

Committee on Development and Intellectual Property (CDIP)

Twenty-Seventh Session
Geneva, November 22 to 26, 2021

REVISED PROJECT PROPOSAL ON IDENTIFYING AND USING INVENTIONS IN THE PUBLIC DOMAIN

prepared by the Secretariat

1. During the twenty-sixth session of the Committee on Development and Intellectual Property (CDIP), the Committee considered the project proposal on Using Inventions in the Public Domain (contained in document CDIP/24/16). To inform the discussion, the Secretariat circulated a supplementary note providing additional information to that contained in the project proposal. The CDIP decided that “the Secretariat should revise the project proposal, incorporating the information contained in the supplementary note circulated by the Secretariat and comments made by Member States, and present it to the next session of the CDIP”.
2. The Annex to this document contains the above-mentioned revised project proposal.
3. By way of background, it is recalled that the possibility to implement a follow-up project had emerged during the discussions on the Completion Report of the Project on the Use of Information in the Public Domain for Economic Development (contained in document CDIP/24/3) during the twenty-fourth session of the CDIP. The present document builds upon the results of the said project.
4. *The CDIP is invited to consider the Annex to the present document.*

[Annex follows]

DEVELOPMENT AGENDA RECOMMENDATIONS 16 and 20

PROJECT DOCUMENT

1. SUMMARY	
<u>Project code</u>	DA_16_20_04
<u>Title</u>	Identifying and Using Inventions in the Public Domain
<u>Development Agenda Recommendations</u>	<p><i>Recommendation 16:</i> Consider the preservation of the public domain within WIPO's normative processes and deepen the analysis of the implications and benefits of a rich and accessible public domain.</p> <p><i>Recommendation 20:</i> To promote norm-setting activities related to IP that support a robust public domain in WIPO's Member States, including the possibility of preparing guidelines which could assist interested Member States in identifying subject matters that have fallen into the public domain within their respective jurisdictions.</p>
<u>Brief description of the Project</u>	<p>The proposed project builds on the results of the Development Agenda Project on the Use of Information in the Public Domain for Economic Development and ongoing program activities to establish and develop Technology and Innovation Support Centers (TISCs).</p> <p>The project aims to contribute to the capacity of TISCs to offer services related to identifying and using inventions in the public domain. The objective will be achieved by equipping TISC staff, researchers, and entrepreneurs with additional tools and knowledge relevant to the steps involved in identifying and using inventions in the public domain, taking into account the specific needs and context of developing countries.</p> <p>The project includes the development of a toolkit comprising practical tools to support the concepts and processes introduced in the two guides, "Identifying Inventions in the Public Domain: A Guide for Inventors and Entrepreneurs", and "Using Inventions in the Public Domain: A Guide for Inventors and Entrepreneurs". It will include, among other things, a tool to support decision-making on whether to proceed with a new product development initiative based on assessed freedom to operate. The project will also develop new training materials on the effective use of the toolkit and carry out pilot training seminars to fine-tune the toolkit and training materials.</p>
<u>Implementing Sector</u>	IP and Innovation Ecosystems Sector
<u>Links to other Sectors(s)/DA Project(s)</u>	<p>Patents and Technology, Regional and National Development and Infrastructure and Platforms Sectors</p> <p>Projects: DA_8_01, DA_8_02, DA_19_30_31, DA_16_20_01 and DA_16_20_02; DA_16_20_03</p>

<u>Links to Expected Results in the Program and Budget (2022/23)</u>	<p><i>Strategic Pillar 3.3:</i> Knowledge transfer and technology adaptation is facilitated through WIPO’s IP-based platforms and tools to address global challenges.</p> <p><i>Strategic Pillar 4.4:</i> More innovators, creators, SMEs, universities, research institutions and communities leverage IP successfully.</p>
<u>Project duration</u>	24 months
<u>Project budget</u>	Total budget: 80,000 Swiss francs (non-personnel resources)

<p>2. PROJECT DESCRIPTION</p>
<p>2.1. <u>Objective</u></p>
<p>The project aims to contribute to the capacity of TISCs to offer services related to identifying and using inventions in the public domain.</p>
<p>2.2. <u>Delivery Strategy</u></p>
<p>The project implementation will consist of the following activities:</p> <p>A. An assessment has already been carried out identifying the most effective approaches for providing training on tools on inventions in the public domain, in particular using online platforms and taking into consideration the special situation and needs of developing countries. The assessment identified, among other things, the need for the training materials to be prepared in a modular format to include the following elements:</p> <ul style="list-style-type: none"> – Video tutorials, introducing key concepts for each step in the stage-gate process; – Guidance documents, detailing how to effectively use the tools associated with each step in the stage-gate process; – Datasets, providing the basis for practical exercises in instructor-led in-class or online seminars. <p>B. Preparation of a toolkit comprising tools building on the key concepts and steps involved in identifying and using inventions in the public domain, as detailed in the two guides, “Identifying Inventions in the Public Domain: A Guide for Inventors and Entrepreneurs” and “Using Inventions in the Public Domain: A Guide for Inventors and Entrepreneurs”. The toolkit will cover four phases of new product or service development, namely: design; testing; launch; and post-launch; and also comprise tools such as spreadsheets and templates, with guidance on the effective use of each tool.</p>

