

Committee on Development and IP (CDIP)

Seventeenth Session
Geneva, April 11 to 15, 2016

REPORT

adopted by the Committee

1. The seventeenth session of the CDIP was held from April 11 to 15, 2016.
2. The following States were represented: Algeria, Argentina, Armenia, Australia, Austria, The Bahamas, Belarus, Belize, Bhutan, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, France, Gabon, Georgia, Germany, Greece, Guatemala, Guinea, Haiti, Holy See, Honduras, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kenya, Kyrgyzstan, Latvia, Lebanon, Mali, Mauritania, Mexico, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Seychelles, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, Zambia and Zimbabwe (96). Palestine was represented as an observer.
3. The following intergovernmental organizations (IGOs) took part as observers: African, Caribbean and Pacific Group of States (ACP Group), African Regional Intellectual Property Organization (ARIPO), African Union (AU), European Patent Organisation (EPO), European Public Law Organization (EPLO), Food and Agriculture Organization of the United Nations (FAO), General Secretariat of the Andean Community, Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC Patent Office), South Centre, World Health Organization (WHO), World Trade Organization (WTO), Organization of Islamic Cooperation (OIC), European Union (EU) and West African Economic and Monetary Union (WAEMU) (14).

4. Representatives of the following non-governmental organizations (NGOs) took part as observers: *Ankara University Research Center on Intellectual and Industrial Property Rights (FISAUM)*, *Asociación Argentina de Intérpretes (AADI)*, Chamber of Commerce and Industry of the Russian Federation (CCI RF), CropLife International, European Law Students' Association (ELSA International), Friends World Committee for Consultation (FWCC), Ibero-Latin-American Federation of Performers (FILAIE), Innovation Insights, Institute for Intellectual Property and Social Justice (IIPSJ), International Association for the Protection of Intellectual Property (AIPPI), International Centre for Trade and Sustainable Development (ICTSD), International Federation of Inventors' Associations (IFIA), International Federation of Pharmaceutical Manufacturers Associations (IFPMA), International Association of Scientific Technical and Medical Publishers (STM), International Institute for Intellectual Property Management (I3PM), International Publishers Association (IPA), International Trademark Association (INTA), International Video Federation (IVF), Knowledge Ecology International Inc. (KEI), *Maloca Internationale*, *Médecins sans frontières (MSF)*, Medicines Patent Pool, *Société portugaise d'auteurs (SPA)*, Third World Network, and World Women Inventors and Entrepreneurs Association (WWIEA) (25).

5. Ambassador Luis Enrique Chavez Basagoitia, Permanent Representative of Peru, chaired the session.

AGENDA ITEM 1: OPENING OF THE SESSION

6. The Director General welcomed delegates noting that the presence of many delegations was a sign of the importance attached to the Committee's work. He mentioned the successful convening of the International Conference on Intellectual Property (IP) and Development. It was the occasion to look at the very fundamental question of the influence of IP and its linkages with development. The discussions derived from this event were useful and rich. Moreover, he informed about the ongoing process of the Independent Review on the implementation of the Development Agenda (DA) Recommendations. A significant number of agenda items before the Committee were of high importance. First, the WIPO General Assembly (GA) decision on CDIP related matters. He recalled that at its 47th (22nd Ordinary) Session, the GA allowed the Committee to continue the discussions on the implementation of the Coordination Mechanisms and Monitoring, Assessing and Reporting Modalities, and the new Agenda Item on the third pillar of the CDIP mandate. Second, the External Review of WIPO Technical Assistance in the Area of Cooperation for Development. Third, two new DA projects, one on the Use of Information in the Public Domain and one on Training for Judicial Institutions would be presented for consideration. Fourth, the Evaluation Report of the project on the Strengthening and Development of the Audiovisual Sector in Burkina Faso and certain African Countries. A proposal for a second phase of that project would be presented for consideration. Lastly, a number of activities throughout the Organization would also be considered by the Committee. He noted that the agenda was rather full. The Director General turned to Agenda Item 2 on the Election of Officers and invited nominations from the floor.

AGENDA ITEM 2: ELECTION OF OFFICERS

7. The Delegation of the Bahamas, speaking on behalf of the Group of Latin American Countries (GRULAC), proposed the candidacy of Ambassador Luis Enrique Chavez Basagoitia, Permanent Representative of Peru, as Chair.

8. The Delegation of Nigeria, speaking on behalf of the African Group, proposed the candidacy of Ms. Kerry Faul, Head of the National IP Management in the Department of Science and Technology of South Africa as a Vice-Chair.
9. The Delegation of Greece, speaking on behalf of Group B, proposed the candidacy of Mr. Osman Gokturk, Second Secretary, Permanent Mission of Turkey to WTO, as a Vice-Chair.
10. The Director General declared the election of Ambassador Luis Enrique Chavez Basagoitia as Chair, and Ms. Kerry Faul and Mr. Osman Gokturk as Vice-Chairs, given that there were no objections from the floor. He invited Ambassador Chavez Basagoitia to come to the podium.
11. The Chair welcomed delegations and thanked Member States, in particular his regional group (GRULAC), for entrusting him with the responsibility of chairing the Committee. He noted the presence of the Director General and the Deputy Director General as a sign of the Organization's commitment to the CDIP. Although discussions in the past had shown the existing differences among developed and developing countries, he relied on the determination of the Committee to make progress in its work. He highlighted the utmost importance of IP and development for all Member States, civil society and other stakeholders. He also pointed out the particular relevance of IP for developing countries, in view of its connection to social, economic and cultural development.

AGENDA ITEM 3: ADOPTION OF THE AGENDA

12. The Chair informed the Committee that the draft agenda (document CDIP/17/1 Prov. 3) was prepared based on the discussions during CDIP/16 and in accordance with Rule 5 of the WIPO General Rules of Procedure. The agenda was adopted, given the fact that there were no observations from the floor.

AGENDA ITEM 4: ACCREDITATION OF OBSERVERS

Consideration of the document CDIP/17/6

13. The Chair opened the floor and invited the Secretariat to present the document.
14. The Secretariat (Mr. Baloch) informed the Committee that the Rules of Procedure of the Committee provided for *ad hoc* accreditation as observers of Intergovernmental and non-governmental organizations. For this session, two non-governmental organizations (NGOs), namely, *Institut Cerveau Vert 2063* and *Global EcoLomics International*, had requested to be granted *ad hoc* accreditation. The Chair invited the Committee to take a decision on the requests. The NGOs were granted *ad hoc* observer status given that there were no objections from the floor.

AGENDA ITEM 5: ADOPTION OF THE DRAFT REPORT OF THE SIXTEENTH SESSION OF THE CDIP

Consideration of the document CDIP/16/10 Prov.

15. The Chair informed the Committee that the report (document CDIP/15/8 Prov.) was published on July 29, 2015 and no comments were received by the Secretariat. He invited the Committee to adopt the report. It was adopted, given that there were no objections from the floor.

AGENDA ITEM 6: GENERAL STATEMENTS

16. The Chair opened the floor for general statements.

17. The Delegation of the Bahamas, speaking on behalf of the group of Latin American countries (GRULAC) referred to the International Conference on IP and Development. In its view, it was an important tool for imparting knowledge to all Member States and other stakeholders on matters related to the social, economic and cultural aspects of IP and development. The Group expressed its support to the work of the Committee and underlined its importance for its region. It was pleased to receive once more the Director's General report on the implementation of the DA Recommendations and to note that discussions on CDIP Related Matters would continue. It also referred to document CDIP/17/5 containing two proposals on a mechanism for updating the database on flexibilities. The Group believed that flexibilities were an integral part of the IP system and provided balance in the establishment of multilateral rules that governed IP. The Group expected that an agreement would be reached. The Group was pleased to see the document CDIP/17/8 on WIPO's activities towards the implementation of the Sustainable Development Goals (SDGs). It pointed out the tremendous amount of work undertaken by WIPO and its positive impact on developing countries. It made special reference to Goal 9 on building resilient infrastructure, promoting inclusive and sustainable industrialization and fostering innovation. The Group expressed its support to the work done by WIPO on the Mapping of Activities related to Technology Transfer (document CDIP/17/9). It encouraged the Organization to explore IP related policies and initiatives aiming at promoting the transfer and dissemination of technology to the benefit of developing countries. In its view, appropriate measures should be taken to enable developing countries to fully understand and benefit from different provisions on flexibilities contained in international agreements.

18. The Delegation of India, speaking on behalf of the Asia and the Pacific Group, appreciated the successful completion of the International Conference on IP and Development. It highlighted the presence of speakers from diverse areas and with different backgrounds. It considered the Conference very instructive and beneficial. The Group took note of the Director General's report on the Implementation of the DA Recommendations (document CDIP/17/2). It acknowledged that the WIPO Secretariat continued to pursue an IP oriented approach towards development issues. WIPO's work on developing national IP innovation strategies focused on empowering developing countries and Least Developed Countries (LDCs) to use the IP system as a contributory factor in achieving their development goals. However, the Group recalled that the focus of the DA was not overwhelmingly on enforcement of IP but also on how to fine-tune intellectual property rights (IPRs) so as to safeguard developing countries and LDCs from adverse implications of IP protection. This was of crucial importance for the Group as IP had assumed a central position in the economic system and affected all areas of life. It also noted the work of the WIPO Academy in providing training on IP and related issues. It requested the Secretariat to share the findings and recommendations of the Independent External Review with Member States. The Group requested detailed information on WIPO's engagement with other UN bodies, especially with WTO and WHO, in areas where there was no consensus among Member States. It referred, in particular, to the United Nations (UN) Secretary-General High Level Panel on Access to Medicines and the briefings in Geneva and New York on the subject. The Group stated that the focus of South-South Cooperation activities in WIPO should be on promoting full use of flexibilities to enable the Organization to address SDGs. It expected more activities on sharing South-South experiences on the protection of genetic resources, traditional knowledge and traditional cultural expressions. With regard to the Mechanism for Updating the Database on Flexibilities, the Group was of the view that Member States should communicate updates concerning their national provisions on flexibilities to subsequently add them in the Database. The Group welcomed the discussion on WIPO's contribution to the SDGs initiated during the 16th session of CDIP. It requested the Secretariat to brief the Committee on the

participation of WIPO on SDGs related issues undertaken between the 16th and the 17th session of the CDIP, particularly in the Interagency and Expert Group on SDG indicators (IAEG-SDGs) and in the UN Technology Facilitation Mechanism (TFM). The Group looked forward to discussing important steps to be taken in the future on how IP might contribute to the achievement of SDGs. The Group urged all other regional Groups to work towards an agreement on the GA Decision on CDIP related matters. The Delegation also mentioned that the Coordination Mechanisms was an essential element in the implementation of DA Recommendations, particularly in respect to the Program and Budget Committee (PBC) and the Committee on WIPO Standards (CWS). The Group hoped the matter would get resolved. It noted the importance of technical assistance for the Group and the need to deliver it in a timely, efficient and coherent manner. Finally, the Group expressed the need to evaluate the gains achieved through DA projects in order to identify areas where complementary and supplementary work had to continue. It requested the Secretariat to present a compilation of the available data and propose potential new activities for consideration of Member States. The Group looked forward to contributing to the discussions in the Committee and hoped for a productive session.

19. The Delegation of Greece, speaking on behalf of Group B, was confident that the Committee would be able to make progress during this session. The Group pointed out some items of the agenda. First, it welcomed the Director General's report on the Implementation of the DA Recommendations. This report provided an extensive, analytic and comprehensive description on the way WIPO had implemented the DA Recommendations and principles. The Group noted with satisfaction that great progress was made in that matter and considered that the CDIP had succeeded in discussing IP and Development and fully delivered on its mandate. Second, with regards to the evaluation report on the project on Strengthening and Development of the Audiovisual sector in Burkina Faso and certain African Countries, the Group noted the contribution of the project to the implementation of DA Recommendations 1, 2, 4, 10 and 11. The results of the project were a good example of how IP could help to support film industry which in turn played an important role in creating a cultural identity and contributed to economic development. Lastly, the Group referred to the International Conference on IP and Development. There was a wide spectrum of speakers and participants representing a variety of viewpoints on the interaction between IP and development. The Group took note of the positive role IP played in socio-economic development. Moreover, it underlined the importance of making the documents available well ahead of the Committee for a better preparation by delegations. The Delegation reserved the right for further elaboration under each agenda item. The Group assured the Chair that he could count on the constructive spirit and support of its members during the session.

20. The Delegation of Nigeria, speaking on behalf of the African Group, referred to the International Conference on IP and Development. The Conference was successful and very instructive. It demonstrated the inalienable role of IP to facilitating development in the broadest context. The Group believed that there was no convergence let alone consensus on the role of IP in the economic system. That relation needed further examination. It hoped that the outcome of the Conference would add some impetus to the work of the Committee. The Group looked forward to the constructive engagement of Member States in order to achieve progress and conclude some longstanding CDIP subjects of discussion. These included the joint proposal by the African Group and the Development Agenda Group (DAG) on WIPO Technical Assistance in the area of Cooperation for Development, the full implementation of the CDIP mandate and the Coordination Mechanism. The Group mentioned the revised project proposals on the Use of Information in the Public Domain for Economic Development, and on Cooperation on IPRs Education and Professional Training with Judicial Training Institutions in Developing and LDCs. The Group attached special importance to ensuring that projects undertaken by the Committee added clear value and impact on the DA Recommendations. Furthermore, the Group welcomed the proposal for a phase II of the project on Strengthening and Development

of the Audiovisual sector in Burkina Faso and certain African countries, in which two additional African countries were included and a number of others had shown interest to benefit from it. Lastly, it welcomed the Director General's Report on the implementation of the DA Recommendations. It looked forward to considering the mapping reports, evaluation reports and guidelines. The Group would make specific comments as appropriate.

21. The Delegation of China was pleased to note that, thanks to the joint effort of WIPO and Member States, the DA Recommendations had achieved rich results to the benefit of developing countries. For example, TISCs network had been deployed in many countries playing an active role in terms of technological information distribution and innovation. It noted the successful holding of the International Conference on IP and Development. The discussions were inspiring for the DA's future work. The Delegation pointed out the progress made by the Committee since its 14th session. This included the Independent Review of the implementation of the DA recommendations. China had participated in the survey conducted within the review process. The Delegation highly appreciated the work undertaken by the Review Team and was keen to continue cooperation. The Delegation recalled the constructive discussion held in the past few sessions on the issue of technical assistance in the area of cooperation for development. A great deal of work needed to be completed. Therefore, the Delegation hoped that all Member States would continue to demonstrate flexibility, openness and cooperation in order to achieve progress. The Delegation hoped that further discussions would take place regarding WIPO's contribution to the implementation of SDGs. The Organization had to fulfill its responsibility as an UN-specialized agency. The Delegation recalled the development concepts put forward by its government in 2015. They were fully in line with the DA and WIPO's work. The Delegation would continue to support the work of the Committee.

22. The Delegation of Latvia, speaking on behalf of the Central European and Baltic States Group (CEBS), made reference to the International Conference on IP and Development. The Group was pleased for having contributed to the debates. The Conference reminded Member States about the importance of IP in the social, economic and cultural development. Speakers from different regions highlighted the impact of their IP policies and infrastructures on all aspects of development. The Group was ready to engage in a positive and constructive manner in the issues before the Committee.

23. The Delegation of Bangladesh, speaking on behalf of the LDCs, noted the importance of the Committee for the Group to define and illustrate how IP could promote the implementation of development. The Delegation was confident that with the Chair's guidance, the Committee would reach decisive conclusions and achieve expected success. The Group referred to the Director General introductory remarks and acknowledged the contribution of the Secretariat and the support of the LDCs Division. The Group noted that the Director General's Report on the Implementation of the DA Recommendations demonstrated the progress in WIPO activities over the years. The report presented factual developments in different WIPO bodies and emphasized on the continuation of efforts to mainstream DA Recommendations into different programs, as approved by the PBC. However, the Group noticed a particular inclination to deal with the development issues principally through implementation of the IP regime. IP was mainly managed as a *sui generis* system. However, a one-size-fits-all solution would never bring desired results for which the WIPO's DA was envisioned. The report sought to inspire developing countries and LDC's to use IP both as a path and a vehicle to achieve SDGs. The Group noticed that this notion needed to be revisited with seriousness especially when considering the issue of social and economic development of the LDCs. History and experience had proved that IP and development rights and responsibilities went hand-in-hand. It was essential to recognize and promote innovation in order to make IP beneficial for LDCs. Moreover, the Group underlined the requirement of customization of LDCs' training needs on IP and related issues provided by WIPO. Its content and method should include innovation and

implementation of IP flexibilities. Regarding its engagement with other International Organizations, the Group strongly hoped that WIPO would always champion the issue of development without compromising the future of LDCs. The Group stated that the importance of South-South Cooperation could hardly be overemphasized for LDCs, given that it was time for them to raise learning and sharing strategies and to advance different socio-economic activities. With reference to the Mapping of South-South Cooperation Activities within WIPO (document CDIP/17/4), the Group believed that a wide room to strengthen WIPO's activities with formally mainstreaming the South-South Cooperation efforts existed. Future development in South-South Cooperation had to include the use of current IP flexibilities for LDCs under the TRIPS Agreement, the protection of genetic resources, traditional knowledge and traditional cultural expressions, exceptions and limitations in several fields of IP and other *sui generis* procedures. On the mechanism for updating the database on flexibilities, the Group preferred a direct communication with the Secretariat and a subsequent inclusion in the database. The Group pointed out that LDCs were exempt from most of the TRIPS obligations so the database should not include any flexibility that could be understood as TRIPS plus provisions. It noted that the TRIPS Agreement was a consensus of the lowest common denominatives of all countries. The Group welcomed the positive evaluation of the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. The phase II of the project had to be supported by sufficient monitoring and other necessary resources so as to make it sustainable in the future. The Group urged Member States to promptly approve WIPO projects for LDCs. The Group acknowledged the contribution of WIPO in the achievement of SDGs. LDCs hoped that WIPO's engagement would be wide and diversified and would focus more on development rather than on widespread implementation of IP regime without establishing a balance between rights and responsibilities. SDGs were an ongoing process until 2030 and the Group would appreciate receiving regular briefs on the participation of WIPO and other organizations in the achievement of SDGs. It also underlined that technical assistance and technology transfer were two extremely important areas for LDCs that needed to be demand driven, development oriented and transparent. It considered that the external review of WIPO's Technical Assistance in the area of Cooperation for Development represented an important effort for making technical assistance more accountable, focused and responsive to the priorities of LDCs. The Group believed that to make technical assistance more effective, the joint proposal made by the Development Agenda Group (DAG) and the African Group during the 9th session of the Committee could be a basis for negotiation as most LDC members belonged to one or both of those Groups. On the issue of technology transfer, although the Group noticed the lack of any consistent definition, it highlighted the implementation of project on IP and Technology Transfer: Common Challenges - Building Solutions (document CDIP/6/4/Rev.). It also referred to the Mapping of South-South Cooperation Activities within WIPO (document CDIP/17/4). The experience at other international organizations such as WTO showed that IP enforcement did not have any positive correlation with technology transfer. With reference to the Coordination Mechanism, it considered distressing the lack of consensus to determine the relevant WIPO bodies to report under the Coordination Mechanism. The Group believed that the PBC and the Committee on WIPO Standards (CWS) had to be considered as relevant WIPO bodies to report on the implementation of the DA Recommendations. It requested all members to make serious efforts to reach consensus to that end. Lastly, the LDCs Group, representing one-fourth of UN Member States, pledged total support to the Chair and reiterated its conviction on the success of the session.

24. The Delegation of the Netherlands, speaking on behalf of the European Union (EU) and its member states, stated that in its last session many issues did not bear fruit immediately and important issues were moved to the agenda of the 17th session of the Committee. As a result, the agenda of the current session had become overburden and strict time management was required to reach its goals. It noted that the International Conference on IP and Development had been a well-balanced event with useful and interesting case studies. The Conference

contributed to strengthen the argument that a strong IP system was essential for fostering innovation and supporting development. The EU and its member states expressed their will to continue working in a positive and cooperative manner on the important matters on the agenda and hoped that constructive decisions would be taken. Lastly, on future work, the Group was ready to discuss on the possible ways to improve the work of the Committee for the benefit of all Member States.

25. The Delegation of South Africa aligned itself with the statement made by Nigeria on behalf of the African Group. The Delegation noted that the Committee had great potential to the realizations of IP for the development objective pursued by various Member States, in particular, developing countries. The Delegation pointed out that CDIP was an imperative for Africa's development objectives as it was entrusted with making critical assessments of WIPO's work on the implementation of DA Recommendations, and in providing concrete proposals towards the enhancement of Member States' participation and benefit from the international IP architecture. The Delegation called on the Committee to make meaningful progress towards the finalization of two important discussions, namely, the issue of the External Review of WIPO Technical Assistance in the Area of Cooperation for Development and the discussion on the third pillar of the CDIP mandate. It looked forward to the report of the independent review of WIPO's implementation of the DA Recommendations. In the Group's view, the discussions at the International Conference on IP and Development would lead to the agreement that balanced IP regimes supporting countries' public policy objectives would encourage innovation and growth. WIPO had an important role to play in supporting Member State efforts to draft IP policies in support of their development objectives by providing them with an array of instruments. These included the TRIPS flexibilities to promote access to knowledge, innovation support and technology transfer among others.

26. The Delegation of Pakistan aligned itself with the statement made by India on behalf of Asia and the Pacific Group. The Delegation noted the successful conclusion of the International Conference on IP and Development which brought a wide range of speakers from developed and developing countries. The Delegation encouraged WIPO to hold similar events on other issues. This would allow Member States to appreciate different perspectives for the growth of a balanced IP system. Speakers stressed the need for developing countries to have policy space to define an IP system best suited to their development needs. Historically, different countries had used IP protection in different ways to pursue their development objectives. Developed countries initially used weak IP regimes and strengthened it only after reaching a certain level of industrialization. Therefore, any approach to IP reform needed to take into account the diversity of Member States and be sensitive to their specific context without applying a one-size-fits-all option. The Delegation stressed that due to the centrality of IP in the economic system, it had an impact on people's lives and their capacity to enjoy the basic human rights, specially health and education. In that sense, the role of the CDIP in the implementation and streamlining of DA Recommendations was crucial. In the Delegation's view, it was time to move from descriptive statements to objective stock taking in order to identify gaps and to rectify them. For that reason, it believed that full implementation of the CDIP mandate regarding IP and development was essential. Moreover, it was important that the DA Recommendations were not confined to specific projects but viewed in a broader policy framework. The Delegation emphasized that recommendations did not end with the completion of a project since projects were merely one of the means for their implementation. An objective independent assessment of IP norms on development in different settings was essential for a balanced IP system. The Delegation recalled the request made to the Secretariat to brief the Committee about the terms of reference under which the Organization engaged with other UN agencies particularly in areas where there was no consensus among Member States. A demand was received from NGOs about the Secretariat mission briefings related to the UN Secretary-General High Level Panel process in Geneva and New York. The Delegation read out the following: *"by questioning the prima fascia assumption in the mandate of the high level panel that there is policy incoherence*

between IP laws and regulations to encourage innovation and the imperative of delivering medicines and other health services to those in need.” This ran counter to the DA itself. The DA recognized the basic existence of policy incoherence between IP protection and public interest, and sought to encourage WIPO and Member States to address this incoherence. The Delegation requested the Secretariat to brief Member States about WIPO’s input to the High Level Panel. The Delegation stressed on the need to work towards a balanced IP system which insured inclusivity and mutual respect for the different needs of Member States so that diversity becomes a strength benefitting all.

27. The Delegation of the Republic of Korea recognized that the CDIP had made good progress in implementing the DA Recommendations over the last five years. It noted that in a knowledge based economy, IP was a driving force and one of the biggest factors for competitiveness. Therefore, The Republic of Korea understood the importance of implementing IP related projects to promote sustainable and balanced growth among developing countries and LDCs. The Delegation realized the necessity of increasing public awareness of IP strategies in order to successfully carry out the projects. The Delegation emphasized that the implementation of the DA Recommendations did not end with the completion of a specific project. Follow-up measures had to be taken to improve socio-economic circumstances and to ensure sustainable economic growth in the beneficiary countries. Projects such as the one on “Capacity Building in the Use of Appropriate Technology-Specific Technical and Scientific Information as a Solution for Identified Development Challenges” were, in its view, good examples of the nexus between IP and development and for promoting global awareness of IP for utilizing technology. The Delegation further noted that the International IP sharing project developed by the Korean Intellectual Property Office (KIPO) contributed to develop appropriate technology that enhances quality of life in LDCs. The Republic of Korea had implemented the project in Vietnam and Indonesia. The Delegation encouraged a balanced and constructive approach to discussions on projects related to cooperation for development. When it came to providing IP assistance, WIPO and its Member States should share best practices in order to ensure the quality of the projects. As an example, the Delegation mentioned a technology competition held in Mongolia last year financed by the Korea Fund-In-Trust. Final workshop and ceremony would take place the week after in the Dominican Republic. The Delegation looked forward to constructive discussions during the session.

28. The Delegation of Indonesia, fully supported the statement made by the Delegation of India on behalf of Asia and the Pacific Group and shared its national position. The Delegation highly appreciated the work of the Organization as reflected in the Director’s General Report on the Implementation of DA. In its view, mainstreaming DA Recommendation should ensure a balanced approach of IP protection, innovation and commercialization. The Delegation believed that these IP pillars should be treated equally to support economic growth of each Member State. Secondly, it requested the Committee to report on the participation of WIPO in the Expert Advisory Group of the UN Secretary-General’s High Level Panel on access to medicine and on the request made by the Secretary of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) to engage with WIPO in order to explore possible areas of interrelation between WIPO Treaties and Article 9 of the ITPGRFA. Thirdly, it highlighted the successful achievement of the International Conference on IP and Development. In its view, many topics should be discussed further to guide the Organization and Member States on how to implement DA Recommendations. As an example, the Delegation recommended the inclusion of “science, innovation and technology” as a permanent agenda item. On flexibilities, the Delegation perceived this subject as an integral part of the IP system and encouraged the implementation of DA Recommendation 14. Moreover, WIPO and other International Organizations should guide developing countries and LDCs on the understanding of the flexibilities contained in the TRIPS Agreement. The Delegation hoped that CDIP would facilitate the full use of IP flexibilities to craft a greater developmental role for IP as a tool of economic growth. The Delegation believed that the implementation of the Coordination Mechanisms was

important to ensure that the DA Recommendations were going to be mainstreamed in all WIPO activities and WIPO bodies in a coordinated manner. The Delegation requested WIPO to play a major role in the achievement of the SDGs Agenda 2030 and urged Member States to give WIPO a clear mandate on the issue. The Delegation was open for discussion on a partnership basis to face global challenges. Furthermore, it requested WIPO Secretariat to explain the work done with regard to the IAEG-SDGs and on the UN Technology Facilitation mechanism. It believed that one of the aims of implementing the DA Recommendations was to reduce knowledge gaps between developed and developing countries. Therefore, the Delegation urged CDIP to move forward with the implementation of the third pillar of the CDIP Mandate with regard to technology transfer and access to knowledge. The Delegation also attached particular importance to South-South Cooperation, and hoped that CDIP would also produce guidelines for the implementation of South-South Cooperation. It supported two proposals: (i) the promotion of the full use of IP flexibilities; (ii) using South-South sharing experiences on the protection of genetic resources, traditional knowledge and traditional cultural expression for the socio-economic development of Member States. The Delegation hoped that its country would keep benefitting from WIPO's assistance. Indonesia intended to join other Member States in establishing Technology and Innovation Support Centers (TISCs). It aimed to encourage and support universities or higher educational institutions for hosting TISCs. The Delegation expected TISCs to contribute to the birth of innovation through research and development at university level.

29. The Delegation of Brazil highlighted the successful achievement of the International Conference on IP and Development. This event provided an open and frank environment for exchanging different viewpoints regarding the international IP system. Speakers from many backgrounds had brought their thoughts on the foundation of IP, its goals and possible ways forward for its achievement in light of development. While recognizing the role of IP to support innovation and technology, experts also mentioned the need to produce more data for a thorough analysis of the effects and challenges of the current IP system. This underlined the importance of the work of the WIPO's Economic and Statistics Division. Panelists also expressed the need to fully take into account the national policy objectives of Member States in order to address the individual challenges and promote general socio-economic development. Only then could an IP system be more inclusive, balanced and development oriented. The Delegation joined the notion that one-size-fits-all approaches were inadequate to address the increasing complexity for the personalization of IPRs. The need of preserving policy space for countries to fine-tune their legislation came as a natural conclusion. The Delegation looked forward to further exploring the issues discussed during the event and hoped that the spirit of the Conference would be preserved throughout the Committee's session. On the work of the Committee, the Delegation reiterated the importance assigned to the discussion on the implementation of the CDIP mandate as well as of the Coordination Mechanism. These were longstanding matters on the CDIP agenda. It expected all Member States to engage in the discussions with a constructive and open spirit in order to reach agreement on the protracted issue. The Delegation also pointed out the importance of South-South Cooperation. Brazil had participated in many activities in collaboration with developing countries and LDCs in the recent years. In the field of IP, the Delegation recalled the signature of an instrument with WIPO to dedicate one million United States (US) dollars to promote trilateral activities of this nature. Regarding SDGs, the Delegation considered that WIPO had an important role to play in the multi-stakeholders discussion on its achievement. In its view, the Committee had to ensure that the Organization's contribution in the interagency task team established to discuss the first steps in the SDGs implementation should be guided by the development oriented aspects of the IP system. That was not a one-time discussion and it should be integrated as a permanent agenda item.

30. The Delegation of Burkina Faso fully supported the statement made by the Delegation Nigeria on behalf of the African Group and congratulated the Chair and Vice-Chairs on their

election. The Delegation noted that IP was a significant tool for economic development in Africa. In this line, it welcomed the holding of the International Conference on IP and Development and commended WIPO's efforts in this regard. The Delegation was satisfied with the Director General's Report on Implementation of the DA. The DA was of great importance for Burkina Faso. The country was grateful to benefit from it, notably, through the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. The Delegation hoped that the positive results of the Evaluation of Phase I of the project would enable Member States to approve Phase II. This would allow beneficiary countries to clearly assess the status of the audiovisual sector in Africa in general and in Burkina Faso in particular.

31. The Delegation of Iran (Islamic Republic of) aligned itself with the statement made by the Delegation of India on behalf of Asia and the Pacific Group. The Delegation welcomed the discussions held during the International Conference on IP and Development which provided different perspectives and approaches about the role of IP in development. The Delegation took note of the Director General's Report on the Implementation of the DA Recommendations. The report provided an overview of the Organization's engagement in the implementation and mainstreaming of all DA Recommendations in WIPO's work. In its view, the Committee had to discuss and assess the Report and also other CDIP documents taking into consideration the objectives and the CDIP mandate upon its inception. It was obvious that the implementation of the DA Recommendations should not be isolated from the general work of the Organization. The main idea was to bring about a balance between the right holders and the public interest. This required mainstreaming development considerations into WIPO's work. The main focus should be on making the DA part and parcel of WIPO's day-to-day work. The Delegation noted the important role played by the CDIP within the Organization as a result of its rigorous dedication to the implementation of the 45 DA Recommendations. The Delegation believed that all WIPO bodies should take due account of those Recommendations in their activities, in particular in their policy making decisions. Moreover, it was necessary to have a clear understanding of the purposes of WIPO's development cooperation activities or of the conceptual framework of development oriented assistance. The Delegation stated that in the area of norm-setting, the CDIP was a body that should realize the right to development by exploring means to employ IP for development objectives. In its view, those means included the use of flexibilities in international IP agreements, the enlargement of the public domain and the alignment of IP laws to protect cultural expressions, genetic resources and traditional knowledge. As a UN special agency, WIPO should incorporate SDGs into all its activities and launch its contribution to their implementation. The Delegation requested the Secretariat to provide information about WIPO's role in the discussions of the IAEG-SDGs, and to brief Member States on WIPO's participation in SDGs related issues since the 16th session of the Committee, notably in the aforesaid expert group, the UN Technology Facilitation Mechanism, and the UN High Level Panel on access to medicines. On the Coordination Mechanism, the Delegation was concerned on the issue of the bodies integrating the Mechanism. In its view, the DA should be an integral part of the work of all WIPO bodies, including CWS and PBC. However the decision on including those committees for the realization of DA goals had not been solved. With regard to the third pillar of the CDIP mandate, it was regrettable that some countries had rejected the proposal to include it as an agenda item. This would allow discussions on the important linkages between IP and development. On the Mapping of South-South Cooperation Activities within the World Intellectual Property Organization (document CDIP/17/4), the Delegation considered that those activities should focus extensively on promoting full use of IP flexibilities for addressing their relevant goals and sharing social experiences in the areas of patents, copyright, trademarks, and so on. There was also a need to share South-South Cooperation experiences on the protection of traditional knowledge and genetic resources. The aforesaid mapping focused on the promotion and strengthening of IPRs and supportive systems. The Delegation noted that South-South Cooperation was mainly implemented by regional bureaus under Program 9. Thus, it was important for the Secretariat to

prepare a roadmap on mainstreaming of WIPO's activities on South-South Cooperation across other substantive sectors. Lastly, although there were considerable achievements in the implementation of the DA Recommendations, there were still important shortcomings that needed to be addressed thoroughly. Political will and new commitment were needed for that purpose. The Delegation expressed its commitment to engage constructively in the forthcoming discussions.

32. The Delegation of Uganda fully aligned itself with the statements made by the Delegation of Nigeria and Bangladesh on behalf of the Africa Group and the LDCs respectively. It welcomed WIPO's emphasis on empowering LDCs' involvement. As mentioned during the Conference held the week before, IP could and should play a role in a country's socio-economic advancement. Therefore the Delegation noted that Uganda was in the process of submitting a national IP policy in order to integrate IP in its national development plans. On South-South Cooperation, Uganda had hosted with the support of WIPO various experts from the African and Asian regions for conducting activities such as TISCs trainings and SMEs trainings for trainer's workshops. From the benefits of the above trainings, Uganda had strengthened its South-South Cooperation in the area of capacity building and in March this year, the country had partnered with the Kenya Industrial Property Institute to train patent examiners. The Delegation requested WIPO to continue to support those initiatives. On Intergovernmental partnerships, the Delegation welcomed WIPO's facilitation. This allowed their country to still benefit from the cooperation with the Japan Patent Office (JPO), KIPO, the Korea Corporate Commission and the African Regional Property Organization (ARIPO) in undertaking capacity building activities. The Delegation was grateful to the support provided by those organizations and appreciated their complimentary role in supporting WIPO's development activities. On the use of flexibilities, the Delegation stated that their Industrial Property act had come into force in April 2015. Some of the flexibilities included the exclusion of pharmaceutical products from patentability, establishment of patent standards commensurate with the development level of the country, the exclusion of plant and animal varieties from patentability, the disclosure requirements for genetic resources and associated traditional knowledge comprising inventions, among others. Uganda's industrial property law did not provide for exclusive patent protection on computer programs although they were explicitly provided for in the copyright law. The Delegation pointed out that Uganda had not participated in studies on economic impact of IP. In its view, the Committee should consider requesting the Secretariat to build on the work done on the implementation of the flexibility on patentability of computer programs to further study the impact of such patents on the software industry, especially in the context of developing countries. Regarding building respect for IP, the Delegation received copies of the customizable manual for training on IP enforcement. It would be integrated in the training programs of the police schools to build IP enforcement capacity. On TISCs, the country had hosted a seminar for focal persons at the various research institutions as well as academic institutions. Seven TISCs were established in the country benefitting researchers and scientists from those institutions. This service had been extensively advertised in various media to increase uptake to enhanced demand. As a result, the Delegation expected to establish five more TISCs by the end of the year. In the evaluation of the use of these resources, the Delegation noted the need to build a culture around their utilization through a consistent and deliberate capacity building program. Increasing opportunities for know-how transfer was also needed. Increasing expertise to realize meaningful access to information would be welcome as well. This would build success stories important for promoting the use of information in the public domain.

33. The Delegation of Cote d'Ivoire supported the statement made by the Delegation of Nigeria on behalf of the African Group. CDIP reflected the pragmatism of WIPO's activities related to development and thus constituted the most important Committee for developing countries and LDCs. CDIP was the barometer and guardian of a balanced IP system. The Delegation was glad to notice that progress had been made on the implementation of the DA

Recommendations. The project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries was a great success. The Delegation was glad to welcome its phase II in which two additional African countries were going to participate. It urged Member States to show flexibility and constructive spirit in order to obtain constructive results.

34. The Delegation of Peru pointed out the relevance of the Committee. It was an important forum for dialogue where two main subjects such as IP and Development could be discussed. These matters were at the core of the discussions not only in a multilateral framework but also at a national level. The Delegation of Peru recalled the creation of CDIP in 2008 by WIPO's GA. Its mandate was to establish a work plan for the implementation of the 45 DA Recommendations as well as its evaluation and monitoring. Experience had demonstrated that the premise "one achieved project equals one achieved recommendation" was not accurate. The Delegation highlighted four of the long list of projects that formed the DA. First, on project on IP and Technology Transfer: Common Challenges – Building Solutions, work could be done together with other Organizations. Second, on the Mapping of WIPO Activities related to the SDGs implementation (CDIP/17/8) it was important to think on the contribution that each international organization should make. Third, on South-South Cooperation, more impetus was needed. On this matter, the Delegation recalled the South-South Cooperation Conference held in Peru in 2015. The outcomes of the discussions were available on the IP national Agency webpage. Fourth, the Delegation of Peru wished to replicate the project on IP and design management for business development in developing countries and LDCs. The project aimed at improving the competitiveness of SMEs through the use of IP tools, particularly industrial designs. That would contribute to the development of their economic activities.

35. The Delegation of Cuba supported the statement made by the Delegation of the Bahamas on behalf of GRULAC. The Delegation stated that the WIPO DA was a fundamental pillar of the Organization and its Member States. There was a need to apply the Coordination Mechanisms in all WIPO committees including the PBC and the CWS. The Delegation hoped to obtain results on that matter. The DA needed to extend beyond the project-based approach. The Delegation also felt that the development dimension of the DA should be included in all WIPO activities. In its view, the DA should guarantee an international IP system balanced with the national policies and in particular with public policies, as expressed in the discussion of the International Conference on IP and Development.

36. The Delegation of Sri Lanka, aligned itself with the statement made on behalf of Asia and the Pacific Group and noted that CDIP played a vital role in leveraging IP for Development. The Delegation took note of the Director General's Report on the implementation of the DA Recommendations. The Delegation believed that IP system had a key role to play in supporting innovation and technology, which were essential components of sustainable development. The Delegation welcomed the initiative taken by the Committee to begin discussions on how to ensure that IP was used in the most effective way possible in creating linkages between the SDGs and the implementation of the WIPO DA. The Delegation looked forward to continuing discussions in this regard during this session. The Delegation noted that their country was currently implementing a 10 Point Action Plan in cooperation with WIPO, which came into force since 2014 following the visit of the Director General to Sri Lanka in November 2013. In this context, the Delegation placed on record its appreciation for the valuable cooperation extended by various branches of WIPO in developing and supporting the implementation of this plan. Based on this plan, a coordinating mechanism had been created last year to ensure effective integration of IP within the International Innovation Policy of Sri Lanka. A National Steering Committee on IP (SCIP) Chaired by the Secretary of the Ministry of Industry and Commerce had been convened in July 2015, and since then there was a regular exchange of views between SCIP and WIPO officials to assess progress in the implementation of the 10 Point GoSL-WIPO IP Action Plan. The Delegation noted the participation of Sri Lanka as a pilot country in the CDIP project on Intellectual Property, Tourism and Culture: Supporting

Development Objectives and Promoting Cultural Heritage in Egypt and other Developing Countries adopted by the Committee during its 15th session held in April 2015. This was the first time Sri Lanka had been selected to participate in a CDIP project. The Delegation hoped that the project would contribute to promoting awareness on the role of IP in Sri Lanka and support the tourism related economic activities of the country. The Delegation looked forward to fruitful deliberations during the session and to contribute to the discussions based on a constructive spirit.

37. The Delegation of Gabon thanked WIPO for the constant work carried out in the framework of CDIP and pointed out that seven reports from the Director General were so far submitted to the Committee. The Delegation endorsed the evaluation report of the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. The Delegation expressed its wish to benefit from technical assistance and capacity-building for defining and drawing an IP national strategy in accordance with cluster A of the DA Recommendations. The Delegation pointed out that a National IP strategy was needed in order to benefit from the work of the CDIP and use IP as a tool for development. The Delegation expected the support of Member States in this regard.

38. The Representative of ARIPO commended the work done by WIPO's Director General and the Secretariat on the implementation of the DA Recommendations, most of which had been implemented in ARIPO Member States and the African region at large. The Representative associated itself with the statements made by the Delegation of Nigeria on behalf of the African Group and the Delegation of Bangladesh on behalf of the LDCs. He brought on record some of the achievements initiated and implemented in the ARIPO region with the support of WIPO. Workshops and seminars on IP awareness and on the use and importance of IP were jointly organized with each cooperating partner. Some of the technical assistance undertaken by WIPO included capacity-building and human resources development in the region. In this respect, the Representative noted the involvement of WIPO through its Regional Bureau for Africa and WIPO Academy in cooperation with JPO, which supported the ARIPO WIPO African master's degree program in IP (MIP). It was noted that the program was now running for the next session and had produced over 200 IP experts thus far. The Representative also noted that the Regional Patent Examination Training Program had become the main training tool for ARIPO patent examiners. The Representative mentioned the contributions of some external partners. KIPO provided assistance in various IP trainings and programs. Through its Program for Technical Assistance to IP offices, WIPO had also provided business systems for offices and for national institutions in developing countries and LDCs to enable them to participate effectively in the global IP system. WIPO and the Japanese Funds-in-Trust were presently helping in the setting up of a database which would bring all regional published IP data into one tool. The Representative noted that Developing countries needed further aid in technical support, particularly with regard to the creation of a database related to traditional knowledge. ARIPO had requested technical support through the WIPO IP Development Matchmaking Database, a very important and useful tool in Developing countries for setting up and collecting data for the Traditional Knowledge Database. The representative requested for more financial support to support the whole African Region.

