

Committee on Development and Intellectual Property (CDIP)

Twenty-Fourth Session
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COMPLETION REPORT OF THE PROJECT ON THE USE OF INFORMATION IN THE PUBLIC DOMAIN FOR ECONOMIC DEVELOPMENT

prepared by the Secretariat

1. The Annex to the present document contains the completion report of the Development Agenda (DA) project on Use of Information in the Public Domain for Economic Development. The report covers the entire period of the project implementation, i.e from October 2016 to June 2019.

2. *The CDIP is invited to take note of the information contained in the Annex to the present document.*

[Annex follows]

PROJECT SUMMARY	
<u>Project Code</u>	DA_16_20_03
<u>Title</u>	Use of Information in the Public Domain for Economic Development
<u>Development Agenda Recommendations</u>	<p><i>Recommendation 16:</i> Consider the preservation of the public domain within WIPO's normative processes and deepen the analysis of the implications and benefits of a rich and accessible public domain.</p> <p><i>Recommendation 20:</i> To promote norm-setting activities related to IP that support a robust public domain in WIPO's Member States, including the possibility of preparing guidelines which could assist interested Member States in identifying subject matters that have fallen into the public domain within their respective jurisdictions.</p>
<u>Project Budget</u>	<p>Non-personnel costs: 300,000 Swiss francs (2016-2017) and 200,000 Swiss francs (2018-2019)*</p> <p>Personnel costs: 150,000 Swiss francs (2016-2017) and 150,000 Swiss francs (2018-2019)*</p> <p>*50,000 Swiss francs re-allocated from Non-personnel to Personnel in 2018-2019 and six-month extension in implementation period, as approved by Member States at the CDIP/22.</p>
<u>Project Duration</u>	36 months
<u>Key WIPO Sectors Involved and Links to WIPO Programs</u>	Links to Programs 1, 9, 10, 14.
<u>Brief Description of Project</u>	<p>The project built on ongoing program activities to establish and develop Technology and Innovation Support Centers (TISCs), findings from previously established studies on Intellectual Property and the Public Domain (patent component), and the existing legal status portal developed within the framework of the Development Agenda Project on Patent Legal Status Data.</p> <p>More specifically, the project aimed to supplement existing TISC services by adding new services and tools to those currently provided and which are of real-life practical benefit particularly to individual innovators and enterprises in developing and least developed countries (LDCs), allowing them to not only identify inventions in the public domain, but also to support inventors, researchers and entrepreneurs in using this information to generate</p>

	<p>new research outputs and products, thereby contributing to a more effective exploitation and use of inventions in the public domain as a source for the generation of local knowledge and innovation and increasing the absorptive capacity of developing and LDCs in the adaptation and assimilation of different technologies.</p>
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<p><u>Project Managers</u></p>	<p>Mr. Alejandro Roca Campaña and Mr. Andrew Czajkowski</p>
<p><u>Links to Expected Results in the Program and Budget</u></p>	<p>III.2 (Program 9) Enhanced human resource capacities able to deal with the broad range of requirements for the effective use of IP for development in developing countries, LDCs and countries with economies in transition.</p> <p>IV.2 (Programs 9 and 14) Enhanced access to, and use of, IP information by IP institutions and the public to promote innovation and creativity.</p>
<p><u>Summary overview of Project implementation</u></p>	<p>Implementation started in October 2016 following recruitment of a project coordinator. The project delivered the following outputs:</p> <p>1. Practical guides on the identification and use of inventions in the public domain:</p> <p>Two guides were developed - one on identifying and the other on using inventions in the public domain.</p> <p>The guide on identifying inventions in the public domain examines the following topics:</p> <ul style="list-style-type: none"> - Relationship between patents and the public domain; - Identifying technology information needs; - Finding sources of information required to identify inventions in the public domain, in particular patent databases and patent registers; - Reading legal status information; - Carrying out freedom to operate searches; and - Understanding the limitations of freedom to operate searches and managing associated risks. <p>The guide on using inventions in the public domain examines the following topics:</p> <ul style="list-style-type: none"> - Relationship between patents and the public domain; - Relationship between inventions and know-how; - Steps in the product development process;

- Specifying technology requirements;
- Identifying existing technology resources;
- Integrating new technologies into research and product design;
- Understanding limitations of inventions in the public domain and deciding when technology licensing may be necessary.

