

CDIP/29/6 ORIGINAL: ENGLISH DATE: AUGUST 17, 2022

Committee on Development and Intellectual Property (CDIP)

Twenty-Ninth Session Geneva, October 17 to 21, 2022

IMPLEMENTATION OF THE ADOPTED RECOMMENDATIONS OF THE INDEPENDENT REVIEW – UPDATED PROPOSAL BY THE SECRETARIAT AND MEMBER STATES INPUTS

prepared by the Secretariat

- 1. An Independent Review of the Implementation of the Development Agenda Recommendations was undertaken in 2016. The Independent Review, contained in document CDIP/18/7, has been under discussion by the Committee on Development and Intellectual Property (CDIP) at multiple sessions.
- 2. In this context, at its twenty-second session, the CDIP requested the Secretariat to propose for the Committee's consideration the modalities and implementation strategies for the adopted recommendations of the Independent Review, as well as options for the reporting and reviewing process.
- 3. The Secretariat's proposal, contained in document CDIP/23/8, was presented to the twenty-third session of the CDIP. It was prepared taking into account inputs received from Member States¹ and the response of the Secretariat to the recommendations of the Independent Review.² The proposal contained 15 strategies, as well as modalities of implementation for each of them.

¹ The inputs are contained in documents CDIP/21/11, CDIP/22/4 Rev and CDIP/23/3. A compilation is also available in Annex I to document CDIP/23/8.

² Document CDIP/19/3.

- 4. At the twenty-third session, the Committee agreed on eight implementation strategies and decided to continue discussing the remaining ones, as well as the reporting and reviewing options, at the following session.³
- 5. At its twenty-fourth session, the Committee agreed on implementation strategy 13 and decided to continue discussing the remaining ones (1, 2, 3, 4, 7 and 15), as well as the reporting and reviewing options, at the following session. The Committee also considered document CDIP/24/15, which contained a new proposal by South Africa on this matter, and decided to revisit this document at the subsequent session. ⁴
- 6. The Committee did not discuss this agenda item from its twenty-fifth to twenty-seventh sessions, due to the truncated agenda of the CDIP sessions during the COVID-19 pandemic.
- 7. At its twenty-eighth session, the Committee:

"requested the Secretariat to update document CDIP/23/8, based on the comments by Member States, for consideration of the Committee at its next session. Member States were invited to communicate to the Secretariat their views on documents CDIP/23/8 and CDIP/24/15 with a 3-month lead before the next CDIP session."

- 8. The present document contains the updated proposal by the Secretariat, as well as inputs by Member States.
- I. UPDATE TO MODALITIES AND IMPLEMENTATION STRATEGIES
- 9. The following table reproduces the implementation strategies and modalities that have not yet been agreed upon by the Committee, together with an update. It has been prepared taking into account the new work undertaken by the Organization, as well as Member States discussions during previous CDIP sessions.
- 10. The implementation strategies and modalities already agreed upon by the Committee are contained in the Annex to this document, for ease of reference. It is recalled that implementation of the agreed strategies has been kept pending until the Committee takes a decision on the remaining ones⁵.

Implementation Strategy	Modalities	Update
1. Further use of the new agenda item "IP and Development" to hold high-level discussions on the work of the Organization on	- When deciding the topic to be addressed under the agenda item "IP and Development" in future CDIP sessions, Member States would	Member States discussions in previous sessions reflect an agreement on the first part of this strategy regarding the use of the agenda item on IP and Development to discuss "the work of
new emerging issues related to IP. Member States are encouraged to submit topics of	take into account that the debate should be "high level" and revolve	the Organization on new and emerging issues related to IP", provided that the topics to be addressed under that agenda item

³ Para. 9.8 of the Summary by the Chair of CDIP/23. The agreed implementation strategies were: 5, 6, 8, 9, 10, 11, 12 and 14.

⁴ Paras. 8.9 and 8.10 of the Summary by the Chair of CDIP/24.

⁵ Para. 381 of the document <u>CDIP/23/17</u>, Report of the 21st session of the CDIP.

