rigorous dedication to the implementation of the 45 Development Agenda (DA) Recommendations. Its efforts were crowned with significant success and the results should be welcomed by all. However, the collective efforts needed to be sustained and increased with regard to certain issues for which there were delays in the last two years. Those issues could not be further postponed and needed to be tackled with a spirit of compromise and goodwill. The Chair called on all delegations to engage constructively in order to take those crucial decisions for the future of the Committee as well as the Organization's decision making processes as a whole. The session would address several pending issues, including the Terms of Reference (TOR) for the Independent Review of the Implementation of the DA Recommendations; the International Conference on Intellectual Property (IP) and Development; the WIPO General Assembly (GA) Decision on CDIP-related matters and the External Review of WIPO Technical Assistance in the Area of Cooperation for Development. He would continue to facilitate the negotiation process with the assistance of the Secretariat, and devote sufficient time to move forward on these matters. The schedule of work for the session was available at the documentation desk. He hoped delegations agreed with the proposed distribution of work. The process for preparing the Summary by the Chair would remain the same. Following the conclusion of the discussions on each document or issue, a decision paragraph would be circulated by the Secretariat. The summary would be brief and to the point. In this regard, delegations were requested not to introduce new elements unless they were of critical importance. He wished the Committee a successful and productive session.

7. The Secretariat (Mr. Onyeama) welcomed delegations on behalf of the Director General. Referring to progress achieved thus far, the Secretariat highlighted that 29 projects had been approved with a budget of 27 million Swiss francs to implement 33 DA Recommendations. 18 projects had been completed and evaluated, a further seven were under implementation. DA projects and activities had been carried out in 50 countries. There were some substantial achievements. For example, the Secretariat believed the project for establishing and developing Technology and Innovation Support Centers (TISCs) had made substantive contributions to the countries in which it was implemented. Other successful examples included the project for Developing Tools for Access to Patent Information, through which a number of patent landscape reports (PLRs) were produced, and the project on IP and Socio-Economic Development, which contributed to a better understanding of the interplay between those issues. There were a large number of documents for this session, including progress reports on DA projects under implementation and the 19 recommendations for immediate implementation; the Revised Report on the Measurement of the Millennium Development Goals (MDGs) in other United Nations (UN) Agencies and Specialized Agencies, and on the Contribution of WIPO to

the Implementation of the MDGs; four independent evaluation reports on completed DA projects; and 16 studies undertaken in the context of four DA projects. In addition, progress needed to be achieved on four pending issues, namely the finalization of the TOR for the Independent Review of the Implementation of the DA Recommendations; the WIPO GA Decision on CDIP-related matters; the list of speakers for the International Conference on IP and Development; and the External Review of WIPO Technical Assistance in the Area of Cooperation for Development. The Secretariat hoped progress would be achieved in these areas during the session. The Secretariat wished the Committee a productive session and reiterated its commitment to facilitate the negotiations. It would provide any assistance that may be required.

## **AGENDA ITEM 2: ADOPTION OF THE AGENDA**

8. The Chair requested the Committee to turn to Agenda Item 2 on the adoption of the Agenda (document CDIP/14/1 Prov 2). He stated that the draft agenda was prepared based on the discussions during CDIP/13 and in accordance with Rule 5 of the WIPO General Rules of Procedure. The agenda was adopted, given that there were no objections from the floor. He then turned to Agenda Item 3 on accreditation of observers (document CDIP/14/9).

## **AGENDA ITEM 3: ACCREDITATION OF OBSERVERS**

9. The Chair informed the Committee that two non-governmental organizations (NGOs), namely, Maloca Internationale and the Legal Committee for the Self-Development of Andean Indigenous Peoples (CAPAJ), had requested to be granted *ad hoc* observer status. He invited the Committee to take a decision on the requests for accreditation. The NGOs were granted *ad hoc* observer status, given that there were no objections from the floor. The Chair then invited the Committee to move on to Agenda Item 4 on the adoption of the draft Report of the Thirteenth Session of the CDIP.

## **AGENDA ITEM 4: ADOPTION OF THE DRAFT REPORT OF THE THIRTEENTH SESSION OF THE CDIP**

### Consideration of document CDIP/13/13 Prov. – Draft Report

10. The Chair informed the Committee that the Secretariat had not received any comments on the report. He invited the Committee to adopt the report. It was adopted, given that there were no objections from the floor.

## **AGENDA ITEM 5: GENERAL STATEMENTS**

11. The Chair opened the floor for general statements.

12. The Delegation of the Czech Republic, speaking on behalf of the Central European and Baltic States (CEBS), stated that the Group had given the various project proposals its full attention and consideration. It would comment on specific proposals when they were discussed. The Group recalled that the WIPO GA, at its 43<sup>rd</sup> session, requested the CDIP to discuss the implementation of the Committee's mandate as well as the implementation of the Coordination Mechanism. At its 12<sup>th</sup> and 13<sup>th</sup> sessions, the Committee continued to pay attention to these CDIP-related matters. The Group supported the continuation of the Committee's work on these matters on an *ad hoc* basis. It was the most appropriate approach to discuss emerging new matters related to IP and development. This approach did not

preclude the Committee's mandate. On the contrary, it enabled the Committee to fulfill the third pillar of its mandate in a more flexible and effective way. The Group would welcome a successful conclusion to the debate on CDIP-related matters and the implementation of the Coordination Mechanism which would be beneficial for all Committee members. The Committee needed to concentrate more on its substantive work. The Group reaffirmed that the review process for the implementation of the DA recommendations was under its careful observation and consideration. It also followed the continuing discussion concerning the External Review of WIPO Technical Assistance in the Area of Cooperation for Development. The Group believed that all the related debates would bring the Committee to a new qualitative level in terms of the implementation of the DA and its evaluation in the work of the Committee and within the Organization. In the review process, Member States should continue to bear in mind the benefits for the users of IP protection systems as their common commitment. The Group was waiting for the debate to be concluded with clear outcomes and measures concentrated on improving the effectiveness, quality and sustainability of development projects. The Group reiterated that it considered the Committee as the most appropriate forum for Member States to share their expertise in the field of IP and development. The work of the Committee could be enhanced through more frequent inputs from experts in national IP offices, presentations of best practices in countries and the experiences of other beneficiary organizations acquired through the implementation of DA projects. A country-driven process was beneficial as it could appropriately reflect the different needs of developing countries, LDCs and countries in transition.

13. The Delegation of Japan, speaking on behalf of Group B, emphasized that the DA had to contribute to the objective of the Organization by ensuring that development considerations formed an integral part of the Organization's work, namely, it had to support the goals of the WIPO Convention. In this regard, the Group looked forward to a productive session where IP as a tool for development would be the focus of the discussions. The agenda for the session was clearly very heavy and overburdened. Therefore, the Committee had to tackle the agenda items in an efficient and effective manner, bearing in mind the work program for the session, and appropriate prioritization in the whole WIPO context. On some long standing agenda items, a lot of time should not be spent repeating the same arguments. Multilateral negotiations could work when proponents were engaged in the exercise to find a way to accommodate the concerns of others, for example, by amending the proposals in order to address the concerns. That was one of the basic components of multilateral diplomacy. In cases where the proponents were not coming up with such new ideas after an exchange of views, those long standing agenda items should be brought to the next session without wasting further time. At this session, the Committee was not at a critical phase such as finalizing the text for a treaty before a diplomatic conference which may require delegations to work beyond schedule. Therefore, the Group was not in a position to accept any night or extended sessions and strongly encouraged the Chair to finish the session at 6 p.m. sharp. The Group referred to the documentation and stated that the amount of paper was enormous. It was difficult to deeply examine all the documents in the limited time available. The situation must be seriously considered. Leaving aside detailed comments to be delivered under each agenda item and reserving the right to further elaborate at a later stage, the Group took the opportunity to touch on some issues. With regard to the TOR for the Independent Review of the Implementation of the DA Recommendations, the Group recognized the necessity to finalize drafting work as early as possible and continued to commit to engage in that work, keeping in mind that the review had to contribute to the objective of the Organization. It welcomed the progress report on DA projects and the 19 recommendations for immediate implementation, and the Description of the Contribution of the Relevant WIPO Bodies to the Implementation of the Respective DA Recommendations which clearly indicated that relevant WIPO activities, including technical assistance, had been successfully implemented in the relevant WIPO bodies. The Group recognized the importance, long history and complexity of the WIPO GA's decision on CDIP-related matters and the International Conference on IP and Development. It expected the aforementioned spirit of multilateral diplomacy to be observed at this session. With regard to

the Concept Paper for the Project on IP and Technology Transfer: Common Challenges - Building Solutions, the Group expected the concept paper to be finalized in a manner that would enable the High-Level Expert Forum to present useful and evidence-based thoughts, which Member States could use as food for thought at a future session. The Group welcomed the topics to be discussed at this session, including project evaluation reports, studies and new proposals. It noted that some studies and papers produced for the session were heavily tilted in a direction that suggested IP was a barrier to development. The papers presented weak academic arguments that were mostly unsupported by data and hard facts. In order for the Organization to continue to be a world reference source for IP information and analysis, as prescribed in Strategic Goal 5, the Group suggested that the Secretariat institute a rigorous peer-review process for any external reports or studies commissioned and funded by the Organization. Finally, the Group assured the Chair that he could count on its constructive spirit and support during the session.

14. The Delegation of Paraguay, speaking on behalf of the Group of Latin American and Caribbean countries (GRULAC), expressed its interest in finalizing the TOR for the Independent Review of the Implementation of the DA Recommendations. That should be a priority for the Committee. It would be very useful and would enable the CDIP to impartially and objectively evaluate the effectiveness of the projects that were carried out under the Committee. The exercise was very important for identifying results as well as aspects which needed to be corrected. Its members would continue to contribute constructively. They would maintain their flexibility to enable the Committee to successfully carry out its work. On the International Conference on IP and Development, the Group highlighted its importance for all Member States and hoped solutions would be found in order for the conference to be held in the near future. The Group encouraged the Committee to approve the process for selecting experts to participate in the conference. The selection of the speakers or panelists would allow for an exchange of knowledge on IP that would assist the Committee to deal with development issues. It was vital for the Committee to continue discussions on the implementation of the Coordination Mechanism in a constructive, objective and pragmatic manner. The discussion should take place within the Committee to avoid duplication in other committees. The results of the debate would provide clear guidelines to enable Member States to discuss the Coordination Mechanism in relevant committees. The slowing down of the substantive discussions in other committees would be avoided.

15. The Delegation of Kenya, speaking on behalf of the African Group, noted that the agenda for the session was heavy and hoped that progress would be made on all items. The Group attached a lot of importance to the work of the Committee. Its positions on the various agenda items were well known. The Group did not wish to repeat them as they remained valid. However, it was concerned by the lack of progress on a number of unresolved issues, in particular, in the deliberations on the recommendations of the External Review of WIPO Technical Assistance in the Area of Cooperation for Development; the list of speakers for the International Conference on IP and Development; the TOR for the Independent Review of the Implementation of the DA Recommendations; and the Coordination Mechanism. The Group hoped these issues would be resolved during the session. On the Concept Paper for the Project on Intellectual Property and Technology Transfer: Common Challenges - Building Solutions, the Group expected to see a TOR that would guide the High-Level Expert Forum. The selection of speakers should take into account different perspectives on the topics and reflect a geographical balance.

16. The Delegation of Pakistan, speaking on behalf of the Asia Pacific Group, stated that the session would deal with issues that were of critical importance to Member States and the Organization. The Group appreciated the presentation of factual developments that had taken place in different WIPO bodies and stressed on the need for the continuation of efforts to mainstream the DA. For this purpose, the finalization of the TOR for the Independent Review of the Implementation of the DA Recommendations was a priority. It was essential to better

assess the progress made and deficits left. This element was extremely important to gauge performance and should not be viewed merely as a review of the project activities but entail a broader and more comprehensive scope. The Group hoped that the TOR for the review would be finalized at this session. The Group highlighted that the GA Decision on CDIP-related matters, including the Coordination Mechanism, was unanimously agreed upon by all Member States to enhance and improve effective coordination among the different WIPO committees in the field of development activities. Unfortunately, the Committee was lagging behind in meeting the GA decision in this regard and setting a very bad precedent. Matters were not yet settled, especially with respect to the Program and Budget Committee (PBC) and the Committee on WIPO Standards (CWS). The Group hoped this matter would also be resolved at this session. It was a pity that the International Conference on IP and Development had still not taken place. For any conference, identifying the right speakers to speak on the right issues was critical for its success and credibility. The Group's members were concerned about the Committee's inability to finalize the list of speakers. As the name of the conference denoted, speakers should have expertise on issues pertinent to IP and development, especially an understanding of the challenges faced by developing countries and LDCs, in order to allow for critical and fruitful discussions. In the modern world, technical assistance was essential for socio-economic development. The provision of WIPO's technical assistance should be development-oriented at the optimum level. Technical assistance should be demand driven and transparent. It should not focus heavily on enforcement. The Group hoped that the discussion on the External Review of WIPO Technical Assistance in the Area of Cooperation for Development would bring uniformity, better organization and clarity to existing processes and practices. The Group had chosen to focus on the thorny issues first as they were the ones for which Member States needed to prepare themselves for discussion and hopeful resolution. However, the Group did not believe all was gloom and doom yet. The evaluation reports for projects approved by the Committee for the implementation of DA recommendations were extremely important for future endeavors with respect to the implementation of the DA as a whole and the use of IP for the benefit of developing countries and LDCs in particular. The new projects and second phases of successfully completed projects would help to implement the DA recommendations. The Group's members would make interventions during the discussions on the projects and agenda items. They looked forward to contributing to the discussions in the Committee and hoped for a productive session.

17. The Delegation of Italy, speaking on behalf of the European Union (EU) and its Member States, stated that the agenda contained too many documents and topics to be discussed. It would require intensive work, much cooperation and flexibility to ensure that everything was completed within the time constraints. Accordingly, they called on the Chair to ensure that work would be completed within the planned timeframe and the meetings would end promptly at 6 p.m. The EU and its Member States had come with a firm commitment to continue working in a positive and cooperative manner. Lastly, under future work, they stood ready to constructively discuss possible ways to improve the work of the Committee for the benefit of all delegations.

18. The Delegation of China noted that WIPO had made enormous efforts to mainstream the DA. 29 DA projects had been implemented. Due to the joint efforts of Member States and the Secretariat, the DA recommendations were being implemented in an orderly manner with a lot of results benefiting many developing countries. The Delegation also noted that with the deepening of discussions, work was being continuously extended. A lot of work needed to be accomplished and the Committee was still facing difficult tasks. Some agenda items for this session required all parties to be more flexible, open, inclusive and cooperative in order to facilitate the early implementation of the relevant work. The Delegation would actively participate in the discussions with other Member States under the guidance of the Chair in order for the discussions to be fruitful. With the collaboration of Member States, WIPO would be able to further improve its work in the field of development and continue to advance the implementation of the DA and the mainstreaming of development into the Organization's activities.

19. The Delegation of Nepal associated itself with the statement made by the Delegation of Pakistan on behalf of the Asia Pacific Group. It took note of progress made on the DA recommendations in recent years. The Delegation also reaffirmed its support for WIPO's future endeavors in implementing the recommendations and mainstreaming them into its work and programs. There was a need to strike a balance between the protective and restrictive nature of IP and its much needed developmental contributions. The DA must be guided by the principle that IP had to encourage innovation and access to knowledge in countries and by people who needed it most. Science, technology and innovation were key ingredients of a development plan. Nepal, an LDC, wished to create sustainable technology and innovation inspired economic growth and inclusive development. It had made numerous efforts in different areas to realize this goal. For instance, the government was in the final stage of formulating a national IP policy. It had also drafted a new IP law and was working to establish a separate integrated IP office. Technical assistance, capacity building and infrastructure building were of vital importance to the socio-economic development of LDCs like Nepal. These activities should be demand driven and development-oriented. Nepal was selected as one of the pilot countries for implementing the DA project on Capacity-Building in the Use of Appropriate Technology-Specific Technical and Scientific Information as a Solution for Identified Development Challenges. The two need areas identified by the government of Nepal were biomass briquetting for easy access to clean, green alternative fuel for cooking and space heating; and post-harvest drying of cardamom to improve the living conditions of small farmers and marginalized communities through income generation. The project was implemented in Nepal following a broad, inclusive and participatory process. It contributed to strengthening national capacities on how to make use of global knowledge systems to facilitate appropriate technology transfer in Nepal. It demonstrated how global knowledge systems as well as science, technology and innovation could be used to find appropriate technical solutions to identified development challenges. It also brought some social and development benefits to rural communities, and was relevant to the protection of the environment and biodiversity. The Delegation acknowledged WIPO's initiatives with respect to establishing TISCs, training human resources with a focus on developing technical skills, building and modernizing national IP institutions, and transforming the informal sector, which was of great importance to Nepal. WIPO's support was required for building human and institutional capacities as well as physical infrastructure to enable the country to harness opportunities from innovation and technological breakthroughs. Efforts should go beyond the simple project-based approach in order to address deeper structural weaknesses in LDCs such as Nepal.

20. The Delegation of the Republic of Korea went along with the statement made by the Delegation of Pakistan on behalf of the Asia Pacific Group. It recognized the CDIP had made good progress in implementing the DA recommendations in the last few years. The Delegation made some comments in this regard. First, the Committee should promote sustainable development in beneficiary countries through follow-up measures to maximize the effect of DA projects. The Committee was established to implement the WIPO DA. The strong partnership between the Secretariat and Member States could contribute to achieving WIPO's cooperation and development goals. Second, the Delegation believed that IP had become the engine for economic growth in the modern age. Therefore, it understood the importance of implementing projects that rely on IP information to promote sustainable and balanced growth among developed and developing countries. It was also essential to increase public awareness of IP strategies in order for projects to be successfully carried out. The Delegation emphasized that the implementation of the DA did not come to an immediate end when specific projects were completed. Follow-up measures must be taken to ensure future sustainable growth. Third, with regard to the discussions on WIPO's projects in the area of cooperation for development, the Delegation encouraged a balanced and constructive approach for the purpose of maximizing outcomes. The quality of WIPO's projects should be further enhanced for the benefit of Member States. Therefore, WIPO and its Member States should engage in a learning exercise on best practices and lessons learned with regard to all existing IP assistance activities. Fourth, the

Delegation highlighted that such development was beneficial to all. It served not just to improve the socio-economic circumstances of a given population but also to assist developing countries and LDCs. Case studies such as the "Study on the Impact of Utility Models in Thailand" and projects such as "Capacity Building in the Use of Appropriate Technology" spoke volumes about its significance. Therefore, the Delegation recognized the importance of the nexus between IP and development and strove to promote global awareness of IP-utilized technology. Last but not least, the Delegation informed the Committee that the "Asia-Pacific Economic Cooperation (APEC) - Korean Intellectual Property Office (KIPO) Conference on Appropriate Technology and Strategic IP Utilization for Sustainable Development" was held in Seoul in July. Its aim was to raise awareness on the importance of appropriate technology in APEC economies. The Republic of Korea would also be holding a symposium on the use of appropriate technology, as requested by Member States. These were just two examples of its continuous efforts to assist selected developing countries and LDCs to more effectively access and utilize patent information. The Delegation would continue to make detailed and constructive interventions on issues throughout the session.

21. The Delegation of India supported the statement made by the Delegation of Pakistan on behalf of the Asia Pacific Group. The Delegation stated that the CDIP played an important role in coordinating, promoting and monitoring the implementation of the DA. It would like to continue the high-level discussions on DA recommendations in the Committee. The CDIP was a permanent committee mandated by the GA to discuss issues of IP and development. The Delegation was concerned by the lack of proper implementation of all three pillars of the Committee's mandate. At the same time, it was satisfied with the implementation of several DA Recommendations through various projects, and the mainstreaming of the DA within the Organization. In this regard, it emphasized the relevant recommendations made by the external auditors for 2013 and 2014, which requested WIPO to ensure that all relevant DA Recommendations were considered in formulating technical assistance activities, as technical assistance was provided to countries for the purpose of supporting them to achieve socio-economic development. The Delegation also supported the finalization of the TOR for the Independent Review of the Implementation of the DA Recommendations by the Committee in order to pave the way for conducting the independent review, as mandated by the GA in 2010. In this regard, several constructive proposals and ideas were presented by regional groups and Member States in the previous sessions, including on the objectives, scope, methodology and selection of IP and development experts for the independent review. The Delegation was ready to engage constructively in order to reach agreement on this issue during the session. It also urged all Member States and the Secretariat to urgently decide on the matter of the International Conference on IP and Development, which was pending for almost two years. On the Concept Paper for the Project on Intellectual Property and Technology Transfer for the organization of a High-level Expert Forum, the Delegation supported a balanced approach, in accordance with the finalized TORs. The Delegation also supported an early implementation of the relevant recommendations of the External Review of WIPO Technical Assistance in the Area of Cooperation for Development, including the proposals submitted by different groups such as DAG and the African Group, at the earliest.

22. The Delegation of Iran (Islamic Republic of) associated itself with the statement made by the Delegation of Pakistan on behalf of the Asia Pacific Group. The Delegation stated that the 45 DA recommendations were now considered an integral part of WIPO's mandate. All organs and bodies of WIPO should take those recommendations into account in their activities, particularly in their policy making decisions. The challenges and needs of countries in general, and those of developing countries in particular, should be taken into account when defining plans for implementing the DA and development objectives. This constructive policy and the results of these plans would enable countries to develop their national IP strategies and formulate a balanced IP system to match their cultural specifications, general and social needs, and be compatible with their level of development. The Delegation attached great importance to the mainstreaming of development into all WIPO activities and the speedy implementation of



the 45 adopted DA recommendations. The CDIP had made good progress in implementing some parts of the DA in recent years. Some concrete results were achieved. Establishing the Coordination Mechanism was a good example of a positive step, even though it had not been recaptured by all committees. In this regard, and in order to secure more achievements, a clear understanding was needed in terms of the overall purposes of WIPO's development cooperation activities or the conceptual framework for development-oriented assistance. Technical assistance should not be narrowly interpreted as merely promoting IP systems in different countries. Rather, the idea was to explore ways and study best practices to reconcile the cause of development with that of protecting IP rights and decrease areas of potential contradictions between the two. That was why the Committee had been named the Committee on Development and IP, and not Development of IP. Indeed, the *raison d'être* of the Committee, as the Committee on Development and IP, necessitated the definition and initiation of strategies aimed at implementing the right to development in this field. The ultimate goal would be to reduce the knowledge gap between developing and developed countries; use flexibilities in IP treaties in order to serve the cause of development; promote access to education, health, and medicines; enlarge the public domain; and align IP laws with efforts to protect natural resources, cultural expressions, traditional knowledge (TK) and genetic resources from unfair use. Technical assistance should focus on ensuring developing countries were able to benefit from the use of IP for economic, cultural and social development. It should also contribute to the reduction of the knowledge gap and greater participation of developing countries in deriving benefits from the knowledge economy. The activities of WIPO should be in conformity with the development objectives and activities of the UN, as the Organization was a specialized agency of the UN. Therefore, the systematic and continuous provision of further comprehensive reports concerning WIPO's contributions to the implementation of UN sustainable development goals and objectives post-2015 would not only be highly desirable and appropriate, but also necessary.

23. The Delegation of Pakistan stressed on the need to be cognizant of the fact that the right to development was a right, not a privilege. It required a balanced IP system where the interests of right holders needed to be balanced with that of public welfare. It was this elusive balance that the Committee must strive for in this session. Expedious finalization of the TOR for the Independent Review of the Implementation of the DA Recommendations; follow-up to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development; finalization of the list of speakers for the International Conference on IP and Development; and resolution of GA Decision on CDIP-related matters were essential for progress. The Delegation would contribute to each agenda item when discussed.

24. The Delegation of Chile associated itself with the statement made by the Delegation of Paraguay on behalf of GRULAC. The Delegation stated that the work carried out by the Committee with regard to the DA was highly relevant. The various studies and recommendations developed within the Committee contributed to the process of ensuring that development was mainstreamed into all of WIPO's work. Chile benefitted from the DA and looked forward to efforts continuing in the coming years. The work program for the session was ambitious. It was important for work to be accomplished and to achieve substantive progress on issues that had been delayed over several sessions such as the TOR for the Independent Review and the Coordination Mechanism. The Delegation believed the Committee could achieve significant progress in its work which would benefit developing countries and LDCs.

25. The Delegation of Tanzania aligned itself with the statement made by the Delegation of Kenya on behalf of the African Group. A lot was conveyed in that statement. As an LDC, Tanzania attached a great deal of importance to the objectives of this session. The Delegation looked forward to the successful conclusion of some issues where there had been differences. It hoped that those differences could be ironed out during the session to allow for implementation. That would be beneficial to the LDCs as they were in the process of developing a sound economic and technological base. That could not be done if the Committee

did not move forward on those matters in this session. The Delegation looked forward to fruitful deliberations during the session.

26. The Delegation of Côte d'Ivoire stated that the Committee's mandate required it to deal with development issues. It was highly interested in the implementation of the DA as it provided a way to enable all Member States to benefit from the IP system and helped to strike a balance. The Delegation hoped that selective understanding and a war of words would not hinder the Committee's work with respect to the Coordination Mechanism. The Delegation supported the statement made by the Delegation of Kenya on behalf of the African Group. Côte d'Ivoire wanted to revitalize its audio visual sector. Therefore, the Delegation reiterated its interest in benefiting from the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. Lastly, the Delegation assured the Chair that it was ready to work with him to achieve all the goals for this session.

## **AGENDA ITEM 6: MONITOR, ASSESS, DISCUSS, REPORT ON THE IMPLEMENTATION OF ALL DA RECOMMENDATIONS**

### Consideration of document CDIP/14/2 - Progress reports

27. The Chair stated that the document contained the annual progress report on the implementation of the DA. It contained progress reports on seven DA projects, self-evaluation reports on four completed DA projects and a progress report on the 19 recommendations for immediate implementation.

28. The Delegation of Japan, speaking on behalf of Group B, noted that the report provided an overview of seven ongoing projects and four completed projects. It also made specific reference to 19 recommendations of the DA. The Group had taken note of all the activities included in the report, and welcomed the efforts made by the Director General and his staff to achieve the goals for the period covering July 2013 to June 2014. The Group strongly believed that the number or the scope of new or phase II projects had to be decided, paying enough consideration to the prioritization of work and burden to the Secretariat not only in the context of the CDIP, but also in the whole context of WIPO.

29. The Delegation of Italy, speaking on behalf of the EU and its Member States, stated that the document provided a helpful update on the work carried out by WIPO in 2014 to implement the DA. They had taken note of all activities included in the document, and welcomed the efforts made by the Director General and his staff to achieve the goals set by Member States for the preceding years. The EU and its Member States were looking forward to continuing the work within this Committee and other relevant WIPO bodies to further consolidate the DA along with the overarching issue of IP protection.

30. The Delegation of Senegal stated that development issues were at the heart of its country's concerns. The implementation of CDIP activities was essential for Senegal to achieve its development goals. It was proud of the progress achieved in the implementation of the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. A training workshop was recently held in Senegal under the project. The participants included representatives from the entire audiovisual value chain such as actors and representatives from the financial sector. They participated actively in the workshop. The feedback from the participants was positive with respect to the event, quality of the documentation and the expertise of the presenters. The issues discussed were timely and relevant. There was a new vitality in the African audiovisual sector, as reflected in the creation of many new television channels, the setting up of studios and the recognition given in international festivals. That had allowed Senegal to set up a fund for promoting audiovisual production. Like many other African countries, Senegal was preparing to move into the digital

environment which should take place in 2015. For these reasons, the government and all the players in the audio visual sector would like the project to be continued and strengthened. Moving into the digital environment involved both technology and content. Audio visual content would be at the forefront. There was a need to avoid what was referred to by some as “digital colonization”. The Delegation believed all the activities were very promising.

31. The Delegation of Burkina Faso echoed the statement made under the previous agenda item by the Delegation of Kenya on behalf of the African Group. The Delegation referred to the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries which was officially launched in February 2013 during the Pan African Film and Television Festival. It noted the progress achieved since then. In the first stage of the project, a study on “Negotiation of rights and collective management of rights in the audiovisual sector” was carried out. The second stage included training workshops and professional development. In this regard, a training workshop was held in Ouagadougou on July 10th and 11th, 2014. National and international technical experts were present during the workshop. Each training workshop had been a starting point to promote a structured dialogue between all the representatives of the audiovisual value chain (from directors to actors, producer’s distributors, retailers, on line platforms, broadcasters and representatives of the bank and finance sector). It was attended by a range of participants including broadcasters, actors, specialized lawyers, representatives from the financial sector and public sector officials. They looked into their own specific areas and examined how audio visual works could be commercialized. There were intense debates between the participants and the experts on a broad range of subjects such as sample contracts which could be adapted and used by professionals in this sector. Burkina Faso was aware that the audio visual sector could play a role in the socio-economic and cultural development of the country. Reforms to the legal environment began in 2004 and continued through 2013. This was followed by a ministerial decree which facilitated the enactment of legislation with regard to cinema and audio visual works. It provided an effective and efficient framework in Burkina Faso. Following the workshop in July 2014, a conference was held by the national union of cinematographers on September 13, 2013, in Ouagadougou. That led to the establishment of a federation for cinematographers. The end goal was to promote the production of films as well as the technical quality of films, and to convince the economic operators to walk hand in hand with them on all future projects. A national committee to protect literary and artistic works was set up in October 2014. This reflected the commitment to this sector in Burkina Faso. The mobilization of private and public sector players would be its goal for the next stage of the project. The Delegation was aware that the extension of the project to other countries would depend on the success of the project in the beneficiary countries, namely, Burkina Faso, Senegal and Kenya. The Delegation reaffirmed its country’s commitment to continue working with the Secretariat to ensure that the project was carried out effectively and efficiently.

32. The Delegation of Kenya identified with the general statement it made on behalf of the African Group. The Delegation stated that Kenya had benefited from the implementation of the DA in various areas. Referring to the issue of capacity building in the area of strengthening the audiovisual industry in Africa, the Delegation stated that the process was an eye-opener for the government and people of Kenya. The audiovisual industry in Kenya was very dynamic. At present, there were nine terrestrial broadcasting organizations. The industry was booming in terms of television and the silver screen. The project had been an eye opener for the audio visual sector and the government. Kenya had the opportunity to work with Senegal and Burkina Faso at the launch of the project in February 2013. It participated in the study on collective management in the audio visual sector. The main objective of the training was to catalyze the development of its audiovisual sector through technical assistance and institutional capacity building to increase the understanding of the interplay between the copyright system and the audio visual industry. During the workshop facilitated by the government and WIPO last April, several issues were raised by right holders, including the use of IP to create intellectual capital, government support, contribution of the audio visual industry to the economy, raising capital,

distribution mechanisms and marketing. It was clear that the growth and development of the sector depended on several factors such as the legal framework, administrative structure, and more importantly, the use of IP as a tool for the creation of intellectual capital within the industry. As a follow up, the government held an inter-ministerial committee meeting in August. Various government ministries such as the Ministry of Information, the Attorney General's office, the ministry responsible for ICT and the Kenyan Film Commission were brought together. The issues raised during the workshop in April were further discussed. In October, the Communications Authority in Kenya held a meeting to discuss the issue of content creation and dissemination, especially in light of the dynamic developments in the digital environment. The role of the audiovisual industry in the development of Kenya was acknowledged. The country was working towards the third stage of the project.

33. The Chair informed the Committee that the project managers were available to speak on each of the projects. He requested the Secretariat to begin with the project on Strengthening the Capacity of National IP Governmental and Stakeholder Institutions to Manage, Monitor and Promote Creative Industries, and to Enhance the Performance and Network of Copyright Collective Management Organizations.

34. The Secretariat (Mr. Meredith) made comments on the second component of the project. It recalled that the first component was successfully completed in 2010. The second component was on delivering systems for the management of rights in collective management organizations (CMOs). Prior to the project, WIPO had for some time provided software (WIPOCOS) for the management of copyright and related rights by CMOs. It was used by many CMOs around the world. The original intention of the project was to upgrade the software and to allow it to be interconnected, particularly to create regional networks for copyright management with a focus on the West African network. The original concept for the project also depended on a partnership established with Google. Google was going to provide the infrastructure to hold everything together as well as the regional and international networking components of the project. The partnership with Google was no longer active. From 2012, the project was being redesigned in order for WIPO to take over the functions originally foreseen to be taken by Google. The progress achieved in 2012 and 2013 included defining requirements in consultation with key user groups and a tender process to search for a partner to develop the system with the Secretariat. That process had just ended. A contract was signed with an external service provider who would help to develop the system which would eventually be delivered to CMOs around the world. The new approach to the project had several main features. It would deliver a system for the management of musical rights, performance rights, and eventually, audio visual and other rights to be installed locally in CMOs in LDCs and developing countries. It would include a shared component, hosted and managed by WIPO, to allow for interconnectivity between different CMOs and also provide some shared resources which could most effectively be done in a centralized way. Another very important feature of the new approach was that it would allow for interconnection with regional and international systems. Collective management, especially of musical works, was a very complex industry with many different standards and interactions required. The interconnection with the international networks was a very important component that had to be in place for the whole system to function successfully. The Secretariat was at the stage of starting a proof of concept with the chosen supplier. A pilot implementation plan would be developed with deployment planned for the end of 2015 or beginning of 2016. Due to the change of approach, resources were allocated for the project in the regular Program and Budget. In the approved Program and Budget for 2014/15, 2 million Swiss francs had been allocated. The funds were being used to develop the proof of concept and the pilot phase of the project. Further resources would be required in the 2016/17 biennium and onwards for the operation of the system. Therefore, it was proposed that the activities would continue to be funded through the regular Program and Budget. In this regard, the Secretariat drew attention to the last paragraph of the section on the way forward in the progress report. Given that the activities were integrated into the regular Program and Budget and there had been a number of changes in the approach of the project, it

was proposed that the original project be officially closed. The CDIP would be kept informed of progress relating to this component, as and when required.

35. The Secretariat (Mr. Jazairy) presented some highlights with respect to the Project on IP and Technology Transfer: Common Challenges – Building Solutions, and the Project on Open Collaborative Projects and IP-Based Models. It began with the former. The Secretariat stated that the project was in its final stages. The project was based on recommendations 19, 25, 26 and 28. It included a range of activities to explore possible initiatives and IP-related policies for promoting technology transfer, the dissemination and facilitation of access to technology for development, particularly for the benefit of developing countries, including LDCs. It began with the preparation of a project paper which included a detailed description of its project components (CDIP 9/INF/4). The first activity was on the organization of Regional Technology Transfer Consultation Meetings. Five meetings were held. They were organized in Singapore on July 16 and 17, 2012; Algiers on January 29 and 30, 2013; Istanbul on October 24 and 25, 2013; Geneva on November 25 and 26, 2013; and Monterrey on December 5 and 6, 2013. The second activity was on the preparation of analytical studies. The Secretariat commissioned six studies. They were prepared by external experts from around the world and peer-reviewed by international experts. The third activity involved the preparation of a concept paper which included the various project deliverables. A draft was presented to Member States on September 1 and October 21, 2014. It was also presented to NGOs, IGOs and industry on October 28, 2014. With regard to the High Level International Expert Forum, the TOR and selection criteria for the experts were formally discussed with regional group coordinators on October 24, 2014. All these activities would converge in the organization of the Expert Forum in early 2015. The objective was to use the step-by-step approach involving accredited organizations and new partners involved in all aspects of technology transfer, and to explore new ways of establishing international IP collaboration, enhanced understanding and consensus on possible IP initiatives or policies to promote technology transfer. The project's outcomes would be integrated into relevant WIPO activities after consideration by the CDIP and any possible recommendations by the Committee to the GA. The Secretariat turned to the Project on Open Collaborative Projects and IP-Based Models. The project was based on recommendation 36, "To exchange experiences on open collaborative projects such as the Human Genome Project as well as on IP models". The first activity was on the preparation of a taxonomy-analytical study on open collaborative projects and IP based models. It included a thorough review of relevant literature on the topic of open innovation with the aim of mapping, clustering, analyzing and correlating different open collaborative initiatives and the respective IP models they were based on. The second activity involved the organization of open-ended meetings with Member States. Two meetings were organized, including an informal CDIP/9 side event on May 11, 2012, and a formal WIPO Meeting on June 18, 2012. The third activity was on the preparation of an in depth evaluation study. It was conducted by a team of experts, led by Prof. Ellen Enkel, Head of the Dr. Manfred Bischoff Institute of Innovation Management of the Airbus Group, and Chair of Innovation Management, Zeppelin University, Friedrichshafen, Germany. The fourth activity involved the organization of an Expert Meeting in the form of a WIPO Conference on Open Innovation: Collaborative Projects and the Future of Knowledge. It featured 17 high-level speakers from developed and developing countries as well as roundtable discussions on open innovation. The fifth activity was on the development of an interactive platform. In this regard, a study on "Global Knowledge Flows", for incorporation in the interactive platform, was commissioned to a team from Community Systems Foundation, New York, USA. The study was made available at this session. The ultimate objective of the project was to establish an interactive platform to exchange information, experiences and existing best practices as well as to enhance understanding of the potential uses of IP models and procedures to stimulate homegrown innovation. The project could serve as a useful building block for the development of collaborative networks for innovation. Its outcomes would be integrated into relevant WIPO activities. It was reasonable to expect that the open collaborative project approach would unleash further innovative potential, particularly in developing countries where ICT development had been spectacular.

36. The Secretariat (Ms. Croella) provided an overview of the report on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. It recalled that the project sought to facilitate a sustained framework for the audiovisual sector in three pilot countries, namely, Burkina Faso, Senegal and Kenya, on the basis of improved professional structures, markets and regulatory environment. It sought to enhance the understanding and strategic use of IP as a key tool to foster production, marketing and distribution of audio-visual content. In accordance with the TOR, the implementation of the project was coordinated in each country by a focal point designated by the government. The three focal points from Burkina Faso, Senegal and Kenya were present in the room. The first activity of the project was on the preparation of studies and scoping papers. This component was conducted and finalized with the completion of the study on “Negotiation of rights and collective management of rights in the audiovisual sector” prepared by Ms. Koskinen-Olsson. The study would be presented later in the session. The second activity was on training workshops and professional development. Three training workshops were held in Senegal, Burkina Faso and Kenya. The design of the workshops took into account the recommendations of the scoping study (document CDIP/12/INF/3) presented to the Committee last year. The national authorities of the beneficiary countries, including the national focal point designated by each country, copyright offices and the national bodies in charge of the audio-visual sector such as the Film Commission in Kenya were closely involved in all stages of the organization and delivery of the training programs. The training workshops also benefitted from the expertise of selected international and African resource persons. Cooperation was also established with an external international partner with concrete experience in this area. The “Organisation Internationale de la Francophonie” was associated with the organization and programs of the seminars in Ouagadougou and Dakar. The feedback received from participants, based on a confidential questionnaire distributed at the end of each workshop, indicated that the project was timely and relevant. They were highly satisfied with the training which was mostly practical. The methodologies shared in the workshops could be immediately incorporated into their professional practices. They would like the training to be continued. The participants also stated that the project would contribute to assist the film industry to move to a higher standard of professional development in its strategic use of the national and international copyright frameworks, and to develop a more relevant business discipline through establishing copyright documentation and chain of titles for every single base transaction linked to the production and distribution of audio visual content. Each training workshop was a starting point to promote a structured dialogue among all the representatives of the audiovisual value chain, from directors to actors, producer’s distributors, retailers, on line platforms, broadcasters and representatives of the bank and finance sector. They considered the workshops as unique opportunities to meet with government representatives to address the challenges faced by the industry. The economic and technological framework in Africa was being deeply transformed by digital technologies and market development. The process for creating and distributing works to the public was facing new issues, such as the digital switchover which was scheduled to take place in Africa in June 2015. The transition would lead to the growth of new services, including more video on demand services. It would also impact on the need to further develop local content. There was a need to develop new professional practices as content was king in this new landscape. Therefore, it was important to ensure that the business models of all stakeholders were strengthened with a suitable legal framework, transparent management rules and solid contracts which form the basis for creating economic value in the audio visual industry. This was the only way to find private investors to finance content in a world where public finances and the resources of broadcasters would not be sufficient to fund local audio visual content. The implementation of the project would continue to take place in this context.

37. The Secretariat (Mr. Roca Campaña) provided an overview of the progress report for the Project on Enhancing South-South Cooperation on IP and Development Among Developing Countries and LDCs. The Secretariat recalled that the project was independently evaluated earlier this year and the final evaluation report was presented at the last session. Several

activities were carried out in the period under review. In November 2013, the Second Annual Conference on South-South Cooperation on IP and Development was organized in Geneva. It provided an opportunity to review the outcomes of the Second Inter-Regional Meeting on South-South Cooperation on Patents, Trademarks, Geographical Indications, Industrial Designs and Enforcement held in Cairo in May 2013, and to discuss the future of the project. The Secretariat also continued to develop the South-South web-based platform and tools, including through the introduction of South-South functionalities in the IP Technical Assistance Database (IP-TAD), the IP Development Matchmaking Database (IP-DMD) and the WIPO Roster of Consultants (ROC). In cooperation with the Special Projects Division responsible for the development and maintenance of these databases and the Communications Division, a dedicated WIPO webpage was established to provide a one-stop facility on South-South cooperation activities in the field of IP. The Secretariat also continued to follow-up on UN system-wide activities in the field of South-South cooperation and coordination with the UN Office for South South Cooperation (UNOSSC). WIPO participated in the Global South-South Development Expo which was held in Nairobi in October 2013. The main purpose was to exchange best practices and showcase successful South-South and triangular partnerships and solutions to development challenges on the theme of “Building Inclusive Green Economies: South-South Cooperation for Sustainable Development & Poverty Eradication”. The Organization also participated in the High-level Development Forum for Development Cooperation and the Global South-South Assets and Technology Exchange Roundtable. In line with the project review schedule, the project was evaluated in the first quarter of 2014. The final evaluation report was presented to the CDIP for discussion in the last session. Following discussions, the Committee agreed to extend the project by one year to allow for the completion of outstanding activities within the remaining project budget. Since May, the Secretariat was concentrating on fine-tuning the web-based tools based on user-feedback, promoting them among potential users, mapping existing South-South activities within WIPO, and studying good practices within other UN organizations. The Secretariat would continue to follow-up on UN system-wide activities in the field of South-South cooperation and coordinate with UNOSSC to ensure continuity of the linkages established during the project. In line with the recommendations of the evaluation report, the Secretariat would also prepare a draft proposed roadmap for mainstreaming South-South cooperation as a delivery strategy to complement existing approaches in WIPO for consideration by Member States.

38. The Secretariat (Ms. Zarraga) provided an overview of progress achieved in the Pilot Project on IP and Design Management for Business Development in Developing and Least Developed Countries. The Secretariat recalled that the project was based on the proposal presented by the Delegation of the Republic of Korea at the eleventh session of the CDIP. The project was aimed at supporting Small and Medium-sized Enterprises (SMEs), which actively create and commercialize designs, in the active use of the IP system and the development of strategies that would encourage investment in designs. Through close cooperation with lead agencies in the two participating countries, the project would promote the strategic use of IP rights, in particular, industrial design rights, by SMEs in those countries, thereby encouraging a pro-active approach to design protection in domestic and export markets. The project aimed to achieve long term impact in the pilot countries and may be replicated in other Member States. The two participating countries, namely Argentina and Morocco, were selected after an analysis of each country’s project proposal based on defined selection criteria, including the existence of design based industries or manufacturers in the country; state of design protection institutions and legislative framework and infrastructure; actual need to support design businesses in developing IP strategies and obtaining active IP protection for their designs in national and international markets; and potential for taking over and continuing the project after completion of the initial project as well as for replication in other Member States. The lead agencies in the respective countries were identified, namely, the National Institute of Industrial Property (INPI) in Argentina and the Moroccan Industrial and Commercial Property Office. The project began in May 2014. WIPO and the lead agencies had reached agreement on the “Project Scope Statement” report, involving regular reviews and discussions between both parties in order to

have a clear common understanding of the project scope and shared objectives. The initial phase of the project also looked at the relevance of the project scope in the context of the participating countries' national IP development strategies. The pilot project would contribute to the achievement of the lead agencies' institutional goals and national goals in IP design protection development. The Secretariat worked closely with a steering committee and the country project coordinator in each country. The national design protection strategies, outreach plans and exit strategies were drafted for both countries. Feasibility studies were conducted with questions addressed to the respective lead agencies. A survey questionnaire was sent to 155 SMEs in Argentina and 200 SMEs in Morocco to assess their needs, expectations and interest in the project. An International Symposium on Industrial Design was held in Buenos Aires in September 2014. This was the first outreach activity in Argentina and the kick-off for the pilot project in Argentina. The project was presented by WIPO and INPI to 130 participants, including 70 SMEs. The symposium was perceived to be very important by the national authorities. It was opened by the Minister of Industry. The feedback report indicated that among 81 respondents, 83% were interested in the pilot project. In Morocco, the project was presented by WIPO and the Moroccan Industrial and Commercial Property Office at a conference attended by designers and SMEs that were potential beneficiaries. It was also presented to key stakeholders at a roundtable. The participants included representatives from the Ministry of Industry, Trade, Investment and the Digital Economy; the Ministry of Crafts, Social and Solidarity Economy; the Federation of Chambers of Commerce, Industry and Service; schools and other stakeholders in key industries. All participants were in favor of engaging in the project and encouraged their network of SMEs to participate in the project. Thus, the project was successfully kicked off in Argentina and Morocco with these initial outreach activities. These activities also contributed to raising awareness on design protection. Both countries were in the process of selecting national experts and beneficiary companies. Two leaflets for the promotion of the project in Argentina and Morocco were available outside the room.

39. The Secretariat (Mr. Islam) provided an overview of progress achieved in the project on Capacity-Building in the Use of Appropriate Technology Specific Technical and Scientific Information as a Solution for Identified Development Challenges – Phase II. The Secretariat stated that implementation was proceeding on the basis of the experience gathered in Phase I and the guidance provided by the CDIP through the decision that was taken and the adoption of Phase II of the project. The implementation of Phase II required additional responsibilities on the part of the Secretariat. Countries had also to take on certain responsibilities, including the identification of need areas that were relevant to national development plans. The Secretariat had received applications from various Member States that had expressed a strong interest to participate in the project. The Secretariat was undertaking consultations with them in the context of the responsibilities that all parties had taken up. The Secretariat was reviewing the applications, including looking at the identified need areas and their relevance to the development needs of the respective countries. Following this step, an agreement would be signed with the beneficiary countries. This was not done in Phase 1. It would add structure to the implementation of the project. The Secretariat would report on the implementation of the project in future sessions.

40. The Delegation of Japan, speaking on behalf of Group B, referred to the progress report for the project on IP and Technology Transfer: Common Challenges - Building Solutions. The Group noted that in the section entitled "Progress in Project Implementation", the following was included with respect to Activity 4, "In compliance with the timeline, work towards preparation and provision of materials, modules, teaching tools and other instruments resulting from recommendations adopted by the High Level International Expert Forum will commence after the said Forum will have taken place". However, in the project paper (document CDIP/9/INF/4), the following was stated in paragraph 58, "The preparation and submission of the Concept Paper for comments by international experts, as well as, the provision of the materials, modules, teaching tools and other instruments resulting from recommendations adopted at the Expert



Meeting, will follow the finalization of the studies. This may include contents and concrete country projects related to the design and development of the necessary infrastructure for IP asset management in relation to technology transfer. The paper and tools will represent the bases for discussion at the High Level International Expert Forum to be submitted to the CDIP for approval". Based on the progress report, the preparation and provision of tools would only commence after the High Level Expert Forum had taken place. However, the project paper seemed to state that the preparation of tools would be done before the High Level Forum to provide the basis for discussions at the forum. The order of work seemed a little inconsistent in this regard. Therefore, the Group sought clarification from the Secretariat on this point. It would consider the explanation after it was provided by the Secretariat and could return to the point in the discussion on the concept paper for the project as it was related to that paper.

41. The Delegation of Morocco stated that its country had made significant efforts to strengthen the audiovisual sector. It was trying to increase the production of films. Efforts to strengthen IP rights in this area would continue in order to encourage innovation and to further enhance the production of films and other audiovisual works. The use of IP in film production would need to be enhanced. Morocco was interested to participate in the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. It would like to enhance its knowledge and technical capacity in this area.

42. The Delegation of El Salvador referred to the project on IP and Technology Transfer: Common Challenges - Building Solutions. The Delegation was very interested in the project and would like the experiences to be replicated in El Salvador. It drew the Secretariat's attention to this fact. The Delegation would also like an opportunity to discuss the experiences of the project with the Secretariat in order to know more about the project activities and how they were implemented.

43. The Delegation of South Africa appreciated the progress achieved in the project on IP and Technology Transfer: Common Challenges - Building Solutions. It would make more comments when the concept paper for the High Level Expert Forum was discussed. The Delegation also appreciated the progress made in the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries, and the Project on Enhancing South-South Cooperation on IP and Development Among Developing Countries and LDCs. The latter was very important to South Africa and the African Group. The Delegation sought clarification from the Secretariat on when it would provide Member States with the roadmap for mainstreaming South-South cooperation into WIPO activities. The Delegation also requested the Secretariat to explain the nature and extent of the relationship between WIPO and UNOSSC. The Delegation wanted to know whether a Memorandum of Understanding (MOU) was signed between WIPO and UNOSSC.

44. The Delegation of Côte d'Ivoire referred to the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. The Delegation stated that Côte d'Ivoire would like to benefit from the project. The country had submitted a request to participate in the project. The audiovisual sector in Côte d'Ivoire was expanding. Various programs were being carried out within the sector. WIPO's assistance in the development of the sector would be very helpful. The country would like to benefit from it.

45. The Chair invited the Secretariat to respond to the questions and comments from the floor.

46. The Secretariat (Mr. Jazairy) referred to the question from the Delegation of Japan on behalf of Group B on the materials that would be derived from the thoughts or recommendations of the High Level Expert Forum. The Secretariat confirmed that these materials or tools would be developed as a result of the thoughts or recommendations of the High Level Expert Forum. Therefore, they would not be developed before then. On the comments made by the delegations of El Salvador and South Africa, the Secretariat stated that further details would be

provided on the project during the discussion on the concept paper.

