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REPORT ON WIPO'S CONTRIBUTION TO THE UNITED NATIONS'
MILLENNIUM DEVELOPMENT GOALS (MDGs)

Document prepared by the Secretariat

1. In the context of discussions on Development Agenda Recommendation 22, Member States, at the Second Session of the Committee on Development and Intellectual Property (CDIP), held from July 7 to 11, 2008, requested the International Bureau of the World Intellectual Property Organization (WIPO) to prepare a report on the Organization's contribution to the United Nations' Millennium Development Goals (MDGs).
2. The said report is contained in the Annex attached to this document.
3. *The CDIP is invited to take note of the information contained in the Annex to this document.*

[Annex follows]

ANNEX

1. At the Second Session of the Committee on Development and Intellectual Property (CDIP) held from July 7 to 11, 2008, Member States requested the International Bureau of the World Intellectual Property Organization (WIPO) to prepare a report on the Organization's contribution to the United Nations Millennium Development Goals (MDGs). The request, contained in paragraph 315, of the Report of the Second Session of the CDIP (CDIP/2/4), was made in the context of discussions on Development Agenda recommendation 22, which states:

“WIPO's norm-setting activities should be supportive of the development goals agreed within the United Nations system, including those contained in the Millennium Declaration. The WIPO Secretariat, without prejudice to the outcome of Member States considerations, should address in its working documents for norm-setting activities, as appropriate and as directed by Member States, issues such as: (a) safeguarding national implementation of intellectual property rules (b) links between intellectual property and competition (c) intellectual property-related transfer of technology (d) potential flexibilities, exceptions and limitations for Member States and (e) the possibility of additional special provisions for developing countries and LDCs”.

2. Following the request, an internal circular was issued to all Program Managers in the Organization calling for inputs to be made by each Sector/Division to the preparation of the report based upon a matrix developed by the Development Agenda Coordination Division (DACD). The matrix established links between WIPO's activities on the one hand and the various MDGs and their targets on the other. Following an Organization-wide consultation on the issue, inputs were received from the various Sectors/Divisions which form the basis for this report.

3. This report does not assess the impact of WIPO's work on the MDGs, but rather, provides an overview of how different aspects of the Organization's work, contribute to the achievement of the MDGs. In line with the Member States request, it looks at all WIPO activities and not only the norm-setting activities, which are the focus of Recommendation 22. Extensive references to the Development Agenda are made in the report because of the centrality of this initiative to WIPO's work, as well as the congruence of objectives between the WIPO Development Agenda and the MDGs.

4. It is important to note that while the report focuses on WIPO's contribution to the MDGs, it does not seek to make an empirical evaluation of the actual impact of such activities on the MDGs or on development more broadly. Such an assessment lies outside the scope of the present report and is being addressed by the Organization separately. In particular, under Development Agenda Project DA_33_38_41_01 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, WIPO will seek to enhance its capacity to perform objective assessments of its activities on development and will undertake a review of its technical assistance activities in the area of cooperation for development to help establish

¹ CDIP/4/8 Rev

baselines for further work. In addition, under the regular program activities of WIPO's Evaluation and Inspection Section, independent evaluations will be conducted throughout the 2010-11 biennium as per WIPO's Evaluation Policy.²

THE MILLENNIUM DEVELOPMENT GOALS

5. In September 2000, the United Nations General Assembly adopted the UN Millennium Declaration, committing countries to a new global partnership to reduce extreme poverty and setting out a series of goals and time-bound targets that have become known as the Millennium Development Goals³. The MDGs consist of eight goals and eighteen targets that address critical issues such as extreme poverty and hunger, education, gender inequality, child mortality, health, environmental sustainability, and global partnership for development. The target date for meeting the MDGs globally is 2015.

6. Among the MDGs, some appear to be more directly linked to the work of WIPO than others. In particular, reference has often been made to Goal 8, which includes, among its targets, direct references to making available the benefits of new technologies (target 5), to providing access to essential drugs in developing countries (target 4) and to developing further an open, rule-based, predictable, non-discriminatory trading system (target 3). For all such issues, intellectual property rights have a role to play and this has been repeatedly acknowledged in the reports of the *MDG 8 Gap Task Force*.⁴ IP rights also play an important role in a number of other MDGs, particularly all those for which science, innovation and technological development could be key to enhancing the capacity of countries to achieve the Goals.

7. In 2005, the UN Millennium Project, which had been commissioned by the UN Secretary-General to recommend a concrete action plan to achieve the MDGs, highlighted seven major intervention areas for meeting the MDGs, including one devoted to science, technology, and innovation. Highlighting the cross-cutting nature of innovation, which can contribute to fighting diseases, raising crop production, mobilizing new sources of energy, disseminating information, among others, the report noted that "meeting the Goals requires a special global effort to build scientific and technological capacities in the poorest countries—and to direct research and development toward specific challenges facing the poor."⁵ With respect to intellectual property rights, the report stated that "Intellectual property laws require a very delicate balance of market forces and public action—a balance unlikely to be the same for all countries" and called for IP norms to take into account the "levels of development and varying interests and priorities".^{6 7}

² WIPO, Program and Budget for the 2010/11 Biennium

³ United Nations, A/RES/55/2

⁴ The MDG Gap Task Force Report is produced annually and is available at:
<http://www.un.org/esa/policy/mdggap/>

⁵ The UN Millennium Project, *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals*, p. 92

⁶ The UN Millennium Project, p. 219

⁷ This language is similar to certain WIPO Development Agenda recommendations, including, for example, recommendation 15, which indicates that norm-setting activities shall take into account, *inter alia*, different levels of development and the interests and priorities of all WIPO Member States.