In line with the delivery strategy, two lead experts and five associate subject matter experts were selected to draft the guides. After identification of the lead experts responsible for the overall development of the guides, including associated training materials, associate experts were recruited to provide inputs on selected topics.

Efforts were made in the selection process to ensure geographical distribution (Chile, Greece, India, Kenya, and United States of America).

The first drafts were completed in February 2017 and further revised and consolidated by the lead experts by June 2017. The guides include background information and practical guidance with examples from different countries on the use of specific approaches and tools for identifying and using inventions in the public domain.

The draft guides were then piloted in selected TISCs to ensure they meet the needs of and are adapted to TISC staff in developing countries and countries in transition. The following countries were selected to participate in the pilot process based on considerations of geographical, social and economic diversity, and their capacity to support additional services: Kenya and South Africa (Africa region), Morocco (Arab countries), Malaysia and the Philippines (Asia and the Pacific region), Argentina, Colombia and Cuba (Latin America and the Caribbean region), and the Russian Federation (Transition and Developed Countries).

Seven country experts were selected to lead the process in the pilot countries and tasked with documenting and evaluating the TISCs' experiences using a methodology based on the Kirkpatrick four-level training evaluation model (assessing efficiency, effectiveness, relevance and impact).

The six-month pilot process was initiated with a meeting of experts in Geneva on July 25 and 26, 2017, which brought together the lead experts and the country experts to develop and harmonize effective approaches to the pilot process in each of the selected countries. The pilot process resulted in a number of recommendations on how to further refine the guides, which were integrated into revised drafts by the lead experts. In particular, more practical guidance, tools and examples were included to help illustrate selected topics.

The final drafts were completed between June (guide 1) and October 2018 (guide 2). In line with WIPO's Publications Policy applicable to new publications, internal approval was sought for issuing the guides as WIPO publications with professional editorial and design input to maximize their uptake and impact. In compliance with the policy, the final drafts were peer reviewed by internal and external experts and

further fine-tuned by the lead experts to integrate the recommendations from the peer reviewers. The final versions were submitted for professional editing and design, a process overseen by the WIPO Publications and Design Section. The professional editing of the first guide was completed in June 2019, and the professional editing of the second guide is estimated to be completed in July 2019. Translation of the guides will be the final step in the process.

2. New and enhanced training materials for TISCs based on the guides, and creation of a network of experts:

Training of selected TISCs on the guides started in the last quarter of 2018, using the training materials developed by the lead experts. Nine workshops were organized between November 2018 and June 2019 focusing initially on the pilot countries – Argentina, Colombia, Kenya, Malaysia, Morocco, the Philippines, the Russian Federation, and South Africa –, in addition to India. The workshops provided an opportunity to test and further fine-tune the training materials. Wherever possible, the lead experts provided the training on the guides with the support of the associate and country experts, with the objective to create a network of experts who would be able to continue providing support to TISCs in using the guides after the project has ended. Evaluation forms were collected at the end of the workshops, and the training materials were further adapted in light of the feedback received.

3. Improved legal status portal with a more user-friendly interface and expanded content:

To identify the main needs of the patent information user community as the main users of the legal status portal – hereinafter referred to as “the Portal” –, a communication expert was recruited to carry out a detailed needs and gap analysis, including collecting feedback from users of the Portal through a survey and targeted interviews. The contractor reviewed over 200 responses from 20 countries, and made a number of recommendations on how to improve the Portal on this basis. In parallel, procedures to recruit a contractor to develop the new interface were finalized in September 2016.

Taking into account the need to develop a more user-friendly interface and advanced search functionalities, various technical solutions were explored. Consultations were held with a range of stakeholders including the United Nations Geospatial Information Section (UNGIS) and the Office of the Legal Counsel on the use of official international boundary data for the development of the new map, and the WIPO Communications Division and Information and Communication Technology Department on technical implementation options including possible map visualization software in line with organizational policies. This resulted in the signature of an agreement with UNGIS on the use of international boundary data and in the identification of a cost-effective solution for developing the new interface using a cloud-based software widely used among other UN organizations.

In parallel, a patent information expert was hired in 2017 to review existing information on the Portal and update it where necessary. The expert updated data for over 160 jurisdictions and developed detailed help files for each jurisdiction included on the Portal to further support users in identifying what legal-status related information may be available online, with additional information on patent protection particularities and search tips.

