

Committee on Development and Intellectual Property (CDIP)

Fifteenth Session
Geneva, April 20 to 24, 2015

REPORT

adopted by the Committee

1. The fifteenth session of the CDIP was held from April 20 to 24, 2015.
2. The following States were represented: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bangladesh, Belarus, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Czech Republic, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Ethiopia, Fiji, France, Gabon, Germany, Greece, Guatemala, Honduras, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Latvia, Luxembourg, Madagascar, Malaysia, Malawi, Mali, Mexico, Monaco, Mozambique, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Kingdom, United States of America, Uruguay, Viet Nam, Zimbabwe (92).
3. The following intergovernmental organizations (IGOs) took part as observers: World Health Organization (WHO), World Trade Organization (WTO), South Centre, African Intellectual Property Organization (AIPO), United Nations Educational, Scientific and Cultural Organization (UNESCO), European Patent Organization (EPO), Eurasian Patent Organization (EAPO), Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC Patent Office), Organization of Islamic Cooperation (OIC), African Regional Intellectual Property Organization (ARIPO), African Union (AU) and European Union (EU) (12).

4. Representatives of the following non-governmental organizations (NGOs) took part as observers: *Agence pour la protection des programmes (APP)*, *Ankara University Research Center on Intellectual and Industrial Property Rights (FISAUM)*, *Asociación Argentina de Intérpretes (AADI)*, *Conseil national pour la promotion de la musique traditionnelle du Congo (CNPMT)*, Central and Eastern European Copyright Alliance (CEECA), Chamber of Commerce and Industry of the Russian Federation (CCIRF), *Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ)*, CropLife International, European Communities Trade Mark Association (ECTA), European Law Students' Association (ELSA International), Friends World Committee for Consultation (FWCC), Health and Environment Program (HEP), Innovation Insights, International Centre for Trade and Sustainable Development (ICTSD), International Literary and Artistic Association (ALAI), International Publishers Association (IPA), International Society for the Development of Intellectual Property (ADALPI), International Trademark Association (INTA), International Video Federation (IVF), Knowledge Ecology International Inc. (KEI), *Maloca Internationale*, Medicines Patent Pool Foundation, *Médecins sans frontières (MSF)*, Traditions pour Demain and World Women Inventors and Entrepreneurs Association (WWIEA) (24).

5. Ambassador Alberto D'Alotto, Permanent Representative of Argentina, chaired the session.

AGENDA ITEM 1: OPENING OF THE SESSION

6. The Director General welcomed delegates to the 15th session of the Committee on Development and Intellectual Property (CDIP). He noted the presence of many delegations, as a sign of the importance attached to the Committee's work. A significant number of agenda items were of great importance. First, his report which provided factual information on activities and projects that had occurred as well as the impact of the Development Agenda (DA) on various other areas of the Organization's work. Second, the WIPO General Assembly (GA) decision on CDIP-related matters. Third, the External Review of WIPO Technical Assistance in the Area of Cooperation for Development. Fourth, the continuation of the discussion on patent-related flexibilities in the multilateral legal framework. A report on two new flexibilities would be presented for consideration. Lastly, evaluation reports for two projects would also be presented. He noted that the agenda was rather full. The Director General turned to Agenda Item 2 on the Election of Officers.

AGENDA ITEM 2: ELECTION OF OFFICERS

7. The Delegation of Argentina, proposed the candidacy of Ambassador Alberto D'Alotto, Permanent Representative of Argentina, as Chair.

8. The Delegation of Nigeria, speaking on behalf of the African Group, proposed the candidacy of Ms. Ahlam Charikhi, Diplomatic Attaché, Permanent Mission of Algeria, as a Vice-Chair.

9. The Delegation of Japan, speaking on behalf of Group B, proposed the candidacy of Mr. Todd Reves, Attorney Advisor, Office of Policy and International Affairs, United States Patent and Trademark Office (USPTO), United States of America, as a Vice-Chair.

10. The Director General declared the election of Ambassador Alberto D'Alotto as Chair, and Ms. Ahlam Charikhi and Mr. Todd Reves as Vice-Chairs, given that there were no objections from the floor. He invited Ambassador D'Alotto to chair the session.

11. The Chair stated that he would use all his efforts to facilitate the negotiating processes

within the Committee with the assistance of the Secretariat. Throughout the years, the CDIP had engaged in implementing the 45 DA Recommendations. It contributed to a greater realization of developmental challenges and helped to build a development-oriented path within WIPO's decision-making bodies. The Committee also established its role as an open international forum for sharing valuable knowledge on IP and development. These achievements should be regarded as significant successes. However, it was important to recognize that the Committee's work had occasionally been considerably absorbed by certain issues. It had been counterproductive, not only for the Committee but also for other WIPO decision-making bodies. A collective effort was needed to find a way forward. In this regard, he called upon all delegations to engage with greater goodwill. Among the pending issues, the session would address the WIPO GA decision on CDIP-related matters and the External Review of WIPO Technical Assistance in the Area of Cooperation for Development. He would facilitate the negotiating processes and devote sufficient time to move forward on these matters. The schedule of work for the session was available on the documentation desk. He hoped the delegations agreed with the proposed distribution of work. The process for the preparation of the Summary by the Chair would remain the same. Following the conclusion of the discussion on an issue, a decision paragraph would be circulated by the Secretariat. The summary would be a compilation of those paragraphs only. It would be brief, factual and to the point. Therefore, delegations were requested not to introduce new elements that were not critically important. He wished the Committee a successful and productive session.

AGENDA ITEM 3: ADOPTION OF THE AGENDA

12. The Chair informed the Committee that the draft agenda (document CDIP/15/1 Prov. 3) was prepared based on the discussions during CDIP/14 and in accordance with Rule 5 of the WIPO General Rules of Procedure. The agenda was adopted given that there were no observations from the floor.

AGENDA ITEM 4: ADOPTION OF THE DRAFT REPORT OF FOURTEENTH SESSION OF THE CDIP

13. The Chair informed the Committee that the Secretariat had not received any comments on the report (document CDIP/14/13 Prov.). He invited the Committee to adopt the report. It was adopted, given that there were no objections from the floor.

AGENDA ITEM 5: GENERAL STATEMENTS

14. The Chair opened the floor for general statements. He encouraged delegations to provide written copies of their statements to the Secretariat for ease of inclusion in the report. Those unable to deliver statements but would like them to be reflected in the report could provide written statements to the Secretariat before the end of the session.

15. The Delegation of Pakistan, speaking on behalf of the Asia Pacific Group, was satisfied with progress made in the last session. The Committee had managed to resolve the thorny issue of finalizing the Terms of Reference (TOR) for the Independent Review of the Implementation of the DA Recommendations as well as the International Conference on IP and Development. However, the Committee should not be lulled into complacency. The impetus should be used to build and achieve progress on critical issues which were still outstanding. In this regard, speedy resolution of the GA decision on CDIP-related matters, including the coordination mechanism, was essential, especially with respect to the Program and Budget Committee (PBC) and the Committee on WIPO Standards (CWS). The Group hoped this matter would be resolved at the session. It would pave the way for the smooth functioning of

other WIPO Committees. Technical assistance was a very important area for all countries. The delivery of technical assistance needed to be efficient and coherent, and duplication should be avoided in order for it to be optimally effective. The Group hoped the discussion on the External Review of WIPO Technical Assistance in the Area of Cooperation for Development would bring uniformity, better organization and clarity to existing processes and practices. It was essential to identify loopholes and resolve them. The evaluation reports for projects approved by the Committee were important. However, there was a need to be cognizant of the fact that the implementation of the DA did not come to an immediate end when specific projects were completed. Follow-up measures must be taken to ensure continued growth. It was important to evaluate the gains achieved through projects, and more importantly, to identify areas where complementary and supplementary work was needed in order to continue work on the recommendations addressed. Therefore, the Group would like the Secretariat to present a compilation of such data and propose potential new activities for the consideration of Member States. Its members would make interventions during the discussions on specific agenda items. The Group looked forward to contributing to the discussions and hoped that the session would be productive.

16. The Delegation of Romania, speaking on behalf of the Central European and Baltic States (CEBS), made some general comments which underpinned its position on various agenda items. The CDIP was a forum dedicated specifically to discussions on development and IP. In this context, the debates were more project-based as the Committee was striving to identify ways and means to stimulate the use of IP as a tool for development as well as to improve WIPO's performance in fostering the development of countries. Irrespective of the focus of other WIPO committees, development remained an overarching concern for all Member States. The documents prepared by the Secretariat indicated that significant progress was achieved in the implementation of DA Recommendations. The Group was committed to supporting the continuation of this work by WIPO in the most efficient and effective way possible. CDIP-related matters should be discussed on an *ad hoc* basis. This would enable the Committee to implement the third pillar of its mandate in a flexible way. The Group would welcome a successful conclusion to the debate on CDIP-related matters and the implementation of the coordination mechanism at this session. That would allow the Committee to concentrate its future work on substantive issues. The factual report on the Expert Forum on International Technology Transfer provided a succinct yet comprehensive presentation of the ideas that were put forward during the event. The Group appreciated the quality of the speakers and the broad range of views expressed. It was aware of the challenges at this session, including finding constructive solutions for outstanding issues and addressing new topics. A compromise was reached on several items in the last session. The Group hoped that a positive spirit would again prevail in order for the session to be fruitful.

17. The Delegation of Japan, speaking on behalf of Group B, stated that the Committee had made good progress at the last session by sorting out some outstanding issues in a constructive, cooperative and forward-looking spirit. These included the TOR for the Independent Review of the Implementation of the DA Recommendations, the International Conference on IP and Development and the concept paper for the Project on IP and Technology Transfer: Common Challenges - Building Solutions. Based on the agreement at the last session, the Expert Forum on International Technology Transfer was successfully held in February. The spirit and atmosphere in the last session should be maintained at this session in order to tackle the remaining issues in a manner that could enable the Committee to contribute to the firm objectives of the Organization. The Group reiterated that IP was an essential tool for development. Member States should cooperate at the Committee with an aim to find effective ways to use that tool. The Group touched on some agenda items and reserved its right to further elaborate on each item. First, it welcomed the Director General's Report on Implementation of the DA. The report clearly indicated that relevant WIPO activities had been successfully implemented by relevant WIPO bodies, through which development considerations had formed an integral part of the Organization's work. Second, the Group appreciated the

Secretariat's work in organizing panel discussions that provided practical and on-the-ground perspectives during the Expert Forum on International Technology Transfer, and in preparing the factual report on the Forum. Third, the Group hoped for a mutually satisfactory resolution to the WIPO GA decision on CDIP-related matters, respecting the principle that the DA should be a supportive tool for the continued objective of the Organization and complement the work of other Committees. Fourth, WIPO had successfully conducted its technical assistance so far. It was further improved after the External Review of WIPO Technical Assistance in the Area of Cooperation for Development. Technical assistance should be continuously improved in terms of effectiveness and efficiency. At the same time, the expertise of the Secretariat should be exploited to the full extent by avoiding micromanagement. Lastly, the Group welcomed other topics to be discussed at this session, including a project evaluation report, a study and the revised proposal for a new project. Appropriate evaluation and reflection of lessons learned were essential components for the healthy operation of the Organization. The Group assured the Chair that he could count on the constructive spirit and support of its members during the session.

18. The Delegation of Argentina, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), reiterated its commitment to work constructively on the agenda items for this session. The Group referred to the Director General's Report on Implementation of the DA. The report aimed to provide Member States with an overview of WIPO's engagement in the implementation and mainstreaming of all DA Recommendations and their underlying principles throughout the Organization's framework and activities. This was of great importance. The CDIP oversaw the implementation of DA Recommendations. It was also a forum for discussing development-related IP issues. In this context, the Group highlighted the relevance of part 4 of the project on patent-related flexibilities in the multilateral legal framework and their legislative implementation at national and regional levels the latest study on patent-related flexibilities. It hoped that more of these projects could be approved. On the Project on IP and Technology Transfer: Common Challenges - Building Solutions, the Group believed that the Expert Forum on International Technology Transfer had provided an opportunity to exchange information on this topic. However, this was just a small step. The recommendations that may result from the discussions in the Committee were important. Therefore, the Group hoped for a fruitful debate based on the ideas put forward by experts but was not limited to those ideas. With regard to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development, the Group considered work undertaken by the Secretariat in three areas as a step in the right direction. These included the preparation of a manual on the delivery of technical assistance, examining the IP Technical Assistance Database (IP-TAD) to facilitate searching capabilities, and upgrading WIPO's website to serve as a more effective, accessible and up-to-date resource. It hoped further measures would be adopted in other areas mentioned in the report. The goals, costs and timeframes must be clearly defined in order for technical assistance activities to be optimized. It was essential for the Committee to continue discussions on the implementation of its mandate as well as the coordination mechanism in a constructive, objective and practical manner. The Group hoped that those discussions could be concluded during the session. That would avoid delaying the work of other Committees. Finally, the Group reiterated that the Secretariat should keep Member States fully informed on the implementation of the post-2015 DA within WIPO's work.

19. The Delegation of Nigeria, speaking on behalf the African Group, stated that within the realm of IP-driven growth, the work of the CDIP was a crucially supportive component of the development aspirations of Africa. The Committee was entrusted with making critical assessments of WIPO's work on the implementation of DA Recommendations as well as providing guidance on measurable and sustainable steps that promote participation and assist countries to benefit from the international IP framework. The Group acknowledged the varying levels of capacity-building activities and technical assistance projects undertaken by WIPO in African countries. It welcomed the decision to undertake an independent review of WIPO's implementation of DA Recommendations. It would help ensure that needs were being met. In

that review, the measurability of impact was an important area. The Group acknowledged some positive results in the implementation and mainstreaming of the DA Recommendations. However, it also emphasized shortcomings in mitigating critical gaps concerning access to knowledge, innovation support and technology transfer. These gaps, if they were not so, would have been instrumental in ensuring a truly transformative outcome to many WIPO projects. It looked forward to discussions on the External Review of WIPO Technical Assistance in the Area of Cooperation for Development. The Group recalled its joint proposal with the Development Agenda Group (DAG). The objective was to ensure that the goals of the DA Recommendations were measurably embodied in WIPO's committees and other engagements. It also looked forward to discussions on the outcome of the Expert Forum on International Technology Transfer. The outcome "expert thoughts" did not adequately reflect the ideas that emanated from the analytical studies and the Forum itself. A structured widening of the participatory field for all forms of knowledge and for developing countries was necessary. Knowledge and a critical mass of its embodiment were not only the most reliable form of capital but also the most sustainable survival tool. The development aspect of WIPO's norm setting committees could not be overlooked in this regard. The Standing Committee on the Law of Patents (SCP) was weighed down by an insurmountable unwillingness to rearrange the patent system and make it more responsive to the needs of developing countries. The Standing Committee on the Law of Trademarks (SCT), and in particular, the Design Law Treaty, had found itself shuddering at the idea that developing countries wished to ensure inclusiveness through provisions that acknowledged the different levels of development and protected against the misappropriation of certain forms of knowledge and assets. The Standing Committee on Copyright and Related Rights (SCCR) had witnessed an eroding commitment to text-based negotiations that would facilitate access to information and knowledge to allow full enjoyment of the educational, cultural, technological and political life that was facilitated by access to scientific and artistic works. Resistance and the lack of political will to make necessary adjustments was no more felt than in the Intergovernmental Committee on IP and Genetic Resources, Traditional Knowledge and Folklore (IGC). Disagreements had caused the collapse of work in that Committee. This was particularly unfortunate in view of DA Recommendation 18 on the protection of genetic resources, traditional knowledge (TK) and traditional cultural expressions (TCEs). Nevertheless, the Group prioritized IGC negotiations on a multilateral regime for protecting the economic and cultural assets of indigenous and local communities. The Group had carefully thought about whether a new methodology or institutional change could assist in advancing IGC negotiations. It called for the transformation of the IGC process into a WIPO standing Committee. This would allow Member States to focus on substance as well as provide time to reflect and consult on the issues. The Group looked forward to engaging Member States on this initiative over the next few months and hoped it could count on their support. It remained concerned about the state of implementation of the 2010 GA decision on coordination mechanisms. The Group reiterated its request for this obligation to be fulfilled by the PBC and the CWS. Similarly, it took note of the 2007 GA decision which mandated the CDIP to discuss IP and development-related issues. Efforts to introduce a standing agenda item to this effect were met with strong resistance from some Member States. The vital role of IP as a tool for addressing global challenges was not in doubt. The DA Recommendations were the outcome of a well thought out and informed process that enjoyed the support and participation of all Member States. Therefore, the Group urged all Member States to renew their commitment to these ideals. It would speak on the agenda items highlighted in this statement and looked forward to constructive discussions during the session.

20. The Delegation of China stated that WIPO had made tremendous efforts to mainstream the DA into its activities. The results framework of the Organization provided estimations of development share by result. This was helpful. The Member States had approved 30 projects, implementing 33 DA Recommendations. Fruitful results were achieved in the implementation of the DA due to the efforts of the Organization and its Member States. The UN was celebrating its 70th anniversary and the post-2015 DA would soon be established. As a specialized agency of the UN, WIPO should also contribute to the post-2015 DA. The Delegation referred to the

agenda for this session and stated that a lot of work would be required. It hoped that the constructive and cooperative spirit demonstrated by delegations in the last session would continue to prevail at this session. It would actively work with all other delegations under the guidance of the Chair during the session.

21. The Delegation of Latvia, speaking on behalf the European Union (EU) and its Member States, recalled that in the last session, the Committee reached agreement on two long-standing issues, the TOR for the Independent Review of the Implementation of the DA Recommendations and the International Conference on IP and Development. The EU and its Member States were firmly committed to continue working in a positive and cooperative manner on important matters on the agenda. They hoped that the Committee could draw on the spirit of last November. On future work, they stood ready to constructively discuss possible ways to improve the work of the Committee for the benefit of all delegations.

22. The Delegation of Iran (Islamic Republic of) associated itself with the statement made by the Delegation of Pakistan on behalf of the Asia Pacific Group. It noted that the Director General's Report on Implementation of the DA in 2014 aimed to provide Member States with an overview of WIPO's engagement in the implementation and mainstreaming of all DA Recommendations and their underlying principles throughout the Organization's framework and activities. The Delegation stated that the CDIP should discuss and evaluate the report as well as other CDIP reports taking into consideration the mandate and objectives that were defined for the Committee when it was established. The CDIP was guided by its *raison d'être*, namely, mainstreaming development into all WIPO activities and making development an integral part of the Organization's work. The CDIP had found its role as an important Committee within the Organization as a result of its rigorous dedication to the implementation of the 45 DA Recommendations. All WIPO organs and bodies should take due account of those Recommendations in their activities, particularly in respect of policy-making decisions. A clear understanding was needed on the overall purposes of WIPO's development cooperation activities and the conceptual framework of development-oriented assistance. The DA should not be seen as a time-bound project but rather as a process which must be constantly mainstreamed into all WIPO's activities and Committees. In other words, it was an ongoing work in progress which ultimately could and should entail a paradigm shift in the activities of the Organization for the benefit of all countries. Hence, there was still a long way to go in order to fully implement the DA and its Recommendations. The establishment of the coordination mechanism was a good example of a positive step even though it was not yet implemented by all Committees. The coordination mechanism was necessary to eliminate duplication of work among the Committees in the area of development activities. On norm-setting, the Delegation stated that the CDIP was a body that should crystallize the right to development through exploring ways to employ IP as a means to serve development objectives, including through utilizing flexibilities in international IP agreements, enlarging the public domain and aligning IP laws with efforts to protect TCEs, TK and genetic resources. The third pillar of the Committee's mandate was important. It was regrettable that some countries had rejected the proposal to introduce a new CDIP agenda item in order to allow discussions on the important linkages between IP and development. Despite these shortcomings, the achievements in WIPO should not be undermined. All parties should continue to demonstrate commitment and political will in order to consolidate and build on what had been achieved and to address existing shortcomings. The Delegation remained committed to engaging constructively in the forthcoming discussions in the CDIP and looked forward to substantive progress in the Committee.

23. The Delegation of Brazil stated that the CDIP was one of the most important bodies in the Organization. It had the fundamental role of monitoring, assessing, discussing and reporting on the implementation of the 45 DA Recommendations. Although good progress was made since its adoption, the implementation of the DA remained a work in progress. The work was not exhausted with the conclusion of specific projects. The Committee was responsible for ensuring

that the Organization kept heading in that direction. However, the role of the CDIP was not limited to that. It was also the predominant forum for discussing development-related IP issues. If delegations were to adhere to their commitment to ensure that development served as a beacon for guiding work in all areas of the Organization, discussions on how to promote this paradigm shift should take place within the CDIP. The realization of projects should be seen in this context. The DA projects covered several areas of the IP system. They should continue to be important instruments for assisting in the Committee's debates. There were still many other areas to be examined. The yardstick to assess the effectiveness of the Committee should be its capacity to achieve the broader objectives behind its creation. The Delegation turned to the agenda for the session. It looked forward to the presentation of part IV of the Project on Patent-Related Flexibilities in the Multilateral Legal Framework and their Legislative Implementation at National and Regional Levels. Flexibilities were essential to provide the required balance in any IP system and the analysis of their use by some countries could assist policymakers in other countries. On the report for the Expert Forum on International Technology Transfer, the Delegation recalled that the Forum was just one of the steps in a wider project. Ultimately, Member States had the final say in respect of the pertinence of the inputs from all the activities of the project after these were discussed in the Committee. The Delegation hoped for a constructive exchange of ideas on this subject which was of relevance to developing countries and Least Developed Countries (LDCs).

24. The Delegation of Sri Lanka aligned itself with the statement made by the Delegation of Pakistan on behalf of the Asia Pacific Group. The CDIP was mandated to coordinate, promote and monitor the implementation of the DA as a whole. In this context, the Committee dealt with issues which were of critical importance to Member States and the Organization. Although it was necessary to develop substantive discussions on specific areas of interest in realizing this objective, it was also important to maintain a holistic approach in order to ensure that the IP system was more inclusive and development-oriented. During its previous session, the Committee had managed to resolve some of the longstanding issues on its agenda. In this regard, the Delegation welcomed the progress achieved in the finalization of the TOR for the Independent Review of the Implementation of the DA Recommendations which would help the Committee to enhance the quality of its work. The Delegation also took note of the Committee's constructive engagement in finalizing the list of speakers for the International Conference on IP and Development which would be held in the near future. In view of the progress made in these areas, the session would be able to focus on other pending issues such as the discussion on the implementation of the relevant recommendations of the External Review of WIPO Technical Assistance in the Area of Cooperation for Development which would bring uniformity, better organization and clarity to existing processes and practices. As a founding member and current Chair of the G15, Sri Lanka believed that South-South cooperation should be a tool for developing important and strategic partnerships which could play an important role in achieving the objectives outlined in the DA Recommendations in promoting sustainable development. Against this background, the Delegation welcomed the decision made in CDIP/13 to extend for one year, the duration of the WIPO Project on Enhancing South-South Cooperation on IP and Development among Developing Countries and LDCs. It hoped that the project would further strengthen the institutional capacity of national IP systems in developing countries and LDCs in addressing the specific challenges faced by them. Sri Lanka recognized the importance of IP as an important tool for technological advancement and socio-economic development. Therefore, the government was currently in the process of integrating IP into its national policy formulation, with special emphasis on innovation, science and technology and creativity as means of economic development and empowerment. In this context, it appreciated the cooperation extended by WIPO, in particular the Director General, in developing and supporting the implementation of a 10-Point Action plan, which could serve as a model for countries similarly placed as Sri Lanka. Under the plan, the National IP Office of Sri Lanka had already established three Technology and Innovation Support Centers (TISCs) that would facilitate access to a world-wide database of patents for retrieving technological information. The second phase of an online Patent Drafting Program, which was aimed at enhancing the knowledge of IP

stakeholders commenced last year. In addition, based on a roadmap provided by WIPO, the government would soon be setting up a coordinating Committee to ensure the effective integration of IP into the formulation of the national innovation policy. This was consistent with the government's policy to orient the country towards a knowledge and innovation economy. Further development activities were earmarked to be implemented within the next three years under the 10 Point Action Plan, including an innovation index; implementing a national strategy on building respect for IP with an objective to empower law enforcement agencies and enhance greater awareness among all sectors, including students and the youth; organizing effective programs to uplift and strengthen Collective Management Societies (CMOs) in order to protect the rights of artists and creative industries, including film industry professionals; preparing a policy frame work for the protection of TK, genetic resources, folklore and TCEs; incorporating certain amendments to the national IP law for the protection of geographical indications (GIs); and a voluntary depository system for copyright. Limitations and exceptions would be proposed for amending the national copyright law to facilitate access to published work for persons who were blind, visually impaired or print disabled. This would be done prior to ratifying the Marrakesh Treaty. Amendments to the IP Act No.36 of 2003 which aim to facilitate the registration of GIs in Sri Lanka as well as to safeguard the interests of producers and exports of Ceylon Tea and Ceylon Cinnamon were recently approved by the Cabinet of Ministers. In addition, the Coordinating Secretariat for Science, Technology and Innovation (COSTI) would soon launch an on-line innovation dashboard on Sri Lanka's scientific landscape. It would encompass Sri Lankan patents, publications and resources as well as provide interested parties with a bird's eye view of innovation in the country. The government was confident that the initiative would help spur knowledge-based development and strengthen links with the international community. The Delegation took note of the Director General's Report on Implementation of the DA Recommendations. It looked forward to fruitful deliberations during the session and would contribute to the discussions in a constructive spirit.

25. The Delegation of South Africa aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group. It welcomed the report by the Director General and the work undertaken by the Organization in implementing the various DA Recommendations. Innovation and creativity was increasingly important in the interconnected global economic system. This was because they had become the conduit through which interconnected economic systems could grow and sustain themselves. There was a need to engage in meaningful partnerships that provide the basis for innovation networks through which mutual interests in the common challenges facing humanity could be addressed, creativity and innovation properly rewarded, and their results could be fairly shared by people around the world. The CDIP seemed to recognize this fact and rightly decided to keep pace with this interconnected world. On the Project on IP and Technology Transfer: Common Challenges - Building Solutions, the Delegation stated that it would like the recommendations from this project to be implemented as envisaged in Article 10 of the Agreement Between the UN and WIPO. The Delegation was greatly concerned that agreement had not been reached on the full implementation of the coordination mechanism, especially with regard to the PBC and the CWS. The resolution of this issue would enable the Committee to focus on its substantive work. It was also concerned at the lack of agreement with regard to the implementation of the recommendations of the External Review of WIPO Technical Assistance in the Area of Cooperation for Development and the third pillar of the CDIP's mandate which was to discuss the interface between IP and development. The Delegation hoped that the International Conference on IP and Development would give a new impetus to these issues which deserved the Committee's urgent attention. Far too often, the Committee had failed to enforce decisions when it was convenient to do so. It was certainly not a matter of charity but a necessary investment. The success of the Committee's work and, by extension, the IP and global economic systems in general, depended upon a global partnership for development that could meet the diversity of national circumstances and local needs.

26. The Delegation of the Republic of Korea stated that the CDIP had made good progress in

implementing the DA Recommendations in the last few years. The Delegation provided some thoughts and opinions on what had been accomplished thus far. First, in today's knowledge-based economy, IP was a driving force for nations and one of the biggest factors in determining their competitiveness. Therefore, the Delegation understood the importance of implementing IP-related projects to promote sustainable and balanced growth among developing countries and LDCs. It was also necessary to increase public awareness of IP strategies if these projects were to be carried out successfully. The implementation of the DA did not end when specific projects were completed. Follow-up measures must be taken to ensure future sustainable growth. Second, when implementing CDIP projects, the outcomes should be maximized by initiating follow-up measures to ensure sustainable development within beneficiary countries. A strong partnership between Member States and the Secretariat would allow for the attainment of WIPO's goal of mutually beneficial cooperation and development, thereby improving the socio-economic circumstances of a given population and assisting LDCs. Projects such as capacity-building in the use of appropriate technology spoke volumes in this regard. The Republic of Korea recognized the importance of the nexus between IP and development. It strove to promote global awareness of IP utilized technology. For example, it would follow up on the APEC-KIPO Conference on Appropriate Technology and Strategic IP Utilization for Sustainable Development which was held in Seoul last July. In response to requests from Member States, a WIPO-KIPO Grand Symposium on Appropriate Technology would be held in Seoul on April 29th and 30th. This was part of its continuous efforts to assist LDCs to more effectively access and utilize patent information. Third, the Delegation encouraged a balanced and constructive approach to discussions on projects related to cooperation for development as a further way to maximizing outcomes. WIPO and its Member States should share best practices and experiences in order to ensure quality in the delivery of projects. The Delegation looked forward to constructive discussions during the session.

27. The Delegation of Nigeria aligned itself with the statement it delivered on behalf of the African Group. It recognized the fundamental role of IP in national growth and development as well as the Committee's mandate to support the actualization of that potential. The DA Recommendations embodied a process that was adopted by consensus in 2007 in recognition of the existing process and capacity gaps between developed and developing countries. The objective was to correct this imbalance and ensure a more inclusive and competitive international IP landscape. The CDIP offered an opportunity to conduct a holistic assessment of WIPO's implementation of the DA Recommendations and its impact in developing countries. The Delegation hoped for frank and constructive discussions during the session. It looked forward to holding discussions related to enhancing the methodology for WIPO's provision of technical assistance; implementation of DA Recommendations; enhancing access to knowledge and information; and technology transfer. It also hoped that the session would address the issue of mainstreaming DA reporting into the PBC and the CWS. The Delegation looked forward to a productive week.

28. The Delegation of Mexico aligned itself with the statement made by the Delegation of Argentina on behalf of GRULAC. There had been various projects which supported capacity building and intellectual exchange. It was necessary for Member States and the Secretariat to take into account the findings and recommendations in the evaluation reports as well as the lessons learned in the implementation of projects. There should also be appropriate follow-up activities. All sectors involved should make better use of the tools created within the Committee in order to contribute to the use of IP as a tool for development. It was necessary to improve the methodology for developing projects, including objectives, costs and timeframes. The resources approved for each project should be efficiently utilized. The effectiveness as well as short, medium and long term impact of a project should also be assessed.

29. The Delegation of Ghana aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group. It welcomed the report by the Director General on the implementation of the DA. The potential for development was extremely wide. Targeted efforts

were required to harvest that potential with the support of WIPO and all Member States. The Delegation was not happy with the collapse of the IGC's work on genetic resources, TK and TCEs. Therefore, it supported the request made by the Delegation of Nigeria on behalf of the African Group for the IGC's work to be reinstated and the Committee transformed into a standing Committee in order to continue building on the work done over the years. There was a need to work together to improve access to technology and knowledge by the developing world. WIPO was a very important body. It was relevant to development and the alleviation of poverty in the developing world. In that regard, the Delegation referred to the Expert Forum on International Technology Transfer. Some thoughts from the Forum were submitted to the Committee for consideration. The Delegation encouraged all Member States to endeavor to contribute to promoting access to technology and knowledge, particularly in relation to sustainable development. The MDGs were coming to a close and the era of the SDGs was about to begin. This era presented an opportunity to alleviate poverty across the world and promote a world worth living in. Water, land, climate and air quality must remain supportive of living species while the world sought to alleviate poverty and enhance the living standards of all. Technology was the way forward if these objectives were to be realized. Therefore, the Delegation requested all Member States to increase their efforts to share new and available technologies in the common interest of humanity.

30. The Delegation of Chile aligned itself with the statement made by the Delegation of Argentina on behalf of GRULAC. The CDIP was an important Committee. This was one of the committees in which the political and policy dimensions of IP could be fully discussed among Member States. The DA Recommendations were fundamental tools for promoting the development of countries through the Organization's work and for defining internal policies for each country. The Delegation hoped to actively participate in the discussions during the session and assured the Chair of its support.

31. The Delegation of Greece aligned itself with the statements made by the delegations of Japan and Latvia on behalf of Group B and the EU and its Member States respectively. The last session of CDIP demonstrated how good results could be achieved when the spirit of cooperation prevailed. Despite the challenges, the Committee managed to reach agreement on the International Conference on IP and Development as well as the TOR for the Independent Review of the Implementation of the DA Recommendations. Equally noteworthy were the constructive exchanges and useful presentations during the Expert Forum on International Technology Transfer in February. Important issues such as the GA decision on CDIP-related matters required careful examination. The Delegation was confident that the Committee could constructively discuss and reach agreement on these issues for the benefit of all delegations during the session.

32. The Delegation of Zimbabwe aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group. The adoption of the DA and the full implementation of its 45 Recommendations remained an important step in achieving the aspirations of developing countries for an international IP system that responded to their needs. The Delegation attached great importance to the mainstreaming of the DA into the activities of all WIPO Committees and how these could be integrated into national economies, especially developing countries and LDCs. The fact that it was agreed that all WIPO Committees stood on an equal footing gave a glimmer of hope that these issues could be addressed. Technical assistance was a critical element for development. Therefore, it should be development-oriented, demand driven and transparent, taking into account the priorities and special needs of developing countries and LDCs. As a way forward, it would be desirable for the Committee to base its discussions on the External Review on WIPO Technical Assistance in the Area of Cooperation for Development on the joint proposal tabled by the African Group and DAG. The Delegation appreciated the technical assistance rendered to its country, specifically in the areas of formulating and reviewing national legislation on IP issues and the development of human resources. However, it looked forward to the development of projects and programs that were visible, sustainable and

allowed for value addition and beneficiation. Zimbabwe and Africa as a whole had abundant and diverse natural resources with the potential to contribute to economic growth. In this context, assistance was required in terms of technology transfer, infrastructure, investment and legal advice on IP matters. The application and implementation of patent-related flexibilities with respect to health issues and copyright remained a challenge not only for Zimbabwe but for most developing countries. Therefore, the Delegation requested Member States and the Secretariat to seriously engage in a constructive and effective dialogue on a clear and balanced roadmap towards a development-oriented, inclusive and sustainable framework for development for the benefit of all Member States. The Delegation stood ready to discuss and reach consensus on all substantive issues on the agenda, including substantive recommendations for consideration by the GA in October.

33. The Delegation of Congo supported the statement made by the Delegation of Nigeria on behalf of the African Group. It noted that the Director General's Report on the Implementation of the DA for 2014 aimed to provide Member States with an overview of WIPO's engagement in the implementation and mainstreaming of all DA Recommendations and their underlying principles throughout the Organization's framework and activities. It also noted that the Organization continued to deliver legislative assistance to Member States throughout the year. The Delegation informed the Committee that the Secretariat was assisting Congo to formulate a national strategy to promote respect for IP in all areas. With regard to patent-related flexibilities, the Delegation stated that it was interested to look into the flexibility to apply or not to apply, criminal sanctions in patent enforcement and measures related to security which may result in a limitation of patent rights. Another area of interest was the use of flexibilities in relation to public health. The Delegation was satisfied with the Director General's report and urged the Organization to continue with its efforts.

34. The Delegation of Djibouti supported the statement made by the Delegation of Nigeria on behalf of the African Group. The adoption of the DA by the GA in 2007 was a milestone in achieving the aspirations of developing countries. The Delegation referred to the Director General's Report on the implementation of the DA and noted that most of the recommendations were being implemented. However, it wondered at the extent to which the implemented projects met their intended objectives, and whether the implementation of the recommendations had captured their intent, vision, and spirit. In this regard, the Delegation welcomed the decision to undertake an Independent Review of the Implementation of the DA Recommendations. It looked forward to discussing the findings of the Independent Review. The Delegation supported the request made by the Delegation of Nigeria on behalf of the African Group with regard to the IGC. It was committed to work constructively on all issues during the session.

35. The Delegation of Algeria supported the statement made by the Delegation of Nigeria on behalf of the African Group. The CDIP was an important Committee because it was mandated to implement the 45 DA Recommendations, and provided a platform to discuss issues related to IP and development. The latter was increasingly necessary as a lot of creativity and innovation was currently taking place. However, instead of providing a forum for discussing and integrating development-related issues, the CDIP was becoming a platform that flattened the differences between countries in terms of development and IP. These differences could be reflected in the various disagreements within the Committee. Some issues were still pending after several years. The issues included the coordination mechanism, implementation of the third pillar of the CDIP's mandate and the External Review on WIPO Technical Assistance in the Area of Cooperation for Development. These issues were mentioned by the Delegation of Nigeria. There were also other issues that required attention during this session. With regard to the Expert Forum on International Technology Transfer, the Delegation hoped that the CDIP would go beyond the recommendations of the Forum as they were too limited. Algeria was in the process of establishing a bureau for technology transfer with the support of WIPO. The Delegation hoped that the Committee's recommendations on technology transfer would help to

support those efforts. Although the Delegation recognized the progress achieved by the CDIP, it hoped that the Committee would be able to improve in terms of its ability to move forward, and to go deeper into the issues to the satisfaction of all its members.

36. The Delegation of Jordan stated that IP was an important tool for development in its country and the Arab world. In these difficult times, this required due attention being given to its youth and enhancing their capacity to innovate. It appreciated all forms of technical assistance provided by WIPO and looked forward to more in the interest of its national goals. The Delegation looked forward to constructive discussions during the session.