8. While meeting the goals remains high on the international agenda, the recent global economic downturn has impacted heavily on progress towards meeting the MDGs. The *Millennium Development Goals Report*, of 2009, noted that “Progress towards the goals is now threatened by sluggish – or even negative – economic growth, diminished resources, fewer trade opportunities for developing countries, and possible reduction in aid flows from donor nations”⁸. Against this background, it has become important for all stakeholders especially, specialized agencies of the United Nations system, to renew the commitment to the MDGs and pro-actively work towards their achievement.

WIPO, THE DEVELOPMENT AGENDA AND THE MDGs

9. The MDGs and other global development initiatives were at the forefront of the considerations of Member States of WIPO when they decided to launch the process for the establishment of a WIPO Development Agenda in October 2004. One of the objectives set out in the initial proposal submitted by a group of Member States to the WIPO General Assembly was to ensure that WIPO is “fully guided by the broad development goals that the UN has set for itself, in particular in the Millennium Development Goals”. Similar statements are to be found in a number of the proposals made by WIPO Member States during the negotiations that led to the adoption of the WIPO Development Agenda.⁹

10. At the heart of the WIPO Development Agenda is the notion that intellectual property rights should not be perceived as ends in themselves but as means to promote economic, social and cultural development. This is inspired by the objectives established in the Agreement with the United Nations in 1974 by which WIPO came to be recognized as a specialized agency of the UN system. Article 1 of the Agreement notes WIPO’s responsibility for taking action for, *inter alia*, “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 Agreement also tasks the Organization to provide technical assistance for development in the field of intellectual creation¹⁰. In addition, according to Article 10 of the Agreement, WIPO is to promote

⁸ UN, *Millennium Development Goals Report* (2009), page 4

⁹ For example, Document IIM/1/3: “This program [the WIPO Cooperation for Development Program] should be considered an essential element in supporting the Millennium Development Goals, derived from the Millennium Declaration and linked *inter alia* to intellectual property, i.e. “to develop a global partnership for development” and the inherent tasks.” (Proposal by Mexico on Intellectual Property and Development”). Document IIM/3/2: “All WIPO activities in regards to development should, as much as possible, be consistent with existing international frameworks such as the MDGs” (The African Proposal for the Establishment of a Development Agenda for WIPO). Document PCDA/1/4: “Consistent with the United Nations Millennium Development Goals (MDG), the WIPO Proposed Program and Budget for 2006/07 sets forth in Program 3 (Strategic Use of IP for Development) the following important objective: “To assist Member States in effectively utilizing the IP system for development, extending support to SMEs and implementing IP assets management capacity.” (Proposal by the United States of America to Establish a Partnership Program in WIPO: an Elaboration of Issues Raised in Document IIM/1/2)

¹⁰ Article 9 of the Agreement between the United Nations and the World Intellectual Property Organization

technology transfer in such a manner as to assist countries in attaining their objectives in the fields of science and technology and trade and development.¹¹

11. In October 2007, the WIPO General Assembly formally adopted the WIPO Development Agenda consisting of a set of 45 recommendations (grouped into six clusters) and established the Committee on Development and Intellectual Property (CDIP) with a mandate to: develop a work-program for implementation of the 45 adopted recommendations; monitor, assess, discuss and report on the implementation of all recommendations adopted, and for that purpose it shall coordinate with relevant WIPO bodies; and discuss IP and development related issues as agreed by the Committee, as well as those decided by the General Assembly.

12. The Development Agenda provided the WIPO Secretariat and its Member States a set of recommendations for further mainstreaming development considerations into all of WIPO's work in accordance with its mandate. Certain recommendations deal with how the organization is to undertake its technical assistance and capacity building activities, including legislative assistance (Cluster A); other recommendations relate to WIPO's norm-setting activities, including issues such as flexibilities, public policies and the public domain (Cluster B); a third set of recommendations deal with issues relating to technology transfer, information and communication technologies and access to knowledge (Cluster C); Cluster D seeks to enhance WIPO's work in the field of assessments, evaluation and impact studies; Cluster E is on insitutional matters, including mandate and governance issues and Cluster F contains a single recommendation on how the Organization is to approach enforcement issues.

13. Among the recommendations, several call for closer cooperation with other intergovernmental organizations (e.g. 15, 24, 30, 39 and 40), and recommendation 22 explicitly mentions the MDGs indicating that WIPO's norm-setting activities should be supportive of the development goals agreed within the UN system, including those contained in the Millennium Declaration. Recommendations 1, 13 and 15, require the Organization to closely take into account the different levels of development of countries and their needs and priorities when undertaking technical assistance, legislative assistance and norm-setting activities, respectively. A number of other key development issues are mentioned in the various recommendations, including, for example, small and medium-sized enterprises (recommendation 4), the informal economy (recommendation 34), the digital divide (recommendations 9 and 24), access to knowledge (recommendation 19) and the brain drain (recommendation 39), to name but a few.

14. In 2009, the High-level Task Force on the Implementation of the Right to Development undertook a review of the WIPO Development Agenda and considered the Development Agenda as a significant process in the context of MDG 8 (Target F on transfer of technology). The review concluded that the WIPO Development Agenda was "one of the most – and arguably the most - important of the current global initiatives in advancing the realization of the right to development".¹²

15. More generally, as a specialized UN agency with expertise on IP and a strengthened mandate to address development-related issues, WIPO is called upon to participate actively in

¹¹ Article 10 of the Agreement between the United Nations and the World Intellectual Property Organization

¹² Human Rights Council, A/HRC/15/WG.2/TF/CRP.1

international policy dialogues on the intersection between IP and global public policy issues. This requires close cooperation with diverse international partners, particularly within the United Nations system, in order to contribute to the shared search for solutions to the major challenges facing humanity, including challenges relating to climate change, food security, public health, and the protection of biodiversity. In that respect, WIPO has a special responsibility to make sure that Member States – particularly developing countries and LDCs confronted with fundamental economic, social and environmental challenges - have the policy tools and information needed to ensure that IP law, policy and practice do not conflict with broader public policy goals, but rather serve to advance those goals. Certain recent initiatives at WIPO, such as the mainstreaming of the Development Agenda across all relevant programs of the Organization, the launch of a number of projects to respond to Development Agenda recommendations, and the establishment of new Programs on IP and Global Challenges and on Economic Studies, Statistics and Analysis have been important steps in that direction and it will contribute to enhancing the capacity of WIPO to work alongside the international community in the achievement of the MDGs.

