

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP)

Fourth Session

Geneva, November 16 to 20, 2009

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PROJECT ON INTELLECTUAL PROPERTY AND THE PUBLIC DOMAIN (RECOMMENDATIONS 16 and 20)

Document prepared by the Secretariat

1. At the third session of the Committee on Development and Intellectual Property (CDIP), held from April 27 to May 1, 2009, the Committee discussed Recommendations 16 and 20, in the context of the project on "Intellectual Property and the Public Domain", and requested the Secretariat to update the information in the project so as to reflect the discussions in the Committee.
2. The Annex to this document provides the updated text as requested.
3. *The CDIP is invited to take note of the contents of this document and its Annex.*

[Annex follows]

ANNEX

DEVELOPMENT AGENDA RECOMMENDATIONS NOS. 16 AND 20

PROJECT DOCUMENT

I. SUMMARY

Project Code:	DA 16 20 01
Title:	Intellectual Property and the Public Domain
Development Agenda Recommendation(s):	<p>Recommendation 16 (Cluster B): 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.</p> <p>Recommendation 20 (Cluster B): To promote norm-setting activities related to IP that support a robust public domain in WIPO's Member States, including the possibility of preparing guidelines which could assist interested Member States in identifying subject matters that have fallen into the public domain within their respective jurisdictions.</p>
Project Budget:	<p>Non-personnel costs: Sfr.505,000</p> <p>Personnel costs: Sfr.380,000</p>
Project Duration:	24 months
Key WIPO Sectors Involved and Links to WIPO Programs:	<p>Patent Division; Copyright and Related Rights Sector; Sector of Trademarks, Industrial Designs and Geographical Indications; Global IP Issues Division; Global IP Infrastructure Department and the Development Agenda Coordination Division, in cooperation with the Technical Assistance and Capacity Building Sector.</p> <p>Links to WIPO Programs 1, 2, 3, 4, 8, 9 and 14.</p>
Brief Description of Project:	<p>Identifying subject matter that has fallen into the public domain, and preventing subject matter that is in the public domain or under a common or communal proprietorship from individual appropriation, is a key challenge for firms, individuals and Member States, worldwide. With a view to addressing the concerns raised under Recommendations 16 and 20, this project will provide a series of surveys and studies to deepen the conceptual understanding of what constitutes the public domain in different jurisdictions, what tools have been already made available to help identify the subject matter that has fallen into the public domain, and, to the extent relevant information is made available, what are the implications and benefits of a rich and accessible public domain. The project is divided into <u>four-three</u> components that will address the issue from the perspective of (1) copyright, (2) trademarks, (3) patents, and (4) <u>traditional knowledge (TK) and traditional cultural expressions (TCEs)</u> on the understanding that <u>the text of trademarks has to be discussed at the Fifth Session of the CDIP</u>. The outcome of the studies and surveys should be a first step towards further work, including the preparation of guidelines and/or development of tools to facilitate the identification of and access to public domain subject matter to promote norm-setting activities related to IP that support a robust</p>

	public domain in WIPO's Member States.
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