

WIPO DEVELOPMENT AGENDA

Seminario Internacional de la OMPI
sobre Derecho de Autor
Fortaleza, Brazil,
November 26 to 28, 2008

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World Intellectual Property Organization



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WIPO DEVELOPMENT AGENDA: THE CONCERN

- Basic concern: ensure that WIPO activities and discussions lead to development-oriented results
- IP is not end in itself, but as a means for promoting public interest, innovation and access to S&T
- Credibility of IP system undermined by promoting benefits of protection, without acknowledging public policy concerns
- Integrating development dimension will strengthen credibility and encourage its acceptance as a tool for innovation, creativity and development
- Hence, the need for a WIPO Development Agenda

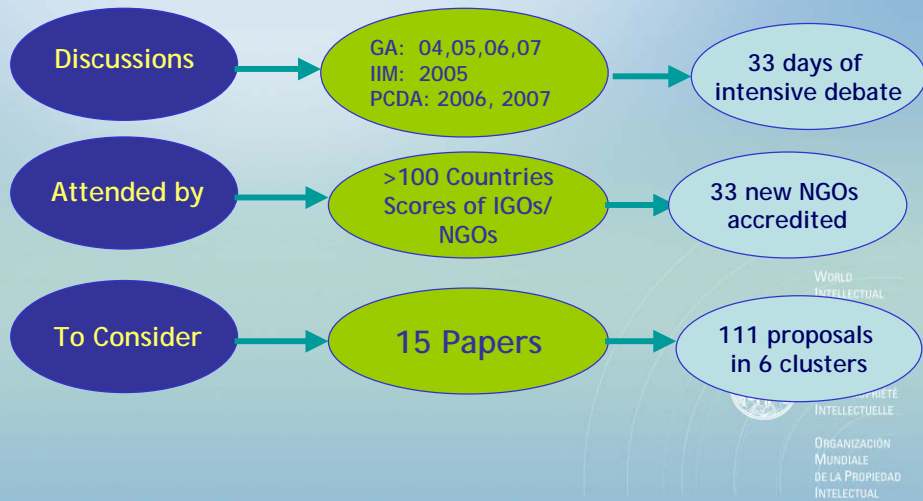


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WIPO DEVELOPMENT AGENDA: THE DEBATE

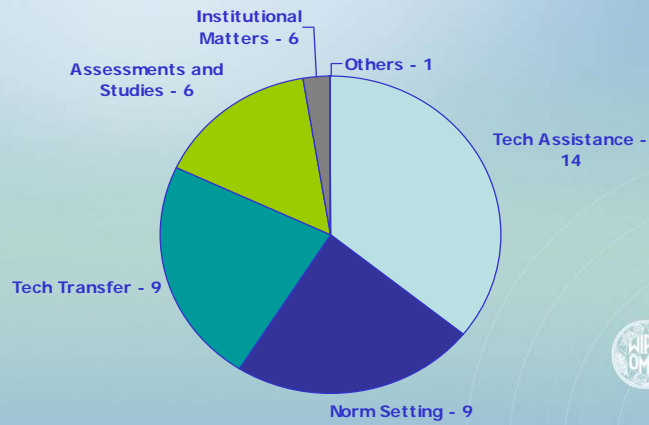


WIPO DEVELOPMENT AGENDA: THE DECISION

- Established a Committee on IP and Development to, *'inter alia'*, discuss issues related to intellectual property and development, as raised by Member States from time to time
- Adopted a set of 45 recommendations



RECOMMENDATIONS AND CLUSTERS ADOPTED



SOME EXAMPLES



TECHNICAL ASSISTANCE

1. 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. In this regard, design, delivery mechanisms and evaluation processes of technical assistance programs should be country specific.
4. Place particular emphasis on the needs of SMEs and institutions dealing with scientific research and cultural industries and assist Member States, at their request, in setting-up appropriate national strategies in the field of IP.

