

## Report

### 11th Session - Committee on Development and Intellectual Property (CDIP) WIPO, Geneva, May 13 to 17, 2013

The session was opened by Francis Gurry, Director General of WIPO.

**Agenda Item 2.** The Chairman, Ambassador Mohamed Said DOUALEH, Permanent Representative of Djibouti was re-elected, but no volunteer and Ms Ekaterine EGUTIA of Georgia was elected to the role of Deputy Chairman.

**Agenda Item 3.** The Committee adopted the Draft Agenda as proposed in document [CDIP/11/1](#).

Under **Agenda Item 4**, the Committee adopted, with little comment, the CDIP10 report, (see [CDIP/10/18](#).)

Under **Agenda Item 5**, the Committee listened to various statements from Regional Groups, with a number of members complaining about the lack of translations of a number of documents into all the UN official languages. The DG responded by referring to the decision some years previously only to translate fully documents of 20 pages or less and pointed out that by having a near verbatim report of 223 pages, the Committee was effectively preventing its translation. He pointed out that with the CDIP being available online and captioned, there was no real need for a verbatim report, but that of course it was up to the member states to decide how they wanted to spend the funds of the organisation and this could be reviewed by the Budget and Finance Committee. He also responded to a question about geographical balance in the appointing of staff and mentioned that this was a clear policy but that only 11 replacements were needed in 2013 for retiring staff and 25 in 2014.

Under **Agenda Item 6**, discussion of the implementation of the Development Agenda recommendations proceeded with confirmation from the DG that he had attempted to make the whole of the Secretariat available to the DA recommendations via the mainstreaming project as reported in [CDIP/11/2](#).

The DAG requested links on the website to and more information relating to WIPO's cooperation with other bodies for example in the areas of implementation of country plans, further work on models beyond the work of the WIPO Academy, implementation of the re:Search programme, detail on the legislative assistance provided by WIPO to LDCs, the role and use of the roster of ethics for consultants, information on how to evaluate the mainstreaming proposals referred to in paras 19-23, and the use of external evaluations. Other Groups were supportive of the Secretariat's report whilst agreeing that analysis of the evaluation was needed to enhance future evaluation. The African Group broadly reiterated the concerns of the DAG, as did India and a number of other delegates from developing countries. It was pointed out, in response to repeated request for information, that the detail of legislative assistance provided to a particular country was confidential unless that country was willing to waive confidentiality.

The DDG provided specific information in response to various requests regarding country plan templates, Academy models and details of engagement with the MDG task force and others. A number of countries repeated the same requests for detailed information in certain areas in order to be able to manage the work of WIPO, but it was pointed out that it was not the role of the Committee to micro-manage the work of WIPO.

Discussion of **Agenda item 7** (Consideration of work program for implementation of adopted recommendations) commenced with a discussion around [CDIP/11/5](#) and the proposal for an International Conference on Intellectual Property and Development. The Secretariat provided information on the date proposed etc.. There was a great deal of discussion about selection of speakers and a number of countries appeared to want CDIP to decide on the speakers. The Conference is to be held immediately prior to the DCIP12 meeting in **November 2013**.

Next followed discussion of the South Korean proposal regarding a project on IP and Design for LDCs and there was very wide support for the proposal (see [CDIP/11/7](#)).

Then followed discussion (again) regarding the previous external review of WIPO technical assistance and it was left to informal discussions to try to find a way forward on these issues (see [CDIP/8/INF/1](#) for example as well as other documents referred to in the report of the CDIP10 meeting.)

The report on Status of Implementation of Certain Recommendations Extracted from the Report on the External Review of WIPO Technical Assistance in the Field of Cooperation for Development ([CDIP/11/4](#)) was discussed at great length and a host of questions was raised by delegates. Discussion of how to proceed regarding the three categories of implementation of the MDG recommendations discussed during CDIP10 and the further details of the Secretariat's report on progress contained in [CDIP/11/4](#) continued, but without detailed agreement on the first day.

