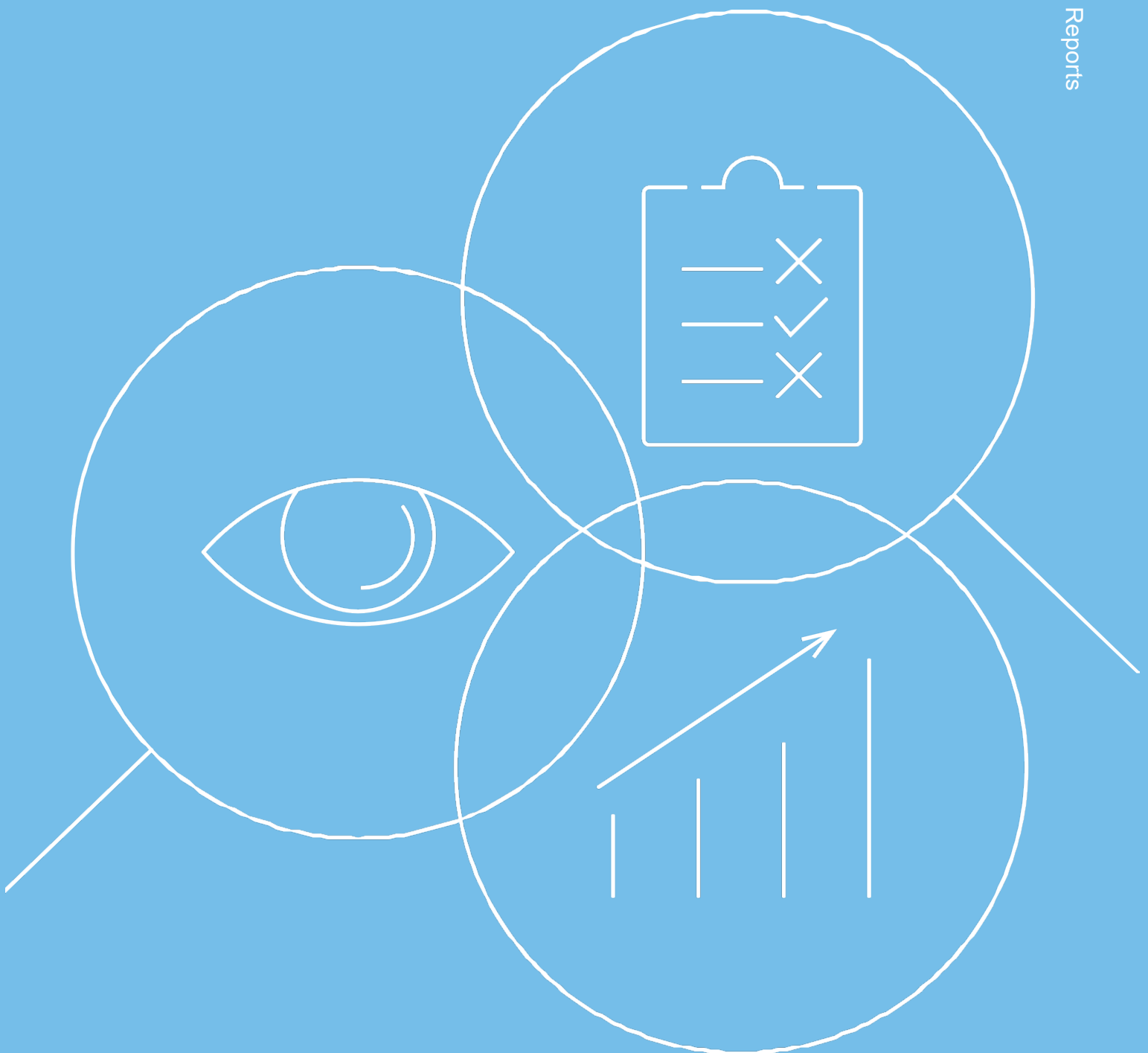


Evaluation of WIPO Standing Committees



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LIST OF ACRONYMS

COVID-19	Coronavirus disease 2019
CWS	Committee on WIPO Standards
IAEA	International Atomic Energy Agency
IOD	Internal Oversight Division
IP	Intellectual Property
MTSP	Medium -Term Strategic Plan
SCCR	Standing Committee on Copyright and Related Rights
SCP	Standing Committee on the Law of Patents
SCT	Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications
TA	Travel Authorization
ToRs	Terms of Reference
UN	United Nations
UNEG	United Nations Evaluation Group
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNODC	United Nations Office on Drugs and Crime
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WTO	World Trade Organization

EXECUTIVE SUMMARY

1. In 1998, the World Intellectual Property Organization's (WIPO) General Assembly established three Standing Committees: The Standing Committee on Copyright and Related Rights (SCCR); the Standing Committee on the Law of Patents (SCP); the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT). A fourth Standing Committee, the Committee on WIPO Standards (CWS) was established in 2010.
2. The aim of this evaluation was to measure the effectiveness of WIPO in organizing and managing the Standing Committees; assess the extent to which the support and the resources available to the Secretariat are sufficient to achieve the expected results and have been used efficiently; and identify good practices and lessons learned for WIPO to manage the Standing Committees.
3. The major findings of the evaluation are as follows:
 - (a) Member States recognized that WIPO managers and their teams have successfully carried out their logistic and organizational activities in support of the Standing Committees;
 - (b) The Standing Committees have successfully contributed to relevant discussions, debate, coordination and guidance on International Property (IP) related matters although Member States reported limited progress in developing and finalizing international IP treaties;
 - (c) Good practices and lessons learned were identified within the Standing Committees and other United Nations (UN) organizations concerning the processes and approaches to progressing the normative agenda;
 - (d) Member States identified support activities of the WIPO Secretariat that could be further optimized to support the preparation, management and follow-up of the work of the Standing Committees;
 - (e) WIPO Secretariat used available Resources efficiently, which were largely sufficient to meet the needs of the Standing Committees. The workload created by the CWS Task Forces did put pressure on the staff resources of some Member States and of the supporting Secretariat team; and
 - (f) Challenges and factors identified influencing the work of the Standing Committees and within the responsibility of the WIPO Secretariat included: insufficient monitoring of progress; difficulties to ensure the timeliness of working documents; use of undocumented procedures and practices; challenges with the hybrid meeting format; and improvements needed in communications and knowledge management.
4. Based on the above findings, the evaluation recommends to:
 - (a) Reiterate the purpose of the Standing Committees;
 - (b) Compile, harmonize and clarify roles and procedures for the Standing Committees;
 - (c) Optimize the facilitator role of the WIPO Secretariat on key issues to foster cooperation and exchange before, during and after the Standing Committee sessions;

- (d) Strengthen synergies, coherence and consistency among Standing Committees by determining relevant common approaches and good practices for conducting business;
- (e) Improve communication and outreach with a more proactive communication approach with Member States and Observers to inform them about the progress of the Standing Committees and the preparatory steps for future meetings; and
- (f) Facilitate a conducive space for self-reflection and learning from change by introducing a common learning approach across the Standing Committees to promote the exchange of experiences and good practices.

1. INTRODUCTION

5. This report presents the findings, conclusions and recommendations of the evaluation of the WIPO's Standing Committees, in addition to describing the approach and methodology used. The evaluation was conducted between December 2020 and September 2021.

6. The evaluation focused on work performed by the WIPO Secretariat in support of the four Standing Committees of WIPO: SCCR, SCP, SCT and CWS.

7. The CWS was included in the evaluation as it is considered a Standing Committee (as confirmed by the Office of the Legal Counsel). However, the evaluation recognised its difference from the other Standing Committees that have a normative focus, whereas the CWS is more technical in nature given its focus on standards development.

8. This evaluation was included in the 2020-21 Oversight Plan of the Internal Oversight Division (IOD) of WIPO after a comprehensive risk analysis carried out through relevance, impact, oversight coverage, and strategic priorities of WIPO Management and Member States.

9. The evaluation was conducted by Ms. Julia Engelhardt, the IOD Senior Evaluator, Ms. Veridiana Mansour Mendes, IOD Evaluator and Mr. Glenn O'Neil, External Evaluation Expert. Support was provided by Mr. Adan Ruiz Villalba, Head of the Evaluation Section and IOD colleagues Ms. Ashley Sebastian and Ms. Viktoriya Azizova. The quality control review and approval was done by Mr. Ruiz Villalba and Mr. Rajesh Singh, Director of IOD.

(A) BACKGROUND AND DESCRIPTION

10. In 1998, the WIPO General Assembly established three Standing Committees, SCCR, SCP and SCT. In 2010, the CWS was established to replace the Standing Committee on Information Technologies - Standards and Documentation Working Group. The Standing Committees were established as forums for discussion, coordination and guidance as a contribution to the development of the normative IP framework in their respective areas, in addition to the development of IP standards for CWS. The Standing Committees normally meet for five days twice a year, with the exception of CWS, which meets once a year for five days. Due to the Coronavirus disease 2019 (COVID-19) pandemic, the schedules of the Standing Committees were adjusted to one meeting only in 2020 held in a hybrid format (with nearly all participants attending remotely).

11. The WIPO Secretariat provides organizational and logistics support for the Standing Committees, with each Committee supported by their respective WIPO programme. Table 1 below sets out the purpose, year established, schedule and responsible programme for each of the Committees.

12. With the adoption of nine new WIPO Strategic Goals in 2008 by Member States, three of the Standing Committees: SCCR, SCP and SCT were seen as contributing to Strategic Goal I, which aims for a "Balanced Evolution of the International Normative Framework for IP" and CWS contributing to Strategic Goal IV, "Coordination and development of global IP infrastructure." These Strategic Goals provide a framework for the Medium-Term Strategic Plan (MTSP) (every five years – currently 2016 - 2021) and for the biennial program and budget (every two years – currently 2020 – 2021).

Table 1: Summary description of the Standing Committees

Standing Committee and responsible program	Year established	Schedule ¹	Purpose
SCCR Program 3	1998	Twice a year	The SCCR is the forum where WIPO Member States and observers meet to discuss, debate and decide on issues related to the development of balanced international legal frameworks for copyright to meet society's evolving needs.
SCP Program 1	1998	Twice a year	A forum to discuss issues, facilitate coordination and provide guidance concerning the progressive international development of patent law.
SCT Program 2	1998	Twice a year	A forum to discuss issues, facilitate coordination and provide guidance on the progressive development of international law on trademarks, industrial designs and geographical indications, including the harmonization of national laws and procedures.
CWS Program 12	2009	Annually	A collaborative international forum for discussing and reaching agreement on WIPO Standards, including their revision and development. It also deals with other matters relating to intellectual property information and documentation.

(Source: WIPO website and documentation)

(B) PURPOSE, METHODOLOGY AND LIMITATIONS

Evaluation objectives

13. The Terms of Reference (ToRs) and the Inception Report set out the following objectives for the evaluation:

- (a) Measure the effectiveness of WIPO in organizing and managing the different Standing Committees;
- (b) Assess the extent to which the support and the resources available to the Secretariat are sufficient to achieve the expected results and have been used efficiently to support the needs of the Standing Committees; and
- (c) Identify good practices and lessons learned for WIPO to manage Standing Committees.

14. These evaluation objectives were operationalized into eight evaluation questions under the criteria of effectiveness and efficiency. The Findings section is organized on the basis of these two criteria and eight questions.

¹ Due to the COVID-19 pandemic, the schedules of the Standing Committees were adjusted to one meeting in 2020, (with the exception of CWS, which meets annually).

Evaluation scope

15. The evaluation covered the four Standing Committees as described above. The evaluation focused on the past five years (2015-2020) while considering the evolution of the Standing Committees since their inception in 1998 (CWS in 2009). More precisely, the scope entailed:

- (a) All activities that were implemented between January 2015 and December 2020;
- (b) Records of any action or implementation plans for the Standing Committees;
- (c) Budget allocations and utilization reports/records;
- (d) WIPO Performance Reports, Program, and Budget documents;
- (e) Project progress reports, evaluation reports, among other project documentation, including any monitoring data;
- (f) Documentation of other WIPO business units contributing to the progress of the Standing Committees;
- (g) Data collected through interviews and surveys with WIPO staff, Member States and other stakeholders as relevant; and
- (h) The evaluation included a gender analysis as feasible.

Evaluation approach and methodology

16. The evaluation is a systematic, objective, and impartial assessment to determine the relevance and fulfillment of broader policy objectives and specific targets² and enable policy influencing. The evaluation adheres to the United Nations Evaluation Group (UNEG) Norms and Standards for Evaluation and to the UNEG Ethical Guidelines for Evaluation, and utilizes the Development Assistance Committee (DAC) evaluation criteria³.

17. The evaluation was carried out in a participatory approach with a consultative group created with the Managers and teams that support the Standing Committees. Meetings were held with the group to discuss the ToRs, Inception Report and the preliminary findings.

18. The evaluation used a mixed-methods approach of qualitative and quantitative methods to collect and analyze information and data that formed the basis of the findings, conclusions, and recommendations of this report. The main methods used were:

- (a) **Desk review:** Some 240 documents were reviewed including the webpages, agenda, meeting reports, studies and other documentation of the Standing Committees, including the general and specific rules of procedure for the Standing Committees. A sample of 43 documents was also analyzed for their timeliness in response to evaluation question;
- (b) **Semi-structured interviews:** 74 interviews were conducted with a range of stakeholders involved with the Standing Committees (Annex 3). In the selection of stakeholders, the evaluation aimed for a regional and group balance. The interviews were carried out in English, French, Spanish, Portuguese, and Russian;

² IOD Evaluation Policy, IOD/EP/2016

³ Organization for Economic Co-operation and Development – Development Assistance Committee (OECD – DAC)

(c) **Online survey for Member States:** 172 responses were received from the 557 Member States' representatives who were sent an invitation that constitutes 31 per cent response rate. As the survey was anonymous, it was not possible to know the number of Member States represented in the survey results. However, given the number of responses, it is estimated that a considerable number of Member States from all regions were reached. The survey was made available in WIPO's official languages (Arabic, Chinese, English, French, Russian and Spanish) and Portuguese;

(d) **Qualitative data analysis** included the assessment of about 800 comments resulting from the interviews and survey open questions;

(e) **Comparative analysis:** Interviews were conducted with staff of five UN organizations with normative mandates and similar processes to the Standing Committees: United Nations Educational, Scientific and Cultural Organization (UNESCO), World Trade Organization (WTO), World Health Organization (WHO), United Nations Office on Drugs and Crime (UNODC) and International Atomic Energy Agency (IAEA). From the interviews and available documentation, good practices and examples were drawn, which feature in question (iv) of the Findings below.

(f) **Financial analysis:** The available budget information was analyzed with major trends and patterns identified in support of the evaluation findings.

Limitations to this evaluation

19. The Inception Report identified the potential limitations for the evaluation as described in Table 2. These limitations did not prove a major obstacle for the evaluation. The only other limitation that emerged during the evaluation was that the timeline needed to be extended due to the evaluation falling over both the end of year and European summer periods where people were less available.

