

## Committee on Development and Intellectual Property (CDIP)

**Sixteenth Session**  
**Geneva, November 9 to 13, 2015**

### REPORT

*adopted by the Committee*

1. The sixteenth session of the CDIP was held from November 9 to 13, 2015.
2. The following States were represented: Algeria, Argentina, Australia, Belarus, Bosnia and Herzegovina, Burkina Faso, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Denmark, Djibouti, Ecuador, Egypt, El Salvador, France, Gabon, Georgia, Germany, Greece, Guatemala, Haiti, Holy See, Honduras, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Luxembourg, Malaysia, Mexico, Monaco, Morocco, Nepal, Netherlands, Nigeria, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Seychelles, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, and Zimbabwe (83).
3. The following intergovernmental organizations (IGOs) took part as observers: Food and Agriculture Organization of the United Nations (FAO), World Health Organization (WHO), World Trade Organization (WTO), South Centre, United Nations Educational, Scientific and Cultural Organization (UNESCO), Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC Patent Office), Organization of Islamic Cooperation (OIC), African Union (AU), European Union (EU), and the General Secretariat of the Andean Community (10).
4. Representatives of the following non-governmental organizations (NGOs) took part as observers: *Agence pour la protection des programmes (APP)*, *Asociación Argentina de Intérpretes (AADI)*, *Cámara Industrial de Laboratorios Farmacéuticos Argentinos (CILFA)*, *Conseil national pour la promotion de la musique traditionnelle du Congo (CNPMTTC)*, European

Law Students' Association (ELSA International), Health and Environment Program (HEP), *Ingénieurs du Monde (IdM)*, Innovation Insights, International Association for the Protection of Intellectual Property (AIPPI), International Centre for Trade and Sustainable Development (ICTSD), International Federation of Pharmaceutical Manufacturers Associations (IFPMA), International Association of Scientific Technical and Medical Publishers (STM), International Video Federation (IVF), Knowledge Ecology International Inc. (KEI), Latin American Association of Pharmaceutical Industries (ALIFAR), *Maloca Internationale*, *Médecins sans frontières (MSF)*, Third World Network, World Self Medication Industry (WSMI), and the World Union of Professions (WUP) (20).

5. Ambassador Alberto D'Alotto, Permanent Representative of Argentina, chaired the session.

### **AGENDA ITEM 1: OPENING OF THE SESSION**

6. The Chair welcomed delegations to the sixteenth session of the Committee on Development and Intellectual Property (CDIP). He noted the presence of the Deputy Director General Mr. Mario Matus. It reflected the continued commitment of WIPO to the Development Agenda (DA). Following the discussions in the last session, he was convinced that the Committee and its work were of high importance to Member States, civil society and all other actors. It was also clear that there was a direct link between intellectual property (IP) and development in all its forms. The Committee and WIPO had made good progress in identifying and implementing activities towards achieving these objectives. There was a need to build on these achievements. In modern times, the world had witnessed great leaps of advancement in society. Scientific innovations and inventions, use of technology to ensure food supply, protection of the environment, recognition of excellence of products and services, protection and preservation of customs, traditions and patrimony – all relied on human intellect, receiving recognition and reward through the IP system. Thus, the growth of IP was a constant and irreversible phenomenon. However, in this forward march, there was a need to ensure that the basic philosophy behind the modern IP system, i.e. to grant rights to individuals and entities in return for broader societal interest, was well preserved. There was also a need to ensure that the IP System was flexible enough and modular to allow countries at different levels of economic development to benefit from it. This important principle must be safeguarded in a globalized and interdependent world. The WIPO General Assembly (GA) made significant progress in its recent meeting. Compromises were found on almost all outstanding issues. The Chair hoped the current session of the CDIP would benefit and contribute to the climate of cooperation and compromise. In this session, he would like to focus and afford reasonable time to two outstanding matters, i.e. the WIPO GA decision on CDIP related matters and the External Review of WIPO Technical Assistance in the Area of Cooperation for Development. He hoped for the support of all Member States in resolving these issues.

7. The Secretariat (Mr. Matus) welcomed delegations to the session. There were interesting issues to discuss, including two completion reports, four progress reports, two project proposals, a report on the Updated Management Response to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development and a report on the Update of the Database on Flexibilities. 31 projects implementing 33 Recommendations of the DA had been carried out with a total budget of 28.3 million Swiss francs. Fifteen of those projects had been mainstreamed into WIPO's regular work. 25 of the 31 projects were completed and evaluated. Six projects were under implementation in 2015, including two phase II projects. These included the Project on IP and Technology Transfer: Common Challenges – Building Solutions; Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries; Pilot Project on IP and Design Management for Business Development in Developing and Least Developed Countries (LDCs); Capacity-Building in the Use of Appropriate Technology Specific Technical and Scientific Information as a Solution for Identified

Development Challenges – Phase II; IP and Socio-Economic Development – Phase II; and the last one, number six, is IP, Tourism and Culture: Supporting Development Objectives and Promoting Cultural Heritage in Egypt and other Developing Countries. He hoped the discussions during the session would be fruitful.

## **AGENDA ITEM 2: ADOPTION OF THE AGENDA**

8. The Chair informed the Committee that the draft agenda (document CDIP/16/1 Prov. 2) was prepared based on the discussions during CDIP/15 and in accordance with Rule 5 of the WIPO General Rules of Procedure. The agenda was adopted given that there were no observations from the floor.

## **AGENDA ITEM 3: ADOPTION OF THE DRAFT REPORT OF FIFTEENTH SESSION OF THE CDIP**

### Consideration of document CDIP/15/8 Prov. – Draft Report

9. The Chair informed the Committee that the report (document CDIP/15/8 Prov.) was published on July 29, 2015 and no comments were received by the Secretariat. He invited the Committee to adopt the report. It was adopted, given that there were no objections from the floor.

## **AGENDA ITEM 4: GENERAL STATEMENTS**

10. The Chair opened the floor for general statements.

11. The Delegation of Brazil, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), highlighted the important work done by the Committee. The Group was satisfied with progress achieved in the last two sessions in many areas and hoped the trend would continue in this session. It welcomed the updating of the database on flexibilities (document CDIP/16/5). Flexibilities were an integral part of the IP system. They provided the needed balance for the set of multilateral rules. The database, created after many discussion sessions in the Committee, was an important instrument. All countries could benefit from its resources. The Group referred to the recent approval of the 17 objectives and 169 goals of the 2030 Agenda for Sustainable Development. WIPO had an important contribution to make in this regard. The CDIP was the appropriate forum to define WIPO's contribution to the achievement of development goals. The Group was ready to actively participate in this debate. On the Project on IP and Technology Transfer: Common Challenges - Building Solutions, the Group looked forward to hearing the presentation by the evaluators. The project was a timely initiative to stimulate discussions on this crucial matter which was addressed in several DA Recommendations. It hoped for fruitful discussions on possible ways to increase international flows of technology based on the thoughts from the expert forum and any other ideas that Member States may wish to put forward. The Committee would also discuss the Chair's proposal on the implementation of the Coordination Mechanism. It was based on a document presented by a member of the Group. The Committee had a constructive discussion on this topic last April. The Group hoped the Committee could reach a mutually agreeable solution on this important matter during the session, with positive effects for the work of the Organization. In order to achieve this common objective, the Group urged all Member States to recognize that any solution to this matter must address the effectiveness of the mechanism. The Group was concerned with the low rate of approval for new projects in the Committee. In the recently approved Program and Budget, an adequate amount was earmarked for these activities. However, only six projects were in motion. The data in the Program Performance Report for

2014 on the actual expenditure of resources for Program 8 indicated that only 39% of the allocated resources for the biennium had been effectively used. This rate was one of the lowest among all programs. To improve this, the Group would support every effort to implement CDIP activities in a practical, efficient and effective manner.

12. The Delegation of Romania, speaking on behalf of the Central European and Baltic States group (CEBS), assured the Chair of its full support and cooperation in advancing the work of the CDIP. The various projects and studies on the agenda demonstrated the wide range of policy actions and concrete measures that could be taken by Member States in the field of IP with a view to fostering the economic, social and cultural development of their countries. Member States must first agree on the content of projects. When approved, it was up to every Member State to derive benefits from the Secretariat's work and to undertake projects that were best suited to its interests and priorities. The Group would continue to engage with the Secretariat on how development concerns could be addressed in the most efficient and effective way possible. It fully supported the approach adopted by the Secretariat with respect to WIPO's support for the implementation of the 2030 Agenda for Sustainable Development. In order for WIPO to be effective, its contribution should be focused, based on a clear identification of Sustainable Development Goals (SDGs) and targets that were relevant to the work and mandate of the Organization. On technology transfer, the Group took note of the expert thoughts mentioned in the factual report drafted by the Secretariat following the Expert Forum on International Technology Transfer that took place earlier in the year. In accordance with WIPO's mandate, additional activities may be undertaken by the Secretariat in light of the evaluation report of the project on IP and Technology Transfer. As for other items addressed in previous CDIP sessions, the Group reiterated that CDIP-related matters should be discussed on an *ad hoc* basis. This would enable the Committee to implement the third pillar of the CDIP mandate in a flexible way. The Group also hoped the Committee would find a practical solution for the implementation of the coordination mechanism. The Group was confident that the session would be interesting and fruitful.

13. The Delegation of Greece, speaking on behalf of Group B, noted with satisfaction that the session was taking place after the successful conclusion of WIPO's General Assemblies, which revitalized the Organization's programs by sorting out some outstanding issues in a constructive and cooperative manner and in a spirit of compromise. Eight years had passed since the DA was adopted by the GA. WIPO had made great progress in implementing the DA and attained remarkable achievements in tackling issues concerning IP and development. The Group welcomed the enrichment of the agenda for this session with various topics. At the same time, it would benefit all delegations to finish the Committee's work within the predetermined timeframe. Reserving the right for further elaboration under each agenda item, the Group touched on some items. First, it welcomed the Evaluation Report of the Project on IP and Technology Transfer: Common Challenges – Building solutions. The document contained useful conclusions which constituted food for thought on how WIPO could further contribute to facilitating technology transfer. The Group also welcomed the gradual structure of the proposed layout. It was a good basis for discussion, subject to further elaboration under the agenda item. In addition, the Group would like to see a way forward within the existing WIPO structure, which it considered to be sufficient and adequate. Second, as far as the External Review of WIPO Technical Assistance in the Area of Cooperation for Development was concerned, the Group believed that WIPO had been successfully conducting its technical assistance. Technical assistance should be continuously improved from the viewpoints of both effectiveness and planning. At the same time, the expertise of the Secretariat should be exploited to the full extent by the avoidance of micromanagement. Moreover, all the programs under the umbrella of technical assistance could bear fruit and contribute to their objectives if they were evaluated in a transparent, neutral, efficient and evidence-based manner. Appropriate evaluation and reflection on lessons learnt were essential components for the healthy operation of the Organization. On WIPO and the Post-2015 DA, or rather the 2030 Agenda, although this may be an early phase for a thorough debate, the Group believed document CDIP/16/8 contained

analytical information for exploring ways in which WIPO could support Member States' efforts to achieve the Post-2015 DA, and more specifically the SDGs, after the adoption of the 2030 Agenda for Sustainable Development. That support should be focused and provided with due regard to WIPO's mandate. Hence, as a first step, there was a need to clarify those SDGs which were relevant to WIPO's work. Lastly, the Group followed closely the work undertaken by the Review Team on the Independent Review of the Implementation of the DA Recommendations (Inception Report). It welcomed the engagement of key stakeholders especially the beneficiaries of technical assistance. The Group assured the Chair that he could count on the constructive spirit and support of its members during the session.

14. The Delegation of India, speaking on behalf of the Asia Pacific Group, was satisfied that the CDIP had managed to reach consensus on the Terms of Reference (TOR) for the Independent Review of the Implementation of the DA Recommendations. As a next step, the Group expected the Independent Review to undertake a comprehensive assessment of the relevance, effectiveness, impact, sustainability and efficiency of WIPO's work, including that of the Secretariat and the work of WIPO to implement the DA Recommendations. The TOR was agreed upon after a long negotiating process. The review team should take into consideration the comments made by Member States on the Inception Report, particularly to ensure that the review closely followed the TOR in letter and in spirit. WIPO had aligned its goals and work to the Millennium Development Goals (MDGs), with regular reporting to Member States. This precedence could be continued with the adoption of the new SDGs. The Group welcomed discussions on how WIPO could contribute to the SDGs. It urged all Member States to work towards a speedy resolution of the GA Decision on CDIP related matters, including the Coordination Mechanism. This was essential, especially with respect to the Program and Budget Committee (PBC) and the Committee on WIPO Standards (CWS). The impetus should be used to build and achieve progress on critical issues which were still outstanding. It hoped the matter would be resolved. This would pave the way for the smooth functioning of other WIPO committees. Technical assistance was a very important area for all countries. In order to be effective, the delivery of technical assistance must be efficient and coherent. There was a need to devise an institutional mechanism to avoid duplication and achieve optimal channelization of resources. The Group hoped that discussions on the External Review of WIPO Technical Assistance in the Area of Cooperation for Development would bring uniformity, better organization and clarity to existing processes and practices. The implementation of the DA did not come to a halt when specific projects were completed. It was important to evaluate the gains achieved through projects and more importantly to identify areas where complementary and supplementary work was needed to continue work on the Recommendations addressed. The Group would like the Secretariat to present a compilation of this data and also propose potential new activities for the consideration of Member States. Its members would make interventions during the discussions on specific agenda items. The Group looked forward to contributing to the discussions in the Committee and hoped for a productive session.

15. The Delegation of Nigeria, speaking on behalf of the African Group, noted that the CDIP was the first session of the full WIPO membership after the successful WIPO General Assemblies which provided positive direction on the work of a significant number of committees. The Group counted on the flexibility, political will and constructiveness of that session to guide the deliberations of the CDIP this week. The Committee had a chance to set a positive tone for work in upcoming meetings. The Group looked forward to a commitment to resolving the long-pending issues of full implementation of the CDIP mandate and the coordination mechanism. The resolution of these issues would considerably advance the Committee's work and positively impact work in some other committees. The Group considered the work of the CDIP as crucially supportive of the development objectives of its region, specifically in the field of, but not limited to, access to knowledge, innovation support and technology transfer. Therefore, the fulfillment of the commitment made by Member States at the 2010 General Assemblies concerning the coordination mechanism and the full implementation of the CDIP mandate

should be respected and complied with. This would also allow Member States to focus on the substantive aspects of the Committee's engagement and spend less time on the procedure and processes for engagement. Similarly, the Group anticipated productive discussions on the joint proposal by the African Group and Development Agenda Group (DAG) on WIPO Technical Assistance in the Area of Cooperation for Development. On the Independent Review of WIPO's implementation of the DA Recommendations, the Group had full confidence in the selected team and their outlined program of work. It looked forward to timely updates and continued engagement with Member States over the course of the evaluation period. The Group welcomed the various reports, guidelines and proposals for consideration during the session. It welcomed the successful implementation of the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. The beneficiary countries had attested to its utility. The Group also took note of the interest of other African countries to benefit from the project and requested that it be considered. The Group would make specific comments on this and other agenda items as appropriate.

16. The Delegation of China noted that WIPO had made enormous efforts to mainstream development into its activities. It had developed and approved 30 DA projects and successfully implemented 33 Recommendations. The implementation of the DA was going smoothly and the achievements benefitted many developing countries. In the last two sessions, progress was made in some areas. For example, the TOR for the Independent Review was agreed upon. The International Conference on Development and IP would be held in Geneva on April 7 and 8, 2016. The discussions on the External Review of WIPO Technical Assistance had been constructive. The agenda for this session was heavy. Therefore, the Delegation hoped that all Member States would continue to show flexibility, openness, and cooperation as they did in the previous two sessions in order to achieve progress. This year was the 70<sup>th</sup> anniversary of the United Nations. The Post-2015 DA was adopted at the UN summit in September, providing a new vision for the world. The President of China stated that it should be seen as a new starting point for realizing the common development objectives of all countries. China attached high importance to multilateralism as a large developing country. It would continue to support WIPO's work on the DA. The Delegation would participate in the discussions during the session and hoped that fruitful results would be achieved.

17. The Delegation of Luxembourg, speaking on behalf of the European Union and its Member States, stated that they had come with a firm commitment to continue work in a positive and cooperative manner. They noted with satisfaction that an agreement was reached on the project on IP and Tourism in the last session. On future work, they stood ready to constructively discuss possible ways to improve the work of the Committee for the benefit of all delegations.

18. The Delegation of Sri Lanka aligned itself with the statement made by the Delegation of India on behalf of the Asia Pacific Group. As a body that was mandated for coordinating, promoting, and monitoring the implementation of the DA as a whole, the Committee dealt with issues of critical importance to Member States and the Organization. Although it was necessary to develop substantive discussions on specific areas of interest in realizing this objective, it was also important to maintain a holistic approach to ensure that the IP system was more inclusive and development-oriented. The success achieved in the CDIP so far was praise worthy. In view of Sri Lanka's efforts to promote the national IP system and to use it in the development process, the DA was valid and important. The translation of all the DA Recommendations into projects and activities and their timely implementation required early and constructive attention. DA related activities should be demand driven, based on and customized according to the needs of the respective Member State. All such activities must be results-oriented, systematically implemented and regularly monitored. The IP system played a key role in supporting innovation and technology, essential components of sustainable development. It was timely for WIPO to begin to consider, as part of the UN system, to work with Member States to ensure that IP was used in the most effective way possible in creating linkages between the SDGs, the 2030 DA and the implementation of the WIPO DA. The Government of Sri Lanka

placed high emphasis on the IP system and its development strategies. The IP system could make a constructive contribution to its development goals, particularly the one that aimed to make Sri Lanka a knowledge hub in Asia. Sri Lanka recognized the importance of IP as an important tool for technological advancement as well as socio-economic development. Therefore, it was currently in the process of integrating IP into its national policy formulation, with special emphasis on innovation, science and technology as well as creativity as means of economic development and empowerment. In this context, Sri Lanka wished to place on record its sincere appreciation of the valuable cooperation extended by the WIPO, in particular the Director General, in developing and supporting the implementation of a 10-Point Action plan, which could serve as a model to countries similarly placed as Sri Lanka. Under this Action Plan, the National IP Office of Sri Lanka had established six Technology and Innovation Support Centers (TISCs). They would facilitate access to a world-wide database of patents and technological information. The second phase of an online Patent Drafting Program, aimed at enhancing the knowledge of IP stakeholders, commenced last year. In addition, based on a roadmap provided by WIPO, the Government had set up a National Steering Committee on IP (SCIP), chaired by the Secretary of the Ministry of Industry and Commerce. This was consistent with the Government's policy of orienting the country towards a knowledge and innovation based economy. The SCIP held two meetings so far. It recently held a video conference with WIPO officials to continue further coordination in this regard. Further development activities were earmarked for implementation in the next three years under the 10 Point Action Plan, including the preparation of an Innovation Index; implementing a national strategy on building respect for IP with an objective to empower law enforcement agencies and enhance greater awareness among all sectors including students and young people; organize effective programs to uplift and strengthen Collective Management Societies (CMOs) in order to protect the rights of artists and creative industries including film industry professionals; preparing a policy framework for the protection of traditional knowledge (TK), genetic resources, folklore and cultural expressions; incorporating certain amendments to the National IP law for the protection of geographical indications (GIs) and a voluntary depositary system for copyright. Limitations and exceptions would be proposed to amend the national copyright law to facilitate access to published works for persons who were blind, visually impaired or print disabled, prior to ratifying the Marrakesh Treaty. Amendments to the IP Act No.36 of 2003 which aimed to facilitate registration of "Geographical Indications" in Sri Lanka and safeguard the interests of producers and exporters of Ceylon tea and Ceylon cinnamon had been approved by the cabinet of Ministers. Considering the increased potential of the tourism industry in the country since the end of the conflict, Sri Lanka had also expressed an interest in being selected as one of the 3 pilot countries for the CDIP project on IP and tourism, which was approved in the last session. It had submitted a formal proposal to WIPO expressing its interest to be part of the pilot project. It looked forward to this opportunity. The Delegation looked forward to fruitful deliberations during the session and would contribute to the discussions based on a constructive spirit and support.

19. The Delegation of Tunisia supported the statement made by the Delegation of Nigeria on behalf of the African Group. The CDIP played a significant role in the implementation of the DA. Although there had been significant progress since its adoption, the implementation of the DA needed to be further improved. Projects should be implemented in an effective and efficient manner. Evaluation reports were very important. Implementation of recommendations did not end when specific projects were completed. The results needed to be implemented to guarantee genuine progress. On Technical Assistance in the Area of Cooperation and Development, there was a need to optimize results and fill current gaps relating to the lack of innovation and technology transfer. Document CDIP/16/8 was merely a brief summary of WIPO's involvement in the Post-2015 DA. The Delegation hoped the CDIP and the Secretariat would present a list of concrete activities to assist Member States to achieve the Post-2015 SDGs. There was a need to increase international cooperation and ensure better links between socio-economic and SDGs. The Delegation hoped the flexibility demonstrated by Member States at the last session would continue in this session.

20. The Delegation of Indonesia associated itself with the statement made by the Delegation of India on behalf of the Asia Pacific Group. WIPO was legally obliged to fully support the DA through IP utilization, as stipulated under articles 55, 56, and 57 of the UN Charter and the Agreement between WIPO and the UN in 1974 on the status of WIPO as a specialized UN agency. In 2009, the WIPO GA adopted CDIP coordination mechanism principles. All WIPO committees stood on an equal footing and reported to the Assemblies. The coordination of the CDIP with other relevant WIPO bodies should be flexible, efficient, effective, transparent and pragmatic. It should facilitate the work of the CDIP and the respective WIPO bodies. The coordination mechanism was the key element to ensure that the DA Recommendations were integrated and implemented by all WIPO committees. Therefore, the Delegation urged Member States to reach a common understanding and compromise in order to conclude discussions on the coordination mechanism. Some Member States had provided assistance to others, either in the form of technical or financial assistance, in relation to IP development. WIPO, as a member-driven organization, should play a central role in coordinating such assistance to make them more accessible to all stakeholders in a transparent and accountable manner in order to fulfill the DA Recommendations. The Delegation welcomed the adoption of the 2030 Agenda for Sustainable Development and was committed to its implementation. The synergy between the protection and promotion of IP and development was important. The Delegation highlighted the importance of strong and inclusive support and cooperation in order to attain the agreed goals and targets of the 2030 Agenda for Sustainable Development which was adopted by consensus in September 2015. The Post-2015 SDGs should be integrated into WIPO's work.

21. The Delegation of Burkina Faso fully supported the statement made by the Delegation of Nigeria on behalf of the African Group. IP was an important tool for economic development in Africa. The DA was of great importance to countries in Africa, including Burkina Faso. It welcomed the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. In addition to Burkina Faso, the project was being implemented in Kenya and Senegal. It was coming to its end and would be evaluated by Member States. The Delegation hoped that it would be implemented in other interested countries. It looked forward to fruitful deliberations during the session.

22. The Delegation of Mexico associated itself with the statement made by the Delegation of Brazil on behalf of GRULAC. It highlighted the importance of the CDIP's work in defining projects and development activities. WIPO should implement the goals and targets of the 2030 Agenda for Sustainable Development. The Delegation would make concrete comments on document CDIP/16/8 at a later stage.

23. The Delegation of Iran (Islamic Republic of) aligned itself with the statement made by the Delegation of India on behalf of the Asia Pacific Group. The DA should not be seen as a time bound project, but rather, as a process that should be constantly mainstreamed into all WIPO activities and committees. It was clear that the implementation of the DA Recommendations should not be isolated from the general work of WIPO. The main idea was to bring about a balance between the rights of right holders and the public interest. This required mainstreaming development considerations into WIPO's work. The main focus should be on making the DA part and parcel of what WIPO performed on a day to day basis. The Delegation welcomed the finalization of the TOR for the Independent Review in the last session. The Review was essential to better assess progress made and identify deficits. This was extremely important to gauge performance. It should not be viewed merely as a review of project activities. There should be a broader and more comprehensive assessment. The review should assess, in a comprehensive manner, the relevance, effectiveness, impact, sustainability and efficiency of WIPO's work, including that of the Secretariat and the work of all committees, in implementing the DA Recommendations from 2008 to 2013. WIPO, as a specialized UN agency, should incorporate the SDGs into all its activities and contribute to their implementation. The SDGs were an extension of the former eight MDGs. WIPO had aligned its goals and work to the



MDGs, with regular reporting to Member States. This should continue for the new SDGs. The Delegation reiterated its concerns with regard to the coordination mechanism. Member States had yet to come up with a resolution on the bodies that should form part of the coordination mechanism. The DA should be an integral part of the work of all WIPO bodies, including the CWS and the PBC. These were important committees for the realization of DA goals. The Delegation hoped these issues would be settled in a proper manner. Only two of the three elements of the mandate given by the GA were reflected in the Committee's agenda, namely, to develop a work program for implementation of the 45 adopted Recommendations; and to monitor, assess, discuss and report on the implementation of all Recommendations adopted. The implementation of the third pillar of the mandate should be fulfilled through a new CDIP agenda item to allow discussions on the important linkages between IP and development. The Delegation supported the Chair's initiative in the last session of CDIP to resolve this long standing issue. In the area of norm setting, the CDIP was a body that should crystallize the right to development through exploring ways to use IP as a means to serve development objectives, utilizing the flexibilities in international IP agreements, enlarging the public domain and aligning IP laws with efforts to protect cultural expressions, TK and genetic resources.

24. The Delegation of Cuba stated that the WIPO DA was a fundamental pillar of the Organization and its Member States. Member States needed to discuss IP and development as part of the third pillar of the CDIP's mandate. The implementation of the DA should not be focused only on projects. There was a need to continue preparing studies on technology transfer, flexibilities, promotion of the public domain and other areas. The CDIP should start discussing the implementation of the SDGs by WIPO under the third pillar of its mandate. There should be regular reporting to Member States. The coordination mechanism should be implemented by all WIPO bodies, including the PBC and the CWS. The Delegation welcomed the project on IP, Tourism and Culture.

25. The Delegation of Benin supported the statement made by the Delegation of Nigeria on behalf of the African Group and assured the Chair of its full support and commitment to the success of the session. The Delegation noted with satisfaction the efforts by the Secretariat and Member States to mainstream development into all the activities of the Organization, particularly through the effective implementation of projects within the framework of DA Recommendations and the Istanbul Declaration for LDCs. The Delegation welcomed the projects, particularly the Pilot Project on IP and Design Management for Business Development in Developing and LDCs. It urged WIPO to continue efforts in this area to benefit LDCs and developing countries. The Delegation welcomed the quality of technical assistance provided by WIPO. It also welcomed the efforts of the Organization in the area of promoting technology transfer. This was an important area for Benin.

26. The Delegation of Côte d'Ivoire fully supported the statement made by the Delegation of Nigeria on behalf of the African Group. The IP system required a development dimension in order to assist developing countries and LDCs. The best way to do this was to give priority to development within WIPO. All committees should adopt a development approach. The Delegation attached great importance to the CDIP and supported the contribution of WIPO to the MDGs and SDGs. The Delegation reiterated its interest for the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries to be implemented in Côte d'Ivoire.

27. The Representative of the Third World Network (TWN) noted that the CDIP session was taking place after the adoption of the Post-2015 DA by the UN GA. Technology played an important role in the implementation of the SDGs which were adopted as part of the Post-2015 DA. In order to identify and ensure access to technologies essential for the implementation of the SDGs, the UN had created a technology facilitation mechanism. WIPO, as a member of the UN Task Team on technology, was involved in the implementation of the Post-2015 DA. As a UN agency, WIPO's contribution to the implementation of the DA should be guided by

development considerations rather than the protection and enforcement of IP. The Representative looked forward to further discussions on this matter. The Independent Review of the Implementation of the DA Recommendations had begun. The review process should be participatory and inclusive. In particular, it was important to allow civil society organizations an opportunity to provide their views on the inception report and the review itself. Therefore, the Representative requested the Secretariat to immediately facilitate an interaction both online and offline with the review panel. It was important for the review to focus on the implementation of DA Recommendations in its entirety. This was the mandate given by the GA. The review should assess whether or how the Recommendations were being implemented, to what extent the activities met the objectives of the Recommendations and the actual impact. The Review should not be reduced to whether or not the indicators in the project document had been achieved. Further review should cover all aspects of the CDIP's work. On technical assistance, it was disappointing that limited progress had been made in taking forward proposals in the joint proposal by DAG and the African Group. This was often due to delaying tactics employed by other WIPO Member States. The joint proposal contained critical proposals based on the External Review to improve the transparency and accountability of WIPO's technical assistance. Thus, WIPO Member States should not delay this issue any further. The Representative expressed concerns on the lack of full implementation of the WIPO DA, particularly with regard to the establishment of a coordination mechanism, a mandate given by the GA. Similarly, the CDIP had not implemented the third pillar of the GA decision i.e. a standing agenda item on IP and development. Member States should take an appropriate decision to expedite the implementation of all aspects of the CDIP's mandate.

28. The Representative of Health and Environment Program (HEP) stressed on the importance of cooperation to achieve the objectives of the DA and the SDGs. Economic research on innovation and the facilitation of technology transfer were activities that should be strengthened. The Representative referred to the "Guide on the Strategic Management of Open Innovation Networks" (document CDIP/16/INF/3). IP was essential to the needs of its members. The representative hoped the Post-2015 DA would be discussed during the session.

29. The Representative of Innovation Insights referred to the African Ministerial Conference on IP. Perhaps it could be of interest to the Committee to hear more about the outcomes and discussions at that conference. On the Independent Review of the Implementation of the DA Recommendations, the Representative informed the Committee that Innovation Insights had been contacted to participate in the review. The Representative referred to a theme indirectly addressed in the "Guide to IP Commercialization" (document CDIP/16/INF/4), i.e. the value in enabling universities and research institutes to protect and manage their IP so they could collaborate with others to transform research into products and services that improved people's lives. Universities and research institutes did not generally have the expertise and resources to refine and prepare solutions for deployment. For their research outcomes to reach and benefit users, they must typically partner. Policies that facilitate IP management and collaboration by universities and research institutes could advance innovation and knowledge diffusion. Innovation Insights had worked with an SME spun out of the Catholic University of Rio de Janeiro in Brazil in the energy sector, a biotech SME spun out of VIB University in Belgium, a robotics SME spun out of Sabanci University in Turkey and others. A range of countries and a wealth of experience were represented in the room. It could be useful for CDIP members to exchange insights, experiences, case studies, and best practices on technology transfer involving universities and research institutes, in different countries.

30. The Chair invited the Secretariat to comment on the statements made by delegations.

31. The Secretariat (Mr. Matus) assured delegations that it had taken note of all their statements. These would be included in the report. The Secretariat made some general comments. On the African Ministerial Conference on IP, the Secretariat informed the Committee that the three-day meeting was held in Dakar, Senegal. Ministers for industry,

science and technology and culture in various African countries attended the meeting. Two side events were also organized. One was on young innovators, inventors and creators. The other was on fashion and design in Africa. The meeting was a success, particularly in terms of awareness and networking among participants. All the participants engaged on the issue of IP and development. The meeting ended with a declaration. It would be posted on the WIPO website. The Independent Review of the Implementation of the DA Recommendations was ongoing. The review team would be meeting with members of the diplomatic community, civil society, IGOs and government officials in capitals. By the end of the month, an online survey would be carried out. The purpose was to capture the views of members on how the Secretariat had implemented the DA Recommendations. On the SDGs, a document was prepared by the Secretariat and would be discussed during the session. There was a need for Member States to discuss the role of WIPO in this area. There was a wide range of goals. The guidance of Member States was required. Lastly, on budget utilization, the Secretariat was ready to discuss bilaterally with Member States that would like to know how and what was used in the budget. The Secretariat believed the rate of utilization was not low.

## **AGENDA ITEM 5: MONITOR, ASSESS, DISCUSS, REPORT ON THE IMPLEMENTATION OF ALL DA RECOMMENDATIONS**

### Consideration of document CDIP/16/2 – Progress Reports

32. The Chair invited the Secretariat to introduce the first part of the document.

33. The Secretariat (Mr. Höpperger) provided an overview of the implementation of the Pilot Project on IP and Design Management for Business Development in Developing and Least Developed Countries (DA\_4\_10\_02). The project was based on DA Recommendations 4 and 10. The two-year project began in April 1, 2014. It was linked to Programs 2, 9, 30 and 31. The project aimed at supporting small and medium-sized enterprises (SMEs) that create and commercialize designs. The support was directed at the active use of the IP system and the development of strategies that would encourage investment in design. Argentina and Morocco participated in the pilot project. The Secretariat provided a brief overview of the work done so far. Both countries had identified a lead agency with which work was being done in close cooperation. The lead agencies are the National Institute of Industrial Property (INPI) in Argentina and the Moroccan Office of Industrial and Commercial Property (OMPIC). In the initial stage, the project was further designed for both countries. A number of key elements and documents were developed, including a national design protection strategy; an outreach plan identifying key industrial sectors considered to be of strategic importance to the national economic development, and used as a basis for the selection of beneficiary SMEs; and an exit strategy which, although not foreseen in the original project document, was highly important for the successful handing over of the project to the pilot countries. The initial project documents were complemented by feasibility studies reaching out to SMEs that could potentially benefit from the program. Kick-off events were organized in both countries. The lead agencies then proceeded to select participating SMEs through screening a large number of national SMEs. A total of 68 beneficiary SMEs were selected (42 in Argentina and 26 in Morocco). Promotion and awareness-raising activities were then initiated. Methodology and tools were developed and further refined. Capacity-building and project events were launched, including the establishment of public/private partnership platforms. Knowledge sharing was intensively promoted through a set of training guidelines and tools that were developed and improved for use at the ground level in both countries. The project was designed for 24 months. The project timeline was included in the document. As the project only kicked off in April 2014 instead of January 2014, in order for the project to benefit from its full duration, the report included a proposal for it to be extended until May 2016. This would also allow WIPO to further technical assistance during this critical phase to both pilot countries to ensure a successful continuation after the handover. Therefore, the Secretariat proposed that the Committee adopted the

recommendation for the project to be extended until May 2016.

