

## **COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP)**

**Fourth Session**  
**Geneva, November 16 to 20, 2009**

### **REPORT**

*adopted by the Committee*

1. The Fourth Session of the CDIP was held from November 16 to 20, 2009.
2. The following States were represented: Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Barbados, Belarus, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, France, Germany, Ghana, Greece, Guinea, Haiti, Holy See, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Mauritius, Mexico, Monaco, Morocco, Myanmar, Nepal, Netherlands, Nigeria, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Russian Federation, Rwanda, Senegal, Serbia, Singapore, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe (95).
3. The following intergovernmental organizations (IGOs) took part as observers: United Nations Conference on Trade and Development (UNCTAD), the World Health Organization (WHO), Commission of the European Communities (CEC), African Regional Intellectual Property Organization (ARIPO), League of Arab States (LAS), European Patent Office (EPO), Organization of the Islamic Conference (OIC), Eurasian Patent Organization (EAPO), the World Trade Organization (WTO), African, Caribbean and

Pacific Group of States (ACP Group), Organisation Internationale de la Francophonie (OIF) and South Centre (12).

4. Representatives of the following international non governmental organizations (NGOs) took part as observers: 3D - Trade - Human Rights - Equitable Economy (3D), American Intellectual Property Law Association (AIPLA), Association IQSensato (IQSensato), British Swiss Chamber of Commerce (BSCC), Centre for International Environmental Law (CIEL), Centre for International Intellectual Property Studies (CEIPI), Co ordinating Council of Audiovisual Archives Associations (CCAAA), Creative Commons (CC), CropLife International, Electronic Frontier Foundation (EFF), Free Software Foundation Europe (FSF Europe), Ibero Latin American Federation of Performers (FILAIE), Institute for Policy Innovation (IPI), International Center for Trade and Sustainable Development (ICTSD), International Federation of Associations of Film Distributors (FIAD), International Federation of Film Producers Associations (FIAPF), International Federation of Pharmaceutical Manufacturers Associations (IFPMA), International Federation of Reproduction Rights Organizations (IFRRO), International Federation of the Phonographic Industry (IFPI), International Trademark Association (INTA), International Video Federation (IVF), Knowledge Ecology International (KEI), Organization for an International Geographical Indications Network (oriGIn), Third World Network (TWN), and University of São Paulo's Research Group on Access to Information (GPOPAI). (25).
5. In the absence of Ambassador Trevor C. Clarke, elected Chair of the CDIP, and in accordance with Rule 10.1 of the WIPO General Rules of Procedure, Mr. Mohamed Abderraouf Bdioui of Tunisia chaired the Meeting.
6. The Chair welcomed all the delegates to the fourth session of the CDIP. He stated that it was a great honor for him to address the meeting and Chair the Committee, an assignment that he was set to discharge with all the serenity required. The Chair assured the Committee that he would spare no effort to steer its work to a successful conclusion with all the impartiality and equity required of him. He expressed confidence that he could count on the Committee Members for their spirit of openness, mutual understanding and trust and expressed his belief that a spirit of openness would be helpful in making the meeting fruitful and constructive. The Chair paid homage to Ambassador Clarke for his remarkable work for the Committee and appreciated his human and professional capacities which were instrumental in the success of the Committee. He wished Ambassador Clark every success in his new functions. The Chair expressed his appreciation to the Secretariat for its considerable efforts in ensuring that the work of the Committee proceeded apace and for providing the members of the Committee with all the documents in all languages. He commended the effort which, he stated, was testimony to the Secretariat's goodwill and its effort to improve performance. This confirmed that the International Bureau was committed to its task. The Chair informed the delegates that the Agenda comprised 9 items and that all of them were important. He recognized that some items were more pressing. In that regard he mentioned agenda items 4, 5 and 6, and stated that somewhat less urgent, but just as substantial, were items 4 or 7. The Chair stated that, in the light of consultations he had with several delegations, the aim was to attribute the necessary importance to the various agenda items and make sure that they were equitably considered and treated in conformity with the wishes of delegations. The Chair informed the Committee that he would be drawing up the work program based upon his personal conviction that the Committee needed to work in a very structured way, which would enable it to conduct the work as it should and for example not give more priority to some points than others, so that no item would be relegated to an inferior position. He expressed the wish to see all items come up for discussion as a matter of priority and that in order to do so, he would try, throughout the week, to abide by the following program of work: that morning, the Committee would adopt items 1, 2 and 3 of the Agenda and then listen to the general

statements. He hoped that the general statements would be short, to the point, clear and that they would not be redundant. He also hoped that towards the end of the day's proceedings, the Committee would be able to finalize projects contained in documents CDIP/4/3, 4/4 and 4/5, which were drafts that were discussed at the third session of the CDIP. He hoped that those drafts would not pose too much of a difficulty when it came to adopting them. Continuing with the introduction of the Program, he said that on Tuesday the Committee would begin its consideration of the new draft project proposals and that they would try to look at agenda item 4 that afternoon, which was the review of progress on implementation. On Wednesday they would come back to item 5 in the morning and in the afternoon they would look at item 6. On Thursday morning they would look at item 5 and at item 6 in the afternoon. On Friday the Committee would spend its time discussing the future work on item 7 of the Agenda and the Chair's summary, and the Chair hoped that by the end of Thursday they would have completed discussions on the substantive items on the Agenda. He concluded by stating that it was an initiative on his part as the Chair, after consultations with all the delegations, and he hoped that the proposal would be acceptable to all. The Chair then invited delegations to consider and adopt the provisional agenda of the session contained in CDIP/4/1/prov 2 with the understanding that they would consider all items on the Agenda in the light of the work program he had just presented. He recalled that they would begin with item 5 on Tuesday, and on Wednesday afternoon, they would look at item 6, by way of example.

7. The Delegation of Brazil thanked the Chair for the great effort he had made in trying to address the concerns that some members had relating to item 6 of the Agenda which was the Coordination Mechanisms discussion. The Delegation recognized that there was a lot to discuss on that issue and recalled that they had expressed concerns regarding the need to have enough time to discuss the issue and also for informal and other consultations among members that might be necessary. The Delegation expressed satisfaction that the Chair presented the compromise, that was reached informally that morning among all members, to start the discussions on the matter on Wednesday afternoon.
8. The Chair thanked Brazil for its support and encouragement and, noting that there were no other requests for the floor, suggested that they adopted the Agenda and thanked delegates for the trust placed in him. He believed that they were all seasoned in their work and were used to working in that Committee and hoped that they could all work together towards the success of the Committee's work.
9. The Chair invited the Committee to consider item 2 of the Agenda, Accreditation of Observers, document CDIP/4/13, and gave the floor to the Secretariat.
10. The Secretariat informed the Committee that the Organization had received requests from three non-governmental organizations (NGOs), namely, the Creative Commons (CC), the Industry of São Paola's Research Group on Access to Information (GPOPAL) and the British-Swiss Chamber of Commerce (BSCC). The Secretariat stated that the rules of the CDIP, as adopted at its first session, provided for accreditation of NGOs requesting participation in the CDIP for a period of one year. The document CDIP/4/13 accordingly invited the consideration of requests from the three NGOs.
11. The Delegation of Yemen thanked the Chair and noted that the document in its possession had reference 4/14 but that in Arabic the reference was 4/13. The Delegation requested that the error be corrected.
12. In reply to Delegation of Yemen the Secretariat stated that after the informal session held prior to the CDIP, the draft Agenda had been revised and the latest version was

contained in CDIP/4/1/Prov 2. The Secretariat suggested that the distinguished Delegation of Yemen had an earlier version of the Agenda.

13. The Chair asked if there were any objections to the proposal regarding the requests from three NGOs. In the absence of any objections, the Chair announced that they would be accepted as ad-hoc observers for a period of one year. He congratulated the representatives of the NGOs and invited them to join the Committee in the room.
14. The Chair then invited Mr. Francis Gurry, Director General of WIPO, to address the Committee.
15. The Director General thanked the Chair for giving him the opportunity to express, on behalf of the Secretariat, his cautious optimism that they had commenced the process of making some good progress in the Development Agenda which, he recalled, was the unanimous desire of the full membership of the Organization. He announced that the two particular tools that the Secretariat had managed to adopt and deploy in the course of the previous twelve months had been a project-based methodology and the notion of mainstreaming the Development Agenda into all of the work of the Organization, and in that regard it was particularly pleasing to see that nine projects were already under implementation and that another three projects had been approved by that Committee at its Third Session. The Director General stated that they had recently seen good examples of the way in which mainstreaming could occur. One such example was the mainstreaming of the Development Agenda recommendations into the draft Program and Budget as adopted by the Member States for the biennium 2010-2011. They had also seen that, within the context of the Advisory Committee on Enforcement (ACE) which met just the week before the previous week, there was a very thorough discussion on Recommendation 45 of the Development Agenda. In terms of implementation of other initiatives, the Director General, expressing his pleasure, informed the Committee of the Access to Research for Development and Innovation (ARDI) project, which was about access to research for development and innovation; a facility that was unveiled at the time of the Ministerial Conference for the Least-Developed Countries (LDCs) earlier in the year. He further informed the Committee that under the ARDI project, which was being carried out in cooperation with the International Publishers Association (IPA) and in particular the scientific, medical and technical publishers, a database of scientific periodicals was made available to anyone in an LDC, free-of-charge. He added that any of the 58 developing countries that fit into the low and middle income categories of the World Bank would have access to ARDI for a price of US\$1,000 a year. He said that ARDI gave access to scientific periodicals and technical journals and noting that the commercial subscription fee was US\$400,000 per year, stated that ARDI was a very good early deliverable and a very good facility that he hoped would get a lot of take-up amongst the membership. The Director General also spoke of the recently concluded Conference on Building Partnerships for Mobilizing Resources for Development, which he said was in implementing one of the recommendations of the Development Agenda. He believed that it was a very successful event and a first such event that the Organization had held. He recalled that there were a number of extremely important items before the Committee and drew attention to three new project proposals, in particular those which were before the Committee for consideration and which represented priority areas for the work of the Organization and for anyone associated with Intellectual Property (IP). The first he said was the project on IP and Transfer of Technology. The Director General said that it was a theme that had been discussed at length for many decades within the UN system, and therefore it was very good to see that that particular project would receive some consideration and form part of the implementation of the Development Agenda. The second project was the proposal concerning the development of tools for access to patent information and recalled that there existed significant projects with well over twenty offices in developing countries for the digitization of the patent collections and for making

available tools for accessing the technology disclosed through patent collections. He stressed the importance of such a project for the Organization. And the third, he mentioned, was the project proposal on enhancing WIPO's results-based management framework which, he said, was essential in order for the Secretariat to be in a position to implement whatever coordination mechanism and reporting, monitoring and evaluation modalities that the Member States might agree upon. He stated that that proposal referred to a final point that he wished to mention which was of course item 6, i.e. discussions on the coordination mechanisms in monitoring, accessing and reporting modalities. The Director General said that there had not been sufficient discussion of that particular item in the past and that it was very important that the Committee came to an agreement at a very early date. In concluding he recalled that an agreement existed on the budgetary allocations for the new project proposals that were coming forward for consideration at both that session of the CDIP and the fifth session of the CDIP and that, as agreed during the discussions concerning the draft program and budget, in future, financial resources for the Development Agenda would be internalized in the allocations made to the various program areas through the routine or regular program and budget mechanism and process.

16. The Chair thanked the Director General on behalf of Member States and also for introducing the projects and items that would come up for discussion in the Agenda. Before inviting delegations to make general statements he reminded the meeting that a Chair's summary needed to be adopted at the end of the Session and that the draft report which would set out all the various statements made by Member States would be transmitted and published subsequently on the WIPO web site. The Chair also reminded the delegations that there was a full Agenda and that they were welcome to send in their statements in writing if they wished as he desired that the delegations made their statements quickly in order to be able to move on to other items.
17. The Delegation of Ecuador speaking on behalf of GRULAC commended the Chair on his appointment to preside over the fourth session of the CDIP and assured him of their support to work jointly to successfully conclude the work. The Delegation reiterated GRULAC's statement in the WIPO General Assembly about providing particular attention to the work of the CDIP and to the implementation of the WIPO Development Agenda. He recalled that under the Presidency of Ambassador Trevor Clark, the CDIP had managed to decisively begin the consideration and implementation of the 45 recommendations of the Development Agenda and for which GRULAC reaffirmed its gratitude to Ambassador Clark for his extremely professional work. The Delegation equally wished to thank, and was particularly satisfied with the efforts of the Director General, Mr. Francis Gurry, and also of the Secretariat in formulating projects so that the development dimension was incorporated in all the work of the Organization. The Delegation stated that the significant work undertaken by the Secretariat was reflected in the documents that were before the Committee, particularly with respect to the review of progress made with respect to the recommendations and projects to be implemented. The Delegation stressed the need for the CDIP to make headway in achieving a coordination mechanism for monitoring, assessing and reporting modalities on the implementation of all the recommendations, and that in that context, the Delegation thanked the delegations of Algeria, Brazil, Pakistan and Group B for their proposals and appreciated that those proposals would be discussed at that Session of the CDIP. The Delegation stated that GRULAC valued the work carried out by the CDIP however they believed that it was important to step up the pace of the work in order to implement the Development Agenda projects and that it was also essential not to overlook essential points on the Agenda which might not be necessarily covered by the methodology or covered only partially. GRULAC therefore endorsed the decision to have references for new proposals and pertinent proposals for those projects. The Delegation further stated that GRULAC was awaiting a speedy study on flexibilities contained in the Agreement on

Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement as agreed by the Committee. The Delegation appreciated all the efforts undertaken by the Member States and the Secretariat for the implementation of the Development Agenda and believed that the Open Forum on the WIPO Development Agenda projects which took place in October was an excellent opportunity to hear suggestions, opinions from inter-governmental and non-governmental players. Finally GRULAC thanked the Secretariat and the WIPO Member States for organizing the Conference on Building Partnerships for Mobilizing Resources for Development which took place two weeks earlier. The Delegation emphasized however that there was a need to guarantee that sufficient financial and human resources were available within WIPO's budget in order to implement each and every one of the 45 recommendations of the WIPO Development Agenda.

18. The Delegation of Senegal, on behalf of the African Group, extended its heartfelt congratulations to the Chair for having accepted to replace Ambassador Trevor Clark under whose guidance the Committee had made significant progress. The Delegation recognized that the Chair had not had enough time to prepare for the meeting but that given his experience and wisdom he was able to suggest a work program which would enable the Committee to focus on the most important agenda items given that they would devote most of the time at that Session to those items. The Group welcomed the Director General's involvement and stated that his presence that morning was an indication of the attention and interest that he attached to implementing the WIPO Development Agenda. The Group thanked the Secretariat for organizing fora, workshops, and other meetings for its members and for providing the necessary documentation which enabled them to properly prepare for that meeting. The Delegation made special mention of Mr. Irfan Baloch, the Acting Director of the Development Agenda Coordination Division, who had always enthusiastically shown his availability and readiness to the Group and to the coordinators. The Delegation stated that it was undeniable that significant achievements had been made as the Committee was making progress within the CDIP process and appreciated that they were indeed far away from the time when a simple reference in the Chair's summary of the WIPO Development Agenda gave rise to apprehension from some delegations. The Delegation nevertheless felt that they still had a long way to go in order to achieve specific and lasting outcomes that would meet the expectations of the Member States. The Delegation shared the Chair's concerns about proper time management in order to focus on the salient points on the Agenda and informed that the African Group had decided to make a succinct statement which primarily hinged around three points i.e. a reminder of the guidelines adopted by the Committee, the perception that the African Group had vis-à-vis development of IP and the necessary implementation of the coordination mechanisms monitoring, assessing and reporting modalities. Turning to the first of those points, the Delegation recalled that at the previous Session held in April 2009, the Committee had adopted guidelines which governed discussions in that Committee, particularly with respect to the drafting and implementation of projects and that it primarily consisted of the review of each recommendation on the Development Agenda, in order to agree upon activities to be implemented. The Delegation stated that the guidelines also consisted of merging together in so far as possible, the recommendations pertaining to similar or identical activities and finally organizing implementation in the form of projects and other activities given that supplementary activities could also be put forward. On the matter of development of IP, the Delegation emphasized that it needed to be acknowledged that the preparation and achievement of projects were a decisive stage but recognized nonetheless that that concept could not simply be reduced to implementing projects under the WIPO Development Recommendations. In other words the development of IP required the implementation of projects as well as the integration and dissemination of activities in the functioning of WIPO throughout all sectors. The Delegation also felt that they must ensure that the cost-cutting nature of these activities became a culture among all stakeholders. Looking

at the implementation of coordination mechanisms, monitoring, assessment and reporting modalities, the Group believed that it could contribute to adding value to the functioning of the Committee in recognizing that such mechanisms and modalities would make it possible to achieve an objective and transparent assessment of the impact of the programs and activities of the Organization vis-à-vis the promotion and innovation of creativity, dissemination of knowledge and technologies within the Member States. The Delegation stated that for that reason the African Group endorsed the joint proposal of Algeria, Brazil and Pakistan as being a good working basis to look at that significant issue. The Delegation reminded the Chairman, that at the previous CDIP Session in April 2009, the Director General had indicated, having reaffirmed his personal commitment to the WIPO Development Agenda, that its implementation was a shared responsibility between the Secretariat and the Member States. The Delegation stated that the implementation of the Development Agenda meant that the Committee had to take up its responsibilities and that it needed to look at the undeniable question i.e. given the technological conditions of present time, and given the potential for innovation and creativity stemming from human beings, the Delegation asked what mitigating measures could the Committee use to explain to future generations that the exercise had not been successful. The Delegation continued by stating that if they were to rephrase the question in a positive light, they would say that for the African Group they had to succeed in their undertaking in the framework of the CDIP, and that to do so they believed that the various stakeholders taking part in the Committee's discussions, should, on the basis of trust, work with the same constructive spirit as that which led to the adoption of the 45 recommendations of the Development Agenda. The Delegation was confident that they were capable of maintaining solidarity and the spirit of cooperation that it required.

19. The Delegation of Yemen, on behalf of the Asian Group stated that they were very happy to see the Chair presiding over that important Committee, and assured him that the Asian Group would support all his efforts to make the meeting a success. The Delegation thanked the Secretariat for holding informal consultations and for preparing the documents on time. The Delegation said that the Asian Group attached high importance to the Committee and therefore participated very actively in its meetings as it always had. In that regard, the Asian Group called upon the Secretariat to allocate sufficient human and financial resources to implement the projects starting from January 2010. The Delegation stated that the Asian Group believed that an appropriate coordination mechanism and monitoring, assessing and reporting modalities should be established by consensus of all WIPO Member States and that the Asian Group would remain actively engaged and open during the session.
20. The Delegation of Switzerland, on behalf of Group B, expressed the pleasure the Group took in seeing the Chair presiding over the Committee and expressed confidence that with his diplomatic skills, he would lead the Committee to consensual and effective results during the Sessions. The Delegation assured the Chair that the delegations of Group B would continue to work in a constructive spirit in order to advance the work of the Committee and in particular the implementation of recommendations in the best possible way. Group B also commended the Secretariat for all the preparatory work it had done for the meeting, the good quality of the working documents and the Open Ended Forum on proposed Development Agenda projects that gave them the opportunity to enhance their common understanding of the new Development Agenda projects proposed for the CDIP. Taking into account the results of past meetings, Group B was of the view that a thematic project approach significantly contributed to enhancing efficiency and coherence in the implementation of the 45 Recommendations of the Development Agenda. Group B therefore continued to support the application of such an approach and generally welcomed the revised and new thematic projects and stood ready to enter into an in-depth discussion of the new thematic projects without forgetting the need to review the reports and updates received about the on-going implementation of previously

examined recommendations and thematic projects in order to take stock of what had already been achieved and to bring corrections if needed. The Delegation recognized that that exercise was a core task that the Committee had to fulfill in view of the development activities of WIPO and therefore expected that sufficient time would be allocated to the issue during the Session. Group B remained interested in having a proper and effective mechanism that would enable the Committee to fulfill its mandate to monitor, assess, discuss and report on the implementation of all recommendations adopted and for that purpose to coordinate with relevant WIPO bodies. The Delegation emphasized that achieving tangible result was the objective of the recommendations of the Development Agenda and that in that context they would specifically look forward to discussing the thematic projects on WIPO results-based management framework presented in document CDIP/4/8 which could contribute to measuring such Development Agenda impact. While acknowledging the proposal made by another delegation on the coordination mechanism, namely the proposal by Algeria, Brazil and Pakistan, the Delegation said that Group B was looking forward to listening to the response to their proposal that they would introduce in more detail when discussing the issue later on that week.

21. The Delegation of Sweden, speaking on behalf of the European Community and its 27 Member States, conveyed the Delegation's trust in the Chair's competence and ability to lead the Committee forward in a fruitful manner and reaffirmed their full commitment to continue working in a constructive and cooperative manner for the implementation of the 45 recommendations contained in the Development Agenda. The Delegation reiterated what was said in its opening statement on the CDIP at the 2009 WIPO Assemblies that it welcomed the thematic approach methodology and looked forward to deliberating on further projects of that approach in the course of that session of the CDIP. As regards the coordination mechanism, the Delegation considered that the discussions in the Committee should, as stated in the mandate of the CDIP, concentrate on how the Committee shall coordinate with other relevant bodies to enable its monitoring, assessment, discussing and reporting on the implementation of all the recommendations adopted. The Delegation stressed that for the European Community and its 27 Member States, it was important that the recommendations of the Development Agenda were in fact mainstreamed into the activities of the Secretariat and the various WIPO Committees but that it was likewise important that the coordination mechanism to be established should, wherever practical, use existing government structures and not imply the setting up of any new such structures. The Delegation emphasized that no additional financial obligations were to be created for the WIPO Member States and that in its view the task of the CDIP was to follow-up and assess the report on the implementation of the recommendations of the Development Agenda in line with its mandate. The Delegation stated that the various WIPO Committees stood on an equal footing and none had superiority over the others which continued to respect equality. The Delegation welcomed the various proposals that had already been made relating to the possible coordination mechanism and looked forward to discussing proposals in a very positive and constructive manner.
22. The Delegation of Algeria, speaking on behalf of the Arab Group, congratulated Tunisia on its election as Chair for the work of the fourth session of the CDIP and expressed its recognition to the outgoing Chair for the efforts undertaken throughout the previous two years. The Delegation expressed its thanks to the International Bureau for having prepared the working documents which were before the Committee. The Delegation said that the adoption of the Development Agenda marked a turning point with respect to the future of WIPO which required a readjustment of the activities and role of WIPO in the light of the new context, which now aimed to make intellectual property a tool at the service of development and public policies. The Delegation believed that the new thematic approach which had been adopted at the third session should not limit either the



content of the recommendations or their scope. On that basis, it would be necessary to uphold the guidelines which had been agreed upon, namely that each recommendation should be debated separately and that all the recommendations dealing with the same subject should be grouped under the same topic and that the implementation of the recommendations should be structured in the form of projects or activities, with the possibility of proposing further projects and activities at a later stage. The Delegation also suggested that it would be important to mobilize the budgetary and extra-budgetary funds required to carry out such projects. Turning to the Conference on mobilizing resources for development, the Delegation believed that the objectives of the Conference could in fact be achieved by the creation of new partnerships. It also believed that potential donor contributions should not lead to a hierarchical organization of adopted recommendations. All of the recommendations should have the same priority and should be treated on an equal footing. It stated that the Arab Group was convinced that, in addition to the allocation of sufficient resources, the implementation of the Development Agenda required horizontal coordination between the various WIPO bodies. For that reason, the Group supported the joint proposal of Algeria, Brazil and Pakistan with regard to the creation of a coordination, monitoring, assessment and reporting mechanism with respect to the implementation of the Development Agenda.

23. The Delegation of Serbia spoke on behalf of the Group of the Central European and Baltic States to express its sincere gratitude to Mr. Trevor C. Clarke, Ambassador and Permanent Representative of Barbados, who contributed greatly to the form and structure of the existing Development Agenda by his open approach, broad understanding and his wisdom in conducting the negotiations which had led to the adoption of the thematic approach for implementation of the Development Agenda recommendations. The Group also commended the agreement reached among the regional groups with regards to the election of the Chair for that CDIP session and wished the Chair an efficient and fruitful session. The Group also thanked the Secretariat for all the work and initiatives undertaken in preparation for the Session, which included, well-prepared documents, the organization of the Open Ended Forum on Proposed Development Agenda Projects on October 13 and 14, 2009, which had helped delegations to better understand the purpose and the benefit of project implementation. With reference to the Conference on Building Partnerships for Mobilizing Resources for Development which had been held two weeks previously, the Group expressed an interest in hearing comments from the Secretariat on the success of the Conference in raising the awareness of the donor community. Regarding the coordination mechanism, and the two proposals on the table, the Group was of the opinion that all WIPO Committees should stand on an equal footing. It wished to avoid duplication of WIPO's governance arrangements and the creation for Member States of additional financial obligations for coordination. The Group expressed a hope for broad and successful discussion, based on the proposed meeting documents.
24. The Delegation of China thanked the new Chairman and the Secretariat for their efforts in preparing the session. The Delegation stated that since initial discussions began in 2004, frank and inclusive discussions on the Development Agenda had been held for more than five years with substantial progress being made and the development action plan mainstreamed into implementation. As a developing country, China, along with other countries, was pleased at the progress being made. The Delegation took the opportunity to thank the Director General for his interest in the matter and the Secretariat for its efforts in preparing detailed documents which formed a solid basis for discussion. The Delegation spoke on the issue of development, a major problem facing many developing countries, and highlighted it as a source of great concern for the entire international community and a practical issue for the UN institutions to solve. Mainstreaming this into the Organization's activities would contribute to realizing Millennium Development Goals (MDGs) and through promoting development, respect for creation and encouraging innovation in society as a whole, and would promote economic and social developments

in all countries. China felt the Intellectual Property (IP) system was one of the most important tools in promoting development and would be helped by encouraging innovation and inventions by releasing the creativity of people and providing unlimited impetus for development of our society. However, given the specific needs of different countries and levels of development, differences still exist with regards to creation, use, protection and management of Intellectual Property Rights (IPRs) and this aspect should be taken into account, and an international balance and effective protection of IPRs should be established. This would ensue in more protection for developing countries and contribute to the economic development of such countries, an objective which the IP community must ensure. The Delegation noted that the various stakeholders were open and broad-minded and hoped that this would continue throughout this meeting. It hoped that a consensus could be reached on the coordination mechanisms and the modalities for reporting and evaluation in order to have a solid foundation on which to implement the recommendations of the Development Agenda. The Delegation reiterated its wish to contribute in an active and constructive manner to the meeting.

25. The Delegation of Spain congratulated the Chair on his election and pointed out the importance that Spain attached to development as testified by the 150 million Euros devoted to its commitment. Furthermore, the financial efforts of Spain through the voluntary contribution to the Fund-in-Trust which was more than 1.5 million Euros in 2004 was a clear testament to Spain's commitment. Based on this foundation, Spain was increasingly concerned about the slowing down of the implementation of those projects which had already begun. Spain also expressed concern that, despite its commitment to cooperation, it had not been invited to attend the Open-Ended Forum because in the understanding of the Secretariat and the Director General, it was considered that Spain was not an active participant in this cooperation and the same with respect to the Donor Conference held in November 2009. Spain, from the outset, expressed its concern about the exclusive approach that was adopted. It felt, therefore, that it was not appropriate to participate. Spain understood that from the outset the approach of a donors conference should be directed at all regional entities and it should not exclude anyone and not focus on any specific region or participant. Therefore, it understood, from an inclusive perspective, that this Conference should have been focused on Asia, Africa and America. Spain was also concerned that the agenda was not advancing as it should, and that theory was dominating and taking precedence over practical implementation. Furthermore, the approved projects did not always receive a clear form of financing and they did not have the funds needed to implement them. The Delegation reiterated Spain's support and commitment to achieving the objectives of the Committee. Given all the clarifications that had been provided, Spain would continue to contribute to the constructive progress of this agenda.
26. The Delegation of Bangladesh, associated itself with the statement made by Yemen on behalf of the Asian Group, congratulated the Chair on his election and offered the support and cooperation of Bangladesh in helping him fulfill his responsibility. Bangladesh thanked the secretariat for the useful documents submitted under the various agenda items and for being open to discuss issues when advice or information was needed. As with other delegations, Bangladesh had noted that quite a distance had been travelled since the adoption of the Development Agenda. It expressed deep appreciation of Ambassador Trevor Clark's contribution to the work done in the CDIP and wished him well in his future assignment. Bangladesh looked to the future with some confidence that the Development Agenda was here to stay and that there would be an organization-wide mainstreaming and implementation of the Agenda. It expressed appreciation of the role played by Director General Mr. Francis Gurry in this context through the undertaking of specific activities, some of which were mentioned in this statement. The Delegation also noted that that morning the Director General had also expressed cautious optimism and they fully appreciated the need for more work, at a quicker pace, in the CDIP for an

effective implementation of the Development Agenda. The Delegation specifically wanted to thank the Director General for the organization of the International Conference on Building Partnerships for Mobilizing Resources for Development. The Delegation continued that it believed that it was a useful first step towards generating additional resources for the implementation of projects in the least developed countries, and in the Africa region, as called for specifically in Recommendation 2 of the Development Agenda. It called upon WIPO to establish a trust fund specifically for the LDCs at an early date as mentioned in that Development Agenda recommendation. The Delegation further believed that since the International Conference had been held in accordance with the Development Agenda recommendations, a report on its outcome should be formally presented to the CDIP so that the Committee could have a discussion on the outcome and provide some guidance if needed on how this matter could be pursued further. With specific regards to that CDIP session, the Delegation expressed that it too had felt the need for a balanced allocation of time for examining the various agenda items and was very grateful to the Chair for responding positively to this request and suggesting an acceptable work program. The Delegation expressed hope that all delegations would support the Chair by adhering to the work program and producing a fruitful session. Bangladesh hoped to find a consensus on the issues, in particular those related to coordination monitoring and reporting mechanisms in the CDIP.

27. The Delegation of Egypt congratulated the Chair on his election and took the opportunity to express Egypt's support for the Chair's work. The Delegation also thanked his Excellency Ambassador Trevor Clark for his efforts in chairing the Committee in the initial phase of its work and wished him every success in his new undertaking. Egypt was convinced that he would be very able to discharge his duties in his new position and mentioned that he had always shown great objectivity and competence. The Delegation thanked the International Bureau for the documents needed for this session. The Delegation of Egypt supported the statement made by Senegal on behalf of the African group and also expressed its support for the statement made by Algeria because the two statements faithfully reflected the priority that Egypt accorded to this subject and shared those points of view. The Delegation continued that on December 17, the 35th anniversary of the entry into force of the agreement between by the UN and WIPO would be celebrated. Under the first article of that agreement, WIPO had become as a specialized agency of the UN and had been tasked with encouraging the development of IP, so as to be able to transfer the technologies needed to developing countries to advance their social, cultural and economic development. Three and a half decades had elapsed since that agreement and the initial desire to achieve that objective and, even though that time had elapsed, there still remained a lot to be done to achieve the objective that was set. The Delegation felt it was no longer possible to settle for slogans and empty promises without any concrete implementations under a structured agenda and wanted to make sure that the recommendations were implemented as substance and not just form because this was what was going to be the vector for development of what was to be achieved through WIPO and focus should not just be on a limited category of stakeholders. The Delegation wished to make sure that the tasks that had been entrusted were discharged as a fully fledged international organization which would truly take part in developing the subject matter which was of great importance to the world at large. Therefore it believed that the Development Agenda was organically linked to the international community given the importance of its objectives, that was to the achievement of the MDGs. The Delegation continued that as far the implementation of the substance of the Development Agenda was concerned, account should be taken of the activities of the General Assembly and the Bodies and the Committees of WIPO. This CDIP was tasked with developing a work program aimed at implementing recommendations that were adopted and also tasked with ensuring the monitoring and assessment and development of all their reports, especially the implementation of the MDG's. Therefore, this was a comprehensive undertaking that had been entrusted to

the CDIP and activities of the Committee must therefore be translated into concrete achievements and go beyond the mere agreement of the draft projects. In order to achieve these tasks, the Delegation felt that the culture of the organization should change and in this connection, the mechanisms for coordination assessment and monitoring would be the lynch pin, based on which these objectives would be achieved and it would focus particularly on the work of these coordinating mechanisms so that there will be direct and ongoing coordination between the Committee and the other bodies. Furthermore those bodies will also be tasked with developing reports and implementing programs and those were the mechanisms that would define the success of the CDIP. Those bodies must be independent and under the direction of the Member States. The Delegation continued that the principle of transparency in the work and activities of these bodies should be adopted and that these evaluation and monitoring bodies must be open to all. Egypt was of the view that the proposal by the delegations of Algeria, Brazil and Pakistan contained in the document CDIP/4/9 was an excellent proposal because that was the reflection of the balance that we needed and would ensure the independence of this Committee as well as ensure the need to draw upon the expertise of the various experts in various fields though organic links between WIPO and the United Nations were necessary, as required in the agreement between both organizations. Egypt wished that an agreement should be reached on the coordinating mechanisms so as to have concrete results and enable concrete implementation of the recommendations. This pointed to an imbalance in the agenda because of a growing frequency of the adoption of projects without any security or safety valves, in the form of monitoring and evaluation bodies, which would be given the necessary independence needed to ensure the real implementations of the recommendations. In conclusion, the Delegation stated that it would like to add that the international community represented in the UN General Assembly adopted the declaration on the right to development in 1986 and in view of this right to development, as an essential right, human right, that is, the Development Agenda was in this context WIPO's contribution to the enhancement of this human right. Egypt therefore believed that the decision taken by the Working Group tasked with development in 2008, which developed the WIPO Development Agenda was an excellent opportunity to implement this link between the UN and WIPO and to address the main issues that are important to the international community, that is to say, development as a fundamental human right.

28. The Delegation of Indonesia congratulated the Chair for presiding over that session of the CDIP and expressed its confidence that under his able chairmanship, the Committee would be able to deal with various issues on the agenda and achieve the desired outcomes. Associating itself with the statements made by Yemen on behalf of the Asian Group, the Delegation reiterated Indonesia's statement made at the last General Assembly that it attached high importance to the Development Agenda. The Delegation emphasized that development dimension must be mainstreamed into all aspects of WIPO activities, whether it was the norm setting work or cooperation program. The implementation of the Development Agenda had to take into account the real needs and interests, particularly, of developing and LDCs. The Delegation further stated that it attached high importance to access to knowledge and technology, including technology transfer to developing countries and LDCs. It therefore paid full attention to recommendations 19, 30 and 31 of the Development Agenda and felt that those recommendations should be interpreted and understood more broadly and not be confined to patent landscape or patent search report. Furthermore, Indonesia and many other developing countries and LDCs had a strong interest in an effective protection of genetic resources, traditional knowledge and folklore. The Delegation further felt that there was an opportunity for WIPO to produce, under recommendation 30, regular information on the extent and nature of bio-piracy. Such IP related information would be useful for the WIPO IGC, and the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (GRTRK) and other fora

discussing misappropriations of genetic resources and associated traditional knowledge. The Delegation added that based on this information, if produced, WIPO would be able to develop capacity to provide assistance to countries in identifying cases of bio-piracy and to document such cases. Further, WIPO could develop modules and training programs on how to identify cases of bio-piracy and to document and publicize those cases. With regard to the project of IP and public domain the Delegation expressed its concern on how the traditional knowledge and traditional cultural expressions were being brought to the area of public domain, per se. For that Delegation the issue really required serious consideration before being approved as the implications were likely to be quite grave in the future. The Delegation also noted that the document CDIP/3/4 seemed to suggest that traditional knowledge and traditional cultural expressions were material in the public domain while it might be true that traditional knowledge was part of the prior art but it was definitely not material in the public domain. Because public domain meant that anyone could use it freely without payment, traditional knowledge, such as the digital library in India, was not material in the public domain and not publicly available. It was subject to the principles of prior and informed consent. The Delegation, therefore, strongly requested that the proposed studies contained in CDIP/4/1 and CDIP/4/2, be removed from that project, referring to the statement of the Asian Group at the third session of the CDIP. The Asian Group, the Delegation added, did not believe that traditional knowledge and traditional cultural expression should be categorized in the public domain. Another subject matter to which the Delegation wished to draw full attention was the mechanism and modalities for monitoring, assessing, reporting and evaluating the implementation of all the WIPO Development Agenda recommendations. That matter was the heart of the Development Agenda as it would ensure the effective and efficient implementation of all the adopted recommendations. The Delegation, therefore, highly appreciated the proposal submitted by Member States on that important matter as those would guide the Committee's deliberations in formulating the best mechanisms and modalities. It was the Delegation's hope that the Committee would achieve consensus expeditiously as it wished to see concrete and speedy process in the implementation of all recommendations. The successful and concrete implementation of the Development Agenda would prove the commitment of WIPO as well as Member States to creating effective and more balanced IP regimes, it added.

29. The Delegation of Bolivia congratulated the Chair on his election and the Secretariat for the documents that were prepared for the meeting. The Delegation associated itself with the Delegation of Ecuador which expressed the sentiments of GRULAC. Bolivia was committed to an effective and solid implementation of the Development Agenda and believed that the Committee must take the time needed to study the projects calmly so as to ensure that the substance of the recommendations was not lost and the projects reflected the concerns of the Member States, in particular the developing countries. The Delegation added that the implementation of the Development Agenda was a long process that had just begun and the Committee should make sure that it did not lose the quality because of quantity of projects. The Delegation also felt that it was very important to discuss the monitoring and follow-up mechanisms for the process of implementing the Agenda before debating the substance of the projects to be implemented. It believed that it was important to bear in mind that projects were only one aspect of the implementation of the Development Agenda which was a much broader and comprehensive Agenda than was thought and it involved a lot more. In that context, Bolivia supported the proposal of Algeria, Brazil and Pakistan, on the mechanisms to coordinate and oversee the implementation of the Development Agenda and to present reports in that connection. In appreciating the Secretariat for developing the various projects that were before that session of the Committee for approval, the Delegation believed that the active role of Member States in the process of implementing the Agenda needed to be recovered and the possibility of having countries put forward proposals for projects to be implemented needed to be considered. Likewise, whenever there was a possibility, it would be

appropriate for Member States to take part in appointing the experts to conduct studies, while maintaining a balance and reflecting the various points of view. As far as the structure of the projects was concerned, the Delegation found it important to have a basis whereby the status of the subject matter would be studied, proposals for implementation would be looked at, and an analysis of the experience of various countries that had taken initiatives in that area and the possibilities available would be very useful.

30. The Delegation of the Islamic Republic of Iran associated itself with the statement made by the representative of Yemen on behalf of the Asian Group. The Delegation stated that the international rules of IP were evolving very rapidly and as a result countries were faced with a complex IP regime which effected the development process within developing countries. In that process it was important for developing countries to analyze the actual and potential impact of the evolving IP regime on their development and to utilize IP as a tool for development. The Delegation saw the CDIP as an opportunity for deeply understanding the relationship between IP and development and that would pave the way to improve the IP regime from a development perspective. For this reason, the Delegation attached great importance to the CDIP activities within WIPO. CDIP should serve as a forum for exchange of experiences and best practices in the formulation of development-oriented IP policies. It was the task of the Committee to consider whether and how IPRs could play a role in helping a developing country to meet its MDGs and provide an enabling environment for their development. It was also the Committee's task to consider whether and how IP presented obstacles to development and if so, how those obstacles could be removed. The Delegation welcomed the project based methodology for implementation of the Development Agenda and emphasized effective and full implementation of all recommendations including working on proposed projects to translate those recommendations into actionable activities. In discussing projects in the CDIP, the Committee should ensure that those projects were designed to be action-oriented rather than a compilation of theoretical concepts. For example, the project on technology transfer which was going to be discussed in that session should explore the practical guideline to ensure the IP system facilitates rather than hinders the application of rapid advances in the field of science and technology for the benefit of developing countries, the Delegation added. It should identify ways and means to use flexibilities in international IP architecture to promote the technological capacity and public policy objectives within developing countries. The Delegation further stated that to guarantee success, the Committee not only needed to emphasize the concrete implementation of recommendations and effectiveness of projects, but also needed to create a constant independent assessment and monitoring framework for the Development Agenda to ensure better cooperation between WIPO Committees. Without such independent assessment and monitoring mechanisms, the effective and full implementation of recommendations under the WIPO Development Agenda and particularly mainstreaming development consideration into WIPO's substantive and technical assistance activities would be difficult. Therefore, the Delegation fully supported the proposal made by Algeria, Brazil and Pakistan for establishing coordination mechanisms and modalities for monitoring, assessing and reporting on the implementation of the recommendations. The Delegation felt that those mechanisms would provide the Member States with a clear vision of ongoing projects as well as of the future work of WIPO and CDIP.
31. The Delegation of Thailand associated itself with the statement made by Yemen on behalf of the Asian Group and congratulated the Chair on his assuming the responsibility of that session. It expressed the confidence that, in his able hands, the CDIP would make good and assured the Chair of the Delegation's full support. The Delegation stated that the Committee had a full agenda before and it was important to devote adequate time to discuss each agenda item. The Secretariat has diligently formulated some detailed and well-structured project documents for the Committee's consideration, and

the Delegation very much appreciated their hard work and continuous effort in this regard. Thailand was pleased with the progress made in the CDIP so far, but recognized that much more remained to be done. The Delegation found the Conference on Building Partnerships for Mobilizing Resources for Development, held earlier that month, to be very helpful and provided much useful information to developing countries on this important issue. It welcomed the steady progress of the project on specialized databases, in particular the recently-launched ARDI program which provided free online access to scientific and technical journals for LDCs. The Delegation hoped that that program would be further expanded in the future. In the Committee's deliberations this week, the Delegation looked forward to discussion on the IP and public domain project especially with regard to traditional knowledge and traditional cultural expressions. The project on IP and technology transfer was also of particular interest to the Delegation as it was to a great number of developing countries. While the Delegation wished to make specific comments on that project at a later stage, it wished to make two comments related to the work of the Committee in general. First, in adopting the project based approach at its last session the Committee had agreed that the focus of its work was on the recommendations, not on projects or activities and that it would discuss each recommendation before agreeing on the activities for implementation. The Delegation sought clarification on how that guideline was to be followed with respect to the new projects being proposed. It seemed to the Delegation that a lot of time and effort was put into each and every project document before Member States were able to form a common basis of understanding on each recommendation. Since Member States found it necessary to give careful consideration before each project was approved that would entail a detailed discussion on each of the project documents before the Committee. At that session, for example, the Committee had six project documents for consideration, three left over from the previous session and three newly-proposed projects. The Delegation felt that the Committee should, therefore, try to avoid accumulating a backlog of documents waiting to be considered. In that regard, the Committee might look into how to best adjust work sequence in order to improve efficiency. Secondly, the Delegation stressed the need for some kind of mechanism to mainstream the development dimension into the WIPO program and to monitor and evaluate project implementation. It welcomed the proposals on that matter made by Pakistan, Algeria and Brazil, as well as Group B and expressed optimism that the position of Member States were not so far apart. The Delegation, therefore, looked forward to fruitful discussions on coordination mechanisms and monitoring as well as assessing and reporting modalities. In that regard, it urged the Committee to allocate sufficient time for meaningful discussions on this agenda item.

32. The Delegation of Paraguay associated itself with the statement made by Ecuador on behalf of GRULAC and commended the Chair, wishing him the best of success in conducting the work of the CDIP. The Delegation underscored its commitment to the WIPO Development Agenda whose plans and perspectives, it believed, should primarily be focused on developing countries in order to stimulate the protection of creations and innovations which would enable societies to progress. To achieve that objective it was important to bear in mind that a balance needed to be achieved between intellectual property and public interest. The Delegation stated that all of that could be made possible with the necessary extra budgetary resources, and believed that the 45 recommendations of the WIPO Development Agenda should be implemented with sufficient resources within the regular budget of WIPO. In that regard, the Delegation urged the Member States to ensure that the financial and human resources that were necessary to achieve those objectives were available.
33. The Delegation of Nigeria congratulated the Chair on his election and also expressed its profound thanks and eternal gratitude to Ambassador Trevor C. Clark of Barbados for his outstanding leadership of the Development Agenda process. Endorsing the statement

made by the representative of Senegal on behalf of the Africa Group, the Delegation stated that it was by now a well known and well established fact that IP and development was one of the most compelling issues of the time, given its synergy and relevance to the socio-economic well being of countries. The Delegation further stated that IP was a development issue because knowledge was at the epicenter in the dynamics of change and progress. The adoption of the Development Agenda was testimony to the international community's effort to promote the evolution of an IP system that addressed the needs and concerns of all countries. The Development Agenda represented a positive step towards ensuring that the IP continued to serve the public good by rewarding innovation and creativity in a balanced and effective manner. It was therefore imperative that that session maintained the momentum and the political commitment in ensuring the implementation of the proposals that were endorsed by the WIPO General Assembly. The Delegation also paid special tribute to Dr. Francis Gurry, Director-General of WIPO for his total commitment to implement the Development Agenda. The Delegation said it remained impressed by the development-oriented thrust of the Director General's policies on IP and his human resources development and capacity-building strategies. It also acknowledged the Director General's focus on traditional knowledge, folklore, and issues of geographical indicators. It further praised the Director General's proactive stance on such issues as access to medicine, climate change, desertification and the overall integration of IP in sustainable development. The Delegation recalled that in October 2004, WIPO took the historic step of agreeing to consider the impact of its decisions on developing nations including assessing the impact of IP law and policy on technological innovation, access to knowledge and even human health. The Delegation noted that what was at stake was much more significant than the harmony or disharmony of IP regulations and that WIPO's decisions effected everything from the availability and price of AIDS drugs, patents and international development, to the communications architecture of the internet. The Delegation stated that the crucial question was whether or not the extension of IP regimes assisted developing countries, particularly in southern Africa, in obtaining access to much needed technologies and whether and how IPR's protection might help them to achieve economic and social development and reduce poverty. The Delegation acknowledged that that was the challenge before the Committee and that to address those issues would require concrete actions some of which included improving the modalities of the delivery of technical assistance to developing countries, to meet specific needs and satisfy the requirements of using IP for social and economic development, capacity building at both national and regional levels for the exploitation of IP as a tool for economic development, improving WIPO's global outreach through expansion of the programs of the WIPO Worldwide Academy to other regions to involve the cooperation of research institutions, universities etc., opening of new regional offices of WIPO to expand its outreach into all regions, strengthening Member States' involvement in WIPO's program and budget preparations among others. On the level of substantive work, the Delegation firmly believed that the Session needed to take bold steps to ensure the effective implementation of the various agreed recommendations on the WIPO Development Agenda and emphasized that an agreement was quickly needed on how to mobilize resources to implement all the programs and to support the work of the Secretariat, which was extremely important. The Delegation recognized that in order to drive the process, it would require a strong political will. The Delegation fully supported the activities of the new Division on the Development Agenda which would ensure the mainstreaming of the Development Agenda in all WIPO activities. The Delegation was greatly encouraged by the repeated pledges of the Director General to support the Development Agenda and ensure its successful implementation. In that respect, the Delegation fully supported the dire need to establish an effective monitoring mechanism. The Delegation thanked the Secretariat for organizing the Regional Seminar on the Implementation of the Development Agenda that was held in Harare, Zimbabwe, the previous October and said that the Harare meeting had, inter alia, advanced the understanding of the linkages that underpinned IP and development as it effected Africa



and developing countries in other regions. The Delegation looked forward to WIPO organizing an issue-based seminar to further advance the process in the sub region, which Nigeria would be willing to host. The Delegation emphasized the importance of the implementation of the Development Agenda for Nigeria, which over the previous few years, had been working hard, to integrate IP into its macro economic planning activities. The Delegation reported that Nigeria had begun to upgrade its IP infrastructure with the assistance of WIPO for which the Delegation was grateful and also said that the awareness raising on IP in the Government and in society in general was progressively being implemented and that the objective was to make IP an integral part of national economic development plans especially by way of empowerment of smaller and medium scale enterprises and boosting the research and development capabilities of institutions of higher learning and industries throughout Nigeria. The Delegation acknowledged that such an undertaking required clear national actions and regional and international cooperation in support of national efforts and that despite such progress, the lack of IP infrastructures especially in most African countries was a major impediment towards making Africa part of the global IP revolution. The Delegation also stated that there was an absence of a system of international action to support the efforts of developing countries to reverse the anomaly and that, in many cases, there was no clear multi stakeholder national action plan and institutional framework including targeted times for implementation. The Delegation wished that that matter was addressed urgently and in their best interest. In conclusion, the Delegation stated that it firmly believed that an effective IP Development Agenda presented immense opportunities to the international community to tackle development challenges that confront humanity in the present century and beyond and that they were bound to take major decisions that would make IP an instrument of innovation and productivity to solve the problems of global food crisis, environmental degradation, persistent poverty, and diseases, among other issues.

34. The Delegation of Panama greeted the Chairman and wished him success in his sensitive tasks. The Delegation also thanked the Secretariat for the very valuable documents provided to them and stated that they greatly appreciated the commitment and personal interest shown by the Director General who had set the challenge for the success of the implementation of the WIPO Development Agenda and its integration as a core area within the Organization. The Delegation applauded the vision of the Director General to propose new ways to make the implementation possible, thereby taking advantage of IP as a tool that would foster economic development in countries such as Panama. The Delegation fully supported the statement made by the distinguished delegate of Ecuador on behalf of GRULAC and stated that the Development Agenda had been an excellent initiative. The Delegation felt that substantive progress had been achieved and expressed its acknowledgement of the efforts undertaken at the outset, given that its full implementation would help to reduce the gap amongst all countries with respect to knowledge of IP and the capacity to provide responses in that regard. Panama supported and recognized the work undertaken and was committed to ensuring that the objectives would be reached and reiterated their support and, as stated by other delegations, they were very much pleased to see the thematic approach adopted by the Secretariat in order to step up the implementation process of recommendations. The Delegation stressed on one point of paramount importance which was directly related to the decision to measure results not only in quantitative terms but also in qualitative terms. The Delegation expressed the view that the outcome or results should be shared to replicate synergies and other practices. With respect to the WIPO Development Agenda, the Delegation felt that coming up with the diagnosis of the IP situation at the national level was very interesting as it had been carried out with the Inter-American Development Bank. The Delegation affirmed that there was need to remain focused on the path which would guide the Committee towards development of IP.

35. The Delegation of Japan thanked the Chairman and subscribed to the statement made by Switzerland on behalf of Group B. The Delegation congratulated the Chair on his appointment to preside over such an important Committee and reiterated that like other members, the Delegation attached great importance to development-related activities including technical assistance and capacity building. In that regard, the Delegation informed that Japan had been providing various types of assistance through three different funds-in-trust including the one for African nations and LDCs. The Delegation also informed that it actively participated in the Conference on Building Partnerships for Mobilizing Resources for Development held earlier in the month which had relevance to recommendation number 2. The Delegation said that in the conference, they spoke about their efforts on aid for trade and the important role to be played by IP and that in the keynote introduction, the Delegation of Japan underlined the importance of creating synergies between cooperation in the field of IP and aid for the local industry and that their participation represented the importance Japan attached to contributing to the development aspects of IP. The Delegation stated that effective exploitation of IPRs was essential for developing countries to achieve sustainable development and that it was in that context that the Delegation tabled a document for the previous session on the establishment of WIPO's experience sharing on exploitation of IP for economic development. The Delegation hoped that their suggestion would be taken on board and moved towards the implementation phase as soon as possible. The Delegation emphasized that in order to achieve the objectives of the Development Agenda in an effective and efficient manner it was important to advance substantive discussion on the updated contents of already agreed work programs as well as proposed new projects at that session and that Member States should first consider how the existing mechanisms and resources could be utilized to reflect the principles of the Development Agenda of the Organization. The Delegation reassured the Chair of their commitment to constructive discussions at that Session under his guidance.
36. The Delegation of the United States of America congratulated the Chairman on his election as Chairman for the session. The Delegation stated that it had come to the meeting to move forward and not backward and that the first three Sessions of the Committee had spent a great deal of time discussing procedural matters, which was necessary and proper for a new Committee but they believed that the Committee had now rounded the corner and that the session should therefore focus primarily on substance and on the projects which the Secretariat and delegations had put forward before the Committee for consideration and approval. The Delegation appreciated the Chair's efforts to craft a compromise agenda and the Delegation was willing, in principle, to embrace that way forward. The Delegation however emphasized the importance of staying predominantly focused on substance that week and said that if the compromise agenda should interfere with the Committee's ability to address substance, they would encourage the Committee to continue to be flexible so that sufficient time could be spent to discuss the substantive project documents.
37. The Delegation of Morocco congratulated the Chairman on his appointment and reassured him of its support. The Delegation also thanked the outgoing Chairman, Ambassador Clark for all the efforts he undertook since the beginning of the CDIP and wished him full success in his new functions. The Delegation associated itself with the statement made by Senegal on behalf of the African Group and also supported the statement made by Algeria. The Delegation expressed thanks to the Director General, the Secretariat, and through them all of the Organization's staff for organizing, the previous week, a donor conference as well as the forum on new action plans for development and the workshop for the African Group. The Delegation stated that they believed that the organization of that event as well as the drafting of new thematic projects which the Committee was looking at bore witness to the personal commitment of the Director General and his team in favor of the Development Agenda. The Delegation

stated that in order to promote IP and its advantages to developing countries, most of the thematic projects which were ready or under way, aimed to set up platforms containing a mass of very important technical information and which could be consulted online. The Delegation said that it attached great importance to those projects and believed that the impact of those projects would be broader and more productive if they had appropriate solutions to the scourges hindering development and that some of these scourges were the digital divide, weak capacity, lack of infrastructure as well as brain drain. For that reason, the Delegation wished to see the implementation of all the projects as soon as possible. The Delegation also wished to see technical assistance and capacity building projects implemented and that technical assistance and capacity building projects that stemmed from WIPO and other international organizations could lead to tangible results in terms of economic and social development. The Delegation was of the view that all of WIPO development projects could bear their fruit and that WIPO would step up its cooperation with other organizations and all stakeholders by coordinating their efforts that aim at achieving the MDGs by 2015. The Delegation further stated that given its expectation of making progress on the WIPO Development Agenda, its contribution to discussions would be based on the following points: First to uphold the principles which were defined at the Third Session to discuss activities on the basis of thematic projects. Secondly, they supported all approaches which would step up and expedite the implementation process by ensuring the respect of both the letter and the spirit of each recommendation and finally, they would like to begin discussions on the establishment of monitoring mechanisms, coordination, assessing and reporting modalities, and in that regard, the Delegation supported the proposal made by the three countries, Algeria, Brazil and Pakistan which, the Delegation believed was a good basis for negotiations.