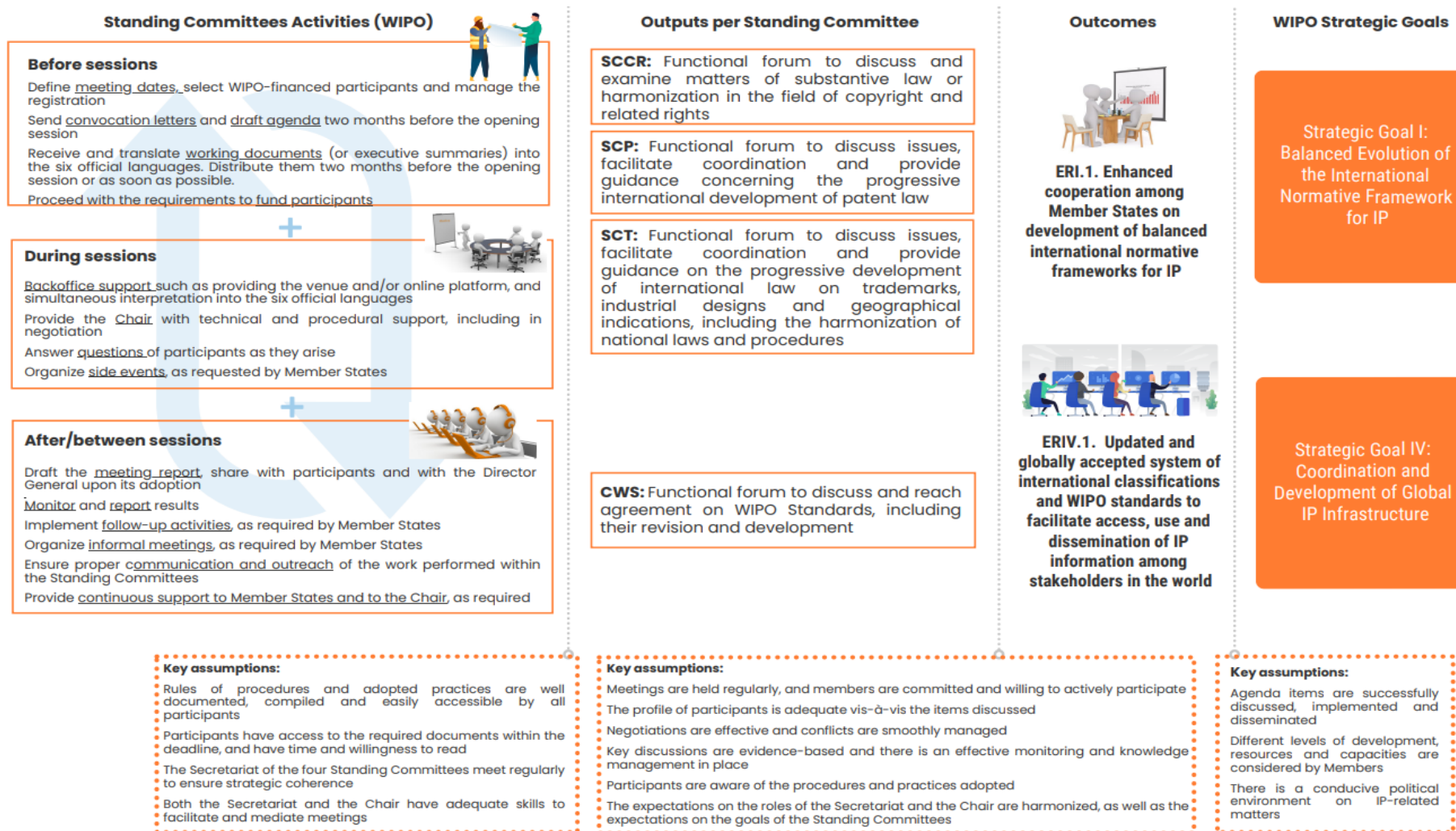
Table 2: Limitations /constraints identified and mitigation measures

Limitations/ constraints identified	Description	Mitigation Measures
COVID19	Conducting evaluations during a global health pandemic emergency presents many additional challenges: ethical, conceptual, and methodological.	- The evaluation was able to be conducted as foreseen; a limitation was the extended timeline that was needed.
Availability of stakeholders and comparative organisations	To assess stakeholders' needs and priorities, the evaluation team was dependent on the availability of stakeholders. This was also the same in the case of the comparative analysis with other organizations.	- The stakeholders and comparative organisations were available and willing to participate in the evaluation.
Key interviewees availability	The evaluation was dependent upon the availability of key stakeholders.	- The evaluation team worked with the relevant WIPO managers and teams supporting the Standing Committees to reach out to potential interviewees. The evaluation team adopted a flexible agenda and granted some stakeholders the option to respond to the interview questions by email; a representative sample was achieved for all Committees. A challenge experienced was in obtaining common and comparable information on the Standing Committees, such as budget details. Where this occurred the evaluation team consulted closely with the managers of the Standing Committees to obtain the information needed.
The potential low response rate for the online survey(s)	Online surveys generally have a relatively low response rate.	- An online survey of reasonable length was produced and the evaluation team worked with the relevant WIPO managers and teams to establish contact lists. The evaluation team translated the survey into the six WIPO official languages and Portuguese; the response rate of 31% with 172 responses was considered sufficient.
Research/ evaluation biases	In every evaluation, there are potential biases that can occur. Some examples include: <ul style="list-style-type: none"> - <i>Selection Bias</i>: a tendency that interviewees will only answer questions if they have a positive opinion about it; - <i>Funding Bias</i>: the tendency to support the view of the organization financing the study; - <i>Confirmation bias</i>: tendency to seek out evidence that is consistent with the expected effect 	- The evaluation team minimized bias through the careful analysis of data and comparison on findings from the multiple sources. Both the survey and interviews were anonymous offering the opportunity for respondents to be open and candid.

2. FINDINGS

20. To support the evaluation findings, an intervention logic for the Standing Committees was created, mapping the pathway from activities to outputs, outcomes and WIPO Strategic Goals.

Figure 1: Intervention logic for the Standing Committees



Sources: WIPO Rules of Procedures, Policy on Languages at WIPO, Special Rules of Procedures (SCCR/1/2, SCCR/1/8, SCCR/2/11, SCP/1/2, SCP/1/7, SCP/2/2, SCP/2/13, SCP/4/6, SCP/17/6, SCP/17/6 REV, SCP/17/13, SCT/1/2, SCT/1/6, SCT/2/2, SCT/2/5, CWS/1/2, CWS/1/10, CWS/2/2, CWS/2/14), Program and Budget 2018/2019, Program and Budget 2020/2021 & Interviews. This intervention logic has been aligned to the WIPO MISP 2022-2026

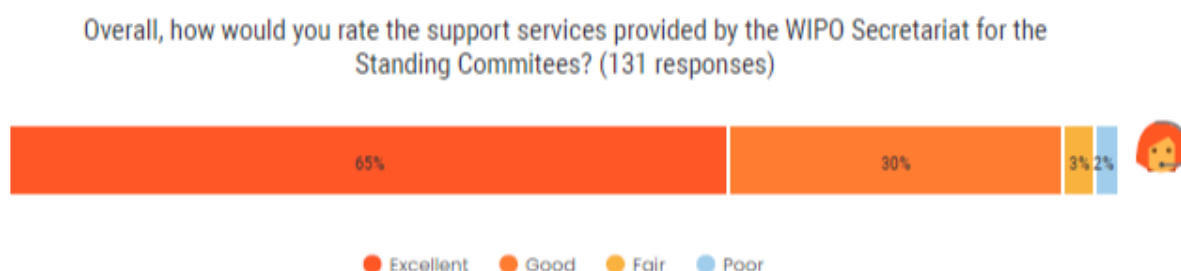
(A) EFFECTIVENESS

(i) To what extent have the Standing Committee managers at WIPO achieved the intended outputs?

Finding 1. WIPO Managers and their teams have carried out successfully their logistic and organizational activities in support of the Standing Committees, as confirmed by their own self-reporting and the Member States. The Standing Committees were assessed by Member States as largely fulfilling their purposes with the support of the WIPO Secretariat particularly in relation to the achievement of their expected results. The relevant performance indicators were broad and open to interpretation. Suggestions were provided as to how the support services of WIPO could be further optimized.

21. The logistical and organizational activities led to the intended outputs that enabled the four Standing Committees to hold their meetings and carry out their related work, as seen in Figure 2. There was strong support from Member States that the Managers, their teams and other services of the WIPO Secretariat had provided effective support for the Standing Committees, with 65 per cent of surveyed representatives of the Member States rating support services as "Excellent" (see Figure 2). Similar positive assessments were also emphasized in interviews with Member States and observers to the Standing Committees. In both the survey and interviews, suggestions were provided as to how to optimize further different aspects of support services as detailed further under the section (B) Efficiency of the current report.

Figure 2: Rating of support services of WIPO Secretariat for the Standing Committees



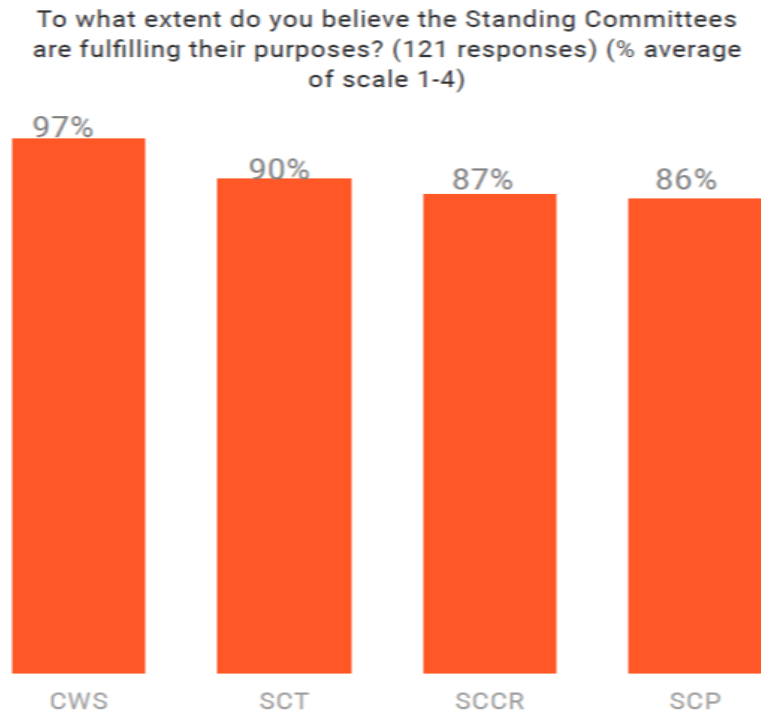
(Source: Member States survey)

22. Member States emphasized in interviews and the survey that the Standing Committees had contributed successfully to their stated purposes, notably as forums to:

- (a) "discuss, debate and decide on issues" (SCCR);
- (b) "discuss issues, facilitate coordination and provide guidance" (SCP, SCT); and
- (c) as an "international forum for discussing and reaching agreement on WIPO Standards" (CWS).

23. In interviews, Member States highlighted that the achievements of the Standing Committees in their stated purposes as forums for discussion, coordination and guidance were not always known and recognized. Member States' assessment as to the extent to which the Standing Committees were fulfilling their purposes was high, varying from 86 per cent for SCP to 97 per cent for CWS (Figure 3). This very high rating for CWS possibly reflects its distinct technical mandate, the Secretariat's effective support and ability to develop standards, as confirmed in interviews with Member States and observers.

Figure 3: Rating of extent to which Standing Committees are fulfilling their purposes



(Source: Member States survey)

24. The Managers and their teams supporting the four Standing Committees all reported progress on achieving their intended outputs. This was seen in the reporting on relevant performance indicators for the 2014/15, 2016/17 and 2018/19 biennia, where all were reported as being "Fully achieved" for the last biennium:⁴

- (a) "Progress on the implementation of agreed work, according to the SCP Agenda": Fully achieved (2014/15, 2016/17, 2018/19);
- (b) "Progress towards agreement on current issues on the SCT Agenda": Fully achieved (2014/15), Partially achieved (2016/17), Fully achieved (2018/19);
- (c) "Progress in the implementation of agreed work according to the SCCR agenda": Not achieved (2014/15), Fully achieved (2016/17), Fully achieved (2018/19); and
- (d) "Number of amended or new Standards adopted": Partially achieved (2014/15), Fully achieved (2016/17), Fully achieved (2018/19).

25. At the same time, these three performance indicators were broad and open to interpretation as to what constitutes "progress" in the implementation of the agreed work.

(ii) How have the Standing Committees themselves contributed to the WIPO results framework?

Finding 2. The Standing Committees have successfully contributed to relevant discussions, debate, coordination and guidance on IP-related matters, which in turn has the potential to contribute to WIPO's Strategic Goal I, as evidenced by some Member States. They reported limited progress in developing and finalizing international IP treaties, recognizing that this falls

⁴ As reported in the WIPO Performance Reports 2014/15, 2016/17, 2018/19: Strategic Goal I, Programs 1, 2, 3.

⁵ The wording of the indicator was different in 2014/15: "Progress towards agreement on current issues on the SCCR agenda". [Note: this wording was not just slightly different, it was basically judging the progress of the work of the Member States and they requested that the wording be changed]

outside the scope of the WIPO Secretariat. CWS has contributed to WIPO's Strategic Goal of coordination and development of the global strategic IP infrastructure through the modification and creation of standards. Suggestions were provided as to how the contribution of the Standing Committees could be increased.

26. As described above, the Standing Committees were assessed as successful in achieving their purposes as forums for discussion, coordination and guidance (if not always recognised as such), since their creation in 1998 (and 2009 for CWS).

27. With the adoption by Members States in 2008 of WIPO's current Strategic Goals, the Standing Committees were seen as contributing to the WIPO's Strategic Goal I on the balanced evolution of the international normative framework for IP (SCP, SCT, SCCR) and to Strategic Goal IV' on the coordination and development of global IP infrastructure (CWS). Member States provided examples where the research and guidance provided by the Standing Committees had supported the development of national IP procedures and policies (e.g. Australia, Turkey, Trinidad and Tobago and Uganda).

28. However, the Standing Committees have made limited progress in developing and finalizing international IP treaties as part of the normative framework for IP. Member States recognized that this responsibility falls outside the scope of the WIPO Secretariat, as treaties are finalized and adopted by the Diplomatic Conference. CWS has made progress towards strategic goal IV with the 14 modifications of existing standards and adoption of six new standards.⁶

29. Member States' representatives also highlighted that the Standing Committees were some of the only global forums to discuss IP-related issues and were therefore contributing to the other strategic goals of WIPO, such as facilitating the use of IP for development (Strategic Goal III), WIPO as a world reference source for IP information and analysis (Strategic Goal V) and international cooperation on building respect for IP (Strategic Goal VI).

30. In both the survey and interviews, suggestions were provided as to how the Standing Committees could further contribute to WIPO's results framework. These are detailed further under section (B) Efficiency of the report if they are considered as being within the supporting role of the WIPO Secretariat.

(iii) What good organizational and managerial practices and lessons learned can be found within WIPO's four different Standing Committees?

Finding 3. Good practices and lessons learned were identified within the Standing Committees including the hybrid meeting format, the time allocation and annotated agenda for meetings, the development and publication of research studies and guidelines and activities between meetings to encourage progress.

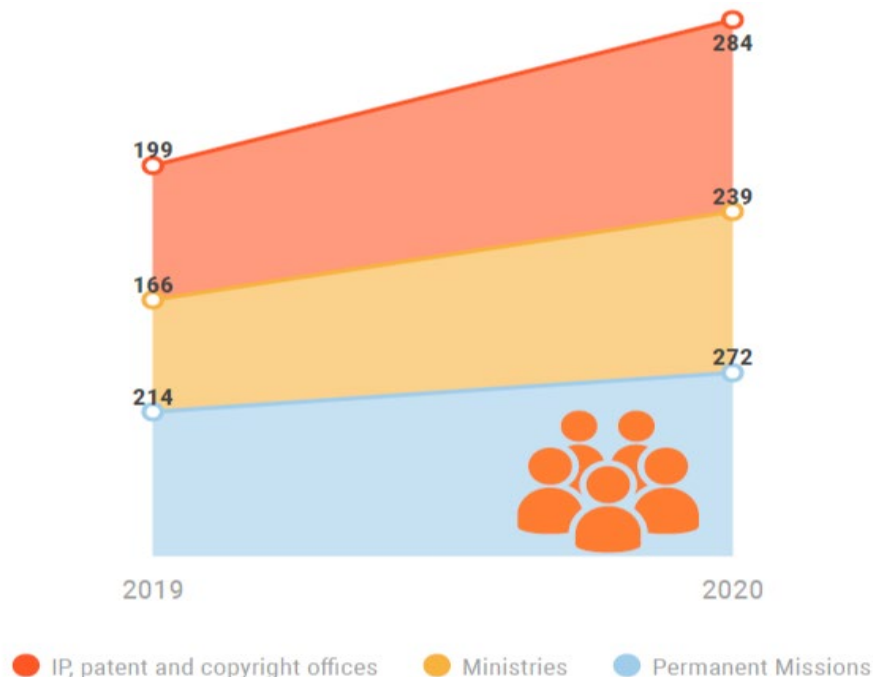
31. Within WIPO's four Standing Committees, good practices and lessons learned could be identified as described in the following paragraphs.

