

## Cluster A – Technical Assistance And Capacity Building

No.	Proposal number in Annex B “( )” indicates that the original wording of the proposal has been retained	IPOS' Proposed Streamlined Proposal	Similar proposal in Friends of Development Non-Paper	Similar proposal in African Non-Paper
1.	1 and 5	To develop and improve national, sub-regional and regional institutional capacity through further development of infrastructure and other facilities with a view to making national intellectual property (IP) institutions more efficient and more able to contribute to national development, and at the same time, ensuring a fair balance between IP protection and safeguarding public interest. This can be done via the establishment of consistent pluriannual programs and plans for cooperation between WIPO and developing countries, consistent with principles and objectives proposed in document WO/GA/31/11.	1	1
2.	(2)	To strengthen national capacity for protection of local creations, innovations and inventions in order to develop the national scientific and technological infrastructure.	2	1 and 12
3.	3, 4, 12 and 13	To implement principles and Guidelines for technical assistance to ensure, <i>inter alia</i> : (a) transparency, for instance, by making publicly available all information about design, delivery, cost, financing, beneficiaries and implementation of technical assistance programs, as well as the results of internal and external independent evaluation; (b) that flexibilities existing in international treaties are taken full advantage of; (c) that technical		2

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		assistance is tailor-made and demand-driven, taking into account the legitimate interests of all relevant stakeholders, as well as available resources and the state of development in relevant member states.		
4.	6 and 16	Technical assistance programs should include training and assistance on how to implement relevant provisions on anti-competitive practices in TRIPS in order to address abuses of intellectual property and practices, such as anti-competitive acts, that unduly restrain trade and the transfer and dissemination of technology.		
5.	7	To provide assistance on a non-discriminatory basis, regardless of the identity of recipient or issues to be addressed, and which should not be perceived as being a “reward system” for supporting certain positions in WIPO negotiations		
6.	8 and 15	To ensure WIPO's legislative assistance tailors national laws on intellectual property to meet each country's level of development, is fully responsive to, and appropriately balances, the specific needs and problems of various stakeholders in individual societies as well as to build national regimes which implement international obligations in a sustainable way.	4	

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7.	(9)	To separate the norm-setting functions of the WIPO Secretariat from those of technical assistance.		
8.	10, 14 and 17	To ensure that technical assistance provided to developing and least developed countries include assistance pertaining to the implementation, taking into account national needs and requirements, of the flexibilities under TRIPS, as well as pro-development provisions of TRIPS, for example, <i>Articles 7, 8, 30, 31 and 40</i> , as well as subsequent pro-development decisions, such as the Doha Declaration on the TRIPS Agreement and Public Health. To give advice on mechanisms to facilitate access to knowledge and technology for developing and least developed countries, access to essential medicines and food, and that must minimise the social impact of IP protection.	5	2 and 3
9.	(11)	To mainstream the development dimension into all of WIPO's substantive and technical assistance activities and debates, including the way in which the Organization deals with enforcement issues.	3	

**Cluster B – Norm-setting, Flexibilities, Public Policy And Public Domain**

No.	Proposal number in Annex B “( )” indicates that the original wording of the proposal has been retained	IPOS Proposed Consolidation/Rewording	Similar proposal in Friends of Development Non-Paper	Similar proposal in African Non-Paper
10.	(18)	To request WIPO to adopt an internationally binding instrument on the protection of genetic resources, traditional knowledge and folklore in the nearest future.	6	5
11.	19, 45 and 46	To adopt pro-development principles and guidelines on measures to facilitate access to knowledge and the transfer of technology for developing and least developed countries.	7	6
12.	(20)	To formulate and adopt measures designed to improve participation by civil society and other stakeholders in WIPO activities, relevant to their respective domains and interests.		10(i)
13.	21, 24, 33, 38 and 62	To establish in WIPO a permanent platform for the analysis, discussion and compilation of incentives and best practices that promote creative activity, foreign investment, innovation and technology transfer, both within and outside the intellectual property system, such as tools within the intellectual property system (e.g. utility models, systems of free and open licenses and creative commons), and those complementary to the intellectual property system (e.g. subsidies, Treaty on Access to Knowledge, Treaty on Medical R&D and open collaborative projects like the Human Genome Project and Open Source software).	9 and 14	8