The toolkit will cover the following steps in a “stage-gate” process for facilitating analysis and decision-making in the use of inventions in the public domain for new product development (NPD):

- Freedom to Operate analysis;
- NPD project charter;
- NPD action plan;
- Voice of the Customer;
- Competitive advantage;
- Value chain analysis;
- SWOT analysis.

C. Preparation of new training materials for TISCs based on the toolkit on identifying and using inventions in the public domain. The training materials will provide the foundation for a modular blended-learning course, providing learners with the necessary knowledge and skills to make systematic decisions on NPD projects, including assessing whether they are likely to have freedom to operate with respect to inventions to be incorporated into new or improved products or services, determining how to create value from products or services incorporating these inventions, and identifying and addressing potential risks to obtaining value from these products and services. The training materials will comprise video tutorials, guidance documents, and data sets identified through the assessment described paragraph A above.

D. Implementation of training seminars using the new training materials. The training seminars will serve to pilot the toolkits and training materials, providing insights into the specific needs and context of developing countries based on the assessment described in paragraph A above.

The above-mentioned activities take into consideration the uncertainties and limitations imposed by the COVID-19 pandemic. Hence, the proposed project’s delivery strategy can be implemented in either a hybrid or virtual environment.

2.3. Potential risks and mitigating measures

Risk: 1 Insufficient capacity by TISC staff to understand and effectively use the information contained in the toolkits.

Mitigation 1: The toolkits will be adapted to the assessed capabilities of TISC staff.

Risk 2: Insufficient maturity level of TISCs to develop and offer services related to the use of inventions in the public domain.

Mitigation 2: TISCs with the sufficient level of maturity will be selected to participate in this project.

Risk 3: Inability to deliver the training seminars in-person, due to further restrictions related to the COVID-19 pandemic.

Mitigation 3: Training seminars will be organized virtually. The expenses foreseen for staff and third-party travel (non-personnel resources) will be reallocated accordingly, to ensure additional organization of seminars.

3. REVIEW AND EVALUATION

3.1 Project Review Schedule

A yearly progress report will be presented for the consideration of the CDIP.

A final self-evaluation will be carried out upon project completion and will be submitted to the CDIP.

3.2 Project Self-Evaluation

<i>Project Outputs</i>	<i>Indicators of Successful Completion (Output Indicators)</i>
Toolkits covering the four phases of product or service development and identification of whether the invention is in the public domain	Toolkits developed and published.
Training materials for TISCs	Training materials for TISCs developed.
Training seminars using the new training materials	2 seminars delivered. Percentage of participants indicating that the training has improved their knowledge and skills in using inventions in the public domain (target: 70%).
<i>Project Objective</i>	<i>Indicators of Success in Achieving the Project Objective (Outcome Indicators)</i>
Contribute to the capacity of TISCs to offer services related to identifying and using inventions in the public domain.	Percentage of TISCs having participated in training seminars using the new training materials and indicating that they have either: (i) launched new services for assistance and advice on IP management – commercialization; or (ii) strengthened existing services for assistance and advice on IP management – commercialization (target: 30%).

5. TOTAL RESOURCES BY OUTPUT

<i>(in Swiss francs)</i>	2022		2023		Total
	Personnel	Non-Personnel	Personnel	Non-Personnel	
Project Outputs					
Development of toolkits	-	20,000	-	-	20,000
Development of training materials	-	20,000	-	20,000	40,000
Delivery of training seminars	-	-	-	20,000	20,000
Total	-	40,000	-	40,000	80,000

NON-PERSONNEL RESOURCES BY COST CATEGORY

<i>(in Swiss francs)</i>	Travel, Training and Grants			Contractual Services					Total
	Staff Missions	Third-party Travel	Training and related travel grants	Conferences	Publishing	Individual Contractual Services	WIPO Fellowships	Other Contractual Services	
Activities									
Development of toolkits	-	-	-	-	-	20,000	-	-	20,000
Development of training materials	-	-	-	-	-	20,000	20,000	-	40,000
Delivery of training seminars ¹	4,000	10,000	-	6,000	-	-	-	-	20,000
Total	4,000	10,000	-	6,000	-	40,000	20,000	-	80,000

¹ Should there be travel restrictions imposed by the COVID-19 pandemic, the training seminars will be delivered in a virtual format (see section 2.3, proposed Mitigation 3). In that case, the allocations foreseen for this activity will be revised accordingly.

[End of Annex and of document]