32. **The hybrid meeting format:** The hybrid meeting format was adopted in 2020 in response to the COVID-19 pandemic that restricted in-person meetings and implied that nearly all Member States had to participate remotely, accessing the meeting through the WIPO online meeting platform. The hybrid meeting format was largely viewed as positive by Member States and observers as it allowed for a more efficient time management (meeting times were reduced by at least half) and for a broader participation. This is illustrated by the participation statistics of the Standing Committee meetings, comparing 2019 (pre-COVID-19) to 2020 (during COVID-19), where the global number of Member States' participants increased by 37 per cent from 579

⁶ 2014/15: 1 new Standard informally adopted and 3 Standards revised; 2016/17: 4 new Standards adopted and 5 Standards revised; 2018/19 :1 new Standard adopted and 6 Standards revised.

in 2019 to 795 in 2020 as seen in Figure 4. Although all categories of Member States' participants increased, the greatest increase was seen in representatives from IP, patent and copyright offices, a 47 per cent increase. This was confirmed in interviews, where Member States' representatives explained that the hybrid format allowed their technical specialists from IP, patent and copyright offices to participate at selected times, when they knew their area of specialization was being discussed. The possibility to continue to use the hybrid format was emphasized in WIPO's new MTSP for 2022-26.⁷ According to Member States, the hybrid format also brought certain disadvantages, notably the inability to progress the normative agenda⁸, difficulties to hold informal, bilateral and group discussions and challenges with connectivity and the time differences for some participants.

Figure 4: Number of Member State participants in Standing Committee Meetings: 2019 and 2020



(Source: participant registration data)

33. **Time allocation and annotated agenda for meetings:** A good practice put in place with the hybrid format was the adoption of an annotated agenda and time allocation for each agenda item by SCCR. This was appreciated by Member States and allowed them to better prepare and organize the participation of their technical specialists in the meetings, as described in the previous point.

34. **Development and publication of research studies and guidelines:** Member States were positive about the practice of the Standing Committees commissioning research studies, guidelines and other activities to advance the normative agenda. As described above, this research and guidance supported the development of national IP procedures and policies. Member States were of the opinion that further efforts could be made by the WIPO Secretariat to distribute and promote these studies and guidelines in order to encourage their uptake.

35. **Activities between meetings to encourage progress:** A good practice identified was the activities carried out between meetings to encourage progress towards fulfilling the purposes of the Standing Committees. Examples cited by Member States included the "Friends

⁷ WIPO's Medium-Term Strategic Plan (MTSP) for 2022-26, p. 10: https://www.wipo.int/edocs/mdocs/govbody/en/wo_pbc_32/wo_pbc_32_3.pdf

⁸ The evaluation noted that slow progress on the normative agenda preceded the hybrid meetings although it was completely stopped during the COVID-19 pandemic.

of the Chair" initiative and regional meetings with SCCR, member surveys with SCT and preparation of background studies with SCP. Also highlighted was the system of Task Forces that the CWS has in place, where participants work collaboratively between meetings to develop and/or revise standards. Outside of the Standing Committees but within WIPO, a good practice highlighted was the informal sessions organized by the Traditional Knowledge Division to discuss the results achieved in its informal sessions supporting the Intergovernmental Committee on IP and Genetic Resources, Traditional Knowledge and Folklore. Nevertheless, a few stakeholders reported that some Member States disapprove of having activities between meetings.

(iv) What good organizational and managerial practices can be found in, and lessons learned from, other UN organizations with similar Committees?

Finding 4. Good practices and lessons learned were identified in other UN organizations, including the ability to advance normative agenda through the hybrid meeting format, the use of professional negotiators to support treaty development, building national capacity and understanding in treaty negotiations and development through coaching, training, e-learning tools and information sessions.

36. The evaluation examined the organizational and managerial practices of five UN organizations with similar Committees: UNESCO, WTO, WHO, UNODC and IAEA. Good practices and lessons learned could be identified as described in the next paragraphs.

37. **Ability to advance the normative agenda through the hybrid meeting format:** As a response to the COVID-19 pandemic, all international organizations with normative mandates had to adopt hybrid meetings formats as WIPO did. Several of these organizations, such as WTO and UNESCO reported continuation of their normative negotiations using the hybrid format. For example, from May 6-11, 2021, UNESCO held an intergovernmental meeting of experts using a hybrid format that drafted a UNESCO recommendation on open science for adoption by UNESCO's General Conference in November 2021.⁹

38. **The use of professional negotiators to support treaty development:** Several of the UN organizations reported using professional negotiators and mediators at key points of treaty development to support the progress and reach consensus. This was also a possible future strategy for WIPO as proposed in WIPO's MTSP for 2022-26 where it is suggested that "*Subject-matter specialists and professional mediators acting as chairs, co-chairs and facilitators may be involved to strengthen the governance of negotiations*" (p. 10).¹⁰

39. **Coaching and training for Member States' representatives on treaty development and negotiations:** To support Member States, WTO offers coaching and training for representatives including on negotiation skills. The main aim of the support is "*for the beneficiary countries to understand more about the WTO and its rules in order to better use and more actively participate in the Multilateral Trading System*".

40. **Creativity in finding new ways to engage with Member States:** The pandemic has created in organizations such as the WHO a greater appetite for creativity and finding new ways for engaging Member States. During the pandemic WHO continued substantive discussions and managed to approve 33 resolutions in May 2021.

⁹ UNESCO Recommendations are legal instruments in which "*the General Conference formulates principles and norms for the international regulation of any particular question and invites Member States to take whatever legislative or other steps may be required in conformity with the constitutional practice of each State and the nature of the question under consideration to apply the principles and norms aforesaid within their respective territories*". For further information: <https://en.unesco.org/science-sustainable-future/open-science/recommendation>

¹⁰ WIPO's Medium-Term Strategic Plan (MTSP) for 2022-26: https://www.wipo.int/edocs/mdocs/govbody/en/wo_pbc_32/wo_pbc_32_3.pdf

41. **E-learning tools explaining the content of the process and "brown bag" lunches to provide informal space for participants to ask questions:** For example, UNODC offers e-learning courses to explain the treaty process and "brown bag" lunches, which provide an informal space for participants to learn further about treaty development and ask questions.¹¹

(B) EFFICIENCY

42. In considering the overall efficiency of the support services of the WIPO Secretariat for the Standing Committees, a word cloud analysis¹² (Figure 5) of the interview transcripts and survey comments illustrates the key points of the findings:

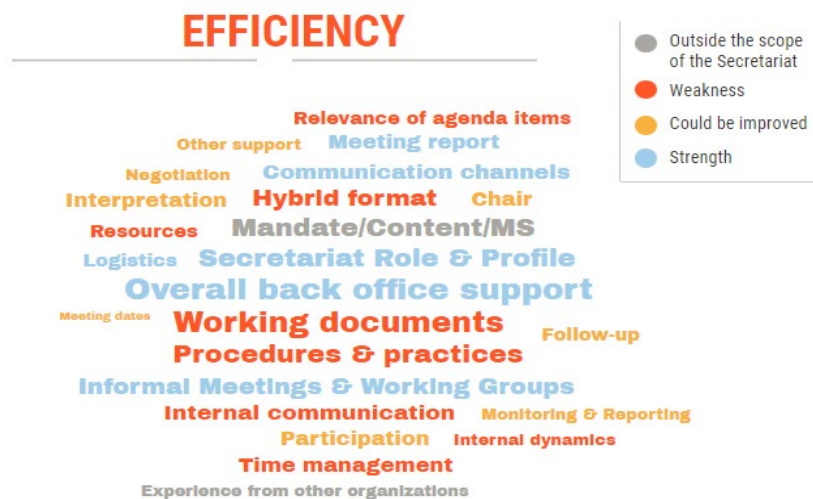
(a) The main strengths identified included the overall back office (logistics, communications and organizational support) support and role of the WIPO Secretariat, in addition to the role of informal meetings and working groups;

(b) The main weaknesses identified included the (timeliness and translation) of the working documents, insufficient documentation of/coherence across procedures and practices, communication on the relevance of some agenda items, internal communication and time management. Although the hybrid format of meetings was highlighted above as a good practice (question (iii)) its disadvantages were also raised as detailed above; and

(c) The main areas identified for improvement included participation (i.e. finding the balance between diplomatic and technical experts), interpretation, support to the chair, monitoring, reporting and follow-up.

43. The points highlighted are discussed further in this section.

Figure 5: Word cloud of interview and survey comments on efficiency



Source: 631 statements on efficiency (interviews and survey)

(Source: evaluation interview transcripts and Member States Survey – 631 comments)

¹¹ For an example of a UNODC e-learning course on treaty processes see:

https://www.unodc.org/unodc/en/commissions/CND/Mandate_Functions/scheduling-elearning-tutorial.html

¹² "A word cloud is graphical representations of word frequency that give greater prominence to words that appear more frequently in a source text": <https://www.betterevaluation.org/en/evaluation-options/wordcloud>

(i) To what extent have the services of the Secretariat of each Committee and the WIPO business units that support committee sessions been efficient in supporting the Standing Committees before, during and between/after meetings?

Finding 5. The services of the Secretariat of each Standing Committee were rated as very efficient in general. Member States highlighted different aspects, which they thought could be further optimized including: (i) before the meetings – the timely publishing and translation of working documents, the management of the agenda and meeting dates, preparation of the Chair, "newcomers" and regional coordinators; (ii) during the meetings - harmonization of procedures and practices, guidance provided and holding of side events; (iii) between/after the meetings - management of intermediate activities and the monitoring of progress. Cross-cutting issues were also identified including the chair election and skills, participants' profiles, gender and diversity and internal communications.

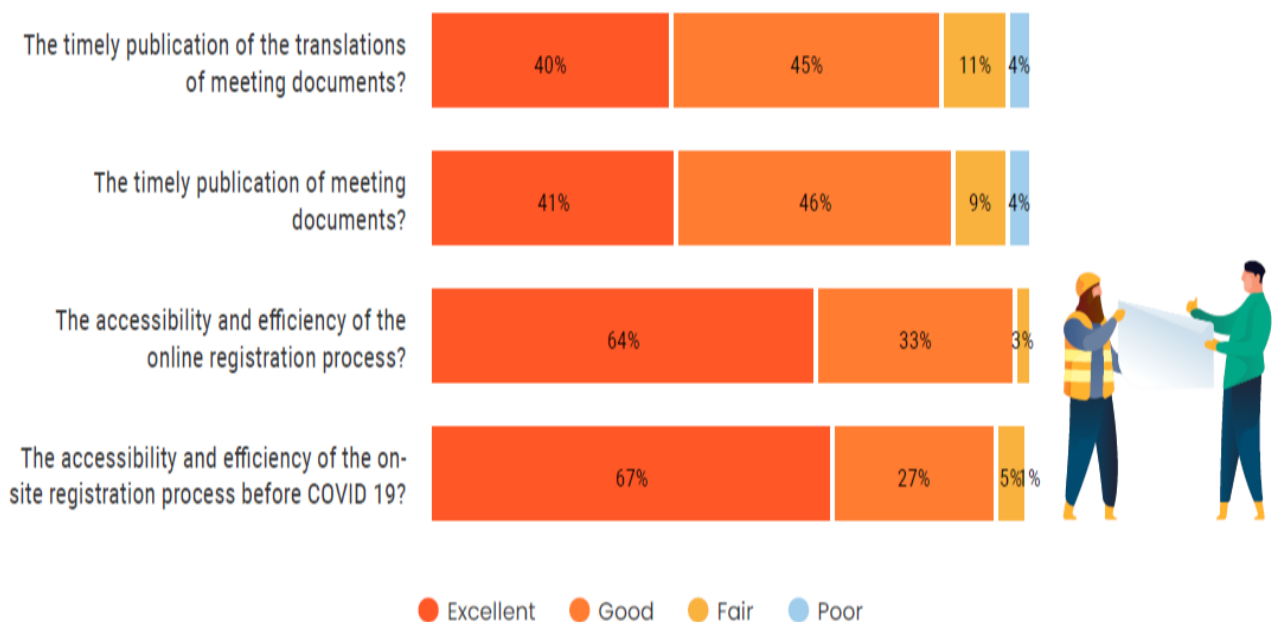
44. As highlighted in response to question (i) above, there was strong support from Member States that the WIPO Secretariat had provided effective support for the Standing Committees. To consider further the efficiency of these services, they are examined on the basis of “before, during and between/after the meetings”, in addition to cross-cutting issues. Some variation was seen among responses from the different sources with responses to the survey closed questions being in general more positive than those to the survey open questions, comments and interviews. Where necessary this difference is highlighted.

Preparatory support before the Standing Committee meetings

45. Member States were positive about the preparatory support for the Standing Committee meetings, rating highly the online and onsite registration processes as seen in Figure 6 below. The timely publication of meeting (working) documents and their translation was less well rated as discussed further below. Interviews with Member States highlighted the professionalism of WIPO staff and their availability to respond to questions in preparation of the Standing Committees.

Figure 6: Rating of preparation support for the Standing Committees

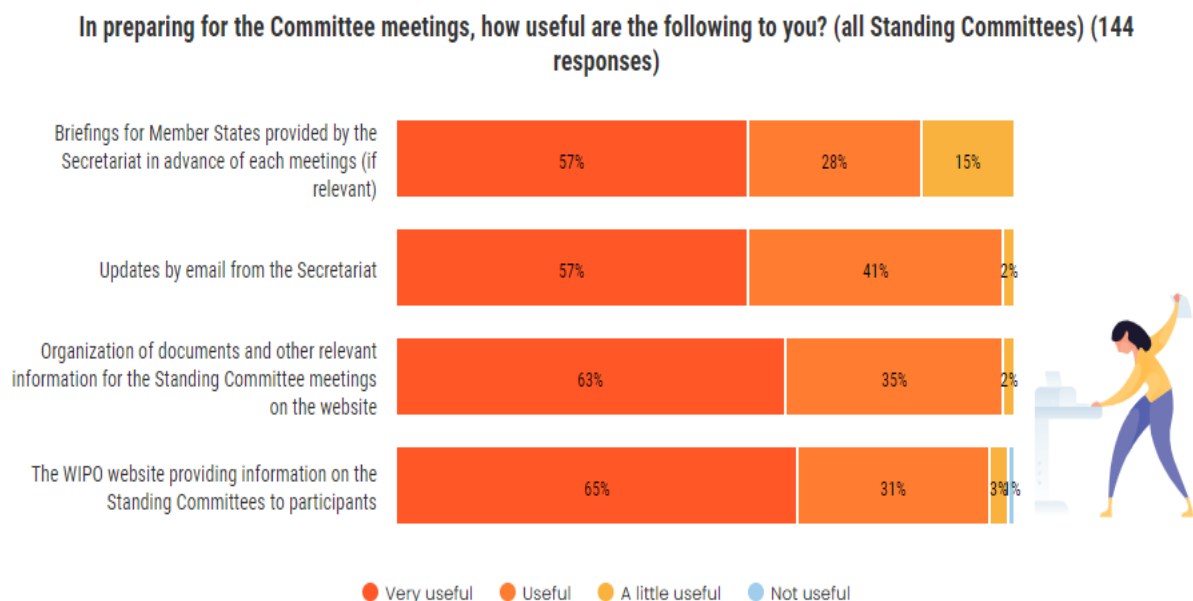
How would you rate the preparation for the meetings? (all Standing Committees) (156 responses)



(Source: Member States survey)

46. Member States also provided an assessment on the usefulness of the preparatory support as seen in Figure 7.

Figure 7: Rating of usefulness of support in preparing for the Standing Committees



(Source: Member States survey)

47. **Working documents:** An issue raised in both the interviews and survey comments was the late publication of meeting working documents in preparation for the meetings: 45 per cent (38 of 85) of survey and interview comments on working documents indicated timeliness as an issue (this was less raised as an issue in the survey closed questions). According to the WIPO Rules of Procedure, the working documents should be sent with the convocation letter and the draft agenda at least two months before the opening session or "as soon thereafter as possible" (Rule 6).