WIPO'S CONTRIBUTION TO THE MDGs

16. WIPO's support for the MDGs is being undertaken within the framework of its nine Strategic Goals and includes a wide variety of programs, committees activities and projects which in one way or the other have relevance to the achievement of the MDGs. The matrix presented below provides an overview of such programs, committees, activities and projects, which are subsequently explained in more detail. In some cases, the link with a given MDG target may be more direct than in others, but no attempt is made here to differentiate or rank activities in terms of their potential or actual contribution to the MDGs. The matrix provides a synopsis of the MDGs and their targets, as well their interface with the IP system and the various activities undertaken by WIPO.

MATRIX ON WIPO AND THE MILLENNIUM DEVELOPMENT GOALS (MDGs)

GOALS	TARGETS	INTERFACE WITH THE IP SYSTEM	RELEVANT IP RIGHTS	RELEVANT WIPO PROGRAMS / COMMITTEES / MAJOR ACTIVITIES	RELEVANT DA RECOMMENDATIONS / PROJECTS AND ACTIVITIES
<p>Goal 1: Eradicate Extreme Poverty and Hunger</p>	<p>Target 1: Halve, between 1990 and 2015, the proportion of people whose income is less than \$1 a day</p> <p>Target 2: Achieve full and productive employment and decent work for all, including women and young people</p> <p>Target 3: Reduce by half the proportion of people who suffer from hunger</p>	<p>IP and Agriculture</p> <p>IP and SMEs</p>	<p>Patents</p> <p>Utility Models</p> <p>Trademarks</p> <p>Geographical Indications</p> <p>Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions</p> <p>Plant Breeders' Rights</p> <p>Industrial Designs</p>	<p>Programs: 1,2,3, 4, 8, 9, 14, 18, 30</p> <p>The Committee on Development and Intellectual Property (CDIP)</p> <p>Standing Committee on the Law of Patents (SCP)</p> <p>The Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore (IGC)</p> <p>The Standing Committee on Copyright and Related Rights (SCCR)</p> <p>Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications</p> <p>Cooperation with the FAO, the International Treaty on Plant Genetic Resources for Food and Agriculture and UPOV.</p> <p>Patentscope® and associated patent services aiming at improving access to patent information</p> <p>Technical assistance and capacity building work in developing countries and LDCs, including for SMEs</p> <p>Legislative assistance in the fields of industrial property and copyright and related rights</p>	<p>Recommendations: 18, 22, 34</p> <p>Project DA_19_30_31: "Developing Tools for Access to Patent Information"</p> <p>Project DA_10_05: "Improvement of National, Sub-Regional and Regional IP Institutional and User Capacity"</p> <p>Project DA_19_25_26_28: "Intellectual Property and Technology Transfer" *</p>

* Project under consideration by the Committee on Development and Intellectual Property (CDIP).

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GOALS	TARGETS	INTERFACE WITH THE IP SYSTEM	RELEVANT IP RIGHTS	RELEVANT WIPO PROGRAMS / COMMITTEES / MAJOR ACTIVITIES	RELEVANT DA RECOMMENDATIONS / PROJECTS AND ACTIVITIES
Goal 2: Achieve Universal Primary Education	Target 1: Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling	IP, Education and Access to Knowledge	Copyright and Related Rights	Programs: 3, 8, 9 The Standing Committee on Copyright and Related Rights (SCCR) The Committee on Development and Intellectual Property (CDIP) Legislative advice in the field of copyright The WIPO Visually Impaired Persons (VIP) Initiative	Recommendations: 12, 13, 14, 16, 17, 19, 20, 22, 24, 27 Project DA_16_20_01: "Intellectual Property and the Public Domain" Project DA_19_24_27_01: "Intellectual Property, ICT, the Digital Divide and Access to Knowledge"
Goal 3: Promote Gender Equality and Empower Women	Target 1: Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015	Gender and IP	Cross-cutting. Not specific to any IP right	Gender mainstreaming within the institution and in the substantive programs of the Organization (e.g. in WIPO's capacity building work)	
Goal 4: Reduce Child Mortality	Target 1: Reduce by two thirds, between 1990 and 2015, the under-five mortality rate	IP and Innovation in pharmaceuticals IP and Access to Medicines	Patents	Programs 1, 8, 14, 18 The Committee on Development and Intellectual Property (CDIP) Standing Committee on the Law of Patents (SCP) WIPO's cooperation with relevant WHO programs, WTO and other international organizations Legislative advice in the field of patents, including work on flexibilities Patentscope® and associated patent services aiming at improving access to and use of patent information Capacity building programs on Innovation and Technology Transfer	Recommendations: 12, 13, 14, 22, 25, 26, 30, 31, 36, 40 Project DA_10_05: "Improvement of National, Sub-Regional and Regional IP Institutional and User Capacity" Project DA_19_30_31: "Developing Tools for Access to Patent Information" Project DA_19_25_26_28: "Intellectual Property and Technology Transfer" *

* Project under consideration by the Committee on Development and Intellectual Property (CDIP).

