
**CDIP/4/8/REV/TOR
ORIGINAL: ENGLISH
DATE: OCTOBER 20, 2010**

**TERMS OF REFERENCE FOR THE REVIEW OF WIPO'S TECHNICAL
ASSISTANCE ACTIVITIES IN THE AREA OF COOPERATION FOR
DEVELOPMENT**

prepared by the Secretariat

BACKGROUND

With the adoption of the WIPO Development Agenda (DA) in October 2007, the WIPO General Assembly called upon “all Member States, the Secretariat and other relevant WIPO bodies to ensure the immediate and effective implementation” of the 19 DA Recommendations that were considered to be for immediate implementation. The 2008 General Assembly extended this to all adopted Recommendations.

Subsequently, the Committee on Development and Intellectual Property (CDIP), at its 4th Session in Geneva, in November 2009, approved the “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”¹ which concerns the implementation of DA Recommendations 33², 38³ and 41⁴.

The Project is composed of two inter-dependent components:

Component 1: The design, development and establishment of a coherent results-based framework to support the monitoring and evaluation of the impact of WIPO’s activities on development, as well as the implementation of the Development Agenda Recommendations and the strengthening of capacity for objective development impact assessments of the Organization’s activities.

Component 2: Review of WIPO’s technical assistance in the area of cooperation for development.

The present document represents the Terms of Reference (ToR) for the Component 2 of the project and outlines the background, the scope and methodologies for conducting the independent review of WIPO’s technical assistance in the area of cooperation for development.

INTRODUCTION: WIPO’S TECHNICAL ASSISTANCE FOR DEVELOPMENT

Through its technical assistance for development, WIPO is committed to ensuring that developing countries and least developed countries are able to benefit from the use of IP for economic, cultural and social development.

The Development Sector⁵ coordinates the implementation of WIPO’s technical assistance and capacity building activities, including the work of the substantive sectors and programs, which aims at contributing towards the reduction of the

¹ CDIP/4/8 Rev.

² Recommendation 33: To request WIPO to develop an effective yearly review and evaluation mechanism for the assessment of all its development-oriented activities, including those related to technical assistance, establishing for that purpose specific indicators and benchmarks, where appropriate.

³ Recommendation 38: To strengthen WIPO’s capacity to perform objective assessments of the impact of the Organizations’ activities on development.

⁴ Recommendation 41: To conduct a review of current WIPO technical assistance activities in the area of cooperation for development.

⁵ Before July 1, 2010 called Cooperation Development Sector

knowledge gap and the greater participation of the developing and least developed countries (LDCs) in deriving benefits from the knowledge economy.

The Development Sector provides substantial guidance for the development of national IP Strategies/Plans of developing and least developed countries. Each plan is informed by the overarching development goals articulated by the country itself and these goals cascade through WIPO's nine Strategic Goals into the following four pillars guiding the work of the Sector as well as the development activities of other sectors within WIPO:

- development of national IP and Innovation policies and strategies;
- development of legislative and regulatory frameworks that promote a balanced IP system;
- building of modern state-of-the-art national IP administrative infrastructure and user support systems;
- human resource capacity building.

WIPO's technical assistance and capacity building activities is entirely guided by the national IP Strategies and Plans ensuring a needs-driven and results-based approach to the delivery of technical assistance for development.

PURPOSE

The purpose of the review is to conduct a macro level assessment of WIPO's technical assistance activities in the area of cooperation for development⁶ to ascertain their effectiveness, impact, efficiency and relevance. In addition, the review will seek to determine the adequacy of existing internal coordination mechanisms for WIPO's delivery of technical assistance for development, while acknowledging that the review will be conducted during a time when the Organisation is undergoing major changes in the way it operates and delivers services as articulated in the Director General's Strategic Realignment Program (SRP).

The main objective of the review will therefore be, within the context of the MTSP, the SRP and taking duly into account the WIPO Development Agenda (DA) Recommendations, to identify ways to improve WIPO's technical assistance activities in the area of cooperation for development including ways to develop WIPO's RBM framework to facilitate the monitoring and evaluation of the impact of WIPO's activities on development. A critical element in this would be to identify baselines for the relevant expected results and performance indicators, in cases where they have not yet been defined.

