

Committee on Development and Intellectual Property (CDIP)

Eighth Session
Geneva, November 14 to 18, 2011

FUTURE WORK PROGRAM ON FLEXIBILITIES IN THE INTELLECTUAL PROPERTY SYSTEM

prepared by the Secretariat

1. The Committee on Intellectual Property and Development (CDIP) at its sixth and seventh sessions considered document CDIP/6/10. At the seventh session, the Secretariat was requested to update the strategy for implementation of the work program on flexibilities and to revise the annex providing details of World Intellectual Property Organization (WIPO)'s activities related to flexibilities in the intellectual property (IP) system. Accordingly, the present document provides the updated information.
2. It is recalled that, at the fifth session of the CDIP, held from April 26 to April 30, 2010, the Secretariat was requested to present a proposed work program on flexibilities for the consideration of the Committee. The Summary by the Chair for the fifth session of the CDIP states that;

“the CDIP discussed document CDIP/5/4 on Patent-Related Flexibilities in the Multilateral Framework and their Legislative Implementation at the National and Regional Levels, noted its contents as a preliminary document, with the understanding that the Secretariat will revise it to reflect the comments from Member States and include new flexibilities. The Secretariat would submit to the CDIP a proposed program of work on flexibilities in other areas, avoiding duplication of work with other Committees of WIPO”.

The present document addresses Recommendations 13, 14, 17, 22 and 25 of the WIPO Development Agenda.

3. The following elements of future work program on IP flexibilities were considered by the Committee:

A. WORK IN THE AREA OF PATENTS

At the sixth session of the CDIP, Member States considered document CDIP/5/4 Rev., providing a revised version of the document taking into account the comments of Member States made during the fifth session of the CDIP. In addition to the flexibilities discussed in CDIP/5/4 Rev., at its seventh session, the CDIP considered document CDIP/7/3 on Patent-Related Flexibilities in the Multilateral Legal Framework and their Legislative Implementation at the National and Regional Levels - Part II. Together, these two documents addressed the following ten flexibilities in the field of patents:

- (a) compulsory licenses and government use;
- (b) exhaustion of rights;
- (c) research exemption;
- (d) regulatory review exception;
- (e) utility models;
- (f) transitional periods;
- (g) patentability of substances existing in nature;
- (h) disclosure-related flexibilities;
- (i) ex-officio IP Office control of contractual anticompetitive clauses; and
- (j) examination systems.

With respect to document CDIP/7/3, while very constructive comments were expressed by delegates on specific and concrete points of the document, the Committee decided to leave this document open for future comments and contributions. Therefore, this document remains open for those purposes, while the program for future work in this area is still to be agreed by the Committee.

B. STOCKTAKING OF WIPO'S ACTIVITIES RELATING TO FLEXIBILITIES IN THE INTELLECTUAL PROPERTY SYSTEM

The table at the Annex provides a summary of activities undertaken by WIPO related to the area of flexibilities, including work in the principal normative fields of copyright (including the work of the SCCR), patents (including the SCP), trademarks, industrial designs and geographical indications (including the SCT), and enforcement (including the ACE), and in the course of WIPO's provision of technical assistance and capacity building activities including through seminars, meetings, training materials and legislative advice.

In addition to the activities reported in the Annex, a number of activities addressing the above-mentioned recommendations and related to the issue of flexibilities have been undertaken by the Development Sector of WIPO, including the WIPO Academy. For these activities, please refer to the database on WIPO's technical assistance activities. These activities have also been

covered by the Program and Performance Reports for 2010, with respect to programs 9, 10 and 11. Further information will be provided under the Program and Performance Reports for 2011.

Based on the stocktaking of existing work presented in the Annex, the Committee may consider:

- (a) work on flexibilities in the intellectual property system which may potentially be included in a future work program for this area; and
- (b) where any such future work should take place within WIPO in order to make best use of available resources and avoid duplication.

C. TECHNICAL ASSISTANCE IN THE USE OF FLEXIBILITIES

At its sixth and seventh sessions, the Committee considered the elements of a proposed strategy for WIPO's technical assistance in the area of flexibilities. In accordance with those discussions the following actions have been taken to implement the agreed strategy:

(a) Information on IP flexibilities has been incorporated in the WIPO technical assistance program. The Regional Bureaus and the concerned sectors have been requested to ensure that information on flexibilities is appropriately included in the provision of technical assistance at the request of Member States. It may be recalled that, in accordance with the strategic directions for the Organization as regards the delivery of technical assistance, the role of the Regional Bureaus, Development Sector (DS) is to act as custodian of country plans and maintain a strategic overview of the technical assistance requirements of Member States. The Bureaus of the DS, coordinate with the substantive areas of WIPO to ensure that the requested legal assistance is provided. In that context, the Bureaus examine national intellectual property plans and strategies and consult with policy makers at the national level as to national policy objectives in order to provide the most effective technical assistance.