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14.	22 and 58	To increase understanding globally of the adverse effect of counterfeiting and piracy on economic development: Through the WIPO Advisory Committee on Enforcement (ACE), to collect data on the rate of global IPR piracy and counterfeiting, conduct analyses of the relationship between high rates of counterfeiting and intellectual property piracy and technology transfer, foreign direct investment and economic growth and disseminate the information and analyses to Member States.		14
15.	23 and 32	To draw up proposals and models for the protection and identification of, and access to, the contents of the public domain in all Member States.	8	7
16.	25, 26, 27, 28 and 31	To pursue a pro-development, balanced and comprehensive approach to norm-setting, which allows countries policy space proportionate to national development objectives and requirements,,which fully addresses the development objectives and concerns of developing and least developed countries and of the international community, and which is aligned with other international instruments that reflect and advance development objectives, such as instruments pertaining to human rights.		4
17.	34 and 39	To ensure that new, expanded or modified rules in norm setting activities are identified on the basis of clear defined principles and guidelines, based on the views of all stakeholders, including public interest groups, and that prior to implementation of the same, their development		9 and 10

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		impact is studied and debated (including via public consultations if appropriate).		
18.	29, 30, 36, 37 and 47	To include in treaties and norms provisions on, <i>inter alia</i> : (a) objectives and principles; (b) safeguard of national implementation of intellectual property rules; (c) anti-competitive practices and abuse of monopoly rights, particularly as such practices restrain free trade and the transfer of technology; (d) promotion of transfer of technology; (e) reasonable compliance periods; (f) flexibilities and “policy space” for the pursuit of public policies; (g) exceptions and limitations contained in existing agreements such as the TRIPS Agreement. As appropriate, provisions should be included in treaties and norms that accord differentiated treatment to developing and least developed countries.	11 and 13	10
19.	(48)	To devise a mechanism whereby countries affected by anti-competitive practices request Developed Countries authorities to undertake enforcement actions against firms headquartered or located in their jurisdictions.		15(f)
20.	(35)	To establish a Treaty on Access to Knowledge and Technology.		
21.	(36)	To develop an international framework to deal with issues of substantive law relating to anti-competitive licensing practices, primarily those that adversely affect the transfer and dissemination of technology and restrain trade.	12	11

**Cluster C – Technology Transfer, Information And Communication Technology (ICT) And Access to Knowledge**

No	Proposal number in Annex B “( )” indicates that the original wording of the proposal has been retained	IPOS Proposed Consolidation/Rewording	Similar proposal in Friends of Development Non-Paper	Similar proposal in African Non-Paper
22.	40, 43 and 51	To develop criteria and methodology to identify essential technologies that are necessary to meet the basic development needs of developing countries and LDCs (especially those which protect the environment and public health and promote education), to monitor and facilitate the transfer and the diffusion of such technologies, at affordable cost, to developing countries and LDCs, and to adopt commitments like those contained in <i>Article 66.2</i> of the TRIPS Agreement, expanded to benefit all developing countries.		15(a), (b), and (h)
23.	(41)	To contribute effectively to individual nation’s self-reliance, including through relaxation of patent rules in the area of technology by facilitating access to foreign patented information on technology and technical resources.	17	12 and 13
24.	42 and 50	To establish a WIPO standing committee for formulating, coordinating and assessing all transfer of technology policies and strategies, and a dedicated program for these issues, including related competition policies.	15	15
25.	(44)	To work on any initiative intended to facilitate the implementation of technology-related provisions of Multilateral Environmental Agreements (MEAs), so as to ensure that countries where biological, traditional or other environmental resources originate from, participate in the		15(d)

