

Terms of Reference for a Study by the WIPO Secretariat on the Potential Impact of the Work of the SCT on Industrial Design Law and Practice

In the context of the SCT's work on Industrial Design Law and Practice (documents SCT/26/2 and 26/3) and the commitment of WIPO Member States to the Development Agenda Recommendations, in particular Cluster B relating to Norm-Setting, the Secretariat with the involvement of the Chief Economist is requested to prepare an analytical study on:

1. The potential benefits, constraints and costs for SCT Members, particularly Developing Countries, Least Developed Countries (LDCs) and Countries in Transition, of the application of the draft Articles and draft Rules on Industrial Design Law and Practice (documents SCT/26/2 and 3), with regard to:

- applicants (natural and legal persons, particularly SMEs);
- national and regional Offices' administrative capacity and legal expertise;
- national and regional jurisdictions, as concerns the implementation of legislative changes to their design system [as would be required by the aforementioned draft Articles and Rules];
- Developing Countries and LDCs' needs for capacity building, investment in infrastructure and technical assistance [as would be required by the aforementioned draft Articles and Rules];

2. The impact, if any, of the draft Articles and draft Rules on Industrial Design Law and Practice (documents SCT/26/2 and 3) on:

- the access to design systems for SMEs;
- fostering creativity, innovation and economic development and efficiency in Developing Countries;
- technology transfer and access to knowledge.

3. Flexibilities for SCT Members in the draft Articles and draft Rules on Industrial Design Law and Practice (documents SCT/26/2 and 3), deepening the analysis contained in the relevant portions of document SCT/26/4, and examining special provisions for developing countries and LDCs.

Statistical Information/Analysis

The study will offer statistical information, within the scope of available data, about the designs system, with particular reference to access by SMEs from developing countries, and should include three levels of detailed information, in order to provide factual information on the current trends relating to protection of industrial designs.

- Level 1: general observed trends in protection of industrial designs;
- Level 2: statistical analysis on the demand for protection of industrial designs;
- Level 3: statistical analysis on the origin, destination and class of protection of industrial designs.

The study should reflect recent periods of data display.

Time Frame

The study should aim to be published two months prior to the next session of the SCT, with a view to helping informed discussions on the work of the SCT on industrial designs.