

## Report

### 10th Session - Committee on Development and Intellectual Property (CDIP) WIPO, Geneva, November 12 to 16, 2012

The Chairman, Ambassador Mohamed Siad DOUALEH, Permanent Representative of Djibouti was re-elected, but no volunteer could be found to occupy the role of Deputy Chairman.

**Agenda Item 2.** The Committee adopted the Draft Agenda as proposed in document CDIP/10/1 Prov. 2 (see [Agenda](#)).

Under **Agenda Item 3**, the Committee decided to admit, on an ad hoc basis, two non governmental organizations (NGO) namely the International Association for the Development of Intellectual Property (ADALPI) and the West African Economic and Monetary Union (UEMOA), without implications as to their status for future CDIP meetings, for a period of one year.

The substantive work of the Committee commenced with **Agenda item 4**, adoption of the draft report of CDIP9 for CDIP9 report (see [CDIP 9 Report](#))

Under **Agenda Item 5**, the Committee listened to various statements from Regional Groups.

Under **Agenda Item 6**, discussion of Progress reports from the WIPO Secretariat followed (see [CDIP/10/2](#)) The 13 reports considered were:

- i. Specialized Databases' Access and Support – Phase II (Annex I);
- ii. A Pilot Project for the Establishment of “Start-Up” National IP Academies – Phase II (Annex II);
- iii. Strengthening the Capacity of National IP Governmental and Stakeholder Institutions to Manage, Monitor and Promote Creative Industries, and to Enhance the Performance and Network of Copyright Collective Management Organizations (Annex III);
- iv. Project on Enhancement of WIPO's Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities (Annex IV);
- v. Project on Intellectual Property and Product Branding for Business Development in Developing Countries and Least-Developed Countries (LDCs) (Annex V);

- vi. Project on Capacity Building in the Use of Appropriate Technology-Specific Technical and Scientific Information as a Solution for Identified Development Challenges (Annex VI);
- vii. Project on Intellectual Property and Socio-Economic Development (Annex VII);
- viii. Project on Intellectual Property and Technology Transfer: Common Challenges – Building Solutions (Annex VIII);
- ix. Project on Open Collaborative Projects and IP-Based Models (Annex IX);
- x. Project on Patents and Public Domain (Annex X);
- xi. Project on Enhancing South-South Cooperation on IP and Development Among Developing Countries and Least Developed Countries (Annex XI);
- xii. Project on IP and Brain Drain (Annex XII); and
- xiii. Project on IP and the Informal Economy (Annex XIII).

The Committee agreed to revised timelines for the following projects:

- (a) Strengthening the Capacity of National IP Governmental and Stakeholder Institutions to Manage, Monitor and Promote Creative Industries, and to Enhance the Performance and Network of Copyright Collective Management Organizations;
- (b) Project on Enhancement of WIPO's Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities; and
- (c) Project on Intellectual Property and Socio-Economic Development.

Six Evaluation Reports prepared by the Internals Audit Directorate alone or by external evaluators were considered.

These were:

- Evaluation Report of the Project on Intellectual Property Development Matchmaking Database (IP-DMD). See document [CDIP/10/3](#).
- Evaluation Report of the Smart IP Institutions Project (Recommendation 10). See document [CDIP/10/4](#).
- Evaluation Report of the Project on Intellectual Property, Information and Communication Technologies (ICTS), the Digital Divide and Access to Knowledge. See document [CDIP/10/5](#).
- Evaluation Report of the Project on Developing Tools for Access to Patent Information. See document [CDIP/10/6](#).
- Evaluation Report on the Project on Improvement of National, Sub-Regional and Regional IP Institutional and User Capacity. See document [CDIP/10/7](#).
- Evaluation Report of the Project on Innovation and Technology Transfer Support Structure for National Institutions. See document [CDIP/10/8](#).

The Committee also discussed document [CDIP/10/12](#), and the Description of the Contribution of the Relevant WIPO Bodies to the Implementation of the Respective Development Agenda Recommendations. Different views were expressed with regard to the term “relevant bodies”, due to the differences in interpretation of the decision by the General Assembly in 2010, establishing the Coordination Mechanisms and Monitoring, Assessing and Reporting Modalities. Some delegations suggested that the decision should be referred back to the General Assemblies for further clarification, while other delegations stated that the WIPO Bodies themselves should determine whether they are “relevant bodies” for the purpose of the Coordination Mechanisms and that the matter should not be referred back to the General Assembly. The Committee appreciated the information received from the various WIPO Bodies on the contribution to the implementation of the Development Agenda recommendations, but some delegations expressed concerns at not receiving reports from the WIPO Committee on Standards and the Program and Budget Committee, while other delegations expressed the view that these two Committees were not “relevant bodies” and could not fall under the scope of the Coordination Mechanism. Views also differed as to the structure and content of the reports presented to the Committee on this subject.

