



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 16 May 2012**

**10071/12**

**PI 58**

**NOTE**

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from: General Secretariat  
to: Delegations

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Subject: 9th session of the WIPO Committee on Development and Intellectual Property  
(CDIP) (Geneva, 7-11 May, 2012)  
- Final statements by the European Union and its Member States

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Delegations will find in the Annex, for information, the statements made at the above-mentioned WIPO meeting on behalf of the European Union and its Member States.

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**COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY**

**9<sup>th</sup> Session**

**(WIPO, Geneva, 9-11 May 2012)**

**Statement by the EU and its Member States**

**Opening statement**

Mr. Chairman,

1. On behalf of the European Union and its Member States I would like to congratulate you on your election as Chairman of this Committee.
2. The European Union and its Member States would also like to thank the WIPO Secretariat for the documents it has prepared for the discussions this week. We have a heavy agenda in front of us that will require intense work and flexibility from all parties. The EU and its Member States have some proposals to make under future work on how to improve the functioning of this committee.
3. I can already say that the EU and its Member States have come to this meeting with a firm commitment to continue working in a constructive and cooperative manner. We are looking forward to finding sustainable and balanced solutions and we have every confidence in your ability as Chair to take us through the week to meet these goals.
4. Among the challenges facing this session are the discussions on the External Review of Technical Assistance in the Area of Cooperation for Development.

We have engaged constructively in the discussions of the Ad Hoc Working Group that was set up at the last meeting of the CDIP, dealing with the report on the External Review in doc 8/INF/1. I would like on behalf of the EU and its MS to thank the co-chairs from Egypt and Belgium and the co-rapporteurs from Columbia and Pakistan for their hard work. I would also like to thank the Secretariat for the Management Response in doc 9/14. The Ad Hoc Working Group brought up specific issues. This should not, in any way interfere negatively with our efforts and discussions on important substantive documents on our agenda, especially the proposals of new projects.

5. Finally, M. Chair, under future work, we stand ready as I said to discuss possible ways to improve the work of this committee and give it more readability for delegations.

Thank you, Mr. Chairman

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# COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY

9<sup>th</sup> Session

(WIPO, Geneva, 9-11 May 2012)

Statement by the EU and its Member States on

**Evaluation Reports**

Mr. Chair,

The EU and its MS welcome the opportunity provided by these external evaluations to assess the completed projects. Evaluation reports are very useful tools in order to improve some aspects and to identify shortcomings that should be avoided in future projects.

Bearing this in mind, the importance of the evaluation reports is even greater in cases where a second phase is scheduled. In this regard timing of evaluation plays an important role. We have noticed concerning the timing of the presentation of the evaluation reports that there has been an improvement on timing.

All the evaluations reports that have been published for the consideration of this session of the CDIP underline the importance of **effectiveness and efficiency** in the management of the projects (i.e, document CDIP/9/3 devoted to the project evaluation of the conference on Mobilizing Resources for Development). These two concepts should be the leading principles when debating and evaluating the sustainable outcome of a project, due to the limited resources we are working with. Also, it is important to recall that both effectiveness and efficiency are contained within cluster B of recommendations of the Management Response.

Another critical issue is **transparency**, which means that all the information regarding the inception, implementation and management of every project should be made available to the evaluator in order for them to achieve a proper evaluation. This issue can be found, for instance, in document CDIP/9/6 which contains the independent report on evaluation of the Pilot project for the establishment of start-up national IP academies.

Moreover, this report points out that there have been some problems throughout the implementation of the projects, such as **unexpected delays**. These delays were not sufficiently explained, so further information on the reasons behind are necessary.

Likewise, budget of every project is evaluated in the reports, being one aspect of utmost importance. We support the recommendations that some projects should be managed in a different way, in order to better control the costs and ensure the efficiency and effectiveness of the projects.

Finally, EU is of the opinion that second phase projects presented to the CDIP for their approval should take into account and follow the recommendations contained in the evaluation reports of the respective phase I project.

We would, therefore, like to ask the Secretariat to include in future evaluation reports a chapter devoted to lessons learnt and the follow-up of the implementation of the recommendations.