34. The Secretariat (Ms. Zarraga) provided some supplementary information on the project. The project was adopted at the 12<sup>th</sup> session of the CDIP. It was based on a proposal by the Republic of Korea. Since May 2014, the project was conducted in Argentina and Morocco. The Secretariat was working in close collaboration with INPI (Argentina) and OMPIC (Morocco). In view of the importance of capitalizing on the value design-intensive companies could bring to their national economies, the pilot project adopted an integrative approach, combining a wide range of skills, bringing together businesses, governments and experts to promote design strategies, supported by the use of IP to unlock a country's potential in design. Results showed that a wider ripple effect was achieved, spreading awareness of protecting and investing in design throughout the economy. The project worked on two levels. At the institutional level, both countries received support to develop and implement a national design protection strategy through awareness-raising and capacity-building activities that were highly rated by participants. The project contributed to strengthening the institutional infrastructure needed to provide integrated IP-related services. At the beneficiary company level, national experts in design and design law worked directly with SMEs, helping them to develop design-intensive business strategies. The advice focused on how best to target local and global markets, and how to secure and leverage valuable IP assets. To facilitate this, the pilot project developed a methodology and tools to effectively and efficiently increase the strategic use of intellectual property rights (IPRs) by end users. These tools would be made available for Member States if the project is replicated in their countries. Support was also provided to SMEs in the design registration process. Feasibility studies were carried out in both countries, including a survey sent to more than 2,000 SMEs to assess their needs, expectations and interest in the project. Following a rigorous process, 68 beneficiary SMEs were selected (42 in Argentina and 26 in Morocco). National kick-off events were organized. They included a national symposium in Buenos Aires in September 2014. The 153 participants rated the event as useful for their concrete use of the IP system and 83% indicated their interest in participating in the project. In October 2014, WIPO and OMPIC presented the pilot project in Casablanca to designers and potential beneficiary SMEs. The project was also presented at a roundtable with institutional stakeholders. All the participants indicated their agreement to engage in the project. In April 2015, following a capacity-building workshop for national experts, a project launch event took place with around 70 participants in Buenos Aires (general satisfaction rate of 95% and 89% for the usefulness of the pilot project based on a company's needs). A capacity-building workshop and project launch event also took place in Casablanca in April 2015. The objective of establishing a National Project Steering Committee for a successful implementation of the project was fully met. Institutional stakeholders, including ministries, expert partners, universities and schools were now part of the public/private partnership platforms, namely, the Project Advisory Board in Argentina and the National Project Steering Committee in Morocco. They were invited to contribute to shared goals. For example, a fashion design school in Morocco would be introducing an IP course for its students. Institutional partners signed a charter in Morocco and a constitutive act in Argentina in the presence of the Minister of Industry who actively supported the pilot project. A recent conference for all national project stakeholders in Morocco was widely covered by the national media. National experts were working closely with SMEs. Project results and surveys showed that 93% of 34 participating SMEs confirmed their willingness to continue protecting their designs strategically. Protecting IP assets was now seen as a necessity rather than a formality or something unnecessary. In view of the lack of a national culture in IP protection, and particularly design protection, where counterfeiting was widespread, the project was considered a driving force for change, increasing awareness and supporting the development of design industries and trust in the national IP system. The Secretariat consistently mainstreamed gender from the beginning of the project and actively transferred good practices between both countries. A knowledge-sharing workshop would be held on November 16, 2015. In view of the interest of some Member States in replicating the project, a side event would be held at lunch time on November 17, 2015 during the SCT. A design exhibition would also be launched the day before. The

Secretariat reiterated its request for the project to be extended to May 2016. The two year pilot project started in April 2014 instead of January 2014. In order to mitigate the risks related to the exit strategy implementation, it was important for WIPO to further provide technical assistance to both countries during this critical phase for a long-term impact. The Secretariat welcomed any expressions of interest from Member States who would like to conduct a similar project in their countries.

35. The Delegation of Argentina was satisfied with progress in the implementation of the pilot project. Argentina was participating in the project. The objective was to raise awareness on the importance of industrial property. Promoting a strategic vision for the protection of those intangible rights was of great relevance to Argentina. A total of 42 SMEs in different productive sectors were selected to receive guidance and support during the application process for protecting their designs. In addition, documents and a methodology for implementation of the project were prepared in order to facilitate its continuation in Argentina and replication in other countries. Given the satisfactory results achieved, the Argentinean authorities were considering a new phase of the project in 2016 in order to increase the number and geographical diversity of the businesses involved. As the 24-month project only began in April 2014, the Delegation supported its extension to May 2016.

36. The Delegation of Morocco was also satisfied with progress in the implementation of the pilot project. Morocco was selected as one of the two pilot countries for the implementation of the project. It had significant potential in industrial design. However, the registration of industrial designs was much lower than it could be. With the support of WIPO and national experts, Morocco was able to update its national IP strategy, particularly the use of industrial designs and trademarks in the country. The awareness-raising and capacity-building enabled the authorities to assist businesses to use industrial designs to improve their competitiveness in local and global markets. In 2015, 26 businesses in strategic sectors were chosen to participate in the pilot project. SMEs in sectors such as textiles, electronics and furnishings were interested in the project. The authorities involved all stakeholders, including professional associations, schools and government agencies. The tools and methodologies developed under the project could be used in Member States that were interested in replicating the project in their countries. Concrete results were being achieved under the project. The Delegation supported the proposal to extend the pilot project in order for the two-year period to be covered and for the exit strategy to be fully implemented in close collaboration with WIPO. The Delegation proposed that the project be replicated in other countries in view of the positive results so far. A draft project proposal could be presented at the next session to enable other countries to also benefit from the project.

37. The Delegation of the Russian Federation stated that it would be interested in working with the Secretariat on the project in order to benefit from the various strategies, methodology and tools developed by WIPO under the project.

38. The Chair stated that the pilot project would be extended to May 2016 given that there were no objections from the floor. He then invited the Secretariat to introduce the next progress report.

39. The Secretariat (Mr. Shenkoru) provided a brief overview of progress on the project on Capacity-Building in the Use of Appropriate Technology Specific Technical and Scientific Information as a Solution for Identified Development Challenges – Phase II. An assessment of the submitted applications and substantive consultations with national authorities led to the selection of four beneficiary countries for Phase II of the project, namely, Ethiopia, Rwanda, Tanzania and Uganda. Memorandums of Understanding (MoUs) were signed between the four beneficiary countries and WIPO. A National Expert Group was established in Ethiopia, Tanzania and Rwanda. The next step in those countries would be the identification of national and international experts, as a needs analysis would be carried out. This would lead to the

delivery of key project outputs, including a search request, patent search report, technology landscape report and business plans for implementation and commercialization of the identified appropriate technology.

40. The Delegation of China noted that the document included progress reports for four ongoing DA projects, completion reports for two projects and a progress report on the 19 Recommendations for immediate implementation. The Delegation was pleased to note that the implementation of approved projects and the DA were progressing steadily, bringing real and practical benefits to many developing countries. An Expert Forum on International Technology Transfer was held with a focus on IP and technology transfer. A portal was established on the WIPO website on South-South Cooperation in the area of IP. The successful research project on IP and Socio-Economic Development was continuing. The Delegation hoped the Committee would continue to work jointly with the Secretariat and other agencies to implement the various Recommendations and projects under the DA.

41. The Delegation of Rwanda stated that the project was still at an early stage. This was an important project for Rwanda. It looked forward to fruitful cooperation with WIPO to ensure that the project was implemented with tangible outcomes for the entire economy.

42. The Delegation of Greece, speaking on behalf of Group B, welcomed the comprehensiveness of the report and the way it was presented. The report reflected the enormous amount of work devoted to development. The Group welcomed the analytic description of each project and the self-evaluation exercise. The detailed elements contained in Annex VII of the report as well as the last report presented at CDIP/15 clearly indicated that the DA continued to be successfully implemented in the relevant activities of WIPO through the implementation of the respective DA Recommendations. The Organization should continue to lead the development of a balanced and effective international IP system as this enabled innovation and creativity for the benefit for all, respecting its overarching objective, namely, the promotion of IP, and noting that development considerations were an integral part of its work in order to enable Member States to use IP as a positive development tool.

43. The Delegation of the Republic of Korea noted the successful beginning of the project under discussion. It was launched in July 2014. The Delegation hoped that the experience and know-how acquired in Phase I would be incorporated into Phase II. Progress in this phase would benefit Ethiopia, Tanzania, Rwanda and Uganda. Since 2010, the Korean IP Office (KIPO) had worked to initiate the development of appropriate technologies. This year, it was developing appropriate technologies for Mongolia and Myanmar, with the hope that these would assist people in these countries to increase their incomes and improve their way of life. KIPO also carried out many other activities with WIPO Member States through the Korean Funds-in-Trust (FIT). For example, since 2009, the Korean FIT was used to help organize competitions under the theme "Innovation Solutions for Everyday Life". These competitions were encouraged. They reward excellence in the invention of new forms of appropriate technologies that could be easily and economically produced in struggling communities. This year, it was cooperating with local governments in holding competitions in Mongolia and the Dominican Republic. It would be happy to share its expertise in this area with Member States.

44. The Delegation of Luxembourg, speaking on behalf of the EU and its Member States, welcomed the document as it demonstrated the significant work carried out by WIPO in implementing the DA. They appreciated the activities listed in the document and the achievements reached. They welcomed the efforts made by the Director General and his staff in achieving the goals for the preceding year as set out by the Member States of WIPO.

45. The Delegation of Romania, speaking on behalf of CEBS, was pleased to note that for most of the projects, the objectives were fully achieved or strong progress was recorded within the deadlines originally set. The Group welcomed the progress achieved and the achievements

indicated by the Secretariat. It looked forward to receiving information on the final outcomes of the projects in future sessions.

46. The Delegation of Uganda was pleased to be a beneficiary of Phase II of the project. The Delegation made a few clarifications with regard to the report on Uganda. The Secretariat did not mention that a national expert group was established in Uganda. When the project was launched on August 11, 2015, there was a lot of enthusiasm. It was well received. A national expert group was set up two weeks later. Two other meetings were held since then. A fourth meeting would be taking place on Friday. The members of the national expert group would be presenting proposals for the project.

47. The Chair closed the discussion given that there were no further observations from the floor. He invited the Secretariat to introduce the progress report for IP and Socio-Economic Development – Phase II.

48. The Secretariat (Mr. Fink) introduced the report. Phase II of the project was still at an early stage. The project was an umbrella project for national and regional studies that sought to narrow the knowledge gap faced by policymakers in designing and implementing a development-promoting IP regime. In Phase II, the study work would be extended to new countries and regions as well as to new topics not covered in Phase I. The project had a slow start. It began in January due to delays in recruiting a project officer. However, the Secretariat managed to hire a very qualified economist to lead the implementation of the project. So far, two countries were selected based on the selection criteria outlined in the project document. One was Colombia. The government requested the Secretariat to create a unit record IP database for economic analysis. It would be used in an empirical evaluation of IP policy initiatives undertaken in the last five years. The Secretariat also received a request from Poland to explore the role of IP rights in the healthcare sector, in particular, in the area of innovation. Fact-finding missions were undertaken. The Secretariat was in the process of finalizing the project documents for these two cases. It was also continuing to identify projects for the remaining country and regional studies. Consultations were being held with a number of governments in accordance with the project document.

49. The Delegation of Chile found it positive that studies were still being carried out under Phase II of the project. Chile was a beneficiary of the project. It was important to replicate the studies done in other Member States that may be of interest. Member States could benefit from the huge amount of work done. Further research could also be undertaken on studies that were carried out in beneficiary countries. Chile would be interested in benefitting from that possibility.

50. The Delegation of Sri Lanka informed the Committee that the National Steering Committee on IP had a video conference with WIPO last week to discuss further developments regarding the 10-Point Action Plan. Two meetings were conducted. The Committee considered the project on IP, Tourism and Culture: Supporting Development Objectives and Promoting Cultural Heritage in Egypt and other Developing Countries. The Delegation supported the project and requested for Sri Lanka to be selected to participate in the project.

51. The Chair closed the discussion given that there were no further observations from the floor. He invited the Secretariat to introduce the progress report on the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries.

52. The Secretariat (Ms. Croella) introduced the report. The project was initiated by Burkina Faso and adopted at CDIP/9. The switch over to digital terrestrial television provided major opportunities for the audio visual sector. It was an important cultural sector and could facilitate the distribution of creative works in Africa. The sector was income-generating and could promote growth. However, the role of IP was poorly understood. The project sought to develop a sustained framework for the audiovisual sector on the basis of improved professional

structures, markets and regulatory environment. It sought to enhance the understanding and strategic use of the IP system as a key tool to foster production, marketing and distribution in the African audiovisual sector. One of the objectives was to contribute to the development of local expertise in Africa to make it possible for professionals to acquire the knowledge required and to enable them to deal with the problems that occurred in this sector. The pilot project was adopted in February 2013. An extension of six months was approved at CDIP/15. There had been significant progress in the implementation of the project. The authorities in the beneficiary countries were closely involved in implementation. These included the Kenya Copyright Board, Kenya Film Commission, Senegal's Ministry of Culture, the Burkinabé Copyright Office (BBDA) and Burkina Faso's Ministry of Culture, Arts and Tourism. The project included three activities. Activity 1 was on scoping papers and studies. This component was finalized with the completion of the study on Negotiation of rights and collective management of rights in the audio-visual sector, prepared by Ms. Koskinen Olsson. The study was presented at CDIP/14. Activity 2 was on training workshops and professional development. Two training seminars were held in each of the three beneficiary countries. In Senegal, two practical workshops for lawyers on copyright and contracts in the audio-visual sector were also held. Each national seminar involved between 60 and 80 professionals. The selection of invited participants for the workshops was done in close consultation with the national focal points designated by each beneficiary country. Efforts were made to develop synergies among the beneficiary countries. At CDIP/14, the delegations of Côte d'Ivoire, Uganda and Morocco formally requested to be accepted as beneficiaries of the project. A limited number of observers from these countries were invited to participate in the training workshops organized in 2015. Activity 3 was on institution and skills building. A high level training and skill building program was organized and implemented in Burkina Faso. In Senegal, legal analysis was provided and drafting amendments were proposed for the draft statutes and internal regulations of the new multidisciplinary collective management organization. Legal analysis and draft comments were also prepared for the copyright provisions of the draft communication bill under preparation at government level. In Kenya, the seminars discussed the role and boundaries of collective management and the need for commercial, value-based licensing as a basis for the exploitation of audiovisual works. A task force was established to define a roadmap for the creation of an audiovisual collective management organization (CMO).

53. The Delegation of Senegal stated that the project was implemented in the context of rapid growth in the audiovisual sector in Senegal and Africa. This was further strengthened by the digital switch over. Therefore, the project was very relevant. Two studies were carried out. This was important in view of the lack of studies on this area in Africa. Two seminars for film professionals were organized in Senegal. Professionals from the financial and banking sector as well as broadcasters also participated in the seminars. Two practical workshops for lawyers on copyright and contracts in the audio-visual sector were also carried out. 60 lawyers were trained on copyright law. Experts from Burkina Faso, Côte d'Ivoire, Kenya, Morocco, and other countries participated in the seminars. The project allowed for legal analysis and draft comments to be provided on the copyright provisions of the draft communication bill under preparation at government level. The project also supported the establishment of a new multi-disciplinary CMO. The project also contributed to raising awareness on new economic models in the audiovisual sector and the opportunities for Africa through the strategic use of IP. The project also led to the beginning of a practical relationship with the financial sector. This project also ignited the interest of lawyers on IP issues. At the request of the government and the Bar Association, two practical workshops for lawyers on copyright and contracts in the audio-visual sector were held. This project resulted in better understanding of the role of collective management, contractual practices and collective bargaining. It also allowed for the sharing of experiences between countries and stakeholders. The Delegation proposed that the project be continued after the completion of the pilot phase. There was a need for more activities in order to achieve a sustainable impact. The Delegation also endorsed the participation of countries that were interested to be included in the project, namely, Côte d'Ivoire, Morocco, Rwanda and Uganda. The Delegation also proposed an acceleration of the



distance learning program which was emphasized by right holders during the seminar. Online training with digital tools would benefit more people. Lastly, the Delegation proposed that the project model be extended to other areas such as music, which was closely linked to the audiovisual sector. Music was the most popular art form in Africa. The introduction of new streaming platforms would lead to profound changes in this sector. Africa must prepare for the changes.

54. The Delegation of Burkina Faso stated that the project was welcomed by the audiovisual sector in its country. The project and its objectives were very relevant. Workshops were organized in Ouagadougou in July 2014 and September 2015 under the project. Technical training was provided by national and international experts. This enabled the participants who were mostly producers, broadcasters, performers, specialized attorneys, representatives of banking institutions and public administration officials to acquire necessary training. It also facilitated professional meetings among stakeholders. The pilot project also led to resource mobilization and activities related to copyright and audiovisual works. Despite the considerable impact of the project, expectations were still very high. In view of the benefits obtained through the project, the Delegation would like the project to be continued to enable stakeholders to better understand the parameters necessary for the establishment of a true audiovisual industry in Burkina Faso. The Delegation sought the understanding of Member States in this regard.

55. The Representative of TWN noted that the Secretariat was proposing the extension of the project to three additional beneficiary countries. However, it was logical to complete the pilot project as per the initial project document and to evaluate the findings before expanding the project. Of particular relevance, was the extent to which the project had facilitated the achievement of its objectives and the objectives of the DA. The Representative requested the Secretariat to publicly make available all materials used in the workshops and seminars organized under the project. The progress report also stated that a training kit and distance learning program were developed in cooperation with the WIPO Academy. The Representative also requested for these to be made publicly available.

56. The Delegation of Nigeria, speaking on behalf of the African Group, stressed on the request by the delegations of Senegal and Burkina Faso for an extension of this project in order for other African countries to benefit from the project. Three or four African countries had indicated their interest to participate in the project. The Group would like the request to be considered in order for more African countries to benefit from the project.

57. The Delegation of Morocco fully supported the extension of the project. It would like Morocco to benefit from the project.

58. The Chair invited the Secretariat to respond to the comments from the floor.

59. The Secretariat (Ms. Croella) noted that various delegations had requested for the extension of the project. There was also a request for the scope of the project to be extended to cover, for example, the music sector. The Secretariat would look into the request. With regard to the comment from the Representative of TWN, the Secretariat clarified that for the time being, there was no proposal from the Secretariat to extend the project. Formal proposals and requests were received from a number of governments, including Côte d'Ivoire, Morocco, Tunisia and Uganda. Observers from these countries were included in the activities, but it was not possible to formally include these countries in the implementation of the project as it was in a pilot phase. That phase had now been completed. An evaluation would take place by the end of the year. Following the evaluation, a decision could be taken on whether or not the project should be extended. The distance learning program had not been made public as it was still being developed. It was expected to be completed by the end of the year. It would then be open to all professionals who wished to participate in it. A lot of documentation was produced in the implementation of this project with inputs from African and international experts. The

documents would be made available on a webpage that would soon be introduced for the project.

60. The Chair closed the discussion given that there were no further observations from the floor. He turned to the completion reports and invited the Secretariat to introduce the first report.

61. The Secretariat (Mr. Jazairy) provided an overview of the completion report for the Project on IP and Technology Transfer: Common Challenges – Building Solutions. The project was based on DA Recommendations 19, 25, 26 & 28. It included a range of activities to explore possible initiatives and IP-related policies for promoting technology transfer, and the dissemination and facilitation of access to technology for development, particularly for the benefit of developing countries, including LDCs. As set out in the original project document approved by the CDIP in 2010 (document CDIP/6/4 Rev.), the objective of the project was to “explore new ways of establishing international IP collaboration, enhanced understanding and consensus on possible IP initiatives or policies to promote technology transfer”. The completion report focused on results obtained since the fourth progress report which was presented at CDIP/14 (document CDIP/14/2, pages 9-17). All activities foreseen under the project had been delivered. The final report of the Expert Forum (document CDIP/15/5) was noted at the last session and would be discussed in this session. Under Project Activity 1, five regional consultation meetings were held around the world. The first regional consultation was held in Singapore for the Asian region on July 16 and 17, 2012. The second regional consultation was held in Algiers for the African and Arab region on January 29 and 30, 2013. The third regional consultation was held in Istanbul for countries in transition on October 24 and 25, 2013. The fourth regional consultation was held in Geneva for developed countries on November 25 and 26, 2013. The fifth and final regional consultation was held in Monterrey for the Latin America and Caribbean region on December 5 and 6, 2013. Under Project Activity 2, all six technology transfer studies had been completed and reviewed by external consultants. Study a, “Economics of IP and International Technology Transfer” (document CDIP/14/INF/7), was conducted by Prof. A. Damodaran, Indian Institute of Management, Bangalore, India, and peer-reviewed by Prof. Francesco Lissoni, Bocconi University, Italy. Study b, entitled “IP-Related Policies and Initiatives in Developed Countries to Promote Technology Transfer” (document CDIP/14/INF/8), was conducted by Mr. Sisule Musungu, Partner, Sisule Munyi Kilonzo & Associates, Nairobi, Kenya and peer-reviewed by Prof. Walter Park, American University, USA. Study c, entitled “Case Studies on Cooperation and Exchange between R&D Institutions in Developed and Developing Countries” (document CDIP/14/INF/9), was conducted by Mr. Bowman Heiden, Professor, University of Gothenburg, Gothenburg, Sweden, and peer-reviewed by Dr. Nikolaus Thumm, European Commission Joint Research Centre, Spain. Study d, entitled “Policies Fostering the Participation of Businesses in Technology Transfer” (document CDIP/14/INF/10), was conducted by Mr. Philip Mendes, Principal, Opteon, Inc., Brisbane, Australia and peer-reviewed by Dr. Nikolaus Thumm, European Commission Joint Research Centre, Spain. Study e, entitled “International Technology Transfer: An Analysis from the Perspective of Developing Countries” (document CDIP/14/INF/11), was conducted by Mr. Keith Maskus, Professor, University of Colorado, Boulder, Colorado, USA and Mr. Kamal Saggi, Professor, Vanderbilt University, Nashville, Tennessee, USA, and peer-reviewed by Prof. Walter Park, American University, USA. Finally, Study f, entitled “Alternatives to the Patent System that are Used to Support R&D Efforts, including both Push and Pull Mechanisms, with a Special Focus on Innovation Inducement Prizes and Open Source Development Models” (document CDIP/14/INF/12), was conducted by Mr. James Packard Love, Director, KEI, Washington, DC, USA, and peer-reviewed by Prof. Dominique Foray, EPFL, Switzerland. All the studies were presented by the experts and subsequently reviewed by the respective reviewers at the Expert Forum on International Technology Transfer (Activity 5). Under Project Activity 3, with the aim of drafting a concept paper as a basis for the Expert Forum, the paper was submitted for review by international experts and was presented to the Permanent Missions of Member States on September 1 and October 21, 2014. A one-day meeting with NGOs and

IGOs was also conducted on October 28, 2014 with experts from IGOs (UNCTAD) and the private sector (General Electric and the IPO). Under Project Activity 4, as indicated previously, work on the preparation of materials, modules, teaching tools and other instruments could only commence after consideration and adoption by the CDIP. Under Project Activity 5, the WIPO Expert Forum on International Technology Transfer (originally envisaged to be entitled "International Expert Forum on 'IP and Technology Transfer: Common Challenges - Building Solutions'") was held in Geneva from February 16 to 18, 2015. The Expert Forum featured presentations by all six study experts, presentations by the corresponding 4 peer-reviewers, as well as six rounds of moderated panel discussions on technology transfer by eight international experts from developed and developing countries, selected according to the selection criteria approved by the CDIP at its 14<sup>th</sup> session (document CDIP/14/8 Rev. 2). Its objective was to initiate discussions on how to further facilitate access to knowledge and technology for developing countries and LDCs within WIPO's mandate. The event was attended by some 130 participants. "Expert Thoughts", agreed at the Expert Forum were submitted to the CDIP for consideration and approval with a view to incorporating work towards implementing those "Expert Thoughts" into WIPO's work programs. These were provided in the final report of the Expert Forum (document CDIP/15/5) and would be discussed at this session. Under Project Activity 6, the Web Forum was up and running. It was directly accessible from the DA website under the "Technology Transfer Portal". A short demonstration could be made at the end of this presentation, if agreed by the Chair. Under Project Activity 7, as indicated before, work towards implementation of any outcome could only commence after consideration and adoption by the CDIP. The project had a final budget utilization rate of 77%. The Secretariat proceeded with a demonstration of the Technology Transfer Portal.

62. The Delegation of Mexico would like to know how the Secretariat intended to publicize the portal. It had relevant information and should be made known to the Academy and other institutions as well as Member States. The Delegation also wanted to know who would follow-up on the questions and answers from the forum.

63. The Delegation of Nigeria, speaking on behalf of the African Group, noted that the Committee was discussing the completion report when there were still pending issues related to the outcome of the project. The Group would like to know if this was normal practice in the Organization. The Group understood that the final outcome, as highlighted by the Secretariat for activities 4 and 7, would depend on agreements reached by Member States. Therefore, the Group sought clarification on whether it was the normal procedure to prepare a completion report before the project was actually completed.

64. The Delegation of Brazil, speaking on behalf of GRULAC, noted that the completion report acknowledged the discussions that took place in the last session when the case was made that any work towards preparation and provision of materials, modules, teaching tools and other instruments had to wait for and were conditioned upon the CDIP's analysis of the results of the activities mentioned in the concept paper approved in the 14<sup>th</sup> session. The Group recalled the following in the Chair's summary, "our discussions will be based on the report of the Expert Forum and any other ideas that States wish to put forward". The Group believed this was the understanding of the majority of the membership. The Expert Forum was just one in a set of activities in which ideas were floated on ways to increase the flow of technology to those that needed it. That observation applied to the point made in the report on activity 7. As a consequence, as mentioned by the Delegation of Nigeria on behalf of the African Group, it was difficult to consider the project as finished until the Committee discussed all the ideas that were raised in the context of its activities with resulting recommendations to be made to the GA. Therefore, the Group looked forward to discussing the outcomes of the project in more detail during the session in order for the Committee to come up with recommendations that were true to the objectives of the four recommendations that motivated this initiative.

65. The Delegation of China stated that one of the core responsibilities of WIPO was to

promote technology transfer to developing countries in order to speed up economic, social and cultural development. Therefore, the project was conducive to the implementation of this goal. The Delegation believed that the project was cutting-edge and related to various work items on IP. Therefore, the Committee should consider the use of all conclusions and ideas resulting from the consultations, including expert thoughts, peer-reviews as well as ideas and concepts from the consultations. The Delegation urged the Secretariat to extend its efforts and play a more active role in the area of technology transfer. With regard to document CDIP/16/3 and conclusions contained therein, the Delegation would like to pay more attention to them and hoped WIPO would continue to assist in capacity-building in developing countries and more actively participate in technology transfer-related forums and consultations.

66. The Representative of HEP made comments on study (f), “Alternatives to the Patent System that are used to Support R&D Efforts, Including both Push and Pull Mechanisms, with a Special Focus on Innovation-Inducement Prizes and Open Source Development Models”. The Representative would like the study to be revised as it did not reflect the work of many countries that needed technologies. Only three countries were included in this study. The criteria should be more open and inclusive. The studies were very long. There was a huge amount of paperwork. A farmer in a remote rural area would not be able to understand. The experts should consult local NGOs or experts. Invited observers were empowered to provide their views, not just to observe what was happening but also to make their own contribution.

67. The Representative of TWN sought clarification on whether the studies done in the context of the project were formally presented to the CDIP by the authors themselves. Studies done for the CDIP were usually presented by the authors at a Committee session. The CDIP would greatly benefit from the presentation of the studies by the relevant authors.

68. The Chair invited the Secretariat to respond to the questions and comments from the floor.

69. The Secretariat (Mr. Jazairy) referred to the questions raised by the Delegation of Mexico. The webpage was on the technology transfer portal. Therefore, it was already publicly available on WIPO’s website. With regard to feedback from the web forum, the individual stakeholders would be exchanging views. If a question was addressed to the Secretariat, it would provide an answer to each one of comments posted on the WIPO webpage on technology transfer. An evaluation report would be presented by Mr. Daniel Keller and Mr. Rashid Khan on this project the following day. The report would also address the sustainability of the project and look at its long-term impact. The evaluators put forward a number of proposals for ensuring that there would be continuous impact from the project. With regard to the question posed by the Delegation of Nigeria on behalf of the African Group, the completion report was actually a progress report. However, it was called a completion report as the evaluation report would be presented during the session. The project was still a work in progress if Member States intended to continue debating or doing anything under the project. This also addressed the comment made by the Delegation of Brazil. On the comment made by the Delegation of China, the Secretariat affirmed that WIPO intended to continue promoting technology transfer. During the discussion on the evaluation report, the evaluators would be talking about sustainability and the impact of this project, looking at how WIPO could continually be involved in technology transfer seminars and conferences, and bring its own perspective and experience to this area. This was one of the recommendations of the evaluators. With regard to the comment made by the Representative of TWN, the Secretariat stated that the authors presented their studies at the Expert Forum. All experts were invited and made presentations on their own studies. The studies were also peer-reviewed. Since there were six technology transfer studies and six different peer reviews, it took one and a half days to go through all of them. Therefore, it was more practical to do it during the Expert Forum. With regard to the comment from the Representative of HEP, the Secretariat stated that the outputs were sent to IGOs and NGOs. They were given time to provide feedback, including the HEP. The HEP was also invited to the

meeting that took place on October 28, 2015, to receive feedback from all NGOs and IGOs.

70. The Chair closed the discussion on the project given that there were no further observations from the floor. He then invited the Secretariat to introduce the report on the Extension of the Project on Enhancing South-South Cooperation on IP and Development Among Developing Countries and LDCs.

71. The Secretariat (Mr. Baloch) provided an overview of the report. The Committee had received an evaluation report by an external evaluator during CDIP/13. One of the recommendations of the evaluator was to extend the project for a period of six months to complete two activities. These included completing the web forum and populating it with information and best practices, and mapping existing WIPO activities which could be viewed as South-South activities. The recommendation was also made because a reasonable budget was available for the project manager to undertake these activities. In May 2014, the Secretariat embarked on efforts to complete these activities. More importantly, and as resonated in the report of the Joint Inspection Unit (JIU), was the nomination of a focal point within the Secretariat to continue work on South-South Cooperation. In this regard, the Secretariat informed the Committee that the Special Projects Division in WIPO which reported to the Deputy Director General, Mr. Matus, had been designated as the focal point for undertaking all work relevant to South-South Cooperation in the future. Work on the dedicated webpage had been completed. It had all the details, including best practices. However, the Secretariat had not been able to complete the mapping exercise. It had intended to present a document on the mapping exercise at this session. However, in view of the fact that the responsibility was handed over to the Special Projects Division, some internal adjustments were necessary in order for that division to do this work in the future. Accordingly, the Secretariat expected to submit a report on the mapping exercise to the next session of the CDIP during which the Committee would be able to discuss this matter at length.

72. The Delegation of Brazil stated that the subject was important. Brazil had participated in many activities in collaboration with developing countries and LDCs in recent years. In the field of IP, it had signed an instrument with WIPO to promote trilateral activities of this nature. This project was productive and helpful, particularly in providing an opportunity for the exchange of ideas and experiences between countries with similar socio-economic realities that were searching for solutions to common challenges. Brazil hosted the first of the two inter-regional meetings held at the beginning of implementation in 2012. The meeting focused on IP governance, genetic resources, TK, folklore as well as copyright and related rights. It provided positive inputs for the continuation of the project. The Delegation was satisfied with the concrete results derived from the project, bearing in mind the caveat that South-South Cooperation should not be seen as a replacement for traditional North-South activities. We believe that results such as the dedicated webpage, new functionalities in the IP Technical Assistance Database (IP-TAD) and the designation of a focal point in the Secretariat would contribute to the reinforcement of South-South Cooperation initiatives.

73. The Representative of TWN stated that the completion report needed to be read in conjunction with the evaluation report of the project which was discussed during CDIP/13. It found that the achievements were limited and the full expectations of the project were not met. The evaluation also found that the wider objectives of the project were not achieved due to weaknesses in project planning. The evaluators could not access the functionalities developed in respect of databases on the WIPO webpage on South-South Cooperation as they were not fully developed at the time. Thus, it would be important to evaluate the functionalities of the webpage and assess its sufficiency in terms of the project objectives. The evaluation report specifically recommended that the Secretariat should prepare a roadmap for mainstreaming South-South Cooperation for the consideration of Member States. The Representative requested for clarification on whether and how these recommendations had been taken forward.

74. The Delegation of Nigeria, speaking on behalf of the African Group, had expected some information or document on a roadmap for mainstreaming South-South Cooperation into WIPO. It had not seen anything like that. Thus, the Group would like the Secretariat to clarify the status of these activities within WIPO.

75. The Secretariat (Mr. Baloch) stressed on the need to make a clear distinction. Since last year, there had been some confusion regarding the project. With regard to the recommendation by the external evaluator, the Secretariat stated that the project was extended for two reasons. As stated in document CDIP/13/4, the first was to “fine-tune all web-based tools based on user-feedback, promoting them among potential users and maintaining them (including collecting information for the databases)”. This had been done. The second was the “mapping of existing South-South activities within WIPO, studying good practices within other UN organizations”. The Secretariat explained that it was referring to this when it mentioned that a document would be presented to the Committee at the next session. There was also another recommendation by the evaluator. This was included in paragraph 81 of document CDIP/13/4, “WIPO should build on the momentum generated by the Project. For this reason it is recommended that the Secretariat prepare, for the consideration of the Member States, a roadmap for the mainstreaming of South-South Cooperation as a delivery strategy to complement existing approaches”. The Secretariat understood that the recommendation did not ask for that roadmap to be formally prepared and considered by this Committee as the issue was across-the-board within the Organization. The matter was also discussed in the PBC. The Deputy Director General, Mr. Matus, had adequately briefed the PBC on the internal consideration of a roadmap based upon which a focal point was nominated, and how WIPO had internally positioned itself to respond to this subject and also to the JIU’s recommendation. Thus, the issue concerning the roadmap had been dealt with in the context of the PBC. After internal consideration of a document, the decisions had been brought before the Member States. As far as the CDIP was concerned, it was a question of the mapping of existing South-South activities. This would be presented at the next session.

76. The Chair closed the discussion on the project given that there were no further observations from the floor. He then invited the Secretariat to introduce the third part of the document.

77. The Secretariat (Mr. Baloch) stated that the third part of document CDIP/16/2 contained a report on the implementation of 19 Recommendations. At the inception of the DA, Member States had identified certain Recommendations which, in their view, did not require additional human or financial resources. These Recommendations were mainly principles. Thus, it was believed that they did not need any additional human or financial resources. Annex VII of the document contained two columns, with implementation strategies on the left and achievements on the right. The Secretariat had only updated the right column as to what it did. The implementation strategies in the left column were determined by Member States in the first and second sessions of the CDIP. The Secretariat had been responding over the years to the implementation strategies in the left column. The Secretariat suggested that Member States also look into the implementation strategies when considering the document. It had been 15 CDIPs since Member States decided on them. Some of the information or content of the strategies appeared to be dated. Therefore, it would be appreciated if Member States could take a fresh look at them.

