

# WIPO Committee On Development Solves Two Standing Issues, Breaks Cycle Of Disagreement

15/11/2014 by [Catherine Saez](#), Intellectual Property Watch

After months of repeated difficulties in WIPO committees plagued by stalled decisions or inability to agree on future work, the World Intellectual Property Organization Committee on Development and Intellectual Property (CDIP) appears to have turned the odds and managed to agree on two longstanding issues.

The positive mood noticed by delegates at the beginning of the week did not decline and informal consultations carried out during the 14th session of the CDIP, taking place from 10-14 November, concluded with an agreement on [terms of reference](#) [pdf] for an independent review of the implementation of the Development Agenda Recommendations.

The terms of reference (ToR) of the review had been stuck because of disagreement over the composition of the review team. Developed countries favouring experts with practical experience, and developing countries preferring experts with experience on IP and development. The agreed ToR now state that the team is expected to include “two experts in the field of IP and development, including one with practical experience in delivery of IP technical assistance, and one with practical experience in dealing with development challenges, and one professional lead evaluator.”

The committee also agreed on a process to finalise a list of speakers to attend an international conference on IP and Development, setting two tentative dates for the holding of the conference.

The deadlock had been created by the inability of a number of developing countries to agree on the list of speakers proposed by the secretariat. They deemed that the list did not show enough geographical diversity and did not represent all points of views on the relationship between IP and development.

The Group of Latin American and Caribbean countries (GRULAC) proposed an alternative solution which was agreed upon after some discussion on the process to be followed by the WIPO secretariat. The decision proposed by GRULAC and agreed by member states is that “the committee agreed to hold it [the conference] on the margin of CDIP 16 or 17.” This week was the 14<sup>th</sup> session of the CDIP.



CDIP Chair Mohamed Siad Doualeh, Ambassador of Djibouti

The proposal, now included in the [summary by the chair](#) [pdf] and approved, also states that “The secretariat was requested to finalize the list of speakers as contained in document WIPO/IPDA/GA/13/INF/1 Prov., taking into consideration proposals made by Member States before end of January 2015/end of March 2015.”

Before the paragraph was approved, the secretariat had explained that based on the current list, speakers would be contacted to assess their availability for the conference and the secretariat would then take into account suggestions made by member states to fill potential gaps. Some countries such as Kenya for the African Group and Algeria asked that a new list be composed but this was opposed by some developed countries.

Both issues had been left open in several past sessions of the CDIP for lack of agreement ([IPW, WIPO, 28 May 2014](#)).

Some other issues are, however, left pending, such as the external review of WIPO technical assistance in the area of cooperation for development ([IPW, Inside Views, 13 November 2014](#)), and approval of a pilot project on IP and tourism, proposed by the delegation of Egypt.

At the close of the meeting, delegates underlined the collaborative spirit and the general flexibility exerted by delegates during the session, opening a “new era” of easier discussions and of progress in WIPO meetings.

Another achievement of the meeting was the approval of a [revised concept paper](#) [pdf, without appendix] for the project on Intellectual Property and Technology Transfer: Common Challenges – Building Solutions.

The [concept paper](#) [pdf], which was presented on 13 November, is meant to provide the basis for discussion at a high-level International Expert Forum, tentatively scheduled to take place at the end of the project, in January 2015. The version presented on 13 November did not meet consensus, in particular because it included a definition of technology transfer, which had not been agreed upon by member states.

The revised version thus stipulates that the definition proposed is for the purposes of the paper, and paragraph 4 which stated in the first version that “reaching a common understanding on what is meant by ‘transfer of technology’ can be regarded as a great achievement for this WIPO Development Agenda Project....” has been deleted in the revision.

Another issue was the incorporation of the outcomes of any recommendations made at the high-level forum into WIPO programmes. The decision adopted by the CDIP is that member states will have the possibility to interact with the authors of the six studies attached to the project during the high-level forum to which the authors will participate. The CDIP is expected to consider the outcome of the forum, according to the summary by the chair. The revised concept paper was modified accordingly.