39. The Delegation of Nepal fully supported the statement made by the Delegation of India on behalf of Asia and the Pacific Group. The Delegation noted the successful outcome of the International Conference on IP and Development. The different views expressed by the speakers and presenters were beneficial. The Delegation took note of the progress made in the implementation of DA recommendations in the last few years. Development dimension continued to be maintained across all WIPO's Strategic Goals and programs. It reaffirmed its support in WIPO's future endeavors in implementing and mainstreaming DA Recommendations. The DA had to be guided by the principle that IP had to encourage innovation and provide access to the countries and people who needed it the most. In its view, innovation, information

and technology were key ingredients for the development of a country. As an LDC, its country wished to create a sustainable technology and innovation-inspired economic growth and inclusive development. For that purpose, its Government was in the process of formulating an integrated national IP policy and drafting new IP law. Moreover, it had been working to establish a separate integrated IP office. In this context, WIPO's Technical Assistance was important since capacity-building and infrastructure building were of vital importance to socio-economic development of LDCs like Nepal. This would be demand driven and development oriented. The Delegation acknowledged the initiatives of WIPO towards establishing technological and innovation centers, training on technical skills development, building and modernizing IP institutions, and transforming the informal sector which had been of great importance to the country. The Delegation expected WIPO's support in building human institutional and physical infrastructures and capacity in order to be able to harness the opportunities of innovation and technological breakthroughs. Such efforts should go beyond the project-based approach and should be integrated and complimentary to the national IP regime.

AGENDA ITEM 7: MONITOR, ASSESS, DISCUSS, REPORT ON THE IMPLEMENTATION OF ALL DA RECOMMENDATIONS.

Consideration of document CDIP/17/3 – Evaluation Report on the Strengthening and Development of the Audiovisual sector in Burkina Faso and certain African Countries

40. The Chair invited the external evaluator to introduce the document.

41. The external evaluator (Mr. O'Neil) introduced the report. The Project was focused on strengthening and developing the audiovisual sector, primarily the film sector, in Burkina Faso and other African countries. The project ran from February 2013 to October 2015. Its aim was to accelerate the development of the African audiovisual sector through technical assistance and capacity building to increase an understanding of copyright system. The project responded to a proposition made by the Delegation of Burkina Faso to the CDIP. After its development by the Secretariat and approval by the CDIP, three countries namely Burkina Faso, Kenya and Senegal were included in the project. In total the project had three main activity streams. The first was focused on researching and publishing a scoping study and a study on IPRs management. The second was focused on a training program and a distance learning program. The third was focused on the development of skills, practice, infrastructure and tools in this area. The evaluator then moved to the description of the key findings. On project design and management it was found that the management of the project insured that the planned activities were implemented and the budget used as planned, allowing for some changing adaptation as necessary. Some challenges were faced in managing the project, notably the demands of the project exceeded the resources available leading to some delays in the project implementation. In terms of effectiveness, it was found that the activities of the project created interest and built knowledge on the potential use of IP system for audiovisual work in the three participating countries. The Secretariat found low levels of existing awareness which resulted in considerable challenges for the project to see substantial change within the 32-month time frame of the project. Nevertheless feedback indicated that the desired change that had been set out and did occur. An example was the use of written contracts among film professionals. However, for fully achieving the project outcomes, complimentary activities would still be required in these three countries. The project had also carried out initiatives in all three countries that contributed to copyrights, framework and structures. This was done notably through inputting into the relevant laws and policies, supporting the setting up of new collective management organizations in Kenya and Senegal and developing the capacities of such existing organizations in Burkina Faso. The evaluator also noted that the planned distance learning program was delayed and was scheduled for launch this year. In terms of sustainability, the evaluator found that this project had certainly laid the first foundations for

increasing knowledge and potential use of IP in the audiovisual sector in the three countries. However, to ensure its sustainability, further support from WIPO and partners would be required together with providing an ongoing support to the authorities in the three countries. The evaluator then turned to conclusions and recommendations. He provided four conclusions followed by three recommendations. First, the evaluation found that the project had been successful in building awareness of potential benefits of IP for the audiovisual sector and in creating a momentum for enhanced usage of IP in the three participating countries. It had also been an opportunity to highlight a positive usage of IP in Africa for a creative industry such as the film industry. Second, the project faced shortcomings mainly due to staff availability and varying local support that led to some delays in project implementation. This also meant that not all follow-up was carried out as planned. Third, the findings showed that the focus of the project was mainly on the on-site training program and less so on the support to infrastructure and framework. This was a possible indication on where to focus future activities. Fourth, it was found that progress had been seen in the three countries. This could hopefully be built into more substantial use of IP but this would require further support by WIPO. The key was to consider the type of support. It would have seemed appropriate that WIPO focused its support on consolidating its efforts in the three countries, possibly through moving to more targeted support to film professionals and other relevant stakeholders such as lawyers and broadcasters. In addition, support for infrastructure and framework would be still needed. WIPO could consider extending the project implementation to additional countries but it would have to set limits in terms of the number of countries given the resource limitations. The evaluator shared its three recommendations. First, it recommended the CDIP to support a phase II for the project and noted that necessary resources were available to enable efficient implementation. Second, the design of the phase II to focus on consolidating the progress made to-date in the three countries and, if extra countries added, to carefully design the scope of support provided. Further, as better monitoring and follow-up of activities would be needed, administrative support should be increased. Sufficient budget should also be included to support the existing three countries plus any additional countries. Third, the evaluator recommended that all relevant national stakeholders in participating countries should maintain their support and commitment to the project. This would ensure that the key roles, such as focal points, were supported and maintained in their work.

42. The Chair opened the floor for comments.

43. The Delegation of Nigeria, speaking on behalf of the Africa Group noted that the project aimed to accelerate development of the African audiovisual sector through technical assistance and capacity building to increase understanding and use of the copyright system. The aim of the evaluation report was to learn from experiences during the project implementation and perhaps improving it. The Africa Group noted that the evaluation report found the project an overall success in achieving its main objective. It noted however the delays in delivery due to staff constraints. The Group fully supported phase II of the project and requested to take appropriate measures to rectify the staff challenge and to ensure its implementation. This was in light of the fact that two other countries had been added to the project. It would also be important to ensure that adequate resources were allocated to the phase II of the project to guarantee its effective management. Lastly, the Group encouraged a better monitoring and follow-up mechanism to ensure that the project would be enhanced and the results achieved. It noted once again that it fully agreed with the recommendations provided by the evaluation report and supported the phase II of the project. In the phase II, more emphasis should be laid on better monitoring and evaluation, and more resources and adequate staff should be deployed to ensure full implementation of the project.

44. The Delegation of Greece, speaking on behalf of Group B, welcomed the evaluation report and noted that the project carried out initiatives that contributed to copyright frameworks and structures. This had laid the first foundations for increasing knowledge and the potential use of IP in the audiovisual sector in the three countries. The project had been successful in building awareness on the potential benefits of IP for the audiovisual sector and in creating a momentum for enhanced usage of IP in the three participating countries. The Group believed that the positive assessment was a step in the right direction. The Group also noted that the project contributed to DA Recommendations 1, 2, 4 and 11. Regarding the sustainability of the project, the Group shared the evaluator's views. It was crucial to determine the type of support needed to ensure that IP was well integrated within the audiovisual sector in the beneficiary countries and take into account the resource limitations regarding the countries the project could apply to.

45. The Delegation of Burkina Faso welcomed the evaluation report. The project had enabled the development of knowledge in the area of the audiovisual sector in Africa. Based on the success of phase I reported in the evaluation, the Delegation urged Member States to approve phase II. This would allow building on the progress made in the phase I and translate it to a phase II. It noted that the difficulties encountered such as the lack of availability of national partners should be addressed. The Delegation requested WIPO and the Member States to follow the recommendations of the evaluator. Recommendations would allow further strengthening capacities in the audiovisual sector across the world and in Burkina Faso in particular.

46. The Delegation of Senegal welcomed the evaluation report which covered the major lines of the project. The Delegation noted that the project helped to increase awareness of IP and building capacity in the beneficiary countries. The report underlined the importance of the project and its contribution to the implementation of the DA Recommendations. Tangible results had been achieved in phase I. It highlighted the training provided to legal professionals, and the strengthening of the rules and implementation of a new collective management system. The Delegation strongly supported phase II of the project in order to build on the achievements already made. Therefore, it reaffirmed that its willingness to support the entire process.

47. The Delegation of Latvia, speaking on behalf of CEBS, welcomed the completion of the project. The Group was pleased with the overall success of the project and welcomed the evaluation report. It was crucial to learn from the evaluation report in order to ensure continuous improvement of the technical assistance delivery, and more particularly to improve phase II of the same project. The project was aimed to accelerate the development of the African audiovisual sector through technical assistance and capacity building with an aim to increase the understanding and use of the copyright system. The Delegation noted that the building of awareness on potential benefits of IP in the audiovisual sector had been successful. In its view, follow-up was necessary to consolidate the progress of the use of IP in the audiovisual sector, including support to other stakeholders and film professionals.

48. The Delegation of Netherlands, speaking on behalf of the EU and its member states, joined others in commending the results achieved. The project had been an overall success in building awareness on the potential benefits of copyright for the audiovisual sector. It had created a momentum for enhanced usage of IP in the creative industry of the three participating countries. It was important to draw lessons from some of the shortcomings in project management that had been signaled by the evaluator. The Group subscribed to the conclusion that it was crucial in the project to determine the type of support needed to ensure that IP was well integrated within the audiovisual sector in these countries. WIPO should focus on consolidating its efforts in the three participating countries to accelerate the use of IP. This could be made through moving to more targeted support to film professionals and other relevant stakeholders. Support to the infrastructure and framework was also required. The Delegation had studied the phase II proposal with interest and looked forward to discussions. The

Delegation shared the recommendation of the evaluator regarding the limits in terms of the number of countries the Committee could support in light of the limited human and financial resources of the Secretariat. Furthermore, the ongoing support of the relevant authorities was essential to ensure sustainability.

49. The Delegation of Tunisia supported the intervention of Nigeria with regard to the evaluation report. The project was very well executed and, despite difficulties, it remained a real success. Therefore, the Delegation supported Phase II of the project, hoping that its country and other African countries could benefit from it.

50. The Delegation of the Russian Federation welcomed the evaluation report and found the project very useful. On the conclusions, the Delegation noted with satisfaction that the implementation of the first stage of the project facilitated awareness of the benefits of IP for the audiovisual sector and had provided an impetus for a more active use of the IP system. On the recommendations of the outcome of Phase I, the Delegation pointed out the need to take them into account during the transition to Phase II, which it supported. The Delegation noted the need for more administrative support from the Secretariat in some countries. This had an impact on involving all relevant structures in further implementation of the project. The Delegation hoped that the conclusions and recommendations following Phase I would be duly taken into account in the implementation of Phase II.

51. The Delegation of the United States of America noted its support to the project from the beginning. The project encouraged the use of IP to advance development. The Committee should consider taking this up on a larger scale. The Delegation appreciated the findings, conclusions and recommendations provided in the evaluation report and hoped that it would be taken into account for Phase II as well as for future projects.

52. The Delegation of Japan appreciated the success of the project in building awareness over the potential benefits of IP for the audiovisual sector and creating momentum for the enhanced usage of IP in Burkina Faso, Kenya and Senegal. The Delegation supported the second phase of the project. A challenge was seen in the report since there was a delay in the implementation of some activities up to now. The Delegation believed that the detail of the project had to be considered carefully before entering Phase II. This would ensure smooth and timely implementation of the project within the proposed budget and time frame.

53. The Delegation of Germany emphasized that the results of the project were so far achieved very positively. The project gave support to governments but also to individual professionals in the film sector with regard to IP. This proved that IP could make valuable contribution to the audiovisual sector. The Delegation pointed out the good quality of African films shown during the past CDIP sessions. The project had already shown that IP could be used to further improve the quality. The Delegation noted the need to address the issue of how to ensure the continuation of the project in an appropriate manner.

54. The Delegation of Kenya pointed out that the evaluation report correctly captured the issues presented by its team to the evaluator. The Project had proceeded well despite the management and financial challenges faced by WIPO team. The Delegation reiterated its support and commitment to the project until its completion. Kenya had benefitted from the project. It had played a key role in raising awareness in the film industry and started the creation of a collective management organization for the audiovisual sector. The Delegation supported Phase II of the project. It hoped that the project proposal will be approved by the Committee taking into account the conclusions and recommendations of the evaluator.

55. The Delegation of Guinea welcomed the evaluation report, highlighting its expectations on the conclusions and recommendations. The Delegation noted that Phase I had been a

success. There were some concerns with regard to the funds and to the training of staff. The Delegation urged the Committee to approve Phase II and hoped that those difficulties would be overcome. The Delegation expressed the interest of its country to be part of Phase II due to its need for strengthening and developing its audiovisual sector.

56. The Chair invited the evaluator (Mr. O'Neil) to respond to the comments from the floor.

57. The evaluator noted the agreement of delegations to the recommendation of supporting Phase II of the project. There was a need to carry out such projects in a sustainable way and to make available the necessary resources. In that way, the work done up to now could really be built on to ensure sustainability in the three beneficiary countries and possibly in other countries in the future.

58. The Chair summarized the discussion, stating that the comments had been fairly positive in respect of the report and on the way in which Phase I of the project had been completed. Support was shown for a Phase II of the project. The subject would be discussed later during the session. The Chair closed the discussion given that there were no further observations from the floor.

Consideration of document CDIP/17/2 – Director General's Report on Implementation of the Development Agenda

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

60. The Director General provided an overview of his report. It was his seventh annual report to the CDIP. The report highlighted themes that characterized the DA and its implementation by the Secretariat. Theme one outlined the importance of the DA. It was a great occurrence for WIPO and enormous progress was made in the course of the last eight years. It was of the common interest of Member States that the IP System worked effectively for social, economic and cultural development of all countries. Theme two pointed out the great progress done since the adoption of DA in mainstreaming IP. Fourteen of the CDIP projects for the implementation of the DA Recommendations mentioned in the report had been mainstreamed in the WIPO's program. This mainstreaming also occurred in respect of the capacity-building and technical assistance activities within the entire Organization. There was no part of the Organization that would not consider development and the development dimensions in relation to its own activities. IP was increasingly becoming a horizontal issue which covered a vast territory. The more knowledge became a component of production and the center of wealth generation, the more IP would become a horizontal issue. Thus, the relationship between IP and development must be horizontal across the Organization. Moreover, it also meant that many other entities of the UN system were engaged with the question of IP in one way or another and usually, the specific subject matter jurisdiction of these entities and their connection with IP were stronger. WIPO remained actively involved in the work of the UN system. It continued its trilateral cooperation WIPO-WTO-WHO, as well as its collaboration with various UN Agencies to promote innovation, bridge digital divide and foster sustainable development. This was materialized in a trilateral cooperation between WHO, WTO and WIPO. This successful cooperation sought to address issues from their respective mandates for health, trade and IP. On the SDGs and its implementation, WIPO was at a crucial stage and the issue had to be properly addressed. Although it was still an early stage, it was important for the Organization to develop a clear understanding of the specific contribution of the SDGs. Member States had identified SDGs 9 and 17. Most particularly, SDG 9 concerning the broad ranging subject of innovation. The whole of the IP system existed in order to encourage investment in innovation and in order to ensure a balanced set of knowledge rights in relation to its promotion and social benefits sharing. Creativity and creative works were also included in this notion. In addition to being a horizontal issue, IP was increasingly ubiquitous and was becoming a complex matter.

Enterprises and other economic agents were using IP in a cumulative manner. In agriculture for instance, geographical indications were used together with trademarks. In other areas of innovation, the patent system, designs and branding were used at the same time. This cumulative form of protection was increasingly being deployed in order to secure the competitive advantage of innovation. The challenge faced by the Organization was now to remain focused in its core activities. The report raised the question of identifying which was the added value of the Organization to the complex environment in which IP had become a central issue to the economy. On the DA projects undertaken, so far all had been very successful. To date, an overall 31 projects had been undertaken to implement 33 of the DA Recommendations. Twenty-six of those had been completed and evaluated. Five were under implementation, including the new project on IP, Tourism and Culture: Supporting Development Objectives and Promoting Cultural Heritage in Egypt and Other Developing Countries. Moreover, 14 of the DA projects had been mainstreamed. In his view, the project approach had undoubtedly delivered a number of benefits, although, it did not constitute the whole of the universe of IP and the DA. The report specifically covered the year 2015. A number of good results were achieved during that period. One of those was the report of the International Expert Forum on IP and Technology Transfer, a very complex issue that had been discussed internationally for over 40 years now. A number of activities were undertaken improving WIPO's contribution to South-South Cooperation. A number of training activities were undertaken, specifically with respect to the African audiovisual industry. The Economics and Statistics Division had been involved in certain specific activities throughout 2015, including the creation of a unique IP database for economic analysis and analysis of the use of IP in Colombia, as well as an empirical evaluation of recent IP initiatives undertaken in that country. A study aimed at exploring the role of the IP system and its impact on innovation and the health sector in Poland, initiated in 2015, was also underway. Regarding the cooperation with other UN agencies, two of WIPO's public/private partnerships were mentioned. First, WIPO Research which had over 100 members from all across the world and from all sectors. Close to a hundred different collaborations had been concluded in this regard, covering a wide range of territory, among others, technology transfer and the sharing of technologies for use, in particular but not only, by developing country institutions. It had included also capacity-building activities such as the placement of African scientists with academic institutions and also with enterprises in the developed world. That has been a particularly successful collaboration. Its aims were very much long term. It was aiming to accelerate drug discovery in the area of neglected tropical diseases, malaria and tuberculosis. That was a major challenge and the progress would be necessarily incremental. The second initiative referred was WIPO Green database, which listed over 2000 offers of green technologies and services. At the end of 2015 the growing network comprised 65 partners globally. The DG concluded by mentioning that a lot of activities that were undertaken and the progress made in the area were enormous and essential. He then highlighted the work undertaken within the Development Sector and across the Organization for ensuring the progress in the implementation of the DA.

61. The Delegation of Latvia, speaking on behalf of CEBS, noted with satisfaction the Secretariat's work of the DA implementation. The mainstreaming of the DA into the work of the Organization was clear through its technical assistance activities, WIPO Academy and its participation in various UN development-related Conferences and initiatives. The Delegation was pleased to see that the assessment of the implementation of the DA had been mainstreamed and integrated into the Program Performance Report in 2014. The work of CDIP led to the approval of 31 executed projects which contributed to the operationalization of the DA Recommendations. Those efforts enabled 14 projects to become integral part of the WIPO activities and therefore enhanced the mainstreaming of the DA in the work of WIPO.

62. The Delegation of China noted the importance WIPO attached to the DA implementation. The Delegation was pleased to note that the 45 DA Recommendations were implemented steadily and 31 projects were accomplished to the benefit of developing countries. In 2015, the

GA had set the definition of “development expenditure” and also for the first time put the assessment into the progress process. The Ministerial Conference in Africa, as well as other international conferences, had been held successfully. Trainings to developing countries were provided and the studies on flexibilities had also been pushed forward. The Organization had been working together with other UN agencies and also participated in various UN initiatives.

63. The Delegation of Nigeria, speaking on behalf of the African Group, noted that the report provided an overview of the Organization’s engagement in the implementation and mainstreaming of the DA Recommendations and principles in WIPO’s framework and activities. Although the report stated that WIPO’s activities continued to be guided by DA Recommendations and principles throughout 2015, the African Group expected a more holistic administration of WIPO’s engagement in the implementation of the DA Recommendations. In that context, the Group expressed its concern on the lack of full implementation of the 2010 GA decision on the Coordination Mechanisms. The existing gap denied Member States of an adequate mechanism for assessing and efficiently evaluating the implementation and mainstreaming of the DA Recommendations in WIPO. The Group would continue encouraging the engagement of the Director General on that issue. The Group concurred with some of the important developments in 2015 as highlighted in the report. This included reaching consensus on the definition of development expenditure and integration of the DA implementation into the Program Performance Report in 2014. The Delegation welcomed the activities, such as the technical assistance and capacity-building activities developed and undertaken by WIPO to facilitate the use of IP in developing countries and LDCs, including assistance to SMEs and the expanded role of the WIPO Academy to deliver made-to-fit courses for stakeholders from developing countries and LDCs. The Delegation acknowledged WIPO’s engagement with the UN system. Although WIPO contributed to implement relevant SDGs, the Organization had room to be more visible and lead on many UN engagements focused on IP and socio-economic development. Based on the contents of the report, the African Group made five requests to the Secretariat. First, to provide more information on the newly introduced Advance Distance Learning Course on IP, Traditional Knowledge and Traditional Culture Expressions by the WIPO Academy. Second, to provide an independent evaluation of WIPO’s assistance to developing countries and LDCs concerning national IP strategies. The evaluation should focus on demand-driven legislative assistance, and on the adoption or the strengthening of national or regional legal frameworks. Third, to open a consultative process of WIPO’s involvement in the UN Interagency Task Team on SDGs and other processes related to the Post-2015 DA. More information should be provided on the orientation of WIPO’s engagement with other UN agencies and international bodies on issues or subjects which had diverging views among Member States in WIPO. Fourth, to provide more information on WIPO’s involvement in the UN High Level Panel on access to medicine, including making available the input submitted to the UN High Level Panel. Fifth, to develop a factual report on WIPO’s contribution on issues relevant to the promotion of development and transfer of technology. The Group urged WIPO to continue working towards administering the implementation of the DA Recommendations in a more integral manner beyond project-based endeavors and to provide more detailed information on projects to enable better appreciation of the efficacy of each project.

64. The Delegation of Greece, speaking on behalf of Group B, welcomed the comprehensiveness of the report. It demonstrated the enormous amount of work devoted to the implementation of the DA Recommendations into WIPO’s relevant program activities. In 2015, fourteen DA projects were mainstreamed into WIPO’s program activities and the Independent Review was initiated. Its conclusion would be submitted to the Committee on its 18th session. It hoped the report would fully respect the terms of reference agreed by the Committee on its 14th session. Moreover, the Group welcomed the summary of the developments in various WIPO bodies during 2015 and their contribution to the implementation of the DA Recommendations. WIPO’s commitment to the DA was underscored by the financial resources allocated to the

implementation of the DA Recommendations. By the end of 2015, thirty-one projects were developed and thirty-three recommendations were implemented. The estimated financial resources allocated for these projects were about 28 million Swiss Francs. The Group noted 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. Finally, the Group urged WIPO to continue developing the International IP system in a balanced and effective manner.

65. The Delegation of the Russian Federation noted that the implementation of the DA Recommendations had been mainstreamed throughout the Organization and WIPO bodies. It could only react positively to the report. Projects were successfully completed or were ongoing in a successful way. The Delegation pointed out that positive assessment of their implementation was reported by the independent experts. The Delegation noted that its country would continue to support WIPO's efforts in achieving the implementation of the DA Recommendations.

66. The Delegation of the Netherlands, speaking on behalf of the EU and its member states, welcomed the report as it demonstrated the significant work carried out by WIPO in implementing the DA. It welcomed the efforts made to achieve the goals set out by Member States. By the end of 2015, 31 projects had been approved implementing 33 DA Recommendations. A 28 million Swiss francs budget was allocated for their implementation. Those figures underlined WIPO's strong commitment to give real and tangible effect to the DA Recommendations. They also noted the involvement of WIPO's Secretariat into key international initiatives backed by the UN. It was essential to include IP as a tool for economic, social and cultural development by encouraging domestic innovation and creativity, investment and technology transfer.

67. The Delegation of the Bahamas, speaking on behalf of GRULAC, noted that the report reflected the good work made by WIPO on the implementation and mainstreaming of the DA Recommendations. The Group was glad to note that 31 projects, covering 33 of the DA Recommendations, were approved by the end of 2015. The Group looked forward to the steady implementation of the remaining DA Recommendations so that the work of the Organization would be truly inclusive and for the benefit of all Member States. This was of vital importance for the GRULAC region.

68. The Delegation of Argentina associated itself with the statement made by the Delegation of the Bahamas on behalf of GRULAC. The report enabled Member States to appreciate the efforts and progress made in mainstreaming and implementing the DA Recommendations. The Delegation recalled that its country was one of the initiators of the DA with the aim of mainstreaming development throughout the work of WIPO. The 31 projects carried out up to now were proof of the achieved objective. It also noted that its country had benefitted from some of the DA projects. First, the Master in IP organized jointly between WIPO Academy, the National Industrial Property Institute (INAPI), and the Universidad Austral of Argentina. The program trained staff from national IP organizations, government bodies and universities throughout Latin America. Second, the pilot project on IP and Design Management for Business Development in Developing Countries and LDCs which implementation started in 2014. The project provided guidance on the protection of industrial designs to 42 SMEs as well as assistance in the application process for their protection. The Delegation expressed its satisfaction with the results of the implementation. Awareness on IP was raised among SMEs and the national institutional capacities for IP were improved.

69. The Delegation of the Republic of Korea was confident that the implementation of the DA through projects could provide WIPO's assistance for cooperation and development. Therefore it encouraged a balanced and constructive approach so as to maximize the potential outcomes. As a contributor through the Korea Funds-in-Trust to capacity building in developing countries.

70. The Delegation of Canada noted that the report provided a thorough assessment of the work carried out by WIPO in 2015 towards the implementation of the DA. It also took note of the activities mentioned in the report and commended the work accomplished by WIPO Research and WIPO Green. The Delegation pointed out the longstanding contribution of its country to the WIPO technical cooperation activities. Since 1997 the Canadian IP Office had organized and delivered annual specialized training courses in partnership with the WIPO Academy. The Delegation renewed its commitment and looked forward to continuing the positive collaboration.

71. The Delegation of the United States of America stated that the report demonstrated WIPO's commitment to the DA Recommendations. The Delegation noted that development considerations formed an integral part of WIPO's work in numerous fields, including Copyright through the SCCR. The work relating to a treaty for the protection of broadcasting organizations had been conducted in an inclusive and member driven manner that gave due consideration to different levels of development. This also contributed to the implementation of DA Recommendations relating to norm-setting, in particular Recommendation 15. WIPO had made great progress in implementing the DA 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. In that regard, it mentioned WIPO's active engagement in UN activities, especially its work on SDG's related to the mandate and Strategic Goals of the Organization. On WIPO's IP Development Matchmaking Database (IP-DMD) recently rebranded to WIPO Match, the Delegation also informed the Committee that the United States Patent and Trademark Office (USPTO) was co-organizing with WIPO and the United States Chamber of Commerce two promotional events. The (IP-DMD) aimed at bringing together all stakeholders to match specific IP needs with available resources and to enlarge the impact of IP development assistance. The Delegation looked forward to future reports from the Director General.

72. The Delegation of South Africa aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group. The Delegation congratulated WIPO Member States for reaching consensus on the revised definition of development expenditure. It hoped that this would assist in making a more accurate assessment of actual expenditure incurred under development oriented activities. It also welcomed the success of the WIPO Academy in providing capacity-building activities through its courses and summer schools, one of which takes place in South Africa. Noting the growing importance of WIPO Academy's work, especially in line with Recommendation 3, it was imperative for WIPO to continue working with a clear focus on development. As many developing countries were formulating or reviewing their IP policies, a balanced curriculum could provide the timely assistance on how best to utilize the IP system to achieve broader developmental objectives. The Delegation recalled the keynote address delivered by their Minister of Trade and Industry at the Conference on IP and Development the week before. In his address, the Minister pointed out that history had shown that countries had taken different paths in pursuing economic development and they had used IP protection in different ways and at different times to support their development efforts. In order to facilitate further progress, it was imperative that the current and future curriculum was balanced and in line with the DA as well as the needs of different countries. In order to assess if WIPO Academy was on the path to achieving the Organization's broader objectives, the Delegation requested the Secretariat to share the recommendations of the independent external review of the WIPO Academy with all Member States. This was a key element in order to consider the project proposal on Cooperation on IPRs Education and Professional Training with Judicial Training Institutions in Developing and Least Developed Countries, which played a critical role in how a country viewed and enforced IP. The Delegation took positive note of WIPO's active participation in the work of the United Nations in line with DA Recommendations 24, 30, 31 and 40. It pointed out WIPO's work relating to the implementation

of the SDGs and requested the Secretariat to share substantive input made on behalf of all Member States. The Delegation also noted that the report did make a mention of WIPO's participation in the Expert Advisory Group to the UN High Level Panel on Access to Medicine. Its mandate was to review and assess proposals and recommend solutions introducing policy coherence between IP, human rights, trade rules and public health. The Delegation requested WIPO to clarify its position on the mandate of the referred UN High Level Panel and its involvement in the Panel itself. As the Director General was aware, the interface between IP and public health was dominating the current debate across the world. In order for transparency, it was imperative that WIPO informed Member States on its participation and contribution to the aforementioned UN High Level Panel. The Delegation requested WIPO to make available the related information on its webpage. That had already been done by WHO and the UN Office of the High Commissioner for Human Rights. Finally, the Delegation was pleased to note the success made in mainstreaming the DA into WIPO's work. It looked forward to see it fully implemented. Moreover, the International Conference on IP and Development highlighted the critical importance of having development as the common objective of every work. In light of this, it was imperative that all WIPO committees worked with a common purpose: IP for development. It was erroneous to keep sustaining the assertion that some committees were not relevant and did not have to report its contribution to the DA. The Delegation encouraged WIPO to increase efforts to align their objectives and work for the said common purpose. In this manner, an assessment concluding that the DA had been truly and fully mainstreamed into the work of the Organization would be possible.

73. The Chair gave the floor to the Director General in order to answer the questions raised by the Delegations.

74. The Director General noted all the comments made by the delegations. On the queries raised by the delegations of Nigeria and South Africa concerning the Secretariat's participation in external processes he stated that a distinction had to be made between two sorts of external processes. On the one hand, intergovernmental processes and on the other hand processes which, although initiated by the UN, were not intergovernmental. The intergovernmental processes include WIPO's work on the implementation of the SDGs, the several processes conducted with respect to LDCs financing and the Istanbul Program of Action. The process mentioned by both Delegations concerned the Secretary General's High Level Committee of Experts. The Director General noted that was not an intergovernmental process. He stated that these were delicate situations since WIPO was only taking part as a Secretariat which only provides information. The DG noted that Nigeria had rightly pointed out that there were divergent views among the Member States on some of those issues. The Secretariat could not espouse one view or another. There was no policy instrument adopted by the Member States on those issues. WIPO regarded its role to provide information to assist the relevant process with respect to any questions or issues in relation to IP. On SDGs, WIPO, as other organizations, would propose measures to be taken within its specialized mandate in relation to their implementation. Although Member States might dislike that decision, WIPO would decide on the ways the Organization should implement the SDG's within its specific mandate. On the High Level Panel, WIPO's contributions could be uploaded in a short deadline upon logistical arrangements. However, he noted that there was a tension and not policy incoherence in this area. Although, in economic terms, IP was a mechanism which created the possibility of market exchange by making access to a saleable commodity, IP created rights that restricted that access. The tension appeared from the fact that IP facilitated innovation but at the same time restricted its access. The Director General stressed on the sensitivity of that area. Given the divergent views on the matter, the Secretariat would treat it with utmost respect, and maintain neutrality in providing information in relation to those processes.

75. The Delegation of Iran (Islamic Republic of) stated that the main objective of the Director General's report was to enable the CDIP to hold substantive discussion to evaluate how the

DA Recommendations were being implemented through the activities of WIPO bodies. It hoped that such a discussion would help Member States to have a holistic view of the implementation of the DA through WIPO's bodies, and to find practical ways and means to improve the process. In its view, the Director General's report was a self-assessment of the Secretariat's progress in the implementation and mainstreaming of the DA. 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 looked forward to the independent review of the implementation of the DA Recommendations. The Director General's report should reflect not only the positive role of IP but also focus on how to adjust to and safeguard from the negative implications and barriers of IP protection faced by developing countries. According to the Director General's report, WIPO had participated in a number of UN processes where IP issues were considered, such as the Expert Advisory Group of the UN Secretary General's High Level Panel on Access to Medicines. Similarly, the report mentioned that the Secretary of the ITPGRFA requested WIPO to engage and to explore possible areas of interrelations between WIPO treaties and Article 9 of the treaty. The Delegation believed that Member States were entitled to be informed about the activities of the Secretariat, especially in relation to the UN Secretary General's High Level Panel on Access to Medicines. In that sense, the Delegation supported the interventions made by the delegations of South Africa and Nigeria and requested the Secretariat to provide detailed information. Furthermore, the Delegation would appreciate if the Committee could be briefed on the requests made by the Secretary of ITPGRFA.

76. The Delegation of Chile noted that the Director General's report was a very useful tool to follow the numerous activities undertaken by WIPO, especially those related to the DA. The Delegation noted that it had the opportunity to actively take part in the ongoing independent review of the implementation of the DA Recommendations. It was confident that a positive outcome would come out of it. In that context, the Delegation pointed out the work of the WIPO Academy. A WIPO Summer School was held in Chile for the third year. The course was very successful and showed the growing interest of graduate students and young professionals with a background in social studies but also in sciences. It stressed the fact that the course held last January was attended by young professionals in charge of technology transfer activities in the universities and research centres from Chile and abroad. On the other hand, the Delegation referred WIPO Green and WIPO Research initiatives. These were implementing the DA Recommendation 19 on access to information and the Recommendation 25 on technology transfer. Those recommendations were highly relevant for countries that were involved with other initiatives from other international organizations. Chile had started a new platform serving entrepreneurs to showcase the country's best technologies for those seeking innovative solutions. That platform was available to everyone trying to search for new and useful solutions to unresolved issues. It was a portal where the National Institute of Industrial Property of Chile (INAPI) had tried to highlight the importance of information. This was also the case for other INAPI initiatives such as "INAPI Proyecta", the searcher for technology in the public domain. Most recently, the technological services provided information such as patent mapping in areas of mining and water management to the government in order to facilitate public policies. Moreover, it was pertinent to continue with the updating of the database on flexibilities, in accordance with the DA Recommendation 14. With regard to that the Delegation shared the work undertaken by INAPI. Based on the information provided by WIPO, it had worked on a mapping of countries and their flexibilities. This could be a helpful tool to identify the international standards and the countries sharing the same vision on the subject. The tool would be shared with the Secretariat. The Delegation finally pointed out WIPO's contribution in the finalization of its national strategy on industrial property. The assistance provided by WIPO experts allowed to produce statistics and to structure a strategy with the participation of civil society through public consultation. The draft document would be submitted for approval to the Minister of Economy, Development and Tourism on the occasion of the IP day.

77. The Delegation of Japan fully supported the statement made by the Delegation of Greece on behalf of Group B, and stated that the Director General's report provided a comprehensive overview of the implementation of the DA Recommendations. It strongly believed that improving the IP system would drive self-sustained economic development and contribute to creating innovation. In that 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. The Japanese Funds-in-Trust activities included organizing regional, sub regional and national seminars, workshops, training courses, expert advisory missions and long-term fellowship programs and translating selected WIPO materials. Through those activities, Japan had supported a number of WIPO administered projects and activities, sharing its experiences in terms of using IP to create wealth, enhance competitiveness and develop the economy. As an example of activities related to the DA, the Delegation noted the current development of WIPO GREEN. In addition to the Japanese IP Association (JIPA), Japan Patent Attorneys Association (JPAA) had recently commenced a partnership with WIPO GREEN. The country wished to continue collaborating with Japanese users in order to facilitate WIPO GREEN technologies. It also looked forward to WIPO continuing with the DA implementation through focusing on promoting IP protection while keeping in mind the objectives of the Organization, as stipulated in Article 3 of the WIPO Convention.

78. The Delegation of Brazil, aligned itself with the statement made by the Delegation of the Bahamas on behalf of GRULAC and stated that the report provided relevant information helpful for the evaluation of the work of the Committee. The report mentioned the progress on implementing and mainstreaming the DA. Brazil had benefited from projects under the CDIP, especially from the study developed under the project on IP and Socio-Economic Development. It was certainly a good sign that the importance of the DA in WIPO was recognized and that the projects generated relevant results for Member States. However, many shortcomings remained for an effective mainstreaming of the DA into WIPO's substantive work. The establishment of the CDIP represented a hard-fought accomplishment, following the adoption of the DA in 2007. The CDIP had produced many relevant project studies, which, as mentioned by the Director General, were very contributive to participating Member States. In its view, the DA was not a simple collection of time-bound projects carried out in the CDIP but rather a process for bringing the focus of IP rights to contribute to the development of countries. With that view, the DA should be mainstreamed into all WIPO's activities and committees. Moreover, it was regretful that the contribution of WIPO bodies through the implementation of the DA continued to be a contested issue. It hoped that an agreement could be reached on issues useful for further mainstreaming of the DA, especially on the Coordination Mechanisms and establishment of IP and Development as a permanent agenda item. On the UN Secretary General's High Level Panel on Access to Medicines, the Delegation welcomed the clarification provided by the Director General. Nevertheless, the statements made by WIPO representatives during briefing meetings last February caused great concern by questioning the Panel's mandates. The complex interplay between the protection of IP and the imperative of ensuring access for lifesaving medicines was not a new issue. It was an object of a unanimous decision in 2001 that generated many initiatives. Additionally, IPRs were used in an anticompetitive way that threatened access to medicines and reduced the general welfare of the society. This was documented in the European Commission's Pharmaceutical Sector Inquiry. The UN High Level Panel was established precisely to discuss ways of providing incentives for both, innovation and access. These incentives could take many forms, such as the Medicines Patent Pool Tools or the Drugs for Neglected Diseases initiatives, among others. The trilateral study developed by WIPO, WTO and WHO touched upon some of those issues. The Delegation urged WIPO to bring a positive contribution to the discussion of the UN High Level Panel and looked forward to read its contribution to the Panel when available.

79. The Delegation of Uruguay noted the comprehensive and substantive report provided by the Director General on the implementation of the DA. It noted that WIPO had been of great support to the national IP offices. The Delegation highlighted the trainings and distance learning courses from which their officials had benefited as well as the studies on socio-economic impacts held in the framework of a CDIP project. Those were all important inputs for the development of its national strategy. Lastly, the Delegation noted the many references to South-South Cooperation and the work and progress achieved in this regards.

80. The Third World Network representative stated that WIPO, as a UN agency, should be guided by development considerations rather than protection and enforcement of IP. The focus of the Organization remained the same as before the adoption of the DA. It focused more on the positive aspects of IP rather than on developing a balanced and development-oriented IP system. It pointed two main issues. First, it considered that WPO activities were undermining the implementation and realization of Article 9 of ITPGRFA. That article concerned farmer's rights to save, use, exchange and sell seeds, as well as the right to participate in decision-making processes. It also provided for the farmer's right to equitably participate in the sharing of benefits arising from the utilization of Plant Genetic Resources for Food and Agriculture. Many developing and developed countries were members of ITPGRFA. This motivated the adoption of resolutions by its Governing Body. Based on a decision taken by that governing body and communicated to the Organization in March 2015, both WIPO and ITPGRFA engaged to jointly identify possible areas of interrelation among their respective international instruments. Given that the report was silent on that issue, the Representative requested WIPO to provide information on how the Organization intended to deal with the matter and on the extent of Member States involvement. In their view, the Organization should invite the Secretary of the ITPGRFA to brief CDIP on resolutions of its Governing Body and the work conducted on the issue of interrelations with WIPO. Second, it noted that with regard to the UN Secretary General High Level Panel on Access to Medicines, the issue was a problem of policy incoherence rather than a mere tension as mentioned by the Director General. International human rights law obligated countries to respect and to fulfill socio-economic and cultural rights, such as the right to health and the right to science. Access to affordable generic alternatives was a prerequisite to the fulfillment of the right to health. The right to science obligated states to ensure its citizens to enjoy benefits of scientific progress and its applications. However the international IP regime, especially the Product Patent Protection and data exclusivity, disabled developing countries but also developed countries, from fulfilling their human rights-related obligations. This resulted in policy incoherence between the international obligations on human rights and trade law, and in that context, IP. TRIPs flexibilities might not have delivered the expected results in addressing the incoherence between human rights and trade law for different reasons. Many people in developing and developed countries still did not have access to affordable medicines. Moreover, the existing IP regime created policy incoherence with SDGs, especially target 3 of SDG 3 on communicable and non-communicable diseases which could not be met without access to new, affordable medical products. It was indeed an issue of policy incoherence and it was important to not dismiss the matter as an issue of mere tension.

81. The Secretariat (Mr. Matus) took note of the comments made by the delegations. It made a clarification to the queries raised by the delegations of Brazil and Iran and the TWN on the issue of the UN High Level Panel on access to medicines. The report was silent on some issues raised by the delegations for two reasons. First, the meeting among members of the UN High Level Panel took place in December 2015. Second, the first public hearing took place in March 2016. Therefore, the report which included the activities for the year 2015 could not incorporate conclusions on those issues. The Secretariat would probably provide more information in the next Director General's report on the implementation of the DA Recommendations.

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

AGENDA ITEM 8: CONSIDERATION OF WORK PROGRAM FOR IMPLEMENTATION OF ADOPTED RECOMMENDATIONS.

Consideration of document CDIP/16/6 – External Review of WIPO Technical Assistance in the Area of Cooperation for Development

83. The Chair recalled that this issue was discussed previously in the Committee. Three other documents were to be considered; CDIP/9/15, CDIP/9/16, and CDIP/8/INF/1.