38. The Delegation of Angola congratulated the Chair on presiding over such an important Committee of WIPO and expressed its confidence in him to carry forward the process. The Delegation also expressed thanks to Ambassador Trevor Clark, former Chairman of the Committee, for his contribution and engagement to push forward the process. Associating itself with the statement made by Senegal on behalf of the African Group and Bangladesh on behalf of the LDC Group, the Delegation noted the considerable and tangible progress made regarding the presentation of projects destined to implement the Development Agenda of WIPO. The Delegation was also pleased to note that the presentation of new thematic projects through the new methodology which they had approved in the Third Session in April that year was indeed qualitative and quantitative and could be measured. The Delegation noted that there were various points of view regarding the themes of thematic projects of WIPO and felt that the presentation which had been requested by Member States during the previous session would allow them to facilitate the implementation and also to verify what was happening. The Delegation thanked the Secretariat of WIPO for the efforts made and also believed it was important to already start thinking about the implementation of the coordination, assessment and reporting mechanisms. To that end, the Delegation noted the existence of various proposals and subscribed to the proposal of Algeria, Brazil and Pakistan as a good baseline for establishing such mechanisms. The Delegation informed that they had a statement to make on that proposal and other issues during the meeting.
39. The Delegation of Dominican Republic congratulated the Chair and assured him of the Delegation's full support in carrying out his role. The Delegation also thanked Ambassador Trevor Clark for his strong commitment to the Committee and his wonderful work. Associating itself with the statement made by GRULAC, the Delegation reiterated its position that they needed to guarantee that the human and financial resources were in place to execute and implement the Development Agenda projects. The Delegation stated that the coordination mechanisms and modalities of supervision was an ideal instrument for reviewing the content of the reports which would guide the work of the Committee. The Delegation expressed its interest in the study on flexibilities in the

TRIPS Agreement as it would be a strong document for their various authorities in order to achieve fair balance in protecting their IPRs.

40. The Delegation of Brazil congratulated the Chair on his election to Chair the meeting which under his leadership, would be in good hands. The Delegation supported the statement made by Ecuador on behalf of GRULAC and reiterated the importance that Brazil attached to the implementation of the recommendations of the Development Agenda in the fulfillment of all aspects of the mandate of the Committee. The Delegation also reiterated its statement made in the General Assembly of WIPO two months earlier that Brazil believed that a key element to strengthening the role played by WIPO was to make progress in the implementation of the Development Agenda. The Delegation recalled that during the 2007 General Assembly of WIPO, the Committee had received a mandate; first, to develop a work program for the implementation of the adopted 45 recommendations; second, to monitor, assess, discuss and report on the implementation of all recommendations adopted and for that purpose coordinate with relevant bodies; and third to discuss IP and development related issues. The Delegation stated that throughout those previous two years, the Committee had been struggling to find efficient ways to grapple with the complex task of implementing the 45 recommendations but after great deliberation and in a spirit of learning by doing, they were able to agree upon the so called thematic project approach which shall be carried out under the guidelines of the Chair's three golden rules. The Delegation recalled that each recommendation would be discussed first, in order to agree on the activities for implementation and that recommendations that dealt with similar or identical activities would be brought under one theme where possible and that implementation would be structured in the form of projects and other activities as appropriate with the understanding that additional activities might be proposed. The Delegation cautioned that the good progress made towards complying with the mandate of the Committee might be undermined by the procrastination in the implementation of a fundamental part of the Development Agenda i.e., the coordination mechanism, which was a substantive matter for Brazil. The Delegation recalled what it said in September during the 2009 General Assemblies of WIPO i.e., they believed that a key element to make progress in the implementation of the Development Agenda was to bring change to the way in which WIPO had traditionally operated; there was a need for a systemic realignment, leading to the mainstreaming of the recommendations of the Agenda into the work of all WIPO bodies. The Delegation of Brazil felt that the call for a cultural change had been repeated so many times that people did not listen to it any longer and called upon the Committee to have it clear in their minds that the Development Agenda was fundamentally about culture change, about WIPO joining the other UN Agencies in pursuing the MDG's, about integrating the development dimension, into the work of all bodies of those organizations. The Delegation noted that there were two important proposals on the table regarding the setting up of a coordination mechanism for monitoring, assessing, discussing and reporting the progress in the implementation of the Development Agenda across WIPO and called on the Committee to give them due and careful consideration. The Delegation also looked forward to discussing the projects on the table and to work constructively in the deliberation of the coordination mechanisms. In concluding the Delegation commended the Secretariat for the heavy and good work in undertaking the preparation and revisions of the project and for the effort put into the promotion of an inclusive dialogue with the participation of different stakeholders on the substance and the structure of the project.
41. The Delegation of Argentina congratulating the Chair on his election associated itself with the statement made by Ecuador on behalf of GRULAC. The Delegation thanked the Secretariat for drafting the projects and wished to point out that they only partially implemented the Development Agenda recommendations, i.e., the recommendations under Cluster B should be implemented by the WIPO bodies or committees that carried out norm setting and the projects could only implement those recommendations partially.

The Delegation also believed that beyond the projects, the Committee should design activities to implement the Agenda's recommendations. The Delegation highlighted the importance and need for the full implementation of the Development Agenda which would make it possible to include the development dimension in all WIPO activities. The Delegation hoped that the human and financial resources necessary for its implementation would be available in the context of the regular budget of WIPO and reiterated its interest in agreeing on the coordination mechanism with the other WIPO bodies and committees so as to guarantee the effective implementation of the Development Agenda recommendations. The Delegation believed that the proposal of Algeria, Brazil and Pakistan on the coordination mechanism was a good basis. The Delegation emphasized the commitment of all States to engage in a constructive dialogue which was necessary to achieve the full implementation of the Agenda. The Delegation also hoped that the study on flexibilities in the TRIPs Agreement, which had been agreed upon at the previous sessions of the CDIP, would soon be carried out and stated that the integration of the development dimension would contribute to ensuring that IP rules were in line with the aims of public policy such as protection of health, biodiversity, and access to knowledge.

42. The Delegation of Turkey expressed its pleasure to see the Chair presiding over the deliberations. The Delegation also thanked the outgoing Chair, Ambassador Trevor Clark, for his objectivity and leadership shown in the Committee's meetings. The Delegation was also grateful to the Director General, Dr. Francis Gurry, for his ongoing dedication to development aspects of IPRs and his personal efforts to bridge the difficulties in the CDIP as well as other committees at WIPO. The Delegation appreciated the reports of the Secretariat, the review of the program of activities and the work program of adopted recommendations which were of high quality. The Delegation concurred with other delegations which had expressed the view that the review of implementation would commence with the provision of information. The Delegation applauded the ARDI project in acknowledging that there would be free access to scientific and technical journals for the LDCs which would surely be an important contribution for access to information. On the future implementation of the adopted recommendations especially on technology transfer, public domain and the digital divide, the Delegation also believed that besides seminars and studies there should be surveys and projects in collaboration with, and focusing on, countries and civil society to understand the needs.
43. The Representative of the African Regional Intellectual Property Organization (ARIPO) thanked the Chairman and expressed hope that under his able guidance the Committee would be able to address all the issues on the agenda and chart the way forward in the implementation of the WIPO Development Agenda, which was an important initiative for the natural evolution of the global IP system. The Representative thanked the WIPO Director General, Dr. Francis Gurry, and the International Bureau of WIPO for the support and assistance provided to Member States and international organizations in fostering collective action towards that important exercise. He assured the Committee that ARIPO and its Member States supported the thematic project approach for the implementation of the Development Agenda and emphasized the importance of developing concrete and measurable projects and ensuring that IP was mainstreamed into national development plans. The Representative believed that in doing so they should be guided by societal interests and development oriented concerns for the effective utilization of the IP tools and furthering economic development of their countries, particularly those in developing and LDCs. ARIPO took the opportunity to express its utmost appreciation to WIPO for facilitating, what they termed as the first of its kind, the Regional Seminar on the Implementation of the WIPO Development Agenda, that took place in Harare, Zimbabwe, in October 2009, just a month earlier. The Delegation reported that the Seminar was very successful and was attended by senior policymakers from government institutions, heads of IP offices, members of the diplomatic community accredited to Zimbabwe, research

and development institutions in Africa and civil society. The representative expressed ARIPO's gratitude to the WIPO Delegation that attended the seminar, to Mr. Geoffrey Onyeama, the Assistant Director General, Mr. Irfan Baloch, Acting Director in the division that was responsible for the implementation of the Development Agenda as well as Mr. Usman Sarki, Consultant in the same division. The representative added that the participants in the Seminar held the view that it had become necessary to correctly understand how to effectively integrate IP as a tool for social, cultural and economic development and to mainstream it into the various development plans and strategies at a national level. The representative stated that critical issues were highlighted such as, the need to strike a balance between the interest of right holders and public policy concerns, the recognition of the role that IP plays in the attainment of various human development objectives contained in the UN MDGs, capacity building activities and the establishment of institutional support mechanisms. As a result of that it would be essential for WIPO and the Member States to explore policy levers and develop workable projects that would enable Member States realize their own national development objectives. In that regard, ARIPO had taken initiatives on those issues and was in the process of developing workable strategies, methodologies and frameworks for the protection, promotion and utilization of African IP assets. The representative informed that ARIPO would be submitting proposals, for consideration by the 12th session of its Council of Ministers that would take place in Gaborone, Botswana, the following week, on the need for the Organization to serve as a platform for creating awareness and examination of information on global IP issues for the purposes of framing common policy positions, effective participation in negotiations and use of appropriate flexibilities in international agreements for national development. ARIPO would forward the report of the session to WIPO for further action. ARIPO and its Member States were pleased to be part of the work of this Committee and would continue to take on board the implementation of the Development Agenda to ensure that ARIPO played an effective role in providing the support that the Member States required to mainstream IP in their national development efforts. ARIPO finally associated itself with the statement made by Senegal on behalf of the African Group.

44. The Representative of the EFF congratulated the Chair on his election and thanked him for the opportunity to express the views of the EFF and their members worldwide. The representative commended Member States and the Secretariat for the progress they had made on developing a concrete work plan to implement the Development Agenda recommendations and commented briefly on several of the proposed thematic projects in Agenda Item 5. On the thematic project on IP in the public domain in CDIP/4/3, the representative supported updating the 2005 report on Voluntary Registration Systems to include a survey of national legislative and private party approaches to identify and facilitate the use of orphaned work. The representative stated that uncertainty about ownership of orphaned copyrighted work was one of the most pressing problems facing countries across the globe. In relation to the stocktaking of existing initiatives and legal and technical tools to identify material in the public domain, to provide Member States' policymakers with appropriate guidance in considering these complex issues, the representative believed that it was important for the study to provide wider context on the legislative and technical framework in which rights management information systems operate and the public policy implications of the various initiatives underway. While the representative strongly supported voluntary identification regimes, such as that of the Creative Commons, she noted that the ACAP automated rights management information system, featured in the 2007 WIPO seminar, could create the technical infrastructure and incentive for internet intermediaries to filter internet communications of citizens and for search engines to census search results. On the thematic project on information and communication technologies, access to knowledge and the digital divide, the representative strongly supported the proposed study on using copyright to promote access to knowledge, in addition to providing case studies on the use of flexible licensing

approaches such as Creative Commons and free and open source software licenses. The representative believed that such a study could provide Member States with information about the benefits for education and scientific research of open innovation and user driven innovation models and recognized that those new approaches were being explored by WIPO stakeholders in the developed world and had the potential to radically reshape collaboration and innovation in the developing world. The Delegation suggested that WIPO undertake a study of the impact of those new methods on development to identify the impact of standardized low transaction cost licensing and a survey of the various open and public access policies being considered in the US, Europe, Australia, Brazil and Canada, to assist Member States to identify how outputs of public-funded research could best be managed to promote innovation in science and education. The representative suggested that such a study could also include empirical data on copyright related obstacles to access to knowledge and recommendations for addressing them; focus on the economic and social importance of exceptions and limitations; and identifying the impact of copyright's term extension and different legal protection regimes for technological protection measures which could build on the empirical research done by the African Copyright and Access to Knowledge Project, research institutions in the A-K Global Academy and Consumers International IP watch network. On the thematic project on IP and technology transfer, the representative noted that the project did not seem to contemplate informal technology transfer by reverse engineering of software and hardware which was an important part of access to technology in many countries. The representative recommended that the High Level Expert Forum considered the role of reverse engineering and other informal mechanisms for accessing technology, and supported the second of the studies proposed as inputs for that Forum. In identifying existing IPR policies and initiatives to promote technology transfer, the representative felt that the study could include data on the availability of national copyright exceptions and limitations permitting reverse engineering. She noted that the Secretariat had produced a draft questionnaire for the work of the Standing Committee on Copyright and Related Rights (SCCR) to better understand Member States' national copyright exceptions and limitations. The representative believed that the results of that work could provide useful data for recommendations to Member States on crafting three-step compliant exceptions that would facilitate innovation. It would also be useful for the study to identify IP-related barriers to access to technology and provide policy and legislative recommendations for addressing them. The representative stated that, for instance, it would be valuable to understand how over board legal protections for technological protection measures could interfere with reverse engineering to create interoperable products and assumed that any recommendation made by the High Level Expert Forum on the basis of the study, would need to comply with the requirements of recommendation 22. In conclusion, she stated that while the need to eliminate duplication and streamline discussions was appreciated, the mainstreaming of the development dimension involved more than the completion of these projects. Implementation of the Development Agenda was intended to reorient the Secretariat's norm setting and technical assistance work and to create lasting institutional reforms. Thus, the representative joined other delegations in expressing concern that many of the proposed activities in thematic projects appeared to be a continuation of existing activities repackaged as Development Agenda activities. The representative emphasized that he did not believe that merely re-characterizing the status quo as being development oriented will deliver the result that was sought and expected by stake holders. The developmental criteria for evaluating both the end goal and the activities being undertaken for the 19 immediately implementable recommendations described in documents CDIP/3/5 and CDIP/3/2 was, he stated, to ensure that they delivered development-orientated results. He was supportive of the development of a comprehensive result based management approach and the independent evaluation of WIPO's current work as described in CDIP/4/8 but suggested that this should be reported to CDIP. In relation to Agenda item 6, he was of the belief that the creation of effective

coordination, assessment and external reporting mechanisms was essential to make progress on the Development Agenda implementation and to strengthen the institutional capacity and relevance of WIPO to meet the needs of all of its Members.

45. The representative of IVF expressed strong support for the idea of ensuring that IP worked to serve development and that in its experience it was very much the case. It also expressed strong support for the thematic approach but stressed that the implementing work should not undermine copyright protection around the world. He reminded the Committee that there were film producers and video producers in the developing world that relied on copyright and were suffering because in many cases it was not strong enough. He took for example Nigerian film producers who may only be able to produce a few copies of their work for sale before they could sell it in order to recoup the necessary funds to make further films. The representative reiterated that he supported the thematic approach and hoped very much that a workable coordination mechanism will be established in the CDIP, as is the case in managing the work of other committees in WIPO.
46. The representative of Third World Network (TWN) stated that while it was often said that the Development Agenda was about the strategic use of IP for development, the rationale for the Development Agenda was somewhat different. She believed that the following statement by the Group of Friends of Development that launched the Development Agenda captured succinctly the rationale of the Development Agenda "...to promote a deeper reflection of the development implications of the current and new approaches to different IP policies and international norm setting, as well as the more accurate and pervasive discussion on the consequences of the adoption by countries at different stages of social, economic and technological development, it is important to promote a critical examination of the implications for developing countries of the adoption of increased IPR protection rather than seek to approach this highly controversial issue as if it was governed by absolute truth solely under the one dimensional perspective of private right holders ignoring the broader public interest" (IIAM/1/4 ). Thus the Development Agenda was primarily about a shift in the way in which WIPO approached IP issues particularly in its norm setting and technical assistance activities. It was to promote transparency and inclusiveness and to promote a frank and unbiased discourse of the development concerns arising from the current IP trend and to consider the alternative models for promoting innovation which did not create barriers for access particularly for developing countries. The second point, the representative said, was that looking through the projects before the Committee, as well as previous activities agreed for implementation, she felt that there was an over emphasis on patent information. This issue came up repeatedly in various forms under various recommendations. Generally these proposals were premised on the assumption that patent information facilitated technology transfer by avoiding duplicative R&D and enabling technological leap-frogging. It assumed that countries had the technological base and infrastructure to exploit such patent information. The representative expressed concern that the proposal failed to take into account the realities and limitations of developing countries and LDCs. Most developing countries she stated were at the stage of initiation and internalization of technology where they would have to innovate using existing inventions through reverse engineering while making minor adaptations rather than leap-frogging over known technology. Also she was of the view that the information available in patent applications and grants should not substitute for technology transfer and the benefits of patent information should not be over stated in the context of development. Further, she pointed out that many of WIPO's existing technical assistance activities were being repackaged as Development Agenda activities. Development Agenda was more than technical assistance and repackaging it did not automatically give the activity a development orientation and doing so diluted the essence of the Development Agenda and should be avoided. Finally the representative urged the Committee to agree on a coordinating,



monitoring and reporting mechanism which was crucial to the success of the Committee. In this context, the representative endorsed the proposal of Algeria, Brazil and Pakistan. The representative concluded by acknowledging the efforts of the Secretariat to organize an Open-ended Forum on the WIPO Development Agenda.

47. The representative of the Association IQ Sensato informed the Committee that IQ Sensato provided an international platform for promoting research through which it sought to inform and shape international policy debates and discussions. The representative referred to the Organization's work in connection with the African Copyright and Access to Knowledge Project UK which had explored the relationship between national copyright systems and other IP matters and access to knowledge in African countries. At the 3rd Session of the CDIP that project was presented along with some of its preliminary findings. More detailed country-specific findings would be presented at the following session of the SCCR. The connection between IP law and knowledge production and consumption was often ignored in Africa. While there were several aspects of national copyright laws that were crucial to access to knowledge, the rule of limitations and exceptions was particularly noteworthy in this regard. The research undertaken in this project indicated that limitations and exceptions to copyright were too narrowly or vaguely defined in a number of African countries to facilitate access in a balanced and effective manner. The representative expressed hope that the projects will result in concrete measures to address the practical impediments to access to educational materials, among others. He expressed the further hope that the mechanisms for coordination and evaluation of the implementation of the Development Agenda would provide the international community with credible evidence on the basis of which better IP policy could be made in the future. The representative pledged that his organization and its network of researchers would engage with the national and regional implementation processes and would continue to bring research-based feed back so as to ensure that the WIPO Development Agenda produces concrete development outcomes for the benefit of the people in developing countries. To this end he stated that in addition to the web data already being undertaken on the copyright and access to knowledge framework, a number his association's researchers had begun taking into account the WIPO Development Agenda and other processes to explore new research directions, including the potential of open innovation in both the formal and informal sectors in Africa. This work would have relevance to and would benefit from a number of the WIPO Development Agenda projects, including the project on IP and technology transfer.
48. The representative of FILAIE informed the Committee that FILAIE was an international federation of artists and performers including some producers from 17 countries mainly from Latin America and Iberia and Europe. The representative further informed that FILAIE was implementing a project referred to as GRIX which was supported by Spain in 17 countries. It involved more than 300,000 rights holders mainly performers, and its data base included some 10 million works of different performances. The project was an evolving one. The representative stated that its work was based on the fundamental principles that IP was created by the author, recreated by an artist performer, fixed by a producer and distributed. While his organization was aware of the issues of limitations, it felt that the best way of creating an environment which was beneficial overall was through the conclusion of treaties and agreements particularly given the lack of legislation in many important areas but also given the severity of the problem of piracy. The representative concluded by expressing the willingness of FILAIE to collaborate in implementing the Development Agenda.
49. The representative of CEIPI speaking in the context of the limitations and exceptions to copyright, drew the attention of the Committee and the Secretariat to the statement delivered by a group of university teachers entitled "A Statement Towards Interpretation

of the Three Staged Testing Respecting Copyright, Three Step Test". The Statement proposed an interpretation of the three step test ensuring that the exceptions and limitations already acknowledged by international law should not be excessively restrictive and that the introduction of exceptions and limitations which were fairly balanced should not be excluded. The representative proposed that this statement could be usefully taken into account in the framework of the project study on copyrights and related rights in the public domain referred to in CDIP/4/3, point 1.3 on page 5 of the English version, and page 6 in the Annex to the document.

50. The Chairman then invited the Committee to move agenda item 3 and invited the Secretariat to introduce the document CDIP/3/9 Prov. 2.
51. The Secretariat informed the Committee that the document CDIP/3/9 Prov.2. contained the report of the third session of CDIP. The draft report was published in July 2009. Comments were received from a few delegations who requested changes to their own statements. The report had accordingly been revised and was presented to the Committee for adoption.
52. The chair opened the floor for comments, if any.
53. The Delegation of Egypt informed Chair that it had slight modification to make to their statement contained in paragraph 154 of the document which it will be happy to provide to the Secretariat.
54. In the absence of any further comments, the Chair declared the report of the third session of CDIP as adopted. The Chairman then moved to item 5 of the Agenda and referring to documents CDIP/4/3, CDIP/4/4, 4/5 and 4/12, invited the Secretariat to introduce the documents.
55. The Secretariat informed the Committee that during the third session of the Committee, three thematic projects were discussed and broadly agreed upon. The Committee had made certain proposals with regard to modifying some of the activities and these modifications had been incorporated into the project documents contained in documents CDIP/4/3, /4/4 and /4/5.
56. Introducing the document CDIP/4/4 which contained the project on IP and Competition Policy, the Secretariat stated that some changes in language had been made to reflect some concerns, for example, that the original document put too much emphasis on licensing arrangements. The language had thus been redesigned to encompass other aspects of anti competitive practices. The Secretariat further clarified that a new component had been inserted, component number 7 on page 5 of the Annex of CDIP/4/4, which referred to the elaboration of a survey and analysis on the use of compulsory licenses to repress anti competitive practices. This was the result of a proposal by the Delegation of Egypt with regard to the compilation of a database of compulsory licenses granted to address anti competitive practices and another proposal by the Delegation of Costa Rica that this information may be elicited from Member States, thus the inclusion of a survey. The Secretariat clarified that the survey would cover all areas of IP. The Secretariat further informed the Committee that the answers to the questionnaire would demand the coordination, at the national level, between the different agencies that address IP and those that deal with competition law. The Questionnaire would be circulated immediately after that meeting and replies would be requested by March 2010, according to the timetable indicated on page 8 of Annex 2. The Survey would contain two elements: the tabling of the answers received and the descriptive analysis. This survey would be elaborated subsequently by the Secretariat and the results would be submitted before CDIP 7.

57. The Delegation of Egypt recalled its suggestion during CDIP 3 for the inclusion of a section on legislation and procedures dealing with anti competitive practices and inquired as to its possible inclusion.
58. In its reply, the Secretariat clarified that the inclusion of the legislation on anti competitive practices was already part of the project on the reorganization of the Secretariat's database on laws and treaties. However if the Delegation of Egypt preferred to have specific language included in the project document that could easily be done.
59. The Representative of El Salvador informed the Committee that the National Intellectual Property Office of El Salvador was not empowered to examine the issue of compulsory licenses but given the emphasis on inter institutional cooperation by the Government, the Delegation will consult other government institutions and provide El Salvador's comments in due course.
60. The Delegation of Brazil inquired as to whether the survey would be general or focused on sectors given that different sectors have different business models and different business models can entail different anti competitive or potentially anti competitive behavior.
61. In reply to the inquiry from the Delegation of Brazil the Secretariat informed that this matter had been considered by the Secretariat and was also discussed during the third session of the CDIP. The concern was that our focus should not forget the regional dimension as some countries had different experiences with competition policy than others and similarly the sectorial experience. The Secretariat added that there were some areas of industry for which competition law or the interface between competition and IP was completely different than other sectors of industry. But that specific survey was on compulsory licenses to address anti competitive practices. It would thus be up to the governments if they wished to bring in a sectorial focus. The Secretariat further added that the sectorial difference in the application of IP needed to be in the area of competition law and that would be reflected in the studies. Accordingly, the Secretariat would present to Member States a list of topics and a list of experts to be commissioned and in that case the studies would reflect the differences amongst the sectors and amongst regions.
62. The Delegation of India referred to the project and the discussion on the interface between the IP system and competition policy and suggested that it was not simply an interesting issue that needed to be looked into and explored but that the very nature of IP involved anti competitive elements and that appropriate measures needed to be taken to address that problem. This was at the heart of the recommendations and in the project description and the narrative, this element should be brought in so that the context and the reason why this evolved into a Development Agenda recommendation came across more clearly. The Delegation further stated that it would also like the narrative to include a reference to the problem of refusal to license which was not mentioned at present. In addition, the Delegation requested that the tool kit and the guide be made publicly available and stated that there was no indication to that effect in the project proposal.
63. The Delegation of Egypt requested that a cross reference be made in the project to the project where the database on legislation and procedures dealing with anti competitive practices would be dealt with. The Delegation further requested that the raw data based on which the analysis would be made itself be made available. Referring to the comments made by India, the Delegation stated that the objective was not to discuss the nature of IP, as to whether it is monopolistic or not or pro competitive or not. As with all private property IPRs could be abused. If it was accepted that IP owners in particular

patent owners, could not refuse to license, the patent system would be destroyed. The refusal to license was at the core of the patent right and the IP right. Of course there were some conditions under which an IP owner could not refuse to license. However, the idea was not to take a pre-determined position as to the pro-competitiveness or not of the IP system but that it be left open and the result would be clear two years later.

64. In reply to the observations of the Delegation of India with regard to the lack of reference to the guide or a tool kit, the Secretariat clarified that it was deliberate since during the previous sessions of the Committee there was no consensus on the issue.
65. The Delegation of Brazil suggested that the proposed studies be submitted for peer review to experts on the subject in organizations such as the United Nations Conference on Trade and Development (UNCTAD) and the Organisation for Economic Co-operation and Development (OECD).
66. The Secretariat recognizing that it had not received guidance from Member States on that point, thanked the Delegation and agreed with its suggestion. The CDIP made some proposals and concretely the Brazilian Competition Authority suggested to conducting studies on the interaction between IP offices and competition authorities at national and regional levels and on shared litigation. The term shared litigation was intended in a broad sense, meaning not only shared litigation between competitors, but also litigation initiated in a frivolous manner by some IPR owners against an IP office in order to artificially obtain an extension of the term of protection of their alleged rights. The preparatory work of the thematic project was conducted in coordination with the WIPO Chief Economist. The studies were intended to be submitted for comments to other international organizations and other entities representing several sectors of the industry. Their comments would be available to the CDIP as an annex to the studies.
67. The Delegation of India, in response to the Secretariat's intervention, wished to clarify that the tool kit referred to earlier by that Delegation was the tool kit mentioned in the project proposal under delivery strategy, sub point 1, i.e. the tool kit and publication used for the training programs. The request was to make the tool kit publicly available. The Delegation also explained that the mentioned guide was the guide on franchising in sub point 6. In addition, as was done during the discussion on studies on IP and competition in selected countries and regions in the previous CDIP meeting, the Delegation affirmed that a cross sector analysis would have been very useful and important in order to describe how IP was concentrated in some sectors and in the hand of some actors. The Delegation requested the incorporation within the scope of the studies of the revised thematic project document, reference to specific sectors such as pharmaceutical, bio technology and agriculture.
68. The Secretariat clarified that the guide on franchising and the tool kits concerning licensing practices would be revised in order to have a component on IP and competition law. The Secretariat recalled that at the previous session of the CDIP, Member States already had an extensive discussion on the regional and sectorial nature of the studies. The reason for the lack of such an explicit mention in the revised document was that there were still uncertainties regarding the possibility of obtaining the relevant data. For example, IP and competition policy in the pharmaceutical sector was a very important area, which was the focus of many study projects in the United States and in the European Union; but the European Commission, in order to obtain the relevant data from the industry, had to use compulsory measures, that were not available to WIPO. At that stage it was more appropriate to assess how much information WIPO was able to obtain on a voluntary basis. Some data were quite reasonable to be obtained, for instance the number, the quantification of IP rights and the quantification of the enforcement of the rights against third parties; but other kinds of information, such as on the content of

agreements between companies, or on prices of products to be compared, might have proven very hard to gather.

69. The Chair thanked the Secretariat for the intervention and declared the document under discussion adopted. The Committee moved to discuss document CDIP/4/3 on the project on IP and the public domain. The Chair invited the Secretariat to introduce the thematic project on the public domain.
70. The Secretariat recalled that at the previous session of the CDIP it received a number of suggestions of a drafting nature and also of substance concerning the important project on the public domain. The first version of the proposal focused on the identification of the subject matter which had fallen into the public domain and on the methodology to identify such subject matter. A number of activities were proposed for the four different areas of IP, because the definition of public domain was different from one area of IP to another. Based on the suggestions of Member States, substantive changes in the copyright and related rights area and in the traditional knowledge and traditional culture expression area were made to the document. The Secretariat further clarified that the changes introduced into the copyright component of the public domain project were not numerous but they were important. There was a proposal by Egypt to make clear that there was a relationship between the public domain and copyright limitations and exceptions and it was requested to make clear that the scoping study was going to analyze that relationship. The scoping study had two parts; one was an illustrative comparison of national legislations looking at ways by which countries define or not the public domain in terms of literary and artistic work. The second part was a survey of legal and technical tools for identifying public domain subject matter and it used a different approach than merely looking at statutory categorization or definition of public domain subject matter. In fact there were different views about what could constitute the public domain and those views were not limited or defined in terms of whether the law itself defined a given work as within the public domain or not. Some of that second category of content that might be protected could have been accessible because it was subject to limitations and exceptions. So it was very important to make clear that there was a very important relationship between limitations and exceptions to rights, on the one hand, and the public domain on the other. In the document, on page 3, in the first paragraph under the component 1 copyright and related rights, a sentence was added on the need to clarify the relationship between copyright, limitations and exceptions and the public domain including legal, conceptual and functional aspects. A second suggestion concerned the survey on voluntary registration and deposit systems, in point 1.1 at the bottom of page 5, of document CDIP/4/3 where it was indicated that the Secretariat would have carried out a survey to follow-up on an earlier survey. A more limited survey on voluntary public registration systems was carried out in 2005. During the previous session of the CDIP it was requested to make sure that the new survey was going to be global and did not cover just a limited number of Member States. The request was incorporated at the top of page 6, in point 4 by making clear that the survey attempted to include all Member States. The Secretariat was preparing the questionnaire and the intention was to send it to all Member States. Point 1.4 on page 6 had been added concerning a conference on copyright documentation and infrastructure. Earlier versions of our proposal included informal working groups and consultative processes to look at the results of the survey on voluntary registration systems 1.1 and 1.2 the survey of private copyright documentation systems as well as 1.3 the scoping study, and it was requested that Member States, including LDCs and developing countries, were provided the opportunity to take part in those informal consultative processes. In view of such proposals, the Secretariat thought appropriate to organize a conference on copyright documentation and infrastructure to look at copyright registration and documentation systems including public and private copyright documentation systems. The organization of the conference, due to take place

in the second half of 2010, would have entailed to make available financing for some representatives of LDCs and developing countries.

71. The Secretariat further explained that it was asked to make important changes in relation to the traditional knowledge and traditional cultural expression component as well. The earlier version included the proposal to undertake a pilot project, which could have been a first step towards the ultimate objective of the recommendation number 20 that was the preparation of guidelines which could assist interested Member States in identifying subject matter that had fallen into the public domain. While a general support for that proposal was expressed by the Committee, a number of delegations suggested the creation of a portal, on the WIPO website to establish hyperlinks to existing databases of traditional knowledge already developed in certain countries. Some other delegations had expressed unwillingness to proceed with the implementation of pilot projects and they had expressed some hesitation in relation to the creation of a database of traditional knowledge, due to the fact that different opinions were still dividing the IGC on the role and implication of such a database. After discussions and consultations at the previous session several delegations had made a suggestion to do a fact-finding survey in order to analyze the pros and cons, advantages and disadvantages of establishing such a database. As a compromise, it was agreed to initiate by conducting a survey on existing traditional knowledge databases and on the experience and impact of traditional knowledge databases on the subject of public domain. That had been discussed in conjunction with a concise study to analyze the responses to the questionnaire for conducting such a survey. Thus the revised proposal consisted of two actionable proposals, the first one was the study on the public domain and Traditional Knowledge (TK) and the Traditional Cultural Expressions (TCEs), number 4.1 on page 7 CDIP/4/3. The concise study would have been prepared on the basis of the fact finding, undertaken by the second actionable item which was 4.2 study of the existing national TK and TCEs databases. The study was a survey to establish facts and fact finding, and also to solicit comments from the administrators of those existing TK databases concerning their experience and the impact of those databases on the question of the public domain. For instance, to what extent did such a database make a contribution to the preservation of TK and to what extent was such a database useful for a so called defensive protection of TK. Thus the Secretariat decided to take a very cautious approach by initially establishing the facts through the survey and then developing a concise study on the latter. Minor changes were made to the trademarks and the patents components without any significant substantive changes to the proposal.
72. The Chair thanked the Secretariat for its explanations, adding that the Secretariat had tried to take into account all the comments made by the delegates while adopting a cautious approach to the exercise.
73. The Delegation of Chile welcomed the documents under discussion, in particular on the subject of exceptions and limitations and their relation to the public domain which was defended by the Delegation in many international fora. It recalled that ATC Technology Corporation (ATAC) and Asia-Pacific Economic Cooperation (APEC) had undertaken a study on exceptions and limitations that could have been similar to the one included in the project so that it suggested that the latter was taken into consideration in order to avoid any duplication.
74. The Delegation of the United States of America informed the Committee that over the previous several years the United States had supported efforts to deepen the understanding of the concept of the public domain and to more clearly define the boundary between unprotected and protected subject matter in the areas of patents, trademarks, copyright and TK. Against that background the United States welcomed the practical approach adopted by the Secretariat in proposing to conduct a series of studies

and surveys that would have analyzed good practices and tools available for identifying content that was in the public domain and for preserving such content from misappropriation. With regards to the copyright component, the Delegation supported the additions to the language of the projects that had been made by the Secretariat including the clarification of the contents of some of the surveys as well as the holding of the conference on copyright documentation and infrastructure to take place after the completion of all the other copyright activities. It was noted that during a period of difficult economic times, the United States encouraged the efficient use of work that had already been undertaken by WIPO for other purposes and the avoidance of unnecessary duplication of efforts. To that end, it was pleased to see the recognition in the annex to CDIP/4/3 of several relevant prior surveys and studies for instance in the areas of registration of copyrighted works and encouraged the Secretariat and the delegates to consider whether there were other areas in which work had already been done that could have been incorporated into the copyright sub projects. The United States also noted that the issue of orphan works was gaining importance and informed the Committee that the US Copyright Office in 2006 had undertaken an extensive report on that topic. As it was believed that much of the material in that study was relevant to the proposed study projects, the Delegation offered to provide insights from that orphan works report. The Delegation then expressed its concerns in relation to the proposed study on the misappropriation of certain distinctive signs and abuse of appropriation of signs. It had raised some concerns at the previous session of the CDIP but noted that its comments had not been fully taken on board in the revision of the project document. The original proposal from Brazil had referenced the misappropriation of generic terms related to Brazilian biodiversity, the proposed study however was deemed to go far beyond the scope of the original proposal. The description of the study included several terms that were not clearly defined; for example the term "misappropriation" should have been interpreted based on national law criteria; also the meaning of the terms "distinctiveness" and "abuse of appropriation" depended on national law practice. In addition the term "signs" was a term of art, the use of which in the proposed study encompassed all kinds of subject matter that was not initially targeted such as state symbols, geographic terms, geographical indications, certification marks and collective marks. All those issues were currently being discussed in the Standing Committee on Trademarks (SCT). The proposed study would have likely preempted much of that discussion. Therefore the Delegation found the revised proposal duplicative and unnecessary. It was recommended that the study, as formulated in the project document, should not have been undertaken. The Delegation added that if any study were to be conducted, the United States believed it should have focused entirely on different legal and examination tests for distinctiveness within different categories of subject matter as they existed in different jurisdictions. Furthermore, the Delegation expressed concerns in relation to the text on page 4 of the project document stating that an example for source of information that could be useful for trademark offices to avoid undue registration of generic terms could have been a non exhaustive list of customary names associated with biodiversity, prepared by Brazil, which was going to be published on the WIPO website to facilitate further discussions of the issue. A determination of genericness depended on national law and public perception. The development of a list of customary names associated with biodiversity to avoid the registration of generic terms would have been of limited value. The United States therefore also objected to that element of the trademark proposal. In relation to the patent component, the Delegation thanked the Secretariat for presenting meritorious proposals to undertake studies on the examination of patent information. The Delegation noted that the CDIP, rather than the Standing Committee on the Law of Patents (SCP), was the appropriate place to begin consideration of the proposed studies. The principle that the work undertaken by the CDIP should not have been duplicative of other WIPO activities was of special importance during that period of constrained organizational resources. The Delegation approached those proposed studies favorably, because they would add further value by identifying ways in which the

existing patent information dissemination system could be used to identify subject matter in the public domain, and new national patent registers could be developed to increase access to public patent documents and to put the public on notice as to when inventions have entered the public domain. However, the Delegation expressed its objection to the terminology used on page 6, Item 3.1 of the Annex to document CDIP/4/3, i.e. “to further explore the analysis of patent information and certain provisions of the patent system as a tool and basis for identifying and claiming subject matter that has fallen into the public domain.” Since in the context of patents the word claim was a term of art and had an art-recognized meaning of a formal statement describing the novel features of an invention and defining the scope of a patent’s protection, and subject matter that has fallen into the public domain by definition could not be novel, the Delegation suggested revising the language to read: ‘This specific study would be useful to further explore the analysis of patent information and certain provisions of the patent system as a tool and basis for identifying subject matter that has fallen into public domain’.

75. The Chair thanked the Delegation of the United States and clarified that it was understood that a general agreement on the majority of general issues had been reached at the third Session of the CDIP. The CDIP was not supposed to completely modify such projects. The risk of duplication of efforts undertaken by the different Committees could not have been completely avoided because the CDIP covered all sectors and all areas related to IP and development and it was clear that a few overlaps were going to exist. The Chair suggested to look at them as complementarities between studies done outside the CDIP. For example, the Delegation of Chili indicated that a study had been undertaken by APEC, and it expressed the wish that the studies to be done by the CDIP could bear in mind that study. In the Chair’s opinion that was a clear case of complementarity instead of overlapping between studies.
76. The Delegation of Brazil, referring to the comments made by the distinguished delegate of the United States and the suggestion by Brazil of including registration of generic terms, clarified that the Delegation was not proposing a norm setting exercise or any kind of study which could have been conducive to norm setting. The preparation of a non exhaustive list of customary names associated to biodiversity and other areas would have implied that national offices would have automatically taken into account those lists when analyzing requests for registration. The objective was not to create a sort of legal obligation to take into account the list. The Delegation objected to the suggestion of deleting the study on trademarks, because there was a need to raise the awareness of traditional communities’ interests. They could rely only on their cultural heritage in order to give distinctiveness to their products and to be included in the world of innovation. On the basis of concrete experiences, the Delegation believed that without appropriate legal protection, traditional communities would not have been able to export their products with their traditional names, which could give them distinctiveness, in a way that they remained excluded from the value-added markets. It appealed to the United States to also consider that aspect of the proposal which might have had far reaching consequences. In relation to the digital copyright studies, number 1.3, the Delegation requested that they reflect more clearly the content of recommendations 16 and 20. Recommendation 16 asked to consider the preservation of the public domain and deepen the analysis of the implications and benefits of a rich and accessible public domain, and recommendation 20 requested to promote norm setting activities related to IP that supports a robust public domain. There was a need to put more focus on the digital environment. In countries like Brazil, the supply of books in public domain and access to them was not sufficient and below the demand. Granting access to those public domain works on the internet was a crucial aspect of expanding education programs. Even Brazil, which dedicated 5% of its GDP to education had problems in supplying works in the public domain which could cover the demand. Thus, it suggested that the study should have included a focus on the problem of accessing books, works in the public



domain in the digital environment and it should have extended the analysis of the implications and benefits of a rich and accessible public domain.

77. The Delegation of India thanked the Secretariat for having made the attempt to incorporate all the comments by Member States at the previous meeting and had some remarks to make. The first remark was in relation to the brief description of the project, the objectives and the delivery strategy, which clearly described the project as a sort of first step on the implementation of the second part of recommendations 16 and 20. While the Delegation recognized that that was a first preliminary step in implementing the two recommendations, it believed it was important also to refer to the larger vision behind the two recommendations, reflected in the first part of recommendations 16 and 20. That was to promote norm setting activities related to IP that supported a robust public domain in WIPO's Member States. The first part of recommendation 16 which considered the preservation of the public domain within WIPO's normative processes should have been mentioned in the brief description and also in the objectives of the project. The Delegation of India also suggested to include in the scope of the study the issue of Google library initiative, which in its view was in the public domain at that time and raised a question regarding its potential relevance in terms of implications for public domain versus copyrights. Finally, referring to the survey of the existing national TK and TCEs databases under paragraph 4.2, the Delegation pointed out that in line 5 of that paragraph on page 7 of the annex, the inclusion of those databases used by patent offices in connection with the identification and preservation of TK and TCEs considered to be in the public domain was mentioned. Given the extended discussions, undertaken during the previous session of the CDIP, on whether or not it would have been a pre-judgment to classify TK and TCEs as being in the public domain, it was suggested to delete that specific phrase. The Delegation had understood that the CDIP was going to start cautiously by a fact finding survey on that item.
78. The Chair said there was not enough time to conclude the discussion on the item and asked the Secretariat whether it had any comment it wanted make in relation to the interventions made by the delegates.
79. The Secretariat stated that suggestions concerning deletion or inclusions of specific language were easy to incorporate. On other aspects, such as the publication of the list of generic terms, in the second paragraph of page 4, there was a clear difference of opinions among Member States and the Secretariat needed clearer guidance from the Committee.
80. The Chair said that according to the work program that had been drawn up he was hoping to finish that item and the examination of those projects that afternoon. While document 4/4 was approved, there were still delegates wishing to make comments on document 4/3. The Chair proposed to leave the approval of that document pending, and to resume the session by discussing new projects, included in the documents CDIP/4/6, CDIP/4/7 and CDIP/4/8. The Chair recalled that the Secretariat had already allocated the necessary financial resources for those projects and it was hoped that a wise and constructive discussion would take place and the documents would be approved. The Chair observed that the Committee had had an extremely fruitful discussion on a number of topics and projects and believed that it could do even better because the projects discussed the previous day were those that had already been examined in the past, and the Committee had agreed on them in a general sense. The Chair stated that there was no need to go back to the projects but what was needed was to merely check with the delegations, particularly those delegations who had already raised questions on the projects, to see whether they still had concerns. The Chair explained further that that was what he believed and that was why a work program had been set up. The Chair stated that it was a heavy program and expressed confidence that the Committee would

manage to review all the projects which were ready and only needed slight improvements. As regards the program that was put together, the Chair explained that the Committee needed to be pragmatic in its approach and should try and amend or improve or find a way of ensuring that Member States' statements were in line with the projects under consideration. The Chair explained that the Committee had three projects and from a logical point of view each project should take one hour. The Chair stated that he would count upon the delegations, on their understanding, their flexibility and on their open-mindedness to be able to move forward. The Chair then wished to give the opportunity to the delegations that had asked for the floor the previous day to be able to express them. It was explained by the Chair that at that stage the Committee would hear the delegations on the document CDIP/4/3.

81. The Delegation of Bolivia thanked the Chair and wished to share some concerns that it had about the public domain. It stated that they were all interested in having a Cluster of projects that meet both the interests and concerns of the Member States and particularly those of the developing countries. The Delegation stated that it wished to discuss things that were truly important and that to some extent had been incorporated in the project but not quite correctly. In that context, it stated that the project under consideration did not meet the essence of the mandate under recommendation 16 which indicated the preservation of the public domain within WIPO's normative processes and deepen the analysis of the implications and the benefits of a rich and accessible public domain. The Delegation wished to see more analysis of the implications and the benefits of having a rich and accessible public domain to improve innovation. It also explained that the issue of connection with TK and TCEs was very important for the Delegation as it was of the view that such connection could give rise to misinterpretation. It stated that TK was not part of the public domain. It further stated that TK could not be approached from the public domain and thereby the Delegation found it difficult to accept. It observed that the Committee should correct the approach once and for all, or remove it from that part of the project because it thought that such approach was not correct. It stated that it might also come back to the subject later.
82. The Delegation of Turkey thanked the Secretariat for the document CDIP/4/3 and sought clarification with regard to page 6, point 1.3 and its relation with page 7 on TK and TCEs. Point 1.3 of the document the Delegation noted, had a comparison of national legislation with regard to copyright and the public domain and observed that on the TK and the part on TCEs in the document there were no plans to make a study and the comparison between national legislations and TK. The Delegation requested clarification on that if possible and believed it would be very useful to have a comparison of national legislations on TK and TCEs.
83. The Delegation of Zimbabwe thanked the Chair and joined others in congratulating the Chair on his election. The Delegation's remarks were along the same line as that of Bolivia which expressed concerns and reservations regarding the proposed project, especially with reference to TK, TCEs and Genetic Resources (GR). The Delegation noted that it was fully aware of the good intentions of the Secretariat in coming up with the proposal especially the creation of the database and considered that as a very important initiative. The Delegation wished to point out that whatever the Committee decided to do, the process should also fit into other processes of WIPO bodies as a whole. The Delegation explained that it considered including GR TK and TCEs in the public domain was like arguing that somebody had pirated something via internet. The Delegation noted that Internet was public domain and a public system, and thereby one could not justify a misappropriation on the basis of the source of such information. The Delegation then observed that it was very concerned with the idea of putting GR in the public domain. It noted further that it would not be possible to qualify and justify the misappropriation of something if it was in the public domain, and believed that the right

path to follow might be in the context of what the Committee was trying to do and what it was trying to achieve that day. The Delegation observed that it would have been very uncomfortable to have seen a project on misappropriation of GRs, TK and TCEs. It wondered, if the Committee could undertake a study to review the implications from the financial, economic and social aspects of how misappropriations had under-privileged or had deprived developing countries of their benefits that were supposed to be derived from GR, TK and TCEs. It wished to record that in the previous session, many delegates had expressed such reservation and concern and that there was also a suggestion to delink or remove, GR, TK and TCEs from the public domain. The Delegation indicated that it requested the Secretariat to indicate whether they had tried to explore this option and recalled that that was suggested by the Asian Group and Bolivia.

84. The Chair thanked the Delegation of Zimbabwe and stated that he could understand what the Delegation was saying and had a question for it. The project proposed by the Secretariat was a study of the public domain and the survey was related to that. The Chair inquired as to whether the Delegation did not like the study or the questionnaire or was uneasy with both of them and requested the Delegation to clarify.
85. The Delegation of Zimbabwe explained that it was the understanding of the Delegation that a process in the IGC was ongoing where certain definitions of certain concepts were outstanding. The Delegation stated that it did not understand how the Committee was to proceed with a study, while in the right forum the definition of certain concepts was still to be agreed upon.
86. The Delegation of Indonesia mentioned that its concern was in line with that of Bolivia and Zimbabwe regarding TK and the inclusion of TK and TCE in the public domain, and referred to the statement of the Asian Group in the previous session which indicated that TK and TCEs should not be included in the public domain. The Delegation also referred to what it had said in the general statement requesting that the study for points 1 and 2, be removed from the project.
87. The Delegation of South Africa wished to join other colleagues in welcoming the Chairman of the meeting and supported the statement made by Bolivia, Zimbabwe and Indonesia in the context of the issue of TK and TCEs in the public domain and felt that it was prejudging the discussions that were taking place in the IGC context. The Delegation could not automatically agree to that as being in the public domain. It felt that at this stage of the issue, TK and TCEs, did not necessarily automatically fall in the public domain and indicated its support that there should not be any reference to TK and TCEs. The Delegation however, wished to show flexibility in demonstrating the importance of studying the area of public domain and stated that it could accept in regard to point 1, a more general study on the kind of issues that were surrounding public domain without having to refer specifically to TK and TCEs. The Delegation requested that such a study be considered as the basis for the next step on how to proceed, depending on discussions on other processes in WIPO.
88. The Delegation of Spain expressed its gratitude to the Secretariat for preparing document CDIP/4/3 on recommendations 16 and 20 of the Development Agenda. With reference to copyright, the Delegation stated that, on one hand, in the search for tangible results, Spain was prepared to cooperate on the studies that were being carried out to find a definition of public domain. The Delegation thought that an analysis of legal models available, both from the norm-setting and practical points of view of case law, could bring great progress. The Delegation observed that in spite of that, and the statement in the document about the existing relationship between the public domain and exceptions and limitations, they would have to study further the legal and technical aspects of both and then examine the progress made. The Delegation stated that the examination of

voluntary registration should be based on previous experience so as not to duplicate efforts in areas already examined, as covered in the document. It was correct, therefore, to determine what subjects would be worked on so as to work as efficiently as possible. In the document references were made in particular, to 4 aspects. The Delegation wished to know whether there were some additional aspects and observed that the determination of the aspects to be studied should be based on efficiency.

89. The Delegation of Nigeria wished to lend its voice to the position of South Africa and observed that TK and TCE should be excluded from the project. The Delegation stated that it was concerned because still further work had to be done on the matter.
90. The Delegation of Egypt wished to raise a point that it was not able to raise the previous day. The Delegation stated that it was in agreement with what had been said by the delegations that had spoken before on the issue of TK and TCEs. The Delegation wished to go to the point on patents of item 3 on page 6 of the document and thought that the emphasis indicated there seemed to be on patent information. The Delegation wished to raise a few issues that it felt impinge on the public domain in the area of patents. The Delegation suggested for inclusion the issues of patent tickets, ever greening, patent plan extension, patentability criteria, pre - and - post grant opposition, disclosure requirement and patent application, and to examine their impact in the study on the public domain. The Delegation believed that these issues had a direct impact on the Public Domain with regard to patents and noted that a study that referred to them would enrich the understanding of the issue.
91. The Delegation of Yemen associated itself with what was said by South Africa and Zimbabwe as regards the subject under consideration and believed that such subject should not be added to the public domain.
92. The Chair explained that the Secretariat had taken note of all comments and would react to what the delegations had stated that morning and the previous day. The Chair invited delegations to look at document CDIP/4/5 and observed that it was also a document that was examined at length at the previous CDIP session and requested the Secretariat to introduce the document.
93. The Secretariat introduced the document and explained that with respect to the Copyright part of the project, the main comments made in CDIP/3 by the Member States were to clarify, as far as possible, the relationship between the project deliverables and objectives and recommendation 19, which was in Cluster B of the original set of recommendations, and to discuss how, within WIPO's mandate, access to knowledge and technology for developing countries and LDCs could be facilitated to foster creativity and innovation. The Secretariat mentioned that some Member States felt that there was a clear relationship to recommendations 24 and 27 in the previous version of the project description. It also recalled that, in respect to the relationship between access to knowledge and technology, the Member States felt that it needed to be made clarified in relation to recommendation 19. The Secretariat stated that as far as copyright was concerned, a few specific recommendations were made which had been incorporated. The first was to make clear the relationship between open-access publishing and development models for copyright protected content which had been included in several places in the description of the project, and as example referred to page 3, last line where there was a reference indicating, e.g. "open access publishing"; and at the bottom of page 4, following the last line "including issues such as open access". The Secretariat also noted that there was a request, particularly in relation to software, which figured as one of the three focus areas in the copyright component of the project, namely, education research, software development practices and E-information. In the second of those thematic areas, software development, there was a request to make clear that software was firmly intended to be included in the scope of this project. The Secretariat explained

that that reference had been included in several places and indicated, as example, the same place at the bottom of page 3, where open access publishing was mentioned, and to page 4 under 2.2 of component 1 on copyright, the fourth line down “software development practices, including free and open source software”. The Secretariat further stated that from the point of view of the digitization component of the project, there had been two changes reflected in present draft. The first one was: there were some comments about the Global Digital Solidarity Fund (DSF) and whether more linkages could be established with that Fund and mentioned that there were some references to that in the introduction to the project description. Then there was a specific reference on page 5 of the document, where it had been said that the study would consider the possible establishment of a collaborative relationship between WIPO and DSF. The second main change to the document was to narrow the scope of the digitization component. In the previous draft there were some references to other kinds of databases, which could be included in the scope of digitization, including, possibly the TK and other databases. The Secretariat informed that such references had been removed and the scope of the project now related uniquely to Industrial Property.

