

DOWNLOAD PDF THE WIPO DEVELOPMENT AGENDA AND ITS DEVELOPMENT POLICY CONTEXT

Chapter 1 : The 45 Adopted Recommendations under the WIPO Development Agenda

My introduction places the WIPO Development Agenda in the context of evolving development policy generally, discusses the Agenda's principal provisions, and summarizes the varied contributions to the book.

Table of contents for The development agenda: Bibliographic record and links to related information available from the Library of Congress catalog. Contents data are machine generated based on pre-publication provided by the publisher. Contents may have variations from the printed book or be incomplete or contain other coding. Where Does it Stand? Chapter 3 Daniel J. A Cautionary Note IV. Intellectual Property and Development: Cultural Industries Chapter 14 Diana V. Bernt Hugenholtz and Ruth L. Okekiji, Contours of an International Instrument on Limitations and Exceptions Preface and Acknowledgements Neil Weinstock Netanel Do broad, universal intellectual property rights bring the benefits of innovation, creativity, technical know-how, and foreign investment to developing countries? The debate over such questions has raged for decades, among scholars and diplomats, lawmakers and policy makers, nongovernmental organizations and international agencies, IP industries and development policy analysts. In particular, countries have tussled over the IP and development issue within the international treaty arena. If so, this book, a collection of essays about the complex issues that underlie the Development Agenda and what the Agenda might portend, has been a part of that history in the making. The debate over IP and development has often been infused with ideological fervor. It has pitted a faith in the efficacy of markets against a belief in government as guarantor of social welfare. It has held a belief in the rights of authors and inventors to the fruits of their intellectual creations against the view that access to knowledge and invention is a fundamental human right. Indeed, for better or for worse, WIPO itself has been animated by a fervent belief in intellectual property rights. In English, it reads: The Development Agenda does not erase that marble inscription. Nor does it deny the value of creative arts and invention. But it does insist that intellectual property law be placed in the service of development. And, as such, it calls for a nuanced account of how intellectual property law actually operates in developing countries. It recognizes, and demands that WIPO recognize, that creativity and innovation require access to existing knowledge and that a robust public domain can be no less crucial to development than are intellectual property rights. It thus insists that countries have the flexibility to fashion intellectual property law in line with their level of development and the shape of their indigenous industries. It is in that spirit that this book presents a granular, multi- disciplinary study of how and when intellectual property rights promote - or impede - development. This book would not have been possible without the generous support of the Ann C. I am very grateful for their support. She has been responsible for research and policy analysis on topics relating to investment and its development impact, for the World Investment Report, Investment Policy Reviews and other publications. Recently she has been directing research on the impact of foreign investment in tourism, with a particular focus on human capital and knowledge creation and its transfer through the international tourism value chain. Her PhD in Economics Uni. Cambridge modelled the effects of competition between the public and private sectors in the provision of mixed and public goods and services, with an application to broadcasting. She also holds degrees in economics and political science from the University of Auckland. Professor Barton has devoted his academic career to the examination of questions at the intersection of science and the law. A fellow of the American Association for the Advancement of Science, an honor rarely bestowed upon a law professor, Professor Barton has focused his scholarship on international law concerns ranging from national defense to issues surrounding the distribution of intellectual property across the developed and undeveloped world. His current work involves the study of the transfer of technologies, including vaccines and steel, between scientifically sophisticated and developing nations, and the development of a political theory of international organization and globalization. Professor Barton has chaired or been a member of more than a dozen academic and international advisory commissions, most recently heading up the International Commission on Intellectual Property Rights. His research interests are law and technology, intellectual