Thank you, Chair.

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# COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY

9<sup>th</sup> Session

(WIPO, Geneva, 9-11 May 2012)

Statement by the EU and its Member States

Item 9 on Future Work

M. Chair,

The EU and its Member States would like to make key-recommendations to improve the overall effectiveness of this committee.

While we appreciate the challenges in managing documentation, we'd like to emphasize that for delegates to make the most efficient use of the resources allocated to each session, the Secretariat should strive to ensure the timely availability and translation of documents, in compliance with the rules of procedure. Furthermore the EU and its MS are of the opinion that this committee should consider a possible limitation of the number and length of the documents produced.

Concerning the agenda of meetings, the EU and its MS are of the view that the agenda should be better structured to provide clearer guidance to delegations, avoiding in particular listing too many documents under a single item. Topics of discussion should appear more explicitly in the agenda and documents be clustered accordingly.

Delegations would also benefit from receiving in writing a draft work programme as suggested by the Chair in advance of the meeting.

The EU and its MS thank you for the measures taken during this session to improve the time-efficiency of our work and we look forward to fully implementing the following in our future work:

- general statements at the beginning of the sessions should be read only by regional groups and groupings, with the possibility for individual delegations to submit national statements in writing;

- we should continue to avoid having long and systematic coffee-breaks;
- we should ensure we start and end sessions punctually.

We trust in your wise guidance M. Chair to manage our time efficiently in future sessions.

I thank you M. Chair.

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# COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY

9<sup>th</sup> Session

(WIPO, Geneva, 9-11 May 2012)

Statement by the EU and its Member States on

**Scenarios and possible options concerning Recommendations 1C, 1F and 2A of the Scoping study on Copyright and related rights and the public domain**

**Doc CDIP/9/INF/2**

Mr. Chairman,

Speaking on behalf of the EU and its Member States I thank the Secretariat for its new document, CDIP/9/INF/2 concerning the 3 recommendations 1C, 1F and 2A clarifying the scope and possible implications of implementing the 3 recommendations.

The EU and its Member States have read with interest the analysis of the 3 recommendations in doc 9/INF/2. We find that the analysis and the suggested implementation of the recommendations have been of great help in better understanding the purpose of these recommendations.

With regard to the analysis on recommendation 1C concerning voluntary relinquishment of copyright under item A we believe, however, that more information is necessary as to the need of such an analysis in particular on existing legislation and best practices in Member States. Furthermore, we cannot at this stage support a study that might lead to suggestions outlining concrete proposals on relinquishment of copyrights.

Concerning the analysis and suggestions for recommendation 1f on technical or information tools under item B, the EU and its Member States still have concerns about the added value of such tools. We are still not convinced of the benefits of creating national and international platforms with the aim of facilitating searchers in national and regional registries compiling information on copyright content and public domain materials. Certain purely technical aspects could be anyway examined.



The analysis for recommendation 2a under item C contains a number of suggestions which we believe could assist Member States in their efforts to maintain the cultural heritage of humanity and we are of the opinion that these considerations should be taken into further account by the individual Member States.

Thank you, Mr. Chairman

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# COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY

9<sup>th</sup> Session

(WIPO, Geneva, 9-11 May 2012)

**Statement by the EU and its Member States on**

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

**Doc CDIP/8/INF/1 and CDIP/9/14**

Mr. Chairman,

The EU and its Member States want to thank the co-chairs, the co-rapporteurs and all interested parties for their contribution to the work of the Ad Hoc Working Group on the External Review of the Technical Assistance. The EU also would like to thank the secretariat for facilitating the meetings.

The mandate of the Ad Hoc Working Group was to review the External Review of WIPO Technical Assistance in the area of cooperation for development contained in doc CDIP/8/INF/1 with the emphasis on identifying recommendations that are redundant or no longer relevant. In doing so, the Ad Hoc Working Group was assisted by the Management Response to the External Review of WIPO Technical Assistance in the area of cooperation for development, doc CDIP/9/14.