84. The Secretariat (Mr. Baloch) reiterated that a number of documents were prepared on this topic. The latest was the Update on the Management Response to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (CDIP/16/6). It summarized the previous discussions to put in context the current issue. The issue dated back to the 8th session of CDIP with the submission of the report on the External Review of WIPO's Technical Assistance in the area of Cooperation for Development requested at the 4th session of CDIP in the framework of the project on WIPO's Results based Management Framework. At that session, the Committee decided to establish an *ad hoc* Working Group to primarily look at the recommendations in the external review to identify those that were redundant or no longer relevant. As a significant amount of work was done by WIPO in terms of organizational changes during the period between the adoption of the project and the delivery of the report (contained in CDIP 8/INF/11), there was a need to reassess the recommendations. During the same period, the Secretariat was also requested to prepare a Management Response to the report. This response was provided to the 9th session of the Committee contained in the Document CDIP/9/14 entitled "Management Response to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development". At the 11th session, the Secretariat provided the Committee with the status of implementation of certain recommendations. During the same period Member States requested the Secretariat to work on some recommendations, namely, to elaborate a manual of delivery of WIPO's technical assistance; to update the IP Technical Assistance Database (IP-TAD); and to make development related information on WIPO's website more visible. At the 15th session of the CDIP, the Secretariat was once again requested to update the Management Response. At the 16th session the Delegation of Spain made a proposal on how to address some of those recommendations. This proposal remained an informal document and discussion was postponed for the 17th session.

85. The Chair requested the Delegation of Spain to remind the Committee about its proposal.

86. The Delegation of Spain recalled the six points of its proposal. First, to request the Secretariat to prepare a compilation of best practices of WIPO Technical Assistance. Second, to request the Secretariat to identify new proposals to improve internal and international (UN Agencies and program coordination) in providing technical assistance. Third, to request the Secretariat to identify measures to increase the efficiency of WIPO's technical assistance. Fourth, to request the Secretariat to prepare a guideline for the selection of consultants for technical assistance. Fifth, to request the Secretariat to regularly update the online roster of consultants. Sixth, to request the Secretariat to reflect on possible improvements of WIPO's webpage section devoted to communicating WIPO's activities on technical assistance. The expressed its willingness to provide further clarifications.

87. The Chair noted that all the relevant material needed to resume the discussion was on the table and invited the Delegations to start off the discussion on that matter.

88. The Delegation of the United States of America while pleased with the progress made so far, was not in a position to accept items 1 through 4 of the Spanish proposal. It considered that the language of the proposal was quite ambiguous and did not provide sufficient information to those responsible for its implementation. The Delegation recalled that it had offered a way forward during the last session by proposing constructive amendments to items 1, 2 and 3 of the said proposal. In its view, this would have contributed to further improvement of the technical assistance process by making recommendations more useful and providing sufficient guidance to the Secretariat on how to improve particular activities. However, some Member States were not in a position to accept or discuss those changes. The Delegation would continue to engage on the issue of improving technical assistance in a constructive and practical way with the view to closing that agenda item in the near future.

89. The Chair turned to delegations which were not in a position to discuss the amendments proposed by the Delegation of the United States of America to the Spanish proposal. He inquired if, after having heard the Delegation of the United States of America, discussion could be started with the sponsors of the proposal, with the hope that a common understanding would be reached.

90. The Delegation of Nigeria, speaking on behalf of the Africa Group, regretted the position maintained by the United States of America of not accepting paragraphs 1 through 4 of the Spanish proposal. In its view the proposal addressed the interests and concerns of different groups and could be a starting point. Based on the WIPO practice, the Secretariat could not meet the conditions contained in 1 through 4 without the input of Member States. In order to move forward, the Group requested the Committee to allow the Secretariat to move forward with the proposal and for the Member States to consider the outcomes afterwards.

91. The Chair requested Nigeria to repeat its proposal.

92. The Delegation of Nigeria, speaking on behalf of the Africa Group, stated that in its view, the Spanish proposal represented a middle ground among Member States and their different concerns and interests. The proposal contained some elements submitted by the African Group and the DAG and some elements submitted by other groups. The group requested to accept that proposal so as to resume discussions based on that text. The Secretariat should compile best practices and identify new proposals as listed in points 1 through 4 and present them to Member States for their inputs and comments. The Group was not in the position to accept paragraphs 5 and 6 without approving paragraphs 1 through 4.

93. The Chair asked the Delegation of the United States of America if it would accept the suggestion raised by the African Group.

94. The Delegation of the United States of America recalled that it had already expressed that in its present form, it might not be in the position of accepting the proposal.

95. The Delegation of Nigeria, speaking on behalf of the African Group, clarified that it was not requesting the Delegation of the United States of America to accept the proposal as it was written but whether to reconsider the suggestion made by the African Group on how to proceed. The Group was of the opinion that the Secretariat should compile the information from Member States so as to move forward. The Group considered this issue as a subject clogging the agenda of the Committee for a number of sessions.

96. The Delegation of Iran (Islamic Republic of) considered that the Spanish proposal was a compilation of different positions and views of Member States. It supported the suggestion

made by the African Group to resume negotiations based on the last version of the document. It considered the proposal as a good basis to move forward.

97. The Delegation of Canada stated that at its last session, the Committee had already spent considerable time looking at the Spanish proposal. There was a proposal on the table. It might have been wise to use it, to amend it and to move ahead. The Delegation did not understand why the Committee would discard that proposal.

98. The Chair clarified that there was no intention of discarding the Spanish proposal. Although the proposal was a good starting point as stated by some delegations, it had to be discussed in a negotiating format in order to achieve results. He then requested the Delegation of Spain to hold discussions with the delegations that had shared concerns, namely the Delegations of United States of America, Nigeria, Iran and Canada.

99. The Delegation of Spain was keen to lead discussions on the matter. It had the updated the proposal with the comments and was willing to include them. The Delegation was willing to discuss with the Delegation of the United States of America, particularly paragraph 1. It shared the request made by the African Group to the Secretariat to prepare a compilation of best practices.

100. The Chair stated that it was agreed that the Delegation of Spain would lead consultations with Delegations to see whether progress could be made on that issue during the session. He was of the opinion that the plenary was not the room best suited for that discussion. The Chair requested all delegations willing to take part in the discussion to communicate with the Delegation of Spain. The Chair wished to move forward in a more dynamic way.

101. The Delegation of Canada referring to its last statement pointed out that it did not propose to discard the Spanish proposal but suggested to start discussion based on the text proposed and discussed at the last session of the CDIP. Conclusions drawn from that discussion were valuable and useful.

102. The Chair reassured the Delegation of Canada that its message had been correctly conveyed.

103. The Delegation of Iran (Islamic Republic of) suggested holding of informal consultations lead by one of the Vice-Chairs to discuss in detail the Spanish proposal.

104. The Chair noted that the practical way of proceeding with regard to that matter was to request the Delegation of Spain, which sponsored the proposal, to lead discussions with the other delegations. However, consultations had to be done outside from the session hours. He insisted that it was not a possibility to hold consultations within the scheduled time for the session. Thus, consultations would take place before 10:00 am and after 6:00 pm or during lunch breaks. In his view that was the best suited way of proceeding. Although he understood the willingness of the Delegation of Spain to hold extensive consultations, the Committee had to move forward with other documents.

105. The Delegation of Nigeria supported the proposal put forward by the Delegation of Iran (Islamic Republic of). According to the tentative work plan, the morning session of the following day was dedicated to that agenda item. In its view there was no need to hold consultation outside the plenary. Consultations led by one of the Vice-Chairs would be more useful and would allow the participation of more Member States and Regional Coordinators without interfering with other agenda items.

106. The Chair explained that the tentative work plan established by the Secretariat was only tentative as the name suggested. Efficient use of the time was needed to make progress. It was clear that in a broader format, results would not be achieved, as shown in the past. The way of proceeding suggested by the Delegation of Spain also included the participation of Regional Coordinators and gave room for an adequate representation of all. The Chair reiterated his view that discussion on this item should not take place in the plenary. However, the plenary would resume discussions based on a reviewed and revised Spanish proposal.

107. The Delegation of the United States of America supported the statement of the Delegation of Canada of conserving the text. In the past session, a number of delegations had already proposed revisions to the Spanish proposal. The Delegation requested the Secretariat to share the text with the revisions proposed by Member states during the last session in order to facilitate the discussion. It also supported the proposal made by the Delegation of Nigeria to use the following morning to discuss that document.

108. The Chair took note of the request and reassured that the Secretariat would circulate the document with the proposed amendments. With regard to using the plenary time for consultations, he noted that much more progress could be made by negotiating the Spanish proposal in a smaller and more dynamic group. He asked delegations to allow him to explore that new alternative. If no agreement was found under that format, the issue would come back to the plenary and consultations would move to a broader format. Lastly, the Chair pointed out that the informal consultations led by the Delegation of Spain were open to all interested delegations.

109. The Delegation of South Africa supported the intervention made by the Delegation of Nigeria on holding informal consultations. The Delegation was flexible on the format.

110. The Chair reiterated that informal consultations would be held and would be coordinated by the Delegation of Spain. Interested delegations should get together with Spain.

111. The Delegation of the Bahamas sought clarification regarding the time at which consultations would be held and the required presence of Regional Coordinators. It noted that if discussions were going to be held in parallel, a number of delegations would not be in the plenary for discussion on other important matters.

112. The Chair stated that informal consultations would happen outside plenary hours and not in parallel. He specified that the time slot would be before 10 a.m., during the lunch break and after 6 p.m. Therefore there would not be any overlaps.

113. The Delegation of Nigeria stated that before 10 a.m., most delegations had regional coordination meetings. It was difficult for the Delegation to find a timeslot before 10 a.m. unless it would start informal consultations by 7 a.m. The African Group met from 9 a.m. to 10 a.m. or eventually earlier. Therefore, the African Group believed that the Committee could assign time to hold informal consultations outside the plenary and then report back to the Committee. It also referred to the tentative work program which allotted half day for that discussion. In its views there was room to hold informal consultations the next day in the morning.

114. The Delegation of China requested the Chair to propose a structure not parallel to the plenary so delegations would not miss important discussions during the plenary.

115. The Chair reiterated that informal consultations should not be held in parallel.

116. The Delegation of Greece did not deem necessary to have open ended discussions after 6 p.m., as proposed by the Chair, since the Committee was at its first day.

117. The Delegation of the United States of America noted that there was a time allocated for the topic under discussion the next day. Since informal consultations would happen outside the plenary, the Delegation inquired what would be discussed during the next day's morning session.

118. The Chair recalled his previous explanation in order for all delegations to clearly understand his suggestion. In his view there was an easier way to move forward by giving the Delegation of Spain the opportunity to support the discussion. Enough time was already spent in debating the format of the discussion. The format for consideration of the Spanish proposal would be the one of informal consultations held under the responsibility of the Delegation of Spain. The Delegation would then come back to the Committee to inform on the outcome of those consultations. He would nevertheless allow, if necessary, a broader discussion in the Plenary. On the other hand, the Chair wished to be extremely clear on the tentative work plan approved earlier that morning. That document was only the sequence in which topics were going to be discussed. He requested delegations not to interpret that they had one or two or three hours assigned to any specific agenda item. That document, which was not prepared by the Chair himself, was made for delegations to get prepared to discuss the topics in that particular order. The Chair finally requested the Committee to provide the Delegation of Spain the opportunity to hold informal consultations and depending on its outcome, the discussion would be brought back to the Plenary.

119. The Delegation of Spain agreed with the format of negotiation proposed by the Chair, namely informal consultations. It informed the other delegations that it would be available throughout the week to receive their comments. The Delegation mentioned to the Delegation of Canada and the Delegation of the United States of America that negotiations would be made based on the document submitted to the 15th session of the Committee. In that sense, no previous efforts would be wasted. The Delegation remained at the disposal of delegations interested in joining the consultations.

120. The Delegation of Iran (Islamic Republic of) considered it a very important topic for the Member States and a longstanding item of the CDIP agenda. To its understanding, there were two ways to address that issue. The Delegation suggested to first hold discussions under the guidance of the Spanish Delegation. If no result comes out of the discussion, Delegation would support informal consultation format as proposed by many delegations.

121. The Delegation of Nigeria, speaking on behalf of the African Group, agreed with the suggestion made by the Delegation of Iran (Islamic Republic of). This was a very important subject for WIPO Member States and in particular for those countries that made the proposal in the African Group and the DAG. The Delegation requested the Delegation of Spain for the time when consultations would be held.

122. The Delegation of China supported the proposal made by the Delegation of Iran (Islamic Republic of) as for the format.

123. The Delegation of Brazil supported the proposal made by the Delegation of Iran with regard to the format. The Delegation requested the Secretariat to circulate the text together with other proposals. It however highlighted that the proposal made by the DAG and the African Group were the only formal proposal for the Delegation of Brazil.

124. The Chair suggested that the Delegation of Spain held consultations with other interested delegations and try to come up with the necessary amendment. The Committee could return to the document at a later stage in the session.

125. The Chair resumed the session by requesting the Delegation of Spain to brief the Committee on the progress made on the consultations.

126. The Delegation of Spain informed that it was awaiting proposals from interested delegations.

Consideration of document CDIP/16/9 – WIPO General Assembly Decision on CDIP Related Matters

127. The Secretariat (Mr. Baloch) recalled that in 2013 the WIPO GA requested the CDIP to discuss two issues, namely, the implementation of the CDIP mandate and the implementation of the Coordination Mechanism. The issue of an agenda item on IP and Development has been before the Committee since the 6th session of CDIP. Similarly, the issue of the Coordination Mechanism has been under consideration for the last several sessions. As mandated by the GA, the CDIP is requested to continue discussion on these matters. It noted that at the 15th session of CDIP, the Chair took, as his text, a proposal made by the Delegation of Mexico suggesting a way forward. During the informal sessions the text was modified with the input of delegations. The Secretariat could circulate Chair's text among delegations, if requested.

128. The Chair noted that it depended on delegations whether to bring the text back to the table or not. In his view, it was better to build on the progress already made and to resume the discussion where it was left. As no objection was made, the Chair requested the Secretariat to introduce the Chair's text from the previous session and to distribute it among the delegations.

129. The Secretariat recalled that at the 15th session, the Delegation of Mexico made a proposal that it later on withdrew. The then Chair took that text as his text and invited interested Delegation to discuss it. Proposals made by different groups and countries during the informal sessions were written below each paragraph. As an example, the Secretariat red out the following: *“upon completion of the substantive work of each session of the committee, an opportunity should be provided for Member States who so wish to discuss those activities of the committee that have contributed to the implementation of the recommendations of the Development Agenda.”* Group B, the African Group and also the Chair provided alternative language to that paragraph. The Delegation of the United States of America also added a qualification. The Secretariat noted that the first issue, i.e. the report by the relevant WIPO bodies received considerable attention whereas on the second issue of the standing agenda item on IP and Development, no progress was made. On the second issue, as suggested by the Chair, the Delegations of Algeria and Nigeria provided examples of activities that might qualify to be considered under the new agenda item. The Secretariat was willing to make available the submissions by the two delegations.

130. The Chair requested the delegations to decide which text they would prefer to work on. In his view, it would be very difficult to work on the basis of what they had since the Committee had chosen to present alternative texts that were mutually exclusive. In order to achieve consensus, the Committee had to work on a single text and improve or include subjects or issues that appeared to be important. He noted that all delegations agreed to work on the basis of five items that were not divergent from one another. It was important to start working on a rapprochement of the ideas, trying to reconcile them into a single text. It was also imperative to resolve the issues still subject of disagreement. He noted that informal consultations for technical assistance were already underway and he would avoid repeating the same exercise in the Committee. Thus, he proposed to re-read the various proposals put forward and hear the delegations' comments on each of the five ideas so as to assess to what extent convergence might be found.

131. The Delegation of Nigeria requested that the Secretariat makes the document available to all delegations and sought a few minutes for them to consider it.

132. The Delegation of Greece also requested the Secretariat to make the document available.

133. The Chair suspended the session to allow Delegations to consider the document.

134. The Chair noted that the modified Chair's proposal was the result of a very lengthy discussion in order to find a common ground. The result could be summed up as providing the possibility for Member States to make interventions on those activities of the Committee that they deem to have contributed to the implementation of the DA recommendations. The Chair noted that the former Chair had made an effort to reflect a language based on past discussions which might express the common position. In his view, no one could object to the fact that any Member State could make an intervention on activities that they deem to have contributed to the implementation of the DA. In the same way, all Member States had the right to make comments on questions of interest. Therefore, the paragraph reflected the simplicity of the issue before the Committee. The Chair inquired whether after the consultations delegations had any comments to make on the modified Chair's proposal. Given that there were no comments, there was no difficulty in considering that his proposal reflected the understanding of the provision, for any Member State, to make a comment on activities of the Committee that they deem to have contributed to the implementation of the DA recommendations.

135. The Delegation of the Netherlands sought clarification on whether the text would be the final version. Given that it did not have the chance to discuss the text with its group, the Delegation reserved the right to come back on the issue.

136. The Chair clarified that the modified Chair's proposal would be a reference text which would no longer contain the proposals made in previous sessions. This did not imply that the text had yet been formally adopted. His aim was to reduce the number of proposals to their simplest expression so that the Committee could consider a whole text in a simple way.

137. The Delegation of Greece, speaking on behalf of Group B, noted that its group would like its proposal to be retained as stated in paragraph 1 as a basis for discussion.

138. The Chair sought for explanation on the basic difference between the proposal that Greece wished to keep and the modified Chair's proposal.

139. The Delegation of the United States of America supported the comments made by the Delegation of Greece on behalf of Group B and provided the requested clarification. Group B proposal clearly stated in line with the Coordination Mechanisms adopted at the GA. It was those committees which deemed themselves relevant for the purposes of the DA that will be reporting on the implementation of the DA recommendations. The modified Chair's proposal seemed to refer to activities that the committees deemed to have contributed to the implementation of the DA contrasted with the Group B proposal that clearly referred to the committees that deemed themselves relevant. The Delegation noted that Group B proposal was based on the paragraph 4 of the GA decision on the Coordination Mechanism which read as follows *"to instruct the relevant WIPO bodies to include in their annual report to the assemblies a description of their contribution to the implementation of the respective Development Agenda recommendations."* The Delegation pointed out that the term "relevant" was mentioned in the GA Decision. Thus, the proposal of Group B contained the said term. The Delegation requested to also keep its contribution to paragraph 1.

140. The Delegation of Nigeria, speaking on behalf of the African Group, supported the Chair's modified proposal in an attempt to move forward. It requested to also keep the last part of the African Group's proposal.

141. The Delegation of Pakistan supported the statement made by the Delegation of Nigeria on behalf of the African Group. It noted that the Chair's proposal as it stood offered the required flexibility.

142. The Delegation of Iran (Islamic Republic of) joined the statement made the delegations of Nigeria and Pakistan and supported the Chair's proposal.

143. The Chair closed the discussion on paragraph 1. He requested the Secretariat to amend the text of paragraph 1 with only four proposals namely; the modified Chair's proposal, the proposal by Group B, and the last paragraphs of the proposals made by the Delegation of the United States of America and the African Group, respectively. Although four proposals remained under paragraph 1, Chair noted that progress had been made. He then moved to paragraph 2 related to the name of the agenda item. He noted that the text included in the paragraph, and discussed during the previous session, was provisionally agreed. The Chair took that text as the basis for the discussion and opened the floor for comments.

144. The Delegation of Pakistan inquired whether paragraph 2 would include the African Group's proposal which stated that the agenda item would be concise and its inclusion would not be open to discussion by Member States.

145. The Chair noted that the discussion so far was on the title of the agenda item. In his view, paragraph 2, as provisionally agreed, reflected the status of the discussion. He mentioned the sentence proposed by the African Group under paragraph 2 and opened the floor for comments.

146. The Delegation of Nigeria, speaking on behalf of the African Group, wished to keep the proposed sentence. However it noted that the same proposal appeared in paragraph 3 of the Mexican proposal. The Delegation would not object whether it appeared in paragraph 2 or 3 as long as it was included.

147. The Chair suggested that the African Group's proposal would be dealt with under paragraph 3. Paragraph 2 would then remain as provisionally agreed text as proposed by the Delegation of the United States. Paragraph 3 referred to the nature of the agenda item whose title was discussed and provisionally agreed.

148. The Delegation of Nigeria, speaking on behalf of the African Group, noted that for its Group, the agenda item would be concise and its inclusion would not be open to discussion by Member States. It stressed that the discussion needed to be reflected under a standing agenda item in the committees.

149. The Chair inquired the African Group would accept the current wording submitted by the former Chair or if they would like to explicitly mention the standing nature of the agenda item. In his view, as written, the sentence made the item an actual standing agenda item. There was no need for specifying that given that the proposed text stated that its inclusion would not be open to discussion by the Member States.

150. The Delegation of Nigeria, speaking on behalf of the African Group, stated that it would agree to keep the proposed sentence, i.e. "*it will be concise and its inclusion will not be open to discussion by Member States*", if agreement was reached on the agenda item. The African

Group would accept it given the fact that the sentence implicitly mentions that it was a standing agenda item.

151. The Delegation of Brazil supported the African Group's proposal in the understanding that it would be a standing agenda item.

152. The Delegation of the United Kingdom (UK) noted that there was nothing implicit. In its view, the nature of the issue on the standing agenda item depended on the final version of paragraph 1. It recalled that two conditions needed to be met regarding that issue. First, it was an *ad hoc* issue, agreed in those committees that deemed it relevant. Second, it only happened in those committees that met prior to the GA. In that sense, it was clear for the Delegation that it was not a standing agenda item.

153. The Delegation of Greece supported the inclusion of Group B's proposal in paragraph 3. It agreed that the agenda item would be concise and the statements made therein would not be open for discussion by the Member States.

154. The Chair requested the Delegation of Greece to clarify the content of its proposal.

155. The Delegation of Greece, speaking on behalf of Group B, noted that its previous intervention was not a follow-up to the intervention made by the Delegation of the UK. It however agreed on the fact that the wording of paragraph 3 would depend on the agreed language for paragraph 1. Therefore, the Group requested to maintain its proposal and suggested to open a wider discussion in light of the observations made by the Delegation of the UK.

156. The Chair stated that according to the delegations of the UK and Greece, it could be inferred that if there was agreement on paragraph 1, it would then not be necessary to include in that paragraph the language read by the aforesaid delegations respectively. Therefore, the wording of Group B's text would be retained indicating that it was subject to the outcome of discussions on paragraph 1.

157. The Delegation of Greece, speaking on behalf of Group B, noted that for the time being, the Delegation could not accept removing its wording on paragraph 3 or putting it as a provisional proposal.

158. The Chair took note that Group B's proposal would appear in the cleanup text. He emphasized that it would be of great assistance to expressly note that the language would have to be reconsidered in light of the outcome of the discussions on paragraph 1.

159. The Delegation of Nigeria, speaking on behalf of the African Group, requested the inclusion of the Group B's proposal read as followed: "*this would be a standing Agenda Item*". It also requested the inclusion of the proposal made by the Delegation of Brazil subject to an agreement on paragraph 2.

160. The Chair urged the delegations not to reverse their positions but instead consolidate the progress made so far. He summarized the status of discussion on paragraph 3. The text submitted by the former Chair during the last session of CDIP appeared to reflect a common understanding. Group B had noted that it could be a point of understanding depending on the outcome of paragraph 1 which was still up for negotiation. The African Group had noted that it could support that text under the same condition. The Chair would like to reflect the outcome of the discussion in the text. In his view, that outcome was that Group B, insisted on maintaining its proposal, and reassess its position upon agreement of paragraph 1. That would have been a way of consolidating progress on this text.

161. The Delegation of Nigeria noted that the African Group would also be in the position of accepting the Chair's proposal or the Mexican proposal upon agreement on paragraph 1. Thus, the African Group impressed on including its original proposal as well as the Brazilian proposal since the Committee would come back to the issue.

162. The Chair decided to keep all the proposals in the text. However his proposal would appear in black, followed by the quote "subject to the approval of paragraph 1".

163. The Delegation of Greece stated that it could not agree to keep only the Chairs' proposal in the document.

164. The Chair took note of the position of the Delegation of Greece. The Chair stated that the proposal would be reflected in his terms.

165. The Delegation of the UK sought clarification on the status of the last proposal of paragraph 3. In its view, that text did not fit in paragraph 3.

166. The Chair noted that the text pointed out by the Delegation of UK indeed seemed not belonging to paragraph 3 instead but to paragraph 1. That was probably due to the fact that paragraph 1 and paragraph 3 were closely related. He then requested the Delegation of Nigeria to clarify.

167. The Delegation of Nigeria, speaking on behalf of the African Group, stated that the Group had a preference for its proposal under paragraph 4. It pointed out that under the standard practice each committee submitted a report including, generally, a summary made by the Chair on the discussions in the committees. Therefore, there was probably no need to include the last sentence which read as follows: "*the reports will not be open to negotiations between Member States.*"

168. The Chair sought for clarification on why the Delegation of Greece insisted on explicitly mentioning that the Summary by the Chair would not be open to negotiations by Member States. The Chair noted that there was no legal basis in the rules of procedure of the CDIP that obliged him to negotiate. Moreover, the practice in international organizations clearly established that the Summary by the Chair was aimed at avoiding any kind of negotiations. In its view, the Delegation of Greece was requesting to explicit something that was a common practice in the international framework.

169. The Delegation of Greece, speaking on behalf of Group B, noted that the Group was referring to the report which would be a compilation of Member States' statements and those should not be subject to negotiation. Although the Group agreed on the fact that reports made by the Chair could not be open to negotiation, it would like to be reassured that the compilation of statements would also not be open to negotiations.

170. The Delegation of Nigeria, speaking on behalf of the African Group, stated that in its understanding, statements delivered by Member States were not open to negotiation by other Member States. The Group noted that paragraph 4 was related to the Summary by the Chair and that Group B was referring to a compilation of Member States statements which would appear in any case in the report and were never open for negotiations.

171. The Delegation of Brazil stated that it was not against the idea of including the statements made by Member States in the Report. It also agreed that the statements, once delivered, could not be open to negotiations. The Delegation considered that the summary by the Chair, under his own responsibility, would bring added value to the discussions.

172. The Chair stated that the issue at that stage was whether the Chair's summary would be made under his responsibility or a compilation of all Member State statements. In the UN system, the practice was that neither a report made under the Chair's responsibility nor the statements made by Member States could ever be subjected to negotiation. In his view, the difference would be best reflected if the idea of a Chair's statement coexists with the idea of a compilation of statements by Member States. Thus, the Chair requested the Committee to allow him to produce a new proposal that would be circulated among them. He reiterated that the question was not whether the issue would be open for negotiation or not. It was of common understanding that a Chair's summary and a compilation of Member State statements were never a subject of negotiations. The Committee would assess whether the idea of a Chair's summary could coexist with the compilation of statements by Member States. He would include his proposal as a replacement of the current text typed in black. His proposal would be considered in a second reading of the document.

173. The Delegation of Nigeria, speaking on behalf of the African Group, stated that there should not be different rules in reporting on the contribution of committees to the implementation of the DA recommendations. The Group noted that the Chair's summary was a summary and that statements made by Member States were usually included in the report. Hence, it would be a strange precedent to see that the Chair's summary would include Member State interventions. The Group inquired if that was a new rule of procedure applicable for all committees and if so, it would like to have a discussion. However, if that was going to be a specific procedure just to discuss the implementation of the DA recommendations, the Group would not welcome such precedent.

174. The Chair took note of the statement made by the Delegation of Nigeria on behalf of the African Group and noted that it was an important issue to bear in mind.

175. The Delegation of Greece, speaking on behalf of Group B, sought clarification on the actual text under discussion.

176. The Delegation of Nigeria provided clarification to the Delegation of Greece. It noted that, as stated during the informal consultations earlier that day, the African Group had put forth proposals that were numbered 1 through 5. Those proposals ended up being affixed to the proposal from Mexico in the same order 1 through 5, even if they did not always fit there. Therefore, the last proposal under paragraph 4 was meant for paragraph 5 and the proposal on paragraph 3 was meant for paragraph 1. The Group noted that it had only referenced the first African Group's proposal in paragraph 4 because the latest African Group proposal under paragraph 4 did not apply to paragraph 4.

177. The Chair took note of the clarification and moved to paragraph 5 related to the circumstances in which the Coordination Mechanisms would be discussed. He explained that the proposal appeared typed in black on the document followed by one proposal from Group B and three proposals made by the African Group. In order to facilitate the discussion, the Chair requested the African Group to clarify if its actual proposal appearing under paragraph 4, belonged to paragraph 5 and to confirm that it would replace the other two proposals under paragraph 5.

178. The Delegation of Nigeria clarified that the latest proposal from the African Group under paragraph 4 now belonged to paragraph 5 and the second proposal under paragraph 5 could be removed. However, the Group requested to keep the last proposal since there were some additional proposals related to it from Group B and from the African Group.

179. The Chair requested the Committee to first make comments on the black typed text. In order to move forward, he urged delegations to make an effort to stick to that text and not to insist on making new proposals or defending their own preferences and proposals. The Chair requested delegations to come up with some proposed wording on the text typed in black color which could help in reaching an agreement between the various positions.

180. The Delegation of Nigeria, speaking on behalf of the African Group, explained why the Group had a preference for its proposal. The African Group's proposal in paragraph 5 read "*the issue of Coordination Mechanisms as such will mainly be debated within the CDIP upon recommendation by the GA.*" The Group noted that the idea behind its proposal was that all committees are on equal footing and no Committee should be able to instruct the other committee on what to do. The second line of the second sentence was reads "its application in other committees will not be entertained as these committees are not suited for that purpose." The Group thought that the wording "*will not be entertained*" was not proper for the GA. In its view, the GA gave the directive and the committees obeyed. Thus, the language of "*will not be entertained*" was not necessary. It was clear that the CDIP would not try to drive discussion on the Coordination Mechanisms in the CWS or in the SCP. Only the GA could direct committees to hold such discussions. In light of the above, the Group noted that it would prefer not to have the language of "*will not be entertained*" in the final text.

181. The Chair noted that to his understanding, the text typed in black belonged to the original proposal submitted by the Delegation of Mexico which then dissociated itself from the proposal in an attempt to move forward on the issue. That text was then adopted as the Chair's proposal. The Chair asked the Delegation of Mexico if his assessment was accurate and if so, it would agree to remove the Mexican proposal from the text and only keep the African Group's proposal and the Group B proposal.

182. The Delegation of Mexico stated that in making the proposal, it tried to support the process and be constructive. However, it then decided to leave it open for negotiations by all members as well as the Chair who took it as his own text. Therefore, the Delegation would have no objection on amending it if that would contribute to progress.

183. The Delegation of the UK stated that it might be wise to keep the initial Mexican proposal as a reference in order to see where the negotiation started and where it was moving forward.

184. The Chair noted that every delegation should be able to keep track of the documentation used as a reference in the negotiation. If a certain paragraph was no longer useful for negotiation, it would be wise to remove it in order to avoid confusion. In his view, the stage of negotiation required a more advance text that would enable the Committee to concentrate on the proposals that really reflected the questions to be discussed, given that the text presented substantive difficulties. Since Group B and the African Group had each submitted a proposal, it would be preferable to remove the original Mexican proposal, unless a delegation makes that proposal its own and insists in including it to the text. He added that so far no delegation had wished to do so.

185. The Delegation of Brazil supported the African Group's proposal as reflected in paragraph 4. The Delegation considered that the discussion on the Coordination Mechanisms should be made mainly in the CDIP considering its ability to discuss cross cutting issues. However, that should not limit the discussion by other committees if they deemed it relevant as it would be against the spirit of the mainstreaming of the DA.

186. The Delegation of Chile endorsed the Chair's suggestion in order to move forward with the document. In that sense, it was convenient for delegations to keep as a reference the Mexican proposal and other previous proposals from the Committee. It was important to reflect if

previous proposals were to loose support or if new proposals were to come up. The Delegation noted that, after hearing the intervention of the African Group, the wording on paragraph 5 provided enough flexibility to the GA to direct the discussions and give priority to the CDIP, without excluding the possibility of hearing other committees, if so decided. Therefore, as far as that Delegation, the proposal of the African Group was the most relevant in that particular paragraph.

187. The Chair requested the African Group to explain how the two proposals under paragraph 5 were related.

188. The Delegation of Nigeria, speaking on behalf of the African Group, noted that the first proposal under paragraph 5 corresponded to its former proposal. Following discussions, it included the following wording *“upon recommendation by the General Assembly”*. Therefore, the only proposal by the African Group that should remain for consideration under paragraph 5 reads as follows *“The issue of Coordination Mechanism as such will mainly be debated within the CDIP, upon recommendation by the General Assembly”*.

189. The Chair thanked the Delegation of Nigeria for its explanation. However, he mentioned that he was referring to the following proposal from the African Group: *“Committees shall bear in mind that the Coordination Mechanism is to be implemented in a pragmatic way and ensure that discussions on this matter do not prevent such Committees from accomplishing their substantive work, in line with the Development Agenda recommendations”*. The Chair wished to know the connection between that proposal and the proposal referred in the African Group statement, since both were currently under paragraph 5.

190. The Delegation of Nigeria stated that, if the Coordination Mechanisms would be discussed in committees, it could considerably prevent such committees from accomplishing the substantive work. The sense of the proposal was to discuss that issue in a pragmatic way in order to assure the substantive work of other committees.

191. The Chair noted that the idea explained by the Delegation of Nigeria was reflected in the last part of the document. The last part of the document included two additional paragraphs. The first paragraph referred to Group B's proposal and the second paragraph referred to the African Group's proposal. He noted that the African Group's proposal was the same in both paragraphs. Thus, the Chair suggested moving the issue on the Coordination Mechanisms and its pragmatic implementation to paragraph 6. He inquired from the African Group if it would agree to proceed in that manner.

192. The Delegation of Nigeria agreed to the change proposed by the Chair.

193. The Chair stated that the accepted change had reduced the scope of discussion to two proposals, one submitted by the African Group and one submitted by Group B. He added that the Committee would get back to that issue for a second reading.

194. The Delegation of the UK stated that it could support the proposal made by the Delegation of Chile of keeping the Mexican proposal as a reference. It noted that Group B had built its proposal on the language of the Mexican proposal. That was a sufficient reason for them to keep the original proposal as a reference. It could figure in the final document as a footnote or under a format that the Committee deemed appropriate. On the other hand, the Delegation raised concerns on the term that was to be debated. Based on the comments heard from the Committee, the Delegation did not see the purpose of having the debate considering that there were some proposals which encouraged other committees to hold the same discussion. It noted that the term “mainly” complicated the debate and raised concerns. The Delegation sought clarification on this last issue.

195. The Chair noted the concern raised by the Delegation of the UK. He stated that substantive discussion on paragraph 5 would take place at a second reading. With regard to the first comment, he noted that the Delegation of the UK had understood the opposite from what the Delegation of Chile had stated. The Delegation of Chile had agreed with the Chair on the fact that it was not necessary to maintain the original text. Unless, some Delegation endorsed that proposal or supported it and requested the Chair to include it as its own, the Chair would not include it in the final draft.

196. The Delegation of Greece, speaking on behalf of Group B, wished to further elaborate on the rationale behind the statement made by the Delegation of the United Kingdom. The Group noted that its proposal was based on the Mexican proposal. With regard to the second observation raised by the Delegation of the UK, it noted that including that language would help in reaching a compromise on paragraph 5.

197. The Chair noted that, as agreed with the African Group, it would remove the last part of paragraph 5. Paragraph 6 contained a proposal from the African Group and one from Group B and would be discussed later on. He stated that he would not extend the discussion on the Mexican proposal. Regarding Group B's intervention, he noted that if Group B had formulated a proposal based upon an original proposal that was because the original one was not acceptable to them. Under that logic, there was no reason for Group B not to accept the withdrawal of the original proposal. Finally, he restated that he had no objection to keeping that original proposal if a delegation would own it.

198. The Delegation of the UK noted that the Delegation of Chile had suggested keeping the original proposal as a reference. In that sense, it would support the idea of leaving the original proposal as a reference.

199. The Chair noted that these were complex negotiations and there was no place for confusion as to the content of a text. The content of the text had to be limited to the proposals agreed or still under negotiation. In his view, it was misleading to have any other type of references. Every delegation should keep track of the previous proposals. The Chair explained that by keeping the original text as a reference, he would be setting a precedent of including references that in terms of negotiations had no value. The rules were clear and if no delegation made the original proposal its own, the proposal would be removed. The first reading of the text was concluded given that there were no more comments from the floor. The Chair pointed out the progress made in the discussion and requested the Secretariat to provide the Committee with a final version of the text. He noted that the discussion had brought the text closer, enabling him to continue the discussion towards a common understanding.

Consideration of document CDIP/17/10 - Pilot project to accelerate technology transfer, research and development in order to improve the technical capacity to absorb local science and technology generated by universities and the production sector

200. The Chair resumed the session and invited the Delegation of Ecuador to introduce the document.

201. The Delegation of Ecuador stated that its country strategically promoted the use of IP as a tool to foster research and innovation through regulations and public policies for development. The project proposal was aimed to be an important contribution to the implementation of the DA recommendations. It sought to improve developing countries' higher education and IP systems as well as to create an innovation model according to their needs and realities. Thus, it would facilitate foreign and national investment, technology transfer, and the understanding, promotion and assimilation of the local technology and the patent system. The aforesaid would guide towards a change in the productive matrix. The Delegation expected to benefit from the

other delegations' input in order to improve the project proposal. It proceeded to describe the main elements of the project. It highlighted that the project addressed 10 DA recommendations, as well as 5 Strategic Goals. The project would improve the technical capacity to absorb local science and technology generated by universities. The basic need of the academia was to access information to drive innovation. The more common problem identified in the academia was that it was illegal to research, study or use a patent of third party. In countries such as Ecuador, patents were understood as a certain monopoly of the inventor for a limited period, given the time, resources, and money he expended. However, this purely economic standpoint does not reflect the fundamental aim of the patent law. On the contrary, it prevented other persons from using the information contained in the patent. The project intended to get rid of the erroneous perception, prevailing in developing countries, that patents were mechanisms for the privatization of knowledge. It intended to set up the real aim of patent law: to grant an exclusive right over a limited time in exchange for the full disclosure of the invention, enabling everyone to use it. This was covered by Article 29.1 of the TRIPS Agreement which establishes that "*Members shall require that an applicant for a patent shall disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art*". The project proposal provided for the implementation of a requirement for students nearing the end of their course and about to receive their qualifications to either (i) carry out, enable or replicate patents granted abroad in the past 5 years which have not been granted locally or; (ii) propose an alternative use or utility model for locally granted patents. For its implementation, the project envisaged the integration of 3 fundamental innovation players: the private sector, the public sector, and the academia. In the case of the academia and universities, the support needed was related to the training to both students and lecturers as to how to read and how to protect patents. Tools for access to patent information would be also needed. Moreover, the private sector should be connected to the academia to ensure that the market needs were reflected on the patents included in the student projects. The private sector should also hire those students in order to materialize their academic research projects. It was also important to include private sector's funding to improve the research system. Furthermore, the public sector should create appropriate incentives to connect the private sector with academia. It was also necessary to create an appropriate infrastructure to improve the celerity and quality of the patent examination, as well as to provide financing for the registration of local patents abroad. In addition, it was essential to provide training to the private sector and academia on the importance of IP and the limitations to its use. Similarly, it was also important to train examiners to comply with the expectations of the proposal. It was expected to have a group of young students discovering the art of patents, also encouraging their professors to teach them the latest technologies. This would obviously reduce any risk of wasting unnecessary resources on something which had already been invented. The project would benefit the international community in strengthening the international IP system as many patent applicants would be more careful about completely disclosing their inventions as provided for in Article 29.1 of the TRIPS Agreement. In addition, Ecuador would be keen to provide any assistance required by Member States interested in replicating the project.

202. The Delegation of Netherlands, speaking on behalf of the EU and its member states, stated that they had not been in the position to analyze the document. Therefore, they would propose to consider the project during the next session of the Committee.

203. The Chair requested the Secretariat to comment on the way to proceed with the project proposal.

204. The Secretariat (Mr. Baloch) explained that any proposal made by delegations went through a round of discussions in the Committee. The proposals were normally adjusted to take into account any interventions by Member States. Consequently, the Committee would

consider and adopt the adjusted proposal at its subsequent sessions. In the case of the project proposal under consideration, the Secretariat made the document available as soon as a final version was received from the Permanent Mission of Ecuador. Therefore, the submission of the project had not met the usual deadline of two months. As noted by the Delegation of Netherlands on behalf of the EU and its member states, the Committee could simply take the document in its actual version to its next session. Alternatively, in the interim period between the 17th and the 18th sessions, the document could be reviewed by all the delegations and they might like to provide their comments to the Delegation of Ecuador. The Delegation of Ecuador could also take the initiative of contacting different delegations to assess if there was a need to revise the proposal. Another revised version would be thus presented to the next session of the Committee with a relatively broad acceptability.

205. The Chair favored the second approach in order to assess the project as promptly as possible. He suggested that the Delegation of Ecuador, with the assistance of the Secretariat, make contact with the Delegation of Netherlands which reserved, on behalf of the EU and its member states, the right to make comments on the project, so that the proposal could be finalized at the earliest.

206. The Delegation of the Bahamas, speaking in its personal capacity, believed that the second approach was more practical and would lead to a better result to have a finalized document by the next session of the Committee.

