

MOBILIZING RESOURCES FOR DEVELOPMENT CONFERENCE

**Proposed Dates: November 5 to 6, 2009
Geneva, Switzerland**

PROPOSED DRAFT CONCEPT PAPER

April, 2009

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I. INTRODUCTION

This Conference responds to the increased demand from developing countries for WIPO's technical assistance and capacity building work and in particular in relation to the needs of LDCs while according high priority to finance activities in Africa. It seeks to provide the additional resources and development partnerships required to enable WIPO to supplement its existing technical assistance and capacity building work and accelerate the pace at which developing countries, in particular LDCs and countries in Africa, can use IP to help meet their development needs.

WIPO's contribution as the global authority on IP is recognized and valued by its traditional stakeholders (IP Offices in developed and developing countries) and supported through a range of voluntary contributions managed as a series of Funds-in-Trust. While seeking to build on that bedrock of support, the aim of this Conference is to enable WIPO to reach out more broadly to the development and donor community, such as the bilateral and multilateral development agencies, public private partnerships and charitable foundations, and to provide a platform to highlight the role WIPO can play as a partner in the strategies of developing countries, international development partners and other UN and international organizations to help deliver progress towards achievement of the Millennium Development Goals and to show the relevance of WIPO's work to the economic, social cultural development efforts of developing and least developed countries.

The current economic difficulties confronting all countries heightens, rather than diminishes, the need for developing countries to be able to harness IP as one of the instruments at their disposal to reduce the risk of their development needs being jeopardized by the global crisis. This is all the more important in the context of WIPO, as the resources it has available for all its activities, including those related to supporting developing countries, are derived from the income it generates from the market dependant services it provides (e.g. PCT income). While WIPO will continue to prioritize development, this, nevertheless, can only happen within the limitations of the resources it has at its disposal. Any impact on its income arising from global economic conditions can only have an adverse affect on its capacity to maintain its current levels of activity in support of developing countries, let alone respond to the increased demand for this work. The need now for WIPO to work with the development community to support developing countries in using IP to facilitate achievement of their development goals is greater than ever.

II. BACKGROUND

The Conference stems from the WIPO Development Agenda and the adoption in September 2007 by WIPO Member States of the 45 Development Agenda Recommendations. These recommendations place development at the heart of the Organization's work and their implementation is given priority and mainstreamed across all its activities. More specifically, Recommendation 2 calls for voluntary funding to provide additional assistance to WIPO.

"Provide additional assistance to WIPO through donor funding, and establish Trust-in-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."

WIPO DEVELOPMENT AGENDA
RECOMMENDATION 2

In this respect, in 2008 WIPO Member States decided to convene a conference which would address this recommendation.

III. THE AIMS OF THE CONFERENCE

The overall aim of the Conference is to increase the support WIPO can provide to developing countries, with a particular focus on LDCs and financing activities in Africa, to accelerate their use of IP to meet their development needs. The implementation of the WIPO Development Agenda and the Organization's commitment to providing high quality technical assistance and capacity building will continue to be financed by the effective and efficient use of the WIPO regular budget. However, this increased development effort requires the availability of more resources at a time when pressure on regular income is under threat from global economic conditions. The role of additional donor funding for IP projects will therefore be a critical and supplementary element in WIPO's strategy to deliver on its commitment to developing countries.

The Conference will seek to increase support from four main areas:

1. *WIPO's Traditional Donor Base*

WIPO's traditional donor base is primarily the IP Offices of its Member States. WIPO currently has a total of 9 such donors (Finland, France, Italy, Japan, Republic of Korea, Portugal, Spain, United States and the European Union) providing extra-budgetary resources in the form of Funds-in-Trust (FIT) for program activities and one donor providing funds exclusively for costs associated with the Junior Professional Officer (JPO) scheme (Germany). In 2008, the total income contributed to these funds was Swiss francs 7.4 million. This existing support provides an important source of financing to supplement the activities funded by the WIPO regular budget. These activities support IP offices in developing countries and are harmonized with the priorities mandated by the Member States through the Program and Budget. There is also significant support in the form of in-kind assistance provided by a number of Member States such as Australia, China and Singapore.