We have participated constructively in the discussions of the Ad Hoc Working Group. However, the result of the work carried out by the Ad Hoc Working Group has not in our view reached the expected outcome according to the mandate.

Since the Management Response is more actual than the External Review, we believe the discussion should focus on the Management Response. The Management Response identifies 3 categories of recommendations within the External Review. Category A contains recommendations which are already reflected in WIPO activities, or ongoing reform programs. Category B contains recommendations which merit further considerations. Finally, category C lists recommendations which raise concerns as to their implementation.

In this regard we believe that our focus should be only on those recommendations that are identified by the secretariat under category B of the Management Response as deserving further consideration.

We consider the recommendations under category A of the Management Response to be redundant, since they are already partial or fully reflected in WIPO activities or in ongoing reform programs. Moreover, we believe that recommendations which raise concerns as to their implementation and are therefore classified under category C of the Management Response – should not be considered further.

With regard to any further discussions on this issue, the EU and its Member States stands ready to engage in such discussions within CDIP.

Thank you, M. Chairman

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**COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY**

**9<sup>th</sup> Session**

**(WIPO, Geneva, 9-11 May 2012)**

**Statement by the EU and its Member States on**

**Revised Project Paper for the Project on Intellectual Property and Technology Transfer**

**CDIP/9/INF/4**

Mr. Chairman,

The EU and its Member States thank the Secretariat for its revised Project Paper for the Project on Intellectual Property and Technology Transfer in doc 9/INF/4.

The EU would like to reiterate its position expressed at our last CDIP meeting with regard to the importance of technology transfer. We have taken note of the revised paper containing the redistributed budget and updated timeline.

The EU and its Member States accept the project.

Thank you, Mr. Chairman

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# COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY

9<sup>th</sup> Session

(WIPO, Geneva, 9-11 May 2012)

Statement by the EU and its Member States on

Establishment of “Start-up” National IP Academies, Phase II

Doc CDIP/9/10 Rev

Mr. Chairman,

The EU and its Member States would like to thank the Secretariat for its document CDIP/9/10 Rev on the Establishment of “Start-up” National IP Academies with regard to Phase II. The EU and its MS have always been in favor of strengthening resource capacity building within national and regional IP institutions as well as within the national IP environment in general. That was why we endorsed Phase I in document CDIP/3/INF/2, Annex V to help developing countries and LDCs to establish national IP institutions.

With regard to Phase II the EU and its Member States can support the continuation of the project. We believe that the establishment of national IP Academies would enable the 6 appointed Member States to further increase IP capacity building in their countries.

An important part, however, of this project is the follow-up measures by the various countries. Without continued efforts by the countries after the closure of the project to maintain the achievements reached by the project, e.g. the training centers, the resources already spent might be wasted and would inevitably create no incentive for CDIP entering into these kinds of projects. The issue of project sustainability is pointed out in the Report on the independent evaluation of Phase I in doc CDIP/9/6 and we fully support the remarks in the recommendations on this issue.

The EU and its MS therefore support the suggested Cooperation Agreements to be signed with the requesting Member States on commitments to continuing operating national training centers. In this regard we would like to know from the secretariat how it intends to evaluate the future measures and outcome of the operations carried out by the national training centers. Further we would like to know to what extent the Secretariat has incorporated into this project on Phase II the conclusions and recommendations set out in the independent report on Phase I.

Thank you, Mr. Chairman

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# COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY

9<sup>th</sup> Session

(WIPO, Geneva, 9-11 May 2012)

Statement by the EU and its Member States on

Work Program on Flexibilities in the Intellectual Property System

New elements proposed at CDIP 8

Doc CDIP/9/11

Mr. Chairman,

The EU and its Member States welcome the proposed new elements with regard to Flexibilities in the Intellectual Property System contained in doc CDIP/9/11. We believe that the proposals may serve as an important input to the role of WIPO to provide to countries legal and technical assistance within the intellectual property system. We find that the proposals contain a number of specialized activities that would increase the knowledge on how to implement flexibilities in national IP systems and how to successfully incorporate them in national practices.

