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Committee on Development and Intellectual Property (CDIP)

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PROJECT ON THE USE OF INFORMATION IN THE PUBLIC DOMAIN FOR
ECONOMIC DEVELOPMENT

prepared by the Secretariat

1.   The Annex to this document, containing a thematic project proposal on the Use of
Information in the Public Domain for Economic Development, addresses WIPO's Development
Agenda Recommendations 16 and 20. The estimated cost for the project amounts to 800,000
Swiss francs of which 550,000 Swiss francs related to non-personnel costs and 250,000 Swiss
francs related to personnel costs.

2.   *The CDIP is invited to consider and
approve the Annex to this document.*

[Annex follows]

DEVELOPMENT AGENDA RECOMMENDATIONS 16 AND 20

PROJECT DOCUMENT

1.	SUMMARY
Project Code	*DA_16_20_03*
Title	*Use of Information in the Public Domain for Economic Development*
Development Agenda Recommendation(s)	16 and 20
Brief Description of Project	The proposed project builds on ongoing program activities to establish and develop Technology and Innovation Support Centers (TISCs), the findings from previously established studies on Intellectual Property and the Public Domain (patent component) and on Patents and the Public Domain, as well as on the existing legal status portal developed within the framework of the finalized Development Agenda project on Patent Legal Status Data. More specifically, the project aims to supplement the existing TISC services by adding new services and tools to those currently provided, allowing them to not only identify inventions in the public domain but also to support inventors, researchers and entrepreneurs in using this information to generate new research outputs and products and thereby contributing to a more effective exploitation and use of inventions in the public domain, as a source for the generation of local knowledge and local innovation and increasing the absorptive capacity of developing countries and LDC's in the adaptation and assimilation of different technologies.
Implementing Program(s)	Program 14
Links to other related Program(s)/ DA Project(s)	*DA_8_01, DA_8_02, DA_19_30_31, DA_16_20_01, DA_16_20_02*
Links to Expected Results in the Program and Budget	III.2 (Program 9) Enhanced human resource capacities able to deal with the broad range of requirements for the effective use of IP for development in developing countries, LDCs and countries with economies in transition. IV.2 (Programs 9 and 14) Enhanced access to, and use of, IP information by IP institutions and the public to promote innovation and creativity.
Project Duration	*36 months*
Project Budget	*Non-personnel costs: 300,000 Swiss francs (2016-2017); 250,000 Swiss francs (2018)** *Personnel costs: 150,000 Swiss francs (2016-2017); 100,000 Swiss francs (2018)**

* Subject to approval by the Program and Budget Committee.

2.   PROJECT DESCRIPTION

2.1. Background

Patent documents are a rich source of scientific and technical information, with approximately one million inventions being newly published annually. The value of patent documents in this respect is enhanced by the fact that patent documents are: (i) commonly classified using one or more classification schemes, making their retrieval more effective; (ii) structured in a highly standardized manner, making their review more efficient; and (iii) commonly subject to a sufficiency of disclosure or enablement requirement, meaning that patent applicants are required to disclose their inventions in a sufficiently clear and comprehensive manner for the invention to be carried out by a "person skilled in the art".

While certain subject matter disclosed in patent documents is covered by exclusive rights granted to patent holders, much of the subject matter disclosed in this manner is in the public domain, since it was either never covered by exclusive rights or covered by exclusive rights that have since expired. As a result, this subject matter can be used freely to develop and commercially exploit new products and processes.

Several challenges exist to gaining value from the public domain subject matter disclosed in patent documents. These challenges include the need to raise awareness on patents and the public domain and develop skills, procedures, and institutional frameworks to: (i) retrieve and analyze patent documents to determine whether the contained subject matter belongs to the public domain; and (ii) integrate subject matter disclosed in patent documents into new products and processes. Moreover, accurate and comprehensive data on the legal status of patent applications and patents is required from all countries in which a claimed invention is to be exploited, in order to determine whether the invention belongs to the public domain.

2.2. Objectives

The proposed project aims to facilitate access to knowledge and technology for developing countries and LDCs and to assist interested member states in identifying and making use of subject matter that is in or has fallen into the public domain within their jurisdictions by fostering and providing:

  - Enhanced Technology and Innovation Support Center (TISC) services for identifying inventions in the public domain;
  - Enhanced TISC services for supporting the use of inventions in the public domain as the basis for developing new research outputs and new products; and their further management and commercialization; and an
  - Improved legal status portal with greater user-friendliness and expanded content on how to get information regarding legal status in different jurisdictions.

