

Committee on Development and Intellectual Property (CDIP)

Eighth Session
Geneva, November 14-18, 2011

PROPOSAL BY THE DELEGATION OF BURKINA FASO

document prepared by the Secretariat

1. In a communication dated November 9, 2011, Burkina Faso sent to the Secretariat a proposal for a project for the strengthening and development of the audiovisual sector in Africa for the implementation of certain recommendations relating to the Development Agenda and requested that this proposal be distributed as an official document and examined during the eighth session of the Committee on Development and Intellectual Property (CDIP).
2. The aforementioned communication from Burkina Faso and its attachments are reproduced in the annex to this document.
3. *The CDIP is invited to take note of the information contained in the annex to the present document.*

[Annex follows]

AMBASSADE DU BURKINA FASO
AUPRÈS DE
LA CONFÉDÉRATION HELVÉTIQUE



Unité - Progrès - Justice

MISSION PERMANENTE DU BURKINA FASO
AUPRÈS DE L'OFFICE DES NATIONS UNIES,
DE L'ORGANISATION MONDIALE DU
COMMERCE ET DES AUTRES ORGANISATIONS
INTERNATIONALES À GENÈVE

N° 11-00461
MPBFG/AMB/mk

L'Ambassade, Mission Permanente du Burkina Faso auprès de la Confédération Helvétique, de l'Office des Nations Unies, de l'Organisation Mondiale du Commerce et des autres Organisations Internationales à Genève présente ses compliments à l'Organisation Mondiale de la Propriété Intellectuelle (OMPI) à Genève, et a l'honneur de se référer à la convocation de la huitième session du Comité du développement et de la propriété intellectuelle (CDIP) qui se tiendra à Genève du 14 au 18 novembre 2011.

A cet égard, et à titre de contribution aux efforts déployés pour la mise en œuvre des 45 recommandations du Plan d'action de l'OMPI pour le développement, la Mission Permanente du Burkina Faso a l'honneur de transmettre, ci-jointe, une proposition de projet de renforcement et de développement du secteur audiovisuel en Afrique et de demander que cette proposition soit distribuée en tant que document officiel à examiner au cours de la session susmentionnée du CDIP.

L'Ambassade, Mission Permanente du Burkina Faso auprès de la Confédération Helvétique, de l'Office des Nations Unies, de l'Organisation Mondiale du Commerce et des autres Organisations Internationales à Genève saisit cette occasion pour renouveler, à l'Organisation Mondiale de la Propriété Intellectuelle (OMPI) à Genève, les assurances de sa haute considération.

PJ : Document de projet de Renforcement
et de développement du secteur audiovisuel en Afrique

Copie : Mission Permanente de l'Afrique du Sud
auprès de l'ONUG (Groupe des pays africains)

ORGANISATION MONDIALE
DE LA PROPRIÉTÉ INTELLECTUELLE
GENÈVE



Genève, le 09 NOV. 2011

From: Embassy of Burkina Faso to the Swiss Confederation
Permanent Mission of Burkina Faso to the United Nations Office, World Trade
Organization and other international organizations in Geneva

To: World Intellectual Property Organization, Geneva

Ref. No.: 11-00461 MPBFG/AMB/mk

November 9, 2011

The Embassy and Permanent Mission of Burkina Faso to the Swiss Confederation, United Nations Office, World Trade Organization and other international organizations in Geneva presents its compliments to the World Intellectual Property Organization (WIPO) in Geneva and has the honor to refer to the convening of the eighth session of the Committee on Development and Intellectual Property (CDIP), to be held in Geneva from November 14 to 18, 2011.

In this regard and as a contribution to the efforts made to implement the 45 recommendations of the WIPO Development Agenda, the Permanent Mission of Burkina Faso has the honor to submit, herewith, a proposal for a project for the strengthening and development of the audiovisual sector in Africa and to request that this proposal be distributed as an official document to be examined during the aforementioned session of the CDIP.

The Embassy and Permanent Mission of Burkina Faso to the Swiss Confederation, United Nations Office, World Trade Organization and other international organizations in Geneva takes this opportunity to renew to the World Intellectual Property Organization (WIPO) in Geneva the assurances of its highest consideration.