In their opening statement at the outset of the meeting, Group B (developed countries) expressed concerns about the quality of the studies that are commissioned by WIPO. The United States remarked on several occasions that some of WIPO-commissioned studies are suffering from inconsistencies, and a general lack of quality. They asked for a robust peer-review process to be applied to all WIPO studies. No decision was taken on this request.

Carsten Fink, WIPO chief economist, confirmed that WIPO studies whether home-produced or externalised are peer reviewed and follow informal guidelines. He said WIPO draws on some of the world's best experts for its studies, and insisted on the fact that WIPO studies usually have a strong empirical focus.

### **Still Pending**

No agreement was reached on which WIPO bodies should be part of the Coordination Mechanism and reporting to the General Assembly on their implementation of the Development Agenda Recommendations.

The same fate was met by the pilot project on IP and tourism proposed by Egypt. Earlier in the week, some developed countries said they could not approve the project because it proposed work on traditional knowledge and traditional cultural expressions. Those subjects, they said, are currently being addressed by the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). They asked that the proposed project be revised to accommodate their concerns.

A revised version of the proposed pilot project was circulated by Egypt on the last day of the CDIP, after what the delegate described as intense informal consultations, but some Group B countries said they did not have time to get answers from their capitals on the revision and could not approve the revision at this session of the CDIP. A number of developing countries supported the revised version.

Egypt said it was a "very unfortunate" outcome and asked that an informal meeting be convened before the next session of the CDIP, which was declined by Group B. It was finally decided that member states would send comments to the secretariat, but on the original version of the proposal, which would transmit them to Egypt so it can be revised for the consideration of the CDIP at its next session.

### **External Review on WIPO Technical Assistance**

No progress was made on the 2011 [External Review](#) [pdf] of WIPO technical assistance in the area of cooperation for development. It was decided to discuss the matter further at the next session.

The standing issue on the External Review is the fact that in general developed countries deem the feasible recommendations of the review have been successfully implemented by WIPO. The recommendations should be compatible with the objectives of WIPO and of the WIPO Convention, Group B said this week. The author of the review, Carolyn Deere, this week countered the view that no further work is needed on the review's recommendations.

On the other side, developing countries are in favour of working further on the possible implementation of further recommendations. Kenya on behalf of the African Group mentioned a [joint proposal](#) [pdf] tabled in May 2012 with the Development Agenda Group, containing a number of the External Review recommendations to be implemented.

### **Future Work**

In its next session, the CDIP is expected to work on the WIPO General Assembly decision on CDIP-related matters, the external review on technical assistance, and the project on IP and tourism, said the WIPO secretariat.

Also expected to be on the agenda of the next session is the WIPO director general's report, which is presented annually, along with evaluation and outcomes of finished projects, potential studies to be presented to the committee, and the outcome of the high level expert meeting if ready.

A number of evaluation reports of finished projects were noted by the CDIP this week, as well as reports on ongoing projects.

### **Goodbyes and Compliments**

WIPO Director General Francis Gurry attended the end of the meeting on Friday afternoon and lauded the work of Mohamed Siad Doualeh, the ambassador of Djibouti, chair of the CDIP, as this was his last chairing session.

He also offered his personal gratitude and that of the organisation to Geoffrey Onyeama, WIPO deputy director general, soon to be leaving WIPO after some 29 years at the service of the organisation.

Onyeama said he spent most of those 29 years in the development sector of WIPO. He said the work of the CDIP has been challenging but "it is all really for a good cause." At the end of the day, he said, the common objective of member states is to facilitate the use of IP as a tool to enable developing countries to advance socially, economically, and industrially.

He said he believes that beyond what can be interpreted as disagreement on the surface, all member states have "this firm commitment and conviction that IP can be used and should be used as a tool for development."