Consideration of document CDIP/16/9 – WIPO General Assembly Decision on CDIP Related Matters (continued)

207. The Chair outlined that the length of the text under discussion was reduced. He proposed to focus the discussion on paragraph 1 which will then facilitate the adoption of other paragraphs. There was no questioning on the sovereignty of all Member States. They could take the floor to intervene on any issue of interest, guided by WIPO General Rules of Procedure. The main issue was to find a wording for the CDIP related matters to be discussed in a predictable, concise and effective way, and not to constitute a topic of subsequent discussions in all WIPO bodies. As Member States have the right to raise their concerns, it would appear that the discussion should be focused on the CDIP related matters in the framework of the GA. Two central proposals came out of the previous discussions: the modified Chair's proposal, which received a large measure of support, and a proposal by Group B. In fact, these two proposals had one common component; neither of them questioned the right of Member States to make interventions on those activities that they deem to have contributed to the implementation of the DA. Hence, there was no disagreement on the central issue. The disagreement was related to the criteria for establishing those activities. The Chair considered it difficult to find objective elements to determine when an activity had contributed, to a greater or lesser extent, to implementing the DA. He urged the Committee to try to find a wording, based on the modified Chair proposal for paragraph 1, which defines the circumstances for the interventions to take place. The Chair considered it difficult to find an objective criteria. Therefore, it should be left to the discretion of each Member State to decide when an activity had been relevant or had contributed or not to the implementation of the DA. The Chair inquired if it would be acceptable that Member States exercise their right to make statements in a reasonable manner and in good faith when they consider it necessary. He wondered if a specific criterion was needed to guide Member State interventions. He deemed it a question of mutual trust.

208. The Delegation of Greece recalled that the issue had been discussed during various sessions of the Committee. The Group was aware of the importance of the issue especially for some Delegations. It elaborated further on its proposal, explaining that an important difference

between its proposal and the modified proposal by the Chair was the part reading as follows: *“the Committees that have deemed themselves relevant for the purposes of the Development Agenda”*. The Group attributed great importance to the right of the committees to report, and to the context in which the reporting should take place. In its view, only the committees that have deemed themselves relevant for the purposes of the DA should discuss on the contribution to its implementation.

209. The Chair stated that the issue lay in who bore the responsibility to determine the activities that had or had not contributed to the implementation the DA Recommendations. Under the modified Chair’s proposal, supported by various delegations, the responsibility rests with each Member State. Under the Group B’s proposal, the responsibility rested with a committee. He considered that a committee could not place any limits on Member State’ rights or modify any rules of procedure. In this line, he wondered how, according to the practice, a committee could determine the activities that had contributed to the implementation of the DA Recommendations. The Chair requested Group B to shed some light on the matter.

210. The Delegation of the UK concurred with the statement made by the Chair in the sense that nobody could question the Member States right to intervene on any subject. That being said, there was no need to have any guidance for Member States on how to make interventions. In its understanding, Member States had never been prevented to express themselves. This was the starting premise. The issue could be closed and Member States were able to intervene at every Committee on whichever topic they wished.

211. The Chair noted that, as the issue had been discussed at length, it was positive to try to reply to some basic questions such as why this type of provision was needed. He inquired if any Member State ever felt itself limited in its right to intervene before the GA, or in any committee, on a DA-related matter.

212. The Delegation of Nigeria, speaking on behalf of the African Group, underlined that the reason for having agenda items within a meeting was to guide the discussions. It recalled that the discussion on the implementation of the Coordination Mechanism dated back to 2010. The adoption of the Coordination Mechanism itself was also discussed for several sessions. Having the Coordination Mechanism fully implemented was of major interest for developing countries including the African Group. In light of that, the Group preferred to have a dedicated agenda item or a mechanism to discuss CDIP related matters in the committees, rather than leave the possibility to make interventions on the issue at the discretion of Member States.

213. The Chair clarified that the concern raised by the Delegation of Nigeria was related to the inclusion of a dedicated agenda item under the committees. This was an issue addressed by paragraph 2 of the proposal under discussion. It highlighted that any Member State might in any Committee or in the GA request the inclusion of an item on the agenda. The Committee was trying to reach an agreement on any modality to ensure that the CDIP related matters could be treated uniformly. From previous discussions, the Chair understood that the difficulties were not in the title of agenda item but in the modalities for conducting the discussions under it. It would be a progress to reach an agreement on the Member States’ right to intervene, and to establish an agenda item with a title commonly agreed.

214. The Delegation of Brazil noted that the Coordination Mechanism was a decision of the 2010 GA. The ongoing discussions were related to its implementation. It recalled the paragraph 1(a) of the Coordination Mechanism reading as follows: *“The aim of the Development Agenda is to ensure that development considerations form an integral part of WIPO’s work and the coordination mechanism should promote this aim”*. As could be understood from that paragraph, the goal of the Coordination Mechanism was to provide a structured view to facilitate the discussion on the implementation of the DA.

215. The Delegation of Nigeria sought clarification on the intervention made by the Delegation of the UK and the explanation made by the Chair. In its view, it was difficult to dissociate the title of the agenda item and paragraph 1 of the proposal under discussion. Member States had the right in any case to make interventions but in an orderly way. That was the reason for having agenda items for committees and meetings.

216. The Delegation of Greece referred to the statement made by the Delegation of Nigeria. It stated that the reference to the agenda item was in paragraph 2 and not in paragraph 1. It considered its proposal more specific than the modified proposal by the Chair. Given the importance of the issue, a more detailed proposal would be welcome.

217. The Delegation of the UK referred to the intervention made by the Delegation of Brazil on the Coordination Mechanism. It considered the Coordination Mechanism fully implemented. Otherwise, development considerations would not form integral part of WIPO, as reflected in the Director General reports and other documents. The Delegation referred to paragraph 1(d) of the Coordination Mechanism, providing for an avoidance of duplication of WIPO's governance arrangements. In its view, a system where the statements by Member States were reported to the GA and where WIPO undertook development-related activities was in full compliance with the GA Decision. Furthermore, the GA Decision established that the coordination of the CDIP with other bodies should be flexible, efficient, effective, transparent and pragmatic, and should facilitate the work of the Committee and respective WIPO bodies. In the Delegation's perception that was fully implemented. The Delegation considered that the discussions in the Committee should be focused on issues such as projects that benefit developing countries. Development considerations formed an integral part of WIPO. Consequently, there was no need of any standing items or issues that would led to that effect.

218. The Chair requested to focus the discussion on his modified proposal and the proposal by Group B. He reiterated his question to Group B on how the Committee was going to determine which particular activity had contributed to the implementation of the DA Recommendations. Answering that question was essential to assess the feasibility of the proposal. He recalled the statement made by the Delegation of the UK. Since all Member States had the right to intervene, perhaps it was not necessary to make those clarifications. In reply to the concern expressed by the Delegation of Nigeria, he noted that this premise was related to paragraph 1 but not to other matters. For the discussions to take place in an orderly manner, it was necessary to have an agenda item with a title agreed by all Member States.

219. The Delegation of India noted that the Committee had hardly reached an agreement on a text based on plenary-negotiations. It suggested reverting back to the methodology adopted in the last sessions to discuss the issue in informal consultations in order to amend the text.

220. The Chair stated that the methodology mentioned by the Delegation of India had not led to a solution. He also pointed out that the Committee was not in a negotiation phase of the text but in a preliminary stage to understand it.

221. The Delegation of Czech Republic supported the statement made by the Delegation of the UK. The Committee was the key DA forum and should concentrate all the related work. The Delegation regretted that a long debate was taking place on procedural matters. It would prefer to discuss other agenda items. To conclude, it recalled that at its last session, the Committee was not able to adopt any concrete project proposal.

222. The Delegation of the UK noted that the wise way forward was to focus on the Coordination Mechanism. There was a rationale behind the use of the term "relevant" to refer to some WIPO bodies, in contrast to all WIPO bodies. The Coordination Mechanism did not refer

to any standing agenda items in WIPO committees but to one CDIP standing agenda item. It emphasized that the Committee should focus on issues that could produce tangible benefits.

223. The Delegation of Greece, speaking on behalf of Group B, considered that the Coordination Mechanism was implemented. On the other hand, the Group attributed great importance to the fact that the Committees had to be relevant for the purposes of the DA. This was an assessment that the committees would have to make themselves. When mentioning the committees, reference was made to the participating Member States. It emphasized that a clear distinction between relevant and non-relevant committees was needed. Thus, the Group B proposal included this specific language. The modified Chair's proposal provided an opportunity for Member States to make interventions, in general, on those activities of a committee that they deem to have contributed to the DA implementation. There was no distinction in the first line of that proposal on whether the committee was relevant or not. The Group considered that only relevant committees could discuss on their contribution to the implementation of the DA recommendations.

224. The Chair sought further clarification from Group B on how to determine which particular activity had contributed to the implementation of the DA Recommendations.

225. The Delegation of Greece, speaking on behalf of Group B, stated that its proposal was more specific than the modified Chair's proposal, as reflected in paragraph 1 under consideration.

226. The Chair inquired from Group B as to how a matter could be defined as relevant or not.

227. The Delegation of Greece, speaking on behalf of Group B, noted that the term "relevant" was related to the purpose of the DA. That element was not included in the modified Chair's proposal. Group B proposal did not include all the committees but those that deem themselves relevant for the purpose of the DA. According to the Coordination Mechanism there should be a distinction or, otherwise, all the committees could be considered relevant.

228. The Delegation of India considered that by answering why the PBC and the Committee on WIPO Standards were not relevant, the Committee would be able to move forward.

229. The Delegation of the UK considered that the key issue in the discussion was related to the impact of the GA Decision and the added-value of having the proposal under consideration as formulated. Secondly, the Delegation noted that in the Organization it was the Member States who decide what was relevant or not. A few years ago, Member States had already decided, on an *ad hoc* basis, that a handful of Committees were relevant at that point. There were still conceptual differences on the issue. It suggested focusing on trying to find a way forward, as finding a solution would still be a very difficult task.

230. The Delegation of South Africa highlighted the instructive discussions held last week on WIPO's role in facilitating development. From the premise that development was the objective, DA was hence the tool for its achievement. There were no reasons for impeding WIPO committees to have that discussion. Therefore, the Delegation supported the modified Chair proposal reflected in that sense, noting however its slight difference with the African Group proposal. The African Group proposal referred to "all committees", while the modified Chair proposal stated "each session of the committees". It would be a progress to be able to merge the two proposals.

231. The Chair referred to the statement made by the Delegation of the UK. For a significant number of Delegations, it was important to be aware of how the issue would be dealt with in various committees. As mentioned by the Delegation of the UK, existing frameworks might lead

to the understanding that it was sufficient to enable any delegation to address the issue in any forum. Under that understanding, it does not pose any particular difficulty to provide some type of predictability on the agenda item and on how the interventions and the debate would be reflected by the chair of each committee. That was the standard practice of the Organization. The Chair recalled the question responded by the Delegation of the UK. He inquired how each committee decided whether it was relevant or not. Unless it was intended to leave the issue open for discussion under each Committee, the wisest approach would be to recognize that existing rules enabled Member States to propose an agenda item for discussing their concerns. In other words, the common understanding would be that: (i) each Member State could propose an agenda item in any committee addressing its contribution the DA implementation; (ii) the inclusion of that agenda item would not be subject to debate; (iii) Member States would make succinct and constructive interventions; (iv) the Chair of each committee would reflect those interventions in his report. That reflected the customary practice in international organizations and particularly at WIPO. It was not a complex matter and not a linguistic issue. It was a question of mutual trust. He referred to the suggestion by the Delegation of South Africa to amend the modified Chair's proposal. He requested to that Delegation to find a wording on paragraph 1 in order to proceed with the remaining paragraphs. The Chair reiterated that the paragraphs reflected the established practice of the Organization.

232. The Delegation of Greece, speaking on behalf of Group B, referred to the proposal for another format. The Group supported the current framework for discussions.

233. The Chair clarified that he was not changing the format of the discussion. The Chair received a very constructive proposal from the Delegation of South Africa in regards to paragraph 1. Therefore, he requested that Delegation to hold consultations with other Delegations on its proposal. The aim of those consultations would be to assess whether it might be possible, in a brief period of time, to find a wording that would enable the Committee to move forward. The Committee had expressed that, in general terms, the discussion was subject to a satisfactory solution for paragraph 1. The proposal made by the Delegation of South Africa deserved to be informally discussed in order to try to find an agreed language. The remaining paragraphs would be discussed in the current format.

234. The Delegation of the United States of America sought a clarification on the content of the proposal.

235. The Chair requested the Delegation of South Africa to repeat its proposal. He pointed out that the Delegation of South Africa would be in a position to bring closer the different positions and different ideas proposed during the discussions. The most favorable format for that purpose was to hold brief informal consultations.

236. The Delegation of South Africa stated that its proposal was on the premise that development should be the committee's objective and that WIPO needed to work towards its achievement. It explained that the DA was a tool to achieve development. Consequently, all the committees should discuss their contribution to its implementation. The Delegation suggested taking the first line of Group B's proposal as paragraph 1. Therefore, instead of "each session", the paragraph should read "the substantive work of the last session before the GA". The rest of the text would remain intact. The Delegation invited Member States to reflect on the proposal.

237. The Chair encouraged Member States to share their comments with the Delegation of South Africa. Subsequently, the Delegation would inform the Committee on the inputs received.

238. The Delegation of the United States of America referred to the position of the Delegation of South Africa to include “each” committee. In its view, only relevant committees should be considered. It was unclear how the Delegation of South Africa was going to proceed with that position towards reaching a consensus.

239. The Delegation of Greece, speaking on behalf of Group B, reiterated that the Organization should continue to lead the development of a balanced and effective international IP system. This enabled innovation and creativity for the benefit of all, respecting its overarching objective, namely the promotion of IP. It also noted 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.

240. The Chair resumed the session and informed the Committee that as a result of the informal consultations, Member States did not find a wording that could satisfy all the needs. The main difficulty was the inclusion or not of the term “relevant”. In practical terms, the issue was related to the relevancy of treating CDIP related matters in two committees in particular. There were two options, finding a wording to enable the Committee to move forward in all the committees except of those two particular committees or to continue to discuss the issue at the next session. The Chair invited Member States to discuss it amongst themselves. The Chair would be grateful if by the end of the fourth day of the session, there would be a suggested wording that would enable overcoming the difficulty. Otherwise, it would be simply recorded in the report that there were discussions on the proposal. It was possible to remove some of the proposals as compared to the last session. However, there were still some questions which remained pending and those issues were contained in the document distributed at the end of the morning session. The Chair was convinced that the paragraph 1 was the decisive paragraph and if Member States agreed on its wording, the other paragraphs should not be difficult. The Chair suspended the discussion on that paragraph and moved forward to the next issue on the possibility of including the agenda item on IP and Development.

241. The Secretariat (Mr. Baloch) recalled that the GA decision on CDIP related matters pertained to two issues. The first was the implementation of the Coordination Mechanism, a matter that was just discussed. The second pertained to the implementation of the CDIP mandate and that concerned the request from some delegations to include a new standing agenda item, entitled IP and Development on the Committee’s agenda. During the last session, at the request of the Chair, the delegations of Algeria and Nigeria had provided some examples of activities that could potentially be dealt with in such an Agenda item, if it would be established. That document was available and it could be circulated in the room.

242. The Delegation of Nigeria, speaking on behalf of the African Group, thought that the CDIP had the full responsibility to implement the decision of the GA. There were three pillars establishing the CDIP and the Committee was meant to engage in those. The first was the development of a work program for implementing the 45 DA Recommendations and the second pillar was to monitor, assess, discuss and report on the implementation of those recommendations adopted and for that purpose to coordinate with relevant WIPO bodies. The last pillar was to discuss IP and Development related issues as agreed by the Committee, as well as those decided by the GA. Since the commencement of the Committee, there was not a dedicated agenda item that would address IP and Development related issues specifically, beyond projects, presentations and guides or other development resource-based activities undertaken by the Secretariat or put forward by Member States. The African Group believed the Committee should have an agenda item that allowed discussing IP and Development related issues. The Delegations of Algeria and Nigeria made proposals at the last two sessions of the CDIP on some topics that could be discussed. The Committee could discuss access to knowledge and information and barriers that developing countries might face in accessing the information needed for human and societal development. One of the topics it chose was IP and technology transfer. There were many subjects that could have been discussed under this item

such as specific patent applications or simplification of patent applications in order to serve its teaching purpose. The Delegation of Nigeria and the African Group would appreciate that Member States agree to fully implement the GA Decision.

243. The Delegation of Iran (Islamic Republic of) recalled that in 2007 the WIPO GA adopted 45 DA Recommendations and established a dedicated committee to implement those recommendations. The GA Decision gave the CDIP three mandates for discussing IP and Development related issues. The Delegation was of the view that two of the three elements of the mandate were reflected in the agenda of the Committee, namely to develop a work program for the implementation of the 45 adopted DA Recommendations and to monitor, assess, discuss and report on the implementation of all recommendations adopted. Therefore, the mandate of CDIP on implementation of third pillar of the GA Decision should be fulfilled by the Committee, by undertaking a clear debate on IP and development. According to its mandate, the Committee should make recommendations to the GA. It was time for the Committee to engage in discussions on the initial objective of its creation and its future. The CDIP should assist concrete and tangible benefits for developing countries and explore whether the Committee and its work had met the expectations of those countries. The Delegation noted that in 2010 the DAG submitted a written proposal to include in the CDIP Agenda, as a standing item on IP and Development related issues. The Delegation strongly supported having a standing agenda item in CDIP, as proposed by DAG for implementing the third pillar of the GA Decision, and supported the joint proposal made by the delegations of Algeria and Nigeria. That proposal might resolve the longstanding issue in the Committee.

244. The Delegation of Greece, speaking on behalf of Group B explained that it considered that this Committee had discussed specific issues on IP and Development so far and the Group was ready to continue such exercise in line with the mandate of the Committee given by the GA. The Group was not convinced of the added value of the new proposed agenda item. Member States could already ask for additional specific agenda items which were not already covered under the existing Agenda. Member States should avoid redundancy in their discussions as the role of the Committee was already to discuss IP and Development.

245. The Delegation of Brazil reiterated its commitment to the implementation of the three pillars of the GA decision. The CDIP had an important cross cutting mandate and it brought some relevant contribution to the Organization. Although the standing agenda item could not be agreed, the Delegation considered that its inclusion was a matter of implementing the GA decision. As mentioned earlier, it did not believe that the DA was merely a bundle of projects. It was rather a complex discussion in the interplay between IP and Development. Therefore, it considered that adding a standing agenda item on IP and Development would allow for further discussion.

246. The Delegation of Latvia, speaking on behalf of CEBS, had difficulty identifying the possible benefits of this agenda item as the whole Committee was discussing IP and Development. In the Group's view, the existing agenda items allowed discussions on a wide range of topics related to IP and Development. Finally, the Group considered the CDIP mandate as implemented.

247. The Delegation of China stated that after the official adoption of the UN Agenda 2030 on the SDGs, the CDIP was an excellent platform for discussions on development issues related to IP. It needed to reflect on and identify new issues on this topic from a historical stand point. The Delegation therefore supported the proposal of making it a standing agenda item and within the item the Committee could discuss issues proposed by the Delegations of Nigeria and Algeria and could deepen the discussions on how to take more part in the SDGs implementation. The Delegation would like to hear new views on the content of the standing agenda item.

248. The Delegation of the Netherlands, speaking on behalf of the EU and its member states, mentioned that the CDIP was mandated to discuss IP and Development. The Agenda of the session featured a broad range of topics. The Committee would discuss progress reports, evaluation reports, new proposals, technical assistance provided by WIPO as well as WIPO's contribution to the implementation of the SDGs. The EU and its member states considered that the CDIP had been successful in addressing the broad range of issues and had fully delivered on its mandate. Consequently, they were convinced that the proposal to have a standing agenda item was not needed in order to achieve the aim of having the Committee deal with IP and development issues and the implementation of the Development Agenda within the WIPO bodies.

249. The Chair mentioned the rules of procedure. He did not find any provision that restricted the rights of a Member State, nor a Group of Member States to request the Director General to introduce an item in the agenda before the discussions started. Visibly, there was no consensus for IP and Development to become a standing agenda item. The proponents should continue their dialogue, probably with the delegations that expressed disagreements or those which preferred not introducing a new item in the agenda. He considered that it would be difficult to reach an agreement in the plenary format. The Chair reminded that the rules of procedure guaranteed to Member States the right to request the inclusion of a new item in the agenda. He then invited Member States to continue the dialogue informally. He concluded with the work related to the GA decision on the CDIP related matters. However, he expressed his hope that a solution might be found in the upcoming days. In that case, it would be discussed in the plenary. The Chair then invited the Secretariat to introduce the item to be discussed during the following day.

250. The Secretariat (Mr. Baloch) mentioned that the following day intended to have Project Managers to present various projects for possible approval. First was the project on Strengthening of Development of the Audiovisual Sector in Burkina Faso and certain African countries- phase II and the second was a Project Proposal on the Use of Information in the Public Domain for Economic Development. The third project was on Cooperation on IP Rights Education and Professional raining with Judicial Training Institutes in Developing and Least Developed Countries. There was also a mapping of the South-South Cooperation activities in WIPO to be presented to the Committee, which was originally planned to be submitted to the 16th session of the CDIP. Depending on how the Committee would proceed they might also be able to discuss the mapping of WIPO activities related to the SDGs.

251. The Chair preferred the Committee to concentrate on substantive issues with greater energy and dynamism. If the Committee made good progress and time allowed, the Secretariat would take the necessary steps to deal with one additional item.

Consideration of document CDIP/17/7 - Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries - Phase II

252. The Chair invited the Secretariat to introduce the document.

253. The Secretariat (Ms. Croella) provided an overview of the project. The project contributed to the implementation of the DA Recommendations 1, 2, 4, 10 and 11. It was submitted by the Delegation of Burkina Faso and adopted at the 9th session of the Committee. Apart from Burkina Faso, the project was also implemented in Senegal and Kenya. The main objective of the project was to support the development of the African audiovisual sector. Its implementation envisaged capacity-building and related activities on frameworks and infrastructures in order to increase the understanding and the use of the copyright system as a tool for the financing and distribution of audiovisual works. The Phase I had been efficient in

raising interest and in building knowledge on the potential use of copyright tools in the said sector. However, very low levels of awareness had prevailed in the participating countries on the opportunities for copyright utilization and management to the benefit of the audiovisual sector. To illustrate, the Secretariat pointed out the lack of understanding and use of copyright-based contracts and the absence of audiovisual law education, which impeded lawyers to provide legal advice to the sector. The project was able to create interest in those processes. Some areas of the beneficiary countries were experiencing the expected change. However, more time was required to achieve a substantial change in professional practices. In this line, the aim of the Phase II was to focus on consolidating the knowledge and the progress made in Phase I. It was intended to ensure sustainable results and the achievement of the overall project goals and outcomes. The Secretariat also stressed the importance of keeping momentum for the project, as its effective implementation required a follow-up of the recently ended Phase I, including coaching its beneficiaries. Phase II was designed with the support of relevant authorities in Burkina Faso, Senegal and Kenya, and taking into account the comments by the Delegation of the United States of America, the evaluation conducted by Mr. Glenn O'Neil and the input received from various international experts who participated in the Phase I. The Phase II was built on similar project components to those of Phase I. The first component was research activity, including a feasibility study on the collection of statistical data in the audiovisual sector. The second component was training and capacity-building program. The third component aimed at supporting the development of skills and the institutional infrastructure, notably the effective exercise and management of rights achieved in the audiovisual sector through a combination of individual and collective practices. As a result, the activities undertaken under that component would showcase the available tools, the methodologies according to international practices, and would also provide a balanced perspective in the area. Phase II also envisioned carrying forward with the lessons learned in Phase I. It would provide continuity in the themes to be addressed with a more focused approach, more individual support, more case studies and a greater attention to infrastructures and frameworks. The component on infrastructure and frameworks was not fully addressed under Phase I, given that the priority in that phase was the training of young professionals and the building of awareness. The political environment in some of the beneficiary countries was another reason for the delay. As an example, the creation of the new Collective Management Organization in Senegal announced two years ago received its approval at the end of 2015. On the proposed implementation strategy of Phase II, the Secretariat highlighted some key elements. First of all, to create the conditions of continuous and sustainable dissemination of the acquired skills through providing training and capacity-building activities to a wide range of stakeholders, including film professionals, lawyers, magistrates, prosecutors, and broadcasting organizations. Second, Phase II would pursue and consolidate the development of the durable and component tools of the project, such as completed and enriched distance learning projects, as well as guidelines for drafting contracts in the audiovisual sector. A dedicated WIPO webpage would be also established to provide access to resources for professionals interested in the African audiovisual market. Third, Phase II would target the existing participating countries and two additional beneficiary countries: Morocco and Côte d'Ivoire. This limited extension was justified by two elements: (i) the budget for the implementation would remain the same for the five countries, which made it difficult to ensure the same sustainability and dynamic of a project implemented on the ground; (ii) Morocco and Côte d'Ivoire had submitted early requests to the Secretariat to participate in the project. An additional element taken into consideration was the relatively advanced stage of development of the audiovisual industry in those two additional countries. That element was often mentioned by the Burkina Faso and Senegal representatives during the project activities. Morocco and Côte d'Ivoire had a successful institutional infrastructure in their audiovisual sectors. Their participation would therefore promote cross-exchanges of practices and experiences with the first wave of countries in the project, while the risk of a gap would be minimized. Fourth, Phase II would continue to be implemented in coordination with the beneficiary countries through a focal point with the necessary expertise to coordinate the project and, if possible, to act as a trainer at local level.

Fifth, Phase II would provide increased attention to planning and monitoring, by using additional reporting tools to identify particular challenges since its early implementation. At the beginning of Phase II, each beneficiary country would prepare a country-level plan to be reviewed in the course of implementation. Consolidated analysis of the evaluation forms filled by the participants would be provided to better monitor and assess the impact of each activity. Sixth, the project proposal provided an adequate balance and flexibility to ensure the efficient implementation of the project, bearing in mind elements such as the political environment and the impact of the rapid evolution of new technologies in the beneficiary countries. The Secretariat concluded by thanking the governments of Burkina Faso, Senegal, and Kenya, for their most valuable support in the implementation of Phase I.

254. The Delegation of Nigeria, speaking on behalf of the African Group, highlighted the helpfulness of Phase I to develop knowledge in the use of the IP system in the audiovisual sector. Notable activities including building a value chain to attract investments had been also useful to create an understanding of the IP potential. Culture and creative industries were some of the most vibrant and lucrative assets in Africa in terms of knowledge economy. Those were critical areas to the growth and development of the region. The African Group fully endorsed Phase II of the project, expecting the support of other Member States.

255. The Delegation of Burkina Faso expressed its full support to the statement made by the Delegation of Nigeria on behalf of the African Group. It acknowledged that Phase I had been focused on the establishment of a sustainable framework for the audiovisual sector based on a professional structure in the market. It had been also aimed at improving the understanding and strategic use of the IP system for the protection, commercialization and distribution of audiovisual works. The Delegation was satisfied with the success of Phase I despite the difficulties. Expectations were placed on the Phase II to improve knowledge and the already established know-how on IP in the audiovisual sector in other beneficiary countries. Phase II would enable to bring professionalism to the audiovisual world and would lead to a better understanding of the IP system. As a result, strategies and creativity could be strengthened, and positive economic outcomes would be thus expected. The Delegation called on Member States to adopt the Phase II in order to ensure the establishment of a genuine, functioning and flourishing audiovisual sector. Its implementation would overcome possible difficulties and would also take into account the observations made by the Evaluator of Phase I as well as the concerns raised by certain Member States.

256. The Delegation of Latvia, speaking on behalf of the CEBS, stated that the evaluation report of Phase I was carefully examined. CEBS shared the view of the Evaluator that the work initiated needed to be continued in the three beneficiary countries to strengthen the use of the IP in the audiovisual sector. It seemed that the Phase II project proposal had taken into account the recommendations outlined in the evaluation report, namely extending the training to lawyers, prosecutors, broadcasting organizations, regulators, finance and banking sector, and collective management organizations. It also envisaged continuing with the activities supporting the framework and infrastructure of the sector. Finally, the Delegation expected that appropriate follow-up and monitoring activities would take place in the Phase II. They would ensure sustainable impact on the audiovisual sector of the beneficiary countries.

257. The Delegation of Senegal fully supported the statement made by the Delegation of Nigeria on behalf of the Africa Group. The Delegation considered that the objectives and the results expected were fully in line with the DA Recommendations, particularly with Recommendations 1, 4, 10 and 11. At the national and regional levels, the socio-economic impact of the project would be optimized. Its various components such as the study and the database would strengthen the capacities of the target stakeholders and would be a frame of reference. This fully concurred with the Senegalese aims. The Delegation called on Member States to support and adopt the Phase II of the project, ensuring that the follow-up would

consolidate the achievements already made. The Delegation concluded its statement by thanking Member States which supported the continuation of the project.

258. The Delegation of China considered that, despite the difficulties encountered, the implementation of Phase I was a success in general terms. The Delegation endorsed the statement made by the African Group and supported Phase II of the project. With the implementation and progress of the project in the existing and the additional beneficiary countries, the audiovisual sector in those countries would further develop. If Phase II was conducted with success, a future project in the field could be implemented in more countries benefiting more practitioners of the audiovisual sector.

259. The Delegation of Greece, speaking on behalf of Group B, noted that Phase I of the project had received wide support of many delegations. The Group also referred to the Evaluator's views related to the further support by WIPO for capitalizing the progress made in Phase I into a more substantial use of IP. Group B supported Phase II of the project and recognized the high level of interest expressed by Member States in enhancing the understanding of the IP system to strengthen the audiovisual sector in Africa. The Delegation asked as to how the project manager would address the enlarged number of beneficiary countries. It also sought clarification from the Secretariat on how findings and recommendations made by the Evaluator would be taken into account.

260. The Delegation of Côte d'Ivoire fully supported the statement made by Nigeria on behalf of the Africa Group. It had followed with great interest the project and expressed its support on its continuation in Phase II. Côte d'Ivoire was one of the two additional countries to be included in Phase II. The country had established a policy to modernize and support the audiovisual sector with the aim of improving its competitiveness. In 2009, the Delegation had expressed its interest in participating in the implementation of the project, reiterating it at the subsequent sessions of the Committee. The Delegation noted that the rapid evolution of the audiovisual sector represented a development challenge. Hence, WIPO's support would be necessary and useful. The continuation of the project would consolidate and further crystallize the achievements already made in the audiovisual sector, notably, the rehabilitation of infrastructure and facilities and the establishment of an institutional, regulatory and educational framework. It would also enable the participation of Côte d'Ivoire in important audiovisual events worldwide. Côte d'Ivoire aimed to become a platform for the audiovisual sector in the Sub-Saharan Africa. The Delegation listed some existing African events supporting the creation, production and distribution of audiovisual contents, as well as serving as an exchange forums for the professionals, decision-makers and investors of the audiovisual sector. The benefits listed are non-exhaustive. The Delegation supported the Phase II of the project and considered that the inclusion of Côte d'Ivoire would produce benefits well beyond the country.

261. The Delegation of the Netherlands, speaking on behalf of the EU and its member states, welcomed projects that promoted respect for IP and strengthened the business case for investments in the creative sector. The Group was ready to constructively participate in the discussions on the extension of the project. A Phase II of the project would consolidate and broaden the initial results. It would also build on the existing momentum and expertise achieved in Phase I to advance the development of the domestic audiovisual sector and to provide increased legal certainty. By welcoming the proposal, it encouraged the Secretariat to ensure due and explicit attention to a number of issues in Phase II. The introduction had provided a positive indication that the Secretariat was aware of some of those issues and aimed to take them into account for the implementation of Phase II. In particular, it highlighted the need for further clarity on the proposed activities to consolidate the results of Phase II and how the lessons learned from Phase I would be taken on board to shape Phase II. They stressed that Phase II should not merely be seen as a project extension but as an opportunity to strengthen the effectiveness and efficiency of the project. Another issue raised was how the newly

participating countries in the project would be brought up to speed so as to also benefit from the lessons and the results from Phase I. Finally, the Group inquired how the continued support of relevant authorities would be insured to yield sustainable results after the project completion. It commended the Secretariat's efforts in addressing the funding and capacity challenges identified in the evaluation report.

262. The Delegation of the Russian Federation considered that the evaluation results of Phase I and the significant interest in the project by many Member States demonstrated its usefulness and its potential to bring practical and concrete results. The Delegation supported the implementation of Phase II. It expected that the recommendations made by the Evaluator would be taken into account, and necessary attention would be given to cooperation amongst the participating countries. It would make the project more effective and would help to spread the positive results achieved in its implementation.

263. The Delegation of the United States of America expressed its support to the statement made by the Delegation of Greece on behalf of Group B. The findings and recommendations gathered in the evaluation report should be taken into account during the implementation of the project. While the Delegation strongly supported the project, it raised some questions about an expansion of its scope, adding new countries and new types of participants. It recalled that according to the evaluation report of Phase I, the major problem appeared to be the limitation of resources. It therefore sought clarification on how to deal with that limitation while ensuring the sustainability and success of the project.

264. The Delegation of Canada supported the statement made by the Delegation of Greece on behalf of Group B. It was pleased with the proposal to extend the project. It considered that Phase II would ensure the sustainability of the project results and the achievement of its outcomes. The Delegation considered the project as an effective illustration of how IP could be used as a tool for economic development. Raising awareness on the potential benefits of IP in the audiovisual sector, particularly for SMEs, was a crucial step. It would lead to utilizing a strategic management to create economic benefits for development. In view of the evaluation report on Phase I, the Delegation congratulated Secretariat's efforts in adopting and increasing its training activities in spite of many unexpected factors. It highlighted that the effective delivery of the project was insured. The Delegation noted the observations made in the evaluation report as regards of project management. Due consideration should be therefore given to an appropriate follow-up and monitoring, as well as to the availability of project management staff and administrative support to guarantee the success of Phase II. The Delegation concluded by reiterating its support for the project and looked forward to tangible results.

265. The Delegation of Japan supported the statement made by the Delegation of Greece on behalf of Group B. The Delegation of Japan supported the implementation of Phase II. The project was aimed at fostering productivity through the strengthening of IP. It would assist in consolidating the audiovisual sector in African countries, thereby contributing to their cultural development. The Delegation recommended the approval of Phase II.

266. The Delegation of Germany aligned with the statements made by the Delegation of the EU and its member states and by the Delegation of Greece on behalf of Group B. The evaluation report had shown the Committee the positive and promising outcomes of the project and the flexibility of the Secretariat to react to unforeseen situations. It noted the great value of broadening the understanding of the copyright framework and its potential support to the audiovisual industry. It also highlighted the establishment of partnerships between the governmental and private sector. The Delegation nevertheless considered necessary to have a limited approach in order to continue ensuring good results. Consequently, it supported the Phase II of the project. In its view, its implementation was an opportunity to foster the results

already achieved, taking into account the findings and recommendations of the evaluation report. It underlined the importance of local and regional audiovisual creation, especially for the promotion of culture and forming identity. The Delegation reiterated its appreciation for the continued efforts of the International Film Festival Forum on Human Rights (FIFDH) in demonstrating to Delegates in Geneva the beauty and importance of films from all over the world, especially Africa. Raising awareness of the requirements and opportunities for the different parties' involved in the copyright framework was a very important first step to foster that important industry.

267. The Delegation of Switzerland supported the statements made by the Delegation of Greece on behalf of Group B. The Delegation appreciated the work done during the Phase I and commended the progress achieved. Therefore, it supported the implementation of Phase II, taking into consideration the recommendations outlined in the evaluation report. It was noted that specific IP education offered new possibilities to all parties of the audiovisual sector. The Delegation welcomed the selected working approach towards a well-balanced IP system for creators, artists, producers and users, including the development of collective management organizations.

268. The Delegation of Morocco welcomed the success of Phase I.

269. The Delegation of Brazil underlined the importance of creative industries, which in Brazil contributed with 2.5 percent of its GDP. Economic aspects were also relevant for cultural development. Thus, the Delegation supported the implementation of Phase II, pointing out that the number of interested parties merited analysis by the Committee in order to provide adequate financial and human resources.

270. The Delegation of Uganda noticed that the proposal envisaged training activities on infrastructure and frameworks. In this respect, the Delegation requested that Phase II brought certain partners to support the development of stakeholders' skills in the audiovisual industry.

271. The Secretariat (Ms. Croella) thanked the Delegations for their support for the project and their valuable inputs to better foster the scope of the project and to make its implementation more effective. The Secretariat referred to the questions raised on the support provided by the authorities of the beneficiary countries. It stressed that Phase I had been implemented in close coordination with the national authorities of and the local coordinators appointed by each government. Those local coordinators had been instrumental in expressing and fostering the needs of their countries. They had also provided the necessary support for the implementation of the activities, including the design of the programs, the selection of themes and of experts and participants. This aspect would continue in the Phase II, as recommended in the evaluation report of Phase I. Another issue put forward in the evaluation report was related to the monitoring and follow-up. Finding 3 indicated that the project monitoring tools had been appropriate for reporting purposes. Recommendation 2 also indicated that a better monitoring and follow-up of the activities was needed. In that respect, it was envisaged that Phase II would develop the reporting and planning tools in more detail. As referred to in the initial presentation, a country-level project plan would be elaborated in coordination with national authorities and the local coordinator. That plan would be regularly reviewed and updated if necessary. Evaluation forms on each activity would be also distributed on a more regular basis. The results would be analyzed and consolidated to better monitor the impact of activities in order to select those to be implemented. The experience and knowledge in delivering specific technical assistance and capacity-building to particular markets were also increased. That was instrumental in facilitating the implementation, the follow-up and the identification at an earlier stage of any particular challenge or issue. The availability of project management staff was another issue raised by delegations. The Secretariat clarified that the delay in launching the implementation of the project was due to the organization of the Marrakech Diplomatic Conference by the Secretariat.

Hence, the project management staff for Phase II could be insured. In response to the observations raised on the inclusion of additional countries in Phase II, and how to bring them up to speed, the Secretariat recalled that the project was extended to a limited number of countries. Those countries had expressed interest in participating in the project at previous sessions of the Committee. They had also participated as observers in several project-related activities in 2015. As previously explained, in addition of bringing some knowledge gap, Côte d'Ivoire and Morocco would also support a positive dynamic in the project by presenting and showcasing their advanced experience in the audiovisual sector. The Secretariat referred to the series of questions related to the sustainability of the project after its completion. It reiterated that the capacity-building activities to be implemented under Phase II would target a wider range of professionals from the audiovisual sector. They would include broadcasting organizations and the finance sector that had had a minimum exposure to the audiovisual industry in Africa. The knowledge they would acquire could enable a number of possibilities in terms of financing and investments, serving to shift the state-based audiovisual industry to a market-led one. That would contribute to develop some lasting effects. It was also noted that the implementation of Phase II would be extended beyond the capitals to capture a wider range of professionals in each country. The distance learning project would be enriched with the experience and material to be developed under Phase II. That would ensure its sustainability and its use by future generations. Other pedagogic tools such as guidelines for model contracts would be also developed. The Secretariat highlighted the development and use of audiovisual contracts by lawyers participating in specific seminars organized for the first time in the beneficiary countries, especially Senegal and Burkina Faso. Finally, in response to the issue raised by the Delegation of Uganda, the Secretariat clarified that a number of partners from the private sector, at the regional and international levels, had been actively cooperating in the implementation of the project.

272. The Delegation of the Czech Republic supported Phase II of the project. It appreciated the progress made although difficulties were experienced at the early stage. It raised a question regarding the potential of collective management organizations to be established or strengthened by the project. The Delegation inquired on the level of advancement of those collective management organizations and on the cooperation the Secretariat had developed with them.

273. The Secretariat (Ms. Croella) recalled that the issues raised by the Delegation of the Czech Republic had been addressed under Phase I. A particular study on Collective Negotiation of Rights and Collective Management of Rights in the Audiovisual Sector was also presented at the 14th session of the Committee. The main finding of the study was that management in the audiovisual sector was best exercised as a combination of individual tools, collective negotiation and collective management. It was noted that collective negotiation required the organization of the audiovisual sector into professional unions, a system that in general did not operate in Africa. The study concluded that the project would be useful in strengthening some particular areas of collective management and in ensuring sufficient knowledge and skills for the efficient management of rights in the audiovisual sector. The Secretariat mentioned some particular cases in which beneficiary countries had requested the project to assist them to develop some skills managing private copying remuneration. Management skills would also need to be strengthened as regards the online use of audiovisual work, an area where there was no collection on behalf of the right owners. The aforesaid study underlined that this fast-developing area might require further attention. The Secretariat also stated that each beneficiary country had to decide the area to be entrusted to collective management. That would be also reflected in the country plans previously mentioned. Finally, it mentioned the case of Kenya as an example where the stakeholders prepared the first basis for the future development of a collecting society.

274. The Delegation of the Netherlands, speaking on behalf of the EU and its member states, appreciated the explanation provided by the Secretariat and reiterated its support for the Phase II of the Project.

275. The Delegation of Algeria was satisfied with the achievements of the project. The five beneficiary countries had currently a copyright office. Moreover, Burkina Faso became in recent years an African leader in the area of copyright, leading the regional office of the International Confederation of Authors and Composers Societies. Consequently, the Delegation encouraged the facilities to be provided in the area in addition to the protection already provided.

276. The Delegation of Canada reiterated its support for the project.

277. The Secretariat (Ms. Croella) referred to the comment made by the Delegation of Algeria. It stated that the Algerian Copyright Office (*Office National des Droits auteur, ONDA*) was working very hard on collective management, delivering also related-training for staff from Burkina Faso.

278. The Delegation of Uganda reiterated its support for the Phase II of the Project and would continue to be an observer to the activities undertaken in the project.

