



## **1st session of the WIPO permanent Committee on Development and Intellectual Property, CDIP/1**

**March 3 – 7, 2008**

### **Report by Ivan Hjertman and Konrad Becker**

Konrad Becker attended the meeting for AIPPI Tuesday March 4. Ivan Hjertman attended for ICC on Wednesday March 5 through Friday March 7 and has agreed, as approved from ICC, to share his notes for the present report.

Documents from the meeting are available on the WIPO website. These documents include a Summary by the Chair, also **attached**.

This was the first meeting with the new WIPO Committee on Development and Intellectual Property, CDIP, a new acronym to get acquainted with. The CDIP was established at the WIPO General Assembly 2007 with the task, among other things, to deal with the implementation of the agreed 45 items of the WIPO Development Agenda.

Much of the time was spent on discussions on procedure, how to take on the tasks of the Committee. Of the 45 agreed items on the WIPO Development Agenda, six were discussed. The remainder will be taken up at the second session of the CDIP, scheduled for July 7-11, 2008.

The CDIP will have to report its work to the 2008 WIPO General Assembly. The report is to include an estimate of the need for financial and human resources for implementing the agreed proposals.

There was unusually slow pace at the meeting, with very late starts, long coffee breaks and lunches, and much waiting time for group meetings to finish. Probably a contributing factor here was that various meetings concerning the election of WIPO DG were ongoing at the same time.

The status of the meeting was unusual. It was apparently decided early that the meeting would be held in "informal" mode, meaning that no record would be taken of what was said, thus encouraging an open discussion. But at the same time the meeting would be "formal" in order to permit the NGOs to remain in the room. The NGOs would apparently then agree not to link statements with particular delegations. Delegations could however request that their statements would be taken into the record of the meeting. That was also done in some instances.

While the Chair, Ambassador Trevor Clarke, Barbados, was elected unanimously, there were three candidates for the two posts as Vice Chairs: Kyrgyzstan, Spain, and Tunisia. On Friday afternoon a compromise solution was agreed, a "gentlemen's' agreement": Kyrgyzstan and Spain would take the Vice Chair posts for the two CDIP meetings in 2008. For 2009, Kyrgyzstan would not seek re-election and Tunisia would then be elected along with Spain.

The working document was CDIP/1/3 dated March 3, 2008, thus available just before the meeting, and in English only. There was also a second document, although not separately listed, with suggestions made by the Friends of Development, the Central European and Baltic States, and the Republic of Korea. The document CDIP/1/3 lists in separate annexes, all agreed proposals divided in clusters as originally agreed:

- Annex III with the agreed 19 proposals which were for immediate implementation by WIPO as requiring no additional financial or human resources, together with "Information on Activities for Implementation of Proposal" for each proposal
- Annex V with the 26 remaining agreed proposals to be discussed, together with "Proposed Activities" for each proposal. For implementation of those 26 proposals, the human and financial resources required would need to be assessed by the WIPO Secretariat.

The agreed working procedure was essentially as outlined in two "procedure box schemes", distributed early on. A pdf copy of those sheets is **attached**. The agreed proposals would be taken up cluster wise, starting with the list of 26 proposals and then continuing with the same cluster in the list of 19. The Secretariat would present the proposal and highlight main points. Then those States which had made specific submissions would have the floor, then all other delegations would have the floor, and finally the Chair would summarise what had been arrived at. The Secretariat would comment on questions raised. For each concluded proposal among the list of 26, the Secretariat would be tasked to assess the financial and human resources required, to be reported by the next meeting in July 2008.

Not many of the agreed 45 proposals were discussed. Those discussed were all in Cluster A, Technical assistance and capacity building. This cluster was concluded in the list of 26: proposals 2, 5, 8, 9, and 10, and started in the list of 19, with conclusion of proposal 1.

The concluded proposals would be handed to the Secretariat for what was referred to as "costing" in terms of human and financial resources.

Discussions on how to continue with the work program took much of the time. Should there be intersessional consultations? The final answer was yes. The importance that capitals be kept informed was stressed. Would decisions be made during the informal consultations? The answer was no. Decisions would be taken only at the next formal session. The Chair emphasized the importance that he had the trust of delegations to carry out these informal consultations.

