



21 October 2014

(14-6042)

Page: 1/5

**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English

**TECHNICAL COOPERATION ACTIVITIES: INFORMATION FROM
OTHER INTERGOVERNMENTAL ORGANIZATIONS**

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD)

Addendum

At its meeting of 11 June 2014, the Council for TRIPS agreed to invite intergovernmental organization observers to the Council to update the information on their technical and financial cooperation programmes relating to the implementation of the TRIPS Agreement.

The present document reproduces the information which has been received from the United Nations Conference on Trade and Development (UNCTAD) by means of a communication dated 17 October 2014.

Responding to the mandate received from Member States at the Ministerial Conference in Doha, as well as to intergovernmental requests under the WIPO Development Agenda and the World Health Assembly's Resolution 61.21 on a Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property, the UNCTAD Secretariat, through its Intellectual Property (IP) Unit, implements a work programme on the development dimensions of IP rights (IPRs). The IP Unit conducts research and analysis on trade and development aspects of IP and facilitates consensus-building in international discussions on issues at the interface between investment and IP. Located in the Division on Investment and Enterprise, Investment Capacity-Building Branch, the IP Unit undertakes research and analysis, responds to requests for technical assistance and advises on policy options in these fields for successfully integrating developing countries into the world economy. This document provides an overview of UNCTAD's IP and development-related activities during the period of October 2013 to September 2014. More information on past activities is available at <http://unctad.org/en/Pages/DIAE/Intellectual%20Property/Development-Dimensions-of-Intellectual-Property-Rights.aspx>; and www.iprsonline.org.

1 TECHNICAL ASSISTANCE

1. UNCTAD's IP Unit conducts technical assistance activities with developing countries in the integrated areas of investment, trade and intellectual property. These projects are on a request basis and funded by donor governments and institutions.

2. **IPRs and local pharmaceutical production and supply capacity of essential medicines.** In 2005, UNCTAD was mandated by its Commission on Investment, Technology and Related Financial Issues to engage on work related to the local manufacturing and supply of pharmaceutical products, in the context of MDG 8, Target 17.¹ The Commission recommended that:

"UNCTAD should, within its work programme on investment, technology transfer and intellectual property, assess ways in which developing countries can develop

¹ "In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries".

their domestic productive capability in the supply of essential drugs in cooperation with pharmaceutical companies."²

3. In the pursuit of this mandate, UNCTAD established in 2006 a pilot programme on local pharmaceutical production with the financial support of Germany and the United Kingdom. The overall objective of the programme, implemented by the IP Unit, is to assist developing countries and least-developed countries (LDCs) in particular, to establish domestic intellectual property regimes that facilitate increased access to affordable medicines; and, where feasible, create local or regional pharmaceutical production and supply capacities, including in cooperation with investors.

4. Policy coherence in local pharmaceutical production. Funded by the European Union (EU), UNCTAD in cooperation with the World Health Organization as the lead agency is examining coherence of policies in selected developing countries in respect of health, trade and industrial development. The overall objective of this exercise is to assist developing countries in building capacities to promote such coherence to ensure that local pharmaceutical production increases access to medicines. UNCTAD is conducting fact finding and subsequent capacity building activities in four countries with the potential to serve the African market.

5. IPRs and biodiversity. In 2011, UNCTAD launched its new technical assistance programme on IP and biodiversity, with financial support from the Government of Germany (BMZ) and in cooperation with GIZ. The programme focuses on the building of local capacities, in developing countries, to design and enforce domestic trade, customs and IP laws in line with access and benefit sharing rules under the Convention on Biological Diversity (CBD), its Nagoya Protocol and the UN Declaration of the Rights of the Indigenous Peoples.

6. Development Dimension of Intellectual Property (DDIP) and other advisory reports. Developed initially under the UNCTAD-International Centre on Trade and Sustainable Development (ICTSD) Project on IPRs and Sustainable Development, UNCTAD produces, upon request by a developing country or LDC, advisory reports on the development dimensions of intellectual property (DDIP). The objective of a DDIP report is to provide well-researched and reasoned advice on developing countries' and LDCs' policy, legal and institutional framework for IPRs, particularly as it relates to important development objectives such as innovation, technology, investment, competition, education and health. Developing countries specify the key development objectives they wish to examine. In addition, a DDIP report will take into consideration the bilateral, regional and international commitments the target countries have entered into and the flexibilities available to them.

7. Based on this analysis, the reports incorporate medium to long-term recommendations on how governments and other stakeholders could make these frameworks more coherent and transparent, with a view to making IPRs contribute to a country's sustainable economic and human development goals, and respond to emerging global opportunities. The aim is to present an analysis and recommendations designed to promote innovation and technology transfer from abroad, as well as a pro-competitive and transparent domestic IP system. The DDIP reports take due account of the importance of maintaining an appropriate public domain and the means to pursue important public interest objectives.

8. Cooperation with other providers of IP-related technical assistance. Staff of UNCTAD's IP Unit frequently participate in capacity-building workshops on IP and development issues organized by other providers of IP-related technical assistance. For instance, UNCTAD's IP Unit was invited by WIPO and WTO to contribute to the 2014 WIPO-WTO Advanced Course on IP for Government Officials.