78. The Chair closed the discussion on the report given that there were no further observations from the floor.

#### Presentations on IP-TAD and the IP Development Matchmaking Database (IP-DMD)

79. The Secretariat (Mr. Baloch) recalled that at CDIP/3, it had taken the initiative of proposing the establishment of a database that stored information on the experts and

consultants that WIPO used for providing technical assistance to its Member States. The objective behind the database was to respond to the DA Recommendations that sought transparency in WIPO's work on technical assistance. The database was launched in 2010 and had been available since then. During CDIP/3, the Secretariat also produced a Roster of Consultants (ROC) or list of experts used by WIPO. The database mentioned earlier also included all the details pertaining to technical assistance activities delivered by WIPO. Subsequently, information on WIPO technical assistance activities and the ROC was combined into a single database known as IP-TAD. The second database, namely, IP-DMD was developed to respond to certain DA Recommendations. The database was intended to facilitate match-making between a donor country/body and a recipient country/body. Either side could take the initiative of posting information in this regard. The Secretariat explained that the purpose of the presentation was to remind delegations of the existence of the databases and the extent to which they had been used, with a view to the Secretariat continuing its work in this area.

80. The Secretariat (Mr. Wibowo) then gave presentations on IP-TAD and IP-DMD.

81. The Delegation of Brazil noted that the Secretariat referred to some Recommendations in the context of technical assistance. The Delegation stated that the type of technical assistance must respond to Recommendation 1. It had to be development-oriented. With regard to IP-DMD, the Delegation would like to know whether the Secretariat had any margin to tailor the offers made by providers to be development-oriented. The Delegation found the access statistics for IP-TAD to be impressive. However, it would like to know how many matches were made possible through IP-DMD.

82. The Delegation of Sri Lanka stated that the concepts were useful for low income developing countries.

83. The Representative of HEP attached great importance to the database that was presented. However, the Representative did not understand why some information was confidential. An open source webpage could be developed for access by all public bodies.

84. The Representative of TWN stated that it would be useful if the ROC also included the CVs of the consultants, including prior experience and current employment. There should also be a disclosure of conflicts of interests. This was common practice in IGOs such as the WHO. A consultant must complete a conflict of interest declaration form before being hired. Information on outputs as well as WIPO evaluations or reports on the results on the activities carried out should also be included. These aspects were important to improve transparency and accountability with regard to technical assistance. On IP-TAD, the Representative recalled that document CDIP/3/INF/2 included the elements that should be included in the database. For example, it was stated that the Secretariat should make available general information on the activities such as objectives, expected and actual outcomes, recipients, participants, donors, experts, consultants, speakers, evaluation reports and other relevant documentation. The Representative believed these included programs, presentations, list of participants and so on. A lot of this information was not available on the database. The evaluation report on IP-TAD also found shortcomings in terms of what was agreed by Member States and what was actually implemented.

85. The Chair invited the Secretariat to respond to the questions and comments from the floor.

86. The Secretariat (Mr. Wibowo) referred to the question from the Delegation of Brazil on how many matches were made possible through IP-DMD. Although the Secretariat had succeeded in developing a functional and stable database for match-making, it had not been able to make any real matches. The Secretariat believed there was potential and it was just a

matter of awareness. In terms of the margin for match-making development-oriented proposals, an explanation could be included in the database to inform potential donors that only development-oriented projects could be posted. However, the Secretariat also recalled that when the database was being developed, some countries in transition also expressed interest in the database. They were not considered as developing countries. Separately, a vetting process was also in place. Incoming offers and needs were vetted before they were published. This could be used to ensure that these were related to development. With regard to the question from the Representative of HEP, the Secretariat explained that some information could not be published due to the confidentiality of the data. However, that did not mean that Member States or other external parties could not submit a request to WIPO for obtaining such data. The Secretariat could share information depending on the nature of the request. It was extremely important to maintain some confidentiality. With regard to the ROC, information related to CVs, evaluations and disclosures of conflicts of interest could be stored in IP-TAD. 27,000 CVs were registered in the database. The Secretariat had taken note of the suggestion by the Representative of TWN to make available the CVs and prior experience. The Secretariat would get back on this matter which was also being discussed internally. The Secretariat agreed with the Representative of TWN that if the database was to serve as a reference for development-related IP activities or any IP activities, information on the activities could be uploaded on the website. However, this needed to be discussed internally. The Secretariat would get back on this matter. With regard to the ROC, the Secretariat stated that the information was limited as this was the policy given when the database was developed. However, the Secretariat could discuss again the extent to which more information could be disclosed as this was the kind of information which could also be useful for users of the database.

87. The Secretariat (Mr. Baloch) qualified what was just stated that the scope of the database was based on the policy guidance received. The Secretariat recalled that the Committee had negotiated and discussed what went into the database. Thus, it was based on what the Committee had decided. There were some technical impediments. In the case where the Secretariat was supposed to provide information, it had to seek the consent of each consultant on information to be published about them. Thus, it had been a complex task. The Secretariat encouraged those present not to return again and again to the same issues. In Annex VII of document CDIP/16/2 on progress reports, it was mentioned that to avoid conflicts of interest, and to abide by the Code of Ethics and professional standards, the Evaluation Section of WIPO requests all consultants engaged in evaluation work to acknowledge that they abided by UNEG standards and professional ethics, and to also confirm that they were free from conflicts of interest. This had been repeatedly stated in many forums in the Organization. Therefore, the Secretariat requested those present to try and verify the facts before making comments.

Consideration of document CDIP/16/3 - Evaluation Report of the Project on IP and Technology Transfer: Common Challenges - Building Solutions

88. The Chair informed the Committee that the two elected Vice-Chairs from the delegations of the United States of America and Algeria were unable to participate in this session. This issue had been provisionally resolved by replacing them with two *ad hoc* Vice-Chairs. The new delegate from Algeria had agreed to serve as one. A delegate from Japan would serve as the other *ad hoc* Vice-Chair in place of the delegate from the United States of America. The Chair then invited the evaluators to introduce the evaluation report.

89. The Consultant (Mr. Keller) introduced the report. The objective of the evaluation was to assess whether the project as a whole provided the right type of support to achieve its key objectives in the right way. The primary goal was to identify lessons learned for possible further WIPO activities in the field. The evaluators tried to balance the need for accountability with the need for organizational learning. The assessment of project quality was conducted based on four standard evaluation criteria, namely, relevance, efficiency, effectiveness, and



sustainability. These are internationally recognized criteria for assessing the quality of development assistance. Relevance meant the extent to which project objectives met the needs of its beneficiaries. Efficiency looked at value for money, particular in terms of whether the approach used was the most appropriate way to achieve the project objectives. Effectiveness looked at the issue of whether a project had achieved its objectives. Sustainability referred to whether the benefits of the project were likely to continue after the project ended. Various tools were used to conduct the evaluation. These included desk studies, interviews with representatives of all key stakeholder groups and direct observation. The results were cross-validated. For example, that meant looking at whether the results of the interviews were similar to the results of the desk studies and if there were any differences, the evaluators looked into why this was so. Overall, the findings of the evaluation were consistent and clear. They provided a solid basis for conclusions and recommendations. The evaluation had a number of limitations. First, most of the outputs had only recently been completed. The web forum had not been completed when the evaluation was conducted. Therefore, it was not appropriate at that stage to assume a link between the outputs and any broader changes observed. It would not be realistic to assume that the studies had already been used. Second, no field visits were conducted. Fact-finding focused on those directly involved in the project (the Secretariat, meeting participants, WIPO experts). Data collection did not include a broader range of stakeholders as they were not directly targeted. Third, WIPO's current reporting system for DA projects did not allocate expenditures to individual outputs. A detailed analysis of financial efficiency, which would require information on types of expenditures per output and overhead, was thus not possible. The project was adopted at the sixth session of the CDIP in November 2010. The project aimed to contribute to an enhanced understanding and consensus on possible IP initiatives or policies to promote technology transfer. The planned duration of the project was 27 months (January 1, 2011 – March 31, 2013). Implementation began in January 2011 and formally ended in July 2014 (43 months), after two no cost extensions. Implementation of some activities continued beyond this time. The web forum was only completed recently. Project implementation took much longer than originally expected. By May 31, 2015, around 77% of the total budget of 1,532,000 Swiss Francs was spent. This was one of the larger DA projects. The project deliverables included research on successful technology transfer examples with a particular focus on developing countries. Based on that research, the project aimed at establishing a concept paper on building solutions to technology transfer. The concept paper would serve as the basis for discussions at the Expert Forum on how to further facilitate access to knowledge and technology for developing countries and LDCs within WIPO's mandate. The project planned to establish a web forum to facilitate the sharing of best practices and experiences. The deliverables also included the incorporation of any outcome resulting from the activities into WIPO programs, after consideration and any possible recommendation by the CDIP to the GA as well as the preparation and provision of materials, modules, teaching tools and other instruments resulting from recommendations adopted at the Expert Forum IP to the GA. So far, nothing had been undertaken on these two deliverables.

90. The Consultant (Mr. Khan) referred to the topic of technology transfer. Informally defined, technology transfer was the process of dissemination and absorption of commercial technology. The transfer of commercial technology included not only the sale and licensing of industrial property (excluding trademarks), but also the provision of know-how, skills, ideas and technical expertise under various forms. The introduction of a technology into a host country creates awareness of that technology. Technology diffusion as an additional benefit of technology transfer was expected to result in spill-over effects into the economy as a whole. Technology transfer occurred both from developed and developing countries. Technology flow from some developing countries to developed countries was increasing. The Consultant then provided an overview of the conclusions of the evaluation. First, although the project outputs were highly relevant, some were not delivered. Deliverables were, with some exceptions, of good quality. While significant implementation delays negatively affected project efficiency, the Secretariat generally made adequate use of resources. The project contributed to identifying and discussing barriers to technology transfer; deriving good practices from case studies of

successful practices; and discussing the results within a limited audience. Otherwise, the project had not yet resulted in any tangible wider outcomes. Second, without a follow-up, it was unlikely that outputs would translate into sustainable tangible outcomes resulting in wider benefits, meaning that most of the resources allocated to the project would be lost. Third, the Expert views identified a number of areas where strengthening WIPO's services would realistically be able to add value in facilitating the transfer. On the other hand, it also became clear that promoting technology transfer required a broad array of measures, many of which would not be covered by WIPO's mandate. Establishing enabling framework conditions for technology transfer required concerted efforts within and beyond the UN system. Fourth, the application of standard project planning and monitoring tools left significant room for improvement. Evidence from the evaluation called for strengthening the role of the DACD in more regularly monitoring progress and quality of DA projects and for compulsory basic training for project managers. The Consultant then provided an overview of the recommendations included in the evaluation report. Recommendation 1 was on establishing a proposal on how WIPO could further contribute to facilitating technology transfer. After discussion of the project results at this session, Member States should consider requesting the Secretariat to map WIPO's existing services in the field of technology transfer and how to complement and improve them taking into account the findings of the project. Recommendation 2 suggested areas where WIPO could provide support. These included continuing to identify, collect and share best practices in the field of technology transfer; offering practical capacity building tailored to specific target users with a focus on LDCs; providing capacity building for IP and/or innovation service providers in developing countries; providing tailored, specific policy advice to Member States, in particular developing countries and LDCs for creating an enabling legal framework for technology transfer; supporting and documenting specific pilot technology transfer activities for developing countries for demonstration purposes; adding the analytical capabilities of the Patentscope database to enhance usefulness of patent data to general users in all countries, including LDCs; enhancing the usefulness of the website on technology transfer; and advising Member States on best practices for the development of efficient innovation infrastructures and network. Recommendation 3 was on leveraging WIPO's presence in conferences and fora relating to technology transfer. The Secretariat should strengthen its active presence in international fora and conferences on technology transfer to create visibility, to contribute know-how and to benefit from additional experience from a wide range of conference participants. Recommendation 4 was on strengthening the Secretariat's project management capabilities and quality control for DA projects. These included applying the logical framework tool for planning, monitoring and evaluation; introducing compulsory project management courses for project managers; introducing a mechanism where the DACD would be requested to add its "visa" for all major management decision relating to DA projects; and scheduling regular progress meetings with project managers.

91. The Delegation of Brazil stated that technology transfer was an important matter for Brazil. As pointed out in the evaluation report, the project has had a long journey since its adoption in 2010. The Delegation was not concerned with the longer than expected period required to conclude the project. Considering the relevance of the intended final objective, it was acceptable to miss some deadlines in order to hold further deliberations and for more engagement by Member States. The Delegation made some specific comments on the project. Following the discussions on the concept paper, the conclusion was reached that it was not possible to find consensus on a definition for technology transfer, recognizing that it was a multifaceted phenomenon which various organizations had attempted to define without success. Therefore, it was inappropriate for an evaluation report to propose a definition without taking into account previous discussions on this matter, even with the caveat that it was an informal definition. The Delegation would prefer not referring to it in the report in order for technology transfer to be interpreted in a comprehensive and holistic way. The report mentioned that the wording for output 7 seemed to indicate that Member States expected a proposal from the Secretariat on the incorporation of the outcomes resulting from the project's activities into relevant WIPO programs. However, it was necessary to put this assertion in perspective after

the discussions in previous sessions on the outcomes of the project. It was important to highlight that, as stated by the moderator at the end of the Expert Forum, the panel put together a number of thoughts, not recommendations, to assist Member States with their analysis in the CDIP. Therefore, apart from the fact that these thoughts could not be equated with the recommendations mentioned in the concept paper, this decision made it clear that it was up to Member States to decide which points should or should not be used as input for further actions. The discussion on these points would take place in the Committee and would undoubtedly benefit from the series of activities included in the project, namely, the six peer reviewed analytical studies and the five regional consultation meetings. The report correctly stated that a follow-up was required. The Secretariat played an important role in drawing proposals for actions based on the discussions in the Committee. The Delegation turned to the recommendations in the evaluation report. The adoption of recommendation 1, on the ways WIPO could contribute to the transfer of technology should only be considered after there was clarity on the conclusions that should be drawn from the project. Member States could not lose sight of the fact that the treatment of a patient depended entirely on the right diagnosis. Therefore, they could not afford to be wrong on that first task. As recommendation 2, also depended on the results of the discussions in the Committee, it was too early to comment on the suggested list of actions for the Secretariat to take at this stage. With regard to recommendation 3, on WIPO's presence in conferences in other fora related to technology transfer, the Delegation underlined the importance of the recently created technology facilitation mechanism for achieving SDGs. This was one of the most important fora for WIPO to apply this recommendation.

92. The Delegation of Greece, speaking on behalf of Group B, welcomed the evaluation report. The Group was confident WIPO would take note of the lessons learned. As noted by the evaluators, technology transfer was not an issue that could be mainstreamed as it required a broad array of measures many of which would not be covered by WIPO's mandate. WIPO's strengthened presence in international fora and conferences on technology transfer would create visibility, would contribute to its knowledge base and at the same time would benefit from additional experience from a wide range of conference participants. Nevertheless, it was not possible to navigate without a map. Therefore, mapping WIPO's existing activities related to technology transfer could be an acceptable way forward.

93. The Delegation of Romania, speaking on behalf of CEBS, stated that the evaluation report clearly highlighted the positive elements that resulted from the undertaking of the project and room for improvement in areas such as planning and monitoring of the project. The Group took note of the conclusions and the recommendations in the report. Promoting technology transfer required a wide range of measures many of which would not be covered by WIPO's mandate. Thus, there was a need to look into what was doable according to WIPO's mandate. Mapping WIPO's existing activities in the field of technology transfer was an indispensable step for improving its contribution to the facilitation of technology transfer.

94. The Delegation of Nigeria, speaking on behalf of the African Group, concurred that technology transfer encompassed the provision of equipment, access to property rights as well as the provision of expertise and technical assistance through various forms. The Group also agreed that the results of the conferences and studies funded under the project contributed to identifying and discussing barriers to technology transfer; deriving good practices from case studies of successful practices; and discussing the results within a limited audience. The report also noted that project implementation advanced at a slow pace, albeit at no extra cost. The evaluation crucially acknowledged that the project had yet to result in any tangible wider outcomes. While the project outputs were highly relevant, some of the outputs were not delivered. The Group presumed this was due to the inability to implement the capacity building tools under Activity 4 and the incorporation of project results into WIPO's programs and activities as envisaged under Activity 7 of the project. Cognizant of the question posed by the Group during the discussion on the progress report which was called a completion report but

eventually clarified by the project manager as a progress report, the Group noted that the evaluators considered this report as the final evaluation report. This was stated in the Executive Summary. The Group sought clarification on the practicality of undertaking a final evaluation report of a yet to be concluded project, especially as the complete output was yet to be agreed by Member States. In the interim, the resources already invested in the project should be taken advantage of. In that regard, and in line with recommendation 1, the Secretariat should undertake a mapping of WIPO's current technology transfer activities, define the needs based on the gaps highlighted over the course of the project and establish a work plan on how to fast track the Organization's technology transfers activities. In line with recommendation 2, the Secretariat should, in particular, identify the development models of recently developed countries in this sphere to facilitate and enhance support to developing countries and LDCs in the area of international technology transfer. In line with recommendation 3, the Secretariat should strengthen its active presence in international fora and conferences on technology transfer with the objective to create visibility, to contribute know how and to benefit from additional experience from a wide range of stakeholders. The report also stressed on the need for WIPO to broadly engage within and beyond the UN system to realistically strengthen the Organization's facilitation of technology transfer. In this context, the Group stressed that the facilitation of technology transfer was a WIPO mandate, as provided in Article 1 of the agreement establishing WIPO as a specialized UN agency. Although the Group questioned the conclusion, as this was the final evaluation report, it saw the utility of undertaking some of the projects as the recommendations by the evaluators did not essentially conflict with the idea of facilitating technology transfer.

95. The Delegation of Japan aligned itself with the statement made by the Delegation of Greece on behalf of Group B. The Delegation made three points. First, the report pointed out that significant implementation delays negatively affected the efficiency and effectiveness of the project. The Delegation requested the Secretariat to further enhance project management in the future. Second, the Delegation supported recommendation 1, which was to map WIPO's existing activities in the field of the technology transfer. This would allow for a deeper understanding of the activities. Third, the Delegation generally supported recommendation 2. It provided an objective basis for the Secretariat to consider future activities in this area. The Delegation highlighted that every project related to the evaluators' proposals should focus on how IP, especially patents, could play a positive role in promoting technology transfer.

96. The Delegation of the United States of America agreed with most of the conclusions and recommendations provided by the evaluators with respect to project management and follow-up activities. The Delegation aligned itself with the statement made by the Delegation of Greece on behalf of Group B and supported certain recommendations made by the evaluators. Mapping existing WIPO's activities related to technology transfer as well as sharing best practices and success stories through the web forum would be appropriate next steps in order to move this project forward.

97. The Chair invited the evaluators to respond to the questions and comments from the floor.

98. The Consultant (Mr. Keller) referred to the comment by the Delegation of Brazil on the definition of technology transfer. The Consultant highlighted that the definition was informal. It was not a conclusion of the evaluation. It was intended as background information for readers to understand what technology transfer was about. The evaluation report was published and the wider public must be able to understand what the project was about. The Consultant referred to the comment made by the Delegation of Nigeria on the practicality of undertaking a final evaluation when not all of the outputs had been delivered. It was normal for evaluators to evaluate projects even though not all the outputs had been delivered. The evaluators would take note of the fact that not all deliverables were made and they mentioned it under the limitations of the evaluation. As long as it was clear to the reader that the evaluation did not

cover all the outputs because not all of them were delivered, the Consultant did not see any problem with that. The evaluation report was transparent on this issue.

99. The Delegation of Mexico stated that the report would support future discussions on this topic. The report indicated that the project experienced some administrative problems. The Delegation requested the Secretariat to try and avoid these in the future to strengthen project implementation. The recommendations of the evaluators were in line with the objectives of the project. The recommendations were within WIPO's mandate. All the recommendations were useful. The Delegation particularly supported recommendation 1 on establishing a proposal on how WIPO could further contribute to facilitating technology transfer. The Delegation would continue to follow these discussions in the future.

100. The Delegation of Spain stated that the full report should be translated into all WIPO official languages. It requested for the report to be translated into Spanish and made available in the next CDIP session. The Delegation supported the statement made by the Delegation of Greece on behalf of Group B. The evaluators highlighted important aspects for improvement. This was the type of report it hoped to get from evaluators. It was a shame that it was not possible to conduct a full financial evaluation. Some outputs also could not be evaluated due to delays in implementation. The Delegation supported the role of the evaluation. There were some important recommendations with regard to sustainability, follow-up and funds for the continuation of projects. Coordination, internal monitoring and control mechanisms needed to be strengthened in order for projects to be efficient and effective. These were valid points. The deficiencies that were highlighted mainly concerned the implementation of projects and available resources. The Secretariat was doing something which other organizations may not be doing, i.e. to conduct evaluations. Many of the deficiencies highlighted in the evaluation report were similar to those described in previous reports. The problems were being repeated. Thus, it appeared that measures were not taken to ensure improvement. Something had to be done otherwise the same problems would surface in the future and the discussions would be repeated.

101. The Representative of Innovation Insights stated that good policy making required a sound evidence base. The use of a peer review mechanism for the project studies was welcomed, although the peer review process that was applied did not seem to meet the criteria for academic peer review. Perhaps the Office of the Chief Economist could be requested to identify the parameters for an academic peer review process. These could then be applied to all papers commissioned and published by WIPO.

102. The Representative of TWN stated that technology transfer was an important function of WIPO. This was clearly recognized in the UN-WIPO Agreement and the DA Recommendations. The main objective of this Project was to enable implementation of DA Recommendations 19, 25, 26 and 28. However the extent to which the project and its outputs enabled implementation of these Recommendations was not evaluated. The majority of those interviewed during the evaluation were from the Secretariat. TWN had keenly followed the implementation of this project. It had also participated in several of the activities. With the exception of the studies, the project activities tended to take an IP maximalist approach. The activities did not throw much light on the barriers created by IP on technology transfer as well as the ways and means to overcome those barriers. In this regard, the Representative highlighted that in May 2014, TWN submitted a paper to the Standing Committee on the Law of Patents (SCP), summarizing existing literature on practical examples and experiences on patent-related impediments to technology transfer. These key issues were barely discussed in the activities organized under the project. With regard to recommendation 1, it would be useful for the Secretariat to provide a mapping of WIPO's existing services, including tools and guidelines in the field of technology transfer. The mapping should be provided to the CDIP for further discussion. The TWN was unconvinced that the general elements under recommendation 2 would result in satisfactory implementation of the DA Recommendations. For instance, DA

Recommendation 25 included the following, “to take appropriate measures to enable developing countries to fully understand and benefit from different provisions, pertaining to flexibilities provided for in international agreements (...)”. The implementation of Recommendation 25 required identification of “appropriate measures”. In this regard, what was mentioned in paragraph 114 (e) of the evaluation report was inadequate. DA Recommendation 28 required exploring supportive IP-related policies and measures that Member States, especially developed countries, could adopt for promoting the transfer and dissemination of technology. These IP-related policies and measures needed to be identified. To take DA Recommendations forward, the Representative urged Member States to invite the authors of the various studies commissioned under the project to present their studies to the CDIP. This could lead to Member States taking a fresh look on what steps needed to be taken to further implement DA Recommendations 19, 25, 26 and 28. With regard to recommendation 3 of the evaluation report, the Secretariat would benefit from further direction from the CDIP prior to strengthening its presence in international fora and conferences on technology transfer.

103. The Delegation of Canada aligned itself with the statement made by the Delegation of Greece on behalf of Group B. WIPO had an important role to play in fostering technology transfer and in highlighting the importance of the IP framework in achieving international technology transfer. WIPO had undertaken important work under Cluster C of the DA, “Technology Transfer, Information and Communication Technologies (ICT) and Access to Knowledge, and the existing WIPO Search and WIPO Green initiatives. These initiatives were successful in targeting specific issue areas. At the same time, consideration should be given to ensure that proposed initiatives were unique, did not overlap with existing platforms and mechanisms in WIPO, and operated within WIPO's existing structures. To that end, the Delegation supported a mapping exercise on WIPO's existing technology transfer activities. This would be key to mitigating any redundancies that may arise in respect of existing initiatives and could assist WIPO's existing services where appropriate.

104. The Delegation of China supported the recommendations in the evaluation report. WIPO should, within its mandate, support developing countries in the area of technology transfer. WIPO could play an active role. The Delegation hoped that the Secretariat could further strengthen its management of projects. WIPO should actively participate in international fora and conferences on technology transfer. The Delegation agreed with the view expressed by the Delegation of Spain that the report should be translated into all WIPO official languages.

105. The Delegation of Sri Lanka took note of the conclusions and recommendations in the evaluation report. It was necessary to establish a way forward which utilized the findings of the project. Without a follow-up, it was likely that the resources used for this project would be lost. Therefore, the Delegation took note of recommendation 1 on establishing a proposal on how WIPO could further contribute to facilitating technology transfer. It also took note of recommendation 2 on the possible contents of a specific proposal. The Delegation looked forward to continued discussions on this issue.

106. The Delegation of the United Kingdom found many useful elements in the report. The Delegation supported the statement made by the Delegation of Greece on behalf of Group B. The conclusions and recommendations in the report could be a good basis for further discussions in the CDIP.

107. The Delegation of India referred to paragraph 54 of the report, “The distinction between IP protection and technology transfer for global public goods such as life-saving drugs and for global environmental goods such as climate and biodiversity, which is often used in literature, remained unclear to the evaluators. Both issues address urgencies for the humanity in varying degrees. Global public goods addresses the vital issues related to human health. Global environmental goods recognize the “health of the planet” under a broader perspective”. As mentioned in paragraph 55 of the report, “some studies did not sufficiently account for the

significant differences between developing countries versus the LDCs". The Delegation also referred to paragraph 56 of the report, "one of the recommendations derived from research was to extend the role of patent attorneys to include providing advice on the relevance of existing patents to the business activities. Patent attorneys are trained to provide a full range of possible protection or enforcement options available to the client and assist the client. Most patent attorneys are however not strategic management consultants. Businesses should thus not only rely on patent attorneys for making significant business decisions. The business owners must understand the commercial factors behind the importance of a patent, prior to and subsequent to obtaining it". The Delegation would like the Secretariat to seek an explanation from the authors on this point in order for more clarity to be provided on this.

108. The Delegation of Brazil noted that some delegations mentioned the convenience of carrying out a mapping of existing WIPO's existing services in the field of technology transfer mentioned in recommendation 1. The Delegation highlighted that the project was evaluated without it being completed, as mentioned by the Delegation of Nigeria. Therefore, the Committee should wait for the discussions that would take place later in the week before approving any recommendations. Recommendation 1 talked about the mapping of services. This was fine. However, it also included a consideration of how to complement and improve them. That would depend on what would be agreed later in the week.

109. The Representative of HEP agreed with the substance of the report, but not with the Forum. The issue of IP and transfer of technology concerned human health and the environment. There would be a high level discussion with regard to technology transfer from November 30 to December 4 2015. As stated by some delegations, technology transfer should not be defined in the manner that the evaluators and experts had defined it. They had been assigned several projects and were speaking on behalf of WIPO. The Committee had not been given information on how the Secretariat had selected these experts and why they were chosen for several projects at the same time. At the Expert Forum, a document was distributed immediately with the names of the experts. The same experts were working on other projects. Therefore, the Representative would like to know how the experts were chosen and for NGOs to be informed. The NGOs were not there just to observe. They were there to provide information to others who were not able to attend these meetings. The report contained too many limitations. This meant that it was badly written. It should be redone because limitations did not only mean improvements were needed. There was a need to change the way things were being done. Limitations did not mean errors but causes. There was a need to find out the causes of these problems. The work was conducted in a superficial manner. Not all countries were dealt with at the national level. Those who were interviewed were important stakeholders. However, the millions of people working and living on this planet were all affected.

110. The Chair invited the evaluators to respond to the questions and comments from the floor.

111. The Consultant (Mr. Keller) referred to the comment that the same managerial problems were being repeated in several projects and highlighted that the project was designed five or six years ago. Many of the recommendations were taken up in more recent DA projects. Therefore, this recommendation was to some degree only partially relevant because it related to DA projects that were designed some time ago. With regard to the comment that the evaluation did not specifically look into how the various DA Recommendations were addressed, the Consultant stated that the evaluation was on a project. The evaluators assessed the project as approved by the CDIP. They did not look at the DA Recommendations and assess whether the project addressed them. This was the difference. It was a project evaluation, not a policy evaluation. On the limitations of the evaluation, the Consultant pointed out that the resources were limited. Hence, there was a need to find a focus for the evaluation. It would be a huge exercise to obtain and consider the views of all possible target beneficiaries in all countries. Every evaluation had limitations because the resources were limited. On the comment made that the same evaluators were working on a lot of evaluations at the same time, the Consultant

highlighted that he was currently not conducting other evaluations for WIPO. His colleague was here for the first time.

112. The Chair understood there was considerable support for the recommendations in the report. He sought the views of delegations on the way forward with regard to the recommendations.

113. The Delegation of Brazil believed the Committee could move forward on some points within the recommendations. However, some would depend on the completion of the discussions that would take place later in the week. As mentioned earlier, the project was actually in progress. The Committee could move forward with the mapping exercise, bearing in mind that it was just a mapping of existing services and not how to complement and improve them. recommendation 3 could also be carried out. The second part of recommendation 1 and recommendation 2, which depended on discussions later in the week, could not be adopted. However, the others could be considered.

114. The Delegation of Greece, speaking on behalf of Group B, reiterated that it supported the mapping of WIPO existing services in the field of technology transfer, and how to complement and improve them.

115. The Delegation of Nigeria, speaking on behalf of the African Group, reiterated that it also supported the mapping of WIPO's current technology transfer activities in line with recommendation 1. It would also not be a conflict to define the needs based on the trend of gaps highlighted over the course of the project. There were several outputs from the project. WIPO could begin to explore a work plan for fast tracking the Organization's technology transfer activities. On recommendation 2, the Group placed emphasis on identifying development models in recently developed countries in the field of technology transfer. This could facilitate enhanced support for developing countries and LDCs in the area of international technology transfer. Recommendation 3, concerned a subject that was being discussed in WIPO for a long time. It was recommended that WIPO should strengthen its presence in international fora and conferences on technology transfer. This could be accepted and implemented by WIPO at this point even though the project had not concluded.

116. The Delegation of Chile supported the comments made by the Delegation of Brazil on the possibility of approving some elements of the recommendations. The second part of recommendation 1 would depend on the discussions of Member States. The mapping exercise needed to take into consideration the findings of the project and the views expressed by Member States in previous sessions and the current session. Recommendation 3 on strengthening WIPO's presence in international fora and conferences on technology transfer was important, including with regard to the SDGs. The Delegation supported the comment made by the Delegation of Spain on the translation of documents. In future, the Delegation would like the full report to be translated, especially if delegations were expected to endorse recommendations contained in a report.

117. The Delegation of Sri Lanka supported the proposal by the Delegation of Brazil to consider the mapping of WIPO's existing services in the field of technology transfer, and to take into account the findings of the project and further discussions on technology transfer.

118. The Chair suggested that the Committee took note of the report, approve the recommendation on the mapping of WIPO's existing services in the field of technology transfer and continue discussing the other contents of the recommendations over the course of the week. This was agreed given that there were no objections from the floor.

## **AGENDA ITEM 6: CONSIDERATION OF WORK PROGRAM FOR IMPLEMENTATION OF**



## **ADOPTED RECOMMENDATIONS**

### Consideration of document CDIP/16/4 - Project on the Use of Information in the Public Domain for Economic Development

119. The Chair invited the Secretariat to introduce the project proposal.

120. The Secretariat (Mr. Campaña) presented the proposal. The proposed project aimed to facilitate access to knowledge and technology for developing countries and LDCs and to assist interested Member States in identifying and making use of subject matter that was in the public domain within their jurisdictions by fostering and providing enhanced TISC services for identifying inventions in the public domain; enhanced TISC services for supporting the use of inventions in the public domain as the basis for developing new research outputs and new products, and their further management and commercialization; and an improved legal status portal with greater user-friendliness and expanded content on how to get information regarding legal status in different jurisdictions. The project objectives would be achieved through several outputs. These include the preparation of two guides, one focusing on identifying inventions in the public domain and the other on using such inventions for developing new research outputs and new products. The guides would be developed by subject matter experts. Selected TISCs across various national TISC networks would pilot the guides. Sustainable TISCs would be selected based on considerations of geographical, social, and economic diversity and capacity to support additional services and carry out monitoring and evaluation with respect to these services. The experts would revise the guides based on data provided by the national TISC networks, and prepare training materials based on the revised guides. An improved legal status portal (currently embedded in PATENTSCOPE) would be developed with a more user-friendly interface and expanded content. In 2018, the revised would be translated into French and Spanish. Skills would be developed among national TISC networks to administer and provide services for identifying inventions in the public domain and for supporting the use of inventions in the public domain. The estimated cost of the project was 800,000 Swiss francs of which 550,000 Swiss francs related to non-personnel costs and 250,000 Swiss francs related to personnel costs. Risk and mitigation strategies, implementation schedule as well as the framework for evaluation and review of this project are included in the document which was submitted to the Committee for discussion and approval.

121. The Delegation of Brazil, speaking on behalf of GRULAC, noted that the project aimed to supplement the existing TISC services by adding new services and tools to those currently provided, allowing them to not only identify inventions in the public domain but also to support inventors, researchers and entrepreneurs in using this information to generate new research outputs and products. The group requested for more information to be provided on how the project would support inventors, researchers and entrepreneurs. Although the Group acknowledged the value of improving databases, the role played by networks in the innovation process could not be understated. The Group requested the Secretariat to provide information on activities aimed at engaging universities, research institutions and the private sector in developing countries in the use of patent databases. The Group also referred to page 6 of the proposal. It would like the expansion of TISC usage to support researchers, inventors and entrepreneurs to be included as an indicator of success.

122. The Delegation of Cuba supported the proposal. The Access to Research for Development and Innovation (ARDI) and Access to Specialized Patent Information (ASPI) programs were important tools. However, access was currently limited to some countries. In this regard, the Delegation requested the Secretariat to make the access requirements more flexible to allow more developing countries to benefit from the information which provided the basis for the proposed project.

123. The Delegation of Nigeria, speaking on behalf of the African Group, noted that the project

aimed to supplement the existing TISC services by adding new services and tools to those currently provided, allowing them to not only identify inventions in the public domain, but also to support inventors, researchers and entrepreneurs in using this information to generate new research outputs and products. The need for a more effective exploitation and use of inventions in the public domain as a source for the generation of local knowledge and local innovation, and increasing the absorptive capacity of developing countries and LDCs in the adaptation and assimilation of different technologies could not be underestimated. Information was a valuable asset. Therefore, the Group acknowledged the objectives of the project, namely, to facilitate access to knowledge and technology for developing countries and LDCs, and to assist interested Member States in identifying and making use of subject matter that was in the public domain within their jurisdictions. The Group noted that the project would be anchored on fostering and providing enhanced TISC services. Therefore, it questioned the need for a completely new project in this regard. The same objectives could be achieved by expanding TISC activities. It was envisaged that the project would be used to raise awareness and develop skills to integrate subject matter disclosed in patent documents into new products and processes. In this regard, the Group would like to know the added value or development-oriented benefits of the project for countries, especially LDCs, with minimum or no innovative inventive capacity. More importantly, the Group would like to understand why the TISC project could not be expanded to undertake the proposed activities. These additional services could be provided under the TISC framework.

