

THE CONTRIBUTION OF
THE WORLD INTELLECTUAL PROPERTY ORGANIZATION
ON THE IMPLEMENTATION OF THE BRUSSELS PROGRAMME OF ACTION
FOR THE LEAST DEVELOPED COUNTRIES FROM 2001 TO 2005
AND ADDITIONAL ACTIVITIES

REPORT PREPARED AS INPUT FOR THE MID-TERM REVIEW MEETING

MARCH 2006

CONTENTS

	<u>Paragraphs</u>
I. INTRODUCTION	1 – 4
II. PROGRESS REPORT ON THE IMPLEMENTATION OF THE BRUSSELS PROGRAMME OF ACTION FOR THE LEAST DEVELOPED COUNTRIES	5 – 16
A. Human resources development.....	5 – 6
B. Information and communication technologies and office automation.....	7 – 8
C. Small and medium-sized enterprises	9
D. Genetic resources, traditional knowledge and cultural expressions (folklore).....	10 – 14
E. Collective management of copyright and related rights	15 – 16
III. PARTNERSHIP WITH DONOR COUNTRIES	17 – 25
A. Ministerial Conference on Intellectual Property for Least Developed Countries: Seoul, Republic of Korea	17 – 21
B. Training and Advisory Program on Intellectual Property for Least Developed Countries: Stockholm, Sweden	22 – 25
IV. COOPERATION BETWEEN THE WORLD TRADE ORGANIZATION AND THE WORLD INTELLECTUAL PROPERTY ORGANIZATION	26 – 32
V. PARTICIPATION IN MINISTERIAL MEETINGS OF THE LEAST DEVELOPED COUNTRIES	33 – 39
A. Twelfth Ministerial Meeting of the Least Developed Countries: Cotonou, Benin	33 – 35
B. Second Meeting of Least Developed Countries' Trade Ministers: Dhaka, Bangladesh	36 – 39
VI. NATIONAL EVENTS	40 – 51
A. National Conference on the Role of Invention and Innovation in the National Economic Development of Ethiopia: Challenges and Prospects	40 – 44

B.	Annual Forum on Intellectual Property: A Power Tool for Economic Growth (Khartoum, Sudan)	45 – 49
C.	Training session for Bangladesh.....	50 – 51
VII.	STUDIES	52 – 53
	Training manual: Exchanging Value: Negotiating Technology Licensing Agreements	52 – 53
VIII.	FUTURE CHALLENGES FOR BUILDING INTELLECTUAL PROPERTY INSTITUTIONS, AND CONCLUDING REMARKS	54 – 60

Boxes

Box 1	Information and communication technologies and office automation.....	page 6
Box 2	Establishment of collective management societies in LDCs	page 9
Box 3	Intellectual property advisory services and information centers	page 11
Box 4	Establishing a national intellectual property office – Ethiopia’s experience.....	page 15
Box 5	Inclusion of a national chapter for LDCs in the training manual, <i>Exchanging Value: Negotiating Technology Licensing Agreements</i>	page 17

ANNEXES

Annex I	WIPO technical assistance for LDCs in information and communication technologies and office automation
Annex II	WIPO technical assistance for LDCs from 2000 to 2005

I. INTRODUCTION

1. Capacity-building for the purpose of establishing intellectual property institutions to contribute to economic growth and to social and cultural development has become increasingly important to many Least Developed Countries (LDCs). The World Intellectual Property Organization (WIPO) is responding to this challenge in a systematic way. Since 1999, it has been paying special attention to LDCs – countries that have been regarded as structurally disadvantaged in their development and in need of most assistance and support from the international community.
2. In response to the structural weaknesses in the socio-economic conditions and intellectual property infrastructure in LDCs, WIPO pays special attention to the implementation of its “deliverables for LDCs”, periodically assessing their implementation, verifying their impact, drawing attention to related structural problems and thereby highlighting areas in need of further consideration.
3. At the Third United Nations Conference on the Least Developed Countries held in Brussels, in May 2001, Members States agreed on five deliverables to be implemented by WIPO during the current decade. The implementation of the five WIPO deliverables and additional activities identified after the Conference have helped enhance the ability of public administrations and the private sector to formulate appropriate intellectual property policies and strengthen managerial and technical capacities so as to provide the service infrastructure for building up intellectual property institutions in LDCs.
4. In the light of the above, this report has been prepared as input to the mid-term review of the implementation of the United Nations Program of Action for the Least Developed Countries. The report covers the period from June 2001 to December 2005. It provides an overview of the major events and activities undertaken by WIPO in that period and their impact in the context of its mandate to implement the WIPO deliverables and other additional activities for LDCs.