SCOPE

The review will focus on WIPO's technical assistance activities in the area of cooperation for development implemented in the biennium 2008/09 and activities in

⁶ As mentioned in CDIP/1/3, Development Agenda Recommendation 41 and CDIP/4/8 Rev.

progress in the biennium 2010/11. For the more in-depth country studies, the review will consider a longer period, i.e. at least six years, in order to facilitate the assessment of outcomes and impact.

The assessment will focus on all technical assistance for development provided by WIPO by both the Development Sector as well as other substantive Programs, such as Programs 1 (Patents), 2 (Trademarks, Industrial Designs and Geographical Indications), 3 (Copyright and Related Rights), 4 (Traditional Knowledge, Traditional Cultural Expressions and genetic Resources), Program 5 (The PCT System)⁷, and 18 (IP and Global Challenges).

KEY QUESTIONS

In the assessment of effectiveness, impact, efficiency and relevance of technical assistance activities for development, the review will seek to address the following key evaluation questions:

Effectiveness and impact

- What areas of support has WIPO's technical assistance for development focused on during the period under review and has there been any shift in WIPO's approach?
- What results have been achieved and/or what progress has been made at the country level by WIPO's technical assistance activities during the period under review, including development results?
- What is the role of WIPO's stakeholders (Government, IP Offices, universities, research and development institutions, NGOs, civil society,...) in achieving results and what general risks can be identified?
- To what extent does WIPO's technical assistance reflect the principles of the Development Agenda, in particular the 19 recommendations for immediate implementation?
- Considering that it might be too early to gauge impact of technical assistance delivered more recently, do the conditions for achieving long term impact seem to be in place (e.g. sustainability of results achieved, national absorptive capacity, ownership of the results at the national level, follow-up activities to facilitate processes, etc)? Which specific indicators, in addition to the examples mentioned

⁷ "Taking into account the recommendations by the third session of the PCT Working Group numbered 204*bis* and 211*bis* as quoted in the report of the meeting (paragraph 129 of document PCT/WG/3/14 Rev.), the review shall seek to address the "key evaluation questions" in this Terms of Reference with a view to reviewing and assessing how well the PCT system has been functioning in terms of realizing its aims of organizing technical assistance for developing countries, disseminating technical information and facilitating access to technology.

above, would be suitable for determining whether the conditions for achieving long term impact are in place?

- What tools and methodologies (benchmarking tools, tools and methodologies for developing national IP and Innovation Strategies,...) have been developed and are being used to deliver technical assistance and has the use of these tools been effective? Which additional tools and methodologies would be useful, if any?
- To what extent are policymakers at the country level informed about the WIPO Development Agenda and its impact on WIPO's activities?

Efficiency

- Are resources for technical assistance for development being used in the most cost-efficient manner? What cost efficiency measures could be introduced without impeding the achievement of results?
- What are the mechanisms in place for tracking the resource allocations for development-related activities and do they provide a sound basis for estimating the related expenditure?

Relevance

- Within the context of Development Agenda Recommendation 1⁸, which aspects of national IP and innovation strategies, socio-economic objectives and/or development priorities have WIPO's technical assistance activities been aligned with and how were these selected?
- What means are there to ensure continuing relevance vis-à-vis changing needs and new developments?

Program and project management

- Is the delivery of technical assistance underpinned by a strong development oriented results-based framework at both the institutional (WIPO) and at country level (e.g. in the national IP and innovation strategies)⁹?

⁸ DA Recommendations 1: WIPO technical assistance shall be, *inter alia*, development-oriented, demand-driven and transparent, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion. In this regard, design, delivery mechanisms and evaluation processes of technical assistance programs should be country specific.

⁹ DA Recommendation 1 should be considered in the context of this question.

- Are the performance measures in the Program and Budget for 2010/11 adequate to facilitate the measurement of achievement of development results? Have good baselines been established?
- Are projects increasingly implemented using good practice project management tools (planning, design, monitoring and evaluation) as per DA Recommendation 1 and are results frameworks at the project level adequately linked to Organizational Goals and Expected Results?
- Are adequate monitoring and evaluation mechanisms being put in place, both at the organizational and country level, to ensure that: a) information on results achieved is captured; b) information on progress made in the implementation of the 19 DA principles is available; c) lessons learned are generated for the design of future activities; and d) the future assessment of impact of technical assistance is facilitated (DA Recommendation 38)?