94. The Delegation of the United States of America thanked the Chair and stated that it supported the premise of the proposed Copyright study project and appreciated the clarifications provided by the Secretariat. The Delegation also noted that in its prior comments it had asked for greater detail on the study topics in the scoping document and hoped that they would be forthcoming.
95. The Delegation of Bolivia stated that it noted an error regarding recommendation 19 in the Spanish translation of the project. It explained that in English the recommendation said: “Discussions on how within the WIPO mandate to further facilitate access to knowledge and technology for developing countries” and in the Spanish version the translation was “access to information” in the form of el acceso a la información, and believed that it should be amended. The Delegation observed that it led to an error under the brief description of the project where it was said that “the project will have two components, one on Copyright and access to information” in Spanish. It observed that in order to be consistent with Recommendation 19, “access to knowledge” in Spanish should be said as, “conocimiento”. It believed that the “access to knowledge” was important there and relevant for the project itself.
96. The Chair thanked the Delegation of Bolivia for bringing the translation issue to the attention of the Committee and believed that it was an administrative issue which would be corrected by the Secretariat.
97. The Delegation of Morocco stated that it had a small comment on the first paragraph on page 5 (in French) where in the last sentence it was mentioned that cooperation between WIPO and DSF would be considered. It wished to modify it and refer to digital divide instead of DSF as it noted the difficulties that the DSF was experiencing.
98. The Chair thanked the Delegation of Morocco. It however believed that recommendation 24 specifically spoke of the DSF and wondered if the Committee could go beyond what was mentioned in the recommendation. The Chair believed that it was a major issue if the Committee wished to proceed that way. The Chair suggested that the Committee might consider saying “Digital Solidarity Fund or any international, regional body” and thought that it would not give rise to any major issues. It inquired as to whether the Secretariat could agree with what was suggested by Morocco.
99. The Secretariat explained that it had specifically included, on page 5 of the document, the language that the study would consider the possible establishment of a collaborative relationship between WIPO and DSF. It noted that obviously there were a number of

other international and regional bodies which considered digital divide issues and it was certainly the intention of the Secretariat to take into account and bring in, for the purposes of the project, the activities of these other organizations. However, specific reference to the financial mechanism of the DSF in the recommendation would perhaps require a bit more detailed consideration of a possible establishment of the collaborative relationship between WIPO and the DSF within the terms of recommendations. The Secretariat stated that it would forefront the actual language of the recommendation concerning DSF but certainly it was not its intention to exclude from the scope of the study the relevant activities carried out by other IGOs and NGOs in that area.

100. The Delegation of India stated that it had a few comments to make on the proposed project in line with the discussions held on the proposal. It began with the project description and indicated that there was reference to WSIS principles and reference to the lack of access to facilities and Information Technology (IT) infrastructure which was followed by three paragraphs on digitization of data. The Delegation was of the view that it would be appropriate, considering the spirit behind the recommendations, to begin with the inter-linkages between Information Communications Technology (ICT) and the social and economic development of countries. It was also the view of the Delegation that a preliminary paragraph that puts this issue in the context of economic and social development would be appropriate to put the project in the correct context. The Delegation therefore wished to request that a reference be made as to how the global knowledge economy, access to knowledge and technology was indispensable for social and economic development and for the well-being of people in all countries, especially developing countries and LDCs. The Delegation observed that there were also references to “access to information and creative content” in several paragraphs. It expressed the preference that such references be replaced with the phrase: “access to knowledge”, because that was the language of the recommendation itself and observed that it would broaden the scope of the project at hand. The Delegation wished that there was reference made to that in the brief description of the project and in the following paragraphs on objectives, and elsewhere, and thought that if such a change could be made, it would reflect the spirit of the recommendation more accurately. The Delegation then mentioned the brief description of the project and referred to the first page and the second paragraph where it was said that “as far as the infrastructure for achieving the goals of digital inclusion, the copyright system may play an important role in enabling access to ICTs...” and observed that perhaps it would be more accurate to say the flexibilities available within the copyright system such as limitations and exceptions, open access initiative, free and open-source model, enable the access to ICT. The Delegation felt that perhaps it would be useful to put the qualifier and not only refer to the copyright as enabling access to ICT. The Delegation then made its final comments on paragraph 2.3 “Delivery Strategy” where a reference was made to a workshop to be hosted at WIPO headquarters devoted to collective analysis and evaluation of individual contributions. It requested that the workshop be open to the public, so that there was collation of larger and wider views within the context.
101. The Delegation of Egypt stated that it had comments to make on the project description. It noted that in the introduction to the issue, correctly there was a reference to the World Summit on the Information Society (WSIS) process. The Delegation thought that a very important principle, agreed in WSIS, was not indicated, and in that regard mentioned paragraph 42 of the Geneva Declaration. The Delegation thought that the principle there was, that while IP was important, access to knowledge enabled the benefits to trickle down to various sectors of society and economy. The Delegation believed that a reference there perhaps would be most relevant with the principle. The Delegation wished to integrate this reference in the project document to give a context to the discussion. The other specific issue the Delegation observed was on page 6, and concerned the “Delivery strategy”. Particularly, on component 1, it was stated that

“emphasis would be placed on surveying existing government policies and strategies and the relevant supporting legislation”. The Delegation recalled that in the previous CDIP session, it had made reference to the importance of including areas of limitations and exception and in that regard it proposed the language to add on to the sentence which it indicated as: “in particular, policies on limitations and exceptions, exclusions, open access initiatives and open standards”.

102. The Secretariat noted that issues related to access to knowledge and related recommendations themselves were reproduced in the document under consideration and were familiar to everyone. The Secretariat explained that the project under consideration comprised three main components: patent landscapes which would be developed; e-learning tutorials which would be made available on the Internet and on CD; and the component to organize some regional conferences for the exchange of information and best practices on patent analysis and patent landscaping. The Secretariat explained that the first component of the project was the patent landscapes that would be developed under the management of the Secretariat and probably outsourced to third parties for actual analytical work. The Secretariat observed that the idea was to focus on issues of public policy concerns such as health, environment, food, agriculture and disability. The Secretariat further stated that the subject for the landscapes would be selected in consultation with Member States, IGOs, NGOs, and, in that regard, informed the meeting that some discussions had already been undertaken with organizations working particularly in the area of tropical diseases, neglected diseases and similar subjects. The Secretariat informed that the project budget had allowed for production of 12 such landscapes over a two-year period which would require development of, for each project, a specific project plan and terms of reference through consultation with the relevant experts, NGOs and others. The Secretariat further explained that institutions would need to be selected to develop the landscapes and for subsequent implementation of the project so that later the landscapes could be made available to the public through the Patentscope website of WIPO. The Secretariat mentioned that the second component of the project was the e-learning tutorial and that its objective was to provide information to other parties to enable them learn how to do patent analysis and how to do their own patent landscaping. The Secretariat explained that e-learning tutorials would be developed by a third party and made available on DVDs and the WIPO website. It was further explained that the third component of the project was regional conferences the object of which was to allow for exchange of best practices between different stakeholders, between technology and information centers or patent information centers which might already exist in Member States, or which might be created with the assistance of WIPO, as well as between the IP offices themselves and other stakeholders. It was hoped that eventually the regional conferences would become annual or bi-annual events in each region covering all of the regions. In this regard, the Secretariat explained that the project budget had provision for three such regional conferences under the two-year implementation timeframe which included financing of participants from Member States and speakers.
103. The Chair thanked the Secretariat for the introduction of the project proposal following which it sought to know whether after hearing the Secretariat, any delegations had nay comments.
104. The Delegation of the Republic of Korea observed that the project had some relationship with the proposal made by the Republic of Korea and referred to document CDIP/4/12, containing two proposals from the Delegation regarding brand and appropriate technology. It noted that regarding appropriate technology, the Secretariat had suggested incorporating the project proposal of the Republic of Korea with the project proposal contained in document CDIP/4/6. The Delegation observed that the project had to be discussed to get approval from the Member States. The Delegation suggested, as

a possibility, the incorporation of the appropriate technology elements into the project contained in the present document CDIP/4/6 before its finalization.

105. The Chair stated that the proposal by the Republic of Korea on appropriate technology would be looked at and accordingly dealt with and felt that the best way to proceed would be to adopt the document under consideration by including in the document the proposal made by the Delegation of Republic of Korea.
106. The Delegation of Sweden, speaking on behalf of the European Community and its 27 Member States, welcomed the document on developing tools for access to patent information concerning the implementation of recommendations 19, 30 and 31. It considered the document as important and observed that adequate and reliable patent information was crucial in many contexts in discussions including on climate change, food security and environment. The Delegation stated that facilitation of access to patent information was a particular important element in relation to access to knowledge and technology to encourage inventiveness and creativity, especially in developing countries and LDCs and noted that access to such information was also essential to contribute to transfer of technology in relation to such countries. The Delegation mentioned that the European Community and its 27 Member States wished to support the theme under consideration and considered the activities proposed by the Secretariat to implement those recommendations fully appropriate. The Delegation pointed out that the patent landscaping report constituted an especially important and interesting element and believed that analysis of the specific technologies in certain areas of IP would be of considerable practical value and conveyed its broad support for the activities proposed in that context. The Delegation also observed that it was important to understand how to use and exploit patent information and, in that context, stated that the e learning tutorial was an essential element of the project. The Delegation, in summary wished to express its broad support of the activities proposed under the theme.
107. The Delegation of the United States of America expressed its recognition of the value of patent landscaping reports and indicated its support for the role of WIPO in creating such reports. The Delegation expressed its belief that the patent landscaping reports should be complete, accurate, balanced and unbiased. The Delegation then noted with approval the long track record of the WIPO Secretariat in preparing balanced and unbiased patent landscaping reports and observed that an incomplete and inaccurate patent landscaping report was of little value. The Delegation believed that the CDIP would note the importance of building a complete and accurate database of global patent information from which complete and accurate patent landscaping reports might be prepared. The Delegation added that for such reports the topics should be carefully selected to reflect and balance the interests of all Member States. The Delegation then stated that the resources of the Committee should be carefully utilized to ensure maximum benefit for the purposes of the CDIP. In that context, the Delegation stated that CDIP's efforts in drafting patent landscaping reports should build on, and be complementary to, the reports drafted for the SCP, and any other reports drafted by WIPO for other UN organizations. The Delegation then referred to the issue of e-learning tutorials and stated that development of a complete and accurate database of global patent information was of little value if not accessible. The Delegation indicated its support of the development of user-friendly e-learning modules made available on DVDs, or on the Internet as a cost effective training tool for increasing patent searching skills. Referring to the regional conferences component of the project, the Delegation conveyed its support of the proposal for organizing regional conferences and workshops for users particularly for the purpose of sharing experiences and knowledge in patent searching and in the preparation of patent landscaping reports by local research institutions and universities.



108. The Chair thanked the United States Delegation for its statement and indicated that he was of the general view that the Delegation had approved the project under consideration provided that certain principles such as balance, specificity, a complete nature of the work were applied and indicated that the Secretariat had taken note of that.
109. The Delegation of India thanked the Secretariat for taking the initiative to present a very useful proposal to implement Recommendations 19, 30 and 31. The Delegation wished to recall the deliberations of the Open-Ended Forum which had heard many useful ideas in the context of improving the present project proposal in the light of the recommendations. The Delegation then wished to touch upon some aspects that came up in the deliberations which, it was convinced of would considerably improve the outcome of the proposed project. The Delegation observed that the Recommendations 19, 30 and 31, were very large canvas recommendations and explained that they were related to initiating 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. The Delegation expressed its belief that while developing tools for access to patent information did have a useful role to play, it also felt that such tools would be rather limited in contributing to the overall objective of fostering creativity and innovation. The Delegation felt that the interpretation of the recommendations had been rather limited in the sense of patent landscapes and patent information in the project under consideration. The Delegation then mentioned Recommendation 30, and explained that it referred to making use of IP-related information on technology and not just of patents, and in that context stated that the Delegation was looking at a larger canvas for the project under discussion and IP-related information. The Delegation suggested a proposal for WIPO to host a database containing patent oppositions and the grounds for such oppositions. The Delegation was of the view that prompt availability of opposition information would go a long way to improving patent quality in all countries. The Delegation then referred to the e learning modules and the capacity-building initiative proposed by the Secretariat and suggested that the Secretariat evolve mechanisms to develop capacity in order to be able to advise countries on their requests for information on the type of opposition filed on a particular invention or on a particular area. The Delegation wished to offer its suggestion again under recommendation 30, in reference to areas of special interest to the requesting parties. The Delegation expressed its belief that work focusing on patent profiles with regard to crops fundamental to the livelihood of developing countries, such as maize, soya, cotton, rice, needed to be identified and a further study to be done on the extent and nature of patent claims, including concentration of ownership of these crops, and its implication for developing countries. The Delegation was of the view that the outcome of such research could also be the basis for discussions within WIPO, within the body of Recommendation 19, in relation to the impact of current patenting trends and R&D in the area of food and agriculture and the extent to which it facilitated or hindered access to knowledge and technology for developing countries and LDCs.
110. The Chair wished to remind the Delegation of India that since the submission of the Development Agenda by Friends of Development in 2004, delegations had done much hard and difficult work. The Chair noted that there were not many delegations present in that meeting who had taken part in the negotiations except a few who were involved in the negotiation of the recommendations. He then explained that certain proposals were not very correct from the point of view of grammar and that it was deliberately kept so to achieve balance and to break the deadlock during the years of 2006-2007 and beyond. The Chair, then by way of example, mentioned Recommendation 19 and referred to the phrase "initiate discussions on how....." and recalled that it took two weeks to negotiate the phrase which showed how difficult things were during the negotiation. He explained further that some recommendations might appear lacking in clarity, or be ambiguous, yet they were flexible. The Chair then invited delegations to stick to the spirit of the

negotiators, the proponents of the recommendations, and requested them to understand them in the context in which they were proposed and adopted by the Committee and the General Assembly. It was observed by the Chair that the recommendations and the projects under consideration in the Committee were a beginning of implementation. The Chair was of the view that the project under consideration was not something where all the programs, all ideas, all the comments, all the studies and discussions could be included in order to implement the recommendation. The Chair observed that the Committee was at the start of implementation and hoped that the project could progress. It explained that delegations would have the opportunity to ask for a lot more of the project, for additional projects, complementary projects that would be more detailed, broader in scope and so on. The Chair invited the delegations to give this project a chance to make progress and consider asking for further projects at the fifth or sixth sessions of the Committee or immediately after the current session.

111. The Delegation of China expressed its appreciations to WIPO in helping members to develop IP information tools, particularly in preparing patent landscaping reports and indicated that it would lend its help in this regard.
112. The Delegation of Brazil stated that it shared some of the observations made before, and mentioned that it was in agreement with the need to have further projects and further work on Recommendations 19, 30 and 31. The Delegation referred to the discussions on the spirit behind the recommendations that took place in the Open-Ended Forum as well as issues raised in that context in the current session. In that context the Delegation stated that when they spoke about access to knowledge and technology, the spirit behind that was to make free information available on one hand, and on the other, on how to translate that into different levels of technology and the different stages of development of developing countries. The Delegation observed, despite some information being in the public domain for 20 years, most developing countries or LDCs were not able to incorporate that technology into their existing structure and explained that that was what they were talking about when they tried to figure out the spirit of the recommendations under consideration. It wished that another project might try to go a little bit further on the points raised. The Delegation then suggested that the Committee could consider a study to investigate more user-friendly methods for to developing countries. It then wished to share the experience of Brazil on the diagnosis when there was information and there was no incorporation.
113. The Delegation of Brazil informed that the Brazilian Patent Office had been performing studies regarding the new trends in technology using patent information and as examples, mentioned stem cells, nanotechnology, bio-fuels and others. The Delegation informed that such studies had been used by government agencies and private companies, universities, research centers and other users to keep track on trends and to be able to use the publicly available information. The Delegation informed that the studies were an important source of patent information made available as open information to the public by the Brazilian Patent Office in Portuguese. The Delegation expressed the wish that an agreement could be reached with WIPO to translate those studies into other languages to make them available to other countries as a contribution to the implementation of part of the project. The Delegation further stated that it did not want to too take much time to describe in detail the content of the methodology and invited delegations and the Secretariat to explore it on their website and also to visit Brazil if delegations wish to do so.
114. The Delegation of Canada wished to echo the comments made by other delegations that had expressed support for this project. The Delegation however, had a brief question on the budget, noting that while the project description indicated that e-tutorial would be available on DVDs and on the Internet, no amounts under the equipment and supplies

were indicated in that regard in the budget for the project and wondered whether it was covered by the experts' honoraria or by supplies in the budget description.

115. The Delegation of Bangladesh thanked the Secretariat for presenting a very useful project. It noted that the project was of the kind that could help developing countries and believed that it would be particularly helpful for the LDCs. The Delegation then had two brief comments concerning the section on risk indicated in the project. In the first instance it referred to the absence of databases and noted that the Delegation of Brazil had also touched upon this issue. The Delegation stated that the absence of databases is most acute in the context of LDCs. The Delegation then referred to the approach to mitigation that had been pointed out in the project proposal on linkage of all ongoing WIPO activities to develop patent collections of selected countries in electronic format. The Delegation expressed its wish to see this linkage developed under section 2.3 on delivery strategy of the project proposal and inquired if it could be incorporated in some way. Going back to Recommendation 19, the Delegation explained its understanding that the last phrase of the recommendation specifically referred to strengthening existing related activities within WIPO and believed that digitization, particularly in the context of LDCs, would be strengthened in WIPO activities. The Delegation explained that its second comment was also on risk in the context of a lack of awareness by target users and observed that the approach to mitigation suggested in the project was only the incorporation of patent landscapes in patent information and referred to the comments made by the Delegation of Brazil. The Delegation noted that a situation existed which required addressing, that is how to take awareness to the completely unaware or the marginally aware. The Delegation stated that in the mitigation strategy a more innovative way could be considered to reach those who were looking for it in developing countries and LDCs.
116. The Director General wished to respond to some of the questions and started with the intervention by the Delegation of Bangladesh because, according to his understanding it was logically the point of departure, which was, namely, if one had not digitized collections, then one had nothing to search and none of the tools could operate on it. The Director General stated that the Secretariat very much appreciated the points that were made by the Delegation of Bangladesh, in particular on the linkage that it was necessary to create. He wished to remind the delegations about the project approved immediately before, and referred to one of the main objectives of that project which was the digitization of countries collections. He explained that evidently the two projects were linked. He observed that as far as the mitigation strategy was concerned, certainly WIPO's work in the area of technology and innovation support centers was a related and necessary vehicle for the use of the information and for getting that out and spreading awareness of the existence of that sort of information. The Director General then wished to refer to the point made by the Delegation of Brazil and believed that the point identified very sharply one of the difficulties and stated that the Secretariat would certainly be very favorably disposed to seeing an amendment. He then suggested to incorporate the diagnosis with respect to the conferences and the workshops in the third part. The Director General explained that all were very conscious of the fact that there was a stage in the process of innovation or commercialization which he noted was termed frequently as "from mind to the market" in discussions held in the previous week and there was a stage where it was necessary to find out why, despite the availability of information and the disclosures of technology, there was no adaptation or commercialization. He expressed his view that, provided the Committee agreed, diagnosis could usefully be a part of the project where it referred to, in particular, the conferences, workshop, training courses for users and staff and also the study proposed by the Delegation of Brazil could be included there. Then, he referred to the comments by the Delegation of India and explained that the opposition database was certainly a part of that and explained that if one wished a construction of opposition database, one would then need to note that it

contained legal status data. He further explained that what was important in a database of that sort was not just the technology disclosure, but also the legal status of the information and in that context, pointed out the need to know the status of rights in relation to the data and though addressing questions as to whether a patent application was accepted, whether it was approved and what was the legal status of the application. He noted that opposition data was certainly a very important part and observed that, as with all such data, collection was one of the difficulties. He believed that some of the delegations might be familiar with the work that the Secretariat was doing in that area in the Madrid system where it was seeking to improve the Madrid database precisely in that regard. He informed that in order to have legal status of international registration in particular contracting parties, it was essential to have that legal status made transparent in the international database. The Director General observed that opposition, like all other legal status data, was an integral part of that particular exercise of putting together a comprehensive, meaningful, and transparent global database about patent information.

117. The Secretariat, in relation to the question from the Delegation of Canada on the budget for funding of tutorials, answered that it was grouped with the experts' honoraria and indicated that the figure of 352,000 Swiss francs was not entirely for tutorials but also included speakers at conferences and experts engaged to do patent landscapes.
118. The Delegation of Nigeria supported the Chair's remarks that it was too late in the day to try to change the recommendations. The Delegation however felt that what was important was to be innovative in implementing the recommendations. The Delegation observed that the projects before the Committee were not comprehensive and that they would never be complete as it was really impossible to achieve that. But the project had at least initiated a number of very concrete proposals. The Delegation noted that the issue of access to patent information was huge and presented a lot of difficulties. The Secretariat had identified a number of risks and problems in delivering the project. The Delegation wondered in what way the Secretariat could help if there was information in the public domain available in a given country. One of the best ways, according to the Delegation, which could be quite costly, would be to create a database that would bring the information that was in the public domain, with the agreement of the countries concerned, into a database controlled by the Secretariat, which would give easier accessibility. It was very difficult for countries to provide access to the information individually. The challenge was that there may be something on paper, but there were many challenges in delivering such access in practice. It was important, for example, that the Secretariat found out what it would cost to have that information made available in WIPO's own central database, which would facilitate access. The Delegation felt that that was one area that the Committee could consider. The Delegation had not checked the implications, financial or otherwise, but it was something that should be considered.
119. The Delegation of Brazil wished to go back to the suggestion that had been made to put the diagnosis work together with the conferences, including workshops and training courses, as part of the project. The Delegation thought that it was a good idea. It had talked with an expert from the IP office, who indicated that the office would be very pleased to organize a workshop with WIPO on that issue, in order to try to diagnose exactly what was going on and understand why the information out there was not being incorporated. Being a developing country, the Delegation could not do it alone, so it could do it with WIPO. That would be the first step on that issue.
120. The Delegation of Argentina enquired whether it would be possible for WIPO to have a database with information on patents granted in the various Member States.
121. The Secretariat wished to respond to the question from Argentina, which was related to a similar question posed by Nigeria, namely, what would be required for WIPO to create a

database of patent information that would allow, inter alia, access to the public domain. The Secretariat explained that the WIPO had been working for approximately 3 years with several Member States and one organization on the digitization of patent data and incorporating patent data of those Member States and one organization into WIPO's Patentscope® search system. The project had finished several weeks ago, and WIPO publicly announced the availability of that search service which contained patent data from seven offices and one organization. The offices and organization involved were Cuba, Israel, Mexico, the Republic of Korea, Singapore, South Africa, Vietnam and ARIPO. The Secretariat also mentioned that there were similar on-going projects with several other Member States. Therefore, that was an on-going activity, which, it hoped, would be strengthened by the projects which were being discussed, in particular the project on digitization. Seven offices out of 184 Member States was a small beginning, so the future of that project depended very much on the support of the Member States to bring it to full fruition.

122. The Delegation of India thanked the Director General for his kind response about the database also containing patent opposition information. Indeed, if the database had information on the oppositions filed, the grounds for such oppositions, and the outcome, that would satisfy the requirements of the Delegation, which, however had an associated request to make. In the e learning tutorial, when the Secretariat would be training and giving guidelines for accessing the information, it would be important that such training also include how to access opposition-related databases, which would include useful data. There was currently no reference to that issue in the terms of reference for the e-learning tutorial included in the project document. The Delegation also referred to the previous intervention from the Director General which made clear that many activities were ongoing, that they were already being conducted by the Secretariat. Therefore, if those activities were already being undertaken under technical assistance or regional assistance programs, the Delegation asked for clarification as to why they should be included under the Development Agenda budget. The Delegation noted that the amount given to the Development Agenda recommendations was limited, and therefore wished to receive clarification on that issue.
123. The Delegation of Bulgaria wished to take up a phrase used by the Director General in his intervention: "from mind to the market". The Delegation noted that with the proposed project delegations were witnessing an innovative approach at WIPO, where an issue that had been discussed for several years, was finally being implemented through a project. The Delegation noted that patent information was a huge and vast field, and it would not be possible to start with everything in the patent information field. The project that was being presented and its approach was useful because it would show the merits of patent landscaping; it would teach experts from developing and developed countries to use it as a tool; and seminars would be organized where issues would be discussed. The approach was useful because delegations could not expect that WIPO do everything. WIPO could open some doors and enlighten delegations, and the way the program was structured was a very good example of how it was possible to start with small but very important steps. The project focused not on things that were already known in patent information for many years, but rather on cutting edge technology, as patent landscaping was about cutting edge technology, which was used by the major and most important international companies. That kind of information would be brought to the knowledge and use of developing countries, and for everybody who wished to use patent information. The Delegation, therefore, wished to commend again the Secretariat for that approach, which it supported whole-heartedly. Secondly, the Delegation of Brazil had mentioned something that was very important. Many patent offices in the world did technology reports, technology broadcasting reports or similar reports and the Delegation of Bulgaria felt that it would be a very good idea, probably not within that project, but within the program, that WIPO provide information on where those reports could be found. It was

enough to know that the information existed, then those who needed it would get the information. The Delegation, therefore, thanked the Delegation of Brazil for sharing that information, and noted that other offices should also adopt that approach, which could be done within the framework of the SCP, where a similar issue was being discussed.

124. Before suggesting that the document be adopted, as it seemed to have the support of all delegations, the Chair requested the Secretariat to respond to the question from the Delegation of India.
125. The Director General explained that the activities that the colleague from the Secretariat had referred to were digitization projects, which fell within the Program on Global IP Infrastructure, and which fell within the regular activities of the Office for Modernization and Digitization. The project that was currently being considered was not in that category. The issue of digitization was more closely associated with the project that had been discussed earlier. With respect to the project that was under consideration, there was currently no budget in the regular budget for landscaping. Some landscaping had been done in the past, but it had been funded by the Food and Agricultural Organization (FAO) and the World Health Organization (WHO). Therefore, the proposed project was completely fresh; the proposed activities were not in the current program. As far as digitization was concerned, the answer was quite simply that there were eight collections coming on-line, or which had come on-line very recently. There were ongoing projects with 19 other countries out of 184 Member States. The demand was overwhelming, and what the Development Agenda would enable the Organization to do, was to accelerate work in an area in which demand was overwhelming. With respect to the question from India, the Director General understood that part of a database concerned legal status information. That was a very fundamental part of any such database. It was, therefore, also a fundamental part of the training to use the database, which would contain not just information on the technology, but also the legal status information that related to any rights there might be in relation to it.
126. Regarding landscaping, the Delegation of Spain, wished to mention the use of tools like LATIPAT, the informative booklet in Spanish and English, which contains information about the LATIPAT database, and gives access to more than 700,000 bibliographic entries on patent documents from 19 Latin American countries, thanks to cooperation between WIPO and the Spanish speaking countries, and the Delegation would be happy to share its experience in that project, and make it available to other countries that may be interested in learning more about it.
127. The Delegation of Egypt asked whether the database would also include information on post-grant oppositions.
128. The Director General stated that the objective was that it be comprehensive, and to include all relevant data in relation to a patent application and its subsequent processing in every relevant country. That was the idea and achieving it was quite an effort. The Director General invited delegations to have a look at Patentscope®, and to look at the sorts of tools and information that was available, and the linkages that were made between the new national collections and the international collections. Returning to the question from the Delegation of Egypt, the answer was yes, that was the objective, for it to be as relevant and comprehensive as possible.
129. The Delegation of Algeria noted that it was not opposed to the project outlined in CDIP/4/6, with regard to developing tools for facilitating access to patent information (Recommendations 19, 30 and 31) but it had unfortunately not been able to follow the discussions on the project and would, therefore, submit its comments in writing to the

Secretariat for them to be included in the report of the session. Algeria's written comments on the above project were the following:

- the project did not take into account the realities and limits of developing countries or the least developed countries, which implied a reliable technological infrastructure, whereas most of those countries suffered as a result of the digital divide;
- it also assumed qualifications and know-how on interpreting patent information that developing country and least developed country technicians rarely possessed;
- patent applications often did not include all the information related to the invention and were likely to enable potential competitors to reproduce or use the invention once the patent had expired;
- a broader interpretation of Recommendations 19, 30 and 31 implied the recognition within the project of the role of compulsory licenses with respect to access to health, food and education. Awareness-raising campaigns and training sessions on the subject could therefore be organized by WIPO;
- Recommendation 30 stressed the cooperation with other intergovernmental organizations as regards access to technological information on IP, in particular in fields of specific interest to applicants. Pursuant to that recommendation, the project could include WIPO cooperation with the CBD and WTO on the issue of the misappropriation of GRs and TK. WIPO could provide the Delegation with information and case studies on biopiracy, and strengthen the capacity of developing countries to cope with that scourge;
- cooperation could be envisaged also with the FAO and IFAD in the field of IP and food security. WIPO could prepare a study on the implications of the dependency of farmers and food-producing small holdings from the South on multinational seed companies (10 per cent of seed companies controlled two thirds of the seed market) on developing country and least developing country food security. That study could lay the foundations for a global solution to the problem;

With regard to the proposed patent landscapes, page 4 of the French language version:

- under the heading Health: add the field "Maternal and Child Health";
  - under the heading food and agriculture: add a section on GMOs;
  - with regard to the conferences to be organized by the Secretariat (pages 5 and 8): Algeria was in favor of holding one conference per Region (Africa, GRULAC and Asia Pacific).
130. The Chair enquired whether the comments from the Delegation of Algeria were on the substance of the project or general comments and was assured by the Delegation that they were general comments. With that understanding, the project was adopted. The Chair suggested moving on to document CDIP/4/7.
131. The Secretariat said that the project that was up for consideration by the Committee was about technology transfer and was entitled 'Intellectual Property and Technology Transfer: Common Challenges and Building Solutions'. It was inspired mainly by two factors. One was Recommendations 19, 25, 26 and 28. The other was the spirit of the Development Agenda, in so far as it was a development-oriented and transparent project, which also built upon partnerships with all involved stakeholders. Four recommendations were involved in the project, which framed the objectives of that proposal, which the

Secretariat would seek to summarize. The first was to further facilitate access to knowledge and technology, for developing countries and LDCs to enhance creativity and innovation. The second was to explore IP-related policies and initiatives necessary to promote the transfer and dissemination of technology for the benefit of developing countries and to enable them to benefit from the existing flexibilities. The third was to encourage research and scientific institutions, particularly in industrialized countries, to enhance cooperation with R&D institutions in developing countries; and finally to explore supportive IP-related policies that Member States, especially developed countries, could adopt for promoting the transfer and dissemination of technology in developing countries. The objective was, in particular, to aim at the exploration and increased understanding and consensus on possible IP-related initiatives and policies to enhance technology transfer, particularly for the benefit of developing countries, and the tangible objective was to develop a New Platform for International IP Collaboration and Technology Transfer, which would be based on realistic, non-controversial and mutually acceptable elements, as a starting point for building joint solutions. The key activities that were envisaged were divided into five different phases or five different major sets of activities. The first consisted of organizing a High Level Expert Forum to initiate discussions on how to facilitate access to knowledge and technology for developing countries. The experts invited would be international renowned experts from all regions, and the intention was to obtain recommendations on how to improve technology transfer. The second phase would be a series of studies that had been proposed earlier in document CDIP/1/3. For example, it would include undertaking economic studies on IP and international technology transfer, studies on existing IPR-related policies and initiatives that existed in various countries and a set of case studies. Further details could be found in the project document. What was not in the project itself, but had been proposed at the Open-Ended Forum organized by WIPO in October, and was probably a very good idea, was to include a review of the existing literature and studies. That had been proposed by International Centre for Trade and Sustainable Development (ICTSD), and would probably make the project more complete and comprehensive. The third phase would be the creation of WIPO web-based fora on technology transfer and IP in order to incorporate the ideas and views of all stakeholders, so everybody could participate. The studies and recommendations would be put on the web, which would foster a broad discussion on the issue. The fourth phase was to organize five regional technology transfer consultation meetings, to make recommendations the way forward. The fifth phase, and perhaps most important part of the project would be the mainstreaming of the recommendations of the consultation meetings into WIPO's activities in order to strengthen those activities in the area of technology transfer. Concerning the delivery strategy, without going into detail, there would be a number of case studies, a concept paper and web-fora. Further information on each part of the project was available in the document. The Secretariat also noted that the project included evaluation indicators, e.g. the project paper would be made available within three months from the approval of the project; the web-fora would be operational within nine months following approval; and, finally, the incorporation of the adopted recommendations resulting from the project into the WIPO programs. As far as the project budget was concerned, it was estimated at 960,000 Swiss francs and the implementation time line was approximately 27 months. Finally, the Secretariat wished to clarify that work on technology transfer was not completely new to WIPO, and mentioned some of the activities that were already undertaken within WIPO. For example, infrastructure for IP management, know-how improvement in Member States. The Secretariat explained that WIPO contributed to the development of national IP strategies, to national IP audits for those national strategies, on the basis of tools that had been prepared and were publicly available. Work was also done in the area of institutional policies for universities, which included supporting universities interested in understanding how to deal with IP, whether they should own IP and how to negotiate with the private sector to transform their inventions into marketable products. In that regard, a guide would be issued shortly on institutional university



policies. In the field of know-how development, a number of seminars were conducted, including seminars concerning patent drafting, as it was very important to improve patent drafting skills in many countries, be it only to understand how it worked. Seminars were also conducted in the area of technology licensing at different levels, which was in very high demand, and on IP valuation. The Secretariat added that all such activities were demand driven and responded to specific requests from Member States.

132. The Delegation of Egypt felt that the approach to that and the following project would need to be a bit different than what had been done until then since they were projects that were going to be discussed for the first time. The Delegation stated that the project on technology transfer was one of the most important because it captured the essence of the Development Agenda. It was a project that dealt with the notions and ideas that had led to the rise of the WIPO Development Agenda. It captured extremely important ideas that were at the core of the requests from the vast majority of Members of the Organization. The Delegation believed that the Committee would need to have a qualitatively different discussion on that project, and recalled the three golden rules that had been set and approved in CDIP/3, primarily and essentially that the building blocks of the discussions should be the recommendations themselves. The Committee, therefore, should start with the recommendations, look at particular activities, see linkages among the various activities arising from the recommendations, and then see how they could be translated into a project. After that introduction, the Delegation wished to let other delegations know, that a number of "like-minded" delegations had been engaged over the previous month in consultations on that project, and were in the process of finalizing a document to be presented to the CDIP that would elaborate on the ideas of that group of delegations on the recommendations pertaining to transfer of technology and by implication on the project itself. At that stage, the Delegation wished to raise some general issues and concerns, as a preliminary step, that reflected the document that would hopefully be presented soon. For the Delegation, a critical first point to consider, as the Committee dealt with Development Agenda recommendations, particularly those proposed under the project as well as other related recommendations, such as Recommendations 17, 22, 23, 27, 29, and 31, was to look at what was meant by transfer of technology. The Delegation believed that the definition of transfer of technology should include market mechanisms, such as commercial transactions and trade, foreign direct investment, licensing and joint research and development arrangements. In addition, it should also include legitimate non-market channels of technology transfer such as imitation through product inspection, reverse engineering, software recompilation, and simple trial and error. Finally, a third means of transfer of technology, was through assistance from IGOs, development assistance agencies and NGOs. Similarly, studying available information was also a way to transfer technology including patent disclosure, provided sufficient information was made available for engineers to understand the technology. Having raised those three important means or mechanisms of technology transfer, there were important international parameters on the subject. In considering the issue of technology transfer, the Committee should be guided by such international parameters, mainly TRIPS Article 7, which read: "The protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations". Similarly, of direct relevance to WIPO was Article 1 of the WIPO-UN Agreement of 1974. That article read: "The United Nations recognizes the World Intellectual Property Organization (hereinafter called the "Organization") as a specialized agency and as being responsible for taking appropriate action in accordance with its basic instrument, treaties and agreements administered by it, inter alia, for promoting creative intellectual activity and for facilitating the transfer of technology related to industrial property to the developing countries in order to accelerate economic, social and cultural development". The Delegation explained that out of those two parameters,

developing countries had earlier set out three specific sets of issues that needed to be considered when looking at the transfer of technology. One set of issues was international IP standards pertaining to the transfer technology. On that issue, a more dynamic approach was needed for the benefit of developing countries and LDCs that should incorporate among others, appropriate policies with respect to protection criteria, such as patentability requirements, and with respect to the duration of rights beyond a reasonable time to justify rewarding innovation and creativity. Other issues were exceptions to exclusive rights, the use of public tools, such as disclosure, working requirements, compulsory licensing, open-source software etc., a system of protection relevant to national circumstances, and, finally, administrative and procedural aspects. The Delegation noted that a second set of suggestions for developing countries focused on supportive IP-related policies by industrialized countries. With a view to promoting transfer and dissemination of technology among other related objectives, the Delegation felt that WIPO should contribute to a debate with other relevant international organizations, as appropriate, on such initiatives as undertaken by developing countries to provide technical and financial assistance for improving the ability of countries to absorb technology; fiscal benefits to firms transferring technologies to developing countries, of the same type often available in developed countries for firms that transfer technologies nationally, to less developed regions; or the same tax advantages for R&D performed abroad as for R&D done at home. For example, to meet the terms of Article 66.2 of TRIPS, issues such as fiscal incentives should be considered to encourage enterprises to train scientific, engineering and management graduates from developing countries, with a view to their knowledge being used for development of technology in their country of origin. Public resources, such as those from the National Science Foundation or the National Institute of Health of the United States, could be used to support research into the technology development and transfer needs of developing countries. Likewise, the Delegation pointed out that grant programs could be established for research into technologies that would be of greatest productivity for the purpose of meeting priority social needs of developing countries. Grant programs could also be devised that offered support to proposals that meaningfully involved research teams in developing countries, in partnership with research groups in donor countries. Universities should be encouraged to recruit and train students from developing countries in science, technology, and management. Incentives for setting-up the degree programs through distance learning, or even foreign establishments may be particularly effective. Finally, special trust funds for the training of scientific and technical personnel for facilitating the transfer of technologies that were particularly sensitive for the provision of public goods, and for encouraging research in developing countries. The Delegation stated that a third very important process would be multi-lateral supportive measures. At the multi-lateral level, the following initiatives could be considered: adoption of commitments like those contained in Article 66.2 of the TRIPS Agreements, expanded to benefit all developing countries; the establishment of a special fee on applications through the Patent Cooperation Treaty (PCT), the revenues of which would be earmarked for the promotion of research and development activities in developing and least developed countries; the establishment of an intermediary conduit to reduce the asymmetric information problem in private transactions between technology buyers and sellers, for knowledge about successful technology acquisition programs that have been undertaken by national and sub-national governments. The Delegation explained that that could serve a useful role in encouraging collaboration and information sharing among member governments. Such a program could involve, for example, detailed information about past policies and about effective partnerships between agencies and domestic firms in acquiring technologies. It could also include information on the terms involved, such as royalty rates, and contract clauses that resulted in actual local absorption. They could also describe the most effective roles for public research facilities in universities, in facilitating technology transfer. Once enough information of that type had been compiled and studied, WIPO could attempt to develop a model technology transfer contract that could

serve as a guideline for the transfer of technology and would represent the legitimate interests of both buyers and sellers. Those were the three principle ideas that the discussions that the Delegation had earlier referred to among “like-minded” delegations had raised, and it believed that they went to the core of the activities that the Development Agenda should be looking at with regard to the issue of technology transfer, and access to knowledge and technology. The Delegation hoped to be able to submit that in written form with further explanation of some areas. The Delegation apologized if it had taken a lot of time, but it felt that that general intervention was important, as it was on behalf of a number of delegations.

133. The Chair thanked the Delegation of Egypt and indicated that the intervention was not too long as it was important to listen to different views and exchange ideas. The Chair wondered whether the approach or discussions that week had lived up to the expectations of that Delegation as regards the approach. The Committee had adopted an approach that had been approved by everyone. There had been sufficient discussions on quite a lot of projects, which had been adopted. The intervention that had just been made by the Delegation of Egypt was a whole program; almost another Development Agenda. The Chair noted that the intervention had been very useful, very detailed, but delegations would probably need some time to take in what had just been shared with the Committee. He felt that what was being proposed would not rule out the examination by the Committee of the document that was under consideration. The document seemed to complement what had been proposed by the Delegation of Egypt, or, from a different perspective, one could consider that what was being proposed by that Delegation complemented the project document, as they did not rule out each other. The Chair, therefore, proposed that the Committee examine that document as presented, bearing in mind that it had already been presented at the third CDIP, and noting too, that Recommendations 25, 26, and so on, were also contained in the first document that had been presented by the Secretariat, document CDIP/1/3. Therefore, they were old projects that had been brought up again because the Committee had not had time to examine them at previous sessions. The Chair proposed to the delegations of “like-minded countries” that the Committee would come back to those proposals and leave delegations to think about what had been proposed by the Delegation of Egypt. In the meantime, the Committee could look at the project, examine it, and see whether it could be adopted. Bearing in mind, of course, any new proposals that delegation may submit in written form.
134. Referring to document CDIP/4/7, on IP and technology transfer, the Delegation of Spain stated that its Delegation was in full agreement with the statement made by Sweden, on behalf of the European Community and its 27 Member States. Nevertheless, the Delegation believed that the transfer of technology was one of the key aspects of the Development Agenda and as such, it accorded high priority to that issue. The Delegation urged the Secretariat to draw up a list of ‘best practices’ based on interesting or successful experiences in Member States, so as to enable discussions to be focused on what Member States could really do in this field. The Delegation believed that such a list could promote cooperation between public or private players, in particular private players, and create a stable market for cooperation between businesses. The Delegation was of the opinion that such a list would serve to connect Recommendations 25, 26 and 28 of the Development Agenda. The Delegation of Spain then requested additional information on the staff costs of the project, the fate of the project and the lack of funds available for the patent component, in particular, the part pertaining to patent information. The Delegation concluded by emphasizing the need to be efficient and to find the best ratio possible between the funds available to the Organization, the estimated cost of those activities and the outcome.

135. The Delegation of China underscored the importance of the transfer of technology to developing countries and LDCs, as well as its direct impact on the economic and technological development of those countries. The Delegation expressed its support in principle, for the project and expressed its desire to participate actively in all activities related to that project.
136. On behalf of the European Community and its 27 Member States, the Delegation of Sweden made reference to comment made earlier by another Member State with respect to the increasing importance of technology transfer in the world and the developmental challenges that countries faced. The Delegation welcomed the Secretariat's practical approach outlined in the document under consideration on how the implementation of Recommendations 19, 25, 26 and 28 could take place. The Delegation stated that any initial step for the implementation should consist of an in-depth exploration of the issues, and the initiation of an open dialogue with knowledgeable experts who have experience of the issues at hand. The Delegation added that it was important to involve all the actors concerned, such as the private sector, industry academia, and various government sectors. The basis for such a dialogue should, as the Secretariat had proposed, consist of a series of studies. The Delegation gave two reasons to in support of its opinion: fist that many of the elements of technology transfer were either unexplored, or less explored; and the second that information on all aspects which influenced technology transfer decisions needed to be taken into consideration so as to produce credible results in future work. The Delegation further stressed that the work to be undertaken should cover the IP aspects of technology transfer in the context of emerging issues. In particular, issues such as legal security or issues that could arise when technologies were transferred from one country to another. The Delegation concluded by stating that it deemed it essential, for the studies to highlight the role of the efficient enforcement of IPRs in that context.
137. The Delegation of Switzerland thanked the Chairman and the Secretariat for the proposed thematic project under consideration, as well as for the information on work already carried by WIPO in that area. The Delegation stated that the subject of technology transfer was a very important one under the Development Agenda. The Delegation believed that the activities which had been proposed in document CDIP/4/7 were timely and well-structured, in particular the points on the setting-up of an expert forum and the studies proposed. The Delegation further expressed it satisfaction with the description of those studies and believed that discussions would lead to very concrete results and the dissemination thereof. The delegation of Switzerland underscored the importance for WIPO to continue contributing to those areas in its field of competence, without duplicating what was being done in other Organizations. The Delegation expressed the hope that the expert discussions and studies would assist Member States in providing the right focus to discussions in WIPO, in particular as it pertained to urgent environmental issues to be addressed. The Delegation concluded by thanking the Delegation of Egypt for its thoughts as well as the thoughts of other delegations on the transfer of technology, and stated that it looked forward to examining the Egyptian Delegation's proposals in more detail in the future.
138. The Delegation of Bulgaria commended the Secretariat for the document which, in the Delegation's opinion, reflected not only what had been discussed earlier but the eventual objectives of Member States behind the inclusion of technology transfer on the agenda. While associating itself with the statement made by the Delegation of Sweden, on behalf of the European Union, the Delegation cautioned that technology transfer was an issue that had already been discussed over the past 50 years in multi-lateral fora all over the world and, that countries which had succeeded in setting-up successful transfer of technology schemes were those that had looked into the infrastructure. The Delegation illustrated that similar to the field of education which needed schools and teachers, or the

field of health care which needed hospitals, medical doctors and personnel, the field of technology transfer required proper and appropriate infrastructure in the country itself. More specifically, it required: technical, legal, commercial and environmental considerations. The Delegation added that there were several steps involved in the transfer of technology and that the country interested in acquiring the technology, often needed assistance in the identification, selection, application, adaptation and development of the technology. The Delegation stated that all of those aforementioned issues were related to IP, and advocated the need for the necessary infrastructure element to be addressed in the studies to be carried out. The Delegation believed that in a developing country with limited resources, it would be difficult for individual companies to come up with the resources to hire a patent lawyer, a patent information specialist, and a marketing specialist who could analyze the market. Therefore, the infrastructure would need to be provided hopefully by the public sector, or some form of public and private source. In that context, the Delegation stated that through the studies, WIPO could do an excellent job in providing best practices at the high, medium and grass root technology levels from countries such as India, which would assist other developing countries in selecting and adapting technologies to their local needs. The Delegation concluded by offering its support with respect to work in that area.

139. The Delegation of Nigeria stressed the importance of the issue of technology transfer in today's modern world. The Delegation made direct reference to the document in question and underscored the need for the studies to address the issue of the embodiment of knowledge, which was fundamental to the foundation of science and technology, as well as the issue of infrastructure. The Delegation concluded by commending the Delegation of Egypt for sharing its thoughts as well as the thoughts of other delegations with the Committee.
140. The Delegation of South Africa expressed its support for the methodology that had been proposed by the Delegation of Egypt, and noted that its Delegation had also been part of that process in providing substantive comments to the project that had been proposed on technology transfer. The Delegation believed the comments provided by the Delegation of Egypt to be a clear basis for the Committee to move forward, in terms of the issue on technology transfer which was very important to many countries. It also reiterated the comments of the Nigerian Delegation with respect to aforementioned methodology being the way forward. The Delegation further suggested that the comments made by the Delegation of Egypt, be used as the basis for further developing the project which had been proposed by the Secretariat. The Delegation concluded by stating that it would come back in the future with more detailed comments, and urged that the points already raised by the Delegation of Egypt, on behalf of the delegations of "like-minded countries", be included in the project proposal as the key basis for taking that project forward.
141. The Chairman stated that the principles mentioned by the Delegation of Egypt were extremely interesting and very important. He reiterated his request to the Delegation of Egypt for a written version of its statement so that the proposal could be discussed. The Chairman added that the document of the Egyptian Delegation would not prevent the Committee from continuing to work on the project document under consideration and making progress thereon. He believed that the Committee was very close to reaching a consensus since no objection to the project had been expressed up to that point in time, and therefore suggested that the document from the Delegation of Egypt, and those of other delegations be examined in the future. The Chairman elaborated his concern that more time would be required for a proper analysis and digestion of all the information and documents which had been put forward on that day. He therefore suggested that the Committee continued to make progress on the project in question and that the door be left open to come back to the proposal made by Egypt.

142. The Delegation of Algeria stated that the proposal made by the Delegation of Egypt was neither a new proposal nor a new program, but that it was rather a series of comments which would complement the project that the Committee was in the process of reviewing. The Delegation confirmed that it was in fact one of those “like-minded countries”, and that it had also participated in drafting the above document. The Delegation thanked the Secretariat for preparing document CDIP/4/7, and added that it would like to focus in particular on Recommendation 31, regarding the implementation of initiatives, in the plural, that contributed to the transfer of technologies for developing countries. In that context, the Delegation suggested the consideration of the problem related to the brain-drain by creating, for example, a network consisting of researchers and engineers from countries of the South, who would be available to work for laboratories and research centers in industrialized countries. The Delegation believed that such a network would allow developing countries to benefit from the skills that were located abroad, and that it should be taken into greater consideration in the project under discussion.
143. The Chairman summarized the activities of the morning session with respect to the consideration of document CDIP/4/7 and commended delegations that had shared their views on the document as well as those which had expressed their support and enriched the discussion.
144. The Delegation of South Africa emphasized that its previous intervention was with respect to the statement made by the Delegation of Egypt, and that it would be providing further comments at a later stage. The Delegation added that its statement therefore was not yet an indication of consensus on the adoption of the project. It recalled the three principles that had been agreed to, as to how projects should be examined. The Delegation noted that it was the first time the Committee was looking at the project, and as such, the aim was to find a way forward or a means of enhancing that project in accordance with the pertinent recommendations. In that context, the Delegation underscored that the comments raised by the Delegation of Egypt should be included in the project. The Delegation then elaborated on its preliminary comments and noted that it would like to have language consistent with that of Recommendation 2 throughout the study. More specifically, the Delegation stated that the text, ‘to promote technology transfer’, should read ‘to promote the transfer and dissemination of technology transfer’. The Delegation also sought clarification concerning the web forum in the project, as to whether consideration would be given to existing technology that could be already transferrable to developing countries, depending on the needs. The Delegation further indicated that, when reference was being made to the transfer and the dissemination of technology, it would like to have more focus on the needs of developing countries, so as to facilitate the existing needs. With respect to the High-Level Expert Forum, under point two of the project description, the Delegation sought clarification as to how the process would be decided, who were the experts, how they would be determined, and what their roles would be. It believed that clearer flows and linkages needed to be made to the studies. On that same point, the Delegation also sought clarity on the reference to inputs, and suggested the insertion of the following text so as to provide substantive backing to the deliberations: “from a series of consultations with Member States and other external experts, and through studies”.
145. The Delegation of Brazil took the floor and informed that it was also one of the “like minded countries” referred to by the Delegation of Egypt in its intervention. The Delegation stated that Egypt, on behalf of Brazil and a number of other countries had made a number of observations and suggestions in a spirit of bringing improvement to the project which was being proposed. It believed that those suggestions should be fed into the process of analyzing the project and should not be considered as a complimentary or parallel process of analyzing the issue of technology transfer. The Delegation added that Brazil had been participating actively and constructively in the

implementation of the Development Agenda and it would want its work to be characterized by expediency. The Delegation was of the view that the contributions of the Delegation of Egypt brought value to the discussions. It believed that value was essential to the Development Agenda process, and that the Committee should be wary of not wasting funds on implementing projects which were insufficiently discussed, as that could only lead to an undermining or weakening the process of implementation of the Agenda. The Delegation felt that the discussions on the project had been rushed and recalled that the Director General had referred to technology transfer as being core to the Development Agenda, in his opening statement. The Delegation then referred to the statement made by Bulgaria and reiterated the complexities of getting technology transfer on track and the preconditions, such as infrastructure, which were necessary. The Delegation concluded by stating that it was neither prepared to broadly agree, nor partially agree to the document in question at the present session, but that it might be in a position to do so at the following session. The Delegation reserved the right to come back to the matter with more substantive contributions.

146. The Chair thanked the Delegation of Brazil and reassured delegations in general, that the Committee would neither make headway nor adopt anything whatsoever, unless everyone was in full agreement on the issue. He underscored that the Committee would go no further if there were as much as a single person who did not agree and as such, there would be no rushing through the discussions, or sacrificing of quality, just for the sake of adopting project. The Chair then stated clearly that the rationale for the existence of the Committee was to enable delegations to express their various inputs and opinions on contributions to the recommendations. He assured delegations that regardless of the time it would take, all contributions would be listened to.
147. The Delegation of Kenya commended the Secretariat for the excellent document. The Delegation considered technology transfer a key element in getting technology to the marketplace. It encouraged and supported endeavors to facilitate and achieve such transfers which would update and develop technologies in developing countries and LDCs. The Delegation stressed the fact that a lot of the technology transfer which had taken place in the past, had failed and that it was now important to determine the causes for that failure.
148. The Delegation of Pakistan thanked the Chairman for his able stewardship of the CDIP session, and expressed great confidence that progress made in the session would continue, and that Member States' views would continue to be given due consideration. With respect to the project in question on technology transfer, the Delegation reiterated the words of other delegations and stated that, the issue was a basic and vital one. The Delegation added that Clusters B and C of the Development Agenda, in particular, Recommendations 19, 25, 26 and 28, also brought across that point. The Delegation further added that the somewhat sensitive connotations that were attached to technology transfer should in no way be a hindrance to access to knowledge. The Delegation concluded by identifying itself as one of the authors of the proposal made by Egypt and "like-minded countries", and requested that the said proposal be given due consideration.
149. The Chairman again requested the delegations of the "like-minded countries" for an indication as to when a written document containing their thoughts could be presented, in order to provide other delegations with the opportunity to examine and consider the issues.
150. The Delegation of Egypt thanked the Chairman for his wise appreciation of the need to have sufficient time allocated to a discussion on such an important program. The Delegation stated that the delegations of the "like-minded" countries", would be making their statements from the floor and that the Delegation of South Africa was the first to

have done so that afternoon. The Delegation also recalled the rules that had been agreed upon for discussing new projects and outlined that delegations would first raise concerns with regard to the recommendations themselves, and at a later stage, those comments would be incorporated. It further added that since the project under discussion would be elaborated further between CDIP/4 and CDIP/5, the written comments of “like-minded countries” would be presented as soon as possible. However, the Delegation of Egypt assured the Chairman that all the interventions to be made at that point in time would pertain to the specific issues that had arisen during the discussions of the “like-minded countries”, in various meetings held over the previous month.