(b) A webpage has been developed and published in English, French and Spanish on the WIPO website dedicated to flexibilities in the IP system (at <http://www.wipo.int/ip-development/en/agenda/flexibilities/>). As agreed by the Member States, the webpage contains:

- (i) A roadmap providing guidance on WIPO's work on flexibilities in the substantive sectors and Committees;
- (ii) A database containing provisions on national legislation related to flexibilities in the intellectual property system. The database at present contains information on patent-related flexibilities drawn from the Patent-Related Flexibilities in the Multilateral Legal Framework and their Legislative Implementation at the National and Regional Levels – Parts I and II, as considered by the Committee. The Member States have requested that the database be presented to the Committee, prior to being made publicly available. Accordingly, the Secretariat will present the database to the Committee by means of oral and Powerpoint presentation, for its approval.

The Committee may wish to consider whether further studies are needed to identify flexibilities in the fields of copyright and trademarks and design, for eventual inclusion in the database.

During discussions on document CDIP/6/10, it was proposed by some delegations that the database or webpage could also make available information on national experiences and case studies to enable the Member States to share practical

information and best practices related to the implementation of flexibilities in intellectual property law at the national level. However, it is clear that the Organization cannot with authority or within its mandate identify and describe such experiences in implementing flexibilities at the national level, which are linked to each country's national public policy objectives and/or national intellectual property strategy. If the Member States so request, however, the webpage could include a facility similar to the IP Advantage database which would enable countries to share their experience and best practices in the implementation of flexibilities. Member States could be invited to submit descriptions of their relevant experiences to the Secretariat, which would input the data. The Committee may consider the implementation of such a facility.

(iii) Links to literature and resources on flexibilities produced by the Secretariat and WIPO-commissioned experts, and links to resources on flexibilities produced by other relevant international organizations, such as the World Trade Organization (WTO), the World Health Organization (WHO), the Food and Agriculture Organization (FAO), and the United Nations Commission on Trade and Development (UNCTAD).

(c) Steps have been taken through internal communications and briefings to ensure that colleagues involved in providing technical assistance across the sectors of the Secretariat are aware of this strategy on the use of flexibilities in intellectual property, and continue to integrate appropriate techniques for diffusion of information to Member States.

(d) At the request of Member States, national and regional level seminars have been organized and are planned in future activities with a view to exchange practical experiences on implementation of flexibilities. Details are included in the Annex to this document.

4. The Committee is invited to consider the information provided in this document and its Annex.

[Annex follows]

SUMMARY OF ACTIVITIES UNDERTAKEN BY WIPO RELATED TO FLEXIBILITIES IN THE INTELLECTUAL PROPERTY SYSTEM

A. Patents Utility Models, Integrated Circuits and Undisclosed Information

<i>Description of activity</i>	<i>Status (completed/ ongoing/ proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
Comments on Patent Law of a country in the Latin American and Caribbean Region	Completed	Aug.12, 2009	Written document with comments	Comments are used as an input by the Authorities when considering the revision/implementation of the legal framework
Comments on Patents, Utility Models, Integrated Circuits of a country in the Asian and Pacific Region	Completed	Sept. 11, 2009	Written document with comments	Comments are used as an input by the Authorities when considering the revision/implementation of the legal framework
Comments on Patents, Utility Models, Integrated Circuits of a country in the Arab Region	Completed	Nov.6, 2009	Written document with comments	Comments are used as an input by the Authorities when considering the revision/implementation of the legal framework
Comments on Patents and Integrated Circuits of a country in the Central European and Baltic Region	Completed	Dec.17, 2009	Written document with comments	Comments are used as an input by the Authorities when considering the revision/implementation of the legal framework

Comments on Patents and Utility Models of a country in the Central European and Baltic Region	Completed	May 6, 2010	Written document with comments	Comments are used as an input by the Authorities when considering the revision/implementation of the legal framework
Comments on Patents, Utility Models, Integrated Circuits and Undisclosed Information of a country in the Arab Region	Completed	July 8, 2010	Written document with comments	Comments are used as an input by the Authorities when considering the revision/implementation of the legal framework
Comments on Patents, Utility Models, Integrated Circuits and Undisclosed Information of a country in the Arab Region	Completed	Sept. 8, 2010	Written document with comments	Comments are used as an input by the Authorities when considering the revision/implementation of the legal framework
Comments on Patents and Undisclosed Information of a country in the African Region	Completed	July 1, 2010	Written document with comments	Comments are used as an input by the Authorities when considering the revision/implementation of the legal framework
Comments on Patents and Utility Models Law of a country in the Latin American and Caribbean Region	Completed	Oct. 15, 2010	Written document with comments	Comments are used as an input by the Authorities when considering the revision/implementation of the legal framework
Comments on the implementation of FTAs in the IP Law of a country in the Latin American and Caribbean Region	Completed	Oct. 20, 2010	Written document with comments	Comments are used as an input by the Authorities when considering the revision/implementation of the legal framework