DOWNLOAD PDF THE WIPO DEVELOPMENT AGENDA AND ITS DEVELOPMENT POLICY CONTEXT

property and privacy law. He published extensively in the US, UK, Europe and Israel on these issues and especially the research focuses on the relationship between copyright law and free speech. Birnhack is a member of the Israeli Public Council for the Protection of Privacy, served in a Ministry of Justice committee on data protection, and advised several public agencies on matters of online journalistic ethics, web-access in public libraries, and patent law. Building on prior Foundation-funded work to reform international markets and institutions in trade and finance, this portfolio will support new thinking and action designed to bring about a global institutional architecture that promotes economic security while addressing poverty in the developing world. Previously to this appointment, Dr. He also served as one of the two Coordinators of the Ford Foundation-funded Research and Learning Network on Globalization and Development, initiated in Professor Correa is the author of several books and numerous articles on law and economics, particularly on investment, technology and intellectual property. His recent publications include work on intellectual property and international trade; integrating public health. Professor Correa served as Under-Secretary of State for Informatics and Development in the Argentine national government from to During that period he was co-ordinator of the Inter-ministerial Group on Intellectual Property. He was also, from to, an Argentinian government delegate in international negotiations on intellectual property including the Washington Treaty on integrated circuits and the TRIPS Agreement. Professor Correa has been a consultant to several regional and international organizations in different areas of law and economics. Carolyn Deere, Oxford University Carolyn Deere is a Senior Researcher at the Global Economic Governance Programme at the University of Oxford where she leads research on the governance of the world trading system, developing countries and sustainable development. Before moving to Europe, Dr. Deere served for four years as the Assistant Director of the Global Inclusion Programme at the Rockefeller Foundation in New York where she was responsible for grant making on intellectual property, trade and sustainable development. During this time, Dr. Prior to moving to the Rockefeller Foundation, Dr. Deere worked in Washington, D. She is the co-editor with Dan Esty of Greening the Americas: She is of joint Australian and British nationality. In, in joined the World Intellectual Property Organization and was promoted the following year to Head of the Copyright Projects Section, where he prepared WIPO studies and international meetings on the impact of digital technology on copyright and neighbouring rights. Gervais joined the Faculty of Law of the University of Ottawa in Gervais has published several peer-reviewed articles, in six languages, on various intellectual property topics. He is also an adjunct judge at the Court of Appeals in Arnhem Netherlands. Professor Hugenholtz has written numerous books, studies and articles focussing on topics involving copyright and information technology, notably on the protection of databases, on copyright problems relating to the digital networked environment and on copyright contract law. Professor Hugenholtz received his doctorate cum laude from the University of Amsterdam. Publications include journal articles on the economics of law and legal systems, intellectual property rights, antitrust, and technology. Her recent book, The Democratization of Invention: His writing focuses on innovation in high tech sectors, intellectual property rights systems, mobility of knowledge workers, and patterns of knowledge diffusion. He has been a visiting senior economist at the U. He was the editor of The World Economy: Maskus received his Ph. He has written extensively about various aspects of international trade, including empirical testing of trade models and determinants of foreign direct investment. His current research focuses on the international economic aspects of protecting intellectual property rights. Professor Montobbio earned his PhD in Economics in at the University of Manchester, where he wrote his dissertation on technological spillovers and structural change. Since then, his research interests have extended to the economics of patents, university technology transfer, the new economics of science and, finally, technology and development. His teaching centres upon two main disciplinary areas: In that capacity, Mr. He also takes part in the negotiations on patents, copyrights and biodiversity at the World Organization on Intellectual Property, biodiversity and intellectual property at the World Trade Organization, as well as in the negotiations on intellectual property, access and benefits sharing, at the Convention on Biological Diversity. Comparative and International Analyses J. Suthersanen, eds, Oxford University Press, Professor Netanel received his