151. The Delegation of Bolivia expressed its full support for the statements that had been made by the delegations of Egypt and Brazil, stated that it was also one of the “like-minded countries” and stressed the importance of dedicating sufficient time to the discussion on projects, before approving them. The Delegation further elaborated that it was of the opinion that approved projects should commence with an impact analysis. In that connection, the Delegation stated that it would like to see the project on technology transfer begin, with an analysis of the impact that IP has had on technology transfer, to ascertain the extent to which IP laws had been an impediment to technology transfer. The Delegation underscored the need for exploring options within the IP system itself, so as to enhance the transfer of technology. It suggested that reference to new flexibilities in the project document, could be one avenue for further exploration.
152. The Delegation of Nigeria stated that it appreciated the information provided by the “like-minded countries”, added that, through the various interventions, the Committee was able to have more insight into their proposal. The Delegation noted that, although the idea of carrying out an impact analysis was important, a problem could however arise with the suggestion, since such an analysis would require a considerable amount of time and therefore delay the discussions on the project for lengthy periods before any action could be taken. The Delegation of Nigeria suggested that, given the proposals in the project document had not been rejected at that point, it might be more constructive to focus on the proposals contained in the existing project document, so as to obtain tentative approval and then come back to the suggestions of the “like-minded countries” later on. The Delegation stated that its suggestion was in the interest of moving the discussions on the project forward, believing that the project was of a long-term nature, it did not seem fit to await an impact analysis and CDIP/5, before coming to an agreement.
153. The Delegation of Burundi congratulated the Chairman on his election. With respect to the project on technology transfer, the Delegation supported the proposal made by the Delegation of Egypt. The Delegation believed that it was important for the wish list of Member States to be taken into account in the deliberations, especially in core areas which would facilitate the development of developing countries. It underscored the need for discussions to give priority consideration to economic and technological development related technology transfer, as well as the legal obstacles involved.
154. The Delegation of Sri Lanka noted that technology transfer was an important area for the development of WIPO, as the Director General had taken the initiative to create a new Global Challenges Division, and a new Technology Transfer Division, which was attached to the SCP. The Delegation was of the view that the project should not only specify climate change, as there are other issues, such as food security and access to medicines that were also important. All the issues that had been discussed in the IP and Global Challenges Conference should be highlighted in the project. The delegations should also look at how the climate change debate was going, especially in light of the establishment of the new executive committee in the context of the United Nations Framework Convention on Climate Change (UNFCCC), which would look at the issue of transfer of technology. It would be important that the Committee look at such developments when



the Committee examined the project proposals. The Delegation indicated that the comments made by the Delegation of Egypt and the “like minded countries” should be considered and should be taken very seriously because the heart of the proposal was to incorporate all the others aspects that were being raised in the other fora into the technology transfer debate at WIPO. It was not a stand alone issue that only WIPO was addressing. Such issues had to be incorporated into the project proposal and the implementation phase including in the studies that were foreseen. The Delegation noted that analyses of technology transfer had established that developing countries were always requesting technology transfer as a tool for development. LDCs in particular should be considered for activities on technology transfer, but it was important that infrastructure development also be looked into. It would not make sense to invest in a technology transfer project in a country where there was no infrastructure, and without the necessary infrastructure, technology transfer may not be a solution for development in that particular country so it was important that the project take a broader approach. The Delegation supported the proposals made by the Delegation of Egypt and other “like minded countries”. To conclude, the Delegation requested a schedule on technology transfer because there were a lot of meetings going on in Geneva and it was difficult for delegations and small Permanent Missions, like Sri Lanka, to keep track of everything. The Delegation, therefore, suggested that the next CDIP should be held at a time when there are not many meetings being held in Geneva.

155. The Delegation of Egypt referred to the statement made by another delegation, which had recalled that issues of technology transfer had been discussed in the United Nations (UN) over the past decades. It was a topic that came with a lot of baggage and in order to grapple with it and contribute meaningfully to the topic, thorough discussions and reviews, such as literature reviews, should be conducted. The Delegation wished to make a few comments with regard to the recommendations themselves, which supplemented the general comments it had made earlier, and would contribute to the formulation of a possible project, as the comments would include specific references to document CDIP/4/7. Primarily, the Delegation believed that the project should be renamed “Project on Access to Knowledge and Technology”. That would be a means to capture the essence of the transfer of technology exercise. Secondly, the Delegation believed that the focus of the project should be on the needs of LDCs and developing countries and obstacles to achieving the transfer of technology. One of the essential drawbacks of the project was that there was a need for concrete definition of the problems and the project still needed direction in that regard. Thirdly, Mr. Chair, the Delegation believed that there was a need to emphasize that the approach should be guided by the different levels of development, and avoid falling into the trap of a one size fits all approach. It must be acknowledged that IP could play a supportive role for the transfer of technology, but it could also, in certain instances, hinder the transfer of technology. The project mentioned that the recommendations of the High Level Experts Forum would be incorporated into WIPO’s program. It was important, therefore, that the High Level Experts Forum be balanced and its composition be decided upon by the Member States. Prior to embarking on ambitious projects as outlined in the proposed project document, it was important for countries to define their thinking with regards to technology transfer. Perhaps the Secretariat could prepare a working document on IP related policies and initiatives that were necessary to promote the transfer of technology. That working document could then be discussed at the CDIP so that Member States could determine the next steps. A fourth point was the need for clarification on what was meant by a New Platform for Technology Transfer and IP Collaboration. The term was quite vague and it was not clear what it would imply. Fifth, the project did not contain any action-oriented results. While it seemed to be a good basis for a long-term approach, it did not take into account the need for concrete steps to start implementing technology transfer to developing countries. There were, thus, no actionable proposals. The sixth point was that the project needed to start with a literature review of existing work and

efforts done in the field of transfer of technology particularly by other UN agencies. It should consider the history of multilateralism on the subject. The literature review should be pre defined with the list of issues to be addressed. Another point raised by the Delegation was that while technology transfer was viewed principally in the patent domain, the area of copyright and other categories of IPRs should not be overlooked, including the contribution from relevant programs of WIPO. The eighth point, contained a list of five specific proposals that could be included in the project: (1) the setting up of a database that specifically targeted R&D and technology transfer possibilities from developing countries; (2) look at alternatives for enhancing R&D efforts and support to innovation apart from the currently existing patent system. The latter issue had been taken up before by the WHO in its Commission on IPRs, Innovation and Public Health, and could be used as a model for a similar exercise by WIPO, (3) What were the possible open source models and what was their contribution to technology transfer, which would go to the heart of recommendation 36; (4) an analysis of the extent to which technology transfer was yet to materialize in the context of TRIPS in order to decide what WIPO could do in that regard. This would include a point that had been raised before by some delegations which was how could developing countries, assisted by WIPO, address the problem of brain drain. As to some of the specific mechanics of the project itself, such as the implementation time line, the sequence of events seemed to be counter-intuitive. Regional consultations needed to take place at the very beginning of the project in order to identify needs rather than to keep them at the very end of the project. And finally, WIPO had a proposal to establish Technology and Innovation Support Centers, which had been discussed in the context of the Program and Budget exercise for 2010 2011. The Delegation wished to see how that could fit into the proposed project.

156. The Delegation of Switzerland requested some clarification on how the Committee should proceed, because that morning an interesting discussion had been held on document CDIP/ 4/7 where some delegations had expressed that they were in favor of adopting the project as proposed and now it understood that some delegations wished to look at the project in more depth. The Delegation also understood that a new proposal was to be submitted and, perhaps, in light of the forthcoming meeting, delegations could look at that new proposal. The Delegation had understood that the project contained in CDIP/4/7 was a first phase which would then allow the Committee to continue working with the new proposals that were submitted that day. The Delegation found it quite difficult to understand how the project would be modified during that session and how to integrate the other proposals that had been made. At that stage, the Delegation found it difficult to react to what had been said and to accept the amendments without having a clearer image of the picture as a whole and a clearer image of the proposals that were on the table. Given the importance of the issue, the Delegation thought that it was important to be clear on what exactly was being currently discussed.
157. The Chair thanked the Delegation of Switzerland for its statement. Indeed, the document and the issues at hand were of primordial importance for Member States. That was why any decision taken on the project or on the subject at hand must be the result of a deep reflection. It must be thoroughly studied and examined by the Member States. At the outset, statements had been made by various delegations supporting the project, but it had then become clear that the document could not be adopted in its current form due to certain reservations expressed by some countries. So perhaps it was necessary to put the brakes on a little bit, think about the project, reflect on it, take the time to consider all the elements that it contained and give delegations the time to consider, examine and really understand all the interventions from delegations. The Chair suggested that it would perhaps be desirable to take the time to really examine the document in depth. Indeed, during the time left between CDIP 4 and 5, delegations could reflect on the document. The Chair hoped that the Secretariat had noted all the comments and observations and requested delegations that wished to present documents on the project

to do so as soon as possible. If they could do so during that week, that would, of course, be desirable, but if that was not possible, the Secretariat would expect those documents in the days immediately following the CDIP. At that stage, given the oral proposals and the observations of various delegations, the Chair could not see that the document being adopted as it stood during the week, unless the Secretariat, with support from all delegations, was able to present a different document with amendments to the project. Of course, if the “like minded countries” were able to present the document and if everybody had the time to review and approve the proposals, that would be fine, but the Chair did not think that that would be possible in the remaining three days. The Chair suggested putting the document to one side for the time being and reflecting further thereon.

158. The Delegation of Sri Lanka wondered why the project would be put aside, when three days were left to talk about that project, to improve it, and to incorporate the suggestions from the “like-minded countries”. The Delegation enquired why the discussion would be postponed to the following session, as continuing the discussion could be useful. The Delegation had not been present throughout the debate and was wondering whether some delegations had requested that the discussion be postponed.
159. The Chair clarified that it was not deciding anything, it was up to the Committee to make the decisions. The document was before the delegations, there had been various statements from different delegations, which required some reflection, and it was important to understand the reasoning behind them. As mentioned earlier, if the Member States that proposed various changes to the project could present them to the Secretariat and if the Secretariat was able to present something to the Committee incorporating all those changes by the end of the week, that would be desirable. If not, in the opinion of the Chair, it was important to really reflect on the project and give it further consideration.
160. The Delegation of Brazil thanked the Secretariat for its efforts in putting together the project, which was a core project. The Delegation, together with the other “like-minded” delegations, had found the project to be so important that it had been meeting for a month in order to identify ways in which it could be improved. As had been agreed, the development of work programs would commence with a project put forward by the Secretariat that would be the basis for discussions at the CDIP. Those discussions would include how Member States understood the recommendations, whether they felt that the recommendations were adequately addressed by the project and they would provide comments and suggestions for other activities that could be added to enrich the text. The following CDIP would then discuss a revised version of the project, as had been done with the two projects that had already been approved, which had already been discussed at CDIP/3. In that respect, the procedure for the project on technology transfer would be as usual. It was not unusual, especially given the importance of the project being discussed, and that was why they would be submitting a written text, because it was so important that they believed the Secretariat would find it useful in order to fully understand all the comments that were being raised.
161. The Chair thank the Delegation of Brazil and sought clarification on whether what it was proposing was that the Secretariat present a modified project based on what had been said in the room and that the revised project would be considered at the CDIP for adoption at its fifth session.
162. The Delegation of Tunisia wished to make a point of order with respect to the discussions on that document. The Delegation acknowledged that it was important to improve the documents and that documents could always be further improved. However, it was equally important to get the process started, to get the project going and work on the improvements once it was being implemented. The Delegation was concerned about

setting a precedent for that document to always continue improving it, and the risk would be that at the fifth session of the CDIP, it was decided to continue improving the document at another session. The Delegation therefore proposed that delegations sit around a table in the remaining 3 days with the Secretariat and those who proposed the document to come to a compromise. If it were possible to do so by the end of the week, then the document could be approved in plenary to get the ball rolling and have the project implemented. It would then be possible to leave political issues or other kinds of issues which required greater reflection for a later date and let countries express their views in the fifth session. If subsequently any delegations had comments, recommendations or remarks to make they could send them to the Secretariat and allow the Secretariat the time to prepare for the fifth session of the CDIP. At that stage, the time would be ripe to get the ball rolling so that implementation could begin.

163. The Delegation of Morocco noted that the issue of technology transfer was a very important one for developing countries and highlighted the fact that all delegations agreed on that point. The Delegation pointed out that a lot of time had been spent coming up with the 45 recommendations, and it was important to ensure that the 45 recommendations were implemented as soon as possible. The Delegation agreed with the proposals and indicated that some of them were clear, such as studying the impact of IP on technology transfer. The Delegation recalled that the project had been submitted to the third session of the CDIP, the budget had been allocated as well then and it hoped it would be implemented from January 1, 2010. The Delegation, therefore, suggested to the Chair that all proposals that could be immediately incorporated, be incorporated, so that the project could be adopted, while leaving the door open for any other proposals for the next session.
164. The Delegation of Switzerland having heard various proposals on how the Committee would be moving forward with the amendments and discussions on the document, pointed out that it had some problems with the proposed way of proceeding. The Delegation did not think it possible for the negotiation to take place between the delegations that had proposed amendments to the Secretariat. The Delegation believed that the discussion should be between Member States and it was between Member States that modifications to the project could be discussed. The Secretariat would then amend the document on the basis of those discussions and not on the basis of unilateral proposals which are a kind of compilation, which would make it very confusing and difficult to move forward with the document. It was important to decide on the general framework for the project and then make modifications later. Given the large amount of information received that day without being able to study it more in depth, the Delegation found it difficult to commit to revising the project at that time and would prefer to receive the information in written form and then re-read the project document with such written proposals. That would be the basis for discussing how to modify the project and explore how to move forward based on the proposals that had been made during the meeting. The Delegation, therefore, found it difficult to ask the Secretariat to modify the document without having decided on the modifications to be undertaken.
165. The Chair said that the proposals for amendments and suggestions made by some delegations had been made in the meeting and everyone had heard them. The Chair had not seen delegations expressing reservations or objecting to the ideas that had been presented in the room. That was why, given that there had been no countries objecting to the proposals made, the proposals were with the Secretariat. The Chair noted that of course nothing was set in stone and nothing had been agreed yet. If there were objections or reservations from some country regarding the proposals that had been made by various countries, they should indicate it. The debate that was taking place was to enable delegations to raise any concerns before anything was adopted and before the proposals or modifications were incorporated into the project. All the work that needed to

be done would be done among Member States before it was submitted to the Secretariat for inclusion in the project. The Chair completely agreed with the delegations on that, but as there had not been any real objections to the proposals made that was why he thought the Secretariat could proceed but nothing was set in stone and it had still not been decided how to move forward on this issue.

166. The Delegation of South Africa did not wish to enter into a substantive discussion on procedure, which had already taken place at the previous session of the CDIP, when deciding how to proceed with the thematic projects. However, it was important to recall the three principles that had been agreed upon at the previous session which was how the Delegation and the “like-minded countries” approached the discussion. The “like-minded countries” had made comments to enhance the project that had been submitted by the Secretariat. The proposals sought to provide additional information to make sure that the project covered the needs of developing countries. The Delegation was very concerned when it heard comments from the floor about the need to approve the project because it was already in circulation since the previous session. The Delegation recalled that the project had not been discussed before; it was the first time it was being discussed. It was a very important project and the delegations wanted to make sure that when it was implemented it was done in the proper manner. It had nothing to do with not wanting to have implementation begin immediately. If it was possible, it would encourage that to happen. However, the Delegation was following what had been agreed to at the previous session and it was trying to provide positive feedback to the Secretariat on the document in terms of providing additions to enhance it. Some delegations had also asked for clarification and of course if delegations had further questions they were free to ask. The Delegation believed that some type of agreement could be reached on how the Secretariat could revise or update the document by the end of the session so that the following CDIP could approve it without lengthy debates. The Delegation, therefore, wished to clarify once again, as had been done by the Delegation of Brazil, that the “like-minded countries” had asked one delegation to speak on their behalf so that there was not a lengthy discussion on the issue. To conclude, the process that was taking place and the way the Delegation was approaching the project, was in line with what had been agreed at the previous session of the CDIP. If that was not clear for other delegations, it was important to reiterate it, so that discussions could proceed that way over the following three days without a need to get into this type of discussion over and over again.
167. The Delegation of Nigeria noted that the group of “like minded countries” had every right to present proposals and had every right to request the postponement of decision until the fifth session. The Delegation had no problem at all with the proposals that had been made because it could see in some of them very important issues of great value to them. However, the problem the Delegation had was on the strategy of not doing anything and postponing everything until CDIP/5, because that was also the strategy that had been adopted in UNFCCC, and for 12 years no agreement had been reached. It had averted the political dimension of discussions and the chances of getting an agreement were minimal. Even in the new Committee that was likely to be set up at the UNFCCC, it was likely that after many years there would be no conclusion again. That was what the Delegation was trying to avoid at the CDIP, that a decision be postponed indefinitely. That could be avoided by continuing to do whatever was possible to reach an agreement while having a provision in the decision that the proposals made would be dealt with by CDIP/5, and the provision would become a part of the decision. But if everything was postponed, it would avert the political dimension of the negotiations and then it was difficult to predict what would happen. It is likely that at CDIP/5 no conclusion would be reached and the issue would be postponed indefinitely again. The Delegation emphasized that the substance was very useful but the strategy was wrong. So what could be done to solve the problem was to accept the proposals that had been made,

which were very good proposals and that the Committee would work on them. However, in the meantime, delegations could see what could be agreed to in the document that was before them. If there were things that needed to be amended, then they could be amended and if there were things that were not in line, they could be removed, keeping those that delegations thought were important. While the Secretariat could be working on the parts of the document that could be agreed upon, delegations would continue to work on the proposals that had been made by the “like minded countries” in order to reach a conclusion by CDIP/5.

168. The Delegation of Canada wanted to support the statement made by Switzerland and say that while there had been proposals made that morning to add certain elements to the project contained in document CDIP/4/7, the impression from the discussion was that the “like-minded countries” were going to submit new proposals in writing so that Member States could have them for consideration. The fact that there had been no voice of opposition in the room should not be interpreted as unanimous agreement on those proposals. Each delegation should be able take the time to understand them clearly, to read them carefully, refer them back to their capitals, so that comments could be obtained from experts on the subject. The approach that had been suggested by Nigeria would be an agreeable one for the delegation. In other words, that the document could be adopted as it was and then consider a non-paper with the new proposals. The Delegation thought it was very important that the recommendations be implemented in an effective and rapid manner and it would not want the Committee to hold back the process unduly.
169. The Delegation of Brazil wanted to support what had been said by the Delegation of Switzerland on behalf of Group B, that it would be good to see all the comments and suggestions made on a text that could be evaluated and approved at the next CDIP.
170. The Chair wondered whether his understanding was correct that Brazil agreed with Switzerland that comments should be noted in writing so that delegations could deliberate on them. The Chair thought that the request from Group B was that the proposal of the delegations from the “like-minded countries” be presented in writing and not the comments themselves, being presented in writing. The Chair asked for clarification and whether his understanding was correct. The Chair noted that his understanding seemed to be correct.
171. The Delegation of Senegal noted that with regard to the question of whether the proposals that had been put forward by the Delegation of Egypt were in line with the principles that should be governing the deliberations, the answer was clearly affirmative. That was why the Delegation had made a mention in its general statement that those principles should be recalled. Because there was a strong risk that the principles that had been established by the Committee would be ignored. According to the Delegation, the proposals that had been made did not come from the surface of the problem; they came from the core of the problem itself and that was why the Delegation fully understood the reactions from certain delegations that said that it would be difficult for them to have a clear immediate position on the proposals, given the complexity of the issue. The Delegation recalled that the issue had been on the table for about 50 years. In the 70s, a lot had been said about that issue and there had been reams of literature, but as far as effective concrete implementation was concerned it was very hard to pinpoint many instances of actual transfer of technology. The Delegation noted that it was time for delegations to put words into action. The proposals that had just been heard had the merit of taking all the precautions necessary to ensure that valid and concrete results would be achieved. The Delegation had noted in the objectives of the project the issue of identification of the obstacles to technology transfer, which was an extremely important aspect to be addressed to achieve concrete results. It was, therefore, important in the light of the objective of the project that the proposals that had been made

be included to add significant value to the project. If the Committee was to proceed as pointed out by the Delegation of South Africa it would be possible to find a way out of the problem. However, if the Committee kept on putting it off, it may find itself lagging behind. According to the Delegation, the issue was very technical and the Secretariat had all the experts it needed and in the time given it could come up with the proposals that could be integrated into the document that was already on the table. It could already examine the proposals to see which Cluster could go with which other Cluster and come up with a proposal to the Committee. It did not seem to be a complicated issue.

172. The Chair explained that during the long coffee break views had been exchanged among a few delegations concerning the project under consideration. The Chair hoped that it would be possible to reach an agreement on how to move forward. He would give the floor to Egypt, to be followed by Switzerland, after which he would try to give a summary of how he envisaged the future work on that document.
173. The Delegation of Egypt noted that there seemed to have been a misunderstanding on the process, which had led to a long discussion on procedure. The Delegation looked forward to the summary by the Chair to overcome that issue and thanked a number of delegations for their constructive approach. The Delegation wished to remind the Committee that in fact the WIPO International Bureau had been very wise in the document it had presented to CDIP/3. Document CDIP/3/INF/1, which contained the proposal for the thematic projects approach, pointed out the advantages of the proposed new approach to implementing the Development Agenda recommendations and wisely predicted that one of the disadvantages was the possibility of confusion. The Committee, at its last session, had then got into an extensive discussion on the approach, which appeared in the draft report that had just been adopted, specifically in paragraphs 212 to 270. During those discussions on methodology, Ambassador Trevor Clark had suggested the three golden rules. The Delegation wished to read the three golden rules because that was essentially what had taken place during the discussions held earlier that day. The rules, which had been approved by consensus and were included in paragraph 8 of the Chair's summary, read as follows: "Under agenda item 7, the Committee agreed to proceed on the basis of the following guidelines: 1. Each recommendation would be discussed first in order to agree on the activities for implementation. 2. Recommendations that dealt with similar or identical activities would be brought under one theme where possible; and 3. Implementation would be structured in the form of projects and other activities, as appropriate, with the understanding that additional activities may be proposed." The Delegation thought that it was crystal clear. Those were the three golden rules for implementing Development Agenda recommendations, and since it was the first time that the project on technology transfer was brought before the Committee, the Delegation had proceeded to apply rule No. 1. The confusion may have been because the rules were not fresh in the minds of delegations. It would certainly take time but the general discussions that had been held that day had been useful because they had raised some important concerns and developed some important parameters that would need to be taken on board in the discussions on the project. The Delegation concluded that it was important that the three golden rules be continued at CDIP 5, and that the Committee did not forget them because there was no need to re-invent the wheel when there was an agreed methodology.
174. The Chair thanked the Delegation of Egypt for reminding the Committee of those three golden rules concerning how to proceed with the discussions on the various projects. As a matter of fact, the Chair noted that he had wanted to raise the issue under the agenda item on "Future Work".

175. The Delegation of Switzerland acknowledged that fruitful discussions had been held during the coffee break in a bid to try to strike a mutual understanding concerning how to discuss the thematic projects, and how to move forward with that specific project. The Delegation wished to thank the Delegation of Egypt for those comments which were within the rules that governed the work of the Committee. The Delegation also wished to clarify some points concerning the interventions that it had earlier made and point out that it understood that the thematic projects that had been prepared by the Secretariat were in fact proposals for work and a basis for discussions by Member States. Member States could use them to make their comments and if they found that certain things were not clear or they wished to enhance certain aspects of those projects, they were in their right to do so. It was also clear for the Delegation that all delegations were free to suggest whatever they saw fit and were free to discuss the projects. The Delegation also wished to make sure that delegations had the opportunity, as Member States of the Committee, to comment on the proposals for modification or amendments that were made so that the project could be adopted or substantively amended. One of the concerns was that the proposals that had been made, unlike what had happened in the past, were very substantive and the delegations had not been able to see them in writing nor had enough time to study them. That was why it found it difficult to agree to the modifications being proposed. The Delegation, therefore, wished to point out that it would really like to move ahead with the project set out in CDIP/4/7 but it seemed that not everybody was ready to agree on it. The Delegation also noted that it was important for the Delegation that the negotiations remain among Member States and not between the Member States and the Secretariat. The Secretariat was there to help the Committee by providing the basic working documents and to explain to delegations the parameters within which the Committee was working so that the Committee was in a position to move forward with discussions on the documents.
176. The Delegation of El Salvador joined Nigeria and Canada in saying that if there were no written proposals on which to base discussions, the most appropriate thing would be to approve the draft project document that was before the Committee. The Committee was there to develop IP in the countries and there were very good ideas on the table and the countries were unable to move forward if a decision was not taken then. At the following meeting of the Committee, it was important to have the proposals written out and amendments made on the basis of the comments from Member States. The Delegation proposed that all the proposals made by the Member States that took the floor should be new inputs for the project that was being discussed and that the Secretariat should integrate them so that by the time the next meeting of the Committee was held it would be in a position to move forward without needing to discuss further.
177. The Chair said that during the coffee break he had held frank discussions with delegations and coordinators and a way forward had been found on the document. The Chair thanked delegations for their cooperation in that connection and explained how he saw the work of the Committee on that document moving forward. Firstly, document CDIP/4/7 would be maintained without any changes. Secondly, the Secretariat would be asked to present a report, not a summary, but a verbatim record of the discussions that had taken place on that specific document as soon as possible. Thirdly, the “like-minded countries” would be asked to present an official document with the comments they had made regarding the project. That document would be sent in written form to WIPO for distribution and publication as soon as possible. The other Member States would then have the possibility to react to the document presented by the Secretariat and the document presented by the “like-minded countries” and make their own contributions to those two documents. Fourthly, the Secretariat and the “like-minded countries” would work in cooperation to try and change document CDIP/4/7 based on the comments. That new document would be a non-paper by the “like minded countries” with the support of the Secretariat, if indeed the Secretariat was prepared to support the “like-minded



countries” in that endeavor which it believed it was. All those documents and activities would hopefully be carried out as soon as possible and they would then be reviewed at CDIP/5. So it would be an interactive work carried out by the delegations and the Secretariat with a view to preparing the documents for CDIP/5. Thus, delegations would have made a great leap forward, as comments and reactions from all sides would have been collected. The necessary documentation for CDIP/5 would have been prepared and he hoped that the next CDIP would be able to adopt the project. That was the way he understood the process following discussions with a few delegations.

178. The Delegation of Switzerland thanked the Chair for the proposal, which did take into account the discussions that had taken place behind the scenes. On the last point, the Delegation wished to make sure that the “non paper document” that would be prepared would also take into account the comments of other Member States based on the document from the “like-minded countries” that would be circulated beforehand. In other words, the non-paper would take into account all the comments.
179. The Chair confirmed that the non-paper would be prepared with a view to incorporating the comments and observations made by all the delegations.
180. The Director General of WIPO took the floor to clarify the Secretariat’s task in the last point. He enquired whether the non paper would be prepared by the “like minded countries” group or by the Secretariat based on proposals made by the “like minded countries” as well as the observations made by other delegations on those proposals. The Director General asked whether his understanding was correct that it was the latter, i.e. that the Secretariat would prepare the non-paper.
181. The Chair confirmed and apologized if the process had not been clear. His response to Switzerland was that the Secretariat would be preparing the non paper based on the comments from the “like minded countries” and based on the subsequent reactions from other delegations. So it would be a document that would encompass all positions and all reactions from Member States.
182. The Delegation of Nigeria noted that it was not going to discuss the proposal that had been put forward. The Delegation wished to suggest modifying the order of the activities on page 2 of the project document, so that the High-Level Expert Meeting take place somewhere at the end of the process, as it would make more sense to have the High-Level Meeting after the other consultations and activities had taken place.
183. The Delegation of Angola requested that the informal document be presented one month prior to the next session of the CDIP to give delegations time to study it. The other point it wished to make concerned when implementation would begin. The table of activities indicated that implementation would begin in January 2010, and the Delegation enquired whether in case the document was only approved in April, that would mean that implementation would only start in April.
184. The Secretariat noted that there were two questions from Angola. One concerned when project implementation would begin. The understanding of the Secretariat on that issue was that implementation would start the day the project was approved. On the second point, the Secretariat had been asking the “like minded countries” when they would be submitting the proposals. By the time the meeting ended it would be the third week of November and the Secretariat would need at least 15 days to prepare the verbatim record. As a matter of fact, the Secretariat intended to try to finalize the report by the third week of December and it would be very easy to extract the verbatim record there from. The Secretariat would publish the report together with the original written proposal that would come, if it understood correctly, from the Delegation of Egypt, by December

15, 2009. Then 15 days in January would be left to receive comments; thereafter the Secretariat would compile the document as far as possible in advance of CDIP/5.

185. The Director General of WIPO understood that the timetable would be as follows, which reflected what the Secretariat could commit itself to. By the end of the month of December, two documents would be distributed, namely, the report on the part of the meeting that related to that issue, in verbatim form, together with the proposal submitted by the "like minded countries". Then, he suggested that Member States be given the month of January to formulate their observations and comments on those two documents. That meant that by the end of January, comments would have been received from any Member State that wished to make observations. There would then be three sets of material that would be the basis for the Secretariat to be in a position to try to do the impossible, namely, to draft a proposal which accommodated all of those sets of comments and observations and documents, and make it available by the end of the month of February. As the following CDIP was planned for the month of April, that would provide approximately six weeks for delegations to consider the new project proposal.
186. The Chair thanked the Director General for that precision and for the help and efforts of the Secretariat to facilitate the work of the Committee.
187. The Delegation of Egypt indicated that it was fully supportive of the timetable and in fact believed that it was not such an impossible task. The Delegation wished to have clarification concerning the non-paper, and enquired whether it would be presented as a document to CDIP/5.
188. The Chair confirmed that that was what he meant when he had said that all documents would be examined in CDIP/5 and that the non-paper would be a document for CDIP/5.
189. The Delegation of Spain fully supported the timetable proposed and it assumed that when the Secretariat circulated different documents that they would be circulated in all languages. The Delegation requested confirmation on that issue.
190. The Director General of WIPO confirmed that that was the case and noted that the capacity of the Secretariat to do so would depend upon the timely submission of the different elements by the delegations. The Director General assured delegations that the Secretariat would act with the greatest expedition possible to ensure that the translations were made available as early possible.
191. The Chair congratulated all the delegations on the efforts that they had made over the past two days, noting that many of the discussions, debates and contacts that had been made were of importance for mutual understanding. The Chair recalled that the previous day, the Committee had examined a project and had spent quite a lot of time listening to delegates' views on it. While it seemed that everyone believed their idea to differed from that of the meeting was in fact pursuing a single goal. The Chair congratulated the meeting for reaching a mutual understanding that was acceptable to everyone despite the initial lack of understanding that had emerged. The Chair also reiterated that the exchange of information and views and the reaching of a mutual understanding were important in order to work well and define the future of the Committee's activities. Therefore, he indicated that the morning's session would continue with the consideration of Item 5 on the Agenda. The Chairman then drew the attention of the Committee to document CDIP/4/8, which dealt with the project on the enhancement of WIPO's results-based management (RBM) framework to support the monitoring and evaluation of development activities. He suggested that if the meeting was able to make good progress and complete that document during the morning session, then delegates would have time to review document CDIP/4/12, which contained the proposals from Japan and

the Republic of Korea. If such were not the case, the Chairman indicated that another time slot would be found in which to examine those two projects. The Chair expressed the hope that consensus could be reached on the two issues and proposed that the afternoon session concentrate on the coordination mechanism contained in documents CDIP/4/9, CDIP/4/10 and CDIP/4/11. The Chair indicated that in the work plan of the Committee, two afternoons had been allocated to discussions on the coordination mechanism. He reminded the Committee of the need to find time to discuss agenda item 4 and then called upon the Secretariat to introduce document CDIP/4/8.

192. The Secretariat introduced the thematic project contained in the document CDIP/4/8, highlighting that the project in question addressed three of the Development Agenda recommendations namely, Recommendations 33, 38 and 41, all of which dealt with issues of review, evaluation and impact assessment. The Secretariat outlined the context and the focus of the project, and elaborated on the two components of the project proposal itself. The first component dealt with the adaptation and improvement of WIPO's existing RBM framework so as to specifically address the information needs related to development and the Development Agenda. The second component dealt with the review of WIPO's current technical assistance activities in the area of cooperation for development. The Secretariat added that while component one dealt predominantly with Recommendations 33 and 38, component two dealt with recommendation 41. In terms of the context and focus, the three recommendations primary aimed at improving the quality of evaluative information available both to Member States and WIPO management so as to improve management decision making based on performance evidence. The Secretariat underscored that the program performance report was a product of the existing results-based management framework at WIPO and added that the framework had been characterized as having a number of weaknesses in particular in terms of how it met the needs related to development and the Development Agenda. With respect to the project document, the Secretariat referred the Committee to page 5 of document CDIP/4/8, which contained a diagram illustrating the project and the project approach. The Secretariat introduced component one of project and touched on the existing RBM framework and what was needed for improvement of that framework. It stated that the existing framework was made up of the medium-term strategic plan (MTSP), which was being developed and would go through a consultative approval process by the Member States and would itself eventually generate reports at the level of strategic goals. The Secretariat elaborated that MTSP was, by nature, strategic and longer term and that the program and budget document would itself cascade from the MTSP. At that moment what was available were the nine strategic goals and the program of activities to be delivered against those goals in the short- term, i.e., in the three-year framework as opposed to the five-year MTSP. The existing mechanism for reporting against the program of activities, was the Program Performance Report and the previous year an external validation exercise on the Program Performance Report had been carried out. The Secretariat indicated that a number of weaknesses had been identified, namely, the focus on output rather than outcome and also a lack of systematic monitoring and evaluation systems to collect performance data against indicators in the program and budget document. It added that the next element of that RBM framework was the annual work plan exercise. With the approved program and budget document for 2010-2011, the Secretariat would embark upon the work planning exercise whereby Program Managers would be invited to present the activities they would undertake in the forthcoming year, so as to achieve the expected results as had been approved and stated in the program and budget document. The processes of both the program and budget and the workplan exercise had been strengthened in two ways, first there was more focus on indicators which could measure performance against results and second, there was more focus on the Development Agenda Recommendations. The Secretariat stated that the program and budget document for 2010/2011 had created some steps towards focusing on the Development Agenda and providing more information on that Agenda. But more work

was required in that direction from the Program Managers for a clearer demonstration of how they would implement recommendations. Similarly, in the annual work planning exercise, Program Managers had been asked to incorporate Development Agenda projects and activities that would be undertaken by the program, so that clear implementation was obtained. The Secretariat highlighted the fact that in designing activities, the principles enshrined in the Development Agenda were taken into account. That was a first step but there was a lot more required to solidly deal with Development Agenda issues in the RBM framework. It added that one of the main aims of the project would be to look systematically at how the mainstreaming of the Development Agenda into the program and budget and into the RBM framework could be properly dealt with, by establishing appropriate indicators, expected results and baselines. In addition, it believed that the new staff appraisal system or performance management and staff development system, would link the RBM framework and results at the organizational level, to what was expected from individual staff members in terms of their contributions towards that. The Secretariat noted that, as mentioned earlier, one of the criticisms of the existing system was that there was too much focus on output. However, how to capture more information about outcome and impact at the country level, had been addressed in the project document, under what was called development assessment framework, which looked at the various development-related activities, products and services which WIPO produced. In the context of the project, the Secretariat believed that there was a need to consider national country-owned IP and innovation strategies. It reiterated that the technical assistance and capacity-building sector was working towards supporting countries in the development of national IP and innovation strategies and that the project approach suggested that there would be some indicators at the country-level of what was being achieved through those strategies and what was being achieved through WIPO's contribution. That framework would enable countries to conduct evaluations as well as the independent evaluation function at WIPO with the framework in place to support those evaluations. It added that as the process was moved up the scale in the sense of development and country impact assessment studies which looked more specifically at Development Agenda Recommendation 38, the framework would be made to help support those studies and WIPO's contribution to development at that country level which directly addressed Recommendation 38. The Secretariat also noted that development and IP was only one component in a country's national development plan, and that there were other factors involved. It believed that those factors should be noted and a clear understanding established on what the attribution was in terms of WIPO's activities vis-a-vis other development partners. Having given the outline in terms of component one of the project, the Secretariat then looked at how to put the structure in place and how to improve the existing RBM framework. It noted that the second component of the project responded to Development Agenda Recommendation 41 which called for a review of WIPO's existing technical assistance activities in the area of cooperation for development. What the project intended to do was to identify the areas that could be improved in WIPO's current technical assistance activities, and extract elements from that review which could then be fed into project component one, and the development of the RBM framework. The main question that the Secretariat noted was how could WIPO improve its technical assistance and how it could identify that improvement through an RBM framework that allowed it to measure its work? The Secretariat stated that the approach to component two, would be to recruit two external experts to conduct an evaluation of WIPO's technical assistance activities. The terms of reference for that exercise would be developed in consultation with Member States and that would be the element of the project which would run in parallel with some of the first elements of component one, in order that the results of the exercise could be fed into that component. The Secretariat touched upon budget and timelines, as well as the approach and the intention in one of the components. It noted that renowned RBM experts would be recruited to help in the design and development of the project. They in a sense would be project leaders and their time and involvement in the project would be limited. However,

on a long-term basis, there would be an additional RBM expert who would take the project forward in terms of the design, development and awareness-raising in training activities that were envisaged and which were essential parts of the project. The Secretariat stated that it was one thing to create a framework and another to develop systems for collecting information, monitoring and evaluation. Given the value of such information for accountability and management decision-making, the Secretariat believed that it was equally important to build a demand for the information gathered from both a country level and organizational perspective. On the question of references in the document to a Steering Committee, the Secretariat stated that the reference pertained to the two RBM experts who would be engaged temporarily for the project and who could be used as a sounding board as the project developed. Therefore, the Steering Committee would be more of a virtual committee, and would require the involvement of the Program Management and Performance Section and the Development Agenda Coordination Division. It added that there were also a number of consultations with Member States both in design and development, built into the project, so as to ensure that what was being designed and developed met their requirements in terms of delivering good quality information on development-related activities and the Development Agenda Recommendations. The Secretariat underscored that the majority of the budget for project components 1 and 2, would be expended in the first year of the project, and that the second year would focus more on awareness-raising activities, although there would be additional activities finalizing the comprehensive RBM guidelines document which was one of the deliverables that had been envisaged in the project. It added that the breakdown of the budget was predominantly on honoraria for the experts that would be involved in both components 1 and 2, as well as travel to the regions. Component 1 would be working with countries to develop the performance framework for national IP innovation strategies and component 2 would be getting a sense from developing countries on WIPO's technical assistance work. The Secretariat highlighted that the project in question would begin in the early part of 2010, and that there would be an opportunity for the information gathered to feed into the preparation of the program and budget of 2012-13. It added that the preparation of the 2012-13 budget would begin early the following year, and that WIPO would like to incorporate a stronger RBM framework in the first draft of the program and budget, so that from 2012 onwards, a framework for collecting information could be used for reporting, management decision-making and accountability purposes.

193. The Chair thanked the Secretariat for that comprehensive presentation of the project and expressed the hope that delegations had followed the presentation. The Chairman then opened the floor for questions.
194. The Delegation of Egypt sought clarification on the Chair's comments of the morning session stating that it was understood that Agenda Item 4 would be discussed the following morning and that the Committee would discuss the coordination mechanism that afternoon so as to ensure that the subject received sufficient time. The Delegation suggested that should the discussions on the coordination mechanism not be accomplished in the afternoon session, the meeting be continued so as not to break the discussions, and that once discussions had been completed, then the Committee could move on to Agenda Item 4.
195. The Chairman stated that the Delegation of Egypt's idea of not breaking discussions on that important subject was a good one. He stated that his proposal to look at Agenda Item 4 the following morning was a mere inversion or swap of the order of discussions with respect to Agenda Items 4 and 5. The Chairman assured the Delegation of Egypt of his belief that the Committee did have sufficient time for discussion of those two items, and that no time would be taken away from the time which had been allotted to item 6.

196. The Delegation of Spain stated that it would have liked to raise a question on procedure before starting discussions on the substance in document CDIP/4/8. The Delegation stated that it had asked a very specific question about the staff budget for the project in document CDIP/4/7, and it wondered whether the Secretariat could give a reply to its question during the course of the meeting.
197. In response to the Chair's query whether the Secretariat already had the answer to that question by the Delegation of Spain the Secretariat informed that the official in charge of that project would be in the room shortly to answer the question.
198. The Delegation of Sweden, speaking on behalf of the European Community and its 27 Member States, thanked the Secretariat for its very clear and excellent presentation on the project and its different elements. It noted that all Member States agreed on the need to ensure that the resources spent on development activities were in fact used in the most appropriate and efficient way possible. The Delegation therefore believed that the document which was being discussed and which had grouped together Recommendations 33, 38 and 41, was a particularly important one. The Delegation supported the basic principle that the results-based monitoring and evaluation framework should be established and that the framework needed to be both sustainable and coherent. The Delegation also agreed that the monitoring and evaluation framework formed an integral part of WIPO's management framework and that the activities should include a review of WIPO's technical assistance activities for the purposes which had been mentioned in the document. At the same time, the Delegation observed that it was generally known that it was particularly difficult to assess and monitor concrete results in the field of IP. It therefore supported a cautious and gradual approach that the Secretariat had taken in the proposals for the implementation of the recommendations which were being discussed. The Delegation also fully agreed with the Secretariat when it said that the rapid introduction of a too sophisticated monitoring and evaluation system would risk utilizing additional resources and be of little value to managers and Member States. It therefore underscored the importance of having a mechanism which was designed in close cooperation with all the stakeholders concerned. The Delegation concluded by stating that its constituents were broadly in agreement with the proposals in the document. However, it reserved the right to come back on specific aspects or proposals.
199. The Delegation of Brazil, raising a point of procedural nature, expressed its deep disappointment that an agreement which had been reached forty-eight hours ago seemed to be no longer valid. The Delegation elaborated that when a request had earlier been made to change the order of Agenda Items 5 and 6, it was of the opinion that there was an agreement not to change the order since that was not acceptable for some Member States and there would be enough and equal time for all the substantive items of the Agenda. It added that, based on a compromise that was reached, the Committee then agreed to work on Item 5 of the Agenda, stop on Wednesday at 3 pm, and then start discussions on the coordination mechanism, which would then leave at least one day for discussing Item 5. The Delegation urged Member States to stick to their word and noted that, since the meeting had in fact given one day for the consideration of Item 5, that would imply that the meeting would have to dedicate one day for Item 6. The Delegation proposed that the Committee focused on Agenda Item 4 at that point in time, but indicated it would be open to other solutions. The Delegation reiterated the importance of having one entire day allocated to discussions on Item 6, the coordination mechanism. It concluded by stating that while the deliberations of the meeting had been good, the Committee could do without distractions such as those previously mentioned.
200. The Chairman stated that he would like to return to the agreement reached earlier that week. He indicated that the agreement was that the Committee would review Agenda

Items 5 and 6 on that day, Wednesday. He added that given the inversion of Agenda Items that took place he would suggest that the Committee reviewed Item 4 in the afternoon session and Items 5 and 6 the following day. However, the Chairman further stated that the decision was in the hands of Member States.

201. The Delegation of Zimbabwe stated that its intention was to comment on the documentation as had been presented by the Secretariat but that if the Chair was looking for suggestions regarding procedural issues, then it had none to offer.
202. The Delegation of India expressed its support for the statement made by the Delegation of Brazil, which sought to have adherence to the work program that was finalized after informal discussion and dialogue. The Delegation believed that the idea behind the work program was simply to ensure that the meeting had sufficient time to deal with the two concrete proposals that had been presented on the CDIP coordination mechanism. The Delegation indicated that, in comparison to Agenda Item 4, it believed Agenda Item 6 to be more important. It added that once a mechanism was agreed to, it would contribute to the review in a more effective manner. The Delegation therefore suggested a more long-term view be taken on the subject and that more time be allocated to the discussion of Item 6. The Delegation concluded by expressing the hope that consensus could be reached on the issue.
203. The Delegation of the United States stated that it was not its intention originally to discuss the procedural questions since it believed that the issue had been settled on Monday. The Delegation believed that enough time should be accorded to each issue. It further stated that the agreement reached on Monday accorded sufficient time for all Member States to discuss all the issues, in accordance with the Chairman's views and proposal for the management of the rest of the time that was available that week. The Delegation therefore felt that that the proposal that the Chairman had presented did exactly that.
204. The Delegation of Egypt stated that although the initial agreement was to accord equal time to all items, there seemed to be a major deviation from that agreement especially as it pertained to Item 5. In view of the deviation, the Delegation urged the need to have a full uninterrupted day on the issue at hand. The Delegation stated that the Chairman's proposal of the morning session would therefore, not serve the Committee.
205. The Delegation of the Republic of Korea stated that it fully understood the comments made by many delegations regarding the timeframe, but it also wished that consideration be given to accord a fair opportunity to all proposals that had been submitted by the Member States. It added that the Delegation had submitted a proposal at the last session of CDIP but, due to the paucity of time, the proposal was not discussed and adopted at that session. The Delegation added that the proposal was being resubmitted at the ongoing session but again there may be insufficient time to discuss it. The Delegation understood the importance of the assessment and a monitoring system, but noted that its concrete proposal was also important for all Member States. The Delegation underscored that it had held many discussion and had received positive feedback from many Member States with respect to the rapid implementation of its proposal. The Delegation believed that its proposal would not require a lengthy debate and as such supported the Chairman's suggestion on the timeframe for discussion for that session.
206. The Delegation of Canada stated that it understood the concerns that had been expressed by some of the delegations with respect to equal time for all the items as well as those of the Delegation of Egypt concerning the allocation of a full day for discussions on Item 6. The Delegation mentioned that it saw great value in discussions on document CDIP/4/8 and thought that given the subject matter of the document, it could inform the

discussion on the coordination mechanism since it was somewhat linked to that discussion. Therefore, the Delegation expressed a desire to continue those discussions that morning. The Delegation stated that it could agree to the suggestion made by the Delegation of Egypt but believed that a good compromise would be to discuss Item 5 that morning, initiate discussions on Item 6 in the afternoon session, continue discussion on the Item the following day and then take up Agenda Item 4 the afternoon of that day. It believed that way, the meeting would have two consecutive sessions on Item 6 and then if more time were needed, it would be able to take some time in the beginning of the afternoon session the following day to continue those discussions. The Delegation reiterated that it saw great value in discussing Item 5 and that it would really appreciate it if that discussion could take place before Item 6.

207. The Delegation of Spain sought clarification as to whether the agreement that had been reached was that the Committee would deal with Item 6 in the afternoon session as of 3 p.m. The Delegation expressed its view that the Committee seemed to be wasting time at that moment. It believed that the Committee should commence its work with no further delay so that it could reach to Item 6 by the afternoon session. It was important that it agreed on the way that it was going to move forward.
208. The Delegation of Brazil stated that it did not want to spend too much time either, and its preference would be to review the project which was in front of the Member States. Since there seemed to be no objection to the meeting starting at 3 p.m. and continuing the following morning it suggested that the Committee proceeded without further distractions.
209. The Chair noted that his understanding was that the Delegation of Brazil was in agreement with the proposal by the Delegation of Canada.
210. The Delegation of Algeria expressed its agreement with the Delegation of Brazil and believed that the morning session the following day should continue discussions on Item 6.
211. The Delegation of Nigeria called on the Chair to use his own initiative with respect to moving forward with the discussions. It added that it should be left to the Chair to know whether the meeting had discussed the issue enough or not. The Delegation added that the Committee should take on board the concerns of the group of Latin American and Caribbean countries so as to avoid prolongation of the discussions on procedure. The Delegation called on the Chair to request delegations wishing to take the floor further, to hold off on that issue so the main subject matter in question could be addressed.
212. The Chairman stated that although a work plan had been put forward, the Committee should not feel absolutely bound by that program. He added that it was not designed as a trap for delegate, but had it not been decided at the beginning of the week, delegates would not have known how the week was going to unfold. The Chairman stated that the program was a framework which assigned a fair and balanced amount of time to each agenda item. He underscored that an error might have been made in not stopping the discussions on Item 4 the previous day, but nevertheless, that was the choice that had been made.
213. The Chair explained that the intention had been that each item on the agenda would be dealt with for the same period of time and therefore there may have been a mistake by not stopping the discussions the previous day in order to deal with Item 4, but that had been done in agreement with delegations. The Delegations of Brazil and Canada had made a proposal which seemed acceptable to the Chair and it was hoped that it would be acceptable to everyone; according to that proposal, they would continue with Item 5 that



day, and that afternoon they would deal with the coordination mechanism and continue working on that topic the following morning without interruption; then the following afternoon they would look at Item 4. He asked the delegations if they all agreed with the proposal and thanked them for their agreement. The Chair then invited Delegations who wished to do so to take the floor on the Secretariat's presentation.

214. The Delegation of Zimbabwe supported the initiative taken by the Secretariat to introduce RBM into the Organization, which, it felt, was long overdue for such a renowned organization to operate without a self-assessing mechanism. In that spirit, the Delegation felt that it was a very important mechanism. The Government of Zimbabwe had also introduced RBM in the country, based upon a model borrowed from Malaysia. The Delegation believed that it was a challenging task but the idea behind it was a noble one as it actually gave room to improve efficiency and the management of financial and human resources. With regard to the strategy and objectives of the RBM being proposed, the Delegation understood that the first component looked at the evaluation for the entire organization and the second component guided the evaluation for the technical assistance operation. However, point 2.2 of the objectives could mislead some delegations as it seemed to tie the independent evaluation and self-evaluation of the RBM together. The Delegation felt that it was necessary to use precise language, as had been done in point 2.2, delivery strategy, to clearly indicate that the RBM was for self-evaluation, whilst the technical assistance was actually an evaluation for the technical assistance component. Concerning the independent experts, the Delegation wished to inquire from the Secretariat, if two independent experts would be enough to cover all the broad areas being undertaken by the Secretariat. In that Delegation's opinion, two experts may not be able to undertake the enormous work involved and suggested that the number be increased to adequately cover all the areas. However, if the Secretariat was comfortable with two independent experts the Delegation would follow suit. Having witnessed an evaluation exercise done for a UN agency, the Delegation felt that the missing element for the evaluators was that they also needed to consult with other relevant bodies. As the effort was to assess WIPO's technical cooperation activities, the Delegation believed that there were also other international agencies or other independent organizations who carried out similar work along the same lines as WIPO. So for the Member States to judge the success of the technical cooperation activity, they would also need to know what other people were doing and then judge whether it was good or needed to be improved. The Delegation felt that a component should be included to ensure that, formulating an assessment the independent expert should also consult with the relevant organizations, including civil society, to obtain more inputs into the evaluation exercise. The Delegation also remarked the selection of the independent expert, and asked if it would be feasible to request the Secretariat to consult Member States.
215. The Delegation of Canada saw great value the project and thanked the Secretariat for preparing the document. The proposed framework seemed to be very complete and included all the necessary steps. The Delegation was of the view that a RBM framework was a functional necessity in all organizations and they were pleased to see that WIPO was taking appropriate steps to improve its existing framework and that it was also being done in the context of the Development Agenda. The Delegation was of the view that the design, development and implementation of a monitoring and evaluation system could be informed by the experiences of Member States and they hoped that they would be consulted throughout the further development of the RBM framework. Certain Member States, such as Canada, had program review and evaluation mechanisms which were in place as part of their government's structure that could help WIPO in defining performance indicators. Canada had shared those in the past with WIPO and would be pleased to provide additional details. The Delegation further believed that discussions on

this project constituted a first step in the discussions of a coordination mechanism under agenda Item 8.

216. The Delegation of the United States of America thanked the Secretariat for developing a new project to implement Development Agenda Recommendations 33, 38 and 41, which focused on the monitoring and evaluation of Development Agenda activities. It felt the use of RBM both in WIPO generally and related to Development Agenda activities was a good approach for a review and evaluation of the activities of the Organization. The strength and focus of using rigorous and appropriate management tools such as RBM was a positive indication of the streamlining and reform process that had occurred within the Organization during the previous year. The Delegation welcomed the proposed development of a monitoring and evaluation culture within WIPO and supported the proposal for an assessment and evaluation of WIPO's technical assistance activities in the area of cooperation for development and looked forward to seeing the results, including any recommendations for future improvement.
217. The Delegation of India joined other delegations in welcoming the initiative and the well-prepared proposal for a RBM in WIPO and saw it as a very positive step forward in enhancing self-assessment capacities within WIPO and as a good initiative proposed by the Secretariat. The Delegation said that there was a lot of focus on national IP and innovation strategies, technical assistance programs and self-assessment and evaluation of the Development Agenda implementation. However, Recommendation 38 which was the starting point for the project spoke about strengthening WIPO's capacity to perform objective assessments of the impact of the Organization's activities on development. The recommendation covered all WIPO activities and the Delegation asked if the proposed RBM framework would also self-assess the work being done in other bodies and committees, for instance, the PCT, the working group on standards, and issues such as establishing new committees. The Delegation stated that the essential question was if the RBM would cover all WIPO activities, because in that project, there was a predominance of Development Agenda activities relating to technical cooperation, and also a focus on national IP innovation strategy. The Delegation requested clarification in that regard. The Delegation then referred to the objectives mentioned in paragraph 2.2 on page 4, where it was indicated that the primary objective of the project was aimed at preparing WIPO to improve and strengthen its capacity for independent and self-evaluation, the last sub-point in the same paragraph in parenthesis "increase the capacity and ability for independent and objective evaluation". The Delegation stated that in the project proposal, the independent evaluation component only referred to the technical assistance review and it welcomed this and congratulated the Secretariat on proposing this very positive test. However, as far as the rest of the project was concerned, the Delegation felt that it was really a self-assessment and in the context of the proposal it would be inaccurate to say that the objectives of the project was to strengthen independent evaluation of all of WIPO's work. With regard to the experts for the non-technical assistance review, the Delegation's understanding was that the experts were actually RBM experts who would be mandated to design the evaluation framework but not to undertake the independent evaluation; the phraseology of the objectives and certain other parts of the project proposal could be reflected better. The Delegation shared the views of the Delegation of Zimbabwe that two experts for the technical assistance review would perhaps be inadequate and added that it would be an excellent step forward if an independent commission of external experts could be set up to review technical assistance projects because, from the project proposal, it was not clear if an engagement of those two experts was a one-time activity. The Delegation further stated that because technical assistance was going to continue and remained one of the core activities of WIPO, setting up a permanent commission of external experts, comprising more than two experts, with fixed terms of reference, would effectively contribute to a truly independent assessment, review and evaluation of the technical assistance program of

WIPO. Finally, the Delegation had two queries related to sub-point 2 on page 7, where there was a reference to how WIPO intended to integrate the evaluation framework into national IP and innovation strategies. The Delegation thought it to be a very positive concept and requested clarification on how exactly the RBM would feed into national IP and innovation strategies. The Delegation added that in the same paragraph there was a reference relating to the contributions of other development partners, like the Organisation for Economic Co-operation and Development (OECD) management for development reserves, development assistance committee, and sought elaboration on exactly how those would dove-tail into the RBM framework.