Implementation Strategy	Modalities	Update
discussion, which would be included in the roster of topics to be addressed under the agenda item "IP and Development". The Committee would consider, inter alia, how to best respond to evolving circumstances and the emerging development challenges faced by the IP system. With a view to ensuring a more meaningful discussion, experts from capitals could be appointed by Member States to participate in the CDIP sessions. Further, leading academics, members of civil society and other UN bodies and IGOs could also be invited to participate in these discussions. This would enrich the exchange and help raise awareness about the DA.6	around new emerging issues related to IP. The Secretariat, if requested to participate by making a presentation on the topic under discussion or through other means, would ensure that the content of its presentation aims at addressing the question of how to best respond to evolving circumstances and emerging development challenges faced by the IP system, taking into account the global trends on the matter. The Secretariat would share with experts from capital, appointed to participate in the discussion by Member States, the relevant information for the preparation of the session. The Secretariat, in consultation with the Chair of the CDIP, would identify the academics, members of industry and civil society, as well as other UN bodies and IGOs who could participate in each of the discussions under the agenda item "IP and Development", depending on the issue to be addressed. It would organize their participation and share the information about participants through WIPO's website (i.e., the	are not limited only to "new and emerging issues". It is hence proposed that the Committee's discussion focuses on the last part of the strategy: "With a view to ensuring a more meaningful discussion, experts from capitals could be appointed by Member States to participate in the CDIP sessions. Further, leading academics, members of civil society and other UN bodies and IGOs could also be invited to participate in these discussions. This would enrich the exchange and help raise awareness about the DA." As well as the last two modalities: "- The Secretariat would share with experts from capital, appointed to participate in the discussion by Member States, the relevant information for the preparation of the session. -The Secretariat, in consultation with the Chair of the CDIP, would identify the academics, members of industry and civil society, as well as other UN bodies and IGOs who could participate in each of the discussions under the agenda item "IP and Development", depending on the issue to be addressed. It would organize their participation and share the information about participants through WIPO's website (i.e., the web page dedicated to the roster of topics to be addressed under the agenda item "IP and Development")."

 $^{^{6}}$ This implementation strategy, and relevant modalities, address the adopted recommendations of the Independent Review 1, 4, 6 and 12.

Implementation Strategy	Modalities	Update
	web page dedicated to the roster of topics to be addressed under the agenda item "IP and Development").	
2. The three one-day International Conferences on IP and Development, which will be held on a biennial basis according to the decision of the CDIP at its twenty-second session, could also be used as <i>forum</i> of higher-level debate on emerging issues related to IP. The Conferences provide a <i>forum</i> for a more open discussion in which not only Member States but also academia, civil society and other IGOs participate and add to the debate, which will also spread information about the DA. ⁷	- The Secretariat would design the program of the Conferences in a manner that complies with the requirement that the discussion be "high level" and revolve around new emerging issues related to IP. - The Secretariat would select a list of speakers for each Conference that is diverse and balanced in relation to, inter alia, their professional background, region, gender, etc. - The Secretariat would also disseminate information about the Conferences through its website and the use of social media to spur interest and participation by a broader audience. - The Secretariat would organize side events in the context of the Conferences, which would reinforce the highlevel debates and add to the discussion from an additional perspective. - The Secretariat would enhance its current activities in organizing or participating in regional events and meetings on subject matters related to the topic of discussion of the relevant Conference. The aim	This strategy is, to some extent, outdated, since two of the three biennial conferences have already taken place. However, a proposal to continue holding biennial conferences has been presented by the African Group for consideration of the current session of the Committee (document CDIP/29/3). The relevance of this strategy is therefore closely linked to the Committee's decision on that proposal.

 $^{^{7}}$ This implementation strategy, and relevant modalities, address the adopted recommendations of the Independent Review 1, 4 and 12.

