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Delegations will find in Annex the EU/Member States' statements as delivered at the above mentioned Committee meeting.

COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY

18th Session

WIPO, Geneva, 31 October – 4 November 2016

Opening Statement

Mr. Chairman,

I am speaking on behalf of the European Union and its Member States.

At the outset, we would like to thank the WIPO Secretariat for preparing the meeting, in particular as regards the supporting documentation for such a wide range of issues.

It's clear we have a sizeable agenda in front of us, which will require intensive work, much cooperation and flexibility to ensure that we complete everything within the time constraints and under your able guidance, Mr. Chair. The agenda not only continues with the previous work but also consists of new interesting documents to be discussed in the course of this week too. Accordingly, we call on you Chairman to ensure our work is completed within the planned timeframe.

The EU and its Member States would like also to underline that we take note of the General Assembly's decision this year which approved the request by the Committee to allow it to continue the discussion on the "implementation of the CDIP mandate" and the "implementation of the Coordination Mechanisms".

Following various issues in the agenda, the EU and its Member States welcome the submission of the Report on the Independent Review of the Implementation of the DA Recommendations which can create solid basis for fruitful discussions.

At the same time, let me underline the revised proposal for a mechanism for updating the database on flexibilities, which now includes the financial implications.

Regarding the External Review of WIPO Technical Assistance in the Area of Cooperation for Development we welcome the agreement on the Spanish proposal consisting of 6 points while we stand ready to engage constructively in discussion about the technical assistance in the future and we would like to see a conclusion of the discussion related to this agenda item.

The EU and its Member States have come here this week with a firm commitment to continue working in a positive and cooperative manner and to fully engage into the discussions with the aim at reaching the benefit for all the delegations.

Thank you, Chairman.

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CDIP/ 18/2 Progress report

Chairman

The EU and its Member States would like to thank the WIPO Secretariat for the progress reports on the Implementation of the Development Agenda projects and recommendations contained in the document CDIP/18/2.

We also thank the WIPO Secretariat for the completion report on the pilot project on IP and Design Management for business development in developing and least developed countries, which has been carried out in two selected countries, namely Argentina and Morocco. The report mentions that 117 industrial designs have been filed or are in the process of filing as a result of the project, which is a very tangible outcome of the project.

The EU and its Member States welcome the information provided in the document, namely the used strategies and reached achievements, as well as detailed analysis of each project, because it demonstrates the significant work carried out by WIPO in implementing the Development Agenda as well as a strong engagement of the Director General and his staff in the process of continuous materialising the DA recommendations.

Thank you.

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CDIP/18/3 International Conference on IP Development

Mr Chair,

The EU and its MS welcome the international conference on IP and development held in April 2016, and we thank the WIPO secretariat for the preparation of the factual report contained in document CDIP/18/3. The conference offered very interesting presentations of speakers coming from different countries, having a different professional background and addressing a wide range of topics such as patents, access to medicines or copyright.

All the presentations and information provided us with a good overview, as well as a better look inside various topics. The discussion focused on social, economic and cultural aspects of the role of IP, and at the same time the current challenges and future challenges of IP systems were addressed.

We very much appreciated the side events and case studies presented, which demonstrated the role IP can play in spurring innovation and creativity worldwide. All in all, the conference emphasized the application and exploitation of IP in different areas and the necessity for raising the awareness about IP. In conclusion, the conference demonstrated that each state is capable of designing its own IP regime in compliance with national conditions and specificities.

Thank you.

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CDIP/18/7 Report on the Independent Review of the Implementation of the DA

Mr. Chairman,

The EU and its Member States would like to thank the reviewers for the Report on the Independent Review of the Implementation of the DA Recommendations contained in the document CDIP/18/7.

We welcome that the Review Team examined among others the manner and extent under which the DA Recommendations have already been implemented and to which they have been mainstreamed into WIPO's regular activities, including the work of different WIPO bodies, and in particular the CDIP.

We highly appreciate the fact that many field visits took place to gather all the relevant data for the final report.

At the same, we noted that recommendations can have influence not only on challenges being faced by the IP system and cooperation with other UN agencies, but also on the use of human and financial resources, on the new or on-going projects and activities adopted by the CDIP or WIPO as such. It would be appropriate to also consider how the recommendations can be practically implemented.

Therefore, we are looking forward to the discussions about the report.

Thank you.

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CDIP/18/4 Compilation of MS inputs on SDGs relevant to WIPO work

Chairman,

The EU and its Member States thank the secretariat for the compilation of member states input on SDGs relevant to WIPOs work. On one hand we thank the delegations that sent their inputs but on the other hand we believe that we should take into account opinions of more Member States and despite the cross-cutting character of SDGs we should focus on SDGs that are directly relevant to WIPO`s mandate as defined in the Art 3 of the WIPO Convention .

The EU and its Member States are strongly committed to the SDGs, which have led many of our discussions. The SDGs are as important and relevant to developed as for developing Countries. Let me just to point out that the EU and its MS continue also in 2015 to be the world`s largest provider of official development assistance with €68 billion.