2.3. Delivery Strategy

The project objectives will be achieved through the following outputs during the biennium 2016-2017:

  1. Practical guides on the identification and use of inventions in the public domain.

     Two guides will be prepared within the framework of the project, one focusing on identifying inventions in the public domain and the other on using such inventions for developing new research outputs and new products. The guides will build on the findings of previously established studies on Intellectual Property and the Public

Domain (patent component), which outlined the legal basis for mechanisms by which subject matter may fall into the public domain.

The guides will be adapted to TISC staff, researchers, and entrepreneurs, in particular in developing countries and LDCs. They will include background information, practical guidance, and examples and case studies.

The guide on the identification of inventions in the public domain is expected to examine the following topics:

- Relationship between patents and the public domain;
- Identifying technology information needs;
- Finding sources of information required to identify inventions in the public domain, in particular patent databases and patent registers;
- Reading legal status information;
- Carrying out freedom to operate searches;
- Understanding the limitations of freedom to operate searches and managing associated risks.

The guide on the use of inventions in the public domain is expected to examine the following topics:

- Relationship between patents and the public domain;
- Relationship between inventions and know-how;
- Steps in the product development process;
- Specifying technology requirements;
- Identifying existing technology resources;
- Integrating new technologies into research and product design;
- Understanding limitations of inventions in the public domain and deciding when technology licensing may be necessary.

2. Documentation of experiences and best practices in the identification and use of inventions in the public domain.

3. New and enhanced training materials for TISCs based on the guides on the identification and use of inventions in the public domain.

4. A roster of core experts (at least two per region) to act as resource people to support national TISC networks and their development in these regions.

5. Improved legal status portal (currently embedded in PATENTSCOPE) with a more user-friendly interface and expanded content including:

- New and updated information and links on patent registers;
- Information on policies relating to the publication of legal status information for different offices and examples of how such policies are applied;
- Help pages on accessing and using the legal status portal and patent registers included in the portal; and
- Form to collect feedback from patent information specialists and users for further enhancement of the content.

The project outputs will be achieved through the following activities during the biennium 2016-2017:

1. Subject matter experts will draft the practical guides on the identification and use of

inventions in the public domain and collect information on experiences acquired in these areas by Member States, in particular developing countries.

2. Selected TISCs across various national TISC networks will pilot the guides on the identification and use of inventions in the public domain with the support of evaluation experts. Sustainable TISCs will be selected based on considerations of geographical, social, and economic diversity and capacity to support additional services and carry out monitoring and evaluation with respect to these services. The TISCs will provide feedback on the applicability and appropriateness of the guides to their national circumstances and on their experiences in applying the guides.

3. Subject matter experts will revise the guides on the identification and use of inventions in the public domain based on the data provided by the national TISC networks and will prepare training materials based on the revised guides.

4. A network of experts on the identification and use of inventions in the public domain (with specialization in specific technical areas or themes) will be created to support national TISC networks and their development.

5. A new interface will be developed for the legal status portal and its content will be updated and expanded.

The project objectives will be achieved through the following outputs during the year 2018*:

1. Revised guides on the identification and use of inventions in the public domain in English, French, and Spanish;

2. Skills developed among national TISC networks to administer and provide services for identifying inventions in the public domain and for supporting the use of inventions in the public domain as the basis for developing new research outputs and new products.

The project outputs will be achieved through the following activities during the year 2018*:

1. Translations will be prepared of the revised guides on the identification and use of inventions in the public domain into French and Spanish and dissemination of the guides to interested national TISC networks;

2. Selected experts from the roster created within the framework of this project will provide technical assistance and support to national TISC networks in establishing services for identifying inventions in the public domain and for supporting the use of inventions in the public domain as the basis for developing new research outputs and new products;

3. Workshops will be organized on experiences and best practices in establishing services for identifying inventions in the public domain and for supporting the use of inventions in the public domain as the basis for developing new research outputs and new products.

* Subject to approval of the project budget for 2018 by the Program and Budget Committee.

2.4.   Risks and Mitigation Strategies

Risk: Insufficient capacity by TISC staff to understand and effectively use the information contained in the practical guides on the identification and use of inventions in the public

domain

Mitigation: The guides will be adapted to the assessed capabilities of TISC staff, and a roster of core experts will be established to offer interactive support on issues dealt with by the guide.

3. REVIEW AND EVALUATION

3.1. Project Review Schedule

The project will be reviewed once a year with a progress report submitted to the CDIP. At the end of the project, an independent evaluation will be carried out and its report submitted to the CDIP.

3.2. Project Self-Evaluation

In addition to the project self-evaluation, an independent evaluation will be undertaken for the project.

