



Council of the
European Union

Brussels, 28 November 2019
(OR. en)

14657/19

PI 152

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	13516/1/19
Subject:	24th Session of the WIPO Committee on Development and Intellectual Property (CDIP), Geneva, 18-22 November 2019 - Final EU/Member States statements

Delegations will find attached, for information, the EU/Member States statements as delivered at the above-mentioned WIPO meeting.

24th Session of the WIPO Committee on Development and Intellectual Property (CDIP)

(Geneva, 18-22 November 2019)

General/Opening Statement

Agenda Item 5

Chair,

1. Finland is honoured to take the floor on behalf of the European Union and its Member States. We look forward to working efficiently under the able guidance of you and your Vice-Chairs again this week.
2. We would like to thank the WIPO Secretariat for their excellent work in preparing this session, in particular regarding the supporting documentation for the wide range of issues we have on the agenda. We hope all delegations will participate in the deliberations in a positive and cooperative manner in order to make this session a success.
3. The EU and its Member States are pleased to take note of the Secretariat's Reports on the two International Conferences organised in May and June. The conferences have served to distribute different views and information and to deepen our understanding of the complex issues discussed.
4. We look forward to the presentations and discussions on MSMEs, Innovation and IP under the agenda item 'IP and Development'. This topic is of great interest to us, as we are preparing the EU SME strategy on IP. We thank the delegations who have contributed to the roster of topics on 'IP and Development'. In the discussions on future topics and on the sub-topic for the biennial conference, we are confident that the Committee will consider the topics that are most relevant to our work.

5. The EU and its Member States appreciate the Report on the Implementation of Member States Decision on WIPO's Technical Assistance (document CDIP/24/8). We believe technical assistance and the DA projects are central for this Committee's work and can lead to substantial improvements in the IP frameworks of the beneficiary countries. In this connection, we also welcome the presentation on technical assistance by the European Union Intellectual Property Office taking place later this week.
6. We stand ready to continue the discussion on the Secretariat's Proposal on Modalities and Implementation Strategies for the Adopted Recommendations of the Independent Review and Options as Regards the Reporting and Reviewing Process (document CDIP/23/8) and we hope to reach a successful outcome during this session.
7. Chair, the EU and its Member States will continue to engage constructively in the various discussions we have ahead of us this week.

Thank you.

Progress Reports (take note)

Agenda Item 6 (document CDIP/24/2)

Chair,

1. The EU and its Member States would like to thank the WIPO Secretariat for preparing the progress reports on the implementation of the Development Agenda projects and recommendations contained in document CDIP/24/2. The reports provide a comprehensive overview of the implementation of ongoing DA projects as well as WIPO's activities during the previous year.
2. In particular, we note with satisfaction that WIPO's technical assistance and capacity-building activities undertaken by the Development Sector and the Division for LDCs have been integrated in WIPO's regular program. These include activities such as developing of national IP and innovation strategies, IP development plans, awareness-raising about the importance of IP, provision of legislative advice, capacity-building, and a series of activities pertaining to sharing best practices and exchange of useful experience.
3. As an example of the many interesting initiatives, we note with pleasure that the cooperation within the Publishers Circle has been active and that mentorship programs to support exchanges between publishers in Africa and Asia have started within this framework. With regard to the Technical Assistance Databases, IP-TAD, we are happy to see that new search features have been introduced.
4. Furthermore, the publication 'Competition Policy and Intellectual Property in Today's Global Economy', which was a collaborative effort of WIPO and WTO, serves as a positive sign of strengthened cooperation of WIPO with other international organisations.

5. Turning to WIPO's efforts to facilitate access to education in the field of IP, we congratulate the Organization on the 37 percent increase in the number of participants to the WIPO Academy distance learning courses in 2018. We are also pleased to note that 52 percent of the in total 90 000 course participants were women. In the field of youth education, the EU and its Member States are pleased to observe that the IP4Youth&Teachers service facilitates sharing experiences among educators, developers of curricula and IP Offices to benefit from similar efforts to introduce IP knowledge at formative stages of learning.
6. The EU and its Member States acknowledge and value the contribution of WIPO and its Secretariat to the implementation of SDGs and the associated targets. We continue to be strongly committed to supporting the achievement of the SDGs, as they are important and relevant to all countries in the world. We believe that the brochure on SDGs translated to all six WIPO official languages as well as the new webpage on WIPO and SDGs help to disseminate information on this important topic.