<i>Description of activity</i>	<i>Status (completed/ ongoing/ proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
Comments on Patents and Utility Models of a country in the African Region	Completed	Dec. 20, 2010	Written document with comments	Comments are used as an input by the Authorities when considering the revision/implementation of the legal framework
Comments on Patents, Utility Models, Integrated Circuits and Undisclosed Information of a country in the Arab Region	Completed	Dec. 20, 2010	Written document with comments	Comments are used as an input by the Authorities when considering the revision/implementation of the legal framework
Draft Act on Inventions, Integrated Circuits and Undisclosed Information for a country in the Arab Region	Completed	Oct. 20, 2009	Written document with comments	A Draft Law has been prepared for the Authorities' consideration, taking into account the obligations and flexibilities available for the country within the international legal framework
Draft Act on Patents and Utility Models for a country in the Asian and Pacific Region	Completed	Oct. 23, 2009	Written document with comments	A Draft Law has been prepared for the Authorities' consideration, taking into account the obligations and flexibilities available for the country within the international legal framework
Modified Draft Act on Patents and Utility Models for a country in the Asian and Pacific Region	Completed	March 4, 2010	Written document with comments	A modification, requested during a mission in the concerned country, of the first Draft Law has been prepared for the Authorities' consideration, taking into account the obligations and flexibilities available for the country within the international legal framework

<i>Description of activity</i>	<i>Status (completed/ ongoing/ proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
Draft Act on Patents, Utility Models and Integrated Circuits for a country in the Asian and Pacific Region	Completed	April 16, 2010	Written document with comments	A Draft Law has been prepared for the Authorities' consideration, taking into account the obligations and flexibilities available for the country within the international legal framework
Draft Act on Inventions, Integrated Circuits and Undisclosed Information for a country in the African Region	Completed	Nov. 12, 2010	Written document	A Draft Law has been prepared for the Authorities' consideration, taking into account the obligations and flexibilities available for the country within the international legal framework
Draft Act on Patents and Utility Models for a country in the Asian and Pacific Region	Completed	Oct. 22, 2010	Written document with comments	A Draft Law has been prepared for the Authorities' consideration, taking into account the obligations and flexibilities available for the country within the international legal framework
Mission – Country in the Asian and Pacific Region	Completed	Aug.31 - Sept. 4, 2009		Formal consultations to discuss options available as well as to gather information on country needs and priorities. It is useful to better explain some legal or policy options that derive from the text under consideration
Mission - Country in the Asian and Pacific Region	Completed	Nov.10 - 11, 2009		Formal consultations to discuss options available as well as to gather information on country needs and priorities. It is useful to better explain some legal or policy options that derive from the text under consideration

<i>Description of activity</i>	<i>Status (completed/ ongoing/ proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
Mission - Country in the Arab Region	Completed	Feb 15 - 18, 2010		Formal consultations to discuss options available as well as to gather information on country needs and priorities in order to best present legal and policy options that derive from the text under consideration
Mission - Country in the Latin American and Caribbean Region	Completed	May 11 - 12, 2010		Formal consultations to discuss options available as well as to gather information on country needs and priorities in order to best present legal and policy options that derive from the text under consideration
Mission - Country in the Arab Region	Completed	May 17 - 18, 2010		Formal consultations to discuss options available as well as to gather information on country needs and priorities in order to best present legal and policy options that derive from the text under consideration
Mission - Country in the Arab Region	Completed	Oct. 2 - 4, 2010		Formal consultations to discuss options available as well as to gather information on country needs and priorities in order to best present legal and policy options that derive from the text under consideration
Mission - Country in the Arab Region	Completed	April 18 - 20, 2011		Formal consultations to discuss options available as well as to gather information on country needs and priorities in order to best present legal and policy options that derive from the text under consideration

<i>Description of activity</i>	<i>Status (completed/ ongoing/ proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
Participation in seminar organized by the Organization of Eastern Caribbean States (OECS): Consultation on the review process of Art. 27.3(b) and the relationship with the International agenda on these matters (SCP and IGC)	Completed	Oct. 28 - 29, 2009		The seminar focused on the patent multilateral legal framework and the flexibilities available within the multilateral framework on patentable subject of living material, with particular attention to the multilateral current agenda discussions
Participation in a WTO – African Regional Seminar for English Speaking Countries	Completed	Jan. 20 - 22, 2010		Awareness raising on the use of flexibilities available within the multilateral framework
Participation in workshop organized by WIPO and an Arab country: Seminar on IP and Development	Completed	May 17 - 18, 2010		Awareness raising on the use of flexibilities available within the multilateral framework
Participation in a WTO National Seminar on the TRIPs Agreement in a country of the South Pacific Region	Completed	Oct. 13 - 14, 2010		Awareness raising on the use of flexibilities available within the multilateral framework

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Participation in the central American Ministerial level meeting	Completed	Dec. 2, 2010		Awareness raising on the use of flexibilities available within the multilateral framework
Participation in sub-regional workshop in a central American country	Completed	Dec. 15 -16, 2010		Awareness raising on the use of flexibilities available within the multilateral framework
Participation in the WTO Regional Workshop for Latin American Countries, in a Central American country	Completed	March 8 -10, 2011		Awareness raising on the use of flexibilities available within the multilateral framework
Participation in the WIPO National Workshop on Industrial property, the TRIPs Agreement and Flexibilities in an Arab country	Completed	April 3 - 7, 2011		Awareness raising on the use of flexibilities available within the multilateral framework
Participation in the National Workshop on IP and Public Policies in a Latin American country	Completed	May, 11-13, 2011		Awareness raising on the use of flexibilities available within the multilateral framework

<i>Description of activity</i>	<i>Status (completed/ ongoing/ proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
WIPO Regional Seminar on the Effective Implementation and Use of Several Patent-Related Flexibilities in a country of the Asian Region	Completed	March 29-31, 2011		During the three-day Seminar, participants (23 participants from 16 countries) were exposed to the various aspects of patent law and the multilateral legal framework, as well as to flexibilities available within the multilateral legal framework. After each expert presentation, delegates from invited countries reported on their own country developments (in assigned topics according to the program). Thus, the seminar was a good occasion for participants to share experiences on the flexibilities' implementation process within countries in the Asia and the Pacific region. Discussions primarily covered five distinct topics, namely: (i) patentable subject matter; (ii) compulsory licenses; (iii) exhaustion of rights; (iv) research exemption; and (v) regulatory review exception.