218. The Delegation of Switzerland thanked the Secretariat for the document that had been presented on RBM stating that it was a very interesting document and the proposal was very timely with regards the efforts of WIPO to improve RBM. Decisions had been taken years before and it was presently a question of making it a reality in all activities including the very important sector of development activities. The Delegation of Switzerland supported all those initiatives as it was important to strengthen WIPO's expertise in the area and the Member States and management of WIPO had useful information to evaluate the effectiveness of development projects to best meet the needs of developing countries. The projects proposed presently would enable those goals to be achieved. The Delegation understood that information for Member States would be improved to enable them to better assess the activities of WIPO in the area of development; they were not designed solely for the internal needs of the Organization. The Delegation felt that the RBM mechanism would also be used in assessing the activities of other bodies. Regarding the role of external experts, the Delegation considered that the present proposal was well-balanced and they therefore supported it, as it was, and at present, saw no need to establish an independent committee to assess those activities. The Delegation thought that the document could perhaps better highlight the Internal Audit and Oversight Division as in the previous October they had had a very interesting presentation on the developments related to that Division regarding the assessment of development activities and the specific capacities to be developed. The Delegation believed that the evaluation carried out by that Division was an independent one and that they should strengthen WIPO's capabilities in that area. The Delegation concluded by supporting the project and its rapid implementation so that its results could be seen as soon as possible.
219. The Delegation of the United Kingdom welcomed the document CDIP/4/8 containing the project on the enhancement of WIPO's RBM framework. The Delegation stated that traditionally it had been difficult to measure results in that area and therefore it fully welcomed the sensible and coherent approach from the Secretariat. It was important that resources were spent efficiently and risks were managed accordingly in all areas of the Organization, including the Development Agenda. The Delegation also emphasized the importance of evaluation and monitoring of WIPO funds as in its experience of the national public sector, mere allocation of more resources to a problem did not necessarily solve the issue by itself. Effective financial governance and project management were just as crucial to the success of implementing WIPO's strategic goals. The Delegation added that it was important to achieve progressive and measurable outcomes and therefore looked forward to a working document with the aim of achieving a RBM framework for development activities of WIPO. On the issue of the number of experts, the Delegation suggested that this decision be left to the Secretariat since it had the most appropriate knowledge and was best placed to take that decision.
220. The Delegation of China said that it supported the proposal and also wished to have a sustainable and result-based evaluation framework established within WIPO, because ever since the substantive discussion on the issue, it found it important to know how to access or how to evaluate the activities. This, the Delegation said was a source of

concern for many countries and undoubtedly good evaluation and monitoring was a prerequisite for the effective implementation of the recommendations.

221. The Delegation of Egypt thanked the Secretariat for preparing the very useful document and believed that it went a long way towards putting WIPO into regular management practices that were adopted in other international organizations, and particularly in the United Nations system. The Delegation saw it as a tool that had been long overdue essentially as a management tool and it welcomed the step. It then wished to make three preliminary comments. Primarily, it saw it as a management tool that was quite important but the project did not prejudice the discussions on the coordination assessments and monitoring mechanisms. The Delegation stated that the project specifically came out of the needs of the recommendations, whereas the coordination, assessment, monitoring and reporting mechanisms was a separate mandate arising from the General Assemblies. There should be no mix between what was being done in the present project and the mandate given by the General Assemblies to engage in discussions on a coordination, reporting and assessment mechanism. Secondly, bearing in mind Recommendation 38, which covered all activities of WIPO, the project should focus on in mind the universality of activities that would be subject to RBM rather than only on the Development Agenda Recommendations or its implementation. In that regard, the Delegation pointed out that a very important sector of WIPO's activities, i.e., the PCT sector, could benefit from the RBM exercise. The Delegation believed that the recommendation encompassed a broad spectrum of the RBM exercise and should go beyond the development activities of the Organization. The reason why the Delegation made that general comment was that it observed, most clearly perhaps on pages 7 and 8 under the development phase, that the project specifically targeted development activities to the exclusion of other WIPO activities. The Delegation added that on page 9, point b, under roles and responsibilities and on page 12, under project objectives and indicators, it found that the first objectives seemed to be squarely focused on development activities. The Delegation requested that those parts be re-drafted to ensure that the RBM mechanism encompassed all WIPO activities. Finally, the Delegation stated that there seemed to be too much emphasis on the relationship of the RBM mechanism with national IP and innovation strategies. That was a useful approach, but it should not only focus on that; in this connection on page 12, it seemed from the third indicator of success (towards the end), the only indicator of success would be to what extent it figured in national IP innovation strategies. The Delegation believed that that should also be redrafted and revised so that it encompassed more than just the national IP and innovation strategies. The Delegation fully endorsed what had been said by the delegations of Zimbabwe and India, and it shared those concerns. On component 1, towards the second half of the page 7 under (ii), the Delegation requested clarification that the external experts would focus on designing the framework but would not undertake the evaluation. The Delegation considered component 2 to be a very important component and looked forward to the results. The Delegation associated itself with what had been said by India on the need for a commission because, if WIPO was a leading organization in terms of the technical assistance and capacity building it provided and had been doing so for decades, it believed that sufficient human resources were required to undertake such a major task. The Delegation hoped for a concrete outcome and believed that two experts was quite a limited number to undertake the huge task. Previously Member States had requested WIPO to make available on its web site information on all technical assistance and capacity building activities particularly seminars, workshops and conferences; however, only the agendas for such events are posted on the web site. The Delegation requested WIPO to go a step further and place all the presentations, including PowerPoints and material that had been distributed by WIPO on the web site. The Delegation thought that that would facilitate the work of the Committee and believed that it would not involve a lot of effort and could be accessed immediately. Relating to another issue on component 2, the Delegation thought that

other organizations had done exemplary work on technical assistance in the area of IP and development, including leading civil society organizations, and NGOs, and requested that the commission or the experts that would examine the technical assistance should consult with those bodies in order to obtain feedback on WIPO's technical assistance activities.

222. The Delegation of Nigeria commended the Secretariat for the quality of work put into the document, as well as the timeliness of the proposal. It believed that a strong evaluation and monitoring framework was a necessity for measuring the effectiveness of the Organization's activities and adapting new strategies to meet the needs of Member States. The Delegation was also convinced that the various components were viable in meeting set objectives, and they would also enhance the RBM framework of the Organization. The Delegation supported the proposals and urged implementation.
223. The Delegation of Japan wished to join other delegations in thanking the Secretariat for preparing that important and quality document and felt that it provided a very good basis for discussions. The Delegation had heard a very good comment in the intervention from Switzerland with regard to the setting up of an independent committee. The Delegation wished to engage further in the discussion on that Agenda Item with a constructive spirit.
224. The Delegation of Brazil thanked the Secretariat for preparing the document and for its presentation. The Delegation expressed its pleasure on WIPO's work to improve its RBM framework and stated that the Development Agenda Recommendations were adopted so that the development dimension was taken onboard in WIPO's work and in self-assessment of the work and the activities of WIPO. Therefore, it welcomed the document under consideration. The Delegation believed that the spirit of the Development Agenda Recommendations was to pave the way for developing countries to take advantage of the IP system and that had very much to do with how they were prepared to live in the system. WIPO had a very important role with its technical assistance activities and the Delegation was pleased to see that the process to assess how it was being done by WIPO was being developed. The Delegation felt, as did some other delegations, that only two external experts would not be sufficient and stated that it would be better that a small commission of multi-disciplinary people do that work which could be referred to the CDIP for discussion and recommendations. The Delegation asked what the role would be played by the Internal Audit and Oversight Division in this connection.
225. The Delegation of Sri Lanka thanked the Secretariat for the explanation and presentation of the project proposal and had a question concerning page 5 of the diagram. The Delegation understood that WIPO sometimes undertook activities with other organizations such as the International Telecommunications Union (ITU) and other UN organizations, and wished to know how WIPO would capture that component of activities into the present diagram, that is, how would it evaluate and how would it see the impact of those activities on development in this framework.
226. The Delegation of Thailand commended the Secretariat for preparing an excellent document and expressed its interest to see an effective and timely implementation of the project approved by the Committee. The Delegation stated that the administration mechanism should not create an additional burden on the Organization and unnecessary demand on human or financial resources, nor should it be cumbersome to the extent that it took too much development time. WIPO should utilize existing resources by improvement rather than by reinventing the wheel which may delay things and cost too much. The Delegation further stated that a review of technical assistance activities in the area of cooperation for development as proposed in Recommendation 41 was intended so that WIPO had a more robust and structured plan on cooperation for development. The Delegation was baffled by the sophisticated language used in the project and found it

overwhelming. The Delegation stated that it had heard the representative from Sweden speaking on behalf of the European Community (EC) that the graduality of the implementation could be perceived as delays. So on the establishment of RBM, it was Thailand's view that, while an external expert might be utilized to improve the existing system, it was hoped that, once established, it would become a permanent organization-wide feature which should be implemented by WIPO itself. At the same time, this RBM should only be viewed as one of the elements to be monitored and reported on periodically to a higher body of WIPO. Concerning the proposal that the Secretariat had prepared, the Delegation found that the sophisticated language used, particularly with regard to the section on design of component 1, very difficult for a non-English speaking person to comprehend, requested a simplified version. Giving an example, the Delegation stated that in the second paragraph of the section on design, on page 6, the language was: "these projects need to be evaluated both in terms of their project indicators but also with regard to how these contribute to the higher level objectives, expected results and performance indicators of programs and budgets and goals set in the medium-term strategy plans". The Delegation did not know what that meant. The Delegation supported Egypt's comments on the over-emphasis of national strategy in that thematic proposal, and felt that while it should be related the link between the project and national policy should not be over-emphasized.

227. The Chair observed that they did indeed need text that was easy to understand and easy to translate into English, French, Chinese, Arabic or Russian. Having simple text made it easier for everyone to understand each other.
228. The Delegation of Pakistan expressed its broad support for the proposals and stated that it was in general agreement with the statements made by India, Egypt and Zimbabwe that morning. The Delegation emphasized however that the project should not prejudice the mechanism for coordination, monitoring, assessment and reporting of the implementation of the Development Agenda.
229. The Delegation of Germany expressed its support for the statement made by Sweden on behalf of the European Union and its Member States and expressed its appreciation to the Secretariat for the carefully calibrated and balanced project that was before the Committee and also for the briefings and explanations that had been provided in advance. The Delegation joined others who had emphasized that the project and the RBM framework was an information gathering tool and that its intention was to further the management culture of WIPO so as to focus not so much on output but on outcome, more specifically on the impact which was of interest to the Member States. The Delegation recalled that during the discussions in the Open-Ended Forum on the WIPO Development Agenda project there was strong support for that project. The project under consideration should not be a replacement or substitute for what would be discussed under Agenda Item 6, although it was an important component or factor in a future mechanism that the Committee could agree on. Thus the RBM project, the Delegation added was about information gathering and the coordination mechanism was to facilitate decision-making by the Member States. As regards staffing resources required for the implementation of that project the Delegation joined other delegations in particular the United Kingdom and Zimbabwe in expressing the hope that the Secretariat could assess how much manpower was needed to effectively implement the project. As to establishing a Committee it expressed caution, and even reluctance. Instead, the two external experts for RBM, would be hired on a contract basis, and not on a permanent basis and an internal task force from within the Secretariat could be responsible for the implementation of the project. That was a credible and reasonable way on how the Secretariat's scarce resources may be managed.

230. The Delegation of Bangladesh expressed appreciation for the RBM project and stated that it would be a good start in helping the Organization improve its services and enhance the performance of its activities. WIPO's activities on development had to be objectively assessed, and as agreed, the Development Agenda had to be mainstreamed across the Organization and, as such, any assessment had to include all of WIPO's activities. The Delegation pointed out some lack of clarity in the use of the phrases "development oriented activities" and "development impact of activities" and reiterated that the reference should be to all of WIPO's activities. Concerning the issue of the external experts the Delegation was of the view that two external experts may not be sufficient to address the demands of the job and ways to strengthen a mechanism for independent review should be considered. Referring to the report of the review of technical assistance, the Delegation stated that it should be submitted to the Committee for further consideration. It requested the response of the Secretariat on the issue of an independent review and the need for continued assessment of WIPO's activities. In that regard, the Delegation shared the views expressed by the Delegation of Thailand. Finally, concerning the separation of issues under agenda Item 6 and that project the Delegation endorsed the views expressed by the Delegation of Germany.
231. The Delegation of Bolivia expressed support for the interventions made by India, Egypt and Brazil and more specifically joined with the statement of Bangladesh that evaluation should include all of WIPO's activities, that more technical assistance experts be made available and that the expert group should consult with civil society.
232. The Delegation of Australia expressed support for enhancing WIPO's RBM framework and supporting the Delegation of the United Kingdom stated that the Secretariat was best placed to consider the issue of resourcing of experts. The Delegation of Thailand encouraged the use of plain language in that document.
233. The Secretariat responding to the questions raised by the delegations agreed with the comments made by the Delegation of Sweden on behalf of the EU that it was important to adopt a gradual and simple approach to reduce possible resistance to this type of cultural change. In response to the statement made by Zimbabwe the Secretariat agreed that RBM was about self-evaluation and about putting in place an enabling framework and that it needed to be clarified in the document. On the question of review of technical assistance and the number of experts required, raised by India, Egypt, Zimbabwe and other delegations, the Secretariat clarified that Development Agenda Recommendation 41 was quite specific in that it called for a review of WIPO's technical assistance in the area of cooperation for development. After internal discussions the view was that hiring two external experts, an evaluator with experience in development and technical assistance projects and a development expert, would suffice to undertake a review of this kind. However, the Secretariat said that much depended on the scope of the project and the terms of reference on which the Secretariat would consult with the Member States and depending on the outcome of those discussions the issue would be clearer. The Secretariat stated that that component of the project was intended as a one-off exercise lasting approximately six or seven months and that would come up with a number of recommendations and suggestions for consideration by the Secretariat and further discussion with Member States. The other purpose of component 2 of the project was to feed into component 1 and help identify the areas related to expected results, performance indicators, and the capture of information on WIPO's development-related activities or technical assistance work so that it could constitute a basis for the development of that other component of the project. The Secretariat expressed agreement with the suggestion that other bodies and other organizations be consulted and this should be incorporated in the terms of reference for the review of technical assistance. On the issue of the independent experts and the role of Member States in that process, the Secretariat clarified that the project envisaged that the criteria for these

experts would be clearly identified, experts will be chosen on ability and experience in the specific fields and Member States would be informed. The success of the project depended on having credible experts who could deliver objective and independent reports to the Secretariat. Responding to the comment made by the representative of Canada, the Secretariat agreed that it was important that the Secretariat learnt from other organizations on how RBM approaches could be applied and informed the Committee that it had already begun such discussions in a general way and reiterated that consultations with Member States and all stakeholders was an important element of the project. In response to the questions from India, the Secretariat stated that the focus of the project was self-evaluation and RBM, and improving the framework would improve the capacity of the Secretariat to capture the right information through appropriate monitoring and evaluation systems. Noting the statements of a number of delegations, the Secretariat agreed that the Development Agenda cut across a number of program activities and performance indicators across a wide range of programs and that might be better reflected in a revised version of the project document. The Secretariat said that it had chosen national IP and innovation strategies for country level performance assessment frameworks, but in light of the comments made by a number of delegations that did not need to be restricted and would be reflected in the amended document. It was also important to recognize that activities undertaken by WIPO were only one part of the development picture. There were also the activities of other development partners and organizations engaged more broadly in development-related activities and the question arose as to what extent the achievement of development results could be attributed to WIPO and its activities. It was, therefore, another issue that needed to be considered. The Secretariat further stated that the Delegation of Switzerland had emphasized the importance of independent evaluations which it agreed was an important point and clarified that the framework put in place at the country level was intended to support both RBM and self evaluation as well as the conduct of independent evaluations. Responding to the question raised by the Delegation of Egypt on the relationship between the project and the coordination mechanism, the Secretariat stated that the focus of the project was on gathering information and making credible evaluative information available both for the Member States for their purposes in terms of accountability, transparency and management decision-making, but also for the Secretariat in terms of accountability of Program Managers and for their own internal management decision-making purposes. Reiterating the point made earlier, the Secretariat said that the revised version of the project document would make clear that the enhancement of the RBM framework would look at the development-related aspects and Development Agenda across all relevant programs and not just Development Agenda and specifically development-related programs. Responding to the issue raised by the Delegation of Zimbabwe regarding small roman one on page 7 and the design framework, the Secretariat explained that the project was by its nature time-limited. The external experts recruited to undertake work on any aspect of the project were for a time-limited duration. The role of the external expert was to design the framework, support its development and support some of the initial training and awareness-raising, but at the end of the two year period it would be handed over to WIPO and to the Member States to use it and improve it. As to considering the work of other organizations, including NGOs and how WIPO's activities related to that, the Secretariat agreed that that was something that could be reflected in the terms of reference for the review exercise. The Secretariat further agreed that the review undertaken would be reported onto the Member States and the CDIP. On the role of the Internal Audit and Oversight Division, the Secretariat explained that on the one hand a framework was being created that would support some of their work and secondly, given the independence and objective nature of the Secretariat's internal independent evaluation function, its role would also be to evaluate the framework. In response to the question from Sri Lanka the Secretariat clarified that the diagram indicated external actors and factors and how joint projects with organizations such as the ITU or the International Trade Center (ITC) or others would be



incorporated. When identifying the performance indicators both at the program and the country level it was necessary to identify WIPO's contribution, the contribution of the project and how that could be shown in terms of development results. The Secretariat agreed fully with the comments made by delegations that the documents should use simple and clear language. Responding to the statement made by the Delegation of Germany, the Secretariat stated that the Steering Committee referred to in the document would in essence be a virtual project committee which would review and guide the work and design of the RBM framework. It would involve the experts and the Secretariat. The Secretariat also agreed to clarify in the revised document the issues raised by the Delegation of Bangladesh. In response to the questions posed by the Delegation of Bolivia the Secretariat responded that self-evaluation was something for all of WIPO's programs and activities not just those under the Development Agenda. In conclusion, the Secretariat informed the Committee that in addition to that project there were other program activities aimed at strengthening RBM as a whole within the Organization.

234. The Chair recalled the question posed by the Delegation of Egypt on the compilation of technical assistance activities on the WIPO website and invited the Secretariat to respond to that observation.
235. The Secretariat recalled that during the last session of the Committee it had approved a project on building a database on technical assistance. The database was intended to be populated with information on technical assistance activities and the information requested by Egypt would be made available to the Member States through that database.
236. The Delegation of Egypt suggested that all material used in WIPO's technical assistance activities also be made available electronically on the website. Secondly considering that the RBM was not confined to development activities the Delegation suggested that the title of the project be changed as follows: "project on enhancement of WIPO's results-based management (RBM) framework to support the monitoring and evaluation of WIPO's activities".
237. The Delegation of India expressed support for the suggestion made by the Delegation of Egypt that the title of the project be changed. Secondly, the Delegation agreed with the Secretariat that the number of experts would flow from the terms of reference and the scope of work and given that the terms of reference would be drawn up in consultation with the Member States it would be hasty to prejudge the numbers. Thirdly, the Delegation sought the clarification of the Secretariat on whether its evaluation section would comprise both the Internal Audit and Oversight Division and the Audit Committee?
238. The Delegation of Switzerland questioned the proposal to change the name of the project given that the RBM was a general exercise applicable to the whole Organization.
239. The Secretariat clarified that the project addressed the three Development Agenda Recommendations and each of those called for a focus on development-oriented activities and the impact of the Organization's activities on development. Thus the project document had been drafted so as to focus in particular on the development aspect of the RBM system. In addition to the project, there were other program-related activities to strengthen the RBM system for the Organization as a whole. The Secretariat further stated that the project's particular focus was on the development aspect and the Development Agenda, but given that the Development Agenda cut across most of the programs, in developing a RBM framework each program had to have the appropriate indicator to collect data on development. With respect to the validation exercise, the reference was to the exercise undertaken for the Program Performance report for 2008.

240. The Delegation of Brazil referred to the discussion on the issue of the title and taking into account the comments made by the Delegations of India and Egypt suggested that the title may read " project on enhancement of the development dimensions on WIPO's results based management (RBM) framework."
241. The Delegation of Egypt observed that to characterize the three recommendations as pertaining to development activities was incorrect. Recommendation 38 in particular pertained to the impact of WIPO's activities on development which included, for example, activities implemented in the PCT domain and, as such, not in the so-called development activities although those activities did have an impact on development. Thus, the Delegation suggested that the language of Recommendation 38, be taken as the project title so as to read "evaluation of the impact of WIPO's activities on development".
242. The Delegation of Bangladesh was of the view that the language might be taken directly from Recommendation 38 or from page 3 2.1 where it was stated that all of the Organization's activities in terms of their development orientation and impact may be evaluated. The Delegation added that in any event the first page of the annex clearly stated that the project had links to all WIPO programs.
243. The Chairman summed up stating that all Member States agreed on the importance of the project and that the Secretariat might consider the requests for amendments, changes and clarifications of the text as well as the title and submit a revised document to the Committee by the end of that week. The Chairman stated that the afternoon session would focus on Item 6 of the agenda which dealt with the project on a coordination mechanism for the implementation of development activities. He added that the Committee had three documents before it, which dealt with that subject. Those were: document CDIP/4/9, the proposal from Algeria, Brazil and the Islamic Republic of Pakistan; document CDIP/4/10, which was a proposal from Group B; and document CDIP/4/11, prepared by the Secretariat.
244. The Delegation of the Republic of Korea sought clarification with respect to the time frame for discussing document CDIP/4/12, which contained that Delegation's proposal.
245. In response to the Delegation of the Republic of Korea, the Chair, while stressing the importance of the Delegation's proposal which was also presented at the third session of the Committee, expressed his inability to provide a definite time but stated that he would endeavor to find a slot for the examination of the proposal.
246. At the Chairman's invitation, the Secretariat introduced Agenda Item 6, on the coordination mechanisms for monitoring, assessing and reporting modalities. The Secretariat stated that during its third session, the Committee had decided that interested Member States could submit written proposals to the Secretariat which would be compiled and presented to the fourth session of the CDIP. It indicated that two proposals had been received. The first of those proposals was a joint proposal from the Democratic Republic of Algeria, Brazil and the Islamic Republic of Pakistan. He added that the co-authored proposal, contained in document CDIP/4/9, was subsequently supported by the India. The second proposal was received from Group B and was contained in the document CDIP/4/10. The document CDIP/4/11, provided a compilation of the two proposals and a factual statement of the situation, the Secretariat added.
247. The Chairman requested the Delegations of Algeria and Switzerland to present their respective proposals on behalf of their colleagues.
248. On behalf of the Delegations of Brazil, Pakistan and India, the Delegation of Algeria thanked the Secretariat for the working documents with respect to the agenda item before

the Committee. In introducing document CDIP/4/9, the Delegation reiterated that the proposal addressed the setting-up of a coordination mechanism and arrangements for monitoring, assessing and reporting on the implementation of the Development Agenda Recommendations. The Delegation provided the background to the proposal and recalled that, based on the proposals submitted by Pakistan and the African Group, at the previous session, the Delegations of Algeria, Brazil and Pakistan had decided to submit a new joint proposal to the Committee. The Delegation of Algeria expressed appreciation and gratitude to all delegations that had endorsed the joint proposal. It underscored that the legal basis for setting up a mechanism for coordination as well as arrangements for monitoring, assessing and reporting on the implementation of the Development Agenda, were contained in the mandate given by the General Assembly in 2007, to the CDIP, and it quoted the relevant text: "to monitor, assess, discuss and report on the implementation of all recommendations adopted and for that purpose it shall coordinate with relevant WIPO bodies". The Delegation specified that the joint proposal was based on a number of elements such as the establishment of a standing agenda item for the General Assembly, on the implementation of the Development Agenda, which would enable the General Assembly to request all WIPO bodies to identify the specific ways in which the Development Agenda Recommendations could be mainstreamed into their areas of work; the holding of special sessions of the CDIP to coordinate, monitor and assess the implementation of the Development Agenda Recommendations in all areas of WIPO; the commitment of the WIPO Audit Committee to review periodically the Development Agenda Recommendations; the creation of a group of external experts to undertake a biennial review and assessment of the overall implementation of the Development Agenda Recommendations; and the preparation of a report on the implementation of the Development Agenda to be submitted to the United Nations General Assembly, under Article 6 of the 1974 Agreement between the United Nations and WIPO. In that context, the Delegation of Algeria stated that it had endeavored to take into consideration the concerns initially expressed by some delegations. Thus, the proposal did not provide for the setting-up of a new structure such as a working group. Also, no hierarchy had been established among the Committees insofar as it was the General Assembly which gave the CDIP its mandate with respect to the mechanism under consideration. Referring to the related financial costs, the Delegation recalled that the Program and Budget Committee (PBC) had already approved expenses of 2.2 million Swiss francs for the future activities of the CDIP, including the coordination mechanism in particular. The Delegation emphasized that the joint proposal started where the proposal of Group B left off as the latter was included in the proposal by the co-authors. It concluded by stating that the co-authors of the proposal had attempted to incorporate all the observations expressed at the third session of the CDIP, in April 2009, and looked forward to working together with Group B and other delegations in a constructive spirit, so as to reach an agreement on that important subject.

249. The Chairman thanked the Delegation of Algeria for the presentation on behalf of Algeria, Brazil, Pakistan and India. He stated that note was taken of the Delegation's mention that Group B's proposal had been incorporated into the joint proposal. The Chairman referred to the Delegation of Algeria's introductory comments and enquired whether any indication was made in the joint proposal, as to its statement on the proposal not requiring the establishment of a new structure within WIPO, or the CDIP not being hierarchically placed above other committees.
250. The Delegation of Algeria stated that upon reading the joint proposal, it could be seen that there was no indication of the type of hierarchy between committees. It added that the parallel nature of forms had been respected as it was incumbent upon the General Assembly to take a new decision in accordance with the terms of reference of the CDIP, for the purposes of establishing said mechanism. The Delegation reiterated that no new structure or body had been suggested, contrary to an informal proposal at the third

session to set up a working group. The Delegation concluded by clarifying that it had taken ample care, so as to avoid language that would not be acceptable to certain delegations, and in particular Group B.

251. On behalf of Group B, the Delegation of Switzerland highlighted key elements of Group B's proposal. The Delegation reminded the Committee that the General Assembly had mandated the CDIP to monitor, access, discuss and report on the implementation of all recommendations adopted, and for that purpose to coordinate with relevant WIPO bodies. It believed that in order to facilitate the mandate with efficient, effective and transparent governance, a coordination mechanism was required with an appropriate evaluation mechanism. The Delegation elaborated that the following precedents should underpin the coordination mechanism: firstly, the coordination mechanism should facilitate the mainstreaming of the Development Agenda within WIPO; secondly, all WIPO committees stood on an equal footing and reported to the General Assembly; thirdly, in order to avoid duplication, the coordination mechanism should be consistent with, and where practical, use existing governance structures and procedures and; fourthly, the coordination mechanisms should be resource neutral and should not create new financial obligations for Member States. The Delegation stated that those were the principles in accordance with the CDIP's mandate. It added that Group B proposed that the CDIP recommended to the General Assembly, the following coordination mechanism: regular updates by the Director General, Deputy Director General or Director of the Development Agenda Coordination Division to the General Assembly; instruction by the General Assembly to relevant WIPO bodies to work towards mainstreaming the Development Agenda Recommendations in their activities, in accordance with the mandate that had been given to implement Development Agenda Recommendations; instructions by the General Assembly to the Chairs of the relevant WIPO bodies to include in their annual report to the General Assembly, a description of their contribution to the implementation of the respective recommendations; publication of WIPO's RBM framework when adopted as proposed in CDIP/4/8, with the appropriate amendment; and a request of the General Assembly, to the Director General or the Deputy Director General in charge of the Development Agenda, to periodically state in their opening remarks to the relevant WIPO bodies and in WIPO's annual report, the importance of effectively implementing and mainstreaming the Development Agenda Recommendations throughout WIPO. The Delegation further stated that Group B members looked forward to listening to the responses to their proposal and that they remained ready to interact in constructive dialogue during that session, based on their proposal. The Delegation acknowledged the proposal made by Algeria, Brazil and Pakistan and also supported by India, on the coordination mechanism, and stated that it would be intervening thereon at a later stage of the discussions.
252. The Chairman thanked Group B for the very constructive approach to debating that issue and stated that the project in question was a very important one for WIPO and that he was pleased that the Committee had been able to tackle the question on that day.
253. The Delegation of Brazil thanked the Chairman and stated that it would like to share its concerns with respect to the implementation of the Committee's mandate. Before addressing its concerns, the Delegation quoted the words of one of its friends which said: "you know you diplomats, usually when you do not know what to do with something, you just postpone the solution for later." The Delegation stated that those words reflected its sentiments when it read and heard the mandate of the Committee. It added that words monitor, access, discuss and report on the implementation of the recommendations, implied that the Committee had to access work of other bodies without actually upsetting the hierarchical structure of WIPO bodies. The Delegation underscored that the wording made the mandate all the more complicated for drafting a coordination mechanism. Nevertheless, it believed that it was important to follow the core ideas of monitoring,

assessing, discussing and reporting on the implementation, and that the Delegation of Algeria had made a good attempt to do so in its statement. The Delegation also stressed that in the joint proposal, paragraph 5 mentioned that the CDIP would report to the Assemblies and as such there would be no recommendations to any other WIPO body. The Delegation stated that the wording might not have been clear for all delegations and therefore would advocate the need for two half days to be dedicated to discussing the coordination mechanism. The Delegation further added that there was frequent use of the word relevant. It believed that the word relevant, might be a source of confusion since after just having approved a Program and Budget document, which contained reference and links to the Development Agenda in all programs, one would get the impression that there was relevance in all bodies. The Delegation concluded by underscoring the need for Member States to have ownership of the process, since the assessment being referred to was not only a technical one but a political one and as such, there was a need for a certain dynamism in the working of the Committee.

254. The Delegation of Pakistan stated that the discussion was off to a good start and that it would be essential to have consensus on both the proposal that had been presented by Brazil, Algeria and Pakistan, and that of Group B. The Delegation believed that the two proposals had a common ground and that they should both be built on, so as to reach a consensus document.
255. The Delegation of Spain expressed its support for the proposal put forward by Group B as well as the statement made by the Switzerland on behalf of that group. In that connection, it stated that coordination would be a key element in contributing to and integrating the development dimension into the activities of WIPO. The Delegation believed that the proposal put forward by Group B was a pragmatic and flexible approximation, which could satisfactorily contribute to upholding the rules of WIPO as well as the spirit of the Committee's mandate. The Delegation reserved the right to intervene on more specific aspects later on in the discussions.
256. On behalf of the regional group of Central Europe and the Caucuses, the Delegation of Kyrgyzstan congratulated the Chairman on his election and thanked the Secretariat for the excellent preparatory work. The Delegation took note of the proposals which had been put forward by Member States on the various agenda items, and stated that it attached major importance to the review of the projects and the initiatives, which had been proposed. It thanked the sponsors and co-authors of all proposals in particular, the delegations of Algeria, Pakistan and Brazil, as well as Group B. In that connection, the Delegation stated that an efficient coordination mechanism as well as the mechanisms for monitoring and assessment would make it possible to obtain better outputs in the work of the Committee. It added that the review of the coordination mechanism, and the monitoring and assessing modalities, would make it possible to assess the implementation of the various recommendations, under the framework of the development plan of action. The Delegation stressed that the Committee had quite a broad mandate and could benefit from the efficiencies to be gained through the monitoring of various projects with pooled assets. The Delegation concluded by stating that the setting up of an effective coordination mechanism, would not seek to duplicate efforts but rather strengthen the Secretariat's efficiency and the collaboration amongst the various bodies in WIPO, for the implementation of the Development Agenda.
257. On behalf of the Group of Latin American and Caribbean countries, the Delegation of Ecuador stressed the importance of the compliance with the mandate granted by the General Assembly to the CDIP, for the establishment of a coordination mechanism with other relevant bodies in the Organization, to monitor, assess and report on the Development Agenda. In that context, the Delegation thanked the delegations of Algeria, Brazil, Pakistan and India as well as Group B for their proposals as set out in documents

CDIP/ 4/9 and CDIP/4/10 respectively. The Delegation added that it had carefully analyzed those proposals and believed that the contents of document CDIP/4/9 were a good basis for initiating discussions on a mechanism to coordinate, assess, report and discuss the WIPO Development Agenda, with the objective of subsequently submitting reports to the General Assembly. The Delegation of Ecuador underscored the need to ensure that the development dimension permeated all WIPO's activities. It also expressed the need for awareness by the Committee, of the work and activities undertaken by the Organization with respect to the implementation of the Development Agenda. The Delegation expressed its hope that the eventual approved coordination mechanism, would cover valuable aspects not only pertaining to coordination within WIPO but also those pertaining to WIPO within the context of the United Nations system. In that connection, the Delegation stated that it would be appropriate for a chapter on the Development Agenda, to be integrated in WIPO's annual report that was submitted to the General Assembly of the United Nations.

258. The Delegation of Iran expressed its belief that in order to implement the General Assembly mandate given to CDIP, which was one of monitoring, assessing and reporting, there was a definite need for the establishment of a coordination mechanism or framework. It stated that such a mechanism would ensure not only the coordination between WIPO committees but also facilitate the assessment and evaluation of all programs and their impact on development. The Delegation stated that it would be impossible and unfeasible to coordinate and evaluate the work on the implementation of the Development Agenda, without such a mechanism. The Delegation expressed its support for the proposal that had been put forward by the delegations of Brazil, Pakistan and Algeria, and believed that it was a good basis for improvement. The Delegation added that it fully endorsed the proposal, in particular with respect to the inclusion of the implementation of the Development Agenda as a standing Assembly agenda item, as well as to the convening of CDIP special sessions.
259. The Delegation of Sri Lanka thanked the Secretariat for the documents it had provided for that important Agenda item. The Delegation also extended thanks to all delegations for their flexibility, which had enabled the Committee to reach an agreement on the allocation of sufficient time to deliberate on that Agenda item. The Delegation believed that a mechanism for coordination, monitoring, assessing and reporting on the implementation of the Development Agenda, was one of the core elements to the mainstreaming of development aspects in all activities of WIPO. It added that an effective mechanism was essential, especially in light of the fact that IP played an important role in multinational negotiations in areas such as climate change, food security, biodiversity and many other environment-related programs. The Delegation further added that the relevance and pertinence of IP national development innovation strategies, in developing countries, had been enhanced since the adoption of the Development Agenda. In that connection, the Delegation was of the opinion that WIPO as an Organization could not and should not ignore the realities of global governance. It added that the mainstreaming of the development dimension, through an effective and sound coordination mechanism, would serve to influence a change in the working processes of WIPO and as such, should be a priority for both the CDIP and WIPO. The Delegation further stated that highlighting the activities of WIPO at the highest level of the UN system, would strategically create awareness of the WIPO's work amongst other stakeholders. The Delegation expressed its full support for the proposal which had been put forward by Algeria, Brazil, Pakistan and India. The Delegation reiterated that it remained open and ready for constructive dialogue under that item and sought clarity on whether the Delegation of Switzerland, in its previous statement on behalf of Group B, had already accepted the proposal of Algeria, Brazil, Pakistan and India.

260. In response to the clarification sought by the Delegation of Sri Lanka, the Chairman requested the Delegation of Switzerland to provide an answer.
261. The Delegation of Switzerland confirmed that its statement was in fact made on behalf of Group B and its proposal integrated and incorporated all the discussions which were held at the previous session. It added that the said proposal, took into account all issues on reporting needs which had been raised during the last discussions, as well as the way in which questions to Committees could be addressed.
262. The Delegation of Panama expressed its full support for the statement which had been made by the Delegation of Ecuador, on behalf of GRULAC. The Delegation underscored the need for the CDIP to provide follow-up and assess the reports relating to the inclusion of the development dimension in the activities of the Organization. It believed that the follow-up and assessment should take place in a cross-cutting fashion throughout the Organization, so as to ensure the CDIP's compliance with the mandate entrusted to it by the WIPO General Assembly.
263. The Delegation of Senegal expressed its heartfelt thanks to the authors of the two draft proposals. It stated that at the previous session, there was nothing on the negotiating table. However, at the present session the authors of the two proposals on the table, had seen the merits in moving forward on the setting up of a mechanism, which it believed, all Member States considered to be crucial to the success of the CDIP process. The Delegation underscored that it was the golden opportunity to achieve consensus on a coordination mechanism, and that if the Member States were unable to reach consensus, it might be difficult to explain to future generations why that had not been achieved. The Delegation had carried out a comparative analysis of both proposals on the table, and had come to the conclusion that the two proposals were not structured in the same fashion. It elaborated that the Group B proposal, highlighted principles based on coordination whereas the joint proposal, was presented with a preamble followed by various paragraphs. More specifically, the Delegation stated that on the one hand, the joint proposal from Algeria, Brazil and Pakistan, contained some elements of the Group B proposal, which in its opinion, was a very intelligent and consensual basis for the discussions to move forward. On the other hand, the Delegation indicated that the proposal of Group B seemed to want coordination to depend on criteria which were related to the success of the process. The Delegation proceeded to analyze the differences between the two proposals. The Delegation believed that the document before the Committee required interpretation and the Delegation's interpretation was that the proposal referred to coordination mechanism, assessment and reporting modalities. The Delegation hoped that the Coordinator of Group B understood the message that it had conveyed and took on board the Delegation's concern. Turning to the joint proposal from the three countries the Delegation noted that clearly there was concern regarding intervention from the outside world, or the renowned expert group and through the Audit Committee. The Delegation was of the view that the success the meeting sought, as well as the pragmatic approach referred to in Group B's proposal, and the flexibility, the efficiency and the operative nature of the work that the meeting wished to achieve, would in fact meet the Delegation's requirements. The Delegation hoped that it had given an idea of the interpretation that it had of the proposals on the negotiating table. The Delegation added that the African Group believed that the joint proposal put forward by Algeria, Brazil and Pakistan and also by India was an excellent basis of work to create a mechanism by which it would be possible to achieve the success that was expected.
264. The Chair thanked the Delegation of Senegal for its very constructive contribution and for its wisdom. The Chair also stated that it was always a pleasure for him to listen to that Delegation and its analysis of various points.

265. The Delegation of Nigeria stated that it strongly believed in the need to put in place a strong coordination mechanism, and monitoring, assessing and reporting modalities for an efficient WIPO Development Agenda implementation process. In that respect, the Delegation commended the proposal made by Brazil, Algeria and Pakistan on one hand and of Group B on the other, and took note of the decision of the General Assembly in respect of that very issue. The Delegation stated that the General Assembly's mandate in the document A/43/16 stated, *inter alia*; (i) develop a work program for implementation of adopted recommendations, which the Committee already did; (ii) to precisely and directly monitor, assess, discuss and report on the implementation of all recommendations adopted and for that purpose it should coordinate with all relevant WIPO bodies. The Delegation said that it believed the CDIP was that very body which would do the monitoring and thereafter make recommendations to the General Assembly. It noted therefore, that the idea that other bodies would report to the General Assembly was neither here nor there. The bodies would report to the CDIP which would then make recommendations to the General Assembly and if the Committee looked at how most of the WIPO bodies worked e.g. the Audit Committee, they had their meetings and made recommendations to the General Assembly. The Delegation added that it was important that in fulfilling that mandate, care was taken not to overburden the Secretariat or the system of bureaucracy in the Organization; in other words, the structure in the CDIP was capable of delivering the objectives by taking into consideration some of the recommendations that had been made. The Delegation noted that the issue of mainstreaming had been fairly dealt with in both texts in paragraph two of the Group B paper and paragraph three of the Brazil, Algeria and Pakistan proposal. The Delegation also noted that the actions or expected responsibilities of the Director General and of course, his Deputy Director General were very central in whatever the CDIP would do because effective monitoring would require the active involvement of the Secretariat especially in terms of preparing the document and also in terms of reporting. The Delegation stated that it would be a Member State-driven process since it would be the Member States that would receive all the reports, discuss them and then take decisions on them before forwarding them to the General Assembly. The Delegation therefore noted that the meeting had to reflect very carefully on the importance and centrality of the Director General or the Deputy Director General in the process of preparation of all the documents. The Delegation also noted that of course, the decision itself would be taken by the intergovernmental process. The Delegation further noted that what was important in terms of coordination with other WIPO bodies, was the mandate given by the General Assembly for reporting to the CDIP. The Delegation said that the CDIP would see those reports and based thereon make recommendations to the General Assembly, which would then adopt them. So in effect, it was important to have a mechanism on the ground whereby the CDIP and the General Assembly would each do their own work. The Delegation also observed that there was an aspect that was not in the document, which was related to the responsibility of the Member States to perform part of the work. The Delegation noted that assessment would not only be for the central body, but countries or regions would engage in assessment that would afterwards come as a report to the CDIP, again to be transmitted to the General Assembly. The Delegation thanked the Chair and noted that the Committee was on a good track but that the important thing was to gather all the elements proposed in the various presentations discussed and finally suggested that those oral presentations should be put together formally in writing, and presented to the meeting for further consideration.
266. The Delegation of Cuba congratulated the Chair on the work that he had done during that week and also fully endorsed the statement made by Ecuador on behalf of GRULAC. The Delegation felt that the whole idea of monitoring, evaluation and examination of the implementation of the recommendations as well as the reporting mechanism on the work that was being done was extremely important. The Delegation welcomed the proposals that had been made in documents CDIP/4/9 as well as CDIP 4/10, and expressed its



wholehearted support for the proposal made by Algeria, Brazil, Pakistan and India, which provided very good negotiating basis to go ahead and arrive at a mechanism that would help to fulfill the terms of reference that had been given to the CDIP. The Delegation added that that would help the Committee carry out its work without prejudice to any changes that may be made in the course of the debate and with the agreement of the committees, of course. The Delegation noted that in its view, the proposal was extremely useful as were the ideas of having a permanent standing agenda item within the CDIP, the request made to all of the WIPO bodies to come up with specific means of mainstreaming the Development Agenda within the sphere of their activities, having a permanent standing item within their respective bodies on the implementation of the Development Agenda Recommendations, as well as the preparation of individual reports. The Delegation also supported the presentation of an annual report on the Development Agenda recommendations to the UN General Assembly and to the United Nations Economic and Social Council (ECOSOC). Finally, the Delegation expressed its appreciation to the Secretariat for its work and for the documents prepared for the fourth session of the CDIP.

267. The Delegation of Bolivia associated itself with the statement made by Ecuador on behalf of GRULAC and reiterated its commitment to the implementation of the WIPO Development Agenda. The Delegation noted that in a few years, the Agenda was being implemented through a range of projects and it had witnessed how difficult progress had been. The Delegation however noted that there had been substantive progress and it considered that the approach was only one part of a much broader and comprehensive process. The Delegation therefore felt that in order to ensure that momentum in the right direction, it was extremely important to establish a process for monitoring, assessing and coordinating for the CDIP. The Delegation also felt that the meeting should bear in mind that the process should involve analysis of the impact of the projects which were carried out in many countries. The Delegation especially noted that the impact of those projects on developing countries must be looked at so that the necessary adjustments could be made. The Delegation appreciated the fact that the proposals contained in document CDIP/4/9 and CDIP/4/10 had the same thrust in terms of presentation, and noted that the proposal put forward by Algeria, Brazil and Pakistan provided the best possible content and more substance in so far as it would help the CDIP make more progress with regard to monitoring the implementation of the Development Agenda. It also felt that that was important because the implementation of the monitoring process would help the Committee fulfill the terms of reference that were actually given to it and WIPO as a whole, namely, to support development.
268. The Delegation of Zimbabwe stated that it would take the same line as was already alluded to by the Delegation of Nigeria. It believed that for the first time in the CDIP, two documents with almost similar views had been presented. It noted that the difference was that they were generated by two different authors namely Group B and the other one from Algeria, Pakistan, Brazil and India. Since in substance they were almost similar, the Delegation suggested to the Chair that perhaps, if given enough room, the sponsors of the two documents would probably produce one document with only one or two paragraphs that may need further discussions. The Delegation observed that if the discussion continued, the Committee might end up like previous fora where delegates started to choose which document to take forward. The Delegation therefore, suggested that the two groups should be given thirty minutes in which to produce something. Without going into the detail, since that had been done by the Delegation of Nigeria as well as other delegations, the Delegation of Zimbabwe noted that surely the Group B position built the foundation and then the Algeria, Pakistan, Brazil proposal took the proposal to the next level. Therefore, the Delegation did not see any diverse view and noted that the Committee may waste time making statements whilst the respective

delegates were present in the room. The Delegation suggested that they should probably have a room for thirty minutes and produce a document acceptable to everyone.

269. The Chair thanked the Delegation of Zimbabwe for its proposal and for the very pragmatic approach which he personally also preferred. The Chair said he preferred things that were practical and pragmatic, that went straight to the point without too much pointless discussion. He pointed out that there were thirteen delegations that wished to take the floor on the speakers' list. The Chair then decided to go on with the list of speakers stating that the list was a bit long, since it was possible that not all the delegations would have an opportunity to take the floor.
270. The Delegation of Yemen thanked the Chair for the very skillful way in which he had conducted the proceedings of the Committee, and noted that it attached great importance to the agenda of the CDIP, especially with regard to monitoring, assessment and reporting. The Delegation therefore thanked Algeria, Pakistan and Brazil for the proposal they had floated and stated that it whole-heartedly endorsed their initiative.
271. The Delegation of China thanked the delegations of Algeria, Brazil and Pakistan for having put forward the joint proposal and also thanked Group B for their proposal. The Delegation firmly believed that those two proposals would help the Committee reach an agreement for the coordination mechanism modalities for reporting and assessment. The Delegation said it was pleased to see that the various Member States were very much in agreement with mainstreaming development in all of WIPO activities and that it was sure that the meeting would reach agreement on the way forward. The Delegation noted that at present, the meeting had before it a very important issue regarding implementation of the Development Agenda. At present, some of the Development Agenda Recommendations were actually being implemented. Unless there was an effective coordination, evaluation and reporting mechanism, the implementation of those recommendations would not really bear fruit as expected. Accordingly, the Delegation urged other delegations to have a collaborative spirit in regard to the proposal. The Delegation hoped that the meeting would continue the discussions on the basis of the joint proposal by Algeria, Brazil and Pakistan and India and agreed with the Delegation of Zimbabwe that it would be a good idea to invite the sponsors of the two proposals to sit down together and work out a joint proposal.
272. The Delegation of the United States of America fully associated itself with the proposal put forward by the Group B countries. It said that the United States supported the progress of the Development Agenda and believed that the best way for it to move forward was for the CDIP to continue to operate along the lines of other WIPO committees, following and subject to WIPO regular process and procedures. In the Delegation's view, the principles set forth in the Group B proposal provided a pragmatic and flexible framework to guide the Committee in the need to coordinate its work with other relevant WIPO bodies.
273. The Delegation of Bangladesh stated that it attached particular importance to the mandate provided by the WIPO General Assembly whereby it had asked the CDIP to coordinate with relevant WIPO bodies to monitor, assess and report on the implementation. The Delegation thanked the proponents of the two proposals on the table and stated that it had listened carefully to their excellent presentations and like other delegations had also noted that there were some common premises on which to proceed. The Delegation observed that everyone wanted an effective coordination mechanism, everybody believed that all WIPO committees should stand on equal footing and there should not be any hierarchy. Everyone seemed to agree to use existing governance structure. Both proposals asked the WIPO General Assembly to instruct its subsidiary bodies. The Delegation pointed out that all were agreed that the process should be

resource neutral or to be done within the existing resources. It said that it saw the scope for accommodation and looked forward to constructive discussions and a consensus on this important issue. On how to proceed, the Delegation observed that the meeting had to go back to the General Assembly decision, which highlighted three aspects, monitoring, assessing and reporting. As far as the Group B proposal was concerned, it was heavily tilted towards the reporting aspect. The Delegation therefore suggested starting with an examination of the proposal by Algeria, Brazil and Pakistan, supported by India and working towards a consensus which the Delegation believed was achievable given that everybody was highlighting commonalities.

274. The Delegation of Canada thanked the Member States that had submitted proposals in advance of the meeting namely Algeria, Brazil, Pakistan and India, and Group B. Canada fully aligned itself with the statement made by Switzerland on behalf of Group B and with the proposal made by that Group. When reviewing the two documents, the Delegation saw similarities, more specifically on elements in documents CDIP/4/9 which urged the Director General to include coordination, assessment and reporting of all activities and programs undertaken by the Secretariat in respect of the Development Agenda in his report to the General Assembly. The Delegation noted that that was very similar to the first element of Group B proposal. Another similarity would be the first part of element three in document CDIP/4/9 which requested all WIPO bodies to indentify specific ways in which the Development Agenda Recommendations would be mainstreamed into their respective areas of work and to report on them. The Delegation felt that that would be similar to the second element of Group B proposal. However, the Delegation noted that some elements in the proposal contained in CDIP/4/9 might be costly to implement and would duplicate the work already done by WIPO or proposed to be done, for example, the section in element five to convene special sessions. The Delegation believed that that would require additional resources from WIPO and Member States, which might be difficult in the current economic climate. Reiterating its support of the Group B proposal, the Delegation acknowledged fundamental principles that should be taken into account in establishing a coordination mechanism or more specifically, that it should support the aim of the Development Agenda, mainly to have development considerations forming an integral part of WIPO's work and that all WIPO committees stood on equal footing and reported to the General Assembly. The coordination mechanism should be consistent and practical, using existing governing structures and procedures to avoid duplication. The Delegation was also of the view that the coordination mechanism should facilitate the work of the CDIP and the relevant WIPO bodies by being flexible, efficient, effective, transparent and pragmatic, and that the mechanism should also be resource neutral. The Delegation expressed its pleasure to hear that most delegations seemed to agree that they should not create new obligations for WIPO Member States while underpinning the coordination of CDIP with other relevant WIPO bodies. The Delegation also believed that Group B's proposal incorporated all of those principles taking into account the mandate of the CDIP and believed that the four bullet points at the bottom of page 2 in document CDIP/4/10 clearly represented that. In summary, the Delegation stated that it believed that Group B's proposal was a coordination mechanism that would not only function pragmatically, efficiently, transparently and cost effectively within WIPO's existing structure, but also facilitate what was most important, that was the implementation of the Development Agenda and its integration into WIPO's operation and structure. Finally, the Delegation looked forward to comments on Group B's proposal and to engage constructively in discussions of the coordination mechanism.
275. The Delegation of Zambia thanked the delegations that had worked hard on preparing their proposals and felt that the two proposals agreed on a number of principles and formed a good basis for discussions. The Delegation supported the proposal by Algeria, Brazil and Pakistan, supported by India, and noted that the proposal on the mechanism

for coordination monitoring, assessment and reporting was in line with the CDIP mandate and it sought to address concerns by Group B in that it did not create new structures or institutions. The Delegation also noted that the Director General would ensure coordination, self assessment and reporting of activities and programs undertaken by the Secretariat with respect to the Development Agenda and with particular reference to Recommendation 22. That was very important and would ensure there were no inconsistencies in the programs or projects and to hinder their success.

276. The Delegation of France stated that as it was the first time it took the floor, it wished to express its satisfaction to the Chair on his chairing of the meeting during that week. The Delegation aligned itself with the comments made by Switzerland on behalf of Group B and expressed France's support for the proposal made by the Group. The Delegation further stated that it would like to zoom in on the points of convergence that existed between the two proposals before the Committee as done by the Delegation of Senegal and without going into the details, it underscored the commitment of all to the implementation of the Development Agenda Recommendations in accordance with the terms of reference of CDIP. The common goal, the Delegation noted was to mainstream development in a cross-cutting manner into the activities of the Organization. It stated that there were also some points of divergence in particular with regard to the approach that was taken in the two proposals. The Delegation said that it could certainly agree with the Delegation of Senegal in that the proposal by Group B focused on coordination, and that was indeed the case because the evaluation process was going to be covered by the project on RBM and that was to avoid any overlap in the work of the Committee. The Delegation stated that Group B chose deliberately to focus on coordination. The Delegation further stated that the divergence stemmed from the institutional implications of the implementation of the Development Agenda Recommendations. Naturally it was essential to take account of those specific characteristics of development, and the Delegation was in full agreement on that point. The Delegation pointed out that WIPO was a specialized and technical Organization within which the development dimension must remain a cross-cutting goal and not an end in itself. The Delegation then put forward a number of questions to the Secretariat about the proposal by Algeria, Brazil and Pakistan. Referring to point number 3 of the proposal, the Delegation wondered about the preparation of separate reports. It stated that it was a little bit contradictory and clashed with the objective of mainstreaming of the principles and recommendations throughout the whole Organization. The second point the Delegation noted related to point number 5 where the operative paragraph 5 did not seem to respect the principle of equality between the committees when it said that CDIP would examine all areas of WIPO's work. Here, the Delegation said it would like an answer from Algeria in that respect. With regard to operative paragraph 6 of the proposal, the Delegation wished to know from the Secretariat if what was set out perhaps went beyond the current terms of reference of the WIPO Audit Committee. Finally, the Delegation observed that in regard to operative paragraph 8, should there be a report specifically on that aspect of development whereas WIPO did not really report to the United Nations in general? What would be the goal of introducing that mechanism and in practical terms and how would that contribute to the implementation of the Development Agenda, the Delegation asked? The Delegation finally urged all the other delegations to react to the proposal made by Group B.
277. The Chair thanked the Delegation of France and made reference to point number 5, where the Delegation mentioned a lack of respect for the principle of equality between the Committees, and asked if the Delegation could point out to Member States the line or sentence where the lack of respect of other committees featured.
278. The Delegation of France stated that it believed that the section that began under the heading of point 5 and reading the paragraphs, from where the CDIP's task was to

convene special sessions in order to coordinate, monitor and assess the implementation of the WIPO Development Agenda in all of those areas of WIPO activities including all of the Assemblies of WIPO, etc. The Delegation stated that it seemed that the proposal was going above and beyond the mandate of the CDIP.