Thank you.

**Completion Report of the Project on the Use of Information in the Public Domain for
Economic Development (take note)**

Agenda Item 6 (document CDIP/24/3)

Chair,

1. The EU and its Member States would like to thank the WIPO Secretariat for the Completion Report of the Project on the Use of Information in the Public Domain for Economic Development.
2. We would like to acknowledge once again the importance of the public domain as a principle depository of human knowledge and as an important source for new ideas and innovation.
3. We note with appreciation that the project produced two guides for the identification and use of inventions in the public domain as well as the new and enhanced training materials developed for the Technology and Innovation Support Centers (TISCs) in WIPO Member States.
4. We appreciate the results of the project as it builds knowledge and skills in exploring and making use of this enormous wealth of information. The Completion Report also identified follow up needs of the project, which need to be acknowledged to ensure the sustainability of the project in the long term. In order to gain full benefit from the project's results, the new tools need to be fully integrated into TISCs' services and the necessary resources need to be secured for this purpose.

Thank you.

**Evaluation Report of the Project on the Use of Information in the Public Domain for
Economic Development (take note)
Agenda Item 6 (document CDIP/24/11)**

Chair,

1. The EU and its Member States would like to express their gratitude for the work detailed in document CDIP/24/11 containing the independent Evaluation Report of the Project on the Use of Information in the Public Domain for Economic Development carried out by Mr. Glenn O'Neill, who acted as Consultant.
2. We note that the evaluation report considered the project had successfully delivered its output. The report found that the guides produced were comprehensive and have potential for use also in developed countries.
3. According to the independent evaluation report, the project has made a significant contribution in achieving the Development Agenda recommendation 16, concerning the preservation of the public domain within WIPO's normative processes and deepening the analysis of its benefits. It is also worth noting, that the project has furthered recommendation 20, supporting a robust public domain by creating guidelines to identify subject matters that have fallen into the public domain.
4. We would like to highlight that, as stated in the report, mainstreaming of this project will require further engagement from the WIPO Secretariat. Support from national IP offices is also needed to ensure that TISCs have enough capacity to use the guides created in the context of this project and that TISCs will reach a level of maturity where they can feasibly offer services in the public domain area.

Thank you.

**Completion Report of the Project on Intellectual Property, Tourism and Culture: Supporting
Development Objectives and Promoting Cultural Heritage in Egypt and Other Developing
Countries (take note)**

Agenda Item 6 (document CDIP/24/4)

Chair,

1. The EU and its Member States thank the WIPO Secretariat for the completion report of the project on Intellectual Property and Tourism, regarding cultural heritage in Egypt and other developing countries.
2. We commend the overall outcome of the project that followed the same methodological approach in all four countries: Ecuador, Egypt, Namibia and Sri Lanka. The project raised awareness within the tourist industry on how to benefit from appropriate IP management tools and strategies, while emphasising respect for local cultural identity and traditions. The project also included the creation of teaching materials, which expands the impact of the project to future professionals working in tourism.
3. As described in more detail in the completion report, the project has succeeded to attain national level interest and support from stakeholders. This development could potentially enhance competitiveness of the local tourist businesses and thus contribute to further development of the countries involved.
4. We note with satisfaction, that the project outputs were largely achieved, and we hope they provide a lasting impact on the tourist industry through the outlined follow up actions.

Thank you.

Evaluation Report of the Project on Intellectual Property, Tourism and Culture: Supporting Development Objectives and Promoting Cultural Heritage in Egypt and Other Developing Countries (take note)

Agenda Item 6 (document CDIP/24/10)

Chair,

1. The EU and its Member States would like to express their gratitude for the great work detailed in document CDIP/24/10 containing the independent Evaluation Report of the Project on Intellectual Property, Tourism and Culture: Supporting Development Objectives and Promoting Cultural Heritage in Egypt and Other Developing Countries carried out by Mr. Daniel Keller, who acted as Consultant.
2. The aim of the project was to analyse, support and promote awareness of the role of the Intellectual Property (IP) system in tourism industry. The evaluation report concludes that the overall budget and timeline were realistic and that the project was able to complete most of the planned activities. The report further notes that deliverables of the project were generally of good quality.
3. We consider this evaluation report relevant and encourage the beneficiaries to duly consider its follow-up recommendations for the project. The topic needs and deserves sustained attention by the IP communities and tourism industries in the countries concerned.
4. Furthermore, we note that the guide on IP and tourism is still pending publication. This guide should be published as planned to allow for broader dissemination of the results of the project.