Among specific items which came up in the discussion can be mentioned

a) Should a special "code of ethics" for WIPO personnel and consultants be taken into WIPO rules and regulations, such as the staff regulations? Where would such then be taken in? Would not the UN general rules of ethics be sufficient? Should there be a separate code of ethics for the WIPO staff and consultants working with the Development Agenda? This item took much time. The Secretariat would come with suggestions to next meeting.

b) are TRIPS-plus elements to be considered as a kind of flexibilities under TRIPS? There were very different opinions on that issue

c) Does the concept in proposal 8 of the list of 26 of "national offices" only mean national IP offices? Or also other IP institutions, be they public or private, national or regional?

d) A key concept which was constantly emphasized for WIPO activities and advice was that such would be "member driven"

e) In the list of 19, Annex III p. 2 item 5): the wording "taking into account their level of development of IP" was amended by deleting "of IP"

The NGOs were given opportunity to speak once, on the first day. No more opportunity for the NGOs to speak was given, although that had apparently been promised by the Chair. He apologised on Friday afternoon for this lack of an additional opportunity.

For the second CDIP session, to take place July 7-11, 2008, working documents would be available two weeks before the meeting, in the required languages.

So in summary it can be said that there were no alarming developments at this first meeting with the WIPO Committee on Development and Intellectual Property. However, it obviously remains important to follow the further work of this Committee in view of all the ongoing debate on the IP system.

As noted, the next CDIP meeting is set for July 7-11, 2008.

Ivan Hjertman  
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# COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP)

## First Session

Geneva, March 3 to 7, 2008

### Summary by the Chair

1. The WIPO General Assembly, in its session held in September-October 2007, reviewed the discussions during the two sessions of the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA) in February and June 2007, and expressed satisfaction at the consensus reached on the proposals submitted by Member States on the establishment of a Development Agenda for WIPO. The General Assembly decided to adopt the recommendations for action on the 45 agreed proposals, and to immediately implement the 19 proposals identified by the Chair of the PCDA, in consultation with Member States and the Secretariat. The General Assembly also decided to establish a Committee on Development and Intellectual Property (CDIP) to:
  - (a) develop a work-program for implementation of the adopted recommendations;
  - (b) monitor, assess, discuss and report on the implementation of all recommendations adopted, and for that purpose it shall coordinate with relevant WIPO bodies; and
  - (c) discuss intellectual property and development related issues as agreed by the Committee, as well as those decided by the General Assembly.
2. For the first meeting of the Committee, it was agreed that the Chair of the PCDA would prepare initial working documents, including a draft work program, in consultation with Member States and the Secretariat.
3. The First Session of the CDIP was held from March 3 to 7, 2008. 100 Member States, 7 inter-governmental organizations and 30 non-governmental organizations participated in the session.
4. The CDIP unanimously elected Ambassador C. Trevor Clarke, Permanent Representative of Barbados, as Chair, and Mr. Muratbek Azymbakiev, Deputy Permanent Representative of Kyrgyzstan, and Mr. Javier Alfonso Moreno Ramos, Director of the Department of Legal Coordination and International Relations of the Spanish Patents and Trademarks Office, as Vice-Chairs.
5. The CDIP adopted the draft agenda as proposed in document CDIP/1/1 Prov.

6. The CDIP adopted the Rules of Procedure included in document CDIP/1/2, approved the representation in sessions of the Committee of the organizations referred to in paragraph 6 of the document as *ad hoc* observers, and noted the working arrangements for the Committee.

7. The CDIP discussed the initial working document prepared by the Chair of the PCDA, in consultation with Member States and the Secretariat, and decided to use it as a working document of the CDIP (CDIP/1/3). The CDIP also considered the documents submitted by the Central European and Baltic States, the “Group of Friends of Development” and the Republic of Korea. The delegations agreed to a methodology according to which adopted recommendations would be addressed one by one, starting with those contained in the list of 26 recommendations. After discussing all those recommendations in Cluster A, the Committee would shift its attention to Cluster A in the list of 19 recommendations for immediate implementation, prior to returning to the list of 26 recommendations to discuss Cluster B recommendations. This methodology would continue for the recommendations under the remaining clusters.