GOALS	TARGETS	INTERFACE WITH THE IP SYSTEM	RELEVANT IP RIGHTS	RELEVANT WIPO PROGRAMS / COMMITTEES / MAJOR ACTIVITIES	RELEVANT DA RECOMMENDATIONS / PROJECTS AND ACTIVITIES
Goal 5: Improve Maternal Health	Target 1: Reduce by three quarters the maternal mortality ratio Target 2: Achieve universal access to reproductive health	IP and Innovation in Pharmaceuticals IP and Access to Medicines	Patents	Programs 1, 8, 14, 18 The Committee on Development and Intellectual Property (CDIP) Standing Committee on the Law of Patents (SCP) WIPO's cooperation with relevant WHO programs, WTO and other international organizations Legislative advice in the field of patents, including work on flexibilities Patentscope® and associated patent services aiming at improving access to and use of patent information Capacity building programs on Innovation and Technology Transfer	Recommendations: 12, 13, 14, 22, 25, 26, 30, 31, 36, 40 Project DA_10_05: "Improvement of National, Sub-Regional and Regional IP Institutional and User Capacity" Project DA_19_30_31: "Developing Tools for Access to Patent Information" Project DA_19_25_26_28: "Intellectual Property and Technology Transfer" * Document on Flexibilities in the patent system (CDIP/5/7)

* Project under consideration by the Committee on Development and Intellectual Property (CDIP).

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GOALS	TARGETS	INTERFACE WITH THE IP SYSTEM	RELEVANT IP RIGHTS	RELEVANT WIPO PROGRAMS / COMMITTEES / MAJOR ACTIVITIES	RELEVANT DA RECOMMENDATIONS / PROJECTS AND ACTIVITIES
<p>Goal 6: Combat HIV/AIDS, Malaria and Other Diseases</p>	<p>Target 1: Have halted by 2015 and begun to reverse the spread of HIV/AIDS</p> <p>Target 2: Achieve, by 2010, universal access to treatment for HIV/AIDS for all those who need it</p> <p>Target 3: Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases</p>	<p>IP and Innovation in Pharmaceuticals</p> <p>IP and Access to Medicines</p>	<p>Patents</p>	<p>Programs 1, 8, 14, 18</p> <p>The Committee on Development and Intellectual Property (CDIP)</p> <p>Standing Committee on the Law of Patents (SCP)</p> <p>Cooperation with relevant WHO programs, WTO and other international organizations</p> <p>Legislative advice in the field of patents, including work on flexibilities</p> <p>Activities of the Global Challenges and IP program</p> <p>Patentscope® and associated patent services aiming at improving access to and use of patent information</p> <p>Capacity building work on Innovation and Technology Transfer</p>	<p>Recommendations: 12, 13, 14, 22, 25, 26, 30, 31, 36, 40</p> <p>Project DA_10_05: "Improvement of National, Sub-Regional and Regional IP Institutional and User Capacity"</p> <p>Project DA_19_30_31: "Developing Tools for Access to Patent Information"</p> <p>Project DA_19_25_26_28: "Intellectual Property and Technology Transfer" *</p> <p>Document on Flexibilities in the patent system (CDIP/5/7)</p>

* Project under consideration by the Committee on Development and Intellectual Property (CDIP).

GOALS	TARGETS	INTERFACE WITH THE IP SYSTEM	RELEVANT IP RIGHTS	RELEVANT WIPO PROGRAMS / COMMITTEES / MAJOR ACTIVITIES	RELEVANT DA RECOMMENDATIONS / PROJECTS AND ACTIVITIES
<p>Goal 7: Ensure Environmental Sustainability</p>	<p>Target 1: Integrate the principles of sustainable development into country policies and programs and reverse the loss of environmental resources</p> <p>Target 2: Reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss</p> <p>Target 3: Halve, by 2015, the proportion of the population without sustainable access to safe drinking water and basic sanitation</p> <p>Target 4: By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers</p>	<p>IP and Environmental Technology</p> <p>IP and Genetic Resources</p> <p>IP and Technology Transfer</p>	<p>Patents</p> <p>Utility Models</p> <p>Plant Breeders' Rights</p> <p>Traditional Knowledge and Genetic Resources</p>	<p>Programs: 1, 4, 8, 9, 14, 18</p> <p>The Committee on Development and Intellectual Property (CDIP)</p> <p>Inter-Governmental Committee on Traditional Knowledge, Genetic Resources and Folklore (IGC)</p> <p>Standing Committee on the Law of Patents (SCP)</p> <p>Patentscope® and associated patent services aiming at improving access to and use of patent information</p> <p>Legislative advice on patents and on issues relating to IP and genetic resources</p> <p>Cooperation with UNEP and relevant multilateral environmental agreements</p> <p>Activities of the Global Challenges and IP program</p> <p>2009 World IP Day devoted to Green Innovation</p>	<p>Recommendations: 12, 13, 14, 18, 22, 25, 26, 30, 36, 40</p> <p>Project DA_19_30_31: "Developing Tools for Access to Patent Information"</p> <p>Project DA_19_25_26_28: "Intellectual Property and Technology Transfer" *</p>

* Project under consideration by the Committee on Development and Intellectual Property (CDIP).