Thank you.

Report on the International Conference on Intellectual Property (IP) and Development – How to Benefit from the IP System (May 20, 2019) (take note)

Agenda Item 6 (document CDIP/24/5)

Chair,

1. The EU and its Member States would like to express their gratitude for the report in document CDIP/24/5 on the International Conference on Intellectual Property and Development – How to Benefit from the IP System, held on 20 May 2019.
2. The Conference included sessions discussing how the IP system benefits innovation, creativity and global issues and an open discussion on the current challenges and opportunities of the IP system worldwide.
3. The event was open for participation by Member States, intergovernmental organisations and non-governmental organisations, and it offered insights to several interesting and pertinent issues. However, we consider that a more balanced approach in the selection of speakers would have been desirable. In particular, interests of the private sector stakeholders could have been represented better.
4. The EU and its Member States believe that while there is clearly a need to continue discussions on many of these important topics, the setting in which the discussion takes place deserves more reflection.

Thank you.

Report on the International Conference for Least-Developed and Developing Countries on Copyright and Management of Public Sector Information (take note)

Agenda Item 6 (document CDIP/24/6)

Chair,

1. The EU and its Member States appreciate the report on the International Conference for Least-Developed and Developing Countries on Copyright and Management of Public Sector Information held in Kenya on 14 June 2019.
2. We recall that the underlying objective of the International Conference was to raise awareness on topics related to Public Sector Information and copyright. The conference also provided the participants an opportunity to share experiences and policies in relation to PSI. We welcome the fact that according to the feedback, a vast majority of the respondents was satisfied with the international conference.
3. We note that national copyright legislations treat PSI in very different ways. Some provide for partial or even complete exclusion of PSI from copyright protection in their respective acts, while others assume full government copyright ownership over the content. Considering this, we acknowledge that issues relating to IP and government may provide interesting topics for discussion in the future.

Thank you.

Project proposal by Brazil, Canada, Indonesia, Poland and the United Kingdom on Tools for Successful Development Agenda Project Proposals (consideration)

Agenda Item 7 (document CDIP/24/14)

Chair,

1. The EU and its Member States would like to thank the distinguished delegations of Brazil, Canada, Indonesia, Poland and the United Kingdom for submitting the proposal on Tools for Successful Development Agenda Project Proposals as laid down in document CDIP/24/14.
2. Our initial view of the proposal is very positive. We recognise the need for developing a Handbook to facilitate the elaboration of DA project proposals. We believe the results of this project would benefit all Member States and the work of the Committee in many ways. We are confident that this project would lead to more efficiency by streamlining the practices of writing and assessing the proposals.
3. While the EU and its Member States are supportive of this proposal, we look forward to discussing it and hearing the views of other delegations.

Thank you.

**Revised Project Proposal for the Registration of the Collective Marks of Local Enterprises as a Cross-Cutting Economic Development Issue Submitted by the Plurinational State of Bolivia
(consideration)**

Agenda Item 7 (document CDIP/24/9)

Chair,

1. The EU and its Member States thank the distinguished delegation of Bolivia for the revised project proposal for the Registration of the Collective Marks of Local Enterprises as a Cross-Cutting Economic Development Issue, as well as the Secretariat for their support in preparing the document CDIP/24/9.
2. The EU and its Member States see merits in the aim of the project, which is to establish a support system to facilitate the registration of collective marks by local enterprises and SMEs. We remain of the view that collective marks are useful IP assets for SMEs, and that local economies could benefit from wider use of collective marks.
3. We welcome the additional information in the revised proposal, including the detailed project budget, and the use of the traditional template. We are pleased to note that the observations expressed by the delegations during the previous session have been taken into consideration, and we are therefore happy to support this proposal.

Thank you.