279. The Delegation of South Africa supported the statement made by the Delegation of Senegal on behalf of the African Group and welcomed the general consensus in recognition for the need to adopt the coordination, monitoring, assessing and reporting mechanism as soon as possible. The Delegation thanked the delegations who had put the two proposals on the table for discussion. The Delegation considered that, as mentioned by other delegations, certain elements contained in the Group B proposal were found throughout and covered in the proposal by Algeria, Brazil, Pakistan and India. The Delegation also noted, as highlighted by the Delegation of Senegal, that the proposal by Group B seemed to focus only on the coordination aspects while the joint proposal by Algeria, Brazil, Pakistan took into consideration the other aspects of monitoring, assessing and reporting the implementation of the Development Agenda. In that regard, the Delegation said it supported the proposal of Algeria, Brazil, Pakistan, and believed that it was a good basis for the adoption of a mechanism for monitoring, assessing, coordinating and reporting. The Delegation also believed that the joint proposal took into consideration its concerns on ensuring the incorporation of the Development Agenda throughout WIPO, and the Development Agenda principles as enunciated in Recommendation 4. Similarly, the Delegation was of the view that the proposal was more balanced and fitted into the overall structure of WIPO and reflected WIPO's role within the existing UN system. The Delegation also highlighted one aspect and reminded the meeting that, as it continued its discussions on the adoption of the mechanism, it should refrain from talking about the budgetary aspects in a direct manner, the Delegation believed that the relevant discussion had already been held in the (PBC) where that issue could be discussed. The Delegation believed that the relevant forum for discussion of budget issues was the PBC and in the CDIP, Member States needed to look at what was feasible in terms of a proposed mechanism as mandated by the General Assembly, where the equal footing of the CDIP with respect to other bodies at WIPO could be looked at.
280. The Delegation of Egypt thanked the Secretariat for document CDIP/4/11 and also the delegations of Algeria, Brazil and Pakistan for document CDIP/4/9 and Group B for document CDIP/4/10. The Delegation had a number of points to make. Firstly, it recalled that all were agreed on the mandate of the CDIP. The Delegation suggested looking beyond the mere legalistic view, and that was important, everybody acknowledged it and hopefully would follow it. The essential point was to ensure the success of the Development Agenda. The Delegation stated that the Development Agenda was there and the meeting needed to make sure that it was properly implemented so that it successfully took the Organization into greener pastures. The Delegation said that objective was being achieved and called on the meeting to look at the exercise in that light. The Delegation believed that there had been a lack of balance in the way the meeting had approached things so far; it had been adopting projects without seeing how they would figure, or what the results would be. The Delegation fully supported the proposal made by Algeria, Brazil, Pakistan, and India, and in a way, also supported Group B's proposal as in essence, it was contained in the joint proposal. The delegation observed that Group B's proposal could be looked at, as described by the Delegation of Senegal on behalf of the African group to whose statement the Delegation of Egypt also subscribed. The principles were fair except for the resourcing issue, which was open to interpretation; the meeting had heard from Algeria that there was a budget of 2.2 million for the projects, so the Organization was not exactly short of funds. The Delegation fully agreed with the Delegation of South Africa when it said that it was an issue for the PBC. The Delegation said looking at the operative part, regarding the preparation of regular

updates by the Director General or the Deputy Director General in charge of development, or the Chair. The Delegation believed that it was contained in paragraph 2 of the joint proposal. The Delegation stated that WIPO should instruct its relevant bodies to work towards mainstreaming the Development Agenda Recommendations, which essentially was linked to point 1. The Delegation noted that the General Assembly was requested to establish a standing agenda item and it assumed that it would be undertaking such instructions. The Delegation pointed out that the General Assembly should instruct the Chairs of the relevant WIPO bodies to include a description of their contribution to the General Assembly in their annual reports. Again that would be under the standing agenda item so that goes back to paragraph 1 of the joint proposal. The General Assembly should request the Director General or the Deputy Director General in charge of the Development Agenda to highlight the importance of mainstreaming the Development Agenda in their opening remarks to WIPO bodies and their annual report the importance of mainstreaming the Development Agenda. The Delegation said it was basically asking the Director General to remind the General Assembly not to forget the Development Agenda. The Delegation noted that the four operative paragraphs presented in Group B's proposal were contained in paragraph 1 and 2 of the joint proposal and the principles as had been agreed upon were in tune with the joint proposal. The Delegation felt that basically Group B's proposal was contained in the joint proposal. Finally, the Delegation stated that Group B had already requested a number of times that Member States discussed their proposal, which they had done, mainly in its 4 points. The onus was then on Group B to comment on the other issues of the joint proposal, beyond paragraphs 1 and 2. In that regard, the Delegation thanked Canada and France for engaging in this discussion and encouraged Group B to continue giving further comments on the joint proposal.

281. The Delegation of Chile was grateful for the proposal by Algeria, Brazil, and Pakistan, as well as the proposal from Group B on the coordination mechanism and monitoring, assessing and reporting modalities. The Delegation endorsed the statement made by Ecuador on behalf of GRULAC and thought the proposal made by Algeria, Brazil, and Pakistan provided a good basis to begin work on the coordination mechanism. The Delegation believed that, as a basis, it was sufficiently to successfully serve that purpose. However, the Delegation suggested that the proposal could be enhanced in order to achieve a general consensus, as the previous statements had indicated. With a view to improving the proposal, the Delegation said that Point 5 should be considered with particular attention in order not to duplicate work and not to place one committee above the other. The Delegation agreed with Group B on the principle of equal footing among WIPO committees, as it had been stressed also in some of the previous statements on the joint proposal. While the Delegation was aware of the CDIP's mandate on coordinating, monitoring, reporting and assessing opportunities, the Delegation believed that Member States should explore other avenues for its compliance, which did not involve financial and practical resources, as had been stated previously. That was why the Delegation requested that the CDIP studied and assessed various options or alternatives to the proposal which constituted a basis, a foundation. On the same point the Delegation disagreed on another aspect of point 5, namely the two special sessions to be held annually, since that would involve financial costs which were a major burden to developing countries, especially on the backdrop of the economic context of the time. A simple look at the room that day indicated that less and less countries were present, which implied that an additional financial burden on Member States would be inappropriate, while other mechanisms within the existing committees could be explored. Finally on point 8 of the joint proposal, the Delegation agreed in principle with presenting an annual report on the implementation of the Development Agenda to the United Nations General Assembly. On that point, the Delegation aligned itself fully with the statement made by GRULAC that the report should be made under a special chapter. The Delegation also sought clarification as to what type of report that would be and

whether it would have to be previously approved by the CDIP. Finally, the Delegation remarked on its considerable interest in possible negotiations and reserved the right to make specific comments throughout the course of the discussions.

282. The Delegation of Japan appreciated the efforts made by Algeria, Brazil, and Pakistan to table a document before the CDIP and fully subscribed to the statement made by Switzerland on behalf of Group B. Referring to its general statements on the first day, the Delegation was of the view that it was most reasonable that Member States first considered how the existing structure and resources could effectively be utilized in order to realize the principles of the Development Agenda. The proposal of Group B, as contained in document CDIP/4/10, was very much in line with that view. The Delegation welcomed comments on that proposal. Finally, the Delegation referred to one of the elements specifically stated in the Group B proposal that all committees in WIPO were to be treated on an equal footing which should be a guiding principle in-house.
283. The Delegation of Russia, thanking the authors of the two proposals, noted that the documents were submitted for their consideration in order to define a coordination mechanism and monitoring, assessing and reporting modalities. As already noted by other delegations with regard to the assessment of the WIPO Development Agenda, all the statements were in line with the Committee's mandate. The question focused then on how that assessment would be done and what specific mechanisms had to be set up for that purpose. In preparing the procedural proposals, it was essential to avoid duplication and overlapping in activities between the various existing bodies within WIPO, to the extent that those activities could already be reviewed within existing structures. It was therefore necessary to use existing mechanism of coordination and assessment. The Delegation was in favor of all efforts aiming at strengthening such activities within the existing bodies and stressed that, as pointed out repeatedly by previous speakers, it was also important to avoid additional financial burdens. It was necessary to define how those mechanisms would become operational and consider all the interesting replies to the questions put forward by Group B. The Delegation reserved the right to comment further on specific aspects contained in the two proposals as they were being reviewed and discussed throughout the following days, and reassured the Chairman that it would work specifically to that end.
284. The Delegation of Portugal thanked the Chairman for the balanced and smooth conduct of the session, which was appreciated by the Portuguese Delegation. It noted with some satisfaction the statements made by the distinguished colleagues from Senegal and Zimbabwe, who had mentioned some common ground between the two proposals. The Portuguese Delegation shared the same feeling that, despite some differences, there were also common grounds and a general mood to reach some kind of agreement the next day. Portugal aligned itself with the statement made by Switzerland on behalf of Group B and with the principles of its proposal, namely the principle of flexibility, efficiency, effectiveness, transparency and pragmatism, which were to be respected. The Delegation also mentioned that financial issues were very important, but that it was also important to be conciliatory and constructive in this regard.
285. The Delegation of Germany aligned itself with the statement delivered by the Delegation of Switzerland on behalf of Group B and supported the remarks and questions raised by the delegations of Canada, France and Portugal. It then offered its own assessment of the situation, stating that it was grateful to be among the authors of the proposal enshrined in document CDIP/4/9. As in the case of the delegations of Algeria, Brazil and Pakistan who had presented their joint proposal, a similar joint effort had gone into presenting the proposal of Group B, where some 36 countries had worked intensively together during some two weeks, last June, under the coordination of the German Delegation. Therefore, as in the case of other proposals on the table, Group B's proposal

reflected the considerable joint contribution of several competent colleagues. In that respect, the Delegation thanked the Egyptian colleagues who had embraced in a friendly manner, the proposal of Group B. However, at present, the proposal still stood alone, and it was hoped that very soon, either formally or informally, the two proposals could come together on some joint aspects. Although the Delegation had already supported the statements of Canada and France in that regard, it wanted to focus at least on two additional points. First, in paragraph 4 of document CDIP/4/9, the Delegation did not understand why the context of Development Agenda Recommendation 22, which dealt with norm setting activities, reference was made to reports, negotiating texts, studies and documents prepared by the Secretariat, all of which were not all of a norm setting nature. A second remark referred to the comment of France on paragraph 6 regarding the involvement of the Audit Committee. France had asked the question to the Secretariat whether the Audit Committee was actually mandated to perform the task that was requested there. In the opinion of the Delegation that was not the case, since the expertise requested from the Members of the Audit Committee focused mainly on financial, budgetary, and administrative aspects, as reflected in the qualification requirements that had been drafted for the Members of that committee. In fact, the Audit Committee was already operational and could not play a role in the process being considered. Finally, the Delegation thanked the Brazilian Delegation for its reassurance that the aim of the so-called “like-minded countries” was not to change the set-up of the Organization, but rather go to the roots of it, that was a welcome sign of trust.

286. The Delegation of the Netherlands aligned itself with the statement made by Switzerland on behalf of Group B and, while supporting its proposal, looked forward to engaging in further discussions.
287. The Delegation of the Republic of Korea thanked delegations of Algeria, Brazil and Pakistan, as well as Group B for their proposals and referred to the statements made by several delegations that there was indeed a common ground, with no major differences between the two proposals. In order to facilitate a compromise between the two texts, it suggested to reflect on the reasons why a coordination system was called for. On the one side, the main reason might have been to avoid the isolation of the Development Agenda and the CDIP and the need to coordinate all WIPO activities in accordance with Development Agenda. On the other hand, another concern might have been to avoid duplication and also take care of the interest of other stakeholders. Although the Development Agenda was already mainstreaming WIPO activities, there were many other stakeholders, such as users, inventors, applicants, whose contribution amounts to more than 90% of WIPO’s resources, and whose interests and concerns are legitimate. Bearing in mind such legitimate interests, the Delegation could see the reason to set up a coordination system. A Development Agenda Coordination Division already existed in WIPO, while the CDIP, composed of Member States, was designed to review the activity of the Secretariat. In that light, the Delegation asked how was it possible for yet another Committee to review, instruct and coordinate donor activities. All the Committees had to be based on an equal footing, and their work had of course to be coordinated. To that extent, the existing system seemed already adequate. The supreme body represented by the WIPO General Assembly gave the mandate to all existing committees and received their reports. If the system was already in place, why then create new mechanisms within other WIPO Committees and the General Assembly? Commenting further on the suggestion to present an annual report on the implementation of Development Agenda to the UN General Assembly and ECOSOC, the Delegation felt that it was not opportune to take a decision in that context. That matter was not to be decided by WIPO, but rather by the General Assembly of the United Nations, who had first to be approached on whether it would accept that report as described in Paragraph 8.



288. The Delegation of Monaco endorsed the statement delivered by the delegate of Switzerland on behalf of Group B and its proposal regarding a coordination mechanism as well as the underlying principles, the resource-neutral approach and the need to ensure that all WIPO committees are strictly on an equal footing. The Delegation also expressed its full endorsement of the comments and analyses made by the delegations of France, Canada and Germany.
289. The Delegation of the United Kingdom supported the statement made by Switzerland on behalf of Group B and its proposal regarding a coordination mechanism. It felt that it was vital to remember that CDIP itself was established to follow-up the implementation of the Agenda in line with its mandate, it was the responsibility of the Member States to ensure that that happened. Member States needed to build efficient governing structures and not apply the equation of duplicate structures, as that would only produce bureaucratic confusion and no tangible results. One of those structures was the introduction of an external and independent validation exercise, undertaken in 2008 for the first time, for the Program Performance Report. The Delegation hoped that that practice would be extended, as it seemed to be the case. With regard to the several previous references to the principle that all WIPO committees stood on an equal footing, the Delegation hoped that the cooperative discussions on the subject reflected that concept, not only in spirit, but effectively in reality. It also invited answers to the questions raised by Canada and France in response to the joint proposal.
290. The Delegation of Australia thanked Algeria, Brazil and Pakistan and also Group B for the two interesting and well thought-out proposals and fully supported the statement of Switzerland on Group B's coordination mechanism proposal. It believed that the proposal offered a number of benefits to all Member States. It clearly stated that the Development Agenda was an integral part of the work of WIPO. The statement rightfully acknowledged that all WIPO committees were of equal standing and reported to the General Assembly. Importantly, the proposal sought to utilize, and be consistent with, the existing WIPO governance and coordination arrangements. That meant that the scarce resources of WIPO could be used to develop and implement development projects. The Delegation noted that there were some common themes in each of the two proposals and certainly a common intent. However, there were some differences as well. It noted that the CDIP special sessions appeared, at least on the surface, to require additional funding in resources. The Delegation was interested in clarifications on that issue by the proponents and the Secretariat and expressed a willingness to be engaged constructively in the debate in the following days.
291. The Delegation of Indonesia thanked Algeria, Brazil, Pakistan, and India, as well as Group B for the two proposals that had been put forward, and acknowledged the importance of coordination, monitoring, assessment and reporting on the implementation of the Development Agenda, which was in fact the mandate conferred to the CDIP by the General Assembly. In that respect, the Delegation felt that the proposal presented by Algeria, Brazil and Pakistan, and supported by India, had a good basis to fulfill the mandate given to the CDIP by the General Assembly and fully endorsed it for having incorporated all the necessary elements.
292. The Delegation of Zimbabwe regretted the deadlock of the discussions and supported the proposal from Algeria, Brazil, Pakistan and India. With regard to the organs involved in reporting, the Delegation sought clarity on whether reference was made to the General Assembly of WIPO or the United Nations. The Delegation also touched on the point of internal and external coordination mechanisms, and the fact that such mechanisms might create committees of higher or lower level. The Delegation expressed its surprise that such an issue was raised, when in fact, within the United Nations system, those mechanisms were considered common practice.

293. The Delegation of Algeria was pleased to see that there was common ground between the two proposals. With regard to paragraph 8 of the joint proposal by Algeria, Brazil and Pakistan, it noted that half of the interventions converged with the ideas put forward in the proposal by Group B. The joint proposal started where Group B had left off, by adding an element which was deemed to be central, namely the fact that the mechanism for assessment, follow-up and coordination was a process that had to be steered and guided by Member States. That fact was not adequately reflected in Group B's proposal. That key aspect was useful to avoid overlaps. The Delegation then explained that the existing structures, such as the RBM project, the WIPO Audit Committee and the Secretariat, were all in charge of internal monitoring. At that point, it addressed the issue brought forward by France, namely that in Group B's proposal coordination was seen as necessary in order to avoid duplication of efforts, and that assessment and monitoring measures would be addressed by the RBM project. Clarifying that particular point, the Delegation insisted that the RBM project had to do with specific Development Agenda Recommendations 33, 38 and 41, whereas the mechanism proposed by the 3 delegations was much broader in scope, it covered the entire body of recommendations contained in the Development Agenda. So the RBM project would lead to monitoring and assessment, whereas the joint proposal was more comprehensive, since it touched on coordination as well, and the terms of reference for the two mechanisms were different. The terms of reference of the joint proposal were those approved by the General Assembly in 2007. The Delegation also referred to the Open-Ended Forum held on October 13 and 14, 2009, when the question was raised by a delegation that the mechanism proposed by Algeria, Brazil and Pakistan could lead to overlap with existing structures, especially in the framework of that draft project. The Delegation recalled that it had appreciated the answer by the Secretariat at that time, that there were separate mechanisms, in so far as the coordination mechanism presented by the Member States could ensure some autonomy. That was a key element and one which had to be taken into consideration. The Delegation of France had raised the question of duplication of efforts in the proposal put forward by Algeria, Brazil and Pakistan; that was taken into account and avoided, as previously explained. The Delegation of France had also questioned point 2 of document CDIP/4/9, namely with regard to having all WIPO bodies prepare a separate report on their activities. That element had to be seen in the perspective of mainstreaming development activities. If the intention was indeed to incorporate the development dimension into all of WIPO's activities, the Committee would have to integrate the implementation of the Development Agenda into the agendas of the various bodies, and have actual reports drafted in that respect. Point 2 had therefore to be seen as mainstreaming development efforts. The Delegation of France had also expressed concern with regard to point 5, which in its view did not put the committees on equal footing. That had to do with extending the mandate of the CDIP to convene special sessions to coordinate, monitor and assess the implementation of the Development Agenda Recommendations in all areas of WIPO's work. In that regard, the Delegation stated that it had simply taken the terms of reference provided by the General Assembly which mandated the CDIP to coordinate, monitor and assess the implementation of the Development Agenda Recommendations and also to coordinate that work with the other WIPO bodies. The legal basis for that proposal was therefore the mandate provided by the General Assembly, and as a result of the principle of respect for the parallelism of forms, the committees were actually on an equal footing. It would have been for the General Assembly to mandate the CDIP to implement that coordination mechanism. On the question of the possible involvement of the WIPO Audit Committee in the field of review and assessment the Delegation stated that it had referred to the terms of reference of that Committee, as provided by the 41st General Assembly in document A/41/10. That document stated in annex II, paragraph 2 that the WIPO Audit Committee in its terms of reference has "Systematic appraising of management's actions to maintain and operate appropriate and effective internal controls". The Delegation pointed to that

clause as providing a legal basis for their proposal, adding that that view had been supported by one of the members of the Audit Committee who had been contacted in that regard. The Delegation concluded that those tasks fell well within the prerogatives of the audit committee. It further reminded the audience that the Audit Committee had also been involved in the work of another committee, namely the Coordination Committee, where it was tasked with overseeing the implementation of the voluntary departures scheme. The legal basis for its actions therefore existed. Regarding Item 8 which mentioned: "To present an annual report of the implementation of the Development Agenda to the UN General Assembly and ECOSOC [...]", the Delegation proceeded to demonstrate that a legal basis existed there as well. That basis was provided by the Agreement between WIPO and the UN, article 6, which referred precisely to the report in question: "[...] then should submit to the United Nations an annual report on its activities". The Delegation suggested that a separate heading devoted to development be included in the annual report, especially in view of WIPO's openness to factor in Member States' concern for development, as shown by the Organization's engagement to hold a number of World Conferences, for example on IP and health, IP and food, and its commitment to mainstreaming activities in that direction. On the question of funding and the funding implication of the proposed coordination mechanism, the Delegation stressed that the proposal did not call for major financial resources, since the special sessions that would be convened, would preferably be an extension, for one or two days, of the regular sessions of the CDIP. That would not imply major financial outlay, especially since the delegations would already be on site. The Delegation also emphasized the fact that the amount of 2.2 millions Swiss francs had already been earmarked by the PBC for future CDIP activities and it felt that the implementation of the mechanism was part and parcel of those activities. In fact, because the committees were indeed on an equal footing, it was felt that the whole debate with regard to budgetary resources came under the PBC, and the CDIP was not the appropriate forum for discussing that point.

294. The Delegation of Greece fully aligned itself with the statement made Switzerland on behalf of group B and endorsed its proposal. It also supported the comments made by Germany, Canada and France especially on paragraphs 5 and 8 of the joint proposal. Despite the explanations given by the Algerian Delegation, questions still remained open on paragraph 5, which stated that the mandate of the CDIP was to coordinate, monitor and assess the implementation of the Development Agenda Recommendations, in all areas of WIPO's work including all WIPO assemblies and other bodies; and also on paragraph 8, the legal base and added value of presenting an annual report to the United Nations General Assembly.
295. The Chair, giving a summary of the session, expressed satisfaction for the serene atmosphere that prevailed in the course of the discussions, and particularly for the references made by several delegations to the common grounds of the two proposals, or even, as in the instance of Portugal, to a point of convergence between them. In fact, he noted that there were more points of convergence than divergence, which was reassuring for Member States. He then suggested that the Secretariat responded the next day to the questions that were raised. That part could be followed by an informal session between the two groups at the origin of the two proposals to discuss the common grounds, as well as the points of divergence, with a view to preparing a document taking into consideration the two proposals. The meeting would then start with an official session where the remaining delegations wishing to take the floor and the Secretariat would intervene, and then it would be adjourned to discuss those proposals.
296. The Delegation of Switzerland thanked the delegates who made proposals on the coordination mechanism and provided information and explanations on Item 6. The Delegation observed that the discussions were rich and provided a better understanding of the two proposals and identifying areas of agreement would lead to progress in the

work of the Committee. Speaking on behalf of Group B, the Delegation stated that the Group's proposal on the coordination mechanism took full account of the terms of reference for that Committee. Agreeing with certain delegations who took the floor on the previous day on the subject matter, the Delegation said Group B endorsed the fact that all WIPO committees were equal and reported directly to the General Assembly. That approach would be within the WIPO statutes and would avoid duplication and the incurring of additional costs. The Delegation noted that the Group B proposal was based on the discussions and proposals that other countries circulated at CDIP/3 with a view of identifying existing gaps so that the CDIP could fully fulfill its mandate, which was to monitor, assess and discuss the implementation of all the recommendations, and to coordinate with the competent bodies of WIPO in that regard. The proposal should therefore, said the Delegation, be seen as a full and inclusive response to the concerns expressed by various delegations at CDIP/3 and the current discussions. Responding to the concerns expressed by the Delegation of Egypt that the Director General and the Deputy Director General should make preliminary statements to WIPO bodies on the implementation and mainstreaming of the Development Agenda Recommendations, the Delegation said that the Group B proposal was an effective system which fully took into account the integration of monitoring, assessing and follow-up of the Development Agenda as well as reporting on the implementation process and avoided overlaps. The Delegation also noted that the proposal provided an institutional framework which enabled the Committee to have detailed reports on the implementation process, thus allowing for improvements and contributions to the process. The assessment would be further strengthened and enhanced with the implementation and completion of the CDIP/4/8 project on RBM. Referring to the report on the oversight and audit work recently completed by the WIPO Internal Audit and Oversight Division in WIPO, the Delegation said that it was the understanding of Group B that the projects and strengthening of structures in the Organization must bear fruit so that the CDIP had the necessary information and tools to assess their implementation. The Delegation therefore noted that it was pragmatic to fully utilize existing structures rather than attempt to set up new structures. It added that the resources could then be used to carry out substantive activities e.g. investing in monitoring other activities to avoid duplication. The Delegation further stated that the point of the assessment could be clarified in a document to explain the CDIP's mandate on implementation, assessment and the coordination dimension of the CDIP with the other standing bodies, in order to give specific mandates to the those bodies in line with the specific needs, laid out by the General Assembly and with the procedures established by the Organization. The development aspects can be directly added to the various WIPO committees as was the case recently with the Advisory Committee on Enforcement where Recommendation 45 of the Development Agenda was examined. With regard to the setting up of a special session for the CDIP suggested in CDIP/4/9, the Delegation stated that, at that stage, it saw no need to hold a special session with extra cost implications, as the first mandate of the CDIP was to carry out assessment work and to date, the meetings had been proceeding well with enough time to address all the issues within the sessions. It stated that during discussions on the budget, some funds had been set aside for the WIPO Development Agenda but regarding the mechanisms for its use, Group B had clearly specified its preference for the funds to be used for substantive activities. Referring to the role of the Audit Committee, raised the previous day by various other delegations, it said that Group B did not see the linkage between the role of that Committee and the Development Agenda. The Delegation therefore, stressed the need to review the substantive issues and determine if there was a justified argument for submitting a substantive issue to the Audit Committee. Concerning the question of the hierarchy of the various committees that was created within the proposal before CDIP/4, the Delegation said there was a need for further discussions to clarify the issue and avoid misunderstanding on the issue. The Delegation also stated that in regard to the intervention of external specialists, Group B wondered whether it was timely and if the

CDIP was the appropriate place for its consideration. It said that the Group would rather see the structure set up first before considering setting up another body. On the report to the UN General Assembly, the Delegation stated that Group B took due note of the Agreement between WIPO and the UN adding that the report should pertain to all the activities of WIPO, including the Development Agenda, the implementation of which should be done in a comprehensive fashion in respect of the UN General Assembly and in line with common practices in other organizations.

297. The Delegation of Senegal concurred with the proposal of Zimbabwe the previous day which it considered an excellent fall back solution to arrive at a consensus or a compromise solution. Regarding the issues being debated namely involvement of the Audit Committee and the intervention of a group of renowned experts, the Delegation was of the view that if an understanding was reached, then a mechanism could be found also. Referring to the RBM project, the Delegation stressed the need for taking the necessary precautions not to focus only on coordination but also on assessment, monitoring and reporting as those were extremely important with regard to the proposals being tabled. The Delegation noted that the proposal had elements of that submitted by Algeria, Brazil and Pakistan, and realized that there were common elements and sections with the proposal of Group B. The Delegation stated therefore that it was of the view that a special session should be held to discuss the two proposals.
298. The Chairman noted the useful input of the Delegation of Senegal. He added that as highlighted the previous day, the authors of the documents had some convergent viewpoints, some common ground as to the mechanism, but there were some points of divergence summarized into three points. Based on the statement of the Delegation of Senegal on the possibility of looking at the experiences in other UN bodies concerning the mechanisms, the Chairman wanted to know if the Delegation's proposal was to go along those lines.
299. The Delegation of Senegal responded that the proposal that had been put forward was not just spontaneous but had elements incorporated based on practices found in the UN system where intervention of renowned experts was common practice.
300. Speaking on behalf of the Group of Central European and Baltic States, the Delegation of Serbia said that their position on the mechanism for coordinating, monitoring, assessment and reporting of the implementation of the Development Agenda was mentioned in their opening statement, adding that the Group supported the position of Group B. The Delegation also stated that the Group believed it was of utmost importance to stick to the mandate of the CDIP and to avoid duplication of work and incurring additional financial costs. The Group also agreed on the proposal for the submission of progress reports to the WIPO General Assembly on the implementation of the Development Agenda on a regular basis. Concerning the Audit Committee, the Delegation concurred with the statement of the Delegation of Germany that the task went beyond the mandate of that Committee. The Delegation emphasized that the Audit Committee acted on a voluntary basis and that it was already overloaded with work so it should not be burdened further with such a big issue as a mechanism for coordination. Finally the Delegation said that it did not see any sense in presenting reports on the implementation of the Development Agenda to the UN General Assembly or to ECOSOC on a regular yearly basis.
301. The Delegation of Spain stated that it also supported the intervention by the Delegation of Switzerland on behalf of Group B. The Delegation wished to comment on the points of agreement and disagreement in the two proposals, especially on the issues regarding the special sessions and the involvement of renowned experts, as put forward by the Delegation of Senegal. The Delegation felt that the essential issue was to see if the co-authored document presented by Algeria, Brazil and Pakistan, and supported by India,

fitted within the standards contained in the international treaties of WIPO as well as the rules that were in force. In the Delegation's view, the joint proposal should be discussed since there was a great possibility of reaching agreement instead of referring to special sessions. The Delegation pointed out that the only Committee that was expressly referred to in the WIPO Convention and in the WIPO General Rules of Procedure was the Coordination Committee, the functions of which were spelt out in Article 8 of the WIPO Convention. According to the Delegation, there was no legal justification for the hierarchy of the CDIP or any other Committees to be questioned above and beyond what was set forth in the Convention. Agreeing with the Delegation of Senegal, the Delegation said that there were international practices and standards as well as rules and regulations in the Organization within which the Committee should operate. Regarding the intervention of the renowned experts, the Delegation said it was against that idea as it felt there were experts within WIPO to deal with the issues.

302. The Delegation of Algeria referred to the lengthy discussions of the previous day and appealed to the Chair to hold informal consultations as soon as possible.
303. The Chair thanked the Delegation of Algeria for its intervention and requested the Secretariat to respond to a number of questions raised in the previous session before determining how to proceed further.
304. The Secretariat referred to the question regarding the mandate of the Audit Committee, as mentioned in the proposal by Algeria, Brazil and Pakistan, and noted that, whether or not it would be possible to ask that Committee to evaluate the implementation of the Development Agenda Recommendations, was not based purely on legal considerations. Rather, the Secretariat observed that, looking at the present TOR of the Audit Committee as adopted by the Member States, they were mainly concerned with the role of consultation and supervision in internal oversight and financial matters. Therefore, assessing the implementation of the Development Agenda was not an explicit part of the TOR of that Committee. However, the Secretariat added, the possibility of such a mandate could not be ruled out, since there was no true legal obstacle, if Member States were to adopt a decision to include such a new function in the TOR of the Committee.
305. The Delegation of France reminded the Secretariat of its earlier question concerning paragraph 8 of the proposal by Algeria, Brazil and Pakistan, and article 6 of the Agreement between the United Nations and WIPO, and wanted to know if there was a report in pursuance of the said Article 6 of the Agreement. Commenting on the Audit Committee, the Delegation concurred with the opinion expressed by the Secretariat as legitimate. However, it reminded the meeting that a Working Group was going to meet regarding the Audit Committee to discuss its membership and TOR, so at that stage, it was difficult to change the TOR of the Audit Committee without allowing that Working Group to meet and communicate its conclusions on the subject.
306. In response to the Delegation of France, the Secretariat said that there were no reports as described in the joint proposal nor had any such report been made to the UN previously.
307. The Delegation of Egypt appreciated the legal opinion of the Secretariat on the issue of the Audit Committee. On the reporting issue, the Delegation believed that the opinion was incorrect, because the question was whether there was a legal requirement. The Delegation said that in article 6 of the UN-WIPO Agreement the legal requirement did exist, adding that if it was not being observed that was something else but legally article 6 of the UN-WIPO Agreement required WIPO to report to the UN General Assembly. The Delegation therefore said it wanted clarification on the matter.

308. In response to the Delegation of Egypt, the Chair said he thought the answer was clear and observed that the text existed, but according to the Secretariat no report was being made. The Chair noted and welcomed the fact that the two groups had tried to understand each other's position. He pointed out that both groups agreed that there were two or three areas of disagreement but believed that discussions on the basis of the points identified by the Delegation of Senegal could eventually lead to an agreement that would be satisfactory to all. The Chair then proposed an informal meeting by the authors of the two documents to discuss and produce a single document on which there was consensus. He asked all Member States interested in that discussion to join the group reminding that any decision adopted by the Committee would have to be in conformity with its mandate.
309. The Delegation of Algeria agreed with the Chair's proposal regarding an informal meeting, and requested that the meeting be presided over by the Chair.
310. The Chair accepted to preside over the consultations with the hope of achieving successful results.
311. Resuming the session on the following day, the Chair reported on the process of informal consultations, which had been fruitful even though no agreement had yet been reached. He added that further consultations with the representatives of the different groups to discuss coordination mechanisms would continue in the evening. For the afternoon Session the Chair said it was agreed to review Item 4: "Progress on recommendations under implementation" which included three documents, namely CDIP/3/INF/2 CDIP/3/5 and CDIP/4/2. Before commencing the Item, the Chair enquired if Member States had any objection to looking at document CDIP/4/12, put forth by the Republic of Korea and Japan and to give the colleagues from the Republic of Korea and Japan the opportunity to speak.
312. Regarding the evening consultations the Delegation of Switzerland requested a change in the time of the Group B meeting, to 6.30 p.m. as it understood people wanted to leave earlier.
313. Responding to the request, the Chair indicated that the meeting would start at 6.45 p.m. He then asked the Committee to look at document CDIP/4/12.
314. In presenting document CDIP/4/12, the Delegation of Korea said that the two proposals had been explained before in the Committee and in the Open-Ended Forum organized by WIPO. The first proposal on page 2 covered the program for assisting farmers and producers in LDCs to procure brands for their products. The Delegation elaborated that there were many products of good quality in LDCs. If LDCs were supported to acquire their own brands for such products it would enhance their negotiating power in the international market, thus allowing them to use IP for their brands. The second proposal on page 3 concerned the Use of Patent Information in the Transfer of Appropriate Technology. The Delegation explained that it was not about high-technology but about easily available technology, utilizing local resources and products, everyday kind of technology in the daily lives of the people in LDCs. The document prepared by the Secretariat, as instructed by the Chair during the last session, aimed to explore possibilities on how to implement the two proposals. The two documents proposed the adoption of the first proposal and provided a budget for its implementation. With respect to the second proposal regarding appropriate technology, the document by the Secretariat proposed its integration into the patent landscaping project. The two proposals also included a plan to deliver the product directly to LDCs. The Delegation noted that the delivery process required some non-IP experts and associates. Since the Secretariat had some problems with that, it was suggested that the delegations and the

Secretariat explore the possibility of coordinating with other UN agencies and NGOs on how to implement directly parts of the proposals. Since there was still some time until direct delivery, WIPO could undertake some pilot projects in certain LDCs to identify appropriate technology and products for branding, while exploring ways of coordinating the projects with other agencies for direct delivery.

315. The Chair called on the Secretariat to provide information on the decision taken last time regarding the two documents. He also wanted clarification on whether the Committee should take note of the supporting document or to approve the Korean projects.
316. The Secretariat recalled that at the third session of the CDIP the Delegation of Japan and the Delegation of the Republic of Korea had presented proposals for implementation of certain Development Agenda Recommendations contained in document CDIP/3/7 and 3/8. Due to shortage of time, the Committee had not been able to consider the documents and the Chair decided that they be discussed at the fourth session of the CDIP. In the meanwhile, the Secretariat reviewed the proposals to see how to potentially incorporate them into the existing work of the Organization or in any of the ongoing Development Agenda projects. The Delegation of the Republic of Korea had introduced the project on appropriate technology and the one on fair trade. As mentioned in the document for both those projects the Secretariat would be able to undertake only certain parts of the proposals. Due to the fact that as they stood the proposals, went beyond IP, WIPO would need to partner with other IGOs and NGOs and also, possibly, with Member States in implementing parts of the projects.
317. The Delegation of El Salvador thanked the Delegation of the Republic of Korea for the document and the proposal therein and said that it would like to see the proposals approved by the Committee, especially that on the use of patent information and the transfer of appropriate technology. The Delegation also stated that would have bilateral discussions with the Delegation of the Republic of Korea on the content of the proposal which they considered very useful.
318. The Delegation of Thailand also appreciated the proposals by Japan and the Republic of Korea and said that it would like to see them incorporated into WIPO's activities. The Delegation reiterated that development could only succeed if the beneficiary not involved and lead the process. Regarding the proposal from Japan, the Delegation was of the view that it was the linkage between IP and business and conveyed their concern that the project did not consider all types of IP rights, namely, trademarks, copyright and patents; it should also include other types of IP like TK, GR and TCEs, which may contribute to the success of the proposal. On the Korean proposal, the Delegation said that the program for assisting farmers should also be available to some developing countries, particularly those who export food products, due to the importance of trademark protection in the importing countries. The Delegation also requested that other relevant branding-related IP rights such as geographical indications for farmers and producers should also be considered. Regarding the implementation, pilot countries in phase 2 of the program should include more developed countries. Regarding the proposal on patent information, the Delegation agreed that there was an overlap with proposal CDIP/4/6. It also pointed out that the Director General had stated that patent landscaping was broad and maybe complex so the offer of Korea to assist would be welcome. The Delegation recommended Korea to coordinate and work with WIPO staff so that their expertise could be best utilized for the benefit of Member States. Finally, with regard to an external non-IP expert, the Delegation agreed that since WIPO dealt only with IP, and helping enterprises to adopt IP required the services of experts in other disciplines, it encouraged WIPO staff to incorporate those aspects into their programs.



319. The Delegation of the United States of America thanked the Delegations of Japan and Korea for their proposals. On the Japanese proposal, the Delegation believed that the proposal submitted by Japan could be a useful tool for sharing best practices regarding the successful linkage of IP and business activities particularly in developing countries. However, before providing full support for the proposal, the Delegation sought further clarification on the proposal details such as cost, required resources and most importantly, whether there was sufficient interest from the prospective users in creating, maintaining and using such a database. The Delegation also sought clarification as to what criteria would be used for inclusion of case studies into the database. The Delegation believed that only those studies that met the objectives of the proposal should be included. Regarding the branding proposal generally, the Delegation believed that the proposal by Korea was useful and could help local farmers and producers in acquiring IP protection for their products. However, it was unclear how the project would be implemented. Specifically, the proposal suggested that regions and products would be selected and those products would be supported in developing IP and branding strategies. The Delegation wanted to know what the criteria would be for selecting the regions and products to be targeted. The Delegation also pointed out that it had understood that Korea had already proposed a similar project under the IP working group at APEC with the idea to assist farmers and producers in developing IP and branding strategies for their products. The Delegation, therefore, wanted to know how Korea's proposal differed from that at APEC and whether the project was going to complement what Korea was already proposing at APEC. The Delegation also wondered whether it would not be duplicative to have competing proposals. The Delegation, therefore, stated that before providing full support for the current proposal it would like more detailed information on the general implementation of the project. In relation to the proposal by Korea on the use of patent information in the transfer of appropriate technology, the Delegation supported the premise of stage one of the proposed project regarding identification and development of patent landscapes for appropriate technologies in developing countries and LDCs aimed at stimulating innovation and development in selected technologies. However, given the considerable overlap between the proposal and the project on Developing Tools for Access to Patent Information contained in documents CDIP/3/4 Annex 4 and CDIP/4/6, the Delegation believed that it would be practical to incorporate stage one of the proposal of the Republic of Korea into the thematic project at least to the extent of their overlap. In addition, the Delegation noted that the stage 2 component of the proposal of the Republic of Korea encompassed direct technical assistance in the implementation of appropriate technologies but the Delegation stated that it believed that Member State governments should be actively involved in the implementation stage and it should not be necessary for the committee to form a technology implementation consultancy group to do that work. Moreover, the Delegation believed that it was important that the CDIP utilize its resources for maximum benefit and therefore duplication of efforts should be avoided. In that regard, the Delegation pointed out that the WHO had a global strategy and plan of action in regard to innovation, IP and public health which included technical assistance with regards to health and there were ongoing talks on the environment in the UN Framework Convention on Climate Change, including technical assistance. Furthermore, the Delegation sought clarification on the cost of the project and required resources.
320. The Delegation of Algeria thanked Japan and the Republic of Korea for their proposals. With regard to the proposal by the Republic of Korea, it wished to include in the project assistance to developing countries, particularly for agricultural products, as well as assistance to local authorities in the developing countries in terms of supporting the organization of small producers and farmers into cooperatives.
321. The Chair noted that there were no objections to the implementation of the proposals but rather there were questions and concerns requiring more details and information on

various issues, such as cost, choice of the regions and the product, issues of overlap, and calls for inclusions in document CDIP/4/6. The Chair called on Japan to introduce its proposal, if it so wished.

322. The Delegation of Japan stated that the suggestion that the Delegation had made at the previous session was on the establishment of WIPO experience sharing on IP exploitation for economic development, which it had tentatively called the IP E-speed database. Since the Delegation had explained the paper in detail at the previous session in April, it would not go into detail at that session but the suggested database would greatly improve the accessibility of successful cases of linking IP and business. In designing the database, importance was attached to the multifaceted applications system and the contents would be enriched by the cases presented or introduced at appropriate occasions, including WIPO-organized international or inter-regional seminars and workshops. The Delegation expressed its appreciation to the Secretariat for preparing document CDIP/4/12 and was pleased to know that the suggestion was in line with the activities being undertaken in WIPO. The Delegation welcomed the exercise at the Communications Division, in which it had been engaged from the outreach perspective, adding that the idea was to take advantage of existing resources as much as possible and make the database more user-friendly. In this connection, the Delegation was of the view that the current development plan at the Communications Division was indeed in line with the suggestion and thanked the Delegations of Thailand and the United States of America for their comments. Responding to the comments from Thailand on the type of IP categories in the database, the Delegation said that the examples or modalities presented in their paper were for illustrative purposes and non-inclusive. The Delegation believed that those categories could be broadened to take care of the interests of stakeholders and Member States. On the comments made by United States of America on the cost issue, the Delegation said that the basic resources were already in place in the WIPO web sites. The development cost would be minimal since resources would not be required for the construction of the database. On enriching the content of the database, the Delegation reiterated its earlier statement that the content could be enriched by introducing cases presented on various occasions such as international seminars, workshops, etc. In that regard, if the suggestion was approved, it would further explore ways of contributing to that initiative by making effective use of its funds-in-trust at WIPO for the purpose of enriching the database.
323. The Delegation of Korea joined others in thanking the Delegations of Thailand and the United States of America. In response to the question raised by the Delegation of the United States of America, the Delegation observed that there was a difference between the project proposal for APEC and that one. In APEC, the Delegation had proposed to establish fora to discuss the differences in the legal systems in that region regarding support for branding strategies in those countries. In WIPO, what had been suggested was to provide direct technical assistance to identify the products and to set up a strategy for branding products that could also be linked to the promotion of those products. The Delegation emphasized that caution was exercised in designing the proposal, that was why there was a clear distinction between the proposal to APEC and the proposal to WIPO and also that the delivery part needed to be further studied in future. Regarding the project on “appropriate technology”, as mentioned by the Delegation of the United States of America, the Delegation welcomed the suggestion made by the Secretariat to incorporate their proposal, in document CDIP/4/6. Concerning the budget issue for the project, as it would be incorporated into the patent landscaping project contained in document CDIP/4/6, it was of the understanding that there would be no additional financial resource implications. As far as the delivery was concerned, the Delegation said that it was still waiting for the study by the Secretariat on how best to create a good framework for the coordination with other UN agencies and that Korea would be actively involved in that process.

324. The Chair asked the Delegation of the United States of America as to whether it was satisfied with the responses from Japan and the Republic of Korea and whether its concerns had been addressed. After consultation with colleagues, the Delegation confirmed its satisfaction with the answers provided and looked forward to seeing the projects implemented.
325. The Delegation of Zimbabwe thanked the Republic of Korea and Japan for their excellent and thought-provoking proposals. The Delegation hoped that in the proposal to enable LDCs to come up with trademarks or branding for their products, the branding process would not be an end in itself, pointing out that LDCs had several challenges including lack of infrastructure, export constraints in entering the European market. The Delegation hoped therefore, that the ultimate goal would not only be to create a brand but to go beyond. After branding, the Delegation of Zimbabwe wanted the assistance to cover the marketing or commercialization of the products as that would go a long way in helping those farmers meet the required standards and realize real benefits from their produce. The Delegation of Zimbabwe also shared its experience: when carrying out an evaluation with UNCTAD on the Eurogap, it was evident that the gap of the poorest of the poor in the LDC category was enormous and that the expense to meet the Eurogap was huge. The Delegation hoped that that exercise would not put an extra burden on the LDCs, noting that access to some of the European markets involved the international trading standards requirements process which was very expensive. Finally, the Delegation appreciated the willingness to provide appropriate technology to the LDCs.
326. The Delegation of Egypt thanked Japan and Korea for presenting the two proposals and saluted them as pioneers in initiating projects to implement the Development Agenda Recommendations. On the Korean proposal, the Delegation of Egypt shared the points raised by the United States of America and Zimbabwe, who had come up with valid arguments adding that the Delegation believed that the proposal needed clarity with regard to (a) how a trademark and the acquisition of a trademark would resolve a development problem and the linkages between acquiring a trademark and implications of fair trade. On the second proposal, the Delegation wondered to what extent it was duplicative to the approach on the issue of patent information. The Delegation was of the opinion that the Secretariat had presented several projects under the Development Agenda on patent information, including CDIP/4/6, CDIP/4/5 and what had been implemented in CDIP/3/5. The Delegation enquired to what extent was the proposal a duplicative effort or a modification of the on-going projects. Instead of undertaking a totally new project it would be important to understand exactly what technologies would be considered. The Delegation also thought that it was important to go beyond patent information and wondered about the usefulness of the information if the products were under patents. The Delegation wanted to move beyond just working with IP to seeing how it could contribute to development. He applauded the work undertaken by the two delegations and believed the proposals could be achieved but there was a need for further clarification to see if they could fit into existing projects as opposed to creating new projects, being conscious of the cost implications, timelines, key indicators, etc, as had been stated by the Delegation of the United States of America.
327. The Delegation of Algeria supported the statement made by the Delegation of Zimbabwe, as the objective of the project should not only cover trademarks, but should go beyond the simple protection of brands and include the promotion of products. The Delegation proposed incorporating support measures for developing countries with a view to assisting local authorities in organizing small farmers and forming cooperatives. The Delegation said concern on that subject had been expressed informally to the Delegation of the Republic of Korea.

328. The Delegation of Bolivia thanked the delegations of Japan and the Republic of Korea for their proposals and recommendations on the Development Agenda. On the Japanese proposal, the Delegation said the project would help to illustrate how IP had worked for development. In addition to compiling IP success stories, the Delegation would also appreciate if a more balanced story could be provided in developed and developing countries and, in particular, if the database stories would incorporate the successful use for development of flexibilities that remained in the IP system. The Delegation gave an example of the WIPO website where one can see information about patent oppositions relating to medicines in India, which also included grounds for opposition which could be helpful to companies in other countries with similar challenges and similar grounds. The Delegation would also like to have stories on the successful use of flexibilities of the IP system on patents, licensing, limitations and exceptions and application of appropriate patentability criteria.
329. The Delegation of the Republic of Korea thanked the various delegations for their kind comments on their proposal and in response to the question from the Delegation of Egypt, it agreed that acquiring a trademark in itself could not fully contribute to development developing countries, and LDCs, and that was why the project was cautiously designed, first of all to provide a strategy to acquire trademarks and then to promote the product. The answers to the concerns expressed by the Delegation of Egypt to the proposal, would require further development. With regard to fair trade, the Delegation stated that the project was based on a Korean project with an NGO which had an activity in fair trade areas. The activity involved collecting a product in a developing country and promoting and marketing the product in developed countries. The Delegation said that on the basis of that idea, it had tried to combine the project into the IP area, it was not only in relation to fair trade. Regarding appropriate technology, the Delegation of Korea admitted that there had been some duplication with the project contained in CDIP/4/6, and that was why it adopted the suggestion by the Secretariat to combine that project with the already approved project and that was why no additional resources were required for the activity. Regarding the provision of patent information, there may be patent right holders, so providing that information alone would not necessarily help people. The difference in its proposal was the concept of “appropriate technology” because it was not high-end technology, most of it was likely to be in the public domain already, but people in developing countries could not access it. The Delegation further added that since people in developing countries could not access the information, they could not use it either. The Delegation suggested the need to accelerate access to that information and stressed that the project would aim at the specific needs of each country. In accordance with requests from Member States, there was a need to conduct surveys and studies on the existence and availability of technological information. The Delegation suggested providing such information and delivering that technology to those countries.
330. The Delegation of Egypt thanked the colleague from Korea for the explanations and expressed hope that the project be presented in the following session and called for consultation with the Delegation from Japan on some of the issues, so as to have clear feedback on both proposals for the following session.
331. The Delegation of the Republic of Korea clarified that it did not propose that project for its own interest but rather for the benefit of other Member States. It expressed willingness to provide further clarification to the Delegation from Egypt during that session as well as a desire that the proposal to be adopted at that session.
332. The Delegation of Egypt responded that it was more than willing to receive clarification but pointed out that if the Committee wished to adopt the proposal then, there would be a need to have financial information and indicators. The Delegation expressed a need to

have such information by the following day, and stated that it did not wish to hold the Committee from adopting a decision.

333. The Chairman pointed out that the projects were welcomed but nevertheless admitted that some issues were not totally clear to some delegations. The Chair suggested taking the opportunity for consultations with the Delegation of the Republic of Korea between that evening and the following morning, to ascertain if some clarifications and detailed answers regarding that project could be provided in order to arrive at a clear decision on the following day. The Chair further pointed out that the Committee could not move forward on that document, since questions had been raised for which answers were not sufficiently provided. The Chair then proposed moving to Item 4 of the Agenda, which was the review of progress on recommendations and implementation, and invited the Secretariat to provide information on the documents.
334. The Secretariat informed that the document under consideration was CDIP/3/INF/2 which was presented to the Committee at its 3rd session. The document contained nine projects that were prepared for the implementation of Recommendations 2, 5, 8, 9 and 10. Those recommendations were approved by the Committee at its second session. A total of 8 million Swiss francs was attributed for the implementation of the activities. The proposed project documents were based upon the approved activities which were put into a structured project format. The project implementation started, in some cases, prior to the third Session of the CDIP and, consequently, those documents were presented to the Committee at its third session for information only. The projects pertaining to Recommendations 2, 5 and 8, were considered by the Committee during its previous session, when the delegations had made certain observations which were taken into consideration in the course of the implementation of those projects. However, projects on Recommendations 9 and 10, were not discussed at the previous session. Those projects were contained in Annexes 4 to 9 of document CDIP/3/INF/2. Those projects were presented to the third session of the Committee for information, but since it could not finish discussions, the Committee was invited to review those projects now.
335. The Delegation of South Africa raised a question on a line that read "that the system would be capable of monitoring and assessing progress". The Delegation sought clarification as to how the system would be doing that and, who would be monitoring and assessing the progress. The Delegation further wished to know if it was the computer itself which would do the work.
336. The Chair said that his understanding was that the process of matchmaking would be partially automated but human intervention would also be required according to his recollection from the Secretariat's explanation on that project some time back.
337. The Delegation of Thailand expected the Secretariat to provide the answer later. The Delegation also wished to know how the Secretariat was planning to undertake the matchmaking and the clearing-house mechanism. It felt that some structural planning would be nice so as that they could at least have a look at it. The Delegation pointed to page 3 of Annex 4 where it was mentioned that the key deliverables would be the in-house developed software to capture, manage and assess the data via intranet and internet. The Delegation enquired about the progress on that aspect as well.
338. In reply to the Delegation of Thailand, the Secretariat suggested discussing the progress when going through document CDIP/4/2, which contained the progress report. The Secretariat admitted incurring some delay in the implementation of that project and mentioned that the development of software would begin from December that year as included in the progress report contained in document CDIP/4/2.

339. The Chair wanted to know if the Committee could look at document CDIP/4/2 rather than CDIP/3/INF/2 since CDIP/4/2 was a more recent document, and sought clarification from the Secretariat on the difference between the two documents.
340. The Secretariat clarified that, on the one hand, the document CDIP/3/INF/2 contained the project documents, developed on the basis of the work plan adopted by the Committee at its second session with respect to Recommendations, 2, 5, 8, 9 and 10. Since they were based upon the already approved work plan, that document was presented to the Committee for information only. On the other hand, Document CDIP/4/2 provided a progress report on the implementation of those projects. The first page reproduced the project summary in order to refresh memories. The template provided comments on the project, key lessons, issues requiring immediate attention, the way forward, and any self-evaluation matters highlighted by the traffic light system.
341. The Chair thanked the Secretariat for the clarifications but admitted that some confusion existed, which had caused difficulties in ascertaining which document was the most appropriate for that Session and for the items on the agenda. He concluded that Document CDIP/4/2, which was the progress report on the implementation of those recommendations, was indeed the most appropriate document for that session given that the Item on the Agenda was the review of progress on the recommendations under implementation.
342. The Delegation of South Africa expected the Secretariat to give further clarification on document CDIP/4/2, and stated that the challenge of not being able to secure IT contracts was due to the cost and the limited budget. The Delegation sought clarification on the impact that the challenges of securing IT contractors from commercial consulting markets was having on the implementation of the project. The Delegation expressed concerns that resorting to one consultant could possibly delay project implementation.
343. The Secretariat mentioned that rationalization of the IT development work related to the Development Agenda had produced cost savings by allocating one project team to projects 5, 6 and 9. It added that in fact, three projects would be completed with the resources allocated for two by using the same pool of consultants. The Secretariat elaborated that one IT resource person would be a WIPO consultant who had already been recruited, and the other would be an IT consultant from a private company abroad. It stated that with that team and through internal deployment of some WIPO staff, the requirements of that project would be met without incurring additional costs. The Secretariat underscored that the cost of IT contractors in Switzerland was quite high and as such it had found an alternative solution so as to meet the limitation of the budget.
344. The Delegation of Egypt lamented that the Committee was getting fatigued generally and stressed the importance of that evening's discussions. The Delegation wished to know, what was the status of the first annex of document CDIP/4/2, and also wanted to raise questions pertaining to the list of 19.
345. The Chairman replied that the Delegation of Egypt could ask any question on whatever project, but since the Committee had already seen Annexes 1, 2, and 3, there was a need to give a chance to the others.
346. The Delegation of Egypt responded that, in the informal consultations held before the Session, the previous week, it had been agreed that a presentation would be made by the Secretariat on the Conference. In the beginning it was to be oral but then it was agreed there would be a written presentation as well.