GOALS	TARGETS	INTERFACE WITH THE IP SYSTEM	RELEVANT IP RIGHTS	RELEVANT WIPO PROGRAMS / COMMITTEES / MAJOR ACTIVITIES	RELEVANT DA RECOMMENDATIONS / PROJECTS AND ACTIVITIES
<p>Goal 8: Develop a Global Partnership for Development</p>	<p>Target 1: Address the special needs of least developed countries, landlocked countries and small island developing states</p> <p>Target 2: Develop further an open, rule-based, predictable, non-discriminatory trading and financial system</p> <p>Target 3: Deal comprehensively with developing countries' debt</p> <p>Target 4: In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries</p> <p>Target 5: In cooperation with the private sector, make available benefits of new technologies, especially information and communications</p>	<p>IP and Trade</p> <p>IP and Access to Medicines</p> <p>IP and Innovation (particularly in pharmaceuticals)</p> <p>IP and Technology Transfer</p> <p>IP and ICTs</p>	<p>Patents</p> <p>Utility models</p> <p>Copyright and Related Rights</p> <p>Trademarks</p>	<p>Programs: 1, 3, 8, 9, 18, 20</p> <p>The Committee on Development and Intellectual Property (CDIP)</p> <p>Standing Committee on the Law of Patents (SCP)</p> <p>The Standing Committee on Copyright and Related Rights (SCCR)</p> <p>Cooperation with the WTO</p> <p>Legislative advice on industrial property and copyright and related rights, including work on flexibilities</p> <p>Patentscope® and associated patent services aiming at improving access to and use of patent information</p> <p>Cooperation with relevant WHO programs, WTO and other international organizations</p> <p>Activities of the Global Challenges and IP program</p> <p>Activities of the Division for Least-Developed Countries</p> <p>Capacity building programs on Innovation and Technology Transfer</p>	<p>Recommendations: 2, 12, 14, 19, 22, 24, 25, 26, 27, 29, 30, 31, 40</p> <p>Project DA_02_01: "Conference on Mobilizing Resources for Development"</p> <p>Project DA_08_01: "Specialized Databases' Access and Support"</p> <p>Project DA_10_03: "Innovation and Technology Transfer Support Structure for National Institutions"</p> <p>Project DA_10_05: "Improvement of National, Sub-Regional and Regional IP Institutional and User Capacity"</p> <p>Project DA_19_24_27: "IP, ICTs, the Digital Divide and Access to Knowledge"</p> <p>Project DA_19_30_31: "Developing Tools for Access to Patent Information"</p> <p>Project DA_19_25_26_28: "Intellectual Property and Technology Transfer" *</p> <p>Document on Flexibilities in the patent system (CDIP/5/7)</p>

* Project under consideration by the Committee on Development and Intellectual Property (CDIP).

MDG 1: Eradicate Extreme Poverty and Hunger

17. In relation to target 3 of this MDG, the IP system plays an important role in the agricultural sector, in particular to agricultural innovation and food security. The recent establishment of the Program on IP and Global Challenges, with one of its priorities to deal with issues relating to IP and food security, has enhanced WIPO's activities in this area. WIPO's role is to act as a dialogue partner and a source of technically sound analysis and assistance to enhance understanding on this complex issue. Central to this work is the analysis and dissemination of information on the use of IP as a public policy tool to address food security. To this effect, WIPO has convened and will continue to convene a series of public policy symposia focused on current cross-cutting issues such as biotechnology, public sector IP management, patent landscaping and life sciences regulation.

18. In order to improve access to relevant technologies, WIPO is developing certain policy tools such as patent landscapes on technology relating to crops of particular interest to developing countries and LDCs. These include, for example, landscapes on the rice genome and on gene promoters relevant to rice, maize, potato and soybean¹³. The Development Agenda Project DA_19_30_31 on "Developing Tools for Access to Patent Information" will be an integral part of that endeavor, and will seek to develop further WIPO's patent landscaping work for selected agricultural technologies to be defined in partnership with relevant inter-governmental organizations (IGOs). The project will also enhance the capacity of local institutions (for example, technological innovation support centers (TISCS)) to use patent information and to develop analytical reports based on patent information. In addition, the proposed Development Agenda project DA_19_25_26_28_01 on "Intellectual Property and Technology Transfer" currently under consideration in the CDIP, could also contribute to WIPO's work in this area, together with ongoing work at WIPO in building capacity for innovation and the transfer of technology in local institutions in developing countries.

19. Cooperation with international partners will be central to WIPO's work in this area. In particular, WIPO will also continue to cooperate closely with the FAO (for example, by supporting the FAO International Technical Conference on Agricultural Biotechnologies in Developing Countries), the International Treaty on Plant Genetic Resources for Food and Agriculture (IT-PGRFA) and the International Union for the Protection of New Varieties of Plants (UPOV).

20. In addition to issues related to agriculture, countries' capacity to achieve this Goal could also be enhanced through the role IP can play in enhancing the competitiveness of domestic enterprises in developing countries and LDCs, which in turn can have an impact on employment (target 2). Incentives, in the form of IP rights, built around balanced policies, laws and institutions can incentivize and empower creators, inventors and innovators to add value to, and benefit economically from, their creations; enhance enterprise competitiveness, particularly that of micro, small and medium-sized enterprises; enable them to better differentiate and brand their products and generally make the economy better prepared to attract local and foreign investments. In that respect, WIPO's Small and Medium-sized Enterprises Program plays a role through its ongoing work in raising awareness and building capacity among SMEs and SME support institutions on the use of the IP system to generate

¹³ This work was originally requested to WIPO by the FAO Commission on Genetic Resources for Food and Agriculture. Reference is made to documents CGRFA/MIC-2/04/Inf.5 and IT/GB-1/06/Inf.17.

value among SMEs in the marketplace. The Development Agenda Project DA_10_05 on “Improvement of National, Sub-regional and Regional IP Institutional Capacity”, which on the one hand seeks to support the development of national IP strategies that are dove-tailed to countries’ development plans and, on the other, aims to support institutions to provide improved IPR support services to SMEs will also make a contribution in this area.

21. WIPO’s work in the field of traditional knowledge, traditional cultural expressions and genetic resources also contributes to this MDG. Appropriate protection of traditional knowledge, traditional cultural expressions and genetic resources can contribute to ensuring that local communities who conserve and maintain these resources receive a fair share of economic benefits derived from their exploitation. Communities can also be empowered to trade in culturally-distinct goods and services they derive from their knowledge systems and traditional creativity.

22. Among the committees that undertake work that is relevant to this Goal, in addition to the CDIP, are the Standing Committee on the Law of Patents (SCP), The Standing Committee on Copyright and Related Rights (SCCR), the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) and the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).