48. The majority of the documents published late are those submitted by Member States, and vary in their formatting and length. Some Member States and WIPO staff suggested that the WIPO Secretariat could provide templates, guidance and minimum requirements for documents and that this could contribute to improving the timelessness and uniformity of the documents. Those interviewed were unclear as to the reasons for the delays but believed it did hinder the preparation and progress of the meetings and contributed to postponing discussions and decision-making.

49. **Translation of working documents:** Since 2012 documentation of the Standing Committees has to be in the six official languages.¹³ The main documents are available in the six official languages with the exception of research studies and documents assessed as being "exceptionally voluminous documents", for which only the executive summary needs to be translated (A/48/11). Member States reported to not be fully aware of the definition of "exceptionally voluminous documents". In practice, Managers and teams supporting the Standing Committees adhere to the 3,300 words limit established by the Translations Section (OI/32/2012). Exceptions can be made upon written request from Member States.

50. **Agenda:** According to the WIPO Rules of Procedure, the Director General is responsible for preparing the draft agenda of meetings which is then adopted at the first meeting of the relevant session (Rule 5). However, in interviews with Member States, observers and WIPO staff, it was indicated that the WIPO Secretariat is drafting the meeting agendas in

¹³ Since 2011, documents of the SCT and the SCCR have to be in the six official languages (A/49/15). In 2012, this was then extended to the other Standing Committees (2012 – A/49/15, WIPO Programme and Budget 2012/13).

consultation with Member States. The inability to discuss new items was particularly concerning as it meant new developments could not be discussed potentially reducing the relevance of the Standing Committees. Member States and observers interviewed would like to seek more efficient way to manage the meeting agendas, for example to have a process to remove items from the agenda where no progress is seen and the ability to put new items on the agenda. Of note, the WIPO Rules of Procedure do allow for the addition and deletion of agenda items. When setting out the future strategy for Strategic Goal I, WIPO's MTSP for 2022-26 suggested "*Member States could consider options such as setting a date by which a negotiating forum could conclude its work*" (p. 10).¹⁴ As described in response to the question (iii) above, Member States were positive about the practice to publish an annotated agenda and time allocation for each agenda item and this was encouraged for all Standing Committees in the future.

51. **Meeting dates:** According to the WIPO Rules of Procedures, the Director General is responsible for fixing the place and dates of meetings (Rule 47). Although the Managers and their teams supporting the Standing Committees tried to avoid clashes with other WIPO meetings in scheduling, this was sometimes unavoidable given the number and length of the in-person meetings (on average five working days for Standing Committee meetings). According to Member States, overlapping meetings or those that run consecutively are challenging to prepare for and attend fully, particularly for Member States with smaller delegations.

52. **Preparation of Chairs:** Based on feedback from current and past Chairs and WIPO staff, the preparation of Chairs by the Managers and their teams varied also considering the different understandings of the Chair's role based on WIPO Rules of Procedure. For example, while the Managers and their teams of some Standing Committees provided extensive guidance and support for the Chair, others only provided back office support.

53. **Preparation of "newcomers":** An issue raised by Member States was the lack of support provided for their representatives attending the Standing Committees for the first time ("newcomers"). Briefings from the WIPO Secretariat were appreciated by Member States as seen in Figure 7 but interviewed newcomers confirmed that they were infrequent and inconsistent across the Standing Committees. Further, they lacked preparation and support from WIPO in understanding how the meetings functioned and suggested that it would be essential for any newcomer to understand:

- (a) The meetings' proceedings, logistical arrangements, communication guidance, financing of participants;
- (b) The timeline of significant events of the Standing Committee;
- (c) The latest actions, uptakes, and results; and
- (d) Any sensitive issues and challenges.

54. For this purpose, it was suggested by Member States for the WIPO Secretariat to create resources for newcomers, such as a "welcome pack", introductory sessions or videos.

55. **Preparation and collaboration with Regional Coordinators in terms of financed participants:** Each geographic grouping of Member States nominates a Regional Coordinator for coordinating their positions for the Standing Committees. The Regional Coordinators, often in collaboration with the WIPO Regional Bureaus, were consulted to coordinate the selection of countries to receive financial assistance to support their attendance.¹⁵ Although this

¹⁴ WIPO's Medium-Term Strategic Plan (MTSP) for 2022-26:

https://www.wipo.int/edocs/mdocs/govbody/en/wo_pbc_32/wo_pbc_32_3.pdf

¹⁵ WIPO's General Assembly in 1998 set out the financial support for Member States attending the Standing Committees: "*It is proposed to increase WIPO's financial assistance in facilitating attendance to these important meetings [SCCR, SCP, SCT] to 26 participants - five for Africa, five for the Arab States, five for Asia and the Pacific*

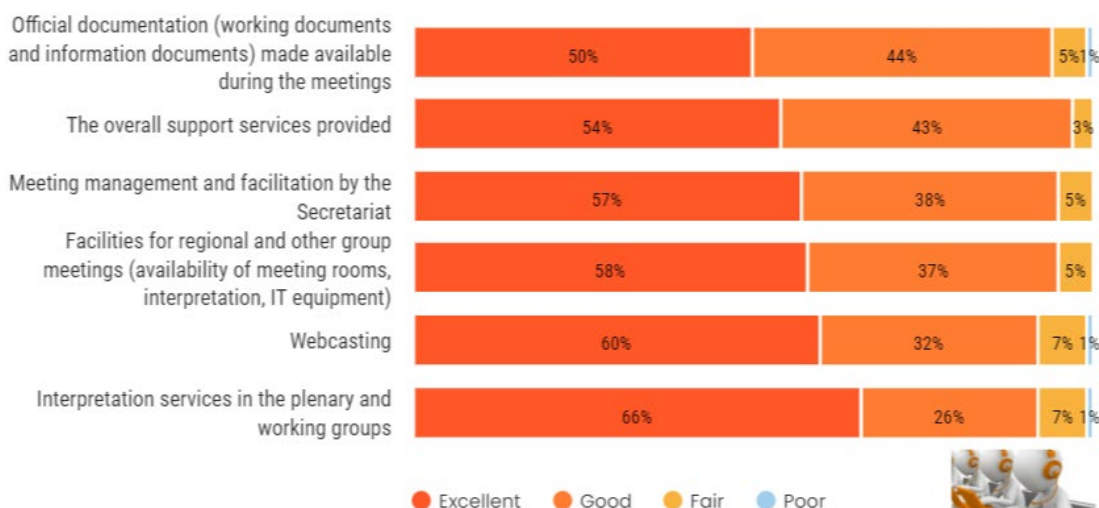
coordination on financial assistance was reported as consistent across the Standing Committees, there was some concern from Member States that the criteria selection was not always clear. While some implicit internal procedures are being followed in the selection process, these are neither in a written form nor publicly available. Further, interaction between the WIPO Secretariat and the Regional Coordinator varied for each of the Standing Committees according to Member States. Several suggested an increased dialogue with the Regional Coordinators in preparation for the Standing Committee meetings, for example with the WIPO Secretariat and the Chairs.

Support during the Standing Committee meetings

56. Complementing the above findings on support services before the meetings, the Member States assessed the services during the meetings (pre-COVID-19) as very positive, as seen in Figure 8. Interpretation, although largely praised, was raised by some Member States as an area of improvement (Figure 5), mainly related to improving the familiarity of interpreters with IP terminology.

Figure 8: Rating of support during the Standing Committees

How would you rate the following services provided during the Standing Committee meetings when they were held physically on the WIPO premises (pre-COVID-19 – prior to March 2020)? (all Standing Committees) (149 responses)

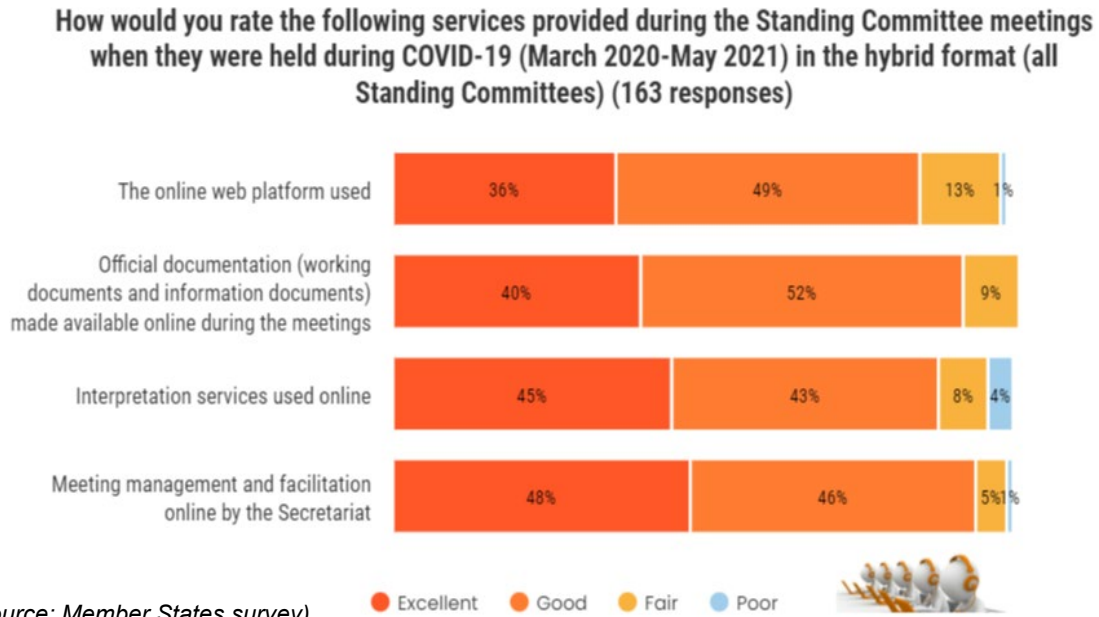


(Source: Member States survey)

57. **Hybrid format:** Member States also assessed positively the support services provided during the hybrid meeting format due to the COVID-19 pandemic as seen in Figure 9.

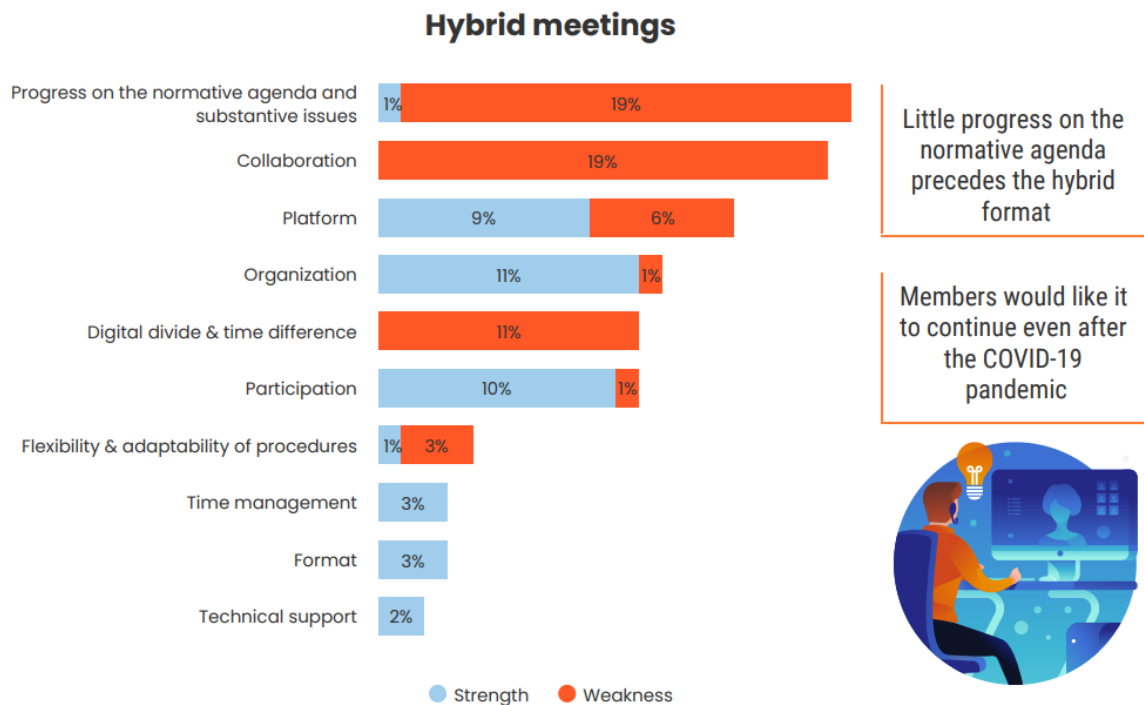
plus one for China, five for Latin America and the Caribbean and five for former CIS countries - to ensure adequate representation of Member States from all regions". WO/GA/23/2, paragraph 17, p. 6.

Figure 9: Rating of support during the Standing Committees - COVID-19



58. Despite the positive feedback on the services provided, some Member States and observers reported challenges related to the hybrid format: 60 per cent (72 of 119) of survey and interview comments on the hybrid format highlighted some weaknesses as seen in Figure 10 below. The main issues raised were the challenges to progress the normative agenda, difficulties with collaboration to hold informal, bilateral and group discussions and challenges with connectivity (digital divide and time differences).

Figure 10: Strengths and weaknesses identified in procedures and practices of Standing Committees

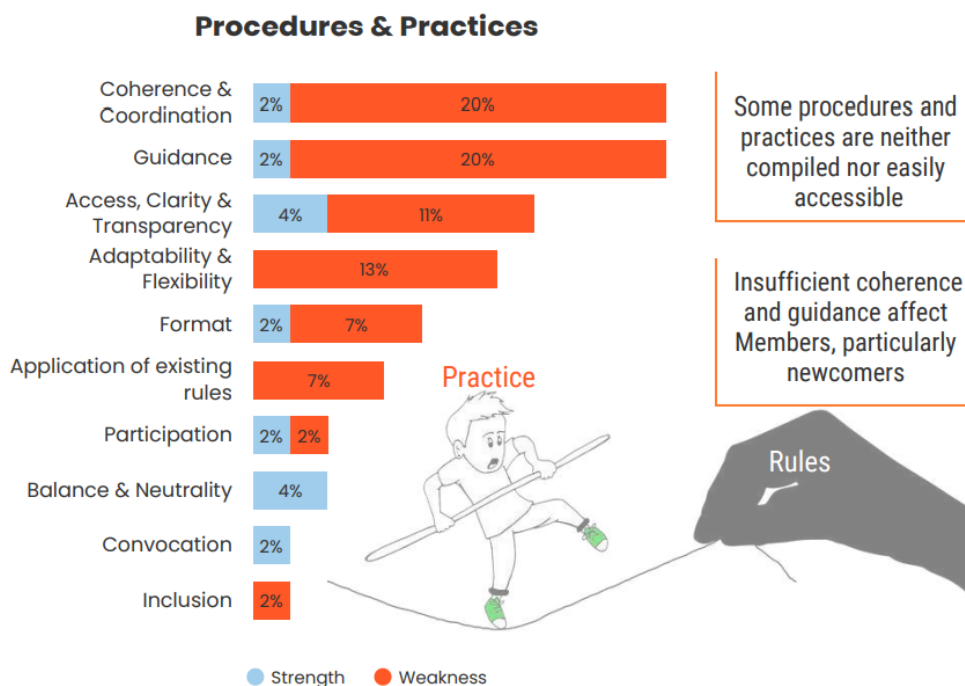


(Source: evaluation interview transcripts and Member State Survey – 119 comments)

59. Although the services during the Standing Committee meetings were assessed positively, a number of issues were highlighted in the interviews and survey, as discussed in the next paragraphs.