AGENDA ITEM 6: MONITOR, ASSESS, DISCUSS, REPORT ON THE IMPLEMENTATION OF ALL DEVELOPMENT AGENDA RECOMMENDATIONS

Consideration of document CDIP/15/2 - Director General's Report on Implementation of the Development Agenda

37. The Chair invited the Director General to present his report.

38. The Director General provided an overview of his report. It was his sixth annual report to the CDIP. The report was divided into two parts and three annexes. Part I outlined key highlights in the implementation and mainstreaming of the DA into WIPO's regular program activities and its various bodies. Part II focused on key developments in the implementation of DA projects. Annex I provided an overview of the status of implementation of the DA Recommendations; Annex II listed the completed and evaluated projects, together with key recommendations made by external evaluators, and Annex III gave an overview of the DA projects under implementation in 2014. By the end of 2014, Member States had approved 30 projects, implementing 33 DA Recommendations. The financial resources allocated to-date for the implementation of these projects amounted to 27,804,792 Swiss francs. 22 of the projects had been completed and evaluated. At the end of 2014, eight projects were still under implementation. The projects covered a broad range of areas. Many dealt with capacity building, including with respect to the establishment of TISCs and start-up IP academies. They also dealt with access to technological information disclosed through the patent system as well as special programs that WIPO ran in cooperation with private entities to improve access to scientific and technological information, notably the Access to Research and Development for Innovation (ARDI) and Access to Specialized Patent Information (ASPI) programs. In addition, they were responsible for shepherding a number of patent landscape reports (PLRs) which gave a picture, through the patent system, of the evolution and deployment of technology with respect to specific areas. The projects also dealt with the development of a better understanding of the relationship between IP and its socio-economic context, particularly through some of the studies that were prepared under the guidance of the Chief Economist's office. There were several analytical studies dealing particularly with development and the impact of IP with respect to development. Lastly, a relatively new area for the projects was the role of IP with respect to the management of creative industries, in particular, the audiovisual sector in African countries. Separately, the report sought to highlight the technical and legislative assistance provided to Member States through the Secretariat. The assistance covered a vast area. Technical assistance was provided to IP offices in developing countries and LDCs as well as in the design, development and implementation of national IP strategies. The technical and legislative assistance benefitted from the development of two specialized databases, namely, IP-TAD and the Roster of Consultants (ROC), to help improve transparency with respect to WIPO's technical assistance. They had been regularly updated. South-South functionalities were developed and introduced in IP-TAD. Technical and legal legislative assistance also covered small and medium enterprises (SMEs) and their challenges with respect to access and utilization of the IP system. The Secretariat also continued to provide, upon request, legislative assistance to developing countries and LDCs. The report also covered

the area of flexibilities in the IP system, in particular, those included in the TRIPS Agreement. A substantive document was produced by the Secretariat and discussed by the Committee with respect to two flexibilities. A further document on two other flexibilities was also prepared and would be discussed during the session. The report also included highlights of WIPO's cooperation with other UN agencies and inter-governmental organizations (IGOs). This was an area where Member States were interested in receiving further information. Regular reporting was provided in this regard. WIPO had participated in the full panoply of processes that were underway in the multilateral system that had an impact on IP or in respect of which IP had an impact. The Secretariat participated in the work of the MDG Gap Task Force, as requested by the CDIP. It also participated in the Open Working Group on SDGs and other processes related to the post-2015 DA. The Organization also continued its cooperation with the World Health Organization (WHO) and the World Trade Organization (WTO) on a tripartite basis to look into the area of access to medical technologies and health from the different perspectives of trade, IP and health. A meeting would be convened later in the year to discuss a specific theme. The Director Generals of the three would participate in the meeting. The Organization also continued to engage with the United Nations Economic and Social Council (ECOSOC). Innovation featured prominently on the agenda of ECOSOC in 2013. WIPO, principally through its global innovation index, featured prominently in that session of ECOSOC. The Organization would continue to participate this year. Various other activities were also taking place with respect to the World Summit on the Information Society (WSIS) for which a meeting would again take place in the near future. Separately, considerable progress continued to be made with regard to the impact of the DA Recommendations on efficiency, competencies and integrity within the International Bureau and the Secretariat. A Code of Ethics was adopted. Extensive training took place for all staff members. It was one of the first exercises in which large-scale training for every person in the Organization was deployed. The first Policy on Gender Equality, which included both gender mainstreaming in programs and gender equality within WIPO's workplace was adopted in 2014. There were specific targets with respect to achieving gender parity across all grades and levels in the Organization. The same applied to geographical diversity, an issue which would be revisited in the context of the GA later in the year. Some progress was made in that regard. Progress was not rapid due to the staff attrition rate of around 2% to 2.5%. Nevertheless, the number of nationalities represented in the International Bureau had been increased in the last six years. Efforts would continue in order to achieve a greater equitable balance in geographical diversity in terms of representation in the Secretariat. The Director General then made some concluding remarks. Six years ago, Member States and the Secretariat were faced with the question of what to do about the 45 DA Recommendations. He believed a great deal had been achieved since then and more could be achieved in the future. A major element in respect of which progress was made concerned mainstreaming. Member States had expressed a desire for development to affect all WIPO programs and there should be a reflex on the part of the Secretariat to consider the development dimension. The Director General believed this had been achieved although further progress could be made. The Secretariat was conscious of the need to take the DA into consideration in the implementation of all the Organization's programs and activities. As far as the future was concerned, the Director General reiterated that this was his sixth annual report on the implementation of the DA. He had also earlier noted that this was the 15th session of the CDIP. He believed that one of the questions Member States could consider in the coming months and years was the place of the DA in the Organization in the future. It was not an easy question, but there were two exercises that would help in that regard. One was the independent review of the Development Agenda Implementation that was getting underway and the other was the International Conference on IP and Development that would take place in the future. He believed both would assist Member States in their collective reflection. He urged Member States to adopt, as much as possible, a scientific and non-political approach to these questions. IP was increasingly central to the economic strategies of all countries around the world. Innovation and the creative industries were important sources of wealth generation. They were extremely important for achieving competitiveness in a highly competitive globalized economy. IP played a very central and important role in that regard. When considering the role of IP and

how it could best contribute to economic and social development, a scientific approach which allowed all parties to look at the facts and see what had happened would ensure that there could be a constructive and practical agenda for the Organization.

39. The Delegation of Japan, speaking on behalf of Group B, welcomed the comprehensiveness of the report. It described key highlights in the implementation of the DA into WIPO's regular program activities and its relevant bodies. The report also described key developments in the implementation of DA projects. This report, as well as the last report presented at CDIP/13, clearly indicated that the DA continued to be successfully implemented in the relevant activities of WIPO through the implementation of the respective DA Recommendations. The Organization should continue to lead the development of a balanced and effective international IP system that enabled innovation and creativity for the benefit for all, respecting its overarching objective, namely, the promotion of IP, and noting that development considerations were an integral part of WIPO's work in order to enable Member States to use IP as a positive development tool.

40. The Delegation of Latvia, speaking on behalf of the EU and its Member States, noted that the report provided a comprehensive overview of the activities and projects undertaken by WIPO in implementing the DA Recommendations. They shared the conclusion of the report that the work undertaken by WIPO in implementing the DA had become a core part of its activities in the last six years. They welcomed the efforts made by the Director General and his staff to achieve the goals set out by Member States. By the end of 2014, 30 projects had been approved, implementing 33 DA Recommendations. 22 of them had been completed and evaluated. Eight projects were currently under implementation. These figures underlined WIPO's strong commitment to give real and tangible effect to the DA Recommendations. The EU and its Member States looked toward future reports from the Director General on this matter in order to allow for effective monitoring of WIPO's actions in implementing the DA.

41. The Delegation of Argentina associated itself with the statement made on behalf of GRULAC. The Delegation noted that the report provided an overview of progress achieved in the implementation and mainstreaming of the DA Recommendations throughout the Organization's framework and activities. It also noted that 30 projects had been approved by the end of 2014. Last year, Argentina was selected as one of the countries for the implementation of the Pilot Project on IP and Design Management for Business Development in Developing Countries and LDCs. The project was approved during CDIP/12 and implementation began in May 2014. The project was very important for Argentina. Last April, the Minister of Industry initiated a program to enable SMEs in specific sectors to receive guidance on the protection of their designs as well as assistance in the application process for protecting their designs. 43 SMEs in sectors such as furniture, decoration, lighting and machinery were selected to take part in the program. The program had two objectives. It aimed to contribute to the commercial development of SMEs through utilizing the protection mechanisms for designs and to develop national institutional capacities for IP.

42. The Delegation of Nigeria, speaking on behalf of the African Group, noted that the report provided an overview of steps taken by WIPO to incorporate development as an integral part of WIPO's programs, activities and bodies. The Group restated its concern at the lack of full implementation of the 2010 GA decision on the coordination mechanism in the PBC and the CWS. The lack of commitment to enhance the mechanism through which Member States assessed and evaluated implementation of the DA Recommendations left a gap in efficient reporting and evaluation of the implementation and mainstreaming of the DA Recommendations in WIPO. The Director General's report was silent on this particular matter. The Group urged him to personally engage with Member States on this issue. The Group welcomed the various supporting frameworks developed by WIPO to provide information resources to interested stakeholders from developing countries, including the availability of the WIPO Academy's dedicated catalogue of courses in all UN languages. This would attract a wider reach of

beneficiaries from developing countries. The Group also referred to the holding of assisted learning and training activities to support SMEs as well as the provision of support in the development of national IP strategies and policies. WIPO appeared to address flexibilities in the international IP system as a response to requests or decisions by Member States. The Group urged the Organization to play a more visible role in all initiatives to promote the use of flexibilities in the IP system, especially in developing countries and LDCs. The Group made some requests based on the contents of the report. The document stated that WIPO's SMEs-related programs and activities contributed to strengthening national/regional capacity for protection of domestic creations, innovations and inventions. It was in the process of preparing a guidance document entitled "Innovating for Success – Promoting the Use of IP by SMEs". The Group would like more information on this activity. It would also like an independent evaluation of WIPO's assistance to developing countries and LDCs with respect to the advice given to them on their national strategies, demand-driven legislative assistance and the adoption and strengthening of national and regional frameworks. The Group encouraged WIPO to recognize the need for an open consultative process on its involvement in the UN Open Working Group on SDGs and other processes related to the post-2015 DA. The Group also requested WIPO to develop a factual report on its contributions to issues of relevance to the promotion of development and the transfer of technology. It noted the adoption of WIPO's first Policy on Gender Equality, which included both gender mainstreaming in programs and gender equality within WIPO's workplace. The Group urged for the same level of commitment in ensuring geographical balance in WIPO's workforce. It encouraged WIPO to explore other means for ensuring the widest possible mechanism for disseminating information on the Organization's vacancies. WIPO could consider sending vacancy notices to permanent missions for transmission to their capitals as well as making the same information available to national IP offices. The Group encouraged WIPO to intensify its work on identifying partners and extra-budgetary financial support to boost its development programs and projects as well as to provide more detailed information on projects to allow for more precision on the efficacy of each project. Lastly, the Group urged WIPO to continue to strengthen its efforts on important steps already taken.

43. The Delegation of the United States of America stated that the report demonstrated WIPO's commitment to the DA Recommendations. WIPO had made great progress in implementing the DA Recommendations. Although the Delegation may have some concerns about the efficiency and sustainability of some WIPO activities for implementing the Recommendations, its overall impression was that the activities had a significant impact on IP and development in the countries where they had been carried out. The Delegation referred to the Project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. In 2014, workshops were held in Kenya, Burkina Faso and Senegal, each with approximately 50 participants. Projects such as this encouraged the use of IP to advance development. The Committee should consider taking these up on a larger scale. There were many other sectors that could benefit from such activity. Finally, the Delegation was concerned with the section in the report that detailed work undertaken by the WIPO Academy on training courses designed to specifically focus on strengthening capacity in the areas of policy-making and negotiation with a view to creating balanced IP systems capable of fostering and promoting development. It was one thing to build development components into WIPO Academy programs, but it was something entirely different to design and deliver programs on policy-making and negotiations geared towards a perceived imbalance in the IP system. It would like to learn more about these courses from the Secretariat. The Delegation looked forward to future reports from the Director General.

44. The Delegation of Mexico noted that the Program and Budget for 2014-2015 gave considerable attention to development. WIPO continued to undertake various development-related activities in the period under review. The Delegation noted the assistance provided to developing countries and LDCs with regard to the formulation and implementation of national IP strategies that were consistent with their overall development plans. It also noted the capacity

building activities undertaken by the WIPO Academy to support developing countries and LDCs. In addition, the Delegation noted the work undertaken in relation to the mainstreaming of the DA into other WIPO Committees such as the IGC, SCT and SCP. The Delegation urged the beneficiaries of DA projects to continue implementing and using the results obtained from the respective projects. It was important to continue monitoring projects and to follow up on the recommendations included in evaluation reports.

45. The Delegation of Brazil stated that the annual reports by the Director General to the CDIP were useful tools for assessing the implementation of the DA. They expressed the views of the Secretariat on the implementation of the DA. The reports were part of the major efforts to better assess the implementation of the DA. The Delegation noted that several important developments in 2014 were highlighted in the report. The projects and initiatives implemented by the CDIP; the main results of WIPO bodies related to the implementation of the DA; the coordination between WIPO and other UN agencies as well as IGOs; the work on flexibilities in the IP system; the work on IP and competition issues; and progress in the establishment of a comprehensive ethics and integrity system at WIPO were important developments mentioned in the report. The extension of the project on South-South Cooperation and the adoption of Phase II of the Project on IP and Socio-Economic Development were also included in the report. The Delegation highlighted two specific developments which it considered to be of great relevance in the period under review. The first development was the decision taken during the last session in relation to the International Conference on IP and Development that would take place in the first semester of 2016. It was following the organization of the conference with special interest. The conference would provide an opportunity to share experiences and enhance understanding of the complex relationship between development and IP. In this regard, ensuring a balance in the selection of panelists was an important step in that direction. The second development was the adoption of the TOR for the External Review of the Implementation of the DA. The External Review was an important part of the 2010 GA decision concerning the implementation of the coordination mechanism. It would be regretful if Member States could not reach consensus on its implementation. The adoption of the TOR was just a beginning. It was following, with special interest, the next steps in this initiative. The final report would be presented to the first CDIP session in 2016. It should be seen as a strategic tool for helping Member States make decisions regarding the implementation of the DA. Despite these developments, there were still important issues that should be addressed. For example, the effective implementation of the coordination mechanism was important for the DA. Member States should be in a position to engage constructively and make a decision in that regard. Another important issue to be addressed was the discussion on technical assistance provided by WIPO. The Delegation made two further comments on the Director General's report. First, it was interesting to have more information on the work of the stakeholders' platform, an initiative promoted by WIPO before the adoption of the Marrakesh Treaty. However, it would be more useful for information to be provided on the implementation and ratification process for the Marrakesh Treaty. Without prejudice to any other initiative, the Treaty was in fact the core element of WIPO's work to enhance access to protected works by visually impaired persons. Second, the Delegation referred to the work of the IGC. Recommendation 18 of the DA urged the IGC to accelerate the process for the protection of genetic resources, TK and folklore, without prejudice to any outcome, including the possible development of an international instrument or instruments. It was a matter of concern that Member States could not reach consensus at the last GA to continue work in the IGC in 2015. The Delegation was constructively engaged in this process and hoped for success at the next GA in this regard.

46. The Delegation of China noted that the results framework of the Organization included estimations of development share by result. The Delegation also noted that various workshops and training activities were successfully organized in many developing countries. Work on flexibilities in the IP system also continued in the period under review. In addition, WIPO also continued with its efforts to strengthen cooperation with other UN agencies. It actively participated in development-related conferences, processes and initiatives in the UN system.

The Delegation appreciated the results achieved to-date in the implementation of DA projects.

47. The Delegation of Morocco welcomed the report. It noted the efforts made by the Director General and his team to implement the DA. It also noted that a policy on gender equality, which included both gender mainstreaming in programs and gender equality within WIPO's workplace, was adopted by WIPO in 2014.

48. The Delegation of Pakistan stated that the report was very useful in providing an overview of the implementation of the DA. Descriptive statements were informative. However, in order to be truly meaningful, it was crucial to undertake an objective analysis to highlight what was achieved, what went right and, more importantly, to learn from what did not. Thus, an objective independent evaluation of the implementation of the DA to assess the extent to which WIPO's activities were balanced, effective and responsive was required. This was imperative to pinpoint deficiencies and outline the way forward in order to overcome them in the future. The Delegation appreciated WIPO's active engagement with other UN bodies. However, in view of the diversity of views among Member States on numerous issues, it was important to highlight that the views presented at various UN fora were those of the Secretariat and not the Member States. The Delegation supported the request by the African Group to establish an open consultative group on the post 2015 DA discussions.

49. The Delegation of Romania, speaking on behalf of CEBS, noted the wide range of activities outlined in the report. For example, the provision of advice on national IP strategies and legislation; the provision of training modules; the organization of events at the national or regional level; the development of databases; and the preparation of studies on various issues such as flexibilities, exceptions and limitations to IP rights. This demonstrated that the Organization had integrated the development-related concerns expressed by Member States across its work. The Group welcomed the progress made and encouraged the Secretariat to pursue its twofold activities, namely, developing projects and submitting implemented projects for evaluation. The Group acknowledged the costs associated with the implementation of the DA. It was indeed an important share of the resources dedicated by WIPO to development.

50. The Delegation of Oman stressed on the need for a results-based evaluation of the projects implemented within the framework of the DA. The Delegation supported the Independent Review of the Implementation of the DA Recommendations and hoped it would assist in improving the development and implementation of DA projects. The Delegation informed the Committee that its government was making efforts to establish a national strategy for innovation. It hoped that the strategy would be adopted by the end of the year. A main pillar of this strategy was the development of an IP system. The authorities were currently cooperating with WIPO and some other international organizations to develop a national IP strategy. An effective IP system would be developed based on social and economic development in Oman. The Delegation welcomed the role played by WIPO in cooperating with the government and UNCTAD in reviewing the innovation and scientific programs in Oman. In this regard, WIPO's cooperation with other UN agencies and IGOs was important in the provision of technical assistance to developing countries. Its government was also making efforts through various initiatives to develop SMEs in order to enhance their role in the country's economic development. In the context of IP, the Delegation urged WIPO to build a cooperation network for SMEs at the regional level, including the Arab region. It was also necessary to translate IP Panorama and the SMEs Newsletter into Arabic to enable those in the region to benefit from them.

51. The Delegation of Senegal associated itself with the comments made by the Delegation of Nigeria on behalf of the African Group. WIPO was responding to the needs of developing countries in terms of providing targeted technical assistance that could have a direct impact on development in areas such as the development of national IP strategies; building capacities through training programs, education programs, fellowships and specialized courses; and

technical assistance to LDCs and SMEs. WIPO also continued to undertake work on flexibilities in the IP system. Cooperation between WIPO and other UN agencies was a fundamental part of integrated international cooperation for development. WIPO played an important role in the context of the MDGs and SDGs. Technological innovation was important for socio-economic development in Senegal. In this regard, cooperation with WIPO was extremely useful. In 2014, several activities were undertaken with respect to the establishment of TISCs in Senegal. Under the Project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries, several capacity building activities were organized in Senegal. The country also benefited from the support provided by WIPO for establishing its new society for collective management. A number of important cooperation events were already planned for 2015. A regional conference would be held in Dakar in November 2015. It would be co-sponsored by the Government of Japan and the African Union. It would deal with issues of importance for the African continent. Although these were positive developments, it should also be kept in mind that WIPO committees played an important role in the implementation of the DA.

52. The Delegation of Chile was prepared to cooperate to ensure that the 45 DA Recommendations continued to be implemented. The Independent Review of the Implementation of the DA Recommendations was very important. It was also extremely important for work to continue on flexibilities in the IP system in line with the DA Recommendations. The Delegation informed the Committee that the National Institute of Industrial Property of Chile (INAPI) had launched a new web initiative with a database on patents in 2014. Member States were invited to look at and benefit from this initiative. Any comments or observations would be welcomed. The Delegation highlighted the work done by the WIPO Academy. INAPI had carried out courses for two years now. More than half of the students in the last course were foreigners. Thus, there was enormous potential for cooperation in the region. Chile hoped to soon adopt the Marrakesh Treaty to facilitate access to published works by visually impaired persons and persons with print disabilities. The Delegation called on all Member States to accede to the Treaty. Lastly, the Delegation stated that the cooperation among WIPO, WTO and the WHO was very valuable. In 2013, Chile accepted the Protocol Amending the TRIPS Agreement to implement the paragraph 6 system for access to medicines. The Delegation urged other Member States to do the same.

53. The Delegation of Nepal associated itself with the general statement made by the Delegation of Pakistan on behalf of the Asia Pacific Group. The DA projects were important for developing countries and LDCs such as Nepal. They played significant roles in the socio-economic development of these countries. The Delegation recalled the progress made in the last session, in particular, the finalization of the TOR for the Independent Review of the Implementation of the DA Recommendations. The Independent Review would further complement the development-related activities carried out by WIPO. The evaluation of completed projects was extremely important with regard to future endeavors to implement the DA Recommendations. The second phase of completed projects and follow-up measures were equally important to achieve the effective execution of the DA Recommendations. The projects should also address deeper structural weaknesses inherent in LDCs such as Nepal. Technical assistance, capacity building and infrastructure building were of vital importance to the socio-economic development of LDCs such as Nepal. However, the assistance provided should be demand-driven and development oriented.

54. The Delegation of Iran (Islamic Republic of) stated that the report would enable the CDIP to hold a substantive discussion to evaluate how the DA Recommendations were being implemented through the activities of the WIPO bodies. It hoped that such a discussion would help Member States to find practical ways and means to improve the process. The current report of the Director General was, in fact, based on the Secretariat's assessment. With regard to the activities undertaken in relation to the DA, the emphasis of the report seemed to be on quantity rather than quality. Therefore, the Delegation would like the Director General to

provide information on the barriers that impeded the full and effective implementation of the DA. The Committee could also be briefed on a concrete proposal to rectify existing shortcomings in the process. To that end, an independent evaluation of the implementation of the DA Recommendations would certainly assist the Secretariat and the Committee. On the important issue of equitable geographical representation, the Delegation noted the attention given by the Director General to this matter. It also noted that the first policy on gender equality had been issued. It was highly important for the Director General to initiate a well-defined strategy with a clear timeframe to remedy the existing inequitable geographical representation in WIPO to avoid jeopardizing the credibility of the Organization.

55. The Delegation of Nigeria noted some encouraging steps taken by WIPO in the implementation of the DA. However, the Delegation encouraged an open consultative process with regard to WIPO's contribution to the 2015 SDGs. It also encouraged WIPO to intensify its efforts in respect of inter-agency relations, and to identify partners to provide extra-budgetary support for its development projects and activities. The Delegation noted that WIPO had issued its first policy on gender equality. This was a good step. The Delegation urged the Organization to reflect this in the geographical distribution of WIPO's workforce which was greatly imbalanced. It would like to see a change. The Delegation also encouraged WIPO to work more on flexibilities and go beyond the requests by Member States as well as the decisions taken by the CDIP. The Delegation noted the work undertaken by WIPO to provide SMEs with knowledge-based resources and encouraged more work in this regard. The Delegation recalled its request, on behalf of the African Group, for more information on WIPO's work in this area. The Delegation supported the request for this session to definitively address the coordination mechanism. This issue had weighed the Committee down for a long time and could be resolved if Member States demonstrated willingness and flexibility in this regard. The Delegation noted the work done by the WIPO Academy. For the first time, its dedicated catalogue of courses was made available in all UN languages in order to allow for a wider outreach. Lastly, the Delegation encouraged WIPO to strengthen its efforts in implementing and mainstreaming the DA Recommendations in such a way that it was clearly tangible and could produce transformative results for the beneficiaries of that assistance.

56. The Delegation of South Africa aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group. Although it noted WIPO's efforts to assist developing countries and LDCs in the design and development of their national IP policies and strategies, the implementation of the recommendations of the independent review of WIPO's technical assistance would reveal the full impact of such assistance and address any critical shortcomings to ensure that countries make maximum use of flexibilities in the global IP system to achieve their developmental goals. It also noted WIPO's gender policy and the steps taken to ensure gender parity in the Organization. It welcomed the same commitment and dedication in ensuring equitable geographical representation. The Delegation reiterated its concern that agreement had not been reached on the full implementation of the coordination mechanism with regard to the PBC and the CWS. Resistance by these committees to report on their contribution denied Member States the opportunity to have a holistic view on the mainstreaming of the DA Recommendations in the Organization. The African Group had noted that the Director General was silent on this issue and encouraged his personal engagement. The Delegation welcomed WIPO's active participation in other UN fora and would appreciate a report on such activities to ensure that any views expressed were balanced and reflective of all Member States. The Delegation encouraged WIPO to continue strengthening its efforts to create a balanced global IP system that reflected the diversity of national circumstances.

57. The Delegation of Japan stated that improving IP systems would drive self-sustained economic development and contribute to creating innovation. In this context, Japan attached great importance to development activities, including technical assistance and capacity building. With regard to those activities, Japan had been providing various types of assistance through its Funds-in Trust (FIT). Its FIT activities included organizing regional, sub regional and national

seminars, workshops, training courses, expert advisory missions, long term fellowship programs and translating selected WIPO materials. Through these activities, Japan had supported a number of WIPO administered projects and activities. The Delegation provided some examples of recent activities which were conducted based on Japan's FIT. These were related to the DA. First, with regard to sharing best practices in order to make use of IP, the WIPO Japan Office was providing case studies in the IP Advantage database on WIPO's website. In 2014, in cooperation with the ASEAN Secretariat and the Japan Patent Office (JPO), a publication entitled, "IP Successes in the ASEAN Region", was published. It included ten new cases in the ASEAN countries. Second, a High Level Meeting for Members of Parliament of the African Intellectual Property Organization (ARIPO) Member States was held in Uganda last month. Members of parliament in several African countries such as Ghana, Kenya, Zambia, South Africa and Uganda attended the meeting. Japan continued to contribute to raising awareness on the importance of the IP system, understanding the IP system and developing human resources in African countries. The Delegation appreciated the Director General's report. It looked forward to WIPO continuing with its implementation of the DA through focusing on promoting IP protection while keeping in mind the objective of the Organization as stipulated in Article 3 of the WIPO Convention.

58. The Chair invited the Secretariat to respond to the comments from the floor.

59. The Secretariat (Mr. Matus) noted all the observations made in relation to the report. The Secretariat provided comments on some of them. The issue concerning the coordination mechanism was raised by many delegations. However, it was up to the Member States to decide on this issue. The Secretariat could only assist after an agreement was reached among Member States. The same applied to its work on flexibilities in the IP system. There were also many requests for more information to be provided on some areas, including with regard to the programs of the WIPO Academy, assistance for SMEs and so on. The Secretariat had taken note of the requests and information would be provided to those who requested for it. With regard to the Independent Review of the Implementation of the DA Recommendations, the Secretariat informed the Committee that it was in the final stages of selecting the team of experts in accordance with the TOR and deadline established by Member States. The Secretariat noted that the issue of geographical balance was frequently raised in meetings. It was making efforts to address the issue. For instance, information on new vacancies was sent to all the missions in Geneva and national IP offices. It hoped that this would help to increase the number of applicants for a vacancy. The low number of applications was a problem. A balance was required in terms of geographical representation as well as gender. The Secretariat would continue with its efforts in this area. Although there were improvements, more could be done. However, this also depended on Member States and the variety of applications. Information on new vacancies was also available on WIPO's website. In addition, those interested in receiving notifications on new vacancies could register their details on the website.

60. The Secretariat (Ms. Woods) referred to the Project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries, and proposed that the project be extended to December 2015. This was partly due to the fact that the project got off to a late start, as the personnel involved were working on the diplomatic conference to conclude the Marrakesh Treaty. There was tremendous interest in the project and the extension would ensure that all its aspects would be fully implemented. The proposed extension would not involve an increase in the budget or resources that were already allocated to the project. The Secretariat had been working directly with the Member States involved in the implementation of the project. It had received a lot of additional requests from Member States to participate in the project. Additional countries could not be included in the pilot phase as the scope of the project was defined. However, the Secretariat had allowed some countries to attend as observers to some of the activities, including Cote d'Ivoire, Uganda and Morocco. The Secretariat would continue to do so. A number of Member States also proposed that a second phase be developed. The Secretariat would be happy to work with Member States to develop a proposal

for Phase II if it was requested by the Committee to do so. Separately, the Secretariat referred to the requests by some delegations for information to be provided on the Marrakesh Treaty. A lot of work was being done in relation to the Treaty. In addition to the activities mentioned in the Director General's report, a lot of work was being done to secure the 20 ratifications or accessions required for the Treaty to enter into force. Currently, there were eight. The Secretariat had heard that some other countries were quite close to ratifying the Treaty. It was cautiously optimistic that the required number of ratifications or accessions could be achieved this year. That would be extremely fast as it usually took many years for treaties to enter into force. The eight countries that had ratified or acceded to the Treaty were Argentina, El Salvador, India, Mali, Paraguay, Singapore, United Arab Emirates and Uruguay. The Secretariat had received a lot of other requests for certified copies of the Treaty, which was often a preliminary step towards ratification or accession. The Copyright Law Division was focusing a lot on the ratification of the Treaty. Activities were held at the sub-regional level in Cote d'Ivoire, Dominican Republic, Oman and Uganda. They were also scheduled to take place in Singapore, Georgia and Cape Verde. Further activities were also expected to be scheduled. Where possible, the Secretariat was also assisting with national events, especially when requested to assist Member States in providing policymakers with information on the provisions of the Treaty and the legislative amendments that may be required to implement it. The Secretariat was also cooperating with other UN organizations, including the Convention on the Rights of Persons with Disabilities.

61. The Chair invited the Committee to consider the proposal by the Secretariat to extend the duration of the Project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. The extension was adopted, given that there were no objections from the floor.

62. The Delegation of Uganda supported the statement made by the Delegation of Nigeria on behalf of the African Group. The Delegation appreciated the reports presented by the Director General on implementation of the DA. Uganda was in the process of finalizing its IP policy. It had benefited from the activities of the WIPO Academy, in particular, its Master's Program. It also benefitted from the assistance provided to SMEs and looked forward to further training in this area. In addition, Uganda was a beneficiary of the Project on IP and Product Branding for Business Development, which included geographical indications. As Chair of the Administrative Council of ARIPO and the ARIPO Council of Ministers, Uganda appreciated the financing provided by the JPO and WIPO for the High Level Meeting for Members of Parliament of ARIPO Member States which was recently held in Kampala. It was important to increase their awareness of IP issues as these may eventually be addressed in national parliaments. That was why the recent assistance provided by WIPO and the JPO was appreciated. Lastly, the Delegation requested WIPO to explore cooperation with the private sector, particularly in the provision of extra-budgetary support for development activities, as mentioned by the Delegation of Nigeria.

63. The Chair concluded the discussion on the Director General's report given that there were no further observations from the floor.

Consideration of document CDIP/15/3 - Evaluation Report for the Project on Open Collaborative Projects and IP-Based Models

64. The Consultant (Mr. Keller) provided an overview of the report, including its key conclusions and recommendations. The main objective of the evaluation was to assess whether the project as a whole provided the right type of support to achieve its key objectives in the right way. The evaluation balanced the need for organizational learning with the purpose of ensuring accountability of the Secretariat towards the Member States. The evaluation combined different evaluation tools to ensure an evidence-based qualitative and quantitative assessment. A particular emphasis was placed on cross-validating data and on assessing the

plausibility of results obtained. The methodological mix included desk studies, individual interviews and direct observation. The evaluation had some limitations. First, the planned interactive platform was not yet operational. Therefore, it was not possible to assess it. Second, the in-depth evaluation study and expert meeting had only recently been completed. Thus, it was not possible to see how those outputs were actually used. Third, a consolidated financial report that linked expenditures to budget lines and results for the whole duration of the project was not available. Thus, it was not possible to conduct a detailed analysis of the project's financial efficiency. The project was designed in response to DA Recommendation 36, which called for exchanging experiences on open collaborative projects such as the Human Genome Project, as well as on IP models. The project aimed to contribute to the stimulation of local innovation, particularly in developing countries. It began on January 1, 2011 and ended on June 30, 2014, after a non-cost extension of 12 months approved by the CDIP. At the time of the evaluation, only 27% of the total budget of 895,000 Swiss francs was spent. Open collaborative innovation may be defined as an exchange of knowledge between an organization or community and its environment. It may be promoted through a variety of arrangements, such as the licensing of IP, subcontracting, R&D collaborative contracts, joint ventures and patent pools. Internet-enabled trends that foster customer driven innovation include crowd-sourcing, idea competitions and so on. The project's approach was to research and present successful open collaborative projects and IP-based models, particularly in developing countries. Through a web-based interactive platform or web forum, the project intended to facilitate the sharing of best practices and experiences as well as to make IP tools and online training kits from WIPO available. The project deliverables included the following. In 2011, the project conducted a taxonomy-analytical study on open collaborative initiatives and the respective IP models. In 2012, two open-ended meetings with Member States were organized, including an informal side event and a formal meeting. In 2014, an in-depth evaluation study to identify the pros and cons of existing open collaborative projects was conducted. The purpose of the study was to identify lessons learned for each open collaborative initiative. An expert meeting on best practices in open collaborative projects for both public and private organizations was also held. Lastly, the project worked on the establishment of the interactive platform. At the time of the evaluation, the platform was still in the process of being developed. A study on global knowledge flows was prepared for incorporation into the platform. The key conclusions of the evaluation included the following. First, strengthening the use of open collaborative projects and IP based models was highly relevant. Open collaboration offered opportunities for exchanging intellectual assets worldwide on a voluntary basis in mutual benefit, regardless of a possible north-south divide. Open collaboration was applicable beyond what was commonly understood as "innovation" and extended also to creative industries. It was an effective tool to enhance the "valorization" of intellectual assets, including but not limited to IP in the public domain. In this context, the project objectives were highly relevant to facilitate the use of IP for development, which was an international priority reflected in Strategic Goal III of the Program and Budget for the 2014/2015 biennium. The conclusions of the project were potentially relevant for WIPO's work in many fields, including promoting innovation, capacity building for IP service providers, training, cooperation with universities and policy advice. Second, the project addressed DA Recommendation 36 in a creative and appropriate way. Activities were well organized. However, the application of standard project planning and monitoring tools was weak. Progress reports listed activities rather than comparing achieved results against planned results. The project was significantly over budgeted and implemented at a slow pace. Inaccurate budgeting blocked resources which would otherwise be available to generate benefits for Member States. Furthermore, there was a risk that projects were perpetuated for the sole reason that resources were still available. Thus, over budgeting was not a good practice. Project implementation was slow. The 30 months originally planned should have been sufficient to implement the limited number of activities. Even after the CDIP granted a project extension, no measures were taken to accelerate implementation. Delays were costly and cause a loss of momentum. An explanation was not provided on the slow implementation of the project. Third, the project contributed to the identification of successful open collaborative projects, particularly in developing countries, through deriving best practices from them and discussing the results

within a limited audience. Although the outputs were of high quality, not all were delivered. The not yet completed Interactive Platform (Output 5) was pivotal for sharing good practices with a wider audience and for making practical tools to support open innovation available. Therefore, it was regrettable that Output 5 was not yet available when the project ended. The Secretariat generally made economic use of the resources. WIPO's work in the field of open collaboration risked losing momentum due to delays in completing the platform. Without a follow-up, the project's reach would remain limited and initial promising results were likely to be lost. Furthermore, no steps were taken to integrate project results into WIPO's existing program activities. The wording of Output 6 indicated that Member States expected a specific proposal from the Secretariat. The report also contained recommendations. Recommendation 1 was on finalizing the interactive platform (Output 5). A beta version of the interactive platform could be completed and a test-run conducted to obtain feed-back from users to improve the platform. A final version of the platform could be presented to the next CDIP session in November 2015. Clear responsibilities should be assigned and resources allocated to maintain and update the interactive platform regularly. Recommendation 2 was on the preparation of a proposal by the Secretariat to the CDIP on how to facilitate open innovation through WIPO's existing programs. This project output was not completed. The elements of such a proposal could include further identifying, collecting and sharing best practices in the field of open collaborative projects; offering practical capacity building, including tool kits, tailored to specific target users; offering capacity building to IP and/or innovation service providers in developing countries, including IP Offices, Technology Transfer Centers and so on; supporting specific open collaborative pilot projects in developing countries, and providing advice to Member States on creating an enabling environment for open collaboration in their IP policies. Recommendation 3 was on strengthening WIPO's presence in open collaboration conferences and fora. A regular presence and visibility in international conferences on open innovation (including but not limited to events organized by other UN organizations) may help WIPO to position itself as a "competence center" in the field of open collaborative projects, to create visibility and to benefit from the experience of a wide array of conference participants. Recommendation 4 was on ensuring the application of planning and monitoring tools in project management. The Secretariat should strengthen the quality control of new projects and progress reports submitted to the CDIP in respect of the proper application of WIPO's existing project tools for project management. Consideration may be given to introduce a logical framework as a basis for project management. The Secretariat could explore the possibility of introducing compulsory courses for future project managers on project cycle management. The Secretariat should ensure regular coaching of project managers on a demand basis.

65. The Delegation of Uganda referred to capacity building and stated that it should include equipment. It would like to know what the Consultant had in mind in terms of the activities and areas for capacity building.

66. The Delegation of Romania, speaking on behalf of CEBS, welcomed the external evaluation of the project. It noted that the project objectives were perceived to be highly relevant for facilitating the use of IP for development. As mentioned in the third conclusion, the project contributed to the identification of successful open collaborative projects. However, the Group was concerned about the slow pace of implementation and the weak application of standard tools for results-based management in project planning and monitoring. The Secretariat should accelerate the completion of the interactive platform which was a useful tool for promoting good practices and for exchanging experiences between Member States. The Secretariat should pay due attention to the recommendations contained in the report.

