

Conclusions on the issues/documents to be included in the Summary by the Chair

Draft conclusion paragraph on Progress Reports (Agenda Item 6) Agreed version

Under Agenda Item 6, the Committee considered document CDIP/10/2, entitled Progress Reports, and took note of the progress achieved on 13 projects under implementation. The Committee agreed to the revised timelines for the following projects:

- (a) Strengthening the Capacity of National IP Governmental and Stakeholder Institutions to Manage, Monitor and Promote Creative Industries, and to Enhance the Performance and Network of Copyright Collective Management Organizations;
- (b) Project on Enhancement of WIPO's Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities; and
- (c) Project on Intellectual Property and Socio-Economic Development.

The Secretariat provided explanations as requested and took note of the comments made by the delegations on the various aspects of the progress reports.

The Committee also took note of progress on the implementation of 19 recommendations for immediate implementation. The Secretariat was requested to provide certain clarifications and enhance the quality of the report further.

Draft conclusion paragraph on evaluation reports (Agenda Item 6) Agreed version

Also under Agenda Item 6, the Committee addressed a number of project evaluations, namely:

- (a) Evaluation Report of the Project on Intellectual Property Development Matchmaking Database (IP-DMD) (Document CDIP/10/3);
- (b) Evaluation Report of the Smart IP Institutions Project (Recommendation 10) (Document CDIP/10/4);
- (c) Evaluation Report of the Project on Intellectual Property, Information and Communication Technologies (ICTs) the Digital Divide and Access to Knowledge (CDIP/10/5);
- (d) Evaluation Report of the Project on Developing Tools for Access to Patent Information (CDIP/10/6);
- (e) Evaluation Report on the Project on Improvement of National, Sub-Regional and Regional IP Institutional and User Capacity (CDIP/10/7); and
- (f) Evaluation Report of the Project on Innovation and Technology Transfer Support Structure for National Institutions (CDIP/10/8).

Following the presentations of the evaluation reports by each evaluator, an exchange of views took place. The Delegations expressed interest in following up on the implementation of recommendations contained in these reports taking into account the comments made by Member States and, in certain cases, requested further information from the Secretariat.

**Draft conclusion paragraph on Contribution of Relevant WIPO Bodies
(Agenda Item 6)**

Further under Agenda Item 6, under document CDIP/10/12, the Committee discussed the Description of the Contribution of the Relevant WIPO Bodies to the Implementation of the Respective Development Agenda Recommendations. Different views were expressed as regards the term "Relevant Bodies" due to the difference of interpretation of the decision by the Assembly. Views also differed as to the structure of the reports presented to the CDIP on the subject.

**Draft conclusion paragraph on MDGs (Agenda Item 7)
Agreed version**

The Committee discussed the study Assessing WIPO's Contribution to the Achievement of United Nations Millennium Development Goals (MDGs) (CDIP/10/9). Delegations supported the continuation of the work by WIPO in achieving the MDGs, and an effective mechanism for reporting on that contribution to the Member States on a regular basis. The Secretariat will submit to the next session of the CDIP a document on: (i) WIPO participation in the MDG Task Force, (ii) the feasibility of the use of WIPO's RBM framework to assess the contribution of the Organization to the MDGs and how it will be implemented, and (iii) WIPO's ongoing work on MDGs.

**Draft conclusion paragraph on review of technical assistance (Agenda Item 7)
Revision 4 (15/11/12 – 15.45hrs)**

The Committee also discussed the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (CDIP8/INF/1), and a number of related documents, namely:

- (i) Management Response to the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (CDIP/9/15);
- (ii) Report of the Ad Hoc Working Group of an External Review of WIPO Technical Assistance in the Area of Cooperation for Development (CDIP/9/15); and
- (iii) Joint Proposal by the Development Agenda Group and the Africa Group on WIPO's Technical Assistance in the Area of Cooperation for Development (CDIP/9/16).

The Committee agreed as follows:

- (a) Based upon the discussions at CDIP/10, the Secretariat should prepare a document for the next session of the Committee identifying those recommendations that are immediately implementable and/or are in the process of implementation, and report on the progress thereon.
- (b) During CDIP/11, one full day will be devoted to discussing; (i) the above document, (ii) sharing of best practices from national and other entities involved in technical assistance which may, *inter alia*, contribute to the improvement of WIPO's technical assistance and (iii) possible identification of further recommendations for implementation, based upon *inter alia*, the constructive and substantive discussions held during this session.
- (c) Based upon discussions amongst regional coordinators and interested delegations on the modalities of the presentation of best practices referred to above, the Secretariat will invite interested entities to take part in this exercise.
- (d) The approach contained in (b) above will continue subject to its results and further agreement by the Committee.

Secretariat Draft – Summary by the Chair

Draft Summary on Agenda Item 7 – Patent Information Phase II (CDIP/10/13) (rev.1, 16/11/12)

The Committee addressed the project proposal for Developing Tools for Access to Patent Information – Phase II (CDIP/10/13) and approved the project.