(stamped)

Attachment: Document containing proposal for a project for the strengthening and development of the audiovisual sector in Africa

Copy: Permanent Mission of South Africa to the United Nations Office at Geneva (African Group)

AMBASSADE DU BURKINA FASO
AUPRÈS DE
LA CONFÉDÉRATION HELVÉTIQUE



Unité - Progrès - Justice

MISSION PERMANENTE DU BURKINA FASO
AUPRÈS DE L'OFFICE DES NATIONS UNIES,
DE L'ORGANISATION MONDIALE DU
COMMERCE ET DES AUTRES ORGANISATIONS
INTERNATIONALES À GENÈVE

RECOMMANDATIONS
N° 1_2_3_4_10_11_12_13_14_35_37_39_43_45 DU PLAN
D'ACTION POUR LE DEVELOPPEMENT

PROJET DE RENFORCEMENT
ET DE DEVELOPPEMENT DU SECTEUR
AUDIOVISUEL EN AFRIQUE

**PROPOSAL FOR A PROJECT FOR THE STRENGTHENING
AND DEVELOPMENT OF THE AUDIOVISUAL SECTOR IN AFRICA**

[DRAFT]

RECOMMENDATIONS NOS. 1, 2, 3, 4, 10, 11, 12, 13, 14, 35, 37, 39, 43 AND 45 OF THE DEVELOPMENT AGENDA

PROPOSAL FOR A PROJECT FOR THE STRENGTHENING AND DEVELOPMENT OF THE AUDIOVISUAL SECTOR IN AFRICA

1. SUMMARY	
<u>Project Code:</u>	DA_1_2_3_4_10_11_12_13_14_35_37_39_43_45
<u>Title:</u>	Project for the reinforcement and development of the audiovisual sector in Africa
Development Agenda Recommendation(s):	<p><i>Recommendations : 1_2_3_4_10_11_12_13_14_35_37_39_43_45</i></p> <p>Cluster A: Technical Assistance and Capacity Building</p> <p>Recommendation No. 1: WIPO technical assistance shall be, <i>inter alia</i>, development-oriented, demand-driven and transparent, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion. In this regard, design, delivery mechanisms and evaluation processes for technical assistance programs should be country specific.</p> <p>Recommendation No. 2: Provide additional assistance to WIPO through donor funding, and establish Trust-Funds or other voluntary funds within WIPO specifically for LDCs, while continuing to accord high priority to financing activities in Africa through budgetary and extra-budgetary resources, to promote, <i>inter alia</i>, the legal, commercial, cultural, and economic exploitation of intellectual property in these countries.</p> <p>Recommendation No. 3: Increase human and financial allocation for technical assistance programs at WIPO for promoting a, <i>inter alia</i>, development-oriented intellectual property culture, with an emphasis on introducing intellectual property at different academic levels and on generating greater public awareness of intellectual property.</p> <p>Recommendation No. 4: Place particular emphasis on the needs of small and medium-sized enterprises (SMEs) and institutions dealing with scientific research and cultural industries and assist Member States, at their request, in setting up appropriate national strategies in the field of intellectual property.</p> <p>Recommendation No. 10: To assist Member States to develop and improve national intellectual property institutional capacity through further development of infrastructure and other facilities with a view to making national intellectual property institutions more efficient and promoting a fair balance between intellectual property protection and the public interest. This technical assistance should also be</p>

extended to sub-regional and regional organizations dealing with intellectual property.

Recommendation No. 11: To assist Member States to strengthen national capacity for protection of domestic creations, innovations and inventions and to support development of national scientific and technological infrastructure, where appropriate, in accordance with WIPO's mandate.

Recommendation No. 12: To further mainstream development considerations into WIPO's substantive and technical assistance activities and debates, in accordance with its mandate.

Recommendation No. 13: WIPO's legislative assistance shall be, *inter alia*, development-oriented and demand-driven, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion.

Recommendation No. 14: Within the framework of the agreement between WIPO and WTO, WIPO shall make available advice to developing countries and LDCs, on the implementation and operation of the rights and obligations, and the understanding and use of flexibilities contained in the TRIPS Agreement.

Cluster D: Assessment, Evaluation and Impact Studies

Recommendation No. 35: To request WIPO to undertake, at the request of Member States, new studies to assess the economic, social and cultural impact of the use of intellectual property systems in these States.

Recommendation No. 37: Upon request and as directed by Member States, WIPO may conduct studies on the protection of intellectual property, to identify the possible links and impacts between intellectual property and development.

Cluster E: Institutional Matters including Mandate and Governance

Recommendation No. 39: To request WIPO, within its core competence and mission, to assist developing countries, especially African countries, in cooperation with relevant international organizations, by conducting studies on brain drain and make recommendations accordingly.