II. PROGRESS REPORT ON THE IMPLEMENTATION OF THE BRUSSELS PROGRAMME OF ACTION FOR THE LEAST DEVELOPED COUNTRIES

A. Human resources development

5. The development of human resources has become a vital strategic component in efforts to modernize and use the intellectual property system effectively to enhance economic, social, and cultural development in LDCs. In this connection, WIPO, through its specially tailored programs, helps LDCs acquire the specialized knowledge and skills they need to take advantage of the intellectual property system. WIPO provides them with teaching, training, advisory and research services in the field of intellectual property. It also provides a forum where LDCs policymakers and decision-makers can debate the importance and implications of intellectual property in the economic and social development of their countries.

6. The human resources training activities provided by WIPO for LDCs from 2001 to 2005 can be summarized as follows:¹

(i) Professionals from a number of LDCs participated in the professional human resources training program;

(ii) Various officials from LDCs participated in policy development programs;

(iii) Officials from LDCs studied for the Master of Laws (LL.M.) in Intellectual Property at various universities;²

(iv) Various participants from LDCs completed the distance-learning “General course on intellectual property”. The course was offered in English, French and Spanish.

B. Information and communication technologies and office automation

7. Developments in information and communication technology have provided countries with better ways of tapping into the world’s knowledge and technology for products and services, and have afforded them better access to the relevant technical information. A particularly important aspect of technological innovation is the quest for new ways of accessing, capturing, processing and transmitting data electronically.

8. WIPO facilitated access by intellectual property offices (IPOs) in LDCs to intellectual property data and serves as a platform for the establishment of new services and further streamlining and automation of the basic business functions of intellectual property offices worldwide. A key feature of the network set up by WIPO is its ability to provide for secure end-to-end transmission of confidential intellectual property data. It generates significant efficiency gains for users of WIPO’s international registration services while at the same time giving them access to each other’s intellectual property information.

¹ For further details, please refer to Annex II

² The officials came from Myanmar, Nepal, Rwanda, Sri Lanka, Sudan and the United Republic of Tanzania.

Box 1

Information and communication technologies and office automation

1. To enable LDCs to better reap the benefits of global intellectual property information resources, WIPO, within the framework of its information technology (IT) infrastructure project, has assisted intellectual property offices in LDCs in modernizing their IT infrastructure. This assistance includes Internet connectivity, basic equipment, automation and software, including electronic data exchange services. Implementation of the project in LDCs commenced in June 2001, with Chad and Cambodia being the first to benefit from this assistance. As of December 2005, connectivity, services and equipment had been installed in 44 IPOs in 32 LDCs.³
2. The implementation of this project in LDCs led to: the establishment of a database on intellectual property that employees and other users can access via the Intranet; help to set up a single “virtual library” that links all research activities in the area of innovation located in institutions throughout the country; the creation and development of newsgroups so that teams can discuss projects and collaborate via the Web; assistance in publishing multimedia files on the Intranet, enabling LDCs to save on foreign exchange by reducing the costs previously incurred for printing documents, duplicating videocassettes and distributing marketing campaign materials among research collaborators; and the provision of access to information on research, seminars and institutional announcements for employees.

C. Small and medium-sized enterprises

9. Small and medium-sized enterprises (SMEs) are often the driving force behind invention and innovation in LDCs, but their innovative and creative capacity is not always fully exploited. Moreover, many SMEs are not sufficiently informed or are hesitant to seek protection for their inventions, brands and designs, and fail to take full advantage of the intellectual property system. In order to facilitate access to information on SMEs in LDCs, WIPO undertook the following activities:

(i) The commissioning of four national studies on intellectual property and SMEs, in Bhutan, Nepal, the United Republic of Tanzania and Sierra Leone. The studies aim to assess the use of the intellectual property system by SMEs in each country and to analyze the effectiveness of SME support institutions in providing intellectual property-related assistance to SMEs, as well as the impact of national policies on SMEs’ utilization of the intellectual property system;

³ For the list of LDCs that are beneficiaries of this deliverable refer to Annex I. Assistance under the project has been provided only to LDCs that are WIPO members. The LDCs that are not members of WIPO are the Maldives, the Solomon Islands, Tuvalu, Vanuatu and Timor-Leste.

