

Committee on Development and Intellectual Property (CDIP)

Thirtieth Session
Geneva, April 24 to 28, 2023

TERMS OF REFERENCE FOR AN INDEPENDENT EXTERNAL REVIEW OF WIPO'S TECHNICAL ASSISTANCE IN THE AREA OF COOPERATION FOR DEVELOPMENT

prepared by the Secretariat

1. The Committee on Development and Intellectual Property (CDIP), at its 29th session held in October 2022, considered the proposal by the African Group to conduct a new Independent External Review of WIPO Technical Assistance in the Area of Cooperation for Development (document CDIP/29/9).
2. The Committee requested the Secretariat to prepare draft Terms of Reference (ToR), based on its decision contained in para. 6.5 of the Summary by the Chair of CDIP/29, and present it to the 30th session of the CDIP.
3. The Annex to the present document contains the above-mentioned Terms of Reference prepared by the Secretariat.
4. *The CDIP is invited to consider the Annex to the present document.*

[Annex follows]

TERMS OF REFERENCE INDEPENDENT EXTERNAL REVIEW OF WIPO'S TECHNICAL ASSISTANCE IN THE AREA OF COOPERATION FOR DEVELOPMENT

I. BACKGROUND

At its fourth session held in November 2009, the Committee on Development and Intellectual Property (CDIP) approved the Project on Enhancement of WIPO's Results-Based Management (RBM) Framework to Support the Monitoring and Evaluation of Development Activities (document [CDIP/4/8/Rev.](#)). The project included provision for a Review of WIPO's technical assistance activities in the area of cooperation for development, in line with the Development Agenda (DA) Recommendation 41.¹

The Review was conducted by Ms. Carolyn Deere Birkbeck and Mr. Santiago Roca, based on the Terms of Reference considered by the CDIP in 2010 as contained in document [CDIP/4/8/REV/TOR](#). The Review Report (document [CDIP/8/INF/1](#)) was presented to the eighth session of the CDIP, held in November 2011, and discussed over several sessions.

The Secretariat presented two Management Responses to that report, one contained in document [CDIP/9/14](#) and the second in document [CDIP/16/6](#). In addition, the Secretariat presented a report on the Status of Implementation of the recommendations, which had already been reflected in WIPO's activities or reform programs at that time (document [CDIP/11/4](#)).

At its 18th session, the Committee adopted a Six-Point Proposal on Technical Assistance,² proposed by the delegation of Spain, to be implemented over six sessions. The Committee also decided, *inter alia*, to open discussions on WIPO Technical Assistance in the Area of Cooperation for Development under a new sub-agenda item for six consecutive CDIP sessions (from CDIP/19 to CDIP/24). Discussions under this sub-agenda item were based on the implementation of the Spanish Proposal.

At its 24th session, the Secretariat presented a Report on the implementation of the Spanish Proposal, contained in document [CDIP/24/8](#). The Committee decided "to use document CDIP/24/8 and any other possible future proposals submitted by Member States as a basis for further discussion". During the same session, the Committee also decided that discussions related to WIPO's Technical Assistance will continue under the sub-agenda item on "WIPO Technical Assistance in the Area of Cooperation for Development". At its 28th session, the Committee resumed discussions on this matter, after it not being considered for a few sessions due to the truncated agenda of the Committee during the COVID-19 pandemic.

At its 29th session in April 2022, the Committee considered the proposal by the African Group to conduct a new Independent External Review of WIPO Technical Assistance in the Area of Cooperation for Development (document [CDIP/29/9](#)). The CDIP welcomed the proposal by the African Group and requested the Secretariat to prepare draft Terms of Reference (ToR) based on the introduction and goal in the above-mentioned proposal, and present it to the 30th session of the Committee.

¹ Recommendation No. 41: To conduct a Review of current WIPO technical assistance activities in the area of cooperation for development.

² The Spanish proposal is attached to Appendix I of the Summary by the of the 17th session of the CDIP, available at: https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=335277

II. CONTEXT

As mentioned in document CDIP/29/9, since the last Review, a number of developments such as those enumerated below, have necessitated a fresh Independent External Review of WIPO Technical Assistance Activities in the Area of Cooperation for Development, namely, the:

- Changing frameworks for inter-institutional collaboration within the United Nations (UN) system and relevant international organizations;
- Adoption and implementation of the Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development and the United Nations Sustainable Development Cooperation Framework;
- Increasingly complex and diverse landscape of development and innovation ecosystems;
- Impact of digital transformation, which is revolutionizing economies and societies, and the increased use of new digital technologies in the conduct of technical assistance activities;
- More prominent role of stakeholders from the public and private sectors (such as non-governmental organizations (NGOs), businesses, universities and project leaders); and
- Increased involvement of WIPO in emerging areas, such as advanced technologies and artificial intelligence.