67. The Delegation of the United States of America appreciated the evaluation. The Delegation had supported the project and contributed input throughout its evolution. However, it shared the evaluator's concerns that progress reports were not well used in order to reshape overall project management and mitigate risks. This concern was noted in numerous progress reports and evaluations. This reflected an overall challenge faced by WIPO in fully taking on board a results-based management framework. Although it was impressed by the overall

enhancement of WIPO's monitoring evaluation systems, continued success of results-based management at the Organization would require support from top management as well as Member States. In the Committee's discussions on technical assistance, the Delegation had regularly noted that projects must be well designed. Identified risks and project flaws should be addressed as they occur. As the Consultant noted, challenges remained with regard to carrying out a results-based management approach at the program level. It was interested to hear how the Secretariat planned to address this ongoing issue.

68. The Delegation of Mexico took note of the conclusions of the evaluation. The project's objectives were highly relevant for facilitating the use of IP for development. The conclusions of the project were potentially relevant for WIPO's work in many fields, including promoting innovation, capacity building for IP service providers, training, cooperation with universities and policy advice. However, the Delegation also noted that the project was significantly over budgeted and implemented at a slow pace. This was unfortunate. The Delegation would like to know how the Secretariat established the goals and costs for each stage of the project. A suitable methodology was necessary to determine appropriate project costs. As noted by the Consultant, inaccurate budgeting blocked resources which would otherwise be available to generate benefits for Member States. Furthermore, there was a risk that projects were perpetuated for the sole reason that resources were still available. The Delegation supported the recommendations contained in the report and highlighted the importance of establishing an appropriate methodology for determining the objectives and costs of programs. It also supported the third conclusion included in the report. Without a follow-up, the project's reach would remain limited and initial promising results were likely to be lost.

69. The Delegation of Brazil recalled that the project was conceived to respond to DA Recommendation 36 which referred to the exchange of experiences on open collaborative projects such as the Human Genome Project, as well as on IP-based models. The subject matter was very important for developing countries as it dealt with one of the alternatives for promoting innovation without IP protection, allowing for the creation of public goods in a cooperative manner. However, it was not clear as to whether the concept of an open collaborative project in the evaluation report was the same as the one which motivated the creation of Recommendation 36. It was inconsistently applied throughout the document and sometimes replaced with expressions of a different nature such as open innovation. The main idea behind open collaborative projects was that none of the parties in a particular project held exclusive rights on the IP involved. It was unclear as to whether the Consultant shared the same understanding in developing the conclusions and recommendations included in the report. The Delegation sought clarification from the Secretariat on the meaning of the term "open collaborative projects" in a more detailed manner before approving the proposals resulting from the project.

70. The Delegation of Canada stated that its country was a strong advocate for fiscal responsibility and results-based management in WIPO and other spheres. In that regard, the Delegation took particular note of Recommendation 4. Like other delegations, it was interested to hear how the Secretariat planned to take on board some of the recommendations as they were applicable not only to the project, but also to other work related to the DA.

71. The Delegation of Latvia, speaking on behalf of the EU and its Member States, welcomed the external evaluation of the Project on Open Collaborative Projects and IP-Based Models, and the Project on 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. Evaluation reports were crucial instruments to identify possible improvements as well as shortcomings that should be avoided in future projects. The evaluation documents for this session indicated the importance of project management. It was recommended that the application of planning and monitoring tools in project cycle management should be ensured. This tool was especially

valuable in order to achieve effectiveness, efficiency, transparency and sustainability in the management of projects. Therefore, the EU and its Member States requested WIPO to take the recommendations fully into account.

72. The Delegation of South Africa welcomed the report. Open collaboration played a critical role in the production of knowledge and innovation. It reflected the current trend to tap into the collective contribution of developing and developed countries to address pertinent socio-economic issues. Fostering partnerships in the creation and application of new knowledge was a critical dimension of open collaborative projects. Thus, the Delegation had high regard for the project and its evaluation report. Project monitoring and control was a key component in the project management cycle in order for any project to achieve success. Proper execution would result in a successful project. In this regard, the Delegation was concerned by some of evaluator's observations. The application of standard project planning and monitoring tools was weak. The project document did not include a logical framework which was commonly used as a tool for project planning, monitoring and evaluation of development assistance projects. The evaluator also noted that assumptions and risks were not properly identified. This resulted in the project not reaching its planned objectives. For example, output 5 was not completed and operationalized. The evaluator also noted that despite an extension, implementation continued at a slow pace. The Delegation would like the Secretariat to provide reasons for the slow implementation of the project as well as address some of the other worrisome concerns. It encouraged WIPO to take onboard and implement the recommendations made by the evaluator.

73. The Delegation of Nigeria agreed that open collaborative projects provided an important tool for sharing intellectual assets and for promoting innovation through IP-based models. It endorsed the recommendations in the report. The Delegation took note of the quality of the project as well as the monitoring and evaluation procedures. It encouraged WIPO to strengthen its capacity in this regard. It also noted that the report was activity-based. It merely stated what WIPO had done and did not provide information on the impact of the project on its target audience. In accordance with the recommendations made by the Consultant, the Delegation would like a presentation to be given on the interactive platform and how it would operate. This could be done at the next CDIP session. The Delegation took note of the evaluator's recommendation that the Secretariat should provide the CDIP with proposals on facilitating open innovation through existing WIPO programs. The Organization should strengthen its presence in the area of open collaborative projects. In this regard, the Delegation would like the Consultant to clarify whether there were any specific processes within UN organizations and beyond where WIPO could be involved. Lastly, there should be measurable way to determine the impact of a project in order to ensure that funds and other resources were used in an effective manner.

74. The Delegation of China appreciated the results achieved in the project as well as the efforts made by the Secretariat and all other parties in this regard. Open collaborative projects such as the Human Genome Projects were cutting edge initiatives. Their success depended on the close collaboration of all parties. IP also played an important role in the implementation of these projects. Therefore, this project would be very helpful to all countries regardless of their level of development. The Delegation endorsed the recommendations contained in the report. It hoped that the Secretariat would accelerate the development of the interactive platform; strengthen its presence in international conferences on open collaborative projects; assist developing countries to build capacities in this area; and use appropriate tools to strengthen project management.

75. The Chair invited the Consultant and the Secretariat to respond to the questions from the floor.

76. The Consultant (Mr. Keller) referred to the question posed by the Delegation of Uganda on capacity building. Capacity building activities could be directed at IP users, IP offices and

institutions. WIPO already had a lot of capacity building activities in its existing programs. Examples included the activities of the WIPO Academy (Program 11) and those with regard to SMEs (Program 30). WIPO also provided policy advice to Member States. The Organization also undertook activities on access to information and knowledge, particularly with regard to the TISCs. The existing activities provided an opportunity for WIPO to mainstream capacity building on open collaborative projects without the need to design a new program. The Consultant then referred to the question raised by the Delegation of Nigeria on whether there were other UN organizations that worked on open collaboration. The Consultant believed open collaboration should be seen as a tool. It was not an activity in itself. Perhaps UN organizations that were addressing global challenges from a technical perspective such as the WHO and the UN Environment Program (UNEP) could be explored in this regard. WIPO should also participate in conferences outside the UN system. Universities and the private sector were organizing events on open collaboration and open innovation. This was an opportunity for WIPO to create visibility and gain experience, particularly from those outside the UN system. The lessons learned could be made available to Member States. This was important and did not cost much to implement. The value derived from active participation in conferences could be very high.

77. The Secretariat (Mr. Baloch) referred to some of the observations made with regard to project management and budgeting issues. The Secretariat recalled that the project was adopted at the sixth session of the CDIP in November 2010. The project-based methodology started from the third session of the CDIP. The methodology as well as the ability to undertake to projects had not yet matured in the sixth session of the CDIP. The Committee approved or considered numerous projects between 2009 and 2011. Perhaps the budgeting and management aspects of the project had not been perfected at that time. The Secretariat also recalled that in 2010, following its approval in the PBC, the GA approved the budget process for CDIP projects. From 2010 onwards, numerous improvements were made to the CDIP projects. From that point of view, the budgeting process began maturing after this decision was adopted by the PBC and the GA. Within the CDIP, a number of delegations contributed to the process by requesting for details in various areas of project budgeting such as personnel costs and specific non-personnel costs. Around the time of the sixth CDIP session, the Project on Enhancement of WIPO's Results Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities was also adopted. The Secretariat referred to all these factors in order to demonstrate to the Committee that this was one of the earliest projects adopted by the Committee. The Secretariat's project management and budgeting skills had matured quite a bit since then. There had clearly been some delays in the implementation of the project. The Secretariat had taken serious note of the recommendations made by the evaluator and the observations made from the floor. It would certainly review all of those recommendations and attempt to take appropriate measures.

78. The Secretariat (Mr. Jazairy) referred to the question posed by the Delegation of Brazil on the definition of "open collaboration". The project document (CDIP/6/6 Rev.) stated the following, "this project will initiate and explore a range of activities for exchanging experiences on open innovation environments (including user centric environments where users co-create innovations through open collaborative agreements) in developed and developing countries, as well as intellectual property (IP) models. Open collaborative innovation may be defined as the osmosis and reverse osmosis of knowledge across the porous membrane separating an organization or community and its environment. It can be promoted through a variety of arrangements. These may encompass more traditional models, such as licensing (of, *inter alia*, patents, utility models, trademarks, copyrights, industrial designs and trade secrets), subcontracting, R&D collaborative contracts and joint ventures. Other options include Internet-enabled trends that foster customer driven innovation including, *inter alia*, crowd-sourcing, ideas competitions, creative commons and open source software". These two aspects of the definition were taken into account. The Secretariat referred to the comments made by the Delegation of China and agreed that the project was relevant for all countries. The Taxonomy-Analytical Study on Open Collaborative Projects and IP-based Models included the following, "In such

networked innovation ecosystems, a solid framework for effective IP management is more important than ever before. As a result, entry costs on the international market for technology will be incurred, particularly in terms of infrastructure and skills for the strategic management of open innovation collaborations". With regard to the comment made by the Delegation of Nigeria on the application of this concept in developing countries, the Secretariat referred to the in-depth evaluation study prepared under the project. It was the first study that looked into open collaboration in the developing world. It examined a number of open collaboration initiatives in Africa such as Ushahidi, iHub and Algeria's Cyberpark. The Secretariat encouraged the Delegation to examine the study, particularly in relation to the lessons learned with regard to the various initiatives.

79. Referring to the request by the Delegation of Nigeria for a presentation on the interactive platform, the Secretariat stated that in accordance with the evaluator's recommendation, it planned to present a beta-version at the next session of the CDIP in November.

80. The Chair invited the Committee to take note of the report and its recommendations. This was agreed, given that there were no objections from the floor.

Consideration of document CDIP/15/4 - Evaluation Report for the Project on 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

81. The Consultant (Ms. Austin) introduced the evaluation report. The methodology included interviews with key stakeholders from the project team and the Secretariat; review of key documentation; and incorporation of factual corrections by the Secretariat into the final report. The objective of the evaluation was to understand what worked well within the project and what did not by assessing the project design framework; project management; measuring results achieved to date; and assessing the likelihood of sustainability of results achieved. The project consisted of activities designed to assist in the improvement and strengthening of national institutions and stakeholder organisations dealing with and representing the creative industries. It aimed to enhance their understanding of the role of IP for the effective management and development of creative industries, and to facilitate the establishment of regional or sub-regional networks for the collective management of copyright and neighbouring rights. In effect, the project consisted of two separate components which were managed and implemented independent of each other. The first component focused on creative industries. The key objectives included preparing the ground and establishing a foundation to enable national IP institutions, creators and other stakeholders of creative industries to be able to further develop and improve their institutional capacity; introducing the WIPO measurement tools for assessing the economic contribution of the creative industries and raising awareness of IP as a factor for economic, social and cultural development; and supporting and strengthening individual creators' understanding of the management of IP. The main activities of the project were the holding of seminars and workshops in different regions in order to address these objectives. Four events were held (two in Africa, one in Asia and one in the Caribbean). The implementation of this component began in April 2009 and was completed in 2010. The second component focused on collective management organizations (CMOs). It took a pilot approach, aiming to provide CMOs grouped within the West African Copyright Network (WAN) with a series of tools to enable the establishment of a common digital collective management platform by standardising and expediting the exchange of information among them and the rest of the world, for the identification of works and relevant interested parties, so that the distribution of royalties could be carried out in a fair, equitable and balanced manner. Within this component of the project, a supplementary project was included, namely, the Caribbean Copyright Link (CCL) project. This project focused on linking aspects of the member societies' work which were being managed separately. It included a regional sampling method/system for works used in the Caribbean and the promulgation of harmonized distribution rules for collected royalties. The

implementation of this project component also started in April 2009 and was completed in July 2014. Within the timeframe, the CMO component of the project faced a number of challenges in relation to achieving original project objectives, resulting in amended timelines and deadlines for the project. The evaluation covered three areas, namely, project design and management, effectiveness and sustainability. There were six key findings in the area of project design and management. First, the project documentation provided a brief overview of the project to keep Member States informed of the main activities planned. It did not sufficiently highlight the individual and unconnected nature of the two projects included in the project document. The documentation did not provide guidance for project managers with regard to project management and implementation approaches. Second, a number of risks were identified in advance of and during implementation in the original project documentation as well as progress reports. Mitigation strategies were planned for addressing those risks. In some cases, the identified risks did arise and relevant mitigation approaches were adopted to overcome them. Third, both components of the project incorporated approaches to ensure responsiveness to emerging trends either through the inclusion of adaptation to new technology on workshop agendas (creative industries component) or through monitoring technological developments in order to be able to respond to external change as necessary (CMO component). Fourth, neither component required significant input or involvement of other entities within the WIPO Secretariat. There was some involvement by the Africa Bureau in the creative industries component and the IT Division in the provision of technical inputs in the CMO component. Fifth, there was limited involvement by Member States in the project although they were regularly informed on progress. However, involvement of Member States at country level was essential for organizing the various workshops held under the creative industries project component. CMOs from a number of Member States were involved in the CMO component. Lastly, the creative industries component was able to respect planned project timeframes with all activities implemented by early 2010. The CMO component of the project experienced a number of delays due to unforeseen challenges and the necessity to significantly re-orient the project's direction. This led to an implementation timeframe of 64 months. The second area of the evaluation was effectiveness. For the purposes of the evaluation, effectiveness was considered to be a measure of the extent to which the project met the objectives for which it was established. The evaluation focused on assessing the project as a whole rather than on individual activities undertaken. There were three key findings in the area of effectiveness. First, the objectives of the creative industries project component were successfully achieved within the planned timeframe. Some minor logistical challenges were faced for some of the workshops but they were successfully addressed. Second, this project component was able to achieve short term results in terms of participant satisfaction in the workshops. However, it had not been possible within the timeframe of the project to assess whether there had also been longer term benefits and satisfaction for the participants. Third, the CMO component of the project was only able to achieve one of its planned seven objectives due to a number of significant challenges, including insufficient project management personnel and the breakdown of formative elements envisaged in the project. An appropriate decision to amend the direction of the project was taken during the implementation timeframe. Although the project objectives were generally not achieved as originally envisaged, a number of activities were undertaken during the project's extended timeframe. In terms of effectiveness, the creative industries component of the project could be considered to be effective in terms of meeting the objectives for which it was established, at least in the shorter term. This was not the case for the CMO component where the envisaged project could not be implemented as planned. The third area of the evaluation was on sustainability. There were two key findings in this area. First, without continued monitoring of the participants it was not possible to measure the longer term impact of the events held within the creative industries component. A number of follow-up requests were made after the events and the undertaking of economic studies using the WIPO methodology would continue as a regular WIPO activity. Second, the re-oriented CMO component of the project was now supported through WIPO's regular budget. Although it continued to target LDCs within West Africa, it also included other parts of Africa as well as the Caribbean and Asia. Four recommendations for future action were proposed in order to respond to the key findings of

the evaluation. There were two recommendations on project design and management. First, where complex projects were to be implemented, the project documentation would benefit from including guidance for project managers with regard to project management and implementation approaches. Second, in future, it would be practical in terms of reporting and follow up, to ensure that individual and separate projects were presented in separate project documentation. There were two recommendations on effectiveness. First, the organization of workshops and seminars could involve complicated logistical set-up and a reliance on local partners. Prior to establishing such events, a thorough assessment of partners on the ground should be undertaken to ensure that selected partners could be relied on to help plan the events in sufficient detail to avoid dealing with on-the-spot practical and logistical difficulties. Lastly, post-event participant monitoring at time intervals of weeks, months or years after the event should be factored into the design of future projects in order for WIPO to have a better understanding of the effectiveness and impact of events. This would help ensure that events and their content were designed in the most effective way.

82. The Delegation of the Russian Federation stated that the recommendations in the report were useful. For example, where complex projects were to be implemented, it was recommended that the project documentation would benefit from including guidance for project managers with regard to project management and implementation approaches. It was also recommended that the monitoring of participants after an event should be factored into the design of future projects in order for WIPO to have a better understanding of the effectiveness and impact of events. This would help ensure that events and their content were designed in the most effective way. These recommendations were also useful for other projects carried out by WIPO. The monitoring of participants after an event should be included in the design of future projects.

83. The Delegation of Mexico would like the Committee and the Secretariat to look into the long-term impact of projects. It would like to hear the experiences of countries that had benefited from the projects. This should also include an exchange of knowledge and best practices. The Delegation supported the recommendations in the report.

84. The Delegation of Nigeria, speaking on behalf of the African Group, recalled that the project was adopted in 2009. The project was adopted in the third session of the CDIP to strengthen the capacity of government and national stakeholder institutions to manage, monitor and promote creative industries, and to enhance the performance and network of CMOs. This was important for the creative industries of all developing countries and Africa in particular. The Group recognized the role of intangibles in the global economy. The creative industries were increasingly important. The inadequate management of creative resources was a real challenge for the future of culture in Africa which was a very culturally rich continent. In that regard, the region would benefit immensely from the socio-economic development opportunities offered by these important sources of wealth. Africa was a continent comprised of culturally rich developing countries. There was need to support and strengthen their creative industry sectors in order to take advantage of the financial benefits that could accrue from them. This could be addressed through strengthening, promoting and professionalizing the national creative industries, and modernizing the CMOs through the integration of digital mechanisms, implementation of standard international management practices and interconnection of these organizations. The Group noted that the methodology for the evaluation was based on interviews with the Secretariat and a literature review. In this regard, the Group believed it would also have been appropriate to interview the national focal points, if any, in the beneficiary countries. The report highlighted the relevance of the project in meeting the needs of target groups. Following an analysis of the report, the Group believed the structure and management of the project was appropriately outlined. The usefulness of the project was also determined. The objectives of the creative industries component were successfully achieved within the planned timeframe. However, the CMO component was only able to achieve one of its planned seven objectives. There was also a good degree of risk management as relevant mitigation

approaches were adopted to overcome risks when they arose. The Group agreed with some of the evaluator's recommendations, especially with regard to the integration of project guidelines for complex projects and to include a supervisory monitoring and evaluation mechanism in addition to the project manager. It also endorsed the recommendation for individual and separate projects to be presented in separate project documentation in order to facilitate reporting and follow up. It also supported the recommendation on long term follow-up steps to assess the effectiveness and usefulness of the project. However, the Group had doubts about the evaluator's recommendation to address logistical challenges as it was not relevant in the context of technical assistance and development activities. The essence of development assistance was to enhance the capacities and abilities of regions, countries and stakeholders with capacity gaps.

85. The Delegation of Canada noted that the evaluation report reflected its TOR. The evaluation was not designed to assess individual project activities. However, the Delegation wondered if more attention could be given to determine whether the activities achieved their stated goals, and whether the goals could be better achieved through different activities. In this regard, it would be helpful to interview the beneficiaries and have more information on the ultimate impact and results of these projects. Paying more attention to that and setting up indicators in advance in order for those to be clearly measured would allow the members of the Committee to have a better understanding of what types of projects were best suited to achieve the different objectives.

86. The Delegation of Switzerland encouraged the use of project management tools in future CDIP projects. This would allow for efficient project implementation, reporting, achievement of tangible and measurable results as well as sustainability. The Delegation welcomed the evaluator's recommendations and supported their mainstreaming into CDIP projects. The Delegation acknowledged the progress made by the Secretariat. The Secretariat should continue to strengthen its capacity to address these issues in the planning of new projects.

87. The Delegation of Oman would like to know why there were no recommendations on the sustainability of the project. This was an important area as it could assist in the implementation of future projects.

88. The Delegation of Uganda supported the statement made by the Delegation of Nigeria on behalf of the African Group. However, it believed that the report was too general. The Delegation had expected the evaluator to include a matrix to indicate the level of capacity attained by governments and national institutions through the project. Currently, it was very difficult to ascertain to what extent their capacities had been enhanced through the project.

89. The Chair invited the Consultant to respond to the comments from the floor.

90. The Consultant (Ms. Austin) referred to the issue raised by the Delegation of Nigeria on behalf of the African Group on whether it would have been appropriate to interview national focal points. As highlighted in the evaluation report, discussions were held with Secretariat staff. The possibility of holding discussions with other parties was discussed. As the workshops were completed four years before the evaluation, it would have been difficult to reach some of the participants. Ideally, it would have been good to speak to some external stakeholders. In response to the question from the Delegation of Oman on why there were no recommendations related to sustainability, the Consultant believed Recommendation 4 on post-event monitoring probably covered some elements of sustainability as it looked at the longer term impact of the events on the participants. The recommendation included setting up a monitoring system to look at longer term impact. The Consultant referred to the comment made by the Delegation of Uganda that the report was too general and did not include a matrix to highlight the capacity of national governments. She believed the Delegation mainly referred to the CMO component. In that regard, she reiterated that only one of the seven objectives for that project was achieved. It

was not possible to look at the capacity of governments as the project objectives were not implemented as envisaged.

91. The Chair invited the Committee to take note of the report given that there were no further observations from the floor.

92. The Delegation of Ecuador noted that the document merely required the Committee to take note of the information contained in the report. However, it wondered whether that was enough. The Delegation believed a measure should also be taken to ensure that the evaluator's recommendations were implemented in future projects.

93. The Delegation of Oman agreed with the comments made by the Delegation of Ecuador. Referring to the Consultant's comment on sustainability, the Delegation stated that an evaluation should be undertaken in the longer term. Sustainability was part of the effectiveness of a project. The continuous monitoring of participants was required to determine whether any long term benefits were derived from the project. The continuous monitoring of projects was also necessary to assess their long term sustainability.

94. The Delegation of Kenya sought clarification from the Secretariat on the current status of the project. It would like to know whether the project had been abandoned, mainstreamed or if the Secretariat required more time to implement the project. Kenya and other African countries had a particular interest in the project, especially with regard to the CMO component.

95. The Delegation of Nigeria, speaking on behalf of the African Group, raised the same question. Some of the feedback from capitals indicated that the project needed more time and they would like it to be extended. The Group would like to know what the Secretariat had in mind for the future of this project and whether it could be extended.

96. The Chair invited the Secretariat to respond to the questions from the floor.

97. The Secretariat (Mr. Baloch) referred to the question on what should be done with the recommendations. When the Committee took note of a document, the recommendations made by the evaluators were not cast aside. In many cases, including this project, the recommendations were sometimes broader in nature. They dealt with the management aspects of the project. The Secretariat maintained an internal database of all the recommendations and followed up on them. Thus, with regard to recommendations that pertained to project management, the Secretariat had consolidated a set of recommendations. These were applied to new projects. Though, there had not been any new projects. The last project was on the audiovisual sector in Burkina Faso and certain African countries. The project proposed by Egypt on tourism was currently on the table. The recommendations made by various evaluators in the past were applied, and would continue to be applied to new projects. For example, the evaluator of the Project on Open Collaborative Projects and IP-Based Models made a recommendation on the application of planning and monitoring tools in project management. The elements of this recommendation would be applied in new projects. Such recommendations were not dropped. They would be applied in new projects. There were also project specific recommendations. Certain project specific recommendations were no longer applicable because the project had ended and its work had moved on or was mainstreamed into the regular work of the Organization. If phase two of a project was proposed, the project manager would make use of the evaluator's recommendations in drafting the proposal. Member States also made sure that those recommendations were applied when they reviewed and approved phase two. When an external review of WIPO's work was undertaken, the external bodies also looked at those recommendations. For example, while reviewing WIPO's work, the Joint Inspection Unit made observations on certain recommendations made by the evaluators of CDIP projects and sought a response from the Organization on what was done with regard to those recommendations. Thus, the recommendations remained active and would be used

where applicable. The Secretariat turned to the CMO component of the project which had experienced significant delays. There were technical challenges. Multiple partners were sought by the Organization. Due to the circumstances, the work required was constantly reoriented. At some point, it was decided that the work would no longer be kept under a project. This was because a project required a specific date on which it had to be completed. As the work appeared to be ongoing, and the Organization also undertook activities to assist CMOs as part of its regular work, it was decided, prior to the evaluation report, that it should become part of the Organization's regular work and not be kept as a part of the project. This decision was made by the Committee when it decided that the project should close and become a part of the Organization's regular work, otherwise it would continue to go on year after year. The work was being undertaken as part of WIPO's regular work to support CMOs.

98. The Chair enquired as to whether the Committee could take note of the report and adopt the recommendations contained therein.

99. The Delegation of Nigeria, speaking on behalf of the African Group, reiterated that it did not agree with Recommendation 3 which referred to logistical problems in planning meetings. The Group did not accept that recommendation.

100. The Secretariat (Mr. Baloch) stated that it looked into the implementation of recommendations in light of the discussions that took place in the Committee. It looked at the report to see if there were any reservations on a recommendation. Therefore, it would take note of the African Group's reservation on this recommendation.

101. The Chair invited the Committee to take note of the report and adopt the recommendations, with the reservation made by the African Group. This was agreed given that there were no objections from the floor.

AGENDA ITEM 7: CONSIDERATION OF WORK PROGRAM FOR IMPLEMENTATION OF ADOPTED RECOMMENDATIONS

Consideration of document CDIP/14/11 and CDIP/12/5 - WIPO General Assembly Decision on CDIP related matters

102. The Chair opened discussions on the WIPO GA decision on CDIP related matters. He read out the following, "The WIPO GA at its 43rd session, held from September 23 to October 2, 2013, requested the CDIP to discuss the implementation of the CDIP mandate, and the implementation of the coordination mechanisms at its 12th and 13th sessions. The above mentioned matters were addressed at the 12th and 13th session of the CDIP, held from November 18 to 21, 2013 and May 19 to 23, 2014 respectively. The Committee could not reach an agreement on these matters and requested the GA to allow it to continue the discussion during its 14th and 15th sessions and to report back and make recommendations on the two matters to the GA in 2015. The WIPO GA at its 46th session held from September 22 to 30, 2014 approved the above mentioned extension requested by the Committee".

103. The Delegation of Nigeria, speaking on behalf of the African Group, recalled the protracted discussions on these two matters. The CDIP was established following a decision by the GA in 2007. The Committee was given a mandate that included three pillars. It had implemented the first two pillars. However, the Committee had not implemented the third pillar which was to discuss IP and development related issues. The Group would like the Committee to definitively resolve this issue during the session. The coordination mechanisms were adopted in 2010. All WIPO Committees stood on equal footing. They were required to report on their contribution to the DA Recommendations. The Group remained concerned that the PBC and the CWS had not implemented this obligation. They had not fulfilled this obligation. There was merit in holding

discussions related to the DA Recommendations in the PBC as it oversaw all WIPO programs, cutting across all the clusters of the DA recommendations. Discussions on the DA Recommendations as well as contribution and implementation by the PBC would help in promoting a better understanding of how WIPO was implementing the DA Recommendations and if the targeted objectives were being met. It could also help the PBC to better appreciate the development challenges faced by developing countries. This could assist in guiding decisions concerning the allocation of funds. The CWS discussed and developed standards for classification and other IP aspects. This had a norm setting effect. For that reason, the Group would also like the CWS to report on its activities related to the implementation of the DA Recommendations. It did not expect these Committees to provide whole hog reports. However, it would like a report from them to the GA. Those reports would then be forwarded to the CDIP for discussion. This agenda item had been discussed in a number of sessions. The Group hoped the Committee could resolve it in this session and move on to other more pertinent issues concerning projects. The Group noted that every time this agenda item came up, delegations to the CDIP and the GA reaffirmed their commitment to fulfilling these obligations. Therefore, the Group urged delegations to allow the Committee to fulfill this obligation.

104. The Delegation of Romania, speaking on behalf of CEBS, noted that these two matters had been amply discussed by the CDIP and the GA. The Group hoped that the continuing discussions would help to settle differences. In the last session, the Committee could agree on important issues such as the TOR for the Independent Review of the Implementation of the DA Recommendations as well as International Conference on IP and Development. The Group reiterated the main elements of its position with respect to these unresolved issues. A new item on the CDIP's agenda would not add value as there was nothing in the current agenda which prevented the Committee from tackling issues of interest on an *ad hoc* basis. With regard to the coordination mechanism, the Group stated that the mainstreaming of the DA and the coordination of efforts should be done in all WIPO bodies, provided they were relevant to this objective. This excluded the CWS and the PBC. A report could be drafted on how relevant bodies contributed to the DA.

105. The Delegation of Mexico stated that the discussion on this item was necessary in order to resolve some matters which undermined the work of other WIPO Committees such as the CWS. There were radical positions on the interpretation of the implementation of the coordination mechanism which impeded the CWS session from contributing to the development of technical standards to be applied in WIPO which were beneficial for the presentation of information by IP offices. As interpreted by the GA in its decision in 2010, the coordination mechanism should facilitate the work of the CDIP and other WIPO bodies. The Delegation recalled its proposal to facilitate discussions on this issue in the last session. However, there was a lack of interest by certain delegations which opposed discussions on this matter. The coordination mechanism was adopted by all Member States to monitor the implementation of DA Recommendations. The language concerning the implementation of the coordination mechanism left a wide margin for interpretation. However, the spirit of the 45 DA Recommendations offered various guidelines for using IP as an engine for development. The activities carried out in relation to the coordination mechanism should not lead to the overlapping of activities or the duplication of information. The coordination mechanism should look at clear questions which would enable Member States to properly evaluate WIPO's work in implementing the Recommendations. Therefore, the Delegation urged Member States to consider their positions with respect to this issue and to come up with new ideas on how to move forward.

106. The Delegation of Japan, speaking on behalf of Group B, explained its well-known position on this item. The Committee had discussed specific issues on IP and development. The Group was ready to continue such exercises in line with the mandate given to the Committee by the GA in its decision in 2007. It was not yet convinced about what actually had been missed in terms of substance without the proposed new agenda item, and what kind of value that could add. Member States had the right to request for specific agenda items to be added if there was

something which they would like to discuss in the Committee in line with the general rules of procedure. It was unclear what additional issues should be discussed under the proposed new agenda item as the overall role of the Committee was to discuss IP and development. On coordination mechanisms and monitoring, assessing and reporting modalities, the Group referred to the proposal by the Delegation of Mexico. It shared the primary concern behind the proposal that discussions on the coordination mechanism should not adversely affect other technical work in WIPO and should complement the work of other Committees. Its concerns had increased following the postponement of the CWS session which was originally scheduled in June. It was postponed due to the lack of agreement on pending issues related to the coordination mechanism. The Group continued to believe that the following principles should be respected in the search for a solution to this item and in the implementation of the coordination mechanism. First, the relevant WIPO bodies were not all WIPO bodies. This was crystal clear in the language. Second, relevancy was decided by each body by itself, and not by the CDIP. This was because the CDIP stood at the same level as other Committees and was not in a position to directly instruct other Committees on anything. Lastly, with regard to the format of the report on the contribution to the implementation of the DA Recommendations, the Group stated that the respective relevant WIPO bodies could report on its contribution in its own way and there was no room for the Secretariat to work on it.

107. The Delegation of Latvia, speaking on behalf of the EU and its Member States, took note of the WIPO GA decision at its 46th session on CDIP related matters in which the GA approved the request of the CDIP to continue the discussions. WIPO had made great progress in implementing the DA, as highlighted several times by the Director General and the progress reports. By definition, the core objective of the CDIP was to discuss IP and development. It had been successful in doing so, and in this regard, fully delivered on its mandate. Therefore, the changes requested by some delegations were not needed in order for the Committee to deal with IP and development issues as well as the implementation of the DA within WIPO bodies. In relation to the coordination mechanism, the EU and its Member States knew different interpretations existed on the meaning of the term “relevant WIPO bodies”. They reiterated their position that not all WIPO bodies were relevant for the purpose of the coordination mechanism. Nevertheless, they were open to continue the Committee’s discussions on this topic, with the aim to find a balanced and workable solution that was acceptable to all.

108. The Delegation of Brazil stated that the positions of delegations were well known. These two topics were very important for the full implementation of the DA. The Delegation supported the comments made by the Delegation of Nigeria on behalf of the African Group.

109. The Delegation of Iran (Islamic Republic of) recalled that in 2007, the WIPO GA adopted the 45 DA Recommendations and established the CDIP as a dedicated Committee to implement those Recommendations. This decision gave the CDIP three mandates, including the following, “monitor, assess, discuss and report on the implementation of all recommendations adopted; and for that purpose to coordinate with relevant WIPO bodies; and discuss IP and development-related issues as agreed by the Committee, as well as those decided by the GA”. In 2010, the GA adopted coordination mechanisms and monitoring, assessing and reporting modalities in order to implement the requirement for relevant WIPO bodies to report annually on their contribution to the implementation of the DA Recommendations with the aim of mainstreaming the DA across all WIPO bodies as well as to monitor and assess the implementation of the DA. This mechanism was agreed by all Member States to enhance coordination among different WIPO Committees in the field of development activities. However, its implementation had not been fulfilled due to the reluctance of one group to require the CWS and the PBC to be considered as relevant WIPO bodies for purposes of reporting, as required by the coordination mechanism. The DA Recommendations should form an integral part of the work of those two Committees. The coordination mechanism was important to mainstream the DA in all WIPO bodies. The absence of the CWS and the PBC raised serious concerns. The Delegation hoped that a solution would be found to resolve this outstanding issue. The Delegation then referred to

the long standing issue concerning the new agenda item on IP and development related issues. In accordance with its mandate, the Committee should make recommendations to the GA. It would not be able to make practical recommendations to the GA in the area of development-oriented norm setting without discussions on IP and development. It was high time for the Committee to engage in discussions on the initial objective of its creation and its future. The CDIP should assess the tangible benefits of its creation for developing countries, and explore whether the Committee and its work had met the expectations of developing countries. In 2010, the DAG submitted a written proposal to include a standing item on IP and development related issues in the Committee's agenda. The Delegation strongly supported the proposal by DAG in order to implement the third pillar of the mandate given to the Committee by the GA in 2007.

110. The Delegation of Senegal associated itself with the request by the Delegation of Nigeria on behalf of the African Group to resolve outstanding issues in this session. The Committee needed to focus its attention on these issues which were related to decisions taken by Member States. The implementation of the coordination mechanism should include all WIPO Committees. They should all report on their contribution to the DA Recommendations. All the Committees stood on an equal footing. The exclusion of the CWS and PBC was not comprehensible in this regard. The DA should be mainstreamed across all WIPO Committees.

111. The Delegation of Algeria supported the statements made by the delegations of Iran (Islamic Republic of), Brazil and Senegal as well as Nigeria on behalf of the African Group. The implementation of the coordination mechanism should include all WIPO Committees. The Delegation was also concerned about the manner in which the reporting was done. Currently, the reports were merely a compilation of statements made by Member States. There was no analysis. The reports lacked substance. There was a need to look into the format of the reports. With regard to the implementation of the third pillar of the CDIP's mandate, the Delegation recalled that the proposal by DAG included a number of issues which could be discussed under the proposed agenda item. Reports on WIPO seminars related to IP and development, WIPO's participation in UN meetings, preparation of seminars and other matters could be discussed under the proposed new agenda item without any duplication. The positions of Member States on these two issues were entrenched and had not moved in the last four years. The positions were well known. There were two proposals which could assist in moving the discussions forward. The proposal by the Delegation of Mexico could provide the basis for a new round of discussions on the coordination mechanism. Discussions on the implementation of the third pillar of the CDIP's mandate could be based on the proposal by DAG.

112. The Delegation of Indonesia believed consensus could be reached on pending issues. In the last CDIP session, Member States managed to finalize the TOR for the Independent Review of the Implementation of the DA Recommendations. The Delegation hoped that the flexibility demonstrated by all delegations in the drafting of the TOR could also assist the Committee in identifying solutions for other pending issues in this session. The Delegation referred to the International Conference on IP and development, and reiterated its suggestion for the selection of speakers and panelists to be based on the six guidelines mentioned in the last session. Separately, the Delegation urged all Member States to comply with the agreed WIPO GA decision on the coordination mechanism. The Delegation echoed the statements made by the Delegations of Senegal and Algeria as well as Nigeria on behalf of the African Group. It also aligned itself with the statements made by the Delegations of Brazil and Iran (Islamic Republic of). It welcomed further discussions on this issue. Some issues could be identified such as the interpretation of the body, relevancy and the relationship with the CWS and the PBC.

113. The Delegation of Venezuela stated that development was not just for developing countries and LDCs. It should be of interest to all countries as it was relevant to all of them. The discussion on relevant Committees for the implementation of the coordination mechanism had been going on for a long time. All the Committees stood on an equal footing. Therefore, the discussion was not about one Committee reporting to another. Committees reported directly

to the GA on their contribution to the DA Recommendations. The GA was the highest body of the Organization. If a Committee undertook activities related to development, this should be reported to the GA. If this was not the case, the Committee should provide an explanation. The Committee needed to find a way to move forward.

114. The Delegation of Nigeria aligned itself with the statements made on behalf the African Group. It also agreed with the interventions made by the delegations of Brazil, Senegal, Indonesia, Iran (Islamic Republic of) and Algeria in this regard. The full implementation of the CDIP's mandate and the coordination mechanism were important issues. The Delegation hoped these issues could be fully resolved at this session. The Delegation of Algeria had highlighted some suggestions made in the past on issues that could be discussed under the proposed agenda item as well as the proposal by the Delegation of Mexico which could form the basis for discussions on the coordination mechanism. The Delegation stated that it could also provide some examples of items that could be discussed under the proposed agenda item on IP and development.

