

ARTICLE [RESOLUTION]: TECHNICAL ASSISTANCE
[AND FACILITATING ACCESS TO THE TREATY]

1. Capacity Building¹

With a view to facilitating the implementation of the Treaty in those Contracting Parties that are considered as developing countries or LDCs, [as well as to facilitate the domestic use in those countries of the design system,] the World Intellectual Property Organization shall [seek to] provide technical assistance and capacity building, as requested by developing countries and LDCs [that are party to this Treaty.]

Such technical assistance shall be targeted, appropriate and adequate, and [could] comprise technological, legal and other forms of support to strengthen the capacity to implement the Treaty [and enable those countries and their domestic users to take full advantage of the provisions of the Treaty.]

[Such technical assistance shall be development-oriented, demand-driven, needs-based and transparent, taking into account the priorities and the special needs of developing countries, particularly LDCs.]

Such technical assistance [including appropriate financial assistance] should take into account the level of technological and economic development of the beneficiary countries, and [could] include [*inter alia*] the following:

- (a) assistance in establishing the legal framework for the implementation of the Treaty;
- (b) assistance in revising administrative practices and procedures of design registration authorities;
- (c) assistance in building up the necessary trained manpower and facilities of the IP Offices, including information and communication technology capacity to effectively implement the Treaty and its Regulations.
- [(d) providing the appropriate equipment and technology, including information and communications technology, as well as the required infrastructure and other facilities.]

¹ Based on Article B(1), (2) and (5) of the African Group Proposal, paragraphs (1), (2) and (3) of the EU Proposal and paragraphs (1) and (2) of the ROK Proposal

2. [Financing] [financial support for] of Technical Assistance²

[At the request of interested [Contracting Parties that are] Developing Countries or LDCs, WIPO shall [seek to] provide full financial support for all activities and measures that have to be taken by those countries to implement this Treaty and the Regulations thereunder. [In the case of LDCs, such support shall remain available for as long as a country remains a LDC.]]

[Moreover,] WIPO shall seek to enter into agreements with international financing organizations and intergovernmental organizations in order to provide financial support for technical assistance pursuant to this Article.

[3. Participation in Assembly³

The expenses of each delegation shall be borne by the Contracting Party that has appointed the delegation. The Assembly may ask WIPO to grant financial assistance to facilitate the participation of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations or that are countries in transition to a market economy.]

[Contracting Parties that are regarded as developing countries and LDCs shall be granted adequate financial assistance by WIPO to facilitate the participation of at least one delegate of such Contracting Party in all ordinary and extraordinary sessions of the Assembly, and any inter-sessional meeting, working group, revision conference or diplomatic conference in relation to this Treaty and the Regulations under the Treaty.]

[4. Fee Reduction⁴

To improve the ability of design creators (natural persons and SMEs) who are nationals of and reside in a Developing Country or an LDCs to benefit from the design system, Contracting Parties shall apply a fee reduction of a least fifty per cent.] [Applicants from LDCs shall benefit from a fee waiver.]

5. Exchange of Information⁵

[With a view to protect misappropriation of traditional design and simplifying substantive examination of industrial design in each Member States, Contracting Parties shall communicate all registered design information to all Member States. To this effect, WIPO shall be responsible to receive such information and communicate it to its Member States through appropriate means.]

² Based on African Group Proposal Article B (3) and (4), EU Proposal paragraph (5) and ROK Proposal paragraph (5)

³ Article 21(1)(c) of the Beijing Treaty

⁴ Based on African Group Proposal Article A and fee schedules for PCT and the Hague Agreement

⁵ Based on African Group Proposal Article E

6. Monitoring⁶

The Assembly shall monitor and evaluate, [at every ordinary session] [regularly], the progress of the technical assistance provided under this Article and the benefits resulting from such implementation. [The Assembly may request WIPO to submit an independent monitoring and evaluation report.]

⁶ Based on Article 8 of the Singapore Resolution, paragraph 4 of the Proposal by the EU, Article B(6) of the Proposal by the African Group and paragraph (3) of the ROK Proposal.