

**STATEMENT BY EGYPT ON BEHALF OF THE
DEVELOPMENT AGENDA GROUP (DAG)
WIPO COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP)
FIFTH SESSION, 26-30 APRIL, 2010**

**Agenda Item 6: General Statements and Consideration of the Director
General's Report on Implementation of the Development Agenda:**

Thank you Mr. Chairman,

I have the pleasure to deliver this statement on behalf of the newly-launched WIPO Development Agenda Group (DAG). **The Development Agenda Group is an open and inclusive group consisting of WIPO Member States that are like-minded in their support for a development-oriented perspective on intellectual property issues, and the mainstreaming of the Development Agenda across all areas of WIPO's work.** The membership of DAG currently consists of Algeria, Brazil, Cuba, Djibouti, Ecuador, Egypt, Guatemala, India, Indonesia, Iran (Islamic Republic of), Malaysia, Pakistan, the Philippines, South Africa, Sri Lanka, Sudan, Uruguay, and Yemen.

Mr. Chairman,

We celebrate in this fifth session of the CDIP, not only the assumption of your chairmanship, but also the inception of the DAG. We are therefore doubly confident about the future of the CDIP, and the WIPO Development Agenda. We are re-assured by our faith in your capable leadership. We are also confident in the vision of DAG and the universality and inclusiveness of its message to all WIPO member states.

The adoption of the Development Agenda (DA) at the General Assembly of the World Intellectual Property (WIPO) in 2007 was a milestone in achieving the

historic aspiration of developing countries for a paradigm shift in the international perspective of intellectual property (IP): a shift from viewing IP as an end in itself, to viewing it as a means to serve the larger public goals of social, economic and cultural development.

While the inception of the Development Agenda marked a watershed re-balancing of the global perspective on IP, the mainstreaming and implementation of these recommendations presents a considerable challenge. A successful implementation of the Development Agenda requires sustained and multi-faceted approach to the range of activities in WIPO; proactive leadership, continuous commitment, cooperation, engagement and oversight by Member States; an enduring pro-development cultural transformation within the WIPO Secretariat; a Member-State driven organization; and engagement with other intergovernmental organizations and civil society.

Recognizing the importance of the Development Agenda and the historic opportunity it represents not only to all developing countries but also those that are yet to benefit fully from the international intellectual property system, and acknowledging the challenges to its meaningful implementation, **the Development Agenda Group (DAG) commits itself to actively contributing to mainstreaming the development dimension in all areas of WIPO's work.** In so doing, the DAG has developed a set of guiding Principles for its vision and work on implementing and mainstreaming of the Development Agenda. These principles cover the six clusters of the Development Agenda, and form part of the DAG Guiding Principles Paper which we attach to our statement. The DAG Guiding Principles Paper is also being made available as an official document of CDIP 5.

Mr. Chairman,

Membership of the DAG is open to all WIPO Member States that are willing to subscribe to all of these Guiding Principles. The DAG adopts a long-tried and highly successful methodology adopted by the developing world in coordinating their positions in intergovernmental fora, and particularly so within the UN System. The coordination of positions among Member States and within regional groups can be complemented by a cross-regional coordination of work that promotes developing country interests and effectively coordinates their positions. The DAG aims at coalition building among pro-development groups and Member States across regions, and comprises countries at different levels of development. DAG represents the determination to accommodate the unique and specific interests and development needs of WIPO Member States on all IP matters.

The Development Agenda Group appreciates the need to take into account the various interests and priorities of all WIPO Member States. As such, the group believes that only through direct engagement and broad-based dialogue with other viewpoints and interests can consensus be reached, leading to growing trust and confidence among Member States and a sense of a shared stake in a stronger, dynamic and more effective WIPO. The DAG will aim at building bridges across and between the interests of all WIPO Member States towards reaching consensus in our common work for the benefit of all WIPO Member States. Consensus is about commitment. Ultimately, this is what it will take to achieve an effective implementation and mainstreaming of the Development Agenda.

Mr. Chairman,

We have before us a busy agenda for this fifth session of the CDIP. We look forward to a constructive engagement on the important issues before us, and in this regard, we would be making interventions under the various agenda items. At this stage, allow me to make a brief remark on the current agenda item before us.

We take note of the Director General's Report on Implementation of Development Agenda (Document CDIP/5/2) and wish to thank the Director General and the Secretariat for producing this document, particularly on the highlights of implementation of the Development Agenda during 2009. We particularly emphasize the notion presented in paragraph 25 of the Report that "Specific proposals from Member States that could contribute to DA implementation may also be of immense value to the process, in order to enhance the member-driven nature of the implementation phase and ensure that activities and projects respond to the real concerns behind the recommendations." It is the view of the DAG that in this very notion lies the core for an effective implementation and mainstreaming of the Development Agenda in WIPO's work.