47. The Secretariat (Ms. Croella) noted the interest expressed by the delegations of Morocco and Côte d'Ivoire to participate in the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. The Secretariat reiterated that it was a pilot project with three beneficiary countries, as agreed by the Committee. The countries participating in the pilot project were Burkina Faso, Senegal and Kenya. The requests by the delegations of Morocco and Côte d'Ivoire could be considered after the project was evaluated.

48. The Secretariat (Mr. Roca Campaña) referred to the questions posed by the Delegation of South Africa. With regard to the roadmap for integrating South-South cooperation into WIPO's activities, the Secretariat stated that it was foreseen to be completed by May 2015, the end of the project extension approved by the CDIP. On follow up activities with the UNOSSC, it was mentioned in the project report that WIPO would continue to follow-up on UN system-wide activities in the field of South-South cooperation and coordinate with UNOSSC to ensure continuity of the linkages established during the project. Since the beginning of the project, WIPO had been cooperating with UNOSSC. It had participated in activities on South-South cooperation at the global level. The Organization successfully participated in two main activities. The first was the Global South-South Development Expo. It was organized on an annual basis. South-South cooperation solutions were presented during the expo. In the last two years, the focus was on green economies and climate change. As indicated in the progress report, the Organization had participated in the Global South-South Development (GSSD) Expo hosted by the United Nations Environment Program (UNEP) in October 2013. The Expo usually brought together policy makers, government officials, representatives from IGOs and NGOs, the private sector and civil society to exchange best practices and showcase successful South-South cooperation activities. WIPO had also participated in the GSSD Expo hosted by the UN Industrial Development Organization (UNIDO) in 2012. With respect to the area of green economies and climate change, the Organization would participate in a scaling up seminar. The WIPO GREEN platform would be presented during the seminar. WIPO was invited to the high-level meetings in which the initiatives of countries, IGOs and NGOs in the field of South-South cooperation were presented. The Secretariat stated that WIPO had not signed a MoU or cooperation agreement with the UNOSSC.

49. The Delegation of Japan, speaking on behalf of Group B, reiterated that paragraph 58 of the project paper (document CDIP/9/INF/4) gave the impression that the tools or modules would be prepared before the High Level Forum to provide the basis for discussions at the forum. It clearly stated the following, "The paper and tools will represent the bases for discussion at the High Level International Expert Forum to be submitted to the CDIP for approval". The Group would like the Secretariat to elaborate on its interpretation of that paragraph.

50. The Secretariat (Mr. Jazairy) reiterated that those materials would be derived from the thoughts or recommendations of the High Level Expert Forum. The available materials were those that emerged from the different regional consultations. These were also part of the materials that would be available for discussion at the High Level Expert Forum.

51. The Chair invited the Secretariat to introduce the completion reports included in the document.

52. The Secretariat (Mr. Roca Campaña) referred to the completion report for the project on Specialized Databases' Access and Support – Phase II. The Secretariat recalled that the project began in 2009 with Phase I and was later extended for Phase II. The project was based on Recommendation 8 of the DA which requested 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”. Taking this into account, WIPO had supported the establishment and development of TISCs and associated networks in many developing countries and LDCs. The Secretariat (Mr. Czajkowski) stated that the principal objective of Phase II was to ensure the long-term sustainability of TISCs and their ability to provide appropriate, high-quality technology and innovation support services. This objective was met by continuing the training program implemented in Phase I for the development of TISCs, including on-site training and distance learning courses; enhancing the usage and further developing access to specialized patent and non-patent databases through the Access to Specialized Patent Information (ASPI) and Access to Research for Development and Innovation (ARDI) programs; and establishing a new TISC knowledge management platform to facilitate exchange between TISCs at the national, regional, and international levels. 56 national training workshops and 8 regional seminars were carried out in Phase II. The total number of on-site TISC training events from the start of the project in 2009 to year end 2013 (including those in Phase I) were 81 national training workshops and 12 regional conferences. During this period, a total of 39 TISC networks were launched, i.e. those that had signed a Service Level Agreement (SLA) and followed at least a first training workshop. It was estimated that during these workshops and conferences over 5,000 participants were trained. Moreover, in close cooperation with the WIPO Academy, distance learning courses were offered at no cost to accredited TISC staff. In this way, over 2,500 participants had registered for DLCs since 2011. The ARDI program, which facilitated access to scientific and technical journals, provided access to 207 registered institutions at the end of 2013. As of November 10, the figure had nearly doubled to almost 400 registered institutions. ARDI had around 20,000 peer-reviewed journals and e-books available. The ASPI program, which facilitated access to commercial patent databases, continued to attract more users, although at a slower pace than ARDI. In total, just over 60 users had registered, of which 20 institutions were active users of databases available through ASPI at the end of 2013. In total, over 60 users, institutions are registered, of which 20 institutions are active. Those were active at the end of 2013. As of November 10, 2014, 27 institutions were active users. The “eTISC” knowledge management platform for supporting TISCs and TISC networks was launched in November 2012. It included forums, discussion groups, blogs, information on upcoming events, videos and pictures related to the project, as well as e-learning and online training webinars. At the end of 2013, the number of eTISC members was 650. As of November 10, the number had grown to 1,105. During Phase II, the TISC website was completely redesigned to increase the scope and accessibility of information available online, including a detailed directory of TISCs around the world. An interactive e-tutorial on using and exploiting patent information could also be accessed through the TISC website, and had been accessed over 5000 times. Nearly 2000 copies had been distributed on demand to TISCs and individuals in CD-ROM format since its launch in October 2012. The French version of the e-tutorial was available since the beginning of this year. The Secretariat was working on a Spanish version. Regular feedback from TISCs suggested a continuing positive impact on their institutions and users, as documented in the Survey Summary Report on the Progress Needs and Assessment Questionnaire. The TISC project was mainstreamed into WIPO’s regular activities from January 1, 2014.

53. The Secretariat (Mr. Di Pietro Peralta) introduced the completion report on the Pilot Project for the Establishment of “Start-Up” National IP Academies – Phase II. The Secretariat stated that an objective of Phase II was to complete the cooperation initiated with six countries, namely, Colombia, Dominican Republic, Egypt, Ethiopia, Tunisia and Peru, in order to assist them to establish national IP training centers. The Secretariat referred to the overall results of the project in these countries. Five national IP training centers in Colombia, Dominican Republic, Egypt, Peru and Tunisia were currently offering training programs for external audiences using distance learning techniques, face-to-face training and blended formats. All the established training institutions were offering training programs on IP and DA topics, with a view to promoting discussions on the best use of the IP system to promote a fair balance between IP protection and the public interest, which met recommendation 10 of the DA. Identified trainers from five countries had received tailor made training to strengthen their

teaching skills (overall 800 hours of training were delivered in five countries). 18 key trainers from different countries were granted full scholarships for international Masters' programs in IP Law. 86 trainers had been certified on teaching methodologies and substantive aspects of IP. Four Directors from national IP training centers had received tailor made training. 71 national trainers certified by WIPO were currently designing and delivering training programs for external audiences. All six national IP training centers had received basic publications for national IP libraries. They were all members of the Global Network of IP Academies. Over 8,480 nationals from five pilot countries had received training in IP by pilot national IP training institutions. The implementation rate of the project was 96%. The project had been mainstreamed, with the agreement of the CDIP, into WIPO's 2014-2015 Program and Budget. A final external evaluation was conducted and the report would be presented the following day.

54. The Secretariat (Mr. Raffo) presented the completion report for the Project on IP and Socio-Economic Development. The Secretariat stated that the project addressed DA Recommendations 35 and 37. Six country studies were conducted under the project. The countries were Brazil, Chile, China, Egypt, Thailand and Uruguay. All the country studies involved close collaboration with the Secretariat, government, local and international researchers as well as many stakeholders. It had been a very productive exercise. Some studies were presented in the previous session. The Secretariat did not elaborate on the results of the project as the studies would be discussed later in the session. The Secretariat informed the Committee that a side event would be held the following day between 1 pm and 3 pm to present an overview of the study as well as some sample studies. The delegations were all invited to attend. An external evaluation had been conducted and the report would be presented for discussion in this session. The report indicated that the exercise had been very productive. Therefore, a Phase II project would be presented for the Committee's consideration.

55. The Secretariat (Mr. Roca Campaña) referred to the completion report for the Project on Developing Tools for Access to Patent Information – Phase II. The project addressed DA Recommendations 19, 30 and 31. The purpose of Phase II was to refine some of the tools developed in Phase I. It aimed to continue with the preparation of patent landscape reports (PLRs), enhance dissemination and capacity building activities as well as develop guidelines for preparing PLRs. The Secretariat (Mr. Mailander) informed the Committee that the external evaluation report for Phase II would be presented later in the session. Further details of the activities undertaken in Phase II would be provided. The Secretariat highlighted a few items. The project involved the use of patent analytics in the production of PLRs. The reports provide insight into innovation activity. They describe aspects such as the ownership of technologies, geography of protection and the extent to which technologies were in the public domain. They could be used to support policy discussions and technology transfer. PLRs could serve as tools for the exploitation of patent information. Three kinds of activities were undertaken. The first was to develop PLRs. The reports were developed in collaboration with external partners, including IGOs and NGOs. For example, the report published last year on E-waste Recycling Technologies was developed in cooperation with UNEP, in particular, the Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. An important aspect for the dissemination and use of each report was the engagement of each cooperation partner after the preparation of the report. For example, after the launch event for the report, the Secretariat of the Basel Convention organized a special event and the report was presented. Soon after, the report received around 2,000 download clicks in a week. Separately, the PLR on animal genetic resources would be presented at the end of the month. It was developed in cooperation with the Animal Health Division of the Food and Agriculture Organization (FAO). It complemented the report on plant genetic resources that was undertaken elsewhere. These were two examples of the PLRs developed in Phase II. The second part of the activities was on enhancing WIPO's PLR website. It was perhaps the most comprehensive resource for obtaining publicly accessible PLRs. In the last two years, there were more than 25000 downloads from the website. The third part of the activities was on

capacity-building. It included raising the awareness of institutions in developing countries on the use of patent analytics and drafting guidelines for the preparation of PLRs in those institutions. In this regard, two regional workshops on patent analytics were held in Brazil and the Philippines in 2013. During these workshops, IP offices from various countries in those regions participated and presented their interests, challenges, needs and experiences in patent analytics. Patent analytics was not yet perceived as an important tool in the developing world. However, it was big business in industrialized countries where it was mostly done by the private sector. For example, it was used by companies to monitor the activities of other companies. Through the workshop in Manila, the authorities in Malaysia suddenly became aware of its relevance for developing innovation infrastructure and the importance of activities on patent analytics. As a result, a PLR was being prepared on palm oil with the government of Malaysia in cooperation with the IP office. This was an important area for Malaysia and some other countries in the region. The Secretariat then took the opportunity to provide an update on the project on IP and the Public Domain which had been completed. The study on Patents and the Public Domain focused on the availability of legal status data. One of its recommendations was on establishing a portal to facilitate access to national patent registers. The Secretariat had followed up on the recommendation and established a new portal for accessing national patent registers. It was available through PATENTSCOPE. For example, it would enable users to find out whether a PCT application covering an important pharmaceutical patent was granted in a particular country and whether protection was still in force.

56. The Delegation of Cameroon was very satisfied with the TISC program. The growing number of members reflected the interest of universities and research centers in this tool. The Delegation also supported the conclusions of the studies carried out in several countries under the Project on IP and Socio-Economic Development. The recommendations would allow countries to improve the orientation of their IP frameworks to their respective economies. The Delegation approved the proposal for Phase II of the project. Cameroon would like to be selected for participation in Phase II.

57. The Delegation of Guatemala referred to the Pilot Project for Establishment of “Start-up” National IP Academies. The project was very important as it had concrete objectives. It would allow countries to identify efforts that were required in terms of training and awareness in the field of IP. This was one of the best strategies to encourage the use of IP systems. Establishing a network of trainers was one of the best ways to improve the situation and promote innovation. Therefore, the Delegation believed the project should be turned into a useful tool for all countries.

58. The Delegation of El Salvador also referred to the Pilot Project for Establishment of “Start-up” National IP Academies and would like it to be replicated in other countries. It was important for strengthening national IP systems. For example, in El Salvador, efforts were constantly being made to train civil servants involved in these kinds of IP education projects. It would like its national academic institutions to reach a high level of expertise in order to assist in the development of an effective IP policy in the country.

59. The Delegation of Chile supported the studies that were carried out under the Project on IP and Socio-Economic Development. The Delegation highlighted Chile’s commitment in the preparation of its country studies on the use of IP, trademark squatting and foreign pharmaceutical patenting. Chile was one of the countries that benefitted from the project. Tremendous efforts were also made to develop the database at the Chilean IP office. The database could be used for various purposes. There was a lot of interest in furthering the work of the study on the use of IP in Chile. It indicated that the mining industry was the most active industry in terms of patents. Chile aimed to improve the productivity and competitiveness of this sector. It had tried to turn its industries into world-class industries. Due to the renewed interest in the mining industry, it would be very useful to conduct in-depth studies on what had been achieved as well as the public policies and tools that were used in this regard.

60. The Delegation of Pakistan referred to the Pilot Project for Establishment of “Start-up” National IP Academies. The Delegation believed that the aim of the project was the implementation of recommendation 10 of the DA, which was to assist Member States to develop IP institutional capacity through development of infrastructure and to promote more balance between IP protection and public interest. The Delegation requested for two clarifications in this regard. It would like to know whether an evaluation was conducted on how the IP training programs had actually contributed to this objective, and whether the academies established under the project were financially sustainable. If these were not done, it would like to know what WIPO’s future role would be in this regard.

61. The Delegation of Ecuador supported the continuation of the activities under the Pilot Project for Establishment of “Start-up” National IP Academies. The idea was to improve the capacity of national institutions in terms of tools and human resources in order for these institutions to be more effective. It would assist in striking an appropriate balance between IP protection and the public interest. This type of IP academy should have its own vision of development. Ecuador was participating in a WIPO project for which it signed an agreement with the Organization in September 2014. Ecuador was ready to provide anything it could to the Organization in order for the project to be concluded as quickly as possible. The question concerning support and sustainability for these centers was very important for maintaining a permanent presence.

62. The Delegation of Georgia referred to the Pilot Project for Establishment of “Start-up” National IP Academies. The Delegation believed the project had a very positive impact on IP protection and played an important role in raising public awareness. The pilot projects were successful as a whole. There was a need for the project to be expanded. The Delegation noted that this was also mentioned by other delegations. Its authorities had accelerated the process of negotiations and hoped that with the support of WIPO the plans would progress to implementation. Significant preparatory work had been undertaken in Georgia and the environment was ready. Therefore, its authorities were confident that there was a good chance to create a self-sustainable IP academy in the country if Georgia was selected as one of the next beneficiaries of the project. WIPO’s support would be of immense importance, especially in the starting phase. The Delegation called on WIPO to expand this very important project which would have a significant impact on strengthening national, institutional and human resource capacities.

63. The Chair invited the Secretariat to respond to the questions and comments from the floor.

64. The Secretariat (Mr. Di Pietro Peralta) referred to the Pilot Project for Establishment of “Start-up” National IP Academies and stated that issues could be discussed in more detail in the discussion on the external evaluation report the following day. A model for the sustainability of start-up academies was included in Phase II of the project. It included training and other activities that were done with the coordinators of the IP training institutions. In addition, following the conclusion of Phase I at the end of 2013, a phasing out stage was planned whereby the WIPO Academy would support the IP training institutions in the first two years. The Secretariat noted the interest expressed by some delegations to participate in the project.

65. The Secretariat (Mr. Raffo) took note of the request by the Delegation of Cameroon to participate in Phase II of the Project on IP and Socio-Economic Development. It would be discussed if Phase II was approved. The Secretariat referred to the comments made by the Delegation of Chile and stated that it intended to continue with some activities that were undertaken in Phase I such as data construction. However, the Secretariat intended to concentrate most of the resources in Phase II to conduct work in new beneficiary countries. All these issues could be discussed during the discussion on the external evaluation report.

66. The Chair concluded the discussion on the completion reports and moved on to the next item on the Description of the Contribution of the Relevant WIPO Bodies to the Implementation of the Respective DA Recommendations.

Consideration of document CDIP/14/10 - Description of the Contribution of the Relevant WIPO Bodies to the Implementation of the Respective DA Recommendations

67. The Chair stated that the document was based on the submissions by the various WIPO bodies to the forty-sixth session of the WIPO GA. The GA decided to forward the relevant paragraphs to the Committee in accordance with the Coordination Mechanism. He invited the Committee to take note of the document.

68. The Delegation of Japan, speaking on behalf of Group B, stated that the document provided useful information on how the relevant WIPO bodies contributed to the implementation of the respective DA recommendations in a comprehensive and appropriate manner. This reporting methodology should be kept. This description reflected the fact that the DA recommendations had been successfully implemented. The Group believed that the DA had already achieved its aim to ensure that development considerations formed an integral part of WIPO's work.

69. The Delegation of Kenya, speaking on behalf of the African Group, continued to note with concern the disagreements on the implementation of the GA decision in 2010 which called on all relevant WIPO bodies to report to the GA on their contributions to the implementation of the DA recommendations. The Group hoped that the issue would be conclusively dealt with during the session. That would enable the Committee to move forward in the work with various committees without unnecessary stalemates. The mainstreaming of the DA into all of WIPO's work was critical. It called for systematic reporting of how this had been done. All WIPO committees had a role to play in the process and needed to submit reports to the GA to avoid working at cross purposes.

70. The Delegation of Italy, speaking on behalf of the EU and its Member States, noted that the document contained useful information on how the relevant WIPO bodies contributed to the implementation of the DA recommendations in a comprehensive and appropriate manner. They shared the view that the reporting methodology should be kept. The document provided further evidence that development considerations formed an integral part of the Organization's work.

71. The Delegation of Pakistan, speaking on behalf of the Asia Pacific Group, recalled that the GA decision on CDIP-related matters, including the Coordination Mechanism, was unanimously agreed upon by all Member States. However, matters had not yet been settled, especially with respect to the PBC and CWS, which were critical for realization of the DA. It was an opportune time to resolve the issue and move forward. Most of the Group's members strongly supported the need for the PBC and the CWS to report on their contributions to the implementation of the DA to the CDIP through the GA. This matter needed to be concluded in order to secure the continuation of the substantive work of the Committee.

72. The Delegation of Iran (Islamic Republic of) supported the statement made by the Delegation of Pakistan on behalf of Asia Pacific Group. In 2007, the GA adopted 45 recommendations on the DA and established the CDIP to implement those recommendations. In 2010, the GA adopted coordination mechanisms and monitoring, assessing and reporting modalities with the aim of mainstreaming the DA into all WIPO bodies as well as to monitor and assess the implementation of the DA. The reporting to the GA and the subsequent transmission of the report to the CDIP was to enable substantive discussions on the work undertaken by different WIPO bodies for the implementation of the DA or how different DA recommendations were being implemented through the activities of these bodies. It was hoped

that the discussion at the GA would enable the CDIP to take a holistic view of the implementation of the DA in various WIPO bodies and coordinate on how implementation could be improved. Considerable time was devoted to create the Coordination Mechanism. However, it did not work properly. The Coordination Mechanism should not be seen as a problem but as a solution to eliminate duplication in the work of the committees in the area of development activities. Therefore, the recommendations of the DA should form an integral part of the work of the CWS and PBC. The Delegation highlighted the importance of the Coordination Mechanism to mainstream the DA into all WIPO bodies. The lack of reporting by the CWS and PBC to the GA raised serious concerns. A practical solution should be found as a matter of priority.

73. The Delegation of South Africa aligned itself with the statement made by the Delegation of Kenya on behalf of the African Group. It found some of the comments made in the room to be disappointing. The Delegation was very disappointed with the document as it did not even do justice to the work that the Secretariat was doing. Some delegations stated that the method for reporting should be kept. This was very disappointing as the method did not assist Member States and the Organization. It was a rehash of the statements made by Member States in the respective committees. It was not useful. The Delegation reiterated that the Secretariat needed to provide a thorough analysis of the contributions of the various bodies, and not to rehash the statements that were made. The Secretariat may be doing a good job, but it was not reflected in the document. The method of reporting needed to change. The discussion and statements made at the GA were also not reflected in the document. Therefore, what was discussed in the GA in relation to the Coordination Mechanism was not reflected. The document contained the same statements that were sent to the CDIP, to be sent to the GA and they were sent back to the Committee. The Delegation requested the Committee to take a decision that the Secretariat needed to change the method of reporting. The Delegation concurred with other delegations that the Coordination Mechanism would forever linger and not be fully implemented until all the relevant committees were part of it, including the CWS and the PBC. With regard to the *ad hoc* nature of the Coordination Mechanism and the way it was being implemented, the Delegation stated that a permanent solution needed to be found. The work of these committees could be hindered if a permanent solution was not found. The Delegation also called on delegations to find a method of reporting that would be acceptable to all.

74. The Delegation of Brazil stated that the report of the WIPO bodies on their contribution to the implementation of the DA recommendations was a good way to assess work in the accomplishment of the commitments made when the DA was adopted. However, the Delegation also highlighted the absence of the reports by the CWS and the PBC. The Delegation did not wish to repeat the arguments as to why these committees were relevant for the implementation of the DA recommendations as many areas were covered by these bodies in addition to technical assistance related to the implementation of the DA. The agreed coordination mechanisms and monitoring, assessing and reporting modalities were important tools to ensure that the DA recommendations would be gradually mainstreamed into WIPO's work. For the mechanism to generate the results that were expected, it was necessary for all the relevant WIPO bodies to remain under its scope, including the PBC and the CWS. The Delegation deeply regretted that the discussion reached the point that it did in the last CWS meeting. It hoped that the Member States which did not recognize the relevance of the CWS and the PBC in the implementation of the DA recommendations would come to the same understanding in order for these committees to be included in next year's report.

75. The Delegation of Indonesia aligned itself with statements made by the delegations of Brazil, Iran, Kenya on behalf of the African Group, and Pakistan. WIPO was established to promote the protection of IP based on Article 3 of the WIPO Convention. However, the Delegation believed this objective should be seen in the context of WIPO as a specialized agency of the UN. WIPO and its Member States had legal obligations to promote cooperation for development. This legal norm was clearly stipulated in Articles 55 and 56 of the UN Charter as well as in the agreement between WIPO and the UN. The Delegation referred to the



meetings of the Standing Committee on Copyright and Related Rights (SCCR) and reiterated that the items for discussion on the agenda should be balanced. The inputs of all Member States should be taken into account. The Delegation referred to the last SCCR session and recommended that the discussion on the implementation of DA recommendations should be included as the first agenda item. The agenda for the next SCCR meeting in December should also be changed. In this regard, the Delegation proposed that limitations and exceptions for libraries and archives, for education and research institutions, and for persons with disabilities should be discussed before discussing the protection of broadcasting organizations. Referring to the Intergovernmental Committee on IP and Genetic Resources, Traditional Knowledge and Folklore (IGC), the Delegation stated that it was deeply concerned and regretted that in its last session, the GA could not provide a recommendation on the work of the IGC in 2015. The Delegation believed that this put into question WIPO's credibility as a multilateral organization which dealt with the issue of IP and development. The protection of genetic resources, TK and folklore (IGC) was extremely important to overcome and prevent misappropriation and misuse. Therefore, the Delegation requested the CDIP to evaluate the work of the IGC, especially in the implementation of recommendation 18 of the DA. In future, perhaps the IGC could be considered as a permanent standing committee. The Delegation hoped that the issue could be discussed in the next CDIP session. The Delegation reserved its rights to make comments on other issues.

76. The Delegation of Ethiopia aligned itself with the statement made by the Delegation of Kenya on behalf of the African Group. It also concurred with the statement made by the Delegation of South Africa. The Delegation had looked through the report and noted that it did not say much on the implementation and mainstreaming of the DA. The Delegation reiterated its position on the need to mainstream the DA. It also reiterated its position that the DA and its recommendations remained guiding principles for implementing technical assistance activities which were aimed particularly at bridging IP gaps and benefitted developing countries as well as LDCs. The report did not have any substance.

77. The Delegation of Egypt echoed the concerns expressed by other delegations on the need to improve the methodology for reporting to enable the CDIP to take a holistic view of the implementation of the DA by various WIPO bodies and to coordinate on how implementation could be improved. Since the adoption of the Coordination Mechanism, there was no agreement on the bodies to be considered relevant for the purpose of reporting to the GA on their contribution to the implementation of the DA. The Delegation hoped for an agreement on this issue. It also emphasized that the PBC should report on their contribution to the implementation of the DA. The Delegation referred to the current practice for the GA to receive a report on the views expressed by different countries on the contribution of a WIPO body to the implementation of the DA and noted that the report that was transmitted to the CDIP did not include details of the discussion that took place in the GA. It hoped that such discussions would be included in future reports. The Delegation supported the statement made by the Delegation of Kenya on behalf of the African Group.

78. The Chair noted the well-known positions expressed by delegations. He would like the Committee to discuss the methodology for reporting to see whether an agreement could be reached. It would provide guidance to the Secretariat for future reporting.

79. The Delegation of Japan, speaking on behalf of Group B, reiterated that the current methodology for reporting was appropriate. Furthermore, the report was transmitted by the GA based on the decision by the GA. The CDIP was not in a position to make any decisions on the reporting to the GA. That was a matter for the GA, not the CDIP.

80. The Delegation of Kenya, speaking on behalf of the African Group, reiterated that the current methodology which only reflected the statements made by delegations on how they believed a committee had contributed to the implementation of the DA recommendations was

not sufficient in terms of capturing the whole picture. In this regard, the Committee needed to decide on how best to capture the good work being undertaken by various committees and bodies in the implementation of the DA recommendations. A lot had been done and the work had spread across many committees. There was a need to analyze what they had done. That would also help to track what was done with funds allocated to development expenditure. The current system did not do any justice to the work being done with regard to the 45 DA recommendations. The Committee was the forum to discuss and agree on a systematic reporting mechanism that would capture all the activities and work being done in various bodies, and to put it forward to the GA in a manner that would enable the GA to evaluate what had been done. The Group strongly believed that the Committee should be able to address this issue and recommend a new reporting mechanism.

81. The Delegation of Indonesia proposed the consideration of a matrix that would include a description of each of the 45 Agenda recommendations on one side, and the various committees on a perpendicular side. The activities undertaken by each committee could be mentioned. It could also include ongoing and upcoming activities that were being discussed. The information included on the matrix could be used for evaluation in the next meeting of the PBC.

82. The Delegation of Iran (Islamic Republic of) stated that the report which was transmitted through the GA to the CDIP was insufficient. The Delegation noted that this was also stated by many other delegations, including Egypt, Kenya on behalf of the African Group, and South Africa. The report should be analytical. The Secretariat should include details of the views expressed by Member States on the report on the implementation of the DA by the committees.

83. The Delegation of South Africa stated that the statements made by delegations should be sent to the GA. As mentioned by the Delegation of the Iran (Islamic Republic of), the Secretariat could undertake a thorough analysis of how each committee contributed to the implementation of the DA recommendations. The statements made by Member States could augment the analysis to be sent to the GA. It would provide the GA with a clear picture of how a committee was contributing to the relevant DA recommendations. As it stood, the GA only received the statements made by delegations. There was room for improvement. The Secretariat could at least provide an analysis. It was within the CDIP's mandate to make a recommendation to the GA for the GA to take a decision to instruct other committees on how the reporting should be done.

84. The Delegation of Kenya, speaking on behalf of the African Group, referred to the matrix proposed by the Delegation of Indonesia and stated that it could provide a starting point for systematic reporting. The matrix approach could be further explored. The elements could be refined to take into account the issue of analysis mentioned by several delegations.

85. The Chair concluded the discussion on this item given that there were no further observations from the floor. He invited the Committee to move on to the evaluation report on the project on Specialized Databases' Access and Support - Phase II.

#### Consideration of document CDIP/14/5 - Evaluation Report on the Project on Specialized Databases' Access and Support – Phase II

86. The Consultant (Mr. O'Neil) provided an overview of the evaluation report on Phase II of the project. Following the completion of Phase I (2009-2012), Phase II started in May 2012 and was completed in December 2013. Following the completion of Phase II, the project was mainstreamed within the activities of the Innovation and Technology Support Section of the Secretariat. The evaluation utilized a combination of methods, including a document review, interviews with relevant staff at the Secretariat as well as telephone interviews with 12 focal

points and associated staff of TISCs in 10 countries. The Consultant turned to the key findings of the evaluation. In terms of effectiveness, 18 TISCs were launched in Phase II, exceeding the target set for 12. A total of 39 TISCs were created in Phase I and II. A TISCs survey was conducted in 2013. Of those surveyed, 97% offered (current or planned) access to specialized databases and 96% patent search services. Some TISCs had developed further services and their ability to do so was dependent on the maturity of the TISC network and factors external to the support of WIPO. A substantial indication of long-term sustainability was the ability of their user population to transform the information accessed into stimulating innovation. In the majority of cases, it was too early to see such indications. However, there were some positive examples in the Philippines and Morocco, where the TISCs were credited with increasing the number of patent filings since their launch. Although WIPO's support was found to be essential for the TISCs' long term sustainability, equally important was the support of the national IP offices, the national and provincial/state authorities as well as host institutions. Details on all the findings of the evaluation were included in the report. The Consultant turned to the four conclusions of the evaluation. First, the project had met and exceeded its objectives in Phase I and II. The project was perceived positively within WIPO. As seen in the examples of Morocco and the Philippines, the project could make a concrete contribution to the innovation cycle. However, for this to occur in a widespread manner, certain conditions needed to be in place. Second, the ability to put in place the necessary conditions for sustainability of the project and its concrete contribution was largely external to WIPO, it was mainly with the national IP offices and host institutions. Third, the findings support WIPO's decision to continue to develop and support the TISC network. It was essential to determine how and what type of support to provide TISCs to increase their effectiveness in serving the needs of local innovators as they moved towards sustainability. Lastly, for the TISCs to fully reach their goals, indications were that they need to be integrated within broader technology and innovation initiatives, given that the aspect of access to patent and non-patent literature databases was only one component of the innovation cycle. Examples were seen in some existing TISCs. The Consultant turned to the four recommendations of the evaluation. First, it was recommended that the Secretariat continued to support the project as a mainstreamed activity of the Global Infrastructure Sector. Second, it was recommended for Member States and their national IP offices that currently or plan to create a TISC network to provide the necessary support in order to encourage their long-term sustainability. Third, it was recommended for the Innovation and Technology Support Section of the Secretariat to consider how to adapt its activities in support of the long-term sustainability of the TISCs. Several examples were provided in this regard. Lastly, it was recommended that all relevant stakeholders for the project (the Secretariat, Member States, national IP offices and host institutions) consider how to further integrate the TISCs in the broader technology and innovation initiatives, using as a basis the examples included in the fourth conclusion of the evaluation.

87. The Delegation of the Russian Federation stated that the project was a successful example in terms of the implementation of the DA. Significant results were achieved in the two phases of the project. Russia had a lot of experience in establishing TISCs. From this perspective, the Delegation supported the conclusion that the national IP offices and host institutions played an important role in ensuring the sustainability of the TISCs. In this regard, it was important to extend the services provided by the TISCs. For example, by providing patent information support and consultation services on matters such on patenting abroad. Some of the priorities for developing a TISC network included infrastructure development, training, developing partnerships and setting up a monitoring system with key performance indicators. The Russian Federation was ready to cooperate with WIPO to develop the R&D potential of countries through the TISC networks.

88. The Delegation of the United States of America made some comments on the report. The United States of America had continuously provided support for the project since it was first approved in 2009. The Delegation was pleased to hear that a total of 39 TISCs were created during Phase I and II of the project, and the eTISC knowledge management platform

established during Phase II had some 650 registered users. The evaluation report noted a number of challenges faced by the TISCs such as lack of dedicated staff, lack of awareness of TISC services, lack of IP and innovation culture, Internet and computer access issues, lack of management commitment, availability of budget and access to databases. The national IP offices and host institutions were in the best position to handle these challenges with WIPO providing training and capacity building support. The Delegation agreed with the evaluator's recommendations and encouraged Member States that already had TISCs, or were planning to establish them, to provide full support to the centers and to consider integrating TISCs in the broader technology and innovation initiatives.

89. The Delegation of Japan recognized the achievements of the project and the significance of establishing TISCs. It referred to the following conclusion in paragraph 18 of the report, "As seen in the examples of Morocco and the Philippines, the project has shown that it can make a concrete contribution to the innovation cycle, in these cases, an increase in the number of patent filings". The Delegation informed the Committee that Japan was also promoting TISCs based on activities under the WIPO-Japan Funds-in-Trust (FIT). One of the activities was a three-day workshop held in July and August 2013 in the United Republic of Tanzania. The workshop was attended by 50 participants, including government officials, researchers and business people. Another example was the TISC Meeting on Developing the TISC Project and Searching Patent and Scientific and Technical Journal Databases held in Zambia in July 2013. The event was attended by 35 participants from the government and academic institutions. Through these capacity-building activities, Japan in close cooperation with WIPO, was working to build the basic infrastructure to enable staff to be trained at TISCs in order to assist innovators in developing countries to utilize technological information found in the databases.

90. The Delegation of Italy, speaking on behalf of the EU and its Member States, made a general statement on all the evaluation reports (documents CDIP/14/3, CDIP/14/4, CDIP/14/5, and CDIP/14/6). They welcomed the external evaluation of the respective projects. Evaluation reports were very useful tools for identifying possible improvements and shortcomings that should be avoided in future projects. In this regard, the EU and its Member States stressed on the importance of effectiveness, efficiency, transparency and sustainability in the management of projects.

91. The Delegation of Rwanda informed the Committee that its country hosted a TISC project last year. It was a good project. The Delegation requested WIPO to work closely with Rwanda in order for the project to really contribute to the government's Vision 2020 for development.

92. The Delegation of Guatemala stated that innovation was synonymous with development. The TISC project was very useful for developing innovation. It helped to satisfy concrete needs in this area and assisted the country to implement its national IP strategy. Guatemala was a beneficiary of the project. Access to technological information would encourage the generation of new ideas and enable different actors in the field of IP to work together. It would also help to promote development, investment and new forms of employment. The Delegation hoped to see the continuation of the second phase of the implementation of the project in its country.

93. The Delegation of Tanzania stated that its country was a beneficiary of the project. The delegation referred to the issue of sustainability and stated that a project of this kind should not be seen only in terms of its outputs but also its outcome. A long-term relationship was needed in order for the benefits to be sustained. It would be disappointing if a project was established only for two or three years. There should be a long-term initiative in order to see that the project really worked to the satisfaction of the recipient. In Tanzania, the national IP office and the Commission for Science and Technology were jointly overseeing the project.

94. The Delegation of Egypt supported and recognized the added value of the TISCs. The Delegation referred to the recommendation to mainstream the project into WIPO's work and enquired as to whether it would be subject to further external evaluations in the future or if it was considered to be done.

95. The Secretariat (Mr. Baloch) stated that the project methodology included self-evaluations and an external evaluation by independent evaluators at the end of the project. This was in accordance with the project-based methodology for implementing the DA recommendations. The Committee discussed the evaluation reports and depending on the decision made on those reports and the project completion report, either a second phase would be started or it would be mainstreamed into the Organization's regular program activities. In this case the external evaluation had taken place and that was it. After this, depending on the decision of the Committee, if it became part of the regular program activities of the Organization, it would be reported in the Program Performance Report. It would become part of the Program and Budget activities and part of the work plans of the different divisions and sectors. They all provided reports in the form of a Program Performance Report that was submitted to the PBC. All Member states were members of the PBC and they would be able to see what happened as the follow-up to these activities in the Organization.

#### Consideration of document CDIP/14/6 - Evaluation Report on the Project on Developing Tools for Access to Patent Information – Phase II

96. The Consultant (Ms. Monagle) introduced the evaluation report on the Project on Developing Tools for Access to Patent Information – Phase II. The project was formed in response to DA recommendations 19, 30 and 31. In Phase I, nine PLRs were prepared in the areas of public health, food and agriculture, and energy and the environment. The project also included development of an e-tutorial, and participation in 5 regional conferences promoting the TISCs. An evaluation of Phase I was undertaken by WIPO's Internal Audit and Oversight Division (document CDIP/10/6). The project was carried out by the Patent Information Section of the Access to Information and Knowledge Division within the Global Infrastructure Sector of WIPO. Phase II focused on the development of further PLRs and other tools as well as capacity development activities towards supporting access to patent information, namely the development of PLR best practice guidelines and a regional and inter-regional workshop. The preparation of PLRs required specialized expertise in patent searching and analytics, supported by access to relevant patent databases as well as search and analysis tools. Developing countries and LDCs often face challenges in developing PLRs relevant to their national priorities. This was due to a number of factors that may include limited awareness of the utility of PLRs in patent offices and other government departments; limited availability of national patent data; and, limited access to commercial search databases and analytic tools. The PLRs in Phase I and II were prepared by consultants, in collaboration with external partners (IGOs and NGOs). The PLRs were primarily focused on important areas of public policy globally, including health and the environment, as described under the key findings section of the report. The purpose of developing PLRs within the project was not solely for their content, but their illustrative value in raising awareness among developing countries, LDCs and the international community of the relevance and utility of PLRs and patent analytics more generally. In line with the decision to mainstream the DA into the work of WIPO, the Program and Budget for the 2014/15 biennium proposed that several projects implemented in the previous biennium be mainstreamed into relevant programs, subject to project evaluations. This project was included. In the post Phase II period, external collaborations for the development of PLRs were ongoing, with further PLRs being developed with public institutions in developing countries on technological areas of national and regional priority. In addition, work continued to assist developing countries and LDCs to access open source databases and tools for performing patent analytics, among other capacity building activities. The evaluation assessed questions

in several areas, including project design and management, relevance, effectiveness, sustainability, and implementation of DA Recommendations. It identified key findings in each of these areas. The report also included conclusions and recommendations. The Consultant turned to the conclusions on the evaluation. First, on project design and management, it was noted that the project was overly ambitious for the time allowed. However, the delivery was of high quality, and in some respects exceeded expectations. The project suffered from inadequate budgets for translation and for dissemination of project outputs, including through participation by staff in external activities. Many such activities were supported by other divisions and organisations. The involvement of project staff in external activities was also important for the identification of topics for PLRs of relevance to Member States. Second, on relevance, it was noted that in both phases of the project, the ideas for PLRs largely came from the project team, in discussion with internal and external partners. These initial PLRs concerned areas of important public policy internationally, and served to inform global debates in the areas of health and the environment, among other issues. Interviews and experience suggested that as further reports were developed and utilised, Member States and potential external partners were likely to become more aware of their value and utility, and accordingly, to become more active in identifying and suggesting topics for PLRs. This trend was evident in Phase II, with some ideas for PLRs initially generated through external partners who had been exposed to a PLR in a different area of technology. They were then able to recognize the value of developing a PLR in their own field. Further, the Secretariat had received several requests for updates to existing reports, suggesting their relevance to users. The Secretariat had also received requests for the sharing of best practices by other countries that had used patent analytics effectively, and further hands on training for accessing and using open source patent search and analytic tools as well as databases. In the post Phase II period, the Secretariat had started to work on other PLRs with specific countries. A PLR on Palm Oil was being developed with the Government of Malaysia. As the value of patent analytics was not widely understood by a non IP audience, it had naturally taken the project some time to find its constituency. The development of PLRs, workshops and the e-tutorial, as well as development of the methodology guidelines should be viewed not only as valuable in themselves, but as catalysts for a broader understanding of the relevance and value of PLRs for public policy, strategic development and technology transfer. The natural and appropriate audience for this project was broader than national IP offices. As further reports were developed and utilized, Member States and potential external partners were likely to become more aware of their value and utility, and accordingly, to become more active in identifying and suggesting topics for PLRs. The importance of translation in ensuring relevance to users, and supporting project relevance, efficiency and effectiveness should not be underestimated. On effectiveness, it was noted that the overall standard of deliverables was generally regarded as high. On several indicators, expectations were significantly exceeded such as in the case of PLR download statistics, contribution to international negotiating fora, number and quality of workshops, and involvement of the project team in external promotion activities. The PLRs and workshops were consistently highly rated in terms of their relevance and quality. In general, the Phase II activities were viewed as contributing to a broader understanding of the value of PLRs and had built the beginnings of a foundation for Member States and others to identify areas of technology where PLRs would benefit national policy making. On sustainability, it was noted that the project integrated several features that supported this. Such features should continue to be strengthened in the post Phase II period. Future activities should further emphasize capacity building, and further strengthen remote learning and access to tools. This would enable the project to reach a broader range of Member States, a broader range of government departments, a larger number of staff within relevant departments, and a broader range of stakeholders including IGOs, NGOs, the private sector and research institutions in developing countries and LDCs. Lastly, on the implementation of DA Recommendations 19, 30 and 31, the project was widely perceived as having positively contributed to the goals set out in those recommendations. The project should be understood as one that had a slow burning nature in its early phases. However, it had and would continue to develop incrementally, with the capacity to increase its impact as the gains of the earlier phases were consolidated. The Consultant then turned to the

recommendations included in the report. Firstly, it was recommended to the Secretariat that the timing of project evaluations should be staged in a way that ensured implementing divisions had access to evaluation recommendations relevant to the design of subsequent project phases in the project proposal drafting stage, and before they were required to submit project proposals to the CDIP for approval. Second, it was recommended to Member States and the Secretariat that although not all materials and activities required translation into all official languages, the degree to which translation would support project objectives and project efficiency and effectiveness should be considered on an output-by-output basis. Sufficient budget lines for translation should be integrated in project proposals. Third, it was recommended to Member States and the Secretariat that dissemination of project outputs was essential to the relevance and effectiveness of the project, and should be budgeted for accordingly. Fourth, it was recommended to the Secretariat that all options for tracking user experience be further considered and evaluated. Activities to strengthen communication of project achievements to those directly involved in the project should be considered. That may involve, for example, development of a project e-newsletter and/or more frequent website or social media updates. Fifth, it was recommended to the Secretariat that in mainstreaming the project, it should continue to be viewed as a service delivery project requiring specialised skills, experience and expertise. It should be organized and staffed accordingly. Lastly, without prejudice to the deliberation of Member States, it was recommended that WIPO and its Member States consider future activities in this area that build upon the foundation provided by Phase I and II, including through continuing to support international policy deliberations through development of PLRs, as well as to work with Member States to identify specific areas of technology for the development of PLRs; emphasize capacity building, including through the further development of e-tools. This may include development of an advanced training module that could be delivered by the WIPO Academy, and integrated as a regular module of the TISCs; facilitate hands on learning towards developing skills in patent search and analysis, noting that this may require a modest investment by WIPO by subscribing to specialised commercial tools and databases; facilitate access to and training in use of open source patent search and analysis tools, ensure activities were targeted such that they reach a broader stakeholder audience incorporating mainstream government departments, the private sector in developing countries and LDCs, NGOs and research institutions; and support the exchange of experiences and best practices among countries.

97. The Delegation of Japan found the recommendations in the evaluation report to be useful. Publicizing the project's outputs was essential as PLRs and best practice guidelines were useful in terms of building the foundations for policy discussions and the private sector's R&D strategies. The Delegation understood the importance of statistics on IP. From that perspective, the Japan Patent Office (JPO) was assisting developing countries. One example was a workshop held in December 2013 in the Philippines. It was organized in cooperation with WIPO and the IP Office of the Philippines. The workshop was attended by 22 participants from 12 countries. According to the survey undertaken after the workshop, 86% of the participants were totally or highly satisfied with the seminar. The Delegation hoped that awareness of the importance of statistical data in the field of IP would be further realized.

98. The Delegation of the United States of America made a few comments on the report. The Delegation had continuously supported the project since 2009. It recognized the value of PLRs and supported WIPO's role in creating such reports. The Delegation was pleased to hear that during Phase II, six new reports were completed in collaboration with two new cooperation partnerships; 20 additional WIPO and external PLRs were added to the website during Phase II; two regional meetings were conducted; and the methodological guidelines for the preparation of PLRs were drafted. The Delegation agreed with the evaluator's recommendations and encouraged the Committee to consider the recommended future activities, specifically designed to ensure the sustainability of the project.

99. The Chair invited the Consultant to respond to the comments from the floor.

100. The Consultant (Ms. Monagle) referred to the comments made by the Delegation of Japan and stated that there was a desire to continue exchanging experiences between countries with experience with those countries who would like to gain further experience. With regard to the comments made by the Delegation of the United States of America, the Consultant stated that the sustainability of such projects was essential to ensure the efficient use of Member States' resources. She was pleased to see the extent to which elements supporting sustainability were included in the project.

101. The Delegation of Algeria noted that the project was supposed to implement recommendation 19 of the DA. The Delegation stated that the recommendation spoke about transfer and access to technology. It understood that the project was about conducting PLRs. It was unclear whether those reports were really helping to facilitate access to technology. The Delegation requested the Consultant to provide further information in this regard.

102. The Consultant (Ms. Monagle) recalled the content of Recommendation 19, "To initiate discussions on how, within WIPO's mandate, to further facilitate access to knowledge and technology for developing countries and LDCs to foster creativity and innovation and to strengthen such existing activities within WIPO". She stated that the relationship between recommendation 19 and the PLRs was very much linked to the content in the topic of a particular PLR. It was demonstrated that they continued to strengthen the capacity for patent analytics in a way which could enhance a country's capacity to develop and use PLRs in areas which could support creativity and innovation, and facilitate access to knowledge and technology. This would become increasingly apparent at the country level in the post-Phase II period. Previously, many of the PLRs were focused on areas of international policy. Examples such as the PLR on palm oil for Malaysia demonstrated the links between recommendation 19 and the PLRs. Being able to analyze trends in patents was essential for assisting research by public institutions and for the private sector to be able to make good decisions on technology development. It was very much part of the whole spectrum of activities which supported access to knowledge and technology, and supported creativity as well as innovation.

Consideration of document CDIP/14/4 - Evaluation Report on the Pilot Project for the Establishment of "Start-Up" National IP Academies – Phase II and document CDIP/14/3 - Evaluation Report on the Project on IP and Socio-Economic Development

103. The Chair invited the Consultant to introduce the Evaluation Report on the Pilot Project for the Establishment of "Start-Up" National IP Academies – Phase II.