Project Outputs	Indicators of Successful Completion (Output Indicators).
1. Guides on the identification and use of inventions in the public domain	Delivery of first finalized draft of the guides by end 2016.
2. Documentation of experiences and best practices in the identification and use of inventions in the public domain	Delivery of documentation from pilot projects by the end of 2017.
3. Roster of core experts	Roster with at least two core experts per region established by end 2016.
4. Training materials	At least two presentations established based on the guides on the identification and use of inventions in the public domain by mid-2017.
5. Improved legal status portal	New interface developed by mid-2016. New help pages added by mid-2017. New form added by end 2017.
6. Guides on the identification and use of inventions in the public domain in French and Spanish*	Delivery of the translated guides by mid-2018.
7. Skills to administer and provide services related to inventions in the public domain*	Surveys completed at workshops by end 2018 indicating that the project has developed skills in administering and/or providing services related to inventions in the public domain.
Project Objective(s)	Indicator(s) of Success in Achieving Project Objective (Outcome Indicators)

1. Facilitate access to knowledge and technology for developing countries and LDCs and to assist interested member states in identifying and making use of subject matter that is in or has fallen into the public domain within their jurisdictions	TISC services for identifying inventions in the public domain established by at least six TISCs across different national TISC networks. TISC services for supporting the use of inventions in the public domain established by at least four TISCs across different national TISC networks.

* Subject to approval of the project budget for 2018 by the Program and Budget Committee.

4.   TOTAL RESOURCES BY RESULTS

(a) Biennium 2016-2017

Project outputs	2016		2017		Total		Total
	Personnel	Non-personnel	Personnel	Non-personnel	Personnel	Non-personnel	*(Swiss francs)*
Guides on the identification and use of inventions in the public domain	10,000	60,000	10,000	20,000	20,000	80,000	100,000
Documentation of experiences and best practices in the identification and use of inventions in the public domain	30,000	25,000	50,000	125,000	80,000	150,000	230,000
Roster of experts and new and enhanced training materials	-	-	10,000	15,000	10,000	15,000	25,000
Improved legal status portal	10,000	20,000	30,000	35,000	40,000	55,000	95,000
Total	50,000	105,000	100,000	195,000	150,000	300,000	450,000

(b) Year 2018*

Project outputs	(Swiss francs)				
	2018		**Total**		**Total**
	Personnel	**Non-personnel**	**Personnel**	**Non-personnel**	
Translated guides on the identification and use of inventions in the public domain	10,000	50,000	10,000	50,000	60,000
Skills to administer and provide services related to inventions in the public domain	90,000	200,000	90,000	200,000	290,000
Total	100,000	250,000	100,000	250,000	350,000

* Subject to approval by the Program and Budget Committee.

5.   NON-PERSONNEL RESOURCES BY COST CATEGORY

(a) Biennium 2016-2017

Activities	Travel and Fellowships		Contractual Services			Total
						(Swiss francs)
	Staff Missions	Third-party Travel	Publishing	Individual Contractual Services	Other Contractual Services	
Drafting of guides	-	20,000	-	40,000	-	60,000
Piloting of guides	30,000	50,000	-	50,000	20,000	150,000
Revision of guides	-	-	-	20,000	-	20,000
Preparation of training materials	-	-	-	15,000	-	15,000
Development of legal status portal and enhancement of content	-	-	-	-	55,000	55,000
Total	**30,000**	**70,000**	**-**	**125,000**	**75,000**	**300,000**

(b) Year 2018*

Activities	Travel and Fellowships		Contractual Services			Total
						(Swiss francs)
	Staff Missions	Third-party Travel	Publishing	Individual Contractual Services	Other Contractual Services	
Translation and dissemination of guides	-	-	10,000	-	40,000	50,000
Technical assistance to TISC networks	10,000	50,000	-	20,000	-	80,000
Workshops on experiences and best practices	40,000	40,000	-	20,000	20,000	120,000
Total	**50,000**	**90,000**	**10,000**	**40,000**	**60,000**	**250,000**

* Subject to approval by the Program and Budget Committee.

6.   IMPLEMENTATION TIMELINE

(a) Biennium 2016-2017

Activity	Quarters 2016				Quarters 2017			
	1st	2nd	3rd	4th	1st	2nd	3rd	4th
Drafting of guides			x	x				
Piloting of guides				x	x	x	x	
Revision of guides							x	x
Preparation of training materials								x
Development of legal status portal and enhancement of content			x	x	x	x	x	x

(b) Year 2018*

Activity	Quarters 2018			
	1st	2nd	3rd	4th
Translation and dissemination of guides	x	x		
Technical assistance to TISC networks		x	x	x
Workshops on experiences and best practices		x	x	x

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[End of Annex and of document]