III. WIPO'S TECHNICAL ASSISTANCE FOR DEVELOPMENT

Technical assistance is the cornerstone of WIPO's work. Although it is delivered by most of the Sectors of WIPO (Copyright and Creative Industries, Brands and Designs, Patents and Technology, Global Challenges and Partnerships, Infrastructure and Platforms, and IP and Innovation Ecosystems Sectors), the Regional and National Development Sector, through its five Regional Divisions has the lead role in providing technical assistance and in coordinating the work delivered by other areas of the Organization. WIPO's technical assistance activities are provided to a wide variety of stakeholders that include governmental institutions, IP-rights holders, members of the academia, private sector, etc.

Since the adoption of the WIPO Development Agenda (DA), WIPO's technical assistance has been guided by the Recommendations contained in Cluster A "Technical Assistance and Capacity Building", particularly, by the principles reflected in the DA Recommendation 1.³

For the purposes of this Review, the definition of technical assistance will be based on WIPO's activities related to:

- i. National IP strategies and development plans;
- ii. Technical and Administrative Infrastructure (solutions for IP offices, databases);
- iii. Capacity building;
- iv. Legislative assistance;
- v. Development Agenda-related projects;
- vi. Public-Private partnerships (multi-stakeholder platforms).

³ Recommendation No. 1: WIPO technical assistance shall be, inter alia, development-oriented, demand-driven and transparent, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion. In this regard, design, delivery mechanisms and evaluation processes of technical assistance programs should be country specific.

IV. PURPOSE OF THE REVIEW

The overall purpose of the Review will be to suggest ways for improving the Organization's technical assistance activities, including how to strengthen its results-based management framework in order to facilitate the monitoring and evaluation of the impact of these activities on development, taking into account the SDGs, WIPO's Medium-Term Strategic Plan (MTSP) for 2022-2026, and the DA Recommendations.

More specifically, the Review will assess, at a macro level, WIPO's technical assistance activities in the area of cooperation for development, measuring their relevance, coherence, effectiveness, efficiency, sustainability, and impact. It will also assess whether the existing internal coordination mechanisms are suitable for these types of activities, given that the Review will be conducted at a time of significant change in the way the Organization operates and delivers its services, in line with the new strategic direction of the Senior Management.

V. SCOPE

As decided by the CDIP, the Review will cover WIPO's technical assistance activities in the area of cooperation for development implemented from 2017 to 2022. The Review will take into consideration the assistance provided by all relevant WIPO Sectors and through all types of activities described under part III above. It will also take into consideration activities delivered in all geographic regions, the tools and methodologies established and used in delivering such assistance, and the shift in the delivery approach necessitated by the COVID-19 pandemic.

VI. KEY QUESTIONS

In the assessment of the relevance, coherence, effectiveness, efficiency, sustainability, and ultimately impact of WIPO's technical assistance activities for development, the Review will seek to address the following key evaluation questions:

Relevance:

- *To what extent WIPO's technical assistance complemented the implementation of the national development plans of Member States?*
- *To what extent did WIPO identify the right needs and audiences for its technical assistance interventions?*
- *To what extent technical assistance interventions addressed the needs of the various national actors, notably, policy makers, line Ministries, IP offices and other relevant stakeholders?*
- *To what extent technical assistance interventions were aligned with WIPO's DA Recommendations in Cluster A?*
- *Did technical assistance interventions address gender balance issues in accordance with WIPO's 2014 Policy on Gender Equality? If yes, how?*

Coherence:

- *To what extent WIPO's technical assistance activities were designed with a view to ensuring policy coherence for development?*

Effectiveness:

- *To what extent WIPO's technical assistance approach was effective?*
- *To what extent WIPO's technical assistance interventions contributed to improving and maximizing the transfer of knowledge, skills and capacities to Member States for the enhancement of institutional capacity in countries to administer, manage and use IP?*
- *Were all technical assistance interventions organized efficiently and on time? Were the results achieved on time?*
- *What types and areas of technical assistance support were the most effective?*
- *To what extent did technical assistance activities contribute to achieving WIPO's Expected Results?*
- *Was the Organization in a position to respond to requests by Member States to assist them in achieving the SDGs?*

Efficiency:

- *To what extent WIPO planned, budgeted and made staff resources available for its technical assistance activities in a consistent and cost-efficient manner?*
- *To what extent WIPO's approach to technical assistance activities was in line with the objectives it pursued?*
- *To what extent the resources were used economically? How could WIPO have improved the use of resources?*
- *What were the strengths and weaknesses of technical assistance interventions?*
- *What were the mechanisms in place for tracking the allocation of resources for development-related activities?*
- *Were the right means used to achieve the objective of technical assistance for sustainable development?*

Sustainability:

- *To what extent were the effects of WIPO's technical assistance interventions sustainable since its delivery to date?*
- *To what extent technical assistance provided by WIPO was retained and integrated into the work of the relevant countries and organizations?*
- *What did WIPO do to build a critical mass of expertise with the relevant capacities in a sustainable manner?*

Impact:

- *Did technical assistance interventions have any positive or negative impact on policy, legal, institutional, and human resource skill levels?*
- *What were the factors and conditions that enhanced or limited the effectiveness and impact of technical assistance interventions locally?*
- *Did any technical assistance interventions result in unintended consequences or impact?*
- *What was the role of other stakeholders (such as Government, IP Offices, universities, research and development institutions, NGOs and civil society) in achieving the impact?*

VII. METHODOLOGY

Throughout the Review, the review team will apply a combination of technical assistance evaluation methods to address the above evaluation questions. The Review will consist of five major phases namely: the (i) design and desk review phase; (ii) inception phase; (iii) stakeholder's interviews phase; (iv) reporting phase; and (v) follow-up and dissemination phase.

