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South Unity, South Progress.



History of the WIPO Development Agenda

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Process Leading to DA

- 2004 proposal to WIPO GA by Argentina and Brazil on behalf of Group of Friends of Development
- 2005 Inter-Sessional Intergovernmental Meetings (3) to examine proposals relating to DA
- Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA)
- Adoption of the WIPO Development Agenda Recommendations by the WIPO General Assembly 2007

WIPO General Assembly 2004

- Proposal by Argentina and Brazil (WO/GA/31/11) on behalf of the Group of Friends of Development

“The role of intellectual property and its impact on development must be carefully assessed on a case-by-case basis. IP protection is a policy instrument the operation of which may, in actual practice, produce benefits as well as costs, which may vary in accordance with a country’s level of development. Action is therefore needed to ensure, in all countries, that the costs do not outweigh the benefits of IP protection.”

- Broaden understanding of development dimension and address it across WIPO activities and debates
- To place the need for balance, flexibility and a robust public domain at par with promotion of IP protection

Inter-Sessional Intergovernmental Meetings 2005

- 40 specific action-oriented proposals
- Multi-pronged approach
 - Amendment of WIPO Convention
 - New institutional mechanisms (WIPO Standing Committee on IP and Technology Transfer)
 - New norm-setting initiatives (Treaty on Access to Knowledge and Technology)
 - Principles and guidelines for norm-setting
 - Enhanced transparency and accountability
 - Enhanced CSO participation

PCDA Sessions

- GFD proposed adoption of short-term recommendations by GA and continue discussions on other proposals in a competent WIPO body
- Developed countries favoured an approach of clustering proposals with broad consensus
- Chair grouped 111 proposals into five clusters
- GFD reiterates proposals submitted in IIMs and GA
- 2006 GA - PCDA 3 and 4 to focus streamlining 111 proposals
- 2007 GA adopts 45 recommendations

DA Recommendations

- Cluster A: Technical Assistance and Capacity Building
 - Recommendations 1-14
 - Development-oriented, demand driven technical and legislative assistance, with enhanced human and financial resources, particular emphasis on needs of SMEs, scientific research institutions and cultural industries, assist member States upon request to set up appropriate national IP strategies, provide general information on TA activities (specific information with consent), promote measures to help countries deal with IP-related anti-competitive practices, facilitate access to specialised databases for patent search, database to match IP-related development needs with available resources, develop infrastructure and other facilities to make national IP institutions more efficient and promote fair balance between IP protection and public interest, strengthen national capacity for protection of domestic creations, innovations and inventions, support development of national scientific and technological infrastructure, mainstream development considerations in WIPO substantive and technical assistance activities and debates, advice on implementation and operation of TRIPS flexibilities and rights and obligations
- Cluster B: Norm Setting, Flexibilities, Public Policy and Public Domain
 - Recommendations 15-23
 - Member driven, participatory norm setting processes considering costs and benefits and different levels of development, neutrality of Secretariat, accounting for flexibilities, preservation of the public domain within normative processes, deeper analysis of implications and benefits of rich and accessible public domain, accelerate IGC process, initiate discussions on how to facilitate access to knowledge and technology, promote norm setting activities to support a robust public domain, norm-setting processes supportive of UN development goals, promote pro-competitive IP licensing practices
- Cluster C: Technology Transfer, ICT and Access to Knowledge
 - Recommendations 24-32
 - Expand activities aimed at bridging the digital divide, explore IP related initiatives and policies including use of flexibilities to promote transfer and dissemination of technology, encourage developed countries to urge their R&D institutions to enhance cooperation and exchange with scientific and research institutions in developing countries, facilitate discussions on IP related aspects of ICTs, explore supportive IP related measures and policies in developed countries to promote transfer and dissemination of technology in developing countries, include IP related technology transfer issues within the mandate of an appropriate WIPO body, cooperate with other IGOs to provide advice on access and use of IP related information on technology, exchange national and regional experiences in WIPO on IP and competition policies

DA Recommendations

- Cluster D: Assessment, Evaluation and Impact Studies
 - Recommendations 33-38
 - Develop effective yearly review and evaluation mechanism for assessment of all WIPO development-oriented activities, conduct studies on costs and benefits of IP in the informal economy, particularly employment generation, upon request conduct studies to assess economic, social and cultural impact of IP in specific member States, exchange experiences on open collaborative projects, studies on links between IP and development, strengthen WIPO capacity to perform objective assessment of the impact of its activities on development
- Cluster E: Institutional Matters including Mandate and Governance
 - Recommendations 39-44
 - Assist developing countries to conduct studies on brain drain and make recommendations, intensify cooperation with UN agencies, WTO and other relevant IGOs, review of technical assistance, enhance CSO participation, explore how to improve WIPO's role in finding partners to fund and execute projects for IP related assistance in a transparent and member driven process, norm-setting related formal/informal consultations primarily in Geneva with openness and transparency to all member States
- Cluster F: Other Issues
 - Recommendation 45
 - Approach IP enforcement in the context of broader societal interests and development-oriented concerns, in accordance with TRIPS Article 7 (protection and *enforcement* of IP should contribute to promotion of technological innovation and transfer and dissemination of technology)

Committee on Development and IP (CDIP)

- Established in 2008
- Mandate
 - Develop a work programme to implement DA recommendations
 - Monitor, assess, discuss and report on implementation of DA recommendations and for that purpose coordinate with relevant WIPO bodies
 - Discuss IP and development related issues agreed by the CDIP or decided by the GA
- Implementation of DA
 - Implementation through regular WIPO activities
 - Implementation through projects approved by CDIP
 - 28 projects implemented; 6 projects under implementation
- Need for CDIP to define concrete follow up activities from work produced under various projects
- Critical issues
 - Technical assistance
 - Implementation of recommendations from independent review of DA
 - Aligning DA to guide WIPO's activities relating to the SDGs
 - Effective coordination of implementation of DA across all WIPO bodies

DA Projects

- Total projects completed - 28
- Projects under implementation - 6
- 1 new project approved by CDIP 19 (IP Management and Transfer of Technology)
- 6 out of 35 projects approved by CDIP are based on proposals from member States
- 6 phase II projects (3 under implementation)

Development Agenda Group

- 20 countries

Algeria, Argentina, Brazil, Cuba, Djibouti, Ecuador, Egypt, Guatemala, India, Indonesia, Iran, Malaysia, Pakistan, Philippines, South Africa, Sri Lanka, Sudan, Syria, Uruguay, and Yemen

- DAG Guiding Principles (CDIP/5/9 Rev.)
- Joint African Group/DAG proposal on WIPO's technical assistance (CDIP/9/16)
- Joint African Group/DAG proposal on patents and health (SCP/16/7)
- Proposal for future work in ACE (ACE/10/3 Rev.2)



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