<i>Description of activity</i>	<i>Status (completed/ ongoing/ proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
<p>Consultation with delegations about Patent Laws of their country</p> <ul style="list-style-type: none"> - Visit of a Delegation from a country of the South Pacific region - Visit of four Delegates of a country of the African Region for working session on the Draft IP Laws, 	Completed	<p>Oct. 25 - 26, 2010</p> <p>Jan. 17-21, 2011</p>		<p>Discussions, analysis and consultations on the implementation of the Patents Law of the interested countries including the multilateral legal framework and the alternatives for the use of flexibilities available within the multilateral framework</p>
<p>Participation in meetings and presentations in Geneva</p> <ul style="list-style-type: none"> - High level study visit of delegates from a country of the Arab Region - WIPO-WTO Advanced Course on Intellectual Property for Government Officials - Study Visit of five diplomats from an Arab country at WIPO 	Completed	<p>Feb., 2010</p> <p>May 16 to 27, 2011</p> <p>June 6 to 8, 2011</p>		<p>Awareness raising on the patent system, including the multilateral legal framework and the alternatives for the use of flexibilities available within the multilateral framework</p>

<i>Description of activity</i>	<i>Status (completed/ ongoing/ proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
Elaboration of three documents on Patent related flexibilities	Completed		CDIP/5/4 CDIP/5/4 Rev. CDIP/7/3	Submitted for consideration of the CDIP sessions 5, 6 and 7, respectively.
Report on the International Patent System	Documents completed Discussions ongoing at the SCP	Feb. 3, 2009 (SCP/12/2 Rev.2) Oct. 12, 2009 (SCP/14/6) Aug. 27, 2010 (SCP/15/2)	Documents SCP/12/2 Rev.2, SCP/14/6, SCP/15/2	The Report served as a basis for discussions at the Standing Committee on the Law of Patents (SCP)
Preliminary study on exclusions from patentable subject matter and exceptions and limitations to the rights	Document completed; Discussions ongoing at the SCP	Feb. 4, 2009	Document SCP/13/3	The preliminary study served as a basis for discussions at the SCP
Study on Exclusions from Patentability and Exceptions and Limitations to Patentees' Rights established by external experts	Document completed; To be discussed in the SCP	Published on WIPO's website Sept. 2, 2010	Document SCP/15/3	To be discussed in the SCP. Possible follow-up to be decided by Member States
Various preliminary studies prepared for the SCP (other than the one listed above)	Documents completed; Discussions ongoing at the SCP	Various dates 2009 - 2010	For example, documents SCP/13/2, SCP/14/4, SCP/14/5	The preliminary studies served as a basis for discussions at the SCP

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WIPO Academy: Interregional Intermediate Seminar on Industrial Property	Completed	June 2011	Training course	Enhanced knowledge of the participants on implementation and operation of the rights and flexibilities contained in the TRIPS Agreement
WIPO Academy: WIPO Summer Schools	Completed	May, June, July, August, September 2011	Summer School	Enhanced knowledge of young professionals and senior students on the TRIPS flexibilities
All training activities of WIPO Academy introduce Development Agenda, including flexibilities	Ongoing	Annually, starting in 2009	Introduction of Development Agenda and flexibilities	Enhanced awareness of the Development Agenda

B. Trademarks, Industrial Designs and Geographical Indications

<i>Description of activity</i>	<i>Status (completed/ongoing/proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
Program 2, and work of the SCT: Balanced evolution of the international normative framework for IP in relation to trademarks, industrial designs and geographical indications	Completed	N/A	SCT working documents (WIPO/STrad/INF/3) http://www.wipo.int/export/sites/www/sct/en/meetings/pdf/wipo_strad_inf_3.pdf	N/A
A number of outcomes offering some form of flexibilities to Member States in their application, starting with the legal form in which they were adopted, are being discussed in the SCT	Completed	N/A		N/A
Opposition procedures are dealt with in the SCT	Completed	N/A	(Doc. WIPO/STrad/INF/4) http://www.wipo.int/export/sites/www/sct/en/meetings/pdf/wipo_strad_inf_4.pdf	N/A
Grounds for refusal for all types of marks	Completed		(Doc. SCT/23/2) http://www.wipo.int/edocs/mdocs/stlt/en/sct_23/sct_23_2.pdf	