115. The Delegation of Mexico reiterated that its proposal was presented in the last session with the aim of moving the discussions forward. Consultations were held with other delegations. The Delegation was aware that not all of them could agree with the proposal in its current form. The proposal could be revised. The Delegation was open to comments from other delegations in this regard.

116. The Delegation of the United States of America pointed out that the issue of relevancy had been circulating around all the Committees since the 2007 GA decision. The fact that some Committees could not agree that they were relevant for purposes of the coordination mechanism was something that should not shut down substantive work. The CDIP was not going to decide on whether the CWS was relevant. The Committee was a horizontal body. Likewise, it was not going to decide on whether the PBC was relevant. That would be discussed at the PBC, if that was the push by some delegations. The Delegation had counter proposals as to why it was not. However, the CDIP was not the venue to discuss these issues. It was fine with discussing the issue of a new standing agenda item. It had a very firm position on that. The title of the Committee was the Committee on Development and IP. Everything discussed in the Committee revolved around development and IP. Therefore, the Delegation did not see a need for a standing agenda item. The Committee was fulfilling the third pillar of the GA decision from 2007. The relevancy of the CWS and the PBC would not be decided by the Committee.

117. The Delegation of Indonesia sought the Chair's guidance on the way forward with regard to the discussions on these issues. The Delegation proposed some elements that could be included in the discussions, including the interpretation of the body as well as the relevancy of the coordination mechanism to the CWS and the PBC. The Delegation also referred to the comment made by the Delegation of the United States of America on the competency of the CDIP in relation to the PBC. The proposal by the Delegation of Mexico could also be discussed. Other elements could also be identified for further discussion in order to reach a solution that was acceptable to all delegations.

118. The Delegation of Nigeria, speaking on behalf of the African Group, believed the Committee's competency to discuss this matter should not be questioned. It did not see how this issue could be taken to the PBC for discussion. It was being discussed in the CDIP. The Group wondered whether there was a presumption that whenever the CDIP encountered a problem related to any Committee, the issue would be taken to the respective Committee for discussion even if it concerned development. The CDIP was well equipped to discuss this issue. The Committee could address the issue without transferring it to the PBC. The third pillar of the CDIP's mandate was to discuss IP and development related issues. This was a fact. The Delegation of Algeria had drawn attention to some issues that could be discussed under the proposed agenda item. The Delegation reiterated that it could also provide some examples of

issues that could be discussed under such an agenda item. There would not be a lack of issues for discussion under that agenda item. The Committee should also discuss the coordination mechanism.

119. The Chair stated that the Committee was required to report to the GA this year on the results of its discussion on these issues. The Committee should make recommendations to the GA on these two matters. The Committee would send a negative signal if it did not do so and requested for more time to decide on them. Therefore, solutions had to be found for these pending issues. The Delegation of Mexico had presented a proposal on the coordination mechanism. Perhaps the Delegation could repeat its proposal. The Delegation of Venezuela had also made comments in the same direction with regard to the coordination mechanism. On the proposed standing agenda item, the Chair noted that some delegations wanted to know what would be the content of that agenda item. The Delegation of Algeria had referred to the proposal by DAG. The Delegation of Nigeria was also ready to provide examples of issues that could be discussed under the proposed agenda item. Therefore, the Chair believed there were some elements which could be the basis for discussions. He turned to the issue concerning the coordination mechanism and invited the Delegation of Mexico to explain the main elements of its proposal.

120. The Delegation of Mexico stated that its proposal involved the following. Each Committee would provide an opportunity for Member States to discuss activities that had contributed to the implementation of DA Recommendations. This would take place at each session upon completion of its substantive work. The inclusion of the agenda item would not be open to discussion by Member States. The report submitted by each Committee to the Assemblies would include a summary by the Chair of the Committee. It would not be open to negotiation by Member States. The issue of the coordination mechanism would only be debated within the CDIP. Discussions on its application in other Committees would not be entertained as they were not suited for that purpose. The Delegation had received various comments on its proposal. The proposal was submitted for consideration by Member States as the discussion on the implementation of the coordination mechanism was impeding the work of other Committees such as the CWS. The Delegation was aware that some delegations did not agree with the language of its proposal. In that regard, it would be helpful for delegations to highlight the elements that they did not agree with. The Delegation knew that the proposal could be improved. Unfortunately, there had not been an opportunity to circulate it to other Member States. Perhaps the Secretariat could circulate the proposal among the various regional groups. The Delegation was open to continuing the discussion on this issue.

121. The Chair requested the Delegation of Mexico to submit its proposal to the Secretariat in order for copies to be distributed as soon as possible. Delegations could then examine the proposal and look into its language. He then requested the delegations of Nigeria and Algeria to provide more details on the content of the proposed standing agenda item.

122. The Delegation of Japan, speaking on behalf of Group B, referred to the comments made by the delegations of Nigeria and Algeria on concrete issues that could be included under the new proposed agenda item. The issues mentioned were discussed in the CDIP without the inclusion of the proposed agenda item. Through such discussions, the Committee had fulfilled the third pillar of the mandate given by the GA. The Group was ready to discuss such specific items within the Committee in the future as it had done so far. However, those concrete items did not justify the need for the proposed agenda item. It was not necessary to add the proposed agenda item. From a substantive perspective, the Committee had fulfilled the third pillar of its mandate by discussing these specific topics. The Group was ready to continue to do so in the future.

123. The Delegation of Algeria stated that it had referred to the proposal by DAG in the 12th session of the CDIP. The proposal was built on the initial proposal by DAG for the inclusion of a

new agenda item entitled, "IP and development". The proposal included issues that could be discussed under the agenda item without any duplication of work. The first issue proposed was a report on the discussions in the WIPO Seminar Series on "The Economics of IP". These seminars were conducted by the office of WIPO's Chief Economist. It was suggested that the Chief Economist be invited to present the main thrust of the debates held during these seminars as well as to identify issues that his Office had been working on. These could be of interest to the future work of the Committee. The second topic concerned WIPO's contribution to UN meetings which involved IP. As highlighted in the Director General's report, the Secretariat participated in a lot of UN meetings. Information was required on the messages delivered by the Secretariat at these meetings. It would be good for the Secretariat to inform the Committee of its contributions to those UN meetings. The third element was on the work of the IP and Global Challenges Program. A lot of development-related work was being done in areas such as public health, climate change and food security. The Committee could discuss the work carried out under this Program and provide some feedback in this regard. The last suggested topic was on preparations for conferences and/or seminars on IP and development. It was quite general and could be modified. The CDIP could provide a platform for discussing these topics which were not discussed in other WIPO Committees.

124. The Delegation of Nigeria suggested two other issues that could be discussed under the proposed agenda item. Issues concerning access to knowledge and information could be taken up. This was an ongoing subject. There could be discussions in this area. Member States could also share experiences. Subjects such as IP and international technology transfer could also be discussed under this agenda item. The Delegation could come up with a number of other issues. It was certain that there would be enough to discuss if delegations were required to make submissions on subjects that could be taken up under this agenda item.

125. The Chair noted that there were six themes that could constitute a basis for discussions on the proposed agenda item. There were sufficient elements to carry forward the discussion. He had requested the Delegation of Mexico to submit its proposal on the coordination mechanism for circulation to Member States. He also requested the delegations of Algeria and Nigeria to submit their proposals for circulation if it was possible for them to do so. The proposal by the Delegation of Mexico would be distributed to the regional group coordinators. The text would be distributed in English. The discussion would resume the following morning. With regard to specific topics that could be discussed under the proposed agenda item, the Chair proposed that a general discussion could also take place the following morning subject to the submission of proposals by the delegations of Algeria and Nigeria. He recalled that the Delegation of Japan stated on behalf of Group B that it was ready to discuss specific proposals. The Chair believed that progress could be achieved in this manner. He enquired as to whether the Committee could agree to the proposed proceedings.

126. The Delegation of Mexico would like delegations to be given more time to analyze the proposals. The Committee could begin by discussing the project proposed by the Delegation of Egypt on IP and Tourism. The discussions on the coordination mechanism could be resumed after that.

127. The Delegation of Nigeria stated that it could provide a synopsis of what could be discussed on IP and technology transfer as well as access to knowledge. However, it would not be able to submit a full proposal by the following morning. The Delegation sought clarification from the Chair in this regard.

128. The Chair stated that more time could be given for delegations to prepare for the discussions. The Secretariat already had the proposal by the Delegation of Mexico. It could be made available in a few minutes. The following morning, the Committee could begin by discussing the project proposal by the Delegation of Egypt. The proposal by the Delegation of Mexico could be discussed after that. On the clarification requested by the Delegation of

Nigeria, the Chair stated that a summary would be sufficient to begin discussions on the content of a possible new agenda item. The discussions could proceed in this manner if the Committee agreed to do so.

129. The Delegation of Japan, speaking on behalf of Group B, clarified that it was ready to discuss specific items in the future, as it had done so far. These could be discussed as specific items without the proposed agenda item. However, the Group was ready to further discuss such an item the following morning.

Consideration of document CDIP/15/7 - Intellectual Property, Tourism and Culture: Supporting Development Objectives and Promoting Cultural Heritage in Egypt and Other Developing Countries

130. The Chair opened discussions on the document. It was based on a proposal submitted by the Delegation of Egypt during CDIP/12. At that session, the Committee decided that the proposal should be converted in a project document. At CDIP/14, the Committee decided that the proposal should be revised based on comments submitted by Member States. He invited the Secretariat to introduce the revised proposal.

131. The Secretariat (Ms. Toso) provided an overview of the document. The proposal was revised taking into consideration comments by Member States. The core elements of the project were substantially the same. A few changes were made to reflect a shift in focus from what previously was referred to as “the protection of national and/or local knowledge, traditions and culture” with “the promotion of national and/or local knowledge, traditions and culture. The title of the project was changed to “IP, Tourism and Culture: Supporting Development Objectives and Protecting Cultural Heritage in Egypt and other Developing Countries”. The project was based on the premise that IP could play a key role in adding value to tourism-related products and services. This could be achieved through the strategic use of IP. There were many relevant questions. For example, what IP assets were owned, protected and exploited by this interconnected network of economic actors who influence tourism development as well as local development? How was innovation created in service-related businesses that offer a unique tourism experience? How did competitiveness in a cluster model relate to the ability of individual members to continuously innovate and improve their products and services? There was little research on the role of the IP system in influencing the competitiveness and innovative practice of tourism operators. Therefore, the project would aim to analyze, support and promote awareness of this role. It would be articulated in three phases. These included identification of existing or potential IP tools for the promotion of tourism and the protection of national and/or local knowledge, traditions, and culture based on research and case studies; mobilization and capacity building of key tourism stakeholders and national authorities; and raising awareness on IP, tourism and culture for national development and the protection of cultural heritage. The project outputs would include a practical guide on the use of all relevant IP systems and tools which could be applied in the context of tourism promotion and for the protection of national and/or local knowledge, traditions and culture. It would be complemented by/based on/draw upon case studies identifying and explaining best practices on the successful use of a national IP system for the competitive advantage of the tourism sector and the protection of national and/or regional knowledge, traditions and culture. The guide and documented case studies would form the basis for developing appropriate teaching materials which would be proposed for adoption in the curricula of tourism management schools and national IP Academies. For country-specific implementation, three pilot countries would be selected, in addition to Egypt, where key tourism stakeholders would be identified. The capacity of national IP offices would be developed to provide sector specific support to key tourism actors and to run sector specific awareness campaigns. The selection of the three other pilot countries would be based on criteria, including the existence of national/regional development policies where tourism was considered a tool for territorial development, poverty alleviation, employment creation, women

and youth empowerment, economic, social and cultural development in general; a region characterized by unique cultural, environmental, traditional or historical characteristics that attract tourism; and a demonstrated interest at the business and political levels to increase the competitiveness and innovation capacity of tourism-related economic activity for national development. Member States interested in participating in the project as pilot countries were invited to submit a proposal to the Secretariat. It should include an indication of the lead agency that would be responsible for coordinating country-level activities; a brief description of the touristic interest in the country and the prevailing tourism-related business environment; and a reference to the capacity of the lead agency and other stakeholders to continue with the implementation of the proposed strategies when the project concluded. In the implementation of the project, the Secretariat would establish operational links with other institutions such as UNESCO and the UN World Tourism Organization (UNWTO).

132. The Delegation of Egypt stated that the project had been on the Committee's agenda since November 2013. It was amended to accommodate the concerns raised by some delegations. The Delegation believed the revised project would satisfy all parties. As mentioned by the Secretariat, the focus had changed from "protection" to "promotion". This was the main change in the document. The Delegation had no problems with that and looked forward to the adoption of the project during the session.

133. The Delegation of Sri Lanka took note of the document. Sri Lanka was an emerging tourism destination in South Asia. Tourism played an important role in its national economic development. The use of IP in the tourism-related economic activities of a country would further enhance the scope of utilizing IP for development in a particular area. This aspect was relevant to developing countries and all countries in general. Sri Lanka had expressed its interest in participating in the project. There was little analysis on the role of the IP system in influencing the competitiveness and innovative practices of tourist operators. In this context, the project was expected to contribute to promoting awareness of the role of IP in supporting the development objectives of countries on how to use IP tools and strategies to add value and diversify tourism-related economic activity, including activity related to the protection of cultural heritage. The Delegation was aware of the concerns of some delegations that some aspects mentioned in the project were being analyzed in the IGC. In this regard, it welcomed the spirit of constructive engagement and cooperation shown by the Delegation of Egypt in coming up with the revised project after taking into consideration the comments received from Member States. It also noted that the objectives of the proposal should be examined in the context of tourism. This could be seen as an attempt to build a connection between IP and tourism that could be used to achieve certain national development objectives. As the project aimed to undertake research on potential IP tools for promoting tourism and protecting cultural heritage, the critical role played by museums and archives in attracting tourism and preserving cultural heritage should be noted. The project would be useful for the above reasons and due consideration should be given by the Committee. The Delegation looked forward to its adoption during the session.

134. The Delegation of El Salvador supported the initiative and the changes that were made. The project was within the Recommendations of the DA and the mandate of the Committee. Tourism was an important sector in many developing countries. In El Salvador, initiatives were being carried out at national and local levels to promote sustainable development, geographical diversity and local knowledge in the context of tourism. The country also fulfilled the criteria described in the document for selecting pilot countries. Therefore, El Salvador was interested to be selected as a pilot country for the project. The Delegation believed the project could be adopted at this session and implemented in various regions.

135. The Delegation of Ecuador supported the changes made to the proposal. This was an important project to support development objectives. The Delegation supported the project as it was on tourism, an important sector for development. Tourism was a major source of income

for developing countries. The project could benefit countries as it concerned the strategic use of IP system in tourism-related economic activities. The project would be implemented in Egypt and three other pilot countries. Ecuador would like to be considered as one of the three other pilot countries for the project. The Delegation would like to know how and when those countries would be selected.

136. The Delegation of the United States of America stated that the replacement of the word “protection” with the word “promotion” better captured the objectives of the project. It would be glad to see the revised project go forward.

137. The Delegation of Senegal stated that the project was in an interesting area. It fell within recommendations 1, 10, 12, and 40 of the DA. Tourism was essential to promote socio-economic development in Senegal. It was the second most important source of revenue after fishing. It provided jobs for people throughout the country and contributed to Senegal’s GNP. However, there were some problems in the last few years. Tourism was a priority in the national development policy. The aim was to welcome a million tourists every year. A national strategy was developed by the Ministry of Tourism with local stakeholders and international partners. Senegal welcomed tourism and had a rich heritage. The Delegation supported the project and would like Senegal to be considered as one of the pilot countries. Infrastructure already existed in the country. Senegal had a rich cultural heritage. The use of IP in tourism-related activities could help to promote development objectives. The relevance of this project for developing countries such as Senegal was demonstrated in the discussions at the last two sessions. Many delegations were interested in the project. It would assist in strengthening the capacities of stakeholders and national institutions in this area. The Delegation sought clarification on the selection criteria, particularly with regard to the third requirement listed in the document. It was time for the Committee to adopt the project in order for it to move forward.

138. The Delegation of Mexico fully supported the revised project. It reiterated its interest for Mexico to be selected as one of the pilot countries as it fulfilled the criteria described in the document. The Delegation hoped that the project would be adopted in this session.

139. The Delegation of Iran (Islamic Republic of) reiterated its position on the project proposed by the Delegation of Egypt. The proposed project was within the scope of the Committee’s work and could benefit Member States as it would analyze, support and promote awareness of the role of the IP system and tools in promoting tourism and protecting cultural heritage. The proposal deserved to be welcomed by all countries as their tourism industries could benefit from it. In this regard, there was no difference between developed and developing countries. The proposed project would enhance and extend the scope for utilizing IP in a new area that was almost untouched until now.

140. The Delegation of Indonesia supported the proposal by the Delegation of Egypt. Indonesia was interested to participate as one of the pilot countries for the project. It would help to promote the use of IP in tourism and the promotion of cultural heritage. It would also help to develop the economies of local communities. The Delegation welcomed efforts to move forward the discussion on the proposal. It was still of the view that an informal meeting was needed to further discuss the proposal. The Delegation hoped that the Chair could facilitate the discussion.

141. The Delegation of the United Kingdom fully supported the amended version of the proposal. It was grateful that after so many CDIP sessions, the proposal could now be adopted and approved.

142. The Delegation of Nigeria, speaking on behalf of the African Group, fully endorsed the proposal by the Delegation of Egypt and recognized the significance of culture as a commercial asset. Tourism provided a credible tool for promoting cultural heritage and enhancing socio-

economic growth. The proposal was discussed in the last few sessions. The Group hoped it could be adopted at this session. The Delegation also supported the proposal in its national capacity and hoped that it could be adopted at this session.

143. The Delegation of Latvia, speaking on behalf of the EU and its Member States, stated that the proposed project had been significantly improved after the last discussion. They supported the replacement of the word “protection” with the word “promotion”. There were several other non-IP instruments which seemed to directly address this issue such as the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. The EU and its Member States noted that the timeline and resources for the project had not been adjusted. They requested the Delegation of Egypt and the Secretariat to do so in order to gain a better understanding of the proposed schedule and costs. Further, for the project to succeed and potentially add value to the competitiveness and further development of countries involved in the project, demonstrated engagement at business and political levels in the participating countries was needed. The EU and its Member States looked forward to the updating of the project timeline and resources. They were committed to positively consider a revised project proposal in the course of the week.

144. The Delegation of Uganda aligned itself with the position of the Delegation of Nigeria and the African Group. It supported the amended proposal. A number of countries had expressed their interest in taking part in the pilot project. The Delegation also expressed Uganda's interest to be considered as one of the pilot countries. It would like to know what factors would be taken into account in the selection of the pilot countries, and whether these would include geographical representation and different traditions. Clear criteria should be put in place. The Delegation also enquired as to whether there was a timeframe for interested countries to submit proposals.

145. The Delegation of Oman stated that its country and government attached great importance to promoting cultural heritage and traditions. Tourism was considered a development project for 2016-2020. Tourism was also included in its national IP strategy. The Sultanate of Oman cooperated with WIPO to develop the strategy. Furthermore, a strategic program was established to study and analyze the country's cultural heritage in order to preserve and promote it. The country had many initiatives in this area. The Sultanate of Oman would like to be considered as one of the pilot countries for the project. It fulfilled the criteria listed in the document. The Sultanate of Oman had yet to participate in any project established by the Committee for the implementation of the DA Recommendations of the DA. The selection criteria should take into account countries that had never been able to participate in the implementation of such projects.

146. The Delegation of Japan, speaking on behalf of Group B, referred to the constructive efforts by the Delegation of Egypt to seek a mutually satisfactory solution by reflecting the comments made by other delegations, including replacing the term “protection” with the term “promotion”. The Group also referred to the successful outcome of that exercise.

147. The Delegation of Botswana aligned itself with the statement made by the Delegation of Nigeria on behalf of the Africa Group. It supported the proposal. Tourism was an important economic driver for Botswana and a number of countries, especially developing countries. Therefore, the project had the potential to give prominence to the role of IP in social, economic and cultural development, something that was important for developing countries as they sought to grow and develop their IP systems. Thus, the project was important. The Delegation supported the project and hoped it would be adopted during the session. Botswana would like to be considered as one of the pilot countries for the project.

148. The Delegation of Panama supported the adoption of the project. Tourism was an important economic sector in Panama. It would like to be considered as one of the pilot

countries for the project. It would submit a proposal within the timeframe to be indicated by the Secretariat.

149. The Delegation of Peru also supported the proposal. The Committee was close to adopting the project. It was a tangible project with clear benefits for development. The Delegation hoped that the project could be adopted during the session. A lot had been done to promote tourism in Peru. The country had considerable experience in this area. The project could be coordinated by the Ministry of Economy and Tourism at the national level. Therefore, Peru would like to be considered as one of the pilot countries once the project was adopted.

150. The Delegation of Rwanda stated that it had supported the project since last year. Rwanda would like to be considered as one of the pilot countries for the project. The Delegation assured the Committee and the Secretariat of its government's commitment in this regard. This was an opportunity for the country to see how IP tools could be used as a tangible tool for development.

151. The Delegation of Morocco supported the statement made by the Delegation of Nigeria on behalf of the African Group. It fully endorsed the proposal by the Delegation of Egypt and urged the Committee to adopt the revised version which appeared to be clearer. Morocco would also like to participate in the project as one of the pilot countries.

152. The Delegation of Nepal took note of the document. It supported the proposed project as IP could play a significant role in promoting tourism. Nepal would like to be considered as one of the pilot countries for the implementation of the project. As many countries had expressed their interests in the project, the Delegation sought clarification from the Secretariat on the criteria for selecting pilot countries.

153. The Delegation of Switzerland found the proposal to be very interesting. It put forward how IP could support development. The Delegation supported the proposal in the past and would be pleased if the revised version could be adopted.

154. The Delegation of Cameroon associated itself with the statement made by the Delegation of Nigeria on behalf of the African Group. It supported the proposed project. African countries such as Cameroon were popular tourist destinations with rich cultural heritage. In this regard, developing tourism and promoting cultural heritage were important for the economic development of these countries. Therefore, it supported the adoption of this project during the session.

155. The Delegation of Nicaragua endorsed the proposal by the Delegation of Egypt. Nicaragua would like to be considered as one of the pilot countries for the project.

156. The Delegation of China stated that analyzing and promoting the role of the IP system was important for all countries regardless of their level of development. The proposal was quite mature following the discussions in previous sessions. The Delegation hoped that the session would contribute to the adoption of the proposal.

157. The Delegation of Ghana endorsed the statement made by the Delegation of Nigeria on behalf of the African Group. It encouraged all delegations to support the adoption of the proposal at this session.

158. The Delegation of Indonesia clarified its previous request for an informal meeting. It expected the proposal to be adopted at this session.

159. The Delegation of Guatemala stated that the proposal was innovative and would

contribute to the development of countries, particularly those with a rich cultural heritage and tourism potential. Guatemala would like to be considered as one of the pilot countries for the project. It would contribute to the strengthening of tourism sectors in countries.

160. The Delegation of Burkina Faso joined other delegations in supporting the project. It was an interesting project, particularly for developing countries. Tourism was important for African countries. Burkina Faso was interested to participate in the project as one of the pilot countries.

161. The Delegation of Iran (Islamic Republic of) stated that the three pilot countries should be selected based on criteria to be defined and established within the Committee. It was important to take into account geographical representation. Iran (Islamic Republic of) would like to be considered as one of the pilot countries for the project.

162. The Delegation of Côte d'Ivoire supported the statement made by the Delegation of Nigeria on behalf of the African Group. It supported the project proposed by the Delegation of Egypt.

163. The Delegation of Vietnam supported the proposal by the Delegation of Egypt and hoped it would be adopted by Member States.

164. The Chair invited the Secretariat to react to the comments from the floor.

165. The Secretariat (Mr. Matus) noted that around 20 Member States were interested to be considered as one of the three other pilot countries for the project. The Secretariat would contact the Regional Groups to sort out the process for selecting pilot countries when the project was approved. There was a need to comply with the minimum criteria set out in the document before taking into account geographical representation. At this stage, it was not possible to extend the project. An extension could be discussed when the pilot project was completed.

166. The Secretariat (Ms. Toso) referred to the selection process for the three other pilot countries. In addition to the stated criteria, the proposals submitted by interested countries needed to include other elements indicated in the project document. The selection of the three other pilot countries would be done in coordination with the Regional Coordinators.

167. The Chair invited the Committee to adopt the project. It was adopted given that there were no objections from the floor.

Consideration of document CDIP/14/11 and CDIP/12/5 - WIPO General Assembly Decision on CDIP related matters (continued)

168. The Chair resumed discussions on the GA decision on CDIP-related matters. The proposal by the Delegation to Mexico had been circulated. He invited delegations to make observations on the proposal.

169. The Delegation of Argentina, speaking on behalf of GRULAC, stated that the proposal was a constructive effort to move the discussions forward. It contained new ideas that were necessary to resolve the issue. The Group supported the proposal and would engage in constructive discussions to find a solution to this issue.

170. The Delegation of Venezuela supported the statement made by the Delegation of Argentina on behalf of GRULAC. It welcomed the proposal by the Delegation of Mexico which offered a path for moving the discussions forward.

171. The Delegation of Japan, speaking on behalf of Group B, reiterated that it shared the

concerns behind the proposal that discussions on the Coordination Mechanism should not adversely affect other technical work in WIPO. From that perspective, the Group was open to further discussion on the Mexican proposal. At the same time, the Group reiterated that two principles needed to be respected in seeking a solution to this problem. First, the relevant WIPO bodies were not all WIPO bodies. This was crystal clear in the language. Second, relevancy was decided by each body by itself. It was not decided by the CDIP as the Committee stood at the same level of other Committees and was not in a position to directly instruct them on anything. These principles were not appropriately reflected in the Mexican proposal. They needed to be considered in the discussions on the proposal. The Mexican proposal stated that an agenda item entitled, "Contribution of the Committee to the implementation of DA Recommendations incumbent upon it" should be included in all Committees. It also indicated that the CDIP would decide on which Committee fell within the scope of a relevant body for the purposes of the Coordination Mechanism. This appeared to be contrary to the principle reiterated above. The Group was ready to engage in further discussions based on the Mexican proposal. However, the principles mentioned above were very important in terms of finding a mutually satisfactory solution to this issue.

172. The Chair requested the Delegation of Japan to propose a text for amending the Mexican proposal.

173. The Delegation of Japan, speaking on behalf of Group B, stated that its comments were on the concept of the Mexican proposal, and not on its language. The Group was not in a position to propose concrete language at this stage. Further clarification by the Delegation of Mexico on those points would be welcomed. At a later stage, some language may emerge. At this point, the Group's comments concerned general principles. Concrete language should be considered at a later stage after a common understanding on the way forward was reached.

174. The Delegation of Nigeria, speaking on behalf of the African Group, recognized that the proposal was intended as a means of finding a solution to this protracted problem. The Group was ready to work constructively in order to resolve the issue at this session if possible. There had not been much time to really analyze the proposal. The Group would like the Delegation of Mexico to explain the intent behind each paragraph of its proposal.

175. The Delegation of Nicaragua associated itself with the statement made by the Delegation of Argentina on behalf of GRULAC. It valued the various elements of the proposal. These could provide a basis for further discussions on this issue.

176. The Chair invited the Delegation of Mexico to react to the comments from the floor.

177. The Delegation of Mexico acknowledged that parts of the proposal did not necessarily accommodate the interests of Member States. Its intention was to help find a path to a solution to this matter. The Delegation took note of the concerns expressed by Group B. The wording of the proposal indicated how the Coordination Mechanism could be generally applied to all Committees without prejudice to whether or not a Committee was relevant to the implementation of the Coordination Mechanism. In other Committees where there was disagreement on the implementation of the Coordination Mechanism, there were also discussions on how it could be implemented. Thus, a way in which the Coordination Mechanism could be implemented in other Committees was suggested. The Delegation reiterated that it was not suggesting that the CDIP was above other Committees. It agreed that it was up to each Committee to decide on its relevancy. Paragraph 1 tried to reflect the practice adopted in other Committees to implement the Coordination Mechanism. Upon completion of the substantive work in each session of a Committee, an opportunity should be provided for Member States who so wished to discuss the activities of the Committee that had contributed to the implementation of the DA Recommendations. Paragraph 2 suggested a standing agenda item based on what had been practiced. The Delegation was aware that the title of the agenda

item may be prejudicial to the decision of each Committee. It would work on the language. The Delegation reiterated that it was open to accommodating the concerns of Member States in the proposal. Paragraph 3 stated that the agenda item would be concise. Its inclusion would not be open to discussion by Member States. This was just to arrive at an understanding that once the agenda item was included, delegations would no longer object to it. Paragraph 4 was also based on the practice by Committees. The report submitted by each Committee to the Assemblies should include a summary by the Chair of the Committee. It would not be open to negotiation by Member States. The proposal basically tried to endorse what was practiced. The Delegation understood that the summary by the Chair was the responsibility of the Chair. Paragraph 5 stated that the issue of the Coordination Mechanism as such would only be debated within the CDIP. Discussions on its application in other WIPO Committees would not be entertained as they were not suited for that purpose. It was important to know how the Coordination Mechanism would be implemented. The Committees would then decide on whether or not they would implement it.

178. The Delegation of Nigeria, speaking on behalf of the African Group, made some preliminary comments on the proposal. It could provide a basis for future discussions. The Group agreed with some elements. However, it would also like some other elements to be changed. It would like paragraph 1 to be amended to read as follows, "Upon completion of the substantive work of each session of all Committees, an opportunity should be provided for Member States to discuss those activities of the Committee that have contributed to the implementation of the recommendations of the DA". The Group was flexible on paragraph 2 and looked forward to further discussions on it. Its interests were adequately met in terms of the desire for full implementation of the DA Recommendations and for all Committees to report. The Group reserved its comments on paragraphs 3 and 4. The Group made a preliminary comment on paragraph 5. It believed the paragraph could be problematic as the Coordination Mechanism was a wider instrument. Therefore, the Group suggested that it could be amended to read as follows, "The issue of the Coordination Mechanism as such will mainly be debated within the CDIP".

179. The Delegation of Venezuela referred to the comments made by the delegations of Japan and Nigeria on behalf of Group B and the African Group respectively. Paragraph 2 of the Mexican proposal was related to how the coordination mechanism could be implemented in a Committee. It was without prejudice to whether or not a Committee was relevant to the implementation of the Coordination Mechanism. Paragraph 5 stated that issue of the Coordination Mechanism as such would only be debated within the CDIP and discussions on its application in other WIPO Committees would not be entertained as they were not suited for that purpose. The Delegation highlighted that the coordination mechanism should not be discussed in other Committees as it paralyzed their substantive work. The GA required the CDIP to make recommendations on the implementation of the Coordination Mechanism. The final decision would be taken by the GA. Member States had the right to make decisions. A decision could only be taken if positions were more flexible. The Delegation believed paragraphs 2 and 5 of the Mexican proposal would help delegations to do so.

180. The Delegation of Romania, speaking on behalf of CEBS, stated that the formulation of the various paragraphs did not reflect its concerns. For example, the GA decision referred to relevant Committees. This was missing in the text. The Group noted the views expressed by other delegations and was eager to listen to other views on the proposal.

181. The Delegation of Japan, speaking on behalf of Group B, understood from the explanation provided by the Delegation of Mexico that the intention was to first agree on how the Coordination Mechanism would be implemented. Each Committee would then decide on whether or not it should implement the agreed methodology. The Group also understood that the Delegation of Mexico did not intend to include all Committees within the relevant Committees. That point was not properly reflected in the proposal. This should be addressed.

The Group referred to the proposal by the Delegation of Nigeria, on behalf of African Group, to replace the word “the” with the word “all” in the first paragraph. The Group believed this would change the decision by the GA on the Coordination Mechanism which clearly stated “relevant bodies” and not “all bodies”. There was a need to adhere to the decision by the GA in considering how the Coordination Mechanism should be implemented.

182. The Delegation of Brazil stated that the Mexican proposal provided a good starting point. It was an attempt to bridge positions. Compromises were also needed to bridge them. One of the principles that should guide the discussion on possible compromises was the need to remove ambiguities. In this regard, the Delegation was concerned by the comment made by the Delegation of Romania on behalf of CEBS that the word “relevant” should be present in the text. This was one of the ambiguous elements that could be interpreted in different ways which made it impossible to correctly implement what was decided by the GA. The proposals by the Delegation of Nigeria on behalf of the African Group were helpful in this regard. This was something that should be changed in order to make it clear and remove an ambiguity that made it impossible to discuss other elements. There was a need to work on ambiguous elements before dealing with the rest. In this regard, the proposal by the Delegation of Nigeria on behalf of the African Group on paragraph 5 also made sense. The Coordination Mechanism was wide and dealt with many subjects. Discussions on the Coordination Mechanism should not be limited to the CDIP as no one knew where the implementation of the Coordination Mechanism would lead to. Therefore, the door should be left open. It could be stated that the CDIP was the main forum for discussions on the Coordination Mechanism.

183. The Delegation of El Salvador associated itself with the statement made by the Delegation of Argentina on behalf of GRULAC. The proposal was a good basis for future discussions. It was also important to take into consideration the comments made by other delegations, in particular, the points made by the African Group on paragraph 5. The Coordination Mechanism should be horizontally applied to all WIPO Committees.

184. The Delegation of Iran (Islamic Republic of) supported the statement made by the Delegation of Nigeria on behalf of the African Group. It could go along with some elements of the proposal. However, with regard to paragraph 4, the Delegation stated that the report should not only be a compilation of the views expressed by Member State views, it should also be analytical. On paragraph 5, the Delegation agreed with the comment made by the Delegation of Nigeria that it was problematic. Views diverged on which bodies were relevant. In its decision, the GA instructed “the relevant WIPO bodies to include in their annual report to the Assemblies, a description of their contribution to the implementation of the respective DA Recommendations”. The word “relevant” should be interpreted by the GA. The Committee needed to remove ambiguities surrounding the phrase mentioned above.

185. The Delegation of the Russian Federation had always been in favor of creating an effective mechanism for ensuring coordination and monitoring of development issues. This was important. The Delegation's position was well-known. Each Committee had the right to decide on the most appropriate method for reporting to the GA on its activities in implementing the DA. The Delegation had not been able to study the proposal in-depth. Therefore, its comments were preliminary in nature. The Delegation of Mexico had made efforts to bridge the different views and opinions on the Coordination Mechanism and its implementation. However, some aspects of the proposal were ambiguous. The Delegation had listened carefully to the clarifications provided by the Delegation of Mexico on the elements of their proposal. There were at least two possible interpretations with regard to paragraphs 2 and 5 of the proposal. The Delegation of Mexico stated that the proposal did not attempt to create any hierarchy among the committees. All committees were equal and had the right to decide on how they should report to the GA. The Delegation sought further clarification from the Delegation of Mexico on how paragraphs 2 and 5 would actually work. After reading paragraph 2, the Delegation had the impression that implementation would be mandatory for all committees and

the inclusion of this agenda item would not be subject to discussion in those committees. That was its interpretation of paragraph 2 of the Mexican proposal. The Delegation sought clarification from the Delegation of Mexico on how this could be related to the decision by the GA that the reporting should be in accordance with the work and decisions of each committee.

186. The Delegation of the United States of America referred to the comment made by the Delegation of Brazil that the term “relevancy” was ambiguous and needed to be corrected. The Delegation stated that the term was not ambiguous. It was subjective. When these decisions went to the Committees, some Member States could state that the work of the Committee was implementing the DA Recommendations, while others could state that it was not. These discussions, specifically those in the CWS, should not hinder the substantive work of the bodies. That work should continue. Delegations could agree to disagree. The Delegation was quite comfortable in carrying on these discussions until they were resolved. The work of the bodies should go on. Nothing should be blocked. It was never the intention of the DA to block the substantive work. The Delegation would like to see a change there. It reiterated that relevancy was not ambiguous. It was subjective. Member States just needed to work through these issues.

187. The Delegation of Guatemala supported the statement made by the Delegation of Argentina on behalf of GRULAC. The Mexican proposal contained interesting elements which could assist the CDIP to achieve progress in the discussions on this issue. The proposal could provide a basis for future discussions.

188. The Delegation of the United Kingdom stated that it was willing to work on the Mexican proposal. Group B was willing to do the same, as indicated by the Delegation of Japan. However, after hearing the comments made by the Delegation of Nigeria on behalf of the African Group, the Delegation feared that the main conceptual differences remained and the principles that Group B believed should be included were not shared by them. The Delegation agreed with the Delegation of Brazil that ambiguity was not helpful and should be avoided as it could lead to differing interpretations. However, in the case of the Coordination Mechanism, the word “relevant” was not there to create ambiguity. The Delegation was aware of this as it participated in the negotiations on that text. It was there to reflect the situation that not all Committees were actually relevant. The word “relevant” was included for that purpose. It may be helpful for the Secretariat to read out that part of the text to remind all delegations that the word “relevant” was used for that purpose. The text did not speak about all WIPO Committees.

189. The Delegation of Switzerland regretted that the work of certain Committees was being blocked by the lack of agreement on the Coordination Mechanism. It was ready to work with the Delegation of Mexico on this basis. There was a need to keep in mind that the decision of the GA which created the Coordination Mechanism stated that relevant Committees would report under the mechanism. In this regard, the issue of which Committees were relevant was not for the CDIP to decide. Each Committee should by themselves decide whether or not their work was relevant. As underlined by other delegations, all the Committees were equal in this regard. The GA decision also stated that the Coordination Mechanism should be consistent with, and where practical, use existing governance structures and procedures. The Delegation stated that these already existed and were functioning well. The RBM framework also applies to CDIP projects. The Director General’s report indicated that the DA was being implemented across the Organization. The GA decision also stated that the coordination of the CDIP with other relevant WIPO bodies should be flexible, efficient, effective, transparent and pragmatic. It should facilitate the work of the CDIP and the respective WIPO bodies. This should be kept in mind in the discussions on this issue.