Recommendation No. 43: To consider how to improve WIPO's role in finding partners to fund and execute projects for intellectual property-related assistance in a transparent and member-driven process and without prejudice to ongoing WIPO activities.

Cluster F: Other Issues

Recommendation No. 45: To approach intellectual property rights enforcement in the context of broader societal interests and

	especially development-oriented concerns, given that “the protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations”, in accordance with Article 7 of the TRIPS Agreement.
Brief Description of Project:	This project relates to specific DA recommendations in areas of technical assistance and capacity building; assessment, evaluation and impact studies; institutional matters including mandate and governance; other issues. The project aims to improve conditions for the audiovisual sector to contribute to Africa’s development.
Project Duration:	24 months (first phase)
Project Budget:	To be determined in consultation with the WIPO Secretariat.

<p>2. PROJECT DESCRIPTION</p>
<p>2.1. Introduction</p>
<p>The audiovisual sector presents unique opportunities for Africa’s cultural, social and economic development. African film industries face specific and common challenges, many of which are related to effective copyright awareness, management and protection, and also the remuneration of creative artists and the financing and exploitation of African audiovisual works. Recent calls from African governments, industry and other stakeholders have promoted this proposal, which is based on a mixed partnership approach and is placed under the aegis of WIPO.</p>
<p>2.2. Objectives</p>
<p>The goal of the project is to contribute to the implementation of the Development Agenda by assessing and providing assistance for the development of conditions allowing the African audiovisual sector to finance, produce and distribute audiovisual works on the basis of improved professional structures, markets and legal certainty.</p> <p>The project will directly contribute to WIPO’s Program and Budget objectives: national IP policies/strategies and country action plans that are in line with national development plans and priorities; enhanced capacity of IP professionals and creation of a critical mass of IP specialists/experts; modernized service-oriented IP administrations for beneficiaries; national IP rights legislation consistent with national development objectives as well as with international IP treaties and agreements, where applicable, while taking into account available flexibilities for public policy; new or strengthened regional and sub-regional IP cooperation programs; enhanced institutional capacity of universities, R&D centers and other private sector stakeholders in order to manage IP effectively; increased awareness and capacity of Member States in copyright and related rights.</p>
<p>2.3. Delivery strategy</p>
<p>In the context of a public-private partnership involving the government authorities of interested African countries, specialized regional organisations, industry, development agencies and other stakeholders, the WIPO Secretariat would undertake the following actions:</p> <ul style="list-style-type: none"> (a) Conduct an assessment of the audiovisual sector’s contribution to the cultural, social and economic development in participating countries; identify and assess challenges; propose a series of solutions and recommendations for national and regional IP-related strategies; project evaluation and impact assessment. (b) Organize training programs on copyright and copyright-related aspects of film financing, production and distribution; promote voluntary model contract clauses and professional networks; contribute to the specialization and development of the film sector as an industry. (c) Develop methodologies and training programs for evaluating film rights assignment structures, distribution support and a film’s economic potential for a producer, investors and donor institutions. (d) Participate in developing domestic African film markets; develop other channels for the sale of African film rights (e) In cooperation with competent national authorities, adopt recommendations for more effective copyright protection, especially in response to growing infringement of African film rights in Europe and the United States of America, and to strengthen regional

cooperation in Africa; address unlicensed broadcasting of films by television operators; develop independent statistics.

- (f) Contribute to improving the infrastructure and other facilities for collective bargaining and management in the field of copyright in the audiovisual sector; foster regional and international cooperation and know-how transfer
- (g) Organize copyright awareness campaigns through local media, training modules and the WIPO Academy; promote licensing schemes in the informal economy.
- (h) Foster synergies among stakeholders, existing projects and expertise centers and contribute to developing a framework for improved cooperation between African governments, regional organizations, development agencies, donors, the audiovisual sector and WIPO.

3. REVIEW AND EVALUATION

3.1. Project Review Schedule

- (a) A mid-term review will be undertaken after one year; and
- (b) An assessment will be made after the end of the first phase of implementation of the project and the examination of the results obtained.

3.2. Project Self-Evaluation
To be determined in consultation with the WIPO Secretariat.
4. IMPLEMENTATION TIMELINE
To be determined in consultation with the WIPO Secretariat.
5. BUDGET
To be determined in consultation with the WIPO Secretariat.

[End of Annex and of document]