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TECHNICAL ASSISTANCE

12. To further mainstream development considerations into WIPO's substantive and technical assistance activities and debates, in accordance with its mandate.
14. Within the framework of the agreement between WIPO and the WTO, WIPO shall make available advice to developing countries and LDCs, on the implementation and operation of the rights and obligations and the understanding and use of flexibilities contained in the TRIPS Agreement.



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NORM-SETTING, FLEXIBILITIES, PUBLIC POLICY AND PUBLIC DOMAIN

15. Norm-setting activities shall:
- be inclusive and member driven;
 - take into account **different levels of development**;
 - take into consideration a **balance between costs and benefits**;
 - be a participatory process, which takes into consideration the **interests and priorities of all WIPO Member States** and the viewpoints of other stakeholders, including accredited inter-governmental organizations and non-governmental organizations; and
 - be in line with the principle of neutrality of the WIPO Secretariat.



NORM-SETTING, FLEXIBILITIES, PUBLIC POLICY AND PUBLIC DOMAIN

16. Consider the preservation of the public domain within WIPO's normative processes and **deepen the analysis** of the implications and **benefits of a rich and accessible public domain**.
19. To initiate discussions on how, within WIPO's mandate, to further **facilitate access to knowledge and technology** for developing countries and LDCs to foster creativity and innovation and to strengthen such existing activities within WIPO.



TECHNOLOGY TRANSFER, ICT AND ACCESS TO KNOWLEDGE

26. To encourage Member States, especially developed countries, to **urge their research and scientific institutions to enhance cooperation and exchange with research and development institutions in developing countries, especially LDCs.**
28. To explore supportive IP-related policies and measures Member States, especially developed countries, could adopt for **promoting transfer and dissemination of technology to developing countries.**
31. To undertake initiatives agreed by Member States which contribute to transfer of technology to developing countries such as **requesting WIPO to facilitate better access to publicly available patent information.**

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ASSESSMENT, EVALUATION AND IMPACT STUDIES

35. To request WIPO to undertake, upon request of Member States, new studies to assess the economic, social and cultural **impact of the use of intellectual property systems** in these States.
37. Upon request and as directed by Member States, WIPO may conduct studies on the protection of intellectual property, to identify the possible **links and impacts between IP and development.**

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INSTITUTIONAL MATTERS INCLUDING MANDATE AND GOVERNANCE - OTHER ISSUES

39. To request WIPO, within its core competence and mission, to assist developing countries, especially African countries, in cooperation with relevant international organizations, by conducting **studies on brain drain** and make recommendations accordingly.
45. To approach intellectual property enforcement in the context of **broader societal interests** and especially development-oriented concerns, with a view that “the protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations in accordance with Article 7 of the TRIPS Agreement

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FOR IMPLEMENTATION: RECOMMENDATIONS IN THREE CATEGORIES

- Existing WIPO activities, which need to be
 - strengthened/adapted to adequately meet with expressed challenges/concerns or
 - mainstreamed into all programs and not implemented in isolation
- **General principles/objectives**, to be considered while implementing current activities/embarking on fresh initiatives by:
 - reinforcing existing ones or
 - adopting fresh ones
- **New concerns**, which seek resolution by:
 - stressing WIPO's mandate or
 - launching new projects/programs/activities

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Existing WIPO activities	Genl principles/ objectives	New concerns
<p>3. <u>Increase</u> human and financial allocation for <u>technical assistance</u> programs in WIPO for promoting a, <i>inter alia</i>, <u>development-oriented IP culture</u>, with an emphasis on introducing intellectual property at different <u>academic levels</u> and on generating greater public awareness on IP</p>	<p>1. WIPO technical assistance shall be, <i>inter alia</i>, <u>development-oriented, demand-driven and transparent</u>, 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. In this regard, <u>design, delivery mechanisms and evaluation processes of technical assistance programs should be country specific</u></p>	<p>16. Consider the preservation of the <u>public domain</u> within WIPO's normative processes and deepen the analysis of the implications and benefits of a rich and accessible public domain</p>



