

PROVISIONAL COMMITTEE ON PROPOSALS RELATED TO
A WIPO DEVELOPMENT AGENDA (PCDA)

Third Session

Geneva, February 19 to 23, 2007

Summary by the Chair

1. The WIPO General Assembly, in its session held in September-October 2006, reviewed the positive discussions held during the two sessions of the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA), emphasized the need to continue discussions on the proposals submitted and placed in the six clusters during the IIM/PCDA process, and decided, *inter alia*, to renew the mandate of the PCDA for one year. It was also decided that the PCDA will hold two 5-day sessions, in a manner that allows for structured in-depth discussions, on all 111 proposals made so far, during the sessions of the IIM and PCDA in 2005 and 2006 respectively, taking into account the decision of the 2005 General Assembly, on the deadline for submission of new proposals. The General Assembly decided that in order to facilitate the task and streamline the process for detailed examination of all proposals in an inclusive manner, the PCDA should undertake an exercise:

- (a) to narrow down the proposals, in order to ensure that there is no repetition or duplication;
- (b) to separate the proposals, which are actionable, from those which are declarations of general principles and objectives; and
- (c) to note those proposals, which relate to existing activities in WIPO and those, which do not.

In this regard, the Chair of the General Assembly was requested to produce, in consultation with Member States, initial working documents.

2. The Third Session of the PCDA was held from February 19 to 23, 2007. 105 Member States and 43 Observers participated in the session.

3. The PCDA decided to admit, on an *ad hoc* basis, two non-accredited Non-Governmental Organizations (NGOs) namely Creative and Innovation Economy Center and Knowledge Ecology International, without implications as to their status for future WIPO meetings.

4. The PCDA unanimously elected Ambassador C. Trevor Clarke, Permanent Representative of Barbados, as Chair, and Ambassador Muktar Djumaliev, Permanent Representative of Kyrgyzstan, as Vice-Chair.
5. The PCDA adopted the draft agenda, as proposed in document PCDA/3/1 Prov.
6. The PCDA discussed the working document prepared by Ambassador Enrique A. Manalo, Chair of the General Assembly, and decided to use it as a working document of the PCDA (PCDA/3/2). The delegations expressed their views on the proposals listed in the various clusters, in Annex A of the document. After discussions, the Chair requested specific delegations to coordinate discussions on the different clusters, in an attempt to reach a consensus on the list of agreed proposals. The draft lists prepared by the different delegations were discussed in the plenary, and the PCDA agreed on the proposals contained in the Annex to this Summary. However, the Delegation of Colombia expressed its strong reservation in respect of proposal 2 of Cluster B. These proposals will form a part of the final list of agreed proposals, to be recommended for action to the 2007 General Assembly, after the June 2007 session of the PCDA.
7. The PCDA noted that the Draft Report of the Third Session would contain all the interventions made during the current session and also the Chair's Summary. This Draft Report will be prepared by the Secretariat and communicated to the Permanent Missions of the Member States by April 5, 2007. The Draft Report would also be made available, in electronic form, on the WIPO website, by the same date. Comments on the Draft Report should be communicated in writing to the Secretariat by April 20, 2007. The revised Draft Report would then be considered for adoption at the beginning of the Fourth Session of the PCDA.
8. *The PCDA considered and noted the contents of this Summary by the Chair.*

[Annex follows]

ANNEX

CLUSTER A: TECHNICAL ASSISTANCE AND CAPACITY BUILDING

1. WIPO technical assistance shall be, *inter alia*, 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 of technical assistance programs should be country specific.
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 finance activities in Africa through budgetary and extra-budgetary resources, to promote, *inter alia*, the legal, commercial, cultural, and economic exploitation of intellectual property in these countries.
3. Increase human and financial allocation for technical assistance programs in WIPO for promoting a, *inter alia*, development-oriented IP culture, with an emphasis on introducing intellectual property at different academic levels and on generating greater public awareness on IP.
4. Place particular emphasis on the needs of 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 IP.
5. WIPO shall display general information on all technical assistance activities on its website, and shall provide, on request from Member States, details of specific activities, with the consent of the Member State(s) and other recipients concerned, for which the activity was implemented.
6. WIPO's technical assistance staff and consultants shall continue to be neutral and accountable, by paying particular attention to the existing Code of Ethics, and by avoiding potential conflicts of interest. WIPO shall draw up and make widely known to the Member States a roster of consultants for technical assistance available with WIPO.
7. Promote measures that will help countries deal with IP related anti-competitive practices, by providing technical cooperation to developing countries, especially LDCs, at their request, in order to better understand the interface between intellectual property rights and competition policies.
8. Request WIPO to develop agreements with research institutions and with private enterprises with a view to facilitating the national offices of developing countries, especially LDCs, as well as their regional and sub- regional IP organizations to access specialized databases for the purposes of patent searches.