279. The Chair stated that Phase II of the project was approved, given that the support from the floor.

Consideration of document CDIP/16/4 Rev. - Project on the Use of Information in the Public Domain for Economic Development

280. The Chair invited the Secretariat to introduce the document.

281. The Secretariat (Mr. Roca Campaña) recalled that the project was presented at the 16th session of the Committee. The project aimed at facilitating access to knowledge and technology for developing countries and least developed countries (LDCs) and to assist Member States in identifying and making use of the subject matter that was or had fallen into the public domain in their jurisdictions. Those aims would be reached by providing: (i) enhanced Technology and Innovation Support Center (TISC) services for identifying inventions in the public domain; (ii) 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 (iii) an improved portal with greater user-friendliness and expanded content on how to get information regarding legal status in different jurisdictions. The delivery strategy of the project would comprises: (a) the preparation of two very practical guides, one on the identification of inventions in the public domain, and one on the use of invention in the public domain; (b) the documentation of the experiences and best practices of many developing countries in that respect; (c) the preparation of new and enhanced training materials for TISC based on the aforesaid guided; and (d) a roster of at least two core experts per region acting as resource people to support national TISC networks in piloting the guides and obtaining feedback on their use. The guides would be translated into all UN languages as proposed by the Delegation of China during the 16th session of the Committee. The Secretariat would select the experts and would identify the TISCs or networks to pilot the guides. The TISCs would be identified considering geographical and economic diversity, as well as their capacity to support, monitor and evaluate additional services. They would actively participate in the preparation and piloting of the guides. Their feedback on the guides' applicability and appropriateness to their national circumstances would be sought in all the stages of the project. The project was proposed to be carried out and executed over a period of three years - during the 2016/2017 biennium for which funds had

been included in the WIPO's Program and Budget, approved by Member States in the 24th session of the PBC; and in 2018 subject to approval of the Program and Budget for 2018 by the said Committee. The project entailed several time-limited activities designed to develop for the first time ever specific products and tools. They would be subsequently incorporated in the continuing support provided to the TISC networks in over 50 countries. Thus, it would facilitate their capacity to provide enhanced services and would foster their contribution to economic development. Those products and tools could be used by all developing countries independent of whether there was a national TISC network or not. The project was directly related to DA recommendations 16 and 20. It was intended to be of a very practical nature. Several developing countries were keen to participate and to pilot the guides. The Secretariat would also develop the aforementioned portal to help and assist countries in finding out information on the legal status in all jurisdictions. It was noted that there was no WIPO's or internationally recognized standards on the publication of such information at the international level.

282. The Secretariat (Mr. Andrew Czajowski) stated that the project aimed at translating the theory of the two studies commissioned by the CDIP on Patents and the public domain, into a real-life operating environment in developing countries. It stressed the direct contribution that might be therefore made in developing and commercializing new research products.

283. The Delegation of Guatemala pointed out how important is the access to technological information for its country as a TISC user. Its use encouraged new production ideas that led to economic development in the various sectors of the country. The Delegation was interested in gaining a better understanding of the project and its benefits for countries such as its own.

284. The Delegation of China supported the approval of the revised project proposal, enriched by the Secretariat taking into account Member States' comments. The project would improve TISC services, and would facilitate access to knowledge and technology for developing countries and LDCs. It would also assist inventors in identifying and making use of the public domain subject matters contained in patent documents. The Delegation appreciated the decision of making the revised guides on the identification and use of inventions in the public available into all 6 UN official languages. Sufficient budget resources should be devoted in this regard. After the delivery of the project, Chinese relevant national authorities would promote and disseminate the use of the guide among the Chinese IP community. The Delegation sought clarification on the translation of the guides that, in some sections of the revised project proposal, appeared to be foreseen only in French and Spanish.

285. The Delegation of Chile considered the subject addressed under the project extremely important. The adoption of the project would increase the importance of the public domain by widening access to information provided in patent applications. It recalled that the public domain was an integral part of the "Productivity, Innovation and Growth Agenda" of the Chilean government. In implementing that Agenda, Chile had set up its website on public domain and was keen to share that experience with the Secretariat. Furthermore, Chile had been regularly bringing out bulletins on public domain-related issues. The Delegation called on Member States to access those bulletins available on the website of the National Institute of Industrial Property of Chile (INAPI), in particular those on technologies for disabled people and those dealing with natural disasters. As a means of making progress on the DA recommendation 20, the project was a first step to assist Member States in identifying subject matters that had fallen into the public domain in their jurisdictions.

286. The Delegation of Nigeria, speaking on behalf of the African Group, considered that the project could have been a supplementary service provided through the TISCs. It would significantly improve access to knowledge and benefit inventors and creators in developing countries and LDCs. The Group expressed its support to the revised project proposal. The Group also inquired if the Secretariat might identify certain LDCs in Africa with minimal

innovative or inventive capacity and assist them in accessing the information that would be available. Those countries could provide support to other countries within the region.

287. The Delegation of El Salvador supported the approval of the revised project proposal. It noted that El Salvador had a TISCs network. The project would widen the services provided, benefiting the national entrepreneurs and inventors. The Delegation called for the approval of the project.

288. The Delegation of the Netherlands, speaking on behalf of the EU and its member states, acknowledged the importance of public domain as a principle depository of human knowledge and as an important source for new ideas and innovation. They expressed its support for the project, highlighting its huge benefits for developing countries.

289. The Delegation of Ecuador stated that the project would make more democratic the access to patent information, constituting a valuable tool for innovators in developing countries. It therefore supported its approval.

290. The Delegation of South Africa aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group. It referred to the International Conference on IP and Development held from 7 to 8, 2016. It considered that the project under discussion could contribute to the issue of IP for development. On the other hand, the Delegation sought clarification on the scope and meaning of the public domain and on how the issue of claims would be addressed within the project. It noted that South Africa had a growing TISC network employed by individuals within its Technology Transfer Office. It was also used at its institutions and public entities including state-owned companies. The Delegation reiterated its support for the project.

291. The Delegation of the United States of America noted that the project built upon previous successful work done by the Committee. It would be beneficial to researchers, inventors and SMEs in transitional and developing countries and LDCs. The expansion of services offered by TISCs would allow users to identify the patent information that fell into the public domain. That information would be used to create new products and technologies for the public good and to promote innovation in their countries. The Delegation concluded by reiterating its support for the project.

292. The Delegation of Brazil recalled that the project aimed at supplementing the existing TISCs by adding new services and tools to those currently provided. Those new services would also allow identifying inventions in the public domain, supporting inventors, researchers and entrepreneurs in the use of that information. The final goals would generate new research output and products. The dissemination of technological information depended on other factors such as the absorptive capacity of members' technological and economic infrastructure. Providing the information envisaged under the project was a first step and a valuable asset. The Delegation therefore supported the project, which in the future might be complemented by other initiatives, as mentioned by the Secretariat. The Delegation also supported the request for clarification made by the Delegation of South Africa.

293. The Delegation of Costa Rica reiterated its support for the project, highlighting the statements made by other delegations in favor of its approval.

294. The Delegation of Japan appreciated the Secretariat's efforts in revising the project proposal. It supported the use of patent information to advance the economic development of developing countries and LCDs. The Delegation expressed its support for the project. It additionally noted that from 2014 to 2015, Japan conducted several seminars and workshops on TISCs. Those were designed to enable researchers and inventors in developing countries

and LDCs to use more effectively the IP information. Further cooperation with WIPO in that area was planned in the near future.

295. The Delegation of Cuba reiterated its support for the project.

296. The Delegation of Indonesia supported the revised project proposal, provided there was a clear understanding about the definition of public domain. It envisaged that the TISCs would assist inventors, researchers and entrepreneurs to be able to use any available information for generating new research outputs and products.

297. The Chair inquired as to whether the Committee was ready to approve the revised project proposal.

298. The Delegation of the Republic of Korea supported the project, recognizing the importance of fostering the better use of patent information.

299. The Delegation of Nepal considered the project very useful to access and to use the information in the public domain. TISCs were in fact a very valuable tool. The Delegation expressed its commitment to establish a TISC, as well as its support for the project.

300. The Chair invited the Secretariat to reply to the questions raised by the Delegations.

301. The Secretariat (Mr. Roca Campaña) thanked the Delegations for their support for the project. In reply to the observation made by the Delegation of China, it insured that the guides would be translated into all UN languages. That would be reflected in the project document. The Secretariat also thanked the Delegation of Chile for putting at its disposal the country's experience in the field. As regards the intervention of the Delegations of South Africa and Indonesia, it stressed that the understanding of the public domain as regards patents would be the broadest one. It also stated that the first guide related to the identification of inventions in the public domain would deal with the subject of claims. It insured that the issue would be fully tackled by the project, avoiding any possible confusion. In response to the comment made by the Delegation of Nigeria, it was noted that several countries had been identified in Africa to participate in the project. The Secretariat was moving towards, ensuring sustainability of the TISCs, by providing them tools to expand their services.

302. The Secretariat (Mr. Czajkowski) provided some examples of countries that could provide support within the African region. In reply to the observation made by the Delegation of Guatemala, the Secretariat pointed-out that additional benefits could be expected from further assisting access and use of technology information. Finally, it noted that taking the idea to the market was an important aspect in the overall innovation process.

303. The Chair stated the project was approved, given that there were no objections from the floor.

Consideration of document CDIP/16/7 Rev. - Cooperation on Intellectual Property Rights Education and Professional Training with Judicial Training Institutions in Developing and Least Developed Countries

304. The Secretariat (Mr. Bdioui) presented the revised project proposal reflecting the observations made by Member States at the 16th session of the Committee. It thanked delegations for the valuable and constructive inputs provided. The revised project proposal clarified the national aspect of the project. Each individual project would be addressed to national institutions and would be established in full coordination with national authorities. The learning objectives would be in line with the specific national training needs and priorities and

the national development goals. The education and training program would be tailored to those needs and priorities, as articulated in their national development policies and strategies. The exact topics to be covered in each training program would therefore be determined in full coordination with each beneficiary country and in line with the relevant DA recommendations. As suggested by certain delegations, the title would be generic in nature and would refer to institutions rather than institutes in order to cover all developing countries, including those which did not have dedicated training institutes. The project would also consider the limited resources of certain countries. Thus, it would only require a minimum involvement of the beneficiary country, sufficient however to secure the sustainability of the project after its conclusion. Finally, the project would include a general mapping of the additional training institutions existing worldwide and providing training in the field of IP. The exercise would be conducted by the Secretariat on the basis of a survey to be circulated to all Member States. The mapping exercise was different from the needs' assessment on education and training at the national level to be prepared in coordination with the beneficiary countries.

305. The Chair encouraged Delegations who still had observations to comment on the revised project proposal.

306. The Delegation of Iran (Islamic Republic of) stated that the Committee should be driven by Member States. It also underlined the concerns related to public interest and enforcement issues. Consequently, issues such as flexibilities, exceptions and limitations should be part of the training programs compliance with the DA recommendations. For the implementation of the project, it was necessary to identify gaps in the existing training programs undertaken by WIPO. The needs of developing countries should be also identified. The Delegation suggested two phases for the implementation of the project. The first phase would comprise: (i) conducting a survey on the IP training initiatives existing worldwide. The survey should also provide an overview of the IP content, delivery modes, and the achieved results. The draft questionnaire for the survey should be discussed at the next session of CDIP; and (ii) an independent review on IP training in judiciary and other similar institutions undertaken in developing countries and LDCs in recent years. The second phase would be focused on setting out and implementing the training tools, taking into consideration the feedback received from the survey and the findings of the independent review.

307. The Delegation of India noted that several improvements were introduced in the revised project proposal. Nonetheless, it noted that in light of WIPO's Member-driven nature, Member States should drive the proposals discussed in the Committee. The rationale of bringing the WIPO's existing activities on the issue under the umbrella of CDIP projects was not clear. The Delegation suggested taking a stepwise approach as a better way to deal with cooperation and training as far as a judicial training institution was concerned. Judiciary training had been a sensitive issue in many developing countries, including India. As a first step, it would be important to review the existing WIPO training programs, identifying the lessons learned and gathering the information. On that basis, appropriate tools and material could be developed before selecting the pilot countries for the training program. The Delegation requested more information on those issues.

308. The Delegation of Brazil recalled that the project dealt with the technical assistance cluster of the DA recommendations. The Delegation requested information about the topics to be addressed in the training. The request was formulated in consideration of the fact that CDIP projects should focus on development as a driver of its activities. WIPO already offered a range of tools useful for the promotion of regular IP training. Thus, the added value of a CDIP project was that it would take into account development-oriented aspects addressed in the three DA Recommendations on which the project was based. Judges had an important role in interpretation of the IPRs scope and in promoting balance between IPR holders, IPR users and the public interest. Therefore, the discussion on flexibilities, including exceptions and limitations

to IPRs under international agreements, would seem to be a necessary part of the program. Consequently, the Delegation requested the Secretariat for information on how those subjects would be addressed during the project. It also requested the Secretariat to provide comprehensive information on how development concerns and public interest were kept in view.

309. The Delegation of Nigeria, speaking on behalf of the African Group, supported the revised project proposal. The Group appreciated that the process became Member State-driven and was based on the interface between the Secretariat and the recipient countries. Every activity envisaged in the revised project proposal would be driven by the beneficiary countries, taken thus into account their development needs and their international IP-related commitments. Speaking in its national capacity, the Delegation of Nigeria expressed its interest for the project. It stressed that its government would ensure that the activities to be undertaken fit the national development priorities, including the issue of flexibilities. It welcomed the observations raised by the Delegations of Iran (Islamic Republic of), India and Brazil, expecting an adequate response from the Secretariat.

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

311. The Secretariat (Mr. Bdioui) noted that a number of Delegations expressed that the Committee could not be the right setting for the project. In this respect, the Secretariat highlighted that training and education was an important element of development expenditure, as agreed by Member States. In view of that, the Secretariat considered that project proposal should be discussed under the Committee. The project had a large perspective on educating and training judges on IP. It would represent an opportunity for them to understand the IP concepts and learn about its implementation under their national laws. Concerning the observations raised by the Delegation of Iran (Islamic Republic of), the Secretariat pointed out that the revised project proposal envisaged the conduction of a fact-finding survey on ongoing IPR training initiatives existing worldwide for the judiciary. The survey would be conducted in parallel with the implementation of the activities with the national authorities. Doing it in parallel would facilitate the project implementation. A fact-finding survey dedicated to define the country needs and priorities would be also conducted. Limiting the topics to be addressed under the trainings might imply not taking into consideration the needs and priorities of Member States. Member States should determine the subjects to be covered by the training according to the fact-finding survey. Issues such as flexibilities could be included upon their request.

312. The Chair inquired from the delegations that made the observations whether the explanations made by the Secretariat were satisfactory.

313. The Delegation of India proposed to hold an informal meeting with the Secretariat to seek more clarity on certain aspects of the project.

314. The Delegation of Lebanon inquired about the selection criteria of the four countries to be selected for implementing the project.

315. The Delegation of Indonesia expressed its view on the scope of the project. The project should not only put emphasis on the legal enforcement element but also on the innovation and commercialization of IP. A comprehensive understanding of IP would enrich the judicial officers' perspective on IP. Hence, as mentioned by some delegations, the issue of flexibilities should be included. The Delegation was keen to discuss the project proposal in greater depth.

316. The Chair noted the comments from the floor and stated that the Secretariat would hold consultations with interested delegations to reply to their observations. Accordingly, he suspended the discussions on the Agenda Item.

317. The Chair resumed the discussions and informed the Committee that consultations undertaken by the Secretariat had a positive outcome. The delegations concerned needed more time to carry out further consultations with their capitals. In view of that, discussions would continue the day after.

Consideration of document CDIP/17/4 - Mapping of South-South Cooperation Activities Within the World Intellectual Property Organization

318. The Chair invited the Secretariat to introduce the document.

319. The Secretariat (Mr. Di Pietro) stated that the document under consideration was prepared to provide Member States with an overview of the IP related development activities undertaken by the Organization in the context of South-South Cooperation. The mapping exercise was undertaken in compliance with the recommendation of the evaluation of the project on Enhancing South-South Cooperation on IP and Development among Developing Countries and LDCs. South-South Cooperation had been for a long time a component of WIPO's work on cooperation for development among developing countries and LDCs. However, it had not been conceptualized or identified as such. As a result, there were neither key policy or strategy documents, nor guidelines or modus operandi on how to identify requests by Member States on the subject. The report included explicit references to South-South Cooperation for the first time in the Program and Budget 2016-2017, particularly in reference with Program 9 and Program 20. Following the guidance of the operational definitions of South-South Cooperation provided by the UN system, the Secretariat had reviewed its development activities and had identified those falling within the principles of South-South Cooperation that were in line with WIPO's mandate. Taking into account those principles and in consultations with some Member States, the report contained a list of activities undertaken by the Organization where both the beneficiary country or countries and the host country or provider were a developing countries or LDCs. All or the majority of the speakers or experts should have also come from a developing country or from a LDC. The activities undertaken by WIPO with the participation of Funds-in-Trust from developing countries were certainly included in the mapping exercise. However, the activities held at WIPO headquarters, in a developed country or in countries with economies in transition were not considered under the mapping. Those organized with funding from developed countries, or the national activities were not included in the document. The mapping exercise was carried out using the WIPO IP Technical Assistance Database (IP-TAD) as a source of information on the activities undertaken by the Secretariat in the 2014-2015 biennium. As a result of the exercise, a total of 83 activities were chronologically identified. As previously mentioned, the exercise was based on the UN South-South Cooperation principles. In line with the categories included in IP-TAD, the Secretariat grouped the activities into nine main IP subjects or fields, namely, copyright and related rights, patents, innovation, trademarks, GIs and branding, IP strategies, education and training, IP management, building respect in IP, and office automation. The activities responded to the requirements from Member States, and were based on the South-South Cooperation UN principles, such as the respect for national sovereignty, the national ownership and the non-conditionality. Those principles were also established in the Nairobi outcome document of the UN High-level Conference on South-South Cooperation. Moreover, for each activity listed in the appendix of the document, the following information was provided: date, title of activity, objective, expected result, host country, beneficiary country or countries, number of participants, languages used, and cost. As a final comment, the Secretariat recalled the UN Joint Inspection Unit recommendation for UN Agencies to devote a percentage of no less than 0.5 per cent of their core budget for the promotion of South-South Cooperation. Accordingly, WIPO had dedicated in the 2014-2015 biennium, 3,513,000 Swiss francs which represented 1.5 per cent of the total non-personnel cost for that biennium.

320. The Delegation of the Bahamas, speaking on behalf of GRULAC, pointed out the significant progress achieved since in 2011. The UN Joint Inspection Unit Report recommended to all UN agencies to incorporate South-South Cooperation as an effective and efficient way to leverage development. In WIPO, many achievements in the field were attained since the CDIP approved the Project on Enhancing South-South Cooperation on IP and Development among Developing Countries and LDCs. The document under consideration was a result of a recommendation made in the evaluation report of the said Project. The Committee had also recommended the creation of a specific unit and the appointment of a focal point as it had been done throughout the UN system. The Delegation also noted that the SDG 17 considered South-South Cooperation as an important tool to achieve those goals. Therefore, it inquired from the Secretariat on the duration of the future work in the field and on the structure of the South-South Cooperation Unit.

321. The Delegation of Greece, speaking on behalf of Group B, supported the South-South Cooperation, which leveraged on common challenges and experiences to promote economic development between developing countries and LDCs. It was also an important complement to the traditional North-South Cooperation. Trilateral cooperation was also beneficial for learning from all parties involved. The Delegation appreciated the efforts made by the Secretariat to undertake the mapping exercise, despite the limited information available from Member States and the lack of previous experience in defining the scope of the South-South Cooperation. However, the methodology used was not consistently applied being in some instances too narrow and in others too broad. This might be due to the Secretariat having to rely on a definition of development activities agreed exclusively for accounting purposes. That definition was not suitable for a mapping exercise as such. Nevertheless, the Delegation recognized the extensive support provided by the Organization to South-South Cooperation.

322. The Delegation of Nigeria, speaking on behalf of the African Group, took note of the recommendations made by the UN Joint Inspection Unit. It endorsed the statement made by the Delegation of the Bahamas on behalf of GRULAC on the establishment of a specific South-South Cooperation division. It also stressed the need for a roadmap to mainstream South-South Cooperation activities in WIPO, as recommended by the UN Joint Inspection Unit. It highlighted the engagement of the Secretariat in undertaking South-South Cooperation activities, as detailed in the document under consideration. The document covered almost every region and activity that assisted in facilitating development in developing countries and LDCs.

323. The Delegation of Latvia, speaking on behalf the CEBS, highlighted the 83 activities identified in the mapping exercise for the 2014-2015 biennium. Those partnerships in and among the developing countries demonstrated the important role that IP played for development. It commended the Secretariat for its positive engagement with the South-South Cooperation through the allocation of 1.5% of the total non-personal budget in its promotion. That percentage was higher than the 0.5% recommended by the UN Joint Inspection Unit.

324. The Delegation of the Netherlands, speaking on behalf of the EU and its member states, appreciated the preparation and presentation of the document. It was interesting to learn further about the various activities highlighted in the document. It was also reassuring that the Organization exceeded the target's share of the budget that, according to the UN Joint Inspection Unit should be allocated for promotion of South-South Cooperation. It appreciated the Secretariat's efforts in determining the scope of activities under the concept of South-South Cooperation, without receiving Member States guidance. The definition proposed by the Secretariat had led to a selection of activities that was too broad in some aspects and too narrow in others. South-South Cooperation was, above all, an expression of solidarity among peoples and countries of the South. It was initiated, organized, and managed by developing countries themselves with governments playing a lead. Organizations such as WIPO might play

a supporting role. The mapping exercise was useful for policymakers and Member States and it would enhance the use of the IP-TAD database.

325. The Delegation of China considered South-South Cooperation on IP as a friendly cooperation among developing countries and LDCs based on mutual trust, mutual benefit, and solidarity. It would constantly push forward IP and innovation in south countries and would contribute to a more balanced and more inclusive development of the global IP system. It appreciated WIPO's work and input in the area of South-South Cooperation over the years. As a developing country, China attached great importance to South-South Cooperation. China had participated in a number of WIPO South-South Cooperation activities, including the hosting of the WIPO China Summer School on IP. In addition, China was also carrying on its end, other South-South Cooperation activities. From 2011 to 2015, the State Intellectual Property Office of the *People's Republic of China* (SIPO) held 46 training courses for developing countries. A total of 520 persons received training. Different types of experts delivered lectures in developing countries. China was also cooperating with developing countries in different areas. China would continue organizing WIPO's summer schools and participating in other WIPO South-South Cooperation activities. It noted that developing countries could exchange experiences and learn from each other.

326. The Delegation of Indonesia pointed out the contribution of South-South Cooperation to development. Accordingly, it noted that the role of WIPO must be elevated to enable an effective work for the benefit of developing countries. It reiterated its commitment to support WIPO's work on South-South Cooperation. It urged Member States to provide guidelines for the South-South Cooperation in WIPO. In its view, the guidelines should adopt some principles. Firstly, the cooperation should be developed in accordance with the principles of the 2009 UN High Level Conference on South-South Cooperation. Secondly, the demand driven process by Member States should be mainstreamed. Thirdly, emphasis should not only be placed on legal enforcement issues but also on the necessary balance of the IP system. Fourthly, transparent and comprehensive information should be provided to Member States on the WIPO South-South Cooperation website. Fifthly, WIPO should work in a coordinated and unified manner among its divisions and directorates for delivering South-South Cooperation effectively. Finally, the Delegation sought Chair's guidance on how to discuss Member States' requests made during the general statement session regarding IP flexibilities in the framework of South-South Cooperation.

327. The Delegation of Argentina supported the statement made by the Delegation of the Bahamas on behalf of GRULAC. The document under consideration provided a full summary of the South-South Cooperation activities carried out by WIPO in the 2014-2015 biennium. The report identified 83 different activities carried out in that biennium. Argentina was a host and beneficiary of 10 of those activities which had great importance for spreading information, raising awareness, and training on IP issues. South-South Cooperation could be a very useful tool to enable developing countries to benefit from each other's experience and knowledge. WIPO could have a key role in facilitating and promoting South-South Cooperation. Accordingly, it requested the Secretariat to provide information on how further South-South Cooperation activities would be carried out over the coming years.

328. The Delegation of Ecuador endorsed the statement made by the Delegation of the Bahamas on behalf of GRULAC. South-South Cooperation is an efficient mechanism for developing countries to share their knowledge, skills, experience and resources, in order to achieve their development goals through joint efforts. Consequently, the Delegation was pleased to know about the South-South Cooperation activities carried out by WIPO as reflected in the document under discussion. It constituted a first step to incorporate and mainstream South-South Cooperation as a key element of WIPO activities. This would ensure its sustainability and linkages with similar initiatives undertaken by other organizations. Therefore,

it considered it timely to establish of a specific unit within WIPO to deal with South-South Cooperation matters.

329. The Delegation of Chile endorsed the statement made by the Delegation of the Bahamas on behalf of GRULAC. South-South Cooperation was essential for developing countries. The exchange of experiences between countries with similar characteristics was always useful to compare the desired development and the expectations. The National Institute of Industrial Property in Chile (INAPI) was carrying out cooperation activities on varied IP topics, particularly with countries in Latin America and the Caribbean such as Brazil, Peru, Trinidad and Tobago, Paraguay, and Uruguay. It also highlighted the fruitful exchanges held with Colombia on the establishment of a TISC Program. The Delegation also expressed its desire to join the network of the said Program. Chile is promoting cooperation and work actively in the Pacific Alliance and PROSUR (South America regional partnership on brands, patents and industrial designs). The Delegation also supported the global cooperation promoted by WIPO. It was keen to continue working in bilateral technical cooperation. It was keen to offer its knowledge and experience on international search and preliminary examination under the Patent Cooperation Treaty (PCT). It also highlighted its experience on the technological platforms presented during the International Conference on IP and Development held at WIPO on April 7 and 8, 2016. Finally, it stressed on the importance of considering South-South cooperation activities as a complement to the technical assistance provided by WIPO, which should continue to be a key part of the Organization's work.

330. The Delegation of Brazil supported the statement made by the Bahamas on behalf of GRULAC. The document under discussion provided a clear overview of the activities undertaken thus far. It would be therefore useful to decide on the objectives to be reached. South-South Cooperation provided many opportunities for addressing the needs of development. Additionally, South-South Cooperation allowed the exchange of ideas and experiences between countries with similar socio-economic realities in order to explore solutions for common challenges. It noted the South-South Cooperation definitions established by the Framework of operational guidelines on UN support to South-South Cooperation as well as those settled during the high level UN conference on South-South Cooperation. Those definitions were aligned with the guiding principles of Brazil in South-South Cooperation. They were of great use for the implementation and evaluation of South-South Cooperation. It highlighted that trilateral cooperation constituted a modality for development that complements bilateral efforts. Trilateral cooperation had identifiable comparative advantages. It might take the form of different arrangements for its implementation involving developing countries, developed countries, and international organizations. In view of the Delegation, the South-South Cooperation principles might be summarized as follows; first, joint diplomacy based on solidarity; second, responsiveness to the demands of developing countries; third, acknowledgement of the local characteristics and adaptation of previous experiences with similar activities; fourth, non-association of commercial interests or profits to cooperation activities; fifth, no interference on the domestic matters of cooperating partners. Brazil actively participated in South-South Cooperation projects, including an executive program jointly developed by WIPO for the promotion of South-South Cooperation. That program had facilitated collaboration for strengthening participating institutions in their activities for social economic development. The Delegation was keen to continue discussions on the subject. It pointed out that the mapping allowed identifying areas for improvement. It noted that, for example, no activities on sharing South-South experiences on protection of traditional knowledge and generic resources were carried out. Furthermore, a roadmap to mainstream South-South Cooperation should be prepared by the Secretariat as provided by the evaluation report of the Project on Enhancing South-South Cooperation on IP and Development among Developing Countries and LDCs.

331. The Delegation of Guatemala requested the Secretariat for a plan of action for South-South Cooperation in the future.

332. The Delegation of El Salvador noted that its country had been a beneficiary of a number of activities included in the document under consideration. It underlined how useful were those experiences to strength the technical knowledge of their experts in various areas, improving thus the effectiveness of services provided by their IP institutions. As a specific example, it recalled a seminar on the patents system organized in October 2014 by Chile. The Delegation considered it important to hold a second edition of that seminar in the future. It aligned itself with the support expressed by other delegations to the initiative. It sought clarification on how the Secretariat intended to continue carrying out South-South Cooperation activities. Finally, it supported the statement made by the Bahamas on behalf of GRULAC.

333. The Delegation of Venezuela supported the statement made by the Delegation of the Bahamas on behalf of GRULAC. It inquired from the Secretariat on the next steps to be taken for the elaboration of principles and procedures to request South-South Cooperation. It expressed its interest in participating in building future activities within that framework.

334. The Delegation of Uruguay supported the statement made by the Bahamas on behalf of GRULAC. It also inquired about the next steps to follow up on that process.

335. The Chair invited the Secretariat to reply to the observations raised from the floor .

336. The Secretariat (Mr. Di Pietro) took note of the comments and suggestions raised. It referred particularly to three points. First, the Secretariat pointed out that there was no uniform agreed concept on South-South Cooperation. In that sense, it would get in contact with Delegations in order to fine-tune and agree, on a consensual basis, on the concept of South-South Cooperation within WIPO. Second, in connection with the roadmap and the future work on South-South Cooperation, the Secretariat recalled the demand-driven nature of the technical assistance and cooperation activities within the Organization. Consequently, it would take actions as suggested by Member States. In this context, it reiterated its willingness to get in contact with interested delegations to define and to properly produce a roadmap for future activities in the field. Third, it recalled that a focal point had been appointed within the Office of the Deputy Director-General. The Focal point, in coordination with the Director of the said office, was coordinating and following-up the Secretariat's work in the field.

337. The Chair suggested that the Committee took note of the document, and request the Secretariat to present a new document at its 19th session, taking into account the suggestions made by Delegations. This was agreed given that there were no objections from the floor. In addition, the Chair offered to held consultations on a number of issues before the 18th session of CDIP, including the question on flexibilities raised by the Delegation of Indonesia.

338. The Delegation of Greece sought clarification on the roadmap to be developed in coordination with interested delegations. It reiterated its view on the limited information at the disposal of the Secretariat and its lack of experience in undertaking the mapping exercise. Furthermore, it inquired from the Secretariat on the preparation of an updated document.

339. The Chair clarified that he proposed the preparation of an updated document and that it was agreed as there was no objection from the floor.

Consideration of document CDIP/17/5 - Mechanism for Updating the Database on Flexibilities

340. The Chair invited the Secretariat to introduce the document.

341. The Secretariat (Mr. Baloch) introduced the document. It recalled that at its 16th session, the Committee considered the document CDIP/16/15 on the Update of the Database on Flexibilities. In the course of the discussion, the Committee requested the Secretariat to propose a mechanism that would allow a periodic updating of the Database on Flexibilities in the IP System, taking into account the comments made by Member States. Accordingly, the document under consideration proposed two possible options for updating the said Database. The Secretariat pointed out that putting in place a complex mechanism without having an assessment or an idea of the workload involved, might not be the optimal use of resources. It recalled that since the establishment of the Database 5 years ago, no updates were available for the Secretariat. Option one entailed that Member States provided the Secretariat with the updates concerning their national provisions related to the flexibilities included in the Database. The notified update would be immediately included in the Database in a new field named "Updates by Member States". The original provision would remain intact. Option two entailed a certain degree of involvement of the Secretariat. The Secretariat would examine a provision submitted by a Member State as regards its appropriateness to be included in the database. The Secretariat reiterated that as a first step, it would be appropriate to assess the workload involved.

342. The Delegation of the Bahamas, speaking on behalf of GRULAC, sought clarification with regard to the scope and criteria to be used in the examination by the Secretariat envisaged under option two.

343. The Secretariat (Mr. Baloch) explained that the aforementioned paragraph 12 referred to the scope and criteria contained in the documents on flexibilities discussed by the Committee in previous sessions.

344. The Delegation of the Bahamas called on other GRULAC Member States to comment on that matter.

345. The Delegation of China stated that due to its slow pace of updating, the Database on flexibilities contained a number of erroneous information. The Delegation supported option two of the Secretariat's proposal. It considered the examination process beneficial for users worldwide, including legislators and practitioners. However, it noted that neither of the two options proposed by the Secretariat addressed the inaccuracies in the existing content of the database. Therefore, it suggested the Secretariat to make corrections to the current content based on the updates submitted by Member States. The Delegation stressed on the progress made by the Organization in the area of IP flexibilities and called upon it to allocate sufficient human and financial resources for the maintenance of the Database and for the research on IP flexibilities.

346. The Delegation of Latvia, speaking on behalf of CEBS, considered that the Database on flexibilities reflected the room provided by multilateral agreements to Member States for basing their legislations on their national needs. However, the provisions contained therein could be considered neither recommendations to WIPO and WTO Member States nor an interpretation of the flexibilities in the TRIPS Agreement. It would otherwise fall outside the mandate of the Committee. The Group supported the proposal made by the Delegation of Brazil on behalf of GRULAC at the 16th session of the Committee of having a mechanism for regularly updating the Database on flexibilities. It recalled the information provided by the Secretariat on the very low number of viewers of the Database and the short period they spent on the dedicated webpage. On that basis, the Group was of the view that increasing human and financial resources to

complete the work suggested in the option two was excessive and not appropriate to the use of the Database. Consequently, the Group supported the option one contained in the document under discussion.

347. The Delegation of Nigeria, speaking on behalf of the African Group, wondered as to what extent was it useful and practical to have a combination of both options. In that sense, it proposed that the updates notified were included in the Database as provided by Member States. Subsequently, the Secretariat might proceed with the examination and publish the updates that were in conformity with the scope and criteria previously mentioned. The Group inquired whether it would be a column for the updates resulting from the examination by the Secretariat. It also inquired from the Secretariat on the viability of a merged option.

348. The Secretariat (Mr. Baloch) explained that option one involved some degree of financing as a new platform should be created to include the new field "Updates by Member States". In option two, there was no new field as the Secretariat would undertake an examination and would subsequently include the updates in conformity with the scope and criteria underlined in the document. Merging the two options would entail more human and financial resources. It was up to the Committee to guide the Secretariat in this regard.

349. The Delegation of Nigeria required further information on the financial resources involved to the creation of a new platform.

350. The Secretariat offered to revert to the Committee with the financial implications of each option. It recalled that at that moment it was not possible to calculate the volume of updates to be received. Hence, it was proposed to keep the two options on the table and assess the most feasible option, in terms of human and financial resources, in relation to the number of updates received over the coming two years.

351. The Delegation of the Netherlands, speaking on behalf of the EU and its member states, supported the setting up of the Database. It showed the multilateral framework allowed for appropriate solutions that took into account different countries' needs. They highlighted that the flexibilities discussed in the Committee should not be seen as recommendations to WIPO or WTO Member State. They were an overview of options exercised by Member States under the objective of transparency and exchange of national experiences. They also highlighted that interpretation of TRIPS flexibilities was outside the mandate of the Committee. They were of the view that the Database would only serve its purpose if it was up to date, accessible, and containing accurate information. The amount of time invested should however be proportionate to the intensity by which the information in the Database was being consulted. Given the very modest use and low rate of visitors and time spent in the Database, as learned during the last session of the CDIP, they preferred the option one proposed by the Secretariat. They felt that contrary to option two, option one posed a realistic and proportionate burden on the limited resources of the Secretariat. They supported that a new field with updates by Member States clearly stated that the provisions had not been examined by the Secretariat to verify their conformity with the flexibility under reference.

352. The Delegation of Mexico inquired if the Secretariat could regularly request to Member States information on the updates in their related legislation. A more constant and fluid channel of communication between the Secretariat and Member States would guarantee that information contained in the Database was updated. Including dated information could be the reason why the database was not often consulted and seemed not attractive to Member States. As regards option two, the Delegation wondered if it might be the case that after the time devoted to examination the updated provision was not in force anymore.

353. The Secretariat (Mr. Aleman) stated that mechanisms should be implemented to ensure a prudent time for carrying out the examination. The experience had demonstrated that changes

introduced in the legislation of patents, relevant to the flexibilities' work undertaken so far, were not so frequent. On the contrary, there was certain stability in that kind of legislation. This suggested that any work carried out in a reasonable period would produce positive effects and that the scenario referred by the Delegation of Mexico would not occur.

354. The Delegation of Brazil underlined that flexibilities helped Member States to adapt and fine tune their IP system in order to align with the international policy objective. This policy space referred to the different ways of transposing obligations on the relevant international agreements and the international legislation. However, it noted that some TRIPS plus provisions were included in the Database. That seemed as a flawed perception of the meaning of flexibilities. In its view, flexibilities were related rather to the space left by the agreements for Member States. It recalled that DA recommendation 14 required WIPO to make available advice to developing countries and LDCs on the use of flexibilities in the TRIPS Agreement. However, it was up to each Member State to decide to make the use of the flexibilities or not. In light of the aforesaid, it urged Member States to correct information available on the Database and exclude TRIPS Plus provisions. Concerning the options under discussion, the Delegation supported, in principle, option one listed in the document, expressing that it could be in favor of option two in the future.

355. The Delegation of South Africa aligned itself with the position expressed by the Delegation of Nigeria on behalf of the African Group and with specific aspects put forward by both the Delegations of China and Brazil. It considered the Database a critical tool for developing countries whose usefulness was reliant on keeping its information up to date. It proposed to make the Database more accessible on the WIPO website as it was currently difficult to reach it, being this probably also a reason of its low usage. The Delegation reiterated its support to the African Group proposal of a merged option. Under that option, the assessment could be undertaken in collaboration with the WTO to confirm that the flexibility had been interpreted and applied in the correct manner.

356. The Representative of the Third World Network (TWN) noted that the Database only contained provisions on national legislation relating to patent flexibilities and not information on the national experiences and case studies mentioned in the Report on the Update of the Database on Flexibilities (Document CDIP/16/5). On the scope of the content, it stated that currently the Database held limited data drawn from CDIP documents developed by the Secretariat. Concern was also raised on the understanding of flexibilities. In its view, considering TRIPS plus measures as flexibilities was contrary to the common understanding of flexibilities adopted by other UN Agencies. Flexibilities were normally understood as enhancing policy space by removing an IP barrier. It was in that spirit that DA recommendation 14 was adopted.

357. The Chair suggested continuing the discussions on the issue at the next session of the Committee. He also suggested that the Committee took note of the two options contained in the document under discussion. The Secretariat would revise the document in order to include the financial implications of each option, and also to explore the possibility of a third option in light of the observations made by Member States. This was agreed given that there were no objections from the floor. The Chair would also hold consultations on the issue in the intersessional period between the seventeenth and the 18th session of the Committee.

Consideration of document CDIP/17/8 - Mapping of WIPO Activities Related to the Sustainable Development Goals (SDGs) Implementation

358. The Chair invited the Secretariat to introduce the document.

359. The Secretariat (Mr. Baloch) recalled that at the 15th session of the Committee, the Secretariat was requested to prepare an analytical document addressing course of action in which WIPO could support Member States' efforts in achieving the Post 2015 Development Agenda. At its 16th session, the Secretariat presented a document entitled *WIPO and the Post-2015 Development Agenda* (CDIP/16/8). While taking note of that document, the Committee requested the Secretariat to provide a mapping of WIPO's activities related to the SDGs. Hence, the document under consideration contained a list of activities undertaken from October 2014 to September 2015, relating to the SDGs mentioned in the document CDIP/16/8. The table contained in the Annex to the Document was an extract of IP-TAD, including beneficiary countries, location, category of activity and description of activity. The last two columns were related to the relevance criteria identified in document CDIP/16/8, namely, SDGs attributed as directly relevant to the Organization's work, and SDGs for whose attainment the Organization might provide indirect support to the Member States and other actors.

360. The Delegation of Mexico pointed out that many of the activities contained in the document under discussion were also included in the Mapping of South-South Cooperation Activities within WIPO (document CDIP/17/4). It noted that its original proposal for the mapping exercise aimed to identify the activities to be strengthened from all those carried out by the Organization relating to the SDGs. Thus, it requested the Secretariat further comments on the criteria used for preparing the document. Irrespective of the comments by the Secretariat, the Delegation considered useful to have a follow-up mapping providing an overview of the activities' state of the play, their links with the SDGs, and any adjustments required to improve their efficiency. It would enable a better planning within the Organization.

361. The Delegation of Latvia, speaking on behalf of CEBS, highlighted the significant number of SDGs-related activities undertaken by WIPO. The Group was committed to the Post-2015 Development Agenda implementation process. It shared the assessment by the Secretariat in the sense that SDGs 9 and 17 were relevant to WIPO's work and mandate.

362. The Delegation of the Netherlands, speaking on behalf of the EU and its member states, expressed their commitment to the SDGs implementation. They deemed SDGs relevant for developed and developing countries. The document confirmed that the work of WIPO was most relevant to the implementation of SDGs 9 and 17. The EU and its member states agreed with the Secretariat that WIPO's support should be effective and focused on those SDGs of greatest relevance to the Organization's work and mandate. Nevertheless, they stressed on the primary responsibility of each country for its own economic and social development. Hence the role of national policies and development strategies could not be overemphasized.

363. The Delegation of Greece, speaking on behalf of Group B, considered the document as a comprehensive mapping of how WIPO, as an UN-specialized agency, was assisting its Member States in implementing the SDGs. Given WIPO's mandate, the achievement of the SDGS relating to innovation and technology did neither solely nor primarily depend on the Organization, but on Member States. Those were, besides, complex issues where IP was one among other factors that could play a positive role for sustainable development. With regard to WIPO's participation in processes at a broader UN level, it noted that WIPO was not a lead agency on the Agenda 2030. It highlighted the direct relevance of SDG 9 to WIPO's mandate, specifically to targets 9.4, 9.5, 9a and 9b. Moreover, SDG 17 and its targets 17.6, 17.7, and 17.8 could be also considered relevant to a number of areas of WIPO's work. The Group understood that in preparing the document under consideration, the Secretariat had not yet

been able to take into account the global SDG indicator framework, since it was very recently adopted by the UN Statistical Commission and still had to be approved by the UN Economic and Social Council (ECOSOC) and the UN General Assembly. As discussed in the 16th session of the CDIP, the indicators could inform the debate on which SDGs are directly or indirectly relevant for WIPO's mandate. Therefore, it proposed to request the Secretariat to update document CDIP/16/8 entitled "WIPO and the Post-2015 Development Agenda", taking into consideration the SDG indicators once adopted by the UN General Assembly.