Existing WIPO activities	Genl principles/ objectives	New concerns
<p>12. To further mainstream development considerations into WIPO's substantive and technical assistance activities and debates, in accordance with its mandate</p>	<p>15. Norm-setting activities shall:</p> <ul style="list-style-type: none"> - be inclusive and member driven; - take into account different levels of development; - take into consideration a balance between costs and benefits; - be a participatory process, which takes into consideration the interests and priorities of all WIPO Member States and the viewpoints of other stakeholders, including accredited inter-governmental organizations and non-governmental organizations; and - be in line with the principle of neutrality of the WIPO Secretariat 	<p>35. To request WIPO to undertake, upon request of Member States, new studies to assess the economic, social and cultural impact of the use of intellectual property systems in these States</p>



CDIP - FIRST SESSION MARCH 2008

- The CDIP
 - adopted its Rules of Procedure
 - discussed **five** recommendations 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
 - reviewed and commented on activities being implemented under **one** recommendation in the list of 19, suggested changes and considered new activities
 - Agreed to hold informal consultations* during the intervening period to continue considering the work plan

* *during these consultations in April 2008 another 5 recommendations discussed*



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WIPO Development Agenda: Immediate Implementation

- 19 proposals conforming to the following parameters to be implemented immediately:
 - WIPO is **already implementing** related activities, which could be appropriately modified/strengthened to meet with the specific concern
 - it is not considered necessary, at this stage, to develop a **detailed work program**, before initiating implementation of the proposal
 - the proposal does not require the engagement of **additional human resources** at this stage, and the activity can be implemented with the existing staff
 - the proposal does not require the allocation of **additional financial resources** at this stage, and the activity can be implemented within the existing allocations



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CDIP - SECOND SESSION JULY 2008

The CDIP

- discussed **five** recommendations in the list of 26 and agreed on the human and financial resource requirements for implementation; discussed another **three** recommendations and sent to the Secretariat to assess the human and financial resource requirements
- accepted set of activities being implemented under **six** recommendations in the list of 19; further reviewed and commented on activities being implemented under **one** adopted recommendation in the list of 19, suggested changes and considered new activities
- decided need to discuss, in the third session of the CDIP, necessary mechanisms for CDIP coordination with other relevant WIPO bodies in implementing the adopted recommendations, and also the modalities for monitoring, assessing and reporting on the implementation of recommendations
- Report/recommendations to be submitted to the General Assembly **2008**

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PROGRESS REVIEWED IN WIPO GENERAL ASSEMBLY 2008

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WIPO'S REVISED STRATEGIC GOALS in 2009

- I. Balanced evolution of the international normative framework
- II. Premier provider of global IP services
- III. Facilitating the use of IP for sustainable development
- IV. Coordination and development of global IP infrastructure
- V. World reference source for IP information and analysis
- VI. International cooperation on building respect for IP
- VII. Addressing IP in relation to global policy themes
- VIII. A responsive communications interface between WIPO, its Member States and all stakeholders
- IX. An efficient administrative and financial support structure to enable WIPO to deliver its programs



REVISED PROGRAM STRUCTURE

- **Strategic Goal I: Balanced evolution of the international normative framework**
 - 1. Patents
 - 2. Trademarks, Industrial Designs and Geographical Indications
 - 3. Copyright and Related Rights
 - 4. Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources
- **Strategic Goal II: Premier provider of global IP services**
 - 5. The PCT System
 - 6. Madrid, Hague and Lisbon Systems
 - 7. Arbitration, Mediation and Domain Names



REVISED PROGRAM STRUCTURE

- **Strategic Goal III: Facilitating the use of IP for sustainable development**
 - 8. Development Agenda Coordination
 - 9. Cooperation for Development
 - 10. Cooperation with certain countries in Europe and Asia
 - 11. The WIPO Academy
- **Strategic Goal IV: Coordination and development of global IP infrastructure**
 - 12. International Classifications in the field of TM and ID
 - 13. IP Office Modernization
 - 14. Patent Classification and IP Standards
 - 15. PATENTSCOPE® and associated IP services