<i>Description of activity</i>	<i>Status (completed/ ongoing/ proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
Technical and procedural aspects relating to registration of collective and certification marks			(Doc. SC/23/3) http://www.wipo.int/edocs/mdocs/sct/en/sct_23/sct_23_3.pdf	
The Singapore Treaty and the work of the Working Group for review of Rule 3(4) to (6) of the Singapore Treaty with related outcomes	Ongoing discussions among Member States in the Working Group		(Doc. STLT/WG/1/3) http://www.wipo.int/edocs/mdocs/stlt/en/stlt_wg_1/stlt_wg_1_3.pdf	N/A
Possible areas of convergence in industrial design law and practice Information document on the work of the SCT on industrial design law and practice in relation to the WIPO development agenda recommendations			(Doc. SCT/23/5) http://www.wipo.int/edocs/mdocs/stlt/en/sct_23/sct_23_5.pdf (Doc. SCT/24/3) http://www.wipo.int/edocs/mdocs/sct/en/sct_24/sct_24_2.pdf (Doc. SCT/25/4) http://www.wipo.int/edocs/mdocs/sct/en/sct_26/sct_26_4.pdf	N/A

<i>Description of activity</i>	<i>Status (completed/ ongoing/ proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
Protection of names of States against registration and use as trademarks			(Doc. SCT/24/2) http://www.wipo.int/edocs/mdocs/sct/en/sct_24/sct_24_2.pdf	
Trademarks and the Internet			(Doc. SCT/24/4) http://www.wipo.int/edocs/mdocs/sct/en/sct_24/sct_24_4.pdf	
Trademarks and International Nonproprietary Names (INNs)			(Doc. SCT/24/5) http://www.wipo.int/edocs/mdocs/sct/en/sct_24/sct_24_www_140895.pdf	
WIPO Singapore Office: Policy Dialogue on Emerging Issues on Trademarks	Completed	July 26 – 27, 2010	Policy dialogue included flexibilities of the Madrid System	Enhanced understanding of the participants of the subject matter and facilitation of decision-making in adhering to the Madrid System ⁷
Eighteen (18) comments on laws and draft laws provided in response to requests from the Authorities of; five countries in the African Region, four countries in the Asian and Pacific region, one country in the Caucasian Central Asian and Eastern European	Completed	Jan. 1, 2009 – Sept. 13, 2010	Comments on laws and draft laws were provided to the requesting Authorities	Member States obtained elements needed to take informed policy and legislative decisions on, <i>inter alia</i> , the use of options that are available under the TRIPS Agreement, WIPO-administered treaties and industrial property law, taking into account Articles 7, 8 and 41 of the TRIPS Agreement

<i>Description of activity</i>	<i>Status (completed/ ongoing/ proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
Countries, two countries in the Central European and Baltic Region, and five countries in the Latin American and Caribbean Region				
Legal advice regarding a variety of topics of IP law in response to 19 requests from; one country in the Arab Region, five countries in the Asian and Pacific Region and seven countries in the Latin American and Caribbean Region	Completed	Jan. 1, 2009 – Sept. 13, 2010	Information and answers to queries were provided to the requesting authorities	Government Authorities were able to better understand policy issues and options and take informed policy and legislative decisions on, <i>inter alia</i> , the use of options that are available under the TRIPS Agreement, WIPO-administered treaties and industrial property law, taking into account Articles 7, 8 and 41 of the TRIPS Agreement
Fifteen advisory missions undertaken to; two countries in the African Region, one country in the Arab Region, two countries in the Asian and Pacific Region, one country in the European Region and eight countries in the Latin American and Caribbean Region to discuss with Government Authorities new or revised legislation,	Completed	Jan. 1, 2009 – Sept. 13, 2010	Discussions held with Government Authorities Presentations delivered at courses and seminars	Consultations to enable National Authorities to take informed policy or legislative decisions on, <i>inter-alia</i> , the use of legal options available under the TRIPS Agreement, WIPO-administered treaties and industrial property law, taking into account Articles 7, 8 and 41 of the TRIPS Agreement Participants at the courses and seminars acquired better understanding and awareness of the legal options available under the TRIPS Agreement and WIPO-administered treaties, and under the law of trademarks, GIs and industrial designs

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consult on specific topics of IP law, including advice on legal options and flexibilities available under relevant international norms, and provide information and awareness on IP law in courses or seminars				

C. Copyright and Related Rights

<i>Description of activity</i>	<i>Status (completed/ongoing/proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
Studies on Limitations and Exceptions	Completed	Presented during sessions of the SCCR. The last five studies presented during SCCR/20 (June 21 - 24, 2010)	<p>Study on the Limitations and Exceptions to Copyright and Related Rights for the Purposes of Educational and Research Activities in Latin America and the Caribbean, 2009</p> <p>Study on Limitations and Exceptions for Copyright and Related Rights for Teaching in Africa, 2009</p> <p>Study on Copyright Limitations and Exceptions for Copyright for Educational Purposes in the Arab Countries, 2009</p> <p>Study on Copyright Limitations and Exceptions for the Benefit of Educational Activities for Asia and Australia, 2009</p> <p>Study on Copyright Limitations and Exceptions for Educational Activities in</p>	<p>Achievement of awareness-raising goals. See reports of relevant SCCR sessions in which most of these studies were presented.</p> <p>http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=140270</p> <p>http://www.wipo.int/meetings/en/details.jsp?meeting_id=11264</p> <p>http://www.wipo.int/meetings/en/details.jsp?meeting_id=4823</p>