124. The Delegation of Sri Lanka informed the Committee that five TISCs were established in its country in the last two years. Further training was provided to Universities. The Delegation would like to know how the project would contribute to the existing WIPO projects on TISCs.

125. The Delegation of Mexico noted the information provided by the Secretariat and would like clarification on the criteria for selecting experts who would act as resource people to support national TISC networks.

126. The Delegation of Guatemala supported the proposal. Guatemala used the TISC system. Access to technological information would promote the creation of new ideas and make it possible for the various stakeholders to cooperate with each other.

127. The Delegation of China stated that it was necessary to explore how to use information in the public domain. This was an important question. Patent documentation was very specialized and the IP regime varied from country to country. The Delegation noted that the project aimed to facilitate access to knowledge and technology for developing countries and LDCs, and to assist interested Member States in identifying and making use of subject matter that was in the public domain within their jurisdictions. It supported the proposal. The Delegation suggested that the guides be translated into the six official languages to enable more people to benefit from them.

128. The Delegation of Japan supported the utilization of patent information to promote economic development in developing countries. In this context, Japan was active in advancing activities involving the utilization of patent information. For example, Japan conducted seminars and workshops regarding TISCs technology and innovation support centers in Burkina Faso, Ghana, Rwanda, Sao Tome and Principe, Senegal, Tanzania and Zambia in 2014 and 2015 through the Japan FIT. This month, a seminar was also conducted in Tokyo for the purpose of promoting the dissemination of patent information in the Association of Southeast Asian Nations (ASEAN) countries. These initiatives contributed to building local capacity for searching and using technology, technical and scientific information and making use of TISCs. It looked forward to further cooperation with WIPO in this area.

129. The Delegation of Chile stated that its country had always promoted the role of the public domain as a principle depository of human knowledge and in giving impetus for new ideas. In

this regard, safeguarding knowledge in the public domain and avoiding the re-appropriation of such knowledge were essential in a balanced IP system. The public domain was important for promoting innovation and growth. It was a tool for economic development. The National Institute of Industrial Property (INAPI) had a webpage with specialized themes related to the public domain, including bulletins for persons with disabilities. The proposed project reflected progress in this subject. The Delegation hoped that the initiative would be a precedent for promoting innovation and developed based on information in the public domain.

130. The Chair invited the Secretariat to respond to the questions and comments from the floor.

131. The Secretariat (Mr. Campaña) referred to the question posed by the Delegation of Brazil on how the project would further support the use of patent information by innovation stakeholders. The proposed project was built on the implementation of previous DA projects related to the establishment of TISC networks in developing countries and LDCs; developing tools for access to patent information; preparation of patent landscape reports; and the preservation of a robust and strong public domain. The Secretariat also referred to DA Recommendation 20 which included the following, "preparing guidelines which could assist interested Member States in identifying subject matters that have fallen into the public domain within their respective jurisdictions". As a result of the implementation of previous DA projects, 50 TISC networks had been established in developing countries and LDCs. The centers were mainly established in institutions such as universities, research centers and technology park incubators. The practical guides on how to identify and use information in the public domain and services would be provided through TISCs. As mentioned, these centers were mainly in universities, research centers and technology park incubators. Thus, it would directly involve inventors, innovators and researchers. The guides and services would also be provided by IP offices that provided patent information and other value added specialized services for inventors, innovators and researchers. With regard to the question raised by the Delegation of Nigeria on why these services could not be implemented within existing TISC services, the Secretariat referred to the first project related to the public domain which had a patent component. A study which focused on technical aspects related to patent legal status information was prepared. This was directly related to information that had fallen into the public domain. In 2011, a questionnaire was prepared and sent to all Member States. The Secretariat received 87 responses. They indicated that in most developing countries, the obtaining of legal status data was very difficult because the patent registers in those countries were not operational. In some countries, the registers were operational in the sense that requests for information on legal status could be submitted to the office, but the information was not publicly available. When expanding the portal, Member States would be provided with practical tips on how to search for legal status. This work was not foreseen in the technical assistance program that was being carried out under Program 14 in the Program and Budget, which was related to the assistance given to TISCs. It was also foreseen that skills would be created in the various TISCs to obtain and provide such information. TISC networks had been successfully established in some LDCs, particularly in Africa and the Asia and Pacific regions. The Secretariat would work closely with TISC networks that could absorb such benefits. The Secretariat would continue assisting others that were not up to the level to absorb these services. It would assist them to create the capacity to perform them. The Delegation referred to the concerns expressed by the Delegation of Cuba on access to ARDI and ASPI. These were public/private partnerships between WIPO and publishers of scientific and technical information on the one hand, and providers of commercial patent databases on the other. It was easier for developing countries to access such information within the framework of these partnerships. The Secretariat had taken note of the concern and was going to continue the negotiations with the publishers as well as the providers of commercial patent databases in order to provide better conditions for those developing countries that were not eligible for free or low cost access. With regard to the question raised by the Delegation of Sri Lanka, the Secretariat stated that the project would contribute to the existing TISC networks as additional tools would be provided for TISC staff to use in order for innovators, inventors and researchers

to benefit from information which could be used free of charge, but was difficult to identify. The practical guide on identification would be another tool for disseminating such information. With regard to the question posed by the Delegation of Mexico on the criteria for selecting experts, the Secretariat stated that it would be looking for experts with practical experience in this area. Many of the experts could be from developing countries. Some developing countries were making use of such information. The experts should possess knowledge and experience in using this information. The Secretariat agreed with the proposal by the Delegation of Brazil to include the expansion of TISC usage to support researchers, inventors and entrepreneurs in the evaluation criteria for the project. It would work with the Delegation on this point and come back with a revised proposal.

132. The Delegation of Moldova supported the project. The use of patent information was a priority for Moldova. It was one of the activities of the IP office. Although Moldova was not part of the TISC project implemented by WIPO, it was building a national network of technology transfer offices within the universities. The results of this project would benefit them a lot. Therefore, the Delegation was looking forward to the implementation of the project. The results should be shared not only with TISCs but also other technology transfer offices in order for countries to benefit from them. This would ensure sustainability and contribute to the development of its own network of technology transfer offices.

133. The Secretariat (Mr. Campaña) had no objections to include Moldova and other countries without TISC networks. It was aware that some countries had established technology transfer or licensing office networks. They could benefit from the results of the project. The Secretariat would be ready to share the results of the project with all Member States, including Moldova. The Secretariat would also look into how it could participate in the implementation of the project.

134. The Delegation of Honduras stated that its country had considerable experience in establishing and operating TISCs. It currently had 14 TISCs. The Delegation supported the project. It also supported the comments made by the Delegation of Cuba on access to ASPI and ARDI.

135. The Delegation of Costa Rica supported the project.

136. The Chair resumed discussions and invited the Secretariat to present the revised proposal.

137. The Secretariat (Mr. Campaña) referred to the request by the Delegation of Brazil to include a further indicator of success and proposed the inclusion of the following at the end of page 6 of the document, "Increased number of users across TISC networks identifying and using information in the public domain".

138. The Chair enquired as to whether the Committee could approve the revised proposal.

139. The Delegation of Nigeria, speaking on behalf of the African Group, requested for a copy of the revised proposal.

140. The Chair would like to know whether the African Group could adopt the revised proposal after a copy was provided.

141. The Delegation of China reiterated its request for the practical guides to be translated into the six official languages.

142. The Delegation of Nigeria, speaking on behalf of the African Group, requested for this item to be revisited. The Group needed to hold internal discussions on it.

143. The Chair agreed to the request.

Consideration of document CDIP/16/7 – Project on Cooperation on IP Rights Education and Professional Training with Judicial Training Institutes in Developing and Least Developed Countries

144. The Secretariat (Mr. Bdioui) introduced the proposal. The project was based on DA Recommendations 3, 10 and 45. It would be deployed during the 2016-17 biennium. The estimated cost of the project was 500,000 Swiss francs all of which was related to non-personal costs. The main objective of the project was to build capacity for delivery of efficient and effective national/sub-regional/regional IPR education and training programs. It aimed to provide technical and professional assistance to judicial training institutes to enhance the capacity and skills of magistrates, judges and prosecutors, etc. in developing countries and LDCs to adjudicate efficiently and effectively IPR disputes in such a way as to ensure coherence with the identified developmental needs and priorities of the country/sub-region/region concerned. The IPR education and training programs would be tailored to the country needs and priorities as articulated in the national economic development policies and strategies. Four pilot judicial training institutions would be selected, ideally one from each region (Africa, the Arab region, Asia, Latin America and the Caribbean), including an LDC. The selection criteria were described in the document. The project would be implemented through existing national, sub-regional and regional training institutions. The project included several main components. First, a fact-finding survey on ongoing IPR training initiatives for the judiciary in developing countries, LDCs and developed countries to learn, amongst other things, from good practices in IPR training for the judiciary. Second, the selection of four pilot judicial training institutions. Third, an assessment of IPR education and training needs of the judicial system in the selected pilot countries/sub-regions/regions to determine the nature and scope of modular IPR education and training content to be developed. Fourth, the development of tailored and modular IPR education and training content for initial/induction IPR training and in-service IPR training, keeping in view the preferred modes of training delivery (face-to-face, blended or online) tailored to the identified gaps, expressed needs and key priorities of the selected country/sub-region/region. The education and training content would include a self-learning/reference “IPR Toolkits for Judges,” one for each of the selected pilot institutions. Fifth, testing of the IPR education and training content, including the “IPR Toolkit for Judges” by delivering education and training programs and obtaining feedback to make improvements, if needed. Sixth, foster networking and partnerships amongst national, sub-regional and regional judicial training institutes for regular sharing of experiences to learn from one another about their IPR training initiatives and outcomes. Amongst other things, this may involve the creation of one or more online professional “communities of practice” on IPR issues for social/networked peer-to-peer learning amongst magistrates, judges and prosecutors. Seventh, provide assistance for the acquisition of reference books and manuals to build up the library of the beneficiary judiciary training institutions. They were expected to become self-reliant in running the training programs and activities once established and finalized by the end of the 2016-2017 biennium. The Secretariat may continue to provide supplementary assistance beyond the biennium in case of a substantive need provided that the additional resources would not prevent other potential institutions from receiving needed assistance. Each component of the project would be regularly monitored and assessed. A yearly or mid-term progress *cum* self-evaluation report would be presented for the consideration of the CDIP. In addition, an independent evaluation of the project would be undertaken and the report would be submitted to the Committee.

145. The Delegation of Brazil, speaking on behalf of GRULAC, noted that the subject matter at the core of the project was technical assistance dealt with under Cluster A of the DA Recommendations. Clarifications were needed before the document could be properly analyzed. The Group would like to know more about the topics to be addressed in training and the self-learning/reference “IPR Toolkits for Judges” to be provided to the selected pilot institutions. In order to add value to professional training in judicial training institutions, the

Secretariat must assure Member States that training would focus exclusively on the development-oriented aspects mentioned in the three DA Recommendations on which the project was based. For instance, Recommendations 10 and 45 included the objectives of promoting a fair balance between IP protection and the public interest, and approaching IP enforcement in the context of broader societal interests. The provision of specific information on how the training would seek to attain these goals would enable Member States to decide if it was pertinent to promote this kind of activity in the CDIP or if it should be pursued in other bodies such as the Advisory Committee on Enforcement (ACE).

146. The Delegation of Japan understood the importance of enforcing IP laws in order to create a more conducive environment for promoting innovation based on the protection of IP. Therefore, the Delegation supported the approval of this project. The Delegation shared Japan's experience in the area of judicial training. Every year, Japan conducted a training course entitled "Training Course on Enforcement of IPRs" through its FIT. Last year, trainees from Asia and Africa were invited to attend a two-week training course which included sessions on custom formalities and infringement lawsuits. This year, judges from ASEAN countries, China, South Africa, Saudi Arabia and the UAE would be invited to attend the same course. It would be held in December 2015. Japan was looking forward to further cooperation with WIPO in this area and to contribute to building local capacities for better enforcement of IP.

147. The Delegation of Nigeria, speaking on behalf of the African Group, noted that the main objective of the project was to build capacity for the delivery of efficient and effective national/sub-regional/regional IPR education and training programs for judges, including the creation of self-learning/reference "IPR Toolkits for Judges". There was no doubt that judicial education was crucial for the professional competence of judges and the efficient adjudication of IPR disputes with the ultimate aim of guaranteeing meaningful protection of rights for the overall development prospects of countries. The Group noted that the selection of the four pilot countries would be based on written requests by Member States interested in taking part in the project. The training would be conducted in existing training institutions. The Group sought assurances from the Secretariat that the pilot project would be implemented with strict consideration of the limited human and institutional capacity in developing countries and LDCs. In this respect, the Group was concerned about the criteria outlined for the selection of pilot countries in particular criteria 2 and 3 on page 6 of the document CDIP. They did not seem to take into account the resource and manpower gaps that may be common in developing countries and LDCs. This called for a review to reflect the reality on the ground in these countries. The Group was also concerned that the project seemed to be limited to national/sub-regional/regional judicial training institutions. Some countries in need of such training may not have dedicated judicial training institutions. The Group suggested that the selection of focal institutions be extended to include national/sub-regional/regional IP institutions with capacity to undertake training and national/sub-regional/regional IP training academies, where applicable. The Group was pleased with the activities outlined under the delivery strategy of the project. The fact finding survey under item C was a fundamental aspect of implementation which should guide other activities of the project. Consequently, the Group suggested that the implementation steps be re-prioritized with the fact-finding survey preceding the selection of pilot countries and the assessment of IPR education and training needs in those countries. This would allow for proper benchmarking of possible partners in delivering the gains of this project and setting clear standards for implementation. During the presentation, the project manager mentioned the fact finding survey as one of the first activities, but in the document it was listed as item C after the other activities. The Group also joined GRULAC in requesting for further information to be provided on the content of the training materials. In sum, the Group welcomed the project and looked forward to working with the Secretariat to ensure that the project was fit for the purpose of developing countries and LDCs before its adoption.

148. The Delegation of China believed that building the capacity of judges on IP in developing countries would be very helpful. It would also be conducive to raising public awareness on IP.

Therefore, the Delegation supported the approval of this project. The Delegation hoped the Secretariat would ensure geographical representation in the selection of the judicial training institutions in order for the Organization's resources to benefit a greater number of developing countries and LDCs.

149. The Delegation of Tunisia stated that its country had a legal system which was of international standard. However, as in the case of some other developing countries, Tunisia did not have specialized IP courts. Its judges had to address diverse issues. These included IP. Training and awareness raising activities were organized with WIPO. However, these activities should be strengthened and structured. The proposed project was in line with Tunisia's aspirations. Therefore, the Delegation welcomed the proposal and fully endorsed it.

150. The Delegation of Chile stated that the project was of great value. The Delegation had presented a preliminary initiative along these lines in the ACE. Its industrial property Institute had accumulated experience in patent law which could be made available if a pilot project were to be carried out in Chile.

151. The Chair invited the Secretariat to respond to the questions and comments from the floor.

152. The Secretariat (Mr. Bdioui) reiterated that the project was based on DA Recommendations 3, 10 and 45. Recommendation 10 provided guidance on implementation of the project. It included the following, "To assist Member States to develop and improve national IP institutional capacity through further development of infrastructure and other facilities with a view to making national intellectual property institutions more efficient and promote fair balance between intellectual property protection and the public interest". Thus, the promotion of a fair balance between IP protection and the public interest would be an important factor in the development of training modules and would be taken into consideration in the entire project. Judges would greatly benefit from specialized training on IP. It would enable them to take into account development considerations and the public interest in their decisions. The modules would be developed in coordination with the beneficiary institutions. They would be tailored to the identified gaps, expressed needs and key priorities of the selected countries and regions. With regard to the question raised by the Delegation of Nigeria on behalf of the African Group, the Secretariat stated that it was fully aware of the limited human and institutional capacities in developing countries and LDCs. The Secretariat referred to the criteria for the selection of beneficiary countries. Criteria 2, was aimed at ensuring engagement and ownership by them. It was not just a question of funding. The reference to the contribution of significant financial resources could be replaced with a reference to administrative or logistical contributions by the beneficiary countries. Criteria 3, on the availability of a *pro bono* champion was to ensure that there would be someone in the country who would assist in the implementation of the project. This person would facilitate interaction between WIPO and the institution. The focal point would be the person who would ensure continuity when the project ended. On extending the project to national/sub-regional/regional institutions that were not judicial training institutions, the Secretariat stated that the WIPO Academy had no difficulties in doing so provided the countries themselves agreed that such institutions could train judges and prosecutors. The title of the project could be amended to accommodate any institution that provided training to judges.

153. The Delegation of Guatemala stated that a correct approach to IPRs contributed to the success of an IP system. It would be useful to strengthen the judicial institutions in this regard.

154. The Delegation of the Czech Republic supported the project. This was mainly due to the focus of the project and the anticipated long term outcomes such as training materials that could be used by judges, prosecutors and training institutions in the future.

155. The Delegation of Georgia fully supported the statement made by the Delegation of Romania on behalf of CEBS. Georgia was committed to actively participate in the process of

achieving the goals of the DA and to incorporate ideas into the project based approach of the CDIP. The Delegation assured the Chair of its full support and cooperation in advancing the work of the CDIP. The Delegation was particularly interested in the project proposal. Georgia welcomed WIPO's initiative to assist developing countries and countries in transition to establish national IP academies. Such institutions played a vital role in the creation of a proper IP system with trained IP professionals in the respective countries. Training activities and resources were provided through many WIPO programs. They were crucial to facilitate IP development and socio-economic growth in these countries. The Delegation referred to WIPO's active assistance in the establishment of an IP academy in Georgia. It believed this would prove to be a successful project in the region. Georgia aimed to transform its national IP academy into a regional hub for training IP professionals. This institution would play an essential role in raising public awareness and in the development of professionals in the field of IP. The continued involvement of WIPO and the sustainable development of the IP academy were necessary to achieve tangible goals. Tailored programs in cooperation with WIPO such as professional capacity building programs were fundamental development measures. Georgia and many other countries had obtained huge benefits from these projects. Georgia was ready to host such a program, particularly in the field of Geographical Indications (GIs). It counted on WIPO's further assistance in this regard.

156. The Delegation of Egypt supported the comments made by the Delegation of Nigeria on behalf of the African Group. The Delegation put forward a number of questions. First, the demarcation line between this project and the existing training activities provided by WIPO upon request by Member States was not clear. This would not be the first time that WIPO carried out such an activity in terms of judicial training. Second, with regard to the implementation steps, as mentioned by the Delegation of Nigeria, the fact finding survey was listed as item C in the document and item 1 in the presentation. The Delegation would like to know how this would fit in the assessment of needs, which was part of the criteria for the selection of beneficiaries. Perhaps the proposal needed some redrafting before the Committee could decide on it. Third, the Delegation would like to know how the project would be tailored to national/sub-regional/regional levels as each country had its own national laws and regulations on IP. Fourth, as there would be funding and collaboration with other partners on implementation, the Delegation would like to know how the Secretariat would ensure that DA Recommendation 10 would be taken into account in the implementation of the activities. Lastly, further clarification on the selection criteria was needed as they were a little vague. As mentioned by the Secretariat, the project could be extended to include other institutions. There was a regional IP academy in Egypt. It was also in the process of establishing a national academy. These could serve as places where training could be provided if the Committee agreed on the project.

157. The Delegation of India aligned itself with the statement made by the Delegation of Brazil. The initiative looked promising. The Delegation would like full information to be provided on the proposed training activities, including the contents, where they would be organized, partners and who would fund them in addition to WIPO. This information should be made available to all Member States. It should be thoroughly reviewed. The Delegation would be able to take a more informed decision on whether or not to support the project after receiving this information.

158. The Delegation of Pakistan was of the view that IP education and training was of essence in promoting awareness and building the capacities of all relevant stakeholders and national IP institutions, including the judiciary. It assisted in improving professional expertise and access to justice by providing for an effective dispute settlement environment. It would enable judges to holistically contribute to all the issues pertaining to IP protection, development considerations as well as public interest in their decisions and recommendations. The curricula for the training modules must be balanced in order for the desired outcome and effect to be achieved. The Delegation supported the comment made by the Delegation of Nigeria on behalf of the African Group that the project should have no financial implications for participating countries. The Delegation expressed its interest for Pakistan to be included in the proposed project, subject to



its approval by the Committee.

159. The Delegation of Switzerland supported the extension of capacity building activities in the judicial sector. IP enforcement was not possible without a well-functioning judicial system. It was crucial to have knowledgeable experts in the courts. Therefore, the Delegation welcomed the project. The training materials would be more acceptable to judges if they were adapted to the national laws of the pilot countries. The Secretariat mentioned that a gap analysis would be carried out. Switzerland had a good experience with the same approach in its bilateral projects. A gap analysis was conducted before drafting training materials for certain regions or countries. Thus, the Delegation encouraged the project management team to undertake this step.

160. The Delegation of Lebanon supported the project. Lebanon had collaborated with WIPO in this area. A seminar was supposed to be held in Beirut. However, it was not possible to do so due to current circumstances.

161. The Delegation of the Russian Federation supported the project as it would improve the competency of the judges and the quality of their decisions. The Delegation hoped the educational materials would be made available on the WIPO website and serve as the basis for specialized distance learning courses by the WIPO Academy.

162. The Delegation of Cuba supported the comments made by the Delegation of Brazil on behalf of GRULAC.

163. The Delegation of Iran (Islamic Republic of) referred to the question raised by the Delegation of Egypt and would like to know which IP laws, policies and strategies would be reflected in the training materials to be provided under the project.

164. The Delegation of Mexico supported the project and expressed its interest for Mexico to be selected as one of the pilot countries.

165. The Delegation of the Republic of Korea stated that it was important to foster a better understanding of IP laws. Last October, the Korean FIT was used to support a colloquium on IP enforcement for judges. The event was held in Bangkok. With cooperation from WIPO, an e-learning program which dealt with international IP rights was developed. A free online course was provided based on this program.

166. The Delegation of Morocco fully supported the project.

167. The Delegation of Nigeria supported the project and looked forward to participating as one of the pilot countries in Africa, subject to all the clarifications being provided and the amendments indicated by the project coordinator being reflected in the project document.

168. The Representative of HEP expressed interest in the project and hoped that the training would provide judges with expertise in areas such as health, the environment and related IPRs.

169. The Representative of TWN stated that the Judiciary played a critical role in countries. It was an independent, just and impartial arbiter of disputes. This needed to be safeguarded. Currently WIPO carried out a number of IP-related service activities and earned substantial revenue from IP applicants. It was also involved in norm-setting and undertook technical assistance activities. There was no firewall dividing these activities, resulting in a risk of technical assistance activities focusing on IP protection and enforcement. The External Review on WIPO technical assistance raised a number of concerns with regard to the orientation of WIPO technical assistance. The report on the External Review also mentioned that the understanding of "development" in WIPO was rather narrow. The Representative stated that a number of questions emerged from reading the project document. For instance, Section D of

the document was on the development of content. It referred to "Good practices for IPR education". The Representative would like to know what was considered to be a "good practice" by the Secretariat and the basis for determining whether a practice was good or not. Given this, it was not advisable to go ahead with the project as presently defined. At this stage, Member States should call for an independent review of all materials and presentations used in existing technical assistance activities involving the judicial authorities.

170. The Delegation of Costa Rica stated that training should also be extended to magistrates in order to increase their knowledge in this area.

171. The Chair invited the Secretariat to respond to the comments from the floor.

172. The Secretariat (Mr. Bdioui) took note of the delegations that had expressed an interest in the project. The Secretariat referred to the question raised by the Delegation of Egypt on the demarcation line between this project and the existing training activities provided by WIPO to the judiciary. The latter were *ad hoc* activities. This was a structured project with objectives and outcomes. The project would focus on the exact needs. A needs assessment would be carried out and the project would try to respond to those needs. The difference was in the structure and sustainability of the project because the aim was not to train judges and close the project. The idea was to make the project sustainable by building the capacities of these institutions to train other judges in the future based on what they learned from the project. On the implementation steps, the Secretariat agreed that the fact finding survey should come first and be listed as item A. This was already reflected in the implementation timeline, where the first activity was the survey. The Secretariat referred to the difference between national, sub-regional and regional levels. In its initial research, the Secretariat found that there were national institutes and also sub-regional/regional institutes which covered a number of countries. The Secretariat would not group countries and provide them with a single training. It would focus on the existing training institutions at the sub-regional or regional level. The activities would be funded by WIPO. Member States would only contribute to the logistics. The contents of the training modules would take into account the country's laws, strategies, policies and priorities. The WIPO Academy had also developed content which could be used for this kind of project. The content would be adapted to the situation and characteristics of the country and its laws. National or regional cases could be added to enrich the modules. The project could also be extended to IP offices, academies and centers, that provided training if Member States wished to do so. These could be listed in the document. However, there was a need to take into consideration the fact that there would be a forum for the judicial training institutes. It may be that they would prefer not to be in a forum with IP offices or training centers. They may prefer to be in a forum with other judicial training institutes only. The Secretariat referred to the information requested by the Delegation of India and stated that all the information was available in the project document which also included timelines. The training places would depend on the countries to be selected for the project. As mentioned, the content would be adapted to the respective countries.

173. The Chair enquired as to whether the Committee was ready to adopt the document.

174. The Delegation of Brazil, speaking on behalf of GRULAC, agreed with the point made by the Secretariat on the need for judges to take decisions bearing in mind the wider goal of keeping a balance between the interests of the IP holders and the public in general. The Group was of the view that development should be the exclusive goal of a project to be adopted by the Committee. In this regard, the Group referred to the interventions by the delegations of Chile and Switzerland. The Delegation of Chile mentioned that it had proposed a similar project in the ACE. The Delegation of Switzerland stated that enforcement was only possible with the training of judges. That was where the border line should be clarified. Some of the points that were made may be interesting, but perhaps not for this Committee. The work program of the ACE included many references to technical assistance. The second section was on the role of the

judiciary and quasi-judicial authorities as well as of the prosecution in enforcement activities. The third section referred to education and awareness-raising, including training concerning all factors relating to enforcement. The fifth section referred to the contribution of right holders in enforcement taking into account Recommendation 45 of the DA. The Group would like to see all the topics to be included in the training materials and modules to ensure that the project was focused exclusively on development. This was necessary to ensure that it was appropriate for the project to be approved by the CDIP and not by another Committee.

175. The Secretariat (Mr. Bdioui) quoted the following from the project proposal, “while implementing the project activities in the selected pilot developing and least developed countries, the following will be kept in view: (a) relevant IPR laws/frameworks/agreements; (b) relevant IPR policies and strategies; (c) judicial training gaps, needs and priorities as articulated in their national/sub-regional/regional economic development frameworks; and (d) developmental considerations and public interest”. No other elements were included in this regard. What took place in another Committee was discussed within that Committee. The CDIP was discussing a separate project. The topics would be developed in the second phase after assessing the needs and priorities of the respective countries. If the topics were to be decided before assessing their needs there may be discrepancies between the topics and the priorities of those countries.

176. The Chair suggested that the Delegation of Brazil and other interested delegations could work with the Secretariat and try to come up with the necessary amendments. The Committee could return to the document at a later stage in the session.

Consideration of document CDIP/16/6 - Report on the Updated Management Response to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development

177. The Chair recalled that the Committee discussed the External Review of WIPO Technical Assistance in the Area of Cooperation for Development in the last session. The Committee requested the Secretariat to update the Management Response contained in document CDIP/9/14 and decided to continue discussion on this subject based on the points contained in the proposal by the Delegation of Spain, any other proposals by Member States and the updated version of the Management Response. He then invited the Secretariat to introduce the document.

178. The Secretariat (Mr. Baloch) reiterated that the report of the External Review (document CDIP/8/INF/1) was quite voluminous. The Secretariat had informed Member States in the briefing meeting prior to the session that it would not be printing the document which was available online. A number of documents were prepared on this topic. The latest was the updated Management Response. At the last session, the CDIP requested the Secretariat to update the Management Response contained in document CDIP/9/14. The Secretariat recalled that the recommendations of the report were put into three categories in the Management Response. In responding to the Committee’s request, the Secretariat considered and updated the recommendations in Category A (recommendations which were already reflected in WIPO activities or ongoing reform programs) and Category B (recommendations which merit further consideration), while the recommendations in Category C (recommendations which raised concerns as to implementation) were kept as originally presented. Each recommendation was followed by an updated response. The Secretariat had also taken the initiative to include its view on the implementation status of each recommendation to facilitate consideration by Member States. For example, at the end of recommendation 1 on page 2, it was stated that the recommendation may be considered as implemented. The Secretariat would be willing to provide more details regarding its view on the implementation status of this and other recommendations.

179. The Delegation of Nigeria, speaking on behalf of the African Group, stated that its position on this agenda item was well documented. The proposals were aimed at enhancing the delivery of technical assistance by the Organization. At the last session, the Delegation of Spain had provided a basic document for determining some of the activities that could be undertaken under these proposals and the proposals of other Member States. At this point, the most practical way to move forward on this agenda item is to discuss the actual proposals and what could be done based on the content of the proposals.

180. The Delegation of Greece, speaking on behalf of Group B, noted that three categories of recommendations appeared in the updated document as in the case of the previous response. These included category A (recommendations which were already reflected in WIPO activities or ongoing reform programs), category B (recommendations which merit further consideration), and category C (recommendations which raised concerns as to implementation). Under category A, it was clearly stated that out of the 42 described recommendations, a vast majority of those could be considered as implemented. The Group took note of the efforts made by the Secretariat with regard to flexibilities and the synchronization of the IP-TAD with the Enterprise Resource Planning (ERP). In addition to making good progress, an agreement on the definition of development expenditure was reached in the last session of the PBC in a constructive, cooperative and forward-looking spirit. This issue was an outstanding agenda item for many years. The successful outcome of the negotiations, a product of compromise, was a useful accounting methodology. On category B, the Group noted that the Management Response considered all but one of the recommendations to be implemented. This demonstrated the Secretariat's level of commitment on these matters. On category C, the Group aligned itself with the concerns explicitly explained under this section. It saw no merit in further elaborating on ideas that in the best case scenario would create discomfort, and in the worst, ambiguity. At this point, the Group considered the Committee's work on the Deere-Roca report to be completed. It noted the good work and improvements achieved so far. However, continuous improvement, especially in the coordination, sustainability, and efficiency of projects, was a necessary aspect of a healthy, functioning Organization. The Group believed that lessons learned and best practices would be incorporated into future work and looked forward to supporting the Secretariat in this work.

181. The Delegation of Romania, speaking on behalf of CEBS, welcomed the implementation of a large majority of recommendations grouped under clusters A and B. This reflected the Secretariat's unwavering commitment to the DA. At the same time, the Group shared the Secretariat's concerns with regard to the recommendations under cluster C as these went beyond or were in conflict with WIPO's mandate. Therefore, it was inappropriate to implement them. The Group reiterated its support for the EU proposal to devote a full day to discussing IP and technical assistance in order to address best practices. Such a discussion would add a complementary dimension to information on the delivery of technical assistance.

182. The Delegation of Brazil, speaking on behalf of GRULAC, reiterated the importance of technical assistance provided by WIPO to make IP an effective tool for development. WIPO technical assistance was the subject of DA Recommendation 1, which included the following, "WIPO technical assistance shall be, *inter alia*, development-oriented, demand-driven and transparent, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion". With the objective of implementing this recommendation, an independent review of WIPO technical assistance was performed and consolidated in document CDIP/8/INF/1 also known as the Deere-Roca report. In 2012, the Development Agenda Group (DAG) and the African Group presented a joint proposal on technical assistance in the area of cooperation for development (document CDIP/9/16). It was based on elements of the Deere-Roca report. This document was discussed in the last three years and important decisions were drawn from the proposal. An example was the manual on technical assistance mentioned in proposal 8.2 of the document. Without prejudice to the

implementation of any other activities contained in the report, it was time to direct the activities of the Committee towards the legislative and regulatory assistance provided by WIPO. In line with item J.2 of the DAG-African Group proposal, the Group requested WIPO, without abusing confidentiality assurances, to implement an in-depth review of its legislative assistance. The review should be conducted by a team of external legal experts to evaluate the attention given to a country's development priorities and circumstances as well as the full range of flexibilities and options available to countries. The review should include an examination of the content of draft laws and comments provided by WIPO as well as the content of seminars, training and events on legislative matters.

183. The Delegation of Luxembourg, speaking on behalf of the EU and its Member States, noted that the document identified three categories of recommendations within the External Review as in the case of the previous Management Response. These included category A (recommendations which were already reflected in WIPO activities or ongoing reform programs), category B (recommendations which merit further consideration), and category C (recommendations which raised concerns as to implementation). The recommendations under category A of the Management Response were already partially or fully reflected in WIPO activities or ongoing reform programs. Nevertheless, the Management Response contained a lot of valuable information and provided an overview of activities undertaken by the Secretariat which resulted in the implementation of a vast majority of the recommendations. The EU and its Member States noted that a vast majority of recommendations in categories A and B had been implemented. Work on the recommendations under implementation had also progressed after the publication of the Management Response. Therefore, the EU and its Member States considered the Deere-Roca report to be largely implemented. The Committee should now prepare for the independent review of the DA Recommendations. Further work on technical assistance should be on those recommendations identified by the Secretariat under category B of the Management Response as deserving further consideration. The Management Response considered all, but one to be implemented. This was an excellent achievement and demonstrated the Secretariat's commitment on these matters and progress made. This being said, continuous improvement, especially in the area of coordination, sustainability and cost efficiency of projects was a necessary aspect of a healthy, functioning organization. They believed lessons learned would be incorporated into future work. The recommendations classified under category C raised concerns as to their implementation. Therefore, they should not be further considered. The EU and its Member States reiterated their commitment to dedicate a full day to IP and technical assistance. This should focus on the identification of best practices and lessons learned from WIPO and non-WIPO technical assistance and also offer the opportunity for joint presentations on technical assistance projects by developing and developed countries. The EU and its Member States continued to believe that such discussions could bring value to WIPO. They looked forward to such a debate which would ensure greater transparency and accountability in all areas of technical assistance planning and delivery.