MDG 2: Achieve Universal Primary Education

23. Copyright and related rights play a part in the realization of this Goal and its target of making primary education accessible to children everywhere. In particular, legislative advice in the use of flexibilities in the IP system to access the Internet and also obtain published materials can make a huge difference in the attainment of policy objectives in the area of education and access to knowledge.

24. The Standing Committee on Copyright and Related Rights (SCCR) has initiated discussions and implementation of practical measures aimed at providing better access to copyright-protected works by the blind, visually impaired (VIP) and other reading-disabled persons. This includes establishment of a stakeholders’ platform with the central aim of developing solutions that make published works available in accessible formats in a reasonable time frame, thereby enhancing access to literary, artistic and scientific works. A draft treaty has also been proposed by a group of countries to develop a harmonized set of international copyright exceptions for the benefit of the VIP and other persons with reading impairments. These activities will enable countries to devise relevant policies to support dissemination and equitable access to knowledge and educational materials with a view to promote human development through higher education which directly contributes in attainment of target 1 of Goal 2 of the MDG.

25. Further, the following thematic projects of the Development Agenda contribute to achieving Goal 2, target 1 of the MDGs:

(a) Project DA_16_20_01: “Intellectual Property and the Public Domain”. The copyright component of this project involves a series of surveys, studies and awareness raising events aimed at clarifying what constitutes the public domain in different jurisdictions. A particular focus will be given to registration and documentation systems in place in WIPO

Member States, and to how those systems might contribute to identifying freely accessible content, including educational material.

(b) Project DA_19_24_27_01: “Intellectual Property, ICT, the Digital Divide and Access to Knowledge”. The copyright component of this project entails a study on the role that the copyright system could play in enabling access to ICTs and to information and knowledge. The aim is to provide Member States with relevant information on legislations and public policies linked to the use of the copyright system in order to enhance access to knowledge in three key areas: education and research; software development; and e-information services.

MDG 4: Reduce Child Mortality; MDG 5: Improve Maternal Health and MDG 6: Combat HIV/AIDS, Malaria and Other Diseases and Target 5 of MDG 8

26. The IP system, and in particular the patent system, can play a pivotal role in relation to health-related development objectives, i.e. those relating to child mortality (MDG 4), maternal health (MDG 5), combating malaria, HIV/AIDS and other forms of diseases in developing countries and LDCs (MDG 6) and providing access to affordable essential drugs (MDG 8, Target 4), given the centrality of patents in relation to innovation in the pharmaceutical field and the potential effects on access to medicines.

27. WIPO has a central role in the international policy debate on intellectual property in the context of public health. In cooperation with other partners, WIPO, through its recently established Program on Global Challenges and IP, the Patent Program and its Programs on the development of a Global IP Infrastructure, aims to serve as a source of solid, technically sound and neutral information on current policy issues in this area. This includes, for example, the organization of a series of highly topical public policy symposia focused on the interface of IP and public health in order to facilitate factual exchange of views and experiences; the development of practical information tools in the form of policy briefs on current and emerging issues in this area; the analysis of the patent landscape in key areas of technology with the view to making information stemming from the intellectual property system more widely and easily available (including in the context of project DA_19_30_31); and the provision of legislative advice to Member States in line with countries’ development needs and priorities making use of the flexibilities available under the international IP system. With respect to the latter, a separate document is being presented to CDIP/5 on patent flexibilities (Document CDIP/5/7).

28. The cooperation and dialog with other international partners, such as WHO, WTO, and UNCTAD, but also with regional and national organizations as well as with NGOs, the private sector and academia, is an important aspect of WIPO’s work in the area of public health. WIPO has engaged actively with the WHO in the context of the adoption of the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property (GSPOA) and has committed itself to working closely with the WHO and the WTO to identify and provide its contribution to the implementation of the GSPOA. Furthermore, WIPO supports with its IP expertise the Intergovernmental Meeting (IGM) on Pandemic Influenza Preparedness: Sharing of Influenza Viruses and Access to Vaccines and other Benefits (e.g. through the development of a Working Paper on Patent Issues Related to Influenza Viruses and their Genes, which included a preliminary Patent Landscape for the H5 virus), the initiative of the Special Programme for Research and Training in Tropical Diseases

(TDR) to set up an African Network for Drugs and Diagnostics Innovation (ANDI), and the UNITAID Medicines Patent Pool Initiative that aims at establishing a voluntary patent pool for medicines with an initial focus on increasing access to newer antiretroviral medicines and encouraging the development of new formulations. WIPO also participates actively, in cooperation with WTO, in training activities on intellectual property and its public health implications.

29. Concerning the current work of the SCP, the main areas of work that may relate directly to these goals/targets include the work on technology transfer (study presented to SCP/14) and the work on exclusions to patentability and exceptions and limitations to patent rights, where a preliminary study prepared by the Secretariat had been submitted to SCP/13, and a broader study on the same issue prepared by external experts will be submitted to SCP/15. In addition, the Conference on IP and Public Policy Issues held in July 2009 that was generated in the SCP, was partly devoted to issues relating to public health. More broadly, given the SCP's mandate as a forum to discuss issues, facilitate coordination and provide guidance concerning the development of balanced international patent law, and the important role of patents in relation to innovation in the field of pharmaceuticals and access to medicines, the work of the Committee would contribute to the ability of countries' to attain the health-related MDGs.

MDG 7: Ensure Environmental Sustainability

30. Environmentally sound technologies may play a significant role in addressing a variety of environmental concerns, such as those relating to climate change, the loss of biodiversity, desertification and hazardous wastes, to name a few. The IP system, as a mechanism to promote innovation and creativity and to facilitate the transfer and dissemination of technology, potentially contributes to the search for solutions to a number of global challenges in the environmental field.