(ii) The preparation of several joint publications with the International Trade Centre (ITC) and the International Labour Organization (ILO). These publications address the interests of SMEs in LDCs;

(iii) The preparation of a CD-ROM with the content of the SMEs website in six languages (Arabic, Chinese, English, French, Russian and Spanish). The CD-ROM has been distributed to all IPOs in LDCs;

(iv) The organization of national, sub-regional and regional seminars/workshops on intellectual property for SMEs. These were attended by representatives of SME associations, government focal points for SMEs, business consultants, entrepreneurs and investors from LDCs;

(v) The organization of a joint workshop, with ITC, at the Dakar Biennial (Dak' Art 2002) on "Contemporary African Art and the International Market." The focus of the workshop was to assist African artists and small enterprises in marketing their products in international markets. Particular attention was given to issues surrounding the intellectual property rights of artists and the importance of intellectual property for generating revenues from artistic works;

(vi) Participation in national workshops on the "Enhanced competitiveness of small and medium industries through application of new technologies" in Cambodia, the Lao People's Democratic Republic and Bangladesh.

D. Genetic resources, traditional knowledge and cultural expressions (folklore)

10. Traditional knowledge has provided the basis for much of modern medicine and the herbalist knowledge accumulated over centuries by travelers, clerics and historians. The traditional knowledge of indigenous and local communities has significant economic value in areas such as biotechnology (including medicine and agriculture), entertainment and education. It also provides a basis for the protection and conservation of biological diversity and the sharing of its benefits. LDCs are rich in genetic resources, traditional knowledge and expressions of folklore, which are an important part of their cultural and natural heritage.

11. WIPO's assistance to LDCs in this field has normative/policy development and capacity-building components. These two components are closely linked and cross-fertilize each other.

(i) Normative and policy development

12. LDCs benefit from the ongoing normative and policy development work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). The IGC provides a forum where policymakers and lawmakers in LDCs can exchange ideas and experiences as they make crucial decisions on the preservation, protection and promotion of this vital element of the national and community heritage. A number of LDCs have received assistance from WIPO that has enabled them to participate in the IGC sessions and in various national, sub-regional and regional seminars on genetic resources, traditional knowledge and cultural expressions (folklore).

(ii) *Capacity-building*

13. WIPO's capacity-building activities can be grouped as follows: specific workshops and meetings; expert and fact-finding missions; legislative drafting comments; practical guides; and awareness-raising publications.

14. Some examples of capacity-building are:

(a) The adoption by the Pacific Island LDCs of a regional *sui generis* model law on the protection of traditional cultural expressions. WIPO provided information, legislative drafting comments and advice in relation to the development of the model law. It is anticipated that other LDCs will gradually follow this example and build on this experience;

(b) A number of LDCs requested technical assistance, in the form of guidelines, model provisions and strategies, for more effective protection of traditional cultural expressions (TCEs) in their respective countries. Country-specific national studies on TCEs were subsequently started in Senegal in June 2004 and in Bangladesh in June 2005. The purpose of the studies is to enable Senegal and Bangladesh to develop and formulate appropriate national intellectual property strategies. The studies cover:

- Identification of TCEs and creation of inventories and registers;
- Documentation and/or recording of TCEs as part of an intellectual property strategy for economic growth and development; and
- Development of appropriate intellectual property strategies for their protection (such strategies may include "positive" and/or "defensive" protection).

E. Collective management of copyright and related rights

15. Collective management organizations are an important link between creators and users of copyrighted works because they ensure that as owners of rights, creators receive payment for the use of their works. To develop their talent and encourage them to create, individuals need incentives, including remuneration in return for permission to make use of their works. Collective management organizations most commonly take care of the right of public performance, the right of broadcasting, the right of cable distribution for musical, audiovisual or dramatic works, and the right of reprographic reproduction in the field of literary works, as well as related rights for performers and producers of phonograms.

16. Most LDCs have an abundance of talent in music and culture. They could easily translate this talent into a source of foreign exchange earnings. The music industry is a large component of the global trading system. Although LDCs lack the domestic expertise and business skills to bring music products to global markets, their cultural industries have grown faster than any other areas of economic activity. Within the cultural sector, the share of music has grown very fast, but without the protection of intellectual property there is little that can be done to stimulate artistic efforts and ensure rewards for artists. The assistance received from WIPO in this regard is crucial.

