

Proposal by the African Group and The Development Agenda Group for the Terms of Reference for the Impact Assessment Study of the Draft Industrial Design Draft Articles and Regulations

In the context of the SCT's work on Industrial Design Draft Articles and Regulations (documents SCT 26/2 and 26/3) and in fulfilling the commitment of WIPO Member States to the development Agenda Recommendations relating to Norm-Setting, in particular Recommendations 15, 16, 19, 22 and 23, the SCT requests the Secretariat, with the assistance of the Chief Economist, to undertake additional work as follows:

An analytical study outlining:

1. the potential benefits, constraints and costs for developing countries with regard to:
 - applicants, particularly individuals and Small and Medium Sized Enterprises (SMEs)
 - National Offices administrative and legal capacities.
 - National jurisdictions of introducing legal changes to domestic Designs systems.
 - Needs for Capacity building, investment in infrastructure and technical assistance;
 2. the impact of norm-setting setting in relation to Industrial Design formalities on:
 - access to the Designs System for SMEs,
 - fostering creativity, innovation and economic development in developing countries;
 - technology transfer and access to knowledge
 - the potential flexibilities (exceptions and limitations) for Member States and the possibility of additional special provisions for developing countries and LDCs.
 3. detailed statistical information about the designs system with particular reference to access by SMEs from developing countries
- This statistical analysis should include three levels of detailed information, in order to provide factual information on the current trends relating to protection of industrial designs in foreign countries.

Level 1: general observed trends in protection of industrial designs beyond borders (i.e. international protection)

Level 2: statistical analysis on the demand for protection of industrial designs abroad by developed, developing and least developed countries (i.e. demand for protection abroad as a percentage of total demand for protection)

Level 3: statistical analysis on the origin, destination and class of protection of industrial designs abroad by developed, developing and least developed countries.

The study should reflect recent periods of data display.