60. **Procedures and practices:** The procedures and practices for the Standing Committees were not all known or clear for the Member States, and their application differed between the Standing Committees: 82 per cent (47 of 56) of survey and interview comments on procedures and practices highlighted weaknesses as seen in Figure 11 below. Member States commented that there was no central document containing the established procedures (as confirmed by WIPO's Office of the Legal Counsel). Each Standing Committee was found to adopt to some extent different approaches during the meetings, which were noticed notably by the same Member States' representatives attending the different Standing Committee meetings. The hybrid meetings exacerbated these discrepancies, which could be the result of the absence of specific rules for this format. For example, some Standing Committees provided participants with a proposal for time allocation and/or an annotated agenda while others provided the regular agenda; some Standing Committees made use of technologies to facilitate smoother online discussions while others did not, even when requested by participants, according to Member States. The absence of published procedures or standard practices contributed to issues listed above ("before") and below ("after").

Figure 11: Strengths and weaknesses identified in procedures and practices of Standing Committees



(Source: evaluation interview transcripts and Member States Survey – 56 comments)

61. **Guidance during meetings:** Newcomers pointed out that during the Standing Committee meetings, guidance varied from the WIPO Secretariat and/or Chair for participants. This included which item was being discussed, what its status was and what will be discussed next, as seen as an issue raised in Figure 12. Newcomers suggested that more explanation was required during the meetings to facilitate understanding for all.

62. **Time management:** The management and allocation of the time needed for the different topics of the Standing Committees was an issue highlighted as a weakness by Member States and observers. Suggestions included having shorter lunch breaks, limiting the time for general statements and the ability to treat "dormant" items of the agenda rapidly. Further, it was

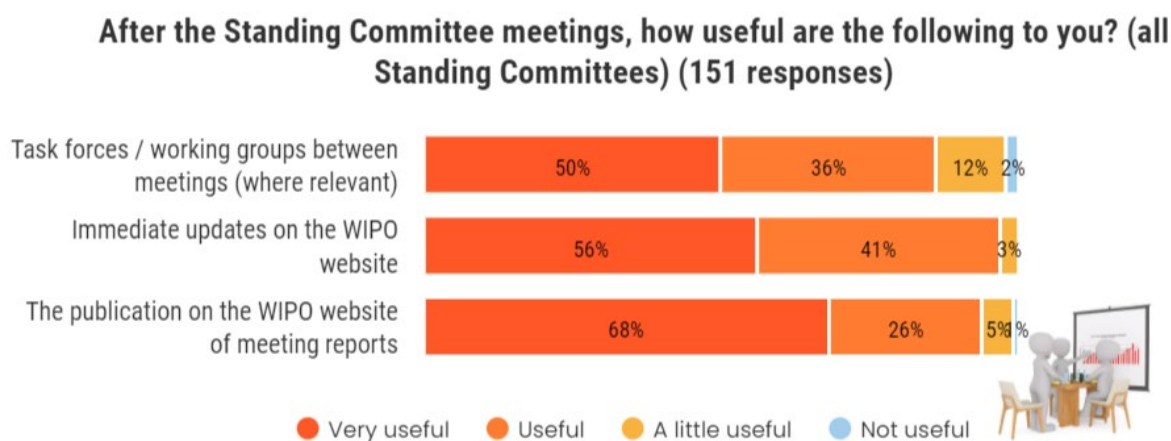
suggested that for in-person meetings for the future, the allocation of five days for meetings should not be automatic but based on the progress seen and anticipated discussions (Member States cited the past precedent of SCP meetings that were reduced to three days). Even though there has been more coordination between the Managers and teams supporting the Standing Committees, Member States reported that they would like to see better time management.

63. **Side events:** Member States and observers provided mixed feedback on the side events held during the Standing Committee meetings (pre-COVID-19). Whereas some felt they were informative and useful, others felt they were not always constructive and contributing to the progress of the Standing Committees. The side events were mostly not broadcasted (through webcasting).

Support provided between/after the Standing Committee Sessions

64. Complementing the above findings on support services before and during the meetings, the Member States rated the services following the meetings mainly as "Very useful" and "Useful", as seen in Figure 12. According to the WIPO Rules of Procedure, the Secretariat drafts the meeting reports (Rule 44); however, this rule has been replaced in October 2021 with automated speech-to-text transcripts and translations (A/62/13 prov.). The Standing Committee participants adopt these reports at the following meetings. CWS is an exception and adopts the report between sessions. Consulted Member States were overall satisfied with this approach as reflected in the survey results.

Figure 12: Rating of usefulness of support following the Standing Committees



(Source: Member States survey)

65. Although the services following the Standing Committee meetings were assessed as very useful or useful, a number of issues were highlighted in the interviews and survey, as discussed in the next paragraphs. Based on the interviews and survey comments, it is possible that the role of the WIPO Secretariat after/between meetings was not very clear for Member States. Therefore, it is very likely that Member States rated the support provided after/between meetings based on their individual perceptions/ideas of what the Secretariat *should* do.

66. **Intermediate activities:** Between meetings, activities included the conducting of research studies, surveys of Member States, ongoing task forces (CWS), workshops and regional and/or informal meetings. As described in response to question (iii) above, the Member States were positive about the use of intermediate activities to encourage the progress of the Standing Committees. Some Standing Committees also met some three months before the meeting to discuss the agenda and the topics for discussion, while in some cases the Regional Coordinators might prefer to discuss it closer to the meeting. These preparatory meetings could even be helpful to advance the discussions according to the Member States. Although these various intermediate activities were adapted to each Standing Committee, some

Member States thought there could be further harmonization, such as the use of preparatory meetings by all Standing Committees.

67. **Monitoring of progress:** The main way in which the WIPO Secretariat is reporting on progress of the Standing Committees is through the concerned performance indicators in the biennial WIPO Performance Reports as described under question (i) above. The explanatory text found in the Performance Reports provides a description of the activities of the Standing Committees but does not provide an analysis of the progress towards advancing the items on the respective agendas of the Standing Committees, and there is no timeframe. The CWS provides its work program, which consist of tasks and a high-level Work Plan for its active Task Forces¹⁶. The work program is reviewed and updated by CWS at each session and its Task Forces report on the progress of assigned CWS Task(s) to them. For Member States and observers, they commented it was challenging to understand the progress of the Standing Committees beyond what was detailed in the performance reporting and the meeting reports. This also implied that items remained on the respective agendas and there were different perceptions of their progress. For CWS, Member States suggested that in addition to reviewing the work program at each session, a further comprehensive annual review of the Task 'Forces' progress was needed, including the dormant or inactive Task Forces and what the envisaged workload of the Task Forces for the coming year meant for the Member States and WIPO Secretariat.

Cross-cutting issues in support of the Standing Committee meetings

68. In addition to the above findings on support services before, during and between/after the meetings of the Standing Committees, a number of cross-cutting issues were also identified as described in the next paragraphs.

69. **Chair Elections:** For each Standing Committee, a Chair and Vice-Chair is elected for a one year period that can then be renewed.¹⁷ Most Member States interviewed were not familiar with the rules of procedure and practices for selecting the Chairs and Vice-Chairs. It was indicated that each Standing Committee has its own way of proceeding. For example, some Member States pointed out that some Standing Committees preselect the nominees for the Chairs, other times a country would suggest a candidate, and other times the Secretariat would intervene to identify a potential Chair. In practice, Chairs were often selected before the meetings through informal consultations. The official meeting was then used to formalize a decision already made. Nevertheless, candidates were still presented and an election conducted.

70. In addition it was found that the WIPO Rules of Procedure do not provide extensive guidance on the election of the Chairs and Vice-Chair beyond what is indicated under Rule 9 of the WIPO Rules of Procedures as following:

"(1) In the first meeting of each ordinary session, each body shall elect a Chairman and two Vice-Chairmen. (2) Officers shall remain in office until the election of new officers."

71. The UN Rules of Procedure of the General Assembly which also apply for its Committees can serve as a good practice to further complement the existing WIPO Rules of Procedure. Examples of these rules are found in the highlight box below.

¹⁶ See for example: https://www.wipo.int/export/sites/www/cws/en/pdf/cws_work_program_overview.pdf

¹⁷ For SCCR, SCP, SCT and CWS, a Chair and Vice-Chair is elected for a one-year period but can be immediately re-elected for a consecutive one-year period (SCCR/2/11, SCP/2/2, SCT/2/2 and CWS/1/2).

Extracts from the United Nations Rules of Procedure of the General Assembly

Rule 10350 [92]

Each Main Committee shall elect a Chairman, three Vice-Chairmen and a Rapporteur. In the case of other committees, each shall elect a Chairman, one or more Vice-Chairmen and a Rapporteur. These officers shall be elected on the basis of equitable geographical distribution, experience and personal competence. The elections shall be held by secret ballot unless the committee decides otherwise in an election where only one candidate is standing. The nomination of each candidate shall be limited to one speaker, after which the committee shall immediately proceed to the election... In its resolution 72/313 of 17 September 2018, the General Assembly decided to establish the pattern for the rotation of the Chairs of the Main Committees for the seventy-fourth to the eighty-third session, as contained in the annex to the resolution.

48. Decides to establish the pattern for the rotation of the Chairs of the Main Committees for the forthcoming 10 sessions of the General Assembly, namely from the seventy-fourth to the eighty-third session, as contained in the annex to the present resolution;

49. Also decides to prepare arrangements concerning the rotation of the Chairs of the Main Committees for the following sessions no later than at its eighty-second session;

50. Continues to encourage Member States to seek gender balance in the distribution of the Chairs and bureau members of the Main Committees as well as the Vice-Presidents of the General Assembly, where applicable;

Source:

<https://undocs.org/pdf?symbol=A/520/Rev.19#page=53>;

<https://undocs.org/en/A/RES/72/313https://undocs.org/en/A/RES/72/313>

72. **Chair skills:** Although Member States, observers and WIPO staff all highlighted that the Chairs and Vice-Chairs were key in facilitating the discussions and activities before, during, and between/after the meetings, there were no minimum requirements or specific skills required and/or documented for these positions. Some of the skills a Chair should demonstrate before being selected were highlighted as follows:

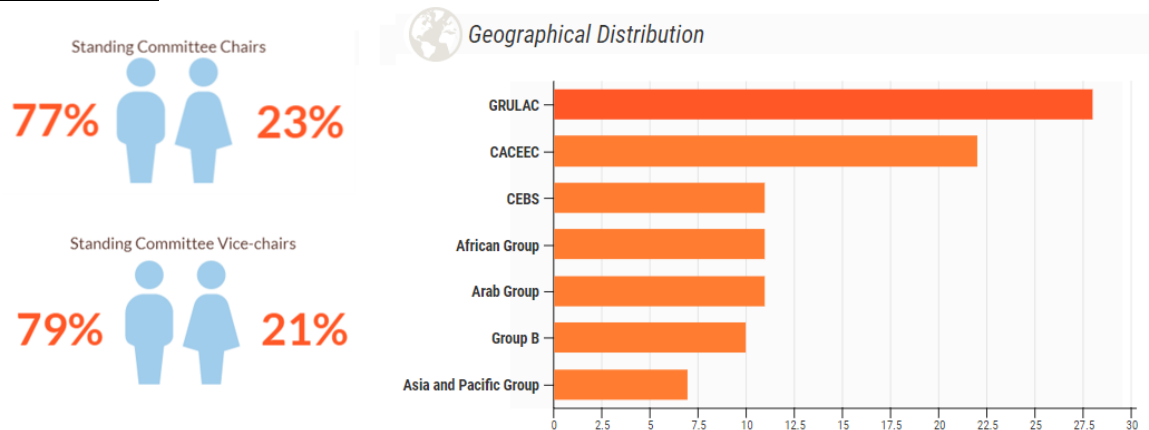
- (a) Familiarity with the topics of Standing Committee;
- (b) Facilitation skills and familiarity with participatory processes to be able to motivate participation and allow for discussion;
- (c) Ability to be proactive, especially in regards to technical topics; and
- (d) Ability to steer and guide the discussions and decision-making.

73. **Participants:** The profile of participants was raised as an area for improvement as seen in Figure 5. Although Member States saw having both technical and political participants as crucial, divergences between these two types of participants could affect the efficiency of discussions and decision-making. Ideally, Member States thought that technical officers should participate in meetings focused on technical discussions, while political delegates should participate in meetings focused on normative discussions and decision-making, supported by their technical colleagues (the hybrid format was cited as facilitating these respective roles even if normative matters in relation to some Standing Committees were not discussed). It was

suggested that greater efforts were needed to encourage a broader range of Member States to be involved with the work of the CWS Task Forces.¹⁸

74. **Gender and diversity:** To review gender and diversity, a review was carried out of the available reporting and documentation. An area identified where further efforts were needed was in the gender balance and geographical distribution of the Standing Committees' leadership roles, as seen in Figure 13, with men dominating Chair and Vice-Chair roles and with some half from the groups of Latin American and Caribbean Countries and Central Asian, Caucasus and Eastern European Countries.

Figure 13: Standing Committee Chairs and Vice-Chairs by gender and geographic distribution



75. **Internal communications:** were raised as a weakness as seen in Figure 5. Member States suggested improvements to internal communications including better communications between the Managers and teams supporting the Standing Committees to facilitate coordination; greater efforts to keep Member States updated on progress (linked to above point on monitoring progress); and better explanation of processes (e.g. why a meeting document is published in advance or not).

(ii) To what extent have the resources available to the Secretariat been used in the most efficient way to achieve their results?

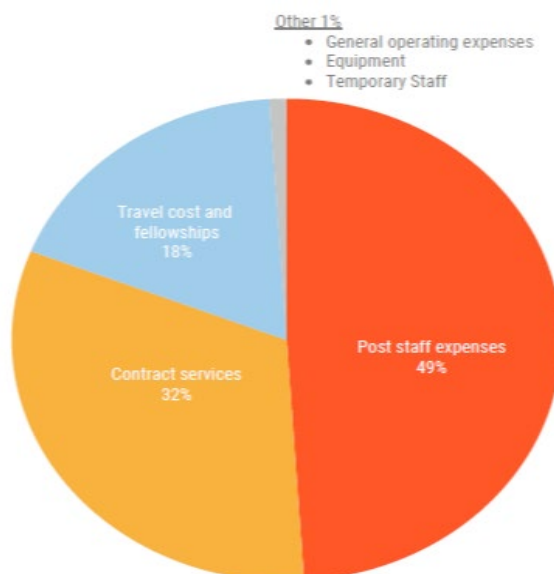
Finding 6. Resources available were used efficiently with no major inefficiencies identified. Budgets were used for three main allocations: staff expenses, contract services and travel costs for participants. Cost savings have been seen in the use of hybrid meetings, costing some fourth of in-person meetings. An area where inefficiencies were identified was in the late issuing of Travel Authorizations for Member States' representatives to attend meetings of the Standing Committees.

