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Committee on Development and Intellectual Property (CDIP)

Thirteenth Session
Geneva, May 19 to 23, 2014

DRAFT SUMMARY BY THE CHAIR

1. The thirteenth session of the CDIP was held from May 19 to 23, 2014. The session was attended by 90 Member States and 28 Observers.

2. The Committee re-elected Ambassador Mohamed Siad DOUALEH, Permanent Representative of Djibouti as Chair.

3. The Committee adopted the Draft Agenda as proposed in document CDIP/13/1 Prov.3.

4. Under Agenda Item 4, the Committee adopted the draft report of the twelfth session of the CDIP contained in document CDIP/12/12 Prov.

5. Under Agenda Item 5, the Committee listened to general statements from delegations. While reiterating their support for the implementation of the Development Agenda recommendations, delegations expressed their commitment to engage in a constructive dialogue with the view to reaching agreement on the important issues before the Session, such as the finalization of the Terms of Reference for the Independent Review of the Implementation of the Development Agenda Recommendations.

6. Under Agenda Item 6, the Committee considered the Director General's Report on Implementation of the Development Agenda Recommendations, contained in document CDIP/13/2. The Committee welcomed the comprehensive overview of the Development Agenda implementation during 2013, provided in the report, and appreciated the progress achieved. The Deputy Director General, Mr. Onyeama, replied to observations made by delegations and renewed the Secretariat's commitment to support the WIPO Member States in the implementation of the Development Agenda recommendations.

7. Under the same Agenda Item, the Committee considered the following project evaluation reports:

(i) Evaluation Report on the Project on Intellectual Property and Product Branding for Business Development in Developing Countries and Least-Developed Countries, contained in document CDIP/13/3;

(ii) Evaluation Report on the Project on Enhancing South-South Cooperation on IP and Development Among Developing Countries and Least Developed Countries, contained in document CDIP/13/4;

(iii) Evaluation Report on the Project on IP and the Informal Economy, contained in document CDIP/13/5;

(iv) Evaluation Report on the Project on IP and Brain Drain, contained in document CDIP/13/6; and

(v) Self-evaluation report on the Project on Patents and the Public Domain, contained in document CDIP/13/7.

Following the presentations of the evaluation reports, an exchange of views took place. It was decided that the Secretariat will take appropriate actions on the recommendations contained in the reports, taking into account the comments made by the Member States. The Committee agreed on the recommendation to extend the duration of the Project on Enhancing South-South Cooperation on IP and Development Among Developing Countries and Least Developed Countries for one year, allowing the completion of the outstanding activities within remaining project budget.

8. Also under Agenda Item 6, The Committee discussed the document on Patent-Related Flexibilities in the Multilateral Legal Framework and their Legislative Implementation at the National and Regional Levels - Part III (CDIP/13/10). A number of delegations expressed interest and appreciation for the work of the Secretariat in this field. Certain delegations offered factual corrections to the annexes. Delegations also commented on the substantive aspects of the document. Interest was also expressed to extend this work to other areas of Intellectual Property.

9. Under the Agenda Item 7, the Committee considered the following project proposals:

(i) Project on Intellectual Property and Tourism: Supporting Development Objectives and Protecting Cultural Heritage in Egypt and Other Developing Countries, contained in document CDIP/13/8. An exchange of views took place, during which a number of delegations expressed support for the Project. The Committee decided to discuss the Project at its next session.

(ii) Phase II of the Project on Capacity Building in the Use of Appropriate Technology – Specific Technical and Scientific Information as a Solution for Identified Development Challenges, contained in document CDIP/13/9. The Committee approved the project proposal.

10. The Committee discussed the document on Future Work on Patent-Related Flexibilities in the Multilateral Legal Framework (CDIP/10/11). The Committee agreed that a document on two new patent-related flexibilities be prepared for discussion at a future session of the CDIP, namely, the flexibility to apply or not criminal sanctions in patent enforcement (TRIPS Art. 61) and measures related to security which might result in a limitation of patent rights (so-called "security exception") (TRIPS Art. 73).

11. The Committee took note of the Information on the Activities of the IP and Global Challenges Program, Particularly on the Development-Related Aspects, contained in document CDIP/13/12.

12. The Committee discussed the WIPO General Assembly Decision on CDIP related matters (document CDIP/12/5). The Committee could not reach an agreement on these matters. Accordingly, the Committee requests the General Assembly to allow it to continue the discussion during its fourteenth and fifteenth sessions and to report back and make recommendations on the two matters to the General Assembly in 2015.

13. The Committee discussed the Terms of Reference for the Independent Review of the Implementation of the Development Agenda Recommendations. The Committee…

14. The Committee discussed the matter of the International Conference on Intellectual Property and Development. It was decided to continue discussion on this issue at the next session.

15. The Committee discussed the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (documents CDIP/8/INF/1, CDIP/9/14, CDIP/9/15, CDIP/9/16 and CDIP/11/4). The Committee listened to divergent views on further implementation of the recommendations contained in the review. Recognizing that the Development Agenda implementation was a work in progress, the Committee decided to consider the issue at its future session.

16. Also under Agenda Item 7, the Committee discussed and took note of the following documents:

(i) Country Study on Innovation, Intellectual Property and the Informal Economy: Traditional Herbal Medicine in Ghana, contained in document CDIP/13/INF/2;

(ii) Country Study on Innovation, Intellectual Property and the Informal Economy: The Informal Metalworking Sector in Kenya, contained in document CDIP/13/INF/3;

(iii) Country Study on Innovation, Intellectual Property and the Informal Economy: Informal Manufacturers of Home and Personal Care Products in South Africa, contained in document CDIP/13/INF/4;

(iv) Comparative Analysis of National Approaches on Voluntary Copyright Relinquishment, contained in document CDIP/13/INF/6;

(v) Exploratory Study on the Egyptian Information Technology Sector (IT) and the Role of Intellectual Property: *Economic assessment and recommendations*, contained in document CDIP/13/INF/7;

17. Due to the shortage of time, the Committee was not able to address the following documents:

(i) Study on the Impact of Intellectual Property on the Pharmaceutical Industry of Uruguay, contained in document CDIP/13/INF/5;

(ii) Study on Patent's Role in Business Strategies: Research on Chinese Companies' Patenting Motives, Patent Implementation and Patent Industrialization, contained in document CDIP/13/INF/8;

(iii) Study on International Patenting Strategies of Chinese Residents, contained in document CDIP/13/INF/9; and

(iv) Revised Proposal on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content, contained in document CDIP/13/11.

The Committee agreed to discuss these documents at its next session.

18. Under Agenda Item 8 on Future Work, the Committee agreed upon a list of issues/documents for the next session.

19. The Committee noted that the Draft Report of the thirteenth 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 fourteenth session of the Committee.

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

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