104. The Consultant (Ms. Austin) provided an overview of the report. The methodology for the evaluation was fairly standard. Interviews were held with the project team, senior WIPO managers, representatives of Member States and representatives from the academies. Attempts were made to reach country level representatives from each of the countries involved, and due to availability, stakeholders from Colombia, Egypt, Peru and the Dominican Republic were interviewed. Key documentation was reviewed and examined to identify data relating to performance, project design, project management, results and implementation. Data collected was analyzed and a draft evaluation report was submitted to the Secretariat at the end of July. Factual clarifications provided by the Secretariat were included in the final evaluation report. The objective of the evaluation was to understand what worked well within the project and what did not by assessing the project design framework; project management; measuring results achieved to date; and assessing the likelihood of sustainability of results achieved. The project addressed DA Recommendation 10. It aimed to strengthen national and regional institutional and human resource capacity through further development of infrastructure and other facilities in six selected countries, namely, Colombia, Dominican Republic, Egypt, Ethiopia, Peru and Tunisia. The project was approved by the CDIP in May 2012. Implementation began in



May 2012 and was primarily completed by December 2013 with a non-budgetary extension of some activities in three host countries into 2014. The project aimed to assist the six selected countries to establish self-sustainable IP training centers able to deliver at least two regular training programs on emerging issues in IP. The different elements included building critical human resources able to develop and deliver IP training programs taking into consideration national development challenges, priorities and local needs and a fair balance between IP rights and public interest. The activities included the training of trainers to deliver programs and the training of administrative staff to manage the training centers being established. Another element of the project was to create relevant materials for the training centers, including the establishment and development of an IP library. The project also aimed to develop a set of tools and guidelines which may be used as a reference for other interested Member States in creating their own training institutions. Lastly, the project aimed to contribute to the creation of a forum of discussions on the use of IP for social and economic development at the national and regional levels. The project followed on from a first phase of support to establish start-up national IP academies, approved by the CDIP in 2009. 20 countries requested to be included in the project and six were selected for participation. The project was implemented under the supervision of a Project Manager (the Director of the WIPO Academy) with the support of a dedicated project officer. The evaluation focused on three areas, namely, project design and management, effectiveness and sustainability. There were four key findings in the area of project design and management. First, the project documentation and approach was detailed in nature and took on board some, but not all, of the recommendations emanating from the Phase I evaluation. For example, the use of confusing terminology in Phase I was remedied in Phase II; work on a set of tools and methodologies for use by other Member States was initiated in Phase II; and including the activity as a permanent program within the WIPO Academy. Second, a number of potential internal and external risks were foreseen within the project documentation that may stand in the way of project implementation and fulfillment. These included a lack of domestic funding for the local IP training institution beyond the period of WIPO cooperation which could compromise long-term sustainability. In this regard, participating countries were encouraged by WIPO to identify donors. Training in fundraising skills was also provided. The potential risks also included insufficient numbers of trainers. In this regard, the beneficiary countries were requested to put in place efficient measures to ensure the attendance of at least 80% of the identified trainers to the training of trainers program. Another potential risk was that national institutional restructuring and political instability may stand in the way of project implementation. In this regard, WIPO tried to put in place revised timelines in situations where that risk became a reality. Third, the role of some WIPO Regional Bureaus in Phase II was limited in spite of their important role as custodians of the national IP strategies. The WIPO Academy made attempts to collaborate with the Bureaus but engagement differed among regions. Lastly, within the project duration of 20 months, three countries experienced implementation delays primarily due to reasons outside the project's control. In two of the countries some activities were completed outside the project timeframe and for the third country only limited activities were implemented. Palliative measures were taken in order to address these delays. No budget extensions were requested. There were five key findings in the area of effectiveness. This was considered to be a measure of the extent to which the project met its objectives which were described earlier. First, it was found that there were limited indicators within the project documentation as to what constituted a self-sustainable training center. The indicators that were included focused on outputs and not on outcomes. WIPO reported that three of the six countries had created self-sustainable start-up training centers in Phase II, while three were in the process of doing so. Two of the centers were providing regular IP-related training programs. Second, 86 trainers had been certified as qualified for the provision of onwards training as a result of the project although there were challenges in ensuring that their skills were utilized. The trainers were evaluated by the academies to assess their training skills. Third, four national academy coordinators had completed training for the management of the training centers. This was 67% of the number envisaged through the project. Fourth, a Wikispace was created for hosting the training materials developed through Phase II. However, there was no moderator. It had not been officially launched, although it was available on the

WIPO website. This hindered the dissemination of materials produced for the benefit of other countries aiming to establish IP training centers. With regard to the contribution the project to discussion forums, representatives from all the start-up academies were invited to participate in the global network of IP academies in an effort to bolster continued discussions. Lastly, no guidelines on the relevant steps and processes required to create an IP training institution were developed within the project timeframe. However, it should be noted however that work was in progress and the project manager had requested an extension until the end of this year to produce the guidelines. The evaluation report provided an overview of activity implementation at the time of writing. 8,484 people had been certified, with training delivered by 71 of the 86 certified trainers and coordinated by the five academy directors trained through the project. Colombia and the Dominican Republic were offering two regular IP-related training programs. Training modules on recent developments of the WIPO Development Agenda and on teaching methodologies were compiled on a web space which was open to the general public. Six regular IP training programs were developed. There was one key finding on sustainability. One of the core objectives of the project focused on the sustainability of the IP academies when WIPO support ceased. It was found that there were limited indicators within the project document to measure sustainability. Given the implementation status of the different training centers, it was too early to make a judgment on the sustainability of each center. However, training was being provided in the academies established some months after WIPO support had been withdrawn and activities such as offering fee paying courses were being put in place to try and ensure sustainability. The Consultant turned to the conclusions of the evaluation. The project has delivered successfully against a number of the planned outputs. Challenges were faced in some countries due to factors outside of WIPO's control and these resulted in implementation delays. WIPO took palliative measures to address the delays. The limited inclusion of outcome monitoring indicators and defined monitoring processes to measure outcomes made it difficult to assess how effective the project had been in achieving its objectives. In terms of results, 86 trainers were trained to deliver IP-related training in five of the six countries involved in the project. One academic coordinator was trained in each country. All the training centers were provided with reference materials to develop their own libraries. The Consultant then turned to the recommendations included in the evaluation report. There were six recommendations for future action. First, following project evaluations, WIPO should consider developing action plans or management plans to address each recommendation. This should be led by the CDIP with the cooperation of the Secretariat. Such plans would allow for a documented approach as to why specific recommendations were accepted or not accepted by WIPO; would designate a named person or team responsible for follow-up on each recommendation; and should encourage the attribution of a timeframe for implementation of the recommendation. Second, in similar future projects, whether funded as a special project or through WIPO's regular budget, the role of the Regional Bureaus should be strengthened throughout the duration of the project. Input could be provided at the development stages of the project in order to ensure their buy-in which should also assist in ensuring sustainability. The Bureaus were in a position to provide advice on where a start-up academy was best located (e.g. whether in the national IP office or in a relevant government ministry) as well as advise on the governance structures at national level. The Bureaus were also in a position to support the inclusion of the training centers within national IP strategies. Third, in coordination between the WIPO Academy and the Regional Bureaus, indicators for measuring whether or not a self-sustainable training center had been created needed to be developed, particularly in light of the fact that the activity was included as a regular part of WIPO's budget. The indicators should be SMART (Specific, Measureable, Attainable, Relevant, Time-bound), and should be both output and outcome focused. Fourth, in order to support the newly established training centers, the WIPO Academy, in coordination with the relevant Regional Bureau should develop an assessment format to be shared with the centers for adaptation and use in evaluating whether the trained trainers had sufficient skills and capacity to undertake onward training. This would ensure WIPO buy-in beyond the completion of the training. The independent consultants used to develop the projects could be employed to undertake independent assessments of those trained in order to check whether the training modules and model adopted were achieving

objectives in terms of building human resources able to develop and deliver IP training programs. Fifth, the project's Wikispace should be officially launched by WIPO and promoted to Member States. A moderator for the Wikispace should be identified in order to develop and monitor discussions as well as inputs on the creation of IP training institutions and the training undertaken within them. Lastly, the project team, in close coordination with the Regional Bureaus, should swiftly finalize the set of guidelines that was being developed on the processes required to create a self-sustainable IP training center. The guidelines should be developed with an associated dissemination plan and promoted amongst Member States.

105. The Consultant (Mr. Keller) introduced the Evaluation Report on the Project on IP and Socio-Economic Development. The project was adopted during the fifth session of the CDIP in April 2010. Implementation began on July 1, 2012 and ended in December 2013, after a six month extension which was approved by the CDIP during its 10<sup>th</sup> session. The project's key deliverables included studies, workshops and a symposium. In line with standard evaluation practices, the evaluation was conducted based on four main criteria, namely, relevance, efficiency, effectiveness and sustainability. Different evaluation tools were used to ensure an evidence-based qualitative and quantitative assessment. The methodological mix included desk studies, individual interviews (by phone and through physical meetings) and direct observation. Most of the key deliverables were completed relatively recently. Therefore, it was too early to assess the outcomes in terms of how the deliverables were used and the effects of doing so. The Consultant turned to the conclusions of the evaluation. First, the project was operationally well planned and managed. The project document included a clear, well-thought through approach, outlining the different steps needed to deliver the required outputs. Certain implementation delays were mainly due to external factors such as coordination challenges beyond WIPO's control. Although clear objectives were defined, the application of WIPO's standard project planning tools (in particular the logical framework) at the design stage and as a basis for reporting left room for improvement. Second, the project was highly relevant to Member States in terms of assisting them in collecting data on the use of IP at the micro level as an input to policy making and for linking the use of IP to economic and social performance. The availability of accurate statistical data in developing countries was also relevant to the information needs of IP stakeholders in developed countries. By potentially assisting Member States to fulfill their reporting duties, the project was also relevant to the needs of the Secretariat to deliver high quality data to Member States. Third, beneficiary countries expressed a high degree of ownership. The evaluation found significant in-kind contributions by beneficiary offices in terms of providing significant staff resources and establishing dedicated functions for economic data collection and analysis. Beneficiary institutions clearly articulated their needs and actively participated in the design and preparation of the studies. Fourth, WIPO provided the right type of high quality support in the right way. The studies produced under the project were of good quality. The approach used to construct and digitalize information on IP applications and grants with a possible common identifier, enabling to link these IP data with other survey data from the statistical offices, was appropriate. This approach was highly innovative for middle-income countries and reflected best practices used in developed countries. The project successfully strengthened capacities within national IP offices and among local experts in beneficiary countries in better understanding the factors determining the use of IP. It also helped to create awareness among policy makers in beneficiary countries on how to use economic data for policy making. Beneficiaries confirmed that the studies provided useful inputs for policy making, which in one case was evidenced by incorporating the findings of a study into a draft for amending IP legislation. The project helped to create a network among beneficiary countries and linked them to WIPO. Fifth, the approach that was successfully piloted in a limited number of countries could potentially be replicated in other countries. However, consolidating and broadening promising initial results would require replicating assistance through a follow-up project for expanding it to other countries. Understanding the importance of using economic data for policy making was still limited in certain countries. Awareness raising activities targeted at policy makers would increase the chances for the studies to be used for evidenced-based policy making. Efficiency of a possible

follow-up phase could be significantly enhanced by using expertise built in the project's beneficiary countries to assist other countries. Lastly, incorporating capacity building activities into the project was likely to increase the sustainability of results. Training provided and the institutionalization of economic analysis within IP Offices was likely to contribute to the sustainability of initial results. Moreover, the methodology for collecting, cleaning, merging, analyzing, constructing and using data on IP linked to other micro data in order to analyze specific trends and characteristics of IP use was documented in detail and to a large degree replicable. The Consultant turned to the recommendations contained in the evaluation report. First, it was recommended for the Secretariat to prepare a follow-up project to broaden and consolidate the existing results. This should be done along the following lines: continue to assist IP offices in other countries, including in LDCs, to create databases of IP use and link them to other socio-economic databases; conduct additional studies in other countries, including LDCs, using the datasets created, with a particular focus on topics that have not yet been looked at; continue using the methodological approach applied under the project, with a particular emphasis on awareness raising among policy makers prior to agreeing on the TOR for each study; publicize a summary of all studies conducted under the project and the follow-up phase; capitalize on local expertise built under the project for providing technical assistance to other countries; explore the option to incorporate statistical training into the national IP academies supported under project DA\_10\_02, where feasible; continue coaching existing beneficiary countries of the project on a demand basis; and prepare, for the consideration of Member States, a roadmap for mainstreaming assistance in building and using data sets into WIPO's regular activities. Second, it was recommended that the CDIP approve a follow-up project to enable Member States to establish and use statistical IP data for the purpose of providing input to policy making along the lines suggested above. Third, The Secretariat should strengthen the application of planning and monitoring tools. Quality control of projects at the design stage should be strengthened to ensure proper application of existing project planning tools. The Secretariat should consider introducing the logical framework as a basis for project cycle management. Fourth, it was recommended that the IP Offices in beneficiary countries should continue training new specialists to maintain and transmit the knowledge gained through the project and to mitigate the risk of staff turnover. Furthermore, the processes constructing datasets should be clearly documented to ensure continuous updating.

106. The Delegation of the United States of America referred to the Pilot Project for the Establishment of "Start-Up" National IP Academies and stated that it had supported the project in both its first and second phases. The Delegation had been pleased to contribute input throughout the evolution of the project. It believed that this kind of training and curriculum development could be very beneficial to IP users, stakeholders and policymakers at the national level to help them better understand their systems for the use and protection of IP. There had not been an opportunity in this meeting to hear from any of the beneficiary countries themselves about the development of the national IP academies within their countries. The Delegation would be interested in hearing if any of those delegations had comments to make. The Delegation stated that while there were definitely a number of successes noted from this project, including the impressive numbers of over 8400 people trained and over 60% of the trained trainers being women, the evaluation report also pointed out many things that limited or delayed full implementation of the academies. The report noted a need for indicators that can measure the sustainability of the national IP academies as well as a need for criteria to evaluate whether trained trainers had sufficient skills and capacity to undertake onwards training. There was also much emphasis in the report on the strong commitment needed from the beneficiary Member States in order to make the academies effective and sustainable. The evaluation report also pointed out that no guidelines on relevant steps and processes required to create an IP training institution had been developed. This was something that the project manager and the six beneficiary countries could collaborate on in order to expand the reach of this project and to provide other countries with guidance on how to approach the establishment of their own national IP academies. The Delegation appreciated the positive initial effects of this CDIP project and wished continued success as these national IP academies continue to move

forward with their implementation. The Delegation stated that it may also have some comments on the second project but would be interested to hear comments and answers to those questions on the first project.

107. The Delegation of Peru referred to the Pilot Project for the Establishment of “Start-Up” National IP Academies. Implementation began in Peru in 2009 under the supervision of INDECOPI. Since then, the school had been very involved with civil society. It had provided training in IP for 997 Peruvian nationals. Training was provided on the DA, in accordance with recommendation 10. The Delegation noted that this was not mentioned in the evaluation report. With regard to the training of trainers, Peru organized a regional course on patents. It was attended by 15 participants from the region. A training course on copyright would also be carried out. These were the efforts of the national academy. Although the evaluation report was a good input, it was important to also hear the views of the beneficiary countries of the project. These were tangible results. The Delegation referred to the recommendations contained in the evaluation report. It believed Recommendations 3 and 4 required some additional elements which were absent. Recommendation 3 referred to indicators, while Recommendation 4 was on an evaluation model. The recommendations called for these to be developed by the WIPO Academy in coordination with the regional bureaus. The efforts should take into account the situation in each country. Therefore, the Delegation suggested that the governments and national IP academies of beneficiary countries should also participate in the development of the indicators and model. This would complement the recommendations in an appropriate manner.

108. The Delegation of India referred to the Project on IP and Socio-Economic Development. The Delegation noted with satisfaction the conclusions and recommendations contained in the evaluation report. However, the Delegation also highlighted the limitations of the evaluation as it was relevant for future projects, in particular, paragraph 27 which stated the following, “No field visits were conducted. Fact finding focused on actors directly involved into the Project (the Secretariat, IP offices in beneficiary countries, WIPO experts) only. Data collection did not include a broader range of stakeholders, such as IP users in developing countries, as they were not directly targeted”. The Delegation emphasized that these aspects which were highlighted in the report should be taken care of in order to provide a more accurate assessment of IP-related socio-economic development in the countries to be selected for Phase II.

109. The Delegation of the Dominican Republic referred to the Pilot Project for the Establishment of “Start-Up” National IP Academies and associated itself with the comments made by the Delegation of Peru on the development of indicators. The project was very important for its country. There was a national commitment to foster initiatives through its national IP academy. It had been able to offer a broader range of training possibilities in order to reach out to more people and strengthen the creation of an IP culture in the country. Since its creation, the national IP academy had trained approximately 1500 persons. More than 35 academic units had been developed. These were directed at professions in different areas and sectors such as research centers and universities. Seminars, workshops, conferences, lectures and other activities had been carried out. The Delegation reiterated that the project was very important for its country. Important outcomes had been achieved. It reached various sectors of the population and benefitted development in the country.

110. The Delegation of Turkey stated that its country had experienced a steady growth in applications for registering trademarks and designs in the last decade. The IP office had been processing a considerable number of applications. It was constantly increasing its capacity to cope with the applications. IP knowledge was spreading in relevant circles in Turkey. However, the level did not commensurate with the country’s needs. The IP office, in cooperation with other relevant governmental and non-governmental national and international organizations, had been doing its utmost to fix this shortfall through all available means. In this context, it wanted to start two cooperation activities with WIPO in 2010. One was the establishment of an

IP academy through the Pilot Project for the Establishment of “Start-Up” National IP Academies. However, it did not benefit from both phases of the project. Nevertheless, the Delegation continued to lend its strong support for the continuation of the project, including before Phase II. The limitations of the project were known at the time. The Delegation referred to the evaluation report. Some of the project’s results were worthwhile. As mentioned in the evaluation report, more than 8,000 people had been certified, with training delivered by 71 of the 86 certified trainers and coordinated by the five academy directors trained through the project. The project had ended and was mainstreamed into WIPO's Program and Budget for 2014-15. Following the agreement of the CDIP at its ninth session, priority was given to the needs of LDCs and countries already involved in Phase I of the project to the extent possible. The Delegation believed it was better to take into account the key findings and recommendations of the Consultant from this perspective. Key findings 5, 8 and 9 were important. The Delegation noted that key finding 5 stressed on the need to identify indicators on what constituted a self-sustainable training center. Key finding 8 was on the Wikispace which hosted the training materials created through Phase II. It had no moderator and has not been formally launched. This hindered the dissemination of the materials produced for the benefit of other countries. Key finding 9 underlined the need to develop guidelines on the relevant steps and processes required to create an IP training institution. These had not been developed within the project timeframe. The Delegation reiterated its country’s readiness to be involved in future academic-related work and initiatives. It had given strong support for the establishment of new IP academies and the continuation of work that had already started in interested countries.

111. The Delegation of China believed these projects brought a lot of benefits to the beneficiary countries. The Delegation stated that China had participated in the Project on IP and Socio-Economic Development. WIPO organized a lot of activities, including a seminar and workshop which provided opportunities for delegates from different countries to exchange views. The Delegation noted that the evaluation report contained recommendations. It hoped that WIPO could analyze the recommendations for the purpose of future work. It also hoped that WIPO would take into account the experience in Phase I and pay attention to the sustainability of this work. The Delegation further hoped that WIPO would find an effective way to disseminate the results of the studies in order for them to be used by other countries.

112. The Delegation of Brazil referred to the Project on IP and Socio-Economic Development and expressed its satisfaction with the results. The Delegation stated that Brazil had actively participated in the project. Three papers were produced by the WIPO Economics and Statistics Division in coordination with Brazilian institutions. These included IP and Socio-Economic Development – Country Study Brazil (document CDIP/11/INF/3); Study on the Use of IP and Export Performance of Brazilian Firms (document CDIP/14/INF/5); and the Report on IP Use in Brazil (2000-2011) (document CDIP/14/INF/6). The institutions involved in the realization of the studies were the Brazilian IP office and the Institute for Applied Economic Research. The three papers provided a good basis for further analyzing the impact of the use of industrial property in Brazil. The reports provided a good understanding of what was happening on the ground and gave a better perspective on the use of the IP system in Brazil. The project also fostered other important results. The most important was the creation of an IP database for statistical purposes. The tool was developed by the Brazilian office in cooperation with WIPO. It facilitated access to data on the use of IP assets in Brazil since 2000. The database could potentially provide strategic information for the Brazilian authorities to use in their policy making activities. The Brazilian institutions involved in the project appreciated the cooperation with WIPO’s Economics and Statistics Division. The Delegation hoped the good experience could be the first step to a strong and productive relationship for the production of economic and statistical data on IP rights. The development of solid methodologies to measure the impact of IP protection in the various areas of social and economic affairs was of great interest to Brazil. The Delegation believed this sentiment was shared by other Member States as well.

113. The Delegation of El Salvador referred to the recommendations of the evaluation report for the Project on IP and Socio-Economic Development. The Delegation was interested in the recommendations, particularly the recommendation for the Secretariat to continue assisting IP offices to create databases on IP use and to link them to other socio-economic databases and the recommendation for the IP Offices to continue training activities. The Delegation considered this as one of the tasks that the IP offices, including its own, had been carrying out. The Delegation turned to the evaluation report on the Pilot Project for the Establishment of “Start-Up” National IP Academies. It referred to the recommendations contained in the report and highlighted those on the development of action plans to address each evaluation recommendation; establishment of indicators for measuring whether or not a self-sustainable training center had been created; and the recommendation for the project’s Wikispace to be officially launched by WIPO in order to disseminate the materials to other countries aiming to establish IP training centers. The Delegation supported the comments made by the delegations of Peru and the Dominican Republic, particularly with regard to the development of indicators on what constituted a self-sustainable training center.

114. The Delegation of Chile supported the views expressed in the evaluation report for the Project on IP and Socio-Economic Development. The Delegation reiterated that an important outcome of the project was the development of new databases in the countries that participated in the project. Knowledge related to the preparation of the databases was also part of the tangible outcomes of this project. The results could be replicated in other Member States using the methodology that was applied. The project helped to create awareness among policy makers on how to use economic data for policy making. Information gathered through the project would be useful for the development of a national industrial property strategy. The Delegation highlighted the joint efforts undertaken by INAPI and WIPO to implement the project in Chile.

115. The Delegation of Colombia referred to the Pilot Project for the Establishment of “Start-Up” National IP Academies and associated itself with the statements made by the delegations of Peru and the Dominican Republic. Colombia was a beneficiary country of the project. These initiatives were important for Colombia and other countries that needed to strengthen their capacities in IP. In this regard, one of the most important tools was training. This included face to face as well as virtual training. Colombia took advantage of the WIPO courses and programs, and adapted them to its own situation and needs. Colombia trained approximately 5,950 persons through 189 training centers in 2013. These figures would be higher for this year. In Colombia, the copyright office was separate from the industrial property office. The project helped to generate synergies and positive meetings through cooperation on IP. WIPO supported the IP academy by facilitating experts and through providing didactic materials, books and access to databases. As a result, the academy had achieved a certain degree of self-sustainability. The academy would continue to need WIPO’s support for these initiatives. It was important to developing indicators to measure the effectiveness and efficiency of these projects.

116. The Delegation of the United States of America made a few comments on the Project on IP and Socio-Economic Development. The Delegation supported the project when it was first proposed in 2010 and had been insistent in reviewing and providing comments on the various studies that resulted from the project. It had heard from some of the countries in which studies were prepared but would be interested in hearing more from other beneficiary countries about the results of the studies undertaken within their countries, particularly given the evaluator’s comments that the late production of the studies within the period of the project made it difficult to analyze the uptake and use of those studies. The Delegation was interested in learning more about how studies were received by stakeholders and policymakers and how the results would continue to be used in the future. One of the most intriguing aspects of the project was that the studies included the development of datasets and other statistical information on IP and socio-economic development that could be further grown and developed over time. The Delegation

would be interested in hearing more about the sustainability of these efforts going forward. The evaluation report noted several areas where enhancements could be made and that would expand the reach, effectiveness and sustainability of the project results. In particular, the report pointed to the value of south-south cooperation in the recommendation to capitalize on local expertise built up by the project for providing technical assistance to other countries. The report also pointed to the need for increased statistical training in the curriculum of the national IP academies and by mainstreaming into WIPO's regular services, technical assistance in building up datasets and using them appropriately. Beneficiary IP offices were also encouraged to train new specialists to maintain and transmit the knowledge gained through the project. These types of studies would ultimately have the most impact when they had the cooperation, input and full buy-in from the various stakeholders and policymakers in the beneficiary countries. The Delegation appreciated that this seemed to have been a key focus throughout the project.

117. The Chair invited the evaluators to respond to the questions and comments from the floor.

118. The Consultant (Ms. Austin) referred to the support and endorsement by delegations with respect to the recommendations contained in the evaluation report on the Pilot Project for the Establishment of "Start-Up" National IP Academies. In this regard, she noted that Recommendation 1 on the development of action plans was supported by the Delegation of El Salvador. Recommendation 3 on the establishment of indicators for measuring whether or not a self-sustainable training center had been created was mentioned by a number of delegations, including Peru, El Salvador, the United States of America, Turkey, Dominican Republic and Colombia. Recommendation 4 was mentioned by the delegations of Peru and El Salvador. Recommendation 5 was referred to by the delegations Turkey and El Salvador. Recommendation 6 was mentioned by the delegations of Turkey and the United States of America. She noted that the delegations of Peru and the Dominican Republic had highlighted, for example, the number of people trained through the different training centers. The report provided an overall figure and did not include a country breakdown in terms of the number of persons trained. This was because the TOR for the evaluation clearly stated that the project as a whole should be evaluated, and not the individual activities within the project. She then referred to Recommendations 3 and 4 on the establishment of indicators and the development of an assessment format, and the request for Member States to be included in those activities. She stated that the recommendation proposed the participation of the WIPO Academy and the regional bureaus as a starting point. The participation of Member States in the process would certainly serve to strengthen the development of the indicators and assessment format.

119. The Consultant (Mr. Mohnen) referred to the comments made by the Delegation of India on the evaluation report for the Project on IP and Socio-Economic Development. He stated that IP users were not interviewed because the project aimed to narrow the knowledge gap faced by policymakers in those countries in designing and implementing a development-promoting IP regime. Therefore, the first beneficiaries were considered to be the IP offices and policymakers. The report recommended the preparation of a follow-up project, including continuing to assist IP offices in other countries to create databases of IP use and link them to other socio-economic databases. The datasets could be used by academics and policymakers to determine whether there was a link between the use of IP and socio-economic development. A lot had been learned and it would be useful to continue with the efforts. Therefore, it was recommended that the IP Offices should pay proper attention to continue training new specialists to maintain and transmit the knowledge gained through the project and to mitigate the risk of staff turnover.

120. The Chair concluded the discussion given that there were no further observations from the floor.



## **AGENDA ITEM 7: CONSIDERATION OF WORK PROGRAM FOR IMPLEMENTATION OF ADOPTED RECOMMENDATIONS**

### Consideration of document CDIP/14/7 - Project on IP and Socio-Economic Development – Phase II

121. The Secretariat (Mr. Fink) introduced the project proposal. The project was a follow-up to the project on IP and Socio-Economic Development which was completed at the end of 2013. It would continue to be an umbrella project for national and regional studies that sought to narrow the knowledge gap faced by policymakers in designing and implementing a development-promoting IP regime. The objectives of the project were directly framed by recommendations 35 and 37. The aim was to gain a better understanding of the socio-economic effects of IP protection in developing countries. A side-objective was the creation and maintenance of analytical capacity in countries where little economic studies work on IP had been undertaken so far. Building on the results achieved during Phase I, the project's second phase would proceed along two pillars. It would promote the sustainability of the research initiated in Phase I by supporting follow-on work that make use of the micro datasets created during Phase I. It would extend the work to new countries and regions, including at least one LDC, as well as to new topics not covered in Phase I. The successful delivery approaches adopted in Phase I would be maintained in Phase II. The studies would seek to shed new empirical light on the role of the IP system. This often required up-front investments in building new datasets. The studies would be tailored to the needs of local policymakers. They would be guided by the availability of data to answer the research questions that were of interest. Each study would be peer-reviewed by recognized international experts who were not part of relevant research teams. Some additional strategies would also be adopted in Phase II. Follow-on activities in countries that benefitted from Phase I would be mainly geared towards ensuring the sustainability of the work initiated in that phase, especially the maintenance and use of micro datasets. The Secretariat would be less involved in comparison with Phase I and the studies for new beneficiaries in Phase II. In Phase II, projects would be initiated in four to five new countries. Interested Member States were invited to approach the Secretariat, outlining their analytical interests, existing data infrastructure, and how they would support project implementation and coordination. Some Member States had already expressed their interest in this regard. If the number of interested Member States exceeded the target, the Secretariat would draw on the help of the Regional Coordinators in selecting the beneficiary countries. The Secretariat had taken note of the recommendations contained in the evaluation report, particularly those on project management, monitoring and adoption of the logical framework. Those recommendations would be implemented.

122. The Delegation of India noted that the project aimed to address the DA Recommendation 35 by assessing the economic, social and cultural impact of the use of IP in beneficiary countries. It sought to narrow the knowledge gap faced by policymakers in designing and implementing a development-promoting IP regime. In this regard, the Delegation referred to its comments on the evaluation report for Phase I which highlighted the limitations identified by the evaluators. The Delegation believed these were also relevant to Phase II. Policymakers in beneficiary countries would be better equipped to assess the impact of the use of IP and establish a development-promoting IP regime if they also received feedback from IP users and other stakeholders.

123. The Delegation of the United States of America referred to its comments on the evaluation report for Phase I and reiterated that it was interested in hearing more from the beneficiary countries about the studies. It looked forward, in particular, to hear how the studies were received by stakeholders and policymakers, and how the results would be used in the future. The evaluation report suggested putting greater emphasis on awareness-raising among policymakers in beneficiary countries prior to agreeing on specific TORs for each study and

publicizing a summary of all studies conducted under the project. These suggestions were worth considering. The Delegation noted that the project document for Phase II stated that a mechanism would be instituted, allowing project beneficiaries to provide qualitative feedback on the design, implementation and impact of the study activities. The Delegation suggested that this type of feedback should not only be allowed, but also strongly encouraged, as an important part of improving the studies themselves as well as future projects and studies of this kind. The Delegation referred to the recommendation in the evaluation report regarding the need for increased statistical training and training in building and using datasets. The Delegation reiterated that it saw value in such training being incorporated into the curriculum of the national IP academies and mainstreamed into WIPO's regular technical assistance program and as well as the suggestion that beneficiary IP offices could be encouraged to train new specialists to maintain and transmit the knowledge gained in these projects. The Delegation encouraged the Secretariat to keep these matters in mind as it moved forward with Phase II. The Delegation referred to the idea of including more studies related to the copyright sector. Although there were some, the Delegation believed it was not the strongest focus and there may be a benefit in looking more at the socio-economic impact in the copyright area. The Delegation also noted the request for funding a final research symposium in Geneva at the end of Phase II. It would like the Secretariat to consider ways to broaden the reach of such a symposium and to make use of resources most effectively. Consideration should be given to holding the event on the margins of the CDIP or another WIPO meeting that would allow more representatives of Member States to attend. The Secretariat should also consider full use of virtual tools such as live webcasting, online question submittal, digital video conferencing or other methods that would allow greater reach to a broader audience while also potentially reducing third party travel costs. The Delegation put forward some questions on the methodology of the Chief Economist's Office in undertaking economic studies. It noted that the work produced by and under the management of the Chief Economist's Office tended to be well performed and undertaken with statistical rigor which lent it a sense of balance and credibility. Therefore, the Delegation believed it had more utility. This was in contrast to some of the external studies recently completed elsewhere in WIPO which somewhat lacked academic rigor and did not appear to be in line with best practices for research papers. Along these lines, the Delegation requested the Chief Economist to share his experience regarding the methodology and practices employed in his office in managing and producing external studies. The Delegation asked whether he could comment on what type of best practices with respect to peer review existed in the area of economic studies. It would like to know whether those practices were being employed by WIPO. It would also like to know how the current practices for WIPO studies, both internally produced and externally commissioned, could be improved in order to ensure value for the intended audience of the study. The Delegation wanted to know how the viewpoints, observations and comments of the peer reviewers were taken into consideration by the authors of the studies under his office's management.

124. The Delegation of Brazil supported the approval of Phase II. It appreciated the results of Phase I and saw great value in expanding the initiative to enable more Member States to benefit from the production of country studies on the impact of IP protection on socio-economic development. The studies produced through the project were very helpful in providing national authorities with better information to take appropriate policy decisions. They also provided a better picture of the consequences of multilateral rules in the field of IP. This initiative clearly had the potential to produce better and more solid statistics and methodologies to measure the impact of IP protection on socio-economic development. The Delegation hoped Phase II would be adopted during the session.

125. The Delegation of Italy, speaking on behalf of the EU and its Member States, welcomed Phase II and hoped that the lessons learned from the evaluation report on Phase I could be applied, as relevant.

126. The Delegation of Uruguay referred to the country study on Uruguay which was presented on October 9, 2014. The presentation was attended by the Minister of Industry. Representatives from the government, academia, private sector and the Secretariat were also present. The national authorities had yet to provide their comments as the study was only presented a month ago. However, the initial assessment was very positive. The Delegation emphasized that the studies conducted under the project assisted policymakers in countries such as Uruguay to develop their national policies. The studies as well as the data generated were very helpful, particularly when a country lacked experts in this area. The Delegation informed the Committee that the study would be presented and discussed more extensively during the side event on Thursday.

127. The Delegation of Japan, speaking on behalf of Group B, reiterated that it was necessary for the Secretariat to institute a rigorous peer review process for any external report or study commissioned and funded by the Organization in order for it to continue to be a world reference source for IP information and analysis, as prescribed in Strategic Goal 5. The Group was very interested in hearing the opinion of the Chief Economist on the points raised by the Delegation of the United States of America on the working methodology for preparing studies, including the peer review.

128. The Delegation of the Czech Republic, speaking on behalf of CEBS, stated that coherent expert knowledge of the economic, social and cultural impacts of the use of IP systems on development should be an initial point for the adoption of any policy decision in the field of IP protection and related policies at the national, regional and international level. The Group welcomed the activities of the respective research teams, including the Chief Economist, in this regard. Therefore, the Group supported Phase II of the project. At the same time, the Group also expressed its long standing support for ensuring rigor and quality in terms of outputs. The Group supported steps in that direction.

129. The Delegation of Chile supported Phase II of the project. The Delegation reiterated that the replication of the work in other Member States would be extremely relevant, as it was for Chile. The country was very interested in a second phase due to the results of the first phase. The mining industry was the most active industry in terms of patents. The industrial property office may identify new areas of development as a result of the work done with the WIPO which could be replicated in Phase II.

130. The Delegation of Cameroon reiterated that it appreciated the quality of the work done under the project. It was fully satisfied with the approach which tried to look at the particularities and specificities of each country's needs. Other countries could also benefit from this type of work. The Delegation supported Phase II of the project as well as the integration of the recommendations contained in the evaluation report for Phase I. The Delegation reiterated its interest to participate in Phase II.

131. The Delegation of the Republic of Korea encouraged the approval of Phase II. The Delegation noted that Phase II focused on expanding the project to new countries in order to maximize the project's results. However, the scope and methodology of the research should be clearly detailed before work began on the project.

132. The Delegation of Italy, speaking on behalf of the EU and its Member States, supported the enquiry by the Delegation of the United States of America on the working methodology and best practices in commissioning external studies. The EU and its Member States were interested in rigor in the commissioning of studies and in the quality of the final output in order to ensure that the studies would provide authoritative and objective background to the discussions in the Committee.

133. The Chair invited the Secretariat to respond to the questions and comments from the floor.

134. The Secretariat (Mr. Fink) agreed with most of the comments on the substantive direction of the project. The Secretariat referred to the comment made by the Delegation of India and stated that the views of governments, users of the IP system and a broad array of stakeholders, including society at large, should be taken into account. It included those who may not use the IP system but was affected by it. It was important to conduct extensive consultations at the outset of the project. This was one of the things learned in Phase I. The best way to do so was to organize workshops to bring all the stakeholders together and shape the research that would take place. It was important to listen to the views of all the stakeholders in that regard. The evaluation report provided some initial feedback on the impact of the studies and it was valuable. In Phase II, consideration would be given to include the possibility for receiving some initial information on the impact of the studies. One of the key challenges was measuring impact as it could take a considerable amount of time to materialize and impact analysis may in some circumstances require as much resources as a study. Therefore, these considerations had to be balanced. The Secretariat referred to the comment made by the Delegation of the United States of America on copyright and acknowledged that the area was somewhat neglected in Phase I. This was partly due to the empirical approach that was adopted for the project. A lot of information was available on the other IP forms due to the registration process. However, as copyright registration was voluntary in most countries, the data available in copyright registries was not that comprehensive. However, there were other data sources such as surveys that had been conducted in some countries. The Secretariat took note of the need to search for some evidence on the impact of the copyright system in Phase II. The Secretariat referred to the questions posed by the Delegation of the United States of America on the methodology for the studies and peer review mechanisms. On the methodology, the Secretariat stated that the studies added value through providing empirical data on matters that informed IP policy making. That was why it was important to create data in a way that it could be used for economic analysis. In the case of IP operations data, this may require significant investment, harmonization of names and building links to other data sources. As far as analytical inquiries were concerned, the methodology would be closely oriented to the state of the art in literature on economics. The Secretariat tried to engage some of the world's best experts when international experts were required in the implementation of studies. It was able to benefit from a lot of analytical input from qualified academics across the world. The drafting of the studies should be guided by empirical evidence. It was also important to generate a lot of descriptive evidence. This was done in the studies that were conducted on IP use in various countries. Descriptive evidence was valuable in terms of understanding the big picture. The discussions in the studies were driven by data and the conclusions may sometimes be inconvenient. However, the authors should also not jump to conclusions when they were not warranted. An area where the Secretariat always emphasized caution was causal effect. Statistical correlation did not necessarily mean causation between two variables. When causality was not proven, the studies should not state otherwise and appropriate caveats must be included where necessary. The Secretariat stated that those were some of the broad guidelines that were taken into account, both internally and externally, when drafting studies. All the studies that were submitted to the CDIP in Phase I were peer reviewed. The peer reviewers were international experts. The Secretariat only used academics that had established a reputation through their publications. The draft and final studies were also sent to the concerned governments for comments. In many cases, intermediate drafts were presented at local workshops and that generated valuable comments. In one or two cases, with the permission of the governments, drafts were also presented at academic conferences. That also generated useful feedback. The Secretariat initially thought about a review process that was similar to the submission of draft papers to academic journals. In most cases, those papers were anonymously reviewed by other academics. The editor would decide whether to accept the article, request revisions or to reject it based on the peer review. However, anonymous peer reviews would not work in the case of these studies as it would raise a lot of questions. In most cases, the peer reviewers were mentioned in the footnotes where they were referred to as reviewers. The author was

obliged to faithfully implement the comments. In most cases, that was relatively straight forward. If the reviewer had pointed out a factual inaccuracy or elements that needed to be thought through, the authors would usually do so. If the views of the peer reviewer and the author were to differ, the Secretariat would play an important mediating role in discussing the comments with the authors and encouraging them to take comments into account. If the comments were based on a misunderstanding of data, the Secretariat would recommend to the author not to necessarily take them into account. That may require additional communication with the peer reviewer. However, this was all theoretical as there had not been a case where a comment from a peer reviewer had raised controversy. If the views of the author and reviewer were to differ on the interpretation of empirical data, the disagreements could also be reflected in the write-up without the necessity to take a position on the matter. Transparency was important in the write-up. All data sources should be transparently documented. The discussion should carefully take the reader through the various arguments that were made. This was important. In this regard, the Secretariat stated that a language challenge was experienced and should be taken into account in Phase II. The local experts were not necessarily fluent in English. Although it may not be necessary for the studies to be written in English, a lot of prior literature was often in English. The local experts were often also quite keen to write in English to attract a larger audience. However, their written English was often not as good as that of a native English speaker. Therefore, in Phase II, the Secretariat would like to set aside some funds to engage the services of an editor to ensure that all the studies were written in a well communicated and easily understood manner.

135. The Chair invited the Committee to approve the document. It was approved, given that there were no objections from the floor.

#### Consideration of document CDIP/13/8 - IP and Tourism: Supporting Development Objectives and Protecting Cultural Heritage in Egypt and Other Developing Countries

136. The Chair recalled that the project generated a lot of interest in the previous session. Some Member States had also requested for certain clarifications, as mentioned in paragraph 9 of the Summary by the Chair for that session. In a communication addressed to the Secretariat, the Delegation of Egypt had expressed its willingness to resume discussion on the proposal based on the existing draft. The Chair invited the Secretariat to introduce the document.

137. The Secretariat (Mrs. Toso) recalled that the document was presented and discussed at the previous CDIP session. It was based on a proposal by Egypt. The document took into account several considerations with regard to the role of IP in tourism. Tourism was a main source of income for many developing countries. In a highly competitive globalized world, tourism was increasingly characterized by tailor-made demand for differentiated products and services. Tourism stakeholders could play a key role in providing high-quality products and services to tourists by responding to their most specific interests and needs. In doing so, they could strongly benefit from the strategic use of the IP system. The general objective of the project was to analyze, support and promote awareness of the role of the IP system and tools in promoting tourism and protecting cultural heritage in the context of national growth and development objectives. It had two specific objectives. First, to create capacities for key tourism stakeholders and the national authorities, including IP offices, on how to use IP tools and strategies to add value and diversify tourism-related economic activity, including activity related to the protection of cultural heritage. Second, to raise awareness among the academic community of the intersection between IP and tourism in the framework of local growth and development policies, with a view to developing teaching materials and promoting the inclusion of specialized curricula in tourism management schools and in national IP academies. The project would be implemented in three main phases. The first phase involved research and documentation activities for the identification of existing or potential IP tools for the promotion of tourism and the protection of cultural heritage. The Secretariat would develop guidelines on the

use of IP systems and tools for tourism and cultural heritage protection, based on expertise in trademarks, designs, copyright, IP norms and principles related to TK, TCEs and other relevant IP fields. The guidelines would include case studies explaining best practices in the successful use of a national IP system for the competitive advantage of the tourism sector and the protection of cultural heritage. This would be followed by two other phases which would be implemented at the national level. Egypt and three other countries would be selected to participate in those phases. The second phase was on capacity-building activities for key tourism stakeholders and national authorities. The third phase involved awareness raising activities on the role of IP in the promotion of tourism and the protection of cultural heritage. The selection of the three other pilot countries would be based on criteria, including the existence of national/regional development policies where tourism was considered a tool for territorial development, poverty alleviation, employment creation, women and youth empowerment, economic, social and cultural development in general; existence of a business environment in a location characterized by unique cultural, environmental, traditional or historical conditions that attract tourism, but remained untapped, at risk of being misappropriated or neglected; and demonstrated interest at business and political (national/regional/local) levels to increase the competitiveness and innovation capacity of tourism-related economic activity for national development. Interested countries were invited to submit a proposal to the Secretariat with these and other elements, including an indication of the lead agency/institution responsible for coordinating country-level activities; brief description of the touristic interest in the country and the prevailing tourism-related business environment; and the capacity of the lead agency and other stakeholders to continue with the implementation of the proposed strategies when the project concluded. WIPO would establish strategic and operational links with other agencies in the implementation of the project, in particular, the UN Educational, Scientific and Cultural Organization (UNESCO) and the UN World Tourism Organization (UNWTO) within the framework of their mandates for the safeguarding of intangible cultural heritage and the preservation of cultural heritage, and the role of tourism in promoting national development, respectively. The project was particularly relevant in the context of the DA. It sought to demonstrate how developing countries could benefit from IP tools to promote tourism and protect cultural heritage. It would showcase how the strategic use of IP tools could influence business and market diversification, assist in protecting cultural heritage and content, create value chains and stimulate national development.

138. The Delegation of Egypt looked forward to constructive engagement on the document. It would listen carefully to the comments and hoped to adopt the project during the session. Tourism was a very important area of development for Egypt and many other countries, including developed countries. Tourism was a potential area for development for each of them.

139. The Delegation of Kenya, speaking on behalf of the African Group, reiterated that tourism was a very important area for development, not only for developing countries but also for developed countries. The project was very useful and should be given due consideration. The Group looked forward to the adoption of the project during the session.

140. The Delegation of the United States of America understood there had been no revisions to document CDIP/13/8, and the comments and concerns of Member States expressed in the last CDIP had not been addressed. Therefore, the Delegation reiterated its position with respect to the project document. It recognized the importance of tourism for national economies, including its own economy and saw promise in using IP tools for promoting tourism. However, it had a number of concerns with the project proposal. First, it could not support any work in the area of TK and TCEs as they were the subject of ongoing IGC negotiations. It also would not support the development of guidelines and/or IP norms and principles as each Member State was sovereign and should make its own policy decisions. In general, before any project on IP and tourism was undertaken by the Committee, it was necessary to conduct an exploratory study on the use of IP for tourism. It was unclear what IP tools, other than branding, could be used to promote tourism. The Delegation sought clarification on whether there were any personnel

costs involved in the project. It believed the proposal had potential and would like the project document to be revised taking into account its comments and concerns. The Delegation would be happy to provide its comments to the Secretariat and the Delegation of Egypt in order for the Committee to consider how to move forward with the proposal in the next session.

141. The Delegation of Ecuador supported the approval of the document. Tourism was extremely important for its country. It was one of the principal sources of income. Ecuador would like to be selected for participation in the project once the document was approved. There was a major campaign for promoting Ecuador. The impact was significant. The country had experiences with appellations of origin and TCEs. Ecuador had natural resources as well as a tourism sector. The project could help Ecuador to benefit from the use of IP as a tool for development in these areas.

142. The Delegation of Mexico stated that tourism was a strategic sector for economic development in countries such as its own. The sector was very important for its economy. It played a crucial role in job creation, infrastructure development and the preservation of natural resources and cultural heritage. Mexico attached great importance to the development of tourism and recognized that IP strategies offered diverse possibilities to increase value, competitiveness and capacity for innovation within the sector. In Mexico, trademarks had been used to identify and differentiate products and services for some distinctive touristic areas in the country. Recently, the Mexican Institute of Industrial Property awarded trademarks to eight municipalities in Chiapas in the south of Mexico. They were characterized as tourism destinations because of their traditions, nature, culture, gastronomy and history. The trademarks were IP tools which would help the communities to become more important at the national and international levels; promote themselves as touristic sites of interest; and promote economic development for the local population. Mexico was using IP to foster national economic growth and promote tourism.

143. The Delegation of Indonesia stated that the tourism sector played an important role in national economic development. In some countries, including Indonesia, the contribution of the tourism sector to economic development was increasing. Therefore, the Delegation welcomed the project proposal. It hoped that the project would guide policy discussions and raise public awareness on the importance of IP in tourism promotion and the protection of cultural heritage. It also hoped that the project would not only benefit Egypt and the other selected countries, but also other countries.

144. The Delegation of Iran (Islamic Republic of) believed the proposed project was within the scope of the Committee's work. The project could benefit Member States as it would analyze, support and promote awareness of the role of the IP system and tools in promoting tourism and protecting cultural heritage. The proposal deserved to be welcomed by all countries as they all had tourism industries, regardless of whether they were developed or developing countries. Tourism was an important source of income for Iran (Islamic Republic of). It contributed to the gross national product of the country. The project would enhance and extend the scope for utilizing IP in a new area that was almost untouched. It was a new and interesting approach to examine the use of IP for development. Tourism was an extremely important development sector across the world, and not only for developing countries.

145. The Delegation of Japan, speaking on behalf of Group B, saw merit and value in the project. IP could play a positive role in the field of tourism. However, in the last session, the Group had raised a concern on the inclusion of TK and TCEs in the scope of the project. At that time, the Delegation of Egypt had explained that the intention was not to link the project with the ongoing discussion at the IGC. The Group had taken note of the explanation. However, there was no common concept and common understanding on the protection of TK and TCEs in the context of WIPO because the discussion was still ongoing. Without a common concept and shared understanding on the protection of TK and TCEs, it was difficult to see how those

elements of the project could be pursued in a proper manner. Therefore, its concern still stood. The Group referred to the Chair's summary for the previous session and it was clearly stated that the Committee decided to discuss the revised project at its next session. From that perspective, the Group looked forward to further discussing the project based on a revised document which would address its concerns raised at the last session.

146. The Delegation of Rwanda strongly supported the project. Rwanda was a tourism-oriented country. It had a tourism policy. A draft policy on national heritage was awaiting its parliament's approval. Rwanda would like to be selected for participation in the project.

147. The Delegation of Italy, speaking on behalf of the EU and its Member States, regretted that the document had not been changed as the proposal was interesting and could potentially add value to the competitiveness and further development of countries involved in the project. In this respect, they welcomed the openness shown by the Delegation of Egypt and were willing to provide their comments to the Secretariat and the Delegation of Egypt. Speaking in its national capacity, the Delegation stressed on the importance of mentioning all internationally recognized IP rights in the project proposal. Alternatively, a non-exhaustive list or more neutral language could be used.

148. The Delegation of India supported the project proposal. It noted that several interventions had referred to the usefulness of using IP tools to support the tourism sector, particularly in developing countries. It was also relevant for all countries across the world. The Delegation also noted the concerns expressed by some delegations on the use of IP norms and principles relating to TK and TCEs as these were being discussed in another committee in WIPO. In this regard, the Delegation proposed that the wording could be replaced with a reference to the respect for national, regional and local traditions. These were part of cultural heritage and traditions. The Delegation highlighted that India also had a thriving tourism sector and could consider making a proposal once the proposed project was approved by the Committee.

149. The Delegation of Tanzania continued to support the project. The Delegation aligned its comments with the comments made by the Delegation of Kenya in its national capacity and on behalf of the African Group. The project had potential. At this stage, delegations should not prejudge the extent to which IP tools would be applied in the implementation of the project. IP was cross cutting in nature. Therefore, the application of IP tools could not be limited in the case of TK and TCEs. These may bring up other issues going forward. It was not possible to foresee certain issues that could arise in the course of implementing the project. The Delegation noted that three countries would be selected for the pilot project. It believed a lot of proposals would be made. Therefore, thought could be given to extending the pilot phase to more countries.

150. The Delegation of El Salvador stated that tourism was a main source of income for many countries. It supported their economies, particularly in the case of developing countries. The Delegation believed it could also be a valuable sector for other countries in the near future. The use of IP-related tools would contribute to the development of the tourism sector in all the various countries. Therefore, the Delegation supported the approval of the document. The link between tourism and IP could contribute to the development of many economies.

151. The Delegation of Kenya concurred with the statement it made on behalf of the African Group. Tourism was one of the main contributors to Kenya's economy. It was important to understand the interface between IP and tourism using various IP tools. It underscored the essence of using IP as a tool for economic development. The Delegation supported the proposal and looked forward to its implementation.

152. The Delegation of Senegal associated itself with the statement made by the Delegation of Kenya on behalf of the African Group and welcomed the initiative by the Delegation of Egypt to



propose a project in an important sector for all countries. Tourism played a crucial role in the economic and social development of Senegal. It was the second source of foreign currency and provided a lot of employment. The Delegation noted that the project was based on Recommendations, 1, 10, 12 and 40 of the DA. In Senegal, the tourism sector had declined in the last ten years. For this reason, the Government had developed a strategic national plan for 2012-2022. The Delegation reiterated its support for the project. As the objectives of the project were in concordance with its national plan to re-launch the tourism sector, Senegal would like to benefit from the pilot phase. The Delegation called for the project to be adopted at this session.

153. The Delegation of Guatemala considered the project to be innovative as it would contribute to the economic development of countries, particularly those with a lot of cultural heritage and potential for tourism. The adoption of the project would help many national economies to strengthen their tourism industries.

154. The Delegation of Cameroon supported the statement made by the Delegation of Kenya on behalf of the African Group. Cameroon was recognized because of its diversity as Africa in miniature. It was rich in folklore and traditions. The government was working on a more efficient strategy to develop the tourism sector. The data on tourism indicated that folklore was one of the reasons why new destinations were appreciated. The project was consistent with WIPO's objectives to encourage countries to strategically use IP for development. It was premature to exclude or underestimate the contribution of the project to the development of the tourism sector. The Delegation supported the project. The experience gained through the project would help other countries to develop the IP aspects they considered to be appropriate.

155. The Delegation of Tunisia attached a lot of importance to the project. Tunisia was a tourist destination. It relied to a great extent on tourism. Tunisia was a Mediterranean country with many historical sites. It hoped to be included among the countries that would benefit from the proposed project.

156. The Delegation of Australia stated that it also valued cultural heritage and tourism as this was an important sector in Australia. However, like the delegations of the United States and Japan, it would find it hard to support the paper going forward as it stood without addressing the issues that were raised at the last session.

157. The Delegation of Sri Lanka aligned itself with the statements made by the delegations of, *inter alia*, Indonesia, Iran (Islamic Republic of), Mexico, and Rwanda. It also aligned itself with the proposal made by the Delegation of India to replace the term "cultural heritage". Sri Lanka was rich with ancient cultural heritage, beaches and wild life treks which attracted many tourists from across the world throughout the year. Tourism was a major source of income for Sri Lanka. Therefore, the Delegation fully supported the project. Sri Lanka was interested to participate in the project.

158. The Delegation of Switzerland found the idea of using IP to promote tourism to be interesting. The Delegation had expected the project to be revised in order to address the concerns that may still exist. It welcomed the willingness expressed by delegations to work together to find language that would be acceptable to all.