The desk review will be conducted through the analysis of relevant workplans, project documents, reports and other documentation provided by the divisions in all the relevant WIPO Sectors as deemed appropriate. This will also include relevant documents relating to the work of WIPO Assemblies, the Program and Budget Committee (PBC) and the CDIP. In particular, the team will review documents [CDIP/12/7](#) "Manual on the Delivery of WIPO Technical Assistance", and [CDIP/21/4](#) "Compilation of WIPO's Existing Practices, Methodologies and Tools for Providing Technical Assistance".

The desk review will be complemented by a range of data collection techniques, such as in-person and virtual interviews of key internal and external stakeholders, self-assessment surveys, and structured document analysis (including financial and non-financial data analysis). Quantitative and qualitative analysis of information will be conducted, with particular attention to cross-validation of data (triangulation).

Information obtained through the surveys will be supplemented by the responses provided during the interviews. Interviewed countries will be selected based on, *inter alia*, the following criteria:

- Geographical balance and stage of development;
- Gender balance among the persons interviewed;
- Representation of both developing and least developed countries (LDCs);
- Countries that received substantial technical assistance from WIPO during the period under Review;
- Balance between success cases and less successful cases, based on the feedback from the questionnaire survey.
- Countries that received assistance as part of regional groupings/organizations.

Additional criteria may be added by the review team, in consultation with the Development Agenda Coordination Division (DACD).

The Review shall be conducted in accordance with the United Nations Evaluation Group (UNEG) Standards for Evaluation in the UN System and the UNEG Code of Conduct for Evaluation in the UN System.

VIII. EXTERNAL REVIEW TEAM

The Review Team should possess the requisite skills and knowledge required to conduct the Review in a credible and independent manner. The team should be composed of two IP and development experts and one expert in carrying out evaluations of development activities/projects/programs. The latter would also act as a Lead Evaluator. Experts who have proven knowledge of IP-related issues and experience in delivering technical assistance and capacity-building activities in developing countries and LDCs, will be prioritized. The Review Team, under the leadership of the Lead Evaluator and supervision of the DACD, will be responsible for conducting the Review according to the agreed ToR.

IX. PLANNING, CONDUCT AND MANAGEMENT OF THE REVIEW

The Review will be conducted under the supervision of the DACD. In order to ensure full objectivity and independence of the Review, the Division's role will be limited to coordinating and providing support to the selected team of independent external consultants (herein after the "Review Team"). The DACD will also closely cooperate with WIPO's Internal Oversight Division at all the stages of the evaluation.

The Review Team will consist of three independent external consultants selected by WIPO. The Review Team will hold two briefing sessions for Member States, one to present the Inception Report (*infra*) of the Review, and the second to present the main findings and conclusions of the Review.

The final Review Report will be presented to the CDIP.

X. EXPECTED OUTPUTS AND TIMELINE

The Review is expected to be undertaken within eight months, after the approval of the ToR by the CDIP, and the selection of the Review Team. A tentative timeline is described in chapter XII below.

The Review Team will:

- a) Present an Inception Report, describing the Review methodology, the draft survey questions, and the list of selected stakeholders;
- b) Hold one briefing session for Member States to present the Inception Report, and a second briefing session to present the first draft report with preliminary findings and recommendations;
- c) Submit the final report to the DACD within the agreed timeline; and
- d) Present it to the CDIP.

The final report will contain findings and conclusions, as well as specific, measurable, achievable, relevant and time-bound (SMART) recommendations.

XI. BUDGET

Budget Item Description	Unit cost CHF	Total CHF
Lead evaluator honoraria	20,000	20,000
Expert honoraria (2 experts)	15,000	30,000
2 briefing sessions for Member States in Geneva (3 experts, 3 days/expert/mission)	4000/mission	24,000
Translation	5000	5000
Other/unforeseen expenses	15,000	15,000
Total budget	-	94,000

XII. DETAILED TIMELINE

Tasks	Year/ month											
	1	2	3	4	5	6	7	8	9	10	11	12
Phase Zero:												
(i) Consideration and approval of the ToR by the CDIP;												
(ii) Call for submission of interest for a Review Team.												
(iii) Selection of the Review Team												
Desk Review												
Inception Report												
Briefing session for Member States												
Submission of the first draft of the report												
Second briefing session for Member States												
Submission of the final Review Report												
Translation and publication												
Presentation to the CDIP												

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