364. The Delegation of the Bahamas, speaking on behalf of GRULAC, gave emphasis to the high amount of work done and the numerous training opportunities successfully accomplished. The document revealed that all GRULAC Member States had benefitted from this work. Indeed, one of the Member States had benefitted of 35 WIPO activities relevant to the SDGs implementation. It noted that developing countries and LDCs had been positively impacted and that the implementation was focused on SDG 9. In reiterating its support to the SDG implementation, it encouraged an engagement between WIPO and developing countries and LDCs.

365. The Delegation of Nigeria, speaking on behalf of the African Group, believed that the document provided a comprehensive list of WIPO activities impacting on the SDGs, most of which related to SDGs 9 and 17. The Group continued considering that WIPO could play a clear role in several other SDGs and Targets. It recalled the request by the Delegation of Mexico at the 15th session of the Committee for an analytical document providing possible courses of actions that WIPO could undertake to assist Member States to implement and attain SDGs. Considering the information provided by the mapping exercise, the Group believed that a more comprehensive document should be presented at the next session of the Committee. It should contain concrete activities and possible linkages to the various SDGs that the Organization was deemed to have a role to play in.

366. The Delegation of Algeria considered that there were certain remaining questions. The first was related to the role or contribution of WIPO in the definition of the SDG indicators, especially within the inter-agency discussions. Secondly, it inquired what activities had been undertaken by WIPO since the last session of the Committee towards the SDGs implementation.

367. The Delegation of China stated that the mapping undertaken laid a good basis for WIPO's future endeavors and further participation in the SDG implementation. The Delegation noted the fact that the document under discussion focused on training courses organized by WIPO. It did not mention the important technology and innovation databases or cooperation platforms launched by WIPO in recent years such as WIPO Green, WIPO Re:search, TISC. From its perspective, those platforms were closely linked to the SDGs implementation. It expected that it could be added to future versions of the document. In addition, at the 16th session of the Committee, the Secretariat pointed out WIPO's participation as an observer at the Inter-agency and Expert Group on SDG Indicators (IAEG-SDGs). It also highlighted the long-term support that WIPO would provide to the Expert Group on the indicators related to its activities. The Delegation desired to have an update by the Secretariat on WIPO's involvement in the work related to the SDG Indicator Framework. In the documents prepared by the Secretariat at the 16th and 17th sessions of the Committee (CDIP/16/8 and CDIP/17/8), SDGs 9, 17, 2, 3, 4, 7, 8, 12 and 13 were identified as closely related or related to WIPO's activities. However, the Delegation supported the idea that SDG 1 (Target 1.4) and several other targets were also related to WIPO's work, as expressed by some Delegations at the last session of the CDIP. Furthermore, the Delegation believed that at least the following 4 additional SDGs were related to WIPO's activities, namely: SDG 16 (Target 16.8) reading "*broaden and strengthen the participation of developing countries in the institution of global governance*". As the main global institution for the governance of IPRs, WIPO should build on its good work to further broaden

and strengthen developing Countries' participating role in this regard. SDG 10 reading "*reduce inequalities within and among countries*" closely related to WIPO's efforts to establish an effective global IP regime which takes into account the interests of all parties. SDG 14 reading "*conserve and sustainably use the oceans, seas, and marine resources for sustainable development*" and its targets 14.7 and 14.8. And finally, SDG 15 on "*sustainably manage the forests, combat desertification, halt and reverse land degradation, halt biodiversity loss*", as well as its targets 15.6, 15.9, and 15a. The Delegation noted that SDG 14 and 15 were related to the protection of genetic resources. It suggested that the Secretariat fully study those 4 SDGs to explore the possibility of future work in those areas. At the last session of the Committee, many delegations suggested to discuss the SDGs implementation under the standing agenda item of IP and development. The Delegation supported that view and believed that many of the 17 SDGs and 169 targets were related to the important linkages between IP and development. SDGs were an overarching framework to guide the common pursuit of shared development in the years ahead. WIPO needed to establish a dedicated and standing platform for all Member States to discuss related issues. Therefore, it was necessary to create a standing agenda item in the Committee to discuss SDGs implementation and other related key issues.

368. The Delegation of United States of America supported the statement made by the Delegation of Greece on behalf of Group B. It highlighted the hundreds of activities conducted in 160 beneficiary countries during one year. It appreciated WIPO's participation in the Post-2015 Development Agenda process and its focus on the SDGs most directly related to its mandate and strategic objectives, mainly SDGs 9 and 17. It wished that this work continued in the future in order to foster innovation and the use of IP system to support development.

369. The Delegation of Brazil believed that WIPO had an important role to play in the multi-stakeholder discussion on the attainment of SDGs. They were the result of long discussions between delegations and reflected the consensus on how the international community planned to achieve those paramount objectives. WIPO might provide a relevant contribution in matters such as the end of poverty, the protection of planet, and the prosperity for all. As an extension of the former MDGs, the same rationale used by the Organization in the past could be applied. WIPO had aligned its goals and worked with the MDGs. It also regularly reported on the issue to Member States. Likewise, SDGs should be integrated into WIPO's work. The Committee's mandate naturally brought SDGs under the scope of the CDIP, without prejudice to the discussion in all other WIPO Committees. This understanding provided the basis for the production of the document under analysis. The mapping was useful for preliminary assessment by Members States. It did not go far, however, of the discussion held during the previous session. The Delegation expressed its support to those delegations that requested the document to be more comprehensive and analytical and bringing recent developments such as the SDG Indicator Framework. All the SDGs identified by Members should be also included. The Delegation identified many other SDGs related to WIPO as an UN-specialized agency. Those SDGs included the following: SDG 2, target 2.5, and SDG 15, Target 15.6, related to the promotion of "*access to and fair and equitable share of benefits arising from utilization of genetic resources and traditional knowledge*". In relation to the SDG 3, targets 3.3 and 3b, it also noted that the activities undertaken by WIPO could include the use of flexibilities applied to health issues. It also mentioned SDG 1, and SDG 17, directly related to the issue of technology transfer, and the target 17.6 referred to South-South Cooperation on access to science, technology, and innovation. The Delegation hoped that discussion on the SDGs turn into meaningful actions. It must be translated into concrete measures that would change the lives of those in greatest need. The establishment of consistent indicators was fundamental to ensure the correct implementation by the Committee. It urged WIPO to actively support the interagency expert group on SDG indicators. It also supported the proposal by the Delegation of China to have a standing agenda item on SDGs.

370. The Delegation of Indonesia shared the view that a strong partnership to support SDGs implementation was needed. The Delegation urged all Member States to consider the importance of achieving SDGs. The implementation of SDGs should be mainstreamed in all WIPO's committees and bodies. It considered SDGs as a cross-cutting issue that should be seen comprehensively. It also noted that the Secretariat's analytical work should include all SDGs. It believed that Member States should guide WIPO in the discussion of the SDGs implementation. The Delegation expressed its wish to closely involve and contribute to the SDGs debate, including the discussion of SDG indicators. It supported the statement by the Delegation of China on the additional 4 SDGs that should be also taken into account in the discussion. In the same line, it also aligned itself to the statement made by the Delegation of Brazil regarding the need to include the SDGs mentioned in its statement. The Delegation believed that the discussion should not be limited to workshop or activities, but should also focus on WIPO normative setting processes. It highlighted that only a workshop was referred in the document as regards the matters addressed by targets 2.5 and 15.6, as mentioned by the Delegation of Brazil. There was no information regarding the IGC process. In view of the above, the Delegation aligned itself with the statement made by the Delegation of Algeria at the last session of the Committee. It made reference to the paragraph 267 of the Report of the 16th session of the Committee (document CDIP/16/10) on a more analytical document expected from the Secretariat. It therefore proposed that WIPO brought the issue of normative setting processes at the UN discussions on SDG indicators.

371. The Delegation of Chile reiterated its support to the efforts made by the Organization, particularly by the Committee, to analyze its contribution to the SDGs. It seemed that various SDGs were related to WIPO's work. Therefore, the Organization was in a position to collaborate in their implementation. For example, SDG 3 on the development of medicines and the use of flexibilities seemed to be related to WIPO Re:search. Additionally, it considered relevant SDGs 5, 8, 9, 12, and 17, all of those related to innovation and technological and scientific capacity building, dissemination and diffusion of technologies. It also mentioned SDG 11 on cultural and natural heritage, SDG 15 on genetic resources, and SDG 16 focused on development of efficient, responsible and transparent institutions at all levels. In its view, Member States should also incorporate SDGs into their activities along with the 45 DA Recommendations. It noted that the mapping developed by the Secretariat was a useful tool. Nevertheless, the Delegation concurred with the Delegations of Mexico and China in how desirable would be to understand the selection criteria for the activities and to identify other resources, such as the databases mentioned by those Delegations. The Delegation inquired on the reasons for highlighting SDGs 9 and 17 in the document under discussion, excluding other SDGs such as those previously listed. It noted that the follow-up on the SDGs would benefit from the Global SDG indicators to be adopted. It requested the Secretariat for an update on the work related to the SDGs and the participation of WIPO in their attainment. This additional information would be vital for taking future decisions on the subject.

372. The Delegation of Iran (Islamic Republic of) believed that SDGs were unilateral commitments important for developed and developing countries alike. Thus, as an UN-specialized agency, WIPO should incorporate SDGs into all its activities and contribute to its implementation. The Organization should go beyond SDGs 9 and 17 and identify other relevant goals, targets, and indicators. The Delegation supported the proposal of the Delegation of China to have a standing agenda item on SDGs. It also supported the statement made by the Delegation of Brazil and considered that the document should be analytical and include comments made by Member States. It should particularly include the SDGs and targets not identified in the previous CDIP documents. Finally, it requested the Secretariat to provide information about WIPO's role in the discussions at IAEG-SDGs. It also requested the Secretariat for information on the participation of WIPO in SDG-related issues between the 16th and the 17th session of the Committee, notably in the aforesaid expert group and in the UN Technology Facilitation Mechanism.

373. The Delegation of Japan supported the statement made by the Delegation of Greece on behalf of Group B. It highlighted how important was achieving SDGs for Japan and how active was the country in providing assistance to developing countries and LDCs in numerous fields. The Delegation would appreciate that the approaches taken by WIPO to achieve SDG were within its mandate.

374. The Delegation of South Africa aligned itself with the statement made by the Delegation of Nigeria on behalf of the African Group. It concurred that the next level should entail an analysis of how Member States ought to be assisted to achieve the SDGs. Furthermore, it concurred on the importance of such analysis, including identifying WIPO's role in the SDG Technology Facilitation Mechanism where the role of IP had been clearly emphasized.

375. The Delegation of Cuba considered that SDGs implementation should be included within WIPO's work on a permanent basis, as part of the implementation of the third mandate of the Committee. In addition, it supported the statements made by the Delegations of Brazil and China.

376. The Secretariat (Mr. Baloch) noted the concerns raised on the criteria reflected in the mapping. It referred to the document CDIP/16/8 entitled *WIPO and the Post-2015 Development Agenda* discussed at the 16th session of the Committee. That document identified SDGs 9 and 17 as directly relevant to WIPO's work and included other indirect relevant SDGs. The direct and indirect relevance was the criteria used in the document under consideration, prepared upon request by the Committee. It appeared that there were different views as to which SDGs did the Organization contribute or should contribute to. It would have been desirable to have those views before the preparation of the document. It referred to the paragraph 6.1 of the Summary by the Chair of the last session of the Committee whereby the Secretariat was requested to produce another document on SDGs. It was discussed during that session that the debate on WIPO's contribution to the SDGs would be clearer after the adoption of the SDG Indicator Framework.

377. The Secretariat (Ms. Hamou) informed that the Organization was steadily following all the discussions related to the 2030 Agenda. The WIPO Coordination Office in New York was following the discussion and providing information as required. Although there was neither SDG nor target related to IP, the Secretariat had attended as an observer the discussion of IAEG-SDGs. However, the discussions took place among Member States. The Secretariat was keen to contribute to this ongoing process. It noted that its implementation was at an early stage and some processes such as the reporting framework were not yet finalized. The work on the SDG indicator framework would be completed in principle by September 2016 and the data methodologies would be developed by March 2017. The Secretariat would continue following those processes, making available related information and would keep Member States informed as requested by some delegations. It also maintained contact with other UN agencies such as UNESCO and ITU, involved in the discussion concerning technology and innovation. WIPO also provided advice to IAEG-SDGs members on methodologies and data formulation of innovation and technical development. The Organization has also closely participated in the process leading to the Technology Facilitation Mechanism. That mechanism was negotiated in the framework of the Addis Ababa Action Agenda and launched during the adoption of the Agenda 2030. With its implementation, the IAEG-SDGs would become the interagency task team on science, technology, and innovation for the SDGs. The Organization was also contributing in the preparation of the Multi-stakeholder Forum on Science, Technology and Innovation for SDGs to be held at UN headquarters on June 6 and 17, 2016. The Secretariat would continue discussing internally on how to better address the need of Member States in respect of the implementation of Agenda 2030.

378. The Chair referred to the update of the document. In this respect, he stated that there were no uniform criteria in the Committee on the SDGs relevant to WIPO's work, and that a common understanding should be reached on that issue by the time of the adoption of SDG indicators. He then proposed that interested Member States should provide written submissions to the Secretariat as regards the SDGs they deem relevant to WIPO's work. The submissions should include an explanation / justification of their views. The Secretariat would share the inputs received at the 18th session of the Committee. He also referred to the need of including a standing agenda item on the issue, as proposed by a number of delegations. As a transitional solution, he recalled that according to the Committee's rules of procedure, any Member State might request to the Director General to include the topic on the agenda of the next session of the Committee.

379. The Delegation of Greece could not support the proposal by the Chair on the submissions on SDGs to the Secretariat to be presented at the next session of the Committee. It reiterated that WIPO was not a lead agency of the Agenda 2030. In that sense, it was fully satisfied with the explanations provided by the Secretariat and considered that any update should be done after the adoption of the SDG indicators framework.

380. The Chair clarified that the purpose of his proposal was to give the opportunity to Delegations that deemed additional SDGs relevant to the Organization's work, to provide their views in writing along with due justification. That information would be shared by the Secretariat and discussed at the next session of the Committee. Delegations considering sufficient the SDGs covered in the document had nothing to inform to the Secretariat.

381. The Delegation of China expressed its support to the Chair's proposal and would submit its written observations.

382. The Secretariat (Mr. Baloch) requested the Committee to establish a deadline for providing the written submissions to the Secretariat. It also recalled that the paragraph 6.1 of the Summary by the Chair of the 16th session of the Committee provided that the SDG-related document to be prepared by the Secretariat could be presented either at the 17th or at the 18th session of the Committee. It noted that subsequent to the discussion recorded in Paragraph 6.1, a request had come to undertake the mapping exercise. In view of the forthcoming adoption of the SDG indicators by the UN General Assembly in September 2016, the Secretariat proposed to extend the deadline for preparing the new SDG document to the 19th session of the Committee. Alternately, the issue of the deadline could remain open, considering that the discussion on the Member State inputs at the next session of the Committee would guide it to determine the follow-up activities by the Secretariat.

383. The Chair specified that the Member State submissions should reach the Secretariat by mid-July, 2016.

384. The Delegation of Indonesia proposed that the Secretariat sent a written request for submissions.

385. The Chair did not deem the request necessary as the agreement was going to be part of the Report of the 17th session of Committee. He also considered appropriate to leave the deadline open for preparing the new document, bearing in mind that at its 18th session the Committee would discuss Member States inputs on additional SDGs.

Consideration of the document CDIP/17/9 – Mapping of Activities Related to Technology Transfer

386. The Chair invited the Secretariat to introduce the document.

387. The Secretariat (Ms. Olga Spasic) stated that the document on Mapping of Activities Related to Technology Transfer was requested by the 16th session of the CDIP, during the consideration of the evaluation report on the project on Intellectual Property and Technology Transfer. The Committee decided to map the existing WIPO activities in order to follow up on the project and decide about potential improvements in WIPO activities. The document focused on the activities mainly related to universities and research and development centers in most of developing countries and LDCs, as well as in countries in transition that were the major generators of knowledge, technology and of IP. The Secretariat pointed out the transfer from generators of knowledge and technology to the users such as society, individuals and national or international industries. Therefore, the approach in presenting the activities was different. It was about the contribution to the creation of a more comprehensive ecosystem, which was needed for achieving systematic creation of high quality knowledge and IP that could be transferred. One of the pillars in setting up such an ecosystem was the creation of a favorable legal framework for knowledge and technology transfer. The first category of the services and activities provided to Member States was advisory services and programs enabling legal frameworks for knowledge and technology transfer. Those activities were done at the national, regional and institutional levels by advising how to set up innovation policies, IP policies and economic policies. Part of the policies that addressed issues related to technology transfer were the ownership of intellectual property created in institutions, in particular publicly funded research institutions and universities. The Secretariat also provided assistance, trainings and projects for establishing institutional IP policies. To facilitate the management of IP at the institutional level different capacity building programs were organized, as well as a project which addressed the needs at the institutional and country levels. The next pillar in setting up an ecosystem was the establishment of technology transfer organizational structures. Those were intermediaries between those who were creators of knowledge and IP and those who were users, namely industry users or groups of special users. There were more and more examples of transfer of knowledge in the area of social science. The intermediary structures could be at a country level (technology parks, IP hubs, clusters), but also at the institutional level in order to set up favorable conditions for bridging the gap between generators, providers and seekers of technology. That could take the form of Technology Transfer Office. In addition, there were projects and training programs creating models for setting up necessary infrastructures. There was a project in the Arab countries, which was to be finalized in Tunisia, and a fact finding mission was done in Algeria. Technology and innovation support centers was another type of necessary infrastructure. WIPO had already established TISCs in 50 countries, where 350 TISC centers connected about 1500 people. After the establishment of a legal framework and the necessary organizational structure the issue to be addressed was human capital. In one of the Global Innovation Index reports this was defined as the biggest gap between developed and developing countries. Lack of professionals was not only in the area of IP but also professionals who had interdisciplinary skills and competencies enabling the support of the innovation processes. The training programs in the area of technology transfer were practical, based on customized exercises. Efforts were being made to customize them more, using locally created technologies in order to train the participants in accordance with their problems and context. In addition, it was planned to create forums for discussing issues related to technology transfer and exchange of experience. Some of the WIPO standing committees such as the Standing Committee on the Law of Patents (SCP), had a regular agenda item on technology transfer. WIPO also undertook activities in specific areas, trying to facilitate collaboration between developed and developing country research institutions and, to enhance transfer of knowledge, competence and IP. Useful connections and knowledge exchange were established through WIPO Re:Search and WIPO Green programs. The evaluation report noted that the support for a systematic technology transfer went beyond IP and WIPO was regularly participating in the relevant forums on knowledge transfer to learn and discuss with partners on taking over certain projects and supporting activities in areas beyond IP. A list of activities undertaken in 2014 and 2015 was also presented in the document. It was focused on the last

biennium with a concrete example of activities delivered. The Secretariat mentioned that WIPO Chief Economist made an effort to understand how policies related to technology transfer impact the economies of developing countries and LDCs.

388. The Delegation of Greece, speaking on behalf of Group B, found the document comprehensive. The document demonstrated the active involvement of WIPO in a wide range of technology transfer related activities that benefited developing countries and LDCs, as well as countries with economies in transition. To build up on the good work conducted by the mapping exercise, the Group proposed that the Secretariat reviewed and updated the existing WIPO technology transfer webpage by incorporating links to additional materials, documents and activities contained in the mapping document. An example would be to link it to WIPO Green and WIPO Re:Search as well as the guides on commercialization, evaluations and licensing, commissioned by WIPO. The Secretariat could consider options to make this webpage more intuitive and user friendly. It was also important for WIPO to continue to promote awareness of existing resources available to policymakers, practitioners and research institutes to ensure broader understanding of the issues related to technology transfer and practical application of those tools. The Secretariat could also consider undertaking a gap analysis based on the information available on the updated webpage to better inform CDIP's future work on technology transfer. This would ensure the sustainability of the gains achieved through the mapping exercise.

389. The Delegation of Latvia, speaking on behalf of the CEBS found the document very useful. It reflected the complexity of technology transfer and showed the relevant and important role of WIPO in that regard. Technology transfer services provided by WIPO covered a wide range of activities, starting from enabling legal framework for the transfer of technology, establishment of structures for technology transfer, capacity building and multitude of tools facilitating technology transfer. WIPO collaborated and exchanged information with relevant organizations at national and international levels which provided services beyond the WIPO mandate. The Group expressed hope that the mapping exercise will enable the discussion and other recommendations from the evaluation report of the project on Intellectual Property and Technology Transfer: Common Challenges, Building Solutions.

390. The Delegation of the Netherlands, speaking on behalf of the EU and its member states recognized that technology transfer was a multi-faceted phenomenon for which it was not easy to find a common definition. They believed, however, that WIPO Secretariat had managed well to give a thorough overview of the various WIPO activities that could be considered relevant. The mapping exercise confirmed that a wide range of measures and services were required to effectively promote the transfer of technology and many of those measures and services fell within WIPO's mandate. In particular, the document mentioned WIPO's advisory services towards legal framework to support the establishment of technology transfer organizations and technology innovation support centers and support for access to specialized patent information. This resulted in numerous useful patent landscape reports, capacity building programs and a long list of tools, guides and manuals that WIPO had developed. The Group highlighted that the WIPO Re:Search program was a good example of collaboration efforts that promoted tech transfer. Moreover, WIPO Green initiative which was developed for promoting transfer of innovative green technology was an activity which deserved more attention. The EU and its member states considered the document highly useful as it allowed a deeper understanding of how WIPO activities were relevant for promoting tech transfer. That exercise confirmed the relevance and positive role of IP and especially patents in promoting technology transfer. Finally, the EU and its member states supported the proposals made by the Delegation of Greece on behalf of Group B to update the existing WIPO webpage on technology transfer and to consider undertaking a gap analysis to better inform CDIP's future work on this important issue.

391. The Delegation of China mentioned that with the globalization of economy and technology, technology transfer had become an important factor affecting the success of innovation activities. It was also an important link between technology information and profits and the overall economic and social development, as well as a link between developed and developing countries. Therefore establishing a balanced, effective and unhindered technology transfer rule would provide a legal framework to technology innovation and encourage innovation dissemination. The Delegation expressed its appreciation to the progress made by WIPO in the area of technology transfer as reported in the Document CDIP/17/9. The document presented a large range of WIPO activities in the area and reflected the improvement of those activities. The Delegation also thanked the Secretariat for implementing timely and efficiently last session's decision on mapping activities. It expressed its belief that bearing in mind WIPO's mandate to provide technology transfer to developing countries to accelerate the economic, social and cultural development, it should continue its projects related to IP and technology transfer. That could be done by readjusting the existing projects according to Member States suggestions, or by designing new projects. During that process WIPO could consider linking transfer of technology to the 2030 Agenda and its SDGs. The Delegation believed that strengthening technology transfer was an important mean to realizing the SDGs related to environmental protection, water and public health. It was also an important way to bring into full play the role of IP in the implementation of the SDGs. The Delegation mentioned it's willing to enhance cooperation with WIPO and other Member States in that area.

392. The Delegation of Nigeria, speaking on behalf of the African Group, acknowledged WIPO's efforts in promoting technology transfer. At the same time, the Group was cognizant of the substantial role of technology transfer and access to knowledge in the growth of developing countries. The Group recalled that the facilitation of technology transfer was a WIPO mandate as contained in Article 1 of the agreement establishing WIPO as a Specialized Agency of the United Nations. The Delegation also referred to Cluster C of the DA recommendations on technology transfer, information and communication technologies and access to knowledge. The Group recalled that the request to have a mapping document was born out of the disagreement on the outcome of the Expert Thoughts from the Project on Technology Transfer: Common Challenges, Building Solutions. The Group requested for the mapping document to provide more information and a quick view of WIPO's activities in the area of technology transfer. The document was now available showcasing WIPO's efforts in the area of technology transfer. The document provided good information that was a reference for the African Group and it believed that the next step should be to map out concrete activities or a work plan for fast tracking WIPO's activities in the area of facilitating transfer of technology to developing countries and LDCs. The African Group reiterated its proposal from the previous session of the CDIP that the Committee discussed the outcomes of the peer reviewed studies that were used as part of the project and the seminar in that regard. There was an agreement on the outcome and that was why the discussion on mapping further activities was happening. Perhaps by going back to discussing those studies and documents in the Committee, delegations could come to consensus on areas where the Organization could have moved forward and develop a new plan of activities to help facilitate transfer of technology.

393. The Delegation of Brazil underlined that technology transfer was an important matter for its country. It highlighted the importance of discussing the issue in the Committee, notably the role of IP to promote technology transfer. The document under consideration followed the evaluation report presented at the Committee's previous session. It was the first set of suggestions presented to Member States and it was an agreed intention of further developing activities on the matter. The Delegation stated that it was but an instrument of the original project on IP and transfer of technology approved at the 6th session of the CDIP. The implementation of the last phase of that decision was still pending which aimed at drawing

recommendations from Member States regarding specific activities in WIPO for promoting transfer of technology. That ultimate goal should be reiterated. In regards to the mapping exercise, the Delegation thought that it brought relevant information on WIPO's technology transfer related activities. The Delegation valued those efforts and considered it should be enhanced taking into account the factors that influenced technology transfer. It noted that the topic on flexibilities was mentioned only once. Flexibilities had an important role by enabling the legal framework for transfer of technology. That was explored in the document entitled Economics of IP and International Technology Transfer discussed during the 14th session of the CDIP. It was an example of an area that could have been discussed in the future. The Delegation pointed out that a consensus was not reached on a definition of technology transfer. That was a tested recognition that technology transfer was a multi-faceted phenomenon which different organizations had attempted to define without success. It was appropriate to advance in that direction. The activities of WIPO highlighted in the mapping did not reflect the findings and suggestions from the analytical studies and the regional consultation meetings carried out under the approved project. This was an issue to be addresses by the Committee. Finally, the Delegation emphasized that the technology facilitation mechanism for achieving SDGs was one of the most important area for WIPO where it could participate in light of its important role in the international transfer of technology. According to Paragraph 70 of the 2030 Agenda, the mechanism shall identify the domain of developing countries, stimulate partnerships and enable access to technologies under adequate costs for implementation of the SDGs. WIPO was part of the UN interagency Task Force along with other UN organizations such as UNIDO, UNESCO and UNCTAD. Therefore, an adequate link between the SDGs and the work of WIPO on technology transfer would be a useful way forward.

394. The Delegation of South Africa aligned itself with the position put forward by the Delegation of Nigeria, on behalf of the African Group. The Delegation wished to underscore that the project provided vast development potential for many of the Member States, in both developed and developing countries. The Secretariat was requested to undertake a mapping of its technology transfer activities after which Member States could make proposals for further actions taking into account identified gaps. The Delegation commended WIPO on the information provided on successful technology licensing, IP marketing and IP valuation and made comments with a view to providing a concrete proposal on a way forward on the project. There were various challenges stifling innovation related growth in developing countries. Expertise and technology transfer included the functions of effective IP management and conclusion of transactions for commercialization were present in varying degrees in developed, developing and emerging economies. In addition the shortage of human resource skills, lack of access to funds and, for example developing a technology to a mature enough stage so that an industry partner could take it to initiate startups or spinoffs, remained to be a challenge. Public-private funding partnerships for commercializing innovations from all technology sectors was important and could provide the necessary impetus towards a more fluid transition from ideation to detection of IP, to associated protection as appropriate, to application of the technology in terms of products, processes and services with the potential for an economic and social impact. In other words, intellectual property for development. For Member States to address this problem, WIPO could set up a program with the objective to advance the skill-sets of individuals within offices of technology transfer, within institutions, within SMEs and to assist aspiring innovators to undertake the following key functions: (i) develop a balanced and associated Intellectual Property protection strategy relevant for different technologies and knowledge type of systems; (ii) facilitate and increase relations with relevant multilateral institutions, particularly the WTO, UNCTAD and the WHO in order to introduce a greater understanding of commercialization in the global markets and facilitate the matching in particular of SMEs and innovators to potential funders or interested industry partners; (iii) effective IP management and monitoring with an emphasis on empowering developing countries to ensure that no third party was abusing the granted IPRs; (iv) focus on IP marketing

and engagement with industry partners; (v) conclude transactions for commercialization including negotiating strategies and to avoid pitfalls as well as on how to set up a startup and ultimately spin off; (vi) the use of IP tools including the flexibilities to access technologies relevant to the technological needs of the country. In line with the long list, the Delegation asked the Secretariat that given the importance of technology transfer and ensuring that IP found applications, if it could confirm WIPO's capacity in the area, both in terms of human and financial resources.

395. The Delegation of the Bahamas, speaking on behalf of GRULAC, supported the work of the Secretariat. As most GRULAC Member States fall within the category of developing countries and LDCs, the issue of technology transfer was important to their economic and social development. The Delegation encouraged WIPO to continue exploring IP related policies and initiatives necessary to promote the transfer and dissemination of technology. It was interesting to note in the document that the lack of human capital with necessary interdisciplinary professional skills able to support innovation and knowledge transfer systems was identified as a major gap between developed and developing countries in proportion to the innovation outputs and results. GRULAC was glad that WIPO was developing practical experience based on capacity building programs for scientists, researchers, technology managers, students and others involved in the innovation processes or who were part of an organization that was supporting those processes, in response to the needs. The Group also urged Member States from developing countries to continue sharing their research and scientific institution capabilities to enhance cooperation with development institutions in developing countries, especially LDCs. It viewed the efforts of WIPO as exemplary. It continued to call on the Organization to ensure that all members of WIPO had the benefit and the necessary tools to fully appreciate and to exercise their rights within this framework.

396. The Delegation of Canada aligned itself with the statement made by the Delegation of Greece on behalf of Group B, and underlined the importance of the mapping exercise. The Delegation of Canada was particularly interested in learning about emerging innovative approaches to technology transfer, which built on, or were complimentary to, existing IP frameworks. For instance, it noted the work of recent initiatives like WIPO Green and WIPO Re:Search in facilitating linkages between innovators as well as in creating market places seeking to connect innovators to individuals or companies seeking to commercialize. The Delegation believed it was very useful to conduct a gap analysis based on the information on an updated website which would be a productive step in identifying needs in the area of technology transfer. It welcomed the mapping exercise and looked forward to future work in this area.

397. The Delegation of India complimented the document. However, there was an important conceptual issue to be addressed and that was the absence of an agreed definition of what constituted transfer of technology. The Delegation required more clarity on what was the understanding of the Secretariat as for the transfer of technology. The webpage was quoting it as follows: *"a legal framework that allows technology holders to disclose their inventions to public and license also patents which can thus be accessed by a wider group of researchers and engineers"*. However, by reading and concluding the analytical studies, it might be inferred that IP played at best a very modest role in promoting international technology transfer in developing countries and LDCs. Some conceptual clarity was required on how the Secretariat came to the conclusion mentioned on the website. Second, in the mapping exercise, technology transfer was referred to as "a fundamental objective to understand what were WIPO's existing technology transfer related services offered to universities and research institutions in developing countries in addition to other services provided by them described in the mapping exercise". The Delegation therefore sought clarification on this statement.

398. The Delegation of Cuba considered the guides and training manuals on transfer of technology of a great use in building capacities and skills in the countries. The Delegation

requested translation of the guides into Spanish, in particular the ones about IP to facilitate capacity building in their national capacities.

399. The Chair invited the Secretariat to respond to the comments.

400. The Secretariat (Mr. Napolitano) addressed the question asked by the Delegation of South Africa on human and financial resources. That was always a constraint and it was up to the Secretariat to work with Member States to identify the priorities and to allocate appropriate human and financial resources and very often it was more human than financial resources that were needed. The Secretariat's task was to prioritize correctly and for that it would need inputs from Member States so that it could deliver effective projects and activities. That was always an issue and not just in this area. A very fruitful collaboration with Member States had enabled the Secretariat to work efficiently.

401. The Secretariat (Ms. Spasic) added that for this particular document, it used as a starting point the definition of technology transfer which was adopted in the evaluation report on the project on IP and Technology Transfer: Common Challenges, Building Solutions. It was a guideline for the document. Addressing the question raised by the Delegation of Cuba, the Secretariat stated that the translation of the documents into Spanish was fully at Member States' disposal. There were guides on successful technology licensing that were updated last year and translated into Spanish. It added competition law consideration in the booklet on licensing because it was understood as one of the major problems for negotiators from developing countries to understand what the impact of competition law was during the licensing negotiation. The Secretariat was open to license out kits which meant that guides were usually accompanied with the presentations containing training kits in order for the Member States and stakeholders to use independently. The Secretariat was always available to support, but there were training kits that could be done independently or by universities. The Secretariat could help translating them. Regarding the issue raised by the Delegation of India on concrete services that were provided to universities and to individual research institutions, the Secretariat was also doing individual projects when universities were addressing them with concrete problems such as the development of a technology transfer office or human capital. Usually the application for assistance went through the survey that the Secretariat was jointly looking at identifying what existed and what was lacking. Based on the results of a survey, a plan of actions was proposed for universities or research institutions, indicating where the Secretariat could help developing certain elements which were needed for technology transfer. The Secretariat was also working on an individual basis when contacted. In regards to the website, the Secretariat was working on making it more user friendly by providing more information. It also acknowledge the intervention of the Delegation of South Africa. It recalled that in the past, an expert on technology transfer addressed several questions from Member States. The Secretariat was however open to discuss those issues and to upgrade and improve the program in order to respond to the needs of research institutions.

402. The Delegation of Chile believed the document was extremely important as it gave a better view of the importance of IP and the access to new technologies by developing countries by becoming acquainted with new studies on public funds and intangible assets and new technology services. That was discussed in various government bodies in Chile. The Delegation appreciated WIPO's good work on transfer of technology. It welcomed the work on establishing the TISC program. The aim was to hand over better IP tools and more access to databases. It was important to continue that effort to create platform and to make relevant information more available to innovators. The work done in Chile was very much welcomed, especially on patents as more and more people were interested in them every year. Finally, the Delegation pointed out that in collaboration with WIPO a seminar on the transfer of technology was held in France in January. Experiences on the transfer of technology were shared between universities, companies and enterprises. A good idea for the future would be to have more

information on various experiences in drafting IP support for countries with the help of WIPO. As regards databases, those were the basis for the transfer of technology as mentioned in the DA.

403. The Chair summarized the discussion. With regards to the mapping, the Committee proposed a number of suggestions which included the improvement of the website. The Secretariat took due note of those suggestions. However, there was a concern on how the discussion on this subject was going to continue. The Chair appreciated the statement delivered by the Delegation of South Africa. He found that was a very specific subject in which the Committee was not ready to engage at this point. He suggested that Member States that had taken the floor should send to the Secretariat their views on how they thought the discussion should continue, in writing by mid-July. Likewise, in regards to the issue addressed the day before on the mechanism for updating the database on flexibilities. The Secretariat will then make a compilation of the proposals submitted and distribute them for discussions at the next Committee session.

404. The Delegation of the UK shared the Chair's view and recognized the value of the mapping exercise. However, the comments to be made in regard to the future work were the next item on the Agenda. The Delegation inquired if the Chair planned to open that discussion or let Member States submit their proposals as next steps. If the answer was to ask members to submit proposals in writing then the Delegation of the UK would like to make some comments. If the item would be opened next, then the comments would be made later on. The Delegation supposed that the Committee had to take note of the document and take into account all the comments and suggestions made.

405. The Chair took note of the document, concluded the discussion and then moved on to the next item on the Agenda, where delegations would be able to make comments and if there were links between the two items, Member States would take a decision on both items.

Consideration of the Document CDIP/15/5 – Report on the WIPO Expert Forum on International Technology Transfer

406. The Secretariat (Mr. Ghandour) introduced the document CDIP/15/5. One of the deliverables of the project on Intellectual Property and Technology Transfer: Common Challenges, Building Solutions approved in 2010, envisaged the organization of an Expert forum on international technology transfer. The forum was held in Geneva from February 16 to 18, 2015. The document CDIP/15/5 summarized the discussion held at the forum and set out the Expert Thoughts. This document was discussed during the past two sessions of the Committee. At the CDIP/15 developing countries requested to discuss activities related under this project while developed countries requested to keep the discussion on the Expert Thoughts. At the CDIP/16 it was decided to continue the discussion on the issue. The Secretariat was requested to present a document at CDIP/17 which would provide a mapping of technology transfer activities in WIPO.

407. The Chair referred to a statement made earlier by the Delegation of the UK on the link between the Mapping of Activities Related to Technology Transfer (document CDIP/17/9), and the document under consideration.

408. The Delegation of Nigeria, speaking on behalf of the African Group, agreed with the Delegation of the UK that this item was related to the mapping document that was just considered. The African Group position was not different than what it stated at the last session of the CDIP where it saw disparity in the Expert Thoughts vis-à-vis the recommendations contained in the peer review studies and discussions held during the seminar. The African Group believed that the CDIP should be given an opportunity to discuss those studies and the

trend of discussions at the seminar, so that it could determine for itself the areas of consensus to address on the subject of technology transfer and IP.

409. The Chair requested the Delegation of Nigeria to explain what it meant by “an opportunity to discuss and find consensus”, whether it was for the session or for setting up a special forum for those discussions.

410. The Delegation of Nigeria mentioned that it would follow the Chair’s guidance and start the discussion. There was a list of eight outcomes of the Expert Thoughts from the panel of the seminar. The African Group as well as some other developing countries did not agree with the outcomes of the Expert Thoughts. The Group believed that some other crucial proposals or ideas expressed at the seminar and in the studies should have formed parts of the Expert Thoughts. The Group requested that the CDIP discussed those studies in the Committee and identified areas of consensus where it could move forward. Therefore, if the Chair was willing, the Committee could discuss the issue at its next session, or in the time in-between under the Chair’s guidance. Alternatively, consultations might be held by the Vice-Chairs to identify a number of areas which could be further discussed in the Committee.

411. The Delegation of Greece, speaking on behalf of Group B stated that the group actively and constructively participated in the discussions of the CDIP documents related to technology transfer during the last session. As it was stated in the Chair’s summary from the CDIP/16, Member States could submit proposals after the consideration of the mapping document for discussions at the 18th session of the CDIP. The Group would be ready to constructively engage at the upcoming sessions and that seemed to be a way forward for the Committee.

412. The Delegation of the UK stated that the project on IP and Tech Transfer: Common Challenges, Building Solutions was a project spread over many years and it was multilayered with several elements. There were workshops, seminars, peer reviewed studies and then there was the final step of the project, namely the high level Expert Forum on International Technology Transfer. The Delegation wanted to make a comment and to respond to the question from the colleague from India and to acknowledge that there was an issue around tech transfer and its definition. For that project there was an agreed definition among Member States but it was very clear that because the issue was so delicate, this agreed definition was only for that specific project and it could not be used for any further activities. It was also because it was an acknowledged issue, taking into account that the whole system that has been dealing with the tech transfer, the whole United Nations system had not been able to solve it. This showed how complex the issue was. The Delegation of the UK attended the high level forum. It thought that the quality was excellent. There were renowned speakers that attended it and all the previous work in the project was well incorporated in that forum, including the presentations of peer review studies that the colleague from the African Group referred to. It found the high level Expert forum the highlight of the project and that meant that the Committee had to focus on those thoughts that arose from that forum and saw how it could have been assimilated within the existing WIPO structures, taking into account what was realistic and see what were the possibilities of WIPO Secretariat to take some of those forward. The Delegation thought that was where their focus for the next steps lied. It read out paragraph 28 of the concept paper agreed by the CDIP “following any recommendation 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 of the CDIP”. It was clear that the Committee had extensive discussions on the seminars and on the studies. All work was taken into account when those high level experts were at the forum and discussed what could be done as next steps in that area. The Delegation thought it was the mandate and the logical way forward to look into that area. Some of the issues that were already mentioned could be looked into taken forward.

413. The Delegation of Brazil aligned itself with the statements made by the Delegation of Nigeria, on behalf of the African Group, regarding the disparity of the expert thoughts and the recommendation on the peer review. Absence of any reference to the use of TRIPS flexibilities among the thoughts disseminated from the forum provided clear evidence that the scope of the discussion should be enlarged to include a matter that a great number of members considered essential to the promotion of technology transfer. This issue was raised during the consultation meeting of GRULAC and was subject to a whole session in one of the commission studies. The TRIPS flexibilities were important tools to foster the transfer of technology and it believed that it should be included in any proposals or recommendations. International technology transfer could be enhanced through new channels such as open innovation or global innovation networks. Member States could work in parallel with more traditional ways of transfer of technology taking into account the latest recognized limits for effective implementation. There seemed to be a conceptual confusion in the way the goal of promoting technology transfer was equated to that of fostering innovation during the forum even though the concepts were similar and sometimes complimentary. It was necessary to focus on the conclusion of possible lines of action as a result of this project. Lastly, the Delegation of Brazil thought that work should be carried out with the view of exploring ways to facilitate international collaboration among public research institutes from governments and the academia. This was an issue that the Brazilian Government had addressed internally aiming at stimulating partnerships between research institutes and academia.