Implementation Strategy	Modalities	Update
	would be to integrate regional perspectives in the Conference.	
item under the agenda item "IP and Development" could be added to the CDIP agenda for Member States to share their experiences in addressing IP and development concerns, including the implementation of DA projects, on a voluntary basis. This sub-agenda item would be a place for the exchange of strategies, lessons learnt and best practices of Member States in IP and development matters.8	- Before each session of the CDIP, the Secretariat would invite Member States, through Regional Coordinators, to express their interest in sharing their experience on IP and development matters Interested Member States would be requested to suggest the topic to be addressed. If applicable, Member States' presentations could build upon the discussions of Member States in the context of the web-forum on technical assistance The Secretariat would include the list of interested Member States and the topics of their presentations in the agenda of the session, under the new subagenda item During each session of the CDIP, the concerned Member States would make a presentation on their experiences, followed by an exchange of views in the Committee The Secretariat would make available the presentations made by Member States and highlights and	This strategy has partially been addressed, in practice, through the use of the agenda item "IP and Development". Member States have shared, on a voluntary basis, their experiences on IP and Development concerns, in relation to the topic of discussion at each session. There has been no need to create a dedicated sub-agenda item for such sharing of experiences. In addition, the Secretariat is currently undertaking new activities on South-South, North South and Triangular cooperation in relation to DA projects. These could offer an alternative forum for Member States to share strategies, lessons learnt and best practices on IP and development matters, including in the implementation of DA projects. It is hence proposed that the Committee considers that this strategy is no longer necessary.

⁸ This implementation strategy, and relevant modalities, address the adopted recommendations of the Independent Review 1, 6 and 7.

⁹ The CDIP, at its eighteenth session, approved a six-point proposal which, *inter alia*, requested the Secretariat to establish a web forum for sharing ideas, practices and experiences on technical assistance (para. 7.5 of the Summary by the Chair).

Implementation Strategy	Modalities	Update
	conclusions of the session on WIPO's website.	
4. UN agencies, other IGOs and NGOs could be invited to CDIP sessions to share their experiences in the implementation of SDGs. This would build upon WIPO's existing approach to encourage other entities' participation in meetings and events organized by WIPO. ¹⁰	- The Secretariat would invite Member States to propose that another UN agency or IGO be invited to the CDIP to share their experiences in the implementation of SDGsShould the proposal be approved by the Committee, the Secretariat would organize the participation of the concerned entity at the subsequent session of the CDIP.	No update is deemed necessary on this strategy. It is recalled that the Committee had discussed the possibility of amending the first sentence of this strategy, in order to better align it with the relevant modalities and with recommendation 4 of the Independent Review. The following two options had been put forward: Proposal by the Chair: UN agencies and other IGOs could be invited to CDIP sessions to share their experiences in the implementation of SDGs. Proposal by the Delegation of Iran: UN development agencies could be invited to CDIP sessions to share their experiences in the implementation of SDGs.
7. The DACD could develop a database to systematically compile the main lessons learnt and best practices in the implementation of DA projects, on the basis of the evaluation reports of completed projects. The database would be available for consultation on WIPO's website. 11	- The DACD would compile information on the lessons learnt and best practices in the implementation of DA projects through a new database or an existing database, if appropriate The information to be included in the database would be drawn from, inter alia, the completion and evaluation reports of completed projects Further details about the structure and functionalities of the database would be	The new work undertaken by the Organization has addressed this strategy, namely: As part of the implementation of the DA Project on Tools for Successful DA Project Proposals, the Secretariat, among others, revised the DA project management methodology and produced an online searchable Catalogue of DA projects and outputs: https://dacatalogue.wipo.int/projects . The Catalogue compiles information about completed and ongoing DA projects, including, inter alia, their completion and evaluation reports. These reports highlight the

¹⁰ This implementation strategy, and relevant modalities, address the adopted recommendations of the Independent Review 1, 4 and 12.

11 This implementation strategy, and relevant modalities, address the adopted recommendations of the Independent Review 3, 7 and 12.

Implementation Strategy	Modalities	Update
	shared with Member States in a document that would be presented to the Committee.	key lessons learned during the implementation of DA projects. In addition, as a result of the revision of the methodology, project managers will prepare a dissemination note once a DA project is completed. The note will include key findings and recommendations emanating from the project, with the aim to facilitate their scaling up or replication in other scenarios. It will also contain key takeaways for WIPO and Member States, and it will be published on the Catalogue. Lastly, in line with the Secretariat's proposed Strategy for future enhancement of WIPO Match, 12 the improved platform that will replace the current WIPO Match will include a section dedicated to best practices and success stories in the use of IP for development. It is hence proposed that the Committee considers that this strategy is already being addressed, in practice.
15. WIPO could further its existing approaches for the dissemination of information about the DA, its implementation and other development-related activities, such as: robust DA presence on WIPO's website which is regularly updated; use of social media (i.e., video clips published on youtube summarizing CDIP sessions; use of twitter); webcasting of events;	- The Secretariat would design a new Distance-Learning Course to be offered by the WIPO Academy on the DA, highlights of its implementation, main outputs, current activities, role and function of the CDIP, and the key topics under discussion, inter alia. The Secretariat would develop the course which, when finalized, would be included in the catalogue of Distance-	The new work undertaken by the Organization has partially addressed this strategy, namely: A new DL course on Successful DA Projects has been developed in coordination with the WIPO Academy. The course offers an introduction to the DA and, specifically, on how to design and implement DA projects. This development addresses the first proposed modality. In addition, as part of the implementation of the DA Project on Tools for Successful DA Project

