



Superintendencia de Industria y Comercio



## **Regional Seminar for Certain Latin American and Caribbean Countries on the Implementation and Use of Several Patent-Related Flexibilities**

*Topic 1: WIPO's Technical Assistance and the Development Agenda*

**Bogota, Colombia  
February 6 to 8, 2012**



## **WIPO's Legal and Technical Assistance and the Development Agenda**

**Bogotá**  
**February 6 to 8, 2012**

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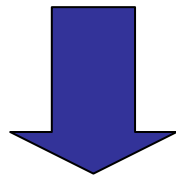
# WIPO's Legal and Technical Assistance

## Mandate

Article 4 of WIPO Convention provides that WIPO shall, *inter alia*, “offer its cooperation to States requesting legal-technical assistance in the field of intellectual property.”

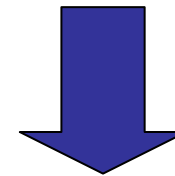
# Main Types of Assistance

## Legal



Legislative  
and Policy  
advice and  
assistance

## Technical



- Institution building
- Human resource development
- Awareness raising

# WIPO's Legislative and policy Advice

- Upon request, legal advice and assistance are provided strictly on bilateral and confidential basis. They are also neutral and non-binding.
- Two broad types: (i) Advice on substantive standards of patent law including flexibilities; and (ii) Drafting or revising patent laws/regulations/manuals.
- How?
  - Written advice/comments
  - Preparation of draft patent laws and regulations
  - Face-to-face consultations/meetings, in capitals or Geneva

# Technical Assistance

- Strengthening infrastructure: Customized automation solution to streamline patent administration processes
- Human resource training: Specialized knowledge and technical skills to enable effective patent examination
- Awareness building/outreach: Programs and activities to enhance knowledge and understanding about the issues related to patents

# Principles, Modalities and Target Groups

- **Approach/guiding principles**: country-specific, demand-driven, result-oriented, cost-effective, coordination and partnerships at various levels
- **Tools of delivery**: special country/regional projects, focused/interactive workshops/seminars, training programs, fellowships, expert/advisory missions, studies, provision of equipment and materials, automation tools, etc.
- **Target groups**: IP administrators, policy makers, enforcement officials as well as user community such as inventors, creators, SMEs, academia and R&D institutions, etc.

# Development Agenda

## HISTORY OF THE PROCESS

- First proposal made in October 2004 by 13 developing countries
- Fifteen papers containing 111 proposals by Member States
- Consideration by the WIPO General Assembly, Inter-sessional Intergovernmental Meetings (IIMs), Provisional Committee on Proposals Related to WIPO Development Agenda (PCDA)
- October 2007: A milestone agreement.
  - The GA established the WIPO Development Agenda to mainstream development into all areas of activity of the organization
  - Adoption of **45 recommendations**
  - Establishment of the Committee on Development and Intellectual Property (CDIP)



