

COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP)

Fifth Session

Geneva, April 26 to 30, 2010

Summary by the Chair

1. The fifth session of the CDIP was held from April 26 to 30, 2010. 107 Member States and 44 Observers participated in the meeting.
2. The CDIP unanimously elected Ambassador Md. Abdul Hannan, Permanent Representative of Bangladesh, as Chairman, and Mr. Mohamed Abderraouf Bdioui, Counsellor, Permanent Mission of Tunisia, and Luis Vayas, Counsellor, Permanent Mission of Ecuador as Vice-Chairmen.
3. The CDIP adopted the Revised Draft Agenda as proposed in document CDIP/5/1 Prov.3.
4. Under Agenda Item 4, the CDIP decided to admit, on an *ad hoc* basis, one non-governmental organization (NGO), namely, Friedrich Ebert Stiftung, without implications as to its status for future CDIP meetings, for a period of one year.
5. Under Agenda Item 5, the Committee adopted the Revised Draft Report of the fourth session, contained in document CDIP/4/14 Prov., with amendments by a few delegations to their own statements.
6. Under Agenda Item 6, the Committee considered document CDIP/5/2 entitled Director General's Report on Implementation of the Development Agenda and listened to a large number of general statements. In presenting the report, the Director General explained the approach taken to implement the WIPO Development Agenda. He noted that the introduction of the project-based methodology had provided some momentum to implementation and offered some concrete content for getting implementation underway, as well as a means for monitoring implementation that is concrete and measurable. He further noted that a key part of implementation was the mainstreaming of the Development Agenda, so that each and every unit of the organization integrated development into its activities. With respect to the implementation of the Development Agenda by other bodies, in particular the norm-setting committees, the Director General pointed out that the Secretariat would continue to facilitate the work of the Committees but that the normative agenda of the Organization is driven by its Member States, who would be responsible for ensuring the implementation of the Development Agenda in the relevant Committees. The Director General's report is annexed to this Summary.

7. Under Agenda Item 7, the Committee agreed on the Coordination Mechanisms and Monitoring, Assessing and Reporting Modalities, which is annexed to this document.
8. Under Agenda Item 8, the Committee considered document CDIP/4/3/Rev. on Intellectual Property and the Public Domain. The copyright and patent components of this project had already been approved at CDIP/4. In relation to the patent component, the Secretariat was requested to prepare a new project proposal for a future session, which, *inter alia*, undertakes a study that would cover the following three elements: (1) the important role of a rich and accessible public domain; (2) the impact of certain enterprise practices in the field of patents on the public domain; and (3) possible norm-setting activities at WIPO on the public domain. The trademarks component of that project was agreed with some modifications.
9. The Committee approved the project on Intellectual Property and Socio-Economic Development contained in document CDIP/5/7, the project on Intellectual Property and Product Branding for Business Development in Developing Countries and Least-Developed Countries (LDCs), contained in document CDIP/5/5, with some modifications to the French and Spanish versions, and 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 CDIP/5/6, with some modifications.
10. With respect to the project on Intellectual Property and Technology Transfer: Common Challenges – Building Solutions contained in CDIP/4/7, the CDIP agreed to task the Secretariat with the preparation of a revised project proposal, taking into consideration the discussions held on this matter as well as the agreed elements from the Non-Paper, to be submitted for consideration at CDIP/6.
11. Under Agenda Item 9, the Committee discussed document CDIP/5/3, entitled Report on WIPO's Contribution to the United Nations Millennium Development Goals (MDGs), noted its contents, and requested that the report be revised and re-submitted to the CDIP at a future session.
12. Under the same Agenda Item, the CDIP discussed document CDIP/5/4 on Patent-Related Flexibilities in the Multilateral Legal Framework and their Legislative Implementation at the National and Regional Levels, noted its contents as a preliminary document, with the understanding that the Secretariat will revise it to reflect the comments from Member States and include new flexibilities. The Secretariat would submit to the CDIP a proposed program of work on flexibilities in other areas, avoiding duplication of work with other Committees of WIPO.
13. Under Agenda Item 10 on Future Work, a number of suggestions were made during the discussions. In view of the large number of requests, and the comments in favor as well as the concerns expressed by delegations with regard to certain proposals for future work, the Chair concluded that he would provide guidance to the Secretariat as it endeavors to meet the requests.
14. The CDIP noted that the Draft Report of the fifth 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 writing to the Secretariat as soon as possible, preferably eight weeks before the next meeting. The revised Draft Report will then be considered for adoption at the beginning of the sixth session of the CDIP.