<i>Description of activity</i>	<i>Status (completed/ongoing/proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
			<p>North America, Europe, Caucasus, Central Asia and Israel, 2009</p> <p>Study on Copyright Limitations and Exceptions for the Visually Impaired, 2006</p> <p>Study on Automated Rights Management Systems and Copyright Limitations and Exceptions, 2006</p> <p>Study on Limitations and Exceptions of Copyright and Related Rights in the Digital Environment, 2003</p> <p>Exceptions and Limits to Copyright and Neighboring Rights, 1999</p> <p>Link to the nine published studies: http://www.wipo.int/copyright/en/limitations/studies.html</p>	

<i>Description of activity</i>	<i>Status (completed/ongoing/proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
SCCR sessions	Completed and proposed		<p>Negotiations on possible reforms of the international legal frameworks in the following areas: limitations and exceptions, including those for the benefit of visually impaired persons; audiovisual performances; and broadcasting organizations.</p> <p>Full details at: http://www.wipo.int/meetings/en/details.jsp?meeting_id=22169</p>	<p>Advancement towards a consensus for the reform and update of the international legal framework.</p> <p>Most notably, SCCR/22 proposed to the 2011 WIPO GA to reconvene a diplomatic conference on the protection of audiovisual performances. Also, the SCCR will work on a Chair's text for an international instrument on limitations and exceptions for persons with print disabilities which will constitute the basis for the future text-based work of the Committee.</p>
Vision IP Initiative	Ongoing	Launch of the project in January, 2009	<p>Full details at: http://www.visionip.org/news/en/index.html http://www.visionip.org/tigar/en/</p>	<p>The aim of this initiative is to put into place operational and practical arrangements within the context of whatever enabling legal framework at the national or international level to facilitate the access to published works for persons with print disabilities.</p>
Other activities on Limitations and Exceptions	Completed, ongoing, and proposed	N/A	<p>Full details at: http://www.wipo.int/copyright/en/limitations/index.html</p>	<p>Achievement of awareness-raising goals</p>

<i>Description of activity</i>	<i>Status (completed/ongoing/proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
Comments on the draft law on copyright and related rights of a country in the Asian and Pacific Region	Completed	Feb.2009	Written document with comments	Enabling policy-makers and legal experts to make informed decisions on the use of legal options and flexibilities available in the international legal framework, including the TRIPS Agreement, in national law
Comments on the draft law on copyright and related rights of a country in the Central European and Baltic States Region	Completed	June 2009	Written document with comments	Enabling policy-makers and legal experts to make informed decisions on the use of legal options and flexibilities available in the international legal framework, including the TRIPS Agreement, in national law
Advisory mission, and draft comments on the draft law on copyright and related rights of a country in the Asian and Pacific Region	Completed	Oct. 2009	Written document with comments	Enabling policy-makers and legal experts to make informed decisions on the use of legal options and flexibilities available in the international legal framework, including the TRIPS Agreement, in national law
Comments on the draft law on copyright and related rights of a country in the Central European and Baltic States Region	Completed	Nov. 2009	Written document with comments	Enabling policy-makers and legal experts to make informed decisions on the use of legal options and flexibilities available in the international legal framework, including the TRIPS Agreement, in national law
Comments on the draft law on copyright and related rights of a country in the Asian and Pacific Region	Completed	Sept. 2009	Written document with comments	Enabling policy-makers and legal experts to make informed decisions on the use of legal options and flexibilities available in the international legal framework, including the TRIPS Agreement, in national law

<i>Description of activity</i>	<i>Status (completed/ongoing/proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
Draft law on copyright and related rights of a country in the African Region	Completed	Jan. 2010	Written document with comments	Enabling policy-makers and legal experts to make informed decisions on the use of legal options and flexibilities available in the international legal framework, including the TRIPS Agreement, in national law
Advisory mission and comment on the draft law on copyright and related rights of a country in the African Region	Completed	March – June 2010	Written document with comments	Enabling policy-makers and legal experts to make informed decisions on the use of legal options and flexibilities available in the international legal framework, including the TRIPS Agreement, in national law
Draft provisions on limitations and exceptions for the law on copyright and related rights of a country in the African Region	Completed	May 2010	Written document with comments	Enabling policy-makers and legal experts to make informed decisions on the use of legal options and flexibilities available in the international legal framework, including the TRIPS Agreement, in national law
Comments on the law on copyright and related rights of a country in the Asian and Pacific Region	Completed	May 2010	Written document with comments	Enabling policy-makers and legal experts to make informed decisions on the use of legal options and flexibilities available in the international legal framework, including the TRIPS Agreement, in national law
Comments on the draft law on copyright and related rights of a country in the Arab Region	Completed	Sept., 2010	Written document with comments	Enabling policy-makers and legal experts to make informed decisions on the use of legal options and flexibilities available in the international legal framework, including the TRIPS Agreement, in national law