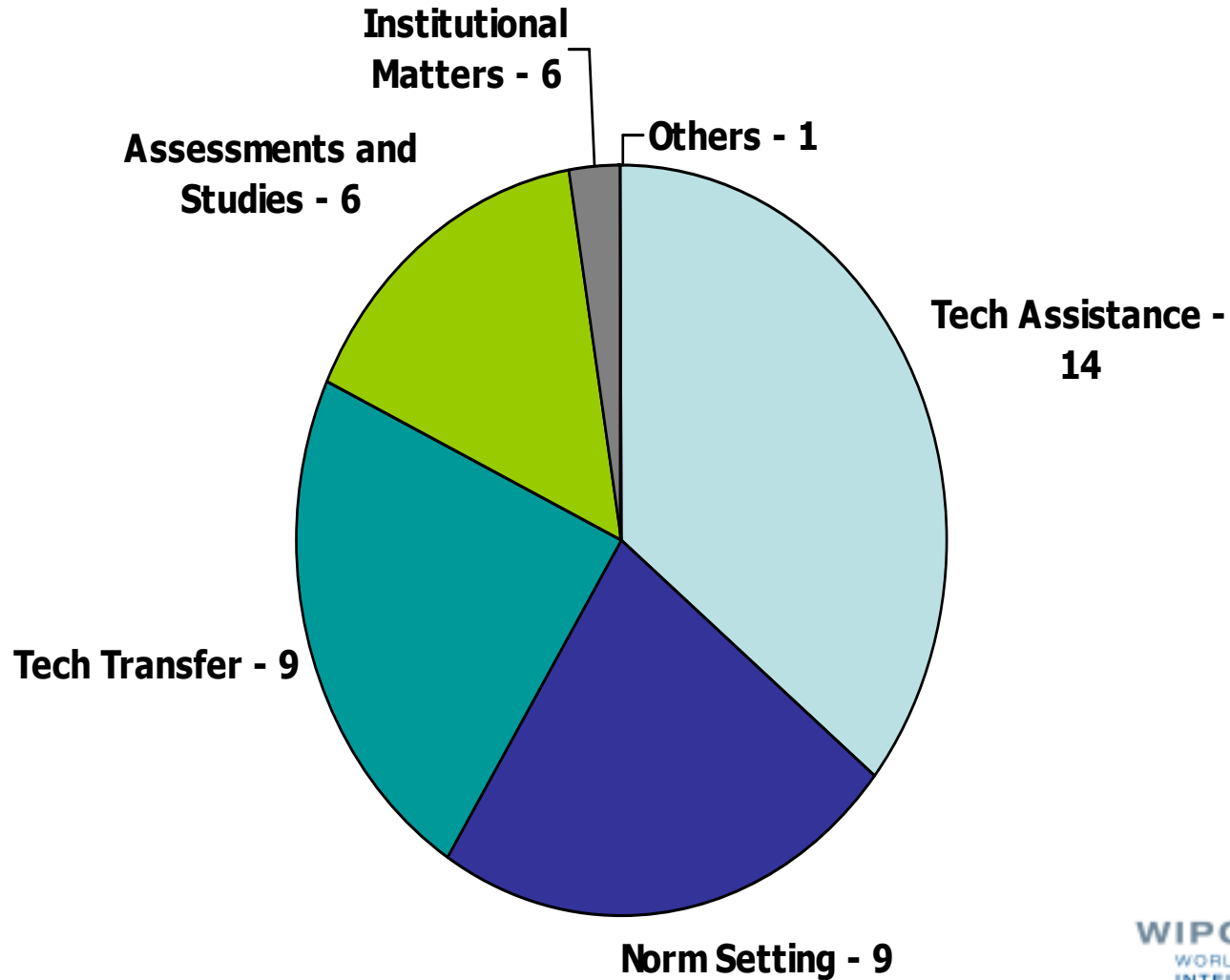
# THE WIPO DEVELOPMENT AGENDA

- A Member States-driven process which seeks to place the “development dimension” at the core of the global IP system through for example:
  - Making the global IP system development friendly by taking into consideration the specific needs and challenges faced by developing countries and LDCs
  - Ensuring a balance between the rights of IP holders and public interests
  - Ensuring that development considerations become integral to WIPO’s work

# DA RECOMMENDATIONS – THE CLUSTERS

- The 45 recommendations are grouped into 6 clusters:
  - Technical Assistance and Capacity Building  
(14 recommendations)
  - Norm-setting, Flexibilities, Public Policy and Public Domain  
(9 recommendations)
  - Technology Transfer, Information and Communication  
Technologies and Access to Knowledge (9 recommendations)
  - Assessment, Evaluation and Impact Studies  
(6 recommendations)
  - Institutional Matters (6 recommendations)
  - Other Issues (1 recommendation)

# DA RECOMMENDATIONS – THE CLUSTERS



# COMMITTEE ON DEVELOPMENT AND IP (CDIP)

- CDIP mandate:
  - 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
- The CDIP reports and makes recommendations annually to the General Assembly.

# IMPLEMENTATION

- Mainstreaming of Development Agenda principles in the work of WIPO
- Organization-wide implementation through linkages in Program and Budget
- Project based methodology for implementation (19 projects so far approved now at different stages of implementation)
- Designated Project Managers taking charge of formulation of project proposals and implementation based on the DA recommendations
- Provision of funds for DA implementation - Approximately 20 million Swiss francs committed so far to various projects

# SOME DEVELOPMENT AGENDA PROJECTS

- Intellectual Property Technical Assistance Database (IP-TAD)
- Specialized Databases' Access and Support
- A Pilot Project for the Establishment of “Start-Up” National IP Academies
- Innovation and Technology Transfer Support Structure for National Institutions
- Intellectual Property and Socio-Economic Development
- IP and Technology Transfer
- Intellectual Property and the Public Domain
- Intellectual Property and Competition Policy
- Developing Tools for Access to Patent Information

# DEVELOPMENT AGENDA and the work on Patent Related flexibilities

- CDIP Sessions 3 and 4. A request from a group of Countries (in LA, Argentina, Brazil, Ecuador, Caribbean and Central America Ministerial Meetings)
- CDIP Session 5. Document CDIP/5/4 on five flexibilities
- CDIP Session 6. CDIP/5/4 Rev (discussions and approval)
- CDIP Session 7. Document CDIP/7/3 (on new five flexibilities)  
Discussions were not finished during the session
- CDIP Session 8. February 15, 2012 as a deadline for comments on document CDIP/7/3
- CDIP Session 9. May 7 to 11, 2012 (CDIP/7/3 Rev for discussion)
- Future work: other IP areas, new patent related flexibilities and a database on flexibilities

**THANK YOU**

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