76. Overall feedback from Member States indicated that the resources available were used efficiently and no major inefficiencies were identified. An analysis of the available budget information indicated that 17.8 million Swiss Francs have been invested in the Standing Committees from 2016 to 2021 with the main allocations in three areas as seen in Figure 14: staff expenses¹⁹; contract services (mainly interpretation services and research studies); and travel costs (for participants).

¹⁸ These Task Forces have members from more than 30 Offices/organizations (<https://www.wipo.int/cws/en/taskforce/members.html>).

¹⁹ Post-staff expenses are based on estimates. These expenses cannot be compared across Standing Committees, as the allocation and utilization align with the number of actions agreed upon. For instance, the organization of Task Forces can be resource-intensive, and in such cases post staff expenses can be higher for those Standing Committees organizing such activities.

Figure 14: Budget allocations for Standing Committees: 2016-2021

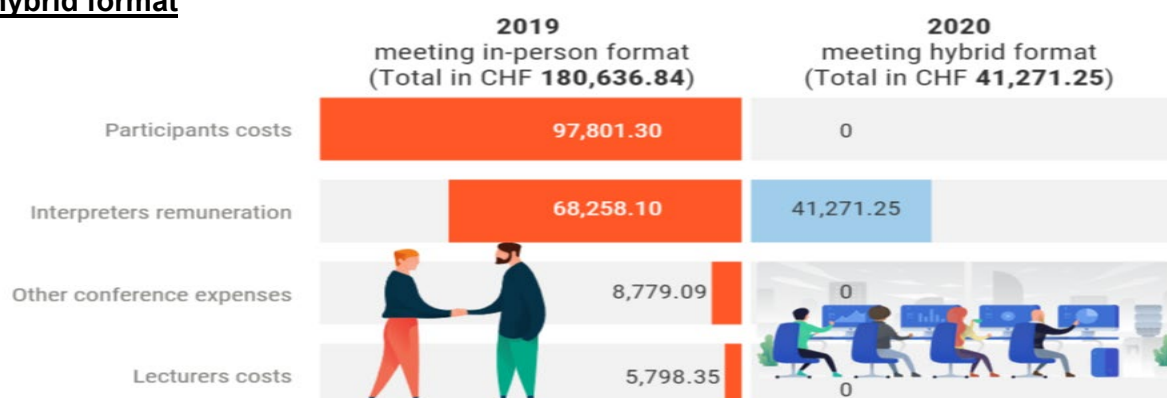


(Source: WIPO BI)

77. Cost savings have been seen in the use of the hybrid format for meetings. For example, comparing the expenditures (excluding staff costs) of the SCP meetings of in-person and a hybrid format illustrates that a hybrid meeting can cost some one fourth of an in-person meeting, mainly due to no expenditures linked to funding participants (see Figure 15). Although advantages were seen with the hybrid format, such as allowing more participants and a broader range to attend, in addition to time saving for participants due to shorter meetings, there was no progress seen in advancing the normative agenda given the decision of Member States not to discuss substantive matters. The exception was CWS, where with its technical mandate it could progress with the developments and revisions of WIPO Standards and approval for its other activities through the hybrid format.²⁰

78. It is to note that personnel costs calculations are based on estimates per activity and depending on the nature and needs of the Standing Committees. Each Standing Committee has its own way of calculating its estimates. It was indicated that sharing some guidance and good practices for calculating personnel estimates for Standing Committees could be beneficial.

Figure 15: Comparison of Standing Committee meeting expenditures: in-person and hybrid format



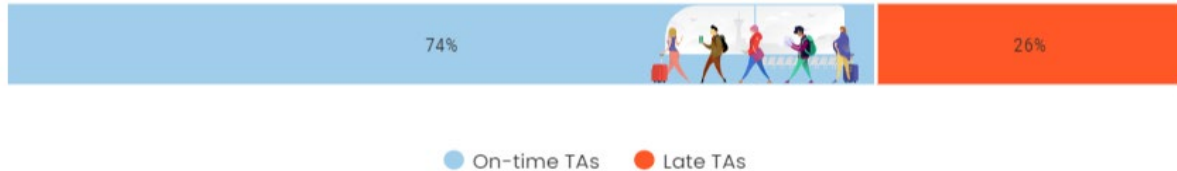
Source: 30th (2019) and 32nd (2020) SCP meetings

(Source: AIMS FSCM, voucher (invoices) accounting lines)

²⁰ It should be noted that the working hours of the meeting with hybrid format in 2020/2021 was 2.5 hours per /day and it is foreseen to get back to normal (6.0 hours per /day) with hybrid format in 2022, and it would have significant impact on the cost of the meeting due to the foreseen significant increase of interpretation and virtual platform cost.

79. An area where inefficiencies were highlighted by Member States and WIPO staff was in the late issuing of Travel Authorizations (TAs) for Member State representatives to attend meetings of the Standing Committees. The use of late TAs was inefficient as the flight tickets purchased later tended to be more costly. An analysis based on TAs from 2016-2018 for the four Sectors²¹ supporting Standing Committees indicated that late TAs accounted for 26 per cent of all TAs as seen in Figure 16. Of note, this includes all TAs of the Sectors and not only those related to the Standing Committees (as it was not possible to separate out those only for the Standing Committees).

Figure 16: Number of late TAs by Sector: 2016-2018 (5558 travel requests)



(Source: WIPO BI)

80. According to Member States and WIPO staff, the reasons for using late TAs included: the issuing of late invitations for attending the Standing Committees; delays in receiving nominations for financed participants; communication was not always optimal between the Geneva-based delegations and technical experts based in capitals; and information to make the necessary travel arrangements arrived late.

81. Member States suggested that more transparency of information could improve the efficient use of TAs. They suggested that invitations and logistical information could be published on the WIPO website (including logistical details, the process for sending candidatures for accessing financial support, deadlines, among other information needed to help prepare participants).

(iii) To what extent have the resources available to the Secretariat been sufficient to meet the needs of the Standing Committees?

Finding 7. Resources available were sufficient to meet the needs of the Standing Committees. The workload created by the CWS Task Forces did put pressure on the staff resources of some Member States and in the Secretariat team. An analysis of budget allocation against expenditure illustrates a 95 per cent utilization rate with a gap seen in 2020 mainly because of the lower expenditures due to the COVID-19 pandemic. The reporting requirements for the Standing Committees led to some resource challenges, with the suggestion to move towards audio recording transcripts as a replacement for narrative reports of the meeting proceedings. This suggestion has been adopted at the 62nd Series of Meetings of the Assemblies²².

82. Overall feedback from Member States indicated that the resources available were sufficient to meet the needs of the Standing Committees. Only a few Member States thought that the WIPO Secretariat should dedicate more resources to support the Standing Committees.

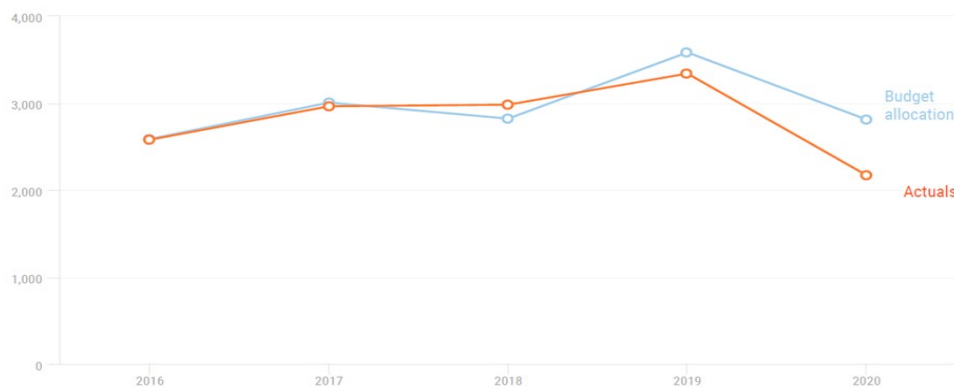
83. Several Member States working with the CWS did comment that the workload created by the Task Forces in the development of standards put pressure on their own resources (technical experts) with an inability to follow all standard development they were interested in. They suggested that the workload of CWS needed to be further streamlined and prioritized; the Secretariat team also reported that they were understaffed to manage the current workload.

²¹ Brands and Designs Sector, Copyright and Creative Industries Sector, Infrastructure and Platforms Sector, Patents

²² "The meeting report of CWS is not a narrative report. Therefore the GA adoption will not be relevant to the resource required resource to prepare CWS meeting report."

84. An analysis of budget allocation against expenditure for all Standing Committees illustrates a 95 per cent utilization rate with the gap seen in 2020 mainly because of the lower expenditures due to the COVID-19 pandemic (inability to recommence in-person meetings as was foreseen).

Figure 17: Budget allocation and utilization for Standing Committees: 2016-2020



(source: WIPO BI)

85. An area where the managers and teams supporting the Standing Committees faced challenges with resourcing was in the reporting requirement, i.e. the completion of the narrative report for each meeting. In response, the WIPO Secretariat had piloted in 2021 the use of fully automated speech-to-text transcript in English, synchronized with the video recording, and with automated translations into the other five UN languages. This will now be adopted for all Standing Committee meetings.²³

(iv) What challenges and factors influence the quality of logistical and organizational activities of the Secretariat in supporting the work of the Standing Committees

Finding 8. Challenges and factors identified within the responsibility of the WIPO Secretariat included the monitoring of progress, timeliness of working documents, procedures and practices, the hybrid format, communications and knowledge management.

86. A number of challenges and factors influencing the work of the Standing Committees were identified by Member States, observers and WIPO staff, within the scope of the responsibility of the WIPO Secretariat that they thought could support progressing the normative agenda. The following have been mentioned in the above findings:

- (a) **Monitoring of progress:** Insufficient monitoring and follow-up of tasks and results limit the ability of Member States to understand and monitor the progress of the Standing Committees;
- (b) **Working documents:** Timeliness and translation of working documents;
- (c) **Procedures and practices:** Access to compiled procedures and use of undocumented practices; and
- (d) **Hybrid format:** The challenges with the hybrid format as detailed above.

²³ The replacement of verbatim reports of WIPO meetings by automated speech-to-text transcripts and translations was decided on the 62nd series of meetings of the Assemblies, except for WIPO meetings taking place in the framework of the Assemblies, meetings of WIPO Governing Bodies, the Program and Budget Committee (PBC) and of Diplomatic Conferences, as of October 2021 (A/62/13 prov.).

87. Concerning the hybrid format, it was suggested by Member States that the decision not to continue normative discussions through this format should be reviewed considering the potential inability to hold in-person meetings for the near future and also considering that other UN organisations were progressing with their normative agendas using the hybrid format as detailed under question (iv) above.

88. Two further challenges within the scope of the WIPO Secretariat were identified:

89. **Communications:** Member States highlighted the importance of internal and external communication across all the phases of the Standing Committees (as mentioned above for internal communications). Communication practices vary among the Standing Committees, according to Member States. Guiding information should be available well in advance, ideally at the beginning of the year and well before the meetings. Suggestions for the preparation process to facilitate participation included publishing on the WIPO website the invitations and the financing procedures for participation of national stakeholders and logistic arrangements guidance.

90. **Knowledge management:** According to the WIPO Rules of Procedure, the Director General shall distribute and publicize the session reports as s/he sees fit (rule 44), but it does not provide any guidance on the publication and dissemination of technical studies, research reports and other relevant working documents. In practice, they are mostly only available on the webpage of the corresponding meeting, having a very limited outreach and utility according to Member States and WIPO staff. Knowledge management within and across Standing Committees was seen as an area that could be improved, given the limited documentation and exchanges of lessons learned and good practices.

3. CONCLUSIONS AND RECOMMENDATIONS

91. The MTSP for 2022-26 states that "*The value and success of these [Standing] Committees and Working Groups should be measured against a wider range of negotiated outcomes, including conventions and treaties, model laws, frameworks, standards, platforms, recommendations and guidelines*" (p.10). The evaluation found that the Standing Committees have been successful in their role as forums for discussion, coordination and guidance, which in turn could lead to progress in the normative agenda. Member States confirmed the role of CWS in standards development.

92. In this respect, it would be helpful for the Standing Committees to recall their purpose and improve their ability to measure their progress. Considering that the costs of managing the Standing Committees is some three million Swiss Francs per year, this would seem worthwhile and needed.

93. The Member States' decision to stop discussions on substantive issues during hybrid meetings was made at an early pandemic stage without comprehensively analyzing the implications and effect on WIPO's work. From available information, there was little or no information on viable alternatives. This was understandable at that stage, as there were many unknown facts. Nevertheless, considering today's vast amount of information about the pandemic and its implications, decision-makers are in a better situation to review their initial decision using the existing data and assess the benefits and risks of not discussing substantive issues in future hybrid meetings.

94. Member States were very satisfied with the logistics and organizational support of the WIPO Secretariat as highlighted in the evaluation findings. An analysis of the areas needing improvement indicates that many of these result from two elements: i) the lack of compiled and harmonized procedures; and ii) the absence of adequate synergy and communications between Standing Committees and Member States (also considering the assumptions as listed

in the intervention logic – Figure 1). In this respect, Member States were of the opinion that the facilitator role of the WIPO Secretariat could be further optimized, while respecting the responsibility of Member States in decision-making and advancing the normative agenda. This could lead to efficiencies such as eliminating the need to hold two meetings per year for each Standing Committee.

95. Currently, the Standing Committees agree on several actions that contribute to progress on substantive issues. The success of the WIPO Standing Committees is focused on achieving outcomes as targets in the annual work plan. As a result, decision-makers are running the risk of anchoring perception in factors outside their control such as the achievement of a treaty.

96. These conclusions are reflected in the following recommendations. It is suggested that a cross-sector working group of the Managers and teams supporting the Standing Committees be created to consider and implement these recommendations.

Recommendations

1. Reiterate the purpose of the Standing Committees. Using the existing purpose and mandates of the Standing Committees, the WIPO Secretariat should work with the Standing Committees in recalling their purpose as forums for discussion, coordination and guidance, in addition to the role of CWS in standards development with the support of the WIPO Secretariat.
(Priority: Medium)

Closing criteria: Reiterate the purpose when communicating in written (e-mails, memos, etc) or other type of communication deemed effective with relevant actors to focus on the purpose of the Standing Committees.

2. Compile Standing Committee procedures as a way to clarify roles and processes.
(Priority: Medium)

Closing criteria: Compile all the existing procedures for the Standing Committees in one document focusing on financing of participants; election of Chairs and Vice-Chairs; the timing and format of working (meeting) documents; and guidance for the hybrid format, to be shared with Member States and observers.

