



Synergies between IP governance and South –South Cooperation on IP and Development

First WIPO Interregional Meeting on South-South
Cooperation on IP Governance; Genetic Resources, Traditional
Knowledge and Folklore; and Copyright and Related Rights

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and Sustainable Development

**TRADE-RELATED AGENDA,
DEVELOPMENT AND EQUITY**

(T.R.A.D.E.)

WORKING PAPERS

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**DEVELOPING COUNTRY COORDINATION IN INTERNATIONAL
INTELLECTUAL PROPERTY STANDARD-SETTING**

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South South Cooperation : Why ?

- South South Cooperation (SCC) is a **well established principle and priority in the United Nations system** of which WIPO is a member.
 - **1974:** - First UN General Assembly resolution on SSC.
 - Establishment of UNDP special unit on SSC
 - **2009:** - The High-level UN Conference on South-South Cooperation is held in Nairobi, Kenya.
 - Requires UN agencies to support and implement SSC
- SSC is **not a substitute to North/South cooperation** but a **complement** to it.

South South Cooperation in IP : Why ? (1)

- It makes sense for **countries with similar levels of development and views on IP** to seek to benefit from their respective experiences
- This is a fundamental premise of the **WIPO Development Agenda : IP should take into consideration different in levels of development:**
 - DA recommendation 1: WIPO technical assistance shall be development-oriented, taking into account **different levels of development of Member States**
 - DA recommendation 15: Norm-setting activities shall take into account **different levels of development**

South South Cooperation on IP : Why ? (2)

- **Changes in global geography/landscape of innovation** provide further momentum to SSC on IP and development:
 - **Increase of IPRs applications** from a number of emerging and developing economies
 - **Development of IP regimes** in developing countries
 - **Increase of IP expertise** in developing countries
 - **Regionalization of IP cooperation**
 - **Increase of SSC on the ground and in different fora**

SSC on IP and Development: What do we mean?

Two different aspects



USE OF IP FOR DEVELOPMENT

- Use of IPRs for economic development
- IP administration
- Infrastructure supporting the use of the IP system

DEVELOPMENT ORIENTED IP

- Balanced IP regimes
- Use of flexibilities, limitations and exceptions in IP rules
- Ensuring that IP is supportive of public policy objectives

SSC on IP and Development: A mapping of issues

USE OF IP FOR DEVELOPMENT (1)

- **IP policies and domestic coordination**
 - **IP policies and strategies** : Elaboration and implementation of IP policies and strategies
 - **Domestic coordination on IP**: Need for an institutional inter-agency mechanism to coordinate domestic and international positions on IP (Brazil GIPI model)

SSC on IP and Development: A mapping of issues

USE OF IP FOR DEVELOPMENT (2)

- **Use of IPRs for economic development**
 - **Patents** : Use of patents by industry and public research institutions
 - **Copyright** : Creative industries more advanced in some developing countries than others
 - **GIs, Trademarks and Industrial designs**: Use by local industry and stakeholders

SSC on IP and Development: A mapping of issues

USE OF IP FOR DEVELOPMENT (3)

• IP administration

- **Patents:** Search and examination of patent applications (Pro Sur initiative, fast tracking of “green” patents)
- **Copyright:** Collective management
- **GIs, Trademarks and Industrial designs:** Processing trademark applications ,
Implementing GI regulations

SSC on IP and Development: A mapping of issues

USE OF IP FOR DEVELOPMENT (4)

- **Infrastructure supporting the use of the IP system**
 - **Promoting innovation and technology transfer:**
 - Elaboration and implementation of innovation strategies and plans
 - Different approaches : “frugal innovation” in India and “indigenous” innovation in China
 - **Innovation and technology infrastructure:**
Strengthening scientific and R&D institutions

SSC on IP and Development: A mapping of issues

DEVELOPMENT ORIENTED IP (1)

- **Aligning IP with development and public policy objectives**
 - **IP/public policies:** Ensuring coherence and domestic coordination in formulation and implementation of IP/public policies
 - **Participation in international fora:** Ensuring coherence and coordination in (WTO/WIPO and IP fora/CBD, WHO, UNFCCC etc)

SSC on IP and Development: A mapping of issues

DEVELOPMENT ORIENTED IP (2)

- **Use of flexibilities , limitations and exceptions**
 - **Sharing of experiences in using flexibilities and L&E:** Some developing countries have more practical experience in this area (Brazil, India, China, Thailand, Malaysia etc..)
 - **Reform of national IP laws:** A number of developing countries have reformed/or are in the process of reforming their IP laws (India, Chile etc)
 - **Public domain related issues**

SSC on IP and Development: A mapping of issues

DEVELOPMENT ORIENTED IP (3)

• IP negotiations

- **International level:** better coordination at the multilateral level between developing countries
- **Regional level and bilateral level:** sharing of experiences in negotiating and implementing FTAs

SSC on IP and Development: A mapping of issues

DEVELOPMENT ORIENTED IP (4)

- **Genetic resources, Traditional Knowledge and TCEs/Folklore**
 - **Genetic resources:** implementing disclosure requirements in patent laws and use databases
 - **Traditional knowledge and TCEs/Folklore:** laws and regimes on TK protection

SSC on IP and Development: A mapping of issues

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SSC on IP and Development and IP governance

Some suggestions

- **Annual “thematic” meeting on SSC**
- **Further institutionalisation and mainstreaming of SSC throughout WIPO activities**
- **Consolidation of lessons learned and best practices**

Thank you

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