190. The Delegation of China believed the Mexican proposal required further discussion. For example, paragraphs 4 and 5 of the proposal. However, it could provide a basis for future discussions.

191. The Delegation of Uruguay supported the Mexican proposal. It understood the pragmatic elements included in the proposal. The Delegation hoped the Committee would be able to achieve progress in the discussion during this session.

192. The Delegation of Peru supported the Mexican proposal. This important issue had been pending for a while. The Committee had not been able to resolve it. Informal consultations could be conducted by the Chair in this regard. The Mexican proposal provided a basis for the discussions. The Delegation hoped a solution would be found.

193. The Delegation of Indonesia recalled its request for a concrete discussion on this issue. There were some important elements in the Mexican proposal that could be further discussed. The proposal could be further discussed in the next CDIP session. An informal meeting could also be held before the next CDIP session to support those discussions. The Delegation hoped the Committee would be able to agree on some elements of the proposal in its next session. The Delegation would like to be actively involved in the discussion.

194. The Delegation of Iran (Islamic Republic of) stated that the CWS and the PBC were relevant bodies. However, one Group believed that those Committees were not relevant. The practical way to resolve this longstanding issue was to request the GA, as a superior body, to clarify the word "relevant". The Delegation supported informal consultations on the Mexican proposal and other issues related to this matter.

195. The Delegation of Chile stated that the Director General's report included a significant number of actions and activities that were carried out by the Organization to implement the DA. This could help to guide the discussions. The GA decision stated that the coordination of the CDIP with other relevant WIPO bodies should be flexible, efficient, effective, transparent and pragmatic. These elements were also highlighted by the Delegation of Switzerland. The Delegation supported the DA and the implementation of its Recommendations. The role of Member States was to continue incorporating issues in different areas of work into the daily work of the Organization. This was a way to achieve adequate implementation of the DA. It was important to exchange and find common ideas on the implementation of the coordination mechanism. The Delegation was open to exploring various alternatives, including holding informal consultations prior to the next GA in efforts to resolve this issue.

196. The Delegation of Indonesia reiterated that the word "relevancy" should be interpreted in the context of mainstreaming the DA into WIPO's work. The Delegation highlighted that there were also complexities surrounding the words "mainstreaming the DA" and "WIPO's work". WIPO's work included the work of all its committees. The Delegation looked forward to further discussions on these issues.

197. The Delegation of Ecuador stated that the Mexican proposal was a useful document. It provided a basis for the discussions. The Delegation supported the suggestion by the Delegation of Peru for informal consultations to be held prior to the next GA to see how this issue could be resolved.

198. The Delegation of Sri Lanka supported the comments made by the delegations of Indonesia and Iran (Islamic Republic of). It supported informal consultations on this draft. It also supported the comments made by the Delegation of Indonesia on mainstreaming the DA. This proposal should be related to the substantive work of all WIPO Committees.

199. The Delegation of Japan, speaking on behalf of Group B, referred to the request for clarification by the GA. As mentioned by some delegations, the word "relevancy" was very clear. The GA would be discussing a lot of issues, including the Program & Budget for the next biennium. Therefore, the Committee should avoid overloading the work of the GA this year. In

general, institutionalizing informal consultations should also be avoided as there were a lot of committees and informal consultations relating to the Program & Budget before the next GA. Work had to be prioritized taking into account all the Organization's work. In that context, it was not preferable to institutionalize informal consultations on this specific issue at this point.

200. The Delegation of Nigeria, speaking on behalf of the African Group, stated that the GA was equipped to address all issues put before it. It depended on the level of interest. If the question was related to the concerns of members of a WIPO body, the GA should address that matter. The Group welcomed informal consultations on this agenda item. That process was used in the past to find solutions to many issues.

201. The Chair noted that the Mexican proposal was supported by a number of delegations. Other delegations had made observations and provided some constructive criticism. Nevertheless, there were still a number of issues where a solution would be difficult. Informal consultations could be held following the end of this CDIP session, as proposed by the Delegation of Peru and supported by some other delegations. Informal consultations could also be held in the afternoon to see if progress could be made. The Chair was open to both ideas.

202. The Delegation of Japan, speaking on behalf of Group B, reiterated its willingness to engage in discussions on the Mexican proposal. In principle, informal consultations should only be conducted when negotiations were in the final phase. However, the Group could demonstrate significant flexibility for informal consultations to be held during the session. The institutionalization of informal consultations in the intercessional period should be considered in the context of the prioritization of work in the Organization as a whole. In that context, the Group found it difficult to accept institutionalized informal consultations on the matter at this point taking in account the prioritization of WIPO's work. The informal consultations could be held the following day instead of that afternoon. It would give delegations more time to consider the text of the Mexican proposal. Many delegations stated that there had not been enough time for them to really examine the text. The consultations should be conducted in a targeted within a defined period of time as there were still a lot of agenda items to be tackled and work must be completed by 6 p.m. on Friday. The amount of time to be allocated for the informal consultations should take into account those facts.

203. The Delegation of Iran (Islamic Republic of) believed it would be better for the informal consultations to be conducted during the session as experts from capitals were also present.

204. The Chair suggested that the consultations could be held at 10 a.m. the following morning. That would give delegations an opportunity to discuss the proposal beforehand. He enquired as to whether Member States could agree to proceed in this manner. This was agreed given that there were no objections from the floor.

205. The Delegation of the United Kingdom stated that the consultations should be focused. The Delegation suggested one hour could be allocated for the consultations.

206. The Chair later informed the Committee that he had requested the Vice Chairs to hold unofficial consultations with interested delegations in the afternoon to see whether there was any possibility of reaching a basis for an agreement on the issue of the Coordination Mechanism. He would inform delegations of the outcome in order for informal consultations to be held the following morning.

Consideration of document CDIP/15/5 - Report on the Expert Forum on International Technology Transfer

207. The Chair opened discussions on the report. He recalled that the Expert Forum on IP and Technology Transfer was held at WIPO's headquarters in Geneva from February 16 to 18,

2015. The Forum was an output of the Project on IP and Technology Transfer: Common Challenges - Building Solutions. The report summarized the discussions held at the Forum and set out the “Expert Thoughts” which the CDIP was invited to consider and approve with a view to incorporating work towards implementing those “Expert Thoughts” into WIPO’s work programs.

208. The Delegation of Mexico had actively participated in the Forum. It endorsed the “Expert Thoughts” and invited the CDIP to review them with a view to incorporating work towards implementing those “Expert Thoughts” into WIPO’s work programs. The Delegation supported, in particular, designing a technology transfer platform that would provide information on technologies that were available and those that were needed. This could then evolve into a technology transfer matchmaking platform. The manner in which the Forum was organized and structured contributed to the good results that were achieved. It was important for the studies to be disseminated to ensure continuity, and for the “Expert Thoughts” to be considered by the Committee.

209. The Delegation of Japan, speaking on behalf of Group B, felt that the Forum was conducted in a successful manner. The panel discussion provided useful and informative insights which were supported by the practical experiences of the panelists. It was good to hear a variety of practical experiences on international technology transfer from a wide range of speakers. Technology transfer was a very complex matter. Various elements were related to it. The panelists provided lessons learned from their wide range of actual experiences. It was these types of experience-based examples that would be most useful for countries to explore in considering what may be most appropriate to address their specific needs and interests in the area of technology transfer. However, there was one regrettable thing about the Forum. The panel discussion as a whole was useful as food for thought for the Committee. It facilitated a deeper understanding of international technology transfer which could not be obtained only by seeing the outcome. In this regard, the lower than expected attendance at such a useful forum was a pity.

210. The Delegation of Nigeria, speaking on behalf of the African Group, stated that the Forum brought together a remarkable community of experts to discuss challenges, best practices and most effective mechanisms for sustainable transfer of technology from providers to receivers. Cognizant of the substantial role of technology transfer and access to knowledge in the growth of developing countries, the Group regretted that there was no financial support for the participation of capital based experts from developing countries in the forum. The presence of experts from national offices who dealt with this issue as a component of their everyday job would have enriched discussions and enabled participants to better appreciate the different realities involved in this field. Facilitating technology transfer was a WIPO mandate, as provided in Article 1 of the Agreement between the UN and WIPO. The Group recalled Cluster C of the DA Recommendations on technology transfer, information and communication technologies and access to knowledge, in particular, Recommendations 25, 26 and 28, as well as Recommendation 19 of Cluster B on norm-setting, flexibilities, public policy and public domain. Therefore, the centrality of WIPO's role in promoting and facilitating sustainable technology transfer was a priority. The Group had considered the Secretariat's report on the Forum. The report provided an overview of the presentations and discussions at the Forum as well as background information on the evolution of the project leading to the Forum and the “Expert Thoughts”. There was a wide disparity between the “Expert Thoughts” and the recommendations contained in the peer-reviewed studies as well as the trend of discussions at the Forum and at the stakeholder meetings. The “Expert Thoughts” did not adequately encompass initiatives that could, to a remarkable extent, address the political and technical barriers to technology transfer. Although the Group agreed with a few of the “Expert Thoughts”, it requested the CDIP to consider recommendations from the studies and the Forum which were not reflected in the report. These included the following: (i) WIPO’s possible involvement in expanding the context of the social responsibility engagements of multinational companies and

private sector stakeholders to include identified aspects of technology transfer in their operating environment, and how introduction of corporate awards could serve as an incentive; (ii) provide assistance in the development of national technology transfer offices; (iii) play a more visible and leading role in facilitating open innovation systems; (iv) the possibility of an international treaty on access to basic science and technology; (v) promote access to information from publicly funded research, and the role of patents stemming from that research; (vi) the role of patent information disclosure on accessibility of information in supporting technology transfer; (vii) incentivizing research and innovation; (viii) development of publicly funded financial mechanisms to promote innovation, transfer of technology and support SMEs; (ix) organization of annual technology transfer fairs or symposiums that promote business-to-business matching skills; (x) training of technology transfer professionals; (xi) the possible establishment of a global technology transfer index; (xii) development of an evaluation mechanism for technology transfer; and (xiii) empirical research to enhance understanding on how the IPR policies of developed countries affected technology transfer, and whether IPR related changes in these countries could enhance the transfer of technology to developing countries and LDCs. Consideration could also be given to implications of trade secret policies, practices and laws. The Group acknowledged WIPO's efforts in promoting technology transfer. Nevertheless, it urged for more investment by WIPO in addressing the capacity gaps and obstacles that impeded effective technology transfer. Lastly, in view of the insufficient representation of recommendations contained in the "Expert Thoughts" *vis a vis* the outcome of the recommendations contained in the studies and the stakeholder meetings as well as the trend of discussions at the Forum, the Group believed that the "Expert Thoughts" did not adequately meet the needs of developing countries and did not provide adequate solutions to their problems. Therefore, the Group would like the CDIP to take note of the report pending further discussions on these issues within the Committee. It also would like this subject to be kept on the agenda for the next session.

211. The Delegation of Romania, speaking on behalf of CEBS, referred to the high quality presentations at the Forum which generated a broad range of ideas. The Group wished more participants had attended the Forum as the audience was an important factor in determining the success of an event. The issue of IP and international technology transfer was very important. Therefore, it paid due attention to the "Expert Thoughts" mentioned in the report. Some ideas may be incorporated into the work of the Organization as well as the project based approach of the Committee based on further discussion by Member States. In doing so, there was a need to take into account costs and avoid any possible duplication with work currently done.

212. The Delegation of Iran (Islamic Republic of) recalled that the Forum was part of the Project on IP and Technology Transfer: Common Challenges - Building Solutions. The project was approved in CDIP/6. It explored practical ways and solutions to implement Recommendations 19, 25, 26 and 28 of the DA. It also explored possible initiatives and IP-related policies for promoting technology transfer as well as the dissemination and facilitation of access to technology for development, as required by the project. The Forum was supposed to deliberate on IP related policies that could facilitate technology transfer. The project also required a balanced deliberation on the potential of harnessing IP based tools, such as information on the owner of a patent on a technology in order to negotiate licensing terms as well as the need to encourage the use of IP flexibilities to address constraints to technology transfer. The report included "Expert Thoughts" which the CDIP was invited to consider and approve with a view to incorporating work towards implementing those "Expert Thoughts" into WIPO's work programs. However, the report did not reflect and incorporate all the discussions, proposals and concerns raised by participants in the Forum. For instance, the "Expert Thoughts" were silent on the scope of using flexibilities and how to explore what could be done by WIPO in order to facilitate technology transfer. Instead of addressing barriers to technology transfer arising from IP, the "Expert Thoughts" tended to promote an agenda on the expansion of IP. Moreover, the "Expert Thoughts" were not directly linked to technology transfer. They simply advocated the promotion of more IP protection. For example, the "Expert Thoughts"

suggested raising awareness on the importance of acceding to the PCT, Madrid and Hague systems. It was a surprise to see that the important issue of technology transfer had been downgraded to an invitation to accede to certain treaties. It should be noted that although many developing countries had acceded to these instruments, they had not benefited in terms of technology transfer. In accordance with the decision taken by the CDIP in approving the project, recommendations from the Forum would provide the basis for further activities which would be mainstreamed into the regular activities of WIPO. Therefore, the Committee should be cautious about approving the outcome of the Forum as it did not address the concerns raised by Member States in drawing up the project. The Forum also did not submit any recommendations for approval by the CDIP. Rather, a summary of the views expressed by panelists were submitted as "Expert Thoughts". Hence, the outcome of the Forum merely reflected the views of the panelists, and not those of Member States. It was difficult to approve views which were not expressed by Member States. Therefore, the Delegation supported the proposal by the Delegation of Nigeria on behalf of the African Group and suggested that the Committee take note of the "Expert Thoughts". Member States should be given the opportunity to submit proposals on the issue of technology transfer until the end of August. These would be compiled by the Secretariat and made available by the end of September for discussion and further action in the next CDIP session.

213. The Delegation of Malawi aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group. It attached great importance to technology transfer as it was a way of bridging the technology gap between developed and developing countries. It was also identified as a major component of the economic development of Malawi. Harnessing human resources through capacity building was very important in order for the absorption rate to be improved. Malawi also found that a robust and predictable IP regulatory framework was another issue which needed to be addressed in order to enhance technology transfer. Therefore, it requested WIPO to enhance its assistance to countries in the context of human resource development and the updating of IP laws and regulations in developing countries and LDCs.

214. The Delegation of Chile stated that it was important to promote technology transfer, particularly for developing countries and LDCs. The Forum highlighted the importance of establishing appropriate authorities to deal with technology transfer. The development of a legal framework was also important for facilitating the transfer of technology. The discussions at the Forum highlighted various possibilities to promote technology transfer. Empirical evidence on technology transfer and its impact on the economy was an important source of information for decision-making by public authorities. With regard to the "Expert Thoughts" which were submitted for the consideration of the Committee, the Delegation highlighted the importance of developing human capital and strengthening capacities in countries. It would like to know how accession to the PCT, Madrid and Hague systems actually contributed to the transfer of technology.

215. The Delegation of Latvia, speaking on behalf of the EU and its Member States, noted with regret that the Forum did not attract a high attendance by delegations. In this regard, the EU and its Member States took note of the "Expert thoughts" included in the document. The EU and its Member States were very hesitant on some of them as they involved the creation of new structures by WIPO. They believed that matters could be taken forward through the current WIPO structures in a cost effective, structured and balanced manner. For instance, as mentioned in the document, WIPO could build on the successes of its existing platforms as well as the technology transfer guides and manuals developed under the completed project on Innovation and Technology Transfer Support Structure for National Institution, namely, the Patent Drafting Exercise Book; Practical Guide for Valuing Intangible Assets in Research Institutions; IP Valuation Manual for Academic Institutions; Training Kit on Models of IP-Related Contracts for Universities and Publicly Funded Research Organizations; Trademark Licensing Guide; Guide on the Strategic Management of Open Innovation Networks; and a Guide on IP

commercialization. It was important to recognize the role played by industry in technology transfer activities and the lessons that could be learned from best practices to encourage effective technology transfer initiatives. Any actions undertaken in this regard should be guided by WIPO's mandate, namely, to promote the protection of IP throughout the world through cooperation among States and, where appropriate, in collaboration with any other international organization.

216. The Delegation of Uganda referred to the lack of wide participation in the Forum. It transpired that the Forum was narrowly defined. The Delegation found it difficult to discuss a report that emanated from that narrow base, and to base its opinions on it. As pointed out by the Delegation of Nigeria on behalf of the African Group, there was a need for further discussion on this subject. It would ensure wide participation by Member States. The subject of technology transfer was important, especially for developing countries, including Uganda. Therefore, there was a need to ensure that everyone was on board. As suggested by some delegations, the Committee could take note of the report instead of adopting it. A wide participation could also be recommended. In this regard, the subject should be kept on the table and be on the agenda for the next session.

217. The Delegation of Brazil stated that the importance of this subject could not be overstated. The transfer of technology was mentioned in Articles 7 and 8 of the TRIPS Agreement on the objectives and principles of that agreement. These should guide the reading of the other norms in that multilateral instrument. Four of the 45 DA Recommendations were relevant to any initiative on this issue in the CDIP. The Delegation's continued engagement in the discussions on this project was a reflection of the importance it had attached to it. The Forum was an important step in the development of the project. Nonetheless, it would be unwise to develop, through these narrow lenses, the possible recommendations that the CDIP could send to the GA or to decide on any outcome that could be incorporated into the work of the Organization. The Delegation made some comments on the substance of the report. First, it was glad that the experts decided to propose a list of thoughts from the Forum instead of recommendations. The "Expert thoughts" were important inputs. However, it was up to Member States to discuss possible recommendations based on all the ideas raised during the activities undertaken during the project. On the content, the Delegation noted the absence of ideas that were important to any discussion on technology transfer. For example, none of the experts mentioned the current proposal by the LDCs to create a template for the reports submitted by developed countries, as a possible way to improve the implementation of Article 66.2 of the TRIPS Agreement by WTO members. The role of flexibilities in multilateral IP agreements as instruments to promote technology transfer was also not mentioned in the last session of the Forum although some authors of the analytical studies conducted under the project had pointed to a potential positive relationship in this regard. The absence of these and other ideas weakened the conclusions drawn at the end of the Forum. Second, the experts apparently did not fully understand the boundaries of their participation. The concept paper required the experts to consider the inputs from the regional consultation meetings and the six peer-reviewed studies. This approach would increase the scope of ideas discussed and expand the role of Member States in shaping the agenda as they commented on the other events. However, the panelists who participated in the Forum predominantly exchanged experiences. Therefore, the results were skewed towards the side of the respective speakers and the organizations they represented. The Delegation also noted some inconsistencies in the way the ideas were put forward during all the sessions in the Forum. At times, the experts seemed to talk about different concepts as if they were the same. For example, on many occasions, they referred to measures such as the need for increasing contact between universities and industries, without questioning the validity of such advice. That clearly went beyond the mandate of the Forum and did not contribute to a focused discussion on the subject under scrutiny. At this point in the implementation of the project, it was important for the Committee to discuss the role of IP as a facilitator/barrier to the international transfer of technologies that were essential for increasing productivity, diversification and sustainability of the economies of developing countries. The discussion

should include the nature of international contracts and transactions that involved the transfer of knowledge, taking into account the existing concentration of IP rights in the hands of actors from just a few countries. Bearing in mind the importance of multinational corporations in the dissemination of intangible technological assets all over the world, it would also be interesting to analyze the role of inter-firm trade in the context of this paper's objectives. The Delegation ended with a word of caution on the results of this project. Good groundwork was laid. However, it did not want to rush into an agreement on any conclusion without a proper discussion on this important issue in a holistic manner. This discussion should take place in the Committee until such time when Member States felt that the discussion was mature enough to develop recommendations or to agree on outcomes to be incorporated into WIPO's work.

218. The Delegation of the United States of America noted that the document contained a factual and accurate summary of the discussion that took place during Forum. This project was very important for all Member States. The Delegation had supported the project since it was first discussed at CDIP/4. It appreciated the work done by the Secretariat to bring together a diverse group comprised of highly respected international technology transfer experts. The panel discussion was a highlight of the project. The panelists shared their practical real world experiences with technology transfer from the perspectives of universities, businesses, governments, and public/private partnerships, from both developed and developing countries. The experiences and challenges the panelists shared were fascinating and educational. The views were constructive and practical, coming from people who were involved in day to day hands-on technology transfer and those who did not have an ideological bias. The thoughts the panel produced deserved the Committee's consideration. The Committee's discussions should be focused on those thoughts.

219. The Delegation of China appreciated the Forum. The reports and opinions of the experts were useful for strengthening international cooperation. The Delegation hoped that WIPO would continue its activities on technology transfer in order for technological advances to benefit all countries.

220. The Delegation of South Africa aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group. The Forum provided an excellent platform for broad discussion on effective channels for technology transfer. The importance of technology transfer for economic development could not be over emphasized. In this regard, the Delegation had taken careful note of the "Expert thoughts" put forward in the report, and found that they did not adequately reflect the broader discussions that took place, as well as the recommendations put forward in the studies which were enumerated in the statement made by the Delegation of Nigeria on behalf of the African Group. It was imperative for any future work derived from the "Expert thoughts" to be clearly in line with Recommendation 19 of Cluster B, and Recommendation 25 of Cluster C of the DA Recommendations. The Delegation also drew attention to the importance of the technological facilitation mechanism that was recognized by the UN and elevated to be part of the post-2015 DA. WIPO could help lead the way as a specialized agency of the UN. In concluding, the Delegation supported the request by the African Group that the CDIP only took note of the report, pending a more comprehensive representation of the thoughts identified in the report.

221. The Delegation of Japan, speaking on behalf of Group B, recalled that the Committee had agreed, prior to the Forum, that there would not be any recommendations from the discussions. There would only be thoughts. This was clearly reflected in the project paper. It was also explicitly and repeatedly underlined by the moderator of the panel which produced the "Expert thoughts". With that understanding, the Group was happy to discuss those thoughts without any notion of prejudging the outcome. Additional thoughts at this stage were not intended in the project. The studies and the regional consultations were a basis for the Forum which produced the "Expert thoughts". The results of the studies and regional consultations were digested by experts at the forum and transformed into thoughts, taking account of the common denominator

as well as the realistic, mutually acceptable and beneficial elements described in the concept paper. Therefore, the Committee's discussions should focus on the thoughts produced by the experts in line with the project. The Group referred to the "Expert thoughts" listed in the report. It shared those thoughts, in particular, with regard to raising awareness on the importance of an IP framework, including accession to the PCT, Madrid and Hague systems, which was a necessary condition for effective technology transfer. An entity would not want to transfer its technology to a country where it could not be appropriately protected and the objective of the technology transfer could not be properly achieved. The Group understood that a lot of activities had been done by WIPO in this field. In order to obtain a full picture of the activities related to raising awareness, the Group would like the Secretariat to prepare a document on the landscape of this field.

222. The Delegation of Switzerland found the panel discussions to be informative and constructive. The Forum provided deeper insights into the process of technology transfer, current challenges and possible solutions. It also revealed the complexities of the subject matter, highlighting that technology transfer was based on decentralized decision-making which led to a variety of legal and institutional solutions within countries. The Delegation found the "Expert thoughts" to be useful for further discussions on technology transfer. Those articulated at the conclusion of the Forum and stated in the document under paragraph 36 should serve as a basis for discussions. However, they were too broad. It was also premature to envisage how to incorporate them into WIPO's work programs without further clarifications. Technology transfer involved many actors, regions and mechanisms. It required smooth interactions between research institutions and private stakeholders. IP was an important cogwheel in the whole process. However, it was not the mainspring. The establishment of the technology transfer matchmaking platform was not possible without the direct involvement of industry and business agencies. They should be the driving force. Although the role of these agencies was recognized in the document as well as the Forum, it must be further clarified that these agencies were really keen on the process. It may be interesting to build on activities that WIPO was already implementing with a successful track record. Those activities included awareness-raising on the importance of an IP framework for technology transfer and developing training materials on this topic. The Delegation was keen to learn more details on how awareness-raising on the role of IP in technology transfer and well as the development and dissemination of training materials were tackled in existing WIPO programs, in particular, the TISC program. In light of the recommendations in the evaluation report for the Project on Open Collaborative Projects and IP-Based Models adopted by the Committee the previous day, this kind of analysis on current activities was essential to avoid duplication and ensure the efficient use of resources.

223. The Delegation of Argentina highlighted the need to facilitate and improve access to knowledge and technology by developing countries and LDCs. There was a need to address the technology divide between them and the developed countries. With regard to the international transfer of technology, there was a need to find solutions based on generating and building capacities, increasing international cooperation, establishing adequate institutional and standard setting frameworks, applying funding mechanisms, promoting innovation and developing an IP system to promote technological development in countries. For several years, Argentina had implemented a set of measures to encourage technology transfer. Support was provided to innovators through various programs of the Ministry of Science and Technology as well as the national institute of industrial property. There was also an increase in public investment in education and scientific research. For over 30 years, Argentina had provided tax incentives for transferring technology from abroad, including in relation to the contracting and licensing of industrial property rights. The report provided useful elements for discussions on technology transfer.

224. The Chair sought the views of delegations on the best way forward in light of the proposals that were made.

225. The Delegation of Japan, speaking on behalf of Group B, referred to the way forward and reiterated that the Committee should focus its discussion on the “Expert thoughts” as that was the intended exercise in the context of the whole project.

226. The Delegation of Nigeria aligned itself with the statement made on behalf of the African Group. Nigeria had received WIPO support in the area of facilitating technology transfer to developing countries, including the establishment of a TISC. The National Office for Technology Acquisition and Promotion was exploring strategies for enhancing the complementary work undertaken by both of them. The Forum was a good occasion to hold pertinent discussions on international technology transfer and identify best models which could be explored by WIPO and its Member States for promoting and facilitating effective technology transfer to developing countries. Technology transfer played a supportive role in the area of access to knowledge. Such mechanisms enhanced the capacities of nations to innovate, utilize and develop in line with their developmental objectives. Therefore, the Delegation urged WIPO to assume a more active lead role in the promotion and facilitation of technology transfer to developing countries. One of the core responsibilities of the Organization was to promote creative intellectual activity and facilitate transfer of technology to developing countries in order to accelerate economic, social and cultural development. In that context, the Forum sought to explore initiatives and IP related policies for promoting technology transfer as well as dissemination and facilitation of access to knowledge for the development of developing countries and LDCs in accordance with DA Recommendations 19, 25, 26 and 28. The outcome “Expert thoughts” did not adequately reflect the most significant recommendations for promoting and facilitating technology transfer to developing countries. The Delegation endorsed the recommendations enumerated in the statement made on behalf of the African Group. It placed an emphasis on building human capital and supporting frameworks, an international treaty on access to basic science and technology, promoting access to information from publicly or part publicly funded research; exploring flexibilities and licensing options; expanding the context of the social responsibility engagements of multinational companies and incentivizing such expansions; the role of patent information disclosure and acceptability of information in supporting technology transfer; establishment of a global technology transfer index; and empirical research on how the IPR policies of developed countries affected technology transfer. Furthermore, the Delegation supported the request for the CDIP to discuss the studies in order to identify the most effective recommendations that could deliver measurable impact in terms of access to knowledge and technology transfer. The CDIP should take note of the report and keep this item on the agenda for the next session.

227. The Delegation of Nigeria, speaking on behalf of the African Group, believed the need for further discussion on the outcome “Expert thoughts” was recognized. The CDIP should take note of the “Expert thoughts” as an input to the discussions. The Committee should be given more time to hold in-depth discussions on the studies and identify the best recommendations that would meet the objectives.

228. The Delegation of Brazil believed it was widely recognized that although the “Expert thoughts” were important inputs, there were other ideas discussed throughout the project that could not be disregarded. Following the discussions, it should be assumed that the eventual recommendations or decisions could not be limited to the “Expert thoughts”. Paragraph 28 of the concept paper clearly stated, “Following any recommendations from the High-Level International Expert Forum, as envisaged under the Project Paper approved by the CDIP, any outcome resulting from the above activities will be incorporated into the work of the Organization, after consideration and adoption by the CDIP and any possible recommendation by the Committee to the GA”. The reference to “any outcome resulting from the above activities” included the peer-reviewed studies and the regional consultations. As suggested by some delegations, the scope of the analysis should be expanded to take into account all that was said during the project. This was necessary to come up with recommendations. It would not be possible to do so in this session. The way to get to that discussion and the eventual

recommendations in the future could be through suggestions put forward by Member States by a certain deadline or by directly discussing ideas in the next session. However, there should be a broad discussion based on all the ideas expressed within the activities of the project.

229. The Delegation of the United States of America understood that the African Group proposed discussing the studies again. It could not support the proposal. The studies were thoroughly discussed by the Committee. Member States expressed their opinions. The studies were also discussed at the Forum in the presence of the authors who presented their studies. The reviewers also presented their views and provided additional thoughts. Therefore, the studies were thoroughly discussed. The experts took note of the studies. They actually prepared very well for the Forum. The experts referred to the studies, the regional meetings and the decisions taken throughout the discussions in the Forum. Therefore, the discussion on the studies had been exhausted. Everyone took note of the studies. Therefore, a discussion was no longer needed.

230. The Delegation of Ghana supported the statement made by the Delegation of Nigeria on behalf of the African Group. It also agreed with the position expressed by the Delegation of Brazil. There was a need to further discuss the “Expert thoughts” and explore other ideas that were left out.

231. The Delegation of Algeria made a statement on the Forum itself. The Delegation supported the statement made by the Delegation of Nigeria on behalf of the African Group. Technology transfer was of utmost importance. Algeria, in cooperation with WIPO, had committed itself in establishing a technology transfer office to support its efforts to develop a knowledge economy. Its engagement was also reflected at the international level. Algeria had the honor of hosting the Regional Consultation Meeting on IP and Technology Transfer on behalf of Africa. The recommendations from those consultations highlighted the importance of technical assistance and capacity building in the context of technology transfer. With regard to the report, the Delegation supported the proposal by the Delegation of Nigeria on behalf of the African Group. The Committee should take note of the “Expert thoughts” that were submitted for discussion. The Delegation would like the studies to be widely discussed as they were only discussed during the Forum and not within the CDIP. It hoped that the Committee would be able to substantively discuss the studies in order to identify recommendations and move forward on this issue.

232. The Delegation of Nigeria, speaking on behalf of the African Group, stated that it was not completely clear that the CDIP had discussed all the studies. As highlighted by the Delegation of Brazil, the outcome recommendations should reflect all the activities included in the project. The Group requested for the CDIP to be given time to discuss the activities that led to the Forum and for the Committee to decide on the recommendations it wished to consider for adoption. The Group reiterated that it welcomed some aspects of the “Expert thoughts”. It considered them as inputs and not as recommendations for adoption by the CDIP. The Group referred to the proposal by the Delegation of Iran (Islamic Republic of). Delegations could submit proposals on the ideas or recommendations they believed the Committee should discuss and adopt for mainstreaming. The Delegation of Iran (Islamic Republic of) also suggested that proposals could be submitted by the end of August.

233. The Delegation of Romania, speaking on behalf of CEBS, stated that the “Expert thoughts” was a clear and concrete outcome of the Forum. They were important and relevant proposals for promoting technology transfer. The Committee should base its discussion on the “Expert thoughts” in order for the program of work to be realistic.

234. The Delegation of the United Kingdom supported the last statement made by the Delegation of the United States of America. It was also very surprised to hear a lot of criticism about the Forum. The Delegation found the Forum to be useful. Work was conducted in a

constructive spirit and the experts were all renowned. They shared their experiences and added value to the event. The concept paper indicated that the Forum was the highlight of the project. Therefore, the CDIP's focus should be on the thoughts arising from the Forum. The Committee needed to look at how these could be assimilated through existing WIPO structures. The other elements of the project had already been discussed at length. It was now time to focus on the thoughts from the Forum.

235. The Chair took note of the various positions and suggested the following. At this point, the Committee could take note of the report. It could also request the Secretariat to prepare a document on WIPO activities related to awareness-raising, as proposed by the Delegation of Japan. The discussion on this issue could be resumed in the next session.

236. The Delegation of Brazil believed everyone agreed that the Forum and the "Expert thoughts" were useful. However, the ideas discussed during the regional meetings and those put forward in the studies were also useful. Therefore, they were all useful. The concept paper was thoroughly discussed in the last session. There were a lot of changes. The language was carefully crafted. In general, all Member States agreed on what should be done in the project. Paragraph 28 summarized what they wanted as an outcome. The experts were not given a blank check. Although the Forum was interesting, it was never stated that the eventual recommendations would be limited to what the experts recommended. The experts also highlighted that they did not want to recommend anything. They merely provided thoughts for discussion, as required. Their thoughts and those of the authors of the studies and as well as the ideas discussed during the regional meetings provided inputs for the Committee's discussions. The Delegation referred to the proposal by the Delegation of Iran (Islamic Republic of) which was endorsed by the African Group. In line with what was decided in terms of any outcome resulting from the above activities, Member States could propose recommendations based on any of the activities by a certain deadline. If that was done, the Committee would adhere to what was agreed on the concept paper.

237. The Delegation of Japan, speaking on behalf of Group B, made two clarifications. First, the proposal was made on behalf of Group B. Second, it was proposed that the Secretariat could prepare a document on the landscape of activities undertaken by WIPO with respect to awareness-raising on the importance of an IP framework, including accession to the PCT, Madrid and Hague systems. This was related to one of the "Expert thoughts" included in the report by the Secretariat. On the way forward, the Group stated that Member States must consider why they agreed to the Forum. One of the purposes was to find a common denominator as well as realistic, mutually acceptable and beneficial elements, as described in the concept paper. The role of the Forum as a filter to find such elements should be respected. That would not be the case if Member States were allowed to submit any recommendations. Therefore, the Committee must focus on the thoughts produced by experts at the Forum.

238. The Delegation of Canada supported what the Chair had put forward as a proposal by the Delegation of Japan to take a look at the landscape. This was a practical and reasonable way forward. It could provide some more food for thought in this area.

239. The Delegation of Iran (Islamic Republic of) stated that the "Expert thoughts" were not comprehensive. They did not fully reflect the concerns of Member States and the participants. The "Expert thoughts" were not the views of Member States. The Committee could take note of them. The Delegation reiterated its proposal for Member States to be given the opportunity to submit proposals, views and concerns on the issue of technology transfer, including the "Expert thoughts". These could be submitted until the end of August. The Secretariat would compile those views, concerns and proposals for discussion and further action at the next CDIP session. That was the right time and place to discuss these issues.

240. The Delegation of Nigeria, speaking on behalf of the African Group, sought clarification on the proposal by the Delegation of Japan on behalf of Group B. If the proposed study was related to technology transfer and acceding to the PCT, Madrid and Hague systems, it would be specific to those systems. It was related to one of the “Expert thoughts”. The Group and some other delegations had stated that they did not consider the “Expert thoughts” to be adequate. If that was the proposal by the Delegation of Japan on behalf of Group B, it would not suffice. The Group endorsed the proposal by the Delegation of Iran (Islamic Republic of).

241. The Delegation of Japan, speaking on behalf of Group B, affirmed that its proposal was to request the Secretariat to prepare a document on the landscape of activities undertaken by WIPO with respect to awareness-raising on the importance of an IP framework, including accession to the PCT, Madrid and Hague systems the activities, which was a necessary condition for effective technology transfer. It was based on “Expert thought” (f) in the Secretariat’s report. Therefore, it was strictly based on the thoughts produced by experts at the Forum. The Group insisted that the Committee should focus on the “Expert thoughts”. Its proposal did not justify the necessity to invite Member States to submit proposals or recommendations that were not based on those thoughts.

242. The Delegation of Uganda stated that the “Expert thoughts” were food for thought. They were not recommendations. The food for thought required further reflection. Hence, there was a need to postpone this to the next session.

243. The Delegation of Venezuela participated in the Forum and found it to be interesting. Interesting ideas emerged during the Forum. The Chair’s proposal was useful. It could help the Committee to achieve progress on this issue. Two principles needed to be respected. First, Member States made the decisions within WIPO. It would go against the policy of the Organization if experts were allowed to make decisions in this regard. Second, there were no areas in which organizations were required to follow suggestions made by experts. The experts had given their thoughts or recommendations. It was good to hear those ideas, regardless of whether they were thoughts or recommendations. Member States could listen to them. However, it was still up to the Member States to decide on the future of the Organization.

244. The Delegation of the United States of America was not in a position to support the proposal by the Delegation of Iran (Islamic Republic of) which was supported by the African Group and to some extent by the Delegation of Brazil. The request for proposals from Member States was premature at this point. The Committee had not discussed the “Expert thoughts”. They were invited to speak and provide their thoughts at the Forum, which was a high point in the project. They were internationally recognized experts on a subject that probably none of the delegates were experts in. Therefore, delegations should show some respect for their thoughts and discuss them to see if they could agree on some. They were not recommendations. They were thoughts. The Delegation understood and supported that. However, to request Member States to submit proposals based on everything that transpired during the project was premature. As a first step, the Committee should figure out what the Organization was already doing in promoting technology transfer before requesting for additional proposals. Therefore, the Delegation proposed that the Secretariat be requested to prepare a document that would outline the activities of WIPO along the thoughts produced by experts with respect to technology transfer.