DOWNLOAD PDF THE WIPO DEVELOPMENT AGENDA AND ITS DEVELOPMENT POLICY CONTEXT

undergraduate degree from Yale University and his graduate degrees J. Okediji is the William L. She is a leading expert on the international intellectual property system. Her research and scholarship focus particularly on development issues in the global economic regulatory framework. Professor Okediji teaches a variety of Intellectual Property classes, including a seminar on International Intellectual Property. Professor Okediji has served as a consultant to various U. She holds an LL. B from the University of Jos, and LL. Professor Orsenigo has been involved in advisory activities on issues related to industrial policies, science and technology policies and regional planning for various national and international institutions. His main research fields are in the areas of the economics of innovation, industrial dynamics and evolutionary theory, both theoretically and empirically. Professor Orsenigo is the author of *The Emergence of Biotechnology*. He obtained his Ph. She received her undergraduate degree in Economics, master degree in Statistics, and doctorate in Economics from Harvard University. Her research interests include intellectual property rights, innovation and international trade, and foreign direct investment. She lectures and conducts research on the knowledge economy, its relation to economic theory and to human development, with special emphasis on the realities of developing countries, implications, potential and challenges involved. Of particular interest is the role of Information and Communication Technology ICT as a driver for economic development and the opportunities offered to developing countries in the information age. She has done extensive work on the assessment of e-readiness of small and medium enterprises in Egypt and the potential of ICTs for empowering and raising the productivity of firms in the digital economy. Recently she has been working on issues related to the economics of Access to knowledge A2K. Specifically, her current research projects focus on open source software and intellectual property rights in the music industry. His work has focused on international aspects of transfer of technology, intellectual property and foreign direct investment. He is the author of articles and books and responsible for a number of United Nations related publications.

DOWNLOAD PDF THE WIPO DEVELOPMENT AGENDA AND ITS DEVELOPMENT POLICY CONTEXT

Chapter 2 : WIPO Explains Its Role In Sustainable Development Goals And The UN - Intellectual Property

Yet despite its powerful symbolic message, the full extent of the Development Agenda's actual impact on the ground, both within WIPO and without, remains to be seen. This chapter places the WIPO Development Agenda in the context of evolving development policy generally, discusses the Agenda's principal provisions, and summarizes the.

Click to print Opens in new window IP-Watch is a non-profit independent news service and depends on subscriptions. To access all of our content, please subscribe here. You may also offer additional support with your subscription, or donate. The World Intellectual Property Organization is a successful United Nations agency if success is measured by its generated income and the number of international registrations of intellectual property titles. However, in its role as a norm-setting United Nations agency, the organisation has been struggling for the past year as member countries have quite a different view on its core objectives. Other international instruments are in the making, however, agreement remains elusive, even on a procedural treaty on the registration of industrial designs, thought to be within reach. The firmer grip on positions, which have hardly changed in the last years, appears to be linked to underlying broader political issues impacting discussions, according to sources interviewed by Intellectual Property Watch. Current candidate treaties are a treaty on industrial designs, a treaty on the protection of broadcasting organisations and one or several instruments on the protection of genetic resources, traditional knowledge and folklore. The potential treaty on industrial designs seems to be stumbling over the issue of technical assistance, not that anybody is challenging the importance of such assistance, but rather how to address technical assistance in the context of the treaty. In particular, the United States has been firm in its preference to have a resolution attached to the treaty rather than in the treaty and the African Group has been equally firm in insisting that an article on technical assistance be part of the body of the treaty IPW, WIPO, 10 May The treaty on industrial designs is generally seen by developing countries as primarily serving the interests of developed country applicants, and developed countries as being the demandeurs. On the other hand, the potential treaty or treaties on the protection of genetic resources, traditional knowledge, and folklore is seeking to address issues facing mostly developing countries. The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore IGC , after more than ten years of discussions, has achieved draft texts but with diverse opinions on their degree of readiness for a final high-level treaty negotiation. Some developing countries say that their main issue is with illegal retransmission of radio signals as they only have a very limited area covered by internet. More contentious in the same Standing Committee on Copyright and Related Rights SCCR , is the issue of exceptions and limitations to copyright in favour of libraries, education, and research for the benefit of developing countries, with developed countries reluctant to enter into discussing such exceptions in the context of a new treaty. The Development Agenda Group DAG , which is a group of countries which came together after the Development Agenda was adopted, regularly asks that an agenda item on how some committees implement the Development Agenda be added. Same Divide but Some Nuances A few years back, it seemed the discussions could be mainly characterised by the divide between developed and developing countries. According to several sources, some countries appear to be defending their interests in a stronger way than before. For example, it has been noted that the African Group this year in some committees has kept to a more inflexible stance than other developing countries such as the Group of Latin American and Caribbean countries, or the Asia and Pacific Group except India. In the same manner, on some issues, the European Union too has positioned itself with more pugnacity, while some countries such as Australia and Switzerland appear to have a more flexible approach on certain issues. Another developing country source told Intellectual Property Watch that developed countries were solely interested in protecting intellectual property rights and enforcing them. However, the source said, developing countries do not have the capacities to copy highly technical goods. They do not have the trained professionals or the infrastructure. Most developing countries are not a market for luxury goods, he added. Counterfeit products do not compete with the original