**Agenda item 7**, the Work Programme for implementation of adopted recommendations, commenced with four related items relating to Technical Assistance and a great deal of time was spent discussing a joint proposal of the Development Agenda Group and the Africa Group (see [CDIP/9/16](#)) in relation to the earlier external review (the Deere-Roca report) (see [CDIP/8/INF/1](#) and its [Annex](#)) and the response by the Secretariat (see [CDIP/9/14](#)), as well as the report by the *Ad Hoc* Working Group (see [CDIP/9/15](#)). This also involved discussing the study Assessing WIPO’s Contribution to the Achievement of United Nations Millennium Development Goals (MDGs) ([CDIP/10/9](#)). Over the course of a full day’s discussion the committee considered which matters might be taken forward and when, but there was a great divergence of views.

Delegations supported the continuation of the work by WIPO in achieving the MDGs, and an effective mechanism for reporting on that contribution to the Member States on a regular basis. It was finally agreed that the Secretariat will submit to the next session of the CDIP a document analyzing the following possibilities:

- (i) that WIPO should take the necessary steps to join the MDG Gap Task Force, and engage with the Inter-Agency Expert Group on MDG indicators (IAEG);
- (ii) the feasibility of integration of MDGs-related needs/outcomes into the WIPO program-planning phase, and development of specific indicators for MDGs; and,
- (iii) the need by WIPO to refine the reporting of its work and contribution to the MDGs on the dedicated webpage by providing more credible and concrete results drawn from the performance data in the relevant PPRs and the MDG-specific indicators. The information on the webpage should be regularly updated to reflect the evolving nature of the Organization’s work related to the MDGs.

There then followed a heated discussion on two papers (prepared by the DAG and Africa Group respectively) ([CDIP/10/16](#) and [CDIP/10/17](#)) on proposals to hold a separate conference on IP and Development (3 days in Geneva in 2nd half of 2013), the African Group also proposing three regional meetings as a preparatory stage. Not against the proposal in principle, Group B proposed a number of specific topics and requested that the WIPO budget be taken into consideration at an early stage. The Secretariat reported that although some funds were available within the biennium budget (CHF50-60K) until the scope and format were developed it could not say that there were sufficient funds.

The Chair proposed a working group to consider the matter, but instead it was proposed to go into 'informal' session (Group coordinators mainly and no observers) to try to work out some common ground. The informal group met after hours and the Committee eventually agreed on the title for the Conference as follows: "International Conference on Intellectual Property and Development", and agreed that the venue of the Conference would be Geneva, Switzerland, to be held over two or three days in the second half of 2013. The Committee agreed to hold an open-ended informal consultation within three to four weeks of the session to further refine the concept and organization for the Conference. The Secretariat will prepare a concept paper based on the broad parameters of agreement identified by the Committee. Delegations were requested to provide written comments and proposals before the informal consultation commenced.

The Committee then moved on to discuss a joint proposal ([CDIP6/12 REV](#)) to add a standing item to the CDIP Agenda - namely "Intellectual Property and Development". A number of delegates pointed out that as this was the whole purpose and remit of the CDIP (indeed its title) there was no point in the proposal. The proposers and others seem to want to add the agenda item in order to be able to raise items under this broad heading without prior discussion/agreement of inclusion of matters on the Agenda. No agreement could be reached.

The next agenda items to be considered were two papers on 'IP flexibilities' prepared for the CDIP by the Secretariat, one a general one ([CDIP/10/10](#)) and the other ([CDIP/10/11](#)) relating to 4 specifically patent related flexibilities (namely patenting of plants (specifically relating to TRIPS Art 27), patenting of software (again specifically relating to TRIPS Art 27), criminal sanctions and security exclusions). It was pointed out by some delegates that at least the first two had been discussed extensively in relation, for example to SPLT and within the SCP, but others pointed out that these earlier discussions were not within the context of development.

The Committee addressed the project proposal for Developing Tools for Access to Patent Information – Phase II ([CDIP/10/13](#)), and approved the project. A number of delegations seemed to need rather basic background international or national information and the writer intervened to refer to the body of material provided by AIPPI on a country-by-country basis as well as the various syntheses of AIPPI Working Group questions.

The Secretariat will continue its work in this area taking notice of the various points raised.

Next up for discussion was a report prepared externally on 'Misappropriation of Signs' or preventing the registration of Trade Marks relating to public domain symbols, etc. The extensive detailed report can be found at [CDIP/9/INF/5](#). The Secretariat is to submit further proposals as part of this long-term project.

Two Copyright related matters were then discussed, namely 'Using Copyright to promote access to information and creative content' ([CDIP/9/INF/3](#)) and Options relating to Recommendations 1c, 1f and 2a of the previous Scoping Study on Copyright and Related Rights and the Public Domain (see [CDIP/9/INF/2 REV](#)). The Secretariat will continue its work on these two topics with some modification to the proposals and will arrange the preparation of an assessment of the feasibility for WIPO, within its mandate, to engage in new activities that could potentially assist Member States to achieve their development goals for submission to the next session of the Committee.

The Committee discussed the Terms of Reference for a Comparative Study on Copyright Relinquishment ([CDIP/10/14](#)) and supported the undertaking of the proposed Study. The Secretariat will proceed with the Study taking into account Member States' comments, including; the development of a timeline for conduct of the Study, the exclusion of any recommendations on normative solutions, and the exclusion from the study of legislation from the United States of America, without promoting copyright relinquishment.

Under **Agenda Item 8** on Future Work, the Committee discussed a number of proposals and agreed upon a list of issues/documents for the next session.

Report written by:

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December 10, 2012