3. Optimize the facilitator role of the WIPO Secretariat in key issues to foster cooperation and exchange before, during and after the Standing Committees sessions.
(Priority: Medium)

Closing criteria:

- a. Before the meetings: i) Assess each forthcoming meeting of the Standing Committees to determine the number of days required (not to automatically assign five days); ii) Consult with Member States concerning the possible resumption of substantive discussions within the Standing Committees in hybrid mode (SCCR, SCP, SCT); and iii) Elaborate informal guidelines for Committee Chairs for the management of Standing Committee sessions, including time allocation for agenda items and breaks (SCP, SCT);
- b. During the meetings: the WIPO Secretariat to be more active in explaining the processes of the Standing Committees (i.e. "what is happening?") in coordination with the Chairs;

- c. After the meetings: the WIPO Secretariat to continue to propose intermediate activities to encourage the progress of the Standing Committees; and
 - d. For CWS to carry out an annual review of the workload of its Task Forces (active and dormant) and determine the priorities for the next year in agreement with Member States and to actively encourage a broader participation of Member States in its Task Forces.
4. Strengthen synergies, coherence and consistency among Standing Committees by determining relevant and useful common approaches to conducting business. (Priority: Medium)

Closing criteria:

- a. Collate best practices amongst the Standing Committees on the role and briefing of regional coordinators and Chairs (and Vice-Chairs);
 - b. Determine a common approach amongst the Standing Committees for "newcomers" and prepare a briefing pack/video;
 - c. In coordination with the gender and diversity specialist, compile annually gender and diversity statistics of Chairs and Vice-Chairs across the Standing Committees for sharing with Member States and observers; and
 - d. Collate best practices on side events across Standing Committees for sharing with Member States and observers.
5. Improve communication and outreach by introducing a more proactive communication approach with Member States and observers to inform them of both progress of the Standing Committees and the preparatory steps for future meetings. (Priority: Medium)

Closing criteria:

- a. Consider holding briefing meetings for Member States, in an appropriate format, prior to each meeting of the Standing Committees; and
 - b. For each research report and study of the Standing Committees, consider whether it is appropriate to produce an accompanying outreach strategy to encourage the further use and uptake of the findings by Member States and other stakeholders.
6. Introduce a common learning approach across the Standing Committees to promote the exchange of experiences and good practices. (Priority: Medium)

Closing criteria: Create more opportunities for the managers and teams of the Standing Committees to learn from change and share experiences and good practices within and across the Standing Committees.

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TABLE OF RECOMMENDATIONS

No	Recommendation	Priority	Unit/Responsible Manager	Management Comment and Action Plan	Deadline
1.	<p>Reiterate the purpose of the Standing Committees. Using the existing purposes and mandates of the Standing Committees, the WIPO Secretariat should work with the Standing Committees in recalling their purposes as forums for discussion, coordination and guidance, in addition to the role of CWS in standards development with the support of the WIPO Secretariat.</p> <p>(Closing criteria): Reiterate the purpose when communicating in written (e-mails, memos, etc) or other type of communication deemed effective with relevant actors to focus on the purpose of the Standing Committees.</p>	Medium	Committee Secretary		For all SCs By the next session held six months or more following the issuing of the recommendations
2.	<p>Compile Standing Committee procedures as a way to clarify roles and processes.</p> <p>(Closing criteria): Compile all the existing procedures for the Standing Committees in one document focusing on financing of participants; election of Chairs and Vice-Chairs; the timing and format of working (meeting) documents; and guidance for the hybrid format, to be shared with Member States and observers.</p>	Medium	All meeting Secretaries	<p>Compile information in a common document and bring it to the attention of the relevant bodies through publishing it on the various pages committed to the SCs on the WIPO portal</p> <p>A link to this compiled document may be provided on the meeting page of each SC session for participants' easier reference. In any case, a common approach among SCs for sharing this information with will be found.</p>	Six months after the final publication of the adopted recommendation.
3.	<p>Optimize the facilitator role of the WIPO Secretariat in key issues to foster cooperation and exchange before, during and after the Standing Committees sessions.</p> <p>(Closing criteria):</p>	Medium	Committee Secretary	For closing criteria a.i) This is already done through a central planning exercise before the start of the year (the WIPO meetings calendar).	One year after the final publication of the

No	Recommendation	Priority	Unit/Responsible Manager	Management Comment and Action Plan	Deadline
	<p>a. Before the meetings; i) Assess each forthcoming meeting of the Standing Committees to determine the number of days required (not to automatically assign five days); the format ii) Consult with Member States concerning the possible resumption of substantive discussions within the Standing Committees in hybrid mode (SCCR, SCP, SCT); and iii) Elaborate informal guidelines for Committee Chairs for the management of Standing Committee sessions, including time allocation for agenda items and breaks (SCP, SCT);</p> <p>b. During the meetings, the WIPO Secretariat to be more active in explaining the processes of the Standing Committees (i.e. "what is happening?") in coordination with the Chairs;</p> <p>c. After the meetings: the WIPO Secretariat to continue to propose intermediate activities to encourage the progress of the Standing Committees; and</p> <p>d. For CWS to carry out an annual review of the workload of its Task Forces (active and dormant) and determine the priorities for the next year in agreement with Member States and to actively encourage a broader participation of Member States in its Task Forces.</p>			<p>For closing criteria a.i) a.ii) This can be done in the form of informal consultations with RCs and the Secretariat.</p> <p>For closing criteria a.iii) The Guidelines can be elaborated by Committee Secretaries and brought to the attention of SC Chairs prior to sessions.</p> <p>Regarding 3.d., there is a standing item to review CWS work program, e.g., https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=552572.</p> <p>Secretary will guide CWS to invest more time to review workload and agree on priorities for the following year. Secretary will issue a circular and closely work with regional bureaus to encourage Offices to participate in CWS Task Forces</p>	<p>adopted recommendation for closing criteria a, b and c)</p> <p>For CWS/10 scheduled in Nov 2022.</p>

No	Recommendation	Priority	Unit/Responsible Manager	Management Comment and Action Plan	Deadline
4.	<p>Strengthen synergies, coherence and consistency among Standing Committees by determining relevant and useful common approaches to conducting business.</p> <p>(Closing criteria):</p> <p>a. Collate best practices amongst the Standing Committees on the role and briefing of regional coordinators and Chairs (and Vice-chairs);</p> <p>b. Determine a common approach amongst the Standing Committees for ""newcomers"" and prepare a briefing pack/video;</p> <p>c. In coordination with the gender and diversity specialist, compile annually gender and diversity statistics of Chairs and Vice-Chairs across the Standing Committees for sharing with Member States and observers; and</p> <p>d. Collate best practices on side events across Standing Committees for sharing with Member States and observers.</p>	Medium	All meeting Secretaries		One year after the final publication of the adopted recommendation.
5.	<p>Improve communication and outreach by introducing a more proactive communication approach with Member States and Observers to inform them of both progress of the Standing Committees and the preparatory steps for future meetings.</p> <p>(Closing criteria):</p>	Medium	Committee Secretary	<p>Approach to be tailored to each Standing Committee context.</p> <p>Regarding 5.a, for information sharing, it is already in place. CWS plan to continue this via hybrid format so that colleagues / contributors from capital can attend the briefing meetings.</p>	One year after the final publication of the adopted recommendation.

No	Recommendation	Priority	Unit/Responsible Manager	Management Comment and Action Plan	Deadline
	<p>a. Consider holding briefing meetings for Member States, in an appropriate format prior to each meeting of the Standing Committees; and</p> <p>b. For each research report and study of the Standing Committees, consider whether it is appropriate to produce an accompanying outreach strategy to encourage the further use and uptake of the findings by Member States and other stakeholders;</p>			For 5.b, CWS secretariat has been organizing webinars on this matter and inform subscribers of our newsletter.	
6.	<p>Introduce a common learning approach across the Standing Committees to promote the exchange of experiences and good practices.</p> <p>(Closing criteria): Create more opportunities for the managers and teams of the Standing Committees to learn from change and share experiences and good practices within and across the Standing Committees.</p>	Medium	All meeting Secretaries	The GA team could support the organization of an annual meeting among Secretariat teams.	One year after the final publication of the adopted recommendation.

ANNEXES

Annex I.	Priority of Recommendations
Annex II.	List of Reviewed Documents
Annex III.	People Consulted
Annex IV.	Evaluation Terms of Reference

[Annexes follow]

ANNEX 1: PRIORITY OF RECOMMENDATIONS

The recommendations are categorized according to priority, as a further guide to WIPO management in addressing the issues. The following categories are used:

Priority of Audit Recommendations	Nature
<p style="text-align: center;">Very High</p>	<p>Requires Immediate Management Attention. This is a serious internal control or risk management issue that if not mitigated, may, with a high degree of certainty, lead to:</p> <ul style="list-style-type: none"> • Substantial losses. • Serious violation of corporate strategies, policies, or values. • Serious reputation damage, such as negative publicity in national or international media. • Significant adverse regulatory impact, such as loss of operating licenses or material fines.
<p style="text-align: center;">High</p>	<p>Requires Urgent Management Attention. This is an internal control or risk management issue that could lead to:</p> <ul style="list-style-type: none"> • Financial losses. • Loss of controls within the organizational entity or process being reviewed. • Reputation damage, such as negative publicity in local or regional media. • Adverse regulatory impact, such as public sanctions or immaterial fines.
<p style="text-align: center;">Medium</p>	<p>Requires Management Attention. This is an internal control or risk management issue, the solution to which may lead to improvement in the quality and/or efficiency of the organizational entity or process being audited. Risks are limited. Improvements that will enhance the existing control framework and/or represent best practice</p>

[Annex II follows]

ANNEX 2: LIST OF REVIEWED DOCUMENTS

Public documents (WIPO)

Documents reviewed	Link
General Rules of Procedure of WIPO	https://www.wipo.int/policy/en/rules_of_procedure.html
Medium-Term Strategic Plan 2022-2026	https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=541373
Medium-Term Strategic Plan 2016-2021	https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=347516
Policy on Language at WIPO	https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=174744
Policy on Budget Surplus	https://www.wipo.int/edocs/mdocs/govbody/en/wo_ga_23/wo_ga_23_2.doc
Office Instruction 5/2019	https://intranet.wipo.int/oiic_doc/en/2019/oi_5_2019.pdf
Office Instruction 32/2012	https://www.wipo.int/edocs/mdocs/govbody/en/wo_pbc_22.pdf
Programme of Work and Budget for the 2022/2023 biennium	https://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget_2020_2021.pdf
Programme and Budget for the 2020/2021 biennium	https://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget_2020_2021.pdf
Programme and Budget for the 2018/2019 biennium	https://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget_2018_2019.pdf
Programme and Budget for the 2016/2017 biennium	https://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget_2016_2017.pdf
WIPO Performance Report 2020	https://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/wpr-2020.pdf
WIPO Performance Report 2018/19	https://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/wpr_2018_2019.pdf
WIPO Performance Report 2016/17	https://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/wpr_2016_2017.pdf
WIPO Performance Report 2014/15	https://www.wipo.int/edocs/mdocs/govbody/en/a_56/a_56_5.pdf
A/62/13 Prov.	https://www.wipo.int/edocs/mdocs/govbody/en/a_62/a_62_13_prov-main1.docx
SCP/20/1	https://www.wipo.int/meetings/en/details.jsp?meeting_id=30925

SCP/20/13	https://www.wipo.int/meetings/en/details.jsp?meeting_id=30925
SCP/21/1 PROV.2	https://www.wipo.int/meetings/en/details.jsp?meeting_id=32102
SCP/21/12	https://www.wipo.int/meetings/en/details.jsp?meeting_id=32102
SCP/22/1 PROV.2	https://www.wipo.int/meetings/en/details.jsp?meeting_id=35591
SCP/22/7	https://www.wipo.int/meetings/en/details.jsp?meeting_id=35591
SCP/23/1	https://www.wipo.int/meetings/en/details.jsp?meeting_id=35600
SCP/23/6	https://www.wipo.int/meetings/en/details.jsp?meeting_id=35600
SCP/24/1 PROV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=39804
SCP/24/6	https://www.wipo.int/meetings/en/details.jsp?meeting_id=39804
SCP/25/1 PROV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=41286
SCP/25/6	https://www.wipo.int/meetings/en/details.jsp?meeting_id=41286
SCP/26/1 PROV.2	https://www.wipo.int/meetings/en/details.jsp?meeting_id=42299
SCP/26/8	https://www.wipo.int/meetings/en/details.jsp?meeting_id=42299
SCP/27/1 PROV.2	https://www.wipo.int/meetings/en/details.jsp?meeting_id=42307
SCP/27/10	https://www.wipo.int/meetings/en/details.jsp?meeting_id=42307
SCP/28/1 PROV.3	https://www.wipo.int/meetings/en/details.jsp?meeting_id=46439
SCP/28/12	https://www.wipo.int/meetings/en/details.jsp?meeting_id=46439
SCP/29/1 PROV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=46447
SCP/29/8	https://www.wipo.int/meetings/en/details.jsp?meeting_id=46447
SCP/30/1 PROV.2	https://www.wipo.int/meetings/en/details.jsp?meeting_id=50419
SCP/30/11	https://www.wipo.int/meetings/en/details.jsp?meeting_id=50419
SCP/31/1	https://www.wipo.int/meetings/en/details.jsp?meeting_id=50453
SCP/32/INF/1	https://www.wipo.int/meetings/en/details.jsp?meeting_id=55611
SCP/32/1	https://www.wipo.int/meetings/en/details.jsp?meeting_id=55611
SCT/31/1 PROV.2	https://www.wipo.int/meetings/en/details.jsp?meeting_id=32083
SCT/31/10	https://www.wipo.int/meetings/en/details.jsp?meeting_id=32083
SCT/32/1 PROV.3	https://www.wipo.int/meetings/en/details.jsp?meeting_id=32090
SCT/32/6	https://www.wipo.int/meetings/en/details.jsp?meeting_id=32090
SCT/33/1 PROV.2	https://www.wipo.int/meetings/en/details.jsp?meeting_id=35589
SCT/33/6	https://www.wipo.int/meetings/en/details.jsp?meeting_id=35589
SCT/34/1 PROV.3	https://www.wipo.int/meetings/en/details.jsp?meeting_id=35597
SCT/34/8	https://www.wipo.int/meetings/en/details.jsp?meeting_id=35597
SCT/35/1 PROV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=39524

SCT/35/8	https://www.wipo.int/meetings/en/details.jsp?meeting_id=39524
SCT/36/1 PROV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=40905
SCT/36/6	https://www.wipo.int/meetings/en/details.jsp?meeting_id=40905
SCT/37/1 PROV REV.2	https://www.wipo.int/meetings/en/details.jsp?meeting_id=42297
SCT/37/9	https://www.wipo.int/meetings/en/details.jsp?meeting_id=42297
SCT/IS/GEO/GE/17/1	https://www.wipo.int/meetings/en/details.jsp?meeting_id=42547
SCT/38/1 PROV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=42303
SCT/38/6	https://www.wipo.int/meetings/en/details.jsp?meeting_id=42303
SCT/IS/ID/GE/17/1	https://www.wipo.int/meetings/en/details.jsp?meeting_id=45227
SCT/39/1 PROV.4	https://www.wipo.int/meetings/en/details.jsp?meeting_id=46435
SCT/39/11	https://www.wipo.int/meetings/en/details.jsp?meeting_id=46435
SCT/IS/CN/GE/18/1	https://www.wipo.int/meetings/en/details.jsp?meeting_id=46807
SCT/40/1 PROV.3	https://www.wipo.int/meetings/en/details.jsp?meeting_id=46441
SCT/40/10	https://www.wipo.int/meetings/en/details.jsp?meeting_id=46441
SCT/41/1 PROV.3	https://www.wipo.int/meetings/en/details.jsp?meeting_id=50415
SCT/41/11	https://www.wipo.int/meetings/en/details.jsp?meeting_id=50415
SCT/42/1 PROV.2	https://www.wipo.int/meetings/en/details.jsp?meeting_id=50450
SCT/42/9	https://www.wipo.int/meetings/en/details.jsp?meeting_id=50450
SCT/IS/GEO/GE/19/1	https://www.wipo.int/meetings/en/details.jsp?meeting_id=53689
SCT/43/INF/2	https://www.wipo.int/meetings/en/details.jsp?meeting_id=55468
SCT/43/1 PROV/4	https://www.wipo.int/meetings/en/details.jsp?meeting_id=55468
SCT/43/12	https://www.wipo.int/meetings/en/details.jsp?meeting_id=55468
SCT/44/1 PROV.2	https://www.wipo.int/meetings/en/details.jsp?meeting_id=62128
SCCR/27/1 PROV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=32086
SCCR/27/9	https://www.wipo.int/meetings/en/details.jsp?meeting_id=32086
SCCR/28/1 PROV. REV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=32092
SCCR/28/3	https://www.wipo.int/meetings/en/details.jsp?meeting_id=32092
SCCR/29/1 PROV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=32094
SCCR/29/5	https://www.wipo.int/meetings/en/details.jsp?meeting_id=32094
SCCR/30/1 PROV.CORR.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=35590
SCCR/30/6	https://www.wipo.int/meetings/en/details.jsp?meeting_id=35590
SCCR/31/1 PROV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=35598
SCCR/31/6	https://www.wipo.int/meetings/en/details.jsp?meeting_id=35598
SCCR/32/1 PROV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=39323