Mr. Chairman,

In conclusion, allow us to re-assure you that the Development Agenda Group stands for inclusiveness and openness that is the hallmark of multilateral diplomacy. Our work in WIPO is guided by our firm belief that all the views and interests of all Member States must be properly reflected in how we pursue our work, and clearly in the outcome of our efforts. As our work relates to the creations of the mind, clearly, justice, human kind's most noble ideal, must be at the center of what we pursue.

Thank you.

**Development Agenda Group (DAG)
DAG Guiding Principles Paper**

I. Introduction: WIPO: A United Nations Specialized Agency, Intellectual Property, and Development:

1. The adoption of the Development Agenda (DA) at the General Assembly of the World Intellectual Property (WIPO) in 2007 was a milestone in achieving the historic aspiration of developing countries for a paradigm shift in the international perspective of intellectual property (IP): a shift from viewing IP as an end in itself, to viewing it as a means to serve the larger public goals of social, economic and cultural development. This vision has refuted the universal applicability of 'one size fits all IP protection models' or the advisability of the harmonization of laws leading to higher protection standards in all countries irrespective of the levels of development. This vision also entailed an organizational transformation of WIPO from a technical, treaty-administering body servicing primarily intellectual property right-holders, to a truly representative agency of the United Nations (UN) assisting Member States in achieving their development goals through a balanced and calibrated use of intellectual property.
2. With the centrality of development highlighted as the priority goal and challenge for the international community, the Development Agenda made it incumbent upon WIPO, as a Specialized Agency of the United Nations (by virtue of its 1974 agreement with the United Nations), to be fully guided by the broad development goals of the United Nations, including the Millennium Development Goals (MDGs).
3. While the inception of the Development Agenda through the laudable efforts of the Group of Friends of Development marked a watershed re-balancing of the global perspective on IP, the mainstreaming and implementation of these recommendations presents a considerable challenge. A successful implementation of the Development Agenda recommendations that truly reflects their underlying vision and spirit, requires sustained and multi-faceted approach to the range of activities in WIPO; proactive leadership, continuous commitment, engagement and oversight by Member States; an enduring pro-development cultural transformation within the WIPO Secretariat; a Member-State driven organization; and engagement with other intergovernmental organizations and civil society.
4. Recognizing the importance of the Development Agenda and the historic opportunity it represents not only to all developing countries but also those that are yet to benefit fully from the international intellectual property system, and acknowledging the challenges to its meaningful implementation, the Development Agenda Group (DAG)¹ commits itself to actively contributing to mainstreaming the development dimension in all areas of WIPO's work.

¹ The Development Agenda Group (DAG) consists of WIPO Member States that have accepted this Guiding Principles document in its entirety. They currently comprise the following countries: Algeria, Brazil, Cuba, Djibouti, Ecuador, Egypt, Guatemala, India, Indonesia, Iran (Islamic Republic of), Malaysia, Pakistan, the Philippines, South Africa, Sri Lanka, Sudan, Uruguay, and Yemen. An updated list of members would be periodically presented.

II. The Development Agenda Implementation:

5. The DAG underscores the need for exploring ways and means which would enable intellectual property to make its full contribution and be commensurate with the task of development in developing countries and least-developed countries. This includes the need to ensure that the different elements of IP contribute to economic and social development and enhance growth competitiveness. Acknowledging the links and interaction between IP and development, WIPO should contribute to addressing related developmental challenges and global challenges such as environment, public health, food security, etc.
6. The WIPO Development Agenda is "one of the most- and arguably the most-important of the current global initiatives in advancing the realization of the right to development."² Thus, the way forward for the Development Agenda Group at WIPO is clear: it aims at achieving constant progress in the effective implementation or "mainstreaming" of the Development Agenda. The Development Agenda is broad and horizontal; it addresses WIPO's work in all its dimensions. Its general relevance is, therefore, not to be limited to any specific body within WIPO. Hence, all WIPO bodies and activities should integrate the "development dimension" into their work, guided by the following principles:
 7. **Cluster 'A'**: the DAG believes that WIPO's Technical Assistance and Capacity Building has to go beyond generating IP awareness and capacity building in national IP offices aiming at facilitating more efficient award and protection of IP rights. It should focus on promoting domestic innovation, fostering a development-oriented IP culture and provide balanced advice on appropriate national IP strategies based on available flexibilities, exceptions and limitations. It should ensure the transparency, neutrality and effectiveness of technical assistance and capacity building programs. WIPO should support the development of national scientific and technological infrastructure in developing countries, in accordance with its mandate.
 8. **Cluster 'B'**: implementing the Norm-Setting, Flexibilities, Public Policy and Public Domain Recommendations of the Development Agenda entails a "development compatible" approach to norm-setting activities; i.e., one that is driven by the different levels of development and varying interests and priorities" of Member States. The work carried out in this regard should permeate all WIPO's substantive committees and treaty-related bodies including the SCP, SCCR, SCT, SCIT, IGC, the various working groups, including those relating to the Unions, primarily the PCT. Apart from transparency and inclusiveness in norm-setting processes, the principles enshrined in Recommendation 22 should underpin all norm-setting activities and be supportive of the development goals agreed within the UN System. As mandated in Recommendations 19 and 20, WIPO should promote norm-setting activities to facilitate access to knowledge and technology for developing countries and support a robust public domain. WIPO's agenda should be oriented toward preserving national policy space; i.e. safeguarding national implementation of IP rules and enable countries to devise relevant policies to support their own economic development. Inter alia, WIPO should continue efforts to bring balance to the international IP

² Human Rights Council, A/HRC/15/WG.2/TF/CRP.1.

system by encouraging full understanding and use of flexibilities, exceptions and limitations as well as special provisions, options or safeguards that are essential to meet the needs of developing countries.