The Conference will promote the increased use of such funding mechanisms to support focused projects and country interventions, in areas such as training of examiners in the research and examination of patents, trademarks, design etc. It will seek additional Funds-in-Trust to address these specific needs, including the establishment of a Fund-in-Trust for LDCs, which accords high priority to countries in Africa.

2. *Development Agencies and Donor Community*

WIPO's technical assistance and capacity building work has increasingly widened in scope from its roots in highly specialized and technical legal support to a broader range of support to help developing countries use IP to meet their development needs by making the most of their creativity and innovation. This shift in focus has brought WIPO's work more squarely into the development arena and the work of other national and international development partners. This dynamic increasingly demands that WIPO works closely with external partners in the delivery of IP technical assistance and capacity building on the basis of a holistic and systemic approach to needs assessment and in line with the principle of country ownership and the other key principles endorsed in the Paris Declaration on Aid Effectiveness and the follow-up outcomes agreed in the Accra Agenda for Action and the Doha Declaration on Financing for Development. The broader development impact of WIPO's work is dependant upon it being a part of the effective contribution made by the development community as a whole. This type of partnership is therefore a key strategy in ensuring the effective delivery of WIPO's technical assistance and capacity building work, whether the resources are those of WIPO's regular budget or donors. With the notable exception of a long-running cooperation program for LDCs with the Swedish International Development Agency and a recently negotiated agreement with Norway, these broader partnerships with development agencies and the donor community have been limited.

The Conference will seek to broaden support and partnership for WIPO's work among a wider range of external partners, in particular development agencies and the donor community. The first step in that process will be to shed light on some of the misconceptions about IP, which often portray it as a barrier to development. In reality, it is neither a pariah nor a panacea for development needs. International policy processes are taking up intellectual property issues at an increasingly

sophisticated level of policy and legal analysis, spurring demand for more nuanced, inclusive, and empirically solid information as the foundation for policy debates in fields as diverse as research on neglected diseases and climate change mitigation. These policy debates bring into focus a common interest in ensuring the sound and effective functioning of the IP system as a tool of public policy, and in building a richer basis of policy and legal information to support sound policymaking. WIPO, as the specialized UN agency with distinctive expertise and a strengthened mandate to address IP and development-related issues, has a special responsibility to ensure that its Member States – particularly developing countries confronted with fundamental economic, social and environmental challenges – have the policy tools and information they need to ensure that intellectual property law, policy and practice do not conflict with broader public policy goals, but rather serve actively and effectively to advance those goals.

The Conference will put IP in the spotlight for the development agencies and donor community and show why IP should be on their agenda. It will do so by providing tangible examples of IP in action in areas relevant to developing country needs and donor funding priorities such as:

- Science, technology and innovation for development
- Aid for Trade
- The Digital Divide

At the same time, the Conference will seek to use WIPO's position as the global IP authority to show that WIPO is best placed to implement IP projects within the context of the broader development effort and is a credible and trustworthy partner for the development community. In addition, to building relationships and funding prospects for the future, the Conference will also look at how developing countries – with WIPO's support – can access existing funding mechanisms to support IP related work (e.g. UN Multi-donor Trust Funds, the Enhanced Integrated Framework for LDCs).

3. *Public Private Partnerships*

Public private partnerships also offer opportunities to provide additional support to WIPO's work in developing countries, in particular given the important role of IP in industry. There is enormous potential for the private sector to support developing countries, not least by the capacity to provide a wide range of IP know-how and expertise based on their experience of the practical business application of IP. In recent years, there has been a substantial effort to improve partnership between the UN and business. The Global Compact and the new UN-Business match-making web portal are examples of this. Such partnerships with the private sector require appropriate safeguards to ensure there are no risks from possible conflicts of interest or influence if WIPO receives financial support or other forms of partnership directly for its development activities. That said the central point of seeking such partnerships is to help meet the needs of developing countries in a manner consistent with their overall economic, social and cultural development based on their ownership of their development plan. Public private partnerships which contribute to this and to WIPO's existing programs, together with clear partnership guidelines, policies and rules, may help to minimize any such risk. In this regard, there is value in learning from the experience of others within the UN system and exploring how this might be adapted to the specificities of the WIPO environment.