414. The Delegation of United States of America supported the statement made by the Delegation of Greece on behalf of Group B and the Delegation of the UK. As mentioned during previous sessions it appreciated the work that was done by the Secretariat in bringing together a diverse group comprised of highly respected international technology transfer experts from developing and developed countries and countries with economies in transition, during the high level forum. It found the thoughts of the expert forum constructive and practical, coming from people who were involved in day to day, hands-on technology transfer. It believed that these thoughts deserved thorough consideration by the Committee. With respect to the studies that were mentioned, the recommendations from the analytical studies and regional meetings were taken into consideration by the experts during the forum. The thoughts were based on all project materials, including analytical studies and outcomes of regional conferences as well as practical experiences and knowledge of the panelists. Also during the last session, the Committee discussed the evaluation report of the project. It shared the opinion of the evaluators that the Committee needed to find a way to translate project outcomes into tangible and sustainable results. Mapping existing WIPO activities related to technology transfer was the first step in that direction. The Delegation also requested the Secretariat to update the Committee on the status of the web forum. Sharing best practices and success stories through the web forum would be an appropriate next step in order to move the project forward. The Delegation noted that it would not be in favor of reopening the discussion of the studies. The Committee had discussed those studies extensively. Authors were there and they were open to questions and there was no need to go backwards. It was needed to look forward to other steps in this direction and in its view an appropriate next step would be discussing thoughts of the expert panel, and possibly evaluator's recommendations, populating the web forum with useful information and base the future work on concrete projects from Member States that had been agreed during the last session.

415. The Chair thought the question had two perspectives. That was also an issue touched upon when discussing the previous item. All Member States had legitimate interests, some of which had been expressed on how the work on the issue of technology transfer within the Organization should continue. That required good dialogue between parties. There was too much background information, too many proposals and too many divergent views. The Expert Thoughts were precisely the views of experts. Member States of international organizations such as WIPO were responsible for decision making and giving precise instructions to the

Secretariat with regard to the options they had chosen and the paths they wished to pursue. A discussion of this nature among Member States required a certain degree of preparation and organization. The Chair noted that the existing documentation was already identified and therefore the Committee should focus on agreeing on the procedure for considering the proposals and documents submitted and any new proposal that Member States would suggest. The Chair was ready to undertake consultations with all of the interested parties in order to organize that discussion in order to reach a tangible outcome. That was not something that could be achieved within the Committee or among the Member States representatives. The Committee could not get into an academic discussion. There was no point getting into a discussion which experts had already conducted elsewhere. A discussion likely to lead to a tangible decision was needed, on the basis of all the information that had been provided by the Secretariat and the experts at the previous meetings. Activities and measures were needed to be identified. That was the objective of the meetings and discussions between the Member States. However, given what Member States said, there was no time available during that week and therefore, it was not possible to conduct the discussion in the plenary. In the previous item a clear possibility of future action was proposed by South Africa. Those were the type of tangible proposals needed for discussions and that was the reason the Chair was convinced that the issue with regard to future work on technology transfer required Member States to share what were their expectations and views. That needed to be in writing with explanations so that the Committee could start thinking about those issues without any misunderstandings. The Committee did not need more studies, expert forums or seminars but to organize a discussion on the basis of the information that was available and work out what tangible measures were needed. The Chair asked if any of the Member States had specific proposals as to how to proceed with the work on technology transfer with a view on the key issues that should be discussed and where common understanding was needed. He encouraged the Member States to submit written proposals so that the Secretariat could prepare a compilation of those submissions and prepare a discussion designed to take decisions at the end of the day. If the Committee managed to bring together all the proposals which the Chair had referred to by the mid-July, then with Secretariat's support it could engage in consultations during the next session. The Chair thought it would be a well-structured discussion based on specific ideas and proposals submitted by Member States.

416. The Delegation of Greece thanked the Chair for his conclusions on the item and sought clarification with regards to the proposed way forward. The Delegation had some comments on the WIPO Expert Forum on international and technology transfer but thought it was a discussion that had already taken place. With regards to the Chair's call to submit written comments on expectations and views of the Expert Forum, it did not see how it could be linked with the previous item on technology transfer. Since the forum took place, the Committee had some thoughts and had agreed before the forum that those would be the only thoughts. In its view this was a very useful brainstorming exercise but it did not see how Member States could build upon the thoughts of this forum in terms of submitting proposals to the Secretariat.

417. The Chair mentioned that expert forums consisted of discussions of ideas but the conclusions reached by the experts were not binding. If the Organization requested a group of experts to submit their opinions it was for analyzing them and subsequently decide on how far those opinions might be put into practice or not. Those opinions or suggestions by the experts did not necessarily take into account political considerations which every state had to bear in mind when it made decisions. It was nothing new. The Paragraph 5.2 of the Summary by the Chair of the last session recorded that "Member States could make proposals after considering the mapping activities document". It was not a new subject and it derived from the very nature of the topics. The Committee had to transfer or translate the outcome of intellectual work done by the experts at a forum into decisions taken by the Member States and that required discussions. It was important to underline that Member States should clarify and explain their

ideas about future actions and what course was to be followed. Therefore, countries which had specific ideas about the courses of action should submit their ideas in writing by mid-July, so that the Committee could discuss them and take a decision. The Chair hoped that this explanation clarified the question asked.

418. The Delegation of the United States of America stated that it supported the idea. The Delegation then asked if it would be possible to separate concrete proposals like the one made by the Delegation of South Africa, from ideas about the way forward or conceptual issues that Member States wished to discuss. The Delegation thought that would allow Member States not to lose the practical and tangible projects in the process of discussing the document.

419. The Chair requested all Member States to follow the recommendation made by the Delegation of the United States of America. There were indeed two levels of discussion namely, detailed proposals and general considerations on policies. The Chair thought that the proposals to be sent to the Secretariat should follow this structure.

420. The Delegation of the UK referred to the statement made by the Delegation of the United States of America. It would be interested in looking into some concrete and practical proposals as those made by the Delegation of South Africa. On the second point the Delegation sought clarifications. Unlike other occasions in WIPO, in this case the Committee had a very concrete and clearly agreed process. The objective of the project under discussion was to structure their thinking and work on tech transfer. The Delegation referred to the Chair's statement on the high amount of work and material around this very complex issue. The whole idea of the project was to structure it and see what could be done. It was clear that the process had several steps and its highlight was the Expert Forum where there were divergent views. The outcome was from people who worked in the field there was some practical food for thought for the Member States to start incorporating it into WIPO's work. The Delegation felt it was important that all the proposals that Member States would make to be built on that basis. If the option was opened for everything, then the Committee was back to the first step and did not achieve anything within the process.

421. The Chair noted that the Delegation of the UK had raised an important point. The Committee was in the process trying to build something within a specific framework. It was going to start the discussion from scratch on new issues. However the Committee had to keep up the discussion following a logical sequence. The Chair thought that Member States should note that the work was already done and they had to build decisions based on that work. It was important to keep up the positive impetus and confidence in order to move forward.

422. The Delegation of Nigeria, speaking on behalf of the African Group, sought clarification with regards to the context of discussions already held included the peer review studies and all the related activities to the project, not only the eight listed Expert Thoughts that were contained in the report.

423. The Chair mentioned that the subject under discussion was the WIPO Expert Forum. It was legitimate for Member States to disagree with the conclusions reached by the forum, but it was important that everyone knew why there was a disagreement and on what that disagreement was based. The Chair did not think anyone could limit the right of members to express their comments and their proposals or limit the reasons behind the proposals of Member States.

424. The Secretariat (Mr. Mattes) supported the statements made by the Chair with regards to which of the project outcomes should be taken into account and whether the starting point should be only the Expert Thoughts which had been agreed upon by the experts during the high level Expert Forum. He recalled the original project deliverables agreed by the Committee back

in 2010 when the project started. There were six or seven deliverables that included among others the holding of the regional consultation meetings, the six peer reviewed analytical studies, the concept paper and the Expert Forum. Those were the four main deliverables. At the end the incorporation *“of any outcome resulting from the above activities into the WIPO programs after consideration by the CDIP and any possible recommendation by the Committee to the General Assembly”*. It was clear from the way the project deliverables had been drafted at the outset that the Committee was asked and tasked to take into account all the outcomes of all the project deliverables in discussing and eventually telling the Secretariat what the focus of its work on tech transfer should be in the future. It was by no means intended to limit this to what indeed was the highlight of the project, namely the Expert Forum but that was only one of the several deliverables which also included the meetings, the studies and the concept paper.

425. The Delegation of the UK stated that it was aware of the different papers and documents, in particular of the one the Secretariat was referring to. There was also the revised concept paper in 2014 which contained Paragraph 28 on incorporation of outcomes into WIPO programs. The Delegation read out the following: *“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 activity will be incorporated in the work of the Organization”*. The Delegation wanted to understand the link between the initial and the revised concept papers.

426. The Chair requested the Delegation of the UK to reformulate its question.

427. The Delegation of the UK reiterated that the concept paper had different steps. The final step incorporated all the work that was previously done. The Committee was supposed to discuss those outcomes and try to incorporate them into WIPO's work. If there was everything available, it would just request Member States to come up with proposals to be discussed. The Delegation suggested to focus on the last step of the project and build upon it. Member States could come up with concrete proposals that were somehow derived from that, and after have a discussion on the next steps and issues that could be taken forward, taking into account the existing WIPO structures as well the realities of the Secretariat.

428. The Delegation of Nigeria, speaking on behalf of the African Group, mentioned that the high level forum was a combination of all project activities. During the high level forum, some of the outcomes of the regional seminars held were also discussed. The outcome Expert Thoughts did not involve only the high level forum. Principally, the Group understood that the Expert Thoughts came from the peer reviewed studies. Therefore, even if Member States were to base their proposals on the outcome of the high level forum, as the Group perceived that the Delegation of the UK suggested, the Committee could still take into account all the activities of the project. The high level forum did touch on all the activities of the project and that was the reason WIPO actually held the peer review of the studies. The Group reiterated that there was a disagreement on the eight outcome Expert Thoughts. Therefore, Member States, even with the position expressed by the Delegation of the UK, could still make proposals based on activities related to the project and must not conform to the eight Expert Thoughts which were not yet agreed by Member States.

429. The Chair suspended the discussion, noting that he would not hold procedural discussions. If Member States would make a proposal that did not take into account the opinions expressed during the discussions it would be difficult to move forward. It was not necessary to restate well known positions all over again. The Chair mentioned that the Committee tried to make progress and it needed proposals on the basis of what was done up to-date. Delegations must be prepared to listen to the proposals and not be obliged to agree with them. He believed that Member States needed to come together on a general wording which reflected everyone's understanding.

430. The Delegation of the UK agreed with the statement made by the Delegation of Nigeria, on behalf of the African Group. It was true that at the high level forum all the material previously available were used. The first session of the high level forum was devoted to presentations of the six studies, not only peer reviewed but also the presentations of the studies, followed by the comments of those who did the peer reviews. In the Delegation's understanding, the conference was a final step where all the documents were evaluated, discussed and assessed and then an outcome was produced. It thought that it needed to build on that in order to move forward.

431. The Delegation of Greece supported the statement made by the Delegation of the UK on the Expert Forum. It was indeed the last step of a procedure and it did not found it a procedural discussion. The Delegation thought that the Committee agreed that technology transfer was a very complex subject and it consisted of different aspects. The Expert Forum that took place was something on which it could be built upon. The Delegation recalled that, in its statement, it also referred to the Summary by the Chair of the 16th session. It gave the opportunity to Member States to submit proposals after consideration of the mapping document. The way forward should be focused on very concrete proposals such as projects. This was something that the Delegation referred to in its statement and it reiterated it. Referring to the project was something concrete and it was built upon the outcomes. The Delegation thought that opening a broad discussion on technology transfer was not consistent with the agenda item, at least not with the WIPO Expert Forum on International Technology Transfer.

432. The Delegation of the Czech Republic recalled that at the last session the Secretariat requested the Committee to conclude discussions on this project. The project was fulfilled. The Delegation agreed with the intervention of the Delegation of Greece and mentioned that it read out what was decided by the Committee: "any new proposals could be submitted after consideration of making the comment for discussion at the 18th session of the Committee". The Delegation therefore did not see any problem with the procedure. It thought the Committee should focus on specific proposals, possibly project proposals, coming from Member States respecting the political framework of the Development Agenda.

433. The Delegation of the United States of America noted that the Delegation of the Czech Republic brought an important point that this project was completed and evaluated. It was not an infinite project. The Committee had completed the work under this project and the next step was to hear concrete Member States proposals. Not ideas, not the conceptual issues but concrete proposals from Member States.

434. The Chair mentioned that the understanding of the Committee at its last session was of identifying possible recommendations from the Committee to the GA. That was meant to be done. The final stage was determining those recommendations. The Chair thought it was important for Member States to make clear what they thought those recommendations should be. He said he would stop using the word "proposals" and say "recommendations", meaning "the recommendations which the Committee is to make to the GA on this subject".

435. The Delegation of Switzerland supported the remarks made by the Delegation of Czech Republic and the Delegation of the United States of America.

436. The Delegation of Nigeria, speaking on behalf of the African Group, agreed with the proposed path forward that Member States may send proposals or recommendations that they deem the Committee should discuss or recommend to the GA for its further consideration.

437. The Delegation of Greece sought clarifications regarding the replacement of the word "proposals" with the word "recommendations".

438. The Chair explained that he referred to the possible recommendations which the Committee was to make to the GA on this subject. He referred to the Document CDIP/15/5, page 2, paragraph (1) (G).

439. The Delegation of Brazil joined the statements made by the Delegation of Nigeria in supporting the Chair's proposal. It recalled that the aim of the project was an incorporation of activities into the WIPO program and so far that aim was not reached.

440. The Delegation of Iran (Islamic Republic of) supported the statements made by the Delegation of Nigeria on behalf of the African Group and the Delegation of Brazil.

441. The Chair concluded the discussion given that there were no further observations from the floor. He then invited the Delegation of Spain to have an informal consultation meeting, as requested.

Consideration of document CDIP/16/7 Rev. - Cooperation on Intellectual Property Rights Education and Professional Training with Judicial Training Institutions in Developing and Least Developed Countries (continued)

442. The Chair recalled that some delegations expressed concerns about the document CDIP/16/7 REV and that he requested the Secretariat to contact those delegations to better understand the nature of those concerns and try to find a solution.

443. The Secretariat (Mr. Bdioui) stated that the Secretariat held fruitful consultations with delegations which had concerns regarding the project proposal. It thanked the delegations who helped in moving forward. The first change was the inclusion of the word "development" in the title to reinforce development objectives of the project. The second proposal was to improve the text on page 11, paragraph (3)(1)(b), by including at the end of the paragraph a sentence which stated "the report should contain all the relevant information regarding the toolkits, course consent and any other useful information, and then comma, *unless otherwise indicated by the beneficiary countries*. The Secretariat did not have any difficulty in accepting these changes and hoped that the Committee would agree with the new text.

444. The Chair recalled that when this issue was discussed, a number of delegations had asked for the floor in order to express their endorsement for the draft. He invited delegations to comment on the text with the understanding that these minor amendments that the Secretariat had read out did not change the nature of the document.

445. The Delegation of Mexico thanked the Secretariat for the presentation as to the details contained in the proposal. The Delegation expressed appreciation for the amendments made to the document which were the result of consultations with Member States who had expressed concerns. The Delegation was very pleased to know that these difficulties had been overcome. It observed that this draft was in line with Recommendations 3, 10 and 45 which encouraged Intellectual Property education and professional training at the national, regional, and sub-regional levels. The Delegation further agreed that it was extremely important to improve the training of professionals in the sphere of Intellectual Property. It considered it right to carry out the pilot project in the regions of Africa, Latin America and the Caribbean, as well as the Arab region. It reiterated its support towards this document and expressed their interest in participating in the pilot project. The Delegation also hoped that its request would be duly accounted for.

446. The Delegation of the United States of America noted that it needed some time to reflect on the amendments since it set a precedent for providing all the materials and contents of the

courses for the Committee's review on a regular basis, which was not a normal practice. The Delegation requested a little time to discuss it.

447. The Delegation of Gabon endorsed the statements made by the Delegation of Nigeria on behalf of the African Group at the previous session. It endorsed the project and stated that Gabon benefitted from a workshop for right-holders, for customs officers, policemen, magistrates, and lawyers organized by WIPO. Gabon hoped that those training workshops would be held again soon. It was very pleased to be able to benefit from particular trainings adapted to the needs of its country.

448. The Delegation of the UK expressed its support for the project in its original version. It asked clarification on the changes in the title. The Delegation asked if that was a typo that the word "rights" was also excluded from the title. In addition, the Delegation expressed its need for more time to consider or hear more explanations on the changes made on page 11.

449. The Secretariat (Mr. Bdioui) confirmed that when the term "development" was added in the title, the term "rights" was removed since it sounded confusing. On cooperation on development and IP it covered everything, including IPRs and obligations. Addressing the concern expressed by the Delegation of the United States of America, it mentioned that the following part of the text was a safeguard: "*unless otherwise indicated by the beneficiary countries*". Therefore any country which did not like to have its reports disclosed in the Committee, could express it. That was the essence of the meaning of the last part of the sentence. The Secretariat welcomed the support for the project by a number of delegations and took note of all the requests for participation.

450. The Delegation of the United States of America disagreed that the deletion of the word "rights" made the sentence less complicated. It believed that it was just one short word and for judiciary it was especially important to hear about IPRs. The Delegation further stated that it would not support the deletion of the word "rights" just for the sake of making the title one word shorter. As for the second point, the Delegation believed it put an affirmative obligation on the beneficiary country to request not to share information and that was a strange practice. It still needed time to consider that.

451. The Delegation of Costa Rica understood that the competitive advantages based on creative capacity and the inventive spirit must find their counterpart in a legal instrument and a strong institutional framework that protects intellectual property in its various forms was necessary. Costa Rica had transformed itself and its economy was intensively knowledge-based. In this scenario, judicial training was essential for the proper enforcement of those rights as reflected in their national Intellectual Property Strategy 2012. Its vision was closely aligned to SDGs, particularly with SDG 9 which proposed the development of a robust infrastructure, inclusive and sustainable institutionalization, promotion of innovation, and SDG 17 which talked about working on an inclusive society based on strengthening of transparency and inclusive institutions. The Delegation reiterated its support expressed during CDIP/16 on the Project on Cooperation on Intellectual Property Rights, Education and Professional Training on Intellectual Property with Judicial Training Institutions in developing countries and LDCs. The Delegation further referred to the document CDIP/16/7 Rev. and expressed its keen interest in being selected as a pilot project country. It offered human resources and infrastructure to comply with its implementation. Costa Rica had a judicial training school founded in 2001. Through all its years of existence it was entrusted with the task of training for the improvement of the administration of justice. It was very important to train magistrates and judges in Costa Rica. This professional training and judicial training institution had all the prerequisites necessary, particularly for intellectual property as recognized by the Memorandum of Understanding (MoU) of 2004 signed by WIPO and the Supreme Court of Justice of Costa Rica. The MoU is about close coordination and collaboration between both institutions for carrying out seminars, workshops and courses on Intellectual Property, as well as

the selection and designation of magistrates, judges, and lawyers in the judicial system to cooperate in training programs offered by the WIPO. This national commitment was reflected in the courses for judges in 2008, strengthened by a new cooperation agreement between the WIPO Academy and Costa Rican Intellectual Property Institution in 2015. The Delegation recalled that the collaboration between WIPO and Costa Rica had its first formal expressions in a cooperation agreement signed in 1995. Finally, the Delegation mentioned that during his visit to Geneva in 2015, the President of the Republic, Guillermo Solís, offered to the various international organizations in Geneva his country as a laboratory for development, a propitious framework for projects such as the one under discussion. Costa Rica offered a long career of collaboration with WIPO, with creative human resources, as well as trained and proper structure. With this cooperation, the relationship should continue to be strengthened.

452. The Delegation of Indonesia expressed its satisfaction on the progress and agreed with the changes. However it supported the discussion regarding the paragraph 2(b) concerning the revealing of certain information. It thought that judicial officers could not reveal information and take it on the record of the meeting. There was some information meant to be presented in the Court and no other place. Therefore the discretion of information should be maintained. The Delegation was flexible with regards to that issue but underlined that there was some confidentiality of information which was discussed in the Court.

453. The Delegation of Germany thought that the change in the title shifted the focus of the training in a different area and therefore it would have to consult with its capital. It therefore, requested more time for consideration.

454. The Chair understood that the delegations needed more time. He noted that there was one Delegation, namely the Delegation of the United States of America which disagreed with the removal of the word "rights" in the title. It was worthwhile to consider the imperative need to delete that word. The second concern was that for many countries the concept of the reservation in the summary was important. That was simply a guarantee of a legal process. It would seem that reactions as those reflected in the second paragraph might facilitate the understanding of judges themselves of the consequences of sharing information which under their laws were considered as protected data. The Chair urged the Committee to consider those arguments in reflecting on the changes until the following day. The Committee was close to a solution and these issues did not mean to postpone the adoption of the document.

455. The Delegation of Greece sought for clarification on the Chair's assessment on the word "rights".

456. The Chair explained that he did not see any difficulty with including the word "rights" in that part of the sentence. It seemed reasonable to give a signal to judges that certain information which was protected by the confidentiality of proceedings would be respected and would not be made public. That was the purpose of this language. The Chair mentioned that the Committee was not far from finding a solution, as those were two reasonable issues. The Chair was not going to reopen the discussion and asked the Delegations who still had issues to consider the appeal. In the meantime, the Secretariat was ready and available to help finding a solution while the Committee would continue its work.

457. The Delegation of Germany requested the Secretariat to provide the document with the track changes in order to facilitate its coordination.

458. The Vice-Chair resumed the discussion on the project.

459. The Secretariat (Mr. Bdioui) introduced the results of discussions. The amendment included the word “development” in the title. This change would appear on the cover page of the project, the CDIP/16/7 Rev Document, and in the Annex.

460. The Delegation of India mentioned that the new title reflected the focus on development which was an important focus of the Committee. As the Annex said it was in accordance with DA Recommendation 3, 10 and 45. These 3 recommendations reflected that the DA was about balancing IP rights and public interest. Judicial training should not just focus on rights but also on the developmental aspect so that judges were also trained about flexibilities, exceptions and limitations available to them taking a holistic picture of this and striking the right balance between IP rights and larger public interests. This was a welcomed change which gave a positive signal about the focus of this Committee which was essentially the development and IP rights.

461. The Delegation of Germany did not fully understand the reason why there was a need to add that word “development” to the title of the project, nor did it fully understand what effect this insertion would have on the way the project would be carried out. The Delegation asked for a clarification whether the project with the amended title would be fully within the scope of WIPO’s mandate.

462. The Secretariat (Mr. Bdioui) said that with the inclusion of the word “development”, it would not have any impact on the implementation of the project as it was reflected in the project document and there was no doubt this project fell within WIPO’s mandate.

463. The Delegation of Nigeria, speaking on behalf of the African Group reiterated the support of the African Group for the project with the inclusion of the word “development”. The Group thought it focused the project. The African Group welcomed that the contents of the project left the beneficiary countries with the ownership of the tools that were developed for the project implementation.

464. The Delegation of Brazil thanked the Secretariat for the suggestion to add the word “development” in the title of the project. The Delegation understood that CDIP projects must necessarily focus on development as a driver of its activities. That was the added value of the project that would take into account development oriented aspects such as those mentioned in the three recommendations on which the project was based. The Delegation further expressed its agreement with the original language which provided that the Report should contain all the relevant information regarding the tool kits, course content and any other useful information unless indicated by the beneficiary countries. Brazil favored transparency on all WIPO activities. That would be aligned with Recommendation 1 of the DA that stated technical assistance and capacity building activities shall be, among others, development oriented, demand driven and transparent. This was an issue that Member States should give due regard in the Committee.

465. The Vice-Chair invited the delegations concerned by the suggested amendments to take the floor.

466. The Delegation of Iran (Islamic Republic of) supported the statements made by the Delegation of India and the Delegation of Brazil on the inclusion of the word “development” in the title. It would send a positive signal to countries which had concerns that the project was development oriented and that various development aspects would be considered during the training program. Therefore, the Delegation strongly supported this change.

467. The Delegation of Greece, speaking on behalf of Group B, attributed importance to this project and fully supported it.

468. The Delegation of the Netherlands, speaking on behalf of the EU and its member states supported the capacity building activities on Intellectual Property in the judicial sector and was convinced that a well-functioning IP system was not possible without a well-functioning judicial system. It was crucial to have knowledgeable experts in the courts and this project would make a valuable contribution to the strength and capacity in the field of IP rights. The EU and its member states therefore welcomed the project and agreed with the proposed amendment in the project title with the understanding that this amendment would not change the content and the implementation of the project, as originally proposed. It was confident that the WIPO Secretariat would successfully implement the project according to the project's description and in conformity with the WIPO mandate.

469. The Delegation of the United States of America sought clarification whether the Committee discussed just the amendment on the title or any further amendments that were discussed the day before and did not reach agreement.

470. The Secretariat (Mr. Bdioui) clarified that the only amendment under discussion was the inclusion of the word "development" in the title.

471. The Vice-Chair declared the project as adopted and closed the discussion given that there were no further comments from the floor.

Consideration of document CDIP/16/6 – External Review of WIPO Technical Assistance in the Area of Cooperation for Development (continued)

472. The Vice-Chair invited the Delegation of Spain to provide an update on the consultations held in the morning.

473. The Delegation of Spain informed the plenary that the informal consultations were successful and Member States had reached an agreement. The new document would be circulated within the Committee. The Delegation thanked Member States for their effort. It then read out the document. Paragraph one was just the same as the one the Delegation presented to the plenary before where it asked the Secretariat to compile its existing practices, tools, and methodologies for providing technical assistance. Additionally, WIPO should provide a regular forum for Member States to share their experiences. The second paragraph was the same as the one presented to the plenary before, where Member States requested the Secretariat "to continue to improve, if possible, internal coordination as well as collaboration with United Nation Agencies and Programs, and other relevant international organizations, as well as cooperation with national and regional IP offices on issues related to technical assistance and the Secretariat would identify new proposals to that effect and report back to CDIP". The second sub-paragraph from paragraph 3 was with a small amendment which implied to recommend the Secretariat to establish a balanced peer review procedure. The Delegation of Spain, however, thought that the quality of the evaluations carried out by the Organization in terms of technical assistance was already high. Paragraph four was also different from the one presented before. The long discussion that Member States had on this paragraph ended up by asking the Secretariat to present a document containing WIPO's existing practices relating to the selection of consultants for technical assistance and this would be for information purposes. Paragraphs 5 and 6 were the first that were adopted and gave the least amount of work and were the same as presented before, asking the Secretariat to regularly update and if possible upgrade the online roster of experts and consultants for technical assistance (paragraph 5) and, to reflect and to report on possible improvements of WIPO's webpage section devoted to communicating WIPO's activities on technical assistance (paragraph 6).

474. The Vice-Chair pointed out what was said by the Delegation of Spain, namely that it was Paragraphs 3 and 4 that had been finalized during the morning. The Vice-Chair further reminded that this item was not open for negotiation and discussion. It was an agreement reached in the informal consultations and every delegation was welcome to make any kind of comments and observations based on what was agreed.

475. The Delegation of Nigeria, speaking on behalf of the African Group, believed that the proposal put forward by the Delegation of Spain as discussed in informal consultations tried to select the simpler aspects of the different thoughts of Member States on how to move forward on the subject of technical assistance in the area of cooperation for development. The Group believed this was a first step forward on the issue and that it continued to have the right to come back to this with future proposals, and in that regard, to keep open the agenda item on technical assistance in the area of cooperation for development.

476. The Delegation of the Bahamas, speaking on behalf of GRULAC, acknowledged that this was a first step towards concretizing this matter and encouraged all Member States to continue work in that direction.

477. The Delegation of China expressed its satisfaction with the progress made by the CDIP in the recent years on a number of issues such as the Independent Review and the successful holding of the International Conference on IP and Development. The Committee also managed to reach a consensus on the issue of technical assistance. The Delegation thanked the Delegation of Spain for submitting the proposal and holding of the consultations on this issue. As a developing country, China had been a beneficiary of IP technical assistance and capacity-building from WIPO and countries such as Germany, which had contributed to the establishment of a relatively complete IP system in China in less than 30 years. Therefore, China fully understood the significance and importance of technical assistance to developing countries. It hoped that from now on WIPO technical assistance will enter into a new chapter.

478. The Delegation of Greece, speaking on behalf of Group B, welcomed the agreement reached in regard to the future work on this item. The Group believed that with this agreement the External Review was now closed. The Group appreciated the intense efforts of the Delegation of Spain to bring Member States to a mutually acceptable way forward on the matter of improving technical assistance. The Group further clarified its understanding on the 6 points plan, specifically points 3 and 4. On point 3 the Group appreciated the openness of the delegations that were initially hesitant about the idea of mainstreaming a vigorous peer review process for studies commissioned by WIPO. The Group believed that the credibility of WIPO studies was of critical importance because it knew that those were being carefully read and considered by a wide range of users, including governments, policymakers, stakeholders, researchers, and students, among others. In order for any type of research study to be credible, its results should take into consideration other perspectives and other existing research in order to ensure that the final result was a balanced product of critical analysis, well founded, well written and ultimately useful. As a large number of studies originated through CDIP projects, it was particularly important that the Secretariat applied this important practice to all CDIP-related studies. On point 4 the Group's understanding was that the Secretariat's presentation of its existing practices relating to the selection of consultants for technical assistance would be provided to the Member States for information purposes only, particularly as any discussion of this practice was not appropriate for the CDIP forum. This information was provided during previous CDIP sessions, but for the sake of transparency and to demonstrate flexibility, the Group was willing to agree upon this point with the understanding that it was for informational purposes only and it would not venture any attempts to micromanage the Secretariat. The Group was of the understanding that with the agreement on these six points, the discussion of the External Review was now closed. These points would be the only basis for the upcoming CDIP session. With a 6 points plan, Member States had a track for technical

assistance and that, as it understood, was satisfactory to all Member States. This, along with the results of the Independent Review would mean a very full program of important issues for the Member States to consider and discuss during the upcoming sessions.

479. The Delegation of Brazil was pleased to note the progress achieved on technical assistance. It looked forward to further discussing the issue in the next session and agreed that the discussion was now closed. In that sense, the Delegation joined the statements made by the Delegation of China and the African Group with regard to this issue.

480. The Delegation of Iran (Islamic Republic of) mentioned that for the sake of compromise it could go along with this proposal as it was with the understanding that it remained opened for Member States to come back on it. On item 4 of the proposal, on the selection of consultants, the Delegation believed that the Committee needed to set out specific guidelines for selections of consultants for technical assistance. Iran looked forward to having the Secretariat's presentations on this issue though any Member States had the right to request to set out guidelines or improving the existing rules of procedures, if necessary.

481. The Delegation of Latvia, speaking on behalf of CEBS realized that this proposal was a compromise. The flexibility demonstrated by all Member States had enabled the Committee to achieve an agreement. The Group was pleased to see that agreement was reached after discussing the issue during several CDIP sessions.

482. The Delegation of the United States of America supported the closing of the discussion on the External Review, especially in view of the fact that this Committee would have to consider the results of the Independent Review at its next session. Member States were discussing the results of the Review of the WIPO's technical assistance for five years, since the 11th session of the Committee in November 2011. The report and all the subsequent documents under this item were given due consideration and were discussed at length. The Committee agreed on some concrete measures, some of which had been already implemented and others which would take some time to implement, as for example those agreed upon today. The Delegation however, disagreed on some matters. The Delegation of the United States of America believed that the technical assistance, nevertheless, would be provided by WIPO and would be continuously updated and improved, but it was time to close the agenda item on the Review and move on to other issues which were before the Committee at its subsequent sessions.

483. The Delegation of the UK supported the statement made by the Delegation of Greece on behalf of Group B and the statement made by the Delegation of the United States of America. It was also its understanding that having this discussion on the Spanish proposal, the Committee was trying to close the gaps in the views of delegations in order to finish with this item and focus on other issues that were in front of the Committee and some that were still pending. The Delegation was puzzled how the Committee was going to consolidate this position and close this item with two very opposing views. The Delegation thought it was important to make clear what were the understandings and the conditions of this agreement. The Delegation believed that Member States managed to agree on some very important points, especially points 1, 2 and 3, which for sure provided some tangible results that would be for the benefit of all. The Delegation found point 4 the most contentious and delicate issue. It was however glad that Member States managed to get an agreement based on the fact that they did not enter into micromanaging the Secretariat's work and that they would only have a presentation from the Secretariat for information purposes at the next session.

484. The Delegation of Switzerland stressed the fact that the 6 points in the Spanish document were the outcome of several years' negotiations on technical assistance provided by WIPO in the area of development cooperation and it welcomed it. As pointed out by Greece on behalf of Group B, the Committee now had a solid basis for discussion at the next session of CDIP and

therefore, could and should press forward with these 6 points. This was the spirit in which it engaged in the discussions on this document and it was also why it thought that this item on the Agenda should be closed. The Delegation believed the Committee should continue working in a constructive way on the Spanish document which was the only basis for consensus to date on the External Review.

485. The Delegation of Pakistan believed that technical assistance was an important issue for all countries in the Committee. While Pakistan appreciated the contributions made by the Delegation of Spain in this regard, it believed that this topic was too important and the fact that the Committee did not manage to agree on everything meant that it should still continue discussing the topic.

486. The Delegation of South Africa aligned itself with the statement made by Nigeria on behalf of the African Group. Continuous quality improvement was an imperative that all organizations should undertake to optimize their work, fix identified gaps and avoid future problems. In this regard, the Committee should always be open to new ideas which would be of benefit to all Member States, especially in areas of technical assistance.

487. The Vice-Chair asked the Delegation of Pakistan to clarify whether it was in agreement with the 6 points that were concluded in the morning and would not favor to close this agenda item, or the Delegation was not in agreement with the 6 points and hence, would like to reopen the discussion and seek agreement.

488. The Delegation of Pakistan believed there was still need for further consultations. Where this matter was concerned the Committee could move forward with the 6 points that had been agreed in the morning.

489. The Vice-Chair noted that it was clear from Member States interventions that there was an agreement amongst all parties on the 6 points of the document and it could be handed over to the Secretariat. However, a disagreement was noted as to whether or not these 6 points meant that the discussion on all the recommendations within the original document was closed. The Vice-Chair proposed that the status of the original document was held over to the CDIP/18 and give feedback to the Secretariat at the 18th session of the CDIP on the implementation plan for these particular 6 steps that Member States had agreed on.

490. The Delegation of the United States of America wished to clarify whether the Vice-Chair proposed to keep this Agenda item on the Agenda for the next session and at the same time the Secretariat was going to implement the 6 points. If that was the understanding, the Delegation considered it contrary to a number of statements made in the Committee that the delegation would like to see this agenda item closed. The United States did not think it was possible to disregard the statements made by a large number of Delegations. It would not be in favor of keeping this agenda item for the next session. However, if the Secretariat would like to present a plan on how to move on the items agreed upon, the Delegation of the United States would definitely hear it but under a different heading. In addition, if any Delegation had concrete proposals for improving technical assistance, the Committee could hear them without keeping the agenda item open for six more years. The United States' proposal would be to hear concrete proposals on whatever topics delegations might have and consider those on their merits, but close the item on the External Review. Otherwise it would never be close and that was not a practical and pragmatic way for the Committee to move forward.

491. The Delegation of Nigeria, speaking on behalf of the African Group thought this would not be the first issue in WIPO to stay on for five years or six years or ten or 15 years. The time for having an agreement on this subject was short. Therefore, the easiest way was to leave it open until the next session of the CDIP. If Member States won't have an agreement the Group did

not know how the Committee would come back to this at the next session without leaving the agenda item open.

492. The Vice-Chair reminded Member States that in order to be able to close an agenda item a consensus was needed. There were clearly very strong differing views, with a number of delegations requesting that the 6 points were the first in a number of steps that looked to see through the recommendations of the review on the technical assistance and then a number of delegations suggested closing the item. Without consensus, it was impossible to rule in either direction.

493. The Delegation of the United States of America thought it was not accurate to characterize those steps as first steps. The Delegation had agreed previously on three items already after extensive discussion. The Committee had been discussing it for five years. The Delegation could not agree to come to a consensus on any other items after due consideration, after five years, ten sessions. It believed this was time to end the discussion, maybe go forward with some proposals that individual Member States or groups could bring under a different agenda item, just as an implementation of the DA item and close the discussion on this item because the Committee was going to have an Independent Review which potentially was also going to last for a long time and consume a lot of time and energy. The Committee should be able to close this Review at some point and the Delegation of the United States of America thought that was the right point.

494. The Delegation of the Czech Republic was glad that Member States were able to extract 6 concrete proposals prepared in cooperation with their colleagues from Spain. The Delegation shared the feeling that it should be clear if the Committee would like to continue with this prolonged agenda item or not. The solution could be to make a decision at this session that the next session would be the last chance to have any concrete recommendation or proposal extracted from the original document to put on the agenda of the next meeting.

495. The Delegation of Spain noticed how in WIPO happiness seemed to last less than fear. It thought Member States would be a little happier because of the success achieved after so many years by reaching an agreement on 6 points. However, quite quickly that happiness was dispelled and the delegations were thinking about the fear they had whether to close the item or not. Perhaps they should focus more on what was just achieved, that they had given guidance to the Secretariat to be able to continue along a certain path and continue to analyze this topics in the forthcoming sessions. The Delegation thought that it should be enough to show people that they had done something, and for WIPO standards that was a lot, particularly if it took into account what was agreed in these past five years and also to be aware of the fact that a new report was coming, for which it would be needed to devote time and therefore, the Committee had to close this item of the Agenda at some point in time. Perhaps it could focus more on what the Committee had done and not look at things in the long term. The Delegation thought that the Committee had work for the forthcoming session and perhaps it should not get too tangled up as to whether or not item should be closed.

496. The Delegation of Chile endorsed the congratulations expressed to those who had taken part in the negotiations both in this session and in previous. This was a topic which the Committee had discussed for quite a while. It ought to stick to it as this was a basis for future work and not lose what Member States were able to agree on by way of consensus. The Delegation thought that the issue of technical assistance and the improvement of its delivery or provision by WIPO went beyond a particular evaluation. It would like that topic to be analyzed irrespective of the fact that the different delegations might have as a reference to the documents and instruments which had been created throughout history. If so, the Committee could have a new item on technical assistance and the Delegation would support that. What interested the Delegation of Chile was that the Committee continued dealing with the topic. Seen from that

perspective, it supported what was said both by the Delegation of the Bahamas on behalf of GRULAC, by the Delegation of Switzerland and recently by the Delegation of Spain that the work did not just end with a report. The Delegation of Chile hoped that Member States could agree on a formula to be able to continue looking at the 6 points and see what they could define in the future. Taking what was on the table as a basis, each Delegation could bring it when it was timely in their national capacity or as a group, but did not lose what the Committee had done during this session, which was a tremendous piece of work.

497. The Vice-Chair inquired if the Delegation of Chile was proposing to close this agenda item and to create a new agenda item called “technical assistance in the area of cooperation for development” or something along those lines.

498. The Delegation of Chile agreed that was its suggestion. It was not sure about the wording but that was something the Committee might think of.

499. The Vice-Chair asked other delegations to give consideration to that very specific and concrete proposal and see if it was acceptable for a way forward.

500. The Delegation of the Bahamas, speaking in its national capacity, agreed with the proposal made by the Delegation of Chile. It could have been good to keep the issues of technical assistance on the Agenda, whichever way the Committee decided to frame it, so that it would certainly allow delegations to have the opportunity to continue to make proposals with regards to this matter. It had listened to the interventions of the United States of America on the external review. The Bahamas did not know if the Delegation of Nigeria on behalf of the African Group was saying that it wanted this particular external review to remain open or if it wanted the issue of technical assistance to remain open. But if it was about the issue of technical assistance, the Delegation of the Bahamas, in its national capacity, supported that a new item was placed on the Agenda for the 18th Session, and agreed with the closing of the particular external review that was before the Committee.

501. The Delegation of Iran (Islamic Republic of) considered that this item had to be kept because the Committee had to follow the 6 points and proposals on how to improve delivering technical assistance. The Delegation of Iran thanked Chile for its proposal and found it interesting. The Committee could go along to have a new agenda item but first of all a consensus on the title was needed. That was important.

502. The Delegation of the United States of America said its option was to proceed with the 6 concrete points or the Committee continued with the open ended discussion that had been going on for many years. It hoped that Member States could agree to focus on concrete proposals to have a positive track forward through the 6 points plan. The Delegation was willing to consider Chile’s proposal to open a new agenda item for CDIP/18, not as a standing agenda item but to have it under one of the existing agenda items. One was “monitor, assess, discuss, report on the implementation of all Development Agenda Recommendation” and the other was the “consideration of work program for implementation of adopted recommendations”. This Committee was discussing slightly different subject matter but any Member State at any time could propose a concrete document, concrete list of issues to discuss, a concrete proposal and nothing could stop a Member State. The Delegation was concerned why an agenda item would travel from one meeting to another and never end if there were concrete proposals that could be discussed. If there were no concrete proposals, however, there was no need to go back to the External Review.

503. The Vice-Chair paraphrased what was said by the Delegation of the United States of America, saying that it supported having an agenda item entitled technical assistance at least

under CDIP/18, not as standing item indefinitely but for CDIP/18 entertaining a title on technical assistance.

504. The Delegation of the United States of America mentioned that it would consider it but not in addition to the External Review documents. There were a whole bunch of documents placed under this item, all under the heading of External Review of the WIPO's technical assistance in the area of cooperation for development, and it listed four documents. If Member States agreed to close this item, then the United States of America could consider for the next CDIP meeting to continue discussions on technical assistance, on the 6 points plan that was just provisionally agreed upon.

505. The Delegation of Greece requested a 5 minutes break in order to assess the proposal made by the Delegation of Chile.

506. The Delegation of Nigeria, speaking on behalf of the African Group, mentioned that for the African Group the External Review on technical assistance in the area of cooperation for development was not a closed agenda item. If the Committee agreed on a new agenda item, it could include all existing documents or future proposals related to technical assistance. The Delegation of Nigeria joined the Delegation of Greece in requesting a short break to discuss this within the group.

507. The Delegation of the UK recommended that after the break, the Committee should continue with the consideration of the guides and then come back to this item. It would be wise to discuss this before the experts leave. Secondly, it would allow Delegations and coordinators to clarify the issue on the item they were discussing.