245. The Delegation of South Africa believed the Committee wanted all its projects to be successful. There was a need to look at all contributions in this regard. There was no harm in widening the scope by looking at different activities that all contributed to the same subject matter. There was no hurry to do it right now. The Delegation endorsed the proposal by the Delegation of Iran (Islamic Republic of) for more time to be given to look into the matter in order to have a more comprehensive view. Many developing countries had stated that they did not

find the “Expert thoughts” to be comprehensive. The views of those countries could not be ignored.

246. The Delegation of Mexico believed the Committee was moving away from the topic. The discussion was becoming political. The Committee needed to be more practical. It was discussing a project on technology transfer. A Forum was held under the project. The steps taken were in accordance with the objectives of the project. The Secretariat had proposed the project which was approved by Member States. Each step of the activities was explained throughout the project. Unfortunately, many delegations did not take part in the project. Nevertheless, delegations needed to limit themselves to discussing what the project was. The project had targets and objectives. It had a structure. The Forum was organized through the processes established for the project. Material and tools used during the three-day Forum were distributed. A web forum would be established. Any outcome from the activities would be incorporated into WIPO’s work after consideration and adoption by the CDIP and any possible recommendation by the Committee to the GA. Therefore, the Committee needed to be pragmatic. Constructive solutions needed to be found. If there were concerns on technology transfer, the Committee needed to look at within WIPO and analyze projects that it had approved. Whenever the Committee approved a project, it hoped for certain results. If the results were not satisfactory or of interest to all Member States, there was a need to work on that and follow up. The Committee needed to continue with this topic. However, it was not the last time that Member States would be discussing technology transfer within WIPO. There were many challenges. Sometimes technology transfer did not happen due to certain factors that were not necessarily related to WIPO. Member States needed to ensure that they had the necessary knowledge and capacity within their internal structures to facilitate technology transfer. The Committee needed to focus on the objectives of the project as well as the concerns of Member States with regard to the project. Some delegations were concerned that their views were not reflected in the “Expert thoughts”. However, that was the way envisaged in the project. The Delegation would like the Secretariat to explain the objectives of the project and the extent to which the various steps of the project had already been fulfilled.

247. The Delegation of Botswana was looking at the background of the project which indicated and outlined the activities mentioned by the Delegation of Brazil. The deliverables included “the incorporation of any outcome resulting from the above activities into WIPO programs after consideration by the CDIP and any possible recommendation by the Committee to the GA”. Hence, the Committee had to analyze all the recommendations that emerged from all the activities undertaken within the project in order to decide on which of those needed to be incorporated into WIPO’s programs. That was why some delegations wanted the Committee to take note of the “Expert thoughts”. The CDIP should be provided with a list of all the recommendations from all the activities. The Committee could then discuss and decide on which recommendations to incorporate into WIPO’s programs. The suggestion made by the delegations of Iran (Islamic Republic of) and Brazil as well as Nigeria on behalf of the African Group was for Member States to be given an opportunity to look at all the recommendations and results, including the “Expert thoughts” in order to decide on what needed to be incorporated into WIPO’s programs as well as what should be submitted to the GA. Therefore, the best way to move forward was to take these issues to the next CDIP session, as proposed by the Chair.

248. The Delegation of Pakistan, speaking on behalf of the Asia Pacific Group, stated that the interventions made so far underlined the importance of this subject. They also brought into focus the fact that the “Expert thoughts” had provided more food for more thoughts. Although these were “Expert thoughts”, political considerations could not be ignored. The Group agreed with the Delegation of South Africa that there was no rush. Therefore, it strongly supported the proposal by the Delegation of Iran (Islamic Republic of) which was supported by the African Group for more time to be given to look at this very important matter and consider it from all aspects before rushing into a decision.

249. The Delegation of Uganda differed with the view expressed by the Delegation of the United States of America that the matter was discussed by experts and the Committee. None of the delegates had the requisite expertise to discuss the matter. More time should be given to look into the matter. It would be prudent to do so.

250. The Chair requested the Secretariat to provide a brief overview of the various stages of the project and the current status.

251. The Secretariat (Mr. Jazairy) stated that the Forum was one of the final stages of the Project on IP and Technology Transfer: Common Challenges – Building Solutions. The project was based on DA Recommendations 19, 25, 26 and 28. It was initiated by the CDIP with a view to exploring initiatives and IP related policies for promoting technology transfer as well as the dissemination and facilitation of access to technology for development, particularly for developing countries and LDCs. Six peer-reviewed studies and five regional consultations were carried out in the build-up to the Forum. The event was supposed to build on those activities. In each of the regional consultations, experts and policymakers from the countries involved proposed some thoughts and recommendations. The Forum provided a framework for an open dialogue among experts from both developed and developing countries who were knowledgeable in private and public sector technology transfer. It was aimed not only at identifying common challenges, but also at developing joint solutions. The project was conceived as an initial step in considerations on how to promote international technology transfer. It was not exhaustive. It did not attempt to find all possible solutions to promote technology transfer. It provided a base to work on, build consensus and develop potential follow-up projects. The Secretariat referred to the “Expert thoughts” generated during the Forum. The selection criteria for the experts were approved by Member States with a view to seek a balance in terms of geographical representation, affiliations and positions with respect to the role of IP in technology transfer. The main challenge for the experts was to identify thoughts for inclusion in a list of suggestions and possible measures for promoting technology transfer to be submitted to the CDIP for its consideration. As stated in the approved concept paper, they should start with the least common denominators between all perspectives and base such thoughts on realistic and mutually acceptable and beneficial elements as a starting point for building joint solutions. The Forum included three sessions. The first session featured presentations by the authors and peer-reviewers of the six studies as well as question and answer sessions during which the floor was opened to all participants to ask questions. In the second session, a panel of experts discussed challenges and possible solutions to international technology transfer in respect of six different areas. These were followed by extensive question and answer sessions on each area. In the third session, the moderator introduced the “Expert Thoughts” which had been agreed upon by all panel members. They were based on common denominators in the thoughts that were expressed. The list was included in paragraph 36 of the report. The Secretariat had listened to the interventions and believed Member States agreed that these thoughts were useful. The Committee had not looked at the thoughts in detail. The Secretariat highlighted the last thought on the list, “continue work on international technology transfer, which was useful and should be endorsed by the CDIP”. The Secretariat referred to the comment on bringing in experts from capitals. That had already been done. Policymakers and experts were proposed by each country to attend the regional consultations and present potential solutions and recommendations for promoting international technology transfer. With regard to the comment made by some delegations on the low attendance at the Forum, the Secretariat highlighted that the event was attended by 130 participants. The results of the feedback surveys were included in paragraphs 41 and 42 of the report. 97% rated the final program for the event as “very interesting” or “interesting”. 96% rated the quality of the speakers and presentations as “excellent” or “good”. During the entire three days of the event, discussions were webcasted via the WIPO website. The total number of hits over the three days was 195 with a total playtime of around 283 hours. The Secretariat believed the Forum provided a framework for a genuine and open dialogue among experts from both developed and

developing countries knowledgeable in public and private sector technology transfer and for debates on technology transfer supportive IP-related policies by developed countries.

252. The Chair proposed that the Committee take note of the report and the “Expert thoughts” that were included. The Committee had yet to discuss any recommendations. Therefore, the discussions would need to continue in the future. Many delegations also wanted the Committee to continue debating this issue. The discussions could be resumed in the next CDIP session. However, the Chair believed the idea for Member States to continue making recommendations was rather excessive as a wide ranging debate had already taken place. As mentioned by the Secretariat, some thoughts and recommendations were proposed during the regional consultations. The Committee’s work in this area would be overburdened if further recommendations were added. Observations could be made on the existing recommendations. The Chair reiterated that the discussions could continue in the next CDIP session in order to identify recommendations that could be adopted.

253. The Delegation of Japan, speaking on behalf of Group B, understood the Chair suggested that the Committee would take note of the report and continue the discussion.

254. The Chair stated that this was correct. Delegations would discuss the recommendations contained in the report and decide which should be endorsed. Observations and amendments could be made in this regard. This would simplify the discussion.

255. The Delegation of Algeria agreed with the Chair’s suggestion on the way to move forward. However, it would be useful to know how this would affect the project as the Committee was supposed to adopt recommendations before the Secretariat could move forward with other activities such as preparing materials, tools and a webpage. Therefore, the Delegation would like the next step to be clarified.

256. The Chair stated that the issues raised by the Delegation of Algeria could be discussed in the next session. The agenda for the forthcoming session would include a discussion on this document and its recommendations. In that discussion, the Committee could come up with some conclusions.

257. The Delegation of Ghana believed there were two schools of thought. One was to discuss the recommendations or thoughts put forward by the experts, while the other was to also look at other recommendations and outcomes. If discussions were to continue based on the recommendations or thoughts included in the document, it would not take into account the comments made by delegations such as Iran (Islamic Republic of) and Brazil as well as South Africa on behalf of the African Group on the need to also look at other outcomes in order to decide on recommendations in a holistic manner.

258. The Delegation of Venezuela believed that the Chair’s proposal was not opposed by any delegation. Therefore, according to WIPO’s rules and regulations, the proposal could be taken to be adopted.

259. The Delegation of Japan, speaking on behalf of Group B, would like the Chair to use the word “recommendation” in a careful manner as it had connotations in this context. The outcome included in the document was “thoughts” and not “recommendations”. That point was discussed in the last session. The Group understood that the Chair proposed that the Committee took note of the report and continued the discussion. The continuation of the discussion on the recommendations was different. It went beyond what the Committee should do, based on the document at this point.

260. The Chair clarified his proposal. The Committee would take note of the report and discuss it in the next session. It did not go further than that. In the forthcoming session, the

Committee would discuss the report and the thoughts that were included. Member States would be free to make observations focusing on those thoughts.

261. The Delegation of Nigeria, speaking on behalf of the Africa Group, welcomed the Chair's proposal. It was a means to move forward. However, the Group and many other delegations had stated that the "Expert thoughts" did not represent a good basis for further discussion. These could be considered as inputs. They would like the Committee to also consider other ideas or proposals. The Group understood that the Chair proposed that the Committee took note of the report and continue discussions at the next CDIP session based on the "Expert thoughts" included in the report. Member States would consider and make comments on those thoughts. It would like to know how the Chair would take into consideration the proposal by the Group and other delegations to include their thoughts on the outcome.

262. The Chair stated that the "Expert thoughts" were based on the least common denominators, in accordance with the concept paper approved by the Committee. A wide ranging discussion could take place on that basis. However, it did not exclude the possibility for Member States to make comments they believed were relevant.

263. The Delegation of Brazil understood the Chair mentioned least common denominators. The least the Committee could do would be to take note of the "Expert thoughts". The Delegation reiterated that the experts themselves did not want these to be called recommendations. They were merely thoughts. The Delegation referred to the explanation provided by the Chair. It understood that Member States could continue to bring up ideas that were discussed in other activities such as the regional consultations and the studies. If so, the Delegation believed it was a good decision.

264. The Delegation of Nigeria, speaking on behalf of the African Group, referred to the statement made by the Delegation of Brazil and stated that the Committee could discuss the "Expert thoughts" and the proposals of Member States at the next CDIP session. The Group could go along with the proposal to continue the discussion at the next session based on the understanding that the Committee could discuss the "Expert thoughts" as well as the ideas of all Member States beyond those contained in those thoughts.

265. The Delegation of Iran (Islamic Republic of) supported the statements made by the delegations of Brazil and Nigeria on behalf of the African Group. The Delegation could go along with the Chair's proposal. However, it would like to know whether Member States could submit proposals on technology transfer and how these would be discussed in the next CDIP session. In this regard, the Delegation would like to know whether Member States could submit proposals to the Secretariat for discussion in the next session.

266. The Delegation of Brazil referred to the comments made by the Delegation of Nigeria that the discussions would not be limited to the "Expert thoughts" and these would be considered as inputs. The Delegation reiterated that if Member States were to adhere to the approved concept paper, they would not bring up anything new that was not discussed in the activities. That should be the understanding. The discussion would be limited to what was discussed within the project. In approving the concept paper in the last session, the Committee decided that recommendations would be drawn from all the activities of the project. Delegations would be able to bring up ideas that were discussed in the studies and the regional consultations.

267. The Chair stated that the Delegation of Brazil was correct. This was what he had tried to explain with regard to the discussion in the next session. There was nothing to prevent Member States from submitting ideas they believed were appropriate. The Chair enquired as to whether the Committee could agree to take note of the report and continue the discussion in the next session following the explanation provided by the Delegation of Brazil. This was decided given that there were no objections from the floor.

Consideration of document CDIP/14/11 and CDIP/12/5 - WIPO General Assembly Decision on CDIP related matters (continued)

268. The Chair resumed discussions on this item. He stated that the delegations of Algeria and Nigeria had put forward a list of issues which could be discussed under the proposed standing agenda item on IP and development. The list was distributed to delegations. He invited the delegations of Nigeria and Algeria to present the document.

269. The Delegation of Nigeria, speaking on behalf of the African Group, sought clarification on the context for the presentation of the document. The Group would like to know whether it would be presented for the information of the Committee or in the context of an agenda item on IP and development.

270. The Chair stated that the document would be presented to inform the Committee as some delegations would like to know what the content of the proposed standing agenda item would be. The presentation would provide information on issues that could be discussed under the proposed standing agenda to justify its inclusion in the Committee's agenda.

271. The Delegation of Nigeria introduced the issues it believed could be discussed under the proposed standing agenda item on IP and development. The first issue was on access to knowledge. It was clear that access to knowledge was fundamental to human and societal development. Knowledge was an asset. It supported socio-economic growth and development in industrialized nations. Developing countries and LDCs faced obstacles in accessing knowledge and scientific information that could help meet the priorities of their development objectives. Therefore, the Committee could discuss access to knowledge and the various impediments faced by stakeholders in developing countries and LDCs in this respect. The Committee could initially discuss the impact of the digital environment and user rights. There were many areas and aspects that could be discussed. The proposed standing agenda item could provide a platform for discussing those issues, including the challenges and experiences of other nations. The Committee could also come to a decision on how to ameliorate the situation for developing countries and LDCs. The second issue was on IP and technology transfer. This also concerned access to knowledge. It played a substantial role in fostering innovation and creative thinking. The Committee could initially focus on simplifying the language of patent applications as a form of technology transfer. Without prejudice to any other aspects of international transfer of technology that could be proposed, the Committee could initially focus on simplifying the language of patent applications as a form of technology transfer. There was a lot of literature on the technical nature of patent applications and the fact that it had become an art form. For educational reasons, published patent applications could be used as a form of technology transfer in schools. If the language could be understood by the average interested stakeholder, it could foster innovation and creativity. It could provide ideas and assist in educational growth and development. This was an area that could be examined if Member States committed to the inclusion of a standing agenda item on IP and development.

272. The Delegation of Japan, speaking on behalf of Group B, reiterated its position. The Committee had fulfilled the third pillar of the mandate given by the GA through discussing specific items as independent agenda items. This was done without an umbrella agenda item such as IP and development. From that perspective, the Group continued to believe that the specific items listed by the delegations of Algeria and Nigeria did not justify the necessity for an umbrella agenda item entitled, "IP and development". The items listed in the information paper could be discussed by the Committee if they were proposed by some delegations as separate specific agenda items, as was the case so far. For example, the Committee discussed the International Conference on IP and Development, and agreed on the procedure at the last session. This was a clear example that the Committee could discuss specific items related to IP and development, which was the main goal of the Committee, without an umbrella agenda item.

Another example concerned the issues related to the MDGs. This was also included in the information paper. The Committee discussed some issues related to the MDGs as a separate agenda item in past sessions. There was a good discussion. Therefore, the Group continued to believe that the items listed in the information paper could not justify the necessity for an additional agenda item entitled "IP and development". The Group reiterated that the Committee could discuss specific items if they were proposed as individual specific agenda items by some delegations and adopted as an agenda item by the Committee. This did not mean that the Group was fine with all the contents of the specific items. However, this procedure should generally be pursued. The Group reiterated that the third pillar of the GA decision related to the CDIP did not instruct the Committee to establish a separate agenda item entitled, "IP and development". It merely mandated the committee to discuss IP and development. This had been done intensively in past sessions without that umbrella agenda item. The Group understood the purpose of the current exercise was not to discuss the contents of each item listed in the information paper. It reserved the right to make comments on the substance of specific items at a later stage, namely, in a possible situation where an item would be proposed as a separate agenda item by some delegations. The Group made some preliminary comments on the issues. On IP and global challenges, the Group recalled that the PBC had received the report on this issue. Therefore, it did not see the necessity to discuss this issue at the CDIP. The PBC was the appropriate forum to deal with that issue. The CDIP was not the right place to do so. With regard to the WIPO Seminar Series on "The Economics of IP", the Group understood these were independent activities conducted by the Office of the Chief Economist. Therefore, it did not see the necessity for the Committee to deal with them. The Group reiterated its position. Specific issues could be discussed if they were raised as a specific agenda item by some delegations. It did not see the necessity for a separate umbrella agenda item such as IP and development. The items listed in the information paper could not justify the necessity for such an umbrella agenda item entitled, "IP and development".

273. The Delegation of Brazil stated that the points included in the list were not exhaustive. For example, discussions on IP and technology transfer were also taking place in other fora such as the WTO. It would be interesting to learn about new developments that may help the Committee in its work. Likewise, some issues related to IP and global challenges were also discussed at the WHO. From the perspective of development, it would be interesting to know how these subjects were developing in other fora. The Delegation acknowledged that some delegations may not agree with the inclusion of some points. However, the need for the proposed standing agenda item was justified if one or more of the points in the list were not dealt with in the Committee. This was the purpose of the compilation. The paper helped to make a point on the need for that agenda item. It would contribute to discussions on the links between IP and development.

274. The Delegation of the United Kingdom believed the CDIP was the forum for Member States to discuss IP and development. It was puzzled whenever delegations stated that the Committee was not discussing IP and development. It wondered what the Committee was doing if it was not discussing IP and development. The Delegation did not see any added value in having a general agenda item. The Delegation referred to the information paper. Some elements were clearly not within the mandate of the CDIP. The Committee had agreed on some other elements. With regard to IP and technology transfer, the Delegation would like to know whether the proponents had the impression that the Committee was not discussing this subject.

275. The Delegation of Romania, speaking on behalf of CEBS, believed that a new general agenda item would be superfluous as the mandate of the Committee was broad enough to allow for various proposals to be discussed. Moreover, the title of the proposed agenda item was problematic as it gave the impression that the agenda items discussed in the Committee so far were not related to IP and development. Some specific items included in the paper such as access to knowledge as well as IP and technology transfer could be discussed under those very same titles as separate agenda items. Other topics such as the WIPO's contributions to UN

meetings as well as preparations for conferences and seminars could be discussed under the Director General's Report on Implementation of the DA. Some other items were not necessarily related to the CDIP's mandate. In any case, the Committee should avoid micromanaging the Organization's activities.

276. The Representative of the Health and Environment Program (HEP) supported the items presented by the Delegation of Nigeria. The Representative urged developed countries to be flexible in considering the proposals. They should consider the needs of developing countries and LDCs, particularly those in Africa.

277. The Delegation of Mexico highlighted that it had not received any feedback from its capital on the proposals.

278. The Chair noted that delegations continued to disagree on this issue. It was discussed since CDIP/6. The Committee had yet to find a solution. It could take note of the document submitted by the delegations of Nigeria and Algeria. He sought the views of delegations on the way forward.

279. The Delegation of Nigeria referred to the question posed by the Delegation of the United Kingdom about whether or not enough was being done. A specific discussion on international technology transfer in the CDIP would allow Member States to enter into more in-depth discussions on various aspects, including obstacles and issues that could arise. The discussion in WIPO on technology transfer may not address all the issues. The intention was not for WIPO or the CDIP to address everything concerning international technology transfer. However, an emphasis could be placed on certain areas that were critical for developing countries and LDCs. The Delegation reiterated that the Committee could initially look into the simplification of patent applications as a form of technology transfer. This could be used for educational purposes. On the way forward, the Delegation would like to know whether the Chair meant to take note and put it on the agenda for the next CDIP session. The Delegation would welcome such a proposal.

280. The Delegation of the United Kingdom clarified that the question was not whether WIPO was doing enough. The Delegation's question was whether the proponents had the impression that the Committee was not discussing technology transfer. The Delegation believed it got some sort of an answer. On the comment made by the Delegation of Nigeria on the way forward, the Delegation stated that it would be very difficult to accept that the Committee could take note and agree on the agenda item. There was no agreement on the agenda item. The Committee could just take note and consider this issue at the next session.

281. The Chair proposed that the Committee take note of the document submitted and request the GA to allow it to continue with the discussion in the forthcoming session.

282. The Delegation of Nigeria understood that the Chair proposed that the Committee would take note and put it on the agenda for the next session. The Delegation would welcome such a proposal.

283. The Chair enquired as to whether the Committee could agree to include this issue in the agenda for the forthcoming session. The Committee would request the GA to allow it to continue the discussion in the forthcoming sessions. This was agreed given that there were no objections from the floor.

Consideration of document CDIP/15/6 - Patent-Related Flexibilities in the Multilateral Legal Framework and their Legislative Implementation at the National and Regional Levels - Part IV

284. The Secretariat (Mr. Aleman) introduced the document. At the thirteenth session of the CDIP held from May 19 to 23, 2014, the Committee discussed document CDIP/10/11 on Future Work on Patent-Related Flexibilities in the Multilateral Legal Framework and agreed that a document, based on factual compilation with no recommendations whatsoever, be prepared on two new patent-related flexibilities for discussion at a future session of the CDIP, namely, the flexibility to apply or not to apply, criminal sanctions in patent enforcement (Article 61 of the TRIPS Agreement) and measures related to security which may result in a limitation of patent rights (so-called “security exception”) (Article 73 of the TRIPS Agreement). The methodology followed in the preparation of this document was the same as that adopted by the CDIP concerning previous work on patent-related flexibilities, namely, documents CDIP/5/4 Rev., CDIP/7/3 Rev. and CDIP/13/10 Rev. This document addressed two flexibilities in the patent area, describing the conceptual development for each. It included two annexes. They contained tables that categorized diverse aspects of the flexibilities studied and related legal provisions in a number of jurisdictions. The document was divided into two parts. Part I focused on the flexibility to apply or not to apply, criminal sanctions in patent enforcement. Part II provided an illustration of the different measures implemented at the national level under the so-called “security exception”.

285. The Delegation of Venezuela stated that the work carried out by the Secretariat on the flexibility to apply or not to apply, criminal sanctions in patent enforcement (Article 61 of the TRIPS Agreement) and measures related to security which may result in a limitation of patent rights would facilitate discussions in the Committee on these flexibilities.

286. The Delegation of Malawi stated that its country had embarked on the process of reviewing the national IP laws. In this regard, it was important to take into consideration the patent-related flexibilities in the multilateral legal framework and their legislative implementation at the national level. As indicated on page 26 of the document, the current Patent Act did not contain provisions on criminal sanctions for patent infringement. In this regard, Malawi’s position would remain unless it was persuaded otherwise. Criminal proceedings were undertaken by the state. These proceedings could be too lengthy and expensive in prosecuting what were essentially private rights in terms of patents. As mentioned in the document, criminal sanctions could also have a negative impact on R&D. Section 24 of the Patent Act did recognize measures related to security. The Delegation requested WIPO to assist its authorities to further refine this section in the revision of the law. WIPO could also provide technical and financial support in the process of revising the Patent Act. The Delegation believed patent-related flexibilities in the pre-grant and post-grant phases were important for Malawi to achieve meaningful development in this field.

287. The Delegation of Latvia, speaking on behalf of the EU and its Member States, stated that the document could serve as a useful reference. The document completed the previous documents (CDIP/5/4, CDIP/7/3 and CDIP/13/10). It represented the fourth part of the work on patent-related flexibilities in the multilateral framework. Overall, these documents provided a good factual overview of the flexibilities in the patent system. The EU and its Member States reiterated that the flexibilities investigated should not be seen as recommendations to WIPO or WTO Member States, but as an overview of options exercised by Member States under the objective of transparency and exchange of national experiences.

288. The Delegation of Ecuador supported the continuation of studies on patent-related flexibilities to ensure access to information and know-how on technologies that were essential for national development. Flexibilities in the multilateral legal framework provided space to access technologies. The studies, initiatives and exchange of views helped countries to identify new ways of using IP in policies for development.

289. The Delegation of Romania, speaking on behalf of CEBS, stated that the document contained useful information on national legal frameworks concerning remedies and sanctions for infringement of patent rights as well as measures related to the so-called “security exception”. These issues were of special interest. Violations of patent rights had reached soaring levels with negative consequences in the field. The document may assist countries to make their own policy choices in this area.

290. The Delegation of Brazil stated that the document focused on the leeway countries had in the application of criminal sanctions in patent enforcement and the security exception. The point concerning the complexity of patent-related lawsuits and the inability of most criminal courts to deal with them was particularly noteworthy. The work carried out on patent-related flexibilities since CDIP/5 was extremely helpful. It was consistent with one of the main objectives of the committee, namely, to provide an opportunity to discuss aspects of the IP system that affected or could affect development. As indicated in the studies, the flexibilities in multilateral treaties were intrinsically connected with other rules set in those instruments, contributing to an overall balance in the IP system. It was interesting to hear the recollections of negotiators of the TRIPS Agreement in a seminar at the WTO a couple of months ago. The matter of flexibilities was mentioned on several occasions. In general, the observations made by the panelists confirmed that the flexibilities included in the TRIPS Agreement, seen in parallel with the objectives in Article 7, were inserted to provide a needed balance so that it could be approved, leaving some policy space for members to implement new rules. With regard to the project, the Delegation pointed out that the comparative examination of choices made by countries regarding the inclusion of flexibilities was important. It helped to provide a general picture. However, the work undertaken was insufficient to providing the benefits envisaged at the beginning of the project. In order for countries to understand how flexibilities, as an integral part of the IP system, could help to promote development, the Committee should deepen the analysis and explore, for example, how they were used by countries that included them in their national laws. Above all, the Committee should examine the challenges experienced by these countries in implementing them. This wider approach would help to fulfill the project's objectives.

291. The Delegation of the Russian Federation stated that such studies were important for the implementation of the DA. The Delegation stated that the Russian Federation's judicial system provided for civil and criminal liability for patent infringement in accordance with its national laws. The document referred to Article 147 of the Criminal Code. It covered infringements of the rights of inventors and patent holders. Such infringements were included in the category of offences against the rights and freedoms of individual citizens guaranteed in the Constitution. This highlighted the special status of these rights in the hierarchy of Russian legal provisions. These offenses were serious because they constituted an infringement of the rights proclaimed in Article 44 of the Constitution which guaranteed the literary, artistic, scientific, technical and other creative freedoms of citizens. There were very few cases concerning infringement of patent and inventor's rights in the total number of crimes recorded. However, the presence of this article provided protection for the constitutional rights and freedoms of the individual. The Delegation drew the Secretariat's attention to some inaccuracies on page 39 of annex 1. These concerned Article 147 of the Criminal Code. First, the word “damage” was used in the text. This should refer to major harm. The harm must be material. An infringement would be ruled to take place when major harm was caused. Second, there were also inaccuracies concerning the length of obligatory labor. Article 147 provided for up to 480 hours. Third, there were also errors in paragraph 2 of the article with regard to penalties. The article provided for the levying of fines equivalent to the salary or other income of the offender for a period of between 1 and 2 years. There was also a mistake in the description of the custodial sentence which could run up to 6 months. The Delegation reiterated that such studies were useful because they encouraged the exchange of information and helped countries to take the best decisions to protect the rights and legitimate interests of both individuals and the state while taking into account national security requirements.

292. The Delegation of Uruguay believed such studies helped to enhance knowledge on this subject. It was in line with the objectives of the Committee's work and assisted developing countries to make use of flexibilities in the multilateral framework. The Delegation encouraged the Secretariat to continue producing such studies and to present them to the Committee.

293. The Chair invited the Secretariat to respond to the comments from the floor.

294. The Secretariat (Mr. Aleman) noted that some delegations considered the work done on the issue of patent-related flexibilities to be useful. The documents submitted to the Committee illustrated, in a factual manner, how countries implemented different patent-related flexibilities in their own jurisdictions. Various options were identified in that regard. The information was useful for policymakers and lawmakers, and could provide inspiration. The work undertaken indicated that patent-related flexibilities were taken into account in the laws of developing countries. Some delegations stated that constraints in implementation and the impact of those flexibilities were not addressed in the documents. These were not included in the mandate given to the Secretariat for the preparation of the documents. The Patent Law Division did not have the capacity to address the issue of impact. However, some analysis could be done in a specific jurisdiction to identify constraints faced in the implementation of those flexibilities. It may be too complex to undertake such work using the current methodology. Perhaps the Committee could consider the possible options for conducting the analysis if it was interested to move in that direction.

295. The Chair sought the views of delegations on the way forward.

296. The Delegation of Venezuela recalled that the Committee had examined 12 flexibilities in the last five years. Four documents were produced. The work covered more than 100 countries. It was clear that these flexibilities were available in developing countries. However, they were not being applied. The Delegation wondered whether it would be possible for the Office of the Chief Economist or external experts to conduct a study on how Venezuela could obtain economic benefits from the implementation of these flexibilities. Separately, consideration could be given to the development of a WIPO database to add value to the work already done. Work could be undertaken on flexibilities in other areas of IP. That would be beneficial for Member States as well as the Organization.

297. The Delegation of Japan, speaking on behalf of Group B, shared the opinion of the Secretariat that the documents could provide inspiration for policymakers in the context of developing domestic policies related to IP. When future work on patent-related flexibilities was discussed at CDIP/9, the Committee agreed to conduct additional studies on patent-related flexibilities. These were contained in documents CDIP/13/10 and CDIP/15/6. However, there was no agreement to keep this item on the agenda. In other words, there was no agreement to continue work on this issue beyond the study presented at this session. WIPO had done a lot of work on patent-related flexibilities. In particular, a number of patent-related flexibilities were extensively and thoroughly studied at the CDIP and the SCP. Around 20 documents on patent-related flexibilities, some with multiple parts and many over 100 pages long were produced in the last six years. All essential areas of patent-related flexibilities were covered, some more than once. Member States needed to take a step back and reflect on the material that was collected over the years instead of creating new material.

298. The Delegation of China stated that exceptions and limitations as well as flexibilities were of vital importance in designing a balanced IP regime, taking into account the interests of all parties. Therefore, studies in this area were valuable for all Member States. The Delegation pointed out some factual inaccuracies related to China in this document. With regard to the flexibility to apply or not to apply, criminal sanctions in patent enforcement, Article 63 of China's amended Patent Law clearly provided that criminal sanctions could be applied to patent

infringement. China attached great importance to the protection of IPRs, including patent rights and enforcement. Civil administrative sanctions as well as criminal sanctions could be applied under the Patent Law. On security measures which may result in a limitation of patent rights, the study stated that Article 14 of the Patent Law dealt with the application of patents filed by state-owned enterprises. However, this article was not related to national security. The study did not mention Article 4 of the Patent Law which stated that when inventions in patent applications were related to national security or major interests and required confidentiality, relevant national regulations would apply. This was one of several articles in China's national patent legislation which imposed some limitations on patent rights to protect national security. In the interest of accuracy, China would submit a written document to the Secretariat in order for relevant parts of the document to be amended before the next session. The completed studies were successful and the outcomes were valuable. Further studies and discussions on patent-related flexibilities could help in building a balanced international IP regime. They could also assist developing countries and LDCs to use IP to achieve their development goals. Therefore, the CDIP should further its discussions in this area.

299. The Chair noted that there were two proposals. One idea was to continue the discussion on this issue without requesting for more studies. The Delegation of Venezuela mentioned the possibility for the Secretariat to develop a database and to conduct studies on flexibilities in other areas of IP.

300. The Delegation of Nigeria, speaking on behalf of the African Group, referred to the study. There were different practices in African countries. Its members did not have a common position on the study. However, the Group welcomed further work on patent-related flexibilities as well as those in other areas of IP.

301. The Delegation of Uruguay supported the proposal by the Delegation of Venezuela to conduct studies in other areas of IP. The Delegation reiterated that it was interested in flexibilities in the area of trademarks. It would welcome any move in this direction.

302. The Delegation of Brazil supported the idea of expanding the studies to other areas such as trademarks and enforcement. These were two main areas that could be the subject of new studies.

303. The Delegation of the United States of America was not in a position to support any further studies on patent-related flexibilities for the reasons elaborated by the Delegation of Japan on behalf of Group B. The Committee had studied this subject extensively. It was time to pause and reflect on what had been produced. Each Member State could form their own conclusions and apply the existing flexibilities, or not, as they saw fit. On the point made by some Member States with respect to studying trademark and enforcement flexibilities, the Delegation highlighted that the topic of this agenda item was patent-related flexibilities. The Delegation was not prepared to discuss trademark or enforcement flexibilities at this session. On the proposal to create a database, the Delegation recalled that the Committee had agreed to create such a database in one of its past sessions. The Delegation believed it already existed and would this to be confirmed by the Secretariat.

304. The Secretariat (Mr. Baloch) stated that the Delegation of the United States of America was correct. Around the eighth or ninth session of the CDIP, the Secretariat embarked on efforts to develop a database. This was requested by the Committee. Some work had gone into it. The Secretariat had also reported on that. Efforts were made to incorporate relevant laws and the work undertaken on patent-related flexibilities into the database. The Secretariat could take a fresh look at the database, include the recent work done in this direction and report to the Committee in the next session.

305. The Delegation of Venezuela agreed with the Delegation of the United States of America on the issue of the database. The idea was for the database to be updated with the four documents on patent-related flexibilities. This would benefit all countries. The Delegation agreed with the Delegation of the United States of America and Group B that the topic under consideration was patent-related flexibilities. However, the CDIP could discuss flexibilities in other areas of IP in a future session. The Delegation reiterated the work undertaken on patent-related flexibilities was extensive and quite detailed. The studies were factual and indicated that flexibilities were taken into account in the laws of developing countries. The issue was how to continue work on patent-related flexibilities. For example, the database needed to be updated. Further work could also be done on the basis of the factual studies carried out by the Secretariat which involved more than 100 countries. Developing countries did not know how to benefit from these flexibilities. They were not familiar with them. Thus, developing countries could be assisted in the implementation of these flexibilities.

306. The Chair enquired as to whether the Committee could take note of the document, request the Secretariat to update the database and continue the debate on this topic in the forthcoming session. This was agreed given that there were no objections from the floor.

Consideration of document CDIP/14/11 and CDIP/12/5 - WIPO General Assembly Decision on CDIP related matters (continued)

307. The Chair informed the Committee that the information provided by the Vice Chairs on their consultations with regard to the issue of the Coordination Mechanism indicated that there was disagreement on this issue. Therefore, he wondered whether it would be possible or useful to hold an informal meeting during the intersession to continue discussions on the issue. If that was not possible, the Committee could continue discussions in the next session based on his paper which was distributed in the morning as an informal paper.

308. The Delegation of Japan, speaking on behalf of Group B, recalled that some delegations had mentioned the necessity for capital based experts to be present during the informal consultations. That was why informal consultations were held during the meeting rather than in the intersession. The Group reiterated that any decision on work during the intersession should take into account the whole picture on WIPO activities. From that perspective, the Group's continued preference was not to institutionalize informal consultations in inter-sessional periods. Its preference was for the discussions on this issue to take place in the next session with the presence of experts. The discussions could be based on the Chair's informal paper.

309. The Delegation of Nigeria, speaking on behalf of the African Group, would welcome informal consultations during the intersession.

310. The Delegation of Spain stated that its preference was also to avoid informal consultations during inter-sessional periods. Member States could be given sufficient time to deal with this topic at the GA in order to come up with recommendations.

311. The Chair clarified that the informal consultations would involve regional groups and a few other delegations. He did not believe it was necessary for all Member States to be present. However, that aspect was open for discussion. It would not be necessary for experts to be present as delegations were familiar with the issue. Informal consultations could also be held during the GA if there was no agreement on this issue. He enquired as to whether the Committee could agree to work on the basis of his informal paper and to hold informal discussions during the GA in accordance with the suggestion by the Delegation of Spain.

312. The Delegation of Japan, speaking on behalf of Group B, stated that the GA should not be overloaded. The Chair's intention was to hold informal discussions during the period of GA. There was a need to keep in mind that a lot of heavy agenda items were foreseen for the

coming GA and a lot of informal consultations may be necessary. Therefore, the Committee should be cautious not to overburden the formal and informal discussions during the GA.

313. The Chair proposed that the situation during the GA could be assessed to see whether some form of informal discussion could be held to achieve progress. If it was not possible to do so, the discussion would continue in the next session.

314. The Delegation of the United Kingdom supported the statement made by the Delegation of Japan on behalf of Group B. The GA was a very busy time for a lot of Member States. The Delegation preferred to have a discussion on this issue at the next CDIP session.

315. The Delegation of Brazil supported the Chair's proposal. Some delegations wanted consultations to take place in the intersession. There was no consensus on that. The Chair's suggestion to see if there was room for these consultations to take place during the Assemblies was balanced and feasible. Many different subjects were discussed during the Assemblies. This was an important issue. The discussion in the morning highlighted that the work of several other WIPO bodies was at stake. Therefore, it was worth giving it a try during the Assemblies.

316. The Delegation of Nigeria, speaking on behalf of the African Group, welcomed informal discussions on this agenda item during the GA. These procedures were used in the past to find solutions to thorny issues. The GA directed the Committee to consider this agenda item and make a recommendation. This item had been on the Committee's agenda for several sessions. Therefore, it would be great to find a solution on the sidelines of the GA. The Group welcomed the Chair's proposal.