184. The Delegation of the United States of America noted that all cluster A and B recommendations had either been implemented or were in the process of being implemented. The Delegation believed the Committee could close this item and move on to other outstanding issues on the agenda. The Deere-Roca report contained recommendations from two external experts and did not necessarily represent the views of Member States. The Committee had ample opportunity to review these recommendations so that Member States could find consensus for WIPO to take action. Indeed, the updated management report showed just how far the Organization had progressed more than five years after the original report was produced for the consideration of Member States. The Delegation agreed with the Secretariat's assessment on the lack of feasibility of cluster C recommendations and had consistently urged the Committee to focus on cluster B recommendations as the only reasonable way forward. It was not in a position to approve any recommendations that fell in cluster C of the Management Response for the reasons set forth in the document produced by the Secretariat.

185. The Delegation of Spain stated that the document appeared to be a self-evaluation and seemed a little complacent. The document stated that all the recommendations in categories A and B had been implemented. However, the explanation given for each of the recommendations was sometimes too general and repetitive. For example, on many occasions, references were made to the results-based management (RBM) framework. Although it was a useful tool, this element was often repeated and given as a justification for the implementation of recommendations. Insufficient reasons were provided on how recommendations in categories A and B were being implemented. For instance, on cost-saving and efficiency measures reference was made to the RBM framework. It was also referred to in terms of improving evaluation mechanisms. The structure in both cases was very similar. There was no acknowledgement of possible defects. Information on specific measures was not provided apart from these general references. Information was also not provided on whether the new measures being taken had led to better results. The Delegation acknowledged the efforts of the Secretariat. However, the explanations provided in the document were insufficient and there did not seem to be any means of further improving the implementation of the recommendations. Certain recommendations required follow-up. The Delegation referred to its proposal in the last session. It identified some areas where it was important for the Secretariat to provide the Committee with more information on specific measures that were being undertaken or may be undertaken. This would assure the Committee that everything possible was being done on these aspects. It would also enable the Committee to provide instructions and guidance in order for the Secretariat to continue to follow up on some of the very valid recommendations contained in the report.

186. The Delegation of Chile believed a lot more could be done on recommendations under implementation. For example, greater transparency could be provided through a database that would enable users to learn more about the initiatives being undertaken in relation to points 7, 8 and 9 under category A. The Delegation referred to point B.8 and would like to know if a current version of the manual included in document CDIP/12/7 was available. It had detailed comments to make concerning the manual and would give these to the Secretariat for its consideration in a revised version. Point A.31 referred to recommendations in the field of IP Office modernization and highlighted developments in the area of patents. However, implementation of these recommendations should also include strengthening the capacities of copyright offices. Point A.35 referred to the role of WIPO in the area of flexibilities. Although progress was made in this area, far more could be achieved through a comprehensive long-term program that also included technical assistance. Lastly, the Delegation referred to point A.23 on assistance provided to developing countries to assess their development needs, IP capabilities and appropriate strategies. Chile had benefitted from WIPO's assistance in the preparation of a national strategy for industrial property. An expert was provided to assist in this regard. Although work was still ongoing, WIPO had provided essential support in this context. The Delegation hoped that these specific comments would be taken into account by the Organization along with the statements and proposal by the Delegation of Spain. These suggestions would make it possible to improve work in the area of technical assistance.

187. The Delegation of Canada aligned itself with the statement made by the Delegation of Greece on behalf of Group B. The Deere-Roca report had led to many debates. A number of documents were prepared. The latest was the updated Management Response. The Delegation noted that most of the recommendations in categories A and B could be considered to be implemented. The others were currently being implemented. Canada, as a provider of technical assistance, welcomed the report and supported WIPO's ongoing efforts in the implementation of training programs, particularly with regard to strengthening national capacities and long-term capabilities. The objective was to assist national training institutes to become more viable. The updated Management Response and progress mentioned therein would enable the Committee to close the Deere-Roca report. However, the Secretariat must continue with its efforts to ensure that each and every project undertaken responded to the RBM criterion.

188. The Delegation of the Czech Republic had supported the assessment process of the External Review. This should help to enhance the quality of WIPO technical assistance activities and to focus on priority activities that were effective and sustainable. The Delegation endorsed the proposal by the Delegation of Spain in the last session. It contained six specific recommendations for WIPO's technical assistance. The Delegation welcomed the updated Management Response as a basis for further possible discussion on the implementation of relevant recommendations arising from the External Review. However, this quality improvement process was not an opportunity to re-orientate the Organization outside its mandate.

189. The Delegation of Brazil, speaking on behalf of GRULAC, agreed with many points made by the Delegation of Spain. It shared the same concerns with regard to the way the Management Response was treated. The Secretariat had listed some items and stated that they were implemented. This was a self-evaluation. The Group recognized the efforts of the Secretariat. However, this was a member-driven Organization. Member States had to discuss these points. There were many proposals to implement the items mentioned in the report. Member States must discuss them and determine whether they had been implemented. The External Review came up with many proposals and suggestions. The Committee must be open to discussing proposals and not just respond with the argument that it would not be discussing those included by the Secretariat in its list of implemented items. The Group disagreed with not discussing a proposal. It disagreed even more with the idea of closing this item which was clearly very important to many countries. The Group would like discussions to take place on the merits of the proposals and not to dismiss them with the argument that they were listed in the response given by the management.

190. The Delegation of China acknowledged initiatives taken by WIPO in a number of areas, including the creation of WIPO Re:Search and WIPO Green. The report contained recommendations on various aspects. This would assist Member States to improve WIPO's work on technical assistance. All Member States needed to collaborate in this regard. The Delegation of Spain made a proposal in the last session. It was supported by a number of countries. Although the Committee was not able to come to a final agreement on that proposal, it demonstrated that delegations had concerns and it was necessary to take action on this subject. The Delegation hoped that WIPO would continue to fully consider all recommendations. There was a need to be flexible on the implementation of these recommendations, bearing in mind the different views of delegations.

191. The Delegation of Japan aligned itself with the statement made by the Delegation of Greece on behalf of Group B. The Secretariat acknowledged all the recommendations under cluster B (recommendations which merit further consideration). The Delegation appreciated the Secretariat's ongoing efforts to provide technical assistance and to further improve it after the completion of the discussions on the External Review.

192. The Representative of HEP referred to point A.2 on WIPO Re:Search and WIPO Green. Although the Representative was pleased to note that WIPO was discussing issues related to the environment and health, the quality of the document could to be improved. Information on pharmaceuticals and cooperation for development should be included.

193. The Delegation of Nigeria, speaking on behalf of the African Group, believed there was strong support for the Committee to continue discussing the proposals contained in the External Review and also to discuss the proposal put forward by the Delegation of Spain in the last session. That document did not address all the concerns of the Group and some other delegations. However, it was willing to continue discussions based on that document. It was the best way for the Committee to advance on this agenda item.

194. The Chair noted that views differed on the implementation of the recommendations. Therefore, he suggested that the Committee could look at each of the recommendations. Delegations could raise objections or observations in each case. The Committee could then conclude its work.

195. The Delegation of the United States of America would like to know if the Chair proposed going back to the Deere-Roca report, a 240-page document with a 35-page summary containing hundreds of recommendations that were not even numbered.

196. The Chair clarified that he was referring to the updated Management Response and the recommendations contained therein.

197. The Delegation of Spain was unsure about the Chair's suggestion. The Delegation also did not know if the Committee should go through the Deere-Roca report or just some of the recommendations. Its proposal took most of the suggestions into account, so it would be a good basis for the discussions. Some may wish to make changes and they could do so.

198. The Delegation of Nigeria, speaking on behalf of the African Group, stated that it was not in a position to only consider the updated Management Response. If each of the recommendations were to be considered, the Committee should also look at the Deere-Roca report. Its joint proposal with DAG also included a number of proposals. If the Committee was going to look at each of the proposals, it should take into account all the documents. Alternatively, the Committee could move forward based on the proposal by the Delegation of Spain. That seemed to be the easiest. However, its preference would be to discuss each of the recommendations and take into account its joint proposal with DAG.

199. The Chair noted the comments from the floor and suggested that it would be more practical to discuss the proposals by the Delegation of Spain. There were six of them.

200. The Delegation of Greece, speaking on behalf of Group B, reiterated that it was satisfied with the way the response was presented. The closing of the report did not exclude efforts by the Secretariat within its existing structures. The Group did not see why the work of the Secretariat would not go on. It also saw no problems with the self-evaluation.

201. The Chair enquired as to whether Group B had any problems proceeding on the basis of the Spanish proposal.

202. The Delegation of Greece, speaking on behalf of Group B, requested the Chair for a few minutes to hold internal discussions.

203. The Chair agreed to suspend the meeting for 15 minutes.

204. The Delegation of Greece, speaking on behalf of Group B, expressed its willingness to continue discussions on the basis of the Spanish proposal in order to close this agenda item.

205. The Chair stated that the discussion would be based on the Spanish proposal given that there were no objections from the floor. The items included in the proposal would be examined one by one. He read out the first item, "Ask Secretariat to prepare a compilation of best practices of WIPO technical assistance".

206. The Delegation of Brazil, speaking on behalf of GRULAC, had raised its flag actually before the Committee started analyzing the items in the Spanish proposal. The Group referred to the comments made by the Delegation of Greece on behalf of Group B and highlighted that many delegations expressed the wish for this agenda item not to be closed. The Group agreed with the gradual approach starting with the Spanish proposal. However, other specific



proposals based on the report of the external experts should also be addressed by the Committee in this session as well as future sessions. The Committee could begin with the items in the Spanish proposal. However, the discussion will continue as many delegations believed the proposals should also be implemented.

207. The Delegation of Côte D'Ivoire supported the comments made by the Delegation of Nigeria on behalf of the African Group as well as the proposal by the Delegation of Spain.

208. The Delegation of Nigeria, speaking on behalf of the African Group, stated that it was not in a position to agree to close this agenda item. The current approach was a solution to try to achieve some progress on the Deere-Roca report and the responses by the Secretariat. Indeed, in the course of the discussion, the Group may suggest some further additions to the proposal by the Delegation of Spain. Proposals could be identified for agreement on an incremental basis.

209. The Delegation of Egypt stated that the current approach was just an interim way forward. The Committee could discuss the proposal by the Delegation of Spain. However, it was not the final discussion on this issue. The Deere-Roca report was quite extensive. Many elements had not yet been addressed. The updated Management Response was a self-evaluation. It was up to Member States to discuss and determine whether recommendations had been implemented.

210. The Delegation of Greece, speaking on behalf of Group B, was willing to discuss the Spanish proposal with a view to closing the agenda item. The Group did not see what would be progress on something that was already being implemented. WIPO's work would go on within the existing structures. Its work on technical assistance could continue with some input from Member States.

211. The Delegation of Iran (Islamic Republic of) supported the comments made by the delegations of Nigeria and Brazil on behalf of the African Group and GRULAC respectively. The Delegation could not go along with closing this agenda item. Other recommendations should be addressed along with the proposal by the Delegation of Spain.

212. The Delegation of Spain stated that delegations could express their views on the items in its proposal, including whether they agreed or disagreed with them. Changes could also be suggested. The Committee began to do that in the last session.

213. The Delegation of India supported the comments made by the Delegation of Iran (Islamic Republic of) as well as the delegations of Nigeria and Brazil on behalf of the African Group and GRULAC respectively. The Committee should not close the agenda item at this moment. The discussion should continue moving forward.

214. The Delegation of Indonesia supported the comments made by the delegations of Nigeria, Iran (Islamic Republic of) and India.

215. The Delegation of Senegal supported the proposal by the Delegation of Nigeria on behalf of the African Group.

216. The Delegation of the United States of America stated that the Committee had been discussing the Deere-Roca report and other proposals for years. Agreement was reached on a few items. These were implemented. Therefore, the Committee's time would not be put to good use if it were to go back and discuss older documents and every recommendation in the Deere-Roca report. The Committee was not able to agree on other recommendations from the Deere-Roca report. This was clear. The Committee could not discuss this agenda item forever. At some point it had to be closed. Discussing the Spanish proposal with a view that there was light at the end of the tunnel was a good practical approach. The Independent Review of the

Implementation of the DA Recommendations was coming up. It would cover technical assistance. Member States would be able to express their views on improving technical assistance at that time. At some point, the Committee had to close this agenda item. The Delegation urged the Committee to discuss the Spanish proposal, make improvements on a regular basis, incorporate them into the work of the Organization and close this agenda item.

217. The Chair noted the divergence of views and suggested that the Committee could move forward with the Spanish proposal on a provisional basis before returning to the questions that remained outstanding.

218. The Delegation of Switzerland supported the comments made by the Delegation of the United States of America. It also aligned itself with the statement made by the Delegation of Greece on behalf of Group B.

219. The Delegation of Mexico supported the proposal by the Delegation of Spain. It contained some practical suggestions. The Delegation could go along with them. It was in line with the contents of this agenda item.

220. The Delegation of Sri Lanka also supported the Spanish proposal.

221. The Delegation of Nigeria, speaking on behalf of the African Group, supported moving forward on the Spanish proposal, but not limited only to this proposal.

222. The Chair stated that the idea was to make progress on the basis of the Spanish proposal, but there may be other proposals as well.

223. The Delegation of Greece, speaking on behalf of Group B, believed that the focus of the discussions in the Committee had to move from this agenda item. However, as a way forward, the Spanish proposal could serve as a basis for the discussion. It was not constructive to go back to other proposals because the discussion could go on forever on items that were already discussed over the past years. The Committee had other issues to discuss. The Group had not finalized its position in case the Committee agreed to move forward with the Spanish proposal. Therefore, the Group suggested that the agenda item be postponed and reopened the following day.

224. The Chair recalled that in the last session, the Committee decided to continue the discussion on the basis of the points contained in the proposal by the Delegation of Spain, any other proposals by Member States and the updated Management Response. At that moment, the Committee was working on the basis of the Spanish proposal. The Committee could try to move forward on this basis. The Chair read out the first item in the proposal, "Ask Secretariat to prepare a compilation of best practices of WIPO technical assistance". He enquired as to whether it could be adopted by the Committee.

225. The Delegation of Egypt stated that any agreement would be provisional until the rest of the issues were discussed.

226. The Delegation of Nigeria, speaking on behalf of the African Group, agreed with the comment made by the Delegation of Egypt. In the discussions during the last session, the Committee looked at the list of items and the possibility of adding more items to the six that were included in the Spanish proposal. The Committee could not adopt item 1 and move on to item 2. There should be a discussion on all of the six items.

227. The Delegation of the United States of America stated that it was not prepared to adopt item 1 at this point. The Delegation requested for more time to formulate its position on this item.

228. The Delegation of Iran (Islamic Republic of) could go along with item 1. However, clarification was required on the best practices to be compiled by the Secretariat. The Delegation also questioned whether these could be assessed by the Secretariat.

229. The Delegation of Canada agreed with the comments made by the Delegation of the United States of America. In addition, the Delegation believed it would be easier to discuss an informal document instead of the Chair reading out the items.

230. The Delegation of Spain followed up on the proposal by the Delegation of Canada and suggested that an informal session be held.

231. The Chair noted that some delegations were not ready to go through each item and would like a broader approach to be taken. Perhaps delegations could express their general views on the proposal and then move on to an informal session.

232. The Delegation of Chile reiterated that the Spanish proposal was broad and flexible. Member States could comment on each of the items. The Delegation suggested that a more formal procedure could be established for technical assistance requests. This could be considered under best practices to be followed by the Organization. On item 6, concerning possible improvements to WIPO's webpage, a database with information concerning activities that were or would be carried out could be developed. Delegations could provide inputs on how requests for information or activities could be implemented. As the wording was very general, delegations could use it to make headway instead of getting into too many details. This was its position for the time being. The Delegation approved the use of this document as a means to achieve progress.

233. The Delegation of the United States of America expressed its general view of the Spanish proposal. It was not in a position to approve the entire proposal as it stood. The proposal was hurriedly put together in the last session when discussions were ongoing. Thus, the language was ambiguous and very general. It left a lot of room for interpretation. Delegations could work on refining the language and perhaps amend it to the satisfaction of all delegations in an informal setting. The Delegation did not see much value in certain elements of the proposal as work had already been done. Some aspects of the proposal could be explored. The Delegation could work with the Delegation of Spain on more appropriate language with regard to aspects that it may be able to support.

234. The Delegation of Brazil, speaking on behalf of GRULAC, noted that the Delegation of Spain had identified items that were either not controversial or less controversial because they were of a general nature. This was a good way to begin a gradual approach, creating momentum by approving the less controversial items and subsequently address other more concrete and specific proposals which were of interest to some delegations.

235. The Delegation of Egypt would like to know whether the Chair was leaving it to delegations to decide on whether to provide general comments or specific comments on each item in the Spanish proposal.

236. The Chair stated that he originally intended to go through each of the items. However, some delegations objected to the approach. Therefore, he suggested that the Committee could look at the proposal as a whole to obtain the general views of delegations on the proposal before deciding on whether or not to move on to an informal session.

237. The Delegation of Nigeria, speaking on behalf of the African Group, believed the proposal by the Delegation of Spain reflected low hanging fruit. The items were very general in nature. They did not reflect the more ambitious proposals contained in the Deere-Roca report and its

joint proposal with DAG. However, the Group had committed to moving forward based on these items with the idea that it was a gradual process. The Group supported moving on to informal consultations in order to save time. Delegations that wanted to work on improving the text or add new proposals could do so in the informal session. The items in the current text were very fair. The Group particularly welcomed items 2 and 4. However, it would like to suggest some amendments to the text and also include other proposals. The Group was ready to enter into informal consultations to address this.

238. The Chair noted the comments from the floor and stated that an informal session would be held the next morning to discuss the proposal by the Delegation of Spain, possible amendments to the text and other suggestions by Member States.

## **AGENDA ITEM 5: MONITOR, ASSESS, DISCUSS, REPORT ON THE IMPLEMENTATION OF ALL DEVELOPMENT AGENDA RECOMMENDATIONS (RESUMED)**

### Consideration of document CDIP/16/5 - Report on the Update of the Database on Flexibilities

239. The Chair invited the Secretariat to introduce the report.

240. The Secretariat (Ms. Aguilar) recalled that at its sixth session, the Committee agreed to establish the a webpage dedicated to flexibilities in the IP system, including a roadmap providing guidance on WIPO's work on flexibilities in the substantive sectors and Committees; a database containing provisions on national legislation related to flexibilities in the IP system, as well as information on national experiences and case studies in implementing flexibilities at the national level; links to literature and resources on flexibilities produced by the Secretariat and WIPO-commissioned experts; links to resources on flexibilities produced by other relevant international organizations; and materials and output from WIPO seminars, workshops and technical assistance activities dealing with the flexibilities. The decision was made during the consideration of document CDIP/6/10, Future Work Program on Flexibilities in the IP System. At CDIP/8, the Secretariat presented a test version of the database containing information related to the flexibilities included in document CDIP/5/4 Rev. At CDIP/9, the Secretariat presented the Work Program on Flexibilities in the IP System – New Elements Proposed (document CDIP/9/11). The Committee discussed the document and agreed, *inter alia*, to include in the database, information submitted by Member States on their practical experiences in the implementation of flexibilities. At CDIP/10, the Committee discussed Further Steps in the Work Program on Flexibilities in the IP System (document CDIP/10/10). The Secretariat sought guidance on the content of the database. The Committee agreed to include links to court cases, academic articles and case studies submitted by Member States; material written or commissioned by WIPO in the course of its regular technical assistance activities; and documents and presentations from WIPO seminars conducted in the course of its regular technical assistance activities. The flexibilities database was made available online in June 2013, giving access to Member States to a “non-exhaustive list of flexibilities in use, namely, compulsory licenses and government use; exhaustion of rights; research exemption; regulatory review exception.” In addition, the Secretariat made available on the webpage of flexibilities, the material written or commissioned by WIPO in the course of its regular technical assistance activities, including seminar materials. As requested by the CDIP at its fifteenth session, the database was updated to include 954 new legal provisions drawn from documents on Patent Related Flexibilities in the Multilateral Legal Framework and their Legislative Implementation at the National and Regional Levels (documents CDIP/7/3 Add., CDIP/13/10 Rev. and CDIP/15/6), and tables on categories of different provisions on specific flexibilities contained in the aforementioned documents. The database is in English, French and Spanish. Currently, the database contained 1371 provisions on national IP legislation related to flexibilities from 202 selected jurisdictions. The Secretariat also updated the contents of the webpage. A new more user-friendly layout was recently launched. The webpage was available

in English, French and Spanish. From its establishment in June 2013 until June 2015, 77 page viewers visited the database, 43 of which were unique or first-time page viewers. The average time spent on the database webpage was around one minute. The bounce rate of the visitors was 50%, which meant that half of them left the database webpage without consulting any other content under it. The exit rate was 19.48%. This percentage represented the number of viewers who left the database webpage after viewing it, without implying that they had not before visited other webpages under the same website.

241. The Delegation of Brazil, speaking on behalf of GRULAC, noted the progress achieved since the idea was first discussed in the Committee five years ago. The database was a practical result related to the point that flexibilities were an integral part of the IP system. However, an instrument had no meaning if it was not used. It was worrying to learn that the webpage was viewed less than 100 times in the two years since it was made available. The Group suggested joint action by Member States and the Secretariat to publicize the database. Member States must ensure that policymakers in capitals were aware of the information available on the database and explain to them that the provisions enacted by other countries may be useful in the formulation of the country's own IP laws and regulations. The group suggested two measures for the Secretariat. First, a link to the database could be included on WIPO's homepage in order to draw more attention to it. It could be placed under the section entitled "We help use IP for development" or the section entitled "We provide access to the world's IP information". Second, the resources available in the database could be included in the list of topics to be addressed in technical assistance activities organized by WIPO such as seminars and workshops as well as in the training documents published by the Organization. It could also be included as a reference in teaching modules provided by the WIPO Academy. The Group also made a request on the updating of information in the database. It noted that a piece of legislation that entered into force in Brazil last May on disclosure of the origin of genetic resources in patent applications was not included in the database. The Group understood that there was no mechanism to allow for periodic updating of the database and webpage using inputs from Member States. Thus, it would like the Secretariat present a proposal on a mechanism to periodically update the database without a need for specific requests or decisions. The proposal could be discussed in the next session.

242. The Delegation of Luxembourg, speaking on behalf of the EU and its Member States, welcomed the update. Over the years, the Secretariat had gathered a substantial amount of factual information on patent-related flexibilities in the multilateral framework and the way they were implemented at national and regional levels. The database contained 1371 provisions on national IP legislation related to flexibilities from 202 jurisdictions. These impressive figures clearly showed that the multilateral framework allowed for solutions that appropriately took into account the needs of individual countries. The flexibilities investigated should not be seen as recommendations to WIPO or WTO Member States as an overview of options exercised by Member States under the objective of transparency and exchange of national experiences.

243. The Delegation of Egypt shared the comments made by the Delegation of Brazil on behalf of GRULAC on the use of the database, in particular, the incorporation of these flexibilities in technical assistance provided to developing countries and LDCs by WIPO as well as in the teaching modules provided by the WIPO Academy. The Delegation would like the Secretariat to provide information on their activities or efforts to publicize the database in Geneva and among IP Offices.

244. The Delegation of Mexico requested for the document to be published in Spanish. Although major efforts were made to develop the database, only 77 page viewers visited the database in two years, 43 of which were unique or first-time page viewers. Half of them left the database webpage without consulting any other content under it. There was a need to disseminate information on this tool and perhaps send out a questionnaire to get an idea of what was of interest to viewers.

245. The Delegation of India welcomed the update. There was a need to publicize the database through modern mechanisms such as social media in order to reach out to a younger generation who were on social media, especially IP lawyers, legal experts and other important stakeholders. WIPO could continue the process of updating the database by including items such as links to court cases, academic articles and case studies submitted by Member States as per the recommendation in CDIP/10.

246. The Delegation of Nigeria, speaking on behalf of the African Group, noted that the database contained provisions on at least 14 flexibilities that were variously adopted in 202 jurisdictions. This underscored the importance of these provisions and the need to continue exploring mechanisms for encouraging Member States to leverage on the advantages of these flexibilities in the most practical and effective way without prejudice to existing multilateral and bilateral commitments. Member States could benefit from using any of the listed flexibilities in national jurisdictions for the public interest. In that context, the Group requested WIPO to be more proactive in assisting developing countries and LDCs to use these flexibilities, especially to overcome barriers. The Group recalled previous discussions on content and would like to know if national experiences were included on the webpage.

247. The Delegation of the Russian Federation valued the work undertaken on the database. It fully supported the initiative to update the content of the database. However, the Delegation noted that it was not updated with regard to Russian legislation on responsibility for the violation of patents. The Delegation's comments in the last session were not taken into account. The Delegation would provide the Secretariat with a written copy of the legislation in order for it to be updated in the database.

248. The Delegation of China believed further discussions and studies on patent-related flexibilities in different jurisdictions could contribute to the development of a balanced international IP system in order for developing countries and LDC to use the IP system for national development. Therefore, China would continue to actively participate in the discussions in this regard. In addition, WIPO should consider making the database available in the six official languages of the UN to enable more users around the world to use it.

249. The Delegation of Morocco noted that the amendments to its legislation in 2014 and before were not properly reflected in the updated database.

250. The Delegation of Chile stated that the update was necessary in order for the database to be used as a tool by Member States. The Delegation agreed with the suggestions by the Delegation of Brazil. A link to the database could be included on WIPO's homepage. The database and webpage should also be periodically updated. The resources available in the database could be included in the list of topics to be addressed in technical assistance activities organized by WIPO such as seminars and workshops as well as in the training documents published by the Organization. The content could also be included in teaching modules provided by the WIPO Academy. A broad long-term work program with technical assistance could be developed in this area to cover different themes such as compulsory licensing. The Delegation supported initiatives taken in the area of flexibilities.

251. The Representative of the HEP supported the update. The database should be regularly updated. WIPO should also organize seminars where everyone could participate, including observers, in order to better understand and utilize the contents of the database

252. The Delegation of Greece, speaking on behalf of Group B, expressed concerns on the very low number of visitors to the webpage. It was not sure that popularity could be imposed. This was an example of something that was faced on many occasions in the discussions in WIPO. The discussions raised high expectations on the outcome and this was not matched in reality.

253. The Chair invited the Secretariat to respond to the questions and comments from the floor.

254. The Secretariat (Mr. Aleman) believed the database was an excellent mechanism to make available information contained in several documents prepared by the Secretariat and discussed in the Committee. The database facilitated the diffusion of the content which was made available in a coherent manner. The Secretariat believed it was the main mechanism to be implemented in order to benefit from the information. There were regional and national meetings in which the subject of flexibilities was discussed. In those meetings, reference could be made to the database and information could be provided in this regard. On the updating of the database, the Secretariat explained that it was only agreed in the previous session that the database should be updated. The database was populated with the information contained in the tables and normative provisions included in the annexes of the aforementioned documents. So far, it was not the intention to update those tables and annexes. However, certain amendments to national laws that took place after the preparation of the documents were reflected in the documents. Member States could consider ways to keep those documents updated.

255. The Secretariat (Ms. Aguilar) referred to the request by the Delegation of Mexico and stated that the document was also available in Spanish and French on the CDIP webpage. On the question raised by the Delegation of Nigeria on national experiences, the Secretariat recalled that it was decided in CDIP/10 that national experiences and court cases should be submitted to the Secretariat by Member States. The Secretariat should not undertake an intensive role to summarize the information. It should include information in the database without adding any further details. The Secretariat had not received information on national experiences or court cases for inclusion in the database. The database and webpage would be constantly updated. The Secretariat invited Member States to submit updated information on national provisions for inclusion in the database. The information provided by the Delegation of the Russian Federation on its national provision related to flexibilities was included in the document on patent-related flexibilities as a corrigendum. The Secretariat would also update the information in the database.

256. The Delegation of Brazil, speaking on behalf of GRULAC, referred to the invitation for Member States to submit information on new legislation and so on for inclusion in the database and reiterated its suggestion for a formal mechanism to be created to allow for periodic updating of the database and webpage. In this regard, the Secretariat could submit a proposal for the consideration of Member States in the next session.

257. The Delegation of Egypt stated that a mechanism could also be suggested in order to reach out to national IP offices and potential users of the database. Accessibility was a crucial element. As the database was not available in all languages, it may be difficult for certain countries to make proper use of the information contained in it. This aspect could be further discussed.

258. The Chair stated that the Secretariat had taken note of the proposal by the Delegation of Brazil on behalf of GRULAC. A proposal would be submitted to the Committee in due course. The Committee took note of the document.

## **AGENDA ITEM 6: CONSIDERATION OF WORK PROGRAM FOR IMPLEMENTATION OF ADOPTED RECOMMENDATIONS (RESUMED)**

### Consideration of document CDIP/16/8 - WIPO and the Post-2015 Development Agenda

259. The Vice-Chair invited the Secretariat to introduce the document.

260. The Secretariat (Ms. Hamou) recalled that in the last session, the Committee, following a proposal by the Delegation of Mexico, requested the Secretariat to provide an analytical document to propose possible courses of action as to how WIPO needed to adapt itself in order to support Member States on the attainment of the goals of the Post-2015 DA. The document provided initial information in response to that request. The Secretariat highlighted some points. During the Summit on Sustainable Development in September, UN Member States adopted 17 SDGs and 169 Targets. As a specialized agency of the UN, WIPO participated as an UN observer organization in all major UN processes on the Post-2015 DA. WIPO also participated in other related processes such as the Third International Conference on Financing for Development and the Informal Interagency Group on the Technology Transfer Facilitation Mechanism. Agenda 2030 provided for an ambitious and universal program of action for sustainable development in the next 15 years. Technology, innovation and creativity were cross-cutting elements that could contribute to the achievement of many SDGs. The clear intent of the Secretariat to support Member States in the implementation of the post-2015 DA was set out under Program 9 in the Program and Budget for 2016/17. The document included a box with two goals (SDGs 9 and 17) that could be linked to the mandate and strategic objectives of WIPO. It also contained a box with others goals (SDGs 2, 3, 4, 7, 8, 12 and 13) that were of relevance to WIPO's programs and activities.

261. The Delegation of Brazil, speaking on behalf of GRULAC, believed it was timely for the CDIP to examine this issue in view of WIPO's important role in inter-agency discussions on the implementation of the 17 SDGs and 169 associated targets. The Group referred to the goals identified in the document to be relevant to WIPO's mandate, strategic objectives, programs and activities and stated that the established link was pertinent. However, it should be complemented with other goals and targets in order for the Committee to have a more complete list of items that could guide the contribution of the Organization in discussions with other UN agencies and stakeholders. In this regard, the Group proposed the inclusion of the following: First, SDG 2 (Target 2.5) and SDG 15 (Target 15.6) which were related to commitments to the promotion of access to and fair and equitable sharing of benefits arising from utilization of genetic resources and associated TK traditional knowledge. With the renewal of the IGC's mandate at the last GA meeting, WIPO could share developments under Program 4 on these items. Second, SDG 3 (Targets 3.3 and 3.b), although these were mentioned in the second box in the document, the activities undertaken by WIPO to attain this goal could be expanded to include the use of flexibilities applied to health issues such as the database on flexibilities and the project on Patent-Related Flexibilities in the Multilateral Legal Framework and their Legislative Implementation at the National and Regional Levels. Goal 8 (Target 8.9) mentioned the promotion of sustainable tourism that created jobs and promoted local culture and products. This was in line with the project on IP, Tourism and Culture: Supporting Development Objectives and Promoting Cultural Heritage in Egypt and Other Developing Countries. Lastly, Goal 1 (Target 1.4) and Goal 17 (Target 17.6), reference to the Global Technology Facilitation Mechanism was related to the issue of technology transfer, an important part of the agenda for this CDIP session. Target 17.6 also referred to South-South Cooperation on and access to science, technology and innovation. This was included in the issues dealt with under the project on Enhancing South-South Cooperation on IP and Development among Developing Countries and LDCs which was evaluated in CDIP/13. The 17 SDGs would be meaningless if they were not translated into concrete measures that would change the lives of those that needed them most. The establishment of consistent indicators was fundamental to ensuring the correct implementation of these commitments. The Group urged WIPO to actively support the Inter-Agency and Expert Group on SDG Indicators to come up with effective measuring instruments next year.

262. The Delegation of Greece, speaking on behalf of Group B, welcomed the document. The Group noted that the document comprehensively mapped the current scenario and attempted to define how WIPO, as a specialized UN agency participating in the process as an observer,



could contribute to the attainment of the goals of the Post-2015 DA. Part III of the document described WIPO's engagement in the development and implementation of the Post-2015 DA. The recently adopted UN 2030 Agenda for Sustainable Development did not include any direct references to IP. However, technology, innovation and creativity were key elements that cut across and could contribute to the achievement of many SDGs. Looking at the broader picture, the Group could understand the relevance of WIPO's mandate to SDG 9 in the context of creating clean environmentally sound technologies, and more broadly to support technology development and innovation. SDG 17 was related to technology and could be considered relevant to a number of areas of WIPO's work to support Member States in using the IP system to support technology development, use of the IP systems and sharing of technological knowledge. As this was a very early phase of the process, the information provided by the Secretariat in the document, and in particular Part III, was sufficient. WIPO was not a lead agency in Agenda 2030. WIPO must duly take into consideration and respect ongoing processes at the broader UN level in this matter. It should be kept in mind that given the mandate of the Organization, achievement of the goals relating to innovation and technology did not primarily depend on WIPO. This was because responsibility for achieving the SDGs laid primarily with UN Member States. Innovation and technological development were complex issues where IP could play a positive role for sustainable development. However, IP was only one among a number of factors.

263. The Delegation of Nigeria, speaking on behalf of the African Group, noted that the document primarily provided a short summary of WIPO's engagement in the post-2015 DA process and ongoing work on the SDG Indicator Framework. The 2030 Agenda called for bold and transformative steps to shift the world to a sustainable and resilient path. It also called upon all countries and stakeholders to collaborate and develop partnerships to support its implementation. Thus, the Group proposed that the Secretariat could prepare a more comprehensive document detailing a set of concrete activities geared towards assisting Member States to attain the goals of the post-2015 DA. The document could be presented at the next session. Such activities should also include identifying the linkages and interaction between the SDGs and their associated targets and WIPO's mandate and strategic objectives. The current document limited a clear WIPO role to SDG 9 on innovation and SDG 17 on partnerships while referencing other SDGs where WIPO could play a role. The activities should also include identifying WIPO's role in the technology mechanism created within the SDGs; identifying the technological needs of countries and proprietary technologies involved in these fields, whether they were accessible and how access could be ensured using IP tools, including flexibilities; facilitating the establishment of a Committee for technical assistance under Article 51 of the Patent Cooperation Treaty (PCT); and making provision for the necessary capacity that would be required. Failure to achieve the MDGs was largely due to the lack of bold and concrete steps that would have assisted many developing countries to achieve the MDGs. The Group referred to the area of education. If the trend were to continue with the SDGs, the same results could be expected. Millions of children across the developing and least developed world would continue to lack access to quality education, information and knowledge. Therefore, the successful conclusion of the Standing Committee on Copyright and Related Rights (SCCR) work on exceptions and limitations for libraries and archives as well as education and research institutions could foster access to knowledge in many developing countries and assist in the attainment of SDG 4 which was related to education. The Group urged Member States to act with conscience and recognize the importance of limitations and exceptions for billions of people across the globe. The areas highlighted were not exhaustive. The overall subject of the SDGs and the activities WIPO may be required to undertake in the context of the post-2015 DA fully merited an agenda item on IP and development. This would give Member States the opportunity to continue discussing related issues as they evolved. WIPO should explore new initiatives, programs, and normative work with defined timeframes and responsibilities that would facilitate attainment of the SDGs. WIPO's role should be more than providing support to Member States in this regard, but crucially also on developing initiatives as a stakeholder organization. Indeed, a results-based management analysis on the SDGs and how WIPO could

assist would be instrumental in identifying a clear, measurable and effective role for WIPO. The Group remained available to discuss these issues further to ensure a meaningful role in the implementation of the SDGs.