Lengthy discussions resulted in attempts to identify a set of recommendations for further study by way of consensus and eventually a shortlist of actions was determined. The Chair's summary of the eventual conclusion of the debate on this topic is as follows:

Recognizing the Secretariat's ongoing work on the recommendations, and the need to take further actions, the Committee requested the Secretariat to continue its work and take further actions on the following three proposals, taking into account the comments made by the delegations, and provide a report to the next session of the CDIP:

- (i) To compile existing materials into a comprehensive Manual on the delivery of technical assistance, in line with recommendation A(2)(a) in document CDIP/9/16;
- (ii) To ensure that WIPO's website is upgraded to serve as a more effective, accessible and up-to-date resource for communicating information about development cooperation activities, in line with recommendation F(1)(a) and (b) in document CDIP/9/16; and
- (iii) To examine the Technical Assistance Database (TAD) with a view to facilitate searching capabilities, and ensuring the regular updating of the TAD with information on technical assistance activities, in line with recommendation G(1) in document CDIP/9/16.

It was agreed that the Committee would continue discussions at its next session on Member State proposals on this topic.

A report was provided by the Secretariat on Feasibility Assessment on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content (see [CDIP/11/6](#)) and was broadly supported by the delegates.

A long discussion then took place in regard to Future Work on Patent-Related Flexibilities in the Multilateral Legal Framework (see [CDIP/10/11](#) & [CDIP/10/11 Add](#)) with much of the discussion in CDIP10 being repeated and it was eventually agreed to continue with informal discussions. As during CDIP10, it was pointed out by some delegates that at least the first two items 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. This matter was further discussed later in the meeting, together with African Group and Development Agenda Group Joint Proposal on Terms of Reference and Methodology for the Independent Review of the Implementation of the Development Agenda Recommendations ([CDIP/11/8](#)) and a proposal by the EU regarding future work on this topic (scanned copy attached as Annex 1 as not available on WIPO website). The (interim) outcome is that two items are being taken forward, namely: the scope of the exclusion from patentability of plants (TRIPS Art.27); and flexibilities in respect of the patentability, or exclusion from patentability, of software-related inventions (TRIPS Art.27).

The Committee then proceeded to discuss the three items relating to studies undertaken by WIPO in respect of The Potential Impact of Intellectual Property Rights on The Forestry Chain in Uruguay – Summary ([CDIP/11/INF/2](#)), Intellectual Property and Socio-Economic Development - Country Study Brazil ([CDIP/11/INF/3](#)), and Intellectual Property and Socio-Economic Development - Country Study Chile ([CDIP/11/INF/4](#)), all of which were welcomed by the Committee.

The report of the Secretariat in respect of a Conceptual Study on Innovation, Intellectual Property and the Informal Economy ([CDIP/11/INF/5](#)) was then discussed and the Committee welcomed the proposal and looked forward to further information in due course.

There was further discussion regarding the Proposal for a CDIP New Agenda Item on Intellectual Property (IP) and Development discussed ad nauseam at previous meetings (see [CDIP/6/12](#)) but no agreement was reached and the matter will be discussed again at CDIP12.

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.

The Chair's full summary can be found [here](#).

Report written by:

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August 05, 2012

## COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY

11<sup>th</sup> Session

(WIPO, Geneva, 13 to 17 May 2013)

Document (CDIP/11/4) Status of Implementation of Certain Recommendations  
Extracted from the Report on the External Review of WIPO Technical Assistance in  
the Field of Cooperation for Development

### PROPOSALS BY THE EU AND ITS MEMBER STATES

- First, that the IPO Secretariat presents to this Committee a compilation of best practices of WIPO and non-WIPO technical assistance, in order to help with the implementation of those Recommendations which merit further consideration; (*This corresponds to Recommendation B3 in the Management Response and A3 in the Joint Proposal*).
- Second, that the WIPO Secretariat provides detailed information of the measures taken to improve internal and international coordination; (*This corresponds to Recommendations B1 and B7 in the Management Response and L1B in the Joint Proposal*). and
- Third, that the WIPO Secretariat provides additional information and concrete steps taken to address recommendations related to cost efficiency measures (such as savings and efficiencies through the use of technology and improved coordination and savings and efficiency in WIPO training). (*This corresponds to Recommendations B9 and B13 in the Management Response*).