DOWNLOAD PDF THE WIPO DEVELOPMENT AGENDA AND ITS DEVELOPMENT POLICY CONTEXT

product in those countries where nobody could afford the genuine articles. The way to implement it in WIPO cannot only be based on projects, he said, referring to the Committee on Intellectual Property and Development CDIP which was created at the same time as the Development Agenda was adopted with a view to implement the 45 recommendations. Developing countries have been saying for a number of years that the definition of development expenditures in the budget is too broad and includes items not directly related to development IPW, WIPO, 15 September According to the developing country source, the only two issues of interest to developed countries in the current WIPO norm-setting activities are the design law and the broadcasting treaties. There is a risk that if those two treaties are adopted, developed countries will be in a strong position and have little interest in pursuing other treaties such as in the IGC, the source said. According to the source, the Development Agenda is a dialectical and political tool. The inclusion of the Coordination Mechanism requiring reporting on development activities in technical committees has given way to a rhetorical discussion, but is only a discussion among a limited number of countries, the source said. Another developed country source said the disagreement in committees is the visible tip of the iceberg. The WIPO normative agenda is very ambitious and it has been very successful, the source said, adding that this success has induced high expectations. Other issues, which are not the main focus of committees, have been discussed informally, such as the governance of the organisation and the opening of new external WIPO offices in the regions. On this last point, according to the developing country source, the main reason to oppose the opening of WIPO external offices is the fear that the focus would be shifted from developed to developing countries. The challenge lies in the fact that developed countries want a cap, a finite number for external offices, he added. The solution, he said, is not in guidelines but depends on political decisions. Guidelines are useful but will not solve the number problem. Barely affected by the global economic crisis, the organisation shows ever-increasing patent, trademark and industrial design filings IPW, WIPO, 13 March

DOWNLOAD PDF THE WIPO DEVELOPMENT AGENDA AND ITS DEVELOPMENT POLICY CONTEXT

Chapter 3 : WIPO Development Agenda - Oxford Scholarship

The WIPO Development Agenda ensures that development considerations form an integral part of WIPO's work. The effective implementation of the Development Agenda, including the mainstreaming of its recommendations into our substantive programs, is a key priority.