Continuation of discussion on the Secretariat's Proposal on Modalities and Implementation Strategies for the Adopted Recommendations of the Independent Review and Options as Regards the Reporting and Reviewing Process and New Member States Proposal on the Way Forward on the Modalities and Implementation Strategies of the Adopted Independent Review Recommendations (consideration)

Agenda Item 7 (documents CDIP/23/8 and CDIP/24/15)

Chair,

1. The EU and its Member States would like to thank the delegations for reaching a consensus regarding the implementation strategies 5, 6, 8, 9, 10, 11, 12 and 14 as contained in document CDIP/23/8 in the last session of the Committee. We hope we can find solutions for the remaining implementation strategies and for the options for reporting and reviewing during this week.
2. The EU and its Member States note that the input provided by the distinguished delegation of South Africa as laid down in document CDIP/24/15, dated 16 October 2019, should not be taken into consideration, as it was received by the Secretariat after the agreed deadline of 18 September 2019. We are generally of the opinion that in order to make progress and work efficiently, the inputs already compiled in Annex I of document CDIP/23/8 demonstrate sufficiently the views of the Member States, and we do not see a need for new proposals.
3. Referring to the implementation strategy number 1, we would like to reiterate our view that the formal CDIP agenda item 'IP and Development' should not be used for informal discussions with leading academics, members of industry and civil society and other UN bodies and IGOs. In our opinion, the appropriate forum for these discussions is the biennial international conference on IP and Development or the informal side events organised in the margins of the CDIP sessions.

4. Regarding the options for reporting and reviewing, with the objective of ensuring effective use of resources, we are inclined to support option 1 for reporting, which means relying on existing reporting instruments such as the yearly Progress Reports, and option 2 for reviewing, which means post-implementation review that would assess the impact of the implementation of the recommendations instead of individual activities. We look forward to hearing the views of other delegations on the reporting and reviewing process.
5. Chair, the EU and its Member States will continue to engage constructively and in a cooperative manner in the discussions on modalities and implementation strategies for the adopted recommendations.

Thank you.

New Member States Proposal on the Way Forward on the Modalities and Implementation Strategies of the Adopted Independent Review Recommendations (consideration)

Agenda Item 7 (document CDIP/24/15)

In the continued discussion of this agenda item the following two further statements were made.

1st intervention:

Chair,

The EU and its Member States note that the input provided by the distinguished delegation of South Africa as laid down in document CDIP/24/15 is in fact not new, as already pointed out in other interventions. Similar input has already been proposed in documents CDIP/23/3 Annex I and CDIP/22/4 Rev. Annex II and therefore it has already been considered by the Secretariat and by the Committee, but has not received support. We do not see any benefit in developing additional indicators or other mechanisms to evaluate the impact and efficiency of the implementation of the Development Agenda, which in our view would overlap with WIPO's current tasks and practices.

Thank you.

2nd intervention:

Chair,

Speaking on behalf of the EU and its Member States, we would accept the text proposed by you, Chair, but we cannot accept the additional text proposed by the delegation of South Africa.

Thank you.

**Intellectual Property and Development:
Presentation by the Secretariat on ‘MSMEs, Innovation and IP’**

Agenda Item 8

Chair,

1. The EU and its Member States thank the Secretariat for preparing a presentation on the topic of MSMEs, Innovation and IP. We would also like to thank the delegation of Switzerland for their presentation and MIKTA for organising an interesting lunch event on Monday.
2. The EU and its Member States appreciate taking this topic on the agenda under the item IP and Development. We have placed a strong focus on SMEs and on strengthening their capacity in establishing IP strategies and making the most of the advantages offered by the IP framework. In this connection we recently organised a conference where we explored how the EU and its regions can help SMEs to become more competitive and grow through the smart use of IP.
3. The EU and its Member States look forward to a fruitful discussion on this timely topic.

Thank you.

**Report on the Implementation of Member States Decision on WIPO's Technical Assistance
(consideration)**

Agenda Item 6(i) (document CDIP/24/8)

Chair,

1. The EU and its Member States would like to thank the Secretariat for preparing the document CDIP/24/8 on the Implementation of Member States Decision on WIPO's Technical Assistance.
2. The document provides a clear summary of the implementation of the decision made at the 18th session of the Committee based on the revised Spanish proposal. We appreciate the well-structured approach of the Secretariat in considering the several actions identified in the decision during the last five sessions, as well as the recap this week.
3. The report demonstrates that the Member States are generally pleased with WIPO's practices, methodologies and tools for providing technical assistance, and that the activities such as DA projects meet the Member States' developmental needs. In our opinion, the foundations for WIPO's technical assistance are solid, and we encourage WIPO to continue this important work.
4. The EU and its Member States support the proposed follow-up activities, especially the efforts to measure the impact and efficiency of technical assistance activities and to assess their longer-term results. We are interested to learn the findings of the independent evaluation report regarding the webinar platform at the next session of the Committee.

Thank you.