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REVISED PROGRAM STRUCTURE

- **Strategic Goal V: World reference source for IP information and analysis**
 - 16. Economic Studies, Statistics and Analysis
- **Strategic Goal VI: International co-operation on building respect for IP**
 - 17. Building respect for IP
- **Strategic Goal VII: Addressing IP in relation to global policy issues**
 - 18. IP and Global Challenges



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REVISED PROGRAM STRUCTURE

- **Strategic Goal VIII: A responsive communications interface between WIPO, its Member States and all stakeholders**
 - 19. Communications
 - 20. External Offices and Relations
- **Strategic Goal IX: Efficient administrative and financial support structure**
 - 21. Executive Management (will include Strategic Re- alignment)
 - 22. Finance, Budget and Program Management
 - 23. Human Resource Management and Development
 - 24. Administrative Support Services
 - 26. Information and Communications Technology
 - 27. Internal Oversight
 - 28. Conference Services
 - 29. Security Co-ordination
 - 30. New Construction



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CURRENT STATUS OF THE IMPLEMENTATION OF THE DEVELOPMENT AGENDA RECOMMENDATIONS

- The recommendations approved by Member States are broadly of two types:
 - 19 recommendations
 - approved for implementation
 - do not need additional resources
 - integrated into the work of the relevant Programs of the Organization
 - 5 Recommendations (2,5,8,9,10)
 - need additional financial and human resources
 - approved in principle by the CDIP with indicative budgets
 - will be funded in the Revised Program and Budget 2008/09 and subsequently
 - This set of 5 recommendations cover
 - Specific new projects and activities related to IP infrastructure
 - Projects that will be implemented through re-orientation of the work of relevant programs



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APPROACH TO THE DEVELOPMENT AGENDA

- Mainstreaming of development agenda related activities
- Ensure adequate resources and earmark them in the Revised Program and Budget for development agenda projects in all relevant WIPO programs
- Centralized co-ordination of the development agenda under the supervision of the Director General
- Appointment of project managers for approved projects
- Definition and scoping of each project with the identification of time-bound deliverables; detailed resource planning and estimation
- Establishment of a robust project planning and monitoring mechanism
- Establishment of project evaluation criteria
- Reporting progress regularly to the Member States



IMPLEMENTATION OF THE RECOMENDATIONS OF THE DEVELOPMENT AGENDA IN THE REVISED PROGRAM STRUCTURE (I)

- **Cluster A: Technical Assistance and Capacity Building**
Strategic Goals I, III, IV, VIII
Cooperation for Development Bureaus, LDCs, Academy, SMEs
IP Office Modernization
Communications
- **Cluster B: Norm Setting, Flexibilities, Public Policy and Public Domain**
Strategic Goals I, III, IV, VII
Balanced evolution of patents, trademarks, copyright, tkgrf
Legislative and policy advice
IP and Global Challenges
PATENTSCOPE®



...IMPLEMENTATION OF THE RECOMENDATIONS OF THE DEVELOPMENT AGENDA IN THE REVISED PROGRAM STRUCTURE (I)

- Cluster C: Technology Transfer, ICT and Access to Knowledge
 - Strategic Goals: I, III, IV, VII
 - Promotion of Innovation and Technology Transfer,
 - PATENTSCOPE®, IP Office Modernization, WIPO IP Standards
- Cluster D: Assessment, Evaluation and Impact Studies
 - Strategic Goal: V
 - Economic Studies, Statistics and Analysis
- Cluster E: Institutional Matters including Mandate and Governance
 - Strategic Goals: I, III, VII, VIII
 - External offices and relations, Executive Direction and Management, IP and Global Challenges
- Cluster F: Other issues
 - Strategic Goal: VI
 - International Co-operation on building respect for IP



At the back of our minds

- Time frames
- “Demand driven”
- “On request..”
- ‘Conclusions from studies’ and ‘outcomes of meetings’ to permeate down to national strategies...
- “Norm-setting” decisions in committees
- Lending specificity to broad principles



Thank you

Details on the WIPO Development Agenda at
<http://www.wipo.int/ip-development/en/agenda>



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