9. In this context, the misappropriation and misuse of traditional knowledge (TK), traditional cultural expressions (TCEs) and genetic resources (GRs) has elicited great concern amongst developing countries. The DAG emphasizes the urgency of incorporating appropriate norms into the multilateral IP system and is strongly committed to establishing a legally binding international instrument(s) that ensures effective protection of TK, TCEs and GRs. In this regard, the DAG also believes that it is important to ensure that the WIPO process does not undermine or prejudice, in any manner, the ongoing negotiations in the UN Convention on Biological Diversity, the WTO, and any other related ongoing negotiations/discussions.
10. **Cluster 'C'**: in Implementing the Technology Transfer, ICTs and Access to Knowledge Recommendations, the DAG believes there is a need to develop appropriate solutions, guidelines and/or instruments, in particular, for the transfer of technology to the benefit of developing countries.
11. **Cluster 'D'**: the DAG emphasizes the need to effectively address the implementation of the Assessment, Evaluation and Impact Studies Recommendations. In support of this, the DAG believes that an effective and independent mechanism for coordination, monitoring, assessment and reporting on the implementation of the Development Agenda is critical for the successful implementation of the DA.
12. **Cluster 'E'**: the DAG believes that a member-driven WIPO whose working procedures and decision-making processes are transparent, democratic and inclusive will enhance trust among Member States as well as the quality of service to be expected from the Secretariat. This is a key requirement for a successful mainstreaming of the Development Agenda. To this end, the DAG believes that WIPO's governance can be further streamlined in the following ways: (i) more effective oversight of WIPO's Budget and Programs; (ii) well-defined and clear rules of procedure for all WIPO bodies that ensure predictability, transparency and consensus building; (iii) well-defined rules of procedure and code of conduct for the committees, chairs, the bureau, and Secretariat, including rotation of chairmanships among the various regions to provide for a member-driven process of deliberation; (iv) equity and balance in composition among different nationalities comprising WIPO's staff to reflect the representative and international character of WIPO as a UN specialized agency; and (v) mainstreaming of civil society participation in the deliberations of the Organization.
13. The WIPO Secretariat performs a critical servicing function in ensuring the effective operation of WIPO as an international organization driven by its Member States, and in this regard, the neutrality of the Secretariat staff must be upheld.
14. The DAG believes that a cornerstone of transparency and good governance is to have an effective and continuing independent external oversight function. The WIPO Audit Committee has been performing an important and effective function in this regard, and must be allowed to continue to perform it without undue interference.

15. **Cluster 'F'**: the DAG attaches importance to a balanced and adaptive approach to the issue of building respect for IP, as presented particularly under DA Recommendation 45. The issue of enforcement of intellectual property should be commensurate with an approach that is informed by other public policy and development priorities. As the nodal international agency vested with the necessary legitimacy, expertise and competence to deal with IP, WIPO is the forum where all issues related to international enforcement of IP should be deliberated. Towards that end, the WIPO Secretariat should monitor developments in other fora with regard to IP enforcement and should report back on them to the Member States, with a view to bringing WIPO to centre-stage on the important issue of IP enforcement.

III. The Development Agenda Group:

16. The DAG is an open and inclusive group consisting of WIPO Member States that are like-minded in their support for a development-oriented perspective on intellectual property issues. The Group possesses a shared vision and collective aspirations and objectives, as reflected in the totality of this document, with regard to mainstreaming the Development Agenda across all areas of WIPO's work.
 17. Membership of the DAG is open to all WIPO Member States that are willing to subscribe to these guiding principles, in their totality, as shaping the Group's positions on the various aspects of implementing the Development Agenda.
 18. The DAG adopts a long-tried and highly successful methodology adopted by the developing world in coordinating their positions in intergovernmental fora, and particularly so within the UN System. The coordination of positions among Member States and within regional groups can be complemented by a cross-regional coordination of work that promotes developing country interests and effectively coordinates their positions. The DAG aims at coalition building among pro-development groups and Member States across regions.
 19. The Development Agenda Group also appreciates the need to take into account the various interests and priorities of all WIPO Member States. As such, the group believes that only through direct engagement with other viewpoints and interests can consensus be reached. The DAG will aim at building bridges across and between the interests of all WIPO Member States towards reaching consensus in our common work for the benefit of all WIPO Member States. This process will be facilitated through a transparent, effective and neutral management of the Organization.
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