WIPO technical assistance shall be, inter alia, development-oriented, demand-driven and transparent, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion. In this regard, design, delivery mechanisms and evaluation processes of technical assistance programs should be country specific. Provide additional assistance to WIPO through donor funding, and establish Trust-Funds or other voluntary funds within WIPO specifically for LDCs, while continuing to accord high priority to finance activities in Africa through budgetary and extra-budgetary resources, to promote, inter alia, the legal, commercial, cultural, and economic exploitation of intellectual property in these countries. Place particular emphasis on the needs of small and medium-sized enterprises SMEs and institutions dealing with scientific research and cultural industries and assist Member States, at their request, in setting-up appropriate national strategies in the field of intellectual property. WIPO shall display general information on all technical assistance activities on its website, and shall provide, on request from Member States, details of specific activities, with the consent of the Member States and other recipients concerned, for which the activity was implemented. Promote measures that will help countries deal with intellectual property-related anti-competitive practices, by providing technical cooperation to developing countries, especially LDCs, at their request, in order to better understand the interface between IPRs and competition policies. Request WIPO to develop agreements with research institutions and with private enterprises with a view to facilitating the national offices of developing countries, especially LDCs, as well as their regional and sub-regional intellectual property organizations to access specialized databases for the purposes of patent searches. Request WIPO to create, in coordination with Member States, a database to match specific intellectual property-related development needs with available resources, thereby expanding the scope of its technical assistance programs, aimed at bridging the digital divide. This technical assistance should also be extended to sub-regional and regional organizations dealing with intellectual property. In its activities, including norm-setting, WIPO should take into account the flexibilities in international intellectual property agreements, especially those which are of interest to developing countries and LDCs. To urge the IGC to accelerate the process on the protection of genetic resources, traditional knowledge and folklore, without prejudice to any outcome, including the possible development of an international instrument or instruments. WIPO shall conduct informal, open and balanced consultations, as appropriate, prior to any new norm-setting activities, through a member-driven process, promoting the participation of experts from Member States, particularly developing countries and LDCs. To consider how to better promote pro-competitive intellectual property licensing practices, particularly with a view to fostering creativity, innovation and the transfer and dissemination of technology to interested countries, in particular developing countries and LDCs. To explore intellectual property-related policies and initiatives necessary to promote the transfer and dissemination of technology, to the benefit of developing countries and to take appropriate measures to enable developing countries to fully understand and benefit from different provisions, pertaining to flexibilities provided for in international agreements, as appropriate. To encourage Member States, especially developed countries, to urge their research and scientific institutions to enhance cooperation and exchange with research and development institutions in developing countries, especially LDCs. Facilitating intellectual property-related aspects of ICT for growth and development: Provide for, in an appropriate WIPO body, discussions focused on the importance of intellectual property-related aspects of ICT, and its role in economic and cultural development, with specific attention focused on assisting Member States to identify practical intellectual property-related

DOWNLOAD PDF THE WIPO DEVELOPMENT AGENDA AND ITS DEVELOPMENT POLICY CONTEXT

strategies to use ICT for economic, social and cultural development. To explore supportive intellectual property -related policies and measures Member States, especially developed countries, could adopt for promoting transfer and dissemination of technology to developing countries. To include discussions on intellectual property -related technology transfer issues within the mandate of an appropriate WIPO body. WIPO should cooperate with other IGOs to provide to developing countries, including LDCs, upon request, advice on how to gain access to and make use of intellectual property-related information on technology, particularly in areas of special interest to the requesting parties. To undertake initiatives agreed by Member States, which contribute to transfer of technology to developing countries, such as requesting WIPO to facilitate better access to publicly available patent information. To have within WIPO opportunity for exchange of national and regional experiences and information on the links between IPRs and competition policies. Assessment, Evaluation and Impact Studies To request WIPO to develop an effective yearly review and evaluation mechanism for the assessment of all its development-oriented activities, including those related to technical assistance, establishing for that purpose specific indicators and benchmarks, where appropriate. With a view to assisting Member States in creating substantial national programs, to request WIPO to conduct a study on constraints to intellectual property protection in the informal economy, including the tangible costs and benefits of intellectual property protection in particular in relation to generation of employment. To request WIPO to undertake, upon request of Member States, new studies to assess the economic, social and cultural impact of the use of intellectual property systems in these States. To exchange experiences on open collaborative projects such as the Human Genome Project as well as on intellectual property models. Upon request and as directed by Member States, WIPO may conduct studies on the protection of intellectual property, to identify the possible links and impacts between intellectual property and development. Institutional Matters including Mandate and Governance To request WIPO, within its core competence and mission, to assist developing countries, especially African countries, in cooperation with relevant international organizations, by conducting studies on brain drain and make recommendations accordingly. To conduct a review of current WIPO technical assistance activities in the area of cooperation and development. To enhance measures that ensure wide participation of civil society at large in WIPO activities in accordance with its criteria regarding NGO acceptance and accreditation, keeping the issue under review. Where such meetings are to take place outside of Geneva, Member States shall be informed through official channels, well in advance, and consulted on the draft agenda and program.