¹² Document CDIP/28/5.

Implementation Strategy	Modalities	Update
WIPO's Academy training content, which integrates development-related aspects of IP; implementation of DA projects; or publications. 13	Learning Courses of the WIPO Academy. - Upon the request of Member States, the DACD would organize activities that contribute to an enhanced understanding of the DA. -On the basis of the database of lessons learnt referred to in implementation strategy 7, WIPO would develop an online tool to make information and statistics about DA projects (inter alia, the subject matter, region, date of completion or DA recommendations addressed) easier to use for interested actors. - WIPO would develop a series of publications on outputs and studies undertaken in the context of the DA.	Proposals, a Catalogue of DA projects has been produced: https://dacatalogue.wipo.int/projects. The Catalogue compiles information about completed and ongoing DA projects. This addresses the third proposed modality. It is hence proposed that the Committee considers that this strategy is already being partially addressed, in practice. The Committee's discussion should focus on the following two modalities: "-Upon the request of Member States, the DACD would organize activities that contribute to an enhanced understanding of the DA. -WIPO would develop a series of publications on outputs and studies undertaken in the context of the DA."

II. INPUTS FROM MEMBER STATES

11. As stated above, at the twenty-fourth session of the CDIP, the delegation of South Africa had proposed an additional implementation strategy, contained in document CDIP/24/15. To date, the Committee has not taken a decision on this matter. The content of that proposal is reproduced below, for the Committee's consideration.

Implementation Strategy	Modalities	Recommendations of the Independent Review
16. WIPO to develop	- The Secretariat (working	3 (Secretariat)
indicators to evaluate the	with the economics division)	7 (Member States, CDIP
	to develop indicators which	and Secretariat)

¹³ This implementation strategy, and relevant modalities, address the adopted recommendations of the Independent Review 12.

Implementation Strategy	Modalities	Recommendations of the Independent Review
impact and efficiency of the DA. ¹⁴	will enable the CDIP to ensure coordination, monitoring, reporting and evaluation of the impact and efficiency of the implementation of the DA, including the sustainability of projects delivered under the framework of the DA.	8 (CDIP and Secretariat) 9 (Member States and Secretariat) 10 (Secretariat) 12 (Member States and Secretariat)

III. OPTIONS FOR REPORTING AND REVIEWING

- 12. The options for reporting and reviewing contained in document CDIP/23/8 are reproduced below, for the Committee's consideration. No update is deemed necessary regarding the options for reporting and reviewing.
- 13. It is recalled that some recommendations are addressed to Member States, some to the Committee and some to the Secretariat¹⁵. In this regard, the Committee, at its nineteenth session, decided that the Secretariat would "report annually on the progress concerning the adopted recommendations addressed to it". The Secretariat's proposed options for reporting and reviewing primarily address the modalities and implementation strategies, where the responsibility of implementation is attributed to the Secretariat. Where the responsibility of implementation is attributed to Member States or the CDIP, the reporting and reviewing would be integrated into the process proposed below to the extent that it proves adequate. With regard to actions of Member States or the Committee for which a different reporting and reviewing methodology might be necessary, the Secretariat would require guidance from the relevant actor on how to address those specific needs.
- 14. The reporting and reviewing is a two-stage process in determining the adequacy of implementation: (i) the first or "reporting" stage is for the Committee to stay informed of activities; and (ii) the second or "reviewing" stage is for the Committee to assess their effectiveness.
- 15. Therefore, the Secretariat's proposal below includes options for (A) reporting and (B) reviewing.
 - A) OPTIONS FOR REPORTING
- 16. The following two possible options for reporting are proposed:

¹⁴ Page 34 of Independent review reads as follows: "The Impact of the DA has still not materialized in accordance with high expectations". Furthermore, page 36 states as follows "Impact of projects and activities is affected by prevailing suspicions and skepticisms around, both, work not sufficiently prone to development and the reconciliation between development considerations, protection and enforcement of intellectual property rights.