In order for WIPO's support to be more centric and effective, WIPO needs to focus on those SDGs and targets which are of greatest relevance to WIPO`s work and its mandate to promote the protection of IP throughout the world through cooperation among States and, where appropriate, in collaboration with other international bodies and organizations.

Taking this, as well as the mapping exercise (CDIP/17/8) into account, we continue to believe that the work of WIPO is most relevant to the implementation of SDG 9 (“Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation”) and SDG 17 (“Strengthen the means of implementation and revitalize the global partnership for sustainable development”).

Finally, we would like to reiterate that the overall achievement of the SDGs relating to innovation and technology depends primarily on a member state and its responsibility for its own economic and social development.

Thank you.

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CDIP/18/5 Revised Proposal for a Mechanism for Updating the Database on Flexibilities

Chairman,

The EU and its Member States would like to thank the WIPO Secretariat for the revised proposal for a mechanism for updating the database on flexibilities, which now includes the financial implications of two previous options and also a third option created on the request of Member States.

In order for the database to serve its purpose, it is necessary that it is being kept up to date, is accessible, and contains accurate and factual information. The flexibilities presented in the document should be seen as an overview of options exercised by Member States under the objective of transparency and exchange of national experiences.

The EU and its Member States wish to underline that interpretation of TRIPS flexibilities is clearly outside our mandate.

Taking the financial implications and the intensity by which the information in the database is being consulted, which currently has a modest use and low rate of visitors, into account, we prefer the option 1 proposed by the Secretariat. Contrary to option 2 and 3, option 1 poses a realistic and proportionate burden on the limited resources in the Secretariat.

We would like to support the notion in the document that a new field with updates by member states clearly states that the provisions have not been examined by the Secretariat to verify their conformity with the flexibility under reference.

Thank you.

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CDIP/18/6 rev. Compilation of MS inputs on activities relating to Technology Transfer

Chairman,

The EU and its Member States welcome the efforts of the Secretariat to further elaborate on the previous mapping of existing WIPO activities related to Technology Transfer and to compile the member states inputs on activities related to technology transfer, as presented in document CDIP/18/6 Rev.

We take a positive note of the proposal of South Africa, but we would like to see some concrete elements to be further elaborated [by the Secretariat, for example the budgetary implications for undertaking such a project in one of more MS and a gap analysis.

Our support goes to the Joint proposal of the US, Australia and Canada.

The proposed activities such as:

- WIPO roadmap on the promotion of awareness of existing WIPO resources in the area of technology transfer,
- promotion of the usage of the web forum established under the “Project on Intellectual Property and Technology Transfer”; and
- the gap analysis of WIPO’s existing technology transfer-related services and activities as part of Committee’s future work under this agenda item

will pave the way to better understanding and more efficient use of existing resources.

At the same time, the proposal for a mapping exercise of initiatives and activities currently taking place on technology transfer in other international fora with comparison to WIPO’s engagement in this field can be considered and can serve as a basis for further discussion at next sessions of CDIP.

Mr. Chair, the EU and its Member States would like to reiterate that all the proposed activities stated in the above mentioned joint proposal could help to improve and better inform CDIP's work on this important issue.

Thank you.

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CDIP/18/10 GA decision on CDIP related matters

Chairman,

I am speaking on behalf of the EU and its Member States.

Referring to the recent General Assembly decision, the CDIP has been mandated to discuss IP and Development and has been allowed to continue the discussion on the implementation of the CDIP mandate and the implementation of the Coordination Mechanism during this and the following session. We would like to emphasize that we have already witnessed many discussions about the Coordination Mechanism and we believe that CDIP is the primary and the most relevant body to deal with this issue. CDIP should not instruct the other WIPO Committees that already have the possibility to report about their activities connected with development.

Looking at this week's agenda, we note that it features a broad range of topics. We will discuss progress reports, evaluation reports and reviews, technical assistance provided by WIPO, as well as WIPO and its contribution to the implementation of the SDG's.

We are of the view that the CDIP has been successful in addressing a broad range of development-related issues, and that the CDIP has thus fully delivered on its mandate.

Consequently, we are convinced that the proposal mentioned to have a standing agenda item on the development is not needed in order to achieve the aim of having this committee deal with IP and development issues and the implementation of the Development Agenda within WIPO bodies.

Thank you Chairman.

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CDIP/16/6, CDIP/9/16 and CDIP/8/INF/1, An External Review of the WIPO Technical Assistance in the Area of Cooperation for Development

Chairman,

I am speaking on behalf of the EU & its Member States.

We welcome the overall consent finally reached on the basis of the revised Spanish proposal during the previous meeting of Committee as a significant step forward in closing the discussions on the Deere Roca report.

As we already expressed, we have devoted many sessions and hours to discussing the Deere Roca report from 2011, the subsequent management response and contributions from Member States and regional groups. Therefore, we are of the opinion that the revised Spanish proposal containing six points is the best agreement we were able to reach. On one hand we would like to see its formal adoption and a conclusion of the discussion related to this agenda item, but on the other hand we stand ready to engage constructively in discussion about the technical assistance in the future.

Now, there is a time to start looking ahead and focusing our energy and attention on the Independent Review of the Development Agenda recommendations.

Thank you Chairman.