159. The Delegation of Canada saw merit in the project. However, as stated by the delegations of the EU and its Member States, Japan, Switzerland, and the United States of America, some of the issues covered were being analyzed in the IGC. This was stated at the last session. The Delegation hoped to see a revised project at the next session. It was willing to provide constructive comments in order for the Committee to have a project that all Member States would be able to accept.

160. The Delegation of Chile considered the project and the idea to find which IP aspects were linked to tourism to be very important for countries. Therefore, the comments made at this session should be taken into account in order for the project to be acceptable to all Member States.

161. The Delegation of Egypt noted the overwhelming support for the project. Some delegations had referred to a revised project. The Delegation had intended to hold consultations with delegations that had specific comments and concerns. However, this was not done due to certain constraints. It hoped to do so during the session. The Delegation requested for an opportunity to approach those delegations with the help of the Secretariat so that they could work together to address those concerns before the agenda item was concluded. The Delegation then responded to some of the comments that were made. With regard to the concern expressed on the project and the work of the IGC, the Delegation reiterated that the project would not go beyond the work of the IGC. Its objectives did not include norm-setting. The proposal should be examined within the context of tourism. The Delegation noted that almost all delegations had stated that tourism was a very important area for development. There was an intersection between IP and tourism that could be used to achieve some developmental objectives. The project was not aimed at norm-setting activities. The aim was to harness the assets derived from real life and practical experiences in order to promote tourism. The Delegation provided some examples from the perspective of a tourist. It had visited several places in Europe due to their reputation for certain things such as Murano for glass, Normandy for the Christofle factory, Barcelona for Flamenco and Gruyere for its cheese. These helped to promote tourism and were related to innovation. It was about new ideas and how to generate income and economic benefits from those ideas. It had also visited Florence after reading the latest novel by Dan Brown, "Inferno", where the city was described in detail. The novel was protected through copyright. All these examples extended beyond branding. The Delegation referred to TK and provided an example of indigenous people in the western deserts of Egypt who were using sand or water from lakes to produce therapies. The aim was to help those people to generate income from their reality, and not from norm-setting. If those people were able to generate income from such knowledge and traditions, they would protect and maintain them. They may not do so if that was not the case. Therefore, the idea was to support the harnessing of assets to promote tourism and attract tourists. The project did not touch on norm setting. The Delegation hoped the discussion would be within the parameters described above. It was open to revising the document to satisfy concerns. It hoped that the Secretariat would help to organize a meeting to discuss how the document could be revised. The Delegation would also approach the delegations bilaterally to discuss the concerns. It hoped that the project could be finalized and adopted at this session. The Delegation remained open to ideas.

162. The Delegation of Nigeria supported the development objectives and protection of cultural heritage in Egypt. Nigeria would like to be included in the project.

163. The Delegation of South Africa supported the project and aligned itself with the statement made by the Delegation of Kenya. It had also supported the project in the last session. The project was overwhelmingly supported by many delegations for approval. However, a few delegations had problems with the wording as well as issues related to TK and TCEs. In this regard, the comments made by the Delegation of Egypt were very practical. There was no need to wait until the next session as the project was thoroughly discussed in the previous session. The Delegation endorsed the proposal by the Delegation of Egypt to consult with those delegations that had issues with the project and see if these could be resolved by the end of the week in order for the project to be approved.

164. The Chair invited the delegations of the United States of America, Japan, Australia and Canada to react to the offer made by the Delegation of Egypt to hold consultations and come up with language that would be acceptable to all delegations.

165. The Delegation of the United States of America reiterated that it would be happy to provide comments. The Delegation requested for its concerns to be reflected in the revised document. The issue of whether or not it would support the document was contingent on the contents of the revised project. The Delegation was willing to work with the Secretariat and the Delegation of Egypt. It had a list of comments and would be happy to do so informally.

166. The Chair stated that the format, timing and venue for the consultations would be announced later. He invited the Secretariat to respond to the comments from the floor.

167. The Secretariat (Mrs. Toso) had taken note of the comment made by the Delegation of Italy that all IP tools be considered in the implementation of the project. With regard to the number of countries that would participate in the pilot phase, the Secretariat stated that it had to come up with a maximum number of countries. However, it would be possible for other countries to participate later on. The lessons learned could be shared with countries that were not part of the initial selection. The criteria described in the document would be taken into account in the selection of countries. The Secretariat noted the interest expressed by certain delegations to be considered for the pilot phase. All Member States were invited to submit proposals. The Secretariat also noted that a large majority of delegations supported the project.

#### Terms of Reference (TOR) for the Independent Review of the Implementation of the Development Agenda Recommendations

168. The Chair invited the Committee to consider the TOR for the Independent Review of the Implementation of the DA Recommendations. He noted that a lot of ground was covered under the guidance of the former Vice-Chair. The final text had been distributed to delegations. The groups had examined the text. As agreed, an exchange of views would be initiated in the plenary session before engaging in informal consultations on the TOR. Agreement on the TOR was long overdue. Maintaining strategic ambiguities in the text could negatively impact on progress.

169. The Delegation of the Czech Republic, speaking on behalf of CEBS, believed that the negotiated outcomes were a good basis for the continuation and conclusion of the debate on the final text of the TOR. The Group reiterated its expectations with respect to the independent review. The form and scope of outcomes should be clearly set out to secure the value added by the review, and to avoid duplication with previous evaluation reports as well as the External Review of WIPO Technical Assistance in the Area of Cooperation for Development. The selection of independent consultants for the review team should be in accordance with WIPO's established procedures. In this regard, the Group would welcome a more detailed explanation by the Secretariat on the budget for consultants. It believed that cost effectiveness as well as fact and evidence based outcomes of the independent review would be of benefit to the Organization and other stakeholders. Considerable efforts had been made. The Group was prepared to finish the exercise in collaboration with other regional groups and Member States.

170. The Delegation of Japan, speaking on behalf of Group B, recalled that despite many hours of informal sessions to draft the TOR, the discussion broke down on one issue. It concerned whether one of the members of the review team required practical experience in technical assistance on IP for development. It was regrettable that all groups were not represented at the informal consultations on October 27, 2014, based on the agreement at the last session. Therefore, the gaps could not be narrowed through the informal consultations. The Group remained committed to engage in the exercise to give a final touch to the draft TOR at this session in a constructive and cooperative spirit. WIPO's work had, and had to have, strong connections to the real world of IP systems, including policy makers, practitioners and industries. The review had to contribute to the objective of the Organization. This could not be

achieved if the review team did not have practical experience. Technical assistance formed a core part of WIPO's development activities. The Group recognized the importance of hearing the views of those who were actual beneficiaries of technical assistance in capitals. Therefore, it supported potential field visits. However, it was simply not possible to properly evaluate the effectiveness of WIPO's country projects if the review team did not have any practical experience in implementing projects in that field. It could not think of any reasons that such practical experience would undermine the work of the review team in this regard. It had never heard a persuasive argument that such a requirement for the review team would adversely affect their work in light of the objective of this Organization. The Group continued to believe that practical experience was an essential component which the review team had to have as a team.

171. The Delegation of Italy, speaking on behalf of the EU and its Member States, expressed their readiness to engage in the finalization of the TOR for the independent review. They remained confident that agreement on outstanding issues was possible. The independent review need not be onerous. It should be short and concise. The TOR should enable efficient and pragmatic consideration. The independent review should focus on the evaluation of concrete activities undertaken by WIPO, particularly technical assistance projects. It should take into account the views of the actual beneficiaries of such activities. Therefore, the review team needed to have extensive experience in program and project management, including experience in implementing projects in the field. On the basis of the TOR, the Secretariat could proceed to select the most appropriate and qualified review team through an open and transparent recruitment process.

172. The Delegation of Pakistan, speaking on behalf of the Asia Pacific Group, attached great significance to the finalization of the TOR for the independent review. A comprehensive review would provide an opportunity to evaluate and assess progress as well as to outline deficits. The Group hoped to build upon the progress achieved in earlier sessions and discuss leftover issues on which there was a divergence of opinion. It urged all delegations to contribute with maximum flexibility to achieve results.

173. The Delegation of Kenya, speaking on behalf of the African Group, believed that the differences could be overcome during the session. A comprehensive review was more appropriate as the work being undertaken under the DA recommendations extended beyond projects. Some work entailed norm setting activities. The recommendation dealing with the work of the IGC was an example. TK, TCEs and genetic resources were not being dealt with through a project. These issues were being considered in the IGC. These issues and many others should be part of the review process. In that regard, focusing on the processes *per se* could risk the exclusion of important components. A project was not implemented as an end in itself, but as a means to promote IP for development. The Group would like a comprehensive review in order to see how work could be improved and to mainstream what had been undertaken in various projects into WIPO's work. There was no contradiction in terms of what was intended. A good and thorough job should be done in order for the review to assist Member States and the Organization. The Group would be constructive in the discussions. It believed the TOR could be finalized during the session.

174. The Delegation of Iran (Islamic Republic of) associated itself with the statement made by the Delegation of Pakistan on behalf of the Asia Pacific Group. As part of the Coordination Mechanism, the GA decided in 2010 that the CDIP would undertake an independent review of the implementation of the DA recommendations at the end of the 2012-2013 biennium. To that end, the finalization of the TOR and the selection of independent IP and development experts by the CDIP were of high importance. The Delegation emphasized that the review should address not only technical assistance, but also aspects of WIPO's work in the implementation of the DA, including the work of the CDIP, the Secretariat's work on DA activities that were undertaken or planned, aspects of the DA that had not been addressed as yet and others. At its

12th and 13th sessions, the Committee decided to continue discussions on the TOR in its next sessions. It was urgent for sufficient time to be allocated to finalize the TOR during the session with a view to implementing the GA's decision in light of the fact that it was supposed to be fulfilled by the end of the 2012-2013 biennium. In that context, the Delegation encouraged all delegations to engage actively and constructively in the deliberations to resolve a few pending issues and finalize the text of the TOR in this session in order to pave the way for accomplishing the mandate given by the GA.

175. The Delegation of Brazil believed the independent review would help improve the implementation of the DA recommendations. It would also help to mainstream the recommendations into WIPO's work. Therefore, the Delegation urged all delegations to engage in a constructive manner in the discussion in order to overcome the few remaining impasses and come up with a text for a comprehensive review.

176. The Delegation of China stressed on the need to look into the past and learn lessons from it in moving forward on all the important work of the Committee. The independent review was important to improve the implementation of DA recommendations and their mainstreaming into the regular activities of WIPO. The Delegation hoped consensus would be reached on the TOR in order for the independent review to be conducted.

#### Consideration of documents CDIP/14/11 and CDIP/12/5 - WIPO GA Decision on CDIP related matters

177. The Chair opened discussions on the WIPO GA decision on CDIP related matters.

178. The Delegation of Kenya, speaking on behalf of the African Group, recalled that the Committee had been grappling with this issue for a while. It had moved back and forth from the GA to the Committee. It was critical for the issue to be resolved once and for all. The Committee's inability to resolve it was affecting the work of other committees. The Group reiterated that all committees had a responsibility to report to the GA on how they were implementing the DA recommendations. This was based on the fact that some concluded projects were mainstreamed into the regular work of the Organization. The mainstreaming was not limited to some committees as it depended on where a particular issue would fit. Some committees could not be excused from this responsibility when the final aim was to mainstream some of the projects that had concluded. There were also principles that could apply to the various committees regardless of the substance of their work. This was a very simple issue. The Committee did not need to labor on it. The reporting had not harmed the work of any Committee. The statements made by delegations in committees such as the SCCR, IGC and the SCP were recorded and forwarded to the GA where they were discussed. There had not been any detrimental effects to the work of those committees. Therefore, there should not be any fears that the views expressed by Member States on how they saw the contribution of a particular committee would undermine the work of that committee. Those fears were unfounded and should be removed in order to move forward on this issue.

179. The Delegation of Japan, speaking on behalf of Group B, remained convinced that the overall role of the Committee was to discuss specific issues on IP and development. Thus far, that had been done without the new proposed agenda item. No one could deny that fact. The Group appreciated the efforts by DAG to revise its proposal (document CDIP/12/11) but it did not touch upon and address the aforementioned concern. The Committee would continue to fully implement the mandate given by the GA decision in 2007 by reflecting and further discussing specific individual issues in respect of IP and development. With regard to the coordination mechanisms and monitoring, assessing and reporting modalities, the Group continued to believe that relevant WIPO bodies were not all WIPO bodies. That was crystal clear from the language. Relevancy was decided by each body by itself. In its decision on the

coordination mechanism, the GA instructed the relevant WIPO bodies to include in their annual report to the Assemblies, a description of their contribution to the implementation of the respective DA recommendations. Therefore, it was obvious that the respective relevant WIPO bodies could report on its contribution in its own way and there was no room for the Secretariat to work on it. The Group referred to its opening statement and reiterated that the Committee should not spend too much time on repetition in the same discussion. The issue should be deferred if the flavor of new ideas could not be felt in the first round of exchanging views.

180. The Delegation of Italy, speaking on behalf of the EU and its Member States, took note of the WIPO GA decision on CDIP related matters at its 46th session in which the GA approved the request of the CDIP to continue the discussions. The EU and its Member States noted that WIPO had made great progress in implementing the DA, as highlighted several times by the Director General. By definition, the core objective of the CDIP was to discuss IP and development. It had been successful in doing so, and had fully delivered on its mandate in this regard. Much time had been spent by the CDIP and other bodies discussing the implementation of the Coordination Mechanism. They noted that different interpretations existed on the meaning of the term “relevant WIPO bodies”. The EU and its Member States reiterated their position that not all WIPO bodies were relevant and should themselves determine whether they were relevant for the Coordination Mechanism. The debates on the relevancy of WIPO bodies should not disrupt the work of such bodies. Protracted discussions on this topic in the CDIP would take time away from more concrete and meaningful discussions on DA projects.

181. The Delegation of the Czech Republic, speaking on behalf of CEBS, called for a successful conclusion to the debate on CDIP-related matters and the implementation of the Coordination Mechanism. That would be beneficial for all delegations and needed to enable the Committee to concentrate more on its substantive work. The agenda of the CDIP was repeatedly overburdened by documents. The time devoted to statutory or procedural issues should be balanced. More time should be allocated for the participation of national experts in the Committee’s debates. The Group continued to pay attention to the issue of CDIP related matters. It supported the continuation of the CDIP’s work concerning these related matters on an *ad hoc* basis. That was the most appropriate approach to discuss emerging new matters related to IP and development. The approach did not preclude the Committee’s mandate. On the contrary, it enabled the Committee to fulfill the third pillar of its mandate in a more flexible and effective way. This approach enabled the streamlining of the Committee’s efforts. It allowed for reasonable prioritization of the respective related matters and helped to avoid the duplication of work. WIPO, as a member-driven organization, provided the opportunity to discuss any issue related to IP and development. There was no indication that any IP and development related matter had been omitted or excluded from the Committee’s agenda. The Group was convinced that the Committee’s mandate was *de facto* being fulfilled in this way. It did not need a new agenda item to address IP and development related matters. The Group reiterated that it was ready to discuss any IP and development related issue covered by the mandate of the Committee in this manner. The Group expressed its preference to conclude the discussion on this issue during the session. With regard to the Coordination Mechanism, the Group considered the Committee to be the most appropriate forum for Member States to share their expertise in the field of IP and development. Therefore, work related to the DA recommendations should be concentrated in the Committee. It was convinced that the Committee was responsible for IP and development related issues within the Organization. This responsibility should not be shared with other committees. The Group did not see any additional value in further initiatives to move the implementation of the DA from the Committee. This strategy should be kept as the most efficient for Member States, the Organization and other stakeholders.

182. The Delegation Pakistan, speaking on behalf of the Asia-Pacific Group, believed the Committee’s inability to fulfill the GA decision did not reflect well and had a tendency to bog

down matters elsewhere. The matter should be resolved as a priority rather than persistently deferred in order to ensure progress on substantive issues.

183. The Representative of the Third World Network (TWN) noted that after more than 13 CDIP sessions, there was still no progress with regard to the establishment of a coordination, monitoring and reporting mechanism. That was a mandate given by the GA. For instance, the PBC did not report to the GA under the Coordination Mechanism. It made crucial decisions on the allocation of resources with regard to development expenditure. It was critical for the PBC to receive guidance through the Coordination Mechanism in deliberations that had a bearing on the DA. Another important issue was the implementation of the third pillar of the GA decision. That concerned a standing agenda item on IP and development. This aspect of the GA decision had not been implemented since the adoption of the DA recommendations more than seven years ago. The failure to do so created a “trust deficit” in the Organization.

184. The Delegation of Mexico was aware of the need to complete the discussions on the Coordination Mechanism in order to fulfill the mandate given by the GA. In this context, the Delegation echoed the comments made by GRULAC and other delegations during the session, as discussion on the implementation of the Coordinating Mechanism should take place in the CDIP. The Delegation was very concerned by the turn of events in the last meeting of the CWS. The agenda for that meeting was not approved due to a lack of agreement on the Coordination Mechanism. The Delegation recalled that the GA decision on the Coordination Mechanism included the following, “The coordination of the CDIP with other relevant WIPO bodies should be flexible, efficient, effective, transparent and pragmatic. It should facilitate the work of the CDIP and the respective WIPO bodies”. The discussion on the coordinating mechanism in the CWS had the opposite result as it prevented the development of the session and reflected total inflexibility to make any progress on this point. Keeping the agenda hostage within the work of one committee was not the way to achieve progress on the Coordination Mechanism. With regard to the proposal by some delegations for the Coordination Mechanism to also be applied to the PBC, the Delegation had considered the possibility and could go along with the idea insofar as the discussion on this topic would take place within the framework of the discussions on program outputs. That would be along the lines of the decision by the GA on the Coordination Mechanism. It was not necessary to include a separate item on the agenda of the PBC for this purpose. The Delegation reiterated that the CDIP was the competent body to undertake detailed discussions on the Coordination Mechanism. In that context, the Delegation proposed a compromise solution for the implementation of the Coordination Mechanism. In concluding the substantive work in each committee’s session, time would be allocated for Member States to discuss the activities of the Committee that had contributed to the implementation of the DA recommendations. The agenda item could be called “Contribution of the Committee to the implementation of DA recommendations”. The same wording was used in other working groups. The statements made by Member States would be compiled by the Chair of each Committee and would not be being subject to any negotiations by Member States. The Coordination Mechanism as such would only be debated and discussed within the CDIP. The implementation of the Coordination Mechanism could not be discussed in other WIPO committees as the CDIP was the competent and appropriate forum to do so. The Delegation was willing to participate in any debate or discussion related to the Coordination Mechanism and would not hinder the substantive work carried out by other WIPO bodies.

185. The Delegation of Iran (Islamic Republic of) referred to the GA decision on the adoption of the 45 DA recommendations and the creation of the CDIP. According to the decision, the Committee’s mandate included three pillars. The Delegation stated that two of those elements were reflected in the Committee’s agenda, namely, to develop a work program for the implementation of the 45 adopted recommendations and to monitor, assess, discuss and report on the implementation of all adopted recommendations. The third pillar was to discuss IP and Development related issues, as agreed by the Committee. This was an important part of the Committee’s mandate. Its fulfillment through undertaking a clear debate on IP and development

was highly important. According to its mandate, the Committee should make recommendations to the GA. Without discussions on IP and development, the Committee would not be able to make practical recommendations to the GA in the area of development-oriented norm setting. It was high time for the Committee to engage in discussions on the initial objective of its creation and its future. The CDIP should assess the tangible benefits of its creation for developing countries and explore whether the Committee and its work had met their expectations. The Delegation also strongly supported the proposal submitted by DAG (document CDIP/6/12 Rev.) to include a standing agenda item on IP and development related issues. This was essential for implementing the third pillar of the Committee's mandate which was decided by the GA in 2007.

186. The Delegation of Brazil aligned itself with the statement made by the Delegation of Kenya on behalf of the African Group. The Delegation recognized that progress was made in the implementation of the DA recommendations, as mentioned by the Delegation of the Czech Republic on behalf of CEBS. However, for work to keep moving ahead, it was essential to fully implement the third pillar of the CDIP's mandate and the Coordination Mechanism. With regard to the latter, the Delegation reiterated that many areas covered by the PBC and the CWS were related to the DA. Therefore, these committees should report to the GA on their implementation of the DA recommendations.

187. The Delegation of South Africa also aligned itself with the statement made by the Delegation of Kenya on behalf of the African Group. The Delegation reiterated that it was important for the CDIP to reach an agreement on the Coordination Mechanism as a whole without jeopardizing the work of the various committees where there was no agreement to discuss their respective contributions to the implementation of the DA recommendations. It also reiterated that the PBC and the CWS had a direct relationship with the implementation of the DA recommendations. Arguments were made in those committees. Examples were given in term of the recommendations that they could contribute to, especially the CWS. These problems would continue to persist as long as the Coordination Mechanism was not implemented in its entirety, in accordance with the decision by the GA. The Delegation also firmly urged the Committee to implement the third pillar of its mandate, which was to discuss the interface between IP and development. It remained open to further discussion on this particular aspect of the Committee's mandate. The Delegation supported the comments made by the Delegation of the Iran (Islamic Republic of) on this particular point. The Delegation referred to the proposals by the Delegation of Mexico and requested for them to be shared in writing.

188. The Chair enquired as to whether the Delegation of Mexico would be able to do so.

189. The Delegation of Mexico agreed to share its statement in writing.

190. The Delegation of India supported all the interventions made by delegations that would like an amicable solution to this pending issue. The Delegation was willing to participate in any consultation even if it was not undertaken during this session, but before the next GA, to resolve this issue. The Delegation was also concerned that the CWS and the PBC were not included in the Coordination Mechanism. The PBC was relevant due to the calculation of the development share of the whole WIPO budget every biennium by the Secretariat. The CWS was also relevant as the Secretariat confirmed that the relevant DA recommendations were taken into account during the work of the committees. Therefore, an amicable solution was needed as soon as possible. The Delegation was ready to work in informal consultations even after the session.

191. The Delegation of El Salvador supported the statement made by the Delegation of Mexico.

192. The Delegation of Japan, speaking on behalf of Group B, referred to the proposal by the Delegation of Mexico. It was always open to discuss proposals on any agenda item. However, the proposal was made for the first time at the plenary and would be provided in writing at a



later stage. Therefore, it may be good to have a discussion the following day or at a later stage after all the groups had an opportunity to further coordinate.

193. The Delegation of Guatemala associated itself with the proposal put forward by the Delegation of Mexico. It would be a good option to move forward on this issue.

194. The Chair enquired as to whether the Committee could agree to resume discussions on this item the following day after examining the proposal by the Delegation of Mexico which would be shared with all delegations by that afternoon. This was agreed, given that there were no objections from the floor.

#### The International Conference on IP and Development

195. The Chair opened discussions on the International Conference on IP and Development. He recalled that the Committee could not reach an agreement on the list of speakers for the Conference and decided to continue the discussion at this session.

196. The Delegation of Japan, speaking on behalf of Group B, stated that the process for the selection of speakers was very clear. The Group could go along with the current list of speakers. It was produced in line with a process that enabled the Secretariat to prepare a balanced list. The Group accepted the list even though it was not completely fine with all the speakers on the list. The general structure of the Conference was agreed. It did not allow for the addition of new speakers as proposed by others. In addition, the Group had not heard a concrete, objective and convincing argument to justify the addition of speakers favorable for a specific group. The excessive involvement of the Member States in the work of the Secretariat would undermine it and make the Organization dysfunctional. This was an issue of principle rather than a one-shot issue for the Conference. WIPO held many conferences, seminars and workshops on various subject matters. The impasse on the Conference was caused by the attempt to micromanage the Organization. That brought fear in other places. The original approach should be kept and the issue should be left to the wise hands of the Secretariat. A long time had passed since the speaker list for the Conference was prepared by the Secretariat. It was logical to speculate that some of them would not be available for the Conference. Therefore, the best and consistent way forward was to ask the Secretariat to check the availability of speakers included in the list, fill foreseen gaps in the same manner as it did when it prepared the original list and let the Conference go with the revised list.

197. The Delegation of the Czech Republic, speaking on behalf of CEBS, continued to be in favor of the Conference to be organized in Geneva according to the previous deliberated TOR. The Group supported this Conference even though it seemed to date that the promising outcomes of the long debate on the organization of the Conference, originally proposed by DAG and supported by many other proponents from developing countries, had been lost. Academic conferences such as this could bring a more in depth insight into IP and development related issues, focusing on how IP contributed positively to economic, cultural, and social development. This could be an appropriate way to implement the Committee's mandate. Common efforts had been invested in the longstanding discussion on the proposal prepared by the Secretariat containing the thematic panels and the list of speakers. For the sake of organizing the Conference in an effective manner, the Committee should instruct the Secretariat only on thematic and budgeting scope. At the same time, the Group was convinced that the strategic issue of how to move forward with the DA within the Organization should not be delegated to any other WIPO body.

198. The Delegation of Italy, speaking on behalf of the EU and its Member States, was confident that the Conference would provide a worthwhile platform for a meaningful exchange on this important issue. They were sure that the Conference would provide an interesting

opportunity for all to reflect on how economic growth and development as well as creativity could be achieved through IP protection. They understood that the CDIP remained the principle decision making body for WIPO's work on IP and development. While they endorsed the list of speakers prepared by the Secretariat, the EU and its Member States also acknowledged that it was quite old and may need to be updated. WIPO should proceed with the organization of the Conference as soon as possible. They hoped that the list of speakers could be finalized as soon as possible.

199. The Delegation of Kenya, speaking on behalf of the African Group, stated that the most important aspect of this issue was to address the concerns raised by various groups in order to arrive at a final list which was acceptable to all Member States. Such conferences or events were not ends in themselves. There was a need to carefully consider what Member States wanted to achieve through the Conference because they wanted to progress the work of the Organization. A balanced perspective in terms of the challenges and opportunities was important. The list of speakers may have a bearing on the outcomes of a topic. If the list of speakers was not balanced, the views presented would not be balanced and nothing would be achieved. Both views must be presented in order to find some middle ground. That was important because Member States had different perspectives on the issues. The Group looked at this matter in a practical manner as it did not want the Committee to end up debating endlessly on the outcomes of the Conference. The Group wanted to be constructive and was open to discussing the issue in a manner that would be acceptable to all Member States.

200. The Representative of the TWN stated that it was important to find a balance that reflected the views of developing countries. The Conference should reflect not only the positive aspects of IP for development, but also the impediments to development created by the IP system and how to negotiate them. Therefore, it was important for the agenda and speakers to be balanced. It was also important for the speakers to have expertise in IP and development issues as well as an understanding of the development challenges faced by developing countries. Therefore, it was critical for Member States to have a clear say in selecting the speakers. The list should reflect the intentions and aspirations of developing countries which constituted the majority of the members of the Organization.

201. The Delegation of China stated that the Conference was very important. It would help the members of the Committee to improve their understanding of IP and development issues. This was recognized by all. Member States and the Secretariat had made tremendous efforts with regard to the preparations for the Conference. There were only problems with the list of speakers. The Delegation hoped that all parties would make efforts to overcome their differences on this issue in order for the Conference to be held. The Secretariat had already indicated that some experts may not be able to attend the Conference. An extension of the list may help in this regard. China would actively take part in the Conference and engage with other Member States on IP and development issues. This was a very important subject.

202. The Delegation of Brazil supported the statement made by the Delegation of Kenya on behalf of the Africa Group. It regretted that the Committee had not found a way out of the impasse in view of the importance of the Conference and its possible outcomes. It was clear that views differed on the list of speakers. However, it should be recognized by all that the scope of the subject to be discussed at the Conference was wide. Therefore, the list must reflect all the aspects of the matter in order for the objectives of the discussions to be fulfilled. The Delegation urged all Member States to work constructively in order to find some common ground. A promising initiative was put forward in the last session. Perhaps the Committee could try to work on something like that. There was a need to be open-minded about the drafting of the list.

203. The Chair enquired as to whether the Secretariat had any useful information to share with regard to the original list.

204. The Secretariat (Mr. Baloch) recalled the history of the list. Following discussions at the 11th and 12th sessions of the CDIP, the Secretariat was requested to draw up a list of speakers and to share it with the group coordinators and delegations. The agreement in the 10th session of the CDIP was based on four informal sessions held between the 11th and 12th sessions of the Committee. Subsequently, the Secretariat developed a list. It did not contact any of the speakers. This was made clear when the list was prepared. It was possible that some would either not be available or may not be interested to speak at the Conference. However, the Secretariat was unable to confirm this. If requested, the Secretariat could check with those on the list whether they were available for the Conference. If certain speakers were not available, it was up to the Member States to suggest how to fill those gaps. The expertise required for the themes that were decided by the Member States should be kept in mind. For example, if a speaker was not available to speak under theme 6, an alternative speaker who was able to speak on that theme would need to be found. There was a need to identify persons who could replace individuals nominated against these themes.

205. The Delegation of South Africa noted that the Committee had been discussing this issue in a number of sessions. The Committee had agreed on the number of themes. The only outstanding issue was on the list of speakers. The Committee had agreed that the Secretariat would draw up a list. The regional group coordinators would then be given an opportunity to examine the list and approve or endorse it. In the last session, the Delegation of Uruguay had put forward a proposal to try to break the deadlock on this issue. The list was almost redundant because it was drawn up a long time ago. Therefore, the Secretariat needed to redraw the list. In order to deal with the impasse, Member States or groups could then be allowed to submit names to the Secretariat for consideration. The final list would need to be endorsed by the regional group coordinators. The Delegation believed that if this route was taken, the Conference could finally be held. It was quite clear that the list had almost expired. The Delegation and some other delegations felt there was a need to at least provide Member States with an opportunity to recommend names for inclusion in the list. The Delegation believed that if the Committee could agree for Member States to be given that opportunity and for the Secretariat to propose a date for the Conference, the list could then be approved by the regional group coordinators.

206. The Delegation of Iran (Islamic Republic of) believed that the speakers should have expertise in dealing with IP and development issues. They should also have an understanding of the development challenges faced by developing countries and LDCs. All Member States had the right to select speakers for the Conference. The Conference should be held not only for the sake of fulfilling the decision by the GA or to fulfill an agenda item, but also with the understanding that the Committee was trying to achieve consensus on how to move forward. The main issue was how the Committee could benefit from the Conference. The selection of speakers should not be a big problem if the CDIP decided that the Conference should be constructive and useful for the Committee's work. The Delegation supported the proposal by the Delegation of India for the Chair to hold informal consultations to resolve longstanding issues. The consultations could be held in the intersession. The results could then be mentioned in the next session and submitted to the GA for approval.

207. The Delegation of Uruguay noted that several delegations had expressed their flexibility on this issue. This was important in order for the Committee to find a way forward. All Member States were interested to hold the Conference. An agreement should be reached soon. The Delegation pointed out that it would be difficult for the Secretariat to contact the speakers without knowing when the Conference would be held. Therefore, a date should be set before contacting the speakers to see if they were available. Once the availability of those on the list was known, the Committee could move on to the other issues. The Delegation clarified that the proposal supported by the Delegation of South Africa was made by GRULAC and not the Delegation of Uruguay. The proposal was withdrawn in the last session. The Group believed

there was a more constructive spirit in the room that afternoon. Therefore, the Delegation suggested that the Chair could work on the proposal. The Delegation believed the Committee was very close to an agreement.

208. The Delegation of Germany stated that the Committee had agreed on a procedure for drawing up the list. It set out the ways in which Member States were involved in drawing up the list. The Delegation could not understand why the procedure should not be maintained. It had not heard any valid arguments against following the agreed procedure which required the Secretariat to draw up a list and send it for endorsement. No arguments were raised against certain speakers on the list. Therefore, the Delegation proposed that the Secretariat could be requested to contact those on the list to check their availability. The Committee could then decide on how to proceed depending on the number of vacancies. The primary goal should be to follow the procedure that was agreed a long time ago.

209. The Delegation of Kenya, speaking on behalf of the African Group, requested for the list to be recirculated to delegations for examination. The Group understood that none of the speakers on the list had been contacted. This was confirmed by the Secretariat. The procedure was still at the stage where Member States were supposed to endorse the list before the speakers could be contacted. In this regard, the Group referred to the suggestion by the Delegation of South Africa which was based on the proposal submitted by the Delegation of Uruguay on behalf of GRULAC in the last session to see whether a way could be found for Member States to add to the list. Perhaps the issue could be further discussed in an informal setting, as proposed by the Delegation of Iran (Islamic Republic of). The easiest way to deal with the issue was to look at the existing list and the proposals from Member States to draw up a new list. That could be done collectively in an informal setting. The speakers could be contacted by the Secretariat when the list was agreed. The Group believed the process was simple and could be finalized during the session without going into why it should be done as that had not worked. This was the only pragmatic way to resolve the issue in an open manner.

210. The Delegation of Chile echoed the comment made by the Delegation of Uruguay that the first step could be to set a date for the Conference. With regard to the list of speakers, the Delegation recalled that there was no agreement on the list in the last session. This was reflected in the report for that session. The only thing decided was to continue the discussion in this session. Therefore, the issue was still open. The Delegation referred to the proposal by the Delegation of Kenya, on behalf of the African Group, for the existing list to be recirculated to delegations for examination. That would be a positive step. A process could then be established to define and approve a list. The Delegation hoped that could be done during the session.

211. The Delegation of Japan, speaking on behalf of Group B, believed many ideas were floating around and there was a good atmosphere to find a solution. To expedite the discussion on this issue, the Group requested for ten minutes to allow all the groups to hold consultations on this matter.

212. The Chair asked the Secretariat how long it would take to distribute the original list to delegations.

213. The Secretariat (Mr. Baloch) stated that it should not take more than ten minutes to do so.

214. The Chair invited delegations to undertake consultations while waiting for the list to be distributed.

215. The Chair resumed the discussion. He invited the Delegation of Japan to share the results of the consultations that were held.

216. The Delegation of Japan, speaking on behalf of Group B, stated that the Group was working on something which it hoped could accommodate the concerns of all Member States on this subject matter. However, further consultations were needed with other members. From that perspective, the Group proposed that the item be postponed. The Committee could return to it the next day at the plenary.

217. The Chair enquired as to whether the Committee could agree to the proposal by the Delegation of Japan on behalf of Group B. It was agreed, given that there were no objections from the floor. The Chair turned to the External Review on WIPO Technical Assistance in the Area of Cooperation for Development.

Consideration of the following documents:

CDIP/8/INF/1 – External Review of WIPO Technical Assistance in the Area of Cooperation for Development

CDIP/9/14 – Management Response to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (Document CDIP/8/INF/1)

CDIP/9/15 – Report of the Ad Hoc Working Group on an External Review of WIPO Technical Assistance in the Area of Cooperation for Development

CDIP/9/16 – Joint Proposal by the Development Agenda Group and the Africa Group on WIPO's Technical Assistance in the Area of Cooperation for Development

CDIP/11/4 – 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

218. The Chair recalled that the External Review of WIPO Technical Assistance in the Area of Cooperation for Development was undertaken in the context of the Project on Enhancement of WIPO's Results-Based Management (RBM) Framework. At its 10th session, the Committee requested the Secretariat to prepare a document for the next session identifying recommendations that were in the process of implementation and report on progress thereon. Document CDIP/11/4 was prepared based on inputs from various WIPO sectors. At its 11th session, the Committee requested the Secretariat to provide a report on the issues mentioned in paragraph 7 of the Summary by the Chair. At its 12th session, the Committee took note of the Manual on the Delivery of WIPO Technical Assistance (document CDIP/12/7) and the presentations on the restructuring of the WIPO website as well as the Technical Assistance Database. At its 13th session, the Committee discussed the matter. It could not reach an agreement and decided to consider the issue at this session.

219. The Delegation of Japan, speaking on behalf of Group B, stated that this was one of the longstanding agenda items. In its opening statement, the Group had mentioned how the Committee should deal with such items in order to manage the session in an efficient manner. The Secretariat was doing excellent work in the field of technical assistance. There were significant developments in a good direction, as indicated in document CDIP/11/4. In the 11th session, the Committee spent several days discussing the joint proposal by DAG and the African Group as well as other technical assistance documents. It recognized the significant work done by the Secretariat to take onboard many of the recommendations in the Deere-Roca report. However, as a result of hard work, the Committee was able to compromise on three additional actions to be taken by the Secretariat. With regard to the other items of the joint proposal which were based on and extended from the recommendations of the Deere-Roca report identified by African Group and DAG at past sessions, the Group stated that some were

already in the pipeline for implementation by the Secretariat. The Group stated that the others were not feasible, both from a practical perspective as well as a principle perspective, taking into account the objective of the Organization, as prescribed in the WIPO Convention. Therefore, it was not in a position to accept further action by the Committee on those items. The Group believed that practical and useful work to be further pursued based on the recommendations of the Deere-Roca report only included a compilation of best practices of WIPO and non-WIPO technical assistance; internal and international coordination; and cost efficiency measures, as reflected in the proposal distributed by the EU and its Member States at a past session. The Group's proposal at the 10th session on exchange of best practices was strongly related to the first component of the EU proposal and could be further considered in this context.

220. The Delegation of Kenya, speaking on behalf of the African Group, referred to the joint proposal with DAG. In the 10<sup>th</sup> session, the Committee was able to agree on some elements of that proposal, including A2 on the development of a comprehensive manual on the delivery of technical assistance; F1 on upgrading WIPO's website in order for it to serve as a more effective vehicle for communicating WIPO's development cooperation activities and as a resource; and G1 on steps to redesign the Technical Assistance Database. It was also proposed that the Secretariat implement other elements, including A3 on the development of a draft policy, in consultation with Member States, on how WIPO should plan and organize training activities and events such as conferences, meetings, workshops and seminars; C1 on the presentation of the draft Partnerships and Resource Mobilization Strategy to the PBC for review and endorsement; C2 on the preparation of a draft policy on extra-budgetary resources including FITs for the consideration of the PBC; D2 on the swift conclusion of a 'gap analysis' of staff skills and competences to understand where it lacked skills, competencies and expertise relevant to improving the orientation, impact and management of its development cooperation activities; E2 on the preparation of guidelines to ensure transparent processes for selecting external experts; and E3 on regular updating of the online Roster of Consultants and the upgrading or redesigning of the Roster. The Group stated that the initially agreed items were basic. The same could be said for other items that were proposed for consideration. The Group believed it would be possible to deal with some of the issues and challenges concerning the list of speakers if items such as E2 and E3 had been implemented. These practical elements could benefit all Member States as they sought to address the challenges encountered in the course of their discussions. The Group believed Member States could agree on these elements. It was flexible in terms of the discussions and believed there was room for convergence on some aspects of the proposal. It reiterated that technical assistance was a means to achieve an end. The Group saw it as a mechanism to enable the achievement of outcomes and goals which were in the interest of countries. It was necessary to carefully consider whether it was the right time to talk about best practices given that the intention was to enable developing countries to graduate and move away from dependency. If technical assistance was correctly delivered, at one point these countries would develop capacity and be in a position to run their own affairs. Best practices would not be needed if technical assistance was done correctly. The Group believed it was premature to discuss best practices when the Committee had not addressed some of the challenges and limitations related to the delivery of technical assistance. The issue of technical assistance was also mentioned in other areas such as the TOR for the Independent Review. It was important to examine some of the proposals in order to address critical challenges in other areas of the Committee's work.

221. The Delegation of Italy, speaking on behalf of the EU and its Member States, continued to believe that the cluster B recommendations in the management response (document CDIP/11/4) to the Deere-Roca report warranted further consideration and should be the focus of the Committee. In approaching technical assistance, their overwhelming concern was to maintain a high quality debate. Therefore, they continued to believe that the CDIP would benefit from a review and discussion of best practices within the wider area of technical IP assistance, as proposed in the Deere-Roca report. The EU and its Member States reiterated

that the debate should focus on the identification of best practices and lessons learned from WIPO and non-WIPO technical assistance; ways to improve internal and international cooperation; and cost efficiency measures. An opportunity should also be provided for joint presentations on technical assistance projects by developing and developed countries irrespective of whether they were carried out in a multilateral or bilateral manner. The EU and its Member States looked forward to such a debate which would ensure greater transparency and accountability in all areas of technical assistance planning and delivery.

222. The Representative of the TWN stated that technical assistance was important to mainstream DA recommendations. The External Review had pointed out serious shortcomings in WIPO's technical assistance program. It lacked transparency and accountability. The Secretariat's was inadequate in terms of addressing the gaps highlighted by the External Review. The Secretariat's implementation of the recommendations contained in the report on the External Review was largely through management actions. They were not enough to change the implementation of technical assistance in a substantial way. There was an urgent need to discuss the joint proposal by DAG and the African Group to establish certain guidelines and standards on technical assistance based on the recommendations of the External Review. There were no other formal proposals on the table. Therefore, it was important to focus discussions on the joint proposal. The inordinate delay in discussing this important topic was delaying the reform of technical assistance. The status quo on technical assistance was delaying the mainstreaming of the DA recommendations. There was an urgent need for the Committee to discuss and take decisions with regard to the rest of the proposals mentioned in the joint proposal.

223. The Delegation of Brazil reiterated that the implementation of the DA was a process. As such, it was important to keep moving forward. The External Review should also be viewed in this light. There was progress in the Secretariat's implementation of the recommendations in the report on the External Review. However, it should be borne in mind that the first recommendation of the DA stated that technical assistance must be development-oriented. Therefore, the Delegation urged the members of the Committee to advance on the implementation of the steps mentioned in the joint proposal by DAG and the African Group on this matter. It acknowledged that the enactment of the simplest items in the proposal was a step in the right direction. However, it was important not to stop there.

224. The Delegation of South Africa aligned itself with the statement made by the Delegation of Kenya on behalf of the African Group. The review undertaken was important and warranted the Committee's attention. The Delegation supported the joint proposal by DAG and the African Group. It also supported the implementation of the items mentioned by the Delegation of Kenya, namely, A3, C1, C2, D2, E2, and E3. The Committee should focus on fully discussing the joint proposal as it was the only proposal on the table from Member States.

225. The Delegation of the United States of America stated that in preparing for the session, it had reviewed the report on the 10th session and noted that several days of the Committee's time was spent reviewing the joint proposal and looking to see if there were areas where there could be a compromise. The three agreed projects, namely, the technical assistance database, the WIPO website and the manual on technical assistance, did incorporate elements of different parts of the joint proposal, not merely the specific items listed by some delegations that had previously spoken. This was probably the furthest area that it could compromise on further action on the joint proposal. The Delegation also supported the idea mentioned by the Delegation of Japan, on behalf of Group B, on sharing best practices. That was provided as a proposal from the floor in one of the previous sessions. The EU had also made a proposal. Thus, there were a number of ideas floating around. It would be useful to take all of them into account and not merely the joint proposal that was discussed for some days in the 10th session.

226. The Chair enquired as to whether the Delegation of the United States of America could suggest a way to further examine the ideas that it said were floating around.

227. The Delegation of the United States of America stated that the Committee had talked frequently about cluster B recommendations as being the area that the Secretariat thought was feasible and warranted further attention, and was discussed on the floor that day. The Delegation did not believe there was a lot of alignment with cluster B and the remaining issues being requested through the joint proposal. However, if the Committee was to focus on cluster B recommendations, that may provide a way forward.

228. The Chair suggested that delegations should continue the discussions among themselves based on the ideas that were exchanged and return to this issue at a later stage in the session. This was agreed, given that there were no objections from the floor.

Consideration of document CDIP/14/12 REV - Revised Report on the Measurement of the Millennium Development Goals (MDGs) in other UN Agencies and Specialized Agencies, and on the Contribution of WIPO to the Implementation of the MDGs

229. The Secretariat (Ms. Bachner) introduced the Revised Report on the Measurement of the MDGs in other UN Agencies and Specialized Agencies, and on the Contribution of WIPO to the Implementation of the MDGs. At its 12th session, the CDIP took note of a document on the measurement of the MDGs in other United Nations agencies and the contribution of WIPO to the MDGs (document CDIP/12/8). Following the discussions, the Secretariat was requested to revise the document. It was requested to expand the survey contained in Annex I of the document to include person-to-person contacts with staff at the agencies surveyed, as appropriate, in order to learn more about how they measured their contribution to the MDGs; incorporate some additional UN organizations and programs; and include an executive summary of the information contained in Annex II (Section 1) of the document. These were all included in the revised report.

230. The Delegation of Japan, speaking on behalf of Group B, stated that the further work undertaken by the Secretariat confirmed the conclusion of the initial review (document CDIP/12/8) that a majority of the agencies reviewed had not formulated MDG-specific results, indicators or other measurement criteria in their practices for measuring their organizational contribution to the achievement of the MDGs. Taking into account the results of the revised survey presented at this session in conjunction with the results of past studies which failed to establish a direct relationship between WIPO's activities and the MDGs, and denying the necessity of introducing an additional set of MDG indicators in the existing and well performing RBM framework, the conclusion was obvious, i.e. there was no need for WIPO to consider the introduction of new MDG specific results, indicators or other measurement criteria. No further work was necessary on this aspect. WIPO should continue to focus its efforts on achieving the Organization's strategic goals and objectives under the current RBM framework. It would contribute to the MDGs through pursuing those goals and objectives.

231. The Delegation of Italy, speaking on behalf of the EU and its Member States, stated that the document clearly compared how the UN agencies contributed to the MDGs as well as how WIPO had effectively contributed to date. WIPO should continue to focus on achieving its strategic goals which contribute to the MDGs under the existing result framework. The MDGs had made an enormous contribution in raising public awareness, increasing political will and mobilizing resources for the overall goal of economic growth and development. The EU remained fairly committed to support the achievement of the MDGs globally by 2015.



232. The Delegation of Germany stated that the document clearly showed how WIPO contributed to the MDGs by following its strategic goals. Therefore, as mentioned by other delegations that had taken the floor, specific indicators to measure WIPO's contribution to the MDGs were not needed. Instead, WIPO should focus on its goals. Through pursuing those goals, WIPO would continue to contribute to the MDGs.

233. The Delegation of the United States of America was impressed with the amount of work done by WIPO to assess how other UN agencies, 22 in all, were measuring and reporting on their contributions to the MDGs. This was a useful body of work. It could contribute to the general understanding of how UN agencies had contributed and could contribute in the future, as the UN moved past the MDGs and into the next iteration of development goals in 2015. With regard to WIPO's analysis of how other UN agencies measured their contributions to the MDGs, the Delegation noted that 22 agencies had been reviewed. Many agencies had MDG focused webpages and referred to their contributions in their annual reports, as did WIPO. Several made general references to the MDGs in their strategic plans and program documents, as did WIPO. Only one agency, an unspecified lead agency, had integrated mandate specific MDG targets into the results framework, and this was only at the highest level of the framework. The other agencies varied from no reporting at all to identifying general linkages, and they covered a few, some or all of the MDGs based on the competency and mandate of the particular organization. The Delegation found it interesting that the face-to-face interviews revealed additional information on the challenges in measuring an organization's contribution to the MDGs. Interviewees agreed that it was difficult to link achievements to the specific work of their organization due to the many stakeholders contributing to the achievement of the MDGs and because actual achievements were measured at the local level in countries, whereas organizational reporting was done at the global level. The Delegation appreciated the efforts to measure and summarize the Organization's contribution to the six targets under MDGs 1, 6 and 8, along with this additional narrative as was requested and provided by the Secretariat. It was quite impressive and the Secretariat should be commended for its efforts. The CDIP itself could also be thanked for prompting WIPO to embrace this effective way of measuring the Organization's considerable contributions to the MDGs.

234. The Delegation of Kenya, speaking on behalf of the African Group, stated that as a UN agency, WIPO had a role in the implementation of the MDGs. Although the first phase would end in 2015, WIPO needed to prepare and be actively involved in the post 2015 goals as it could contribute to some of the goals. Health and education were some of the areas dealt with in the Organization. Other relevant issues included how to promote innovation, and the link between patents and health. Therefore, a systematic way of looking at WIPO's contribution to some of the goals agreed at the international level was critical in terms of contributing to the promotion of development growth and meeting some of the development challenges faced by developing countries. It was important that WIPO thought through the next phase of the process and see where it could fit with regard to the post-2015 goals. Indicators should be developed at an early stage in order to provide a clear way for the Organization to contribute, given its enormous capacity to deal with some of those issues. WIPO should be pro-active in that respect. The second phase should not be *ad hoc*. There should be a more systematic way to engage and it should involve some indicators.

235. The Delegation of India referred to the revised report and stated that it had been improved. It noted that diverse means and methods were adopted by different agencies to measure their contributions to the MDGs. WIPO should continue to provide reports on how the work undertaken by the Organization through its various committees, programs and projects contributed to the achievement of the MDGs. Perhaps a table could be formulated for this purpose. Although the MDGs would end in 2015, the post 2015 DA would soon be agreed. Therefore, the Delegation supported the comment made by the Delegation of Kenya on behalf of African Group that WIPO should proactively keep Member States updated with such reports

in the future. That would benefit Member States as well as the Organization. It may also influence other UN organizations to systematically report on this very important aspect of development.

236. The Delegation of Algeria noted that the revised report was mostly based on document CDIP/12/8. It included a compilation of the information received by the Secretariat from other organizations. The review concluded that several UN agencies had not formulated MDG-specific results, indicators or other measurement criteria in their practices, although there were efforts to align their work to the achievement of the MDGs. The Delegation saw this as one of the main conclusions of the review. The organizations were making efforts to align themselves and their work to the implementation of the MDG. The Delegation referred to the measurement of WIPO's contribution to the MDGs and highlighted an example from the report. It concerned MDG Target 6.B on universal access to treatment for HIV/AIDS. The Secretariat broadly linked this target to the expected results related to building respect for IP as well as IP and Global Challenges. However, it did not indicate how these programs and their activities contributed to that MDG target. Concrete information was still lacking in this regard. The Delegation reiterated that a lot of UN agencies were aligning themselves and their work to the achievement of MDGs. Therefore, it requested the Secretariat to provide more concrete information, and not broad linkages, on what was being done for the achievement of the MDGs, especially MDGs 1, 6 and 8.