¹⁵ Para 6.3 of the Summary by the Chair of CDIP/18 and document CDIP/19/3.

¹⁶ Para. 8.1 of the Summary by the Chair of the nineteenth session of the CDIP.

Option I: Relying on existing reporting instruments

- 17. The reporting process would be integrated into one of the reporting instruments already in place. A new section on the "implementation of the Independent Review" could be added to the Progress Reports, which are submitted to the second session of the Committee every year.
- 18. Additionally, the Secretariat would continue to report on all DA-related activities, including activities for the implementation of the Independent Review, through other means, as and where applicable.

Option II: Producing a separate reporting instrument

19. Alternatively, the Secretariat would provide the Committee, at the second session of the year, with a document specifically devoted to reporting on the progress on the implementation of the recommendations. The report would present detailed information about the actions taken in relation to the implementation strategy.

B) OPTIONS FOR REVIEWING

20. There are also two possible options for reviewing. The two options, however, are not mutually exclusive and, thus, could be implemented in tandem:

Option I: Post-activity review

21. The Secretariat would provide the Committee, at the end of the execution of each of the activities which are part of the implementation strategy, with an external evaluation report. The evaluation report would assess the implementation of the activity, provide an overview of the lessons learnt, and describe further actions to be undertaken, if any.

Option II: Post-implementation review

- 22. The Secretariat would present, on a periodic basis, an external review of the implementation of the recommendations. The review would assess the impact of implementation on Member States, the Committee and the Organization; whether the goals of the recommendations have been achieved; lessons learnt in the process of implementation; and room for improvement.
- 23. This review would be used by the Committee to reassess the merits and shortcomings of the modalities and implementation strategies.
 - 24. The CDIP is invited to consider the information contained in this document.

ANNEX
Implementation Strategies and Modalities agreed by the CDIP

Implementation Strategies	Modalities	Recommendations of the Independent Review
5. WIPO could enhance its current activities in engaging with other IGOs, UN agencies and NGOs (i.e., annual consultation meeting of the Director General and accredited NGOs; engagement for the implementation of the 2030 Agenda). WIPO would continue to participate in events and meetings related to IP and development matters, exchanging views and helping to raise awareness about the DA.	-The Secretariat would continue to identify and participate in events and meetings organized by other UN agencies, IGOs and NGOs to discuss topics related to IP and developmentThe Secretariat would report back to the CDIP on these activities (e.g., in the context of the Progress Reports), subject to their relevance and where appropriate.	1 (CDIP) 4 (CDIP) 12 (Member States and Secretariat)
6. The Secretariat could provide the Committee with impact evaluations of selected DA completed projects.	-The Secretariat would undertake an impact evaluation of a completed DA project every yearThe impact evaluation would assess the long-term impact of the project on the beneficiary countries, as well as its sustainabilityMember States would be able to submit requests in this regardThe Secretariat would undertake the evaluation internally or commission it to an external evaluator.	3 (Secretariat) 7 (Member States, CDIP and Secretariat)
8. The DACD could organize activities with the aim of raising awareness about the DA and that would promote the collaboration of different actors (i.e., Geneva-based delegates, representatives of IP offices, other national authorities, members of civil society and industry) on DA and CDIP-related matters.	-The DACD, in coordination with the Regional Bureaus, would organize activities that enhance awareness about the DA, its implementation and outputs of projects and activities. -The activities would require the joint input of different actors (i.e., Geneva-based delegates, representatives of IP offices, other national authorities, members of civil society and industry) on DA and CDIP-related matters. -Should activities be regional in nature, the DACD would work closely with the relevant Regional Coordinators.	3 (Secretariat) 6 (Member States and CDIP) 12 (Member States and Secretariat)