DOWNLOAD PDF THE WIPO DEVELOPMENT AGENDA AND ITS DEVELOPMENT POLICY CONTEXT

Chapter 4 : WIPO Patent Landscape Reports - United Nations Partnerships for SDGs platform

The newly adopted World Intellectual Property Organization (WIPO) Development Agenda presents a real opportunity to revolutionize the international governance of intellectual property law and policy.

Additional Information In lieu of an abstract, here is a brief excerpt of the content: Impact assessment is an evaluative tool that is designed to determine the consequences of an intervention. This chapter offers a conceptual and methodological framework for a development impact assessment in the context of intellectual property IP: To request WIPO to undertake, upon request of Member States, new studies to assess the economic, social and cultural impact of the use of intellectual property systems in these States Upon request and as directed by Member States, WIPO may conduct studies on the protection of intellectual property, to identify the possible links and impacts between intellectual property and development. The other four recommendations will be subject to further study in the development of a work program implementing the Development Agenda. These four recommendations state: To request WIPO to develop an effective yearly review and evaluation mechanism for the assessment of all its development-oriented activities, including those related to technical assistance, establishing for that purpose specific indicators and benchmarks, where appropriate. With a view to assisting Member States in creating substantial national programs, to request WIPO to conduct a study on constraints to intellectual property protection in the informal economy, including the tangible costs and benefits of intellectual property protection in particular in relation to generation of employment To exchange experiences on open collaborative projects such as the Human Genome Project as well as on intellectual property models The aim of the economic impact assessment is to assess the overall impact of IP policy on development in a broad context, while the activity impact assessment seeks to assess whether, and to what extent, WIPO activities have contributed to development. The economic impact assessment is the most important among the three types of assessments. It assesses the effectiveness of IP as a policy instrument in the development policy milieu. Such an assessment, if effective , will allow policy makers to tune national laws and policies to better meet development challenges. In order to be useful, economic impact assessments should be country and sector specific. Additionally, economic impact assessments should allow WIPO to identify issues that can best be remedied through international regulation. A Framework for Impact Assessment 35 Relationship between the Three Categories of Assessment When conducting an activity impact assessment, for example, on technical assistance, a number of key issues should be addressed. From these questions, a number of quantitative indicators can be You are not currently authenticated. View freely available titles:

Chapter 5 : Table of contents for The development agenda: global intellectual property and developing countries

The 45 Adopted Recommendations under the WIPO Development Agenda. At the General Assembly, WIPO Member States adopted 45 recommendations (of the original proposals) made by the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA).

Chapter 6 : Introduction: The WIPO Development Agenda and Its Development Policy Context - Oxford Scholarship Online

World Intellectual Property Organization (WIPO) to be fully guided by the broad development goals that the UN has set for itself, in particular in the Millennium Development Goals.

Chapter 7 : Project MUSE - Implementing the World Intellectual Property Organization's Development Agenda

Introduction: The WIPO development agenda and its development policy context / Neil Weinstock Netanel--The

DOWNLOAD PDF THE WIPO DEVELOPMENT AGENDA AND ITS DEVELOPMENT POLICY CONTEXT

development agenda at WIPO: context and origins / Henrique Choer Moraes and Otavio Brandelli --TRIPS policy calibration and innovation displacement / Daniel J. Gervais--The WIPO development agenda in an historical and political.

Chapter 8 : Development Agenda for WIPO

27) Facilitating IP-related aspects of ICT for growth and development: Provide for, in an appropriate WIPO body, discussions focused on the importance of IP-related aspects of ICT, and its role in economic and cultural development, with specific attention focused on assisting Member States to identify practical IP-related strategies to use ICT.