Box 2

Establishment of collective management societies in LDCs

1. The current work in LDCs in this area involves the progressive implementation of a number of activities. These are related to the development and improvement of legislation and the initiation of a mechanism for national, sub-regional and regional collective management organizations to start work to create and upgrade a set of collective management societies for copyright and related rights and link national societies of the LDCs, via the Internet, to a sub-regional or regional center so that the hardware, software, management and data resources required by each society may be shared with support services common to all the societies being served by the center.
2. Between June 2001 and the end of the year 2005, collective management societies for copyright and related rights were established in Chad, Guinea Bissau, Mozambique and the United Republic of Tanzania. Preliminary work on the establishment of regional collective management societies has also started in the Pacific Island LDCs. Work has also started on a review of the collective management society in Nepal. At a sub-regional ministerial consultation of west African copyright and related rights offices and societies that was held in Ouagadougou in December 2003 and organized jointly by the Governments of France and Burkina Faso, WIPO and the Confederation of International Society of Authors and Composers (CISAC), an agreement was signed (December 12, 2003) on networking and anti-piracy. The consultation was attended by seven LDCs, namely: Burkina Faso, Benin, Guinea Bissau, Guinea, Niger, Senegal and Togo. A similar meeting is planned to be organized towards the end of 2006 for southern African countries, which include a number of LDCs.
3. The impact of establishing collective management societies can be observed in many LDCs. Collective management societies cooperate with the ministries of culture and national intellectual property offices in the fight against piracy and the illegal copying of movies, videos and music cassettes. As a result of the establishment of collective management societies many artists, performers and writers benefited from the legal protection for their products, as a result of which their income increased. Collective management societies also contributed to the overall economic growth of LDCs through employment creation and income generation.

III. PARTNERSHIP WITH DONOR COUNTRIES

A Ministerial Conference on Intellectual Property for Least Developed Countries: Seoul, Republic of Korea

17. The Ministerial Conference on Intellectual Property for Least Developed Countries was organized by WIPO in cooperation with, and with the financial assistance of, the Government of the Republic of Korea. It was held in Seoul from October 25 to 27, 2004, to discuss the forward-looking theme of "Integrating intellectual property into national development policies of least developed countries", with a view to articulating policy and technical issues in the area of intellectual property in an era of the knowledge-based economy. The purpose of the conference was to provide ministers from LDCs and their senior officials with an opportunity

to exchange experiences in integrating intellectual property into national development policies and strategies for wealth creation. The last day of the conference was devoted to an on-site visit to two of the best-known Korean companies, Hyundai Motors and Samsung Electronics. The conference was attended by about 70 participants from 21 LDCs and representatives from different Korean organizations. Out of the 35 participants from LDCs, 13 were ministers and 22 were senior government officials.

18. Significant efforts have been made in various parts of the world, including in the Republic of Korea, to implement development strategies that encourage innovation and thus promote economic growth. With this in mind, two keynote speeches dealt with “Development policy and intellectual property” and “The Korean experience”. The keynote speeches were followed by a brief ministerial discussion and exchange of ideas.

19. Presentations were then made on the following three closely interrelated themes:

- (a) Enhancing strategic partnerships and public-private sector cooperation for using intellectual property for development cooperation;
- (b) The economics of intellectual property; and
- (c) Intellectual property and public policy.

20. In the discussions following each of the presentations, ministers recognized that intellectual property protection was having an increasing impact on LDCs’ technological, socio-economic, cultural and social progress and that the protection of intellectual property rights would contribute to economic development and facilitate the transfer of technology. Ministers also recognized the importance of intellectual property in critical policy fields such as food security, health, labor, trade, culture and heritage, the environment, investment and scientific and technological development. It was agreed that strengthening intellectual property regimes was an important precondition for technology transfer, though it was not sufficient on its own to enable the technology transfer to take place. Ministers and senior government officials urged WIPO to continue its efforts to facilitate the transfer of knowledge to LDCs as part of efforts to eradicate poverty. WIPO was encouraged to further assist enterprises in LDCs in all sectors of the economy, including small and medium-sized enterprises, in improving their competitiveness and their ability to gain regular access to new ideas and technologies as well as to resources.

21. It was acknowledged that rapid technological transfer and development was vital for economic growth, that rapid changes in digital technologies had made copyright economically very important, and that the contributions of intellectual property to national economies were significant in terms of income generation and employment creation. As a follow-up to the Ministerial Conference, a project on intellectual property advisory services and information centers was started on a pilot basis, with funding from the Korea Fund in Trust. The project is now being implemented in two countries.

Box 3

Intellectual property advisory services and information centers

1. The primary objective of this project is to establish intellectual property advisory services and information centers (IPASICs) in public institutions such as centers of excellence and scientific or R&D institutions in LDCs. To begin with, it was agreed to undertake the project in two LDCs, one from the African region and the other from the Asia and Pacific region. It was also agreed that the beneficiary countries should be identified on the basis of requests submitted by LDCs.
2. Following consideration of the requests received, it was suggested that the project should be implemented in the United Republic of Tanzania and Cambodia.
3. Subsequently, and as part of the preparatory process, fact-finding and training missions were undertaken in the two countries.
4. The implementation of the project includes a training program, provision of computers with Internet facilities, printing and fax machines, the necessary minimum documentation and online access to intellectual property information database and services. The operational activities of the project will be reviewed on quarterly basis.