237. The Delegation of Chile referred to WIPO's contribution to the achievement of the MDGs. IP was not an end in itself. It should contribute to national development. It was important for the Secretariat to continue providing such reports. These assessments would be useful for the Committee's work. The Delegation highlighted the trilateral cooperation among WIPO, WHO and the WTO in the area of health. The activities undertaken included a joint technical study and a symposium on access to medicines. Such initiatives should be maintained and reported on as WIPO was one of the contributing UN agencies. The Delegation looked forward to seeing more reports like this in the future.

238. The Delegation of Indonesia reiterated that WIPO, as a specialized UN agency, was obliged to implement the concept of development in accordance with the UN Charter and the agreement between WIPO and the UN. Therefore, the MDGs should be reflected in WIPO's work. The Delegation stated that there was a huge improvement in the report. However, it would like to highlight some points which could be further discussed. The Delegation aligned itself with the statements made by the delegations of Algeria, Chile, India and Kenya on behalf of the African Group. All the MDGs should be reflected in WIPO's work. Therefore, the Delegation suggested that the Secretariat could provide a matrix or list of activities undertaken by WIPO for the achievement of the MDGs. It should include, for instance, a description of the issues under negotiation as well as patent-related flexibilities and whether these took into account the objectives of the MDGs. Further discussions could then be undertaken on how WIPO could contribute to the MDGs in those areas. The Delegation reserved its right to make further comments on this issue.

239. The Representative of the TWN complemented the statement made by the Delegation of Algeria. The report failed to fully convey how WIPO was contributing to the advancement of MDGs. For instance, although linkages were made between WIPO's work and poverty reduction, the report did not describe how WIPO was directly contributing to those goals. 2014 was coming to an end. A post-2015 DA should be established by next year. The Representative referred to the recommendations of the open-ended working group and stated that technology played an important role. Technology was mentioned in more than ten goals. There were also indirect linkages to technology in the outcome document on the open-ended working group's recommendations. Therefore, it was important for WIPO to develop a methodology wherein it could accurately report to Member States on the Organization's contribution to the advancement of the DA. The lack of a methodology in other organizations

was not a valid excuse for avoiding such reporting.

240. The Delegation of South Africa aligned itself with the statements made by the delegations of Algeria, India and Kenya on behalf of the African Group, as well as the Representative of the TWN. There was room for improvement. The Delegation also encouraged the Secretariat to continuously provide the Committee with updated information on how WIPO was contributing to the MDGs in future sessions. The report stated that organizations were busy with the post-2015 DA discussions. The Delegation would like to know how the Secretariat was contributing to those discussions. It also wanted to know how the Secretariat was contributing within the UN MDG Task Force. The Delegation agreed with the Representative of the TWN that the lack of a methodology in other organizations was not an excuse for WIPO not to develop a strategy on how to keep Member States updated on its contributions to the MDGs. There was room for improvement. The Secretariat could continue to provide updates on a regular basis.

241. The Delegation of the United States of America stated that the Committee needed to turn its attention to the next phase of the Sustainable Development Goal (SDG) process and move away from requesting anymore iterations of reporting on the MDGs as 2015 was approaching. WIPO had already been looking forward, having participated in the MDG Gap Task Force and in the UN wide process for development of the SDGs. The Delegation encouraged WIPO to continue to be engaged in that process. However, it did not see any need for further reporting by WIPO on the MDGs. Perhaps at the next session, WIPO could provide a report on its participation in the Gap Task Force. It could be in the form of a narrative describing what had been done and how it was going. That may provide some useful information for the CDIP. On the idea of separate indicators, the Delegation stated that the methodology used, which identified the six targets under MDGs 1, 6 and 8 as the most relevant and measurable within WIPO's RBM framework, was clearly based on an assessment of the links between WIPO's activities and the MDGs using three key documents, namely, the Millennium Declaration, the Sachs report and the STI Task Force report. Over the past few years, the CDIP had commissioned two separate studies on this issue. The use of these three MDGs and their underlying targets was identified by both Mr. O'Neil and Mr. Musungu in their reports on this issue. Mr. O'Neil's report clearly stated, "The introduction of separate MDG indicators would not be advised for various reasons". Both he and Mr. Musungu had identified that there was no direct causal relationship between WIPO's activities and the MDG targets. Instead, several key documents, as listed above, had been used to identify that WIPO's role was most explicitly linked with MDGs 1, 6 and 8. These three MDG goals and their underlying targets could be linked to several WIPO goals and results. In 2012-2013, six WIPO goals and 14 sub-results could be measured to show progress on the three target MDGs. This was the analysis that had been done by the Secretariat. This provided a very concrete assessment of WIPO's contribution to the achievement of the MDGs. The Delegation did not believe it would be useful or effective for the Secretariat to try to perform this RBM based analysis for the other MDGs, many of which were not clearly or easily aligned with WIPO's performance data. Therefore, at this point, the Delegation did not believe that further reporting on the MDGs was necessary, nor would it support the idea of the creation of separate indicators related to these MDGs. However, it supported WIPO's continued participation in the process of development of the SDGs. It looked forward to discussing that process more in future meetings of the CDIP.

242. The Chair invited the Secretariat to respond to the questions and comments from the floor.

243. The Secretariat (Ms. Bachner) referred to the questions concerning WIPO's engagement with the rest of the UN system on the MDGs and the post-2015 DA. On the MDGs, WIPO had contributed to the work and report of the MDG Gap Task Force following the request from the CDIP for it to do so. It had continually engaged in that process. In addition, WIPO was also an observer in the UNDG group working on accelerating progress in the achievement of the MDGs. WIPO had proactively engaged in those processes. With regard to the post-2015 development framework, WIPO had supported the work of the UN Task Team (UNTT). It contributed to the

UNTT thematic think piece entitled “Science, Technology and Innovation for Sustainable Development in the Global Partnership for Development beyond 2015”, together with other organizations such as ITU, UNCTAD and UNESCO. It also contributed to the thematic think piece entitled “Science, Technology and Innovation and IP Rights: the Vision for Development”, together with other agencies such as the IAEA, ITU, UNESCO and UNOOSA. In the 2012-13 biennium, WIPO also participated in a series of thematic high level events on the post-2015 DA organized by the president of the UN General Assembly. It participated as an observer in the meetings of the Open Working Group on SDGs, focusing in particular on the sessions dealing with SDG 17 on technology as well as other SDGs which were relevant to WIPO's mandate. In addition, WIPO was a member of the inter-agency UN Technical Support Team, contributing in particular to the topic on technology and innovation.

244. The Delegation of India stated that if the Committee did not agree on the continuation of such reporting by the Secretariat, even in the form of a table or non-exhaustive report, it would not know about all the activities undertaken by WIPO in this regard. Member States did not need to support WIPO's engagement in these activities as the Organization was obliged to do so as a UN agency. Member States needed to focus on what WIPO should continue to report to them. The Delegation did not see any harm in continuing with the reporting.

245. The Delegation of Tanzania stated that a lot of work done by WIPO could be linked to the attainment of the MDGs. There should be a systematic approach to look into activities which were directly linked to the attainment of the MDGs. Perhaps a matrix could be developed for this purpose. It was too general to merely state that the activities had linkages with the MDGs. WIPO should report on how its work actually contributed to the attainment of the MDGs.

246. The Chair enquired as to whether the Delegation of United States of America would like to react to the additional information provided by the Secretariat and the contributions from the floor.

247. The Delegation of the United States of America found the additional information provided by the Delegation of India to be quite useful. The Delegation of India encouraged continued engagement by WIPO and continued information from WIPO in the next round of goals. With regard to the matrix proposed by the Delegation of Tanzania, the Delegation stated that it was not clear what that would be. It viewed the matrix that was developed based on the 2012-2013 results framework, which looked specifically at the MDGs 1, 6 and 8, as a lengthy and detailed matrix. It was contained in the document under consideration. The Secretariat was able to add some narrative regarding the other goals as the Committee had twice commissioned special studies on this issue. They both came back with the conclusion that given WIPO's work, these were the areas where links to the MDGs could be best seen. These were places where WIPO could look at their results framework and provide a matrix of information on what had been accomplished and how it contributed. Thus, at least for the 2012-2013 results framework, the reporting had been done in great detail. The Secretariat had also provided additional reporting based on this framework. The reporting was very complete. Therefore, the Delegation did not necessarily know what kind of additional matrix would be produced.

248. The Delegation of Indonesia referred to the statement made by the Delegation of the United States of America and shared the understanding that there was a spirit to continue work on the relationship between the MDGs and WIPO as well as the Organization's work in achieving the objectives of the MDGs. The Delegation aligned itself with the statement made by the Delegation of India. The proposed table or matrix could include ongoing negotiations on pending issues in each committee. For instance, the Secretariat could identify how the pending issues in the SCP, SCCR or IGC, were linked to the achievement of the MDGs. The updating of the report by the Secretariat indicated a willingness to continue the discussion on this matter.

Consideration of document CDIP/14/12 REV - Revised Report on the Measurement of the Millennium Development Goals (MDGs) in other UN Agencies and Specialized Agencies, and on the Contribution of WIPO to the Implementation of the MDGs (continued)

249. The Chair invited the Director General to address the Committee before resuming the discussion on the document.

250. The Director General apologized for not being present at the opening of the session on Monday. He had been away on mission. The Director General emphasized the importance of the Committee and the extraordinary work done under the Chair's guidance. He believed the Organization had accomplished a great deal in respect of the implementation of the DA recommendations. Therefore, it was crucial to find a way to continue that process and to go forward as a consequence of the meeting that was being held that week. There were quite a number of issues in suspension in the Organization on which the Member States had not been able to agree. It would be very good if the meeting were to send a positive signal of incremental progress, which did not create yet another area of disagreement, but rather one in which some solutions had been found. He believed two issues were imminently soluble. Disagreement was preventing any action on those issues. The first issue concerned the TOR for the Independent Review of the Implementation of the DA Recommendations. Everyone would like to get on with the Independent Review but it could not be implemented due to a procedural obstacle. Therefore, he urged the Committee to eliminate the obstacle by finding a means of agreeing on the TOR. That would be a step forward and would liberate some work to be done. The other issue was on the modalities for selecting speakers for the International Conference on IP and Development. A procedural obstacle needed to be resolved before work could be done to organize the Conference. He urged the Committee to find a way to eliminate the obstacle in order to get on with the real substance of the matter, namely, to hold a conference which could enlighten all parties with respect to the important relationship between IP and its contribution to economic, social and cultural development. Although the Committee was considering many other issues, these two issues seemed to be in a special category because the substance of the work could not proceed until agreement was reached on those procedural matters. He hoped some flexibility in these areas would be possible. Although the result was unlikely to be exactly what any particular group wanted, it would be something that contained an accommodation of the interests of all groups. It would certainly assist if delegations could come out of the meeting with a positive message of agreement amongst Member States with respect to these very important matters.

251. The Chair resumed discussions on the revised report. He recalled that no clear guidance was given to the Secretariat on how to proceed further and views diverged on how this area should be addressed. He informed the Committee that a representative of the Secretariat was in the room and could provide any clarifications or additional information that may be required. He closed the discussion given that there were no further comments from the floor.

Consideration of document CDIP/14/8 REV– Concept Paper for the Project on IP and Technology Transfer: Common Challenges - Building Solutions (Recommendations 19, 25, 26 and 28)

252. The Secretariat (Mr. Jazairy) introduced the document. The project was based on DA Recommendations 19, 25, 26, and 28. It included a range of activities that explored possible initiatives and IP related policies for promoting technology transfer and the dissemination and facilitation of access to technology for development, particularly for the benefit of developing countries and LDCs. As set out in the original project document (CDIP/6/4 REV) approved by the CDIP in 2010, the objective of the project was to “explore new ways of establishing international IP collaboration, enhance understanding and consensus on possible IP initiatives or policies to promote technology transfer”. The project was envisaged to be carried out in five

successive stages, including the organization of five regional consultation meetings; the preparation of six peer-reviewed analytic studies; the organization of a high-level expert forum; the creation of a web forum; and the incorporation of any outcome resulting from the above activities into WIPO programs after consideration by the CDIP and any possible recommendation by the Committee to the GA. The project was entering its final stages. If the concept paper was approved, a high-level international expert forum would be convened to provide a framework for an open dialogue among experts from developing countries and developed countries knowledgeable in public and private sector technology transfer. The aim was to identify common challenges and develop joint solutions, taking into account the title of the project, "Common Challenges - Building Solutions". Following the discussions at the expert forum, the project deliverables would be presented to the CDIP for discussion, including the outcomes of the five regional consultation meetings, the six analytic studies and the outcomes of the expert forum. Ideally, the Committee could then agree on measures to be taken to establish international IP collaboration, enhance understanding and consensus on possible IP initiatives or policies to promote technology transfer. Following the discussion and agreement by the CDIP on such measures, the Secretariat would commence with the final deliverable of the project, namely, the provision of materials, modules, teaching tools and other instruments to implement such measures in line with the fifth stage of the project to incorporate any outcome resulting from the activities into WIPO programs after consideration by the CDIP and any possible recommendation by the Committee to the GA. The CDIP was requested to approve the concept paper (document CDIP/14/8 REV). It contained a summary of the main achievements of the project, including the results of the five regional consultation meetings and the six analytic studies. The views expressed in the studies were those of the authors and did not necessarily reflect those of the Secretariat or any of the Organization's Member States. The authors had been invited to present their studies at the expert forum and would be available to provide any clarifications that may be required. Comments provided by delegations during this CDIP session would be passed on to the authors. All the studies were peer-reviewed, as agreed by the CDIP when it approved the original project document. Each peer reviewer knew who the author of the study was and vice versa. The expert forum was tentatively scheduled to take place in January 2015. In line with document CDIP/9/INF/4, agreed by the CDIP at its ninth session, and following informal consultations with all regional coordinators on October 24, 2014, the approval of Member States was sought on the proposed criteria for the selection of experts to be invited to the forum. In this regard, reference was made to paragraph 24 of the document. The proposed TOR for the experts was set out in paragraph 25 of the document. The concept paper had benefited from several rounds of formal and informal consultations, including consultations with international experts in March 2014; informal briefing sessions for the Permanent Missions in Geneva on September 1 and October 21, 2014; informal consultations with the regional coordinators on October 24, 2014; and a meeting with IGOs, NGOs, professional associations and selected experts on October 28, 2014.

253. The Delegation of Paraguay, speaking on behalf of GRULAC, made some preliminary comments. The Group was interested in the project. It was pleased that the project was entering the final stages. The concrete recommendations would help to foster innovation and the dissemination of technology at national, regional and multilateral levels. The Group referred to the criteria proposed for selecting experts who would be invited to the high level international forum. It was appropriate for selecting speakers with different profiles from all regions of the world. It was convinced that the experts to be selected from its region would contribute tangibly to the conference, highlighting case studies as well as lessons learned. This would, in turn, contribute to the assessments, analysis and initiatives at the multilateral level. The Group referred to the conclusions from the regional meetings. At the Monterrey meeting, one of the points mentioned with regard to the regulatory framework was the use of flexibilities in the TRIPs Agreement in order to increase access to technology, as outlined on page 23 of the English version of the concept paper. However, that conclusion was not included in "Table 1: Summary of the "thoughts" proposed in the five regional consultation meetings". The Group would like this to be reflected in that table which was contained in the concept paper.

254. The Delegation of the Czech Republic, speaking on behalf of CEBS, acknowledged the foregoing results of the project, namely, the five regional consultation meetings on IP and technology transfer and the six studies produced. The topic of IP and technology transfer support was important for its members who had the status of economies in transition. They had robust IP protection systems, including legal frameworks, public authorities, developed enforcement measures and IP information infrastructures. However, there was often a relatively lower level of IP awareness within their public research and development organizations. There was also a lack of sufficient collaboration among R&D institutions, universities, state authorities such as IP offices and other state agencies, and the private sector, including businesses, SMEs in the local economies and investors such as banks, venture capitalists, businesses and business angels. Therefore, the level of technology transfer in economies in transition was a big challenge. From this point of view, it would be appreciated if the topic of IP and technology transfer in economies in transition could be presented in the planned high level expert forum next year in Geneva, for example, by inviting relevant experts and including a panel devoted to this specific topic. The Group would welcome the sharing of experiences by other Member States on their policies and tools for supporting IP and technology transfer at the conference. It looked forward to the proceedings and outcomes of the forum which should be focused on the substantive elements. The Group supported all the recommendations on Page 19 of the concept paper that were made at the third WIPO regional consultation meeting on IP and technology transfer held in Istanbul in October 2013, and requested the Secretariat to implement them. It was prepared to be engaged in the implementation process for the respective recommendations within WIPO, focused on IP and technology transfer in countries in transition. The Group also assumed that some mentioned recommendations would be incorporated into WIPO's regular work after further consideration by Member States.

255. The Delegation of Japan, speaking on behalf of Group B, appreciated the fact that the revised version of the consult paper was elaborated through interaction with Member States. However, it still had some points for further improvement of the paper. First, on the definition of "technology transfer" referred to in paragraphs three, four and five of the document, the Group understood that the definition was only established for the purpose of this project. It was not a universal definition for the term "technology transfer". WIPO alone, without cooperation with other relevant organizations on technology transfer, could not establish a common definition for "technology transfer", and this was not necessary for the project. In this regard, paragraphs three and four of the concept paper should be replaced with paragraphs nine and ten of document CDIP/9/INF/4, and the words "common definition" in paragraph five of the concept paper should be deleted. Second, the reference to the recommendation as an outcome of the high-level international expert forum still remained in paragraph 30 and should be deleted. The word "recommendations" should be replaced with the word "thoughts". The Group could not approve the concept paper before seeing a revised version reflecting those changes. On the criteria for selecting experts to be invited to the forum, the Group endorsed the criteria included in paragraph 24 of the concept paper. The selection procedure should be left completely to the Secretariat in order to avoid putting the forum into an impasse. With respect to the TOR for experts proposed by the Secretariat, the Group had suspicions about its necessity because Member States did not usually define the TOR for panelists or speakers in seminars, conferences, forums and workshops. Even if Member States were to try to establish a TOR for an expert, they should avoid specifying a list of suggestions as an outcome of the forum. A factual report would be enough and appropriate as an outcome which Member States could use as food for thought at the CDIP. WIPO was a member-driven organization. Member States should themselves find suggestions through examining the thoughts of experts. In addition, the Group proposed to take advantage of the insights of peer-reviewers of the studies at the high level expert forum. They could contribute to the forum, for example, as moderators for the discussions. Last but not least, the Group turned to the issue of the quality of the studies. It referred to the explanation given by the Chief Economist under the agenda item on Phase II of the project on IP and Socio-Economic Development that an appropriate peer-review system had

been introduced on the studies commissioned by his office. The Group appreciated the fact that a peer-review was conducted on the studies prepared in that context. It strongly believed that this practice should be applied to any external reports or studies commissioned and funded by WIPO across the Organization. A peer-review was important and critical in order to maintain the quality of a study by ensuring that empirical arguments were supported by facts.

256. The Delegation of Italy, speaking on behalf of the EU and its Member States, stated that the five regional consultation meetings delivered a wide range of substantial comments, thoughts and requests. They formed a suitable basis for the high level expert forum to consider. The information in Table 1 and the appendices should feed into the discussions. However, the EU and its Member States had concerns with other elements of the paper. They noted that a number of key deliverables in the original project paper had not been undertaken or were partially completed. For example, the analytical studies for the project should have been developed in cooperation with other relevant UN and international bodies. This element had disappeared from the latest project deliverables and did not appear to have been undertaken in the way envisaged by the Committee. In addition, the quality of the studies varied significantly. Many appeared to be based on ideology rather than evidence, and thus, reached conclusions that were not sufficiently substantiated. There was a clear discrepancy between the definition of “technology transfer” as described in the concept paper and what had previously been presented to the Committee. The only definition Member States had seen thus far was contained in the project paper (document CDIP/9/INF/4). That definition was clearly marked as being suitable only for the purpose of undertaking this project. The wider common definition mentioned in paragraphs three, four and five of the concept paper was never agreed. They believed paragraphs three, four, and five were inaccurate and misleading. These would need to be revised before they could support the paper. Some factual changes were proposed in this regard. Paragraph three and four should be deleted and replaced with the whole definition cited in paragraphs nine and ten of the project paper (document CDIP/9/INF/4). They also requested for the words “agreed common” to be deleted from paragraph five. The EU and its Member States did not wish to delay the next phase of this project. However, they believed that further work was needed to realign the concept paper with the original project paper.

257. The Delegation of Brazil stated that technology transfer was an important subject for Brazil, and the Committee was an appropriate forum to discuss its relation with IP. The project should present a holistic approach to this matter, paving the way for balanced and productive conclusions and recommendations. The Delegation made some specific comments on the concept paper. With regard to the results of the regional consultation meetings, the Delegation believed that the scope of ideas summarized in Table 1 on page four of the English version of the document should be expanded. As mentioned by the Delegation of Paraguay on behalf of GRULAC, the table did not include the use of flexibilities in the IP system among the thoughts that emanated from the meeting of the Latin American and Caribbean region which took place in Monterrey last December. The Delegation considered these flexibilities to be one of the most important tools to foster the transfer of technology and requested for this point to be added to Table 1. On the definition of technology transfer, the Delegation recognized that the paper included a caveat that it consisted of a common understanding for the purposes of this WIPO DA project. It was important to emphasize this point. WTO members had been trying for a long time to develop a definition in different bodies of that organization without success. There had not been enough discussion to justify the use of this definition outside the scope of the project. The high level forum could contribute significantly to the results of the project, building on all its previous stages. However, two factors had to be taken into account. The first was the criteria for selecting experts. It was essential to prepare a balanced and diverse list of invitees, covering all the different views on the matter, with special attention given to the selection of experts familiar with the challenges faced by developing countries. The second factor was the participation of Member States during the event. The Delegation urged the organizers to encourage inputs from the floor so that the audience could interact with the experts in order to derive balanced conclusions in all areas.



258. The Representative of the TWN stated that it was important to discuss and move forward with the successful implementation of the project. The Representative highlighted certain issues related to the concept paper. Paragraph six focused only on environmental innovation. Similarly, paragraph eight only referred to formal channels and failed to appreciate the importance of informal channels of technology transfer such as reverse engineering which was important at the initiation stage of technology development. Paragraph nine included a general statement on how IP captured the economic value of development and facilitated the reduction of the knowledge gap. It failed to appreciate the importance of flexibilities and the barriers created by IP to technology transfer. At the development stage, the lack of IP protection often went a long way to facilitate technological catch-up. This was a proven fact in the development of newly industrialized countries and some Asian economies. Paragraph ten referred to the corporate world and the importance of proprietary assets to maintain competitiveness. This was not very relevant for most developing countries that tend to be net IP importers rather than exporters. Paragraph 17 stated that the appendix provided an exhaustive list of thoughts and recommendations that were agreed in the regional consultation meetings. The list in Appendix II should not be seen as an exhaustive list of recommendations, but merely issues or thoughts that emerged from the meetings. This was supported by the language used in Appendix II to highlight some of the actionable recommendations. Appendix III contained a brief overview of the studies. However, it did not include summaries of the studies. It would be useful for these to be included in the appendix. Paragraph 24 stated the following, “experts should start with the least common denominators between all perspectives and base such thoughts on realistic and mutually acceptable and beneficial elements as a starting point for building joint solutions”. This put barriers on the views of the experts. The whole idea of the high level conference was to invite experts and let them express their views without inhibition to help Member States and other parties to have an informed discussion and to arrive at informed actionable points. Therefore, it was important for the Secretariat to clarify the meaning of this particular sentence. It was also important to include a TOR for the experts to be invited to the conference. Without a TOR, the presentations could go out of context. The TOR should be made public.

259. The Delegation of the United States of America appreciated the concept paper prepared by the Secretariat. The Delegation supported the statement made by the Delegation of Japan on behalf of Group B. The project was very important for all Member States. The Delegation had supported the project since it was first discussed at the fourth session of the CDIP. Sound IP-related policies helped to promote technology transfer on voluntary mutually agreed terms and provided dissemination of new technologies for society's benefit. The project's goal was to help to identify such IP policies and practices that might be used to encourage voluntary transfer and dissemination of technology to developing countries and LDCs. Because the project was very important and affected all Member States, the Delegation was concerned by the delays and the quality of the deliverables. It hoped that the project could be looked at more carefully by WIPO's management in order to put it back on track and to improve the quality of the deliverables. As always, the Delegation was available to help if needed. More specifically, it had a question and some observations regarding the overall planning and management of the project as well as particular project deliverables. According to the project document, the creation of the web forum should have started about six months before the high-level forum. It was unclear from the concept paper whether work had started. It was also unclear what the web forum would involve. The Delegation requested the Secretariat to clarify those two points. The Delegation would provide specific comments on the studies commissioned under the project when they were discussed either later in the day or the day after. However, the project clearly demonstrated a need for improving the quality and credibility of studies commissioned by WIPO. The Organization spent hundreds of thousands of Swiss francs each year commissioning research papers on IP-related topics from external authors. The Delegation understood that many of these work products were not subject to any formal quality control, other than review by one person in the Secretariat. Many policy papers commissioned externally were of poor quality and unbalanced both in terms of the analysis and evidence

presented. However, they were published online as official WIPO documents, and thus, may be perceived as endorsed by WIPO. These papers not only reflected poorly on the Organization, but were of questionable value to national policy-makers, researchers and others in the IP community. On a positive note, the Committee had heard from the Chief Economist the day before on the good practices his office used for procuring external papers. The Delegation encouraged WIPO to establish a clear policy on conducting peer reviews and on finalizing reviewed papers. Having all WIPO-commissioned papers peer-reviewed by at least two individuals with experience and knowledge in the field should improve the overall quality and credibility of WIPO papers. The reviewers' comments had to be considered and addressed by the authors before the drafts were finalized and published on the WIPO website. In addition, papers should have page limits in order to improve their relevance, focus, credibility and usefulness. It would also facilitate cost-effective translation of the papers. The papers should be focused and not redundant. They should be balanced, well-organized, well-sourced, well-written and fact-checked. This would help to make WIPO papers more useful for policy-makers, researchers and others involved in IP issues.

260. The Delegation of Argentina expressed its concern at the definition of transfer of technology proposed in the concept paper. The definition should take into account other definitions such as the one developed by UNCTAD. The relationship between technology transfer and the public was a central issue. Accessing diverse technologies in an unrestricted manner was one of the most effective ways to transfer technology. Therefore, there should be viable and effective options for promoting the transfer of knowledge protected by IP rights, while achieving a balance between IP protection and the promotion of continuous innovation through an accessible public domain. The Delegation fully supported the statement made by the Delegation of Paraguay on behalf of GRULAC.

261. The Delegation of Mexico associated itself with the statement made by the Delegation of Paraguay on behalf of GRULAC. The Delegation referred to the five regional consultation meetings. One was held in Monterrey in December 2013. At that forum, IP experts from 25 countries had an opportunity to tackle, from a regional perspective, particular problems related to technology and knowledge transfer, innovation, science and IP at a global level. The Delegation hoped that the thoughts expressed at the meeting in Monterrey had been taken into account to enrich discussions at the high-level expert forum in 2015. It also hoped that the results of this project would be used as a basis for clarifying and bolstering discussions on technology transfer in WIPO and other UN agencies.

262. The Delegation of Algeria noted that the concept paper was prepared for the organization of the high-level expert forum. However, important details concerning the expert forum were not included. Issues such as the TOR for the forum and experts to be invited should be elaborated in the concept paper. The purpose of the document was to get approval from the CDIP for the organization of the expert forum. The document noted that the Secretariat intended to “approach the Coordinators of the Regional Groups with the aim of seeking their guidance on a possible mechanism for obtaining approval by Member States of a set of selection criteria and for consulting with Member States on the terms of reference for the experts to be invited to the High-Level International Expert Forum”. With regard to the selection of themes and experts, the project document (document CDIP/9/INF/4) states the following, “The High-Level Expert Forum should also benefit from consultations with Member States. Concerning the composition of the High-Level Experts Forum, the top experts worldwide on the different aspects of the subject would need to be selected by WIPO according to fair selection criteria approved by Member States to ensure the project’s progress. For the experts meeting, experts from both the public and private sector would be invited. The TOR for the experts would be decided in consultation with Member States”. Therefore, it was important for Member States to determine the TOR for the expert forum and to determine which experts should participate in the meeting. It was important to get them right. The Delegation referred to paragraphs three and four of the concept paper on the definition of “technology transfer” as well as the comments made by some

other delegations in this regard. It was reluctant to use the term “consensus” or to refer to the definition as being commonly accepted by Member States. The Delegation understood that the definition was only for the purpose of the project. Therefore, any reference to consensus reached on the proposed definition should be deleted from the document. The Delegation referred to paragraph 21 of the concept paper which stated the following, “Drawing on the outcomes of the five regional technology transfer consultation meetings, the six peer-reviewed studies and the experience of global experts in the area of transfer of IP rights in academia and industry, the Forum will provide a framework for an open dialogue”. The concept paper seemed to be limiting discussions in the forum to the outcomes of the regional meetings, the studies and the experience of experts in academia and industry. However, as agreed in the original project document (CDIP/9/INF/4), “The High Level Expert Forum will have the form of an international conference to initiate discussions on how, within WIPO’s mandate, to further facilitate access to knowledge and technology for developing countries and LDCs, including in emerging areas, as well as, other areas of special interest for developing countries, taking into account recommendations 19, 25, 26 and 28 (food, agriculture, climate change). The Forum would provide a framework for an open dialogue among independent experts from both developed and developing countries knowledgeable in public and private sector technology transfer”. This should be the aim of the forum. Therefore, the Delegation would like paragraph 21 to be revised to reflect the exact wording in the original project document that was agreed upon.

263. The Delegation of Chile echoed the comments made by the Delegation of Paraguay on behalf of GRULAC. It also supported the comment made by the Delegation of Brazil and other delegations that the definition of “technology transfer” in the concept paper was only for the purpose of this project. The Delegation supported the comments made by the Delegation of Argentina on the relationship between technology transfer and the public domain. The industrial property office in Chile had established a search tool to access information in the public domain, including with regard to innovation and technology. The tool could be used in the context of technology transfer. It could also be used in other countries as well.

264. The Delegation of Kenya, speaking on behalf of the African Group, stated that technology transfer was a very important element for the Group. The recommendations of the conference should be actionable in order to move forward with WIPO’s work in this area. The outcomes should benefit developing countries. Instead of two days, the conference should be held for three days, as originally agreed. The selection of speakers should be balanced in terms of geographical representation and perspectives. Some of the comments made by Member States required further reflection. The Group was ready to work with other members in order for the concept paper to be acceptable. A clear TOR for the experts should be provided. The conference should be fruitful. It should assist Member States, especially in terms of advancing this topic which was of immense interest to developing countries.

265. The Delegation of Indonesia took note of the comments made by delegations. The paper was very timely and useful. The selection of speakers was critical as it should facilitate the fulfillment of the forum's objective. In this regard, the Secretariat needed to take into account certain principles in preparing the list of speakers. All Member States had the right to propose a speaker. Those proposed should have a proper background with competence in IP and development. The list of speakers should reflect a balance in terms of geographical representation and the level of development of their countries of origin.

266. The Delegation of Turkey stated that the third regional consultation meeting on IP and technology transfer was held in Istanbul on October 24 and 25, 2013. There was an open and frank dialogue among the representatives from 26 countries and local participants. The challenges and solutions to technology transfer in the region were discussed, particularly during the panel discussions. The Delegation believed the high-level expert forum in January 2015 would bring the five regional meetings to a successful conclusion. The work carried out in other international fora, particularly at the UN, should also be taken into account in the Committee’s

discussions. In this context, the Delegation informed the Committee that Turkey offered to host a Technology Bank and Science, Technology and Innovation Supporting Mechanism for the LDCs under the auspices of the UN.

267. The Representative of the International Federation of Pharmaceutical Manufacturers and Associations (IFPMA) provided an example of technology transfer involving one of its member companies, Eli Lilly and Company. For over a decade, Eli Lilly had been engaged in a technology transfer program aimed at enabling developing countries to produce medicines for the treatment of multi-drug resistant tuberculosis. During the past decade, that program resulted in successful technology transfer to enable local generic companies in these regions to produce medicines best suited to address this crisis at international quality standards. In addition, the MDRTB partnership supported the training of over 100,000 healthcare workers in the hardest hit regions and allowed management of this complex disease, as well as early stage research into new medicines. The Representative had observed that such programs could only succeed when they were entirely voluntary. Eli Lilly was able to choose the countries that it partnered in through trust-building with local partners who were also eager for the collaboration to be a shared success. Knowledge and technology flow was a two way process and could not be forced. That independence provided a level of trust and reliability, without which, such a program could not have succeeded. Their industry was firmly committed to technology transfer. They strongly believed that such partnerships were a win-win for everyone involved.

268. The Chair invited the Secretariat to respond to the questions and comments from the floor.

269. The Secretariat (Mr. Matthes) referred to the comments made by the Delegation of Paraguay and other delegations on one of the recommendations or thoughts from the meeting in Monterrey that was not included in Table 1. The Secretariat would be happy to include it in the table. It had tried to assist by including a table in the main body of the document to summarize the recommendations that emerged from the five regional meetings. There was no intention whatsoever to prioritize any of the recommendations. The Secretariat reiterated that all the recommendations, studies and inputs from Member States were food for thought. These would be discussed at the high-level expert forum and the outcomes would then be discussed by the Committee. Member States could then agree on concrete measures if they wished to do so. With regard to the definition of the term "technology transfer" in paragraphs 3, 4 and 5 of the document, the Secretariat noted that many delegations had pointed out that although the definition had been agreed upon by Member States in an earlier session, it was only applicable to the project. The Secretariat clarified that its intention was not to suggest that the definition had been agreed with respect to any other issue other than the project. It would be happy to clarify this in the document. As suggested by Group B, these paragraphs could be replaced with the text set out in paragraphs 9 and 10 of document CDIP/9/INF/4 which made it clear that the definition was only agreed upon by Member States for the purposes of this project. The Secretariat referred to the suggestion by Group B to replace the word "recommendations" with the word "thoughts" in paragraph 30 of the document. The word "recommendations" was used in the original project paper approved by the CDIP at its 6th session as a concrete outcome and the envisaged outcome of the expert forum. However, the Secretariat would be happy to replace it with the word "thoughts" which was used elsewhere in the document. On the comments made by the Delegation from Algeria, the Secretariat stated that the quotes were from the original version of the document. As mentioned in the revised document (document CDIP/14/8 REV), the TOR for the speakers to be invited to the high-level forum and the selection criteria were discussed with all the Regional Coordinators at an informal session. At the meeting, there was agreement among all Regional Coordinators to seek the approval of Member States on the selection criteria and the TOR for the speakers. The original version stated that the Secretariat intended to consult with Member States. This was done, as described in the revised version of the document which formed the basis for the ongoing discussions. On the comment made by the Delegation of Algeria that paragraph 21 of the document suggested that the scope of discussions at the high-level forum may be limited to the

outputs of the regional consultations, the Secretariat reiterated that this was not the intention. There should be an open dialogue that took into account the studies and outputs from the regional consultations. However, contributions by the speakers to be invited to the forum would not be limited in terms of the issues that they wished to speak on. There was no intention to limit that scope. The Secretariat would be happy to look at the language of paragraph 21 to make that more clear. On the comment made by the African Group on the duration of the expert forum, the Secretariat stated that a three day event was originally foreseen. However, it believed that a two-day event was more appropriate and understood from the discussions with the Regional Coordinators that the suggestion was acceptable to all. The Secretariat would be happy to revert to a three-day session if Member States wished to do in order to allow more time for the discussions.

270. The Secretariat (Mr. Jazairy) referred to the question raised by the Delegation of the United States of America on the web forum. The revised timeline for the project was included in the progress report (document CDIP/12/2). It was indicated on page seven that the web forum was an activity after the high-level expert forum. The creation of the web forum began with the drafting of the concept paper. The Secretariat had started working on the web forum. A test site was established. It already contained the preliminary results and deliverables achieved thus far. The web forum would be finalized in the quarter when the high-level expert forum would take place. The Secretariat referred to the selection of experts and stated that it would be done in a balanced manner. Experts would be selected from all the main regions, including countries in transition. The outputs of all the regional meetings, including the Istanbul meeting, were food for thought. These were inputs for the high-level expert forum and would be taken into consideration by the experts. The Secretariat stated that the proposal by Group B to include peer reviewers as potential moderators for some sessions was a good idea and would be taken into consideration. On the questions raised with regard to the studies and the peer review process, the Secretariat stated that it would work with Member States to improve the peer review process.

271. The Representative of the Health and Environment Program (HEP) stated that the expert forum was very important for African countries and other developing countries. They needed it. This was a positive step and could enable other countries, including developed countries, to assist countries in the African region to move forward. The Representative highlighted the comment made by the Delegation of Kenya on the need for regional balance in the discussions.

272. The Delegation of Kenya, speaking on behalf of the African Group, stated that it preferred the word "recommendations" instead of "thoughts". The original idea for recommendations to come out of the high-level forum should be kept.

273. The Chair asked the Secretariat how long it would take to finalize a revised text based on the comments made by Member States

274. The Secretariat stated that it could be submitted later in the day.

275. The Chair stated that it would give Member States an opportunity to examine the revised document later in the day.

#### Consideration of document CDIP/14/INF/2 - Study on Collective Negotiation of Rights and Collective Management of Rights in the Audiovisual Sector

276. The Secretariat (Ms. Croella) stated that the study was undertaken in the context of the Project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries (document CDIP/9/13). It was prepared by Ms. Tarja Koskinen-Olsson, International Adviser, Olsson & Koskinen Consulting Oy, Helsinki, Finland. The

ultimate goal of the project was to enhance creativity in selected African countries by improving audiovisual rights management and profitability of copyright and related rights based transactions. The selected countries were Burkina Faso, Senegal and Kenya. The Secretariat invited the Consultant to present the main highlights of the study.

277. The Consultant (Ms. Koskinen Olsson) introduced the study. Africa was full of creativity. A film festival was held in Ouagadougou every two years and there were renowned authors of films in all the African countries. The main objectives of the study were to provide an objective factual assessment of current challenges faced by the three selected countries in the management of rights for authors, performers and producers in the audiovisual sector, while taking into consideration international practice and standards in this sector; and to identify priority areas and propose solutions which could be addressed under the project to improve audiovisual rights management and profitability of copyright and related rights based transactions in those countries. Audiovisual works were the result of collaborative efforts by creative collaborators and financing partners. Both were indispensable for producing films and other audiovisual works. The ownership of rights in audiovisual works was defined in national laws. In Francophone African countries with civil law systems, the emphasis was on the personality of the authors. They could include directors, screen writers or writers of musical composition. In common law countries such as Kenya, the emphasis was on the film producer who took care of all the actions required to produce the film. The performers were also a very important group. As far as their rights were concerned, the recently adopted Beijing Treaty on Audiovisual Performances was extremely important as it dealt specifically with the rights of audiovisual performers. It was important to also ensure the remuneration of actors, dancers and other performers. The concept of fair remuneration for performers was embedded in the Beijing Treaty. That was already implemented in countries such as Kenya and Ghana. Irrespective of legal systems, the role of contracts in the audiovisual industry was paramount. Clarity was required on the ownership of the exploitation rights and the kinds of payments made. Normally, in a contract in the audiovisual field, the creative collaborators received a salary for their performance, script or directing. However, the real issue in monetization was on getting payments for subsequent exploitations. Films and other audiovisual works are used in most countries through cinema, television, satellite, cable, home video, streaming, downloading and small public performances. In many African countries audiovisual works were widely performed in small premises, such as hairdressers, shops, restaurants, financial institutions and buses. Small public performances also needed to be monetized. There was also a remuneration scheme for private copying in the three pilot countries. In the selected African countries, contracts were negotiated on an individual basis between a creative collaborator and a producer. In countries with strong associations and guilds representing creative collaborators and producers, negotiations often took place between the representative bodies. This was called "collective negotiation of rights". There was also a system called "collective management of rights" whereby right holders authorized a collective management organization (CMO) to license all or some exploitation rights and collect remuneration thereof. There were legal frameworks for collective management in Francophone African countries. In these countries, CMOs were so called multipurpose organizations that managed rights in all categories of works, including audiovisual works. In Burkina Faso and Senegal, audiovisual rights holders did not in many cases enjoy exclusive exploitation rights. They only had a right to receive equitable remuneration, for instance from television broadcasting. The current level of remuneration in Senegal was 4%. The audiovisual rights holders needed to share this with music, text and everything else. They had a set of exclusive rights for the Internet environment. The picture in Anglophone Africa was a bit different. There were certain countries which had multipurpose CMOs. Botswana was an example. There were very new CMOs in Ghana, Nigeria and Uganda. Nigeria was an important film country. Recently, a new CMO was approved by the Nigerian Copyright Commission, as required by law. There was also a fairly new performers' CMO in Kenya. It was based on the legal framework and the right to equitable remuneration. The Consultant then provided a summary of the main conclusions and recommendations of the study. First, on the contractual relationship between creative collaborators and producers, a

balanced outcome was required whereby producers had all the exploitation rights to enable them to sell their films wherever they wished and creative collaborators were fairly remunerated so they could keep creating. Appropriate business tools were required. As strong unions were absent in the pilot countries, models and checklists would be useful. WIPO was well placed to facilitate discussions among stakeholders in these countries to produce decent contracts. That would enable producers to deal with their rights. Without such contracts, there was no evidence that all the copyright rights had been cleared. International traders would not buy a film if they risked being sued for copyright infringement. Therefore, clear contracts were a prerequisite for such trade. Second, the CMOs needed clear business plans. They must know how to deal with the rights. Broadcasters were major users of audiovisual works and a dialogue with them was indispensable. Other important areas included private copying remuneration and small public performances. Training at national and regional levels was required in this regard. Again, WIPO was very well placed in organizing regional and national seminars. CMOs needed to work adequately, and be accountable to users and rights holders in order to enhance trade. Third, films were already traded online. There were national, Pan-African and international platforms. African material was sought after. The rights holders needed exclusive rights to trade effectively with their copyright rights in the online environment. There was also a need to clarify whether it was the producer or the CMO who had the authority to license the work. It did not really matter who it was as long as there was clarity and sufficient copyright rights. One of the recommendations was for WIPO to organize workshops on online licensing practices for audiovisual works. Rights holders in the pilot countries also needed to know the latest information on the terms of trade. Fourth, with regard to building respect for IP, it was not possible to effectively reduce illegal use unless there were licensed products on the market. Licensing was a prerequisite to curb illegal use. Licensing practices for online services and building respect for IP were related in that regard. African countries should benefit from their creativity in the audiovisual sector. The revenues should be enhanced. There was a need to find new collaborative approaches with creative collaborators and producers. Clear contracts and a solid base for collective management were required in the pilot countries in order to enhance the terms of trade and to bring the benefits of copyright and related rights in the creative industries to the countries concerned.

278. The Delegation of the United States of America stated that it had read the paper in conjunction with the earlier scoping study produced for the project. The Delegation had also attended several very interesting side events associated with the project that showed the richness of the African film sector. The earlier scoping study concluded that copyright was often neglected in the film industries in the participating countries. As a result, it was already fairly clear that there was likely to be little collective negotiation or collective management of copyright in Burkina Faso, Senegal and Kenya's audiovisual sectors. The scoping study recommended that WIPO focus on practical licensing skill development, including chain of title documentation, financial management and accountancy, cross border cooperation and awareness-building in using copyright-based transactions to sell and export audiovisual works to foreign markets, and build awareness of the role that copyright could play in strengthening the audiovisual sector. The Delegation would support further work following the path laid out by the scoping study's authors. It requested the Secretariat to consider developing a project document with specific modalities and budget details. Recognizing that several other Member States had expressed interest in participating in the project, the Delegation also hoped that the pilot project ultimately had a sustained impact in Burkina Faso, Kenya and Senegal. Once that was demonstrated, the Delegation would be happy to look at expanding the scope of the project to include additional Member States. However, at this point, the Delegation also cautioned that the Committee should not, in its work in this area, require WIPO to select particular business models or particular players in the marketplace. Where there was uncertainty in the market, it should be up to the local players to determine how these arrangements should be worked out.

279. The Delegation of Tunisia stated that the study was very important. It included recommendations to improve audiovisual rights management and the profitability of copyright and related rights based transactions in the audiovisual sector in the pilot countries. The Delegation would like to know whether Tunisia could be included in the study.

280. The Delegation of Senegal stated that the study would be very useful. That was why it had requested for the study to be translated into French. The audiovisual sector in Africa was weak in terms of contractual practices and CMOs. Collective negotiation either did not take place or was very rare. Laws were either out of date or too new. Therefore, the audiovisual sector faced a lot of difficulties in relation to IP. The digital switchover would be concluded in June 2015. It would strengthen growth in the audiovisual industry. It posed very crucial problems. Thus, the project was timely and important. It could assist in finding solutions to serious problems related to the digital switchover. The project was relevant. Therefore, it should be strengthened for the beneficiary countries and extended to other African countries. The Delegation supported the requests from Côte d'Ivoire, Tunisia and other countries to participate in the project. The development of the audiovisual sector had a lot to do with the size of the market. Due to historical reasons, Africa was divided into small countries. The audiovisual sector could not expand to a great extent in small national markets.

281. The Delegation of Kenya expressed its appreciation on the selection of Kenya as one of the pilot countries for the project. The administration of rights was very important. The studies were timely as the audiovisual industry in Kenya was growing exponentially. This study would help in the collective management of rights within the sector. In Kenya, the performers' rights organization had already started collecting on behalf of the audiovisual performers. The Delegation referred to the points made by the Consultant on the issue of contractual relationships. These were very important to ensure that the administration of rights in this sector was sustained. Business plans were required to give rights holders, the owners of CMOs, an opportunity to benefit to the maximum from the CMOs. Licensing practices for online services was an important area. With the growth in broadband services and the use of mobile telephony, the use of audiovisual works in this area was significant. Clear legal and administrative frameworks would help ensure that the growth of the audiovisual industry was sustained.

282. The Representative of the TWN stated that collecting societies were often criticized for not giving authors or performers enough money. Although money was collected by the societies, it did not percolate to the last mile. The Representative enquired as to whether the Consultant had undertaken a survey or any kind of data collection during the preparation of the study to substantiate how much money a performer or an author actually received in the African context. Another criticism was that collecting societies sometimes went overboard, for example, by forcing people to pay for performing or playing music in social functions when they may be allowed to do so. The Representative would like to know if such incidents also occurred in Africa.

283. The Representative of HEP believed that the Central African region had been somewhat forgotten in this area. She would like Cameroon, Gabon, and Chad, and other Central African countries to benefit from the project. There was a need for greater awareness of collective management in this sector. Filmmakers from the region always attended the FESPACO film festival in Burkina Faso. However, Central African countries lagged behind in these matters. Therefore, they would like to be included in the project.

284. The Delegation of Morocco reiterated its request for Morocco to be included in the project. The Delegation was confident that the project would be beneficial. It would help to add value to the audiovisual sector in Africa.



285. The Delegation of Côte d'Ivoire stated that its country was very interested in the study. It could assist African countries to derive greater benefits from their audiovisual sectors. Côte d'Ivoire was a historical platform for television, cinema and audiovisual works. There was a legal framework for the sector. However, WIPO's assistance was required to maximize the benefits for its local talent. The Delegation hoped that Côte d'Ivoire would be selected for the second phase of this project.

286. The Delegation of Cameroon stated that the study had highlighted difficulties faced by African countries in the management of rights in the audiovisual sector. With regard to collective management, the Consultant indicated that strong rights management structures were required. The Delegation would like to know what made those structures weak and how those issues could be addressed. The study highlighted another problem which was extremely important in Africa. It concerned the showing of films in small venues, including in informal settings. That was difficult to control. The Delegation would like to know how this issue could be addressed to ensure that the rights holders were fairly remunerated for the showing of their films in those venues. The Delegation supported follow-up work to strengthen the audiovisual sector in the pilot countries and the expansion of the project to other countries that were interested to participate in it.

287. The Delegation of Guatemala stated that the study had highlighted the importance of collective rights management structures. The conclusions of the study were very interesting. The Delegation would like to know whether there were plans to prepare a manual or handbook to assist countries with respect to the measures that they could adopt to strengthen their collective rights management structures.

288. The Delegation of the United Republic of Tanzania stated that there were problems associated with the management of rights in areas where CMOs had been established. There was a CMO in Tanzania. However, there were a lot of problems associated with the management of rights. Therefore, it would like to know whether the project would be replicated in other Member States. The study indicated that although systems varied, copyright holders must benefit from their work. Perhaps more thought could be given on how this work could be replicated in order to develop a common approach.

289. The Chair invited the Secretariat and the Consultant to respond to the questions and comments from the floor.

290. The Consultant (Mr. Koskinen-Olsson) referred to the questions raised by the Representative of the TWN. There were limits to the collection because the laws in all countries provided for situations in which music and audiovisual works could be used without copyright permission. Private copying of material from television was an example. The question of money being given to whom it was due was related to the accountability, transparency and good governance of CMOs. WIPO was carrying out an initiative in this area. There was a project which aimed to ensure that CMOs were transparent, accountable and well governed. These elements would ensure that the money would be given to whom it was due. The Consultant understood that material would soon be made available to Member States and the private sector on best practices and what was being done in different countries. She referred to the question from the Delegation of Cameroon on weaknesses and cited an example. The law in Senegal clearly stated that all broadcasters should pay and provide information on what they were performing on their networks. However, only a fraction did so. Enforcement mechanisms needed to be put in place to ensure that those who were supposed to pay fulfilled their requirements. On the question from the Delegation of Guatemala concerning a manual, the Consultant stated that a distance learning program was being prepared by the Secretariat. Next year, it would be possible for stakeholders and policymakers to study collective management online. She referred to the comments made by the Delegation of the United Republic of Tanzania. A pertinent problem concerned the transparency, accountability and governance of

CMOs. The accountability of organizations, including the copyright society of the United Republic of Tanzania, to stakeholders and society at large was an important element in ensuring that collective management functioned as it should. Collective management was not a solution to every problem in the audiovisual sector. Clear contracts was one of the first priorities to be followed by collective management.