347. The Secretariat informed that it was not aware of what was decided in the informal consultations of the previous week, however, the Secretariat agreed that it was a good opportunity to know what had happened at that Conference, since not only was it a very important activity, but that it was an opportunity to review the lessons learnt from that Conference.
348. The Chairman clarified that the document CDIP/3/Inf/2 was on projects and document CDIP/4/2 was on the progress report on the implementation. The Chair then referred to document CDIP/4/2 which provided further information on projects the implementation of projects with respect to various recommendations.
349. The Secretariat informed that in response to the WIPO Development Agenda Recommendation 2, WIPO hosted an International Conference on Building Partnerships for Mobilizing Resources for Development on November 5 to 6, 2009. The conference was developed as a Development Agenda project, the details of which were found in CDIP/3/INF/2 and the update in CDIP/4/2. The purpose of that report was to provide an update to Member States on the implementation of a project and then the convening of the conference. The approved project report would be presented to CDIP/5. A conference summary report had been prepared and would be available on the web site that week, and had been submitted for translation into the six languages of the conference. The conference program was developed in close consultation with Member States and with the Donor Community. In doing so, three main themes were identified for the conference program: Aid for Trade, Science, Technology; Innovation for Development; and the Digital Divide. Keynote speeches and presentations on IP in Action and roundtable policy discussions were prepared around those three themes. The conference was opened by the Director General of WIPO, followed by keynote speeches including those from the UN Under Secretary General; the African Union; and the Under Secretary for Economic and Technological Affairs, Ministry of External Relations, Brasilia, Brazil. In addition, there were panel discussions on private sector partnerships and sessions on WIPO's prevailing resource mobilization activities which involved presentations by a number of WIPO's current donors, as well as a look at how development agencies worked and what WIPO might consider in terms of future steps. The WIPO Assistant Director General for Development, closed the Conference. Copies of the program, the key speeches and the various PowerPoint presentations made during the two days were later made available on the web site. While the outputs were fairly short-term in nature, the objectives were perhaps the more important. This was the first output-conference prepared and organized by WIPO. A concept paper was prepared and distributed to the Member States together with a draft program. Both those documents reflected extensive consultations and briefing sessions with Member States. An oral progress report was provided to Member States on the preparations for the conference. In addition, several briefing sessions were held, including during the WIPO Assemblies, to update Member States on the progress of the preparations. The conference agenda and the list of speakers were developed as part of a broad consultative process which endeavored to ensure that all interests were accommodated in the final version of the program. The conference was convened on schedule. The budget for the conference and consultation process was 240,000 Swiss francs, the final accounts had not yet been closed, it appeared that expenditure will be between 200,000 and 220,000 Swiss francs, so a saving of 20,000 Swiss francs is expected on the original budget. Post conference report to the CDIP was the next indicator; that report itself was that first interim report to the Member States. Looking at the most important objective of the project, i.e., an increase in resources available to WIPO either through direct contributions or through access to existing funding modalities, and the establishment of funds-in-trust or other voluntary funds, it was always the intention that the conference was a first step and that it was not expected that funds would be pledged at the Conference. The targets presented in the document were to be assessed at the end of the 2010-2011 biennium to allow

sufficient time there would have been time to follow-up on the conference and to achieve the objectives contained in the project document. In terms of next steps and what comes next, it was noted that the conference was in the beginning of the process of developing stronger relationships with the bilateral and multilateral donor community. A great deal of momentum was created by the conference, many contacts were established, and it was important that the organization follow-up on those. While the donor community was well represented at the Conference, certainly not all the donor and development agencies were present. A more intensive and extensive campaign to address those agencies and help them understand the relevance IP was a priority. In terms of the actual contacts made with those who were there, such as the European Union, the World Bank, the African Development Bank, DFID and USAID, there were a number of areas explored for potential cooperation in the future. One example of that, the World Bank was organizing an event in December where they were looking to develop action plans for science technology and innovation for development. WIPO was invited to participate in the preparation of work on those action plans which would be taken to donors in the New Year. The idea being that IP was an important component of science technology and innovation for development and that WIPO would want to be a partner in that endeavor. The Secretariat stated that one of the key messages both before and during the conference was that resource mobilization activities needed to be directed at developing country Member States to demonstrate how the Organization could provide a service to help Member States to develop projects which could be taken to the donor community. The Secretariat added that whether it was with respect to development agencies or foundations or any of the main stream donor community, everything depended upon country-driven and country-owned presentations of those projects. The Secretariat stated that it would seek to identify projects with countries, as well as appropriate donors so as to support the efforts to mobilize resources. The Secretariat mentioned the fact that the World Bank planned to drop action plans and indicated that another key aspect was partnering with other international organizations in approaching the donor community over the following month, the intention was to identify joint projects with other organizations which could be taken to the donor community. The Secretariat also spoke of how it could support developing country Member States, on a country and regional basis. In that context, it was suggested that, at meetings held with heads of IP offices, a day should be added to focus on resource mobilization issues, and that regional development agencies, donors and other potential partners be invited to participate. Another suggestion concerned the need for more information about the work done with WIPO's existing donors, including ways in which collaboration could be improved through annual meetings of donors. With respect to proposed work on outcomes from the conference, the Secretariat expressed the need for internal reflection on developing a resource mobilization strategy and appropriate guidelines in terms of partnerships with the private sector.

350. The Chairman thanked the Secretariat for its report on the conference and indicated that it was a first stage towards the implementation of the sub-program on resource mobilization, as well as a small step towards the implementation of Recommendation 2. He added that the Secretariat would be providing a written report to Member States.
351. The Delegation of Algeria thanked the Secretariat for the excellent presentation on the donor conference which had recently taken place, as well as for the written report that would follow. The Delegation enquired as to whether there was an estimate of the amount of resources that would be gathered and in the follow-up to the conference. With respect to the campaigns that would be organized to raise the awareness of potential donors, the Delegation also enquired as to how those campaigns would be organized to achieve the objectives of raising awareness and obtaining additional resources.



352. The Delegation of Spain thanked the Secretariat for the extensive and very clear information provided, and expressed its firm support for the initiatives aimed specifically at implementing Recommendation 2. The Delegation stated that Spain also contributed to the funding of activities related to the Development Agenda, through a trust fund. However, similar to the Delegation of Algeria, it required additional information on the costs associated with the conference. It believed that some elements related to the organization of that conference could potentially give rise to issues in the future, when similar conferences might be organized. With respect to Recommendation 2 of the Development Agenda, the Delegation was of the opinion that such conferences should be organized with an inclusive approach and should not be limited to a given geographical area or region. It added that given the great the number of projects for cooperation, inclusivity might have attracted a higher rate of success. Similarly with respect to the Open-Ended Forum on Development, which took place on October 13 and 14, the Delegation wondered whether a similar reasoning could be applied there, for the lack of contributions being made at that point.
353. The Delegation of Egypt thanked the Secretariat for the presentation and enquired whether the presentation would be available in hard copy.
354. The Secretariat confirmed that the report would be made available on the web site in the current week. In response to the questions from the Delegation of Algeria, the Secretariat stated that it was too early to say what the Secretariat might expect in terms of resources mobilized. It was a first step in talking to the development agencies. The next steps would be the identification of how projects were developed with developing country Member States, the submission of those projects to the contacts that had been developed, and ensuring that such projects were in line with the project document so that at the end of 2011, the Secretariat could be in a position to report back to Members States in much more concrete terms with respect to the conference's deliverables. The Secretariat stated that a similar approach would apply to IP awareness raising and added that talks with some donors at their headquarters proved very fruitful. In cases where briefings took place with the development agencies in Geneva rather than at the headquarters, there was less engagement. The Secretariat underscored the fact that one of the key issues raised by donors was the need to support large projects in developing countries. The Secretariat believed that awareness raising activities should be focused around developing projects and taking them to those development agencies which did not participate in the conference, to demonstrate why IP was relevant and why their support was needed. With respect to the comment from the Delegation of Spain, the Secretariat highlighted that the conference was very much developed in consultation with Member States and in line with Development Agenda Recommendation 2. The Secretariat added that it tried to be as inclusive in that process. In the program, there were presentations from each of the regions including from Mexico, Colombia and Brazil, as well as presentations from Asian and African countries. The Secretariat tried to respect the consultation process and to be as inclusive as it could in the preparations.
355. The Chairman thanked the Secretariat for the clarifications. Given the time constraints, the Chairman suggested that Members States which still had questions on document CDIP/4/2, should submit them in writing to the Secretariat and that the Secretariat would try to respond. The Chairman stated that there were still some projects pending and that a decision on them would have to be taken the following day. He added that the Committee would also need to have a look at the coordination mechanism which was an extremely important Item on the Agenda. He stated that in order to move forward on that subject, an informal session would commence in half an hour, in the Uchtenhagen Room on the first floor.

356. The Chairman acknowledged the hard work that had been put in over the week and noted that agreement had been reached on a lot of points. He stated that there were a few matters that were still pending, and hoped to complete them that morning in order to continue working on the coordination mechanism. He admitted having had an interesting and encouraging exchange of views with many delegations. The Chair proposed going back to the outstanding work before going into an informal meeting to continue the work on the coordination mechanism. He then invited questions to be directed to the Secretariat, in writing if the need be, and drew the meeting's attention to document CDIP/4/2.
357. The Delegation of Egypt referred to an issue that was mentioned when discussing the technical assistance database, which was found in Annex 2. The Delegation wanted to know if that was the database that had been requested with regard to the specific PowerPoint presentation materials prepared by WIPO. The Delegation further sought to know if the papers and training materials delivered in seminars would be made available online.
358. The Delegation of Nigeria referred to Annex 5 and said that the WIPO Academy had used various training strategies such as face-to-face and distance-learning programs, but noted that a gap still existed between demand and supply owing to various constraints. The Delegation sought clarification from the Secretariat as to whether those constraints had been cleared since it was a matter of importance, especially to those in the developing world.
359. The Secretariat explained that the project itself would provide detailed information with regard to the activities and it did not foresee making all the presentations and material available; however, that information could be made available on the WIPO web site. The Secretariat further clarified a point that was raised the previous day by the Delegation of France regarding Item 8 on page 3 of the document, on whether WIPO reported to the United Nations General Assembly in accordance with the WIPO – UN Agreement. That was in reference to a request made for annual reports on the implementation of the Development Agenda to the United Nations. The Secretariat noted that the representative of the Legal Counsel had given a negative reply but as a matter of practice, the Organization had met the requirements of reporting under Article 6 of WIPO-UN Agreement, and submitted the report of the General Assembly of WIPO to the United Nations on an annual basis.
360. The Delegation of Egypt said it wanted to receive clarification on whether the information requested on presentations and papers being placed on the web site would be answered. The Delegation also sought clarification, on its behalf and on behalf of the Delegation of Argentina, with regard to review of the implementation of Recommendation 1 which was a question on TRIPS flexibility.
361. The Secretariat confirmed that the document discussed in CDIP/2 and 3 was still being prepared and hoped to revert to the Committee during the April session or at best the November session next year.
362. The Delegation of Bolivia wanted to know if the draft of the progress report for Recommendation 10, as in Annex 9, would be made available to the Delegates.
363. The Delegation of Egypt pointed out that the issue was first raised in CDIP/2 in July 2008, and two years would have elapsed by April 2010. The Delegation said it did not require two years to prepare a document on TRIPS flexibility, and therefore informed the Secretariat that the presentation of the document in November 2010 would be unacceptable.

364. The Secretariat, in replying to the Delegation of Bolivia, said that the documents would be made available to all Member States.
365. The Chair invited the Secretariat to present the results of the discussions on document CDIP/4/3 pertaining to public domain.
366. The Secretariat reported that it was a project document on IP and public domain contained in document CDIP/4/3 and presented to CDIP/3 on which there had been suggestions for modifications. The Secretariat noted that firstly, there was the proposal for removal of the TK and TCEs component from the document, which was component 4. Secondly, the Secretariat said that the meeting agreed to retain for discussion component 2 on trademarks. In the meantime, the Secretariat hoped that the meeting would consult to arrive at an agreement and would revert to it in CDIP/5 with a view to possible adoption. The Secretariat also hoped that components 1 and 3, on copyright and patents respectively, would be approved at that session and implementation would commence as from January 2010.
367. The Delegation of the United States of America sought clarification as to whether there were any changes to the patent language, in accordance with some minor modifications it had proposed
368. The Delegation of Brazil expressed satisfaction with the solution.
369. The Delegation of Bolivia expressed the view that the prevailing trends in IP rights in the public domain did not need any modification, in particular to the patent components and the copyright components in order to understand strategies that were used by IP holders to preempt the materials falling into the public domain. The Delegation therefore sought clarification on the issue.
370. The Delegation of Thailand pointed out that the Secretariat had mentioned the outcome of the discussion, but highlighted that, in the course of CDIP/3, there was extensive discussions on the proprietary and non-proprietary information to appear in the public domain, and reading from the objective of that project, it seemed there were certain agreements on the public domain that were non-proprietary. Therefore the Delegation saw no reason why the study could not be left aside. The Delegation also sought clarification from the Secretariat on the outcome of the proposed future work on TK, as it had been withdrawn from the project under the CDIP.
371. The Delegation of Indonesia sought clarification as to whether there were only 3 components copyright, patents and trademarks in the proposed project while TK was to be left out.
372. The Secretariat confirmed that that was its understanding.
373. The Delegation of the United States of America pointed out that there was no opposition with respect to the changes in the patent section in the fourth line from the bottom regarding the deletion of the phrase "and claiming". That was a purely technical correction to the language.
374. The Chair commented that the observations made by the Delegation of the United States of America had been taken into account while Bolivia's comment on additional material that it had requested would be subject to no opposition.

375. The Delegation of Egypt also requested that the language should include the issue of exceptions and limitations and their position with regard to the public domain. It believed the Delegation of the United States of America was agreeable as long as it was placed in the context of an important element contributing to the public domain and not as a direct contribution to public domain. The Delegation asked for clarification from the Delegation of the United States of America.
376. The Secretariat said that as far as the request from the Delegation of Egypt was concerned, apart from the SCCR where an informal meeting on the exceptions and limitations to the copyright was held, there was also an informal workshop which was already included in the work program as reflected on Page 3. The Secretariat saw no problem in including the results and findings which had already been established. There was probably a need to update the exceptions and limitations in the light of the recent evolution, for example, in the digital environment. Other questions concerning the content of studies on patents and copyright will duly reflect the comments and suggestions that should be reflected in the studies that would be carried out.
377. The Delegation of the United States of America said that it would be good to see the language that would be changed to reflect those points for its review, as it would come up at the next session.
378. The Delegation of Thailand insisted on a reply from the Secretariat regarding the question it raised on the future status of the TK which had been withdrawn from that recommendation. In link 4.1 it was clearly stated that a study on the public domain and TK and TCEs should be undertaken, as that exercise would be relatively beneficial to the understanding of the relationship between public domain and TK and TCEs. If the objective was to study just the non-proprietary information they could be withdrawn for early implementation, but Item 4.1 needed to be somewhere in the CDIP scope. The Delegation sought clarification on the future of that issue.
379. The Chair explained that the reply was linked to the explanation given to Indonesia, which asked whether the component on TK was going to be removed. It had been removed with the agreement of quite a few delegations, which called for that removal. As regards the future of that subject, the Chair noted that, for the moment, there was no agreement, but the matter would perhaps be taken up at the next session. The Chair mentioned the existence of the Intergovernmental Committee (IGC) which dealt with those subjects, but did not rule out the CDIP also dealing with the subject. There was no consensus on that point to be dealt with in that draft document.
380. The Delegation of Indonesia thanked the Chair for the clarifications and the solutions put forward by the Secretariat.
381. The Delegation of Thailand differed with the statement by the Chair that there had been some agreement by some members; Thailand was not part of that. The Delegation sought clarification from the Secretariat regarding its removal.
382. The Chair stressed that the agreements reached at WIPO were usually on a consensus basis, and everyone had to agree to make progress. If there was just one Member State that did not agree or did not find it useful to adopt a particular project then there was no consensus, which was why some delegations considered that it was not appropriate at that moment to include the subject of TK in the document. The Chair invited the Secretariat to supplement the explanation.
383. The Secretariat reminded the Delegation of Thailand that under Development Agenda Recommendation 18 that Committee and the IGC would be working on the

implementation of Recommendation 18. Should it be momentarily taken out of that document, it did not mean that the important notion of TK was dropped from the mandate of the CDIP.

384. The Delegation of Angola wanted to know how the project on TK was removed from that document, and who asked for it. The Delegation noted that if that section was removed then the entire project would have to be reviewed as well.
385. The Chair replied that a project was only adopted once everyone had agreed to it.
386. The Delegation of India reiterated that the project had to focus on the benefit of public domain and to better identify ever increasing IP rights encroachment on the public domain. In that context, the Delegation also requested a stand alone study that deepened the analysis of the benefits of a rich and accessible public domain. The Delegation said that such a study had been proposed and that no stand-alone study that looked at the issue of public domain from a wider IP perspective was available. It said that the observations made in the previous meeting were made in respect of the study on public domain. The Delegation supported the comments made by the Delegation of Bolivia that any study on patents and public domain must analyze the trends in relation to patent thickets, ever greening, limitations and exceptions, patent term extensions, patentability criteria, pre- and post- grant opposition, disclosure requirements in patent applications and their impact on the public domain. That was a reiteration of what was said at the previous meeting and to express support that the revised document should take into account those aspects.
387. The Secretariat, in reply to the Delegation of India, stated that it also remembered what the Delegation of Bolivia had said in connection with the patent study, i.e., that those items should be incorporated as much as possible. The Secretariat confirmed, as agreed a few minutes ago, that those items would be integrated into the revised text.
388. The Delegation of the United States of America expressed its wish to reserve the right to make comments on the proposed changes to the patent project once they were put in writing.
389. The Chair proposed to give the Secretariat a chance to prepare the text before discussing the document later on to decide if it could be adopted. The Chair then asked the Secretariat to reply to the question by the Delegation of Spain.
390. The Secretariat repeating the Spanish Delegation's question that it wished to have some details on the personnel resources provided in the project on technology transfer, explained that the 740,000 Swiss francs found in the project had been provided for a junior professional that would be used for the project, and for the additional administrative support staff. The Secretariat therefore noted that those resources were planned only for the duration of the project which would take somewhere between two and two and a half years. The Secretariat added that it was hard to know at an early stage how the work would develop by the end of the project. It finally mentioned that it was also hard to preview if what was being given would correspond to reality after reworking the whole issue, especially since that Committee had decided that Member States should send their comments to the technology transfer project.
391. The Delegation of Spain expressed its appreciation to the Secretariat for the explanation and noted that the Development Agenda had to be taken into account throughout WIPO's activities, and that the structure of the Organization might adapt more to that type of task. The Delegation also mentioned that many of the activities proposed in the thematic projects could be included among the regular activities of the Organization and not under

the heading of “extraordinary”. The Delegation considered that the relevant units should be given the necessary responsibilities so that they could carry out the recommended tasks on a regular basis. In case the tasks did not correspond to the regular work of the Secretariat there should be a specific budget earmarked for the corresponding project which should not be confused with funds available on a regular basis.

392. The Chair replied by saying that the Secretariat had taken good note of that comment, and reminded his colleagues that they had examined document CDIP/4/3 and looked at the public domain. He added that the Secretariat was in the process of drafting the document that would be presented in the coming hours.
393. The Delegation of Angola referred to document CDIP/4/3 and to the deletion of component 4 related to TK and TCEs. The Delegation, after consulting the other members of the group, requested the withdrawal of that part from the project on public domain but wished to leave the possibility for the Member States to come back to that part of the project in the future, depending on the progress in the IGC. The Delegation wanted that reflected in the report.
394. The Delegation of Indonesia expressed its support for the statement made by the Delegation of Angola.
395. The Delegation of Thailand also expressed its support for the statement made by the Delegation of Angola.
396. The Delegation of Brazil expressed its support for the statement made by the Delegation of Angola, and considered it as an important issue for developing countries.
397. The Delegation of Belarus expressed its satisfaction with the professional way in which the discussions were being conducted and acknowledged the importance of those issues. The Delegation felt that informal consultations would help to achieve consensus and compromise, and that issues discussed at the consultations with a number of countries were a very important part of the process of achieving consensus. The Delegation then requested that its general statement which was a position of principal should be taken into account in discussions in the informal consultations. The Delegation also pointed out in that once the documents had been prepared, its group would like to be able to examine them. On the subject of the project, in CDIP/4/3, the Delegation emphasized that its role was to achieve consensus, noting that TK was traditionally linked with public domain according to what many delegations had said. The Delegation finally confirmed its support for a compromise solution that included the statement made by the Delegation of Angola. However the Delegation considered that that proposal would require carrying out a study on the public domain, which was an excellent idea, once the Member States were prepared to answer that very important question.
398. The Chair agreed on the importance of informal discussions and recalled that the informal meetings were aimed at the Member States who had submitted projects but were open to any interested delegation wishing to participate. The Chair underlined the importance of the informal consultations as he considered that the consensus reached was through those consultations. The Chair then said that the Secretariat would prepare a new text on the basis of what had been said and suggested that the Member States come back to that project when the text was ready. The Chair then referred to document CDIP/4/12, containing the proposals from Japan and the Republic of Korea, and informed the meeting that as a result of informal consultations, a consensus had been achieved on those proposals. The Chair invited the Secretariat to describe the achieved consensus.

399. Recapitulating its understanding of the consensus reached on that document, the Secretariat informed that, regarding the proposal made by Japan, mentioned in the document CDIP/4/12, it could easily be incorporated into the existing activities of WIPO. So as a first step, the Secretariat could start working on the implementation of that proposal, and would be pleased to add additional elements that Member States may wish to add to the existing web based experiences on the WIPO web site.
400. As for the proposals of the Republic of Korea, the Secretariat would convert those proposals into project documents and submit those projects to CDIP 5 for approval. In the meanwhile, the Committee could broadly agree on the implementation of Phase I of the two proposals. In the case of the proposal on appropriate technology, the Secretariat explained that in Phase I, the landscaping on the appropriate technologies needed to be incorporated into the thematic project document dealing with Recommendations 19, 30 and 31, and that that was a resource neutral activity. Referring to the second proposal by the Republic of Korea that dealt with the use of marks for fair trade, the Secretariat informed that Phase I included the holding of a conference. The Secretariat explained that it could implement, or prepare to implement, Phase I, but any subsequent implementation could only begin subject to approval of the project document by CDIP 5. The Secretariat added that upon the request of one delegation, in Phase II, the Secretariat would also include, besides the use of marks and trademarks, labeling of agricultural goods. The understanding being that consultations will be undertaken in the process of the Secretariat developing that into a fully fledged project. In conclusion, the Secretariat said that the Committee could broadly agree that the Secretariat should start the implementation of Phase I of the two proposals. For the Phase II, the Secretariat would submit project documents on those two proposals. As for the proposal from Japan, the implementation of that proposal would begin immediately.
401. The Delegation of Brazil expressed its gratitude for the summary, and its appreciation that the first Phase of implementation of the projects would commence. The Delegation, however, expressed its concern about the document CDIP/4/12 regarding the Japanese and Korean proposals, with respect to duplication and the avoidance of unnecessary work. Regarding the Japanese proposal on web-based experience, the Delegation wondered what the extension of those databases would be since the major link between IP and business was based upon the strategy of the enterprise which would not be shared with competitors. The Delegation also considered that that kind of information would be more useful for a small and medium enterprise (SME) whose clients did not use the IP system. Finally the Delegation wondered where and to what extent information was to be obtained in order to make it available on the proposed web-based database. In the analysis of the Korean proposals, dealing with the first proposal, the Delegation based its observations on the Brazilian experience in respect of the use of brands for farmers and products. The Delegation explained that the core of the problem was related to the guarantee of minimum quality standards which were strictly related to the technology involved in the process. That meant that before talking about brands, products of low quality would not sustain the market for the producers. The Delegation of Brazil stressed the importance of improving the access to necessary assessment of technology, and mentioned as an example, a Brazilian case, Serabacanastra, that was very well accepted in the country but could not be certified because it did not meet the necessary required criteria to be marketed as a certified product due to a lack of technology in the process of production. The Delegation of Brazil then discussed the second proposal by the Republic of Korea, concerning the use of patent information in the transfer of appropriate technology. The Delegation asked about the definition of appropriate technology, and stressed the importance of clarifying the difference between free-of-charge technology and protected technologies when talking about patent information, as a vector for technology transfer, especially since the discussion was mainly focused on SMEs that usually did not use the IP system. The Delegation

considered that the first was obsolete and the second too expensive for some countries, bearing in mind that it was possible to use patent information with forecast proposals, depending on the country's development level. The Delegation insisted on not duplicating efforts and sharing a common starting point between CDIP/4/6 and that proposal. Another aspect concerned the fact that patent information was a under utilized resource and might be better exploited in particular in areas of public policies. The Delegation considered that development was undoubtedly necessary to improve the quality of the information contained in patent documents, as had been stressed by the Delegation of Brazil, and mentioned in the European patent conference three weeks ago. The Delegation finally noted the importance of sharing their observations since they were based on reality, Egypt being a middle-income developing country which had accumulated some successful experience in that field.

402. The Delegation of Morocco expressed its gratitude for the wisdom shown and the way in which the delegations' work was guided over the past week. The Delegation was also grateful for the explanations given on the two projects, saying it was in favor of all the initiatives which aimed to strengthening capacity and infrastructure. The Delegation considered that the two initiatives taken by the Delegations of Japan and the Republic of Korea were moving in that direction. The Delegation explained that the database would not benefit very many countries, but those with an infrastructure could benefit from it. Regarding the initiative for the programs assisting farmers and producers in LDCs to procure brands for their products, the Delegation said that was a very interesting project, noting that during the recent forum organized by WIPO such a project was discussed which had allowed an African country to improve the fate of very many families thanks to a coffee brand which was registered and producers were able to trade their products and improve their living standards, children were able to go to school, and that was obviously a very positive experience. The Delegation considered that as something to aspire to, and acknowledged that there were problems for very many SMEs which did not have access to IP nor the resources and necessary knowledge. The Delegation further stated that the two projects were useful for developing countries and should be supported. The Delegation of Morocco finally asked the Delegation of Korea whether the project was only for LDCs, or whether it could also be applied to developing countries in general.
403. The Delegation of Korea thanked the Delegation of Morocco for adopting its proposal and for the very constructive comments thereon. The Delegation said it would duly note all the comments when developing the project in detail. In response to the question raised by the Delegation of Morocco, the Delegation of Korea explained that the project initially gave priority to LDCs, but it was up to Member States and the Secretariat; if appropriate products were available in developing countries for support by the project, then all those countries and products would be welcome.
404. The Chair asked the Delegation of Brazil about their ability to accept the projects bearing in mind the considerations and comments made. The Chair stated that those comments would be taken into account in the course of project implementation and all comments and observations would be taken into account by those carrying out the project.
405. The Delegation of Brazil said it understood that the proposal would be formatted into the typical CDIP project under the new methodology for CDIP/5. When elaborating the text, the Delegation thought that that would be an opportunity to reflect on the comments made by Brazil and other delegations. The Delegation considered that that could be a way forward and that there was no objection to Phase I of the projects starting. The Delegation finally stated that the comments could be incorporated into a newly formatted project and then discussed and approved in the fifth session.



406. The Chair said he believed that that document could be accepted by all the delegations together with the modifications that had just been presented by the Secretariat. He added that during implementation or application of the different phases of that project, observations by various Member States would be taken into account, especially of Brazil's. Accordingly he considered that the project CDIP/4/12 could finally be accepted. The Chair then informed the Committee that consultations on the document CDIP/4/8 were still in progress and that discussions on that document should take place.
407. The Delegation of Brazil expressed its wish to invite all Member States that might want to share some of their concerns and ideas regarding the mechanism and especially to share with them, in the spirit of transparency, what had been raised the day before in the informal consultations with the other delegations who were supportive, and also with the group coordinators.
408. The Chair reported on the intense informal open-ended consultations, open to all Member States, that took place with a number of delegations. The Chair noted that those consultations had led to a very fruitful and encouraging exchange involving the authors of the proposals on the coordination mechanism, which had led to the drafting of a first general document on the different viewpoints. He said that the participants also had the opportunity to understand each other and to better explain their positions. Because of a lack of time, the Chair noted that the parties concerned did not have the opportunity to continue with that substantive work with regards to the mechanism, but had achieved some very encouraging outcomes and concluded that the work would be continued at the forth-coming session of the CDIP. The Chair also informed the meeting that participants at the informal consultations had agreed that at the next session of the CDIP, the first fundamental point that the Committee would review would be the issue of the coordination mechanism, which would be the first substantive agenda item for the next session. The Chair informed the meeting that the authors of both proposals had amended their initial drafts and would circulate those documents to all the Member States. He then asked for comments from the floor on that proposal.
409. The Delegation of Switzerland thanked the delegations that took part in the consultations, and commended them for enriching the discussions which had contributed in moving the issue forward. The Delegation also congratulated the Chair for the efficient leadership that he had shown in the consultations and the good spirit of dialogue that he had created which led to the progress made. The Delegation added that copies of Group B's revised proposal were available outside the room.
410. The Chair pointed out that there were two draft projects in the process of being finalized and that it had been agreed to meet in order to adopt them.
411. The Delegation of Egypt also expressed gratitude to the Chair for his efforts in chairing the informal process, and for the transparent manner in which he had conducted the consultations which had proved very positive. The Delegation believed that the process should continue under the principle of transparency and emphasized that the issue of the coordination mechanism had been raised earlier and was extremely important for the Committee and a matter of concern to all the Member States. The Delegation noted further that during the informal consultations, numerous delegations particularly from Group B had emphasized the need to have an efficient use of time. The Delegation therefore, suggested to the Chair to hold informal consultations between the forth and fifth sessions of the CDIP, which the Secretariat could perhaps organize. As to their format, the Delegation indicated that one or two informal meetings, held in an open-ended manner, would be sufficient to adopt a decision in CDIP/5 and hence, save time during the formal session. The Delegation asked other Member States for their views on its suggestion.

412. The Chair observed that time management was indeed important in order to give a chance to delegations to speak. In that respect, he opened the floor for comments from the delegations.
413. The Delegation of Senegal commended the Chair for the decisive role he had played in the progress that was made and stressed that the Committee should acknowledge it. The Delegation recalled the divided situation that existed at the previous meeting of the Committee which had led some delegations to ask that trust be restored in its discussions. The Delegation noted that the remaining obstacles and barriers had begun to fall so that the Committee could move forward. The Delegation also noted that challenges faced in the world today compelled nations to work together side by side, whatever their points of divergence might be. It said that the new spirit that was being injected into the Committee's discussions if maintained, would serve to produce satisfactory results for everyone. The Delegation also hailed the efforts made by the Coordinator of Group B and noted that positions were being brought closer so that all the difficulties that the meeting faced would be overcome. The Delegation also noted the open-ended spirit from the sides that put forward the proposals as well as from those countries that supported the proposals. The Delegation further stated that there was a spirit of openness which had enabled the work to proceed in an extremely comfortable atmosphere. Regarding the holding of consultations, the Delegation observed that in the light of the Committee's concerns as regards time management, organizing consultations before the fifth session of the CDIP could lead to the avoidance of wasting time. In conclusion, the Delegation reiterated that the consultations would be extremely important.
414. The Delegation of Morocco endorsed the comments made by the two previous speakers and stressed that it was very much in favor of informal negotiations before the next session of the Committee. A lot had been achieved and great progress made at the fourth session on the establishment of a mechanism, which left just a few things to be negotiated. The Delegation added that in order to make progress, it was important to organize informal negotiations. This, the Delegation noted, should be possible because for the most part, the delegations that had put up the proposals were in Geneva. The Delegation also stated that if delegates based in the capitals legitimately wished to follow the informal negotiations, the Secretariat could organize that through, for example, technical means. Regarding time management, the Delegation said it would be important that the agenda of the next session provided for proper utilization of time.
415. The Delegation of Brazil noted the positive statement of the Delegation of Switzerland on behalf of Group B, as well as of the Delegation of Egypt which it felt had pre-empted the Delegation of Brazil's remarks. The Delegation expressed its appreciation of the new atmosphere in which the Committee was working and stated that the Chair had been instrumental in creating that positive atmosphere of work in the Committee and also, in the informal consultations where delegations had benefited from his sound suggestions. The Delegation thanked the Chair for his great help and said that it looked forward to resuming those discussions. The Delegation also stated that it would maintain informal contacts with the delegations from Group B and from other countries in order not to lose the momentum and the motivation for making progress. The Delegation concluded that it was satisfied that the item regarding the mechanism would be treated as the first item on the agenda for the next session.
416. The Delegation of Switzerland referred to the proposal made by the Delegation of Egypt to have consultations before the next session of CDIP and pointed out, as many delegations had already done, that a lot of progress in discussion had been made in identifying areas where an agreement could be reached. The Delegation noted that it was important that delegates went back to their capitals and discussed how an

agreement could be achieved on the text. The Delegation also indicated that since it would be the first item on the agenda of the next CDIP, there would be a lot of time to discuss it. There would be a deadlock, it would be possible to avoid starting negotiations at the beginning next time, because the positions already on the table were well known. The Delegation also highlighted the importance of the presence of people from capitals and noted that the proposal that was made by Group B was not only made by people in Geneva, but also contained inputs by experts from the capitals. Therefore, the Delegation stated that the expertise of people from the capitals equally helped in ensuring progress. The Delegation also noted that it was not the practice of the Organization to have those consultations and that Group B was not in favor of having those negotiations institutionalized. It noted that pre-CDIP briefings were generally attended by very few delegates, as was the case with the WIPO Open-Ended Forum to discuss new projects. The Delegation therefore, stated that in order to avoid discussions with a limited number of delegates present, and in the interest of the mechanism, it would be desirable to have everyone behind it to get it developed properly. It observed that it would be necessary to have the maximum number of people present at the meeting to discuss it. The Delegation favored having all the delegates present to continue the discussions at the next session of the CDIP since there were a number of small details to be settled and the next session of CDIP will allow enough time to settle those small details. The Delegation further stated that it would continue to be in favor of having bilateral contacts with those who welcomed it.

417. The Chair thanked those who had spoken for their comments and views on the proposed informal meetings. He acknowledged that progress was made on the mechanism, and noted also that on the first day, there were two documents that he thought were rather far removed from each other but now they were on the point of being merged together. He also acknowledged the importance of informal consultations and said that the proof of that was the progress made during the week because of the informal consultations. The Chair observed that holding informal meetings between CDIP/4 and 5 would also be important in order to make progress and keep the momentum, but at the same time, he noted that people could not be forced to come to the informal meetings. Therefore, the Chair suggested that it would perhaps be wise for delegations to know each other now, which was why there was such a very good atmosphere during the meetings. He noted that the delegations knew each other and the Coordinators also knew each other. Therefore, he hoped that the informal meetings would be kept up by bilateral contacts and meetings between groups. The Chair said that that might facilitate a lot of things between the sessions. He said that it was up to the delegations to meet each other again and try to break down the wall or find some way out of the deadlock. He stated that he would not like to dwell for too long on that point and called for the continuation of work on the mechanism right from the first day of the next session. The Chair further observed that reducing the speaking time for general statements to one minute per delegation for example, would also help. He observed that that was just his idea, and stated that he would like to go back to the project in document CDIP/4/3 which was still pending. The Chair mentioned that there was a proposal from Angola as well as a text that the Delegation of the United State wished to see in writing as well as India.
418. The Secretariat introduced document CDIP/4/3 Rev., concerning the project on intellectual property and the public domain (Recommendations 16 and 20). The Secretariat informed that it took the liberty of reproducing only the relevant parts, and left out the detailed information and tables showing the work plans, etc. Following the consultation earlier that morning, the Secretariat said Member States generally agreed that the TK related parts should be removed, and therefore, all parts concerning it were deleted. Secondly, the trademark-related parts were inserted in the current text, with specific reference to the brief description of the project as agreed to by the meeting. It added that the project was divided into three components, to be addressed from the

perspective of copyright, trademarks and patents on the understanding that the text of trademarks had to be discussed at the fifth session of the CDIP. The Secretariat underscored that the suggestions of delegations had also been incorporated. The Secretariat also pointed out that it had deleted component number 4 in paragraph 5 as agreed in relation to TK and TCEs. The same thing was done on the upper part of page 6. The Secretariat also noted that, in respect of the first paragraph of section 2.3 on delivery strategy, it had added the sentence that was suggested by the Delegation of India. The Secretariat noted also that on page 7, paragraph 1.3 dealing with a study on copyright and related rights in the public domain, two changes were included which were shown in the new text. All the changes reflected, the suggestions and modifications suggested by certain delegations. The Secretariat also noted that towards the end of page 7, there was an additional sentence which referred to the specific items to be included in the patent study, and that concluded the summary of the changes reflected in the text.

419. The Chairman observed that the Delegation of Angola had requested the inclusion of a reference to the deletion of item 4.
420. The Secretariat answered that it did remember the statement made by the Delegation of Angola and asked if it would prefer that the observation be included in the text itself, or in the report of the Committee?
421. The Delegation of Angola said that it preferred its remarks to be mentioned in the report of the Committee.
422. The Delegation of Bolivia thanked the Secretariat for the excellent and rapid change made to the document, and suggested that as regards the entry on patents on page 7, the study, the word "activities" should be changed to "elements" because issues such as disclosure requirements were not an activity. The Delegation also expressed the view that impact assessment be carried out in the copyright area and that it was of the opinion that it would be done. However it requested that clarity be provided by stating in point 1.3, line 4: "...which facilitates or impedes access ...".
423. The Delegation of the United States of America thanked the Secretariat for working quickly to make adjustments to the documents for review by the Committee. With respect to the scoping study on copyright in section 1.3, the Delegation said it was comfortable with the changes that were proposed by the Secretariat in the document. It however was reluctant to accept the change that was just expressed on the floor, about adding the text about "impedes". The Delegation thought that the written text that had been reviewed by everyone would be the one that it would stick with. The Delegation further stated that it believed that there was no need for the CDIP to analyze the additional topics proposed under section 3.1, concerning the study on patents and the public domain which included topics like patent thicketing, evergreen patents, the extension of patent terms and the disclosure requirements. The Delegation observed that most of those topics were in fact being handled in the SCP in the non exhaustive list of topics, and said that it would not want to duplicate and waste WIPO's resources. Therefore, the Delegation said it opposed the revision to the patents study and favored maintaining the original project document proposal for the patents study with the exception of the one technical correction suggested by the Delegation previously.
424. The Delegation of Morocco had no problem with what had been decided upon by the Member States and with the proposal of Angola which it supported. The Delegation said it would like to take advantage of the presence of the concerned project manager to ask him some questions. The Delegation wanted to know whether the Secretariat had already undertaken activities relating to the project and if so, what would happen to those

activities that had already been launched? The second question the Delegation asked was whether the timetable for implementation provided for any studies on TK and whether these studies would actually be carried out or would be abolished?

425. The Secretariat stated that it believed the Delegation of Morocco referred specifically to the work in relation to TK and TCEs. It said that it did not undertake any work proposed in the project document because the items had already been removed. The Secretariat also suggested that it did not have to review its on-going work which was clearly a separate and distinct work that it originally proposed for the purpose of the public domain exclusively. It finally noted that the deletion of the TK-related study would not have any impact or adverse effect on the proposed activities.
426. The Chair stated that since the meeting could not agree at that stage on component 3 that dealt with patents, he would propose that the issue be left aside and the meeting should just keep the section dealing with copyright, and defer consideration of TK and patents for later, since for the moment there was only an agreement on copyright.
427. The Delegation of Belarus said that in the spirit of compromise and the search for consensus, the meeting had agreed to strike out the section on TK which had not been supported by all delegations. It noted that likewise, the proposed study on patents did not receive the support of all delegations. The Delegation therefore wondered why the meeting should not treat the issues equally. It noted that a number of studies could be carried out once consensus was reached. Finally, the Delegation asked the Secretariat whether the decision taken that day had any financial implications.
428. By way of clarification, the Secretariat inquired whether the Delegation of Belarus was proposing that the whole document be left pending.
429. The Delegation of Belarus stated that that was not its point. It stated that there was a question about patents and duplication of the work of the other Committees in WIPO, so perhaps the issue regarding patents would be left pending, and not the whole document. The Delegation said that while the Secretariat was proposing to leave the whole section pending, it would however propose that only that part of the section on which agreement could not be reached be left in abeyance.
430. The Secretariat observed that it was in the hands of delegations, but noted that some were still in favor of going ahead with the patent studies because if the studies on trademarks, patents and TK were removed, it would be a very slim project. Concerning the patent study, the Secretariat noted that it was almost there. The Secretariat observed that those specific items that certain delegations wanted to include in the study, such as patent ticketing, evergreen patents, etc, and which one delegation had opposed, could be taken up as studies prepared in such a way that they reflected those specific issues in a general summary with general consideration of the implications of those issues on the public domain. The Secretariat noted that it was a matter of the degree of detail, it may not be able to go into specific details in view of the opposition from one delegation, but nonetheless, it could prepare studies that generally discuss the implications of recent trends in patent practices that may have an impact on the public domain. The Secretariat stated that if the Delegation of Bolivia which had proposed those specific items and the listing of those items was agreeable, the Secretariat could just conduct a study that would analyze current trends in patent practices that could impact on the public domain rather than simply listing those specific items which were opposed by one delegation. The Secretariat stated that the idea was just a thought to find a common ground for further negotiations, and that those specific items could be added later on. Once the first draft of the study was accomplished and circulated for comments, for example, it would be up to Member States to go into further detail. For its part, the Secretariat could still include the

implications of those current trends in patent practices which might effect the public domain, if it would be agreeable to the Member States.

431. The Delegation of Bolivia thanked the Secretariat and stated that it would in fact be agreeable to not listing all the elements, and that it agreed with the Secretariat's latest proposal. The Delegation noted that, as a matter of fact, the word that it wanted to insert in paragraph 1.3 on copyright was in the same spirit. It pointed out that there was a recent trend in copyright practices that impacted on the public domain, and therefore, would like to see an impact study done to facilitate understanding. That was why it said, it proposed to insert "impede" or "impact" in the text. It stated however that it would be very comfortable with the proposal by the Secretariat.
432. The Delegation of Thailand wished to revert to the language which should express the fact that some delegations had reserved the right to revert to the issue of TK and TCEs in relation to the public domain pending the discussion in the IGC. The Delegation said that there were a couple of comments regarding the option of where those reservations ought to be placed. The Delegation referred to document CDIP/4/3 Rev., page 2, which was the summary table, and noted that in the brief description of the project, there were amendments made by the Secretariat based on the discussion that had taken place, and pointed to the addition made in the fifth line on the understanding that trademarks would be discussed at the fifth session of the CDIP. The Delegation suggested an addition to that, to indicate that the component relating to TK and TCEs would be deferred pending discussion in the IGC. If that would be acceptable, the TK and TCEs element would still remain out of the study, but would reflect some of the reservations raised by some Member States earlier in the morning. The Delegation also noted that if there were still some reservations from delegations concerning proposal number 18 and the suggestion by the Secretariat, then they would have the opportunity to revert to that proposal.
433. The Delegation of Angola said before concluding that issue, it would like to point to a small detail on page 2 where it talked about the description of the project; the initial project and the four components were projected to cost 505,000 Swiss francs. The Delegation requested that the cost be reviewed and clarified.
434. The Delegation of the United States of America noted that, with respect to the study on patents and the public domain, and the proposal to include a study on patent practices in the language of that proposal, it believed that kind of patent practice study would best be handled in the SCP and that it would prefer to keep the original text for that proposal. The Delegation also said that, with respect to the copyright proposal on the scoping study in section 1.3, it understood that there was a suggestion to add a section on recent trends on copyright practices; on reading the scoping study description, the Delegation did not think that it fit in that study as described. The Delegation noted that that was really a narrow scoping study with a comparison of national legislation initiatives and tools which would be the starting point for further consideration of work to be done by WIPO in regard to the public domain. The Delegation suggested that a more extensive and elaborate consideration of trends should be considered after the scoping study had been completed when further steps would then be decided. It therefore stated that it had a concern about expanding the scope of the scoping study.
435. The Delegation of Indonesia said it was its understanding that the proposal put forward by Angola was that Member States reserved the right to discuss TK and TCEs again in another project, not the public domain project. In addition, if it remembered correctly, the Delegation of Thailand had also seconded that proposal. Therefore, observed the Delegation, the Committee would not be requesting TK and TCEs in the context of the work on the Public Domain, but within other projects in the future.

436. The Chair proposed to set the text aside for a couple of minutes and to go back to the document on RBM, CDIP/4/8. The Chair then asked the Secretariat to introduce the changes and said he would take comments if there were any, and see whether the document would be accepted on the basis of the amendments which had been made following consultations with the Member States. After that, the Chair suggested taking a ten minute break during which he called on the Delegation of the United States of America and the Delegation of Bolivia, to consult each other with the help of the Secretariat to see if a bilateral outcome could be found. The Chair thereafter opened discussion on document CDIP/4/8.
437. The Secretariat introduced document CDIP/4/8 and noted that, following the discussion of that document the previous day, a number of suggestions had been made for modification to the text, which had received broad support. Essentially changes in four areas were suggested. The first was to change the title of the document, which, it was proposed, should more accurately reflect the language in Recommendation 38. The title of the document now reads as follows: "Project on Enhancement of WIPO's Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of the Impact of the Organization's Activities on Development". The Secretariat stated that changes to the title required a number of changes through out the document so that where references were made to the previous title, it was appropriately amended. Similarly, a concern had been expressed that the RBM framework should focus on all activities of the Organization, and the issues had been incorporated. The Secretariat pointed out that the second change proposed by a number of delegations was that the country level assessment framework should not be too closely linked to national IP and innovation strategies. Again, wherever there was reference to national IP and innovation strategy in the document, these have either been deleted or diluted to make it clear that the country level assessment frameworks would not focus only on national IP and innovation strategies. In respect of the third change, the Secretariat recalled that a number of delegations commented on the performance indicators and the need to strengthen some of those and to include clearer targets. Amendments had been made to the "Indicators of Successful Completion" from page 12 onwards of the document, which would strengthen the indicators. The fourth and final change to document CDIP/4/8 took into account the discussion on Project Component 2 and the review of WIPO's technical assistance activities in the area of cooperation for development. In that respect, the concern was whether two experts would be sufficient for the task to be undertaken. The answer to the question, according to the Secretariat was that the TOR would be developed with Member States which would clearly have an implication on the resources required. Therefore, the Secretariat noted, amendments to the project document were to delete the reference to two external experts and to leave it neutral at that stage, just referring to external experts and the resource would be determined depending on the TOR. That represented the changes incorporated in the document following the discussions in the Committee.
438. The Chair asked delegations if they had any comments to make on this document.
439. The Delegation of Egypt said it was satisfied with the revisions and it looked forward to adopting the project.
440. The Chair thanked the Delegation of Egypt for its support. As there were no other delegations wishing to take the floor, the Chair said he took it that the document and the project had been accepted. The Chair pointed out that, as he had flagged earlier, there was another pending document, and said that the meeting would directly address Agenda Item 7 on Future Work. The Chair noted that, over the course of the week, having listened to the view points of the delegates and having had a first experience with the work program that had been suggested, said he was not sure whether or not the Member

States would like to maintain that format of adopting a work program at the beginning of each CDIP session. It would be a work program that would not be too rigid so as not to interrupt the exchange and flow of consultations. But it would be an indicative work program as to how to proceed. The Chair said that that may be of assistance to the Member States following the CDIP session. The second point the Chair wished to make was that over the course of the following CDIP session, particular importance would be attached to the coordination mechanism given that it would be discussed as the first substantive agenda item. Turning to time management issues, which was also a point that had been raised by a number of delegations, the Chair noted that all delegations would like to have rigorous time management. When a meeting is to begin at 10 a.m., it should begin at that time, and finish at 6 p.m. so maximum use should be made of the time available. In principle, the meeting would continue to review new projects at the next session. It would also revise projects which were being implemented. The Chair asked whether the meeting could be interrupted for a couple of minutes or whether the Secretariat had managed to undertake the consultations.

441. The Secretariat stated that it had listened carefully to the interventions made by the delegations of Bolivia, the United States of America and Belarus, who had been kind enough to offer a compromise solution. While a decision was of course in the hands of the Member States, the Secretariat noted that it seemed that there was no agreement on the question of studying those specific items such as patent thickets, evergreening, etc. The Secretariat therefore suggested for the consideration of Member States, that they go ahead with the study in its original scope, as had been proposed by the Secretariat, without going into details on those specific items that had been suggested by the Delegation of Bolivia. At the fifth session of the CDIP, the Member States could discuss again whether the study should also cover the implications of those specific items on the public domain. The advantage of the proposal was that no time would be wasted during the following four or five months, the study on patents could start, as per the suggestion made by the Delegation of Belarus. The Secretariat noted that Member States may wish to revert to the issue of whether that study should include, in its addendum, the consideration of the implication of those specific items on the public domain. That should be decided at the next session of the CDIP. The Secretariat said it believed that that would be a wiser use of the time and resources already allocated. Otherwise, the public domain project would be limited to the copyright studies.
442. The Chair noted that the proposal made by the Secretariat was a sensible one and it enabled the Committee to move forward without difficulties for some delegations whose proposals had been heard. The Chair then asked the delegates if they would accept that the Committee revert to the original text and to retain the idea which was being discussed. He also asked if the Committee would agree to look at other details concerning patents at the fifth session.
443. The Delegation of Bolivia affirmed that it would like to see that project implemented, but noted that in its original form, the project did not reflect its concerns because the preservation of the public domain was what Recommendations 16 and 20 were all about namely, to "Consider the preservation of the public domain within WIPO's normative processes and deepen the analysis of the implications and benefits of a rich and accessible public domain". The Delegation also stated that, as WIPO Member States, the delegations would consider it appropriate for them to consider the relationship between IP and the public domain and to see how IP affects the public domain. IP could be a tool to enrich the public domain and some practices could also sometimes be a tool that negatively effected the public domain. The Delegation noted that in the project, whether in copyright or in patents, there should be more balance. The Delegation stated that, in addition to a study on the benefits of IP as a tool, and how it effected the public domain, dealing with preserving the public domain and the identification of the threats to



the public domain, should also be a preoccupation. The Delegation said those were the general comments it wanted to make with regard to the specific preoccupation and concerns of the Delegation of the United States of America. It also noted that in the SCP, Member States were talking about flexibilities and limitations, they were not talking about the relationship with the public domain. So, it considered the CDIP as the correct place to talk about the relationship between IP and the public domain. About the concern that they would duplicate the work of other committees, the Delegation noted that in the copyright component it said that the study should also take into account the ongoing work in the SCCR on limitations and exceptions. That would also appear to be duplicative with respect to the copyright component so it was important to be coherent in that sense. For the Delegation it would be important that the study look at the, perhaps the word “impact” was too strong for the Delegation of the United States of America, but perhaps the word “effect” could be included. It felt that the project would really highlight how IP effected the public domain, positively and negatively, and the CDIP was a good place to analyze that.

444. The Delegation of India suggested that while the specific mention of the activities may be deleted, the broad wording as was earlier indicated by the Delegation of Bolivia should be made to include the word “impact” on public domain without referring to what the various impacts would be, just as the Secretariat had pointed out, as that would come out in the study.
445. The Chair pointed out that the Committee had listened to the proposal by the Delegation of Bolivia, and wanted to know whether the Delegation of the United States of America would accept the proposal from Bolivia so that the meeting could move on.
446. The Delegation of the United States of America asked if it could seek clarification, and inquired whether the Chair was talking now about the copyright or the patent study or both. With respect to the proposed revision to the patent study, the Delegation held the view that those sorts of studies would be best handled by the SCP. It stated that it had received instructions from capital based experts on that position. With respect to the copyright study, the Delegation said it was listening carefully to what was being said, but it had a suggestion that would perhaps bridge the gap. The Delegation proposed to insert the phrase “or affects” or “or impacts” on the third line under section 1.3 after the word “defines”. The Delegation hoped that its proposal would encompass the meaning or the scope that the Delegation of Bolivia sought.
447. The Delegation of Bolivia thanked the Delegation of the United States of America for its constructive proposition. It said that its only problem was that if the words “impact” or “effect” were placed after “defines”, then “impact” should also include “the initiative tools and technical and legal”. That was the problem that the Delegation saw. It said that if the word “impact” was put there, to read “defines and impacts on the public domain”, it would only refer to the legislation and it was really concerned about practices, about technical practices and technical measures that could impact or affect the public domain. The Delegation, therefore, suggested finding a formulation that would ensure the word “impact” or “effect” also included the technical aspect. It said that its proposition was to change a word in the sentence which said “which facilitates access...” To delete the word “facilitate” and put the word “effect” or “impact” as in the Delegation’s opinion it would be a more neutral word because if it said “which facilitates access” then it would already be prejudging the result of the study. The Delegation said if there would be agreement on just changing this word and putting “impact” or “effect” instead of “facilitate” then the study could be conducted in a more neutral way. Maybe the study would conclude that it “facilitated” or maybe it would conclude it did not facilitate, but it would not prejudg the result of the study.