B. Training and Advisory Program on Intellectual Property for Least Developed Countries: Stockholm, Sweden

22. Two separate Training and Advisory Programs on Intellectual Property for Least Developed Countries were held in Stockholm, Sweden, from November 8 to 26, 2004 and from November 21 to December 9, 2005 respectively. The programs were jointly organized by WIPO and the Swedish Patent and Registration Office (PRV), with financial assistance from the Swedish International Development Agency (SIDA), for English-speaking LDCs. The main objective of this continuing program is to provide a forum for the exchange of ideas, views and experiences on the contribution of intellectual property to economic growth and development, and to promote familiarity with the legislation, enforcement and management aspects of intellectual property, both from a national and an international perspective.
23. The program is designed to highlight the concepts, principles and obligations of the various disciplines of intellectual property such as patents, trademarks, industrial designs, geographical indications and copyright and related rights, the importance in national economic development of patent information and the impact of piracy and counterfeiting of protected works. The 2004 program was attended by 19 participants from 14 English-speaking LDCs while the 2005 program was attended by 26 participants from 21 LDCs.
24. The various lectures and the field visit addressed all intellectual property issues as they apply to the current environment and the role intellectual property can play in facilitating socio-economic growth and development if it is properly institutionalized and managed within the global intellectual property infrastructure. The first group of participants continued working on their projects after attending the program and in January 2006, at a meeting of all

participants in Dar-es-Salaam, United Republic of Tanzania, the performance of the projects identified in Stockholm was assessed, as per the agreed procedures and plans, and the problems encountered in implementing the projects were discussed.

25. Participants in both the 2004 and the 2005 programs learned that intellectual property protection contributes to economic growth and development as well as to the advancement of the material wealth of the country. They were therefore eager to grasp and contribute to the opportunities provided by intellectual property protection for the present and future advancement of human creativity.

IV. COOPERATION BETWEEN THE WORLD TRADE ORGANIZATION AND THE WORLD INTELLECTUAL PROPERTY ORGANIZATION

26. WIPO and the World Trade Organization (WTO) launched a joint initiative on technical cooperation to LDCs, to assist them in meeting the challenge of fulfilling their obligations under the TRIPS Agreement. Under the initiative, WIPO and WTO committed themselves to the use of available resources to provide, on request, assistance to enable LDC members of WTO to comply with their obligations under the TRIPS Agreement within the applicable time limits.

27. Since the initiative was signed, a number of requests have been received from LDCs for assistance regarding the obligations and options allowed under the TRIPS Agreement, on the steps they need to take at the national level if they are to comply with the TRIPS Agreement, and on how to make better use of the technical assistance available to them from WIPO and WTO.

28. Accordingly, two joint WIPO-WTO regional workshops were held on the implementation of the TRIPS Agreement. The first was held in Dar-es-Salaam, United Republic of Tanzania, from April 22 to 25, 2002; the second was held in Dhaka, Bangladesh, from December 11 to 14, 2002.

29. The objective of the regional workshops was to contribute to institution-building in the field of intellectual property in LDCs by providing a forum: (i) to make senior officials from LDCs (representatives of the trade, industry and justice ministries) more aware of the salient features of the TRIPS Agreement so that they will be able to participate more actively and effectively in future discussions and to implement the Agreement more effectively; and (ii) to broaden participants' knowledge and grasp of the salient features of various international agreements on intellectual property through interaction with international and regional resource persons and representatives of WIPO, WTO, the African Regional Industrial Property Organization (ARIPO) and the Organisation africaine de la propriété intellectuelle (OAPI), in order to facilitate accession and implementation.

30. The workshop in Dar-es-Salaam was attended by around 140 senior government officials from 33 African LDCs and Haiti and around 40 from the host country. Around 25 of them were women. It was suggested that the strengthening of intellectual property régimes was an important condition for the transfer of technology, though not sufficient on its own to guarantee it.

31. The workshop in Dhaka was attended by around 90 senior government officials (three from each of the 13 Asia and the Pacific LDCs and from Yemen) and around 50 from the host country: six of them were women.

32. Under the WIPO-WTO joint initiative, national seminars on the implementation of the TRIPs Agreement were organized in 2003 for Benin, Mali and Djibouti. The purpose of the national seminars was to discuss with senior officials international norms and standards in the field of intellectual property rights, as well as the intellectual property issues being dealt with currently by WIPO and WTO.

V. PARTICIPATION IN MINISTERIAL MEETINGS OF THE LEAST DEVELOPED COUNTRIES

A. Twelfth Ministerial Meeting of the Least Developed Countries: Cotonou, Benin

33. The ministerial meeting was organized by the Government of Benin in its capacity as President of the Coordinating Committee of the Least Developed Countries, and held in Cotonou, Benin, from August 5 to 7, 2002. Under the new organizational arrangements, the five-member committee is elected for a four-year term and one of them acts as president: the other members are currently Bangladesh, Haiti, Nepal and Sudan.