317. The Delegation of Switzerland agreed with the Delegation of the United Kingdom that the GA was a very busy period. There would be a lot to deal with. There would not be enough time to seriously discuss this issue. It was in the interest of all delegations to give necessary consideration to this issue. It would be better to do so in the next CDIP session. During the GA, the attention of Member States would be taken up by many other subjects that were vital to the Organization. The Delegation supported the proposal by the Delegation of the United Kingdom to discuss this issue at the next CDIP session in order to give necessary consideration to the matter.

318. The Delegation of Venezuela endorsed the proposal by the Delegation of Spain, which the Chair then took on as his proposal. The Delegation of Spain solved a problem highlighted by the Delegation of Japan on behalf of Group B that experts would not be present during the informal consultations. Experts from many countries would be attending the GA. Therefore, there would be a good opportunity to reach some sort of an agreement during the GA.

319. The Chair noted the various positions. An important group of countries would like informal consultations to be held in the intersession. Other countries were opposed to this. There was an intermediate proposal by the Delegation of Spain. It may be possible to find space to discuss this issue during the Assemblies. The Chair believed it would be reasonable to adopt the proposal. He urged delegations, particularly those in Group B, to demonstrate flexibility in this regard. The possibility of holding a brief informal meeting on this matter during the Assemblies could be explored depending on the situation and circumstances during the Assemblies. The GA had important issues to deal with. However, this was also an important issue. It deserved as much consideration as any other subject. The Committee had been working on it for years. Therefore, he urged delegations to demonstrate flexibility in order to meet the needs of a large number of countries that wished to continue discussions on this issue.

320. The Delegation of Japan requested for a short break to consult with the other members of Group B.

321. The Chair agreed to the request.

322. The Chair resumed the discussion.

323. The Delegation of Japan, speaking on behalf of Group B, stated that the Chair of the GA had provided some words of wisdom. This issue should not be brought to the GA in order to avoid overloading GA. The Group respected those words of wisdom in order for the upcoming GA to be successful. At the same time, it understood the Chair's intention. Therefore, the Group accepted that the Chair would make an effort to find a limited time slot during the GA for targeted informal consultations on this issue in a manner which did not interfere with discussions on other matters dealt with by the GA. This did not mean that it agreed to a substantive formal discussion at the GA.

324. The Chair stated that efforts would be made during the next GA to find a space to hold informal consultations on this issue on the basis of his working paper. This was decided given that there were no objections from the floor.

Consideration of Documents:

Consideration of document CDIP/8/INF/1 - External Review of WIPO Technical Assistance in the Area of Cooperation for Development

CDIP/9/14 - Management Response to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (Document CDIP/8/INF/1)

CDIP/9/15 - Report of the *Ad Hoc* Working Group on an External Review of WIPO Technical Assistance in the Area of Cooperation for Development

CDIP/9/16 - Joint Proposal by the Development Agenda Group and the Africa Group on WIPO's Technical Assistance in the Area of Cooperation for Development

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

325. The Chair invited the Secretariat to introduce the agenda item.

326. The Secretariat (Mr. Baloch) recalled that the issue had been before the Committee since its eighth session. One of the activities of the DA project on Enhancement of WIPO's RBM Framework to Support the Monitoring and Evaluation of Development Activities was an External Review of WIPO Technical Assistance in the Area of Cooperation for Development. It was conducted by two experts, Mr. Santiago Roca and Ms. Carolyn Deere Birkbeck. The report (document CDIP/8/INF/1) was quite voluminous. It contained numerous recommendations. Since the eighth session, many other documents were produced in relation to that document. The first was the report of an *Ad Hoc* Working Group established by the Committee to try and identify recommendations that were redundant. The *Ad Hoc* Working Group held four meetings. Its report (document CDIP/9/15) was considered by the Committee. During CDIP/9, a joint proposal by DAG and the African Group (document CDIP/9/16) was received and considered by the Committee. Since then, these documents had been the basis for discussions in the Committee. For CDIP/11, the Secretariat was requested to produce a document which provided a status of implementation of the various recommendations contained in the report. This document separated recommendations into various categories: namely, category A (recommendations which were already reflected in WIPO activities or ongoing reform programs), category B (recommendations which merited further consideration),

and category C (recommendations which raised concern as to implementation). Discussions took place during CDIP/11. Member States identified three recommendations where they wanted the Secretariat to make progress. The first was to produce a manual on the delivery of WIPO technical assistance. The manual was considered during CDIP/12. Certain improvements were introduced by delegations during the session and a revised version was made available. It was also available on WIPO's website. The second recommendation agreed to by the Committee was to restructure WIPO's website. The adoption of this recommendation coincided with the Organization's efforts to revamp the website. Efforts were undertaken to make the DA and development-related sections of the website more accessible and visible. The third recommendation was on the IP Technical Assistance Database (IP-TAD) which was developed under a DA project. Delegations proposed certain enhancements to the database. During CDIP/13, the Committee reviewed the progress made in this regard but not in great detail. The Committee could not consider this issue during CDIP/14 due to the shortage of time. The Committee was invited to reconsider the issue during this session.

327. The Delegation of Nigeria, speaking on behalf of the African Group, welcomed the steps taken by WIPO to address some of the recommendations contained in the report on the External Review. Its joint proposal with DAG was aimed at improving and enhancing the way WIPO delivered its technical assistance. Specific proposals were made in this regard. The Group had a focal point on this agenda item, namely, the Delegation of Algeria. It would speak on behalf of the Group with regard to this item going forward.

328. The Delegation of Algeria, speaking on behalf of the African Group, proposed a way forward on this issue. The Committee could go through its joint proposal with DAG and identify the less problematic recommendations. The Group could provide the Committee with some ideas on that. It was also ready to take on board some proposals suggested by the EU and supported by Group B. Those were specifically related to internal and international coordination on technical assistance and the issue of efficiency.

329. The Delegation of Romania, speaking on behalf of CEBS, recalled that the External Review generated a high number of recommendations which were submitted to the Committee for its attention. Following an assessment by the Secretariat on the value and feasibility of implementing those recommendations, the Group was of the view that the Committee should focus its discussions on Cluster B which contained recommendations that merited further debate. Meanwhile, other proposals were made by various groups or delegations. Dealing with so many proposals was a challenge in itself, irrespective of the content of those suggestions. In terms of content, the Group supported the EU proposal to devote a full day to IP and technical assistance in order to debate best practices. Such a discussion would offer a refreshing perspective on improving the delivery of technical assistance. With regard to the joint proposal by the African Group and DAG, the Group was ready to engage in discussions on a number of proposals corresponding to Cluster B.

330. The Delegation of Japan, speaking on behalf of Group B, reiterated that WIPO had successfully conducted technical assistance so far. This was further improved after the External Review. Keeping in mind that the Secretariat should not be micromanaged, the Group believed that practical and useful work to be further pursued based on the recommendations of the Deere-Roca report only included a compilation of best practices of WIPO and non-WIPO technical assistance, internal and international coordination, and cost efficiency measures. The Group's proposal at CDIP/10 on the exchange of best practices was related to the first component and could be further considered in this context. The Group referred to some items of the joint proposal specified by the African Group at the last session such as A3, C1, C2, D2, E2 and E3. The Group believed some were already taken care of by the Secretariat and others were not feasible, both from practical and principle perspectives. For example, financial issues should be dealt at the PBC and not at the CDIP. Since the issue on the Deere-Roca report in 2011 and the status of the implementation report in 2013, the status of a number of

recommendations had undoubtedly changed. As such, the Group requested the Secretariat to update the management response accordingly. All delegations would then be in a better position to determine what was worth further discussion.

331. The Delegation of Latvia, speaking on behalf of the EU and its Member States, noted that Committee had spent many hours debating the Deere-Roca report and its recommendations. In May 2012, WIPO produced a management response (document CDIP/11/4) to the report. The report classified the recommendations in three categories, namely, Cluster A (recommendations which were already reflected in WIPO activities or ongoing reform programs), Cluster B (recommendations which merited further consideration) and Cluster C (recommendations which raised concern as to implementation). This was followed, in May 2013, by a report on the status of implementation of Cluster A recommendations. Several proposals were made over the years. In 2012, the African Group presented their proposal. After a lengthy debate, final agreement was reached on some of the proposals. The initiatives on the manual (document CDIP/12/7) as well as the restructuring of the WIPO website and IP-TAD were approved. The EU and its Member States also made a proposal in 2012. They proposed dedicating a full day to IP and technical assistance to debate best practices. This debate should focus on the identification of best practices and lessons learned from WIPO and non-WIPO technical assistance; ways to improve internal and international cooperation; and cost efficiency measures. There should also be opportunities for joint presentations on technical assistance projects by developing and developed countries, irrespective of whether the technical assistance was carried out in a multilateral or bilateral manner. This could bring value to WIPO. They looked forward to such a debate which would ensure greater transparency and accountability in all areas of technical assistance planning and delivery. Lastly, in order for time to be meaningfully used, the Committee should focus the discussion on the Deere-Roca recommendations only, and more specifically, on those recommendations that warrant further discussions, namely, the Cluster B recommendations mentioned in the management response.

332. The Delegation of Spain noted that the Committee had been discussing this issue for a long time. The Committee had yet to come up with technical and policy suggestions for improving the delivery of technical assistance. The identification of best practices and lessons learned from WIPO and non-WIPO technical assistance, ways to improve internal and international cooperation, and cost efficiency measures could be further considered in this regard. The Delegation referred to the comments made by the Delegation of Algeria on behalf of the African Group. Perhaps the African Group could make some simplified proposals based on its joint proposal with DAG. The Secretariat could prepare a guide to make the process for selecting external experts and consultants more transparent. The Roster of Consultants should be kept up to date. The WIPO webpage should contain updated information on technical assistance. More information could also be provided in this regard. Member States could also reflect on whether or not the activities undertaken through extra-budgetary resources were in alignment with the WIPO policy on technical assistance. These were some items that could be explored to move forward on this topic.

333. The Delegation of Venezuela supported the proposals by the Delegation of Spain to move forward on this issue.

334. The Delegation of Mexico aligned itself with the proposals by the Delegation of Spain. These provided a useful way to move forward. The Delegation also referred to the post-2015 DA and WIPO's role in fulfilling the objectives of that agenda.

335. The Delegation of Algeria, speaking on behalf of the African Group, referred to the EU's proposal on internal and international cooperation on technical assistance. In this regard, the Group also referred to recommendation L2 in its joint proposal with DAG, "The Secretariat should improve the quality of its collaboration with the UN family. The Secretariat should update CDIP on its implementation efforts as well as report to the CDIP annually on the

activities it has undertaken with the UN family, as well as the development orientation and development impact of the activities". This could be covered under the EU's proposal on international cooperation. The Group also referred to the proposal on the Roster of Consultants which was highlighted by the Delegation of Spain. There was a recommendation for the Roster to be updated by the Secretariat. The Group believed the Committee could pursue these two elements. On the issue of best practices, the Group stated that it was not in favor of sharing best practices in technical assistance because the EU and Group B would like non-WIPO technical assistance to be discussed during the one-day seminar. It was not within WIPO's mandate to discuss something that was not related to the Organization. The Group was fine with the other proposals. These were included in its joint proposal with DAG. They would be ready to draft these proposals in a more acceptable way in order for them to be agreed upon.

336. The Delegation of Nigeria aligned itself with the statements made by the Delegation of Algeria on behalf of the African Group. The Delegation noted that there were a lot of constructive contributions on this item. Perhaps the Chair could direct the Committee on how to move forward. There was some convergence on certain proposals among Member States. The Committee could identify a few aspects, move forward on them and keep this item on the agenda of the Committee.

337. The Chair believed agreement could be reached on some recommendations, in particular, those mentioned by the delegations of Spain and Algeria.

338. The Delegation of the United States of America stated that the EU proposal, "WIPO Secretariat provides detailed information on the measures taken to improve internal and international coordination" did not correspond to L2 in the joint proposal by the African Group and DAG. They were completely different. The Delegation was in favor of going forward with additional information provided by the Secretariat on internal and international coordination. It would help the Committee to make future decisions on steps to be taken to improve such coordination. However, the Delegation could not support working on L2 at this time.

339. The Delegation of Uganda suggested a short break for interested delegations to hold informal discussions and come up with common denominators.

340. The Chair agreed to the suggestion. He requested the delegations of Algeria, Spain, United States of America, the EU and its Member States, as well as other interested delegations to hold consultations and come up with a list of items that could be agreed upon.

341. The Chair resumed the discussions. He informed the Committee that the consultations had led to a proposal by the Delegation of Spain. It contained a list of issues that took into account the interests of all delegations. The Secretariat had distributed the list to the Regional Coordinators for consideration by the various groups. The Committee could return to this issue the following morning. This was agreed given that there were no objections from the floor.

Consideration of document CDIP/15/INF/2 - Study on Pharmaceutical Patents in Chile

342. The Secretariat (Mr. Fink) introduced the study. It was undertaken in Phase I of the Project on IP and Socio-Economic Development. It was part of the study on Chile which consisted of three elements. The Study on IP use in Chile and the Study on Trademark Squatting were presented at previous CDIP sessions. This study was prepared by Ms. María José Abud Sittler, Researcher, Columbia University; Mr. Christian Helmers, Assistant Professor, Department of Economics, Santa Clara University; and Ms. Bronwyn Hall, Professor of Technology and the Economy, Department of Economics, University of California, Berkeley. There was a lot of interest in pharmaceutical patenting in developing countries. This was partly due to the TRIPS Agreement. It required a number of developing countries that previously did

not provide for pharmaceutical patents to introduce such protection. The patent landscapes of developing countries also indicated that pharmaceutical patents were quite important in many of those countries, especially middle income countries. The study dealt with one particular aspect of pharmaceutical patenting. It looked at the extent to which pharmaceutical patents could be classified as primary or secondary patents. There were no formal definitions for primary and secondary patents. Primary patents directly protected active ingredients. Secondary patents protected new methods of use, dosages, formulations, and so on. These occurred at a later point in the R&D process. There was a big debate in developed and developing countries on the impact of secondary patents. According to one view, secondary patents were important to appropriate investments for follow on innovations which could be important and patients stood to benefit from them. Some others argue that secondary patents were primarily used to extend patent protection on a given drug. This could lead to prolonged periods of higher prices for patients. The study did not offer evidence to support one view or another. It merely documented the use of primary and secondary patents in Chile. Studies on the use of secondary patents focused on the United States of America and the EU. As far as low and middle income countries were concerned, there had not been a study at this level of detail. It could be argued that primary patents were more powerful patents because they relate to active ingredients. These were usually filed at a very early stage of the R&D process where there was great uncertainty about whether the underlying invention would lead to a commercial product. In the case of secondary patents, it could be argued that there was much greater certainty on their relevancy once commercial products were introduced. However, the more limited scope of these patents may render them less powerful. Therefore, companies faced difficult decisions on which patents to file in different countries of the world. The level of development, market size, and other factors could significantly influence those decisions. The study looked at the use of primary and secondary patents in Chile. This was a challenging task because it required not only a distinction between primary and secondary patents, but also a mapping of patents to active ingredients and the corresponding pharmaceutical products. Linking patents to active ingredients was an enormous challenge because there was usually no explicit mentioning in the patent claims of the active ingredient contained in a drug. The researchers addressed this problem in various ways, including through relying on the Orange Book of the United States Food and Drug Administration (USFDA) to identify US patents on compounds registered in Chile; the Merck Index which provided information on patents worldwide; and the advice of experts in the field who looked at a large number of patents and classified them as primary or secondary patents. As companies could also secure competitive advantage through brand recognition, the study also matched pharmaceutical product-level data with trademark data. The study analyzed what type of pharmaceutical products was protected by different forms of IP. If that form of IP was a patent, it analyzed whether the patent was a primary or a secondary patent. The study included a detailed discussion of the results. The Secretariat highlighted some results. Around 3% of the pharmaceutical patents in Chile could actually be linked to a product that was introduced on the market. This was rather low. This was not surprising. It was consistent with the findings in other countries. In Uruguay, the rate was between 5% and 10%. In the United States of America, it was estimated to be less than 2%. The low match rate indicated that there was a lot of uncertainty about the commercial potential of inventions when they were filed at the patent office. This was particularly the case in the pharmaceutical industry where the R&D process could take more than ten years and many promising inventions failed at some point during the process. In terms of the breakdown between primary and secondary patents, the ratio for those that could be matched to products that were registered in Chile was 1:4. For every five patents, there was one primary patent and four secondary patents. The ratio was lower than what was found in a similar study on countries in the EU (ratio of 1:7). The result suggested that fewer of those secondary patents make it to a country like Chile. The study also looked at who owned those patents and trademarks. It found that almost all patent filings in the pharmaceutical area were by entities based in Europe and the United States on America. This was the pattern in most middle income countries. However, more than 50% of the trademarks were filed by Chilean entities. This reflected the vibrant generic

pharmaceutical sector in Chile. Although Chilean companies were not necessarily the originators or licensors of new pharmaceutical products, there was significant manufacturing and marketing in Chile. The study contained a lot of technical details. The methodology used could also assist in the preparation of similar studies in other countries. The study was interesting. It was a first step towards a better understanding of pharmaceutical patents in Chile.

343. The Delegation of Chile stated that the study had provided data on the behavior of patent applicants. This was extremely useful in the formulation of policies. The research was very innovative and required hard work by the external researchers and experts at INAPI. The possibility of replicating the research in other Member States through the same methodology would be useful for validating and benchmarking the results among countries. Therefore, the study should be fully translated. Work was underway to clarify some aspects of the study. The clarifications would not affect the results. The information would be provided to the Secretariat during the week. The analysis on primary and secondary patents was very interesting. It highlighted some important issues. First, although secondary patents could be registered in Chile, the study clearly demonstrated this was not a significant trend. Second, the local industry was more linked to secondary patents. This was not surprising as it was only possible to patent pharmaceutical products in Chile since 1991. The Delegation believed other countries with similar economic realities would benefit from the study. It encouraged more research to be undertaken in a similar context.

344. The Chair requested the Secretariat to translate the document.

345. The Delegation of Indonesia recognized the results of the factual study. Developing countries could benefit from the study. The discussion on this issue would assist Indonesia in the amendment of its national patent law. Patent protection should promote the growth of domestic pharmaceutical industries in developing countries.

346. The Representative of HEP believed it would be helpful to conduct a similar study in African countries, particularly within the framework of OAPI.

347. The Secretariat (Mr. Fink) took note of the suggestion to conduct a similar study in the context of African countries, especially within the framework of OAPI. The work undertaken on the studies included the development of methodologies that could be replicated in other parts of the world. The Secretariat tried to do as much as it could. In principle, it would be happy to be involved in any follow up exercise. However, it also noted that resources were limited and there were lots of demands.

348. The Chair closed the discussion on this item given that there were no further observations from the floor. The Committee took note of the Study on Pharmaceutical Patents in Chile.

Consideration of document CDIP/8/INF/1 - External Review of WIPO Technical Assistance in the Area of Cooperation for Development (continued)

349. The Chair resumed the discussions on this item. He invited the Delegation of Spain to introduce its list of proposals on technical assistance.

350. The Delegation of Spain stated that the list was distributed to delegations for their consideration. The Delegation hoped they would be able to accept some of the proposals. They could also identify issues that were problematic for some and those that were less complicated, even if they were not entirely satisfied with all of them. The Delegation proposed the list to see what the Committee could already agree on in order to move forward and improve technical assistance.

351. The Delegation of Argentina, speaking on behalf of GRULAC, stated that the proposals would enable the Committee to make progress in the right direction. Therefore, it fully supported them.

352. The Delegation of Mexico endorsed the statement made by the Delegation of Argentina on behalf of GRULAC. The document constituted a minimum common denominator. The Committee could start to work on the issue of technical assistance on this basis. It was important to support such work within WIPO.

353. The Delegation of Nigeria, speaking on behalf of the African Group, stated that the list represented the lowest hanging fruits and a basis for moving forward on this protracted agenda item. The Group made a number of observations. The first proposal was to request the Secretariat to prepare a compilation of best practices in WIPO technical assistance. This may be a little subjective. If the aim was to have optimal models for delivering WIPO technical assistance, the Committee could request the Secretariat to develop a policy or identify policy guidelines for optimal delivery of WIPO technical assistance. The Group referred to the third proposal. The Group believed this concerned effectiveness. In that regard, it would like the term "efficiency" to be replaced with the term "effectiveness". This term also addressed efficiency. The Group was fine with the rest of the proposals. It hoped Member States could understand the reasons for the changes which still met the objective of the list.

354. The Delegation of Algeria, speaking on behalf of the African Group as its focal point on this issue, welcomed the list. The Group was reluctant to request WIPO to assess what were the best practices as that could be subjective. It tried to find a way to keep this proposal and make it more objective. That was why it suggested that the Secretariat could identify some guidelines for the delivery of technical assistance. However, the Group was ready to discuss this proposal to see how the drafting could be improved. The Group was pleased with the inclusion of the other proposals. It was in a position to accept all of them except for the third proposal. The Group reiterated that it preferred the term "effectiveness" as the term "efficiency" was a little limited. "Efficiency" only covered budget issues. The Group would like the exercise to be broadened to include impact. Therefore, it would like the term "efficiency" to be replaced with the term "effectiveness."

355. The Delegation of Japan, speaking on behalf of Group B, reiterated its request for the Secretariat to update the management response to reflect recent developments in this field. This would be useful in order to have a better understanding of the status quo. The Group was willing to work further on this issue in order to further improve WIPO's technical assistance. On the list proposed by the Delegation of Spain, the Group observed some difficulties in agreeing to any of the items on the list at this point. This important issue should be further considered after obtaining a better understanding of the status quo.

356. The Delegation of Romania, speaking on behalf of CEBS, believed that the text was generally good. However, further work may be necessary to accommodate its concerns and those of other delegations. The proposal by Group B for the Secretariat update its management response was a wise suggestion. It would be useful for the purpose of the discussion to be aware of progress achieved by the Secretariat on these issues in the last three years.

357. The Delegation of the United Kingdom supported the statement made by the Delegation of Japan on behalf of Group B. An updated management response was the wisest way forward as a first step. After seeing and discussing that paper, the Committee could focus on further concrete proposals. The Committee did not have much time to discuss this issue in the last two years due to other priorities on its agenda. In that period, WIPO had done a lot and things had changed. The Delegation was willing to discuss this issue further. However, more thought was required on concrete actions before deciding on them. When the Committee discussed concrete proposals in the future, there was a need to bear in mind that the aim was to get synergies

across WIPO. It would be more appropriate for some elements to be discussed at other forums such as the PBC or the GA as they were not entirely in the area of the CDIP. There was also a need to avoid duplication. Therefore, the Committee would first of all need an updated management response that would provide a clearer picture of what was already done.

358. The Delegation of China believed the proposals by the Delegation of Spain provided a good basis for improving technical assistance. With regard to future work on the proposals, the Delegation agreed with the view expressed on behalf of the African Group.

359. The Delegation of the United States of America agreed with the view expressed by the delegations of Japan and Romania on behalf of Group B and CEBS respectively as well as the Delegation of the United Kingdom that the best approach was to update the management response. It would put delegations in a much better position to further elaborate on some of these issues.

360. The Delegation of Germany aligned itself with the statements made by the delegations of the United Kingdom, the United States of America and the Delegation of Japan on behalf of Group B. In the last two years, there were a lot of changes in the area of technical assistance. The Committee needed a solid basis in order to discuss how it could be improved. Therefore, the management response should be updated as a first step.

361. The Delegation of Iran (Islamic Republic of) believed the proposal by the Delegation of Spain was a good basis for improving WIPO's technical assistance. The Delegation supported the suggestions by the African Group on minor modifications to the proposal.

362. The Delegation of Spain referred to the comments made on its proposals. It had some suggestions for taking them into account. These could be discussed when the Chair believed it would be appropriate to do so. As a member of Group B, the Delegation believed it was a good idea to update the management response. This was not incompatible with going forward on proposals that could be agreed. The Delegation was ready to discuss them. For instance, the African Group suggested replacing the word "efficiency" with the word "effectiveness". The Delegation believed there was a nuance. However, it did not have a problem with the suggestion. Language could be worked on. More time could be given to examine the proposals in greater detail in order to see whether it would be possible to identify those which were not too controversial. Further analysis was required for agreement.

363. The Delegation of Venezuela supported the statement by the Delegation of Spain. The proposals put forward by the Delegation of Spain were not incompatible with the suggestion by Group B. With regard to the comments made by the Delegation of the United Kingdom, the Delegation stated that the PBC could not be expected to resolve all issues on its own. The PBC required proposals from the committees. The issues needed to be mature in order to reach agreement.

364. The Delegation of Uruguay stated that the proposals by the Delegation of Spain should enable the Committee to move forward. Those were concrete proposals. The Delegation understood that the Secretariat was already looking at best practices. It should not be difficult for the Committee to approve them. However, political will was required in order to move forward. The Delegation was in favor of any proposal which would help the Committee to make progress. The discussions had dragged on for several sessions. It was mostly focused on administrative details. The Committee was moving away from the substance of the issue, namely, development assistance. The proposals by the Delegation of Spain helped the Committee to focus on what was important. The Delegation wondered whether there was political will to move forward, and if not, the discussions were pointless.

365. The Delegation of Nigeria, speaking on behalf of the African Group, agreed with the Delegation of Spain. It was not incompatible to look at the proposals, adopt some of them and update the management response. As suggested by the Delegation of Spain, the Chair could give delegations more time to discuss in order to come up with a document that could meet the needs of all Member States.

366. The Delegation of Mexico supported the Delegation of Spain. The proposals by the Delegation of Spain and the updating of the management response were not incompatible. Sufficient time could be given for interested delegations to discuss how the proposals could be improved.

367. The Delegation of Ecuador supported the statements made by the delegations of Spain, Uruguay and Argentina on behalf of GRULAC.

368. The Delegation of Uganda noted the position of Group B and the position of the Delegation of Spain which was supported by a number of delegations. Those positions could be married. The Delegation did not see any incompatibility. It could go along with what the Delegation of Spain had improved without prejudice to the Secretariat updating its management response.

369. The Delegation of the United Kingdom reiterated that it wished to work on these points. The United Kingdom was committed to providing technical assistance, cooperating and working with WIPO and other organizations. Those who attended the expert forum on technology transfer could witness its devotion to those goals and aims. It always participated in all kinds of programs. The proposal by the Delegation of Spain was not incompatible. However, it did not take into account recent developments in what WIPO had been doing. The Committee needed to avoid doing things that were already done. More thought was required on the concrete proposals. At this stage, it was important to receive an updated management response. The Delegation agreed with the Delegation of Venezuela that the PBC would not be able to solve everything and the Committee should not push things to the PBC just for the sake of trying to discuss them there. These proposals were not mature enough. There was inadequate information on whether things had already been done. The Committee would only achieve partial outcomes as there was a need to look at synergies across WIPO. Different divisions were working on technical assistance. This was an area where more efficiency could be achieved. Therefore, there was a need to look at it from a higher perspective and not just from the point of view of the CDIP. The first step was to receive an updated management response. The Committee then needed to see where things stood and start working on concrete proposals. The Delegation was fully committed to do so at the next session. It would come up some proposals after looking at the updated management response. The Delegation believed this was the best way forward if the Committee wanted to make informed decisions. If the Committee made a decision just for the sake of it, the Committee may regret it later on.

370. The Delegation of Malaysia supported the proposal by the Delegation of Spain. It was very useful as a way forward on this matter. It would provide new information and perspectives for a more comprehensive discussion in the future.

371. The Delegation of Pakistan, speaking on behalf of the Asia Pacific Group, supported the proposal by the Delegation of Spain.

372. The Delegation of the Russian Federation stated that the proposal was useful. The management response required updating. However, this was not incompatible with the proposals by the Delegation of Spain. For instance, the first proposal on the list was to request the Secretariat to prepare a compilation of best practices in WIPO technical assistance. An update on technical assistance and the practices of the Organization could also be included under that point. The Delegation was ready to work on the basis of the proposals.

373. The Delegation of Germany underlined that it was committed to continue the discussion. The German Patent and Trademark Office had a long history of cooperation. For example, its cooperation with China had been going on for over 35 years. A solid basis would be required in order to improve WIPO technical assistance. This could be provided through an updated management response.

374. The Delegation of Chile echoed the comments made by the Delegation of Argentina on behalf of GRULAC. The Delegation welcomed the proposal to update the management response. It would be useful to see what was still pending. Several elements in the list proposed by the Delegation of Spain could assist the Committee and would not prejudice a future response. For example, the first proposal was to request the Secretariat to prepare a compilation of best practices in WIPO technical assistance. This would be useful. The Committee would not need to wait for an update. In this regard, the Delegation agreed with the comment made by the Delegation of Mexico on the way forward. The remaining points could be addressed in parallel. The Delegation was open to examining them. However, it was important to agree on some recommendations at these sessions.

375. The Delegation of Venezuela noted that the proposals by the Delegation of Spain had received significant support. It was important to reach an agreement. It would send a political message that confidence was restored among delegations. The Delegation stated that all groups had demonstrated flexibility except for one. It urged that group to consider the political importance of reaching an agreement at this stage.

376. The Delegation of Uruguay stated that the proposal by the Delegation of Spain was a minimum. It would allow the Committee to send a signal that progress was being made. The Delegation did not agree with the Delegation of the United Kingdom that it was a question of making a decision just for the sake of it. If the Committee agreed on something, it should be adopted. The proposal by the Delegation of Spain contained six points. The Committee could examine them one by one and adopt those that were agreed upon. The Committee would then be able to send a political message to the Organization that if confidence was established between Member States, progress could be achieved. That would be useful for the Organization. The Delegation again questioned whether there was political will for the Committee to make progress on this issue. If not, the Committee could move on to other items. The Delegation did not see any difficulty in adopting things that WIPO was already doing well. It urged the Committee to send a political message by adopting elements that could be agreed upon instead of leaving it for later.

377. The Delegation of Canada stated that its country was a long-time provider of technical assistance, and would continue to be so for the foreseeable future. In that regard, the Delegation was interested to work with others if a decision was taken by the Committee to refine these proposals. However, it was not convinced that agreeing on this high level list of proposals was actually moving forward at this point. Its suspicion was that once delegations got into the details of what these proposals meant, they would go back to where they were up until this point. Therefore, the Delegation was not sure what political signal the Committee would be sending in this regard. However, it looked forward to working to refine them and to working with others in order to move forward in areas where agreement could be reached. As a provider of technical assistance, Canada was very keen on efficiency and in ensuring that there was no duplication. This was a big issue in the context of technical assistance. In that regard, the Delegation could not support moving forward on these proposals until a management update was provided and delegations understood what had been done in order to avoid duplication. This was very important for Canada and its fiscal accountability.

378. The Delegation of the Czech Republic supported the proposal by the Delegation of Spain. The proposal was concrete and minimal. It should be supported by the Committee.

379. The Delegation of Nicaragua supported the comments made by the Delegation of Argentina on behalf of GRULAC. The list proposed by the Delegation of Spain provided a good basis for work on ways to improve technical assistance in the future. The proposal by the Delegation of Spain was not incompatible with the request by Group B for the management response to be updated. The Delegation supported the comment made by the Delegation of Uruguay on the need for political will. If there was a will, a group could be established to discuss these issues. The needs of Group B could be added to the list of proposals from the Delegation of Spain. In that case, as mentioned by the Delegation of Venezuela, the CDIP would not need to ask the PBC to do the Committee's work when it met.

380. The Delegation of Paraguay supported the comments made by the Delegation of Argentina on behalf of GRULAC. The Delegation supported the proposal by the Delegation of Spain, noting that it was also supported by a majority of delegations that took the floor on this issue. The Delegation agreed with the Delegation of Spain and others that the two proposals were not incompatible. The proposal for the management response to be updated could be included in one of the six elements proposed by the Delegation of Spain. Alternatively, a deadline could be established for the Secretariat to update the management response. Perhaps the Chair could give the Delegation of Spain and other interested delegations one more opportunity to work on the proposal and see if it was possible to reach some sort of an agreement.

381. The Delegation of Switzerland echoed the statement by the Delegation of Canada. The Delegation had examined the six points proposed by the Delegation of Spain. It had some exchanges with other delegations on these issues. The Delegation made some preliminary comments on the substance of the proposal. The second point was on international technical assistance. Switzerland had technical cooperation programs. It needed to improve its own technical assistance. Therefore, it was important to include the idea of cooperation between national IP offices within international cooperation. The Delegation was also very attached to the issue of best practices. This was included in the first point. A lot could be learnt from such debate. Therefore, the Delegation supported the idea contained therein. The fourth point was on the preparation of guidelines for the selection of consultants. There was a similar discussion in the last session. The discussion was very long. The Delegation feared that the Committee would be launching into another long debate with a similar nature. The Delegation shared the view of the Delegation of Uruguay that the Committee should not do that. Therefore, it had reservations on that point. The exchanges had been quite superficial with regard to cooperation. There seemed to be differences on what things meant. An updated management response would be useful in order to examine these matters in more depth. The Delegation was very interested to work on improving technical cooperation. It would work with others that wished to do so.

382. The Delegation of Brazil stated that the proposals made were compatible. The list proposed by the Delegation of Spain was a common denominator. The Delegation hoped it could be approved.

383. The Delegation of Japan, speaking on behalf of Group B, made a proposal on the procedure. The Group was willing to hold further internal discussions with its members on the concrete elements of the proposal by the Delegation of Spain to see whether it could identify items on which agreement would not adversely affect a holistic and comprehensive analysis at a later stage. Therefore, the Group requested the Chair for a short break to hold internal discussions. A break could also be given after dealing with other agenda items in the Summary by the Chair.

384. The Chair gave Group B, 20 minutes to hold internal discussions.

385. The Chair resumed the discussions.

386. The Delegation of Japan, speaking on behalf of Group B, reiterated that the issue should be tackled in a comprehensive and horizontal manner after more information was provided through updating the management response. However, the Group made efforts to identify items on the list which it could agree to, taking into account the willingness to agree on concrete items at this session. The following was not a unified Group position. It was a common denominator within the Group. The first point was to request the Secretariat to prepare a compilation of best practices in WIPO technical assistance. A lot of lessons could be learned from non-WIPO technical assistance. A compilation of best practices in WIPO technical assistance did not add much value. The Group believed these were already implemented by other divisions in WIPO as there was good communication between divisions. The Group could accept the first point if a reference to non-WIPO technical assistance was added. However, it could not accept the proposed amendment to request the Secretariat to provide a policy or guidelines for optimal delivering of technical assistance. This amendment would change the core of the original proposal. Points two to four may be some areas where further work could be undertaken after information was provided on the current situation through updating the management response. Currently, many things were unclear. The Group was willing to work further on technical assistance in a broad manner, including those three points, after the management response was updated. However, at this point in time, the Group could not agree to those three items. It could accept points five and six on the list. The Group introduced an idea which was floated during its internal discussions. This could be considered by the Committee. A half-day or one-day seminar could be organized on the delivery of technical assistance by Member States, WIPO and relevant international organizations. This would be related to their respective experiences. The Group believed there was inadequate information on the status quo concerning points two, three and four. Among others, this possible seminar could contribute to updated information which would assist Member States to consider those three points and concrete action that could be taken on them at a later stage. The Group reiterated that it was willing to work further on this issue to improve technical assistance with better knowledge on the current situation.

387. The Delegation of the United Kingdom took on board the comment made by some delegations on sending a positive signal by showing that Member States could agree. The Delegation believed there was agreement to update the management response. That was one good outcome. It was always in favor of finding agreement and working with others. Therefore, the Delegation could demonstrate more flexibility. It accepted points five and six. However, it would like the Secretariat to clarify how often the Roster of Consultants was updated. On point six, the Delegation requested for information to be provided on any recent improvements.

388. The Delegation of Nigeria, speaking on behalf of the African Group, regretted that Group B could not find reason for the Committee to move forward on points two, three, and four until there was an update from the Secretariat. The Group believed the updating of the management response was compatible with pursuing action on those points. However, it welcomed the willingness and acceptance to move forward on points five and six. The Group would need time to consider the proposal by Group B on the first point. It would provide a definitive response to the whole package in the afternoon.

389. The Delegation of Venezuela had no problem accepting what was proposed by Group B, above all, if it had to wait in order to be able to work on the rest of the points.

390. The Delegation of Spain was fine with the Secretariat updating its management response and holding a seminar in a future session. The Delegation hoped the Committee could agree on as many proposals as possible. There may be some differences on the time frame and how to proceed. It appeared to be easier to agree on points five and six. Perhaps these could be agreed during this session. On the proposal by the African Group to replace the word "efficiency" with the word "effectiveness" in point three, the Delegation suggested that both could

be included. With regard to better internal and international coordination, the Delegation proposed that the phrase "including UN agencies and programs" could be added in order for these to be taken into account.

391. The Secretariat (Mr. Baloch) referred to the question posed by the Delegation of the United Kingdom on the updating of the Roster of Consultants which was established through a DA project. The Roster was automatically updated whenever a new consultant was recruited by WIPO. Therefore, in effect, the database was regularly updated. The Roster was available on WIPO's website. On the question regarding point six in the document presented by the Delegation of Spain, the Secretariat recalled that the new WIPO website was finalized last year. The Information Division went through a lengthy process of hiring the best experts in this area. Interviews were conducted inside and outside of WIPO on whether the website was responsive to the needs of Member States and other users. The website was relatively new. If there was a need for any further focus, it may be a good idea for Member States to contribute to the process. Activities on technical assistance were included on the website. A lot of information was contained in the IP-TAD database. Users should be able to easily navigate the website to obtain information on development-related activities carried out across the Organization. If there were any aspects that Member States would like to be added to the website, it may be a good idea to develop a mechanism for feedback to be provided to the Secretariat.

392. The Chair resumed the discussion after the lunch break.

393. The Delegation of Spain believed differences remained on the timeframe and how to proceed. There also appeared to be differences with respect to the items that delegations were ready to approve. The Delegation was satisfied with the proposals. It subscribed to them and was ready to work on the language. It would be useful for the Committee to find a compromise that would enable an agreement to be reached at the next session if it was not possible to do so at this session.