31. Over recent years, WIPO has enhanced its work on the interface between IP and the environment and to this effect has strengthened its cooperation with relevant IGOs. In 2008, a policy forum on Patent Landscaping and Transfer of Technology under Multilateral Environmental Agreements was organized to foster a better understanding of the types of IP issues that may arise in the context of the implementation of MEAs. In July 2009, a major WIPO international conference on IP and Public Policy Issues was partly devoted to green technology, including adaptation and mitigation technologies and the transfer of green technologies. In the field of climate change, WIPO promotes policy dialogue on IP and climate change and provides IP expertise in the negotiations of the Conference of the Parties (COP) to the UN Framework Convention on Climate Change (UNFCCC). To this end, it co-organized side events at COP 14 and 15 and developed policy materials, in particular an issues paper on IP and Climate Change¹⁴. Tools are also under development to improve access to relevant technologies through WIPO's patent information services: a first step has been a Technology Focus on alternative energy. This service provides access to published international patent applications related to selected alternative energy technologies, i.e. solar, wind, wave and tidal power, hydrogen production and storage, fuel cells as well as carbon capture and storage. In the context of Development Agenda project DA_19_30_31, a number

¹⁴ See: http://www.wipo.int/patentscope/en/lifesciences/ip_climate.html. A special issue of the WIPO Magazine in 2009 also focused on this issue.

of patent landscape reports are foreseen in the field of environmental technologies, which will be identified in consultation with the relevant IGOs.

32. WIPO has also cooperated closely with the Convention on Biological Diversity (CBD), in particular on issues relating to disclosure requirements and on technology transfer under the CBD. This has included, for example, the preparation of a Technical Study on Disclosure Requirements in Patent Systems Related to Genetic Resources and Traditional Knowledge at the invitation of the CBD COP, prepared by the WIPO IGC with inputs from many WIPO Member States¹⁵, and the joint paper prepared with the CBD and UNCTAD on “The Role of Intellectual Property Rights in Technology Transfer in the Context of the Convention on Biological Diversity”¹⁶.

MDG 8: Develop a Global Partnership for Development

33. MDG 8 addresses a range of different issues and targets some of which are very closely linked to the work and mandate of WIPO. In relation to Target 1, WIPO’s program for Least Developed Countries (LDCs) seeks to support LDCs in the use of the IP system to promote their economic and social development through activities designed to their specific needs and priorities. In 2009, WIPO held a High-Level Forum on the Strategic Use of Intellectual Property for Prosperity and Development, on July 23 and 24, 2009, which urged the Organization to intensify its capacity-building assistance for LDCs and to support these countries in improving competitiveness of their enterprises through regular access to new technologies. The Declaration also appealed to development partners to make more funds available for LDC-specific projects. The latter issue is also being addressed through the Development Agenda project DA_02_01 which seeks *inter alia*, to establish Trust-Funds or other voluntary funds within WIPO specifically for LDCs.

34. Target 2 relates to the development of an open, rule-based, predictable, non-discriminatory trading and financial system. Through its inclusion in various trade agreements, including the TRIPS Agreement of the WTO and various bilateral or plurilateral trade agreements, the intellectual property system has been recognized as a central component of the international trading system. WIPO regularly provides technical and legislative assistance to countries for the implementation of the TRIPS Agreement, within the framework of its agreement with the WTO which entered into force in 1996¹⁷, and for the implementation of any other relevant trade agreements that address IP issues.¹⁸ In addition, WIPO regularly contributes to the WTO Trade Policy Courses and to national or sub-regional workshops on issues relating to TRIPS implementation, flexibilities and public policies to support countries in the implementation of the TRIPS agreement in a manner that is consistent with their development needs and priorities.

35. With respect to Target 4, reference is made to the text relating to MDGs 4, 5, 6 and target 4 of the MDG 8 (see paragraphs 25 to 28 above), which encompasses WIPO’s activities

¹⁵ WIPO publication 786(E)

¹⁶ Available at:

<http://www.cbd.int/doc/meetings/ttc/egttstc-02/other/egttstc-02-oth-techstudy-en.pdf>

¹⁷ Agreement Between the World Intellectual Property Organization and the World Trade Organization, 1995.

¹⁸ In line with recommendation 14 of the Development Agenda, this includes advice on the implementation and operation of the rights and obligations and use of flexibilities contained in the TRIPS Agreement

relating to the health-related MDGs and its cooperation with the relevant programs of the WHO and other IGOs. The *MDG Gap Task Force Report*¹⁹ for 2009 highlighted the need to “make maximum use of the TRIPS Agreement as it pertains to essential medicines” and the use of the flexibilities available under that agreement as an important action to be undertaken to meet this target. Through its legislative assistance to Member States, WIPO is well placed to continue to undertake this important work.

36. Intellectual property rights also play a central role in the achievement of target 5 of this MDG²⁰ and a wide range of WIPO activities and projects, including projects under the WIPO Development Agenda, can be mentioned in relation to it. One initial aspect in making available the benefits of new technology is to enhance access to the wealth of technological information contained in patent documents. In this area, WIPO has made significant strides over recent years, in the context of the Patentscope® project, which has resulted in making available and easily searchable the technological information contained in over 1.6 million published international patent applications as well as in a number of national and regional patent collections.²¹ The digitization of national and regional patent collections and making them available for search by the general public will continue to be a priority for the Organization, including in the context of the Development Agenda project DA_19_24_27_01.

37. In the context of Development Agenda project DA_08_01, a range of different activities that are relevant to this MDG are being developed. In the first instance, a network of Technology Innovation Support Centers (TISCs) are being established to provide assistance regarding patent information and innovation support services to local users in developing countries and LDCs that will enable them to access relevant technological information. The TISCs are being located in national patent offices, universities, academia, industry associations, chambers of commerce and science and technology parks and extensive training is foreseen to support their development. A second component of the project is the Access to Research for Development and Innovation (aRD_i) program which provides free online access to major scientific and technical journals to local, not-for-profit institutions in least-developed countries and low-cost access to industrial property offices in developing countries across the world. The aRD_i program, launched in July 2009, has been developed in close cooperation with similar programs already established by certain UN agencies in their respective field of activity, namely, the HINARI program (WHO), the AGORA program (FAO) and the OARE program (UNEP). In line with the UN MDGs, aRD_i is scheduled to continue until at least 2015²². Finally, the project also aims to provide developing countries and LDCs with free-of-charge or low-cost access to commercial patent databases that may be useful for undertaking prior art searches.