The Conference will initiate discussion about how to engage the private sector in this work to support developing countries and, based on the experience of other UN organizations from their partnerships with the private sector, how WIPO might develop public private partnerships for IP and development, while having in place the necessary safeguards to avoid risks. This is very much the beginning point aimed at exploring the parameters and possibilities of such partnerships.

4. *Charitable Foundations*

The role of charitable foundations (Gates Foundation, Ford Foundation etc) in the international development effort is of ever increasing importance. The relevance of WIPO's technical assistance and capacity building work is as pertinent to this group of actors as it is to the development community as a whole. As with the development agencies, WIPO's engagement with this group has been relatively limited so far. An important exception to this being the support received for the WIPO Voluntary Fund for Accredited Indigenous and Local Communities, which in addition to support from

France, Norway, South Africa, and Switzerland has benefited from the support of SwedBio/CBM (the Swedish International Biodiversity Programme) and the Christensen Fund.

The Conference will promote increased support from charitable foundations. This will be done by showing practical examples of how IP can help developing countries meet their development goals and how they can help such foundations achieve their funding objectives.

IV. EXPECTED CONFERENCE OUTCOMES

The Conference outcomes need to be seen in both the short and longer term. For those stakeholders and existing supporters of WIPO's development work, the relationship is already established. The value of WIPO's work is understood. The task is to demonstrate what can be achieved with additional support. For the development community and donor institutions not yet sufficiently aware of the positive role that IP and WIPO can play in helping developing countries meet their development goals, the task is to establish the relationship, demonstrate the relevance of IP and WIPO's work to their objectives and show why WIPO should be the first choice for implementing an IP component to their broader development strategies. The role of developing countries as owners of their national development plans is a key element in this and WIPO needs also to ensure that at the country level the value of IP in development terms and WIPO's work is widely understood. Equally important is the role IP Offices in donor countries can make in showing the link between IP and development with the development agencies in their respective countries. They can also help to open the door to a three-way dialogue between WIPO, the national IP office and the respective national development agencies. This approach has worked well in developing the relationship between the Swedish IP Office, the Swedish International Development Agency and WIPO and needs to be replicated elsewhere.

In the short term, outcomes are focused on WIPO's current approach to resource mobilization. The establishment of a Fund-in-Trust for LDCs is intended to support the development of a Workplan focused on the IP needs of LDCs, according high priority to countries in Africa, funded by voluntary contributions. This Workplan must reflect the overall stage of development in LDCs and their IP needs and be designed to supplement and accelerate the work of the WIPO LDC Division carried out using WIPO's regular budget. The Workplan must also reflect the funding priorities of the donors if it is to attract them to contribute to this fund. Setting up the Workplan to reflect these and its modalities is a first priority and intended outcome. Establishing and using the routes to access existing funding mechanisms, through processes such as the Enhanced Integrated Framework for LDCs to support aid for trade, and the UN Multi-donor Trust Funds is a short to medium term intended outcome. Developing relationships and raising awareness with the development agencies, donor institutions and charitable foundations is also a short to medium term outcome. It is the aim that these medium-term outcomes would translate into the availability of additional resources to support WIPO's work in developing countries within the 2010/11 biennium and build from there on.

WIPO wants to strengthen its involvement as a development partner and to share its IP expertise for the benefit of developing countries. The Conference is not just a call to mobilize resources for development, but a call for more effective way to support the needs of developing countries and recognition that IP is an important part of the development equation.

OUTCOME 1

The establishment of a Fund-in-Trust within WIPO specifically for LDCs, which accords high priority to finance activities in Africa and an agreed Workplan and source of funding.

OUTCOME 2

An increase in resources available to WIPO, either through direct voluntary contributions, or through access to existing funding modalities to support its IP technical assistance and capacity building work in developing countries.

OUTCOME 3

Developing countries benefit from a more systemic approach to the delivery of IP technical assistance and capacity based on a holistic assessment of their needs resulting in WIPO's work with development partners having a more demonstrable development impact.

V. LOGISTICS

The Conference will be hosted in Room A, WIPO Headquarters, Geneva on 5 and 6 November, 2009. Accreditation is open to all WIPO Member States and Observer NGOs etc. A dedicated website will be set up on the WIPO website which will be updated with further details and online registration. The attached draft program is still being developed and will be finalized by June. Confirmation of speakers and Conference sessions will be posted on the website as and when available.

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