291. The Chair concluded the discussion on the study given that there were no further observations from the floor.

292. The Delegation of Burkina Faso submitted a written intervention on the study, as follows:

“Ms. Olsson’s findings from this study are highly relevant and a strong challenge to us. We promise to put them to good use to strengthen collective rights management and improve trade in audiovisual works in our country.

“That said we would like some clarification:

“Ms. Olsson admits to having made the observation in Burkina Faso and Senegal regarding collective management that audiovisual rights holders seldom enjoy exclusive exploitation rights and only receive equitable remuneration.

“In Burkina Faso, as concerns copyright, we know that the collective rights management organization allows rights holders to disseminate works by means of general contracts signed with broadcasters, video projection businesses, distributors of encrypted signals and the few cinemas that are still functional, on the basis of prices determined by a ministerial order.

“It is at this point that neighboring rights of broadcasting, consisting of remuneration for private copying and equitable remuneration, come into play.

“Our question then is at what stage exactly is this management on the basis of copyright situated, given that there is a question of prior authorization?”

#### Consideration of document CDIP/13/11 - Revised Proposal on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content

293. The Chair recalled that due to the lack of time, the document was not considered by the Committee at its 13th session. He invited the Secretariat to introduce the document.

294. The Secretariat (Mr. Lanteri) recalled that a study on Using Copyright to Promote Access to Information and Creative Content was prepared under the copyright component of the Project on IP, Information and Communications Technologies (ICTs), the Digital Divide and Access to Knowledge. The study was considered at the 10th session of the CDIP in November 2012. The Committee requested an assessment of the feasibility for WIPO to engage in new activities that could potentially assist Member States to achieve their development goals in the areas covered in the study, namely, education and research, software, and public sector information. The assessment was presented during the 11th session of the Committee. The document (CDIP/11/6), prepared by an external consultant, contained a list of six activities that WIPO could undertake in these areas. At the request of Member States, a more detailed implementation proposal was prepared (document CDIP/12/9). It was discussed at the 12th session of the Committee in November 2013. The Secretariat was requested to further revise the document to clarify the proposal and present it to the next session of the Committee. The current document and its annexes contained a revised version of the implementation plan. It took into account the comments made by Member States. New titles were proposed for activities 1, 2, 3 and 5 with a view to reflect their content more accurately.

295. The Delegation of Italy, speaking on behalf of the EU and its Member States, noted that the document contained implementation plans for six activities related to using copyright to promote access to information and creative content. With regard to activities 1 and 2, they noted that WIPO still seemed to be required to create, collect and hold a substantial volume of information, and enable the public, both professional and nonprofessional, to obtain easy access. With regard to activity 1, they welcomed the move away from creating a centralized database to a number of databases, and with regard to activity 2, the clarification of the range of WIPO's potential activities. However, it remained unclear how the implementation of these activities and the application of open licenses to protected works would affect the right of copyright holders. They would need some further assurance in this regard before being able to endorse activities 1 and 2, and also some clarification on their budgetary implications. With regard to activities 3 and 4, they welcomed the introduction of balance in the range of views sought and information provided by the Secretariat on the budgetary implications of these activities. Consequently, they were in a position to endorse activities 3 and 4. With regard to activity 5, they welcomed the limitation of the activity to the preparation of information for WIPO internal use, and with regard to activity 6, the focus on those LDCs which were most ready to implement any policy on the subject. However, they would need further clarification on the exact scope of activities 5 and 6 as well as the budgetary implications before they were in a position to endorse them.

296. The Delegation of the United States of America stated that the paper had significantly clarified the proposed activities. The Delegation suggested that the Committee narrow down from the six proposed activities to a few that were most likely to lead to useful outcomes and provide sustained impact. As noted in previous sessions of the Committee, the impact of proposed activity 1 may be limited because it focused on three Member States with local institutions that provided IP-related education and research resources. It would like to know if the Secretariat was aware of any demand by Member States for this type of assistance. With respect to proposed activity 2, the Delegation appreciated WIPO's leadership in the IGOs working group on copyright licenses. It sounded as if the license had indeed been finalized. Using the Creative Commons license should provide a path forward for additional IGOs that sought to implement new copyright policies. The advantage of using a Creative Commons license was that even non-copyright experts could select and implement a license agreement that was customized for their needs. While the Delegation did not wish to micromanage the Secretariat's work, it was unclear why WIPO would need such a large budget for staff travel under this activity. Many IGOs were in Geneva and in-person travel to visit those not located in Geneva did not seem necessary in the digital age. Based on the discussion of the IGO open access policy activities in the Director General's report, it sounded like WIPO had this work well in hand. The Delegation would be interested in understanding how this new project and call for additional funding related to these ongoing activities. On proposed activities 3 and 4, the Delegation could support actions by WIPO to increase the awareness of open source licensing as an important source of innovation, including through WIPO technical training. With respect to the new module outlined in activity 3, it would appreciate further clarification. The Delegation would like to know whether this was intended to be an online course module or printed materials. With respect to proposed activities 5 and 6, the Delegation supported, in principle, the suggestion in activity 5 that WIPO should provide additional information to Member States on how they might implement policies for access to public sector information. However, the Delegation highlighted DA recommendation 1 which stated that technical assistance should be demand-driven or otherwise requested by Member States. It would strongly support such technical assistance to any interested Member State but would first seek assurances that a demand existed for this type of activity. Although the proposal contemplated the creation of a set of model provisions or policies, the Delegation suggested that WIPO work on an interactive basis with interested Member States to examine their options on a case by case basis. Substantive copyright issues, including development of any normative model provisions, should be addressed at the SCCR. Furthermore, the three approaches to public sector information

outlined in the underlying study were already sufficiently detailed to provide WIPO and any interested Member States with appropriate models for implementation at the national level. Convening a conference as suggested and proposed in activity 6 may be premature. In order to take full advantage of this type of conference, interested LDCs would need to be in a position to implement new provisions or policies on public sector information. Member States may be better served if the Secretariat were to provide country-specific, demand-driven assistance that was consultative and interact.

297. The Delegation of Brazil regretted that the document could not be examined in the last CDIP session. It was glad that the concerns raised by Members had been addressed by the Secretariat. It was suggested that each activity be considered individually. This procedural change was extremely pertinent as it allowed for each activity to be independently examined on its own merits. This made the process simpler and more streamlined. In this context, the Delegation focused on activity 1, "Pilot Project on Providing Legal and Technical Support for the Creation of Databases to Make Education and Research Resources Available on an Open Access Basis". The Delegation had engaged with the Secretariat to fine tune certain details on how this activity could provide fundamental resources to help educators in developing countries. The Delegation explained why it was particularly interested in this activity. Brazil had managed to create several programs in the field of social policies on open educational resources. The project could help the country to share its experiences in this area. The Delegation highlighted some of Brazil's existing initiatives to offer educational material on an open access basis at the federal, state and municipal levels. A teacher's portal was introduced. This was an internet-based program that assisted in the training of teachers by providing material for classes and a space for the exchange of experiences. The portal currently received more than 2 million visits per month from 193 countries. The teachers that used this system had access to more than 12,000 suggestions for lessons prepared and shared by colleagues in all states. A program entitled "International Bank of Learning Objects" was also established. The Bank was a repository that contained educational materials for public access in various formats for all levels of education. To date, more than 16,000 objects had been published with around 2,000 more being assessed or awaiting authorization from the authors for publication. School TV was a public channel under the responsibility of the Ministry of Education. It helped teachers and students by supplementing classes. The content broadcasted by School TV was available in a public repository for open access. Other programs included Metadata Standards for Learning Objects, Indigenous and Rural Digital Corridor, Digital Repositories of Intellectual Production, Brazilian Digital Library, Open University System for the National Health System, Scientific Electronic Library Online, and the Center for Technology and Knowledge Dissemination. These were some of the elements that Brazil would like to share if the Committee agreed to carry on with this activity. The Delegation highlighted that the activity would start with the pilot project in which WIPO would provide legal assistance for establishing a legal framework for the creation of a database through which content would be made available. After the first phase was completed, the database would be an instrument for members to share all their educational materials in different languages. There could be a significant impact on the classes taught in developing countries. The Delegation strongly supported this activity. It hoped this was just the first seed of a project that could generate many fruits in the future.

298. The Representative of KEI drew the Committee's attention once again to an initiative jointly convened in 1976 by UNESCO and WIPO, namely, the Tunis Model Law on Copyright for Developing Countries. In light of the core objective of this project to gather information and explore the potential of the copyright system, including flexibilities and different models for enhancing access to knowledge, the Representative proposed that as part of its future implementation of the project, WIPO could undertake a scoping study to ascertain the feasibility of producing an update of this Model Law adapted for the digital environment. The 1976 Model Law drafted by experts at the behest of Member States of WIPO and UNESCO sought to provide a Berne-consistent template for developing countries that could accommodate common law and civil law traditions. The Model Law addressed some of the most important issues in

copyright, including the protection of folklore as well as limitations and exceptions to rights such as those in Section 7 on fair use, Section 3 on works not protected, and/or Section 10 on the limitation of the rights of translation. The Model Law provided a foundation for the protection of author's rights, including extensive provisions on licensing of works and enforcement of rights and proposed language on the treatment of *domaine public payant* in Section 17. While the 1976 Model Law was useful, much had happened in the last 38 years, and it would seem appropriate to consider an update of this soft law instrument, especially in light of the new developments in international law, including the norms contained in the WTO TRIPS Agreement, the 1996 WIPO Internet Treaties as well as the Beijing and Marrakech Treaties. Among other topics, there would be an opportunity to draft model provisions that would address copyright limitations and exceptions for education and research, including institutions such as libraries and archives that support education and research as well as distance education delivered cross border, and a system of liability rules to address a variety of concerns regarding access to cultural works, consistent with addressing the legitimate interests of suppliers and of knowledge and cultural works. In this regard, the Representative noted that Article 44.2 of the TRIPS Agreement and the WTO TRIPS exception for LDCs provided possibilities for new ways of implementing copyright exceptions, including some of the approaches explored in the proposals for exceptions put forth by the African Group at the SCCR.

299. The Delegation of Nepal supported the revised proposal on possible new WIPO activities. The Delegation emphasized the implementation plan for Activity 6, which was proposed especially for LDCs.

300. The Representative of the TWN stated that the Pilot Project on Providing Legal and Technical Support for the Creation of Databases to Make Education and Research Resources Available on an Open Access Basis was very important. Access to education and research resources in institutions in developing countries was significantly dependent on access to works published or produced by institutions in developed countries. Therefore, the scope of the project should be broadened to explore how institutions in developed countries could contribute towards making education and research resources available to developing countries on an open access basis.

301. The Chair invited the Secretariat to respond to the questions and comments from the floor.

302. The Secretariat (Ms. Woods) referred to activity 1 on the pilot project on the creation of databases. Like many other pilot projects, the idea was to start small by trying it out in one or a few countries. The CDIP could decide to develop it further once the work undertaken was reported back to the Committee. It was always possible to find lessons learned that could be applied more broadly to other countries. Other Member States could review the report and identify ways to apply principles derived from the pilot project to their activities. Member States could also choose to expand the project if it was found to be valuable for other countries. Activity 2 was on the application of open licensing to content produced by international organizations. The Secretariat informed the Committee that WIPO was very close to issuing an open access policy. As reported, it had been working on this for some time with Creative Commons and would be using their licenses in the open access policy. Those licenses were developed to apply not just to WIPO but to a broad range of international organizations. This particular project contemplated working more closely with other IGOs to share WIPO's experience and copyright expertise as applied to these licenses because that function was unique to WIPO and Member States had often requested the Organization to work more with other international and UN organizations. The Secretariat referred to the proposed budget for travel. The budget for 14,000 Swiss francs was over a two-year period. The idea was for the person working on the activity to attend a number of international gatherings that already occurred, particularly among publishing groups within UN entities that would be the most active users of the IGO license in order to share experiences, learn from each other and for WIPO to share expertise on copyright implications. It was true that many activities would take place

without cost and would be based in Geneva. However, the idea was for WIPO participants to attend events such as the Frankfurt Book Fair when all the publishing entities got together, Creative Commons' activities, and the annual Creative Commons conference which included a panel focused on IGOs. The Secretariat referred to activity 3 and noted that there were no further questions on the activity. There was a reiteration of the importance of balance here and to ensure that all viewpoints would be expressed. That certainly would be the way in which the project would be managed. It would be managed by the Copyright Law Division even if consultants were used. Similarly, there did not appear to be a lot of concern on activity 4 provided there was a balance in implementation. That would certainly be observed. Activity 5 was on the preparation of information on existing policies, practices and projects in Member States on the use of public sector information and open access. The main concern was to ensure that this activity or any activity by WIPO to provide legal assistance to Member States would be demand-driven. The Secretariat assured the Committee that legal assistance was provided on that basis. With respect to the question of whether there was demand for this activity, the Secretariat stated that it often got broad requests for assistance to develop a new copyright law. This would be one of the topics that would be encompassed. There were also specific requests for assistance concerning particular needs and discussions that took place in countries concerning open access. Those questions came to the Secretariat because sometimes the discussions took place without consideration of copyright implications. One of the things to be done under this project was to look at how copyright was taken into account in some Member States with respect to open access activities. The idea would be to use the material in providing assistance to additional Member States on a demand-driven basis. Activity 6 was on the conference for LDCs. On the question of whether it was premature to hold such a conference, the Secretariat explained that the activity was proposed because it could be beneficial to focus initially on copyright implications as that aspect was sometimes not taken into account in the development of open access policies. However, the Secretariat understood that questions were raised on the timing of this activity. There was also recognition that the focus would be on involving LDCs that were already working in this area and had expressed an interest in developing their law in this area. On the proposal to develop the Tunis Model Law, the Secretariat stated that it was largely outside the scope of the proposed project. However, it did perhaps reflect back on activity 5 on the development of model law provisions. That aspect of activity 5 could potentially be separated from the survey study aspect of the activity. The Secretariat then summarized what it believed could be a consensus on moving forward. For activity 1, the Secretariat suggested that a more detailed proposal could be developed with interested countries on the implementation of the pilot project in specific countries taking into account the comments made by Member States. On activity 2, the Secretariat believed it could be acceptable to move forward with the project following its explanation. It would wait for Member States to react on that. On activities 3 and 4, the Secretariat suggested moving forward with the projects as described because there appeared to be no objection to that and there was some support for it. With respect to Activity 5, the concern seemed to be on developing and providing model legislation. Therefore, the Secretariat suggested dividing this project in half and to begin with the study concerning a survey of the laws and practices in Member States. As pointed out, seven countries were initially covered when developing the project. However, it would be useful to go forward with a study of the type done in the SCCR where consultants were simply asked to survey all the regions and laws that currently existed. Instead of requesting them to develop model provisions, the Secretariat could work with the information gained from the survey which would be useful in providing legislative assistance. If a study of that type was developed, it may be acceptable for it to be published and made available to all Member States rather than retained as useful information for the Secretariat in providing legislative assistance. On Activity 6, there seemed to be some concerns about whether it was ready for implementation at this time. Therefore, the Secretariat suggested that it be held off until the other activities were implemented. That activity could be reconsidered at that stage.

303. The Chair enquired as to whether the course of action outlined by the Secretariat was acceptable to all Member States.

304. The Delegation of the United States of America stated that the way forward sounded reasonable.

305. The Delegation of Brazil stated that the proposed course of action sounded reasonable and supported it.

306. The Chair concluded the discussion given that there were no further observations from the floor. He invited the Committee to consider the studies undertaken in the context of the project on IP and Socio-Economic Development.

Consideration of document CDIP/14/INF/3 - Trademarks Squatters: Evidence from Chile; document CDIP/14/INF/4 - Study on the Impact of Utility Models in Thailand; document CDIP/14/INF/5 - Study on the Use of IP and Export Performance of Brazilian Firms; document CDIP/14/INF/6 - Report on IP Use in Brazil (2000-2011); document CDIP/13/INF/5 - Study on the Impact of IP on the Pharmaceutical Industry of Uruguay; document CDIP/13/INF/8 - Study on Patent's Role in Business Strategies: Research on Chinese Companies' Patenting Motives, Patent Implementation and Patent Industrialization; and document CDIP/13/INF/9 - Study on International Patenting Strategies of Chinese Residents

307. The Secretariat (Mr. Fink) recalled that the studies were prepared under the project on IP and Socio-Economic Development (CDIP/5/7 Rev.) which was based on DA Recommendations 35 and 37. There was a good understanding within the economic research community that the impact of IP systems varied with the level of economic development. However, policymakers in developing countries lacked capacity for evidence-based decision making. A lot of economic research took place on the impact of IP policy reforms. However, it was mostly done at universities and IP offices in developed countries. Many IP offices had economic research units. However, there was a lack of capacity to study the role of the IP system empirically in more resource-constrained environments. A lot of academic evidence on linkages between IP and development consisted of cross-country econometric evidence that had a number of methodological limitations and relied on relatively strong assumptions and anecdotal evidence. The project's most important contribution was to bring micro evidence to the table. A key component of the studies was the development of new micro databases that relied primarily on information generated in IP offices and also built bridges to other statistical data sources, notably firm surveys, innovation surveys and sectorial databases. The project was open to any Member State interested in seeing studies conducted. At the outset, the Secretariat engaged in extensive consultations to better understand the analytical needs of the governments that it worked with as well as to gain a better understanding of the existing data infrastructure and to assess the feasibility of what could be accomplished through the studies. The Secretariat worked closely with all the government agencies involved, in particular, IP offices and relevant ministries. It also engaged local researchers and research institutions as well as international experts who were at the cutting edge in terms of methodological approaches. Workshops were usually held in the intermediate and final stages. There were various review mechanisms, including an explicit peer review mechanism that provided feedback on the analytical approach and the studies. A lot of emphasis was placed on developing new micro databases on IP use. The Secretariat mobilized other data sources to undertake the studies. In some cases, a case study approach was adopted. For example, in the case of the study on the forestry sector in Uruguay, limited data was available. A case study approach that was largely based on interviews with key stakeholders was the only way to gather some evidence. That complemented the empirical evidence generated through analyzing the micro databases.

308. The Secretariat (Mr. Raffo) provided an overview of the Study on the Use of IP and Export Performance of Brazilian Firms (document CDIP/14/INF/5) and the Report on IP Use in Brazil (2000-2011) (document CDIP/14/INF/6). The Secretariat began with the first document. This was the second study carried out in Brazil. The government was interested to examine the use of IP by exporting firms, an increasingly important segment of the manufacturing industry. The study was led by the Brazilian Institute of Applied Economic Research. It was prepared in close collaboration with the Secretariat and the Pontificia Universidade Catolica in Rio de Janeiro. The methodology relied substantially on innovation surveys. Three rounds of innovation surveys were used. The information was supplemented with detailed data on product exports by firms. This had some limitations. Only large companies with 500 employees or more were analyzed. This allowed for a precise analysis of many variables across the years. A positive correlation between export performance and IP use was observed in some of the results. The correlation was stronger and more robust in terms of patent use by Brazilian exporting firms. However, correlation did not necessarily mean causation. The second document was a descriptive report on IP use in Brazil. The methodology relied mostly on IP unit record data. To overcome the limitations of the previous two studies, substantial work was carried out to clean the IP production databases in the Brazilian IP office (INPI) in order to create a statistical database that was suitable for economic and statistical analysis. The document included an annex which described the work that was undertaken to clean and put together the database. The report included the use of various IP instruments, including patents, utility models, industrial designs, trademarks, collective marks, geographical indications and others. The geographical coverage of the report went beyond Brazil as a whole. It also looked into the situation within Brazilian states.

309. The Secretariat (Mr. Fink) introduced the study entitled “Trademarks Squatters: Evidence from Chile” (document CDIP/14/INF/3). The Secretariat recalled that a report on the use of IP in Chile was submitted to the 11<sup>th</sup> session of the CDIP. A study on pharmaceutical patenting in Chile was pending and would be submitted soon. The study on “trademark squatters” focused on a particular behavior associated with a specific form of IP. It looked at “trademark squatting”, a situation whereby attempts were made to register the trademarks used by other companies in order to free-ride on the reputation of the brand. In the case of Chile, there was anecdotal evidence that trademark squatting frequently occurred. The government was interested to look into this phenomenon as Chile was in the process of reforming its trademark legislation. The study provided an interesting empirical input into that process. The objective of the study was to assess the extent to which systematic trademark squatting existed and how it affected brand owners. The study focused on squatting as an economic behavior, regardless of its legality. While in many cases trademark offices reject applications for squatted trademarks, or original brand owners succeed in invalidating squatted trademark registrations in court, this may not always be the case. Trademark laws sought to achieve a balance between protecting the exclusive rights of brand owners while not unduly limiting the entry of new brands. In practice, the boundaries between bad-faith attempts at free-riding and good-faith entry of new brands were often not clearly drawn. It was important to keep in mind that the study focused on squatting as an economic phenomenon. An empirical approach was adopted. The data used for the study was generated in the first phase of this project. It relied on a statistical database that was based on the operational data of the Chilean IP Office. It also relied on names when the trademark behavior of the applicant could be tracked over time. The results indicated that trademark squatting was a frequent phenomenon. It was conservatively estimated that 1% of all filings on average in any given year were squatting attempts. That amounted to 300 applications a year. Although this did not seem to be a huge number, the impact was quite substantial. The study did uncover some causal chain, at least as far as the empirical approach was concerned. It was found that applicants affected by squatting subsequently changed their filing behavior. This was identified through analyzing opposition data. The analysis indicated that brand owners affected by squatting subsequently changed their filing behavior. The statistical evidence suggested that they filed more applications and these were filed a greater number of classes. This suggested that squatting was not only important as a phenomenon in



itself, but it also affected the filing behavior of brand owners.

310. The Secretariat (Mr. Zhou) introduced the Study on Patent's Role in Business Strategies: Research on Chinese Companies' Patenting Motives, Patent Implementation and Patent Industrialization on behalf of the State IP Office (SIPO) of China. The study was prepared by SIPO's IP Development and Research Center. In recent years, patent filings in China had grown rapidly along with economic development. However questions remained as to how the patents were being put to use and how companies used the system to compete with others. The purpose of the study was to try to understand what motivated Chinese enterprises to file patent applications, how they used their patents and what financial benefits were derived from those patents. The project was mainly based on China's annual patent survey. The survey was a major undertaking by SIPO since 2008. It was based on a sample of patents that were granted in the previous year. Each year around 40,000 to 50,000 patents were included in the sample covering invention patents, utility models and industrial designs. Invention patents were a major part of the investigation. Utility models and industrial designs had smaller shares. The survey was very successful. The response rate was above 80%. Questions included in the survey ranged from the primary motivation to file patents, R&D spending linked to the research leading to the patent, how the patent was being utilized and how much revenue was generated from these patents. The survey was an important way to gain information on patenting activities in China and how these patents were implemented. The analysis was done by SIPO's IP Development and Research Center. It resulted in some interesting findings. First, the patent implementation rate was consistently around 70% in China. Implementation was defined as self-use for production purposes and as well as use for strategic purposes such as licensing, cross licensing, incorporating patents into standards and building technology reserves. Corporate applicants had the highest implementation rate. It was above 80%. Universities implemented just under 30% of their patents. This reflected a possible lack of cooperation between universities and industries. It was also interesting to note that the implementation rates for utility models and industrial designs were slightly higher than for invention patents. This reflected intensive use of these two systems in China. Second, the survey indicated a shift from the simple use of patents to more sophisticated use of patents. Self-use for production remained the primary motive for filing patents in China, whereby patent owners used their patents to secure market share and prevent imitation by others. However, in recent years the strategic use of patents was gaining popularity. It included cross licensing, incorporation into standards, building patent pools, blocking the technology advances of competitors and so on. These were not direct uses of patents. The purpose was to strengthen the company's position in the field. The survey indicated that in 2012, around 3,000 patents were being adopted in local, industrial, national or international standards. The owners of large companies played the lead role in inserting patents into standards. SMEs were relatively weak in this respect. The project provided useful insights into what motivated Chinese companies to file patents and how these were used. The conclusion was that these patents were indeed being used, contrary to what some had suggested. The tendency to use patents differed between companies and universities. Policy makers needed to look into ways to strengthen ties between universities and industries to enhance the use of patents by universities. China's companies had started to use patents for strategic purposes beyond direct use. However, they still needed more experience compared to users in developed countries.

311. The Secretariat (Mr. Wunsch-Vincent) presented the Study on International Patenting Strategies of Chinese Residents. It was conducted in parallel with the study just presented. Patent filing in China was growing rapidly. Significant economic studies had focused on the rise of domestic patenting in China. However, there were hardly any studies on patent filings by Chinese residents abroad. The objective of the study was to describe and analyze Chinese patenting abroad. A large database and datasets were developed to conduct the study. A foreign-oriented patent family database was constructed to analyze Chinese patenting abroad. The analysis led to several findings. In the beginning of the 1990s, the total number of Chinese foreign-oriented patent families was on par with those found in other fast-growing middle-

income economies. However, by the turn of the century China decoupled from other fast-growing economies and started to emerge as a major player in terms of international patenting. The growth of Chinese patent filings abroad increased significantly after the year 2000. At the outset a lot of the foreign-oriented patent families were linked to utility models. Towards the year 2000, around 80% of foreign-oriented patent families by Chinese residents were associated with invention patent applications. The share of Chinese patents filed abroad was still a fraction of total patents filed at home. The share of foreign-oriented patent families in all patent families by Chinese residents was between 5 and 6%. High-income countries such as Germany and the United States of America had significantly higher shares of foreign-oriented to total patent families. These were around 60% and 50% respectively. However, it should be noted that the data was only complete until the end of 2009. If the data was updated, the share of Chinese patents filed abroad would likely be much higher. It was found that around 70% of foreign-oriented patent families by Chinese residents targeted only one foreign IP office and not several offices as in the case of countries such as the United States or America and Germany. However, that trend was also rapidly changing. The share of Chinese patent families with more than one foreign office had increased from about 5% in the 1970s to 36% in 2009. The ICT sector had the largest number of foreign-oriented patent families. Few other sectors had participated so far. Some growth was found in fields such as nanotechnology but it was from a very low basis. The study also analyzed the use of the PCT for filing abroad. It looked at the share of foreign-oriented patent families by Chinese residents with at least one PCT application. Lastly, with the help of SIPO and an interview questionnaire guide, a number of top filers were interviewed to go beyond the data available only until 2009. Similar to the first study, these indicated a shift from the desire to protect technologies abroad to more strategic considerations such as the building of patent portfolios to avoid litigation and enable collaboration with other firms. There was also an incipient interest in the licensing of IP. In addition, there was an interest in using patent filings to increase a firm's reputation as an innovator. This could be seen as a marketing exercise whereby a firm demonstrated its innovative capacity through patent filings.

312. The Secretariat (Mr. Fink) recalled that the two studies on China and the study on Uruguay to be discussed later were submitted to the previous session of the CDIP. However, they were not presented due to the lack of time. The study in Egypt was presented in the previous session. The first study on the use of utility models in Thailand was submitted to the 12th session of the CDIP. The second was a follow-up study. It looked at the economic impact of utility models based on the data generated in the first phase of the project.

313. The Secretariat (Ms. Hamdan-Livramento) introduced the Study on the Impact of Utility Models in Thailand (document CDIP/14/INF/4). The study complemented the document presented at the 12th session of the CDIP (document CDIP/12/INF/6). The Office of the Chief Economist worked in close collaboration with the Thai Department of IP and the Thai Development Research Institute to collect, clean and harmonize unit record data on Thai utility model registrations from 1996 to 2012. Document CDIP/12/INF/6 provided a descriptive analysis of the implementation and use of utility models in Thailand. It discussed, in particular, how this IP instrument was being used, by whom and in which sectors. There were three interesting findings from this descriptive analysis. First, most of the utility model users were local residents. Second, a significant proportion of the applicants were first time users of the IP system. Third, the uptake of this IP instrument was relatively quick. As a follow-up, this study attempted to show whether the use of IP instruments translated into economic gains and higher sales for local firms. The researchers built on the unit record data provided by the Thai Department of IP, identified firm applicants and matched these records with firm level data. They checked whether there were particular firm traits that could indicate an inclination to file for utility model protection based on the firm's age, size, industrial sectors and geographical location. This was done based on interviews and discussions with officials from the Thai Department of IP and various users of utility model protection. The findings were described in the document. In general, a positive correlation was observed between firms applying for and

granted utility model protection and their financial performance. In other words, firms that used utility model protection seemed to perform better after filing for utility model protection. However, it was important to point out that causality was not proven. Specifically, the researchers were not able to show that the gains observed by these firms, after they had filed and were granted utility model protection, were due to the market exclusivity of utility model protection.

314. The Secretariat (Mr. Raffo) introduced the Study on the Impact of IP on the Pharmaceutical Industry of Uruguay (document CDIP/13/INF/5). The Uruguayan Government considered the pharmaceutical industry to be a strategic sector for the country. Substantial efforts were undertaken to take all the IP unit record data at the Uruguayan IP Office (DNPI) on patents, industry designs, utility models and trademarks, and to combine it with market information on medicines that were commercialized in Uruguay. This was not a straight forward task. The study also made use of worldwide IP data. In addition, the study made use of historical data from the United States Food and Drugs Administration (FDA) publication known as the Orange Book. It linked products and their active ingredients with patents granted in the United States. A link was established between those active ingredients and medicines, and the medicines that were commercialized in Uruguay. A national resource was used for that. The final datasets were detailed and explained in the annex to the document. The analysis was divided into two parts. The first part of the analysis was to investigate whether the new patent law in Uruguay, which was approved in 1999 and effective since 2000, had an impact on the pharmaceutical industry. It was found that the law had a substantial impact on the industry in terms of patent filings. Very few pharmaceutical patent applications were filed before the law was introduced. Around 80% of the patent filings in Uruguay were made by foreign pharmaceutical companies. It was further observed that trademark applications from the pharmaceutical industry accounted for a significant portion of trademark applications in Uruguay. Many of those applications were made by national pharmaceutical companies. This indicated intensive use by national producers of medicines. However, it was also observed, particularly in the case of patents, that the rate of commercialization remained low. Very few patents granted by the European Patent Office could be linked to a product commercialized on the Uruguayan market. However, the low commercialization rate was far from being a specific phenomenon in Uruguay. Indeed, the amount of granted pharmaceutical patents in the US which could be related to an approved product by the FDA was almost negligible when compared to the patents granted in the pharmaceutical field. The second part of the empirical analysis addressed the link between IP use and market conditions. It was observed that patented medicines tended to be more expensive, regardless of whether or not they were protected by patents in Uruguay. There were similar results in terms of competition. Although IP was a factor to consider in terms of market conditions in this industry, it was not a main economic factor. The impact of other factors such as exchange rates was more substantial.

315. The Secretariat (Mr. Fink) stated that the first phase of the umbrella project had concluded following the submission of these studies. The Secretariat highlighted three overarching conclusions. Progress had been achieved. The project generated interesting new insights, especially on micro patterns of IP use and socio-economic performance. As mentioned, a lot of the evidence that previously existed came from cross-country econometric evidence. The project made an important step forward in that regard. The project also generated new datasets. These were important public goods that would have a life beyond the work that was conducted. They also contributed to the creation of research capacity at least in those countries where the Secretariat supported the local research work. However, there was a need to recognize certain limitations, especially as far as causality was concerned. The Secretariat hoped to further engage in such work in Phase II of the project which was approved earlier in the week.

316. The Delegation of Chile stated that the project benefitted from the participation of experts. The studies provided important data to assist its authorities to define related public policies on IP. The study on trademark squatting in Chile was interesting and innovative. It could be replicated in other Member States in accordance with the adopted methodology. Therefore, the Delegation would like the study to be translated and made available to all Member States. The study included data from 1991 to 2010. During most of that time, Chile had another industrial property office. The National Institute of Industrial Property (INAPI) was established in 2009. The work of this independent entity extended beyond filings. It had more than 180 officials, the majority of which were patent and trademark examiners. Training was provided to ensure quality in the examination of applications. The examiners could also follow-up on the filings. The study looked into the incidence and consequences of trademark squatting in Chile. The methodology used to identify squatting behavior was very good. The study proposed a methodology that allowed for the identification of trademark squatters in any trademark register. An important conclusion of the study was that squatting not only created distortions by delaying market entry, it also motivated brand owners to file more trademarks. Although squatting represented 1% of trademark filings in the period covered under the study, it should be noted that the study found that the trend had lowered after 1997. It was less than half in 2000. Despite efforts by WIPO and INAPI, it was not possible to establish the cause. In Chile, draft legislation to address trademark squatting had been submitted to the National Congress. In future studies, it would be important to look at the effect of squatting on the introduction of new trademarks. The study focused on squatting as an economic behavior, regardless of its legality. It provided new insights into a behavior that seemed to be more common than thought and which required attention. These studies should be followed up in order to quantify future changes in the trends identified in the study. The studies could also assist Member States to identify measures to improve their IP systems. The Delegation reiterated Chile's interest to continue participating in the project.

317. The Delegation of China stated that the studies conducted in its country provided valuable information. They would contribute to the future IP system in China and assist in policy decisions. The Delegation hoped that WIPO would continue to promote studies. It also hoped that the research methodologies would be shared with Member States so that they could make use of them.

318. The Delegation of Thailand stated that the study on the impact of utility models in Thailand was the result of a joint effort between the Thai Development Research Institute, the Ministry of Commerce and WIPO. The Delegation shared the conclusion of the study that utility models could be useful to encourage the use of IP in Thailand. The study showed how utility models affected Thai firms and which industries used them. The Delegation referred to box 1 in document CDIP/12/INF/6 and requested for a minor correction to be made. The maximum term of protection for utility models in Thailand was ten years from the filing date, and not eight years as mentioned in the study. Therefore, the last line of paragraph 2 should be amended to read as follows, "The maximum term of protection for utility model inventions is ten years from the filing date".

319. The Delegation of the United States of America took note of the study entitled "Trademark Squatters: Evidence from Chile". As mentioned in the study, a large number of legal provisions and institutional design choices determined the success prospects of squatters, including the criteria used to assess whether trademarks qualify as well-known; the kind and extent of substantive examination an office engaged in; to what degree the applicant was required to prove use before an office registered a trademark; and the details of opposition and cancellation procedures. Its companies were very concerned about bad-faith trademark filing around the globe. The United States Patent and Trademark Office (USPTO) had been exchanging best practices with other IP offices on the topic of bad-faith, including areas that it found to be useful in fighting bad-faith filings such as use requirements prior to registration or a verified statement

of bona fide intention to use, flexible standards for determining bad-faith based on circumstantial evidence, and procedures that streamlined opposition and cancellation proceedings. The Delegation encouraged other Member States to seriously consider reviewing such tools for combatting squatting and move towards implementing them within their systems as squatting was a problem which affected all trademark holders in all countries.

320. The Delegation of Uruguay stated that the studies were important tools for enhancing knowledge on the impact of IP in countries, particularly developing countries. They provided important inputs for the preparation of national strategies. In the last decade, Uruguay had substantially reformed its IP, health care and public insurance systems. In this context, the pharmaceutical industry had become extremely relevant. The government had always promoted science, technology and innovation. It understood that development could not take place without innovation. Therefore, it was promoting the strategic use of IP tools. This would also make its firms more competitive. With regard to the study, the Delegation stated that outcomes of the project were presented in Uruguay last October in the presence of officials from the Ministry of Industry, Energy and Mining as well as other governmental agencies, academics, private sector representatives and WIPO officials. The national entities had received the study. They were able to make comments and suggestions with regard to the study. The project was in line with the implementation of DA recommendations 35 and 37.

321. The Delegation of Brazil referred to the Study on the Use of IP and Export Performance of Brazilian Firms and the Report on IP Use in Brazil (2000-2011). It had the opportunity to comment on these studies during the side event on Tuesday. The studies were very helpful in providing information for decision makers in Brazil. The Study on the Use of IP and Export Performance of Brazilian Firms was innovative. This was mostly due to the methodology used to analyze the relationship between the use of IPRs and export performance in Brazil. Despite the limitations indicated in the study, the use of statistics from the technological survey (PINTEC) compiled by the Brazilian institute of Statistics provided a good basis for monitoring the evolution in the use of IPRs by the private sector in Brazil. The study provided data on the link between innovation and exports. It concluded that 14.6% of innovative firms were exporters. Only 8.2% of non-innovative firms were exported. The Delegation referred to the Report on IP Use in Brazil and stated that it was a comprehensive publication on the use of industrial property rights in Brazil. The report was produced in cooperation with the Brazilian Patent Office. Its main product was the creation of an IP statistical database. The Brazilian authorities had taken measures to assure the sustainability of the project with the creation of an internal structure to guarantee its continuation. The same methodology would be followed. Information obtained from the database was being shared with a network of research institutions. They were mostly universities with the potential to spread the benefits of its use.

322. The Representative of the TWN referred to the Study on the Use of IP and Export Performance of Brazilian Firms and would like to know whether the IP rights were used in Brazil or in export markets. The data used for the study was based on three annual surveys, the latest was for 2008. Therefore, the data was a little old. The Representative referred to the Study on International Patenting Strategies of Chinese Residents. He would like to know whether a comparison was made with foreign corporations based in China that were filing patents abroad, and if any data was available on this aspect. With regard to the Study on the Impact of IP on the Pharmaceutical Industry of Uruguay, the Representative noted that the study showed that the filing of pharmaceutical patents by residents was scarce. Around 80% of the applications were from abroad. However, the numbers given in the study did not match the 80%:20% ratio. It was also mentioned in the study that although patented medicines tended to be more expensive, other factors also affected the prices. The Representative would like to know what kind of evidence was used to reach this conclusion, and if there was any data that compared the cost of medicines that had no generic competition in the Uruguayan market with others that did.

323. The Representative of the Health and Environment Program (HEP) referred to the Study on the Impact of IP on the Pharmaceutical Industry of Uruguay did not include piracy. It was mentioned that patented products were more expensive than other products. The Representative would like to know what was meant by the term “other products” and whether it included counterfeit medicines. She would also like more information to be provided on exports from multinationals that were present in Uruguay. The Representative was interested to know if there were studies that focused on Africa, in particular, on French-speaking African countries such as Cameroon. If they were conducted, the Representative would like the Secretariat to hold open consultations on the studies with NGOs that were working in the field. IP had been misunderstood by the local population in those areas. There was an enormous amount of work to be done. NGOs were not sufficiently funded. They had to find the means to attend the meeting. The Representative would like to know what could be done by WIPO and the role played by NGOs in the studies. She also wanted to know whether independent researchers could be involved in data collection to ensure that the studies were as transparent as possible.

324. The Delegation of China made some comments on the study entitled “Trademarks Squatters: Evidence from Chile”. The methodology was a good way to study this subject. The study included some descriptions of Chinese brands. However, they were not fully accurate. It was also mentioned in the study that the consideration of different brands was not subject to review in China. The Delegation stated that there was a review process in China.

325. The Delegation of the United Republic of Tanzania referred to the interface between competition law and IP protection. The use of IP rights was subject to competition law. There were sometimes conflicts between competition laws and IP laws.

326. The Chair invited the Secretariat to respond to the questions and comments from the floor.

327. The Secretariat (Mr. Fink) referred to the factual inaccuracy pointed out by the Delegation of Thailand and stated that it would be rectified. The Secretariat referred to the comment made by the Delegation of the United States of America on trademark squatting. The research came across anecdotal evidence of squatting throughout the world. The studies and methodologies were public goods. The methodology proposed in the study on trademark squatting to identify squatters in the trademark register could be taken to other jurisdictions. On the question posed by the Representative of the TWN on whether a comparison was made between the filing behavior of local Chinese companies and the subsidiaries of foreign companies, the Secretariat stated that it was not possible to identify foreign subsidiaries in the data. However, to a limited extent, the Chilean study was able to look into the filing strategies of multinational companies. It was found that in most cases multinational companies filed from their headquarters. The use of local subsidiaries to file applications was relatively minor degree especially in the case of patents. In the case of trademarks, the share of local applicants which actually represented multinational companies was relatively higher. The Secretariat did not have specific statistics in the case of China. The raw data did not really exist. With regard to the comments made by the Representative of HEP on transparency and the involvement of various stakeholders, including NGOs, the Secretariat pointed out that workshops were conducted in relation to all the studies. Relevant stakeholders were identified and brought in. IP was a specialized subject and the studies undertaken were fairly technical. The local researchers involved were mostly academics and local research institutes because they had the necessary skills. In terms of the process and the presentation of results, the Delegation of Uruguay had referred to the workshop that was conducted in Uruguay. Similar workshops were also held in other countries. The workshops were fairly open to inputs from various sides.

328. The Secretariat (Mr. Raffo) referred to the questions raised with regard to the Study on the Impact of IP on the Pharmaceutical Industry of Uruguay. In terms of price differences, the data allowed the researchers to identify each medicine that was sold in Uruguay, including when they were sold in different packaging or forms. It allowed them to see the active ingredient of a

particular medicine. Similarities could be determined at various levels. IP protected medicines were compared with similar medicines. The similarity could be fine-tuned. This was about comparing medicines that were legally available on the Uruguayan market. The prices were reported by the sellers. It was not about counterfeited products. With regard to other factors that affected prices, the Secretariat stated that these were described in the study. For instance, there were significant changes in the Uruguayan health system in the last 10 to 15 years. These included the creation of a unified health system and a centralized procurement unit to buy medicines. A lot of changes were made. These affected the amount and range of medicines. They also affected prices and behaviors. On IP protection and competition, the Secretariat stated that a direct relationship between patent protected medicines and the number of suppliers in therapeutic classes was not observed. There were many therapeutic classes without patent protected medicines. However, they had very few suppliers. The Secretariat encouraged delegations to examine the study as it included interesting information. The Secretariat intended to make the data available for researchers. It was working on this in collaboration with the Uruguayan Government, in particular, the IP office.

329. The Secretariat (Mr. Fink) referred to the comment made by the Delegation of Tanzania on competition law. The studies did not really look into competition law. However, competition was analyzed. The pharmaceutical study in Uruguay and the trademark squatting study in Chile were good examples of how IP was analyzed in relation to market competition. However, the conclusions did not go to the extent of suggesting legal remedies. In the case of the trademark squatting study, the researchers came across a case which was handled by the Competition Tribunal in Chile. There was clearly a link with competition law. However, none of the studies led to any normative conclusions on the use of competition law in relation to IP.

330. The Secretariat (Mr. Raffo) referred to the comments made by the Delegation of Brazil and the Representative of the TWN with regard to the Study on the Use of IP and Export Performance of Brazilian Firms. These illustrated the strengths and limitations of the methodology. The Brazilian statistical office had very good coverage in terms of statistical reporting and the quality of the data was very good. The surveys required a lot of time. In the case of the innovation survey, the sample included 10,000 companies. This was a huge exercise. It involved sending out questionnaires and receiving data. The magnitude of the industrial surveys was even higher. The exercise done in China also required a lot of work in terms of sending out questionnaires as well as receiving and treating data. Therefore, there was always a time lag of a few years if survey data was used. The National Institute of Statistics also did a lot of checks before external researchers could make use of the data. However, this was the best way to compare users with non-users of the IP system. IP unit record data provided more updated data related to IP. It included applications, registrations and grants in relation to various forms of IP. That was why efforts were made to include both approaches in all the country studies, particularly in Brazil.

331. The Chair concluded the discussion on the studies given that there were no further comments from the floor. He then invited the Committee to examine the revised Concept Paper for the Project on IP and Technology Transfer: Common Challenges - Building Solutions.

332. The Representative of the Latin American Association of Pharmaceutical Industries (ALIFAR) submitted a written intervention regarding the Study on the Impact of Intellectual Property on the Pharmaceutical Industry of Uruguay (CDIP/13/INF/5), as follows:

“We are speaking on behalf of the Latin American Association of Pharmaceutical Industries (ALIFAR), whose members include the Association of National Laboratories of Uruguay (ALN). ALN in turn brings together Uruguayan and Latin American laboratories that supply about 90 per cent of the physical units consumed in Uruguay, most of which are manufactured locally.

“We believe that the presence of this domestic industry in the country has been and remains essential to guaranteeing the human right to health of Uruguayans, through access to safe, effective and quality medicines, with some of the lowest average prices in Latin America.

“Hence, the pharmaceutical industry represented by ALIFAR warmly welcomes this Committee’s assessment of the impact of intellectual property on the pharmaceutical industry of Uruguay. Therefore we are especially grateful to the Secretariat, with the understanding that the work before us for consideration in CDIP/13/INF/5 is the starting point for a task that can and should be further explored.

“It is precisely to this end that we make the following comments, as we hope that in the future we will be able to fully apprehend the complex relationships and dynamics between patents and the pharmaceutical industry, as well as being able to determine whether certain of the characteristics observed in a given market can be generalized or simply be attributed to the peculiarities of that particular market.

“An initial finding of the report is that the introduction of patent protection in Uruguay has not had a great impact on the conditions of its pharmaceutical market, while, on the contrary, its effect on the use of intellectual property has been substantial. Although we agree with that finding, we believe we can contribute some additional insights to explain the reasons for this relatively low impact on the Uruguayan market.

“Our experience in the Uruguayan market suggests that the underlying reason for this limited impact is that Uruguay made intensive and judicious use of the flexibilities provided for in the TRIPS Agreement to implement the obligations relating to pharmaceutical patents in its internal legislation. The incorporation of these flexibilities – or perhaps we should say the strict compliance with the balance of rights and obligations included the TRIPS Agreement – in the process of considering patent applications, may well explain the low rates of patents granted, to the benefit of the public domain.

“At this point we also believe it appropriate to make some remarks concerning the structure and pricing of pharmaceutical markets in order to contribute, in future work, both to the validation of the findings with respect to certain conditions of competition in their relationship with IP, and to make it possible to extrapolate these findings to other developing countries.

“Firstly, in this type of study we consider it appropriate to follow the usual methodology of competition authorities in defining relevant markets to level 3 of the World Health Organization’s ATC classification of products.

“Moreover, we also understand that, in regard to the supply of drugs, the market comparison should take into account that many of them, in spite of belonging to the same ATC03 class, for example, are not interchangeable.

“This is particularly relevant for drugs with patent protection, where the practice of many competition authorities is to analyze the product market at the ATC05 level, in order to assess whether it is possible to replace a patented active ingredient by another in the public domain.

“In this context, it also seems essential to have data on market shares in each of the levels, a necessary variable for analyzing conditions of competition.

“Turning specifically to the issue of the Uruguayan market, we would like to highlight some aspects that we consider important for determining their competitiveness:



1) Uruguay is a relatively small country with about 3.4 million inhabitants. While the study identifies scale as a factor that can affect the conditions of competition/monopoly, the fact is that some markets in Uruguay are so small that the presence of more than one supplier is uneconomical.

2) Many of the markets with higher concentrations are conditioned by technology, e.g. requirement of production plants or lines solely for the manufacture of certain drugs, such as antiretrovirals and for cancer; or directly using technologies that are not available to local companies.

3) Strictly regulatory reasons, such as the requirement to submit bioavailability and bioequivalence studies whose cost is not justified by the size of the market and the expected rate of return.

“In conclusion, Chair, we reiterate our initial statement. We see the relevance of this study as a starting point, not the end point. It is not a question of reassessing its findings, but rather of exploring ideas arising from the study itself, such as determining the impact of the 18 patents which, according to the study, are related to drugs marketed in Uruguay (Table A-2 of the Annex). Of these 18 patents, only a handful are for products that effectively prevent competition; the others are process patents, polymorphs, etc. that hinder, but do not prevent, the marketing of similar medicines through an appropriate non-infringement strategy.

“While once again thanking the Secretariat for this important study, we again emphasize the importance we attach to further exploration of some of the above issues. Naturally, both ALN and ALIFAR are available to work with the Secretariat in any future studies and to provide other materials and information which, by their nature, are outside the scope of this study.”

#### Consideration of document CDIP/14/8 REV. - Concept Paper for the Project on IP and Technology Transfer: Common Challenges - Building Solutions (continued)

333. The Secretariat (Mr. Matthes) introduced the revised document which was circulated as a non-paper. Attempts were made to incorporate the comments made by delegations in the previous discussion. There were changes in three parts of the document. The first set of changes concerned paragraphs 3, 4 and 5 of the document. The changes were made to accommodate the comments by made by various delegations on the definition of the term “technology transfer” and the fact that agreement on a definition had only been achieved for the purpose of the project and not beyond. The Secretariat hoped that the changes made in paragraph 3, deletion of paragraph 4 and the minor change made in what used to be paragraph 5 took into account all the comments that were made in relation to those paragraphs. The next change concerned an intervention made by the Delegation of Algeria with regard to the text set out in what was now paragraph 20, namely, to clarify that the speakers and the scope of the discussions at the Expert Forum would not be limited to the outcomes of the regional consultation meetings and the expert studies. The words “*inter alia*” were included in the last sentence of that paragraph. Lastly, a change was made to what was now paragraph 25 to reflect the comment made by the African Group that there was a preference among Member States to go back to what was originally envisaged, namely, to hold the Expert Forum as a three-day event, rather than a two-day event.

334. The Delegation of Japan, speaking on behalf of Group B, sought clarification from the Secretariat on two points. First, the new paragraph 29 still included the words, “recommendations from the High- Level International Expert Forum”. The Group reiterated that

the word “recommendations” should be replaced with the word “thoughts”. It recalled that the Secretariat had confirmed this point to achieve consistency with other parts of the document. Second, the Group referred to paragraph 24 of the document and reiterated that it had suspicions on the necessity of a TOR. It had also underlined that even if Member States were to try to establish a TOR, the expression “a list of suggestions and possible measures” should be avoided because an appropriate outcome of the High-Level Expert Forum would be a factual report.