New functionalities were also added such as the possibility to combine search criteria, view information separately on a map and table, and identify jurisdictions that are member of a regional organization issuing patents or a regional patent information collection. New search fields were also added, including patent registers that can be searched online by applicant name or priority data, and online registers that provide information on patent term extension instruments, Supplementary Protection Certificates, and regional patents with effect in their jurisdiction.

During this process, information was updated for over 200 jurisdictions, representing a 25% increase in the number of jurisdictions and patent information collections for which data is available in the new version.

In redesigning the Portal, efforts were also made to improve the Portal's accessibility for visually impaired users in line with WIPO's efforts to improve the accessibility of its services and platforms, and the help files were made available in an accessible format.

To validate the information collected by the expert, each help file was also sent to the relevant IP authority via an official circular. 52 responses were received during this process (July-September 2018). A contact form was also added to the new interface to allow users to inform the Secretariat of any future changes to the information on the Portal.

To highlight the new interface and features of the Portal, a short tutorial video was developed with the support of a video expert.

The Portal was launched at a side event during CDIP/22.

<p><u>Results/impact of project and Key lessons</u></p>	<p>Results/impact:</p> <p>Feedback gathered from TISCs during the pilot process and surveys collected at the end of the practical workshops provide strong evidence of the important added value of the new resources developed under the project for TISCs. In particular, feedback gathered confirms that the workshops were successful in building knowledge and skills in identifying and using inventions in the public domain (99.6% of participants, on average, confirmed this), and 98% reported that the guides will be useful for their daily work.</p> <p>In order however to fully integrate the teachings of the guides into the TISCs' activities and for TISCs to build new services in this area using the guides as support tools, additional support will be needed. In this regard, the establishment of a pool of experts who will be able to act as resource persons to support TISCs in the use of the guides and in developing their services will be an important resource to build on and further expand.</p> <p>The high number of visits to the Portal following its launch (1,880 user sessions and 4,571 downloads of the help files between November and December 2018) also suggests that the Portal is a useful resource.</p> <p>Key lessons:</p> <p>As reported in progress report CDIP/22/2 Annex II, the collaborative drafting process of the guides was supported by defining clearly, from the start, the specific contribution expected from each expert. With inputs from five associate experts, the role of the lead experts was crucial in compiling and editing inputs from experts with different backgrounds and writing styles. It became clear that the ability to synthesize and organize the information to create a good flow between the sections was a critical element to ensure success.</p> <p>The involvement of the lead experts in the publication process during the professional editing by an external editor also proved to be very important to ensure that while on one hand the content is simplified for improved readability, the IP-related terminology remains accurate. Taking into account this time-consuming yet important process to ensure quality, this stage should be included in the project plan with appropriate resources earmarked for it.</p> <p>The piloting of the guides in selected TISCs also proved to be an important step in validating the content and teaching value of the guides. Feedback from this exercise was very useful not only in highlighting the importance of these new tools for TISCs, but also in helping fine-tune the content.</p>
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<p><u>Risks and Mitigation</u></p>	<p>The project document identified as a risk the insufficient capacity by TISC staff to understand and effectively use the information contained in the practical guides. To mitigate this risk, efforts were made to ensure that the guides would be adapted to the needs and assessed capabilities of TISC staff. Piloting of the guides in nine national TISC networks helped ensure this. Feedback gathered was taken into account in the revision process and integrated into the guides.</p> <p>The establishment of a roster of experts to further support TISCs in using the guides after the project has ended will also be an additional means to mitigate this risk. In this regard, efforts were made to involve all the experts, including the associate and country experts, in the workshops.</p> <p>Another risk that was faced during the workshops was the diversity in the profile of TISC participants, as a substantial number of the participants had not attended previous TISC trainings. As indicated in the project document, it is expected that the guides will supplement existing TISC services by building on existing knowledge and services, and it is therefore assumed that users of the guides already possess a sound knowledge of patent information and search techniques. While efforts were made to introduce basic concepts before presenting the guides during the workshops and to adapt teaching materials accordingly, it should be noted that this may have led to differences in participants' expectations and in their ability to assimilate the teachings of the guides.</p>
<p><u>Project Implementation Rate</u></p>	<p>The budget utilization rate as per end of July 2019 is: 94%</p>
<p><u>Previous Reports/documents</u></p>	<p>CDIP/18/2 Annex V; CDIP/20/2 Annex V; CDIP/22/2 Annex II.</p>