<i>Description of activity</i>	<i>Status (completed/ongoing/proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
Comments on the draft law on copyright and related rights of a country in the Central European and Baltic States Region	Completed	Nov., 2010	Written document with comments	Enabling policy-makers and legal experts to make informed decisions on the use of legal options and flexibilities available in the international legal framework, including the TRIPS Agreement, in national law
Advisory mission and comments on the law on copyright and related rights of a country in the Asian and Pacific Region	Completed	Feb. and March, 2011	Formal consultations and written document with comments	Enabling policy-makers and legal experts to make informed decisions on the use of legal options and flexibilities available in the international legal framework, including the TRIPS Agreement, in national law
Comments on the law on copyright and related rights of a country in the Latin American and Caribbean Region	Completed	April, 2011	Written document with comments	Enabling policy-makers and legal experts to make informed decisions on the use of legal options and flexibilities available in the international legal framework, including the TRIPS Agreement, in national law
Comments on the law on copyright and related rights of a country in the Arab Region	Completed	May, 2011	Written document with comments	Enabling policy-makers and legal experts to make informed decisions on the use of legal options and flexibilities available in the international legal framework, including the TRIPS Agreement, in national law
Comments on the law on copyright and related rights of a country in the Arab Region	Completed	May, 2011	Written document with comments	Enabling policy-makers and legal experts to make informed decisions on the use of legal options and flexibilities available in the international legal framework, including the TRIPS Agreement, in national law

<i>Description of activity</i>	<i>Status (completed/ongoing/proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
Comments on the law on copyright and related rights of a country in the African Region	Completed	June, 2011	Written document with comments	Enabling policy-makers and legal experts to make informed decisions on the use of legal options and flexibilities available in the international legal framework, including the TRIPS Agreement, in national law
Comments on the law on copyright and related rights of a country in the Latin American and Caribbean Region	Completed	Sept., 2011	Written document with comments	Enabling policy-makers and legal experts to make informed decisions on the use of legal options and flexibilities available in the international legal framework, including the TRIPS Agreement, in national law
WIPO Singapore Office: Participation in a seminar in the region dedicated for diplomats	Completed	April 22 - 23, 2010	Explanation of various built-in flexibilities for the usage of copyright materials for education and libraries	Enhanced understanding of participants of the matter and facilitation of decision-making in adhering to the WIPO treaties
WIPO Singapore Office: Participation in a seminar in the region dedicated for artists	Completed	March 2 - 3, 2010	Explanation of various built-in flexibilities in the WIPO copyright treaties, e.g., remunerating related rights in the music field, option of including resale rights in national copyright legislation	Enhanced understanding of participants on how to implement equitable remuneration for secondary use; the benefits and challenges of resale rights
All training activities of WIPO Academy introduce Development Agenda, including flexibilities	Ongoing	Annually, starting in 2009	Introduction of Development Agenda and flexibilities	Enhanced awareness of the Development Agenda

D. Provision of legislative advice

<i>Description of activity</i>	<i>Status (completed/ongoing/proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
<p>Twelve (12) comments on laws and draft laws provided in response to requests from the authorities of 12 countries; one country in the African Region, four countries in Arab Region, four countries in the Asian and Pacific region, one country in the Caucasian Central Asian and Eastern European Countries, and two countries in the Latin American and Caribbean Region</p>	<p>Completed</p>	<p>Sept. 2010 – Sept. 2011</p>	<p>Comments on laws and draft laws were provided to the requesting Authorities</p>	<p>Member States obtained elements needed to take informed policy and legislative decisions on, <i>inter alia</i>, the use of options that are available under the TRIPS Agreement, WIPO-administered treaties and industrial property law, taking into account Articles 7, 8 and 41 of the TRIPS Agreement</p>
<p>Legal advice regarding a variety of topics of IP law, mainly, marks, geographical indications and industrial designs in response to 24 requests from 15 countries; one country in the African Region, one country in the Arab Region, four countries in the Asian and</p>	<p>Completed</p>	<p>Sept. 2010 – Sept. 2011</p>	<p>Information and answers to queries were provided to the requesting authorities</p>	<p>Government Authorities were able to better understand policy issues and options and take informed policy and legislative decisions on, <i>inter alia</i>, the use of options that are available under the TRIPS Agreement, WIPO-administered treaties and industrial property law, taking into account Articles 7, 8 and 41 of the TRIPS Agreement</p>

<i>Description of activity</i>	<i>Status (completed/ongoing/proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
Pacific Region and nine countries in the Latin American and Caribbean Region				
Fourteen (14) advisory missions undertaken to; one country in the Arab Region, two countries in the Asian and Pacific Region, and 11 countries in the Latin American and Caribbean Region to discuss with government authorities new or revised legislation, consult on specific topics of IP law, including advice on legal options and flexibilities available under relevant international norms, and provide information and awareness on IP law in courses or seminars	Completed	Sept. 2010 – Sept. 2011	Discussions held with Government Authorities Presentations delivered at courses and seminars	Consultations to enable National Authorities to take informed policy or legislative decisions on, <i>inter-alia</i> , the use of legal options available under the TRIPS Agreement, WIPO-administered treaties and industrial property law, taking into account Articles 7, 8 and 41 of the TRIPS Agreement Participants at the courses and seminars acquired better understanding and awareness of the legal options available under the TRIPS Agreement and WIPO-administered treaties, and under the law of trademarks, GIs and industrial designs