335. The Secretariat (Mr. Matthes) recalled the suggestion by the Delegation of Japan, on behalf of Group B, to replace the term “recommendations” in paragraph 29 with the term “thoughts”. The Secretariat reiterated that although it would be happy to do so, the Delegation of Kenya, on behalf of the African Group, stated that it would not agree with that change. As mentioned earlier, the term “recommendations” was used in the original project paper approved by the CDIP in 2010 by the CDIP. That document stated that the expected outcome of the Expert Forum would be the adoption of a list of suggestions, recommendations and possible measures for promoting technology transfer. Therefore, the Secretariat believed it did not have a basis for removing that term at this stage. With regard to the need for speakers to be given a TOR, the Secretariat recalled that the original idea to seek consultations with Member States on a possible TOR for the speakers was based on a request described in the project document approved by the CDIP. The Committee had requested the Secretariat to seek its approval on the selection criteria for speakers and to consult with Member States on the TOR. These aspects were taken into account in paragraph 24 of the revised document. The Secretariat referred to the expression, “a list of suggestions and possible measures”, and reiterated that it was also used in the original project document approved by the CDIP. As mentioned, that document stated that the expected outcome of the Expert Forum would be the adoption of a list of suggestions, recommendations and possible measures for promoting technology.

336. The Delegation of Kenya, speaking on behalf of the African Group, confirmed that it would like recommendations to be part of the outcome of the Expert Forum. The Group referred to paragraph 27 of the revised document, “Following any recommendations from the High-Level International Expert Forum, as envisaged under the Project Paper approved by the CDIP, materials, modules, teaching tools and other instruments will be prepared and incorporated into the global WIPO capacity building framework”. It also referred to paragraph 29, “Following any recommendations from the High-Level International Expert Forum, as envisaged under the Project Paper approved by the CDIP, any outcome resulting from the above activities will be incorporated into the work of the Organization, after consideration and adoption by the CDIP and any possible recommendation by the Committee to the GA”. The Expert Forum had objectives. The use of the expected outcomes was clearly described. It was important for the discussions at the Expert Forum to be fruitful in order for the objectives to be achieved. Recommendations should be part of the outcomes. A balance in perspectives and geographical representation was critical to ensure that the outcomes would assist in the way forward envisaged in paragraphs 27 and 29.

337. The Delegation of Japan, speaking on behalf of Group B, referred to the clarifications provided by the Secretariat. It would consider those points. The Group reserved its right to comment on them at a later stage.

338. The Delegation of Kenya, speaking on behalf of the African Group, believed it would be useful to summarize the outcomes of the studies in the document. That would assist Member States and the participants to view the outcomes of those studies.

339. The Secretariat (Mr. Matthes) stated that the studies were carried out by independent experts. The views expressed in the studies were those of the authors and did not necessarily reflect those of the Secretariat or any of the Organization’s Member States. Therefore, it would not be appropriate for the Secretariat to summarize the studies beyond what was included in

Appendix III of the document. It mentioned the authors, provided a brief summary of the subject matter of the studies and highlighted the fact that the studies were peer-reviewed. The Secretariat reiterated that Member States could comment on the studies in this session. It would submit the comments to the authors. The comments would then be taken into account in the Expert Forum. The studies would be introduced by the authors during the Expert Forum. They would also be available for questions and answers at the end of their presentations.

340. The Delegation of Kenya, speaking on behalf of the African Group, suggested that Member States be given an opportunity to go through the revised document. The Committee could return to it the following day.

341. The Delegation of Italy, speaking on behalf of the EU and its Member States, referred to the studies and reiterated the importance of ensuring rigor in the commissioning of external studies and the quality of final outputs. They referred to the discussion with the Chief Economist and stressed on the need for best practices in peer reviews to be ensured across the Organization.

342. The Chair enquired as to whether the Committee could agree to the suggestion by the Delegation of Kenya on behalf of the African Group to return to the revised document the following day. This was agreed given that there were no objections from the floor. He then turned to the studies undertaken in the context of this project.

Consideration of document CDIP/14/INF/7 - Study on Economics of IP and International Technology Transfer; document CDIP/14/INF/8 - IP-Related Policies and Initiatives in Developed Countries to Promote Technology Transfer; document CDIP/14/INF/9 - Case Studies on Cooperation and Exchange Between R&D Institutions in Developed and Developing Countries; document CDIP/14/INF/10 - Policies Fostering the Participation of Businesses in Technology Transfer; document CDIP/14/INF/11 - International Technology Transfer: an Analysis from the Perspective of Developing Countries; and document CDIP/14/INF/12 - Alternatives to the Patent System that are Used to Support R&D Efforts, Including both Push and Pull Mechanisms, with a Special Focus on Innovation-Inducement Prizes and Open Source Development Models

343. The Secretariat (Mr. Jazairy) reiterated that it was clearly stated on the first page of each study that the views expressed were those of the authors and did not necessarily reflect those of the Secretariat or any of the Organization's Member States. The authors were invited to present their studies at the Expert Forum and would be available for questions and answers at the end of their presentations. Delegations may also wish to comment on the studies in this session. These would be passed on to the authors. All the studies were peer reviewed, as agreed by the CDIP when it approved the original project document. The peer review process was as transparent as possible. Each peer reviewer knew who the author of the study was and vice versa. The peer reviewers were given around two months to submit their comments on the draft studies. The authors of the studies were given an opportunity to incorporate the comments in the final version of the studies. Those studies were then uploaded onto the CDIP website together with the peer reviews which were attached at the end of each study. The authors of the studies would also be requested to incorporate the comments into their presentations at the Expert Forum.

344. The Delegation of the United States of America made comments on two studies. The Delegation appreciated the Study on Economics of IP and International Technology Transfer prepared by Dr. Damodaran and reviewed by Dr. Lissoni. As mentioned earlier, the project and all its deliverables were very important for Member States as they were expected to help national policymakers to identify IP-related policies and practices that may be used to encourage the transfer and dissemination of technology to developing countries and LDCs. The

Delegation strongly believed that technology transfer should be voluntary and on mutually agreed terms in order to provide incentives for future innovation. It was disappointed that the study failed to meet expectations and did not provide an economic analysis of IP and technology transfer. Rather, it provided a limited in-depth, but incredibly long, poorly organized one-sided overview of the literature and many policy recommendations, most of which were not related to the issue at hand. The study consisted of three papers. Each paper appeared to be a collection of thoughts that were often repeated throughout the text. This made it difficult, if not impossible, to read and understand. Instead of focusing on technology transfer in areas that had received less attention as required by the project document, the case studies contained in the appendices focused on two topics that had received the most attention, namely, pharmaceuticals and climate friendly technologies. The Delegation requested the USPTO's economists to review the study and they provided the following comments: "the study provided brief but not very insightful literature reviews of numerous scholarly and policy papers. While the literature discussed provided legal and chronological context, the findings of the paper were often conflicting. The study did not reconcile opposing findings nor develop them towards a focused analysis of their implications. Accordingly, there did not appear to be a coherent approach to the study's coverage of the literature and it provided no foundation or evidence to support the stated recommendations. The study failed to address the long term implications of recommendations on incentives to innovate. In the event that the recommended framework facilitated technology transfer in the short run, there was no clear analysis on how technology producing entities would be incentivized to optimally continue inventive activities. The study failed to address whether short term gains of technology transfer may be at the expense of long term innovative efforts." When the study was peer reviewed, the reviewer suggested shortening and sharpening the study. He also identified major shortcomings. For instance, the author relied mostly on four sources, including his own work. Some topics covered had little relevance for development of international technology transfer. It was unclear whether the study was revised to take into consideration the reviewer's comments, and if not, why it was not the case as this was customary in a peer review process. This was a question for the Secretariat to clarify. There was a clear and urgent need to improve the quality and credibility of WIPO commissioned studies. A rigorous peer review process was required in addition to basic fact checking and editing for grammatical errors and redundancies. The papers should have page limits in order to improve their relevance, readability and usefulness as well as to facilitate cost-effective translation. Papers that were poorly written and/or contained unbalanced and unsupported analysis or addressed some aspects of the issue but ignored others were of questionable value for their intended audience. Poor quality papers like this one were not a good use of money for the Organization and its Member States. The money could have been used for tangible useful projects in the area of development and IP. The Delegation turned to the study on IP-Related Policies and Initiatives in Developed Countries to Promote Technology Transfer. The Delegation found the table summaries of laws and policies to be quite useful. However, it noted that many laws, policies and initiatives in developed countries intended to promote technology transfer were left out of this study. For example, the study failed to mention technology transfer laws, executive orders and policies applicable to the federal laboratories in the United States of America. Furthermore, some countries such as Denmark and Japan had developed web-based technology marketplace platforms to facilitate licensing and technology transfer. Other countries offered reduction of patent maintenance fees in exchange for offering a license of right. None of this was mentioned in the study. Instead the entire chapter was devoted to policies and approaches on exports and goods in transit. The author suggested that developed countries should reconsider or recalibrate their policies with respect to the enforcement of patent rights for goods destined for export and/or goods in transit. Since patent rights were territorial, it was not clear what the author had in mind. The reviewer seemed to be equally confused about this statement. The Delegation requested the author or Secretariat to provide a real life example of such policies and how they worked with respect to exported goods and goods in transit.

345. The Representative of the TWN stated that it was important to compile all the views and comments on the studies in order for the authors, Member States and other stakeholders to have an informed view on the studies. These could then be made available on a platform. The Representative referred to the Study on Economics of IP and International Technology Transfer and highlighted some observations made by the peer reviewer that should be incorporated. The peer reviewer stated *inter alia* the following, “This implies that some topics not included in these sources are not covered. For example, when it comes to discussing the use of IP in university-industry technology transfer, there is no discussion of the possibility of anti-commons effects nor of the endangering of universities’ research exemptions; and there is no trace of the ongoing debate concerning the malfunctioning of IPRs as property rights (IPRs as a source of uncertainty)”. The peer reviewer also provided a reference on the malfunctioning of IPRs as property rights. It was important for these aspects to be incorporated. Restrictions should not be placed on the length of a study. If the studies were required to be evidence-based and well thought out, the authors should have the freedom to put everything together. It would then be up to the Committee to decide. Good work should be appreciated irrespective of the number of pages. One of the studies related to technology transfer by Keith Maskus brought out the fact that there was no direct link between IPRs and technology transfer. The case studies also clearly brought out the fact that IPRs acted as a barrier to technology transfer, especially in the case of the pharmaceutical sector. The Representative enquired as to whether it would be possible for delegations to submit written comments on all the studies.

346. The Representative of the HEP stated that technology transfer was a crucial problem in Africa. Technology transfer improved competitiveness and it was important for developing countries. The Representative endorsed the suggestion by the African Group to return to this subject the following day because there was a lot to talk about in terms of what was going on in the field. Field data was available. IP was something new in Africa even though it had existed for a long time. African populations needed to state their needs, particularly those in the central African region such as Cameroon. African experts should be involved to discuss the problems in Africa and not just others on how things should be done in Africa.

347. The Delegation of Algeria referred to the comments made by the Delegation of the United States of America with respect to the Study on Economics of IP and International Technology Transfer. It did not agree with those comments. Although the study was long, it was well drafted and very interesting. The author made concrete recommendations on three themes, particularly on theme 2 with regard to innovation, financing mechanisms and transfer of technologies. The other recommendations included in the study were valuable for WIPO. It was suggested that this mechanism should also be studied in other forums. Clear guidance was provided on this issue. The Delegation would like the study to be considered in the Expert Forum as it included clear recommendations. The Delegation was ready to discuss the interesting aspects of the study with the Delegation of the United States of America. It would not use the Committee’s time to do so. The Delegation referred to the Study on International Technology Transfer: an Analysis from the Perspective of Developing Countries. The study pointed out that there was no evidence of IPRs facilitating technology transfer in developing countries, particularly in the poorest countries. The issue of technology transfer should not be seen in isolation from the needs of the society. Developing countries required technology transfer, technological capacity and access to technology that was appropriate to their development needs. Therefore, it was important for the study to further address how flexibilities in IP laws could be fully utilized by developing countries to facilitate technology transfer. In this context, the external review recommendations should also focus on copyright exceptions and limitations. That would help to balance the findings of the study.

348. The Chair invited the Secretariat to respond to the questions and comments from the floor.

349. The Secretariat (Mr. Matthes) referred to the comment made by the Delegation of the United States of America on whether the author of the study had taken into account the comments made by the peer reviewer. The Secretariat stated that it did not intervene in the peer review process to check whether or not the comments were taken into account by the author in the final version of the study. The Secretariat noted that other comments made by delegations mainly concerned the substance of the studies. It was not in a position to respond to any of them. The comments would be made available to the authors of the studies and they would be requested to address those comments at the Expert Forum.

350. The Delegation of Brazil had hoped for more time to be allocated to discuss the studies as the inputs would help to enhance the material to be discussed at the Expert Forum. The Delegation referred to the Case Studies on Cooperation and Exchange between R&D Institutions in Developed and Developing Countries. In the case study concerning the Once-a-day HIV Medicine Project, the authors qualified Gilead's initiative of voluntary licensing as an access program with the goal of making HIV treatment drugs available in low and middle income countries. Delegation noted the absence of any comment on the controversy generated by the voluntary licensing involving the active ingredient sofosbuvir used in the treatment of hepatitis C. Sofosbuvir had significantly increased the chance of a cure for hepatitis C patients, doubling the rate of success compared to other medicines currently used in Brazil. However, the use of this product was marred in debate with judicial initiatives questioning the patentability of this technology, and most importantly, because of the exorbitant price of the medicine based on this ingredient which had generated strong reactions even in developed countries. According to some, the actions taken by the company could also be seen as a reaction to indications from certain countries that a patent would not be granted. The measures included a tiered-price model for the distribution of generic drugs made under the license agreement which excluded 51 middle income countries from the benefits of its production. Therefore, the observation made in the study that the primary goal of the project had never been profit was not precisely accurate. The study also stated that one of the main reasons why many partners kept a loyal collaboration with Gilead was that through the access program, the ease of regulatory approval by local regulatory organs and WHO pre-qualifications cut the time to market access significantly compared to copying the drug and taking it to the market single-handedly. The Delegation disagreed that a medicine licensed by Gilead eased approval by regulatory agencies as these agencies should not discriminate between producers. Moreover, the assertion gave the impression that the quality of some generic medicines was better than others simply because they were sanctioned by the producer. This was not true. The Delegation referred to the comment made by Gilead's Executive Vice-President for Corporate and Medical Affairs on the difference between new drugs versus small improvements on existing chemical structures. The comment was quoted in the study. The Gilead official stated that the latter was often easier to develop, much cheaper, and in most cases the most beneficial for patients, but the IP system encouraged the development of new drugs instead, due to the fact that they were easier to patent. The Delegation stated that in this case new drugs were not easier to patent. In practice, these drugs generally complied more easily with the requirements of novelty and inventive step.

351. The Delegation of Kenya, speaking on behalf of the African Group, found some of the comments from the floor to be rather strong. The Group would like the authors to be invited to present and discuss their studies in the next CDIP session. This practice was used in the past. The studies were formally presented by experts during the CDIP sessions and Member States were given the opportunity to react to the studies. This helped to ensure transparency in the revision of the study.

352. The Delegation of Japan, speaking on behalf of Group B, understood that the studies were commissioned by the Secretariat based on the decision by the CDIP as a basis for the discussions at the Expert Forum which would be conducted based on the concept paper. From

that perspective, the Expert Forum would be a good place to hold discussions on the studies. The Group wondered whether it was appropriate to present the studies at the CDIP as that may result in the duplication of the work.

353. The Representative of the TWN stated that the studies had not been formally presented to the CDIP. That compromised the quality of the discussions on the studies in the CDIP. The Representative supported the statements made by the delegations of Brazil and Kenya on the need to discuss each of the studies in a CDIP session. The Expert Forum was an informal event. The studies were commissioned by the CDIP. Therefore, they should be presented to the Committee. The studies were criticized by some as being based on ideology and not on evidence. If there was any counter evidence related to the assertions made in the studies, these should be submitted by delegations.

354. The Chair closed the discussion given that there no further observations from the floor. He then invited the Committee to consider the studies undertaken in the context of the Project on Open Collaborative Projects and IP-Based Models.

Consideration of document CDIP/14/INF/13 - Global Knowledge Flows and document CDIP/14/INF/14 - In-Depth Evaluation Study for the Project on Open Collaborative Projects and IP-Based Models

355. The Secretariat (Mr. Jazairy) introduced the study on Global Knowledge Flows. The study was commissioned following an international tender. The study provided surveys of some exchanges of knowledge on a global scale and consisted of a compendium of high-quality visuals, maps, infographics, case studies and interviews on traditional modes of knowledge flow such as licensing (of patents, trademarks, copyright, trade secrets), joint ventures, R&D collaborative contracts, franchising, litigation, and patent pools; as well as internet-enabled approaches to knowledge transfer such as crowdsourcing, innovation-inducement prizes, open collaborative projects, and open education resources. The study may provide food for thought for possible future WIPO workshops on open collaborations, which could be one of the outcomes resulting from the project that could be incorporated into WIPO programs. The Secretariat turned to the In-Depth Evaluation Study for the Project on Open Collaborative Projects and IP-Based Models. The study aimed to establish the pros and cons of existing projects by extracting inherent IP models for successful open collaborative environments. It was commissioned to a team of experts led by Prof. Ellen Enkel, Head of the Dr. Manfred Bischoff Institute of Innovation Management of the Airbus Group, Chair of Innovation Management, Zeppelin University, Friedrichshafen, Germany. The study consisted of an overview of the evolution of the concepts of open collaborations; an overview of open innovation since the coining of the concept a decade ago; a list of the benefits and challenges of existing projects and identified lessons learned for each paradigmatic open collaborative initiative; a list of inherent favorable conditions and successful IP models for effective paradigmatic open collaborative initiatives; and a list of recommendations on how WIPO programs could support developing countries and LDCs in overcoming challenges faced in open collaborative innovation processes. Existing studies were mostly based on open innovation examples from the world. Prof. Enkel provided several examples from Africa which indicated that open innovation was already very advanced in the developing world.

356. The Chair closed the discussion on the studies given that there were no observations from the floor.

Consideration of document CDIP/14/8 REV. - Concept Paper for the Project on IP and Technology Transfer: Common Challenges - Building Solutions (continued)

357. The Secretariat recalled that it had introduced the changes that were made to the document. It took the opportunity to reintroduce them. After the previous discussion, GRULAC had sought clarification on why its request to include one of the recommendations from the Monterey meeting in table 1 was not accommodated. The Secretariat explained that it was not included because all the recommendations from the regional consultation meetings should be equal in terms of weight and importance. Moving one recommendation from Appendix II into the main body of the document could lead to others being moved up. The table in paragraph 17 of the document merely listed some of the recommendations. It could be deleted to address that concern. All the recommendations or thoughts from the regional consultation meetings would be reflected in Appendix II. The Secretariat believed this would be acceptable to all Member States based on the feedback received. Therefore, it suggested that the table be deleted.

358. The Delegation of Japan, speaking on behalf of Group B, referred to the proposal by some delegations on the presentation of the studies in the next session of the CDIP. The Group reiterated that it could result in a duplication of work as the six studies were prepared for the purpose of the discussions at the Expert Forum. However, if further discussion at the CDIP was considered by other delegations to be necessary as it had not been exhausted, the discussion should take place before the Expert Forum. Therefore, if the studies were to be discussed at the next CDIP session, the way forward could be to postpone the Expert Forum.

359. The Delegation of Kenya, speaking on behalf of the African Group, explained that it had previously raised the issue because of the strong views put forward by the Delegation of the United States of America. If those views were expressed at the Expert Forum, it could affect the atmosphere and outcome of the event. Therefore, the Group believed it would be better for the experts to present their studies to the Committee and allow Member States to express their views. The Committee would be able to fully discuss the studies. The Group understood that the studies were submitted to the Committee for information and not for full discussion. The experts would be able to respond to the concerns raised as the Secretariat was not in a position to do so.

360. The Delegation of the United States of America hoped the Secretariat would pass its comments to the author of the study. It also hoped that the study, or at least the presentation of the study, would be improved before the Expert Forum.

361. The Chair invited the Secretariat to respond to the comments from the floor.

362. The Secretariat (Mr. Matthes) stated that it was in the hands of Member States. The experts could be invited to present their studies to the CDIP. Member States could raise questions and comment on the studies. However, the Expert Forum would then need to be postponed. There would also be resource implications. That should be taken into account. However, both possibilities could be accommodated.

363. The Delegation of Japan, speaking on behalf of Group B, made it clear that it did not request for the Expert Forum to be postponed. If other delegations were to request for the studies to be further discussed at the CDIP, the discussion must be done before the Expert Forum. Therefore, if no other Member State were to request for such a discussion, the Group would not be in a position to request for the Expert Forum to be postponed. It completely depended on whether or not other Member States would request for a further discussion on the studies at the CDIP.



364. The Chair enquired as to whether the dates set out in the concept paper could be kept. The experts would be given an opportunity to prepare an eventual response or even improve their contribution to the Expert Forum on the basis of the comments made by Member States. The concept paper could then be approved. He would like to know if the Committee could agree to that course of action.

365. The Delegation of the United Kingdom still had some doubts about the papers, revisions made and new language proposed. It would be difficult to agree to anything that included a lot of doubts. Therefore, the Delegation was in favor of receiving a final document for the Committee to agree on. At this stage, it was not clear what the Committee was agreeing on.

366. The Chair stated that the paper was distributed as a non-paper. Delegations had an opportunity to examine it.

367. The Delegation of the United Kingdom shared the same understanding. However, comments were also previously made on paragraph 29. The Delegation did not know the situation with regard to that paragraph.

368. The Secretariat (Mr. Matthes) believed the Delegation of the United Kingdom was referring to the comment made by Group B on the use of the term "recommendations" rather than "thoughts". The Secretariat reiterated that the term "recommendations" was retained based on the fact that it had been used since the beginning of the project in all the project papers. As approved by the CDIP in 2010, concrete recommendations should come out of the Expert Forum. In that light, the Secretariat believed there was consensus that the term should be retained.

369. The Delegation of the United Kingdom stated that the project had evolved and been significantly tweaked or changed since its initial phase. Therefore, it was not necessary for the same language to be retained. With regard to paragraph 29, several concerns were expressed by Group B and other groups. Textual suggestions were also made. Therefore, it would be good to know what the final language was. The Delegation was in favor of something much simpler than the language in the revised paper.

370. The Delegation of Kenya, speaking on behalf of the African Group, was not in favor of any changes to the current language.

371. The Delegation of Japan, speaking on behalf of Group B, stated that after hearing the explanation by the Secretariat the previous day, it took note of the explanation and reserved the right to further consider taking into account the points made by the Secretariat. Any comments made by its members were in that context.

372. The Delegation of the United Kingdom referred to the comment made by the Delegation of Kenya on behalf of the African Group. It was useful to know the positions of other groups. The Delegation proposed that part of paragraph 29 be modified to read as follows, "[...] approved by the CDIP, any outcome resulting from the above activities will be considered by the CDIP".

373. The Delegation of Kenya, speaking on behalf of the African Group, stated that if some delegations began to make changes, others may also need to make changes. The groups may then need to consult with their members to see whether they could accept any of the proposals. In that context, the Group was not in a position to accept the change proposed by the Delegation of the United Kingdom.

374. The Delegation of India referred to the change proposed by the Delegation of the United Kingdom. The current language of that part of paragraph 29 was as follows, "approved by the CDIP, any outcome resulting from the above activities will be incorporated into the work of

Organization after consideration by the CDIP and any possible recommendation by the Committee to the GA". Therefore, nothing would be incorporated into the work of the Organization without prior consideration by the CDIP. The paragraph also referred to "any possible recommendation". It did not state that recommendations would definitely be made by the CDIP. The Delegation believed the language was appropriate and flexible enough to give Member States the opportunity to discuss and consider the outcome in the CDIP. Therefore, it did not see any need for it to be revised.

375. The Delegation of South Africa concurred with the comments made by the Delegation of India. It did not understand the proposal by the Delegation of the UK because paragraph 29 stated that any outcome would be considered by the CDIP. Therefore, the Secretariat would not take any further action until the outcome was considered by the CDIP. The Delegation could also request for changes to be made to the document. It was not entirely happy with certain aspects but could accept them in order for the Committee to approve the document and achieve progress. The Delegation urged other delegations to do the same in order for the document to be approved.

376. The Delegation of the United Kingdom believed delegations were generally talking about the same thing. Any outcome of the Expert Forum would be considered by the CDIP. That was the main idea. It would be followed by any possible recommendation by the CDIP to the GA. The Delegation did not ask for this part to be modified or changed. It would stay. The CDIP would discuss the outcome and make some recommendations. However, everything else seemed to prejudice what would happen. The Delegation believed all Member States agreed that any outcome would be discussed at the CDIP. That was what the members of Group B were also asking for. The best way could be to discuss it during the lunch break.

377. The Chair encouraged delegations to engage with the assistance of the Secretariat to try and find possible ways out.

378. The Delegation of Iran (Islamic Republic of) believed changes to some sentences could help to achieve progress. Therefore, the Delegation suggested a modification to paragraph 29. This was as follows, "any outcome resulting from the above activities after consideration by the CDIP and any possible recommendation by the Committee to the GA will be incorporated into the work of the Organization".

#### Terms of Reference (TOR) for the Independent Review of the Implementation of the DA Recommendations (continued)

379. The Chair stated that the text on the TOR for the Independent Review was revised following the informal consultations that were held in the morning. The text was made available to delegations. He gave delegations five minutes to consider the text.

380. The Delegation of Kenya, speaking on behalf of the African Group, referred to the budget and stated that there should also be flexibility in terms of the publication, translation and distribution of the final report as well as field visits because the initial budget was based on the size of the document. The revised text stated that the document should be of reasonable length. The aforementioned flexibility could be indicated in the footnotes. It was important as the Committee would look into the kind of work to be undertaken and the duration of the field visits depended on the workload.

381. The Delegation of the United States of America requested for time to consider the revision proposed by the Delegation of Kenya on behalf of the African Group.

382. The Chair gave the Delegation five minutes to consider the proposed revision.

383. The Delegation of Kenya, speaking on behalf of the African Group, understood that request for offers would be drafted and published for individual experts and not consultancy firms. Each expert would be looked at as an individual. The Group hoped that understanding would be reflected in the request for offers.

384. The Secretariat (Mr. Baloch) took note of the observation made by the Delegation of Kenya on behalf of the African Group. The intention was to select individual experts. While the Secretariat would look at them as individuals, it may also look at how two or more individuals had worked together in the past so that interaction between them was easy.

385. The Delegation of Japan, speaking on behalf of Group B, understood that this kind of flexibility could be introduced within the scope of normal practice. It was very obvious. In the interest of clarity, the phrase "as pursuant under normal practice" should be included after the words "to allocate additional budget" in both footnotes. It would make it clear that this kind of flexibility would be introduced within the scope of the normal practice of the Organization.

386. The Chair enquired as to whether the Committee could adopt the document with the revisions proposed from the floor. The document was adopted given that there were no objections from the floor.

Consideration of document CDIP/14/8 REV. - Concept Paper for the Project on IP and Technology Transfer: Common Challenges - Building Solutions (continued)

387. The Chair informed the Committee that he was approached by one delegation with regard to whether the studies would be discussed in the CDIP or if they would go directly to the Expert Forum because they were originally supposed to be the basis for discussions at the Expert Forum. That delegation expressed its objection to those studies being discussed within the CDIP.

388. The Delegation of Italy, speaking on behalf of the EU and its Member States, referred to the concept paper. They had a discussion and ended up with the idea of requesting some clarifications, particularly with regard to paragraph 29. It would be important for all members to know how the Secretariat envisaged the process for the Expert Forum to come to recommendations or to outcomes. They would like to know how the Secretariat envisaged the Expert Forum, the role of the panelists and the public, how the findings would be formulated and in which document. These issues were important as it was stated that any outcome would be incorporated into the work of the Organization after consideration by the CDIP. It was important for clarification to be provided on these issues because important things may emerge from the Expert Forum.

389. The Representative of the HEP stated that recommendations should be made by the experts. They could do that through a document. This was the practice in international organizations and it should be followed.

390. The Chair invited the Secretariat to respond to the questions and comments from the floor.

391. The Secretariat (Mr. Matthes) referred to how it envisaged the Expert Forum to proceed. The Secretariat reiterated that the Expert Forum was being planned within the framework set by the CDIP in 2010 when it adopted the project paper and requested for concrete recommendations, suggestions and measures to promote technology transfer to emerge from all the activities. In that context, the Secretariat envisaged the Expert Forum to proceed in line with the experience gained from the regional consultation meetings, all of which managed to come up with agreed thoughts or recommendations to be submitted to the CDIP as input for any possible recommendation by the Committee within the framework of the project. It hoped that

the Expert Forum would also be able to agree on thoughts, recommendations, suggestions and measures. The Secretariat would prepare a factual report on the Forum. If thoughts, recommendations and suggestions were agreed during the Forum, they would be included in the report. The report would be submitted to the CDIP. The Committee would then see how it could proceed and hopefully agree on possible measures for future activities of the Organization.

392. The Delegation of the United States of America requested the Secretariat to elaborate on how the discussions at the regional meetings took place as it had not participated in any of them.

393. The Representative of the TWN stated that it was important to discuss the studies at the CDIP. This was the practice in all the previous sessions. Various studies had been commissioned. All the studies were discussed at the CDIP and there should not be any discriminatory treatment when it came to these six studies. The Expert Forum was an informal forum. It was important for the studies to be discussed in the next CDIP session.

394. The Secretariat (Mr. Jazairy) referred to the question raised by the Delegation of the United States of America. Each regional meeting took place over two days. Round table discussions were held on the second day. The first round table discussed the challenges and solutions to international technology transfer. The second discussed the recommendations, measures or thoughts for fostering international technology transfer. Each round table included a moderator and experts. The Expert Forum would follow the same design. The experts would express their thoughts on what or how international technology transfer should be fostered. They would propose ideas. The round table would then be open to the floor for discussion. In all the regional consultation meetings, any recommendation or thought that was not agreed by all the members of the panel and the participants was not included in the final list.

395. The Delegation of Italy, speaking on behalf of the EU and its Member States, believed the material that would emerge from the Expert Forum would be important given that it could include a list of findings, recommendations or thoughts. They understood that the language had already been discussed in the ninth session of the CDIP. However, they wondered if there was room to increase the role of the CDIP because the phrase, "any outcome resulting from the above activities will be incorporated into the work of the Organization" was a little open. It would be more accurate to use the word "may" because the CDIP would play an important role in that. The modification would not really change the substance because the CDIP would go through all the material. As it stood, if by chance the CDIP did not do that, everything from the Expert Forum would go into the work of the Organization.

396. The Delegation of Kenya, speaking on behalf of the African Group, stated that the Expert Forum was not a stand-alone event. It was part of the approved program. It was inappropriate to change something that was already agreed. There was a need to stick to that agreement in order to achieve the intended objectives. The Group requested the EU and its Member States to keep to the agreed language to enable the Committee to move forward on this issue. The Group also had challenges with regard to the document but could accept it for the sake of moving forward. It tried to be flexible in that respect. If the Group were to make changes, there would be no agreement on this particular issue as others would also be tempted to introduce changes that were important to them. Any outcome would only be incorporated into the work of the Organization after consideration by the CDIP. That requirement was included in the text.

397. The Delegation of the United Kingdom supported the proposal by the Delegation of Italy on behalf of the EU and its Member States to include the word "may". This was practical as a situation could also be envisaged whereby the CDIP would be in a position to agree on something that may not have such a far-reaching impact. It was important not to prejudge what the recommendation would be. The use of the word "may" was not a significant change as the

incorporation of any outcome into the work of the Organization depended on the decision by the CDIP. The change was important to make things clear. Paragraph 20 also included the following, “possible recommendation by the Committee to the GA”. The Delegation would like the Secretariat to explain what was meant by this as the CDIP usually approved projects, studies and so on. The Delegation believed it was not needed in paragraph 29.

398. The Delegation of Brazil reiterated the points made by the Delegation of Kenya on behalf of the African Group with respect to the agreed language. The language was also appropriate because the items would have been thoroughly discussed at the regional meetings and the Expert Forum before reaching the CDIP for discussion. Therefore, it made sense to state that the recommendations that filtered through the entire process would be incorporated after consideration by the CDIP. If a different model was used, it would mean that they may or may not be incorporated after consideration by the CDIP despite going through the entire process. The agreed language made sense. The Delegation did not want it to be changed.

399. The Delegation of Kenya, speaking on behalf of the African Group, concurred with the Delegation of Brazil. It had already stated why the proposal to change the wording to “may” was not appropriate. It was not in a position to agree to any change. The Group would like the paragraph to be kept as it was. It did not want any modification to be made as it would change the intention of the paragraph and the project as a whole. The Group urged delegations to leave the issue as it was and move forward.

400. The Delegation of India supported the position explained by the Delegation of Brazil and the Delegation of Kenya on behalf of the African Group. The Delegation supported the use of the word “will” because it made it definite that recommendations would be implemented after consideration and approval by the CDIP and any possible recommendation by the Committee to the GA. Committees had made recommendations to the GA in the past. Therefore, there was nothing unusual about that.

401. The Delegation of the United States of America supported the statements made by the Delegation of Italy on behalf of the EU and its Member States and the Delegation of the United Kingdom. It was appropriate for the language to be changed to “may” as the Committee may or may not agree on the recommendations and their implementation. One of the phases of the project involved discussion of this paper at the CDIP because delegations may have additional suggestions to make on the paper. The Committee did not need to stick to the project document. If it needed to do so, this step would not be necessary. The reason for this discussion was to make suggestions.

402. The Delegation of the United Kingdom stated that the project was evolving. This step in the process was envisaged for Member States to make necessary changes. The project looked different compared to when it was originally drafted. Therefore, the Committee was improving the project itself and that was its task. The project was evolving and changes were necessary. The Delegation would still like the Secretariat to answer the question it had posed earlier. It had not heard any arguments from delegations on the use of “will” or “may”. Some delegations stated that it was the same. Therefore, the Delegation did not see the problem. It was important to use the word “may” as nothing should be prejudged. It should be left open. Any outcome may be incorporated. It was up to Member States to make that call at a later stage. The word “may” would allow them to make a more informed decision at that stage.

403. The Delegation of Kenya, speaking on behalf of the African Group, referred to paragraph 24. It included the following, “Experts should make themselves familiar with the project deliverables. When identifying thoughts for inclusion in a list of suggestions and possible measures for promoting technology transfer, to be submitted to the CDIP for its consideration, experts should start with the least common denominators between all perspectives and base such thoughts on realistic and mutually acceptable and beneficial elements as a starting point

for building joint solutions". The Group had made a concession with regard to this caveat. If Member States could not agree on paragraph 29, it wondered whether they were serious about the outcome of the Expert Forum as many caveats and safeguards were included in the paper. The elements that would emerge from the least common denominators should move forward after consideration and agreement by the CDIP. There were sufficient safeguards. The Group had been flexible on this particular issue. It was time to move forward if Member States were serious about the Forum. They should make it clear if they did not want any outcome from the Forum in order for the Committee to stop debating endlessly on this issue. The Committee should move forward. The Group was not satisfied with part of the deliverables but accepted it for the sake of moving forward. The outcome would not be useful if it was weakened through the inclusion of further provisions. The Group was concerned by the insistence to water down something which it considered to be very important for developing countries. It wondered what the Committee had been doing on this issue as everything was being questioned. The Group sought the indulgence of the delegations of the United Kingdom and the United States of America to achieve progress on this issue.

404. The Delegation of Japan, speaking on behalf of Group B, understood that no one insisted that the outcome of the Expert Forum would be incorporated into the work of the Organization. It would need to be considered and approved by the CDIP. From that perspective, the word "may" reflected the reality in a more precise manner. The Group referred to its comments on the relationship between the Expert Forum and the discussion of the studies at the CDIP. It would like the Committee to keep them in mind.

405. The Delegation of South Africa stated that the concerns of the Delegation of the United Kingdom and Group B were taken into account in paragraph 29 because it was not a foregone conclusion that the outcome of the Expert Forum would be incorporated into the work of the Organization. They would need to be considered by the CDIP. The Committee should not dwell on this issue. If Group B did not want to approve this paper, it should say so. The Committee could then move to another agenda item.

406. The Chair invited the Secretariat to respond to the questions and comments from the floor.

407. The Secretariat (Mr. Matthes) referred to the question raised by the Delegation of the United Kingdom on the meaning of the words, "and any possible recommendation by the Committee to the GA". Unfortunately, no one on the podium was involved in the project when the project paper was approved by the CDIP in 2010. Therefore, the Secretariat had to second guess. It always understood that the entire paragraph and the language used in the project paper included filters in the sense that all the outcomes of the entire project served as food for thought for the CDIP to eventually discuss, and if possible, agree on possible measures for the promotion of technology transfer. Any outcome from the regional consultations, studies and the Expert Forum would be submitted to the CDIP as food for thought. In its view, the language was not ideal but that did not matter as long as there was agreement among Member States that all of this was food for thought for discussions in the CDIP and nothing would happen unless it approved specific measures. The adoption of the concept paper was a prerequisite for holding the Expert Forum. It would not take place as long as the concept paper was not adopted. The project would remain and linger. The Expert Forum was the culminating end of the project before any outcomes of the entire project were submitted to the CDIP. If the concept paper was not adopted in that session, the Expert Forum would not be convened in January and the issue would need to be reconsidered at a future session of the CDIP.

408. The Delegation of the United Kingdom stated that it was just curious as to why a linkage was made in that paragraph. The Committee had just approved the TOR for the Independent Review after years of discussion. The Delegation wanted the Committee to continue making progress. However, when it came to approving projects and other things, Member States needed to be very careful in terms of what they were agreeing to. There should not be any

space for doubt or ambiguity. In that sense, the Delegation still believed that it was not practical for the paper to prejudge what would happen. For instance, the CDIP discussed a recommendation. The Committee believed it was a good idea that would help to improve an element related to capacity building or something similar. However, it was only a one-off improvement or improvement of a specific area. That did not mean that it would be incorporated into the work of the Organization. That just meant that this specific thing would be fixed after discussing and approving the recommendation at the CDIP. It was just trying to prevent the Committee from not being in a position to agree on something that had nothing to do with the work of this Organization but was just an element. Member States were there to improve and strengthen all the mechanisms and elements. The word “may” would provide enough comfort on both sides to actually achieve that goal.

409. The Delegation of Indonesia aligned itself with the position of several developing countries with respect to the inclusion of the words, “recommendation by the Committee to the GA”. The GA was the highest body in WIPO. Any decision or proposal should be agreed by the CDIP and endorsed by the GA. It was logical to bring everything to the GA. A recommendation would not be submitted to the GA if the CDIP could not reach an agreement. However, the CDIP could request the GA to discuss it further. Therefore, everything was open to discussion even in the GA. That basic principle should be kept in mind. The issue of technology transfer should be considered by the Committee as it was related to the IP system.

410. The Delegation of the United Republic of Tanzania stated that the paragraph took care of the concern expressed by the Delegation of the United Kingdom. It believed that the Delegation of the United Kingdom could be flexible. A recommendation was subject to the consideration of the recipient. That recommendation was established through discussion. There was no other meaning. The language took care of the concern expressed by the Delegation of the United Kingdom.

411. The Delegation of Kenya, speaking on behalf of the African Group, recalled that the Delegation of Japan, on behalf of Group B, had stated in the morning that it would not make any changes to the paper if nobody did so. The Group wondered if that was still applicable.

412. The Delegation of Japan did not remember making such a comment. The Delegation recalled that it made a comment on behalf of Group B on the relationship between the timing of the Expert Forum and the discussion on the studies in the CDIP. It was no more than that.

413. The Chair noted that it was late. It would not be wise to continue discussing this issue if the Committee was not in a position to adopt the concept paper. The implications were known. The Expert Forum would be postponed.

414. The Delegation of the Czech Republic suggested that the word “will” be kept. The words “and adoption” could be included after the word “consideration”. The delegation believed that wording was used by some delegations in their interventions. That part of the sentence would then read as follows, “will be incorporated into the work of the Organization, after consideration and adoption by the CDIP and any possible recommendation by the Committee to the GA”.

415. The Delegation of El Salvador regretted the fact that the Committee could not reach agreement on this issue. It was always ready to cooperate in order to reach a solution that would be acceptable to all Member States.

416. The Delegation Japan, speaking on behalf of Group B, requested for an opportunity to hold a short consultation on this issue.

417. The Chair gave delegations ten minutes to consult.

418. The Chair resumed the discussion.

419. The Delegation of Japan, speaking on behalf of Group B, seriously believed that the Committee had to make progress. In this regard, it always made an effort to find a solution which would allow the Committee to continue its work. From the perspective, the Group seriously examined the possibilities and some ways which could enable it to move forward with project. It was faithfully engaged in the process in order for the project to continue. In this regard, the Group could live with the proposal by the Delegation of the Czech Republic. It reflected the real system. Nothing would be done without adoption by the CDIP. The Group would not continue to insist on replacing the word "will" with the word "may" if a consensus was reached on the suggestion by the Delegation of the Czech Republic. In addition, the Group believed that the concept paper should be adopted at the time when all other work for the preparation of the Expert Forum had been completed. From that perspective, it believed that the adoption of this paper meant that no further work on the studies would be undertaken at the Committee. It sought clarification on that point. The Group could adopt the concept paper based on those two conditions, namely, the amendment proposed by the Delegation of the Czech Republic and clarification on the relationship between further work on the studies and the adoption of the paper.

420. The Delegation of Indonesia stated that the proposal by the Delegation of the Czech Republic was very good. However, Delegation sought clarification on what would happen if the CDIP was unable to adopt an outcome. Separately, the Delegation highlighted that the GA was the only and the highest body in WIPO which could decide on the activities of the Organization. In this regard, the Delegation suggested that the words, "for further discussion and decision", be included at the end of the sentence. That part of the sentence would then read as follows, "and any possible recommendation by the Committee to the GA for further discussion and decision".

421. The Delegation of Kenya, speaking on behalf of the African Group, referred to the clarification requested by the Delegation of Japan on behalf of Group B with regard to whether discussions on the studies would end with the adoption of this paper. The Group stated that putting an end to what further work may be envisaged after the Expert Forum and after discussions at the CDIP would be prejudging the outcome of this project. The Group would like the Committee to remain as open as it had been in terms of all the other studies and projects that were undertaken. If an activity was an end in itself, it did not serve any purpose. However, if it was undertaken for the purpose of moving forward with the work of the Committee, Member States had to remain open in terms of what the outcome would be. After consideration, the Committee could choose not to do further work, adopt any outcome of the Expert Forum on those studies, or seek further studies.

422. The Delegation of India welcomed the compromise by Group B on the suggestion by the Delegation of the Czech Republic. The Delegation may not have a problem in agreeing to that suggestion as it was natural for an outcome to be adopted or agreed after it was considered. The Delegation understood that the presenters of the studies would be available throughout the Expert Forum. The Delegation sought clarification on whether there would be question and answer sessions as well as opportunities to refer to the studies. The purpose of the Expert Forum was to guide the experts who would make recommendations to the CDIP. Even if a common minimum was agreed, the recommendations could give further guidance to WIPO. With that in mind, the experts would make a recommendation or a set of recommendations. These would be submitted to the CDIP for its consideration. The Committee could send some or all of the recommendations to the GA. It could consider those recommendations and give direction or guide the CDIP on the course of action. The Delegation referred to the studies. It would be useful to hold further discussions in the Committee as the presentations would be made at the Expert Forum. Member States could decide, perhaps after the Expert Forum, to further deliberate on the studies. Useful ideas could also emerge from the Forum with regard to the studies.



423. The Delegation of Kenya, speaking on behalf of the African Group, stated that if that was the last change to be requested by Group B and the Delegation of Czech Republic, it would not stand in the way of making progress on the adoption of the paper.

424. The Secretariat (Mr. Matthes) referred to the clarification sought by the Delegation of India. The Secretariat reiterated that the intention was for the authors to present their studies at the Expert Forum. There would be ample opportunity for questions and answers by all participants, including Member States present at the event.

425. The Chair enquired as to whether there was a consensus that the concept paper would be approved based on the revision proposed by the Delegation of the Czech Republic, the authors would be given an opportunity to interact with Member States during the Expert Forum and the CDIP would consider the outcome of the Expert Forum. The concept paper was adopted given that there were no objections from the floor.

#### The International Conference on IP and Development (continued)

426. The Chair resumed discussions on the International Conference on IP and Development.

427. The Delegation of Paraguay, speaking on behalf of GRULAC, recalled that the Group proposed a decision paragraph on the Conference in the previous CDIP session in an effort to find a compromise among Member States. Consultations were held in this session to see if it was possible to reach agreement on the date for the Conference, the list of speakers, and the possibility for Member States to suggest experts that could be considered by the Secretariat. Following those consultations, the Group drafted some language to try to accommodate the positions and concerns expressed by Member States. The proposal was made available to all the regional coordinators. The Group tried to make it as concrete as possible. It also gave the Secretariat sufficient flexibility on the logistics for the Conference. The proposal was as follows, "The Committee agreed to hold the International Conference on IP and Development on the margins of [CDIP 16]. The Secretariat was requested to finalize the list of speakers as contained in document WIPO/IPDA/GA/13/INF/1 Prov. taking into consideration proposals made by Member States before [the end of January 2015]". The proposal and the elements in brackets were for the consideration of Member States. It would be useful if the Secretariat provided information with regard to the resources and other elements related to the organization of the Conference. The Group hoped that the proposed compromise would be supported by other regional groups and delegations.

428. The Delegation of Japan, speaking on behalf of Group B, stated that it was very important for Member States to let the Organization function in an efficient and effective manner in order to achieve the objective of this Organization without micromanaging their work. That was the reason why there was a capable Secretariat. The Secretariat had provided an explanation on the concrete way forward on this issue. Based on that understanding and in order to let the Conference be held with minimum delay, the Group could show flexibility on this issue. It could live with the proposal by the Delegation of Paraguay on behalf of GRULAC as it was.

429. The Delegation of Kenya, speaking on behalf of the African Group, supported the proposal by the Delegation of Paraguay on behalf of GRULAC.

430. The Delegation of Italy, speaking on behalf of the EU and its Member States, referred to the explanation provided by the Secretariat earlier in the week. Based on this understanding, the EU and its Member States could also live with the proposal by the Delegation of Paraguay on behalf of GRULAC in order for the Conference to be organized as soon as possible.

431. The Chair requested the Secretariat to explain the process based on the proposal.

432. The Secretariat (Mr. Baloch) stated that it had been in touch with many delegations with regard to the proposal. As agreed by the Committee, the Secretariat would contact the speakers on the existing list to ascertain their availability. The speakers were usually given two weeks to respond as they may be travelling or have other engagements. Once the Secretariat had heard from all of them, it would identify slots for speakers who were not available under the six themes included in the program for the Conference. Meanwhile, the Secretariat understood that it would also be receiving proposals from Member States. There may be competing interests or suggestions from Member States. The Secretariat would do its best to try and marry all those interests and come up with a new list. The Secretariat assumed that it had been handed the task to prepare a final list and was not supposed to revert to Member States for endorsement as was the case previously.

433. The Delegation of the Czech Republic, speaking on behalf of CEBS, stated that it was in a position to agree to the proposal. It was happy that the initial list would serve as the basis to identify possible gaps to be filled in afterwards.

434. The Delegation of China agreed with the proposal by the Delegation of Paraguay on behalf of GRULAC.

435. The Delegation of Indonesia supported the proposal by GRULAC. The Delegation proposed some principles to be considered by the Secretariat in selecting speakers. First, the speakers should have sufficient skills, knowledge and experience in the area of IP and development. Second, the speakers for each theme should reflect a balanced geographical distribution. Speakers coming from the same country should be avoided. Third, the themes should also reflect the different levels of development among Member States. The Delegation hoped there would be some speakers from developing countries and LDCs. Fourth, each speaker should only speak on one theme. Lastly, the Delegation would like representatives of international organizations (WHO, WTO, FAO etc), NGOs and local communities to be included in the list.

436. The Delegation of Kenya, speaking on behalf of the African Group, referred to the clarification provided by the Secretariat. The Group understood Member States would need to be kept informed, as previously agreed. It was agreed that the Secretariat would finalize the list and take into consideration proposals by Member States. That did not negate the importance of keeping Member States informed through the regional coordinators once the list was prepared. It was important for the Secretariat to get back to the Member States with a new list. It could be provided through the regional coordinators.

437. The Delegation of Brazil stated that the proposal by GRULAC was simple. It merely stated that Member States would suggest names and the Secretariat would take them into consideration when finalizing the list. There were many ways to take those suggestions into consideration. In this regard, the Delegation would like to know whether the number of speakers was limited in some way or if it was possible to increase the number of speakers in each panel. That was one of the possible ways to take those suggestions into consideration.

438. The Delegation of the United Kingdom stated that it could fully endorse the language taking fully into account the explanation provided by the Secretariat.

439. The Delegation of Algeria stated that it did not share the Secretariat's interpretation of the proposal. The proposal was short and clear. However, it was open to interpretation. The Delegation was not expecting to end up with the same list of speakers. It was not just a matter of fulfilling gaps. It was a matter of the Secretariat taking into consideration the suggestions by Member States in revising and finalizing the list of speakers. The Delegation referred to the

comments made by the Delegation of Kenya on keeping Member States informed on the list of speakers. Some words should be added to the proposal by GRULAC to indicate that Member States would be kept informed throughout the process of finalizing the list.

440. The Delegation of Indonesia referred to the question posed by the Delegation of Brazil and the comments made by the Delegation of Algeria. The Delegation believed the criteria for selecting speakers could be further discussed. The list of speakers should reflect a balanced geographical distribution. The Delegation sought clarification from the Secretariat on how this could be achieved. For instance, many Member States were members of DAG. If each of them were to propose a speaker, the Delegation would like to know if the suggestions would be discussed within the Group before a decision was submitted to the Secretariat. It would also like to know whether the Secretariat would keep the group coordinators informed. In addition, the Delegation requested the Secretariat to respond to its proposal on the criteria for selecting speakers.

441. The Delegation of Georgia had carefully considered the proposal by the GRULAC. It seemed to be balanced and was a compromise solution. The Delegation was ready to support the proposal in order to move forward.