9. Request WIPO to create, in coordination with Member States, a database to match specific IP-related development needs with available resources, thereby expanding the scope of its technical assistance programs, aimed at bridging the digital divide.

CLUSTER B: NORM-SETTING, FLEXIBILITIES, PUBLIC POLICY AND PUBLIC DOMAIN

10. Norm-setting activities shall:

- be inclusive and member driven;
- take into account different levels of development;
- take into consideration a balance between costs and benefits;
- be a participatory process, which takes into consideration the interests and priorities of all WIPO Member States and the viewpoints of other stakeholders, including accredited inter-governmental organizations and non-governmental organizations; and
- be in line with the principle of neutrality of the WIPO Secretariat.

11. Consider the preservation of the public domain within WIPO's normative processes and deepen the analysis of the implications and benefits of a rich and accessible public domain

CLUSTER C: TECHNOLOGY TRANSFER, INFORMATION AND COMMUNICATION TECHNOLOGIES (ICT) AND ACCESS TO KNOWLEDGE

12. To request WIPO, within its mandate, to expand the scope of its activities aimed at bridging the digital divide, in accordance with the outcomes of the World Summit on the Information Society (WSIS) also taking into account the significance of the Digital Solidarity Fund (DSF).

13. To explore IP-related policies and initiatives necessary to promote the transfer and dissemination of technology, to the benefit of developing countries and to take appropriate measures to enable developing countries to fully understand and benefit from different provisions, pertaining to flexibilities provided for in international agreements, as appropriate.

14. To encourage Member States, especially developed countries, to urge their research and scientific institutions to enhance cooperation and exchange with research and development institutions in developing countries, especially LDCs.

15. Facilitating IP-related aspects of ICT for growth and development: Provide for, in an appropriate WIPO body, discussions focused on the importance of IP-related aspects of ICT, and its role in economic and cultural development, with specific attention

focused on assisting Member States to identify practical IP-related strategies to use ICT for economic, social and cultural development.

16. To explore supportive IP-related policies and measures Member States, especially developed countries, could adopt for promoting transfer and dissemination of technology to developing countries.

CLUSTER D: ASSESSMENT, EVALUATION AND IMPACT STUDIES

17. To request WIPO to develop an effective yearly review and evaluation mechanism for the assessment of all its development-oriented activities, including those related to technical assistance, establishing for that purpose specific indicators and benchmarks, where appropriate.

18. With a view to assisting Member States in creating substantial national programs, to request WIPO to conduct a study on constraints to intellectual property protection in the informal economy, including the tangible costs and benefits of IP protection in particular in relation to generation of employment.

19. To request WIPO to undertake, upon request of Member States, new studies to assess the economic, social and cultural impact of the use of intellectual property systems in these States.

CLUSTER E: INSTITUTIONAL MATTERS INCLUDING MANDATE AND GOVERNANCE

20. 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.

21. To request WIPO to intensify its cooperation on IP related issues with UN agencies, according to Member States' orientation, in particular UNCTAD, UNEP, WHO, UNIDO, UNESCO and other relevant international organizations, especially WTO in order to strengthen the coordination for maximum efficiency in undertaking development programs

22. To conduct a review of current WIPO technical assistance activities in the area of cooperation and development

23. To enhance measures that ensure wide participation of civil society at large in WIPO activities in accordance with its criteria regarding NGO acceptance and accreditation, keeping the issue under review.

CLUSTER F: OTHER ISSUES

24. To approach intellectual property enforcement in the context of broader societal interests and especially development-oriented concerns, with a view 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.

[End of Annex and of document]