15. This Summary and the Summary of the Fourth Session of the CDIP will constitute the CDIP's report to the General Assembly.

[Annexes follow]

ANNEX I

The Director General's report, document CDIP/5/2 is placed [here](#).

COORDINATION MECHANISMS AND MONITORING, ASSESSING AND REPORTING MODALITIES

The General Assembly decides:

To adopt the following CDIP coordination mechanism principles:

- The aim of the Development Agenda is to ensure that development considerations form an integral part of WIPOs work and the coordination mechanism should promote this aim;
- CDIP, in accordance with its mandate, has the responsibility to monitor, assess, discuss and report on the implementation of all recommendations adopted;
- All WIPO Committees stand on an equal footing and report to the Assemblies;
- To avoid duplication of WIPOs governance arrangements the coordination mechanism should be consistent with, and where practical, use existing governance structures and procedures;
- The coordination of the CDIP with other relevant WIPO bodies should be flexible, efficient, effective, transparent and pragmatic. It should facilitate the work of the CDIP and the respective WIPO bodies;
- The coordination should be within existing budgetary resources of WIPO.

To establish a CDIP standing agenda item dealing with item (b)¹ of the CDIP mandate.

The agenda item:

- should be the first substantive item on its agenda; and
- shall be allocated sufficient time to complete its deliberations within the meeting schedule.

To extend, on an exceptional basis, if a clear need is identified, the duration of CDIP sessions, subject to the agreement of all Member States. In addition, during discussion of future work the Committee may consider the duration of the next CDIP meeting.

To instruct the relevant WIPO bodies to include in their annual report to the Assemblies, a description of their contribution to the implementation of the respective Development Agenda Recommendations. The General Assembly shall forward the reports to the CDIP for discussion under the first substantive item of its Agenda. The General Assembly may request the Chairs of the relevant WIPO bodies to provide it with any information or clarification on the report that may be required.

To instruct the CDIP to include a review of the implementation of the Development Agenda Recommendations in its report to the General Assembly, to be discussed in the General Assembly under the standing item of the Report of the CDIP, as a sub-item entitled Review of the implementation of the Development Agenda Recommendations.

To instruct the relevant WIPO bodies to identify the ways in which the Development Agenda Recommendations are being mainstreamed in their work, and urge them to implement the Recommendations accordingly.

¹ monitor, assess, discuss and report on the implementation of all recommendations adopted, and for that purpose it shall coordinate with relevant WIPO bodies

To urge the Director General to facilitate the coordination, assessment, and reporting of all the activities and programs undertaken by the Secretariat with respect to the Development Agenda, and to provide regular updates, through written submissions or oral briefings, on the progress of the implementation of the Development Agenda Recommendations to the CDIP, the General Assembly and relevant WIPO bodies. In particular, updates should focus on the work undertaken by other relevant WIPO bodies concerning implementation of the Development Agenda Recommendations.

To request the CDIP to undertake an independent review of the implementation of the Development Agenda Recommendations at the end of the 2012-2013 biennium. Upon consideration of that review, the CDIP may decide on a possible further review. The Terms of Reference and the selection of independent IP and development experts will be agreed by the CDIP.

To strengthen existing mechanisms within WIPO, such as the Internal Oversight Function, modalities for implementation of WIPO's Evaluation Policy and the Program Performance Reports, in order to effectively support the review and evaluation of the implementation of the Development Agenda Recommendations.

To include in the WIPO Annual Report to the UN, a report on the implementation of the Development Agenda, pursuant to the Agreement between the UN and WIPO.

[End of Annexes and of document]