448. The Delegation of Brazil took the floor in the spirit of trying to suggest a way forward. The Delegation noted that both delegations had instructions on that particular issue of the patent study. Given that the SCP had been mentioned, which would be held in late January, between the fourth and the fifth sessions of the CDIP, and as that the Development Agenda was about mainstreaming, it may be possible to see if the matter could be dealt with in a study or with at the SCP. Then, in the fifth session, the Committee could consider approving it given the work undertaken in the SCP.
449. The Chair thanked the Delegation of Brazil for its proposal. However, the Chair thought that the Committee could not propose something to the SCP. The Chair said it was a technical question and noted that while the same delegations may attend CDIP and also the SCP in January, the CDIP could not engage in the role of transmitting a proposal directly to the SCP. The Chair, however, noted that it was a good proposal. He suggested taking a five minute break, during which he proposed that the delegations of Bolivia and the United States of America get together to see whether they could come up with a solution.
450. The Chair suggested that the Committee resume and, as part of time management, requested the Secretariat to reduce the bells because they sounded for two minutes, while three bells would be enough to allow everyone to return to the room. The Chair said that consultations had been held and he believed that those consultations had borne fruit. The Chair thanked the two delegations for their cooperation and flexibility and gave the floor to the Secretariat to tell the Committee about the consensus achieved between the two delegations.
451. The Secretariat informed the meeting that as far as the copyright component was concerned, there was only one point of disagreement before the consultation, but that had been resolved. The Secretariat referred to the fourth line of 1.3 "scoping study", and suggested replacing the word "facilitate" by the word "effect". So it should now read as "A survey of initiatives, tools, technical.....which effect" and so on. As regards the patent study, earlier the Secretariat had proposed an additional sentence which was underlined and which started with the phrase "the study should also discuss the implications" and so on as appearing in the fifth line from the bottom of page 7 in 3.1. That additional sentence was not accepted therefore, the delegations agreed as follows. First of all, the delegations decided to revert to the original text, in other words, the underlined text should be removed from the text of the patent study, and to give the green light to that study so it could go ahead. The second part of the agreement was that, regarding the additional elements that had been suggested by the Delegation of Bolivia, it was agreed to discuss them at the fifth session of the CDIP and to consider whether those additional elements should be included in the study. In other words, the additional elements would still be open for further consultation at the following session of the CDIP. The Secretariat reminded the meeting that those additional elements referred to the implications of current trends in patent practices on the public domain. The Secretariat said that that component of the study, which it tentatively called the additional element, would be discussed at the fifth session of the CDIP, to determine whether it should also be included in the study in the future. That understanding would be reflected clearly and recorded in the report of the Committee. The Secretariat said that that was what it understood the agreement to be between the delegations concerned.
452. The Chair asked if there was any delegation that wanted to take the floor, and if the meeting could agree on the modifications. The Chair declared the document adopted with the modifications presented by the Secretariat, and thanked the delegations for their cooperation. The Chair also declared that he was now closing the session having had a fruitful and very encouraging day with open discussion and debate. He stated that delegations had been working the entire week like a family, because everybody in the

CDIP was family. Before closing, the Chair asked if delegations would like to take the floor to make final remarks. He noted that there was a Summary by the Chair that would be distributed to everyone. He therefore suggested giving the Secretariat some time to prepare the Summary while listening to those delegations that would like to take the floor.

453. The Delegation of Algeria asked if the French version would be available.
454. The Secretariat replied that it had requested translation into the 6 languages and that would perhaps take about 15 to 20 minutes for all translations to be ready. The Secretariat said it would leave it to the Chair and the delegations to decide whether they would prefer to wait for the translations or whether to adopt the Summary.
455. The Chair noted that since the meeting had the English version of the document before it, it could adopt it as, he remembered, was done in the first, second and third sessions of the CDIP when adoption was based on the English version. The Chair however noted that it was 7.30 p.m. and if delegations would wait until 8 p.m., he would also be ready to wait until that time so that the document would be available in all the languages.
456. The Delegation of Algeria said it would accept to work on the English version on a paragraph by paragraph basis in order to have interpretation.
457. The Chair thanked the Delegation of Algeria for its flexibility and asked the Secretariat to read the Summary by Chair, paragraph by paragraph.
458. The Secretariat read the document slowly to allow for interpretation so that all delegations clearly understood the content:

“1. The fourth session of the CDIP was held from November 16 to 20, 2009. Eighty nine Member States and 36 Observers participated in the meeting.

“2. The session was chaired by Mr. Mohamed Abderraouf Bdioui, Counsellor, Permanent Mission of Tunisia, Vice Chair of the Committee, in the absence of Ambassador Trevor C. Clarke of Barbados.

“3. The CDIP decided to admit, on an ad hoc basis, three non governmental organizations (NGOs), namely, Creative Commons (CC), the University of São Paulo's Research Group on Access to Information (GPOPAL) and the British Swiss Chamber of Commerce (BSCC) without implications as to their status for future CDIP meetings, for a period of one year.

“4. At the invitation of the Chair of the CDIP, the Director General addressed the Committee. The Director General expressed his cautious optimism on the progress being made in the implementation of the Development Agenda. He noted that with the adoption of the project based methodology, an important impetus had been provided to the implementation of the Development Agenda. He recalled that nine projects were already under implementation and a further three had received preliminary approval at the third session of the CDIP. The Director General also noted that three important project documents on technology transfer, access to patent information and enhancement of WIPO's RBM framework, respectively, were to be discussed at the present session of the CDIP. The Director General stressed the importance of continuing to mainstream the Development Agenda into the work of the Organization and informed the Committee that financial resources had been allocated in the Program and Budget for 2010 2011 to commence implementation of any projects that might be approved by the fourth and fifth sessions of the CDIP.

“5. The CDIP adopted the Revised Draft Agenda as proposed in document CDIP/4/1 Prov.2, and the Revised Draft Report of the third session, contained in document CDIP/3/9 Prov.2, with amendments by a few delegations to their own statements.

“6. Under Agenda Item 4, the Committee reviewed the project documents prepared by the Secretariat for the implementation of Recommendations 9 and 10 contained in document CDIP/3/INF/2; the progress report on the implementation of Development Agenda Recommendations 2, 5, 8, 9, and 10 contained in CDIP/4/2; and the progress report on recommendations for immediate implementation contained in document CDIP/3/5.

“7. Under Agenda Item 5, the CDIP adopted three projects earlier discussed and broadly agreed upon at the third session of the CDIP, namely, the Project on Intellectual Property and Competition Policy contained in document CDIP/4/4; the Project on Intellectual Property, Information and Communication Technologies (ICTs); the Digital Divide and Access to Knowledge contained in CDIP/4/5 and some components of the Project on Intellectual Property and the Public Domain contained in document CDIP/4/3. Modifications were introduced to document CDIP/4/3 with the need for CDIP/5 to continue discussions on certain elements of this project.

“8. Under the same Agenda Item the Committee discussed and adopted the Project on Developing Tools for Access to Patent Information contained in document CDIP/4/6. The Committee also discussed the Project on Intellectual Property and Technology Transfer: Common Challenges Building Solutions, contained in document CDIP/4/7 and decided that discussions on that document would continue at the fifth session of the CDIP. A group of “like minded” delegations would submit a document containing comments on the implementation of the relevant recommendations before the end of 2009. Other Member States would be invited to respond to that document until January 31, 2010. The Secretariat would then prepare a non paper for discussions at the fifth session of the CDIP.

“9. The CDIP also discussed document CDIP/4/12. The Committee decided that the proposal presented by the Government of Japan should be implemented as part of the Organization’s ongoing activities. Any delegation wishing to add elements to this activity may do so during the next sessions of the CDIP. As regards the proposals made by the Republic of Korea, the Committee decided that the Secretariat will prepare project documents based upon the two proposals and comments made by a number of delegations and present them to the fifth session of the CDIP. In the meanwhile, the Secretariat will undertake the implementation of the first component of the two proposals as mentioned in CDIP/4/12.

“10. The Committee also discussed the Project on Enhancement of WIPO’s Results Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities contained in document CDIP/4/8 and adopted the project with certain amendments to the project document.

“Paragraph 11: Under Agenda Item 7, the Chair highlighted the need for continuing with the project-based methodology and to review two or three new projects, to review the elements of projects carried over from the current session, and to continue with reviewing progress reports. The Chair also stated that he attached great importance to the matter of the coordination mechanism and the need to apply rigorous time management to the work of the Committee.”

“Paragraph 12: The CDIP noted that the draft report of the fourth session would be presented by the Secretariat and communicated to the Permanent Missions of the Member States and would also be made available to the Member States, IGOs and NGOs in electronic form on the WIPO website. It said that comments on the draft report should be communicated in writing to the Secretariat as soon as possible, preferably eight weeks before the next meeting. The revised draft report would then be considered for adoption at the beginning of the fifth session of the CDIP.”

“Paragraph 13: The summary would constitute the CDIP’s report to the General Assembly.”

459. The Chair hoped delegations had been able to follow the text through the interpretation that had been provided. The Chair thought that something still needed to be added to reflect the work that had been done with regard to document CDIP/4/12. In the meantime, the Chair asked whether any delegation wished to take the floor.
460. The Delegation of the Republic of Korea stated that, as mentioned by the Chair, it would like to include the decision made by the CDIP regarding its proposal. The Delegation had prepared the text for the Chair’s Summary which read as follows: “The CDIP shall allow the Secretariat to study the implementation of the Japanese proposal and stage one of the Korean proposals contained in CDIP/4/12 assuming that the details of the projects would be reported to the fifth session of the CDIP. The CDIP also requested the Secretariat to explore and prepare the implementation plan of stage II of the Korean proposals”.
461. The Chair thanked the Delegation of the Republic of Korea for the contribution and noted that he was preparing something regarding the Summary.
462. The Delegation of India wanted at the very outset, to take the opportunity to congratulate the Chair on his able stewardship of the deliberations of the CDIP. The Delegation stated that it had been and would continue to be a key proponent of the Development Agenda and that it assigned the highest significance to the work undertaken in the CDIP. In that context, the Delegation noted with immense satisfaction the spirit of consensus and compromise that had dominated the proceedings of the CDIP over the week both at the formal and the informal sessions, and that had been adequately echoed by many delegations. The Delegation observed that it was a staunch advocate of the spirit of consensus and multilateralism and in keeping with that spirit, the Delegation stood committed to playing a constructive role in taking the process forward. The Delegation also stated that it would like to see the work of the CDIP progress in a speedy, effective and time-bound manner. While the progress in the fourth session far exceeded what had been achieved in earlier sessions, the Delegation would definitely welcome an acceleration in the pace of the implementation of the Development Agenda projects. Concrete deliverables and actions should be the objectives which the Committee should achieve. That would go a long way to fulfilling the aspirations of the Member States which would like the mainstreaming of the Development Agenda in all of WIPO’s activities and programs. The Delegation said it went without saying that a robust feedback mechanism should be put in place and made to function. Before concluding, the Delegation stated that it would like to place on record its deep appreciation to the Director General for his commitment and leadership in taking the Development Agenda process forward. The Delegation also expressed its appreciation for the high quality of the documentation provided by the Secretariat. The Delegation further assured the Chair of its continued support and cooperation as well as its commitment to playing a constructive, meaningful and purposeful role in that important Committee.

463. The Chair thanked the Delegation of India for its statement. He also announced that the translations of the document were ready in French, Spanish, Arabic and Russian and that they would be distributed in a few moments.
464. The Delegation of Brazil said it had no observations regarding the text which was before the Committee. Regarding the proposal to include language referring to CDIP/4/12, it thought that it was a good suggestion, because in fact reference to that project was missing, but it would like to see the text in writing.
465. The Chair thanked the Delegation of Brazil and said the Secretariat would read out the text slowly and then it would be in front of delegations.
466. The Delegation of Egypt wanted to quickly refer to paragraph 8 and to note that there was a reference made to the document that would be submitted by the "like-minded" delegations indicating that it would be submitted by December 15, 2009. The Delegation stated that it would keep that date in mind, however, there might be some delay given that there would be two full meetings of important committees in December so that might delay the presentation a bit but hopefully, the document would be available before the holidays.
467. The Chair inquired whether the agreement of the Committee was still for December 15 or not.
468. The Delegation of Egypt replied that it did not think it was an agreement; and pointed out that the agreement was that the document would be submitted before the end of December.
469. The Chair said he had taken note of that, said delegations could reflect on that before the end of December and that would be fine.
470. The Delegation of Switzerland said that it would not like to dwell too long on the question of the date agreed to, but affirmed that the meeting did mention December 15, so that the Secretariat could circulate the documents to the Member States for comment. The Delegation did understand that there might be some problems in respecting the date of December 15, but nevertheless asked the delegations to send in the documents as soon as possible so that others could make their comments on them and so the Secretariat could circulate them because a lot of work was involved and the documents would be needed before the next meeting.
471. The Delegation of Zimbabwe said it wanted to make a short comment concerning paragraph 7. The Delegation was of the view that perhaps it would be important if the Chair could specify some of the components that had been approved by the Committee under CDIP/4/3.
472. The Chair replied that that was just a summary of what the meeting had agreed upon; full details would be in the report itself. If all that the meeting agreed upon were summarized, it might not be possible to reflect upon everything; it was just a summary, delegations needed to refer to the report for the salient points agreed upon.
473. The Delegation of Egypt said it still did not believe that there was an agreement that the date would be December 15. However, it did appreciate the flexibility of Group B in that regard especially given that the Group had had a similar experience when the Committee had requested that the proposals on the coordination mechanism be submitted with a deadline of June 30, 2009. However, the Delegation noted that the proposal of Group B

was dated of July 28, yet it did not raise any issue about respecting the deadline, so it did appreciate the flexibility shown in that regard.

474. The Chair said that he thought a week or 15 days delay would not effect a process, and submission by the end of December or before the holidays would be fine, and noted that even if it was received by December 15, nobody would presumably be around since the majority would be on vacation.
475. The Delegation of France speaking in Arabic said it just had a formal remark to make, and requested the Secretariat to correct the spelling of the name of the Chair in paragraph 2 of the document. It also said it would like to take the opportunity to thank the Chair for all the efforts he had made. Continuing its intervention in French, the Delegation noted that great efforts had been made by all the delegations and hoped that that spirit of cooperation would prevail in the future.
476. The Chair thanked the Delegation of France for those kind words and was pleased that somebody in the Delegation spoke Arabic.
477. The Secretariat apologized for the omissions in the report, and also for the incorrect spelling of the Chair's name. The Secretariat pointed out that the omission was due to the fact that the document had to be prepared in a very limited period of time. The Secretariat quickly read out the understanding which, as a matter of fact, it had read out when the Japanese and Korean proposals had been adopted. And from that point of view, it hoped that the delegations would have no objections. The Secretariat thereafter read the following as to be either the new paragraph 9 or 10: "The CDIP also discussed document CDIP/4/12. The Committee decided that the proposal presented by the Government of Japan should be implemented as part of the Organization's on-going activities. Any delegation wishing to add elements to this activity may do so during the next sessions of the CDIP. As regards the proposals made by the Republic of Korea, the Committee decided that the Secretariat will prepare project documents based upon the two proposals and present them to the fifth session of the CDIP. In the meanwhile, the Secretariat will undertake the implementation of the first components of the two proposals as mentioned in CDIP/4/12".
478. On the proposed text for the Chair's Summary, the Delegation of the Republic of Korea understood that the CDIP had decided to allow the implementation of stage one of the two Korean proposals, assuming that the details of the project would be reported to the next CDIP, but also requested the Secretariat to prepare a project implementation plan for the second stage. The Delegation felt that the second part of the text on stage II of the proposals was missing from the Summary, and hoped it would be included.
479. The Chair remarked that the phasing of the first and second steps was an important element in the Korean project. He said that it could be put in the text but suggested that the meeting should see the text instead of just discussing it orally.
480. The Delegation of Brazil said it just wanted to seek clarification regarding that decision because when the Secretariat read the statement, the Delegation understood it to reflect the idea that the suggestions which were made by some delegations, including Brazil, could be reflected in the version which the Secretariat was preparing for the next session. The Delegation said it would just like to confirm that that was the understanding and that understanding was reflected in the proposed text.
481. The Chair agreed that there was a need to see the text in written form before continuing debate on it.

482. The Chair noted that Delegations had before them the text that had just been read out by the Secretariat. The Chair gave delegations some time to look at the text and if they had any general comments on the two documents that had just been distributed, those comments would be welcome. As there were no objections to adopting the Summary by the Chair, the Chair proceeded to adopt it. The Chair wondered whether any delegations still wanted to take the floor for any final remarks. He did not wish to urge delegations to do so, as it was late and it was important to try and finish the work as soon as possible so that everybody, including in particular the interpreters, could rest. The Chair thanked the interpreters for their work and thanked all delegations for their attendance at that late hour, particularly throughout the past two days. He also thanked the Secretariat for its support, including the Director General who was not in the Committee at that time but who had been present earlier in the session and other members of the Secretariat for their presence. The Chair also wished to greet and thank all those working outside the room who make the work of the Committee easier, circulating the documents in a timely manner and greeting delegations with a smile and a welcome. The Chair proceeded to adjourn the meeting.

[Annex follows]



I. ÉTATS/STATES

(dans l'ordre alphabétique des noms français des États)/  
(in the alphabetical order of the names in French of the States)

AFRIQUE DU SUD/SOUTH AFRICA

Glaudine J. MTSHALI (Mrs.), Ambassador, Permanent Representative, Permanent Mission, Geneva

Johan VAN WYK, Counsellor, Economic Development, Permanent Mission, Geneva

Susanna CHUNG (Ms.), First Secretary, Permanent Mission, Geneva

Tshihumbudzo RAVHANDALALA (Ms.), Second Secretary, Economic Development, Permanent Mission, Geneva

Silindele THABEDE, Assistant Director, Economic Relations and Trade, Department of Foreign Affairs, Pretoria

ALGÉRIE/ALGERIA

Mohamed YAÏCI, directeur des brevets, Institut national algérien de la propriété industrielle (INAPI), Alger

Hayet MEHADJI (Mme), premier secrétaire, Mission permanente, Genève

ALLEMAGNE/GERMANY

Li-Feng SCHROCK, Head of Division, Trade Mark and Unfair Competition, Federal Ministry of Justice, Berlin

Udo FENCHEL, Counsellor, Permanent Mission, Geneva

Anjulie BARYALEI (Ms.), Intern, Permanent Mission, Geneva

ANGOLA

Makiese KINKELA AUGUSTO, Third Secretary, Permanent Mission, Geneva

ARGENTINE/ARGENTINA

Inés Gabriela FASTAME (Srta.), Primer Secretario, Misión Permanente, Ginebra

AUSTRALIE/AUSTRALIA

Matthew FORNO, Director, International Policy and Cooperation, IP Australia,  
Woden ACT

Ian GOSS, General Manager, Business Development and Strategy Group, IP Australia,  
Woden ACT

Katherine WILLCOX (Ms.), Third Secretary, Permanent Mission, Geneva

AUTRICHE/AUSTRIA

Johannes WERNER, Head, Department of International Relations, Austrian Patent Office,  
Vienna

BANGLADESH

Muhammed Enayet MOWLA, Minister, Permanent Mission, Geneva

BARBADE/BARBADOS

Corlita Annette BABB-SCHAEFER (Mrs.), Counsellor, Permanent Mission, Geneva

BÉLARUS/BELARUS

Valiantsin RACHKOUSKI, Assistant Director General, Head of the Information and  
Methodology Division, National Center of Intellectual Property, Minsk

BELGIQUE/BELGIUM

Mélanie GUERREIRO RAMALHEIRA (Mlle), attaché-juriste, Office de la propriété  
intellectuelle, Service public fédéral, économie, P.M.E., classes moyennes et énergie,  
Bruxelles

BOLIVIE (ÉTAT PLURINATIONAL DE)/BOLIVIA (PLURINATIONAL STATE OF)

Luis Fernando ROSALES LOZADA, Primer Secretario, Misión Permanente, Ginebra

Laurent GABERELL, Delegado, Misión Permanente, Ginebra

BRÉSIL/BRAZIL

Raul SUSTER, Head of Divulcation, Documentation and Technological Information Center (CEDIN), National Institute of Industrial Property (INPI), Rio de Janeiro

Júlio César C. B. R. MOREIRA, Technical Assistant, Patent Directorate, Industrial Property Researcher, National Institute of Industrial Property, Ministry of Development, Industry and Foreign Trade, Rio de Janeiro

Kenneth F. H. DA NÓBREGA, Head, Intellectual Property Division, Ministry of External Relations, Brasilia

Claudia Yukari ASAZU (Ms.), Foreign Trade Analyst, Industrial Technology Secretariat, Ministry of Development, Brasilia

Thais VALÉRIO DE MESQUITA (Ms.), First Secretary, Permanent Mission to the World Trade Organization (WTO), Geneva

Cyro ANNES, Intern, Permanent Mission to the World Trade Organization (WTO), Geneva

BULGARIE/BULGARIA

Gancho GANEV, Ambassador, Permanent Representative, Permanent Mission, Geneva

Nadia KRASTEVA (Mrs.), Second Secretary, Permanent Mission, Geneva

Boryana ARGIROVA (Mrs.), Junior Attaché, United Nations (UN) and Global Issues Directorate, Ministry of Foreign Affairs, Sofia

Vladimir YOSSFIFOV, Consultant, IP Services, Geneva

BURKINA FASO

Mireille KABORÉ SOUGOURI (Mme), attachée, Mission permanente, Genève

BURUNDI

Alain Aimé NYAMITWE, premier conseiller, Mission permanente, Genève

CANADA

Julie BOISVERT (Ms.), Deputy Director, Intellectual Property, Information and Technology Trade Policy Division, Department of Foreign Affairs and International Trade, Ottawa

Darren SMITH, Second Secretary, Permanent Mission, Geneva

CHILI/CHILE

Luciano CUERVO, Economista, Departamento de Propiedad Intelectual, Dirección General de Relaciones Económicas Internacionales, Ministerio de Relaciones Exteriores, Santiago

CHINE/CHINA

WU Kai, Deputy Director General, State Intellectual Property Office (SIPO), Beijing

SU Rusong (Ms.), Consultant, Copyright Division, Copyright Department, National Copyright Administration of China (NCAC), Beijing

CHYPRE/CYPRUS

Christina TSENTA (Ms.), Administrative Attaché, Permanent Mission, Geneva

COLOMBIE/COLOMBIA

Martha Irma ALARCÓN LÓPEZ (Sra.), Ministro Plenipotenciario, Misión Permanente, Ginebra

CONGO

Luc-Joseph OKIO, ambassadeur, représentant permanent, Mission permanente, Genève

Jean Marcellin MEGOT, premier conseiller, Mission permanente, Genève

Célestin TCHIBINDA, deuxième secrétaire, Mission permanente, Genève

COSTA RICA

Christian GUILLERMET, Representante Permanente Alterno, Misión Permanente, Ginebra

Carlos GARBANZO, Ministro Consejero, Misión Permanente, Ginebra

CÔTE D'IVOIRE

Tiémoko MORIKO, conseiller, Mission permanente, Genève

CUBA

Ernesto VILA GONZÁLEZ, Director General, Centro Nacional de Derecho de Autor,  
La Habana

Alina ESCOBAR DOMÍNGUEZ (Srta.), Tercer Secretario, Misión Permanente, Ginebra

DANEMARK/DENMARK

Niels HOLM SVENDSEN, Chief Legal Counsellor, Danish Patent and Trademark Office,  
Ministry of Economics and Business Affairs, Taastrup

ÉGYPTE/EGYPT

Hisham BADR, Ambassador, Permanent Representative, Permanent Mission, Geneva

Ahmed Ihab GAMAL EL DIN, Deputy Permanent Representative, Permanent Mission,  
Geneva

Mona Mohamed MOHAMED YEHIA (Mrs.), Head, Technical Information and Technology  
Department, Egyptian Patent Office, Academy of Scientific Research and Technology  
(ASRT), Ministry of Scientific Research, Cairo

Mohamed GAD, First Secretary, Permanent Mission, Geneva

Heba MUSTAPHA (Ms.), Second Secretary, Permanent Mission, Geneva

Karim HEGAZY, Third Secretary, United Nations Specialized Agencies Department,  
Ministry of Foreign Affairs, Cairo

EL SALVADOR

Juan Francisco MOREIRA MAGAÑA, Subdirector Ejecutivo, Dirección Ejecutiva, Centro  
Nacional de Registros, San Salvador

Martha Evelyn MENJIVAR CORTÉZ (Srta.), Consejera, Misión Permanente, Ginebra

ÉQUATEUR/ECUADOR

Mauricio MONTALVO, Embajador, Representante Permanente, Misión Permanente,  
Ginebra

Luis VAYAS, Consejero, Misión Permanente, Ginebra

María del Carmen VIVAR (Sra.), Miembro, Misión Permanente, Ginebra

Erika PAREDES (Srta.), Asistente, Misión Permanente, Ginebra

ESPAGNE/SPAIN

Javier Alfonso MORENO RAMOS, Director, Departamento de Coordinación Jurídica y Relaciones Internacionales, Oficina Española de Patentes y Marcas (OEPM), Ministerio de Industria, Turismo y Comercio, Madrid

Jaime JIMÉNEZ LLORENTE, Consejero Técnico, Departamento de Coordinación Jurídica y Relaciones Internacionales, Oficina Española de Patentes y Marcas (OEPM), Ministerio de Industria, Turismo y Comercio, Madrid

Raúl RODRÍGUEZ PORRAS, Vocal Asesor de Propiedad Intelectual, Subdirección General de Propiedad Intelectual, Ministerio de Cultura, Madrid

Jaime de MENDOZA FERNÁNDEZ, Jefe de Área, Subdirección General de Propiedad Intelectual, Ministerio de Cultura, Madrid

Dácil SÁNCHEZ GONZÁLEZ (Sra.), Pasante, Misión Permanente, Ginebra

Maria MUÑOZ MARAUER (Srta.), Pasante, Misión Permanente, Ginebra

ESTONIE/ESTONIA

Evelin KRÕLOV (Mrs.), Second Secretary, Permanent Mission, Geneva

ÉTATS-UNIS D'AMERIQUE/UNITED STATES OF AMERICA

Neil GRAHAM, Attorney Advisor, Office of Intellectual Property and Enforcement, United States Patent and Trademark Office (USPTO), Department of Commerce, Alexandria

Carrie LACROSSE (Ms.), Foreign Affairs Officer, Office of Intellectual Property Enforcement, Bureau of Economics, Energy and Business Affairs, U.S. Department of State, Washington, D.C.

Marina LAMM (Ms.), Attorney, Office of Enforcement, United States Patent and Trademark Office (USPTO), Department of Commerce, Alexandria

Michele J. WOODS (Ms.), Senior Counsel for Policy and International Affairs, United States Copyright Office, Library of Congress, Washington, D.C.

Paula C. Karol PINHA (Ms.), Attorney Advisor, Office of Policy and International Affairs, United States Copyright Office, Library of Congress, Washington, D.C.

Otto VAN MAERSSSEN, Economic Affairs Counsellor, Permanent Mission, Geneva

FÉDÉRATION DE RUSSIE/RUSSIAN FEDERATION

Mikhail FALEEV, Director, International Cooperation Department, Federal Service for Intellectual Property, Patents and Trademarks (ROSPATENT), Moscow

Elena KULIKOVA (Ms.), Head of Division, Legal Department, Ministry of Foreign Affairs, Moscow

FRANCE

Jacques PELLET, représentant permanent adjoint, Mission permanente, Genève

Brune MESGUICH-JACQUEMIN (Mme), Direction générale de la mondialisation, Sous-direction des affaires économiques internationales, Ministère des affaires étrangères et européennes, Paris

Delphine LIDA (Mlle), conseillère, Affaires économiques et développement, Mission permanente, Genève

GHANA

Loretta ASIYEDU (Mrs.), First Secretary, Permanent Mission, Geneva

GRÈCE/GREECE

Stella KYRIAKOU (Mrs.), Attaché, Permanent Mission, Geneva

GUINÉE/GUINEA

Aminata KOUROUMA-MIKALA (Mme), premier secrétaire, chargée des affaires économiques et commerciales, Mission permanente, Genève

GUINÉE ÉQUATORIALE/EQUATORIAL GUINEA

Flavia PECIU-FLORIANU (Miss), Secretary, Permanent Mission, Geneva

HAÏTI/HAITI

Pierre Mary Guy SAINT-AMOUR, conseiller, Mission permanente, Genève

INDE/INDIA

Gopinathan ACHAMKULANGARE, Ambassador, Permanent Representative, Permanent Mission, Geneva

Gopal KRISHNA, Joint Secretary, Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce and Industry, New Delhi

K. NANDINI (Mrs.), First Secretary, Permanent Mission, Geneva

INDONÉSIE/INDONESIA

Y. YASMON, Head, Program Planning Division, Directorate General of Intellectual Property Rights, Department of Law and Human Rights, Jakarta

Yasmi ADRIANSYAH, First Secretary, Permanent Mission, Geneva

Lina Mauludina ROSALIND (Miss), Intern, Permanent Mission, Geneva

IRAN (RÉPUBLIQUE ISLAMIQUE D')/IRAN (ISLAMIC REPUBLIC OF)

Abbas BAGHERPOUR ARDEKANI, Director, Department for Tribunals and International Law, Ministry of Foreign Affairs, Legal Department, Tehran

Ali NASIMFAR, Second Secretary, Permanent Mission, Geneva

IRAQ

Ahmed AL-NAKASH, Third Secretary, Permanent Mission, Geneva

IRLANDE/IRELAND

Brian HIGGINS, Second Secretary, Permanent Mission, Geneva

ISRAËL/ISRAEL

Aharon LESHNO-YAAR, Ambassador, Permanent Representative, Permanent Mission, Geneva

Ron ADAM, Deputy Permanent Representative, Permanent Mission, Geneva

Fona LANGER ZIV (Mrs.), Adviser, Permanent Mission, Geneva



ITALIE/ITALY

Pasquale D'AVINO, Minister Counsellor, Deputy Permanent Representative, Permanent Mission, Geneva

Ivana PUGLIESE (Mrs.), Senior Patent Examiner, Department for Enterprise and Internationalization, General Directorate for the Fight Against Counterfeiting, Italian Patent and Trademark Office, Ministry of Economic Development, Rome

Fabio VIGNOLA, Intern, Permanent Mission, Geneva

JAMAHIRIYA ARABE LIBYENNE/LIBYAN ARAB JAMAHIRIYA

Ibtissam SAAITE (Mrs.), Second Secretary, Permanent Mission, Geneva

JAPON/JAPAN

Shintaro TAKAHARA, Director, Multilateral Policy Office, International Affairs Division, General Affairs Department, Japan Patent Office (JPO), Tokyo

Takao TSUBATA, Deputy Director, International Affairs Division, General Affairs Department, Japan Patent Office (JPO), Tokyo

Kunihiko FUSHIMI, Deputy Director, Intellectual Property Affairs Division, Economic Affairs Bureau, Ministry of Foreign Affairs, Tokyo

Sayaka IWAMURA (Ms.), Official, International Affairs Division, Agency for Cultural Affairs, Tokyo

Satoshi FUKUDA, First Secretary, Permanent Mission, Geneva

Kiyoshi SAITO, First Secretary, Permanent Mission, Geneva

JORDANIE/JORDAN

Shehab A. MADI, Ambassador, Permanent Representative, Permanent Mission, Geneva

Mamoun THARWAT TALHOUNI, Director General, Department of the National Library, Amman

Muheeb NIMRAT, Deputy Permanent Representative, Permanent Mission, Geneva

Mohammed HINDAWI, Second Secretary, Permanent Mission, Geneva

Ghailan QUDAH, Third Secretary, Permanent Mission, Geneva

Ghadeer ELFAYEZ (Ms.), Advisor, Permanent Mission, Geneva

KENYA

Janet Martha KISIO (Mrs.), Senior Patent Examiner, Kenya Industrial Property Institute (KIPI), Nairobi

Rose Makena MUCHIRI (Mrs.), Counsellor, Permanent Mission, Geneva

KIRGHIZISTAN/KYRGYZSTAN

Askhat RYSKULOV, Counsellor, Permanent Mission, Geneva

LIBAN/LEBANON

Najla RIACHI ASSAKER (Mrs.), Ambassador, Permanent Representative, Permanent Mission, Geneva

Bachir SALEH AZZAM, First Secretary, Permanent Mission, Geneva

LUXEMBOURG

Christiane DALEIDEN DISTEFANO (Mme), représentant permanent adjoint, Mission permanente, Genève

MALAISIE/MALAYSIA

Rafiza ABDUL RAHMAN (Miss), Counsellor, Permanent Mission, Geneva

MAROC/MOROCCO

Mohamed EL MHAMDI, conseiller, Mission permanente, Genève

MAURICE/MAURITIUS

Bharatheedevi CORCEAL (Mrs.), Industrial Property Officer, Ministry of Foreign Affairs, Regional Integration and International Trade, Port Louis

Tanya PRAYAG-GUJADHUR (Mrs.), Second Secretary, Permanent Mission, Geneva

MEXIQUE/MEXICO

Juan José GÓMEZ CAMACHO, Embajador, Representante Permanente, Misión Permanente, Ginebra

Miguel CASTILLO PÉREZ, Subdirector Divisional, Relaciones Internacionales, Instituto Mexicano de la Propiedad Industrial (IMPI), México

María PINZON (Srta.), Especialista en Propiedad Industrial, Relaciones Internacionales, Instituto Mexicano de la Propiedad Industrial (IMPI), México

María Victoria ROMERO CABALLERO (Sra.), Primera Secretaria, Misión Permanente, Ginebra

José RAMÓN LÓPEZ, Segundo Secretario, Misión Permanente, Ginebra

MONACO

Carole LANTERI (Mlle), représentant permanent adjoint, Mission permanente, Genève

Gilles REALINI, troisième secrétaire, Mission permanente, Genève

MYANMAR

Khin Thidar AYE (Ms.), First Secretary, Permanent Mission, Geneva

NÉPAL/NEPAL

Binod Kumar UPADHYAY, Joint Secretary, Ministry of Industry, Kathmandu

NIGÉRIA/NIGERIA

Martin I. UHOMOIBHI, Ambassador, Permanent Representative, Permanent Mission, Geneva

Olusegun Adeyemi ADEKUNLE, Director, Nigerian Copyright Commission, Federal Ministry of Justice, Abuja

Chinyere AGBAI (Mrs.), Principal Assistant Registrar, Trademarks, Patents and Industrial Designs, Federal Ministry of Commerce and Industry, Abuja

Ositadinma ANAEDU, Minister, Permanent Mission, Geneva

Maigari Gurama BUBA, Counsellor, Permanent Mission, Geneva

Kunle OLA, Senior Copyright Officer and Personal Assistant to the Director General, Nigerian Copyright Commission, Federal Ministry of Justice, Abuja

OUZBÉKISTAN/UZBEKISTAN

Zebiniso NURITDINOVA (Miss), Specialist of International Relation and Patent Cooperation Division, State Patent Office of the Republic of Uzbekistan, Tashkent

PAKISTAN

Syed Ali Asad GILLANI, Counsellor, Permanent Mission, Geneva

PANAMA

Luz Celeste RÍOS DE DAVIS (Sra.), Directora General, Registro de la Propiedad Industrial, Ministerio de Comercio e Industrias, Panamá

PÉROU/PERU

Giancarlo LEÓN, Segundo Secretario, Misión Permanente, Ginebra

PARAGUAY

Federico A. GONZÁLEZ, Embajador, Representante Permanente, Misión Permanente, Ginebra

Raúl MARTÍNEZ, Segundo Secretario, Misión Permanente, Ginebra

PAYS-BAS/NETHERLANDS

Margreet GROENENBOOM (Ms.), Senior Policy Advisor, Ministry of Economic Affairs, The Hague

POLOGNE/POLAND

Grażyna LACHOWICZ (Miss), Head, International Cooperation Division, Patent Office of the Republic of Poland, Warsaw

PORTUGAL

Maria Luísa ARAÚJO (Ms.), Head, International Relations Department, National Institute of Industrial Property (INPI), Ministry of Justice, Lisbon

Luís Miguel SERRADAS TAVARES, Legal Advisor, Permanent Mission, Geneva

ROYAUME-UNI/UNITED KINGDOM

Mike FOLEM, Principal Hearings Officer, Hearings, Intellectual Property Office, Newport

Sib HAYER, Policy Advisor, International Institutions, International Policy Directorate, Intellectual Property Office, London

RÉPUBLIQUE ARABE SYRIENNE/SYRIAN ARAB REPUBLIC

Yasser SAADA, Director, Al-Bassel Fair for Inventions and Innovation, Ministry of Economy and Trade, Damascus

Souheila ABBAS, First Secretary, Permanent Mission, Geneva

RÉPUBLIQUE DÉMOCRATIQUE POPULAIRE LAO/LAO PEOPLE'S DEMOCRATIC REPUBLIC

Ratsamy PHANTHAVONG, Director, General Affairs and Dissemination Division, Department of Intellectual Property Standardization and Metrology, Science Technology and Environment Agency, Vientiane

RÉPUBLIQUE DE CORÉE/REPUBLIC OF KOREA

PARK Eun Kyuil (Ms.), Deputy Director, International Organization Division, Korean Intellectual Property Office (KIPO), Daejeon

PARK Seong-Joon, First Secretary, Permanent Mission, Geneva

RÉPUBLIQUE DE MOLDOVA/REPUBLIC OF MOLDOVA

Ion DANILIU, Deputy Director General, State Agency on Intellectual Property (AGEPI), Kishinev

RÉPUBLIQUE DOMINICAINE/DOMINICAN REPUBLIC

Ana Cristina CASTRO SÁNCHEZ (Sra.), Encargada Interina, División de Relaciones Internacionales, Oficina Nacional de Propiedad Industrial (ONAPI), Santo Domingo

Ysset ROMÁN MALDONADO (Srta.), Ministro Consejero, Misión Permanente, Ginebra

RÉPUBLIQUE POPULAIRE DÉMOCRATIQUE DE CORÉE/DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

SOK Jong Myong, Counsellor, Permanent Mission, Geneva

RÉPUBLIQUE TCHÈQUE/CZECH REPUBLIC

Kristína MAGDOLENOVÁ (Ms.), Expert, Copyright Department, Ministry of Culture, Prague

Lucie ZAMYKALOVÁ (Ms.), Senior Officer, Patent Law Issues, International Department,  
Industrial Property Office, Prague

Andrea PETRÁNKOVÁ (Ms.), Third Secretary, Permanent Mission, Geneva

RWANDA

Alphonse KAYITAYIRE, First Counsellor, Permanent Mission, Geneva

SAINT-SIÈGE/HOLY SEE

Silvano M. TOMASI, nonce apostolique, observateur permanent, Mission permanente,  
Genève

Carlo Maria MARENGHI, membre, Mission permanente, Genève

SÉNÉGAL/SENEGAL

Elhadji Ibou BOYE, deuxième conseiller, Mission permanente, Genève

SERBIE/SERBIA

Jelisaveta DJURIČKOVIĆ-TUVIĆ (Ms.), Chargé d'Affaires a.i., Minister Counsellor,  
Permanent Mission, Geneva

Emina KULENOVIĆ-GRUJIĆ (Ms.), Head, International Cooperation Group, Intellectual  
Property Office, Belgrade

Mara JOVANOVIĆ (Ms.), Senior Counsellor, International Cooperation Group, Intellectual  
Property Office, Belgrade

Vesna FILIPOVIĆ-NIKOLIĆ (Mrs.), Counsellor, Permanent Mission, Geneva

SINGAPOUR/SINGAPORE

Jaime HO, Deputy Permanent Representative, Permanent Mission to the World Trade Organization (WTO), Geneva

LIEW Li Lin (Ms.), First Secretary, Permanent Mission to the World Trade Organization (WTO), Geneva

SRI LANKA

Manorie MALLIKARATCHY (Mrs.), Second Secretary, Permanent Mission, Geneva

SUÈDE/SWEDEN

Christian NILSSON, Director, International Cooperation, Swedish Patent and Registration Office (SPRO), Stockholm

Henry OLSSON, Special Government Advisor, Division for Intellectual Property and Transport Law, Ministry of Justice, Stockholm

Claes ALMBERG, Legal Advisor, Division for Intellectual Property Law and Transport Law, Ministry of Justice, Stockholm

SUISSE/SWITZERLAND

Alexandra GRAZIOLI (Mme), conseillère juridique, Division droit et affaires internationales, Institut fédéral de la propriété intellectuelle (IPI), Berne

Lena PAPAGEORGIOU (Mme), conseillère juridique, Division droit et affaires internationales, Institut fédéral de la propriété intellectuelle (IPI), Berne

THAÏLANDE/THAILAND

Vijavat ISARABHAKDI, Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva

Kajit SUKHUM, Assistant Director General, Department of Intellectual Property, Ministry of Commerce, Bangkok

Tanyarat MUNGKALARUNGSU (Ms.), First Secretary, Permanent Mission, Geneva

Potchamas SAENGTHIEN (Miss), Third Secretary, Department of International Economic Affairs, Ministry of Foreign Affairs, Bangkok

Pongsiri VORAPONGSE, Third Secretary, Department of International Economic Affairs, Ministry of Foreign Affairs, Bangkok

Namyard NANTA (Miss), IP Officer, Department of Intellectual Property, Ministry of Commerce, Bangkok

TUNISIE/TUNISIA

Aymen MEKKI, directeur général, Institut national de la normalisation et de la propriété industrielle (INNORPI), Tunis

Mohamed Abderraouf BDIOUI, conseiller, Mission permanente, Genève

TURQUIE/TURKEY

Ismail GÜMÜS, Patent Examiner, International Affairs Department, Turkish Patent Institute, Ankara

Yeşim BAYKAL (Mrs.), Legal Advisor, Permanent Mission to the World Trade Organization (WTO), Geneva

UKRAINE

Roksolyana GUDZOVATA (Ms.), Chief Specialist, European Integration and International Cooperation Division, State Department of Intellectual Property (SDIP), Ministry of Education and Science, Kyiv

URUGUAY

Luis Alberto GESTAL, Encargado de División de Marcas, Dirección Nacional de la Propiedad Industrial (DNPI), Ministerio de Industria, Energía y Minería, Montevideo



VENEZUELA

Oswaldo REQUES OLIVEROS, Primer Secretario, Misión Permanente, Ginebra

VIET NAM

TA Quang Minh, Deputy Director General, National Office of Intellectual Property of Viet Nam, Hanoi

YÉMEN/YEMEN

Ibrahim AL-ADOOFI, Ambassador, Permanent Representative, Permanent Mission, Geneva

Fawaz AL-RASSAS, Second Secretary, Permanent Mission, Geneva

Asmaa Lutf KATAH (Mrs.), Diplomatic Attaché, Ministry of Foreign Affairs, Sana'a

ZAMBIE/ZAMBIA

Ngosa MAKASA (Ms.), Senior Examiner, Patents, Patent and Companies Registration Office, Lusaka

ZIMBABWE

Innocent MAWIRE, Senior Law Officer, Ministry of Justice and Legal Affairs, Harare

Garikai KASHITIKU, First Secretary, Permanent Mission, Geneva

II. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/  
INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

CONFÉRENCE DES NATIONS UNIES SUR LE COMMERCE ET LE DÉVELOPPEMENT  
(CNUCED)/UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT  
(UNCTAD)

Kiyoshi Adachi, Legal Officer, Division on Investment and Enterprise, Geneva

Mineko MOHRI (Mrs.), Intern, Intellectual Property Team, Policy Implementation Section,  
Geneva

ORGANISATION MONDIALE DE LA SANTÉ (OMS)/WORLD HEALTH ORGANIZATION  
(WHO)

Malebona MATSOSO (Mrs.), Director, WHO Secretariat on Public Health, Innovation and  
Intellectual Property, Geneva

Peter BEYER, Technical Officer, WHO Secretariat on Public Health, Innovation and  
Intellectual Property, Geneva

COMMISSION DES COMMUNAUTÉS EUROPÉENNES (CCE)/COMMISSION OF THE  
EUROPEAN COMMUNITIES (CEC)

Sergio BALIBREA SANCHO, Counsellor, Permanent Delegation, Geneva

Georgios KRITIKOS, First Secretary, General Secretariat of the Council of the European  
Union, Permanent Mission, Geneva

Claudia COLLA (Ms.), Legal and Policy Affairs Officer, Industrial Property,  
Directorate-General for the Internal Market and Services, Brussels

Anna DAHLBERG (Miss), Intern, General Secretariat of the Council of the European  
Union, Permanent Mission, Geneva

Ilaria CAMELI (Ms.), Intern, Permanent Delegation, Geneva

ORGANISATION RÉGIONALE AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE  
(ARIPO)/AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

Emmanuel SACKEY, Director, Training and Head of Search and Examination, Harare

LIGUE DES ÉTATS ARABES (LEA)/LEAGUE OF ARAB STATES (LAS)

Saad ALFARARGI, ambassadeur, représentant permanent, Délégation permanente, Genève

Youcef TILIOUANT, troisième secrétaire, Délégation permanente, Genève

Salah AIED, Délégation permanente, Genève

OFFICE EUROPÉEN DES BREVETS (OEB)/EUROPEAN PATENT OFFICE (EPO)

Isabel AURIA LANSAC (Miss), Lawyer, International Legal Affairs, Munich

ORGANISATION DE LA CONFÉRENCE ISLAMIQUE (OCI)/ORGANIZATION OF THE ISLAMIC CONFERENCE (OIC)

Aissata KANE (Mme), premier secrétaire, Délégation permanente, Genève

ORGANISATION EURASIENNE DES BREVETS (OEAB)/EURASIAN PATENT ORGANIZATION (EAPO)

Khabibullo FAYAZOV, Vice-President, Moscow

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

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

Josefita PARDO DE LEÓN (Ms.), Legal Affairs Officer, Intellectual Property Division, Geneva

GROUPE DES ÉTATS D'AFRIQUE, DES CARAÏBES ET DU PACIFIQUE (GROUPE DES ÉTATS ACP)/AFRICAN, CARIBBEAN AND PACIFIC GROUP OF STATES (ACP GROUP)

Marwa J. KISIRI, Ambassador, Head, Permanent Delegation, Geneva

Achille BASSILEKIN, Counsellor, Deputy Head, Permanent Delegation, Geneva

Zephyryn KOCOUCO POGNON, Intern, Permanent Delegation, Geneva

ORGANISATION INTERNATIONALE DE LA FRANCOPHONIE (OIF)

Libère BARARUNYERETSE, ambassadeur, représentant permanent, Délégation permanente, Genève

Sandra COULIBALY LEROY (Mme), représentant permanent adjoint, Délégation permanente, Genève

Cécile LEQUE (Mme), conseiller, Affaires économiques et du développement, Délégation permanente, Genève

SOUTH CENTRE

Viviana MUÑOZ (Ms.), Programme Officer, Geneva

Nirmalya SYAM, Programme Officer, Geneva

Heba WANIS (Ms.), Intern, Geneva

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

3 → Trade - Human Rights - Equitable Economy (3D)

Violette RUPPANNER (Ms.) (directeur, Genève); Emmanuel DALLE MULLE (assistant de programme, Genève)

Association américaine du droit de la propriété intellectuelle (AIPLA)/American Intellectual Property Law Association (AIPLA)

Albert TRAMPOSCH (Deputy Executive Director, Arlington, United States of America)

Association IQSensato (IQSensato)

Sisule F. MUSUNGU (President, Geneva); Poku ADUSEI (Representative, Montreal Q.C.); Susan ISIKO ŠTRBA (Mrs.) (Research Associate, Geneva)

Centre d'études internationales de la propriété intellectuelle (CEIPI)/Centre for International Intellectual Property Studies (CEIPI)

François CURCHOD (chargé de mission, Genolier)

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

Pedro ROFFE (Senior Fellow, Intellectual Property and Sustainable Development Programme, Geneva); Ahmed ABDEL LATIF (IPRs and Technology Programme Manager); Sakiko FUKUDA PAR (Associate Advisor, Geneva); Hannah LEONE (IPRs Intern, Geneva)

Centre pour le droit international de l'environnement (CIEL)/Centre for International Environmental Law (CIEL)

Baskut TUNCAK (Law Fellow, Intellectual Property and Sustainable Development Project, Geneva); Phillip WINTER (Representative, Geneva)

Conseil de coordination des associations d'archives audiovisuelles (CCAAA)/ Co-ordinating Council of Audiovisual Archives Associations (CCAAA)

Kurt DEGGELLER (Convenor, Basel)

CropLife International

Tatjana R. SACHSE (Ms.) (Representative, Geneva)

Electronic Frontier Foundation (EFF)

Gwen HINZE (Ms.) (Director, International Policy)

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

Luis COBOS (Presidente, Madrid); Miguel PÉREZ SOLÍS (Asesor Jurídico, Madrid); Carlos LÓPEZ SÁNCHEZ (Asesor Jurídico, Madrid); Paloma LÓPEZ PELÁEZ (Sra.) (Asesor Jurídico, Madrid); José Luis SEVILLANO (Asesor Jurídico, Madrid)

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

Guilherme CINTRA (Policy Analyst, Geneva)

Fédération internationale de l'industrie phonographique (IFPI)/International Federation of the Phonographic Industry (IFPI)

Gadi ORON (Senior Legal Advisor, London)

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

Bertrand MOULLIER (Senior Expert, International Affairs, Paris)

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

Scott MARTIN (Legal Advisor, Brussels); Theodore Michael SHAPIRO (Legal Advisor, Brussels)

Fédération internationale des associations de distributeurs de films (FIAD)/International Federation of Associations of Film Distributors (FIAD)

Antoine VIRENQUE (secrétaire général, Paris)

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

Anita HUSS (Mrs.) (General Counsel, Brussels)

Free Software Foundation Europe (FSF Europe)

Karsten GERLOFF (President, Berlin)

Institute for Policy Innovation (IPI)

Tom GIOVANETTI (President, Lewisville)

International Trademark Association (INTA)

Bruno MACHADO (Geneva Representative, Rolle)

Knowledge Ecology International (KEI)

Thiru BALASUBRAMANIAM (Representative, Geneva)

Organisation pour un réseau international des indications géographiques (oriGIn)/Organization for an International Geographical Indications Network (oriGIn)

Massimo VITTORI (Secretary General, Geneva); Ida PUZONE (Miss) (Project Manager, Geneva); Angela GARCIA (Miss) (Representative, Geneva)

The British-Swiss Chamber of Commerce (BSCC)

Michael A. MCKAY (Councillor, Member of the Executive Board and Chairman of the Geneva Chapter, Geneva)

Third World Network (TWN)

Sangeeta SHASHIKANT (Miss) (Legal Advisor, Geneva); Kappoori GOPAKUMAR (Legal Advisor, Geneva)

University of São Paulo's Research Group on Access to Information (GPOPAI)/Grupo de Pesquisa em Políticas Públicas para o Acesso à Informação (GPOPAI)

Bráulio Santos Rabelo DE ARAÚJO (Researcher, São Paulo)

#### IV. BUREAU/OFFICERS

Président/Chair:	Mohamed Abderraouf BDIOUI (Tunisie/Tunisia)
Vice-Président/Vice Chair:	Javier Alfonso MORENO RAMOS (Espagne/Spain)
Secrétaire/Secretary:	Irfan BALOCH (OMPI/WIPO)

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

Francis GURRY, directeur général/Director General

Geoffrey ONYEAMA, sous-directeur général, Secteur de la coordination concernant les relations extérieures, le monde de l'entreprise, les communications et la sensibilisation du public/Assistant Director General, Coordination Sector for External Relations, Industry, Communication and Public Outreach

Naresh PRASAD, directeur exécutif (Chef de Cabinet), Cabinet du directeur général/Executive Director (Chef de Cabinet), Office of the Director General

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

Yoshiyuki TAKAGI, directeur exécutif, Département de l'infrastructure mondiale en matière de propriété intellectuelle/Executive Director, Global IP Infrastructure Department

Herman NTCHATCHO, directeur principal, Bureau de l'assistance technique et du renforcement des capacités pour l'Afrique, Secteur de l'assistance technique et du renforcement des capacités/Senior Director, Technical Assistance and Capacity Building Bureau for Africa, Technical Assistance and Capacity Building Sector

Richard OWENS, directeur, Division des techniques et de la gestion du commerce électronique, Secteur du droit d'auteur et des droits connexes/Director, Copyright e-Commerce Technology and Management Division, Copyright and Related Rights Sector

Kiflé SHENKORU, directeur, Division pour les pays les moins avancés, Secteur de l'assistance technique et du renforcement des capacités/Director, Division for Least-Developed Countries, Technical Assistance and Capacity Building Sector

John TARPEY, directeur, Division des communications, Secteur de la coordination concernant les relations extérieures, le monde de l'entreprise, les communications et la sensibilisation du public/Director, Communications Division, Coordination Sector for External Relations, Industry, Communication and Public Outreach

Nuno PIRES DE CARVALHO, directeur par intérim, Division des défis mondiaux, Division des brevets/Deputy Director, Global Challenges Division, Patent Division

Wend WENDLAND, directeur par intérim, Division des savoirs traditionnels, PCT et Brevets, Centre d'arbitrage et de médiation et Questions mondiales de P.I./Acting Director, Traditional Knowledge Division, PCT and Patents, Arbitration and Mediation Center, and Global I.P. Issues

William MEREDITH, chef, Département de l'infrastructure mondiale en matière de propriété intellectuelle, Service mondial d'information/Head, Global IP Infrastructure Department, Global Information Service

Ali JAZAIRY, chef, Section de l'innovation et du transfert de technologie, Division des brevets/Head, Patent Division, Innovation and Technology Transfer Section

Francesca TOSO, chef de projet, Secteur de la coopération pour le développement/Project Manager, Cooperation for Development Sector

Joseph BRADLEY, chef, Section de la gestion et de l'exécution des programmes, Département de la gestion des finances, du budget et du programme, Secteur des affaires générales et de l'administration/Head, Program Management and Performance Section, Department of Finance, Budget and Program Management, General Affairs and Administration Sector

Bajoe WIBOWO, coordinateur des utilisateurs du projet, Secteur de la coopération pour le développement/Project User Coordinator, Cooperation for Development Sector

Esteban BURRONE, administrateur de programme, Division de la coordination du plan d'action pour le développement/Program Officer, Development Agenda Coordination Division

Paul REGIS, administrateur adjoint de programme, Division de la coordination du plan d'action pour le développement/Assistant Program Officer, Development Agenda Coordination Division

Georges GHANDOUR, consultant, Division de la coordination du plan d'action pour le développement/Consultant, Development Agenda Coordination Division

Usman SARKI, consultant, Division de la coordination du plan d'action pour le développement/Consultant, Development Agenda Coordination Division

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