Discussion on An External Review of WIPO Technical Assistance in the Area of Cooperation for Development

Agenda Item 7 (documents CDIP/8/INF/1, CDIP/9/15, CDIP/9/16 and CDIP/16/6)

Chair,

The EU and its Member States note that we have already spent many sessions discussing the External Review of WIPO Technical Assistance in the Area of Cooperation for Development, also known as the Deere Roca report from 2011. In our opinion, any future discussions on WIPO's technical assistance in the Committee should use as a starting point the Report on the Implementation of Member States Decision on WIPO's Technical Assistance and its proposed follow-up activities as described in document CDIP/24/8. This would provide us a more up-to-date basis for future work.

Thank you.

**Discussion on the sub-topic for the biennial International Conference on IP and Development
to be held in 2021**

Agenda Item 7 (See para. 8.1 of the Chair's Summary of the 22nd session of the CDIP)

Chair,

The EU and its Member States would like to thank all delegations for the proposals for the sub-topic for the biennial International Conference on IP and Development to be held in 2021, as well as for the flexibility and cooperation that allowed us to reach consensus on the sub-topic in this session. We look forward to fruitful discussions in the Conference.

Thank you.

Discussion on future topics under the agenda item ‘IP and Development’

Agenda Item 7 (See Roster of Topics)

Chair,

The EU and its Member States would like to thank all delegations for the proposals for future topics under the agenda item ‘IP and Development’. We are glad to have reached an agreement on the topics for the three upcoming sessions and we look forward to more informative and interesting discussions under this agenda item also in the future. We also wish to thank the Secretariat for keeping the Roster of Topics up-to-date.

Thank you.

**Contribution of the Relevant WIPO Bodies to the Implementation of the respective DA
Recommendations (take note)**

Agenda Item 6 (document CDIP/24/12)

Chair,

1. The EU and its Member States would like to thank the Secretariat for preparing the document CDIP/24/12.
2. We take note of the reports presented to the General Assembly regarding the contributions of the Standing Committee on the Law of Patents (SCP) and of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) to the implementation of the respective Development Agenda Recommendations.
3. Regarding the report on the SCP, we would like to emphasise that we have already witnessed many discussions about the Coordination Mechanism. The EU and its Member States agree with the statement made by the delegation of Canada on behalf of Group B at the SCP 30 and note that the established and agreed practice for the consideration of such issues should be followed.
4. Regarding the report on the IGC, a few delegations mentioned the DA Recommendation 18, which urges the IGC to accelerate the process on the protection of GRs, TK and TCEs. We need to point out that the work in the IGC has proved to be very difficult, despite the diligent efforts to overcome existing differences of opinions between delegations. We regret that so far it has not been possible to overcome these differences and to bridge the gaps between the different positions.
5. While the CDIP is not the appropriate forum for dealing with GRs, TK, and TCEs, we express our hope that the IGC may be able to make progress under its new mandate during the 2020/2021 biennium.

Thank you.

Project Proposal on Using Inventions in the Public Domain (consideration)

(document CDIP/24/16)

Chair,

The EU and its Member States note the new project proposal on Using Inventions in the Public Domain circulated as a paper copy by the Secretariat on Wednesday, 20 November 2019. Since the agenda of this session is already full of important topics to be considered by the Committee, we need more time to evaluate this new proposal and would therefore prefer to continue discussing this topic in the next session of the CDIP.

Thank you.

Closing statement

Agenda Item 11

Chair,

1. The EU and its Member States congratulate you and your Vice-Chairs for your able leadership and thank you for your efficient guidance through this 24th session of the CDIP. We thank the WIPO Secretariat for their hard work prior to and during this week, and the interpreters for their invaluable efforts in helping us understand each other.
2. The EU and its Member States welcome the outcome of this session as reflected in the Summary by the Chair. We thank all delegations for agreeing on the sub-topic for the next biennial International Conference and on the three future topics for the agenda item 'IP and Development'. This cooperative spirit allowed us to make progress also in the discussions on the Modalities and Implementation Strategies for the Adopted Recommendations of the Independent Review, by agreeing on Implementation Strategy number 13. The EU and its Member States will continue to engage constructively in the future discussions on the remaining Implementation Strategies numbers 1, 2, 3, 4, 7 and 15.
3. We are pleased to note that the Committee also approved two project proposals. We are confident that the completion of these projects will contribute to the implementation of the Development Agenda. The EU and its Member States remain committed to advancing the work of this important Committee.

Thank you.