Implementation Strategies	Modalities	Recommendations of the Independent Review
9. The DACD could organize briefing or training sessions, in order to ensure a more meaningful participation and engagement on DA activities, including CDIP discussions, and to respond to Member States' needs. The sessions could cover specific DA-related substantive issues (i.e., technical assistance, technology transfer) or procedural matters in relation to the CDIP (i.e., preparation of project proposals), as deemed relevant by the Secretariat or as requested by Member States.	-The DACD would organize briefing sessions on key DA and CDIP-related issues when deemed necessaryThe session would be open to the participation of all Member StatesThe DACD would organize the sessions in collaboration with other relevant WIPO sectors. It would also use existing tools in the Organization (i.e., WIPO Match) to identify specific needs of Member States and propose activities to address themMember States would also be able to request that the Secretariat organize briefing sessions on specific topics.	3 (Secretariat) 7 (Member States, CDIP and Secretariat)
10. As a first step in the selection of the beneficiary countries of that project, the Secretariat could undertake an assessment of the absorption capacity and the level of expertise of the countries wishing to participate in a DA project. This assessment would build upon the existing approach of the Secretariat to select beneficiary countries that comply with the selection criteria included in DA project proposals, which aims to ensure that the beneficiary countries have the necessary absorption capacity and are able to derive long-term benefits from the project.	-As a first step in all future DA projects, the Secretariat would undertake an assessment of the absorption capacity and the level of expertise of the Member States requesting to participate in the project as beneficiary countriesThe project manager would work closely with the representatives of each requesting Member State in the preparation of the assessment, which would be subsequently shared with them.	8 (CDIP and Secretariat)
11. Member States could identify relevant UN agencies and other entities that could be involved in the implementation of the project. The project manager would take this information into consideration when implementing a project and establish partnerships with those entities where	-During CDIP discussions on project proposals, Member States would identify UN agencies and other entities which, in their view, should be involved in the implementation of the project, if any. -The Committee would consider this information, together with the project proposal.	7 (Member States, CDIP and Secretariat) 8 (CDIP and Secretariat) 12 (Member States and Secretariat)

Implementation Strategies	Modalities	Recommendations of the Independent Review
appropriate, with a view to enhancing the effectiveness, comprehensiveness and sustainability of the project.	-Once the project proposal is approved, the project manager would design the implementation strategy taking this information into consideration. In this regard, the project manager would review the work undertaken and studies developed by the relevant entities. -Where appropriate and feasible, the project manager would establish partnerships with the concerned entities. -Information concerning partnerships with other entities, if applicable, would be included in the Progress Reports presented annually to the Committee.	
12. With a view to strengthen WIPO's practice of recruiting experts who are well versed and knowledgeable about the socio-economic conditions of the recipient countries, the Secretariat could strive to expand the Roster of Consultants.	-All relevant sectors of WIPO, including the Regional Bureaus and the Economics and Statistics Division, would cooperate to add new experts who are well versed and knowledgeable about the socio-economic conditions of developing countries in its Roster of Consultants. -Member States could provide the DACD with proposals of experts to be included in the Roster of Consultants. -The Secretariat would include the proposed experts in its Roster of Consultants, after assessing the suitability of the proposal.	9 (Member States and Secretariat)
13. Further to the budgetary information on personnel and non-personnel costs and implementation rate of DA projects which is currently included in the Progress Reports, the Secretariat could also include detailed budgetary and actual expenditure information. Additionally, the Progress Reports could specifically indicate how the implementation strategy of DA projects is customized to the	-The structure of the Progress Reports would be modified to: (i) include a section in which budgetary and actual expenditure information is included in the report of each ongoing DA project; and (ii) specify how the implementation strategy is being customized to the needs of each beneficiary country.	8 (CDIP and Secretariat) 10 (Secretariat)

Implementation Strategies	Modalities	Recommendations of the Independent Review
needs of each beneficiary country.		
14. The Secretariat could commit to ensure that future DA projects are not assigned to the same project manager. Should there be a simultaneous assignment of ongoing DA projects to the same project manager, the Secretariat would inform the Committee about the rationale behind such assignment.	-The Secretariat would make its best efforts to avoid assigning future DA projects simultaneously to the same project manager, provided that this is feasible and efficientShould more than one ongoing project be assigned to the same project manager, the Secretariat would present the reasons behind the multiple assignment of projects, for the Committee's consideration.	10 (Secretariat)

[End of Annex and of document]