In developing new activities in this area, it is important to keep in mind the role of WIPO regarding legal and technical assistance. New activities should be within scope and avoid duplication of existing work.

Regarding a technical and legislative assistance toolkit we find that this might be helpful in many countries in implementing flexibilities. The advantages would depend on the level of the substantial details provided in respect of the technical and legal elements of such toolkit. However, depending on the level of details, Member States may have different views on the implementation of the individual flexibilities. We therefore believe it would be necessary before agreeing to the development of a toolkit to have some clear indications on the technical and legal elements.

We find that accumulation of, e.g. a webpage of court decisions, examples of best practices, WIPO Academy training materials and other available materials would be most welcome. With regard to developing case studies we would rather see this as a specific project based activity and would be open to discuss such a project.

With regard to organizing further national and regional seminars, including national seminars on TRIPS flexibilities, the EU and its Member States consider that information activities concerning flexibilities generally fall within the existing activities of WIPO concerning legal and technical assistance to countries. However, we are open to further consider this, in particular in the format of a special project.

To avoid duplication of previous and future activities both within WIPO and in other organizations, further consideration is needed before preparing additional studies on patent related flexibilities or before extending the work on flexibilities to other areas of IP contained in the TRIPS agreement.

Thank you, Mr. Chairman

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**COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY**

**9<sup>th</sup> Session**

**(WIPO, Geneva, 9-11 May 2012)**

**Statement by the EU and its Member States on**

**Director General's Report on Implementation of the Development Agenda**

**CDIP/9/2**

Mr. Chairman,

The EU and its Member States would like to thank the Director General for his report on the Implementation of the Development Agenda contained in doc 9/2. This report gives a comprehensive assessment of the work carried out by WIPO in 2011 in implementing the DA. We have taken note of all the activities included in the report and welcome the efforts made by the Director General and his staff in achieving the goals for the preceding year as set out by the Member States of WIPO.

The EU and its Member States are looking forward to continuing the work within this Committee and other relevant WIPO bodies to further consolidate the Development Agenda along with the overarching issue of intellectual property protection.

Thank you, Mr. Chairman

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**COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY**

**9<sup>th</sup> Session**

**(WIPO, Geneva, 9-11 May 2012)**

**Statement by the EU and its Member States on**

**Strengthening and Development of the Audiovisual Sector in Burkina Faso  
and certain African countries**

**CDIP/9/13**

Mr. Chairman,

The EU and its Member States find the project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and certain African countries in doc CDIP/9/13 both interesting and promising. In this regard, we would like to thank the organizers of the side event on Tuesday for a very fine presentation on this issue.

We are aware of the challenges that the African audiovisual sector is faced with. We therefore support the objectives of the project with respect to enhance the use of the intellectual property system for the financing, production and distribution of audiovisual works and to advance the development of an effective and balanced framework and infrastructure for the exercise and management of IP rights-based transactions in the audiovisual sector.

We find that the project has a potential with regard to help the audiovisual sector in several countries in Africa and that the main focus group of beneficiaries may be able to profit from the project. In particular it is our hope that the development of a distant learning program on copyright and related rights for the audiovisual industry will become both practical and useful in the future also to others than those who are addressed directly by this project.

In so far this project is adopted we are keen to know which two other African countries that may be part of the project.

Thank you, Mr. Chairman

# COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY

9<sup>th</sup> Session

(WIPO, Geneva, 9-11 May 2012)

Statement by the EU and its Member States on

**CDIP New Agenda Item on Intellectual Property and Development**

Mr. Chairman,

The EU and its Member States would like to reiterate its position expressed at earlier CDIP sessions concerning the creation of a new standing agenda item on Intellectual Property and Development. We are still of the view that the core objective of this Committee is to discuss exactly IP and development. Therefore we see no purpose in adding an item on the agenda with the precise same objective and which would only repeat the title of the Committee. Having said that, we would like to emphasize that we are always open to discuss specific agenda items related to individual issues in respect of Intellectual Property and Development.

In view of the above, the EU and its Member States see no need to introduce such a new standing agenda item.

Thank you, Mr. Chairman

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