508. The Delegation of Spain expressed its concerns as the Committee had been postponing this issue since the previous day and time was running out. Sometimes it had to take advantage of the fact that it just had a lengthy discussion on this topic and, as the Delegation thought the Committee was close to an agreement, to attempt to solve it because otherwise, if Member States continued postponing issues, then they would postpone them until the next session.

509. The Delegation of the Czech Republic noted that the discussion was hypothetical because there was the standing agenda item, number 7 on "monitoring, assessing, discuss report on implementation of DA recommendations" and there were many DA recommendations relating to technical assistance. The Delegation repeated its proposal to make a decision that the next meeting would be the last chance to extract any concrete recommendations or improve them and the official formal comments would be closed at the next session. The Czech Republic did not mean that this huge report should not be used in some further activities or initiatives made by any Member State regarding technical assistance.

510. The Delegation of Nigeria, speaking on behalf of the African Group, understood the frustration of the Delegation of Spain after trying to find a path forward for Member States. Nigeria's understanding was that there was no disagreement with the 6 points plan that had been negotiated under the leadership of the Delegation of Spain. The question was under which agenda item they would continue the discussion because there was a considerable number of Member States of the same Committee who believed that they were not at a point to close the agenda item and that there could be a reason to have future proposals related to this question. The Group took the opportunity to mention that this was also one of the DA recommendations. Trying to fix a time to close the agenda item would not be in concert with the DA recommendations.

511. The Delegation of Mexico thought that the negotiation exercise carried out was excellent and fruitful and there was a consensus on the issue. The Delegation invited the delegations to approve the 6 points which were relevant and covered the proposals that the Committee was looking for several years. In regard the concern whether the Committee should continue considering the issue on technical assistance, it wondered whether it was an acceptable possibility to include in the report the fact that the Committee acknowledged the importance of continuing to consider the issue of technical assistance. The Delegation thought that everyone in the Committee agreed that there was an interest to continue considering the topic of technical assistance.

512. The Delegation of the UK said that the current divergent views were due to the fact that some Delegations or groups had worked on the 6 points paper with the understanding that it would finalize the whole item. That was why there was now a misunderstanding on what should be done with the whole package. The Delegation found the Chilean proposal constructive and Member States needed to give it an opportunity. Otherwise the only conclusion was that there was no agreement and the Committee had to continue at its next session the discussion on all of the issues that were under this item. That was not the best option and therefore the Committee should consider the alternative proposal that was just made.

513. The Delegation of the United States of America supported the statement made by the Delegation of the UK and asked for a break before taking a decision on the item, including the 6 points plan.

514. The Vice-Chair resumed the meeting and recalled that before the coffee break everyone was in agreement with the 6 points recommendations based on the Spanish proposal. Chile had made a recommendation on how to take the matter forward, in other words, to create a new agenda item.

515. The Delegation of India, speaking on behalf of Asia and the Pacific Group, states that most of the members of Asia and the Pacific Group supported the Chilean proposal as a way forward for having a new agenda item on WIPO's technical assistance in cooperation for development. However, the Group considered it should be a standing agenda item comprising the Spanish proposal, continued discussion on the External Review and all of the relevant proposals.

516. The Delegation of Nigeria, speaking on behalf of the African Group supported the position put forward by the Asia and the Pacific Group. The Group agreed that it should be a new agenda item on technical assistance in the area of cooperation for development and that the Committee should discuss the Spanish proposal which took a lot of intellectual rigor and time of Member States as well as all the existing documents on this subject.

517. The Delegation of Greece, speaking on behalf of Group B supported the proposal made by Chile.

518. The Vice-Chair sought clarification from the Delegation of Greece whether it supported having a standing Agenda item or an embedded Agenda item. She reminded that the Delegation of Chile proposed a new agenda item for the discussion of technical assistance in the area of cooperation for development and delegations were required to make inputs based on that. Subsequently there was an intervention by the Asia and the Pacific Group and by the African Group where there were elements of the Chilean proposal that they agreed with but they specifically asked for a standing item and that a number of documents that were under the discussion remain open for further discussion.

519. The Delegation of Greece invited individual delegations of Group B to take the floor.

520. The Delegation of Czech Republic asked the Vice-Chair to repeat the original proposal made by the Delegation of Chile for its understanding. With regards to the proposal to have a new standing agenda item, the Delegation repeated what it said before, namely that each Member State could propose what they wanted within the standing Agenda item 7 “monitor, assess, discuss, report on the implementation of all DA recommendations”. In cluster A, there were many recommendations relating to technical assistance. Czech Republic requested all Member States for constructive spirit to conclude the agenda item that was just in front of them. Therefore, it proposed to adopt the Spanish proposal in the first phase.

521. The Vice-Chair summarized the two main proposals. The first one was to close this agenda item, to gavel and accept the six recommendations. Then the Committee could open a new Agenda item as a standing agenda item which would be open and Member States could refer to the 6 points plan of the Spanish proposal, as well as to any other documents which were currently being discussed under this Agenda item. The second proposal was to accept the six points, gavel it, close the item and reopen a new item but under the item 7 of the agenda, entitled “monitor, assess, discuss, report on the implementation of all DA recommendations” with an item called “technical assistance in the area of cooperation for development”. The Committee would refer initially to the document of the Spanish proposal which would be Annex 1 to the Chair’s Summary, and as a footnote, there would be a reference to all the existing documents that were currently under this item.

522. The Delegation of the United States of America supported the second proposal, namely to accept the 6 points plan, close the item and reopen under Agenda item 7 “monitor, assess, discuss, report on the implementation of all DA Recommendations “ with a different title and as a footnote to have a reference to the existing documents.

523. The Delegation of the UK clarified that the first proposal outlined by the Vice-Chair was nothing new. If there was an item where Member States could submit all the documents, then that was *status quo* with which, many Delegations were not comfortable. The Delegation of the UK supported the Chilean proposal with the understanding that by replacing the existing agenda item the Committee achieved two points; it would preserve the 6 points plan and continue discussion on technical assistance. Delegations from Group B deemed it an important discussion in this Committee. However, in order to achieve that, there was a need for more flexibility by all Member States. If other Delegations showed flexibility then the proposal made by the Delegation of the UK could come to fulfilment.

524. The Vice-Chair asked if she could confirm that the Delegation of the UK was in line with the second proposal.

525. The Delegation of the UK confirmed.

526. The Delegation of China supported the African Group as well as Asia and the Pacific Group positions. As there were two options, China needed more time to consider.

527. The Delegation of Pakistan supported the proposal made by Asia and the Pacific Group as well as China and the African Group. Pakistan believed that was a big chunk of Member States which endorsed this. It also highlighted the fact that it was a comprehensive proposal which did not exclude anything, and therefore Pakistan urged all Member States in the spirit of flexibility to reciprocate.

528. The Delegation of Spain said it had never received so many congratulations and nevertheless was sad to receive them. That was rather strange but it happened often in WIPO. It was difficult to understand if people were not used to the dynamics of the negotiations. It

thought there were two points. One was a very difficult agreement that was difficult to reach, namely on the 6 points. Nobody objected to them and it was a pity that it had become linked to the discussion which was on procedure and what to do in the future. It was a shame because it might have been endangering something on which all Member States agreed. Either of the options would suit the Spanish Delegation. It would like everybody to be as flexible as it was. If the Committee could not reach an agreement, Spain would once again ask if there was anybody against the 6 points, and then the Committee could continue its marvelous discussion on the agenda and what it was going to do in the future and the procedure and all that.

529. The Delegation of Nigeria reiterated the support of the African Group to Asia and the Pacific Group and the Chinese proposals.

530. The Delegation of Switzerland stated that out of the two options, the first, as far as it understood was *status quo* and did not change anything. The Delegation was in favor of the second option. It thanked the Chilean colleagues for their pragmatism, trying to push the discussion forward. Switzerland gave its clear support to the second option.

531. The Delegation of Chile supported what was stated by the Delegation of Spain. In their national capacity Chile put forward an open proposal. The Delegation thought that either of the two options raised will enable progress in the discussion, which was what the Committee wanted. Chile was being pragmatic. Things were changing, in fact what the Committee was adopting now would be a framework to continue with the agreement it had reached at this session. What would happen in the future depended on what was done there. It would be a pity if the Committee went back with the agreement that it had reached. As the Spanish Delegation said, if Member States did not achieve anything, then everything they had done was pointless. Chile hoped that Member States could be flexible and agree on achieving something. It thought, the Committee needed to agree on the plan, and then see how to make progress. Therefore, the Delegation supported either of the two proposals.

532. The Delegation of the Netherlands felt that the Spanish proposal was a very practical and pragmatic translation of the Review into concrete actions and it was of the view that the Committee should not further look back but look forward to the future exchanges and the follow up of the recommendations. The Delegation thanked Chile for its proposal and confirmed its support for the second option.

533. The Delegation of Canada took note of the options on the table. The first option was not acceptable because it was the *status quo*. The Delegation supported the second option, in line with the Delegation of the United States of America, Switzerland, the UK and the Netherlands.

534. The Delegation of Brazil joined the delegations who suggested proceeding with the adoption of the 6 points document. It was a constructive and practical way forward. Regarding the options listed, Brazil supported the Asia and the Pacific Group and the African Group, as well as China's proposal on the idea of having a standing agenda item. The Delegation supported the first option and did not agree that it maintained the *status quo*, because the specific discussion on the external report would be closed and Member States would still be able to discuss their report in the next sessions, if they chose so.

535. The Delegation of India failed to understand why option one was a *status quo*. In its view it was *status quo* plus. Nobody had disputed the 6 points proposal. The Group's proposal was supported by the African Group, China, and Brazil. It was a comprehensive proposal. It did not exclude anything. It was a more generic proposal which accommodated the position of all the Member States present. So it was something which was more practical, pragmatic, and it was in the spirit of the work which they had been doing in WIPO, that was to understand each other's position and try to make something which was acceptable to all. The Delegation

requested other members to give a strong reasoning why this proposal could not be accepted. Otherwise the Delegation of India did not see any solution.

536. The Delegation of the Czech Republic was not prepared for the debate on establishing a new standing agenda item devoted to technical assistance. It proposed to postpone the debate for the next session of the Committee. The Delegation reiterated that it did not understand why technical assistance should be excluded from the list of recommendations and to devote a specific agenda item in the Committee. Therefore, Czech Republic repeated its pragmatic request to adopt explicitly the 6 points plan that had been negotiated in the informal consultations.

537. The Vice-Chair noted that the agenda item with a 6-points proposal would not be closed unless Member States would reach an agreement on the way forward. This became the kind of catch 22 in which they were at the moment because there was no consensus on the way forward on the item. The Vice-Chair pleaded to Member States not to lose all the momentum that they had gathered and find a compromise so that they could close it and move forward with certainty as to how the matter would be handled in ongoing engagements that satisfy most of the needs of all the delegations.

538. The Delegation of the Russian Federation stated that during the session, Member States had done great efforts and had managed to achieve consensus on the 6 points plan which was called the Spanish proposal. It did not wish to lose the consensus gained. Since there were various points of view with regard to how discussion on these points might continue in the future, it seemed that the second option was a pragmatic approach as it would allow to keep the 6 points and continue discussion without any damage to the consensus that Member States had achieved. The Russian Federation's preference was the second option.

539. The Delegation of Latvia, speaking on behalf of CEBS stated that it was crucial for the Group to accept the work that was done this week to approve the 6 points on which member States worked hard and found an agreement. In order not to lose the 6 points that were agreed, the Group supported the second option proposed.

540. The Delegation of Australia supported the second option.

541. The Delegation of South Africa agreed with the Delegation of Spain that the Committee should preserve the 6 points. With regard to the two options the Delegation supported option one as it would enable to continue discussions on the technical assistance, which comprised one-fourth of the Development Agenda. It was comprehensive, clear, and there was no hidden constructive ambiguity that needed to be clarified within a footnote. The Delegation thanked the Delegation of Chile for its efforts to find a constructive solution.

542. The Delegation of Pakistan aligned itself with what was pointed out by the Delegation of South Africa with reference to Asia and the Pacific Group and the African Group as well as China's proposal. The Delegation's preference was for the first option and requested everybody's spirit of flexibility to reciprocate.

543. The Delegation of Nigeria, speaking in its national capacity, appealed to Member States whose positions risked throwing away the hard work that was done during the week and in previous sessions, to reconsider. It also referenced that the proposal put forward by Spain did not exist in a vacuum. It was borne out of the proposals put forward by the Africa Group and DAG on WIPO technical assistance in the area of cooperation for development. It was only apt that Member States should be able to discuss those 6 points that had been agreed under the leadership of Spain, including all the documents that were important to Member States on this

same Agenda item. Therefore, the Delegation of Nigeria would support a position that would allow having those discussions, including the proposal put forward by Spain.

544. The Delegation of the UK mentioned that it was quite obvious that if everybody in the room would have agreed to something, they would not be having the discussion any more. It seemed that the convergence still existed and they had to find a way to conclude the session noting that it was already 6 pm and five minutes and to find a third option or to continue this discussion at the next session. Although it seemed that the lowest denominator for the room did lie in option two.

545. The Vice-Chair said they had to move forward. There were a number of delegations who had indicated that they wanted to move forward on this matter and were prepared to accept either of the options and she thanked them for their level of flexibility. Some delegations, however chose to support option one and others option two for legitimate reasons. Delegations had expressed different views on the proposals under discussion. Unless a consensus was reached, the discussions on the agenda item would continue at the 18th session of the Committee. The Vice-Chair, congratulated the Spanish Delegation for the outstanding work that it did in order to get to a consensus where Member States acknowledged that this matter was outstanding for five years. The Committee reached 100% consensus on the 6 points plan put forward by the Delegation of Spain and to which every single delegation made constructive inputs to arrive at a point ready to move forward. Unfortunately this matter would stay pending for the next session of the CDIP and it will appear as Annex 1 to the Chair's Summary. The Vice-Chair acknowledged the fantastic work done to get to this point.

AGENDA ITEM 9: FUTURE WORK

546. The Vice-Chair then turned to agenda item 9 on future work.

547. The Secretariat (Mr. Baloch) read out a list of work for the next session as follows: (i) a Progress Report on the implementation of DA recommendations and the projects. As a matter of practice, the reports to the Committee were alternated. For the spring session the Secretariat provided the Director General's Report on Implementation of the Development Agenda, and for the autumn session, the Progress Report on recommendations and the projects; (ii) the Report of the Independent Review on the Implementation of the DA recommendations. The Secretariat recalled that such a Review was requested under the Coordination Mechanism. There was a review team, and their report was expected to be ready for the next session; (iii) a Report on the International Conference on IP and Development that was held the week before. According to a decision taken by the Committee, a short, factual report of the proceedings of the Conference would be provided to the Committee; (iv) a revised document on the update of the database on flexibilities which would include cost implications and explore a third option, as per the request of the African Group; (v) a compilation of Member States inputs on the SDGs. As the Chair had mentioned, Member States would provide inputs to the Secretariat together with an explanation as to why they considered an SDG relevant to WIPO's work. The Secretariat would compile all the inputs and bring it to the Committee; (vi) Based on Member States proposals, a document on the Mapping of Activities Related to Technology Transfer; (vii) the Pilot project to accelerate technology transfer, research and development in order to improve the technical capacity to absorb local science and technology generated by universities and the production sector, as proposed by the Delegation of Ecuador. As recorded in para 9.6 of the Chair's Summary, the Delegation of Ecuador will undertake consultations with interested Member States and possibly come up with a revised document or decide how they would like to proceed; (viii) the Report on the implementation of the recommendations by WIPO bodies forward by the GA. At each session of the GA, the various WIPO bodies provide a Report which includes, in most cases, a reference to their contribution to the implementation of the

Development Agenda. If such a report was presented to the GA, it is normally forwarded to the CDIP and therefore, it would be brought before the Committee; (ix) output of Development Agenda projects, which was always uncertain. If individual project managers were ready with any outputs, such as studies, guides or reports, the Secretariat, in consultation with them, brought it before the Committee. In this session, as the Chair mentioned earlier, the Committee could not discuss the three technology transfer-related guides, namely A Practical Guide for Valuing Intangible Assets in Research and Development Institutions, Models of IP Related Contracts for Universities and Publically-Funded Research Institutions and Intellectual Property Valuation Manual for Academic Institutions. These guides would also be presented at the next session; (x) the final draft Report of this session of the Committee that would be adopted at the next session. The Secretariat invited Member States to propose other activities if they wished to do so.

548. The Vice-Chair inquired as to whether the Committee could adopt the list of work proposed by the Secretariat for the next session. It was adopted given that there were no observations from the floor.

AGENDA ITEM 10: SUMMARY BY THE CHAIR

549. The Vice-Chair invited the Committee to consider the draft Summary paragraph by paragraph.

550. She referred to paragraphs 1 through 5 pertaining to the opening of the session, the election of the Chair and the Vice-Chairs, the draft Agenda that was adopted, the accreditation of two non-governmental organizations as well as the report on the 16th session. The Vice-Chair adopted the paragraphs given that there were no objections from the floor.

551. She then moved to paragraphs 6, 7, and 8 on delegations' general statements, the Director General's report, and the Evaluation Report on the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries. The Vice-Chair adopted the paragraphs given that there were no objections from the floor.

552. She then moved to paragraph 9 which read the following: (i) 9.1 the mapping of South-South Cooperation activities. The suggestions made by the delegations were noted and the Secretariat will prepare a new document for the 19th session; (ii) 9.2 the Mechanism for Updating the Database on Flexibility. The Secretariat was going to revise the document and look at the financial implications and to explore a third option, which was a combination of the two; (iii) 9.3 the Project on Strengthening and Development of the Audiovisual Sector Phase II. The project was approved as specified in the document; (iv) 9.4 the document on mapping of WIPO activities relating to the SDGs. This document was noted and submissions in writing must be sent by the Member States to the Secretariat by July 10th, 2016. The Secretariat would then compile a number of inputs in this regard. It was also decided that the revised document on WIPO and the Post-2015 Development Agenda would be presented to a future session of the Committee; (v) 9.5 the Report on the WIPO Expert Forum on International Tech Transfer. The Committee took note of the mapping activities and decided that interested Member States should submit proposals at the 18th session of the Committee. These proposals must reach the Secretariat by 10 July 2016; (vi) 9.6 a proposal by the Delegation of Ecuador was put forward. The Committee decided to continue the consideration of this document at its 18th session, and the Delegation of Ecuador would undertake consultations with interested Member States to develop a potential revised project proposal with the Secretariat's assistance; (vii) 9.7 the Project on the Use of Information in the Public Domain for Economic Development was approved with the understanding that the two guides to be prepared within the framework

of the project would be available in all WIPO languages and the document would be revised to reflect this; (viii) 9.8, the Committee decided to continue discussions on the Report of the External Review of WIPO Technical Assistance in the Area of Cooperation Development, with the relevant documents. All Delegations were in agreement with the Spanish proposal as attached to Appendix 1 of the Summary.

553. The Delegation of the UK was not in favor of negotiating the Chairs' Summary. It stated that it would be more logical to say that "Delegations were in agreement with the Spanish proposal but decided to continue discussions", otherwise it was not very clear. There was an agreement but Member States decided to continue discussions because there was no overall agreement on the issue. It suggested turning around the two phrases to make it more logical.

554. The Vice-Chair proposed the following language "all delegations were in agreement with the Spanish proposal as attached in Appendix 1 of the Summary, but agreed that ongoing consultations will take place on the status of this particular Agenda item, as well as the implementation of the Spanish proposal".

555. The Delegation of the Czech Republic proposed to leave the last sentence out as it did not give relation to the second sentence. It was mentioned by the Delegation of the UK that on the issue there was no conclusion and the Committee decided to go forward with the issue but not with the Spanish proposal. The Spanish proposal was agreed.

556. The Vice-Chair stated that negotiating the particular text was not an option. It was to make sure that the discussions were accurately reflected in the Chair's Summary. So the proposal was that the two sentences were inverted to say "all delegations were in agreement with the Spanish proposal as attached to Appendix 1 of the Summary and then the Committee decided to continue discussions on the Report on the External Review of WIPO Technical Assistance in the Area of Cooperation for Development".

557. The Delegation of the UK stated that it could go along with the proposal, just instead of "and" to say "but".

558. The Delegation of India thought the third way out was that in place of "but" to add "and".

559. The Vice-Chair believed that the terminology was more neutral if there was "and".

560. The Delegation of Nigeria agreed that the word "and" reflected more neutrality.

561. The Delegation of the United States of America requested the Vice-Chair to repeat the language proposed. As it stood, it gave an impression that the Committee agreed on this and it was going to go forward, which was not the Summary made during this agenda item.

562. The Vice-Chair read the revised paragraph 9.8 as follow "all delegations were in agreement with the Spanish proposal as attached to Appendix 1 of the Summary and the Committee decided to continue discussions on the report on an External Review of WIPO Technical Assistance in the Area of Cooperation for Development", and then all the specific documents would be referenced.

563. The Delegation of the UK agreed with the Delegation of the United States of America that that was not a correct factual interpretation of what had happened.

564. The Vice-Chair asked whether the Delegations preferred "and" to be replaced with "but". She mentioned that they were not going to agree on "ands" and "buts", therefore her suggestion was that they leave the text the way it was, reading "the Committee decided to continue

discussions on the report in the Area of Cooperation for Development with the list of documents. All Delegations were in agreement, as stated numerous times, with the Spanish proposal as attached”.

565. The Delegation of the United States of America mentioned that the Vice-Chair made a concrete suggestion on the language that it could not catch all, right after the Delegation of the UK made its suggestion. The Vice-Chair said something to the effect that “all Delegations were in agreement with the Spanish proposal, but agreed that ongoing discussions will take place on the status of the Agenda item as well as the implementation of the item”. That seemed like a useful language.

566. The Vice-Chair proposed to carry on with the following: “The Committee decided to continue discussions on the report on an External Review of WIPO Technical Assistance in the Area of Cooperation for Development with the list of documents. All delegations were in agreement with the Spanish proposal as attached to Appendix 1 of the Summary and agreed to continue discussions at the following meeting on the status of this Agenda item as well as the implementation of the aforementioned Spanish proposal”. This was where “and” and “but” came into question. The Vice-Chair wanted the text to be phrased in a positive way. If they said “but”, it meant that they were no longer in agreement with the Spanish proposal, and had established that in numerous instances the Committee was in agreement with the Spanish proposal. They were not in agreement with the status of the agenda item and the way the Spanish proposal was going to be implemented. The Vice-Chair reiterated that the term “but” was not acceptable in the Chair’s Summary. The term “and” was the terminology that would be used if the Committee carried on with that the way it was.

567. The Delegation of the UK stated that the item on the Agenda was entitled External Review of WIPO Technical Assistance, not the Report. The Secretariat would notice that there was an error and they could correct that part. The way the documents were enumerated was not the way the agenda item was framed. The Delegation then kindly asked to read again the paragraph 9.8.

568. The Vice-Chair mentioned that the Delegation of the UK was correct and the agenda item was not called a Report. Therefore, the rephrased paragraph read “the Committee decided to continue discussions on the External Review of WIPO Technical Assistance in the Area of Cooperation for Development, and the Secretariat will correct the list of documents that are appended to that in the correct order as per the Agenda. All delegations were in agreement with the Spanish proposal as attached to Appendix 1 of this Summary and agreed to continue engagements on the status of this Agenda item and the implementation of the Spanish proposal at the next meeting”.

569. The Delegation of Nigeria, speaking on behalf of the African Group, believed that it was just neater to leave the text as the Vice-Chair had proposed. If anything, add “and”. The Group thought that there might be cause for the Group to consider the new language that was proposed. Now it was not immediately clear. The Group also did not see any disagreement with the Spanish proposal. Everyone had said they supported it. They liked the proposal. What was reflected originally was factual. If the Committee was going to be reworking the Chair’s Summary, the Delegation of Nigeria wanted to discuss the language that was read out with members of the Group if that was acceptable.

570. The Delegation of Pakistan highlighted that here was agreement on the Spanish proposal but they needed to include that there was no agreement on how to implement it. Therefore, Pakistan supported the language that was just proposed.

571. The Delegation of Iran (Islamic Republic of) joined the Delegations of Nigeria, Pakistan and India in their respective statements. It could not go along with the addition of the new sentences. Their preference was to keep the text as it was.

572. The Delegation of China agreed with the Vice-Chair's proposal.

573. The Vice-Chair stated that the Committee was not reaching consensus on paragraph 9.8, therefore due to the fact that the item was closed as pending and it was agreed on the way forward, there was a need to find an elegant way to present it in the document. The Vice-Chair stated it was convoluting and adding more levels of complexity and it was not going to be helpful. She suggested, in the absence of an agreement to leave it out from the Chair's Summary. The suggestion was the following stand, "the Committee decided to continue discussions on the External Review of WIPO Technical Assistance in the Area of Cooperation for Development with the correct list of documents following it. All delegations were in agreement with the Spanish proposal as attached to Appendix 1 of the Summary". They had noted that there was a need for continuing discussions. The transcript from the discussion earlier would reflect that the continuing discussions needed to take on, and in the interest of adopting the Chair's Summary, the Chair thought they should agree on that and move forward.

574. The Delegation of the UK shared the Vice-Chair view. That was just a factual reporting of what was said and how it concluded and they needed to find elegant words. That being said, there were colleagues that were suggesting that there was no agreement on the implementation of the Spanish proposal. There was no discussion how to implement the proposal, therefore that was not reflecting the truth. What they had to say was that there was no agreement on how to take forward this item, including the Spanish proposal. It was where the Committee could not come together to figure out what to do with this item and how to take it forward. The Delegation thought that was factual and it would help clarify what actually happened. It did not add anything what it would like to see, but it mentioned the point of divergence and the main disagreement that they had. Therefore, there was no agreement how to take forward this item, including the Spanish proposal.

575. The Delegation of Chile understood that the Summary was subject to the Chair's authority. Therefore, it thanked the Vice-Chair for the space she was giving to the Member States to comment. It was true that there was a long debate on the possibility of incorporating a new agenda item which went beyond the specific item on this agenda. If they incorporated the fact that there had been discrepancies about how to conclude this item and the Spanish proposal, then they should also include the possible opening of a new item on the agenda in the Summary. The Delegation thought it was important to reflect this as it was an important future possibility. It thought that if that won't be included then it won't reflect fully the details of the debate. If not, then the Delegation of Chile was in agreement with the Chair's Summary.

576. The Delegation of the Czech Republic did not want to renegotiate what was done, but thought the Committee should use the usual language in this summary. Czech Republic did not feel that the Committee did not agree to the proposal originally made by Spain, but it was not only the Spanish proposal. It was a common proposal afterwards. This proposal was agreed by the Committee. It reflected the common language and, therefore, the discussion that was made afterwards regarding how to cope further with External Review was a separated one. There was a proposal to make a separate agenda item and the Committee did not agree with it. The Committee agreed to continue debate on the External Review at the next session. The Delegation had the feeling that was the right picture of what was done.

577. The Delegation of Brazil joined the Delegation of Chile in its statement that there was a discussion of incorporating the new item and it had substantial support in the plenary. If they reopened the discussion on the 6 points and that particular item, it should be added in the

summary. Having said that, the Delegation agreed with the language the Vice-Chair proposed. It was simply a summary by the Chair. The full range of statements would be available in the report. And if any delegation disagreed with the interpretation in the next session, the report could be raised and it would be a valuable forum.

578. The Vice-Chair invited the Committee to consider the paragraph 9.9 on the project proposal on Cooperation and Intellectual Property Rights Education and Professional Training with Judicial Training Institutes in Developing and Least Developed Countries. She read it out "This project was approved with a minor amendment reflected in the title. A revised version will be made available." As there were no comments from the floor, the Vice-Chair moved to paragraph 9.10, on the WIPO GA decision on CDIP-related matters. She read it out "The Committee considered a number of proposals. They compiled these in Appendix 2 of the Summary. The Committee requested the GA to allow it to continue the discussion during its 18th and 19th sessions and to report back and make recommendations on the two matters to the GA in 2017." The Vice-Chair adopted the paragraph given that there were no comments from the floor. She then moved to the next three paragraphs on the future work, reading "The Committee agreed upon a list of issues/documents for the next session". Paragraph 10 was also approved given that there were objections from the floor. She then turned to paragraph number 11, reading "The Committee noted the Draft Report of the CDIP/17 session to be considered for the adoption at the CDIP/18". The last paragraph 12 stated that "*together with the summary of the 16th session and the Director General's report will constitute the Committee's report to the General Assembly*". As there were no comments from the floor, these paragraphs were approved.

579. The Vice-Chair went back to the paragraph 9.8 as there were a number of conflicting views. A matter in which the Committee failed to reach consensus was also paragraph 9.10. One of the things they had said there was, that the Committee agreed to continue its discussion. This could be partially included in paragraph 9.8 as indicated earlier. This was not to become a negotiation of the Chair's Summary because it just needed to be a factual reflection of the discussions as opposed to each delegation making sure that they were 100 per cent comfortable with the terminology. It could read "the Committee decided to continue discussions on the External Review of WIPO Technical Assistance in the Area of Cooperation for Development". The Vice-Chair thought the Committee did agree to continue discussions on this particular matter therefore it should reflect that "All delegations were in agreement with now revised and agreed Spanish proposal as attached in Appendix 1 of the summary".

580. The Delegation of the UK insisted on being more factual. There were other proposals that were not factual, but there was also an option which was a methodology often used, where they could say that some Delegations supported the Spanish proposal and asked to close this Agenda item. Other Delegations supported the Spanish proposal and asked to continue keeping this item open. This was the most factual as the Committee could get without going into too many details.

581. The Delegation of India stated that normally the Summary by the Chair was not negotiated but now Member States were actually negotiating it. The Delegation would go with whatever the Vice-Chair chose as the final word and she could gavel it.

582. The Delegation of the Bahamas agreed with the Delegation of India. This was the Chair's Summary and she needed to take hold on it.

583. The Delegation of Switzerland did not think that the Delegation of the UK was asking to negotiate the Chair's Summary. What the Delegation was requesting, as far as the Delegation of Switzerland understood, was to have a factual report of the discussions which took place. The Committee needed to recognize that under this item there was something lacking as the

paragraph was currently drafted because it did not fully reflect the state of discussions. There were two opposing views on how to proceed with this Agenda item. The colleague from the UK just said that there was no agreement on how to take this forward. He just proposed a language which was also very factual, saying that some groups of states had one opinion another group had a different one. There was a need for this summary to be really factual, therefore the Delegation of Switzerland would like this discussion point to be duly reflected under the paragraph 9.8. It was not a negotiation, it was just important to have a factual reflection of what was said.

584. The Delegation of the Czech Republic misunderstood what was done with the original Spanish proposal that has been agreed during the informal consultations and afterwards as nobody in the room was against it. A separate question was about how to cope further with the official recommendations, namely the External Review. It was not the first time where any concrete recommendations were approved in the Committee. According to the Delegation of the Czech Republic, the Committee agreed with the compromising proposal originated from Spain.

585. The Delegation of Nigeria, speaking on behalf of the African Group supported the delegations who stated that the Chair had to take the ownership of the Chair's Summary. In regards with the proposal from around the room wishing to sway towards the normal language, which was "some delegations supported the Spanish proposal and asked that the agenda item be closed", there should be a reflection on the opposite side reflecting that some Delegations supported the Spanish proposal and asked that the agenda item remained open including all existing documents.

586. The Delegation of the UK agreed with the Delegation of India and the Delegation of the Bahamas in saying that it was not a negotiation. Whenever it was factual, the Delegation gave its all support. As well as the amendment made by the Delegation of Nigeria on the issue of some delegations and others and clarifying it. The Delegation was fine with that and did not share the view of the colleague from the Czech Republic on his assessment.

587. The Vice-Chair suspended the discussion on the paragraph 9.8. The Vice-Chair referred to the decision that was already accepted by the CDIP/16 in terms of the Chairman's Summary and made a small addition to it. In line with a lot of recommendations from delegations to take ownership, the Vice-Chair kindly requested cooperation. Therefore, the paragraph 9.8 read as follows: "the Committee decided to continue discussions on the Report on an External Review of WIPO Technical Assistance in the Area of Cooperation for Development with the list. Delegations were in agreement with the revised Spanish proposal as attached to Appendix 1 of the Summary". As indicated in numerous instances, the continued discussions would be reflected in the record. The Vice-Chair gaveled the decision.

588. The Delegation of the UK did not agree that this was the factual reflection of the discussion under this item.

589. The Vice-Chair stated that from giving consideration to the Agenda, the Committee reached the final item for the 17th session of the CDIP.

590. The Delegation of the United States of America noted its concern that paragraph 9.8 was not fully factual, along the same lines as the Delegation of the UK. It believed that 9.8 only reflected part of the conversation and, noted that although there was agreement on the content of the revised Spanish proposal, there was no agreement on how or whether to proceed with the proposal.

591. The Delegation of Switzerland joined the statements made by the Delegations of the UK and the Delegation of the United States of America on item 9.8, as it found it not entirely factual.

592. The Delegation of Nigeria, speaking on behalf of the African Group thanked the Vice-Chair for her leadership and expressed the Groups appreciations to the Chair and the Vice-Chairs.

593. The Delegation of the Czech Republic sought clarification on whether the word “all” was excluded from the point 9.8. If so, the Delegation was not in agreement.

594. The Vice-Chair said that if the word “all” was missing from the text, that was by mistake. The text should read “all delegations” because over numerous instances he Committee discussed that. However, the discussion on the Chair’s Summary was closed.

595. The Delegation of Japan mentioned that with regard to paragraph 9.8 it joined the positions expressed by the delegations of the UK, the United States of America and Switzerland respectively.

Closing statements

596. The Delegation of Brazil noted the advance achieved on technical assistance. It commended the efforts by the Spanish Delegation in achieving a constructive and practical way forward for a subject of the utmost importance, which resulted in the document in Annex I of the Summary by the Chair. The document was received with consensual approval by the Committee. Regretfully, its adoption was hindered by the opposition expressed by some Member States to the document “An External Review of WIPO Technical Assistance in the Area of Cooperation for Development”. The Delegation believed it should make part of the documents for the next session. The document agreed that Annex I of the summary did not arise from the vacuum. It had a direct relationship with the External Report and the recommendations therein, along with documents from other sessions. A discussion of the 6 points document had to necessarily take into account the External Review, if Member States chose so. Further, technical assistance should be a standing item of the Agenda of the CDIP, in view of its relevance. It hoped that agreement could be reached on this matter during the 18th session. Unfortunately, an agreement on the way forward for the Decision of the GA was not possible. Member States were engaged to implement the three pillars of the CDIP. It was Brazil’s view that relevant WIPO Bodies for purposes of the Coordination Mechanism included the Committee on WIPO Standards and the PBC. The work of all Committees was important for the mainstreaming of the Development Agenda, since they all influenced Member States’ activities. Furthermore, the third pillar of the GA Decision was paramount for developing countries, with the inclusion of a new standing Agenda item on “IP and Development”. Finally, Brazil would like to comment on the Sustainable Development Goals. The mandate of the CDIP naturally brought the topic of the SDGs under the scope of the Committee, without prejudice to the discussion in all other WIPO Committees. It should also include other SDGs identified by Member States. Currently, these were absent from the document. Brazil identified many other SDGs related to WIPO, as specialized UN Agency. These goals were mentioned in its statement and would be forwarded to the Secretariat on a later date. Brazil hoped the discussion on the SDGs turned into meaningful actions. The 17 SDGs must be translated into concrete measures that would change the lives of those that needed them most. In its opinion, this was not a one-time discussion, and it was a good example of a topic that should be part of the proposed permanent item in the Agenda. WIPO had an important role to play in the multi-stakeholders’ discussion on the attainment of the SDGs. The SDGs were the result of long discussions between delegations and reflected a consensus on how the international community planned to achieve those paramount objectives. They included, among others, the

end of poverty, protection of the planet and that prosperity was insured for all. Brazil hoped that the outcome of this week created momentum for future discussions to reach understanding on outstanding issues. It looked forward to the debates to be held at the 18th session, in particular with regard to the Independent Review of Implementation of DA recommendations.

597. The Delegation of Latvia, speaking on behalf of CEBS underlined that during this week the Committee had an opportunity to discuss the DA recommendations' implementation from various points of view. It saw an overview provided by the Director General and discussed concrete projects aiming the implementation of the Development Agenda. The Group was pleased to see the work of this Committee was continuously improving through regular evaluation of the projects and incorporation of recommendations into future projects. CEBS thanked the Spanish Delegation for its proposal, tremendous efforts and its able guidance that led the Committee to an agreement on a set of recommendations to the WIPO Secretariat on the ways to improve the delivery of the technical assistance. It regretted the fact that Member States weren't able to endorse this agreement and hoped that during the next session Member States would be able to move forward on this issue. The improvement of the quality of the activities taking place in the context of this Committee was their common goal. The CEBS Group had seen a number of mapping results presented to the Committee. In this regard the Group would like to stress that the main objective of this Committee was the implementation of the 45 DA recommendations. At the same time these activities may fall under other initiatives / processes such as South-South Cooperation or Sustainable Development Goals, but this didn't change or broaden the mandate of this Committee. Finally the Group thanked the Secretariat and the interpreters, without whom this meeting would not be able to happen, and all the delegations for their cooperation.

598. The Delegation of the Republic of Korea welcomed the progresses made in the session regarding technical assistance and approval of new projects such as "Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries – Phase II", " the Use of Information in the Public Domain for Economic Development", and "Cooperation on development and Intellectual Property Rights Education and Professional Training with Judicial Training Institutions in Developing and Least Developed Countries". It also welcomed the Director General's report on the Implementation of the Development Agenda contained in document CDIP/17/2, which showcased the great progress made to implement the Development Agenda. As the document CDIP/17/4 on mapping of South-South Cooperation Activities within the WIPO presented in this session, the Republic of Korea continuously had contributed to implementing the Development Agenda through Korea Funds-in-Trust and IP sharing project. The Delegation highlighted that the Committee should be more focused on constructive and practical issues. In that regard, the Republic of Korea welcomed the agreement on the Spanish proposal and stressed out the fact that it was time for the Committee to move further after closing of the Agenda item on the External Review. Finally it clarified its position on CDIP-related matters. Each of all the Committees had its own mandate and functions. They should be handled on an equal basis. A fast resolution of the GA decision on CDIP-related matters was essential. The Delegation looked forward to productive and fruitful discussion in the next CDIP session.

599. The Delegation of the Bahamas, speaking on behalf of GRULAC underlined that the Committee had a very full agenda to tackle, and was able to address the majority of the items listed for discussion. It also appreciated the excellent support given by the Secretariat and the interpreters. The Group noted that the discussions with regard to the myriad of issues that the Committee discussed and deliberated on this week. It was pleased that Phase II of the Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries had been adopted and agreed by the Committee, as well as the Project on the Use of Information in the Public Domain for Economic Development, and issues related to Cooperation on Development and Intellectual Property Rights Education and Professional Training with

Judicial Training Institutions in Developing and Least Developed Countries. GRULAC fully participated in the discussions and consultations with regard to the issue of WIPO Technical Assistance in the Area of Cooperation for Development. All Regional Groups took part in these discussions in the spirit of compromise and collegiality. It thanked especially the Spanish delegation for all of their efforts and hard work in seeking to reach consensus on their 6 points plan, which was embraced by all delegations. However, Member States could not reach consensus on the way forward, and the issue was referred to the next session of the CDIP. This matter was of the utmost importance to the Member States of GRULAC, and the Group was committed to working toward consensus on this matter. Thus, it encouraged all Member States to engage in constructive discussions and negotiations to work towards full agreement and adoption of this work. The Group thanked the Chair and the Secretariat for their commitment to helping Member States to work towards resolving the outstanding issues surrounding the discussions in the Committee, especially with regard to establishing a Mechanism for Updating the Database on Flexibilities, enhancing South-South Cooperation Activities within WIPO, as well as focusing on activities with regard to the Sustainable Development Goals. There was much work to be done with regard to these matters, and GRULAC was committed to doing its part to support this work. GRULAC re-iterated that technology transfer was an integral tool for developing and least developed country members of WIPO to assist them in building resilient infrastructure, promoting inclusive and sustainable industrialization and fostering innovation. Thus, it looked forward to the proposals that would be presented and discussed during the next session of the CDIP, and encouraged Member States to engage in constructive dialogue and negotiations, to build upon all of the work done so far. GRULAC was, however, very concerned that in relation to the WIPO GA Decision on CDIP related matters, discussions that week on the CDIP mandate and the implementation of the coordination mechanism had not move this matter forward. It was its hope that the parties could, before the next session of the Committee, work towards reaching consensus on a matter that was of vital importance to the work of WIPO in the implementation of the Development Agenda and by extension was vital to ensuring that the concerns of developing and developed country members of this organization were addressed. The Group looked forward to the 18th Session of this Committee, and hoped that the momentum that had been gained that week would continue in future discussions and negotiations of the Committee to reach consensus on outstanding issues.

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

[Annex follows]

**LISTE DES PARTICIPANTS/
LIST OF PARTICIPANTS**

I. ÉTATS/STATES

(dans l'ordre alphabétique des noms français des États)/(in the alphabetical order of the names in French of the States)

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Irfan BALOCH, secrétaire du Comité du développement et de la propriété intellectuelle (CDIP) et directeur, Division de la coordination du Plan d'action pour le développement/Secretary to the Committee on Development and Intellectual Property (CDIP) and Director, Development Agenda Coordination Division

Georges GHANDOUR, administrateur principal de programme, Division de la coordination du Plan d'action pour le développement/Senior Program Officer, Development Agenda Coordination Division

Mihaela CERBARI (Mme/Ms.), administratrice adjointe chargée de l'appui au programme, Division de la coordination du Plan d'action pour le développement/Associate Program Support Officer, Development Agenda Coordination Division

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Luis Enrique CHAVEZ PRADO, stagiaire, Division de la coordination du Plan d'action pour le développement/Intern, Development Agenda Coordination Division

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