34. Around 37 ministers, deputy ministers and senior government officials, as well as representatives of 22 intergovernmental organizations, attended the meeting. The meeting was divided into three parts: (i) the inaugural session, which took place in the presence of the President of Benin and other officials; (ii) discussions on the development problems facing LDCs and progress in the implementation of the Brussels Program of Action; and (iii) the closing ceremony and adoption of the Cotonou Ministerial Declaration on the Implementation of the Program of Action.

35. WIPO participated in the meeting and made a presentation on the various technical assistance programs provided by WIPO for LDCs. The active participation in the meeting of the various organizations also demonstrated the importance they attach to helping LDCs in their development efforts. In the Ministerial Declaration adopted at the end of the meeting, WIPO, in particular, was commended by ministers for its exemplary efficiency in the follow-up to the Brussels Conference and its implementation of the agreed deliverables.

B. Second Meeting of Least Developed Countries' Trade Ministers: Dhaka, Bangladesh

36. The Second Meeting of Least Developed Countries' Trade Ministers was held in Dhaka, Bangladesh, from May 31 to June 2, 2003. The objective of the meeting was to review developments following the Fourth WTO Ministerial Conference, held in Doha; take stock of the current state of the ongoing negotiations within WTO; and exchange ideas and coordinate views to reach a common position for LDCs at the Fifth WTO Ministerial Conference, held in Cancun, Mexico, from September 10 to 14, 2003.

37. The meeting was attended by 143 participants, including 24 trade ministers, from 36 LDCs. Five international organizations, including WIPO, were represented: the others were the United Nations Conference on Trade and Development (UNCTAD), WTO, ITC and

the World Bank. The European Union was also represented. A number of non-governmental organizations participated in the meeting. There was a presentation at the meeting on WIPO's technical assistance to LDCs. WIPO also participated actively in the clarification of some questions related to intellectual property that were raised during the meeting.

38. Ministers emphasized the need for greater consistency in the trade policies pursued by multilateral institutions and drew the attention of WTO members to the particular vulnerability of LDCs and the special structural difficulties they faced. They called on WTO members to agree on a proposal on the following subjects: agriculture, services, WTO rules, market access, TRIPS and public health, and the "Singapore issues" (trade and investment, trade and competition policy, transparency in government procurement and trade facilitation).

39. Ministers also agreed to submit the declaration and their negotiating positions for consideration at the Fifth WTO Ministerial Conference and within WTO and entrusted Bangladesh, in its capacity as chair of the second LDC Trade Ministers' Meeting, with the task of coordinating and promoting the LDCs' negotiating agenda, as contained in the Dhaka Declaration, at the Fifth WTO Ministerial Conference in Cancun.

VI. NATIONAL EVENTS

A. National Conference on the Role of Invention and Innovation in the National Economic Development of Ethiopia: Challenges and Prospects

40. WIPO, in cooperation with the Ethiopian Intellectual Property Office and the Ethiopian Inventors' Association, organized the "National Conference on the Role of Invention and Innovation in the National Economic Development of Ethiopia: Challenges and Prospects", which was held from February 9 to 11, 2005 in the United Nations Conference Center in Addis Ababa.

41. The main objectives of the Conference were to:

(i) Raise awareness of the role of invention and innovation in the socio-economic development of society and highlight the importance of protecting intellectual property rights in the country;

(ii) Promote the exchange of ideas, information and experience on major issues relevant to the development of inventive and innovative activities; and

(iii) Assess the prevailing problems associated with the intellectual property rights of inventors and creators as well as entrepreneurs and put forward a policy proposal for consideration by the Government and the bodies concerned; and present awards to inventors, creators and innovative enterprises in recognition of their outstanding achievements and contribution to greater competitiveness, so as to encourage inventive and creative activity within Ethiopian society.

42. More than 250 participants drawn from government organizations, research and higher learning institutions, public and private enterprises, professional societies, holders of patents

and members of the Ethiopian Inventors' Association and Ethiopian Audio-visual Publisher Association participated in the Conference and award ceremony.

43. The meeting of senior officials was followed by a ministerial round table and the award ceremony for the best inventors, writers and composers. The award ceremony was chaired by the President of Ethiopia in the presence of the Deputy Director General of WIPO.

44. At the end of the meeting, participants requested further assistance from WIPO in the areas of policy, related legal matters and capacity-building in the administration of an intellectual property system.

