

Committee on Development and Intellectual Property

Introduction

The objective of the Committee on Development of Intellectual Property (CDIP) is to address the demand of developing countries that norm setting on Intellectual Property should be more balanced and development oriented. The proposal for Development Agenda for WIPO was initiated in the General Assembly of 2004 by Argentina and Brazil and was co-sponsored by eight other countries, namely, Bolivia, Cuba, Ecuador, Iran, Kenya, Sierra Leone, Tanzania and Venezuela. Subsequently, four other countries, namely, Egypt, Peru, South Africa and Dominican Republic also supported the Development Agenda. Together they constituted the “Group of Friends of Development” (FOD).

After discussions in the Provisional Committee on Development Agenda (PCDA) in 2006 and 2007, a total of 111 proposals were narrowed down to 45 proposals in six clusters. In the General Assembly meeting held in 2007, the Committee on Development and Intellectual Property (CDIP) was established, *inter alia*, to develop a work-program for implementation of the adopted recommendations (a list is attached). Detailed implementation modalities are being worked out in this forum since then. India had taken a lead in the matter of evolving a consensus towards adoption of the Development Agenda and was responsible for resolving the impasse between the developed and the developing countries.

General Assembly in September-October 2009

In the last General Assembly, the delegations expressed strong support for the project-based approach proposed by the CDIP which will accelerate efficient implementation of the Development Agenda of WIPO. The Member states also reaffirmed their commitment to the Development Agenda which they identified as a key priority for the Organization, and stressed the importance of ensuring that adequate human and financial resources are allocated to its implementation. The General Assembly also urged the CDIP to develop a coordination mechanism for monitoring, assessing and reporting on the implementation of recommendations. The CDIP is to submit a report on this matter to the General Assembly at its 2010 session.

The intervention of the Indian delegation was as follows: “We are happy to see that the Development Agenda is in its implementation phase. India is strongly committed to the Development Agenda of WIPO as we consider this a positive step towards realization of the mandate of WIPO as a specialized UN agency which supports the socio-economic development of its Member States. The project-based approach adopted in the 3rd session of the Committee on Development of Intellectual Property for the implementation of the recommendations of the Development Agenda has its benefits as it sets out specific time-bound monitorable outputs. We hope that such an approach would also enable examination of the impact that the project has had on achieving the spirit behind a particular recommendation and thereby facilitate further interventions in the area. We would like to see greater focus on innovation

promotion and IP wealth creation in developing countries through technical assistance and capacity building with special attention to SMEs. It is essential that adequate human and financial resources are provided for effective implementation of the activities agreed upon. We need to find resources for taking up the remaining projects of the Development Agenda expeditiously. We hope to see the effective mainstreaming of the Development agenda with deployment of adequate resources.”

Developments in the Committee after the General Assembly

Fourth Session of the CDIP (November 16-20, 2009)

- Reviewed the project documents prepared by the Secretariat for the implementation of Recommendations 9 and 10, the progress report on the implementation of Development Agenda Recommendations 2, 5, 8, 9, and 10, and the progress report on Recommendations for immediate implementation.
- Adopted three projects earlier discussed and broadly agreed upon at the third session of the CDIP, namely, the Project on Intellectual Property and Competition Policy; the Project on Intellectual Property, Information and Communication Technologies (ICTs); the Digital Divide and Access to Knowledge and some components of the Project on Intellectual Property and the Public Domain. Modifications introduced to Project on Intellectual Property and the Public Domain document with the need to continue discussions on certain elements of this project in 5th Session of CDIP.
- Discussed and adopted the Project on Developing Tools for Access to Patent Information
- Discussed the Project on Intellectual Property and Technology Transfer: Common Challenges - Building Solutions and decided that discussions on that document would continue at the fifth session of the CDIP.
- Discussed the Project on Enhancement of WIPO’s Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities and adopted the project with certain amendments to the project document.
- Decided to continue further discussion on coordination mechanisms and monitoring, assessing and reporting modalities as the first substantive agenda item in 5th Session of CDIP.
- Chair highlighted the need for continuing with the project-based methodology and to review two or three new projects; to review the elements of projects carried over from the current session; and to continue with reviewing progress reports.

Fifth Session of CDIP(April 26-30, 2010)

The 5th session will discuss-

- i. The report of the Director General on implementation of the Development Agenda
 - ii. Coordination Mechanism- proposal from a) Pakistan, Algeria and Brazil and b) Group B Countries
 - iii. Thematic Projects
- i. **Report of the Director General on implementation of the Development Agenda**

At the 3rd session of the Committee on Development in Intellectual Property held in April-May, 2009, the Director General of WIPO had expressed his commitment to report annually to the CDIP on the implementation of the Development Agenda recommendations. The present report is aimed at fulfilling the commitment and provides a brief on the efforts undertaken by WIPO to mainstream the development agenda in its regular programme activities and also gives an update on thematic projects being implemented under CDIP by WIPO. Besides, the report gives an outlook on the future of the Development Agenda implementation. To begin with, WIPO's programme and budget document has been revised to integrate development agenda concerns into the expected results, performance indicators and strategic approaches taken by the various programmes. In the 4th session of the CDIP a result based management programme was also agreed upon which would support the monitoring and evaluation of development activities. DG in his report has informed that the results based management framework is being implemented since January, 2010.