Draft Summary on Agenda Item 7 – Patent-Related Flexibilities(CDIP/10/13) (rev.1, 16/11/12)

The Committee considered Future Work on Patent-Related Flexibilities in the Multilateral Legal Framework (CDIP/10/13). As agreed by the Committee, the Secretariat would prepare for the next session of the Committee a document addressing, in a neutral and balanced manner, the following flexibilities:

- (i) The flexibility to apply or not criminal sanctions in patent enforcement (TRIPS Art.61); and
- (ii) Measures related to security which might result in a limitation of patent rights (so called “security exception”) (TRIPS Art.73).

The Member States will be invited to submit comments to the Secretariat on further patent-related flexibilities that could form the basis of future work. The compilation of any comments received will be made available for consideration by the Committee at its next session.

Secretariat Draft – Summary by the Chair

Draft Summary on Agenda Item 7 – Comparative Study of Copyright Relinquishment(CDIP/10/14) (rev.1, 16/11/12)

The Committee discussed the Terms of Reference for a Comparative Study on Copyright Relinquishment (CDIP/10/14). The Committee supported the undertaking of the proposed Study. The Secretariat would proceed with the Study taking into account Member States' comments, including; the development of a timeline for conduct of the Study, the exclusion of any recommendations on future activities or normative solutions, and the exclusion from the study of legislation from the United States of America.

Draft summary on Agenda Item 7 – Scoping Study on Copyright (CDIP/9/INF/2 Rev.) (rev.1, 16/11/12)

The Committee discussed Scenarios and Possible Options Concerning Recommendations 1c, 1f and 2a of the Scoping Study on Copyright and Related Rights and the Public Domain (CDIP/9/INF/2 Rev.) and took note of the modifications introduced by the Secretariat in this document as requested by the Committee at its ninth session.

Secretariat Draft – Summary by the Chair

Draft Summary on Agenda Item 7 – Study on Misappropriation of Signs(CDIP/9/INF/5) (rev.1, 16/11/12)

The Committee discussed the Study on Misappropriation of Signs (CDIP/9/INF/5) and expressed support for the work undertaken. The Committee requested the Secretariat to transmit the document to the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT).

Draft Summary on Agenda Item 7 – Study on Copyright to Promote access to Information and Creative Content(CDIP/9/INF/5) (rev.1, 16/11/12)

The Committee discussed the Study on Copyright to Promote Access to Information and Creative Content (CDIP/9/INF/3). Delegates expressed a variety of views on the document and the Secretariat took note. Taking into account the guidance given by the Member States, the Secretariat would prepare an assessment of the feasibility for WIPO, within its mandate, to engage in new activities that could potentially assist Member States to achieve their development goals for submission to the next session of the Committee.

Secretariat Draft – Summary by the Chair

Draft Summary on Agenda Item 7 – Work Program on Flexibilities (CDIP/10/10) (rev.1, 16/11/12)

The Committee discussed Further Steps in the Work Program on Flexibilities in the Intellectual Property System (CDIP/10/10). The Secretariat took note of the Member States' guidance on the agreed areas of work for further implementation.

Draft Summary on Agenda Item 7 – New Agenda Item (CDIP/6/12 Rev.) (rev.1 16/11/12)

The Committee discussed a Proposal for a CDIP New Agenda Item on Intellectual Property (IP) and Development (CDIP/6/12 Rev.). Different views were expressed on the proposal.

November 16, 16.45 hrs

Further under Agenda Item 6, under the document CDIP/10/12, the Committee discussed the Description of the Contribution of the Relevant WIPO Bodies to the Implementation of the Respective Development Agenda Recommendations. Different views were expressed with regard to the term "Relevant Bodies", due to the differences in interpretation of the decision by the Assembly establishing the Coordination Mechanisms and Monitoring, Assessing and Reporting Modalities. Some delegations suggested that the decision should be referred back to the General Assemblies for further clarification, while other delegations suggested that the WIPO Bodies themselves should determine whether they are "relevant bodies" for the purpose of the Coordination Mechanisms. The Committee appreciated the information received from the various Committees on the contribution to the implementation of the Development Agenda recommendations, but some Delegations expressed concerns at not having received information from the CWS and the PBC. Views also differed as to the structure and content of the reports presented to the Committee on this subject.

Revision 1 – Summary by the Chair, Paragraph 10(a)

November 16, 16.55 hrs

The Committee discussed the study Assessing WIPO's Contribution to the Achievement of United Nations Millennium Development Goals (MDGs) (CDIP/10/9). Delegations supported the continuation of the work by WIPO in achieving the MDGs, and an effective mechanism for reporting on that contribution to the Member States on a regular basis. The Secretariat will submit to the next session of the CDIP a document analyzing the following:

(1) That WIPO should take the necessary steps to join the MDG Gap Task Force, and engage with the the Inter-Agency Expert Group on MDG indicators (IAEG);

(2) The feasibility of integration of MDGs-related needs/outcomes into the WIPO program-planning phase, and development of specific indicators for MDGs; and,

(3) The need by WIPO to refine the reporting of its work and contribution to the MDGs on the dedicated webpage by providing more credible and concrete results drawn from the performance data in the relevant PPRs and the MDG specific indicators. The information on the webpage should be regularly updated to reflect the evolving nature of the organization's work related to the MDGs.