Box 4

Establishing a national intellectual property office – Ethiopia's experience

1. The role played by an intellectual property system in promoting the transfer of knowledge, foreign direct investment and local innovation went unrecognized in Ethiopia until recently. However, a concerted effort is now being made to develop a legal and institutional framework for the protection of intellectual property. Today, Ethiopia has in place relatively comprehensive laws covering the main fields of intellectual property law and has established intellectual property institutions capable of making a real contribution to social and economic development.
2. The Ethiopian Intellectual Property Office (EIPO) was established in April 2003. Previously, the Government had dealt with intellectual property in a fragmented manner, with patents handled by the Science and Technology Commission, trademarks by the Ministry of Trade and Industry, and copyright by the Ministry of Culture. EIPO brought everything together under one roof, thus facilitating knowledge-sharing and streamlining administrative procedures. The Government granted EIPO the necessary powers to direct and implement the country's intellectual property policy. EIPO was able to map out a three-year strategic plan with clear goals, ranging from financial self-sufficiency to establishing a copyright collective management society in Ethiopia in May 2006.
3. Having set up networks with other government ministries, EIPO has been able to take administrative and legal measures to combat counterfeiting and other infringements of intellectual property rights, which had been threatening the country's emerging copyright industry. When EIPO was established, piracy was rampant in Ethiopia: pirates smuggled duplication equipment into the country unchecked, and used it to copy movie videos and music cassettes by the thousands. EIPO tackled the problem head on, working closely with the ministries of culture, justice, trade and industry and the Inland Revenue, as well as with rights-holders. Joint EIPO action with customs officers and the police resulted in the confiscation of counterfeit goods and duplication equipment, and fines for the culprits.
4. Ethiopia has established a National Intellectual Property Council, which facilitates the coordination of intellectual property policy and enforcement, and works on the integration of intellectual property into national development planning. The efforts of EIPO are already delivering success in terms of improved intellectual property protection and increased patent activity. The Ethiopian experience provides an example of an LDC that has set and attained the goal of building an effective intellectual property institution.

B. Annual Forum on Intellectual Property: A Power Tool for Economic Growth (Khartoum, Sudan)

45. The Forum was organized by WIPO in cooperation with the Sudan Customs General Administration and held in Khartoum, Sudan, from November 28 to 29, 2005. It was attended by around 148 participants from different government ministries, universities, the judiciary, the Chamber of Commerce and Industry, research institutions, the Customs General Administration and the private sector. The Forum was opened by the Director General of the Sudan Customs General Administration, H.E. the Minister of Finance and the representative of the Director General of WIPO.

46. The purpose of the Forum was to discuss and examine ways and means of integrating intellectual property into national development policy and exploiting intellectual property as a tool for development by enhancing the ability of both the public and private sectors to formulate and implement appropriate intellectual property policies and to strengthen managerial and technical capacities.

47. The discussions that followed the presentations of the topics were very encouraging. A number of senior officials, professors and representatives of the private sector raised questions about the assistance provided by WIPO to promote university–industry cooperation in Sudan; equitable and fair use of the intellectual property system; the work of the intellectual property court in Sudan; compliance with the TRIPS Agreement; the provision of information for technological cooperation; helping inventors identify markets for their invention; and the review of copyright rules and regulations at the national level.

48. In the Ministerial Declaration adopted at the end of the Conference, Ministers recognized the importance of acquiring the knowledge and information required for institution-building in the field of intellectual property. They emphasized the acquisition of know-how and technology transfer through networks and partnerships.

49. They urged WIPO to offer Sudan greater assistance in meeting all of its intellectual property objectives. They called for special attention to be paid to supporting creative and innovative activity in Sudan across all economic sectors, and particularly in universities, R&D institutions and the field of human resources development.

C. Training session for Bangladesh

50. On May 14, 2004, a one-day briefing session was organized for Bangladesh trade officials at the request of the UNCTAD secretariat. Twelve Bangladesh trade officials were given a comprehensive briefing on the WIPO program for LDCs and all the major intellectual property disciplines. They were also briefed on the technical assistance program provided by WIPO for Bangladesh.

51. On July 12, 2004, a further one-day program was prepared for Bangladesh trade officials. The program focused on presentations by the various units, divisions and departments of WIPO on their respective areas of work and on how intellectual property could be used to enhance economic development. The presentations were followed by general discussions in the form of questions and answers as well as comments.

VII. STUDIES

Training manual: *Exchanging Value: Negotiating Technology Licensing Agreements*

52. A new practical training manual on negotiating technology licenses has been published in cooperation with ITC. The manual, *Exchanging Value: Negotiating Technology Licensing Agreements*, provides practical guidance and tips on negotiation and will be useful to individuals or companies involved in technology matters, lawyers dealing with technology licensing agreements, inventors with an invention they would like to market, students of technology-licensing and government officials charged with the task of promoting, implementing and managing technology-licensing at the national level.