The report mentions that dedicated sections on innovation and technology transfer, economic studies and statistics and analysis, IP and global challenges and a programme on the coordination and development of Global IP infrastructure have been established to address the developmental concerns. Development Agenda has also been mainstreamed in the work of other WIPO bodies such as the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), which is making important progress in the implementation of recommendation 18 (relating to protection of genetic resources, traditional knowledge and folklore); Standing Committee on Law of Patents through its work on recommendation 16 & 22 relating to dissemination of patent information and exceptions & limitations; Standing Committee on Copyrights and related rights through its work on developments in

broadcasting and on limitations & exceptions on educational activities (recommendations 21 and 44).

Moreover, WIPO is implementing thematic projects for implementation of various recommendations. In 2009, implementation began for nine projects on the basis of activities decided by CDIP in 2008. In addition five new projects were approved during the 3rd and 4th session of CDIP which address 13 recommendations, for which implementation began in January, 2010. The non personal financial resources devoted to implementation of the 14 approved projects amounts to 11595000 Swiss Francs. Projects that are approved in the 5th session will be provided start-up funds to enable their immediate implementation.

In so far as outlook for future is concerned, the Director General in his report has suggested that the projects and activities should reflect the ground realities and respond to the real needs of the Member States. He has mentioned that it would be useful to conceptualise the development agenda as a Global Partnership. The report mentions that WIPO will continue to propose activities or projects for implementation of recommendations and has welcomed proposals from Member States that could contribute to Development Agenda implementation.

ii. Coordination Mechanism- proposal from a)Pakistan, Algeria and Brazil and b) Group B Countries.

The committee will discuss the two proposals concerning coordination mechanisms and modalities for monitoring, assessing and reporting of the development agenda recommendations.

Proposal by Algeria, Brazil & Pakistan

The three countries in June, 2009 recommended that a Standing agenda item in the General Assembly be established on “Review of the implementation of the Development Agenda” and that the Director General should ensure coordination, self assessment and reporting of all activities. It also recommended that all WIPO bodies should be instructed to mainstream Development Agenda in their areas of work. Besides, it was requested that the WIPO Audit Committee periodically review and assess the overall implementation of the Development Agenda recommendations.

Proposal by Group B countries

The Group B countries in their proposal in August, 2009 suggested that the Doirector General or the Deputy Director General in charge of the Development Agenda prepare regular updates on the implementation of the Development Agenda and that the General Assembly should instruct relevant WIPO bodies to work towards mainstreaming the Development Agenda.

Stand taken by India

We support the proposal by Algeria, Brazil and Pakistan (this was earlier communicated to Geneva in June last year) to have a standing agenda item in the General Assembly on the review of the implementation of the Development Agenda. We are also supportive of the modification of Result Based Management to incorporate monitoring of the activities under the development agenda.

iii. Thematic Projects

Work programme of the following projects prepared/updated by the Secretariat will be discussed.

a. Project on Intellectual and the Public Domain (Recommendation 16 and 20). (255000 Swiss Francs)

The project will analyze the implication of a rich and accessible public domain, exploring the various tools and accessing subject matter that has fallen into the public domain and to develop new tools to enhance access to the public domain and preserve knowledge. The WIPO Secretariat plans to conduct studies, surveys and feasibility test/study for this purpose and progress will be made on the basis of feedback received from Member States.

b. Project on Intellectual Property and Product Branding for Business Development in Developing Countries and Least Developing Countries (LDCs) (Recommendations 4 and 10) (Cost: 885000 Swiss Francs)

The project is based on proposal by Republic of Korea for assisting least developed countries in building product brands through strategic use of IP rights. WIPO will select three countries each located in different region with a view to develop a distinct product brand for two products in each country. The project also aims at improving the capacity of national institutions and raising awareness on product branding.

c. Project on Capacity Building in the Use of Appropriate Technology – Specific Technical and Scientific Information as a Solution for identified Development Challenges” (Recommendations 19, 30 and 31) (Cost: 670000 Swiss Francs)

The objective of the project is to build National Institutional capacity in the use of technical and scientific information. It would draft appropriate technology landscapes after identifying two urgent development issues, for eg. health, purification of water etc. in three Least Developing Countries.

**d. Project on Intellectual Property and Socio Economic Development
(Recommendations 35 and 37) (Cost: 1491700 Swiss Francs)**

The objective of the project is to understand the socio economic effect of IP protection in developing countries. The delivery of the project will be based on conducting studies (6-8 at the national and regional level) and setting out fact finding missions which will assess data and consult relevant stakeholders. WIPO will establish a research team comprising of international experts and local researchers which will then develop a methodology to assemble the necessary database and conduct analytical work. Each study will be peer reviewed by two recognised external international experts.

Comments

Inter ministerial Group approved the thematic projects proposed by WIPO with the proviso that the project be developed in accordance with the requirement of the countries in which they are implemented. In so far as project (d) is concerned, IMG approved the stand that WIPO be requested to undertake studies in a large number of countries to enable the report to be reflective of the reality.

Agenda for the meeting of the Inter Ministerial Group on IPR with particular references to WIPO to be held on 6th April, 2010

Item No.	Agenda	Basis/Document
1.	Note on stance proposed to be adopted for the forthcoming negotiations between India and EU and India and Japan on IPR issues	Note circulated vide O.M. No. 12/59/2005-IPR-VII dated 5 th April, 2010
2.	Negotiation in WIPO's Inter Governmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore	Brief on the issues under discussion enclosed
3.	Discussions in the Committee on Development and Intellectual Property	Brief on the issues under discussion enclosed