SCCR/32/5	https://www.wipo.int/meetings/en/details.jsp?meeting_id=39323
SCCR/33/1 PROV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=40667
SCCR/33/7	https://www.wipo.int/meetings/en/details.jsp?meeting_id=40667
SCCR/34/1 PROV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=42296
SCCR/34/7	https://www.wipo.int/meetings/en/details.jsp?meeting_id=42296
SCCR/35/1 PROV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=42304
SCCR/35/11	https://www.wipo.int/meetings/en/details.jsp?meeting_id=42304
SCCR/36/1 PROV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=46436
SCCR/36/8 PROV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=46436
SCCR/37/1 PROV. REV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=46444
SCCR/37/9	https://www.wipo.int/meetings/en/details.jsp?meeting_id=56053
SCCR/40/INF/3	https://www.wipo.int/meetings/en/details.jsp?meeting_id=56053
SCCR/40/1 PROV.2	https://www.wipo.int/meetings/en/details.jsp?meeting_id=56053
SCCR/40/9	https://www.wipo.int/meetings/en/details.jsp?meeting_id=56053
SCCR/38/1	https://www.wipo.int/meetings/en/details.jsp?meeting_id=50418
SCCR/38/11	https://www.wipo.int/meetings/en/details.jsp?meeting_id=50418
SCCR/39/ALLOCATION OF TIME	https://www.wipo.int/meetings/en/details.jsp?meeting_id=50425
SCCR/39/1	https://www.wipo.int/meetings/en/details.jsp?meeting_id=50425
SCCR/39/8	https://www.wipo.int/meetings/en/details.jsp?meeting_id=50425
CWS/4 BIS/1 PROV.2	https://www.wipo.int/meetings/en/details.jsp?meeting_id=39402
CWS/4 BIS/16	https://www.wipo.int/meetings/en/details.jsp?meeting_id=39402
CWS/5/1 PROV.3	https://www.wipo.int/meetings/en/details.jsp?meeting_id=42285
CWS/5/22	https://www.wipo.int/meetings/en/details.jsp?meeting_id=42285
CWS/6/1 PROV.2	https://www.wipo.int/meetings/en/details.jsp?meeting_id=46430
CWS/6/34	https://www.wipo.int/meetings/en/details.jsp?meeting_id=46430
CWS/7/1 PROV.2	https://www.wipo.int/meetings/en/details.jsp?meeting_id=50414
CWS/7/29	https://www.wipo.int/meetings/en/details.jsp?meeting_id=50414
CWS/8/INF/1 CORR.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=57089
CWS/8/INF/2 PROV.	https://www.wipo.int/meetings/en/details.jsp?meeting_id=57089
CWS/8/1 PROV.2	https://www.wipo.int/meetings/en/details.jsp?meeting_id=57089
CWS/8/24	https://www.wipo.int/meetings/en/details.jsp?meeting_id=57089
SCCR/1/2	https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=860

SCCR/1/9	https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=914
SCCR/2/11	https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=1004
SCP/1/2	http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=6411
SCP/1/7	http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=6419
SCP/2/2	http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=8241
SCP/2/13	http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=8256
SCP/4/6	http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=1564
SCP/17/6	http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=183197
SCP/17/6 REV.	http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=192499
SCP/17/13	http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=206839
SCT/1/2	http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=6637
SCT/1/6	http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=6644
SCT/2/2	http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=952
SCT/2/5	http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=1018
CWS/1/2	http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=142052
CWS/1/10	http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=204879
CWS/2/2	https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=198581
CWS/2/14	http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=209602

Documents shared by Standing Committees

Standing Committees	Doc/content
CWS	List of participants
CWS	Costs per session
CWS	Interview list
SCCR	Several lists of participants/costs (different sessions)
SCCR	Sample of circular letters and annexes (financed and non-financed members) - Invitation to Members and observers
SCCR	Annotated agendas, available on the webpage of the SC
SCCR	Adopted agendas and reports, available on the webpage of the SC
SCCR	Countries' statements and captions of the 2019 Session
SCCR	Presentations, studies and executive summaries (content of discussions, also available on the webpage)
SCCR	Mailing and print requests

SCCR	Memorandum requesting regional coordinators to nominate five countries from their regions to be financed by WIPO
SCCR	Example of side events' list
SCCR	Example of task list
SCP	List of participants (22 – 32)
SCP	Two emails: one with list of participants and other with people to contact
SCT	Cost per session
SCT	List of participants per session

[Annex III follows]

ANNEX 3: PEOPLE CONSULTED

Number of people consulted

In total, 74 people were interviewed and 172 were surveyed by the evaluation team, corresponding to a response rate of 55% (semi-structure interviews) and 31% (online survey). Considering that the survey was anonymous, there might have been overlaps between interviewees and surveyees that cannot be identified by the evaluation team.

Profile of people consulted

In line with the UNEG Ethical Guidelines for Evaluation, anonymity and confidentiality of informants should be preserved; therefore, this annex presents general figures on the people consulted throughout the evaluation process.

The 172 survey respondents were participants of the Standing Committees, but it is not possible to do an analysis of their profile due to the anonymity of the instrument. Figure 18 displays the profile of the informants consulted through semi-structured interviews

Figure 18 : Profile of interviewees



[Annex IV follows]

ANNEX 4: EVALUATION TERMS OF REFERENCE

Internal Oversight Division

Reference: EVAL 2021-02

TERMS OF REFERENCE

Evaluation of WIPO Standing Committees

March 26, 2021

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ACRONYMS

CWS	Committee on WIPO Standards
DAC	Development Assistant Committee
IOD	Internal Oversight Division
SCCR	Standing Committee on Copyright and Related Rights
SCP	Standing Committee on the Law of Patents
SCT	Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications
ToR	Terms of Reference
UNEG	United Nations Evaluation Group

INTRODUCTION

1. The Terms of Reference (ToR) present an overview of the requirements and expectations of the evaluation while providing information on the evaluation's background, objectives, scope, and methodology. The Internal Oversight Division (IOD) Evaluation Section has developed the ToR based on document review and initial consultation with senior managers and directors supporting the Standing Committees (Copyright and Creative Industries Sector, Patents and Technology Sector, Brands and Design Sector, Global Infrastructure Sector).
2. The core evaluation team consists of:
 - (a) Julia Engelhardt, Senior Evaluation Officer
 - (b) Glenn O'Neil, External Evaluation Expert
3. The evaluation will be conducted between January 2021 and June 2021, with preparations carried out (Evaluation Design phase) in November and December 2020.
4. The evaluation will cover the four Standing Committees of WIPO: The Standing Committee on Copyright and Related Rights (SCCR); Standing Committee on the Law of Patents (SCP); Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT); and the Committee on WIPO Standards (CWS).
5. The CWS is included in the evaluation as it is considered a Standing Committee (as confirmed by the Office of the Legal Counsel). However, the evaluation will recognise its difference from the other Standing Committees that have a normative focus, whereas the CWS is more technical in nature given its focus on standards development.

(A) BACKGROUND AND RATIONALE

6. IOD included in its 2020-21 Oversight Plan the evaluation of the Standing Committees after a comprehensive risk analysis carried out through relevance, impact, oversight coverage, and strategic priorities of WIPO management and Member States.
7. Adopted by Member States in 2008 as part of nine strategic goals for WIPO, the first goal aims for a "*Balanced Evolution of the International Normative Framework for IP*" and the fourth goal "*Coordination and development of global IP infrastructure.*" The strategic goals provide a framework for the medium-term strategic plan (2016 - 2021) and for the biennial program and budget (2020 – 2021).
8. In order to advance Strategic Goal I, three Standing Committees were established and CWS for Strategic Goal IV as described in the following table:

Table 1: Summary description of Standing Committees

Standing Committee and responsible program	Year established	Schedule ²⁴	Purpose
SCCR Program 3	1998	Twice a year	The SCCR is the forum where WIPO member states and observers meet to discuss, debate and decide on issues related to the development of balanced international legal frameworks for copyright to meet society's evolving needs. ²⁵
SCP Program 1	1998	Twice a year	A forum to discuss issues, facilitate coordination and provide guidance concerning the progressive international development of patent law.
SCT Program 2	1998	Twice a year	A forum to discuss issues, facilitate coordination and provide guidance on the progressive development of international law on trademarks, industrial designs and geographical indications, including the harmonization of national laws and procedures.
CWS Program 12	2009	Annually	A collaborative international forum for discussing and reaching agreement on WIPO Standards, including their revision and development. It also deals with other matters relating to intellectual property information and documentation.

9. Consequently, the work of the standing committees contribute to the WIPO Results Framework, and plays a role in the achievement of the expected results related to Strategic Goal I and Strategic Goal IV for CWS.

PURPOSE, OBJECTIVES, SCOPE, AND QUESTIONS

(B) PURPOSE AND OBJECTIVES

10. The purposes of this evaluation are to assess the efficiency and effectiveness of WIPO in organizing and managing the Standing Committees. Moreover, the evaluation will provide a platform for WIPO staff and stakeholders to learn from past experiences.

This evaluation aims to:

- (a) Measure the effectiveness of WIPO in organizing and managing the different Standing Committees

²⁴ Due to the COVID-19 pandemic, the schedules of the Standing Committees were adjusted to one meeting in 2020, (with the exception of CWS which meets annually).

²⁵ <https://www.wipo.int/copyright/en/>

(b) Assess the extent to which the support and the resources available to the Secretariat are sufficient to achieve the expected results and have been used efficiently to support the needs of the Standing Committees.

(c) Identify good practices and lessons learned for WIPO to manage Standing Committees

11. The evaluation results will be used to inform the Director General, the senior managers and directors and secretaries supporting the Standing Committees (Copyright and Creative Industries Sector, Patents and Technology Sector, Brands and Design Sector, Global Infrastructure Sector) and Member States to make evidence-based strategic decisions.

(C) SCOPE

12. The evaluation will cover WIPO's activity in organizing and managing four Standing Committees as described above. The evaluation will focus on the past five years (2015-2020) while considering the evolution of the Standing Committees since their inception in 1998 (CWS in 2009).

(D) CRITERIA AND evaluation QUESTIONS

13. Evaluation is a systematic, objective, and impartial assessment to determine the relevance and fulfillment of broader policy objective and specific targets²⁶, as well as the contribution towards enabling policy influencing. The evaluation team will apply the Development Assistant Committee (DAC) and the United Nations Evaluation Group (UNEG) evaluation criteria of effectiveness and efficiency²⁷.

14. The evaluation will respond to the following evaluation questions:

(a) **Effectiveness:**

To what extent have the Standing Committee managers at WIPO achieved the intended outputs (logistical and organizational)?

How have the Standing Committees themselves contributed to WIPO results framework?

What good organizational and managerial practices and lessons learned can be found within WIPO's four different Standing Committees?

What good organizational and managerial practices can be found in, and lessons learned from, other U.N organizations with similar Committees?

(b) **Efficiency:**

To what extent have the services of the Secretariat of each Committee and the WIPO business units that support committee sessions been efficient in supporting the Standing Committees before, during and after/between meetings?

- To what extent have the resources available to the Secretariat been used in the most efficient way to achieve their results?
- To what extent have the resources available to the Secretariat been sufficient to meet the needs of the Standing Committees?

²⁶ IOD Evaluation Policy, IOD/EP/2016

²⁷ Organization for Economic Co-operation and Development – Development Assistance Committee (OECD – DAC)

- What challenges and factors influence the quality of logistical and organizational activities of the Secretariat in supporting the work of the Standing Committees?

15. The evaluation team will elaborate a detailed evaluation questions matrix during the inception phase.

APPROACH AND METHODOLOGY

16. The evaluation will apply a utilization focus approach²⁸ and assure, whenever appropriate, the inclusion of key internal and external stakeholders during all phases of the evaluation process. This involvement will be based on suitable methodologies, focusing on interviews, consultations, meetings and document reviews.

17. The evaluation team will further elaborate the details of the methodology and evaluation tools during the inception phase. However, it is expected that the evaluation team will apply mixed methods during the various evaluation phases, which draw on primary and secondary sources of data and involve multiple means of analysis. The evaluation will be based on the following four phases:

(A) EVALUATION DESIGN PHASE

18. During this phase, the evaluation consultant was recruited, initial interviews carried out with WIPO senior managers and directors and evaluation objectives and questions drafted. This phase concludes with the drafting of the ToR (this document).

(B) INCEPTION PHASE

19. During this phase, the evaluation team will review relevant documentation and further develop the evaluation methodology and matrix. Further interviews and discussions will be held with WIPO management, staff, Member States and stakeholders as necessary. This phase concludes with the drafting of the Inception Report.

(C) DATA COLLECTION PHASE

20. During this phase, the evaluation team will collect the relevant data and information using the following methods:

- (a) Semi-structured interviews with relevant WIPO staff, Member States and other stakeholders, for example, Observers to the Standing Committees.
- (b) Online survey with Member States and possibly other stakeholders.
- (c) Review of WIPO performance indicators and related reported data associated to the results of the work of Standing Committees.
- (d) A financial analysis of the Standing Committees' budgets and expenditure.
- (e) Other research methods to be defined in the Inception Phase.

21. The data collection phase will conclude with a validation workshop to present the findings, lessons learned, and if necessary, recommendations to WIPO senior managers and directors for their input before their finalization in the next phase.

(D) REPORTING PHASE

²⁸ Utilization-Focused Evaluation (UFE), developed by Michael Quinn Patton, is an approach based on the principle that an evaluation should be judged on its usefulness to its intended users. Therefore evaluations should be planned and conducted in ways that enhance the likely utilization of both the findings and of the process itself to inform decisions and improve performance. Patton, M.Q. (2008). Utilization-focused evaluation, 4th edition. Thousand Oaks, CA: Sage.

22. The evaluation team will prepare an evaluation report following the United Nations Evaluation Group (UNEG) Norms and Standards and Quality Checklist for Evaluation Reports. The draft version of the Evaluation Report will be shared with WIPO senior managers and directors for comment. The final version of the report will integrate feedback where possible. As per the IOD Evaluation Policy, the final version of the evaluation report will be publicly available on the WIPO website.

23. The Director, IOD will publish the evaluation report, as well as Management Response resulting from the evaluation, on the WIPO website within one month of their issuance. If required to protect security, safety or privacy, the Director, IOD may, at his discretion, withhold a report in its entirety or redact parts of it. However, Member States may request access to reports withheld or to the original version of the redacted reports; such access shall be granted under condition of confidentiality at the offices of IOD.²⁹

STAKEHOLDERS GROUPS

24. The evaluation team will prepare a preliminary list of WIPO staff, Member States and other stakeholders to be interviewed. It is foreseen that the following groups will be included:

- (a) WIPO senior managers, directors, including the Secretary of each Committee and other staff directly involved in working with the Standing Committees: programs 1, 2, 3, 12.
- (b) WIPO senior managers, directors and other staff involved in supporting the Standing Committees including programs 19 (communications) and 27 (Conference and Language Services).
- (c) Member States.
- (d) External stakeholders involved in the Standing Committees such as observers to the meetings of the Standing Committees

[End of Annexes and of Document]

²⁹ WIPO Internal Oversight Charter https://www.wipo.int/export/sites/www/about-wipo/en/pdf/wipo_financial_regulations.pdf

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