38. Other relevant Development Agenda projects include:

(a) Project DA_10_03: The Project will create and test or, where they exist, update and improve, a series of modules and materials relating to managing IP rights (particularly

¹⁹ United Nations, MDG Gap Task Force Report: “Strengthening the Global Partnership for Development in a Time of Crisis” (2009)

²⁰ Target 5 reads: “In cooperation with the private sector, make available benefits of new technologies, especially information and communications”

²¹ In its first phase, the program has included the patent data collections of eight patent offices: the African Regional Intellectual Property Organization (ARIPO), Cuba, Israel, Republic of Korea, Mexico, Singapore, South Africa and Vietnam.

²² Partners' Statement of Intent, available at: <http://www.wipo.int/ardi/en/statement.html>

patents) by academic and research institutions, including on the setting up and running of technology transfer offices at public research organizations, exploring technology transfer mechanisms (in particular, licensing agreements) and enhancing the capacity to draft patents. The Project will include the development of a single portal on WIPO's website for the promotion of local innovation and technology transfer activities through improving IP infrastructure and IP management in developing countries.

(b) Project DA_10_05: The relevant component of this project seeks to strengthen national IP institutional capacity through the development of a conceptual framework for the formulation of national IP strategies that are in line with the development needs of countries and promote a fair balance between IP protection and the public interest. This should contribute to enhancing the capacity of countries to make use of the IP system for the promotion of innovation, creativity and the transfer and dissemination of technology.

(c) Draft Project DA_19_25_26_28_01: The proposed project seeks to explore initiatives and IP-related policies to enhance international technology transfer, particularly for the benefit of developing countries. The draft project is currently under discussion in the CDIP and addresses Development Agenda recommendations 19, 25, 26 and 28.

39. In the context of the SCP, the main area of work that may relate directly to this target includes the work on technology transfer for which a paper was presented to SCP/14 and which remains on the agenda for SCP/15. WIPO's ongoing capacity building work on innovation and technology transfer, which focuses on developing countries and LDCs, is also an important element of WIPO's contribution to meeting this Goal.

40. In relation to ICTs, the SCCR has been fostering informed discussions between Member States and relevant stakeholders on issues such as limitations and exceptions, the protection of audiovisual performances and the protection of broadcasting organizations to clarify the international copyright and related rights legal framework and to take into account the development of new technologies. The Committee has also been promoting effective implementation of the Internet Treaties, taking into account the built-in flexibilities of these instruments. This legal environment provides the necessary framework for development of a balanced system of protection which enhances Member States' capacity to make use of copyright and information and communication technologies (ICTs) in the digital marketplace. Further, Development Agenda project DA_19_24_27_01: "Intellectual Property, ICT, the Digital Divide and Access to Knowledge" aims at enhancing access to ICTs as recommended under target 5: the copyright component of the project entails a study on the role that the copyright system could play in enabling access to ICTs and to information and knowledge.

WIPO'S APPROACH FOR FUTURE WORK ON THE MDGs

41. Mainstreaming development considerations into all relevant WIPO programs and ensuring that WIPO contributes to the achievement of internationally agreed development goals and targets, including the MDGs, have been some of the pillars of the process that led to the establishment of the WIPO Development Agenda in October 2007 by WIPO's General Assembly. The Development Agenda has laid out the modalities to achieve that through a set of 45 recommendations and the establishment of a Committee on Development and Intellectual Property (CDIP). Effective implementation of the Development Agenda is

therefore, central to WIPO's contribution to the MDGs and would continue to guide the Organization to strengthen the development dimensions of its work. Similarly, the targets established under the MDGs will continue to guide WIPO's development work. The creation of a webpage on the WIPO website on "WIPO and the MDGs" would contribute to enhancing transparency and visibility of WIPO's work in this area²³.

42. Strengthening cooperation with other inter-governmental organizations (IGOs), in line with recommendation 40 of the Development Agenda, will be key to WIPO's efforts to contribute to addressing global challenges, such as those relating to public health, climate change or food security. To this effect, in February 2010, WIPO held its First Information and Consultation Meeting with Intergovernmental Organizations on the Implementation of the WIPO Development Agenda to explore cooperation and enhance coordination in the implementation of activities that contribute to the implementation of the WIPO Development Agenda. Similar meetings will be held regularly in order to ensure that IGOs can respond in a coordinated manner to the needs of Member States and to ensure that WIPO's implementation efforts rely on the necessary inputs from organizations with complementary expertise.

43. In addition, WIPO would continue to cooperate closely with other agencies in policy processes in which IP expertise may be required and in which WIPO may be able to provide substantive contributions, such as the GSPOA of the WHO or negotiations on climate change under the UNFCCC. An important part of these endeavors will be to enhance WIPO's participation in the relevant initiatives, committees and task forces within the UN system that coordinate the work of UN organizations on issues relating to the MDGs²⁴.

[End of Annex and of document]

²³ This would be similar to equivalent web pages of other United Nations (UN) agencies, such as the Food and Agriculture Organization (FAO), the International Telecommunications Union (ITU), the United Nations Environment Programme (UNEP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Children's Fund (UNICEF) and the World Health Organization (WHO)

²⁴ While WIPO is already a member of the Chief Executive Board of the UN and regularly participates in its high-level committees, the Organization could, for example, join other agencies in the task force for preparing the annual MDG 8 Gap Task Force Report and similar initiatives.