442. The Chair proposed that the language be left untouched in order to avoid opening a new discussion. His understanding of the process was very clear. Member States should be kept informed and their proposals would be taken into consideration. That was how he interpreted the spirit that prevailed in the various consultations. That led to support for the proposal by GRULAC. He enquired as to whether the proposal by GRULAC could be adopted with the understanding that Member States would be kept informed on the selection process.

443. The Delegation of Indonesia stated that it agreed with the proposal by GRULAC. The Delegation understood that the interpretation of the proposal, suggestions and comments made by delegations in this session would be noted, including its proposal on the criteria for selecting speakers as well as the comments made by the Delegation of Kenya on behalf of the African Group and the Delegation of Algeria on keeping Member States informed on the process.

444. The Chair assured the Delegation of Indonesia that the observations made during the session would be taken into account and reflected in the report for this session.

445. The Secretariat (Mr. Baloch) found the discussion to be very useful. This was not a new issue. It had been discussed in many formal and informal meetings. On the profile of the speakers, the Secretariat referred to document CDIP/10/16 in which the outcome of four or five informal meetings on this topic was reflected. It also *inter alia* spoke about what the profile of the speakers should be. The Secretariat had no hesitation in accepting and trying to follow the additional guidelines just read out by the Delegation of Indonesia. The Secretariat turned to the point raised by the Delegation of Algeria. Based on its reading of the proposal, the Secretariat understood that it was requested to finalize the list of speakers contained in document WIPO/IPDA/GA/13/INF/1. The Secretariat would like to know whether it was supposed to take that as the basis and contact those speakers. It understood from the intervention by the Delegation of Algeria that perhaps this should not be the basis for contacting speakers. The Secretariat sought the guidance of Member States on whether it should take some names from the list and wait for Member States to provide their inputs by January or March and then try to come up with a new fresh list of speakers, or if this document had to be the basis. This was a very important point. Separately, the Secretariat recalled the previous decision where the Conference could not take place. It was decided that the Secretariat would prepare a list and circulate it to group coordinators or Member States for endorsement. The Secretariat understood that this time it was not supposed to go back to the Member States for endorsement. The Secretariat would like to know whether its understanding was correct. With regard to keeping Member States informed, the Secretariat stated that a schedule could be

established to keep Member States involved on a regular basis. Otherwise, delegates could contact the Secretariat for an update.

446. The Delegation of the Czech Republic understood that the statements made by delegations were part of a record and not part of a decision. The Delegation referred to the proposal by GRULAC and stated that the version it received included some brackets. When the proposal was read out by the Delegation of Paraguay on behalf of GRULAC, CDIP 16 and the end of January 2015 were specifically mentioned. The Delegation would like to know if these were what the Committee had in mind and was trying to adopt. The Delegation referred to the guidance sought by the Secretariat. The Delegation understood that document WIPO/IPDA/GA/13/INF/1 Prov. was the basis for speakers to be contacted. The Secretariat would identify gaps within that list. The gaps would be filled through the procedure mentioned in the second part of the decision. Member States had run into difficulties in the past with regard to the endorsement of a list. Therefore, this element should be avoided.

447. The Delegation of Algeria referred to the guidance sought by the Secretariat on two key issues and provided its views on those issues. Document WIPO/IPDA/GA/13/INF/1 Prov. was the basis for a revision. It would be revised by taking into account the suggestions made by Member States. It was not just a matter of filling gaps. Even if all the experts on the list were available, the Secretariat would need to take into account the suggestions made by Member States. The list was not really geographically balanced. The perspectives of the experts were not really balanced. These needed to be changed even if all the speakers were available. On the issue of whether the list should be endorsed by Member States, the Delegation stated that an important change took place during this session. Member States accepted that the Secretariat would finalize the list because it was obvious that they could not do it among themselves. However, the Delegation believed that Member States had the right to oppose if they had concerns with an expert or an issue. The Secretariat was in the hands of Member States. If a Member State had strong objections, the Secretariat would need to take that into account.

448. The Delegation of Paraguay, speaking on behalf of GRULAC, referred to the saying, "the devil is in the details". That was why the proposal was short and simple. The document mentioned in the proposal could be a basis to finalize the list. It was presented in June 2013 as the Conference was supposed to take place in November 2013. That was more than a year ago. Obviously the list would not be the same. It would not be the final list because there were even officials from the Secretariat who would not be on this list. There would be changes. The list would be revised. The speakers had yet to be contacted. The Group believed Member States could trust the Secretariat to finalize the list. They would be kept informed on progress achieved in the process.

449. The Delegation of South Africa agreed with the statements made by the Delegation of Kenya on behalf of the African Group and the Delegation of Algeria. Their understanding was quite clear. The current list of speakers would not be used to fill in gaps because if that were the case, the Committee would be back to square one because Member States did not approve the list. The Secretariat had requested for clarification. It was quite clear that the Secretariat had to update the current list taking into consideration the proposals that would be made by Member States. Member States would be kept informed on a regular basis. When a draft list was prepared, the Secretariat would inform Member States through the regional coordinators who could then look at the list and provide feedback. The Organization was driven by Member States. They were free to provide feedback at any time once the Secretariat had provided information on the list.

450. The Delegation of Kenya, speaking on behalf of the African Group, stated that its understanding was very clear. The list which was presented to Member States was not endorsed. Therefore, it was not accepted. This was an issue of trust. Member States had

agreed to move forward. They had agreed that the Secretariat should finalize the list taking into consideration the proposals made by Member States. That meant that the final list of speakers would not be the same as the current list. If it were to be the same, a different decision would be taken or the current list would be confirmed. The Group understood there were challenges in the previous process. There would be a second process with the understanding that proposals from Member States would be taken into consideration. That could be done in any manner but they would like to see a revised list. If the Committee were to go into the details of how that should be done, it could become controversial. That would not be beneficial to the process. If the Committee were to agree that what it wanted was a revised list taking into consideration proposals from Member States, then it would be possible to move forward on this issue. Member States should be kept informed of the developments given that the issue was of great interest to them.

451. The Delegation of Japan, speaking on behalf of Group B, endorsed the guidance provided by the Delegation of the Czech Republic to the Secretariat. Member States should avoid micromanagement. They should believe in the capability of the Secretariat. At the same time, the Secretariat should also believe in its own capability.

452. The Delegation of Brazil referred to a question raised in its last intervention. One of the ways in which the Secretariat could take into consideration the suggestions by Member States could be to add more names. The Delegation wanted to know if there was a strict limit in terms of the number of speakers because that would be a way to take the suggestions into consideration, even though it was reasonable to assume that not all those on the list would be available. There was more than one way to take into consideration the suggestions, and this was one way to do so. The Delegation referred to the point made by the Delegation of South Africa. Every member had the right to voice its opinion on a proposal, document, suggestion or information provided by the Secretariat.

453. The Delegation of the United Kingdom noted that the Committee was moving into a discussion that had taken place in previous sessions. Member States had failed to reach an agreement in those discussions. GRULAC had presented its proposal at the beginning of this agenda item. It was supported by GRULAC, Group B, CEBS, the African Group and the Delegation of China. The proposal was short but very clear. It clearly stated that the Secretariat would finalize the list. It did not speak about any endorsements or options for Member States to oppose. It was normal for Member States to be informed of the list. The Delegation had no problem with that. It was the right way forward. The proposal also mentioned a document that was known to all. It included a lot of speakers. Many of them would probably not be available or maybe even willing to participate in the Conference. Therefore, the Secretariat would need to find replacements. The proposal clearly stated that the document was the basis. The Secretariat would need to check who was no longer available and find a replacement based on criteria discussed at many other meetings. Any other deviation from the proposal would lead Member States to the conclusions reached at previous sessions.

454. The Delegation of Italy, speaking on behalf of the EU and its Member States, supported the comments made by the Delegation of the Czech Republic. They noted there were still attempts to micromanage the process. Those attempts only delayed the process and the organization of the Conference. The proposal by GRULAC had the right balance. It left an appropriate margin of maneuver for the Secretariat. Member States had the right to be informed. The Secretariat had the last word otherwise Member States would go back to the same stalemate. The Secretariat had prepared the current list based on certain criteria. It had selected individuals who were appropriate for the event. The current list should be the basis for the exercise. Member States had provided guidance. The Secretariat could do the job. Restarting a new list from scratch would not be an efficient way to move forward given that the current list was the result of research that had been undertaken on the most appropriate people.

Member States could provide new names for consideration. The EU and its Member States had full trust in the Secretariat.

455. The Delegation of Indonesia referred to the guidance sought by the Secretariat on the list of speakers. It had mentioned several principles for selecting speakers. For instance, a balanced geographical distribution was required. There should not be more than one speaker with the same citizenship. The speakers should also include representatives from NGOs and local communities. The Delegation would like the Secretariat to apply the principles it had suggested earlier.

456. The Delegation of Paraguay, speaking on behalf of GRULAC, referred to the clarification sought by the Delegation of Czech Republic on its proposal. The Group confirmed that it proposed that the Conference take place on the margins of CDIP 16. Member States could submit suggestions until the end of January next year.

457. The Delegation of Uruguay stated that the proposal was clear and concise. It clearly stated that the list would be finalized by the Secretariat taking into consideration proposals made by Member States. The Conference was supposed to take place on November 14, 2013. Obviously, changes would need to be made. Some speakers may not be available. There were also some members of the Secretariat who would no longer be on list due to the changes in the Organization. Member States should allow and trust the Secretariat to do its work. The Secretariat knew that a balanced geographical representation was required. The list included representatives from private entities, universities and international organizations such as the WHO, WTO, UNCTAD and FAO. The Secretariat knew what it had to do. The Delegation urged Member States to avoid this exercise as it would lead nowhere. They had demonstrated flexibility. The Committee should adopt the proposal and give a positive signal that the Organization was starting to move forward with a new spirit.

458. The Delegation of South Africa stated that the Secretariat had requested for clarification from Member States. The Delegation agreed with the comment made by the Delegation of Paraguay that the list would be finalized by the Secretariat taking into consideration proposals made by Member States. It was not about the availability or non-availability of speakers on the list. The list should be finalized based on proposals by Member States. WIPO was a Member States led organization, not a Secretariat led organization. Member States directed the Secretariat on what it should do. The Secretariat should inform Member States about the process and progress made in the selection of speakers. Member States could then see what to do. It was not going back on the decision that was taken. Information should be provided to Member States. The Delegation referred to the suggestion by the Delegation of Indonesia. In finalizing the list, the Secretariat should look at a variety of speakers from NGOs, Member States and think tanks in order for the list to be balanced. This point could be finalized on the basis that the Secretariat had been given a clear mandate. In finalizing the list, it must take into account the proposals of Member States, and not call those on the list to check on their availability.

459. The Chair stated that there had been ample opportunity to provide clear guidance to the Secretariat. He enquired as to whether the Committee was in a position to approve the proposed draft decision on the Conference. The decision was adopted given that there were no objections from the floor.

#### Consideration of document CDIP/13/8 - IP and Tourism: Supporting Development Objectives and Protecting Cultural Heritage in Egypt and Other Developing Countries

460. The Delegation of Egypt informed the Committee that bilateral meetings and a plurilateral meeting were held with some delegations. The revised proposal was circulated. The

Delegation took all the comments and concerns into consideration. Significant changes were introduced. Although the Delegation may not be that happy with the changes, it would like to move forward. The project had gathered overwhelming support from members. It had been on the agenda for a year. The Delegation hoped the project could be adopted at this session.

461. The Delegation of Kenya, speaking on behalf of the African Group, supported the changes made to the document. The Committee should adopt the proposal. It had gained the support of the majority of the membership.

462. The Delegation of India requested for clarification on the changes made to the sentences that referred to the protection of TK and TCEs. The Delegation had suggested for these to be changed to the protection of local, regional and national traditions. It would like to know why the local component was missing. The term “local” referred to a city or district level. “Regional” referred to a wider area within a national territory and “national” was the highest level. The term “regional” should not be interpreted as a cross-border area or region. It should be within a national territory.

463. The Delegation of Japan, speaking on behalf of Group B, stated that the revised proposal was circulated in the morning. The Group was engaged in informal consultations in the morning and internal consultations were held during the lunch break. Some of its members could not get confirmation from their capitals because of the time constraints. The Group was pleased to further consider the revised proposal in order to find a solution. However, due to the time constraints, it could not endorse the proposal as a whole for that moment. More time would be needed for some delegates to examine the details of the revised proposal.

464. The Delegation of Tunisia supported the project. Flexibility was shown with regard to some members. The changes made were clear and specific. Therefore, the Delegation urged other delegations to adopt the revised proposal.

465. The Delegation of Indonesia supported the revisions made by the Delegation of Egypt. It believed that the proposal could be adopted by the Committee. The Delegation aligned itself with the statement made by the Delegation of India. It would like the term “regional” to be clarified. As the project would be implemented in Egypt and three other countries, the regional aspect did not seem to be necessary. The results achieved in those countries could be included in a comparative study on using IP tools to promote tourism.

466. The Delegation of Egypt referred to the clarifications requested by the delegations of India and Indonesia. It had tried to include the element proposed by the Delegation of India and supported by the Delegation of Sri Lanka earlier in the session. Perhaps it was not well captured. The Delegation was ready to change the language to the formulation proposed by the Delegation of India. It understood that the term “regional” referred to a region within a country. It did not include any cross-border elements. The formulation could be changed to “local, regional and national”. The Delegation could work on that. It was unfortunate that the project could not be adopted at this session. A group of countries had referred to time constraints. The Delegation did not hear any fundamental concerns expressed with regard to the amendments. Perhaps this indicated that there were no fundamental problems with the proposal. The Delegation requested for an inter-sessional meeting on the project. It understood the time constraints. The meeting could help to accelerate the process for considering the project.

467. The Delegation of the United States of America appreciated the changes made by the Delegation of Egypt to the proposal. However, it had not had a chance to consider the substance of the revised proposal. Therefore, it would not be fair to state that the Delegation did not have any fundamental concerns. It simply did not have time to read the revised proposal.

468. The Delegation of Japan, speaking on behalf of Group B, saw the value of the project. From a systemic perspective, if an inter-sessional meeting was held to adopt one project, it would open the door for other exceptions. Therefore, it would not be good to do so. All delegations had to keep in mind that the time available between formal meetings should be used to prepare for the formal session.

469. The Delegation of Egypt explained that it had requested for an inter-sessional meeting because the project had been on the table for one year. The Delegation believed it was fair to do so and would not cause any systemic problems. It had tried to demonstrate maximum flexibility and to address concerns as much as possible. It was unfortunate that there was no agreement even on the inter-sessional meeting. The Delegation questioned the seriousness about the project. In the next CDIP session, the Delegation would revert to the original proposal presented at the beginning of this session. The amendments that were presented still stood as an informal contribution. However, the Delegation would revert to its original proposal.

470. The Delegation of Japan, speaking on behalf of Group B, stated that it was always serious about everything concerning the work of the Committee. It could see another scenario if the latest version had been prepared in line with the agreement at the last session. The Group was ready to examine the latest version of the proposal prepared by the Delegation of Egypt in order to realize the adoption of the project at the earliest at the future session.

471. The Delegation of Indonesia referred to the statement made by the Delegation of Egypt. The proposal had been discussed several times. One year was enough to discuss it. The idea was quite simple to understand and implement. The issue may concern the selection of pilot countries for the project. In this context, perhaps an informal meeting could be held before the next CDIP session. The Delegation understood that Group B needed time to consider the proposal. Their inputs and comments on the proposal would be valuable. However, it would be better to listen to them before the next CDIP session.

472. The Delegation of Japan, speaking on behalf of Group B, reiterated that there could have been another story if the revised version was prepared in line with the agreement at the last session. It was always open to informal discussions. If necessary, the Delegation of Egypt could hold discussions with other interested Member States bilaterally, plurilaterally and so on. It was not necessary to establish a framework for informal consultations. The Geneva-based delegates were always in Geneva. They were ready to discuss everything informally. Informal discussions could be undertaken in that context.

473. The Delegation of Egypt endorsed the statement made by the Delegation of Indonesia. The Delegation recalled that it requested for an inter-sessional process to take place after the last session. It was rejected. The Delegation preferred to approach other delegations, rather than to just present a document. It met with interested delegations either bilaterally or plurilaterally during this session. The Delegation did not want to revise the document by only taking into account comments from the floor, it preferred to meet with delegations. However, the inter-sessional process was rejected and the consultations took place during this session. Due to practical constraints, it was not able to meet with all delegations. Nevertheless, the Delegation requested for an informal framework to be established within WIPO to facilitate the process. Just one informal meeting before the CDIP would facilitate the process because it was difficult to approach all the interested delegations as there were many Member States. The Delegation would like at least one informal meeting to be held within WIPO before the next CDIP session, as suggested by the Delegation of Indonesia.

474. The Delegation of Kenya, speaking on behalf of the African Group, supported the statement made by the Delegation of Egypt. The proposal had been on the table for one year. The Delegation of Egypt had made utmost efforts to consult with delegations and prepare a revised version. The Group understood that the problematic elements were removed. During



the plenary, there was a request to delink work which may be done under the IGC. Therefore, references to TK, TCEs and cultural heritage were removed and replaced with words such as "tradition" and "culture," which were not controversial terms. The Group did not see any further issues which could be problematic for delegations. The issue concerning guidelines was also removed. The project deserved further consideration. The Group believed the Delegation of Egypt had fully addressed those concerns. The Committee should be able to conclude on this issue. If the Committee was not able to do so at this session, the Group would concur with the request by the Delegation of Egypt to have an informal process. Perhaps it could take place one day before the next CDIP session. Further comments could then be addressed in a timely manner. The Group stated that if the revisions made by the Delegation of Egypt were insufficient, the second proposal could be a good way forward.

475. The Delegation of Iran (Islamic Republic of) stated that the recent agendas for CDIP sessions were heavy due to deferring and postponement of the issues for the next meetings. Therefore, the Delegation strongly supported the proposal by the Delegation of Indonesia to hold informal consultations not only for the purpose of facilitating the process for approving the project proposal by the Delegation of Egypt, but also to resolve other outstanding issues such as the GA decision on CDIP-related matters and the Coordination Mechanism.

476. The Delegation of Japan, speaking on behalf of Group B, stated that no one hoped for a delay in the process, and no one rejected inter-sessional discussions with members. The issue was the establishment of an informal meeting from a systemic viewpoint. Member States could examine the proposal and submit their comments to the Secretariat. The Secretariat would prepare a revised version taking into account those comments. This should be done well before the next CDIP session. It could then be discussed at that session, and hopefully, the project could be adopted. The Group believed that was the right way forward. The inter-sessional period would be used in an effective manner without establishing a precedent.

477. The Delegation of Switzerland reiterated that the project was interesting. The revised version was made available in the morning. That could have been problematic for some delegations that required feedback from their capitals. The Delegation was also going to suggest the idea of holding informal consultations as the differences were not that big. Delegations that were interested in the project should make themselves known to the Delegation of Egypt. It would then know which delegations it should work with in the inter-session. That may help to resolve any pending problems without overlapping with the solution proposed by the Delegation of Japan on behalf of Group B. The Delegation would be pleased if one or the other of these solutions could assist the Committee to move forward with the project.

478. The Delegation of Italy, speaking on behalf of the EU and its Member States, stated that the proposal was distributed that day and some delegations needed time to consider it thoroughly. The solution proposed by the Delegation of Japan on behalf of Group B was reasonable. If the Secretariat were to publish a revised proposal well in advance, there would be time before the next CDIP session to finalize a text for the project. The proposal by the Delegation of Egypt was very interesting and could potentially add value to the competitiveness and further development of the countries involved. They liked the project and would like it to be approved. Therefore, they were willing to provide comments and engage in order for the project to be approved.

479. The Delegation of Egypt referred to the suggestion by the Delegation of Japan on behalf of Group B. It could support receiving comments through the Secretariat. However, it would like to know whether comments would be submitted on the proposed amendments or the original proposal. The Delegation reiterated that it would like to revert to its original proposal in the next CDIP session. As long as there was no willingness to hold any informal meetings within WIPO, it would be happy to continue consulting and would appreciate receiving comments on the original proposal which was presented at the beginning of this session.

480. The Chair enquired as to whether delegations could agree to provide comments on the original proposal. These would be received through the Secretariat.

481. The Delegation of Italy, speaking on behalf of the EU and its Member States, did not want to block any consensus. The revised proposal contained a far better text. The Delegation of Egypt may choose what it wished as this was its proposal. However, the EU and its Member States would like to suggest that delegations could make comments on the revised proposal.

482. The Chair noted that there was no reaction from the Delegation of Egypt. It was decided that proposals would be received through the Secretariat based on the original project document.

#### **AGENDA ITEM 9: SUMMARY BY THE CHAIR**

483. The Chair invited the Committee to consider the draft Summary by the Chair. He began with paragraph 1. The paragraph was adopted given that there were no observations from the floor. He then turned to paragraph 2.

484. The Delegation of Kenya, speaking on behalf of the African Group, referred to paragraphs 11 and 17. The Group understood that the Committee did not conclude discussions on the GA decision on CDIP-related matters and the External Review of the WIPO Technical Assistance.

485. The Chair confirmed that the Committee could not conclude discussions on those two issues. He suggested that those discussions be continued at the next session because of the time constraints. The Chair returned to paragraph 2. The paragraph was adopted given that there were no observations from the floor. He then moved on to paragraph 3.

486. The Delegation of Iran (Islamic Republic of) referred to the comment made by the Delegation of Kenya on behalf of the African Group with regard to pending issues. These issues were constantly being deferred. Therefore, the Delegation would like to seek a practical solution to solve these issues. In this regard, the Delegation reiterated its proposal to hold informal consultations in the inter-session for the purpose of resolving these issues. The outcome could be conveyed to the next CDIP session.

487. The Chair enquired as to whether the Committee could agree to the proposal by the Delegation of the Iran (Islamic Republic of) to conduct inter-sessional work on the GA decision on CDIP-related matters and the External Review of WIPO Technical Assistance.

488. The Delegation of Japan, speaking on behalf of Group B, reiterated that delegations had to consider the prioritization of work in WIPO. Work should be prioritized in the context of formal meetings. From that systemic perspective, the Group was not in a position to accept informal meetings on any issues at this point. Delegations needed to think about the prioritization of work in any committee. The Group believed that good results were achieved in some prioritized areas at this session. This spirit should be kept in the next session in order to sort out the remaining issues.

489. The Delegation of Kenya, speaking on behalf of the African Group, referred to the proposal by the Delegation of Iran (Islamic Republic of). Some of the issues were also being addressed in other informal consultations. They could be dealt with in a holistic manner. A way could be found whereby all the issues related to the Coordination Mechanism would be resolved once and for all. Instead of dealing with the issues in a piecemeal manner in different committees, there could be a joint approach to resolve them once and for all.

490. The Delegation of India also did not want a lot of inter-sessional work to be conducted in WIPO as the agenda was already very heavy and several committee meetings were coming up. Some issues of vital importance to all Member States were pending for a long time. A solution must be found to address those items, in particular, the GA decision on CDIP-related matters and the External Review of WIPO Technical Assistance. In the last two years, these issues went back and forth from the Committee to the GA. With regard to the previous request by the Delegation of Egypt on its project proposal, the Delegation explained that it did not take the floor because there were issues which should be given a high priority and those that could be deferred to the next session. From that point of view, the Delegation strongly supported the need for one or two informal sessions with the Chair or under the guidance of a facilitator. These were important issues and they had been deferred for a long time. All issues should not be subject to the same treatment.

491. The Delegation of the Czech Republic, agreed with the comment made by the Delegation of Kenya on behalf of the African Group that the CDIP-related issues should be tackled in a holistic manner. That was why CDIP sessions were held. That was also where CDIP matters should be dealt with in a holistic manner. The Delegation then spoke on behalf of CEBS. It referred to the proposal by Iran (Islamic Republic of). The Group would be happy to consider proposals that could potentially bridge existing gaps on this issue. However, informal consultations should not be held just for the sake of it. If there were proposals that could actually bridge the gaps, the Group would be happy to entertain them and to discuss them within the Group, with their capitals and with the proponents. However, it had not heard any such proposal during the week. Some proposals were made, but they did not gain necessary consensus and traction. It would work on possible ways forward on this issue.

492. The Delegation of India referred to the comment by the Delegation of the Czech Republic on proposals for resolving these two pending issues. The issue concerning the Coordination Mechanism was not a proposal or concern of one group or a few delegations, it was a GA decision and there were proposals by other Member States. The Delegation referred to the External Review of WIPO Technical Assistance and recalled that there were group proposals on this issue, including an EU proposal which was not formally submitted. The issue was a concern for all Member States. Therefore, they had to work together to reach a mutual understanding.

493. The Delegation of the United Kingdom stated that the Committee had managed to solve two important issues concerning the Conference on IP and Development and the TOR for the Independent Review. They would not be on the agenda for the next CDIP session. Therefore, that session would be an appropriate forum to tackle other pending issues. The Committee should try to be as effective and productive at the next session.

494. The Delegation of Iran (Islamic Republic of) stated that it had become a habit to postpone issues to the next session. It made the agenda heavy. The Delegation wondered how these longstanding issues would be resolved in the next CDIP session, particularly as the Committee was required to make recommendations on these issues to the GA. Informal consultations could be a way to resolve these issues.

495. The Chair stated that the Committee had extensively discussed how to approach these two issues. However, he could not see a convergence of views. Therefore, he proposed that one informal consultation be held on those two issues before the next CDIP session.

496. The Delegation of Australia would like to know how the Chair would go about that and involve everyone, given that a number of delegates lived quite a distance away. The Delegation did not have a difficulty with the concept. It just did not see how it would work.

497. The Chair appreciated the fact that some delegates came from a very long distance.

However, informal consultations were held in the past on pending issues ahead of the CDIP session. Those consultations sometimes proved helpful. At other times, they were not. The two scenarios were there. With regard to CDIP-related matters, it was a fact that one delegation had made an effort to reflect and come up with a proposal. It was true that there had not been enough time to discuss it. Hence, it could not be said that the proposal had not gotten enough traction.

498. The Delegation of Japan, speaking on behalf of Group B, stated that lessons were learned in this session. Nothing happened at the informal consultations. Unfortunately, not all members were at the consultations. Therefore, there were no developments on longstanding items at the informal consultations. However, with collective wisdom, including the involvement of delegates from capitals, issues were resolved at this session. These were the lessons learned. They should be kept in mind for the next session.

499. The Chair noted that there was no consensus on informal consultations. Therefore, the issues would be taken to the next CDIP session. He returned to paragraph 3. The paragraph was adopted. Paragraphs 4, 5, 6 and 7 were subsequently adopted, given that there were no observations from the floor. The Chair then moved on to paragraph 8.

500. The Delegation of Indonesia would like the phrase, "others called for a modification of the reporting methodology" to be included in the fourth line of the paragraph. During the discussion on this item, proposals were also made by Member States. The Delegation would also like that to be mentioned in the paragraph.

501. The Chair stated that paragraph 8 was adopted with the amendments proposed by the Delegation of Indonesia, given that there were no objections from the floor. Paragraphs 9 and 10 were also adopted, given that there were no observations from the floor. The Chair turned to paragraph 11.

502. The Secretariat (Mr. Baloch) stated that a second sentence would be added as follows, "The Committee decided to continue discussions on this matter at its next session".

503. The Chair stated that paragraph 11 was adopted with the sentence read out by the Secretariat, given that there were no observations from the floor. He then turned to paragraph 12.

504. The Delegation of Kenya, speaking on behalf of the African Group, was not sure whether it was true that there was no agreement for the Secretariat to follow up and keep Member States informed with regard to the post-2015 DA. It believed there was an agreement that the Committee should focus on the post-2015 DA in moving forward on this issue.

505. The Delegation of India stated that it was not clear that there was no agreement as there were proposals which also had some support from the Delegation of the United States of America. It thought that the agenda item would be discussed again in order to reach an agreement on how to move forward or to continue reporting with regard to the MDGs and the post-2015 DA process.

506. The Delegation of the United States of America stated that the delegations of Kenya and India were correct that the paragraph was slightly incorrect. The Delegation had stated that it was not interested in continual reporting on the MDGs or any required reporting on the post-2015 process at this point. However, it believed delegations were all in agreement that they wanted to encourage WIPO's participation in the post-2015 process. Therefore, they did not suggest that WIPO should not continue to be actively participating in the post-2015 process. At some point in the future, once the post-2015 DA was established, the Committee could discuss reporting related to that next phase.

507. The Chair asked the delegations of Kenya and India whether they concurred with the statement made by the Delegation of the United States of America.

508. The Delegation of India did not really understand what the Delegation of the United States of America would like to be reflected in the paragraph. With regard to WIPO's participation in the post-2015 DA process, the Delegation did not see any need to request for WIPO's continued participation in that process. The Organization was required to do so as it was part of the UN family. However, the Secretariat was requested to provide the Committee with continual reporting on WIPO's participation and contribution to the MDGs and the post-2015 DA when it was adopted. The Delegation would like this to be reflected in the paragraph.

509. The Delegation of the United States of America referred to the final sentence in the paragraph, "However, there was no agreement on this request". The Delegation suggested that the preceding sentence be amended to read as follows, "Some Delegations requested the Secretariat to provide the Committee with continual reporting on WIPO's contribution to the MDGs". The Delegation stated that this was factual. It also stated that the Delegation of India was correct. Other activities, such as WIPO's continued participation in the post-2015 process was happening and would continue to happen. The point on which there was no agreement was the request for continual reporting on WIPO's contribution to the MDGs.

510. The Delegation of Indonesia aligned itself with the statement made by the Delegation of India. The discussion on this agenda item was not only on WIPO's contribution to the MDGs, but also its contribution to the achievement of the MDGs. The paragraph should refer to the MDGs and the post-2015 DA. Therefore, the Delegation proposed that the last sentence be amended to read as follows, "Some Delegations requested the Secretariat to provide the Committee with continual reporting of WIPO's contribution in achieving MDGs and post-2015 DA". The Committee also deliberated on the possibility to discuss WIPO's contribution to the implementation and achievement of the post-2015 DA in the coming years. This should also be mentioned in the paragraph.

511. The Delegation of India stated that post-2015 DA goals were not yet adopted, although interventions were made in relation to the future adoption of these goals. This should be reflected in the sentence. For instance, it could include the following, "reporting on WIPO's contribution to achieving the MDGs and post-2015 DA goals as and when adopted".

512. The Chair invited the Committee to move on to paragraph 13 while the Secretariat was revising paragraph 12. He requested the Secretariat to read out the outcome that was just reached on the project on IP and Tourism.

513. The Secretariat (Mr. Baloch) stated that after the first sentence with the document number, a new sentence would be included as follows, "The Committee decided to receive comments from Member States on the project and to revise it for its consideration at the next session".

514. The Delegation of Egypt agreed with the paragraph and the new sentence suggested by the Secretariat. It would like the support for the project to be reflected in the paragraph as follows, "A lot of delegations expressed their support to the adoption of the project as contained in the document". The Delegation stated that the sentence was factual and could be included before the new sentence provided by the Secretariat.

515. The Delegation of the United States of America would like the phrase, "and some delegations expressed their concerns", to be included in order for the discussion to be accurately reflected.

516. The Delegation of the United Kingdom suggested the following, "Some delegations

expressed support while other delegations expressed concerns”, in order to consistently use the same language in WIPO committees.

517. The Chair stated that paragraph 13 would be revised. He enquired as to whether it could be adopted based on the comments that were made. The paragraph was adopted, given that there were no observations from the floor. He turned to paragraph 14.

518. The Delegation of the United States of America referred to activities 2, 3, and 4. It noted that the Secretariat should implement them in accordance with document CDIP/13/11, taking into account comments made by Member States. There were a number of comments on these three projects from various Member States and the Secretariat agreed to take them onboard.

519. The Chair enquired as to whether there were any objections to the comments made by the Delegation of the United States of America. Paragraph 14 was adopted with the amendment proposed by the Delegation of the United States of America, given that there were no objections from the floor. Paragraphs 15 and 16 were also adopted, given that there were no observations from the floor. The Chair turned to paragraph 17.

520. The Secretariat (Mr. Baloch) stated that a sentence would be included as follows, “the Committee decided to continue consideration of this matter at its next session.”

521. The Chair stated that paragraph 17 was adopted, given that there were no observations from the floor. Paragraphs 18, 19, 20 and 21 were subsequently adopted, given that there were no observations from the floor. The Chair turned to paragraph 22 on future work. He requested the Secretariat to read out a list of work for the next session.

522. The Secretariat (Mr. Baloch) read out a list of issues/documents for the next session, highlighting that the first three issues were taken from this session. The list was as follows:

- (i) WIPO GA decision on CDIP-related matters;
- (ii) External Review of WIPO Technical Assistance in the Area of Cooperation for Development;
- (iii) Project on IP and Tourism, proposed by the Delegation of Egypt;
- (iv) Director General’s Report on Implementation of the DA;
- (v) Evaluation reports on projects nearing completion;
- (vi) Outputs from some projects. These may include studies and the outcome of the High-Level Expert Forum under the project on IP and Technology Transfer: “Common Challenges - Building Solutions”;
- (vii) Document on two patent-related flexibilities. At the last session, the Committee decided that the document would be prepared for discussion. It would be presented in the next session; and,
- (viii) Pilot project on activity 1 of the Revised Proposal on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content. The Committee decided that some work should be done in this area.

523. The Chair turned to paragraph 23. The paragraph was adopted, given that there were no observations from the floor. Paragraph 24 was subsequently adopted, given that there were no observations from the floor.

524. The Delegation of the United States of America enquired as to whether paragraph 12 had been revised.

525. The Chair stated that it had been revised based on the comments made by the Delegation of the United States of America.

526. The Secretariat (Mr. Baloch) read out the revised paragraph. It was as follows, "The Committee considered the Revised Report on the Measurement of the Millennium Development Goals (MDGs) in Other UN Agencies and Specialized Agencies, and on the Contribution of WIPO to the Implementation of the MDGs, contained in document CDIP/14/12 Rev. Delegations expressed their appreciation of the Report. Some delegations requested the Secretariat to provide the Committee with continual reporting on WIPO's contribution to the achievement of the MDGs. However, there was no agreement on this request. The Secretariat was requested to report on the post-2015 DA to be adopted".

527. The Delegation of the United States of America did not know if the last sentence was entirely clear. However, if the Secretariat was comfortable with the requirement to report on the post-2015 process, then it was comfortable.

528. The Chair stated that the revised paragraph was adopted given that there were no objections from the floor.

### Closing statements

529. The Chair noted that the session had been very productive. This was a positive signal of its capacity to achieve. He invited the Director General to address the Committee.

530. The Director General noted that this was the Chair's last session in presiding over the work of the CDIP. He recalled that during the Chair's mandates, a huge amount of work had been accomplished by the CDIP. The Committee had considered 81 documents, three reports of the Director General on the implementation of the DA, three progress reports as well as 40 studies and analytical documents. The Committee had also considered and adopted 6 new projects, and evaluated 23 projects. This was a very extensive work program. The mention of all those documents was an indication of how much work had been done during his mandates. In addition, the Committee had developed a very reliable means for monitoring, evaluating and assessing the implementation of projects. That had helped the Organization to move forward. Considerable work was done on the measurement of WIPO's contribution to the achievement of the MDGs. A significant work program was undertaken on patent-related flexibilities. During this session, two significant agreements were achieved with respect to the TOR for the Independent Review and the list of speakers for the International Conference on IP and Development. He assured the Committee that the Secretariat was committed to the implementation of the decisions that were taken.

531. The Deputy Director General (Mr. Onyema) stated that the common objective was to use or to facilitate the use of IP as a tool to enable, in this particular context, developing countries to advance socially, economically and industrially. He firmly believed that all Member States had the firm commitment and conviction that IP could and should be used as a tool for development. A great deal had been achieved. There had been challenges. Nevertheless, it was a work in progress, and the Committee was moving forward. There was still a lot to achieve and the Committee was capable of achieving them. He wished the Committee all the best in its work.

532. The Delegation of Kenya, speaking on behalf of the African Group, referred to the progress achieved during the session. The Group hoped that work in the Committee would continue to progress. It also hoped that the Committee would be able to conclude on many of the issues where consensus had not been reached.

533. The Delegation of Japan, speaking on behalf of Group B, stated that the Committee made significant progress on items, including longstanding items, at this session. For the first time, there was a good spirit of compromise in the new conference hall. The Group hoped that this would continue and allow WIPO to function in a way that was effective and efficient in order to

contribute to the objective of the Organization. The Group referred to the decision taken with respect to the TOR for the Independent Review. It strongly expected the review to be conducted in a manner that would contribute to the objective of the Organization. With regard to the International Conference and the Expert Forum, the Group believed that the discussions at those events would focus on IP as a tool for development. The Group did not want to use the word "impasse" in the context of the Organization, but at the same time, the situation was not business as usual. From that perspective, the Group strongly believed that the achievements at this session could bring a new era for future discussions at various WIPO committees. This good forward-looking spirit should continue in order to achieve good results for the Organization and all Member States.

534. The Delegation of Pakistan, speaking on behalf of the Asia Pacific Group, stated that it was heartening to conclude a meeting productively after quite some time. Some longstanding issues were resolved. The Group hoped that the spirit of flexibility and compromise would continue in future CDIP sessions and other meetings.

535. The Delegation of Brazil stated that the Committee had managed to conclude some lingering issues on its agenda. However, it was just a step in the right direction. The TOR for the Independent Review of the Implementation of the DA Recommendations was a good example. It consisted of precise language to guide the work of the experts. Hopefully, they would prepare a high-quality review based on it. The title of the approved document included the word "review". Although the TOR and the review itself were important, they were just intermediate steps to reach the objectives that needed to be achieved. The Delegation was sure that the experts would come up with an insightful evaluation of everything that was done in the Organization, pointing to things that were working well and suggesting ways to improve others that could work better. It was then up to Member States to use this tool to better the implementation of the 45 recommendations that were agreed seven years ago. It was only by doing so that they would remain true to the objective of gradually mainstreaming them into WIPO's work. Similarly, the outcome of the discussions on the International Conference on IP and Development was very promising. It showed that Member States could find solutions for impasses when they all demonstrated flexibility. The Delegation hoped that the Secretariat would draw up a new list that was balanced, not only in terms of geographical representation, but also included speakers who held a myriad of views on IP and development. It was sure that the new list would be endorsed by all Member States. Finally, the Delegation was confident that all Member States would benefit from the discussions at the High-Level Expert Forum on International Technology Transfer. It was also sure that there would be fruitful discussions in future sessions of the Committee on the recommendations that would result from the project.

536. The Delegation of the Czech Republic, speaking on behalf of CEBS, joined other delegations in reflecting on the results of this session. These included not only fruitful discussion on studies and projects but also some difficult elements that required a fair amount of flexibility on the part of all Member States. The Group hoped that the CDIP would continue in a similar manner in future sessions. It considered the Committee as the principal body for assessing the implementation of DA recommendations within WIPO. The Committee was the most appropriate forum for Member States to share their experiences and views in the field of IP and development. Expertise in this complex issue should be concentrated in one body of the Organization. Attendance and more frequent inputs by experts from national IP offices were needed to provide expertise and build knowledge in the field of IP and development. The Group would welcome that. Prolonged procedural and statutory debates should be restricted. The needs of IP offices, users of existing IP systems and other stakeholders should be reflected in a more explicit manner in the Committee's debates. Besides existing evaluation procedures, the working methods and modalities of the Committee should be further reviewed and improved. The presentation of best practices and feedback from beneficiaries acquired during the implementation of DA projects were appreciated. The review process should continue in order to make the evaluations clear, transparent, evidence-based and reasoned. Projects and related



WIPO activities should be oriented to the needs of Member States. That was one side of the coin. The quality, efficiency, and sustainability of DA projects and activities were the other side of the same coin. The proactive engagement of Member States in this process was a precondition for success in terms of the Committee's work on the implementation of the DA. Therefore, the Group was open to any debate on existing projects and new projects proposal based on the demands of Member States. A demand-driven process should be strengthened in this manner to appropriately reflect the different needs of developing countries, LDCs, countries in transition, Member States in different geographical regions, Member States with different market sizes and intensity of utilizing IP systems.

537. The Delegation of Paraguay, speaking on behalf of GRULAC, stated that the results achieved during the session and the work carried out under the guidance of the Chair, as mentioned by the Director General, proved that the Committee worked. It was able to achieve concrete outcomes. The Group hoped that this was the start of a new dynamic process in the committees that would continue in the future.

538. The Delegation of Uruguay stated that the Committee had been able to find areas of understanding and agreement. The Committee was on a good path with a new spirit. This was obvious. Member States had demonstrated flexibility. This constructive spirit made the achievements possible. The Delegation hoped that it would continue to prevail in future sessions to enable the Committee to reach further and better agreements.

539. The Delegation of China hoped that the spirit of cooperation would continue to prevail in order for the CDIP to achieve further success in the future. It stood ready to work with all delegations in this regard.

540. The Delegation of Nigeria stated that the Committee had done a lot of constructive work during the session. Although delegations did not achieve all the results that they expected, it had been a very productive session.

541. In their closing statements, the Chair, Member States, the Director General and the Secretariat thanked everyone for their participation and work during the session. Member States and the Director General also thanked the outgoing Chair for guiding the work of the Committee, and the outgoing Deputy Director General, Mr. Geoffrey Onyema, for his 29 years of service to the Organization. They wished them every success in their future endeavors.

[Annex follows]

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II. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/  
INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

ORGANISATION MONDIALE DU COMMERCE (OMC)/WORLD TRADE  
ORGANIZATION (WTO)

Jayashree WATAL (Ms.), Counsellor, Intellectual Property Division, Geneva

WU Xiaoping (Ms.), Counsellor, Intellectual Property Division, Geneva

SOUTH CENTRE

Viviana MUÑOZ TÉLLEZ (Ms.), Manager, Innovation and Access to Knowledge Programme, Geneva

Carlos CORREA, Special Advisor, Trade and Intellectual Property, Geneva

German VELÁSQUEZ, Special Advisor, Health and Development, Geneva

Nirmalya SIAM, Programme Officer, Innovation and Access to Knowledge Programme, Geneva

Daniela GUERAS (Ms.), Intern, Innovation and Access to knowledge Programme, Geneva

ORGANISATION AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE (OAPI)/AFRICAN  
INTELLECTUAL PROPERTY ORGANIZATION (AIPO)

Worou Die-Donné ALAGBE, directeur général, Agence nationale de la propriété industrielle (ANAPI), Ministère de l'industrie, du commerce et des petites et moyennes entreprises, Cotonou

Luis Maria SABADEL BIZANTINO, vice-président, Conseil de la science et la recherche technologique, Conseil de recherche scientifique et technologique (CICTE), Malabo

L'UNION AFRICAINE (UA)/AFRICAN UNION (AU)

Georges Rémi NAMEKONG, Minister Counsellor, Geneva

UNION EUROPÉENNE/EUROPEAN UNION

Margreet GROENENBOOM (Mrs.), Policy Officer, Directorate General Marketing, Industrial Property, Legal and Policy Affairs, Brussels

OFFICE DES BREVETS DU CONSEIL DE COOPÉRATION DES ÉTATS ARABES DU GOLFE (CCG)/PATENT OFFICE OF THE COOPERATION COUNCIL FOR THE ARAB STATES OF THE GULF (GCC PATENT OFFICE)

Nourah ALAJMI (Mrs.), Formal Examiner, Formal Examination, Riyadh

Nourah ALHOKAIR (Ms.), Formal Examiner, Grant and Publishing, Riyadh

ORGANISATION DE COOPÉRATION ISLAMIQUE (OCI)/ORGANIZATION OF ISLAMIC COOPERATION (OIC)

Halim GRABUS, premier secrétaire, Délégation permanente, Genève

III. ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES/  
INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Asociación Argentina de Intérpretes (AADI)

Susana RINALDI (Sra.), Directora, Relaciones Internacionales, Buenos Aires

Martin MARIZCURRENA ORONOZ, Consultor, Asuntos Internacionales, Buenos Aires

Association internationale pour le développement de la propriété intellectuelle (ADALPI)/International Society for the Development of Intellectual Property (ADALPI)

Brigitte LINDNER (Ms.), Chair, Geneva

Association européenne des étudiants en droit (ELSA International)/European Law Students' Association (ELSA International)

Francesco ARMAROLI, Representative, Brussels

Nikoleta CHRISTOFIDI (Mrs.), Representative, Brussels

Jan DOHNAL, Representative, Brussels

Alexandra MOLITORISOVA (Mrs.), Representative, Brussels

Mine TUNCAY (Mrs.), Representative, Brussels

Association latino-américaine des industries pharmaceutiques (ALIFAR)/Latin American Association of Pharmaceutical Industries (ALIFAR)

Luis Mariano GENOVESI, Asesor, Buenos Aires

Association littéraire et artistique internationale (ALAI)/International Literary and Artistic Association (ALAI)

Victor NABHAN, président, Paris

Cámara Industrial de Laboratorios Farmacéuticos Argentinos (CILFA)

Alfredo CHIARADIA, Director General, Buenos Aires



Confédération internationale des éditeurs de musique (CIEM)/International Confederation of Music Publishers (ICMP)

Coco CARMONA (Ms.), Head, Legal and Regulatory Affairs, Brussels

Centre international pour le commerce et le développement durable (ICTSD)/International Center for Trade and Sustainable Development (ICTSD)

Pedro ROFFE, Senior Associate, Geneva  
Ahmed ABDEL LATIF, Senior Program Manager, Geneva  
Anand NITHYA (Ms.), Program Assistant, Geneva  
Daniel ROBINSON, Visiting Fellow, Geneva

Comité consultatif mondial de la société des amis(CCMA)/Friends World Committee for Consultation (FWCC)

Jonathan WOOLLEY, Director, Geneva  
David ELLIOTT, Programme Assistant, Food and Sustainability, Geneva  
Susan BRAGDON (Ms.), Representative, Geneva

Conseil national pour la promotion de la musique traditionnelle du Congo (CNPMTC)

Jacques MATUETUE, président, Kinshasa  
Genéviève MBONGO KIESE (Mme), attaché de presse, Kinshasa  
Marien MABILA LOLA (Mme), chargé du développement et questions juridiques, Kinshasa

CropLife International

Tatjana R. SACHSE (Ms.), Legal Advisor, Geneva

Fédération ibéro-latino-américaine des artistes interprètes ou exécutants (FILAIE)/Ibero-Latin-American Federation of Performers (FILAIE)

Luis COBOS PAVÓN, Presidente, Madrid  
José Luis SEVILLANO ROMERO, Presidente del Comité Técnico, Madrid  
Paloma LÓPEZ PELÁEZ (Sra.), Miembro del Comité Jurídico, Madrid  
Miguel PÉREZ SOLÍS, Asesor Jurídico de la Presidencia, Madrid

Fédération internationale de la vidéo (IFV)/International Video Federation (IVF)

Scott MARTIN, Legal Advisor, Brussels  
Benoît MÜLLER, Legal Advisor, Brussels

Fédération internationale de l'industrie du médicament (FIIM)/International Federation of Pharmaceutical Manufacturers Associations (IFPMA)

Manisha DESAI (Ms.), Senior Advisor, Geneva

Fédération internationale des associations de producteurs de films (FIAPF)/International Federation of Film Producers Associations (FIAPF)

Bertrand MOULLIER, Senior Advisor, Paris

Fédération internationale des organismes gérant les droits de reproduction (IFRRO)/International Federation of Reproduction Rights Organizations (IFRRO)

Olav STOKKMO, Chief Executive and Secretary General, Brussels  
Anita HUSS (Mrs.), Legal Consultant, Brussels  
Pierre-Olivier LESBURGUERES, Legal Assistant, Brussels

Health and Environment Program (HEP)

Madeleine SCHERB (Mme), économiste, présidente, Genève  
Pierre SCHERB, conseiller juridique, Genève

Ingénieurs du Monde (IdM)

François ULLMAN, président, Divonne

International Institute for Intellectual Property Management (I3PM)

Ana Vigouroux (Mrs.), Intellectual Property Lawyer, Munich

International Network for Standardization of Higher Education Degrees (INSHED)

François ULLMAN, President, Geneva

Knowledge Ecology International, Inc. (KEI)

Thiru BALASUBRAMANIAM, Managing Director, KEI Europe, Geneva

Maloca Internationale

Leonardo Rodríguez-Pérez, Chair, Geneva  
Laura Rodríguez-Pérez (Mrs.), Representative, Geneva

Medicines Patent Pool Foundation

Esteban BURRONE, Head of Policy, Geneva  
Erika DUENAS (Ms.), Advocacy Officer, Geneva

Third World Network

Gopakumar KAPPOORI, Research Advisor, Geneva

Union internationale des éditeurs(UIE)/International Publishers Association (IPA)

Jens BAMMEL, Secretary General, Geneva  
José BORGHINO, Policy Director, Geneva

IV. BUREAU/OFFICERS

Président/Chair: Mohamed Siad DOUALEH (Djibouti)

Secrétaire/Secretary: Irfan BALOCH (OMPI/WIPO)

V. SECRÉTARIAT DE L'ORGANISATION MONDIALE DE LA PROPRIÉTÉ  
INTELLECTUELLE (OMPI)/SECRETARIAT OF THE WORLD INTELLECTUAL  
PROPERTY ORGANIZATION (WIPO)

Francis GURRY, directeur général/Director General

Geoffrey ONYEAMA, vice-directeur général/Deputy Director General

Irfan BALOCH, secrétaire du Comité du développement et de la propriété intellectuelle (CDIP) et directeur, Division de la coordination du Plan d'action pour le développement/Secretary to the Committee on Development and Intellectual Property (CDIP) and Director, Development Agenda Coordination Division

Georges GHANDOUR, administrateur principal de programme, Division de la coordination du Plan d'action pour le développement/Senior Program Officer, Development Agenda Coordination Division

Ammar IBRAHIM, administrateur adjoint chargé de l'appui au programme, Division de la coordination du Plan d'action pour le développement/Associate Program Support Officer, Development Agenda Coordination Division

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