264. The Delegation of Romania, speaking on behalf of CEBS, believed that the document provided useful information on WIPO's involvement in discussions on the SDGs as well as the Secretariat's perspective on WIPO's future contribution to the process. The Group fully supported the approach adopted by the Secretariat with respect to WIPO's support for the implementation of the 2030 Agenda for Sustainable Development. In order for WIPO to be effective, its contribution should be focused and based on a clear identification of those SDGs and targets which were of relevance to the work and mandate of WIPO. The Group also agreed with the selection made by the Secretariat, namely, SDG 9 in relation to innovation, SDG 17 in relation to partnerships and the other SDGs for which WIPO would partner or report as and when requested with others UN agencies and stakeholders in charge of their implementation.

265. The Delegation of Luxembourg, speaking on behalf of the EU and its Member States, noted that the document contained valuable information on WIPO's role and activities so far in relation to the SDGs. The document, "Transforming Our World: The 2030 Agenda for Sustainable Development" was an important achievement. The Agenda contained 17 SDGs and 169 Targets. The EU and its Member States agreed with the Secretariat that WIPO's support should be focused and effective. This required a clear identification of those SDGs and targets which were of greatest relevance to WIPO's work and its mandate to promote the protection of IP throughout the world through cooperation among States and, where appropriate, in collaboration with any other international organization. Therefore, the EU and its Member States supported the Secretariat's selection of SDGs, namely SDG 9 ("Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation") and SDG 17 ("Strengthen the means of implementation and revitalize the global partnership for sustainable development"). In fulfilling its role, WIPO should focus on achieving its strategic goals that contribute to the SDGs under the existing results-based framework. Each country was primarily responsible for its own economic and social development.

266. The Delegation of India stated that IP rights were social products and needed to be calibrated vis-à-vis social priorities. IP rights did not exist in a vacuum. Unless there was a perceptible benefit from the system, its existence would become meaningless. WIPO's contribution to the SDGs should take into consideration the priorities of developing countries. These include the utilization of IP rights not only for the betterment of industry, but also for society at large. Emphasis must be given to public health and nutrition, human rights and stopping abuses of IP rights including anti-competitive practices. The CDIP should give priority and sufficient time to this issue in its agenda. It should be discussed under a standing agenda on IP and development rather than as an *ad hoc* agenda item as was the current practice.

267. The Delegation of Egypt fully adhered to the elements put forward by the Delegation of Nigeria on behalf of the African Group. The Delegation recalled its opening statement during the Assemblies which cited the SDGs that related to IP issues which were also reproduced in the document, but only as elements for which WIPO would partner or report on. The document brushed over the issues by not going into an in-depth analysis. The Delegation expected a more analytical document as per the original mandate given to the Secretariat in this regard. There could be more ways for WIPO to develop its activities to fit into the SDGs and the 2030 Agenda. As a specialized UN agency, WIPO was part and parcel of this process. The Delegation supported the proposals to include this as a standing item for discussion and looked forward to further analysis by the Secretariat.

268. The Delegation of China took note of the document. As a specialized UN agency, WIPO was obliged to implement Post-2015 DA, in particular the SDGs. The Organization had unique advantages in areas related to global challenges such as food security, preservation of water

resources and green technologies. IP would certainly play an important role in the attainment of the SDGs.

269. The Delegation of Indonesia stated that WIPO should look at the magnitude of the challenges faced by all countries. The UN Member States adopted the SDGs by consensus in September 2015 in New York. Therefore, the Delegation urged WIPO and all its Member States to share that consensus. The SDGs were a good concept, but they required strong support to implement them. The 2030 Agenda called upon all countries and stakeholders to collaborate and develop partnerships to support its implementation. This included WIPO. This issue fell under the CDIP's mandate to discuss IP and development-related issues as agreed by the Committee, as well as those decided by the GA. The Committee reported and made recommendations annually to the GA. There was enough space for WIPO to work on this Agenda. Although it was up to WIPO to decide on what it could do to contribute to the implementation of the SDGs, the Delegation urged Member States to provide WIPO with a strong political will to do the job. It urged Member States to forget about their group positions and their status as developed or developing countries, and reflect on what was said by their leaders when SDGs were adopted on 25 September in New York.

270. The Delegation of Iran (Islamic Republic of) believed that WIPO, as an UN-specialized agency, should incorporate the SDGs into all its activities. In this context, the Delegation fully supported the statements and proposals made by the delegations of Brazil, Nigeria, India and Indonesia. WIPO reported on its contributions to the MDGs. This practice should be continued for the SDGs. The Delegation supported the proposal to discuss this issue under a standing agenda item.

271. The Delegation of Mexico found the document to be helpful, particularly as it had no previous knowledge of some of the activities mentioned therein. WIPO's participation would be an important contribution to the achievement of the SDGs. In this regard, the Organization should define the activities being carried out within the framework of the SDGs. The document was timely in terms of identifying SDGs that could be linked to the mandate and strategic objectives of WIPO as well as other SDGs with relevance to its programs and activities. This exercise should continue. In this regard, it was important to be informed about those activities and projects carried out by WIPO which were related to the SDGs. In this context, the Delegation proposed that the Secretariat could prepare a document focusing on activities being carried out and the specific objectives or targets identified for each of them. This exercise could give a broader view of the goals that were already being pursued by WIPO, and other objectives that should be taken into account for future projects related to the goals. As mentioned in the document, the SDG Indicator Framework was not yet completed. Thus, it would be helpful to prepare a document in which the activities related to the SDGs were spelled out. That could be very helpful as an input to the discussion at the next CDIP session.

272. The Delegation of Sri Lanka stated that WIPO should give priority to developing countries in this regard. This was really important for them.

273. The Delegation of Brazil, speaking on behalf of GRULAC, made comments on two points mentioned in the discussion. First, it was said that WIPO was not the main organization responsible for the attainment of some SDGs and targets. In this regard, the Group stated that even though this may be the case, WIPO had an important role to play in contributing to them. Second, as highlighted by several delegations, WIPO was a specialized UN agency. Therefore, it was also responsible for the attainment of UN objectives. Thus, arguments should be provided on why some SDGs should not be included in WIPO's work because it was established that these were in line with WIPO's mandate. The arguments should be on specific proposals. For some delegations, it was important that WIPO contributed and participated in discussing some aspects. That should be discussed. In this context, the Group supported the proposal by the Delegation of Nigeria for the document to be further elaborated. The

Delegation of Mexico also touched on this point. The Secretariat could prepare a new document taking into account the points raised during the discussion. This proposal could be further discussed.

274. The Representative of TWN welcomed the Secretariat's initiative to include this item on the agenda. Unlike the MDGs, the SDGs were the outcome of an inter-governmental negotiation process. As mentioned in the document, access to technology would be critical to the attainment of the SDGs. In order to address this issue, the Technology Facilitation Mechanism was created as part of the Addis Ababa Action Agenda and reiterated in the 2030 Agenda for Sustainable Development. WIPO, as part of the UN Inter-Agency Task Team on Science, Technology and Innovation, had a key role to play in shaping the Technology Facilitation Mechanism. WIPO was also participating in the Inter-Agency and Expert Group on SDG Indicators (IAEG-SDG). In providing information on verifiable indicators, it was important that WIPO Secretariat took inputs from Member States and other interested parties. Its inputs to the IAEG-SDG should also be made available in the public domain. The Representative highlighted important shortcomings in WIPO's approach to its contribution to the achievement of the SDGs. According to the document, WIPO's contribution to the SDGs fell in two categories. These included the development of a balanced and effective international IP system that enabled innovation and creativity for the benefit of all, and working with Member States to develop national IP and innovation strategies which were anchored and tailored to national development needs. This approach ignored two important issues, namely, WIPO's mandate under the agreement with the UN to facilitate technology transfer of IP-protected technologies and the acknowledgment that more often than not IP was a barrier to the diffusion and transfer of technology. The idea that the use of IP protection and enforcement would lead to technology transfer and diffusion was contrary to existing empirical evidence. There was also growing evidence that technologies of critical importance to the SDGs were being patented and mechanisms were not being developed to ensure that those technologies were available for the achievement of the development objectives. An example can be found in the WIPO patent landscape report on water treatment technologies. It showed that there was a considerable level of innovation in the area of membrane based water treatment. 24% of the 4,773 patent families were filed in the last five years. This example showed the need for WIPO to work on technology transfer relevant to the SDGs. Further, the existing programs or activities listed in the document were not specifically designed to address SDGs, even though they had the potential to contribute to them. There was a need to redesign these activities as some, such as WIPO GREEN, were inadequate in working towards the achievement of the SDGs. Lastly, the Representative requested Member States to constantly monitor the activities of WIPO in the area of SDGs. The CDIP was an ideal forum to carry out this activity. Therefore, the Representative supported the proposal to include the SDGs as a standing agenda item under IP and development issues, one of the three pillars of the CDIP's mandate.

275. The Representative of HEP stated that her organization attached great importance to the SDGs, particularly those related to health and the environment. The Representative noted that the document provided information on how WIPO, as a specialized UN agency, supported and implemented various objectives under its mandate. The Representative supported the document. The 2030 Agenda was a step forward. It established a plan for sustainable development. All parties should do more than the minimum in order for progress made in the achievement of the SDGs.

276. The Chair invited the Secretariat to respond to the comments from the floor.

277. The Secretariat (Ms. Hamou) stated that the outcome document was only adopted a few weeks ago. Nevertheless, the Secretariat had tried to provide some information in response to the request made by the Delegation of Mexico in the last session. The Secretariat assured delegations that it had listened carefully to their interventions. It noted the requests made in the discussion. The Secretariat would discuss these internally and see how it could come up with a

document or proposal that would address at least a number of the requests concerning implementation and on how WIPO could support Member States in the implementation of the SDGs.

278. The Delegation of Nigeria, speaking on behalf of the African Group, would like to know whether the document mentioned by the Secretariat would be available by the next CDIP session.

279. The Secretariat (Ms. Hamou) stated that the SDG Indicator Framework would be adopted in March 2016. Therefore, it may be able to come up with a document in the next session.

280. The Delegation of the United Kingdom stated that the topic of the SDGs was extremely important. Its government was strongly committed to the SDGs and was leading some of the discussions in Europe. The SDGs were equally important for developing and developed Countries. The Delegation was fine with the way forward proposed by the Secretariat. It was important to focus on identifying those goals where WIPO could really contribute and make a difference. The Delegation was fine with the conclusions and looked forward to hearing more in the next session.

281. The Delegation of Brazil, speaking on behalf of GRULAC, stated that the course of action proposed by the Secretariat was in line with what was said by many delegations. It was appropriate. As WIPO would be participating in inter-agency work before presenting the document, the Group urged WIPO to take into consideration all the comments made when trying to agree on indicators for the attainment of the SDGs. It was important for all the comments to be taken onboard.

282. The Delegation of Indonesia welcomed the statement made by the Delegation of the United Kingdom. This was the kind of statement that it liked to hear from partners. The Prime Minister of the United Kingdom and the President of Liberia, together with the President of Indonesia, were co-chairs of the High Level Panel when the UN Secretary General kicked off the discussion on the post-2015 DA in 2013.

283. The Secretariat (Ms. Hamou) referred to the intervention by the Delegation of Brazil on behalf of GRULAC. WIPO participated in that process as an observer. It was an expert group. Although the Secretariat had taken note of the request, its role was limited as an observer. With regard to the request by the Delegation of Nigeria on behalf of the African Group, the Secretariat stressed that it would do its best to come up with a document. However, there were some time constraints as the indicators would only be adopted in March 2016 and the next CDIP session was in April 2016. The Secretariat would do its best. If the document was not ready for the next session, it would be presented in CDIP/18.

284. The Vice-Chair enquired as to whether the Committee could conclude on this agenda item by taking note of the document following the explanation provided by the Secretariat.

285. The Delegation of Mexico was aware that it may be difficult to take into account the SDG Indicator Framework in the next session. However, the Secretariat could work on a document that would link WIPO activities with the SDGs and Targets identified in the current document. A list of activities and programs would assist in facilitating discussions at the next session. The Delegation would be able to identify programs that could be continued or modified in some way so that they were all in line with the identified goals and targets.

286. The Vice-Chair stated that those points would be fully taken into account by the Secretariat in its efforts to prepare a document at an appropriate time.

287. The Delegation of Greece, speaking on behalf of Group B, reiterated that this was an early stage of the process. Delegations should take also into account that WIPO was participating in the process as an observer.

288. The Delegation of Brazil, speaking on behalf of GRULAC, referred to the conclusion and stated that it should include taking note of the document and comments. With regard to the suggestion by the Delegation of Mexico that the next document could be based on the points included in the current document, the Group stated that the document should take into account all the proposals that were made.

289. The Delegation of Egypt supported the proposal by the Delegation of Brazil. The next document should be more analytical. It should also outline how WIPO was going to assist in the achievement of the SDGs. WIPO was part of the process in the Organization.

290. The Delegation of the United Kingdom stated that the way forward was to build on the two SDGs identified by the Secretariat in the current document. It fully supported the Secretariat's work in that direction.

291. The Delegation of Germany supported the comments made by the Delegation of the United Kingdom. It also supported the document prepared by the Secretariat. Germany was highly committed to the SDGs and the Agenda 2030 process. At this point, the Committee should focus on the two SDGs identified in the document. The approach suggested by the Delegation of Mexico was valid, but the Committee should not go any further.

292. The Delegation of Nigeria, speaking on behalf of the African Group, understood that the Secretariat had committed to providing a more comprehensive document in line with its request and the ideas put forward by the Delegation of Mexico. The Committee seemed to be rolling back on that in view of the request to limit the scope of that document to the two SDGs (SDGs 9 and 17) identified in the current document. This was not the best approach. It was contrary to the affirmation by all delegations with regard to the importance of this subject and the commitment of governments to move this forward. The Group failed to see why the Committee should only focus on the two SDGs when there was a clear role for WIPO with respect to the other SDGs. The Committee should allow the Secretariat to provide the document. Delegations could comment on the document after it was presented. Therefore, the Group reiterated its request which had been accepted by the Secretariat.

293. The Delegation of the United Kingdom stated that the Secretariat had already presented the Committee with a document. It had done so in a comprehensive way. The Secretariat had identified two SDGs. That was a good starting point. It was important to work in a focused manner by identifying SDGs and Targets which were relevant and where WIPO could make a difference. The Secretariat identified two main SDGs where work needed to be focused on. This did not mean that the others would be excluded. Neither did it mean that they would not be discussed in the future. The Committee was committed to achieving as much as possible within the SDGs. However, as a first step, it also had to be realistic and work on the basis of the current document.

294. The Delegation of Brazil, speaking on behalf of GRULAC, stated that part III of the document identified SDGs and Targets that were of greatest relevance to WIPO's work. The Group recalled that it had mentioned three or four other goals that were also relevant. Instead of providing specific reasons for not accepting them, the reason given was that these were not in the document. This was the first document. If delegations believed there were other goals and reasons were not given as to why they were not related to WIPO's work, further work should include these points. This was a basic way to discuss them. The Group would like to hear arguments addressing the points that were made.

295. The Delegation of Egypt viewed the current document as a preliminary document with the understanding that the Secretariat would undertake further analytical work. The Delegation believed the Secretariat could prepare another report for the next session while the indicators were being finalized. The goals and targets provided an adequate basis for further analytical work by the Secretariat. However, the Delegation understood that if time was insufficient, a more comprehensive document could be presented at CDIP/18. The Committee should look into what the decision paragraph for this agenda item should state and then give a clear direction to how things were going to be done and what was going to be included in the report. In this context, the Delegation agreed with the decision paragraph as it stood with the understanding that a comprehensive analysis was going to be done and it would not only be focused on two goals.

296. The Vice-Chair understood that the links between WIPO's work and the SDGs would be much clearer after the SDG Indicator Framework was agreed. The Committee would be able to discuss the links with more information after its adoption. Thus, the Vice-Chair proposed the following as a decision paragraph for this agenda item, "The Committee took note of document CDIP/16/8 and comments made during the discussion. The Secretariat will prepare a new document at a future session, taking account of the discussion at this session. Further discussion on which goals WIPO could contribute can be conducted based on the document at the future session with more information and with more knowledge than now". This was decided given that there were no objections from the floor.

#### Consideration of documents CDIP/16/9 and CDIP/12/5 - WIPO GA Decision on CDIP related matters

297. The Chair informed the Committee that informal consultations were held in the morning. Some Member States suggested amendments to the proposal by the Delegation of Spain. These were briefly discussed and consultations may continue. Informal consultations were also held the day before. The Chair had requested the Delegation of Mexico to lead those consultations. He invited the Delegation to provide information on those discussions.

298. The Delegation of Mexico stated that Member States had not changed their positions. Efforts were made to amend the first paragraph. Due to time constraints, they were not able to go into an in-depth discussion on the language. However, it was a good exchange. The Delegation sought guidance from the Chair on the way forward.

299. The Chair stated that the Committee could later consider whether it was possible to hold further informal consultations. He then invited the Committee to move on to document CDIP/15/5, Outcome of the Expert Forum on International Technology Transfer.

#### Consideration of document CDIP/15/5 - Outcome of the Expert Forum on International Technology Transfer

300. The Chair recalled that in the last session, the Committee took note of the report and decided to continue discussing the matter at its this session based on the document and any other ideas that Member States wished to put forward. He invited the Secretariat to introduce the document.

301. The Secretariat (Mr. Jazairy) introduced the document. The final report of the Expert Forum was noted at the last session of the CDIP and discussions on the document would continue at this session. Under Project Activity 5, the WIPO Expert Forum on International Technology Transfer (originally envisaged to be entitled "International Expert Forum on IP and Technology Transfer: Common Challenges - Building Solutions") was held in Geneva from February 16 to 18, 2015. The Expert Forum featured presentations by all six study experts, presentations by the corresponding four peer-reviewers as well as six rounds of moderated

panel discussions on technology transfer by eight international experts from developed and developing countries, selected according to the selection criteria approved by the CDIP at its 14<sup>th</sup> session (document CDIP/14/8 Rev. 2). Its objective was to initiate discussions on how, within WIPO's mandate, to further facilitate access to knowledge and technology for developing countries and LDCs. The event was attended by some 130 participants. "Expert Thoughts", agreed at the Expert Forum were submitted at the last session to the CDIP for consideration and approval with a view to incorporating work towards implementing those "Expert Thoughts" into WIPO work programs. These were provided in the document.

302. The Delegation of Nigeria, speaking on behalf of the African Group, recalled that Member States were unable to agree on the "Expert Thoughts" and thus, could not reach a consensus on follow up activities related to certain outputs of the project. The community of experts in the field of international technology transfer and the immense knowledge resources enabled the project to facilitate an exchange of ideas, discussion on challenges and best practices in the field and develop recommendations on the most effective mechanisms for sustainable transfer of technology from providers to users. There was a wide disparity among the "Expert Thoughts" from the Expert Forum to the trend of discussions in that Forum and the recommendations contained in the peer reviewed studies. Although the Group agreed with some of the "Expert Thoughts", they did not adequately encompass the discussed initiatives that could best address the political and technical barriers to technology transfer. Thus, the Group requested the CDIP to consider the studies and recommendations from the studies and the Expert Forum which were not reflected in the project report and the "Expert Thoughts". WIPO's involvement in expanding the context of corporate social responsibility of multi-national companies and private sector stakeholders to include identified aspects of technology transfer in their operating environment and how introduction of corporate awards could serve as an incentive; assistance with the development of national technology transfer offices; a more visible and leading WIPO role in facilitating open innovation systems; possibility of an international treaty on access to basic science and technology; promoting access to information from publicly funded research and the role of patents stemming from that research; the role of patent information disclosure and accessibility of information in supporting technology transfer; incentivizing research and innovation; development of publicly funded financial mechanisms to promote innovation, transfer of technology and support for SMEs; organization of annual technology transfer fairs or symposia that promote business to business matching skills; training of technology transfer professionals; establishment of a global technology transfer index; development of an evaluation mechanism for technology transfer; and empirical research to enhance understanding on how the IPR policies of developed countries could affect technology transfer and whether IPR-related changes in these countries enhance the transfer of technology to developing countries and LDCs. Consideration could also be given to the implications of trade secret policies, practices and laws. The project aimed to address DA Recommendations 19, 25, 26, and 28. The facilitation of technology transfer was also a WIPO mandate under Article 1 of the agreement establishing WIPO as a specialized agency of the UN. Therefore, WIPO and its Member States should be able to take bold steps to ensure the Organization's leadership in promoting and facilitating sustainable technology transfer. This item should remain on the CDIP's agenda until it is resolved.

303. The Delegation of Greece, speaking on behalf of Group B, stated that the Expert Forum was conducted in a successful manner. The panel discussions provided useful and informative insights, supported by the practical and on the ground experiences of the panelists. It was good to hear a variety of practical experience on issues from the wide range of speakers. They were all technology transfer experts from across the world. Technology transfer was a very complex subject matter consisting of various aspects. The panelists helpfully provided lessons learned from their wide range of experiences. Experience-based examples and case studies would be most useful for countries to explore when considering what may be most appropriate to address their specific needs and interests in the area of technology transfer. The "Expert Thoughts" touched upon a wide spectrum of activities. Prior to the Expert Forum, the Committee had



agreed that there would be no recommendations from the discussions, only thoughts. The Group noted with satisfaction that the outcomes of the Expert Forum were duly taken into account in the evaluation report of the project. Thus, this report should be considered as the basis for a follow-up to the project. One of the lessons learned from the project was the importance and benefit of peer reviews to ensure quality, applicability and credibility of WIPO studies. A rigorous peer review process based on existing best practices should be the usual practice in WIPO. The Expert Forum was an interesting brainstorming exercise in the field of technology transfer. In this regard, the Group noted with regret the low attendance at the Forum.

304. The Delegation of Romania, speaking on behalf of CEBS, reiterated that it took note of the Expert Thoughts mentioned in the report. Additional activities may be undertaken by the Secretariat in accordance with WIPO's mandate and the evaluation report of the project. The cost perspective and the need to avoid any possible duplication of work should also be taken into account.

305. The Delegation of Brazil, speaking on behalf of GRULAC, raised three points as an initial contribution to the debate on ideas that may lead to possible concrete outcomes. First, the absence of any reference to the use of TRIPS flexibilities among the thoughts emanating from the Expert Forum provided clear evidence that the scope of the discussion should be enlarged to include a matter considered by many Member States to be essential to the promotion of technology transfer. This issue was raised during the consultation meeting for the Latin American and Caribbean region. It was also subject to a whole session on one of the commission studies. TRIPS flexibilities were one of the most important tools to foster the transfer of technology and should be included in any proposal on recommendations. Second, the concept paper adopted by the Committee last year referred to DA Recommendations 19, 25, 26, and 28 as the basis for the project. The final list of ideas resulting from the project should also reflect the objectives contained in Recommendations 26 and 28 regarding the role of developed countries and their research and scientific institutions in the promotion of technology transfer. As a possible alternative for that, the Group recalled the proposal from the WTO Group of LDCs to harmonize the content of the reports prepared by developed country WTO members under Article 66.2 of the TRIPS Agreement in order to make it easier to extract useful information from these reports. Although, the implementation of Article 66.2 was raised during the Expert Forum, this was not mentioned. Certain aspects of the proposal could serve as inputs for the discussions in the Committee. Three, the goal of promoting technology transfer was equated to that of fostering innovation during the Expert Forum. This was reflected in at least one of the thoughts. Although, the concepts were similar and sometimes complementary, there was a need to focus when discussing the conclusions and possible lines of action resulting from the project.

306. The Delegation of Luxembourg, speaking on behalf of the EU and its Member States, referred to the report on the Expert Forum and the "Expert Thoughts" contained therein. Matters could only be taken forward within current WIPO structures and the Organization's mandate to promote the protection of IP throughout the world through cooperation among States and, where appropriate, in collaboration with any other international organization. Any follow up should be carried out in a cost effective, structured and balanced manner. In taking matters forward, the Committee should build upon the evaluation report on the project which was presented earlier in the week. The suggestions in this report could form the basis for further discussions on this topic. Three technology transfer guides and manuals developed under the completed project on Innovation and Technology Transfer Support Structure for National Institutions would also be presented during the week. On the strategic management of open innovation networks and IP commercialization, WIPO could build on the successes of existing WIPO platforms such as the guides and further develop these.

307. The Representative of TWN made some general comments. First, the composition of the expert group was not diverse enough to address all aspects of technology transfer. The Secretariat did not make use of the presence of authors of the studies to formulate the “Expert Thoughts”. Second, the expert panels were structured to discuss specific issues such as capacity-building, global cooperation, institutional framework, regulatory framework, innovation infrastructure, funding and evaluation mechanisms. However, the “Expert Thoughts” were not organized along these issues and only made generic suggestions. In other words, the “Expert Thoughts” were merely thoughts without any relevance to capacity-building, global cooperation, institutional framework, regulatory framework, innovation infrastructure, funding and evaluation mechanisms. Third, the Secretariat's report on the Expert Forum did not capture comments and suggestions made by participants. Fourth, the interventions of many experts in the panel clearly showed that there was not enough expertise on law and policy issues related to international technology transfer. Many focused on domestic issues related to technology transfer rather than international technology transfer. It was important for the Secretariat to make available the transcripts of the panel discussions in the next CDIP to facilitate more informed deliberations. Fifth, the “Expert Thoughts” assumed IP protection facilitated international technology transfer and fully ignored the empirical evidence on the negative externalities of IP on technology transfer. Expert Thoughts D, F and G represented an IP maximalist agenda. These thoughts were based on the aforementioned assumption that IP protection would automatically result in international technology transfer and completely ignored the barriers created by IP, especially patents, on technology transfer. Further, “Expert Thoughts” A and C assumed that match-making platforms and help desks were enough to facilitate technology transfer. Similarly, “Expert Thoughts” B and E did not spell out the detailed recommendations for compilation of best practices and success stories. These recommendations fully ignored the legal and policy measures required at national and international levels to facilitate technology transfer. These recommendations were highly inadequate to address the legal and policy bottlenecks related to technology transfer. In short, the “Expert Thoughts” did not add enough value or show a way forward in terms of addressing concerns related to international technology transfer due to enhanced IP protection through international treaties including TRIPS, TRIPS plus provisions and FTAs. In this context, the Representative requested Member States to consider the recommendations made in the studies to frame future work in the area of technology transfer.

308. The Delegation of the United States of America found the thoughts of the expert panel to be constructive and practical. The thoughts came from people who were involved in day-to-day hands-on technology transfer. These thoughts deserved thorough consideration by the Committee. The recommendations from the analytical studies and regional meetings were taken into consideration by the experts during the discussions at the Forum. The thoughts were based on all project materials as well as the practical experiences and knowledge of the panelists. Earlier in the week, the Committee had discussed the evaluation report for this project. The Delegation shared the view of the evaluators that the Committee needed to find a way to translate project outcomes into tangible and sustainable results. Mapping existing WIPO's activities related to technology transfer would be an appropriate next step in order to move this project forward.

309. The Representative of the Food and Agriculture Organization (FAO) referred to paragraph 4 of the document where food, agriculture and biodiversity were identified as key areas for DA work on technology transfer. In this regard, this particular work track of the DA may relate to several activities undertaken in the fields of food, agriculture and biological diversity by the FAO and its International Treaty on Plant Genetic Resources for food and agriculture as previously reported in past CDIP sessions. The sixth session of the Governing Body of the International Treaty recently took place. In this regard, the Representative provided the Committee with a short update on three interfaces that had further evolved and may be of relevance to discussions on the WIPO DA. First, the International Treaty called for technology transfer as a form of non-monetary benefit sharing in the context of its multilateral system on access and benefit sharing. The Treaty provided that transfer of technology shall be carried out

through all types of partnerships in research and development under Article 13(2)(b) of the Treaty for technologies making use of plant genetic resources for food and agriculture. In 2011, the Governing Body of the Treaty called for facilitating necessary measures to realize technology transfer under the Treaty and it endorsed the establishment of a platform for the co-development and transfer of technologies within the context of the Program of Work on Sustainable Use of Plant Genetic Resources under the Treaty after such an action had been recommended by the Rio+20 six point action plan for the Treaty. The working action partners of this platform held three meetings since then. They had adopted the vision, objectives, working principles and an initial set of activities for this platform. The vision of the platform stated that stakeholders in the Treaty were empowered to utilize technologies for the conservation, characterization such as genomic and phenomic characterization, evaluation and use of plant genetic resources. The objectives of the platform included the following, to respond to the needs of the identified target beneficiaries who were small farmers in their communities; to create a functioning network of institutions to support co-development of transfer of technologies to those beneficiaries; and to contribute to food security and the social and economic development of the target beneficiaries through the establishment of a one-stop shop for coherent technology packages on plant genetics resources. Most recently, the Treaty's benefit-sharing fund established a financing window on co-development and transfer of technologies which was currently part of the third round of benefit-sharing. Around 11 million United States dollars was currently being dispersed for benefit-sharing projects, including in this particular area. It was expected that by the end of this third benefit-sharing round, the benefit-sharing fund projects would have directly or indirectly reached about 10.1 million farmers and scientists, including in the area of technology transfer. The second area was related to farmers' rights. At the recent sixth session, the governing body adopted a resolution inviting the Secretariat of the Treaty to consider developing national action plans for governments to help them upon request to implement appropriate legislation and stimulate cooperation among different organizations concerned with farmers' rights. Finally, the Secretariat was requested to continue engaging with WIPO and the International Union for the Protection of New Varieties of Plants (UPOV) to jointly finalize the process for identifying possible areas of inter-relationships between their respective instruments and to report on the outcomes to the seventh session of the governing body. This process was started upon request of the fifth session of the Governing Body two years ago. A number of preparatory discussions had been held and work would continue in the next two years. The third and final area was related to the Global Information System on Plant Genetic Resources for Food and Agriculture. Here, the Governing Body adopted the vision and a first program of work on the Global Information System, which may relate to the DA project on the Use of Information in the Public Domain for Economic Development. The vision stated that the Global Information System "integrates and augments existing systems to create the global entry point for information and knowledge for strengthening the capacity of plant genetic resource conservation, management and use". This vision was implemented through seven objectives and a program of work in the period 2016 to 2022. The program of work included promoting transparency on the rights and obligations of users for accessing, sharing and using plant genetic resources and associated information, and to establish ways to exercise those rights and obligations within the Global Information System. As this would surely include IP rights, the work program would *inter alia* analyze the policy and legal factors for plant genetic resources for food and agriculture, plant genetic resource information access, sharing and use in the context of the Treaty provisions. An initial 3,000 high-density rice genome maps were included in the Global Information System. Work was underway in making this information publicly available with a coherent IP rights management policy.

310. The Delegation of Chile endorsed the comments made by the Delegation of Brazil on behalf of GRULAC. The Delegation referred to the statement made by the Representative of the FAO and requested for a copy of the statement.

311. The Representative of HEP reiterated that the recommendations made on technology transfer were substantial. However, the Expert Forum did not meet HEP's expectations.

312. The Representative of Innovation Insights stated that examples could always be found with regard to technology transfer deals or collaborations involving one of its members. Technology transfer was happening across sectors every day. It happened within countries, between countries, within regions and across regions. It was critical to continue to examine how technology transfer happened in the real economy and how it could be encouraged and accelerated. Part of the analysis involved looking at how IP tools were used in accordance with many different business models and many different IP management models to develop new technologies and to get them to users in many countries. This would require listening to those people who were actually engaged in the technology transfer transactions, which, over time, led not only to the broad global diffusion of technology, but also to the sharing of know-how and the building of absorptive capacity. It would also require analysis of empirical evidence about what drove innovation, collaboration and technology diffusion across sectors around the world. Many of those engaged in developing and diffusing technology said that IP was one of several factors that were taken into account when deciding where to deploy technology and which partners to work with in order to adapt and deploy new solutions. IP was not the only factor. This was important to recognize. Countries could not rely on IP protection alone to stimulate technology flows and IP could not be blamed on its own for not delivering technology diffusion. This was an important topic. The Representative hoped there was a way to continue discussing it in the Committee.

#### Consideration of document CDIP/15/5 - Outcome of the Expert Forum on International Technology Transfer

313. The Vice-Chair resumed discussions on the document. He invited the Secretariat to respond to the comments made by delegations in the morning session.

314. The Secretariat (Mr. Matthes) stated that the project was coming to an end. Seven deliverables were agreed at the outset of the project. Five had been delivered. They included the regional consultation meetings, studies, concept paper, Expert Forum and the creation of a Web Forum on Technology Transfer. All these activities were designed and carried out to provide food for thought for Member States to guide the Secretariat on what to focus on in terms of future work on the promotion of technology transfer. Two other deliverables were outstanding. These were dependent on actions taken by Member States. The first was on "the incorporation of any outcome resulting from the above project activities into WIPO programs after consideration by the CDIP and any possible recommendation by the Committee to the GA". Member States would take the food for thought coming out of all the project activities and ideally agree on what should be done in view of all the activities carried out. They would then inform the Secretariat on what its work should focus on. The Secretariat could only deliver this after Member States agreed on what it should be doing. The Secretariat believed that all the project activities should form the basis for the discussion by Member States. There was the expectation that some of the "Expert Thoughts" would be acceptable to all Member States. This was clearly expressed in the terms of reference (TOR) given to the experts, "experts should make themselves familiar with the project deliverables when identifying thoughts for inclusion in the list of suggestions and possible measures for promoting technology transfer to be submitted to the CDIP for its consideration. Experts should start with the least common denominators between all perspectives and base such thoughts on realistic and mutually acceptable and beneficial elements as the starting point for building joint solutions". That was the role of the Expert Forum and the experts. The second outstanding deliverable was dependent on the first one, namely, agreement by Member States on what should be done. It concerned the preparation of materials, modules, teaching tools and other instruments to implement activities to be recommended by Member States. In terms of the way forward, Member States could take on the spirit of the TOR given to the experts and agree on a list of suggestions, taking into

account what the entire project had delivered on possible measures for promoting technology transfer based on “the least common denominators between all perspectives and base such thoughts on realistic and mutually acceptable and beneficial elements as the starting point for building joint solutions”. This was a step-by-step approach, and the first step could be taken. Alternatively, if Member States could not agree on future work, the discussion could continue in the CDIP or elsewhere. The project would need to be formally closed at some point. However, the Secretariat would continue to carry out activities in the area of technology transfer within the framework of the Program and Budget. Nevertheless, that would be a missed opportunity for Member States to give detailed guidance to the Secretariat on what that work should focus on. These were the two options. In addition, there was also a “half” option. Member States appeared to be open to examine the recommendations presented by the evaluator. They could examine and maybe even agree on the implementation of some activities recommended by the external evaluator. Recommendations 2 and 3 contained concrete suggestions on what the Secretariat could focus on. This option was without prejudice to Member States eventually discussing and agreeing on some of the more detailed recommendations emanating from the Expert Thoughts and other material delivered under the project.