394. The Delegation of Nigeria, speaking on behalf of the African Group, had looked at the amendments proposed by Group B with regard to the proposal by the Delegation of Spain. The Group believed the position of Group B, minus the Delegation of Spain, tended to gut the essence of the compilation. The Group could not accept the adoption of items 5 and 6 without something complementary from items 1, 2, 3 and 4. It accepted the proposal by the Delegation of Spain on item 2, "Ask Secretariat to identify new proposals to improve internal and international coordination, including UN agencies and programs, in providing technical assistance". The Group also accepted the proposal by the Delegation of Spain on item 3, "Ask Secretariat to identify measures to increase the efficiency and effectiveness of WIPO's technical assistance". If these were agreed by Member States, the Committee could adopt items 2, 3, 5 and 6.

395. The Delegation of Japan, speaking on behalf of Group B, stated that the position of its members had not changed.

396. The Chair understood that the position of Group B had not evolved. He noted that there was agreement with regard to items 5 and 6. Therefore, he proposed the following compromise. The Committee could request the Secretariat to update the management response, and approve items 5 and 6. Once the updated management response was made available, the Committee could return to the other items in the next session and also discuss the proposal for the organization of a seminar on technical assistance.

397. The Delegation of Nigeria, speaking on behalf of the African Group, reiterated that it could not agree to move forward on items 5 and 6 without something complementary from items 1, 2, 3 and 4. If Group B's position had not evolved on items 1, 2, 3 and 4, it could be given time until the next session in order for the Committee to adopt a wholesome and meaningful list of

recommendations that would at least meet some concerns. The core concern was effectiveness and the impact of technical assistance delivered to recipients. All of these could be discussed at the next session. This was a regretful outcome as the proposal was made by the Delegation of Spain with goodwill and commitment to reach an agreement at this session. On the seminar proposed by Group B, the Group sought clarification on its objectives and the intended outcome. It would like to know whether there would be recommendations from the seminar that could affect the Committee's work on the delivery of technical assistance, including in the context of the Deere-Roca report.

398. The Delegation of Switzerland referred to the seminar proposed by Group B. The Expert Forum on International Technology Transfer which took place in February was very useful. A lot was learned. There could be fruitful exchanges if a similar event was held on technical assistance. Considerable headway could be made in terms of having clearer ideas on how technical assistance could be improved, including the identification of synergies and complementarities in the delivery of technical assistance by WIPO and national IP offices.

399. The Delegation of Germany recalled that Group B had identified three items and proposed a seminar before the lunch break. The African Group needed to discuss this with its members during the lunch break. The Delegation understood that Group B was not requested to do so.

400. The Delegation of Rwanda fully supported the comments made by the Delegation of Nigeria on behalf of the African Group. It requested Group B to reflect positively and constructively on this issue. The UN was moving towards Sustainable Development Goals. It was important to ensure that adequate assistance was provided in this area in order to use IP as a tool for innovation and development. Therefore, the list was relevant.

401. The Delegation of Venezuela supported the Chair's proposal. The idea of having all or nothing would not benefit anyone as the discussion had been going on for a long time. The proposal by the Delegation of Spain was simply a proposal to move forward. The items on the list were not inter-dependent. The Committee could move forward by adopting items 5 and 6. It could work on the other items in the next session. The seminar proposed by Group B would do no harm. It was not necessary to analyze the benefits that could be derived from the seminar as nobody knew whether the event would be beneficial.

402. The Delegation of Nigeria, speaking on behalf of the African Group, reiterated its position. The Group also reiterated its request for clarification on the objective of the seminar and the expected outcome. The Group would like to know whether the purpose of the seminar was to share experiences and to develop new ideas beyond those contained in the Deere-Roca report which was the basis of its joint proposal with DAG.

403. The Chair had no problem with discussing the seminar. However, it may be pointless if there was disagreement on the way forward. The seminar could be discussed in the next session. However, it could be discussed in this session if delegations wished to do so.

404. The Delegation of Japan, speaking on behalf of Group B, stated that the purpose of the seminar was to exchange experiences on the theme it had mentioned earlier. It would add to the basis for discussing aspects related to items 2, 3, 4 and others. After obtaining further information on the status quo through the updating of the management response, the possible items worth exploring may not be limited to those included in the list. They may be wider or narrower. This would depend on the information provided in the updated management response. Therefore, it was not wise to limit the discussion to those items. It was also not wise to distinguish them too much from the possible items which may emerge after examining the updated management response.

405. The Delegation of the United States of America was ready to respond to the request by the Delegation of Nigeria for more information to be provided on the seminar. It could meet with the Delegation of Nigeria on the margins, discuss this at the next session or immediately. The Delegation left it in the Chair's hands.

406. The Chair enquired as to whether the Delegation of Nigeria still required further information on the seminar.

407. The Delegation of Nigeria, speaking on behalf of the African Group, welcomed the intervention by the Delegation of the United States of America. They could discuss this on the sidelines. The Committee could discuss the seminar and the proposals put forward by the Delegation of Spain in the next session.

408. The Chair proposed the following. The Committee would request the Secretariat to update the management response document and continue discussions at the next session on the basis of the items proposed by the Delegation of Spain and any other items that Member States may wish to suggest. This was agreed given that there were no objections from the floor.

AGENDA ITEM 9: SUMMARY BY THE CHAIR

409. The Chair invited the Committee to consider the draft Summary paragraph by paragraph. He turned to paragraph 1. It was adopted given that there were no objections from the floor. He then moved on to paragraph 2.

410. The Secretariat (Mr. Baloch) referred to the two commas in the third line after the designation of Mr. Todd Reves, Vice-Chair. The second comma would be removed in the final version.

411. The Chair stated that paragraph 2 was adopted given that there were no observations from the floor. Paragraphs 3 and 4 were also adopted given that there were no objections from the floor. He then turned to paragraph 5.

412. The Secretariat (Mr. Baloch) stated that some delegations had proposed two amendments to the paragraph. First, the word "the" at the beginning of the second sentence would be replaced with the word "some". Second, the word "many" at the beginning of the third sentence would be replaced with the word "some".

413. The Chair stated that paragraph 5 was adopted with the amendments presented by the Secretariat given that there were no objections from the floor. He turned to paragraph 6.

414. The Secretariat (Mr. Baloch) stated that similar changes were suggested on this paragraph. The word "the" at the beginning of the third sentence would be replaced with the word "some". In the fifth and sixth sentences, the word "some" would be inserted before the word "Delegations".

415. The Delegation of Nigeria, speaking on behalf of the African Group, referred to the fourth sentence. It would like the words, "in WIPO's workforce", to be included after the words "geographical and gender balance".

416. The Delegation of Japan, speaking on behalf of Group B, supported the proposal presented by the Secretariat on the use of the word "some". However, as all Member States belonged to regional groups, it was not necessary to state "some Regional Coordinators and National Delegations" in the third sentence. This could be replaced with the words "some Delegations" as in the case of the other sentences mentioned by the Secretariat.

417. The Chair enquired as to whether paragraph 6 could be adopted with the amendments presented by the Secretariat as well as those proposed by the delegations of Nigeria and Japan on behalf of the African Group and Group B respectively.

418. The Delegation of the United States of America understood that the fourth sentence would read as follows, "The Committee took note of the requests of some Delegations on certain specific areas such as geographical and gender balance in WIPO's workforce, ...".

419. The Chair stated that this was correct. The paragraph was adopted with the amendments, given that there were no objections from the floor. Paragraphs 7 and 8 were also adopted given that there were no observations from the floor. He turned to paragraph 9.

420. The Delegation of Nigeria, speaking on behalf of the African Group, would like the words, "based on all activities related to that project" to be added at the end of the second sentence.

421. The Delegation of Japan, speaking on behalf of Group B, supported the current language as it reflected the discussions under that agenda item in a precise manner. The amendment proposed by the African Group would add ambiguity to the scope of activities.

422. The Delegation of the United States of America supported the comments made by the Delegation of Japan on behalf of Group B. Although it was discussed by some delegations, nothing was agreed on that point. The Chair's summary should reflect the discussions accurately.

423. The Delegation of the United Kingdom also stated that the current language reflected what was discussed. It did not state what the discussion would be based on. There were documents under this agenda item. From thereon, the Committee would be able to draw conclusions. The current language was a factual representation of what was discussed. The Committee agreed to continue discussing the matter.

424. The Delegation of Brazil stated that the proposal by the African Group would remove ambiguity and capture what was said at the end of that discussion. The Delegation recalled that the Chair was requested to clarify that the discussion in the next session would not be restricted to the "Expert thoughts". It would include all the activities under the project as provided in the concept paper. This was captured in the language proposed by the African Group.

425. The Delegation of the United Kingdom did not believe there was any ambiguity. The concept paper was clear. It was not necessary to add something that was obvious.

426. The Delegation of Ghana supported the proposal by the Delegation of Nigeria on behalf the Africa Group and the statement made by the Delegation of Brazil. The Delegation recalled that the Committee agreed to discuss this matter at the next session, taking into consideration the outcome of the project as a whole. This should be clearly reflected to avoid a similar debate in the next session.

427. The Delegation of Romania, speaking on behalf of CEBS, stated that the current text reflected what was achieved in the discussion on this item. The Group recalled that the Chair mentioned that the Committee would discuss the document prepared by the Secretariat. The Group understood that nobody could be prevented at any point in time from bringing in other proposals. However, the Committee would focus its discussion on the document prepared by the Secretariat.

428. The Delegation of Mexico stated that the current language factually reflected what was discussed under this item. It was clear that no agreement was reached. This document was the

Chair's summary. It was not a decision as such. It did not specifically state how the discussion would proceed at the next session. It also did not state that Member States would not be able to put forward suggestions in those discussions.

429. The Chair suspended the discussion on paragraph 9 for the time being. He requested the Secretariat to examine the transcripts for the meeting to ascertain what was said under this item.

430. The Delegation of Uganda believed it was a case of semantics. The proposed amendment did not add anything.

431. The Chair turned to paragraph 10.

432. The Delegation of Nigeria, speaking on behalf of the African Group, believed that the last sentence should precede the middle sentence. The Committee agreed to allow the Chair to hold informal consultations during the GA. This should be reflected in the language. If no agreement was reached during those consultations, the Committee could continue discussions on this agenda item at subsequent CDIP sessions.

433. The Delegation of Brazil supported the change because the sequence was logical.

434. The Delegation of Venezuela could go along with the change. The Delegation referred to the phrase, "without interfering with other issues before the Assembly", in the second sentence. The Delegation believed the phrase was not necessary as the Chair was requested to undertake informal consultations during the GA only if it was feasible to do so.

435. The Delegation of Iran (Islamic Republic of) stated that these issues had been pending for a long time. This affected the work of other Committees. The Delegation noted that the current language was copied from the Chair's summary for CDIP/13. No progress had been achieved. Therefore, the issue should be discussed in the GA and the words "if feasible" should be deleted.

436. The Chair recalled that he was requested to undertake, if feasible, informal consultations on the margins of the GA to see whether progress could be achieved and to continue discussions at the next session. The Committee did not state that the matters would be debated in the GA. Therefore, it could not be included in the summary.

437. The Delegation of Japan, speaking on behalf of Group B, supported the comments made by the Chair. The current language in that sentence reflected the discussions in a precise manner. Therefore, the Group fully supported the language. The Committee should not enter into that discussion again as the session could go on until midnight.

438. The Delegation of Switzerland stated that the current language of the paragraph reflected the discussions on this agenda item. The Delegation could go along with reversing the order of the sentences, as proposed by the Delegation of Nigeria on behalf of the African Group and supported by the Delegation of Brazil. However, the language reflected the discussions in a factual manner.

439. The Chair enquired as to whether the Committee could agree to the proposal by the Delegation of Nigeria on behalf of the African Group to reverse the order of the last two sentences, and the proposal by the Delegation of Venezuela to delete the phrase, "without interfering with other issues before the Assembly" as it would only be feasible to hold informal consultations if it did not interfere with the other activities of the Assembly.

440. The Delegation of Switzerland stated that the words "if feasible" referred to discussions during the Assembly. The phrase, "without interfering with other issues before the Assembly",

referred to the situation prior to the Assembly. This reflected the discussion on holding informal consultations during the Assembly and not prior to it. It should be retained to reflect that discussion.

441. The Chair proposed that the current language be kept. The order of the last two sentences could be reversed, as proposed by the Delegation of Nigeria on behalf of the African Group. That would be the only change in the paragraph.

442. The Delegation of Venezuela understood the comments made by the Delegation of Switzerland. However, the Delegation wondered who would decide on whether or not the informal consultations would interfere with work before the Assembly. Delegations could state that the consultations would interfere with their activities at the Assembly and the consultations would not be held.

443. The Delegation of Switzerland responded to the question posed by the Delegation of Venezuela. The Delegation believed the best person to decide on that would be the Chair of the Assembly.

444. The Delegation of Venezuela was concerned that as the Chair of the Assembly had not been elected, the decision would be in the hands of an unknown person. A compromise was reached to hold informal consultations during the Assembly as some delegations did not want the consultations to be held prior to it. The Delegation recalled that the Chair stated that the informal consultations should be as short as possible in order to try to reach an agreement. Perhaps the way to make this less ambiguous would be to leave everything for the next session.

445. The Delegation of Japan, speaking on behalf of Group B, stated that the issue of who would decide on whether or not the informal consultations would interfere with other issues before the Assembly should not be discussed at that moment. If the Committee wanted to discuss this issue, it should have been done under the agenda item. The sentence reflected what the Chair pronounced at the end of that discussion. The Committee should not change what was discussed under the agenda item.

446. The Delegation of Iran (Islamic Republic of) supported the comments made by the Delegation of Venezuela. The Delegation believed that these important issues must be discussed during the GA. It would like the words, "on the margins of" to be replaced with the word "during". The Delegation also supported the deletion of the phrase, "without interfering with other issues before the Assembly".

447. The Chair stated that he would return to paragraph 10 after reviewing the transcript for the discussion on that agenda item. He went back to paragraph 9 and informed the Committee that the transcript was reviewed. According to the transcript, he had stated that future discussions on this topic would be based on the report of the Expert Forum (document CDIP/15/5) and any other ideas that Member States wished to put forward. He proposed the addition of the following phrase, "based on this document and any other ideas that states wish to put forward", at the end of the second sentence in the paragraph to reflect what was said and approved by the Committee.

448. The Delegation of Nigeria recalled that the Chair had stated that the discussions would be continued based on the document and other activities related to the project. However, it could not recall if that was mentioned in the Chair's final decision. He had attempted to conclude this agenda item a number of times and Member States had different ideas. However, the Delegation recalled hearing this on one of those occasions.

449. The Chair stated that he could share the transcript with the Delegation of Nigeria to confirm what he had stated. He enquired as to whether the Delegation of Nigeria could accept the language he had proposed for the second sentence of the paragraph.

450. The Delegation of Nigeria stated that it would be difficult to do so as it had noted down the following on the Chair's decision, "take note and decide to continue discussions including contents in this project activity". This was its understanding of the conclusion. The Delegation stated that it was also representative of the project idea.

451. The Chair stated that he had to take a decision. The language should reflect, as closely as possible, what he had said at that point. He requested the Delegation of Nigeria to be flexible in order for the Committee to move forward on its work and conclude on the Chair's summary.

452. The Delegation of Nigeria requested the Chair to read out the end of the last sentence of paragraph 9.

453. The Chair read out the whole paragraph as follows, "Under the same Item, the Committee considered the Report on the WIPO Expert Forum on International Technology Transfer, contained in the document CDIP/15/5. In taking note of the report, the Committee decided to continue discussing the matter at its next session based on this document and any other ideas that states wish to put forward".

454. The Delegation of Nigeria proposed that second sentence be amended to read as follows, "In taking note of the report, the Committee decided to continue discussing the matter at its next session based on this document and any other ideas related to that project". The Delegation enquired as to whether the Chair could support the amendment.

455. The Chair stated that he would be glad to agree but wondered if delegations could accept the proposed amendment.

456. The Delegation of Japan, speaking on behalf of Group B, stated that this was the Chair's summary. The Group respected the nature of the summary and supported the language proposed by the Chair after checking the transcript prepared by the Secretariat. The transcript was factual and that could not be changed at this stage.

457. The Chair informed the Delegation of Nigeria that he had no choice but to stick to what he found in the transcript.

458. The Delegation of Nigeria stated that short of asking for a transcript of all the occasions when the Chair had tried to conclude on this agenda item, it did not want to belabor the subject longer than it had carried on. Therefore, the Delegation accepted the Chair's conclusion with the understanding that Member States could make proposals based on the project.

459. The Delegation of Brazil stated that it respected and agreed with the decision. However, it would like to place on record that for the next session, the Delegation would look at all the statements that were made as this was an important issue. The Delegation recalled that it had requested for that clarification. The Delegation also recalled stating that it was with the understanding that the discussion in the next session would include all the ideas discussed in the six peer reviewed studies, the regional consultations and the Expert Forum. Many delegations expressed this view. Anything that did not capture this spirit would not be true to the core of the discussion. However, it could go along with the Chair's suggestion.

460. The Delegation of the United States of America was happy with the language proposed by the Chair as it accurately reflected what transpired in the last minutes of the discussion on that item. The discussion on what would be included next time was too late at this point because the

record had been closed. The transcript had been created. The Committee would not reopen that item unless the Chair decided to do so. The record reflected everything that was said. Some delegations wanted to focus on everything. Some wanted to focus on the "Expert thoughts". It was all recorded. The Delegation did not see any point in discussing it at this point.

461. The Chair understood that the Committee could adopt the text he had read out. The text included the following, "any other ideas that states wish to put forward". Therefore, anything could be discussed. The basis for the discussion would certainly be the report on the Expert Forum and the "Expert thoughts". However, it was clear that delegations had the freedom to discuss any ideas related to this subject. The Chair stated that the paragraph was adopted with that understanding. He then returned to paragraph 10.

462. The Delegation of Uganda had listened to some interventions on this paragraph. It seemed that the Committee was trying to ensure that the language captured what was discussed. The Delegation believed the language clearly reflected what was discussed. To reopen the debate on what was discussed would miss the point as the answer could be found in the transcript. With regard to who would decide on whether or not the informal consultations would interfere with other issues before the Assembly, the Delegation stated that the mandate was given to the Chair. He would consult with the Chair of the GA in arriving at a decision. This seemed to be very straightforward. The Delegation did not see why the Committee was spending so much time on this.

463. The Delegation of Venezuela stated that the Chair's summary was factual. Regardless of what was stated in the paragraph, what was important was political will. If there was political will to carry out those consultations, they would take place regardless of what was stated in the paragraph. If there was no political will, they would not take place. The Delegation could accept the language proposed by the Chair.

464. The Delegation of Algeria sought clarification from the Chair on the status of the two documents discussed under this agenda item and whether they would be discussed during the informal consultations. The paragraph did not mention those documents.

465. The Chair stated that the Delegation of Algeria had raised an important point. This was not reflected in the paragraph. The Committee had agreed to try to hold informal consultations on the basis of this informal working paper which was discussed in the informal consultations on Thursday morning as well as the list of issues proposed by the delegations of Algeria and Nigeria. Although these were informal documents, they should be reflected in the paragraph. Therefore, he requested the Secretariat to reflect them in the paragraph and read out the amendment.

466. The Secretariat referred to the following sentence, "The Chair of the Committee was requested to undertake, if feasible, informal consultations on the margins of the 2015 General Assembly meeting, without interfering with other issues before the Assembly". The Secretariat then read out the text that would be added at the end of the sentence. This was as follows, "on the basis of an informal working paper by the Chair and a list of examples of activities that might be discussed in the CDIP, proposed by the delegations of Algeria and Nigeria".

467. The Chair believed the proposed text reflected what was discussed. It should be acceptable to all delegations.

468. The Delegation of Japan, speaking on behalf of Group B, believed that the discussions that took place in the informal consultations were only on the coordination mechanism. It took place after the discussion the proposed new agenda item had closed. The Group sought clarification from the Chair as to whether discussions in the informal consultations had included both issues.

469. The Chair recalled the informal consultations that were held on Thursday morning. As time was limited, the consultations only looked into the issue of the coordination mechanism. The discussion on the items proposed by the delegations of Algeria and Nigeria remained pending. They would have been discussed if there had been time to do so. Therefore, the idea was for both issues to be discussed on the margins of the forthcoming GA meeting. This was his understanding.

470. The Delegation of Iran (Islamic Republic of) requested the Chair to clarify the status of the Chair's summary. The Delegation believed this paragraph was not factual. If the document was the Chair's summary, it should state that the summary was the sole responsibility of the Chair. The Delegation could then go along with the text for this paragraph. Otherwise, the Delegation would insist on its proposal for this paragraph. The Delegation recalled that the Chair of the GA last year had stated that agenda of the Assembly was heavy. There had not been time to discuss some issues. The Delegation was worried about this and would like to insist on its proposal.

471. The Chair affirmed that the summary reflected his understanding of what took place during the session. This was his summary. He could not reflect anything that was not discussed in the debate. He had to take into account what in fact was discussed and agreed upon. The Chair had to reflect what was agreed and not what he would have liked to have agreed or what the Delegation of Iran (Islamic Republic of) would have liked to have decided. Therefore, he requested the Delegation of Iran (Islamic Republic of) to accept the conclusion. He was responsible for the summary. He enquired as to whether the Committee could adopt the paragraph with the amendment read out by the Secretariat, and with the order of the last two sentences reversed, as proposed by the Delegation of Nigeria on behalf of the African Group. It was adopted given that there were no objections from the floor. The Chair turned to paragraph 11.

472. The Secretariat informed the Committee of a slight change in the paragraph. Various delegations had requested for the word "flexibilities" to be replaced with the words "this item" in the second sentence.

473. The Chair enquired as to whether paragraph 11 could be adopted with the amendment presented by the Secretariat. It was adopted given that there were no objections from the floor.

474. He moved on to paragraph 12.

475. The Secretariat stated that based on the decision taken earlier by the Chair, the following would be added to the text which was distributed to the delegations, "The Committee requested the Secretariat to update the Management Response contained in document CDIP/9/14 and decided to continue discussion on the above-mentioned subject on the basis of the points contained in the proposal made by the Delegation of Spain and any other proposals made by Member States".

476. The Chair read out the entire paragraph as follows, "The Committee discussed the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (documents CDIP/8/INF/1, CDIP/9/14, CDIP/9/15, CDIP/9/16 and CDIP/11/4). The Committee requested the Secretariat to update the Management Response contained in document CDIP/9/14 and decided to continue discussion on the above mentioned subject on the basis of the points contained in the proposal made by the Delegation of Spain and any other proposals made by Member States".

477. The Chair understood that Group B would like the updated version of the management response to be added at the end of last sentence.

478. The Delegation of Japan, speaking on behalf of Group B, affirmed this.

479. The Chair enquired as to whether the paragraph could be adopted with the amendment proposed by the Delegation of Japan on behalf of Group B. It was adopted given that there were no objections from the floor. The Chair moved on to paragraph 13. It was adopted given that there were no objections from the floor. He then turned to paragraph 14 on future work.

AGENDA ITEM 8 – FUTURE WORK

480. The Secretariat read out a list of items/documents for the next session. The list was as follows:

(i) Annual progress report on projects under implementation and the 19 DA Recommendations for immediate implementation;

(ii) Evaluation reports for one or two projects that were nearing completion;

(iii) The WIPO GA decision on CDIP related matters. If the GA approved the extension of the consideration of this issue, it would be discussed in the next session;

(iv) Flexibilities. The Committee just adopted the paragraph in the Chair's summary which mentioned the continuation of the discussion on flexibilities;

(v) Database on flexibilities. As decided, the Secretariat would update the database and revert to the Committee with the details;

(vi) The External Review of WIPO Technical Assistance in the Area of Cooperation for Development. The Secretariat had been requested to update the management response. The discussion would be based on what had just been decided in the Chair's summary;

(vii) Description of the Contribution of the Relevant WIPO bodies to the Implementation of the Respective DA Recommendations;

(viii) International Technology Transfer. As decided, the discussion would continue on the basis of the report of the Expert Forum and any other ideas that Member States wish to put forward; and

(ix) Studies and other outputs from DA projects, if any.

481. The Secretariat welcomed suggestions from delegations on items for the next session.

482. The Delegation of Mexico proposed an item for future work in view of the fact that the Committee was considered to be the appropriate forum for discussing the adoption of a program that would contribute to the post-2015 UN DA. Many Member States were aware of the Synthesis Report of the Secretary-General on the Post-2015 Agenda entitled "The Road to Dignity by 2030: Ending Poverty, Transforming All Lives and Protecting the Planet". UN bodies needed to adapt to the new agenda to support the implementation of national and global strategies. In view of the forthcoming approval of the post-2015 UN DA, it was necessary for the Secretariat to start thinking about how it would support Member States to fulfill the objectives of the post-2015 SDGs. The Delegation proposed that a document on this issue be considered in the next session.

483. The Delegation of Pakistan, speaking on behalf of the Asia Pacific Group, stated that it was important that the CDIP continued to work productively and efficiently. In this regard, the Group reiterated that it was important for follow up activities to take place. It was also important to evaluate gains achieved, identify gaps and continue work on recommendations that were addressed. The Group requested the Secretariat to propose follow up activities in consultation with Member States for consideration at the next session of the CDIP.

484. The Delegation of Venezuela supported the comments made by the Delegation of Pakistan on behalf of the Asia Pacific Group. It was important for follow up activities to take place.

485. The Chair enquired as to whether the Committee could accept the proposal by the Delegation of Mexico. It was accepted given that there were no objections from the floor. The SDGs of the post-2015 UN DA would be discussed in the next session. The Chair would like to know if there were any comments on the proposal by the Delegation of Pakistan on follow up activities.

486. The Delegation of Uganda supported the proposal by the Delegation of Mexico.

487. The Chair requested the Secretariat to take note of the proposals by the delegations of Mexico and Pakistan. He stated that the Committee agreed on the list of issues/documents for the next session given that there were no objections from the floor.

AGENDA ITEM 9 – SUMMARY BY THE CHAIR (RESUMED)

488. The Chair stated that paragraph 14 on future work was approved. Paragraphs 15 and 16 were also approved given that there were objections from the floor.

Closing statements

489. The Delegation of Japan, speaking on behalf of Group B, recalled that most of the time in the last session was devoted to the TOR for the Independent Review of the Implementation of the DA Recommendations and the International Conference on IP and Development. At this session, the Committee returned to other outstanding issues, including the coordination mechanism and technical assistance. These important issues would be discussed in the next session. The Group was ready to engage in those discussions in a constructive manner and hoped that those longstanding issues could be resolved in a manner which could support the overarching principle of the Organization at the next session or during the informal consultations in conjunction with the GA.

490. The Delegation of Romania, speaking on behalf of CEBS, believed the session was useful as agreement was reached on several items, namely, the evaluation reports submitted for this session and the project on IP, Tourism and Culture. The Committee needed to continue discussing other items such as the outcome of the Expert Forum on International Technology Transfer and CDIP related matters. The Group hoped that the positive spirit among delegations would continue to bear fruit in the forthcoming sessions. It was ready to work constructively with a view to further advancing the implementation of the Committee's mandate.

491. The Delegation of Argentina, speaking on behalf of GRULAC, stated that the Committee discussed important issues at this session. Some had already been discussed for a long time. Under the leadership of the Chair, the Committee continued to achieve progress in its work. This would enable the Committee to dedicate more time to substantive issues related to its mandate and the DA Recommendations. For the next session, the Group hoped that the

Committee would achieve progress in the discussions as well as agree on projects and studies in areas of interest. The Group was certain that the flexibility, commitment and spirit of compromise demonstrated by delegations would be maintained in future sessions. The Group reiterated that it would work constructively to continue achieving progress in the Committee's work.

492. The Delegation of Nigeria, speaking on behalf of the African Group, believed there was some level of success in this session. The proposal by the Delegation of Egypt was approved by the Committee. The Group looked forward to the implementation of that project. It also counted on the Committee and WIPO to continue its work on flexibilities and open collaborative projects as well as to enhance the delivery of the copyright projects being carried out in certain African countries. It also welcomed the discussion on international technology transfer. Although the Committee could not reach agreement on that agenda item, the Group looked forward to a constructive spirit among delegations when the Committee returned to this agenda item at the next session. On the implementation of the CDIP mandate, the Group looked forward to reaching a conclusion on this item. It had weighted down the Committee for several sessions. The Group called on Member States to show flexibility and political will to fully implement the Committee's mandate and the coordination mechanism. On the subject of technical assistance in the area of cooperation for development, the Group regretted the outcome at this session. The Delegation of Spain constructively took the time to identify the lowest hanging fruits and present them to the Committee. It was regretful that the Committee could not reach a decision on them. These were the easiest proposals that the Committee could have agreed on in order to move forward on this issue. However, the Group hoped delegations could reflect on it in the intersession and agreement could be reached in the next session. Lastly, the Group encouraged WIPO to intensify and enhance its system for the delivery of technical assistance and the implementation of DA Recommendations.

493. The Delegation of Latvia, speaking on behalf of the EU and its Member States, stated that they had followed with great interest, the presentations of the external evaluation reports on a number of completed projects. The EU and its Member States reiterated their hope that recommendations would be taken into account in the design and realization of future projects. The Committee agreed on the adoption of the project on IP and tourism. Tourism was an important aspect of national and regional development. During the session, the Committee discussed a number of longstanding issues. Some limited progress was achieved. The EU and its Member States remained confident that agreement on many of the other outstanding issues was possible. They would continue to constructively engage in these discussions. Lastly, the EU and its Member States welcomed the fact that the Committee had respected the timetable and finished on time.

494. The Delegation of Brazil was glad that the Committee succeeded in advancing on many issues during the session. In addition to those that had a positive outcome, the Committee paved the way for significant developments in the near future with regard to some important areas such as the coordination mechanism and the third pillar of the Committee's mandate. The Committee made good progress with regard to the last step of the Project on IP and Technology Transfer: Common Challenges - Building Solutions. This was an important area. The project was under implementation for a long time. And the language used for this item in the Chair's summary did not establish any hierarchy between the ideas in document CDIP/15/5 and any other ideas that Member States wish to put forward was consistent with the spirit of its creation. With this in mind, the Delegation was sure there would be constructive discussions in the next session based on all the ideas that emerged from the regional consultation meetings, the peer reviewed studies and the Expert Forum. The Delegation also highlighted the relevance of the discussion on Patent-Related Flexibilities in the Multilateral Legal Framework. The Delegation reiterated that flexibilities were essential to provide the needed balance in any IP system. The Committee's analysis could significantly contribute to that end. Some proposals were made at the end of the debate on this item. The support they received indicated the viability of exploring

new alternatives for future work in this area at the next session. On future work in general, the Delegation echoed the comments made by the Delegation of Argentina on behalf of GRULAC on new projects in areas of interest to Member States. It was promising that the Committee managed to advance on some difficult matters of a formal nature. However, it was essential that Member States did not lose sight of the substantive issues in the Committee's mandate. The Delegation was sure the Committee would be able to reflect on this by the next session and agree on new areas to be covered in the discussions. Lastly, on technical assistance, the Delegation regretted that the Committee could not reach agreement on the list of proposals by the Delegation of Spain. As pointed out by many delegations, the proposal identified the low hanging fruits. The Delegation hoped Member States could look at them with a fresh perspective in the next session and demonstrate the flexibility needed to approve all the items in that proposal.

495. The Delegation of Venezuela believed the Committee had taken a big step forward by getting rid of the feeling of stagnation. This was due to the way in which the Chair had conducted the session. The Delegation hoped the next session would be conducted in a similar manner.

496. The Delegation of Pakistan, speaking on behalf of the Asia Pacific Group, stated that progress was made in this session. However, there was a need to resolve the longstanding issue of the coordination mechanism. This was starting to affect the work of other Committees. The Group looked forward to a speedy resolution of this issue at the earliest possible.

497. The Delegation of Paraguay supported the statement made by the Delegation of Argentina on behalf of GRULAC. Under the Chair's leadership, the Committee had dealt efficiently with some longstanding issues that prevented Member States from focusing on substantive issues with the main objective of implementing DA Recommendations through studies and projects that could show how IP may be used as an engine for economic, social and cultural development in Member States. In the next session, it was essential for the Committee to concentrate on drawing up projects, discussing studies and looking into other initiatives to ensure effective implementation of the DA Recommendations adopted in 2007. Patent-Related Flexibilities in the Multilateral Legal Framework was a concrete area of the Committee's work. The Delegation was interested in this subject. The Secretariat had compiled more than ten of those flexibilities and related legal provisions in various jurisdictions. The results indicated that those patent-related flexibilities were reflected in legislation. However, implementation was minimal due to factors such as the lack of human and institutional capacity as well as knowledge. The Delegation hoped the Committee could continue to discuss the obstacles that Member States faced in implementing patent-related flexibilities. In the next session, the Committee should look at specific flexibilities, countries that could be studied, methodology to be applied and so on. Paraguay was a landlocked developing country. It had a new IP Office. A constant flow of patent applications was essential to attract foreign investment and technology transfer in order to promote technological development and institutional building. A significant number of delegations had demonstrated a keen interest in the area of patent-related flexibilities. Therefore, in the next session, the Committee should look at this in depth. The Delegation assured the Chair of its support and participation in this regard.

498. The Delegation of Iran (Islamic Republic of) stated that the Committee had achieved concrete results. It hoped that outstanding issues such as the coordination mechanism could be resolved in the next session. In accordance with the clarification provided by the Chair on the Summary by the Chair, the Delegation stated that the summary was the sole responsibility of the Chair, it was not adopted by the Committee by consensus.

499. The Chair stated that the Committee had important work ahead. Progress was achieved on some issues. However, a lot of work still needed to be done.

500. In their closing statements, the Chair and Member States thanked everyone for their participation and work during the session.

[Annex follows]

**LISTE DES PARTICIPANTS/
LIST OF PARTICIPANTS**

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II. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/
INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

ORGANISATION MONDIALE DE LA SANTÉ (OMS)/WORLD HEALTH ORGANIZATION
(WHO)

Peter BEYER, Senior Advisor, Geneva

ORGANISATION MONDIALE DU COMMERCE (OMC)/WORLD TRADE
ORGANIZATION (WTO)

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Emmanuel OKE, Intern, Innovation and Access to Knowledge Programme, Geneva

ORGANISATION AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE (OAPI)/AFRICAN INTELLECTUAL PROPERTY ORGANIZATION (AIPO)

Paulin EDOU EDOU, directeur général, Yaoundé

ORGANISATION DES NATIONS UNIES POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE (UNESCO)/UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO)

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ORGANISATION EUROPÉENNE DES BREVETS (OEB)/EUROPEAN PATENT ORGANISATION (EPO)

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ORGANISATION EURASIENNE DES BREVETS (OEAB)/EURASIAN PATENT ORGANIZATION (EAPO)

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ORGANISATION DE COOPÉRATION ISLAMIQUE (OCI)/ORGANIZATION OF ISLAMIC COOPERATION (OIC)

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OFFICE DES BREVETS DU CONSEIL DE COOPÉRATION DES ÉTATS ARABES DU GOLFE (CCG)/PATENT OFFICE OF THE COOPERATION COUNCIL FOR THE ARAB STATES OF THE GULF (GCC PATENT OFFICE)

Fahad ALBAKER, Head, Mechanical and Electrical Engineering Section, Examination Department, Riyadh

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ORGANISATION RÉGIONALE AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE
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Mark Association (ECTA)

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Association européenne des étudiants en droit (ELSA International)/European Law Students'
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Hüseyin KAMIL, Representative, Brussels

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Association internationale pour le développement de la propriété intellectuelle
(ADALPI)/International Society for the Development of Intellectual Property (ADALPI)

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Association littéraire et artistique internationale (ALAI)/International Literary and Artistic Association (ALAI)
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Central and Eastern European Copyright Alliance (CEECA)
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Centre international pour le commerce et le développement durable (ICTSD)/International Center for Trade and Sustainable Development (ICTSD)
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Ahmed ABDEL LATIF, Senior Program Manager, Geneva
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Chamber of Commerce and Industry of the Russian Federation (CCIRF)
Elena KOLOKOLOVA (Ms.), Representative, Geneva

Comité consultatif mondial de la société des amis(CCMA)/Friends World Committee for Consultation (FWCC)
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Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ)
Tomas ALARCON, Presidente, Quito
Catherine FERREY (Sra.), Experta, Quito
Rosario LUQUE GIL (Sra.), Experta, Quito

Conseil national pour la promotion de la musique traditionnelle du Congo (CNPMTG)
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Jean Jacques KINANGA LEMBA, conseiller juridique, Kinshasa

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Tatjana R. SACHSE (Ms.), Legal Advisor, Geneva

Fédération internationale de la vidéo (IFV)/International Video Federation (IVF)
Scott MARTIN, Legal Advisor, Brussels
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Health and Environment Program (HEP)
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Innovation Insights
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International Trademark Association (INTA)
Bruno MACHADO, Representative, Rolle, Switzerland

Maloca Internationale
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Traditions pour Demain
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Union internationale des éditeurs(UIE)/International Publishers Association (IPA)
Jens BAMMEL, Secretary General, Geneva

World Women Inventors and Entrepreneurs Association (WWIEA)
HAN Mi Young, President, Seoul

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Todd REVES (États-Unis d'Amérique/United States of America)

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V. SECRÉTARIAT DE L'ORGANISATION MONDIALE DE LA PROPRIÉTÉ
INTELLECTUELLE (OMPI)/SECRETARIAT OF THE WORLD INTELLECTUAL
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Mario MATUS, vice-directeur général/Deputy Director General

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