

Committee on Development and Intellectual Property (CDIP)

Tenth Session

Geneva, November 12 to 16, 2012

DRAFT SUMMARY BY THE CHAIR

1. The tenth session of the CDIP was held from November 12 to 16, 2012. The session was attended by 95 Member States and 35 Observers.
2. The Committee was chaired by Ambassador Mohamed Siad DOUALEH, Permanent Representative of Djibouti.
3. The Committee adopted the Draft Agenda as proposed in document CDIP/10/1 Prov. 2.
4. Under Agenda Item 3, the Committee decided to admit, on an *ad hoc* basis, two non-governmental organizations (NGO) namely the International Association for the Development of Intellectual Property (ADALPI) and the West African Economic and Monetary Union (UEMOA), without implications as to their status for future CDIP meetings, for a period of one year.
5. Under Agenda Item 4, the Committee adopted the draft report of the ninth session of the CDIP (CDIP/9/17 Prov.).
6. Under Agenda Item 5, the Committee listened to general statements from Regional Groups.
7. 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.

8. 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.

9. 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 General Assembly in 2010, 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 stated that the WIPO Bodies themselves should determine whether they are "relevant bodies" for the purpose of the Coordination Mechanisms and that the matter should not be referred back to the General Assembly. 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 receiving reports from the WIPO Committee on Standards and the Program and Budget Committee, while other delegations expressed the view that these two Committees were not "relevant bodies" and could not fall under the scope of the Coordination Mechanism. Views also differed as to the structure and content of the reports presented to the Committee on this subject.

10. Under Agenda Item 7, the Committee considered a work program for the implementation of some adopted recommendations, as follows:

- (a) 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:
 - (i) 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);
 - (ii) The feasibility of integration of MDGs-related needs/outcomes into the WIPO program-planning phase, and development of specific indicators for MDGs; and,
 - (iii) 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.
- (b) 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.
- (c) The Committee considered Future Work on Patent-Related Flexibilities in the Multilateral Legal Framework (CDIP/10/11). The Committee was not able to complete its discussion on this document, which will be continued at its next session, without prejudice to consideration of future work on patent-related flexibilities.
- (d) The Committee addressed the project proposal for Developing Tools for Access to Patent Information – Phase II (CDIP/10/13), and approved the project.
- (e) 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 normative solutions, and the exclusion from the study of legislation from the United States of America, without promoting copyright relinquishment.
- (f) 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.
- (g) 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 arrange the preparation of 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.
- (h) The Committee discussed the Study on Misappropriation of Signs (CDIP/9/INF/5) and expressed support for the work undertaken. The Committee took note of project

document CDIP/4/3 Rev., page 5, paragraph (2), which states that: "The findings of the study could form the basis for further consideration and deliberation, as to whether concrete action needs to be undertaken in that area. This component of the project would be coordinated with the SCT".

(i) 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/9/14);
- 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 in the process of implementation, and report on the progress thereon.
- b) The Committee decided to continue discussion on this topic at its next session. The Committee took note of the proposal made by some delegations to have a whole day at its next session devoted to discussions on best practices on technical assistance. The Committee agreed that document CDIP/8/INF/1, and related documents i, ii and iii listed above, and any new proposal would be discussed at its next session. In this connection, the Committee recalled its earlier invitation to Member States to provide their contributions in writing for discussion well in advance of the next session.

(j) The Committee discussed two documents concerning the Conference on Development and IP (CDIP/10/16 and CDIP/10/17). ...

(k) 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. ...

11. Under Agenda Item 8 on Future Work, various proposals were made by delegations and the Secretariat. ...

12. The Committee noted that the Draft Report of the tenth session would be prepared by the Secretariat and communicated to the Permanent Missions of the Member States, and would also be made available to Member States, IGOs and NGOs, in electronic form, on the WIPO website. Comments on the Draft Report should be communicated in written form to the Secretariat, preferably eight weeks before the next meeting. The Draft Report will then be considered for adoption at the eleventh session of the Committee.

13. This Summary will constitute the Committee's report to the General Assembly.

[End of document]

Summary by the Chair, draft paragraph 10(j)

Revision 1, November 16, 21.55

The Committee discussed two documents concerning the Conference on Development and IP (CDIP/10/16 and CDIP/10/17). The Committee agreed on the title for the conference as follows: "International Conference on Intellectual Property and Development", and agreed that the venue of the Conference would be Geneva, Switzerland. The Committee further agreed that the Conference would be held over two or three days in the second half of 2013. The Committee agreed to reconvene in informal sessions within two to three weeks of this session, to further refine the concept and organization for the Conference. The Secretariat would prepare a concept paper based on the broad parameters of agreement identified by the Committee. Delegations were requested to provide written comments before the informal sessions commenced.