315. The Vice-Chair sought the views of Member States on the way forward. It was clear from the discussions that views differed among Member States on future work in this area. He requested Member States to be realistic and think about whether the Committee should take a small concrete step or let the discussions continue without concrete instructions to the Secretariat in the next session.

316. The Delegation of Mexico agreed with the comments made by the Secretariat. The Delegation recalled that during the discussion on the evaluation report, several delegations supported the recommendations. It had supported all the recommendations. These included Recommendation 1 on mapping WIPO’s existing services in the field of technology transfer; Recommendation 2 was consistent with activities already being carried out by the Secretariat; Recommendation 3 was on strengthening the Secretariat’s presence in international fora and conferences on technology transfer. WIPO could do so within its mandate. Recommendation 4 was of importance because it could support projects and project management.

317. The Delegation of Nigeria, speaking on behalf of the African Group, recalled it had supported the recommendations contained in the evaluation report. On Recommendation 1, the Group believed there was consensus that the Secretariat could proceed with the mapping of WIPO’s existing services in the field of technology transfer. The Group also supported Recommendation 2. However, its emphasis was on identifying the development models of recently developed countries. On Recommendation 3, the Group supported the idea that WIPO should strengthen its presence and its visibility in international fora and conferences on technology transfer. Nevertheless, there was still outstanding work to be done in order to conclude the outcomes of the Expert Forum. This was different from the evaluation and the recommendations contained in that report. To move forward on the outcomes of the Expert Forum, Member States could submit a document to the Secretariat on activities they believed should form part of the outcome recommendations. The Committee could appropriately discuss these recommendations in the next session. The list could be shortened in that session.

318. The Delegation of Brazil, speaking on behalf of GRULAC, referred to the discussions on the evaluation report. The Group believed no one objected to the implementation of recommendations 3 and 4. On recommendation 1, the Committee only agreed to the mapping of WIPO’s existing services. The Committee did not discuss each item in recommendation 2. It was mentioned that it may be premature to do so before completing the discussions on the ideas as the instructions to the Secretariat depended on what Member States would decide in terms of the conclusions from the project. The Group agreed with the Secretariat that the activities provided food for thought and it was up to Member States to decide on the thoughts and ideas that should be converted into concrete outcomes. The discussion should be based

on the whole project. There was no limit. This was clear from the discussion in the last session. The line of action proposed by the Delegation of Nigeria on behalf of the African Group seemed reasonable. A deadline could be established for the submission of written proposals. Alternatively, the Committee could also pursue the option of trying to find common denominators from the interventions.

319. The Delegation of Greece, speaking on behalf of Group B, referred to the recommendations contained in the evaluation report. The Group supported a way forward on recommendation 1, which was mapping WIPO's existing services in the field of technology transfer and how to complement and improve them. Technology transfer was a complex issue. At this stage, the Group did not see a need to go for the rest of the recommendations listed in the document.

320. The Delegation of United States of America aligned itself with the statement made by the Delegation of Greece on behalf of Group B. It was premature to solicit proposals from Member States on this topic because they would not be able to make an informed decision without a map or list of current activities carried out by WIPO. The Committee should take it one step at a time, and the logical first step would be to map the existing activities.

321. The Delegation of Switzerland supported the statement made by the Delegation of Greece on behalf of Group B. The logical first step would be to map the existing activities before taking any other measures. The Delegation did not share the understanding of the Delegation of Brazil that there was an agreement to move forward with other recommendations and points. The Committee should take one step at a time. There was an agreement, at least among many Member States, to move forward with the mapping exercise and then see what other steps could be appropriately taken to make more progress on the sensitive issue of technology transfer.

322. The Vice-Chair referred to the recommendations included in the evaluation report. He understood there was a consensus that the mapping of existing WIPO services would be useful and the Committee could request the Secretariat to do so. However, there was no consensus on the implementation of recommendations 2, 3 and 4 at this stage. It did not necessarily mean that some Member States had problems with them. The issue was timing. Thus, he proposed the following. The Committee could request the Secretariat to map the existing WIPO services. This would include addressing the points contained in recommendations 2, 3 and 4. The results of the mapping exercise would be presented at the next session for discussion. That information would enable Member States to discuss which recommendations could be implemented by the Secretariat. He turned to the proposal by the Delegation of Nigeria on behalf of the African Group to invite Member State to submit proposals. The proposal was supported by the Delegation of Brazil on behalf of GRULAC.

323. The Delegation of the United States stated that it was premature to do so as information was required on existing WIPO activities. Therefore, a possible way forward would be to set a deadline after the next session for Member States to submit proposals taking into account the results of the mapping exercise by the Secretariat. This suggestion took into consideration the concerns of some Member States that the Committee should only discuss possible items when more information was provided through the mapping exercise. It also took into account the concerns of some Member States that a mechanism was required to facilitate an adequate discussion on the items.

324. The Delegation of Greece, speaking on behalf of Group B, sought clarification on the Vice-Chair's proposal. There were two different things in the proposal. The Committee would request the Secretariat to proceed with the mapping of existing services in the fields described in recommendations 2 and 3. However, the Group would like to see a mapping of WIPO's existing services in the field of technology transfer, not necessarily those contained in

recommendations 2 and 3. The Committee should take one step at a time. It should go first with the mapping exercise and then discuss possible outcomes.

325. The Vice-Chair clarified that his intention was to ask the Secretariat to do a mapping exercise on WIPO's existing activities in the field of technology transfer as a whole, and address the points included in recommendations 2, 3 and 4 at the same time. Thus, the scope of the mapping exercise would be as described in recommendation 1. However, the decision paragraph would refer to the items included in recommendations 2 and 3. These should be addressed through the mapping exercise.

326. The Delegation of the United States of America believed the Committee should start with the first part of recommendation 1, namely, the mapping of WIPO's existing services, and not complicate the issue further. The Committee could discuss recommendation 2 in the next session when it knew more about what WIPO had been doing and was planning to do in the field of technology transfer services. A discussion on proposals was premature at this point. The Delegation wondered whether the discussion could take place at the next session when there would be a document that would better inform delegations, and there may be proposals by Member States and perhaps the Committee could also request the Secretariat to submit a proposal on some of the activities. At this point, a discussion on proposals was premature. The Delegation would prefer this to be omitted from the Chair's summary as it would like to see the mapping document first.

327. The Delegation of Brazil, speaking on behalf of GRULAC, referred to the Vice-Chair's proposal. The general idea seemed to be viable. The proposal addressed the comment made by the Delegation of the United States of America that it would first like to see the mapping document. The Vice-Chair stated that the results of the mapping exercise would be presented in the next session. Proposals would be made after that session when the Committee had the full picture. That was wise. The Group understood that the item would be open for discussion in the next session in order for delegations to have a clear understanding of the whole project before presenting their proposals.

328. The Delegation of the Republic of Korea supported the statement made by the Delegation of the United States of America.

329. The Delegation of Nigeria, speaking on behalf of the African Group, believed there was no resistance to the Vice-Chair's proposal to map WIPO's existing technology transfer activities. The Group preferred the activities to run in parallel. Member States could also make their proposals while the Secretariat was carrying out the mapping exercise. However, it also acknowledged that the results of the mapping exercise would better inform the proposals. Nevertheless, the Group would like to ensure that this was a sequential process. After the mapping document was provided in the next session, it should not be stated that the mapping exercise had answered all the questions and there was no need for further proposals on areas or elements of the whole project that Member States wished to further discuss. Based on this understanding which should be clearly reflected, the Group agreed to the Vice-Chair's proposal.

330. The Vice-Chair recognized a general consensus on the first part of the proposal. There were some differences with regard to the second part on proposals by Member States after the mapping exercise. However, it was a fact that Member States could make proposals whenever they wished to do so. Thus, perhaps the Committee could request the Secretariat to map WIPO's existing services in the field of technology transfer. Although they would not be invited to do so, Member States could submit proposals after discussing the results of the mapping exercise.

331. The Delegation of Nigeria, speaking on behalf of the African Group, understood that the Secretariat would go ahead with the mapping exercise, and Member States could make proposals after the presentation of the document containing the results of the mapping exercise.

332. The Vice-Chair stated this was correct.

333. The Delegation of Germany would like to know whether the Vice-Chair's initial proposal on recommendation 1 was different from the one contained in the evaluation report.

334. The Vice-Chair stated that his proposal was the same. The Committee would ask the Secretariat to map WIPO's existing services in the field of technology transfer.

335. The Delegation of Germany noted that in the initial proposal, the Vice-Chair mentioned taking into account recommendations 2, 3 and 4. This caused some confusion as the text of recommendation 1 included the following, "taking into account the findings of the Project, how to complement and improve them". This was different to taking into account recommendations 2, 3 and 4. There would be more agreement if the Vice-Chair's initial proposal was the same as the text in the document.

336. The Vice-Chair explained that he had tried to take into account the concerns of some Member States on recommendations 2, 3 and 4. That was why those recommendations were initially included. However, his current proposal was the following. The Committee would ask the Secretariat to map WIPO's existing services in the field of technology transfer, and Member States could submit proposals after the results of the mapping exercise by the Secretariat were presented. This was much simpler. He requested the Secretariat to read out the proposed decision.

337. The Secretariat explained that it had qualified the latter part. The proposed decision was as follows, "the Committee requests the Secretariat to map WIPO's existing services in the field of technology transfer. Member States can submit proposals after the consideration of the mapping document between CDIP/17 and CDIP/18".

338. The Vice-Chair stated that the language captured his intention.

339. The Delegation of Brazil, speaking on behalf of GRULAC, could go along with the proposed language. However, the decision should also state that the proposals would be included for discussion in CDIP/18.

340. The Vice-Chair requested the Secretariat to take into account the comments made by the Delegation of Brazil on behalf of GRULAC.

341. The Secretariat (Mr. Baloch) read out the latter part of the decision paragraph, "Member States can submit proposals after the consideration of the mapping document for discussion at the Eighteenth Session of the Committee".

342. The Delegation of Nigeria, speaking on behalf of the African Group, accepted the final amended proposal.

343. The Delegation of Greece, speaking on behalf of Group B, supported the mapping of WIPO's existing services in the field of technology transfer. However, the results would be discussed by the Committee before it decided on whether there could be more proposals.

344. The Delegation of the United States of America supported the statement made by the Delegation of Greece on behalf of Group B. The mapping exercise would go first, and then the Committee could talk about proposals. However, the Delegation was not against the Vice-



Chair's language. Any Member State or regional group could submit proposals at any time on any agenda item. This was implied in the rules. The Delegation enquired about the timeline for submitting proposals. The decision could state that they should be submitted in a timely manner.

345. The Vice-Chair requested the Secretariat to take into the comments and propose a revised text for the decision paragraph.

346. The Secretariat (Mr. Baloch) proposed the following, "The Committee requested the Secretariat to map WIPO's existing services in the field of technology transfer for consideration at CDIP/17. Member States can submit proposals after the consideration of the mapping document for discussion at the Eighteenth Session of the Committee no later than three months before that session".

347. The Vice-Chair enquired as to whether the proposed text could be adopted by the Committee. It was adopted given that there were no objections from the floor. He sought clarification from the Secretariat on the placement of the paragraph in the Chair's summary as it concerned two items.

348. The Secretariat (Mr. Baloch) stated that in order to make the summary more readable, the decision could be inserted in the paragraph on the discussion of the evaluation report. A reference to the decision contained in that paragraph could be included in the paragraph on the Expert Forum instead of repeating it twice. The Secretariat would like to know if this would be acceptable to the Committee.

349. The Representative of HEP would like to understand what made it possible for the Secretariat to continue activities without the agreement of the Member States if these were within the framework of the Program and Budget.

350. The Delegation of Nigeria, speaking on behalf of the African Group, would like the word "discussion" to be replaced with the word "consideration" in the first sentence as the former could pose a problem. Delegations could state that the Committee could not move to the next stage as the discussion had not concluded. Separately, the Group understood that the standard deadline for submitting documents was two months before the next session of a committee. Therefore, the Group would like to know why the deadline mentioned in the paragraph was three months.

351. The Secretariat (Mr. Baloch) referred to the first suggestion by the Delegation of Nigeria and stated that the word used in the decision paragraph was "consideration". Delegations would be able to look at the final version later. With regard to the deadline for submitting proposals, the Secretariat explained that three months was required due to the work involved in compiling the proposals in a consolidated document as well as formatting and translation.

352. The Vice-Chair enquired as to whether the decision paragraph could be adopted by the Committee. It was adopted given that there were no objections from the floor.

Consideration of documents CDIP/16/INF/2 - Guide on Trademark Licensing; CDIP/16/INF/3 - Guide on the Strategic Management of Open Innovation Networks; and CDIP/16/INF/4 - Guide on IP (IP) Commercialization

353. The Chair invited the Secretariat to introduce the three documents.

354. The Secretariat (Mr. Jazairy) presented the three guides that were prepared in the context of the project on Innovation and Technology Transfer Support Structure for National Institutions. As outlined in the original project description (document CDIP/3/INF/2, Annex VII, page 1), "the

project will create and test or, where they exist, update and improve, a series of modules and materials relating to managing IP rights (particularly patents) by academic and research institutions, including on the setting up and running of technology transfer offices at public research organizations, exploring technology transfer mechanisms (in particular, licensing agreements) and enhancing the capacity to draft patents". The envisaged outputs of the project included, *inter alia*, seven Technology Transfer "Guides" or "Manuals" to be prepared by external authors. Their envisaged topics include a Patent Drafting Exercise Book; Practical Guide for Valuing Intangible Assets in Research Institutions; IP Valuation Training Kit for Academic Institutions; Training Kit on Models of IP-Related Contracts for Universities and Publicly Funded Research Organizations; Guide on Trademark Licensing; Guide on the Strategic Management of Open Innovation Networks; and Guide on IP Commercialization. The project started in April 2009 and was formally completed in April 2012. An evaluation report was presented at CDIP/10 (document CDIP/10/8). At that stage, the seven Guides/Manuals were still "in draft form, awaiting approval prior to external publishing" (document CDIP/10/8, Annex, page 16, and Appendix I, page 5). By the time CDIP/11 was held in May 2013, the final drafts of all seven Guides/Manuals had been received by the authors. Thus, the Director General's Report on Implementation of the DA, presented at CDIP/11 (document CDIP/11/2, Annex II, pages 5 and 6) stated the following with regard to the "Main Achievements" of the project, "Completion of seven technology transfer guides/manuals and the *in-situ* testing of these new materials in different countries with the aim of assisting Member States in developing and improving national intellectual property institutional capacity". After some delays, three of those Guides were now "publication-ready" in the form of "INF" documents. The CDIP was invited to take note of the information contained in the "Guide on Trademark Licensing", prepared by Mr. Kenneth D. McKay, Partner, Sim Lowman Ashton & McKay LLP, Toronto, Canada; "Guide on the Strategic Management of Open Innovation Networks" prepared by Prof. Ellen Enkel, Zeppelin University, Friedrichshafen, Germany; and the "Guide on IP Commercialization", prepared by Mr. Gary N. Keller, CEO, Xomix Ltd, Chicago, USA. These Guides were reviewed, edited and formatted internally. The remaining four Guides/Manuals would be submitted as "INF" documents to a future session of the CDIP. The Secretariat provided a brief description of each of the three Guides. The Guide on Trademark Licensing (document CDIP/16/INF/2) was not meant to be exhaustive, but rather dealt with important issues in licensing both legal and practical. It highlighted the importance of due diligence prior to entering into a trademark license relationship as well as the concept of fairness when dealing with the other party, or parties, regarding a license to obtain a workable long lasting relationship. The Guide also tried to emphasize the importance of plain language license drafting to avoid the anachronism of old style licensing language to make the license and its terms and conditions clearer. It emphasized the importance of specialists and local counsel when dealing with trademark licensing, leasing and so forth in different jurisdictions. The Guide on the Strategic Management of Open Innovation Networks (document CDIP/16/INF/3) aimed to be a "how-to" toolkit designed particularly for SMEs, advising them on some of the most important questions like "when to cooperate", "with whom to cooperate" and "how to settle a successful cooperation agreement". It began by providing some data on the use of open innovation activities and their related risks. It then provided a framework on how to find the appropriate balance between own (make) and cooperative development (ally), and provided help on how to set up a network with collaboration partners in order to accelerate innovation and improve efficiency. Additionally, the Guide explained why the corporate strategy defined the balance as well as the selection of activity necessary for benefiting from open innovation. It concluded with a description of different collaborative IP agreements and organizational forms with their related advantages and disadvantages. The Guide on IP Commercialization (document CDIP/16/INF/4) was a resource on issues concerning the commercialization of IP with a focus on academic research. The Guide provided a compilation of resources for reference and use. The Guide defined the terms, process and methodologies for the commercialization of university inventions, research results and know-how and the collaborative development and funding processes to make them successful. It was a resource for and reference on the commercialization process as effectively developed and used in universities. It presented references to and overviews on

commercialization programs and acceleration models. It was a useful reference for countries developing commercialization systems and systems of support for the commercialization process. These guides were prepared in response to the CDIP's decision and included the usual disclaimer, "The views expressed in the Guide are those of the author, and not necessarily those of the WIPO Secretariat or its Member States". The Secretariat looked forward to constructive engagement and comments on the content of these guides.

355. The Delegation of Greece, speaking on behalf of Group B, welcomed the enrichment of the discussions with the documents. The guides would be useful resources for SMEs, IP professionals, academics, and others in the IP community as well as WIPO.

356. The Delegation of Romania, speaking on behalf of CEBS, expressed its satisfaction with the three guides. They offered useful information for IP professionals and users of IP products.

357. The Delegation of Cuba requested the Secretariat to translate the full contents of the documents into Spanish as they were important documents.

358. The Delegation of Nigeria, speaking on behalf of the African Group, welcomed some elements of the guides. They provided useful information on practices, models and materials in the field of trademark licensing, open innovation networks and IP commercialization. The guides drew heavily on experiences in developed countries. The Group assumed that the intent was for users in developing countries and LDCs to benefit from the experiences and practices in developed countries. They did not include much on the challenges faced by firms and IP users in developing countries and LDCs. Their experiences may be fundamentally different. The Group would make further comments when the guides were presented for consideration in the Committee before being made available to the public.

359. The Delegation of the United States of America aligned itself with the statement made by the Delegation of Greece on behalf of Group B. The Delegation believed the guides would be useful practical resources for Member States and the Organization. The Delegation made some specific comments on the trademark licensing guide. As noted by the author, the guide should not be perceived as legal advice for Member States. Paragraph 4.7.20 of the document noted that some countries require a license to be submitted for approval or recordal in order to be valid or enforceable. Such requirements in which agreements that were not recorded had no legal effect on third parties who were not aware of it may be overly burdensome to some businesses with extensive trademark licensing programs. The Singapore Treaty on the Law of Trademarks aimed to simplify and harmonize registration procedures. Under the Treaty, the non-recordal of a license with an IP office or any other authority of the member country shall not affect the validity of the registration of the mark which was the subject of the license or the protection of that trademark. Thus, a voluntary rather than a mandatory license recordal requirement may be a better approach.

360. The Representative of Innovation Insights welcomed these practical guides that highlighted different approaches to collaboration and IP management adopted by innovators in the real economy. These types of materials enhanced understanding of how IP rights were used to advance research and the development and deployment of new solutions across sectors and jurisdictions. The Representative shared a case study on how IP management by universities and research institutes could facilitate collaboration and advance the development of new solutions, in this case for health care. The case illustrated the value of allowing for the IP protection of publicly funded research outcomes so these could be transformed into offerings that improved lives. ActoGenix was an SME. It was spun out from VIB, a research Institute in Belgium with a rich history of incubating technology solutions in-house before spinning them out. Using public funding, VIB researchers had been exploring the expression and delivery of proteins via bacteria since 1995. They pioneered the development of a platform for the oral delivery of therapeutic proteins which VIB protected by filing several patent families. ActoGenix

was created in 2006 to further develop this proprietary platform. At this time, VIB made a contribution in kind of the patents in return for shares in the new company. ActoGeniX continued the VIB strategy of building a secure IP position which enabled it to attract investment to engage in partnerships with larger players seeking to use its proprietary platform to orally deliver their products, such as antibodies, and ultimately, to be acquired by the American firm, Intrexon, in 2015. Upon the acquisition by Intrexon, VIB was compensated for contributing the patent family when ActoGeniX was formed. VIB would allocate these funds, millions of Euros, towards new research. The solutions under development by ActoGenix were aimed at treating unmet medical needs in relation to gastro-intestinal, immunological and metabolic diseases.

361. The Delegation of Chile found the guide on trademark licensing to be very interesting. Workshops should be organized to discuss the contents of the guide in order for Member States to understand the value of these intangible goods for SMEs, particularly those in developing countries. The Guide on the Strategic Management of Open Innovation Networks was also interesting. This was an important area. Thus, workshops could also be organized in relation to this guide.

362. The Delegation of China stated that the guides provided useful information. The Secretariat should translate them into the six official languages, including Chinese, to enable more users to benefit from them.

363. The Delegation of Mexico also considered the guides to be important. They provided useful information. Therefore, it would be important to make them available. Although the guides would be made available on the CDIP webpage, perhaps they could also be included under the trademark section and other areas of the WIPO website in order to make them more accessible to the public. As suggested by the Delegation of Chile, workshops could be organized to further discuss the guides.

364. The Delegation of Sri Lanka was satisfied with the guides. They were important for Sri Lanka.

365. The Representative of HEP noted that the guides did not include primary or secondary schools. School students were also capable of innovation. The Representative wondered if there were any schemes that took them into account. There did not seem to be much done in this regard. Innovation concerned all sectors, including health and the environment. Traditional medicine was very important in certain countries. Some countries had a vast traditional pharmacopeia and there are researchers who may be illicitly appropriating the TK of people who were unable to appropriately defend themselves because they lacked awareness of the issue of IP and their rights as knowledge holders. Many people around the world did not know about IP. There was a need to educate people as broadly as possible through e-learning and workshops in the field. Those in rural communities may not get a chance to go to university, but they may be innovators. The guides could be condensed. Cartoons or comics could be introduced to explain IP to children. In Cameroon, children were pleased to look at comics on health and the environment. It was also possible for this approach to be taken on IP. They could learn quickly in this way. There should be a way to make this information available to children.

366. The Delegation of Côte d'Ivoire supported the statement made by the Delegation of Nigeria on behalf of the African Group.

367. The Delegation of Tunisia supported the proposal by the Delegation of Chile to organize workshops at the national level as the guides were important. The Delegation would like a workshop to be held in Tunisia if there was a decision in this regard.

368. The Delegation of the Russian Federation stated that the guides provided important information for users of the IP system. The Delegation supported the request by the Delegation of China for the guides to be translated into all the official languages in order for the information to be provided to all interested parties. The Delegation also supported the suggestion by the Delegation of Mexico to include this information in relevant areas of the WIPO website in order to make for it to be broadly available.

369. The Delegation of India referred to the guide on trademark licensing. The guide addressed four main issues. These include the commercial benefits of trademark licensing agreements; the various modes of use of a trademark license, the salient features of a trademark licensing agreement; and factors that should be considered in drawing up a trademark license. The guide drew heavily on the experiences of firms in the developed countries and did not fully explore and address challenges that were unique to developing countries in context of trademark licensing. The Delegation sought clarification on whether its understanding was correct in this regard.

370. The Delegation of Zimbabwe supported the statement made by the Delegation of Nigeria on behalf of the African Group. It welcomed the guides. However, a workshop involving a lot of stakeholders may need to be held in order for them to highlight their major challenges in this area.

371. The Delegation of the United Kingdom aligned itself with the statement made by the Delegation of Greece on behalf of Group B. It welcomed the introduction of these important resources to support SMEs to navigate the landscape of IP in their journey to bring innovation to the market. The focus on practical experiences was helpful in terms of improving capacity building within the context of developed and developing countries.

372. The Chair invited the Secretariat to respond to the comments from the floor.

373. The Secretariat (Mr. Jazairy) referred to the wider availability of these guides and suggested that they be put on the webpage that would also contain the main deliverables of the three projects on DA Recommendation 10. The suggestion was to put all the outcomes and output from those projects on that webpage.

374. The Delegation of Nigeria, speaking on behalf of the African Group, sought clarification on whether the documents would be considered by the CDIP at a future date.

375. The Chair stated that the Committee could conclude the discussion in this session and take note of the documents unless delegations wished to continue the discussion at a future session.

376. The Delegation of Nigeria, speaking on behalf of the African Group, stated that some concerns were raised with regard to the documents. They drew extensively from the experiences in developed countries. Comments were also made on the challenges faced by SMEs and users in developing countries and LDCs, and the possibility for the guides to address these a bit more. The Group would like the Secretariat to respond to these comments.

377. The Secretariat (Mr. Jazairy) stated that many of the guides included experiences from developing countries. For example, the guide on IP Commercialization included quite a few case studies from developing countries and LDCs. It included examples from Lithuania and Africa. The guide on the Strategic Management of Open Innovation Networks was more theoretical. It was developed by Prof. Ellen Enkel from Germany. It was the first guide developed by her. The sequel to that first guide was available on the webpage on open innovation and technology transfer. That in-depth evaluation study included examples from Africa. The guide and study were complementary. The guide provided a background on open

innovation and how to engage in open innovation in general terms. The in-depth evaluation study provided interesting and relevant experiences from the developing world, with a particularly focus on Africa. There were eight different examples from South Africa, Kenya, Nigeria, Algeria and North Africa.

378. The Delegation of Nigeria, speaking on behalf of the African Group, believed the Secretariat had earlier stated that the documents would be submitted to the Committee for consideration at a future session. Perhaps the decision to put them on the WIPO website was based on the comments made by Member States. The Group sought clarification from the Secretariat on these aspects.

379. The Secretariat (Mr. Jazairy) stated that one of the outcomes of the project was seven guides and manuals. Three were presented in this session. The other four would be presented at a future session for the consideration of the Committee.

380. The Delegation of India recalled that its question concerned the guide on trademark licensing. When it went through that guide, the Delegation did not find enough examples drawn from developing countries. It would like the Secretariat to elaborate on the approach that was adopted and why the majority of the examples were from developed countries whereas the intention was to help developing countries draw up trademark licensing agreements.

381. The Secretariat (Mr. Jazairy) stated that the author, Mr. Ken McKay, was a partner of a law firm in Canada and a member of Licensing Executives Society International (LESI), which worked with a number of developing countries around the world. He had a lot of experience working with developing countries. This guide reflected some of his experiences. Thus, it also reflected the reality in developing countries.

382. The Delegation of Nigeria, speaking on behalf of the African Group, found the Secretariat's response to be unclear. However, it did not want to hold up the discussion on this item. The Group welcomed the guides. It did not resist the guides. It was important to hold workshops in order to better understand them and to create linkages in order to make them more useful and beneficial for SMEs and users from developing countries and LDCs as the guides drew extensively from experiences in developed countries. Thus, the Group fully endorsed the proposal by the Delegation of Chile to hold workshops. It hoped more information would be provided when future workshops were planned in this area.

383. The Delegation of Gabon shared the comments made by the Delegation of Nigeria on behalf of the African Group. These guides would assist SMEs in developing countries to make better use of IP. The Delegation endorsed the proposal by the Delegation of Chile on the organization of workshops. It hoped that a workshop would be organized for SMEs who were engaged in innovation.

384. The Chair enquired as to whether the Committee could take note of the documents. This was agreed given that there were no objections from the floor.

Consideration of documents CDIP/16/4 - Project on the Use of Information in the Public Domain for Economic Development; and CDIP/16/7 - Project on Cooperation on IP Rights Education and Professional Training with Judicial Training Institutes in Developing and LDCs (continued)

385. The Chair stated that he was informed by the Secretariat that it had not been possible to reach agreement on these two documents. Therefore, he suggested that the discussion on these documents be continued in the next session.

386. The Delegation of United States of America recalled that a number of countries supported both projects. The Project on the Use of Information in the Public Domain for Economic

Development got a lot of support from the floor. Thus, the Delegation would like the Chair to clarify why the Committee could not adopt at least one of these projects.

387. The Chair stated that he was informed by the Secretariat that the African Group needed more time to consult with their capitals on these documents.

388. The Delegation of Nigeria, speaking on behalf of the African Group, stated that the Chair had summed it up. Their capitals wanted to consider the proposals further. The Committee could return to them in the next session.

389. The Delegation of the United States of America would like to know whether there were any revised documents that it was not aware of. This proposal was posted on the WIPO website in a timely manner. Member States had two months to consider them. The delegation would like to know whether the Committee was considering a revised document.

390. The Chair stated that the Committee was considering the same document.

391. The Delegation of the Czech Republic supported the view expressed by the Delegation of the United States of America. It did not know why the project proposals could not be adopted as the documents were published on time.

392. The Chair stated that he was informed by the African Group that their delegations needed more time to consult with their capitals on the documents before they could go ahead to approve them. Thus, the only thing the Committee could do was to return to the documents in the next session.

393. The Delegation of Greece, speaking on behalf of Group B, stated that the project proposals were published in a timely manner. Thus, it would like to know why the Committee needed more time to adopt them.

394. The Chair stated that the African Group needed more time to examine the documents. That was all he knew.

395. The Delegation of Nigeria, speaking on behalf of the African Group, stated that everyone in the room were diplomats or representatives from their respective governments. They received instructions from their capitals. In this case, the Group's members had instructions from their capitals. They needed to look further into the documents. They may come back with further questions in the next session.

396. The Delegation of the United States of America stated that it was not the first time the Committee postponed a discussion. However, delegations and groups usually had reasons for doing so and these were explained to the Committee in order for delegations to prepare for the discussion that would take place in the future. This time it was different because the Committee did not know what the problem was. Thus, delegations could not prepare for the next discussion. The Committee wasted half a day discussing these projects and it would repeat the entire discussion in the next session. This was not a practical way to tackle issues in the Committee. The Delegation would like to know what the problems were with each of these projects.

397. The Delegation of Nigeria, speaking on behalf of the African Group, referred to the Project on the Use of Information in the Public Domain for Economic Development and reiterated that these activities could be undertaken under the TISC program. The Secretariat explained that these projects would supplement it. The Group was not satisfied with the Secretariat's explanation. It would like delegations to be given an opportunity to make further proposals to enhance the document to make it fit for purpose.

398. The Delegation of the United States of America enquired about the African Group's position on the project proposal on judicial training.

399. The Delegation of Nigeria, speaking on behalf of the African Group, would like more information to be provided on the training materials and tools to ensure that they were development-oriented. This view was also shared by the Delegation of Brazil. The Group did not recall if the Delegation spoke on behalf of GRULAC or in its national capacity on this matter. The Group also would like governments to be given the flexibility of working with the Secretariat or the training providers to ensure that the training was specific to the priorities, needs and gaps of the respective countries. The elements of the project also required some rearrangement. For instance, fact-finding should precede other activities in order to identify the areas where training was mostly needed. These areas could be addressed in the next session. The Secretariat could provide language to address these concerns and make it available to Member States well ahead of time for their consideration.

400. The Chair suggested that the discussion on these documents could continue in the next session. This was agreed given that there were no objections from the floor.

Consideration of documents CDIP/16/9 and CDIP/12/5 - WIPO GA Decision on CDIP related matters (continued)

401. The Chair stated that the Committee needed to take a decision with regard to the continuation of informal consultations on the coordination mechanism which was facilitated by the Delegation of Mexico and the issue of technical assistance. On technical assistance, the initial proposal by the Delegation of Spain had led to other proposals. The Chair would like to know whether informal consultations should be held on that day or continued in the next session. He would like to hear the views of the regional groups on this issue.

402. The Delegation of Brazil, speaking on behalf of GRULAC, referred to the issue of technical assistance. This was an important matter as it was one of the pillars of WIPO's work. The Group could not support any proposals that aimed to close the discussion on this item. As long as a country was interested in discussing a topic, it should be discussed in the Organization. With regard to the coordination mechanism, the Group supported dialogue and efforts to resolve issues related to its implementation not only in the CDIP, but also elsewhere. Informal discussions were taking place in the CWS. It was also in favor of discussing this in the GA. The Group sought the guidance of the Chair on whether it would be productive to continue the discussion in this session.

403. The Delegation of Greece, speaking on behalf of Group B, understood that many delegations were interested in the issue of technical assistance. It would like a copy of the Spanish proposal with the amendments presented the day before. With regard to coordination mechanism, the Group would like the discussion to continue. A specific committee could not go on with its work due to the lack of agreement with regard to that committee.

404. The Delegation of Romania, speaking on behalf of CEBS, believed the discussions had to continue. However, the Chair could decide whether it would be appropriate to continue to do so on that day or in the next session.

405. The Delegation of India stated that the only formal proposal was the joint proposal by DAG and the African Group. In the spirit of building consensus, the Committee began discussing the informal proposal by the Delegation of Spain as well as those by the Delegation of the United States of America. The discussion should continue. However, the Committee should not lose focus. The only formal proposal on the table was the joint proposal by DAG and the African Group. That should be the focus of the discussion.



406. The Chair stated that the proposal presented by the Delegation of Spain was included in the program of work for this session. Other delegations had put forward proposals on the wording and these were on the table. It was still open for discussion.

407. The Delegation of Greece, speaking on behalf of Group B, referred to the issue of informal consultations and how the Committee should proceed. It was in the Chair's hands. However, the session should finish on time.

408. The Delegation of Nigeria, speaking on behalf of the African Group, welcomed the continuation of discussions on this agenda item. There were several proposals on the table with regard to technical assistance, including the proposal by the Delegation of Spain, its joint proposal with DAG and other proposals by Member States.