8. The Secretariat would introduce each adopted recommendation, highlighting the main points in the list of activities included in the working document. Subsequently, Member States, who had made written suggestions to the Chair of the PCDA, would be given the opportunity to intervene to elaborate on their submissions, after which there would be a general discussion on each adopted recommendation during which Member States may: (a) provide focused comments on the list of activities; (b) suggest modifications, where necessary; (c) consider new activities; and (d) identify points, where necessary, to seek further information from the Secretariat. The Secretariat would then provide responses to any questions or requests for clarification made by Member States. The Chair of the CDIP would summarize the discussions on each recommendation. For the list of 19 recommendations for immediate implementation, the CDIP would request the Secretariat to furnish a progress report, in line with any suggested changes and/or new activities, for the July session of the Committee. For the list of 26 recommendations, the CDIP would broadly agree that the proposed activities, as suitably modified following the discussions, would be forwarded to the Secretariat to assess the human and financial resource requirements, before the July session.

9. In accordance with the above-mentioned methodology, the delegations expressed their views on the working document. It was agreed that the interventions made by Member States, while considering Agenda Item 5 (“Consideration of Work Program for Implementation of Adopted Proposals”) and Agenda Item 6 (“Future Work”), would not be included in the report, unless otherwise requested by them while making the intervention.

10. The CDIP discussed adopted recommendations 2, 5, 8, 9 and 10 in the list of 26 and agreed that the proposed activities, as suitably modified following discussions, would be sent to the Secretariat to assess the human and financial resource requirements, before the July 2008 session. In addition, the CDIP reviewed and commented on activities being implemented under adopted recommendation 1 in the list of 19,

suggested changes and considered new activities. It was agreed that the Secretariat would make the necessary modification and furnish a progress report on the adopted recommendations in the list of 19 for the July 2008 session of the Committee.

11. After discussions, it was decided that there was a need to continue consideration of the work program for implementation of the adopted recommendations. In order to facilitate this task, it was decided that the Chair would organize informal consultations between the first and second sessions. The consultations would cover the adopted recommendations, with particular attention being paid to those recommendations with additional financial and human resource requirements to enable the Secretariat to make the necessary assessments.

12. The CDIP noted that the Draft Report of the First Session will be prepared by the Secretariat and communicated to the Permanent Missions of the Member States, and will also be made available to Member States, IGOs and NGOs, in electronic form, on the WIPO website. Comments on the Draft Report should be communicated in writing to the Secretariat within three weeks of its issue. The revised Draft Report would then be considered for adoption at the beginning of the Second Session of the CDIP.

*13. The CDIP considered and noted the contents of this Summary by the Chair.*

[End of document]

## Cluster-wise Discussion of Proposals List of 26 proposals

• First Proposal taken up  
• **Secretariat briefly refers to the proposal** and highlights main points in the list of proposed activities

**Member States** who have made suggestions may wish to intervene to **elaborate on their submissions**

**Secretariat** provides a point-wise **response**

• **General Discussion** on the proposal  
• Member States may  
• provide **focused comments** on the list of proposed activities  
• **Suggest modifications**, where necessary  
• **Identify points**, where necessary, to seek further information from the Secretariat

• Chair **sums up** discussion  
• CDIP broadly **agrees on proposed activities**, as suitably modified following discussions, and requests Secretariat to **assess Human and Financial requirements**, before the July session

## Cluster-wise Discussion of Proposals List of 19 proposals

• First Proposal taken up  
• **Secretariat briefly refers to the proposal** and highlights main points in the list of activities initiated for implementation

**Member States** who have made suggestions may wish to intervene to **elaborate on their submissions**

**Secretariat** provides a point-wise **response**

• **General Discussion** on the proposal

- Member States may provide **focused comments** on the list of activities
- **Suggest modifications**, where necessary
- **Identify points**, where necessary, to seek further information from the Secretariat

• Chair **sums up** discussion

• CDIP broadly **agrees on activities** being implemented, with **changes**, as necessary

• Secretariat to furnish **progress report** in July