53. The objective of the manual is to provide an introduction to some of the basic issues that arise in technology-licensing negotiations and some practical hints as to how they may best be addressed and dealt with. It explains the basics of negotiating technology-licensing agreements for readers with little prior knowledge of, or expertise in, intellectual property and licensing.

Box 5

**Inclusion of a national chapter for LDCs in the training manual
*Exchanging Value: Negotiating Technology Licensing Agreements***

1. Currently WIPO is preparing national chapters on the legislative, regulatory and institutional mechanisms in support of technology-licensing in selected LDCs for inclusion in the training manual *Exchanging Value: Negotiating Technology Licensing Agreements* (No. 906(E)), a WIPO/ITC joint publication.
2. The manual is business-oriented and deals with a range of practical issues relating to the preparation, negotiation and management of technology-licensing agreements. Written in a user-friendly style and containing practical examples of clauses taken from a number of existing licensing agreements, it includes case study materials that may be used for simulating negotiations within the context of a training workshop on negotiating technology licenses.
3. While this publication is of a general nature, it was thought from the beginning that it should be supplemented by a national chapter which would provide more focused information on a particular LDC. This was conceived as the second phase of the project, to be implemented in selected LDCs.
4. It is expected that the manual, with the additional national chapter, will provide the necessary preliminary information for those seeking to enter into licensing arrangements within LDCs and outside LDCs with LDC partners for development. It will thus strengthen the capacity of LDCs to enter into successful technology-licensing agreements. Such agreements will accelerate the technological development process in the LDC by spurring the development of local technology, which in turn could be licensed through similar arrangements to create a virtuous circle of increasing technological capacity.

VIII. FUTURE CHALLENGES FOR BUILDING INTELLECTUAL PROPERTY INSTITUTIONS, AND CONCLUDING REMARKS

54. For LDCs, to acquire, adapt and use knowledge acquired through knowledge transfer is as important as producing it: this is where the WIPO deliverables and other additional technical assistance make a difference in building knowledge capital in LDCs. WIPO provides forums at the national, regional and interregional levels where representatives of States, markets and civil society can meet to identify the ways in which government agencies, the private sector, non-governmental organizations, educational institutions, research centers, trade unions, professional associations and similar bodies can best contribute to institution-building in the field of intellectual property.

55. WIPO is one of the few organizations to have been commended by the Ministerial Conference of the Least Developed Countries for mainstreaming the WIPO deliverables into its main programs. Accordingly, considerable progress has been made in the implementation of the WIPO deliverables and other selected activities for LDCs, as described above. The obstacles and constraints facing WIPO in its efforts to implement its deliverables for LDCs are mainly due to the structural development problems facing LDCs. Moreover, the complex nature (legally, technically and policy-wise) of some of the subjects, such as traditional knowledge and collective management, would in itself be a constraint on the speedy implementation of some of the activities.

56. There is a need to understand better the implications of a host of new institutional arrangements (in the interrelated areas of health, education, science and technology, economic development, investment, labor and other social issues) for knowledge transfer, research and development in LDCs' intellectual property systems, in order to assess their suitability and evaluate their impact. As a consequence, regardless of their individual level of productive, scientific or technological capabilities, LDCs may have to integrate intellectual property components into the design of their national development policies, plans and implementation strategies.

57. As indicated above, the challenges LDCs face in building intellectual property institutions will require action aimed at strengthening both national policies and external support measures. In this context, there is a need for:

- (i) A focus on intellectual property institution-building in design and management;
- (ii) The qualitative development of human resources through investment in specialized training in the field of intellectual property;
- (iii) The application of intellectual property in productive sectors such as agriculture, industry and trade, to improve and diversify supply capacity;
- (iv) Awareness in LDCs of intellectual property as it relates to, in particular, women's associations, the private sector, government organizations, intellectual property advocacy groups and non-governmental organizations;
- (v) Solid partnerships with donor Governments and organizations, in order to overcome the shortage of resources for intellectual property institution-building in LDCs.

58. It is expected that the above recommendations will be of value to LDCs' Governments when they take decisions on the policies and measures needed to ensure the full implementation of intellectual property institution-building and on the program of action for the next five years.

59. The final outcome of WIPO's efforts in the area of intellectual property institution-building in LDCs will depend on the adoption of the appropriate policy at the national level and on the country's history and culture, resources, type of government, entrepreneurial qualities, cooperation with partners and implementation strategies.

60. The overall challenge is to enhance the technical assistance currently provided by WIPO while supporting and encouraging structural improvements through the policies adopted and the strategies for implementing those policies in the intellectual property system of LDCs. If this objective is to be achieved, WIPO will need to further strengthen its partnership with LDCs and their development partners.

[Annexes follow]