409. The Delegation of China referred to the discussion on the coordination mechanism. It could either continue on that day or in the next session. With regard to the Spanish proposal on technical assistance, most delegations agreed to use it as a basis to move forward. During the informal discussions, certain delegations also made proposals. The Spanish proposal could be used as a basis for moving forward and delegations could continue to add to it.

410. The Delegation of Luxembourg, speaking on behalf of the EU and its Member States, supported the comments made by the Delegation of Greece on behalf of Group B. They would like to start on the remaining agenda items that were still open and close them. If sufficient time remained, they would be open to further discuss these issues.

411. The Chair suggested that informal consultations could take place on the coordination mechanism from 3pm to 4pm in the afternoon. It would be facilitated by the Delegation of Mexico. The Spanish proposal on technical assistance would be dealt with in the next session.

412. The Delegation of Greece, speaking on behalf of Group B, reiterated that it welcomed the Spanish proposal. The proposal was circulated in the last session during the plenary. There was merit in the proposal as it stood with the amendments proposed the day before.

#### **AGENDA ITEM 8: SUMMARY BY THE CHAIR**

413. The Chair invited the Committee to consider the draft Summary paragraph by paragraph. He turned to paragraph 1. It was adopted given that there were no objections from the floor. Paragraphs 2, 3, 4 and 5.1 were also adopted given that there were no observations from the floor. He then turned to paragraph 5.2.

414. The Delegation of Chile found a difference between the Spanish and English texts. The latter used the word "services" whereas the former contained the word "activities" which was broader and included services. Thus, perhaps the word "activities" could also be used in the English text.

415. The Chair sought the views of the Committee on the proposal by the Delegation of Chile.

416. The Delegation of Greece, speaking on behalf of Group B, could support the change proposed by the Delegation of Chile.

417. The Chair stated that the paragraph was adopted with the amendment proposed by the Delegation of Chile given that there were no objections from the floor. Paragraphs 5.3 and 5.4 were also adopted given that there were no observations from the floor. He turned to paragraph 5.5 and informed the Committee that it had been moved and renumbered as

paragraph 6.6. He moved on to paragraph 6. Paragraphs 6.1 and 6.2 were adopted given that there were no objections from the floor. He turned to paragraph 6.3 and recalled that the Committee decided to continue discussing the proposed Project on the Use of Information in the Public Domain for Economic Development in the session.

418. The Delegation of the United States of America would like the Summary to reflect the following. A number of delegations expressed support for this project. The Committee decided to continue discussions on the proposal. Revised documents would be provided in the next session for documents CDIP/16/4 and CDIP/16/7.

419. The Delegation of Brazil stated that the practice had been for the Summary to be concise. If those details were to be included, the Summary should also state that some delegations requested for clarification and further information to be provided on the projects. It would like this to be included at least in paragraph 6.4 and a revised document would be presented.

420. The Secretariat (Mr. Baloch) sought clarification on whether the project documents contained in documents CDIP/16/4 and CDIP/16/7 needed to be revised. The Secretariat had earlier understood that these documents would stay as they were. Some delegations had asked the Secretariat to provide some supplementary information. However, it had not been asked to include the information in a revised document.

421. The Delegation of Nigeria, speaking on behalf of the African Group, supported the comments made by the Delegation of Brazil on the details to be included. With regard to the question put forward by the Secretariat, the Group stated that it would be useful for the Secretariat to provide updated proposals to take into account the concerns raised by some Member States. In any case, the Group would be making proposals in the next session.

422. The Delegation of Chile supported the statement made by the Delegation of the United States of America. It was one of the delegations that supported both projects. Support for the projects should be reflected. The Delegation understood the interests of other delegations in reflecting their positions. As neither of the projects was adopted, they would be further discussed in the next session. The Delegation hoped that progress would be made and the Committee would be able to adopt them in the next session.

423. The Delegation of Brazil referred to the Secretariat's question and would like its comments on document CDIP/16/7 to be reflected in a revised document.

424. The Chair requested the Delegation of the United States of America to read out the text of its proposed amendment for paragraph 6.3.

425. The Delegation of the United States of America read out the following, "Document CDIP/16/4 entitled Project on the Use of Information in the Public Domain for Economic Development. A number of delegations expressed support for this proposal. The Committee decided to continue discussions on the proposal, and a revised document reflecting this information and clarification will be provided at its next session". The Delegation did not object to the inclusion of the text suggested by the Delegation of Brazil that some delegations requested clarification on the project.

426. The Chair requested the Delegation of Brazil to suggest some language for its proposal.

427. The Delegation of Brazil stated that its suggestion was for paragraph 6.4. It did not have a proposal for paragraph 6.3. Paragraph 6.4, could include the following, "some delegations requested further clarification".

428. The Delegation of Iran (Islamic Republic of) supported the statements made by the delegations of Brazil and Nigeria. If the concerns and observations of one side were to be reflected, those of the other side should also be included. The Delegation referred to the proposal by the Delegation of Brazil and suggested the following, "some delegations requested more information and clarifications".

429. The Delegation of Nigeria, speaking on behalf of the African Group, referred to paragraph 6.3 and the proposal by the Delegation of the United States of America. The paragraph could state, "some delegations expressed support for this proposal and some delegations requested for clarification on the proposal". The paragraph could further state, "the Committee decided to continue discussions on this document, reflecting the concerns that were raised, at its next session".

430. The Delegation of the United States of America requested the Delegation of Nigeria to either read out its proposal or provide it in writing.

431. The Chair requested the Secretariat to read out the paragraph with the proposals by the delegations of the United States of America and Nigeria.

432. The Secretariat (Mr. Baloch) read out the first sentence, "Document CDIP/16/4 entitled Project on the Use of Information in the Public Domain for Economic Development". The Delegation of the United States of America suggested that the next sentence could be as follows, "A number of delegations expressed support for the proposal". The Delegation of Nigeria suggested that the words "a number of" could be replaced with the word "some". The Delegation of Iran (Islamic Republic of) suggested the inclusion of the words "and clarifications" in the next sentence. It would then read as follows, "Some Delegations requested further information and clarifications on the project proposal". The next sentence with the amendment proposed by the Delegation of Nigeria would read as follows, "The Committee decided to continue discussion on the proposal, and a revised document reflecting these concerns will be provided to the Committee at its next session".

433. The Delegation of the United States of America stated that if some delegations requested for information and clarification, this should be reflected in the revised document. Information and clarification did not necessarily mean concerns.

434. The Chair noted that the Delegation of the United States of America did not object to the use of the word "some". He requested the Secretariat to read out the final paragraph.

435. The Secretariat (Mr. Baloch) informed the Committee that the entire Summary would be made available in the afternoon. The Secretariat then read out the revised paragraph, "Document CDIP/16/4 entitled Project on the Use of Information in the Public Domain for Economic Development. Some delegations expressed support for the proposal. Some delegations requested further information and clarification on the project proposal. The Committee decided to continue discussions on this proposal, and a revised document reflecting this information and clarification will be presented to the next session of the Committee."

436. The Chair enquired as to whether the revised paragraph was acceptable. It was adopted given that there were no objections from the floor. He then turned to paragraph 6.4.

437. The Delegation of the United States of America would like the same wording to be included under this item.

438. The Chair enquired as to whether this was acceptable to the Committee.

439. The Delegation of Brazil supported the proposal.

440. The Chair requested the Secretariat to include the language that was adopted for paragraph 6.3 in paragraph 6.4 given that there were no objections from the floor. He then turned to paragraph 6.5. It was adopted given that there were no objections from the floor. He moved on to paragraph 6.6. It was previously paragraph 5.5.

441. The Delegation of Chile referred to the three guides. The Delegation and some other Member States supported the idea of organizing workshops and seminar on the guides. This could be reflected in the paragraph.

442. The Chair requested the Delegation of Chile to suggest some language to reflect its proposal.

443. The Delegation of Chile read out the following in Spanish, "Some members supported the idea of organizing seminars to promote the guides".

444. The Chair repeated the language suggested by the Delegation of Chile, "Some members supported the idea of organizing seminars to promote the guides".

445. The Delegation of Nigeria, speaking on behalf of the African Group, supported the sentence.

446. The Delegation of China reiterated that it would like the guides to be made available in the six UN languages. It would like this to be reflected in the paragraph.

447. The Chair enquired as to whether the Committee could accept the proposals by the delegations of Chile and China.

448. The Delegation of Nigeria, speaking on behalf of the African Group, made another suggestion in line with the proposal by the Delegation of Chile. Concerns had been raised on whether the guides were user-friendly. There was a difference between promoting the guides and making them user-friendly. Perhaps the word "promote" could be replaced with the words "make the guides more user-friendly". However, if there was a consensus to use the word "promote", it could accept that. However, the Group's preference was to make the guides more user-friendly.

449. The Secretariat (Mr. Matus) stated that the guides did not belong to WIPO. Therefore, it would need to negotiate with the owner of those guides to see if it was possible to translate them. Therefore, it was better to keep the proposed language on the organization of seminars along the lines of the guides. Anything that went beyond that may be problematic for the Organization.

450. The Chair enquired as to whether that would be acceptable to delegations.

451. The Delegation of Nigeria, speaking on behalf of the African Group, preferred using the words "along the lines of" rather than the word "promote".

452. The Delegation of the United States of America would like to either see or hear the exact language of the proposal by the African Group.

453. The Chair believed the African Group supported the proposal by the Delegation of Chile. He re-read the proposal as follows, "Some members supported the idea of organizing seminars to promote the guides".

454. The Delegation of Greece, speaking on behalf of Group B, supported the language read out by the Chair.

455. The Delegation of China sought clarification from the Secretariat on whether the three guides were prepared for users around the world, or if they were only intended for users of specific languages.

456. The Secretariat (Mr. Baloch) noted that there was a lot of interest in the guides. It requested for some flexibility. This could also be discussed again in the next session. Meanwhile, the Secretariat would need to clarify certain issues internally. The first was on the issue of copyright and the Organization's rights. The contract that was awarded to the external authors included details of WIPO's legal position with regard to copyright, how much it could use, translate or modify. There was also the issue of WIPO's rigorous publication policy. The Office of the Chief Economist had been appointed as the focal point to review what was published by the Organization. There was an internal committee. These guides had not gone through that rigorous process. The Secretariat would need to ascertain the legal and organizational position in this regard. The guides were also voluminous. The Secretariat would need to look into the cost of the additional translations requested by the Delegation of China and a few other delegations.

457. The Delegation of Nigeria, speaking on behalf of the African Group, understood the proposal by the Delegation of Chile was to facilitate the use of the guides. There was a difference between promoting and facilitating the use of the guides. Therefore, the Group suggested that the aim of the seminars could be to facilitate understanding and use of the guides. They could also be promoted in this context.

458. The Chair read out the sentence with the proposal by the Delegation of Nigeria, "Some members supported the idea of organizing seminars to facilitate understanding and use of the guides". He enquired as to whether the language was acceptable to delegations.

459. The Delegation of Chile accepted the proposal by the Delegation of Nigeria.

460. The Delegation of China could support the text. However, the sentence could also state that the Secretariat could consider translation into other UN languages.

461. The Secretariat (Mr. Baloch) stated that according to the proposal by the Delegation of China, the word "consider" would be included in the first part of the sentence and the phrase, "and its translation into other UN languages" would be added at the end.

462. The Chair resumed the discussion on paragraph 6.6. He enquired as to whether the paragraph could be adopted with the amendments proposed by the delegations of Chile, China and Nigeria. It was adopted given that there were no objections from the floor. He turned to paragraph 6.7.

463. The Delegation of Greece, speaking on behalf of Group B, noted that the Committee had discussed specific issues on IP and development. The Group was ready to continue this exercise in line with the mandate given to the Committee by the GA decision in 2007. It was not yet convinced of the value added by the new proposed agenda item. Given the workload of the Committee, Member States could request for the addition of specific agenda items that were not already covered. The Committee should avoid duplication of discussions which were covered under the different items under discussion. At the same time, delegations should not forget that by definition the overall role of the Committee was to discuss IP and development. On coordination mechanisms and monitoring, assessing and reporting modalities, the Group referred to the proposal by the Delegation of Mexico and shared its primary concern behind the proposal. The discussion on the coordination mechanism should not adversely affect other

technical work in WIPO. It should be complementary to the work of other WIPO committees. The postponement of the CWS session due to a lack of agreement on pending issues around the coordination mechanism was worrisome. This issue was preventing the technical committees from proceeding with important work. The Group hoped this would be resolved in the near future. The following principles should be respected in searching for a solution to this item and in implementing the coordination mechanism. First, the relevant WIPO bodies were not all WIPO bodies. Second, relevance was decided by each body itself, not by the CDIP, which, because of its equal standing amongst other committees, was not in a position to instruct any other committee. Lastly, concerning the format of the report on the contribution to the implementation of respective DA Recommendations, the respective relevant WIPO bodies could report on their contribution in their own way. In the interest of reducing duplication, the Group believed the existing reporting structures were sufficient.

464. The Delegation of Luxembourg, speaking on behalf of the EU and its Member States, took note of the WIPO GA decision at its 47<sup>th</sup> session on CDIP-related matters in which the GA approved a request for the CDIP to continue the discussions. The CDIP was mandated to discuss IP and development. The agenda for this session included a broad range of topics, including progress reports, evaluation reports, new project proposals, WIPO technical assistance, flexibilities as well as WIPO and the Post-2015 DA. The CDIP had been successful in addressing a broad range of issues. The Committee fully delivered on its mandate. Consequently, the changes requested by some delegations were not needed in order for the Committee to deal with IP and development issues and the implementation of the DA within WIPO bodies. On the coordination mechanism, the EU and its Member States reiterated that not all WIPO bodies were relevant for the purpose of the coordination mechanism. They were open to continuing the discussion in accordance with the GA decision. However, the discussion must not impede the work of the Committee and other WIPO bodies.

465. The Delegation of the Republic of Korea stated that the DA was an important issue in the Organization. Efficient and well-organized technical assistance was a vital factor for all Member States to go forward together towards sustainable development and progress in the future. As expressed by delegations in this session, the Committee should be more practical in resolving the difficult issue concerning the coordination mechanism. The Delegation reiterated its position on this issue. All WIPO committees were equal. They had their own mandate and work. Each committee should respect and protect the mandate and work of other committees. It was not desirable for a committee not to be able to work due to unresolved issues like this. WIPO was pursuing innovation and the creation of new ideas. If Member States stuck to the past, there would be no innovation or progress. The Delegation urged all Member States to be more practical and innovative in the discussions on this issue.

466. The Delegation of Brazil, speaking on behalf of GRULAC, sought clarification on whether the Committee was discussing paragraph 6.7 of the Summary.

467. The Chair stated that the Committee was on paragraph 6.7. The text had not been approved as yet.

468. The Delegation of the United States of America stated that it did not have a text other than one line stating that it was an open issue for the Summary.

469. The Chair thought the Secretariat had already distributed the document. It would be distributed immediately.

470. The Delegation of Spain referred to the discussions on its proposal concerning WIPO technical assistance. It would like to make a proposal on the discussions that would take place at the next session in this regard. Thus could be included in paragraph 6.5 or 7 on future work. This aspect was not clearly reflected in the Summary. The proposal consisted of two

sentences, "Discussions on this agenda item were held on the basis of the Spanish proposal. Sufficient time should be devoted to these discussions during the next CDIP on the basis of the Spanish proposal, including textual suggestions already made and possible new ones".

471. The Delegation of Brazil, speaking on behalf of GRULAC, noted that paragraph 6.5 had been adopted. It reflected the outcome of the discussion on this point.

472. The Delegation of Greece, speaking on behalf of Group B, supported the proposal by the Delegation of Spain. It should be included in the Summary.

473. The Chair noted that the Delegation of Spain had stated that its proposal could be included in paragraph 6.5 or 7. Paragraph 6.5 was approved. Therefore, consideration could be given to its inclusion in paragraph 7.

474. The Delegation of Nigeria, speaking on behalf of the African Group, agreed that paragraph 6.5 had been accepted. Efforts to change it would lead to another round of discussions and that may not be productive at this point in time. Paragraph 6.5 could be left as it was.

475. The Delegation of Spain stated that it was just trying to better reflect the discussions that took place on the basis of its proposal. This aspect had been left out of the Summary. It needed to be taken into account in an appropriate way.

476. The Delegation of Brazil, speaking on behalf of GRULAC, reiterated that the work undertaken was summarized in paragraph 6.5. There was no need for further information in this regard.

477. The Delegation of the Czech Republic shared the Delegation of Spain's view. The Delegation supported the language proposed by the Delegation of Spain. However, it was flexible. It could be included under paragraph 6.5 or 7.

478. The Delegation of Iran (Islamic Republic of) supported the statements made by the delegations of Brazil and Nigeria. Paragraph 6.5 was adopted. Therefore, the Delegation preferred not to re-open the discussions on that paragraph.

479. The Chair noted that there was no agreement on this point. Paragraph 6.5 would be kept as it was.

480. The Delegation of Spain stated that it had a quick discussion with the Delegation of Brazil and its concerns were not on discussing the proposal at the next session. It was that some delegations would like to discuss the proposal more and open it up a little less to comments. However, it was just a question of reflecting the discussion that took place and an appropriate amount of time should be devoted to the discussions in the next session. The Delegation believed it could come up with an improved text to convey this idea without being controversial.

481. The Chair stated that the Committee could return to this later. The Secretariat had distributed the final version of the draft Summary. He enquired as to whether the Committee could adopt paragraph 6.7. It was adopted given that there no objections from the floor. The Chair then turned to paragraph 7 on future work.

## **AGENDA ITEM 7 – FUTURE WORK**

482. The Secretariat (Mr. Baloch) read out a list of work for the next session. The list was as follows: (i) Project proposal on Cooperation on IP Rights Education and Professional Training with Judicial Training Institutes in Developing and Least Developed Countries. The proposal

was contained in document CDIP/16/7. The Committee decided to carry this work forward to the next session; (ii) Project proposal on the Use of Information in the Public Domain for Economic Development. The proposal was contained in document CDIP/16/4. The Committee decided that revisions should be provided in the next session; (iii) An External Review of WIPO Technical Assistance in the Area of Cooperation for Development. The Committee was in the process of finalizing a paragraph on this issue. However, it was clear that the work would continue in the next session of the Committee; (iv) WIPO GA Decision on CDIP Related Matters. The Committee also decided to continue work on this issue in the next session; (v) Director General's Report on Implementation of the DA. This report was provided in alternate sessions of the CDIP. A report was provided at the last session. Another report would be provided in the next session; (vi) Project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. The project was coming to a conclusion. It would be evaluated by independent external evaluators and the report would be presented to the Committee. The project received a lot of support from Member States. Requests were made to expand the scope of the project to include more countries. After the project was completed and evaluated, the Secretariat would endeavor to propose a second phase for this project; (vii) Document on the mapping of South-South activities within WIPO. The mapping exercise was underway. The Secretariat expected to make this document available in the next session; (viii) Document on the mapping of WIPO activities on technology transfer; (ix) Studies and other outputs from DA projects, if any; (x) Mechanism for updating the database on flexibilities. The Committee decided that the Secretariat would provide a mechanism for keeping the database updated. It would be up to the Committee to continue discussion on this subject; and (xi) SDGs. The Secretariat would be producing a document. It may be ready for the next session or the 18<sup>th</sup> session.

483. The Secretariat invited Member States to propose other activities if they wished to do so.

484. The Chair enquired as to whether the Committee could adopt the list of work proposed by the Secretariat for the next session. It was adopted given that there were no observations from the floor.

#### **AGENDA ITEM 8: SUMMARY BY THE CHAIR (RESUMED)**

485. The Delegation of Spain referred to its proposal on technical assistance and reiterated that progress was not reflected in the Summary. The Delegation would like sufficient time to be devoted to discussing its proposal and other possible proposals in the next session. In this regard, the Delegation proposed the inclusion of the following sentence in paragraph 7, "During the next session, sufficient time will be devoted to continue discussions on the Spanish proposal and other possible proposals".

486. The Delegation of Mexico stated that it had requested the floor before the Chair concluded the discussion on future work. The Delegation referred to the SDGs and recalled that it had requested for the preparation of a document that would identify the activities undertaken by WIPO which were related to the SDGs. This information could be presented in the next session.

487. The Chair stated that the Secretariat had informed him that this could be included. He sought the views of delegations on the text proposed by the Delegation of Spain.

488. The Delegation of Brazil reiterated that paragraph 6.5 was sufficient in this regard.

489. The Chair noted that there was no agreement on the inclusion of the text proposed by the Delegation of Spain. He enquired as to whether the Committee could adopt paragraph 7. It was adopted given that there were no objections from the floor. Paragraphs 8 and 9 were also adopted given that there were no observations from the floor.



### Closing statements

490. The Delegation of Brazil, speaking on behalf of GRULAC, highlighted that its members were all developing countries. The CDIP was one of the most important, if not the most important, WIPO Committee for its region. During this session, the Group and its members had actively participated in the discussions on current and new projects in an open, frank and constructive manner. They also contributed to discussions on technical assistance and the implementation of the coordination mechanism with new proposals and ideas. The Group had high stakes in the discussions taking place in the CDIP. Thus, it was profoundly disappointed with the lack of progress in the Committee. The Group highlighted two issues under discussion, namely, technical assistance and the implementation of the coordination mechanism. On technical assistance, the Group firmly rejected proposals to close the discussion on this important item. Technical assistance was a pillar of WIPO's activities. The continuation of this discussion was a priority for the Group. On implementation of the coordination mechanism, although the Group had devoted long hours to bring positions closer on this important subject, consensus remained elusive. The Group regretted that it could not find a consensual way forward on this issue during this session. Nonetheless, it was ready to discuss it further in the CDIP as well as in other committees and the GA. The Group would continue to closely follow the discussions on technology transfer and public domain databases. As always, the Chair could count on the Group to move forward the CDIP agenda.

491. The Delegation of Greece, speaking on behalf of Group B, highlighted that during the course of the week, the Group had actively participated in the discussions on the topic of IP and development. The discussions were revealing and constructive. However, it was disappointed that more was not accomplished on the agenda items. For example, there were two projects on this session's agenda that were ripe for adoption by the Committee and which were widely supported by developing countries and LDCs. These projects could particularly benefit researchers, inventors and SMEs in developing countries and LDCs, as well as their judiciaries. Unfortunately, the Committee was not able to move forward on these projects. The Group hoped delegations would come to the next CDIP session ready to fully engage on all agenda items. Although the Committee was unable to agree on a number of long-standing issues at this session, there was a commitment to continue the discussions at the next session. The Group B was ready to bring a positive and productive approach to progress the agenda of the CDIP.

492. The Delegation of Nigeria, speaking on behalf of the African Group, looked forward to an extension of the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. Many African countries had indicated an interest in benefitting from the project in the next phase. The Group welcomed the continuation of the discussions on international technology transfer as well as WIPO and the Post-2015 DA. It looked forward to the documents that would be prepared by the Secretariat on these two items and hoped the discussions would be constructive. These were important subjects. Both agenda items and their contribution to human and societal development was a collective responsibility of all Member States. The GA decision on CDIP-related matters was on the Committee's agenda for a very long time. The Group wished the Committee had advanced further than it did at this session. Nevertheless, it looked forward to any adherence to the GA decision related to the implementation of the CDIP mandate and the coordination mechanism so that it could be taken off the agenda and the Committee could then focus on other substantive work. On technical assistance, the Group hoped Member States could reach consensus on activities to enhance the provision of WIPO technical assistance. This was a critical component for addressing the development priorities of many developing countries and LDCs. Adequate time, good faith and flexibility were required to move forward on this agenda item. The Group welcomed the guides. It made notes and raised some concerns on them. The Group looked forward to the organization of seminars and workshops on their contents to

facilitate understanding and use of the guides in order for them to be more meaningful to SMEs and users in developing countries and LDCs.

493. The Delegation of the Czech Republic was a little sad due to the lack of concrete results in this session. Unfortunately, two new project proposals were not adopted. Serious substantive observations were not made against their adoption. The proposals were prepared in a timely manner. The work on the proposal by the Delegation of Spain was not reflected in the Chair's summary. The Delegation looked forward to better working methods in the next session.

494. The Delegation of Romania, speaking on behalf of CEBS, highlighted that the Group had approached discussions in a positive spirit. Development was a common goal for all Member States. Despite the significant work undertaken by the Secretariat, there was no commensurate progress in the Committee. The Committee delayed the adoption of new projects mostly because of reasons related to micro-management. The Group urged delegations to avoid embarking on such an exercise in order to ensure progress in the Committee's work. It was up to Member States to benefit from the work of the Secretariat in accordance with their specific interests and priorities. It appeared that little use was made of the new tools created by the Secretariat such as webpages and databases. The Group hoped the Secretariat would take steps to increase the awareness of Member States in this regard. On the coordination mechanism, the Group regretted that some delegations want to depart from the GA's language. Consistency should be a common priority. The work of at least one committee was blocked, although the coordination mechanism should facilitate the work of WIPO's committees. The Group looked forward to more productive debates in the next CDIP session.

495. The Delegation of India, speaking on behalf of the Asia Pacific Group, was concerned that not much progress was made on arriving at an agreement on operationalizing the coordination mechanism. All Member States needed to make serious efforts and demonstrate flexibility in order to find a way out and arrive at a consensus in the next session. The Group supported informal consultations. These could help to bridge gaps as demonstrated during the recent WIPO GA. The Group reiterated that the coordination mechanism was essential, especially with respect to the PBC and the CWS. It hoped this matter would be resolved in the next session and pave way for the smooth functioning of other WIPO committees. The work of all WIPO Committees, including the CWS and the PBC, was highly relevant to the mainstreaming of the DA. The majority of its members aligned themselves with the points made by the African Group and GRULAC on the issue of technical assistance in the area of development cooperation aimed at improving WIPO's technical assistance through putting in place a mechanism to ensure that it was development-oriented, appropriate to the needs and interests of the beneficiary countries, and to enhance transparency and accountability in the delivery of technical assistance. The Group hoped solutions would be found on outstanding issues and urged all Member States to respect the spirit of multilateralism and soften their rigid positions in the larger interest of WIPO and the DA Recommendations in particular. It was optimistic that the hard work in this session would bear fruit in the next session.

496. The Delegation of Egypt aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group. During the discussions, the Delegation observed a lack of political will/commitment to substantively discuss in a result-oriented manner how to carry out work with a view to properly ensure the mainstreaming of development in WIPO. The original and principal aim of the DA was to mainstream development in order to make WIPO, in its capacity as a specialized UN agency, more relevant and in line with the global orientation towards sustainable development. Along those lines, the Committee should be able to arrive at a settlement to enable the coordination mechanism on the DA to be fully operationalized. It took three to four years to successfully conclude negotiations on the DA. However, since 2010, Member States had not been able to reach agreement on how the coordination mechanism would function. By virtue of being WIPO committees, all WIPO committees were involved in the implementation of the DA Recommendations. The Committee was currently working on the

independent external review of the implementation of the DA. Resolving contentious issues required a systemic review. Instead of becoming an overarching goal, development in this forum was gradually shifting to a programmatic/project-oriented exercise, fragmenting as opposed to merging towards a visible goal. The situation could be revamped. The Delegation attached great importance to arriving at a satisfactory outcome to the discussions on the coordination mechanism. The issue of technology transfer merited continued attention as it contributed to development. Discussions on the External Review of WIPO Technical Assistance in the Area of Cooperation for Development should also continue. The recommendations should provide practical guidance to WIPO in line with the relevant DA Recommendations. Success in this domain would pave the way for good faith and fruitful discussions when the time came to tackle the external review of the DA. The Delegation remained committed to consensus-building towards efficient and successful outcomes in this and other WIPO committees.

497. The Delegation of Luxembourg, speaking on behalf of the EU and its Member States, followed with great interest the presentation on IP-TAD and the IP Matchmaking Database. They also referred to the three guides that were presented and hoped Member States would promote these resources to users within their regions. During the week, the Committee discussed a number of long-standing issues. Some limited progress was achieved. The EU and its Member States were confident that agreement was possible. They stressed on the importance of WIPO technical assistance. Continuous improvement was a necessary aspect of a healthy, functioning organization. The EU and its Member States were committed to continue their constructive engagement in these discussions and hoped the Committee could find a pragmatic way forward on substantive work in all Committees. They welcomed the fact that the Committee had respected the timetable and finished on time.

498. The Delegation of Iran (Islamic Republic of) aligned itself with the statement made by the Delegation of India on behalf of the Asia Pacific Group. It was regrettable that Member States were unable to resolve long-standing issues, including the coordination mechanism and the third pillar of the CDIP's mandate. In accordance with paragraph 1(a) of the GA's decision on Coordination Mechanisms and Monitoring, Assessing and Reporting Modalities, the aim of the DA was to ensure that development considerations formed an integral part of WIPO's work. Therefore, the DA should be an integral part of the work of all WIPO bodies and committees, including the CWS and the PBC. The GA decision did not state that technical committees were excluded from reporting on their contributions to the DA Recommendations.

499. The Delegation of China stated that WIPO and its Member States had faced many challenges in the implementation of the DA. Therefore, the Delegation would like WIPO to increase technical assistance to developing countries. The Delegation hoped Member States would demonstrate a more active and constructive attitude in the next session in order to strengthen the implementation of the DA.

500. The Delegation of Chile associated itself with the statement made by the Delegation of Brazil on behalf of GRULAC. The Delegation urged Member States to demonstrate more flexibility in the next session. It hoped the two new project proposals could be adopted in the next session. The discussion on WIPO technical assistance should remain on the Committee's agenda. A pragmatic approach would enable the Committee to contribute to the improvement of WIPO technical assistance.

501. The Delegation of Brazil noted that progress was made in various aspects of the Committee's work. The Delegation welcomed the discussion on the updated database on flexibilities and hoped the results of the discussion would contribute to making this useful instrument more visible and more utilized by Member States. There was a constructive debate on the project on IP and Technology Transfer: Common Challenges - Building Solutions. The Committee had come a long way since the first activities of this project were carried out. The

Delegation looked forward to the continuation of the discussions on this important matter in the next two sessions. With regard to the proposed project on Cooperation on IP Rights Education and Professional Training with Judicial Training Institutes in Developing and Least Developed Countries, the Committee engaged with the Secretariat to discuss some points of the proposal. The Delegation was ready to discuss a revised version that took into account its comments in the next session. There was also a productive discussion on WIPO's contribution to the attainment of the SDGs. The Delegation looked forward to the new document to be prepared by the Secretariat on this issue. It would take into account the comments that were made during the session. Unfortunately, not all the items on the agenda had positive developments. The results of the discussions on the coordination mechanism and technical assistance were frustrating. The Chair allocated time to discuss these issues in an informal setting. However, the effort could only work if all delegations were willing to find concrete alternatives for concrete problems. It was not the case in this instance. On the External Review of WIPO Technical Assistance in the Area of Cooperation for Development, the Delegation regretted that it was not possible in the informal meetings to follow through with the approach agreed in the plenary which was to start with the non-controversial proposals presented by the Delegation of Spain. For the next session, the Delegation would again suggest the adoption of the proposal that it believed was ripe for adoption at this stage. However, it was ready to discuss any other proposals in this area, including the one suggested as an alternative to the Spanish proposal, if their proponents wished to do so. The Delegation made some general comments on the procedural aspects of the Committee's work. The way the Committee discussed some agenda items in this session was a matter of concern. Concrete proposals were made. Efforts were also made to present arguments to back them up. In response, instead of listening to arguments on why they should or should not be adopted, it was stated that the document proposed by the Secretariat was sufficient. It was also stated that the issue had been discussed for a long time and it was time to move on to other issues. The Delegation would like to know whether this was the way Member States wanted to do things in the Committee and the Organization. The Delegation hoped Member States would reflect on that and return to the healthy habit of discussing the substance of the issues before the Committee.

502. The Delegation of the Republic of Korea clarified its position on CDIP-related matters. All Committees had their own mandate and function. They should be handled on an equal basis. A speedy resolution of the GA decision on CDIP-related matters was essential. However, this did not mean that the CDIP-related matters mechanism was directly connected to the PBC and the CWS.

503. The Representative of HEP stated that new ideas were required on the SDGs. Pollution and chemicals were a danger to the ecological balance of this planet and the survival of humanity.

504. The Chair echoed the words expressed by the Delegation of India. In the period until the next session, delegations could think about adopting more flexible positions in favor of development. Unfortunately, the Committee had not made much progress in this session. The General Assemblies this year were quite useful. Perhaps delegations had used up all their energy in those meetings. However, the Chair hoped delegations would reflect on how progress could be achieved on the agenda.

505. In their closing statements, the Chair and Member States thanked everyone for their participation and work during the session.

[Annex follows]

**LISTE DES PARTICIPANTS/  
LIST OF PARTICIPANTS**

I. ÉTATS/STATES

(dans l'ordre alphabétique des noms français des États)/(in the alphabetical order of the names in French of the States)

AFRIQUE DU SUD/SOUTH AFRICA

Sithembile Nokwazi MTSHALI (Ms.), Assistant Director, Department of International Relations and Cooperation (DIRCO), Pretoria

ALGÉRIE/ALGERIA

Faysal ALLEK, First Secretary, Permanent Mission, Geneva

ALLEMAGNE/GERMANY

Harald SCHOEN, Policy Advisor, Trademark Law, Design Law, Law Against Unfair Competition, Combating of Product Piracy, Federal Ministry of Justice and Consumer Protection, Berlin

Pamela WILLE (Ms.), Counsellor, Economic Department, Permanent Mission, Geneva

ARABIE SAOUDITE/SAUDI ARABIA

Abdullah ALMAAYOUF, Senior Patent Specialist, Saudi Patent Office (SPO), King Abdulaziz City for Science and Technology (KACST), Riyadh

Rana AKEEL (Ms.), International Trade Officer, Saudi Commercial Attaché Office, Ministry of Commerce and Industry, Geneva

Zaid ALFURAI, Patent Office Specialist, Administrative Support Directorate, Saudi Patent Office (SPO), King Abdulaziz City for Science and Technology (KACST), Riyadh

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Alberto Pedro D'ALOTTO, Embajador, Representante Permanente, Misión Permanente, Ginebra

María Inés RODRÍGUEZ (Sra.), Consejero, Misión Permanente, Ginebra

AUSTRALIE/AUSTRALIA

Kieran POWER, Assistant Director, International Policy and Cooperation, IP Australia, Canberra

BÉLARUS/BELARUS

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Association latino-américaine des industries pharmaceutiques (ALIFAR)/Latin American Association of Pharmaceutical Industries (ALIFAR)

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V. SECRETARIAT DE L'ORGANISATION MONDIALE DE LA PROPRIÉTÉ  
INTELLECTUELLE (OMPI)/SECRETARIAT OF THE WORLD INTELLECTUAL  
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