Coordination of technical assistance for development

- Are the roles and responsibilities internally within the Secretariat for the delivery of technical assistance for development clearly defined? The restructuring of the Development Sector and the redefining of its roles and responsibilities vis-à-vis the substantive sectors is expected to facilitate a more effective and efficient delivery of WIPO's technical assistance for development: What are the critical success factors?
- How is technical assistance for development coordinated within the Secretariat and with other intergovernmental bodies and do the existing coordination mechanisms facilitate an efficient and effective delivery of technical assistance for development? If not, what measures or mechanisms should be put in place to improve the delivery of technical assistance?

METHODOLOGY

The assessment will be conducted through a desk review of relevant documents within the Development Sector and other substantive Programs as appropriate. This will include national IP Strategies and Plans, where available. Pertinent documents related to the work of the Assemblies, the Program and Budget Committee (PBC) and CDIP will also be included in the desk review.

Completed country evaluations conducted by WIPO's independent Evaluation Section will be used to the extent possible to inform the review.

The desk review will be complemented by interviews internally with all Programs involved in the delivery of technical assistance.

Feedback from the beneficiaries of WIPO's technical assistance for development at the national level will be sought through a questionnaire survey. Information obtained

through the survey will be supplemented by field visits to six countries, which will be selected based on at least the following criteria:

- Geographical balance and stage of development;
- Representation of both developing countries and LDCs;
- Countries have received substantial technical assistance from WIPO during the period under review;
- Balance of “success cases” and less successful cases, based on the feedback from the questionnaire survey.

Additional criteria may be added by the Evaluation Team.

Field visits will incorporate interviews with a range of relevant stakeholders.

The review shall be conducted in accordance with the United Nations Evaluation Group (UNEG) Standards for Evaluation in the UN System¹⁰ and the UNEG Code of Conduct for Evaluation in the UN System¹¹.

PLANNING, CONDUCT AND MANAGEMENT OF THE REVIEW

Input from Member States at the CDIP will be sought on the draft ToR to ensure that the review addresses the issues of greatest interest to Member States.

The review will be managed by the Program Management and Performance Section (PMPS). In order to ensure full objectivity and independence of the review, PMPS's role will be limited to coordination and providing support to the external review team.

The review will be conducted by two independent external consultants selected by PMPS.

EXTERNAL REVIEW TEAM

The review team should possess the requisite skills and knowledge required to conduct the review in a credible and independent manner. The team should hence include one IP and development expert and one development evaluation expert, preferable also with some knowledge of IP related issues and experience in the delivery of technical assistance and capacity building activities in developing countries and LDCs. Once the team is in place, a Team Leader will be appointed who will be responsible for conducting the review and delivering the outputs as per the ToR.

EXPECTED OUTPUTS AND TIMELINE

The review is expected to be undertaken during the period June to November 2010. A first draft report with preliminary findings and recommendations will be made available

¹⁰ http://www.uneval.org/papersandpubs/documentdetail.jsp?doc_id=22

¹¹ <http://www.unevaluation.org/unegcodeofconduct>

by the review team to the Secretariat by mid-September 2010. A final report will be submitted by the review team to the Secretariat by the end of November 2010.

The review team will present its preliminary findings, conclusions and recommendations to Member States at the 6th session of the CDIP in November 2010. The final report, together with the comments of the Secretariat, will be submitted to Member States at the first session of the CDIP in 2011.

BUDGET

Budget Item Description	Unit cost SFR	Total SFR
Expert honoraria (2 experts, 40 days / expert)	1,000 / expert / day	80,000
3 missions to Geneva (2 experts, 1 week / expert / mission)	8,000 / mission	48,000
Field visits (2 experts, 6 countries)	8,000 / mission	48,000
2 briefing sessions for Member States (2 experts)	5,000 / mission	10,000
Publication, translation and distribution of final review report	n/a	8,000
Provision for unforeseen costs	n/a	2,000
Total budget		196,000

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