E. National IP Strategies Framework project

<i>Description of activity</i>	<i>Status (completed/on going/ proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
<p>Under the CDIP project aimed at developing a methodology for the formulation of national IP strategies, experts involved in carrying out an assessment of the IP system in the six pilot countries are required, under their Terms of Reference, to identify existing flexibilities and mechanisms to protect consumers' interests, the existence of a vibrant public domain and a fair balance between incentives to innovate and constraints to access knowledge</p>	<p>Ongoing</p>	<p>April 2010 to Dec. 2011</p>	<p>Methodology and tools for developing national IP strategies include the need for an analysis of existing flexibilities</p>	<p>National IP strategies formulated taking into account flexibilities, according to the proposed methodology</p>

F. Enforcement of IP Rights

<i>Description of activity</i>	<i>Status (completed/ongoing/proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
<p>Advisory Committee on Enforcement (ACE): Guided by Strategic Goal VI of the WIPO 2010/2011 Program & Budget, as well as WIPO Development Agenda Rec. 45. Formal proposal, in 2007, by various Member States that the ACE should focus its work in the fifth session on the theme “Enforcement of rights, taking into account limitations and exceptions” (paragraph 11 of document WIPO/ACE/4/10). The Committee considered that proposal, among many others, but selected different themes in its subsequent sessions</p>	<p>Ongoing</p>	<p>Sixth session of the ACE Dec. 1 - 2, 2010</p>	<p>Working documents and Conclusions by the Chair; http://www.wipo.int/meetings/en/topic.jsp?group_id=142</p>	<p>Support of a constructive and balanced international policy dialogue, taking into account Rec. 45 of the Development Agenda</p>

<i>Description of activity</i>	<i>Status (completed/ongoing/proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
Legislative assistance	Ongoing		Written documents with comments; consultations with Member States	Member States are assisted in taking informed legislative decisions on, <i>inter-alia</i> , the use of options that are available to implement Part III of the TRIPS Agreement, taking into account the balances and safeguards introduced by the Agreement, including in its Articles 7, 8 and 41
Training, policy consultations	Ongoing	Listed at: http://www.wipo.int/enforcement/en/activities	Analysis and discussion of, <i>inter alia</i> , the enforcement provisions of the TRIPS Agreement, including with a view to the options that are available to implement Part III, and the balances and safeguards introduced by the Agreement.	Enhanced understanding and awareness of participants of the enforcement system under the TRIPS Agreement
WIPO Academy: WIPO-WTO Advanced Course on IP for Government Officials in cooperation with the World Trade Organization (WTO)	Completed	April 26 – May 5, 2010	Lectures, discussions, WIPO publications	Effectively raised IP awareness of policy makers
WIPO Academy: WIPO-WTO Colloquium for Teachers of IP in cooperation with the World Trade Organization (WTO)	Completed	June 28 – July 9, 2010	Lectures, discussions, WIPO publications	Updated the knowledge of IP teachers on implementation and operation of the rights and obligations and the understanding and use of flexibilities contained in the TRIPS Agreement

<i>Description of activity</i>	<i>Status (completed/ongoing/proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
All training activities of WIPO Academy introduce Development Agenda, including flexibilities	Ongoing	Annually, starting in 2009	Introduction of Development Agenda and flexibilities	Enhanced awareness of the Development Agenda

G. Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)

Description of activity	Status (completed/ongoing/proposed)	Relevant dates	Output (publications, links, deliverables)	Impact (for completed activities)
IGC session	Ongoing	The mandate of the IGC for 2012-2013 biennium was recently renewed by Assemblies of WIPO Member States that met from Sept. 26 to Oct. 5, 2011.	<p>i) Draft text or texts of an international legal instrument (or instruments) for the effective protection of Traditional Knowledge (TK) and Traditional Cultural Expressions (TCEs) and genetic resources (GRs).</p> <p>The most current draft texts on TCEs, TK and GRs from IGC 19 are available the TK website at: http://www.wipo.int/tk/en/consultations/draft_provisions/draft_provisions.html</p> <p>(The principle of <i>flexibility and comprehensiveness</i> is one of the general guiding principles of the current negotiating texts of the IGC on the protection of TK and TCEs. This principle would allow sufficient flexibility for national authorities to determine the appropriate means of implementing these texts within their national legislation as necessary)</p>	
IGC session	Completed	Oct. 11, 2008	<p>ii) Gap Analyses</p> <p>- Gap analysis on the protection of TCEs: http://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_13/wipo_grtkf_ic_13_4_b_rev.pdf</p> <p>- The Gap analysis on the protection of TK: http://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_13/wipo_grtkf_ic_13_5_b_rev.pdf</p>	An analysis of the gaps in the existing international conventions and treaties on IP and how those gaps could be addressed in relation to the protection of TK and TCEs

<i>Description of activity</i>	<i>Status (completed/ongoing/proposed)</i>	<i>Relevant dates</i>	<i>Output (publications, links, deliverables)</i>	<i>Impact (for completed activities)</i>
IGC session	Completed	Nov. 24, 2011	iii) Note on the Meanings of the Term "Public Domain" in the Intellectual Property System with Special Reference to the Protection of Traditional Knowledge and Traditional Cultural Expressions/Expressions of Folklore: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=149213	An analysis of the notion of public domain in relation to TK and TCEs.

[End of Annex and of document]