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		process of research and development.		
26.	(49)	To establish a special fee on applications through the Patent Cooperation Treaty, the revenues of which would be earmarked for the promotion of research and development activities in the developing and least developed countries.		15(g)
27.	43	To develop and maintain, in collaboration with other intergovernmental organizations, a list of essential technologies, know-how, processes and methods that are necessary to meet the basic development needs of African countries aimed at protecting the environment, life and health of people, animals and plants, promoting education and food security.	16	15(c)
28.	(52)	To establish an intermediary conduit to reduce the asymmetric information problem in private transactions between technology buyers and sellers, for knowledge about successful technology-acquisition programs that have been undertaken by national and sub-national governments in the past.		
29.	(53)	To negotiate a multilateral agreement where signatories would place into the public domain, or find other means of sharing at modest cost, the results of largely publicly funded research. The objective would be to set out a mechanism for increasing the international flow of technical information, especially to developing countries, through expansion of the public domain in scientific and		15(i) and (j)



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		technological information, safeguarding, in particular, the public nature of information that is publicly developed and funded without unduly restricting private rights in commercial technologies.		

**Cluster D – Assessments, Evaluation And Impact Studies**

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30.	54, 60, 61 and 63	To establish, through a member-driven process, an independent Evaluation and Research Office (WERO) that would be responsible for evaluation of WIPO’s activities and carrying out continuous independent, evidenced-based developmental impact and cost assessments, especially on developing countries, in connection with norm-setting activities, technical cooperation, technology transfer and treaties which have been adopted.	19 and 20	16 and 17
31.	55, 56 and 57	WIPO to initiate at its own volition, or at the request of Member States to provide assistance to conduct, economic surveys and make the results of such surveys available to all Member States, including economic base line surveys, and surveys to measure the economic contribution of creative and innovative industries (including copyright		18

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		and patent based industries) (such as expanding the WIPO Guide for Surveying the Economic Contribution of Copyright-based Industries to cover patent-based innovative industries).		
32.	(59)	WIPO to study to evaluate the appropriate levels of intellectual property, to identify the links between IP and development. For example, a study of a limited, but representative, number of countries, with participation on a voluntary basis, in specific areas of IP, such as patents, exceptions and limitations and institutional capacity to administrate the IP system, including costs to government, as well as to individuals (cost in GDP).		

**Cluster E – Institutional Matters Including Mandate And Governance**

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33.	(64)	To reinvigorate the PCIPD.			1
34.	(65)	To establish within the WIPO International Bureau a WIPO Partnership Office staffed by WIPO personnel deployed for the purpose of evaluating		19	2

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		requests by Member States for assistance related to IPR and development and actively seeking to find partners to fund and execute such projects.			
35.	(66)	To amend the WIPO Convention, bringing it in line with WIPO’s mandate as an UN-specialized agency.	21	20	
36.	(67)	To maintain the mandate of WIPO’s Advisory Committee on Enforcement within the limits of a forum for exchange of information on national experience, excluding norm-setting activities. The ACE agenda of discussion should also tackle how to best ensure the implementation of all TRIPS-related provisions, including those that provide for exceptions and limitations to the rights conferred.	23		

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37.	(68)	To reinforce WIPO’s member-driven nature as a United Nation system organization, that would include, <i>inter alia</i> , that formal and informal meetings or consultations held between Members or organized by the International Bureau upon request of the Member States should be held in Geneva, in an open and transparent manner that involves all interested Member States.	22 and 24	21	3

**Cluster F – Other Issues**

No	Proposal number in Annex B “( )” indicates that the original wording of the proposal has been retained	IPOS Proposed Consolidation/Rewording	Similar proposal in Friends of Development Non-Paper	Similar proposal in African Non-Paper
38.	(69)	To establish a working group on the Development Agenda to further discuss issues of the Development Agenda and the Work-Program for WIPO that were not subject of decision in the 2006 General Assembly.		22

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39.	(70)	To adopt measures that provide for membership and functions of the Policy Advisory Commission (PAC) and the Industry Advisory Commission (IAC) being determined by Member States.		
40.	71	To adopt a high-level declaration on intellectual property and development based on the proposals agreed by the PCDA.		23

Note :

Friends of Development : Proposal 10 is completely new; Proposals 18, 21 and 25 contain some new words/terms.

African Group : Proposals 5 and 15(e) are completely new. Proposals 15(i), 18, 19 and 20 contain some new words/terms.