<u>Follow-up</u>	<p>In order to ensure the project’s sustainability in the long-term and in particular, that the new tools developed under the Project be fully integrated into TISC services, it is recommended to fully mainstream project results into the 2020-21 biennium of Program 14. To expand the number of national TISC networks using the guides and the Portal, further practical training will be needed as evidenced by the feedback gathered during the validation workshops. This will entail developing more practical training programs and tools, including building on existing TISC platforms to further disseminate the teachings of the guides. To expand the training to other TISCs, necessary resources to support such trainings and to integrate these into the TISC program’s work plan will need to be earmarked.</p> <p>To make sure that the information on the Portal remains up-to-date and that the cloud-based solution remains operational and appropriate in line with business and users’ needs, regular monitoring and maintenance of the Portal will need to be ensured after the project has ended, and appropriate resources also earmarked for this purpose. Future developments in this regard will also need to take into account other developments in platforms and tools in the framework of the TISC program, as well as other areas, e.g. standards.</p>
PROJECT SELF-EVALUATION	

Key to Traffic Light System (TLS)

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Fully achieved	Strong progress	Some progress	No progress	Not yet assessed/discontinued
<u>Project Outputs¹</u> (Expected result)	<u>Indicators of Successful Completion</u> (Output Indicators)	<u>Performance Data</u>	<u>TLS</u>	
1. Guides on the identification and use of inventions in the public domain	Delivery of first finalized draft of the guides by end 2016.	Consolidated drafts delivered in June 2017. Final drafts integrating feedback from pilot process delivered in July 2018 (Guide 1) and October 2018 (Guide 2). Peer reviewed versions submitted for professional editing in January 2019 (Guide 1) and May 2019 (Guide 2). Final versions (edited and designed) to be completed by September 2019.	****	
2. Documentation of experiences and best practices in the	Delivery of documentation from pilot	Piloting of guides completed and reports documenting the pilot	****	

¹ As per the original Project Document, CDIP/16/4 Rev., Annex, page 5.

identification and use of inventions in the public domain	projects by the end of 2017.	countries' experiences delivered in December 2017.	
3. Roster of core experts	Roster with at least two core experts per region established by end 2016.	Experts involved in the drafting of the guides, in the pilot process, and in the workshops available to act as resource persons to support TISCs in the use of the guides.	****
4. Training materials	At least two presentations established based on the guides on the identification and use of inventions in the public domain by mid-2017.	Presentations and materials delivered and fine-tuned based on feedback gathered during the workshops.	****
5. Improved legal status portal	New interface developed by mid-2016. New help pages added by mid-2017. New form added by end 2017.	Portal with new user interface and updated/new content and functionalities, including help files, feedback form, and tutorial video, completed. Launched at CDIP/22.	****
6. Guides on the identification and use of inventions in the public domain in the six official languages (see CDIP/18/11)	Delivery of the translated guides by mid-2018.	Translation of the guides to be initiated once professional editing and design is completed. Chinese and Spanish translations in the pipeline, to be followed by French, Russian and Arabic.	**
7. Skills to administer and provide services related to inventions in the public domain	Surveys completed at workshops by end 2018 indicating that the project has developed skills in administering and/or providing services related to inventions in the public domain.	Provision of technical assistance to selected TISCs initiated in the second half of 2018 and completed in June 2019. 99.6% of the participants reported that the workshops were successful in building their knowledge and skills.	****

<u>Project Objectives</u>	<u>Indicators of Success in Achieving Project Objective (Outcome Indicators)</u>	<u>Performance Data</u>	<u>TLS</u>
1. Facilitate access to knowledge and technology for developing countries	TISC services for identifying inventions in the public domain established by at least	Nine TISC networks received training on the guides with the objective to support the development of their knowledge	***

<p>and LDCs and to assist interested member states in identifying and making use of subject matter that is in or has fallen into the public domain within their jurisdictions</p>	<p>six TISCs across different national TISC networks.</p> <p>TISC services for supporting the use of inventions in the public domain established by at least four TISCs across different national TISC networks.</p> <p>Increased number of users across TISCs networks identifying and using information in the public domain.</p>	<p>and skills in identifying and using inventions in the public domain using the approaches and tools taught in the guides.</p> <p>Additional training and support will be needed for TISCs to fully assimilate and integrate the knowledge and skills acquired during the workshops and to develop new TISC services in this area.</p>	
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