2 RESEARCH AND POLICY ANALYSIS

9. In 2014 UNCTAD published its Handbook on the Interface between Global Access and Benefit Sharing Rules and Intellectual Property: "The Convention on Biological Diversity and the Nagoya Protocol: Intellectual Property Implications". It is available at <http://unctad.org/en/pages/PublicationWebflyer.aspx?publicationid=1040>. The Handbook provides

² See at http://www.unctad.org/en/docs/c2l22_en.pdf (paragraph 9 (c) of the Agreed Recommendations).

an overview of the international framework on IP and access and benefit sharing (ABS). It also analyses in detail issues such as disclosure of source/origin and additional tools, positive protection of traditional knowledge (TK), the use of distinctive signs and private contract law.

3 CONSENSUS-BUILDING

10. Consensus-building among stakeholders on issues of IP is an important element of the programme's work. UNCTAD's substantive contributions on analysis of issues related to development and IP have enabled it to become an important forum, through its intergovernmental machinery, where governments, academia, civil society and the private sector can meet to exchange ideas. For example, UNCTAD and UNAIDS jointly organized the event "Investing in Sustainable and Universal Access to Medicines" at the UNCTAD World Investment Forum in Geneva on 14 October 2014.

ANNEX¹

UNCTAD'S TECHNICAL COOPERATION ACTIVITIES IN THE TRIPS AREA FROM 1 OCTOBER 2013 TO 15 OCTOBER 2014

Beneficiary country(ies)	Title and date of the event	Partner agency	Description
Kenya	Fact finding mission Nairobi 30 September - 4 October 2013	WHO	Stakeholder interviews on coherence among domestic health, trade and industry policies for access to medicines and local production.
Armenia	Parallel importation of medicines Yerevan, 6-9 October 2013	Armenian State Commission for the Protection of Economic Competition, Drug and Medical Technology Expertise Center of Armenia, State Revenue Committee, IP Agency of Armenia.	Provision of advisory services to the Armenian State Commission for the Protection of Economic Competition on international practice concerning the parallel importation of medicines.
Argentina, Colombia, Ecuador, Dominican Republic, Paraguay	Regional training course Buenos Aires, 9 - 11 October 2013	UNCTAD	Training on the development dimensions of intellectual property and the public health provisions of the TRIPS Agreement, 13 participants.
Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka	Blended learning training course Chennai and online, November 2013 - January 2014	GIZ, UN University, Foundation for the Rehabilitation of Local Health Traditions	Training of members of staff of IP offices, national biodiversity authorities, local indigenous groups on the interfaces between IP law and access to genetic resources and the fair and equitable sharing of benefits arising out of their utilization, 15 participants
Viet Nam	National training courses 1. Hanoi, 3-5 December 2013 2. Hanoi, 23- 5 June 2014	Vietnamese Judicial Academy	Training on the development dimensions of intellectual property and the public health provisions of the TRIPS Agreement, 32 participants (Dec. 2013), 30 participants (June 2014)
Ghana	Fact finding mission Accra, 16-21 February 2014	WHO	Stakeholder interviews on coherence among domestic health, trade and industry policies for access to medicines and local production.
WIPO Member States; WTO Members	WIPO-WTO Advanced Course on IP for Government Officials Geneva, 11 March 2014	WIPO, WTO	Presentation on UNCTAD's activities in the area of IPRs and development

¹ In English only.

Beneficiary country(ies)	Title and date of the event	Partner agency	Description
Cambodia	National workshop on the interface between international access and benefit sharing rules under the Nagoya Protocol and IP rights Phnom-Penh, Cambodia, 11-12 March 2014.	Ministry of Commerce	Training on the interface between international access and benefit sharing rules under the Nagoya Protocol and IP rules for a domestic multistakeholder audience. 32 participants.
Indonesia	National Workshop on the Interface between Intellectual Property and Competition Laws Jakarta, 7 April 2014	Directorate General for Intellectual Property Rights (DGIPR), Commission for the Supervision of Business Competition (KPPU), Japan Fair Trade Commission (JFTC).	Workshop on the interface between intellectual property and competition laws, as a follow-up to prior advisory work by UNCTAD. 29 participants.
The Philippines	Advisory services on Disclosure Requirements for Traditional Knowledge (TK) in the Philippines Manila, 20 May 2014	Intellectual Property Office of the Philippines (IPOP), National Council on Indigenous Peoples of the Philippines (NCIP).	Provide advice to IPOP and NCIP in the elaboration of regulations to require the disclosure of TK in IP applications.
Viet Nam	National workshops on TRIPS and public health Ho-Chi-Minh City, 16-17 June 2014; Can-Tho, 19-20 June 2014; Hanoi, 26-27 June 2014.	UNIDO, Vietnamese National Pharmaceutical Companies Association (VNPCA).	Awareness-raising on the interface between TRIPS and public health for national pharmaceutical producers. 129 participants at Ho-Chi-Minh City, 100 participants at Can-Tho; 120 participants at Hanoi.
UN Member States	12. Conference of the Parties to the Convention on Biological Diversity: CBD COP 12 Business and Biodiversity Forum Pyeongchang, Republic of Korea, 12 October 2014	UNEP	Presentation of UNCTAD Handbook "The Convention on Biological Diversity and the Nagoya Protocol: Intellectual Property Implications"
UN Member States	UNCTAD World Investment Forum: Investing in Sustainable and Universal Access to Medicines Geneva, 14 October 2014	UNAIDS	This session introduced three investment models for the pharmaceutical industry: state-owned, public-private, and privately-owned enterprises. It examined the respective strengths and weaknesses of these investment options for meeting public health objectives, especially access to medicines.